

**PLANNING**

**&**

**ZONING**

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

ONE ORIGINAL |  
ONLY STAPLED |  
TO DOCUMENTS |

Planning & Development  
**DIVISION**

Planning & Zoning COMMITTEE: 4/25/2023

DATE

PUBLIC SESSION: 4/25/2023

DATE

**ITEM (CHECK ONE)**

ORDINANCE       RESOLUTION       REQUEST FOR PUBLIC HEARING

**ITEM CAPTION:** Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the extreme northwest of the subject property located 0 Malone Road of approximately 3.18 acres. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Employment (EMP) Use District, known as case number Z 2023-005

**CASE NUMBER:** Z 2023-005

**LOCATION:** 0 Malone Road

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

**OWNER/APPLICANT:** Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC

**REPRESENTATIVES:** Josh Whitehead, Burch, Porter, & Johnson, PLLC

**REQUEST:** Rezoning of +/-3.18 acres from Conservation Agriculture (CA) to Employment (EMP)

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

**RECOMMENDED COUNCIL ACTION:**      **Public Hearing Required**  
Set date for first reading – April 25, 2023  
Second reading – May 2, 2023  
Third reading – May 16, 2023

**PRIOR ACTION ON ITEM:**

(1) APPROVAL - (1) APPROVED (2) DENIED  
4/13/2023 DATE

(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION  
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) REQUIRES CITY EXPENDITURE - (1) YES (2) NO  
\$ AMOUNT OF EXPENDITURE  
\$ REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ OPERATING BUDGET  
\$ CIP PROJECT # \_\_\_\_\_  
\$ FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

**DATE POSITION**

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

\_\_\_\_\_  
\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**  
**COMMITTEE CHAIRMAN**



## Memphis City Council Summary Sheet

### **Z 2023-005**

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EXTREME NORTHWEST OF THE SUBJECT PROPERTY LOCATED 0 MALONE ROAD OF APPROXIMATELY 3.18 ACRES. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-005

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 2023-005

**LOCATION:** 0 Malone Road

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

**OWNER/APPLICANT:** Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC

**REPRESENTATIVE:** Josh Whitehead, Burch, Porter, & Johnson, PLLC

**REQUEST:** Rezoning of +/-3.18 acres from Conservation Agriculture (CA) to Employment (EMP)

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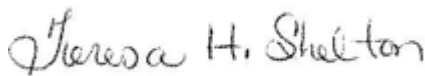
**The following spoke in support of the application:** None

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

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

**The motion passed by a unanimous vote of 7-0 on the consent agenda.**

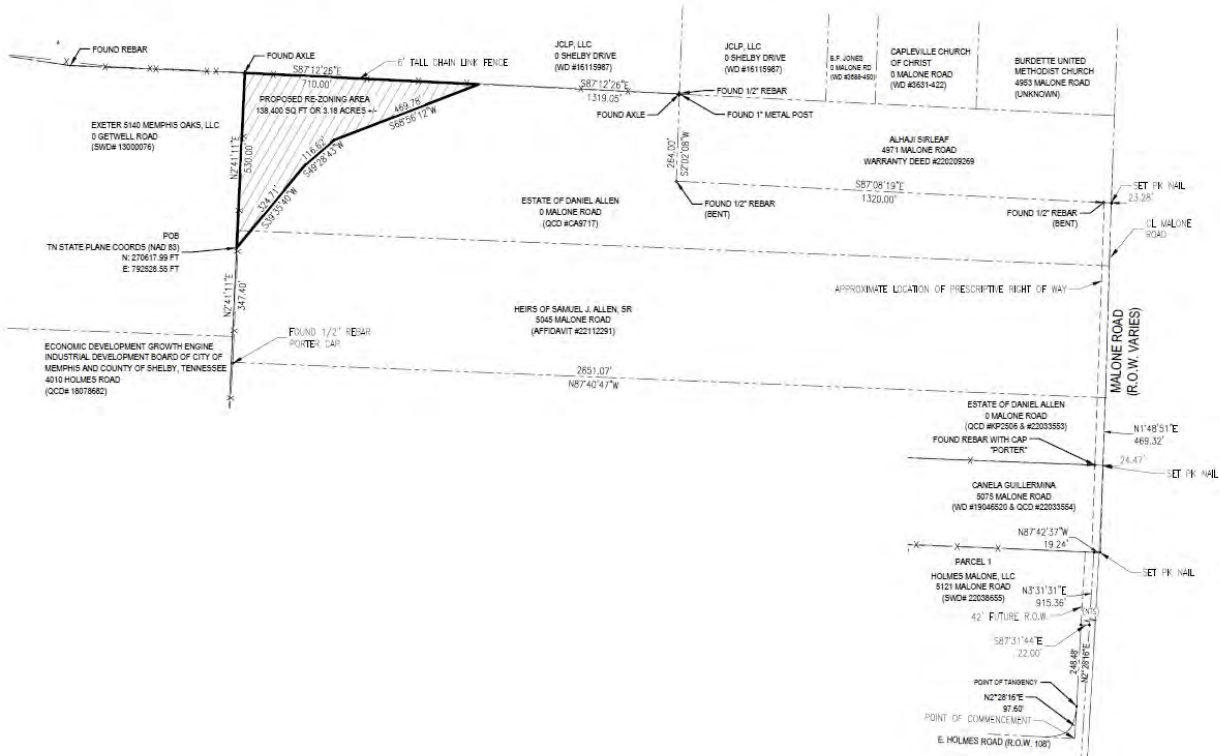
Respectfully,



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

Cc: Committee Members  
File

RE-ZONING EXHIBIT



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

**ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EXTREME NORTHWEST OF THE SUBJECT PROPERTY LOCATED 0 MALONE ROAD OF APPROXIMATELY 3.18 ACRES. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-005**

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**WHEREAS**, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2023-005**; and

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

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

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

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

**SECTION 1:**

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

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

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

**PROPERTY DESCRIPTION OF AREA TO BE RE-ZONED**  
**DESCRIPTION OF PART OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY PER AFFIDAVIT INSTRUMENT NO. 22112291 AND THE ESTATE OF DANIEL ALLEN PROPERTY PER QUIT CLAIM DEED INSTRUMENT NO. CA9717, ALL OF RECORD IN THE REGISTER'S OFFICE IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE**

**PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE POINT OF TANGENT INTERSECTION OF THE NORTH LINE OF HOLMES ROAD (108 FEET WIDE AT THIS POINT) WITH THE WEST LINE OF MALONE ROAD (42 FEET WEST OF THE CENTERLINE OF MALONE ROAD AT THIS POINT); THENCE NORTH 02 DEGREES 28 MINUTES 16 SECONDS EAST-97.60 FEET ALONG THE WEST LINE OF MALONE ROAD TO THE POINT OF TANGENCY; THENCE CONTINUING NORTHWARDLY ALONG SAID SAME WEST LINE 248.48 FEET ALONG THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY PER SPECIAL WARRANTY DEED 22038655 TO A R.O.W. OFFSET POINT; THENCE SOUTH 87 DEGREES 31 MINUTES 44 SECONDS EAST-22.00 FEET TO A POINT IN THE PRESENT WEST LINE OF MALONE ROAD; THENCE NORTH 03 DEGREES 31 MINUTES 31 SECONDS EAST-915.36 FEET ALONG THE WEST LINE OF MALONE ROAD AND THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY TO A POINT BEING THE NORTH EAST CORNER OF SAID HOLMES PROPERTY AND IN THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY (WD INST. NO. 19046520 AND QCD INST. NO. 22033554, S.C.R.O.); THENCE SOUTH 87 DEGREES 42 MINUTES 37 SECONDS EAST-19.24 FEET ALONG THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY TO AN OFFSET POINT IN THE CURRENT CENTER LINE OF MALONE ROAD; THENCE NORTH 1 DEGREE 48 MINUTES 51 SECONDS EAST-469.32 FEET ALONG THE CENTER OF MALONE ROAD AND ALONG THE EAST LINE OF SAID GUILLERMINA PROPERTY AND THE EAST LINE OF THE ESTATE OF DANIEL ALLEN PROPERTY (QCD INST. NO. KP2506 AND INST. NO. 22033553, S.C.R.O.) TO A POINT BEING THE NORTHEAST CORNER OF SAID ESTATE OF DANIEL ALLEN PROPERTY; THENCE (LEAVING MALONE ROAD) NORTH 87 DEGREES 40 MINUTES 47 SECONDS WEST-2651.07 FEET ALONG THE NORTH LINE OF THE SAID ESTATE OF DANIEL ALLEN PROPERTY AND THE SOUTH LINE OF THE HEIRS OF SAMUEL J ALLEN, SR PROPERTY (AFFADAVIT NO. 22112291, S.C.R.O.) TO A POINT IN THE EAST LINE OF THE ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY (QCD INST. NO. 18078682, S.C.R.O.); THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST-347.40 FEET ALONG THE WEST LINE OF THE ESTATE OF DANIEL ALLEN AND THE HEIRS OF SAMUEL J ALLEN, SR PROPERTIES, BEING THE EAST LINE OF THE SAID ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY AND THEN ALONG THE EAST LINE OF THE EXETER 5140 MEMPHIS OAKS, LLC PROPERTY (SWD INST. NO. 13000076, S.C.R.O.) TO A POINT BEING POINT OF BEGINNING AND BEING FURTHER LOCATED AT TENNESSEE STATE PLANE COORDINATES (NAD 83) NORTH 270617.99 FEET AND EAST 792528.55 FEET;**

**THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST – 530.00 FEET ALONG THE EAST LINE OF SAID “EXETER” PROPERTY TO A FOUND AXLE IN THE SOUTH LINE OF THE JCLP, LLC PROPERTY (WD INST. NO. 16115987);**

**THENCE SOUTH 87 DEGREES 12 MINUTES 26 SECONDS EAST – 710.00 FEET ALONG THE SOUTH LINE OF THE JCLP, LLC PROPERTY TO A POINT;**

**THENCE, LEAVING SAID BOUNDARY LINE, SOUTH 68 DEGREES 56 MINUTES 12 SECONDS WEST – 469.78 FEET ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;**

**THENCE SOUTH 49 DEGREES 28 MINUTES 43 SECONDS WEST – 116.62 FEET**

**ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;**

**THENCE SOUTH 39 DEGREES 35 MINUTES 40 SECONDS WEST – 324.71 FEET ACROSS PART OF THE ESTATE OF DANIEL ALLEN PROPERTY AND A PORTION OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY TO THE POINT OF BEGINNING.**

**CONTAINING 138,400 SQUARE FEET OR 3.18 ACRES, MORE OR LESS.**

**ALL COORDINATES ARE TENNESSEE STATE PLANE (NAD 83).**

**NOTE: THE PURPOSE OF THIS DESCRIPTION IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.**

**SECTION 2:**

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

**SECTION 3:**

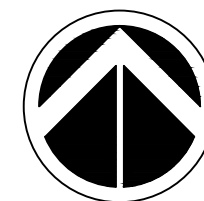
**THAT**, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.



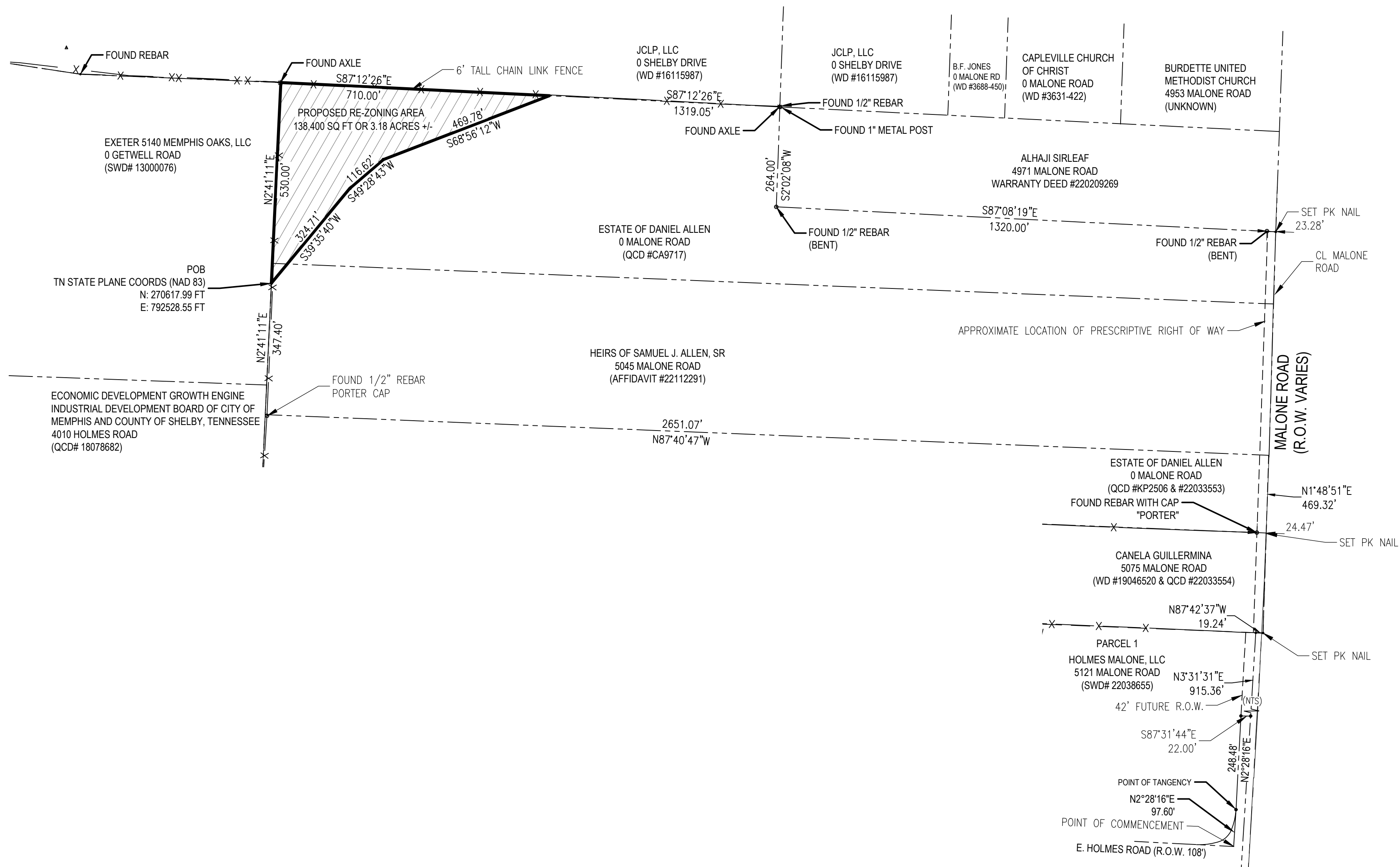
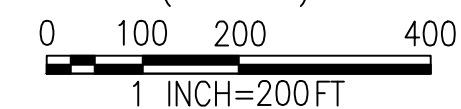
**ATTEST:**

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

**//: ATTACHMENTS**



TN GRID NORTH  
(NAD 83)



NOTE: THE PURPOSE OF THIS EXHIBIT IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.



**Pickering**  
 Pickering Firm, Inc.  
 Facility Design • Civil Engineering • Surveying  
 •Transportation • Naural / Water Resources  
 6363 Poplar Avenue, Suite 300  
 Memphis, TN 38119  
 901.726.0810

RE-ZONING EXHIBIT		
PART OF THE ESTATE OF DANIEL ALLEN PROPERTY & THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY		
	AREA: 3.18 ACRES	
DATE: FEBRUARY 21, 2023	SCALE: 1" = 200'	SHEET 1 OF 1

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, \_\_\_\_\_ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

**CASE NUMBER:** Z 2023-005  
**LOCATION:** 0 Malone Road  
**COUNCIL DISTRICTS:** District 3 and Super District 8 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC  
**REPRESENTATIVE:** Josh Whitehead, Burch, Porter, & Johnson, PLLC  
**REQUEST:** Rezoning of +/-3.18 acres from Conservation Agriculture (CA) to Employment (EMP)  
**RECOMMENDATIONS:**

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

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

**NOW, THEREFORE**, you will take notice that on Tuesday, \_\_\_\_\_, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

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

**THIS THE** \_\_\_\_\_, \_\_\_\_\_

**MARTAVIOUS JONES**  
***CHAIRMAN OF COUNCIL***

***ATTEST:***

**WALTER PERSON**  
***CITY COMPTROLLER***

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**TO BE PUBLISHED:**

IMPORT AUTO SERVICE INC  
2562 JACKSON AVE  
MEMPHIS TN 38108

BLIGHT AUTHORITY OF MEMPHIS INC  
480 DR ML KING JR AVE  
MEMPHIS TN 38126

PITTMAN DENNIS AND TONI PITTMAN  
P O BOX 820903 #  
MEMPHIS TN 38182

N BINGHAM STREET INVESTMENTS LLC  
13701 W JEWELL AVE #200-28  
LAKEWOOD CO 80228

ARMSTRONG COTTRELL  
2840 CHURCHILL ST #  
MEMPHIS TN 38118

CITY OF MEMPHIS  
2666 JACKSON AVE #  
MEMPHIS TN 38108

MEMPHIS PROPERTY GROUP LLC  
310 BARRY RD #  
HOLLY SPRINGS MS 38635

SCOTT LONNIE  
PO BOX 221102 ST #  
MEMPHIS TN 38112

SHELBY COUNTY TAX SALE 16.03  
PO BOX 2751 #  
MEMPHIS TN 38101

B AND H PLUS INC  
24 WATERS EDGE CV #  
ATOKA TN 38004

BCP PROPERTIES (PSO)  
P O BOX 383287 #  
GERMANTOWN TN 38183

US SPRINT COMMUNICATIONS CO LTD PSO  
PO BOX 8490 #  
KANSAS CITY MO 64114

MARTINEZ RICARDO L & ROSA I  
2631 JACKSON AVE #  
MEMPHIS TN 38108

BALLARD MONROE JR  
735 N PARKWAY #  
MEMPHIS TN 38105

SYED HANIYYAH  
2618 JACKSON AVE #  
MEMPHIS TN 38108

JCM HOLDING LLC  
2718 PERSHING AVE #  
MEMPHIS TN 38112

HILLIARD ARTHUR I  
2561 OGDEN AVE #  
MEMPHIS TN 38112

FOSTER EDNA T  
2601 LIBERTY AVE #  
MEMPHIS TN 38108

JCM HOLDING LLC  
2718 PERSHING AVE #  
MEMPHIS TN 38112

SNIPES LATRICE M  
1349 TUTWILER AVE #  
MEMPHIS TN 38107

SANCHEZ EVELIN X V  
860 BINGHAM DR #  
MEMPHIS TN 38108

BLIGHT AUTHORITY OF MEMPHIS INC  
480 DR ML KING JR AVE  
MEMPHIS TN 38126

WHITE LATOYA  
3382 WOODS LN #  
SOUTHAVEN MS 38672

SHELBY COUNTY TAX SALE 13.02  
PO BOX 2751 #  
MEMPHIS TN 38101

BLIGHT AUTHORITY OF MEMPHIS INC  
480 DR ML KING JR AVE  
MEMPHIS TN 38126

HARRIS MARSHALL PAMELA M AND JENNIFER J  
5824 LYNNFIELD CV #  
MEMPHIS TN 38119

PARKS TONY J  
1065 W MONTEBELLO CIR #  
CORDOVA TN 38018

HAZLETT SHERLY A  
2614 OGDEN AVE #  
MEMPHIS TN 38112

ADAMS SOLOMON & VANESSA T  
994 STONEWALL #  
MEMPHIS TN 38107

SHELBY COUNTY TAX SALE 13.02  
PO BOX 2751 #  
MEMPHIS TN 38101

RUSHMORE REI LLC  
2746 LONGSHADOW LN #  
CORDOVA TN 38016

MCKINNEY FLOYD AND WAYNE MCKINNEY AND  
2546 LYNDAL AVE #  
MEMPHIS TN 38112

BLIGHT AUTHORITY OF MEMPHIS INC  
480 DR ML KING JR AVE  
MEMPHIS TN 38126

IRAHETA LORVIN A B  
2667 JACKSON AVE #  
MEMPHIS TN 38108

HUNT WILLIE J & JUANITA J  
2552 LYNDAL AVE #  
MEMPHIS TN 38112

BLIGHT AUTHORITY OF MEMPHIS INC  
480 DR ML KING JR AVE  
MEMPHIS TN 38126

SHELBY COUNTY TAX SALE 16.02  
PO BOX 2751 #  
MEMPHIS TN 38101

CARTER JERRY H AND DEBBIE CARTER PRIOR  
3438 FAXON AVE #  
MEMPHIS TN 38122

GONZALEZ JUAN C & FLOR D GARCIA  
424 REGIS CV  
CORDOVA TN 38018

REDEEMERS GROUP INC  
3955 WHITEBROOK DR #  
MEMPHIS TN 38118

SMITH SHIRLEY A  
2562 LYNDAL AVE #  
MEMPHIS TN 38112

COLEMAN LINDA & VERA M  
2590 OGDEN AVE #  
MEMPHIS TN 38112

MARTINEZ RICARDO & ROSA  
2631 JACKSON AVE #  
MEMPHIS TN 38108

JOHNSON HARRY L & MAMMIE L  
2551 LYNDAL AVE #  
MEMPHIS TN 38112

MCNELL SAMUEL F  
PSC 103 BOX 2479 ST #  
APO AE 9603

UNION REALTY COMPANY GP  
PO BOX 3661 #  
MEMPHIS TN 38173

REED MICHAEL E  
PO BOX 751164 #  
MEMPHIS TN 38175

HILLIARD JACQUELINE Y  
2556 OGDEN AVE #  
MEMPHIS TN 38112

JONES BARBARA  
884 N HIGHLAND ST #  
MEMPHIS TN 38122

CARIHIL MANAGEMENT INC  
PO BOX 80403 #  
MEMPHIS TN 38108

CHISM SIDNEY JR  
776 N BINGHAM ST #  
MEMPHIS TN 38112

THARP JAMES H  
4385 POPLAR AVE #  
MEMPHIS TN 38117

CITY OF MEMPHIS LG & W  
125 N MAIN ST #  
MEMPHIS TN 38103

PITTMAN WILLIE L & EMMA J  
2593 OGDEN AVE #  
MEMPHIS TN 38112

THARP JAMES H  
4385 POPLAR AVE #2ND  
MEMPHIS TN 38117

BLIGHT AUTHORITY OF MEMPHIS INC  
480 DR ML KING JR AVE  
MEMPHIS TN 38126

PITTMAN STACY  
3084 WADE ST #  
MEMPHIS TN 38128

BLIGHT AUTHORITY OF MEMPHIS INC  
480 DR ML KING JR AVE  
MEMPHIS TN 38126

HARRIS ROSIE L  
2622 OGDEN #  
MEMPHIS TN 38112

ROBERTSON ROBBIE  
775 LOS ANGELES ST #  
MEMPHIS TN 38112

BALLARD MONROE JR  
735 N PARKWAY #  
MEMPHIS TN 38105

SNIPES BRIAN S  
2604 FELIX AVE #  
MEMPHIS TN 38111

HARDING EUNICE P  
2579 JACKSON AVE #  
MEMPHIS TN 38108

JAMES LEROY & HENRIETTA  
2354 ROZELLE ST #  
MEMPHIS TN 38114

DUNN VAUDINE  
760 N BINGHAM ST #  
MEMPHIS TN 38122

MIRACLES FOR YOUTH LLC  
32850 S ELK DR #  
STEAMBOAT SPRINGS CO 80487

JONES SHARLINA AND ROBERT BURNS  
140 HABITAT CV #  
ROSSVILLE TN 38066

ALEXANDER MICHAEL & LUCILLE  
755 N BINGHAM ST #  
MEMPHIS TN 38112

VALLEJOS TOMAS AND NANCY ALVAREZ (RS)  
2418 CABLE AVE  
MEMPHIS TN 38114

M AND J TRUST (TR)  
PO BOX 751164 #  
MEMPHIS TN 38175

DUNN BONNIE F AND VAUDINE DUNN  
760 N BINGHAM ST #  
MEMPHIS TN 38112

SAVAGE CARTER J  
120 SCENIC CT #  
FAYETTEVILLE GA 30215

DOWERY GARRY  
650 AYERS ST #  
MEMPHIS TN 38107

RIVERA MANUEL  
3535 KRUGER RD #  
MEMPHIS TN 38108

SAGER JAMES E AND CHARLENE D EDWARDS  
2589 JACKSON AVE #  
MEMPHIS TN 38108

MEMPHIS SOCIAL HOUSING L P

VOLUNTEER BUYERS GP  
111 S HIGHLAND #179  
MEMPHIS TN 38111

SRIVY  
875 W POPLAR AVE #23-232  
COLLIERVILLE TN 38017

WHITE LATOYA  
3382 WOODS LN #  
SOUTHAVEN MS 38672

RODRIGUEZ JUAN G  
756 LOS ANGELES ST #  
MEMPHIS TN 38112

SRIVY  
875 W POPLAR AVE #23-232  
COLLIERVILLE TN 38017

GIBSON NANCY  
766 N BINGHAM ST #  
MEMPHIS TN 38112

GRACE CHURCH OF GOD IN CHRIST  
982 MEAGHER ST #  
MEMPHIS TN 38108

FILSINGER MANFRED  
1241 GHERALD ST #  
MEMPHIS TN 38122

CUMMINS INC  
500 JACKSON ST #  
COLUMBUS IN 47201

DIESEL RECON CO  
P O BOX 3005 M/C 60113 #  
COLUMBUS IN 47202

SAGER JAMES  
2589 JACKSON AVE #  
MEMPHIS TN 38108

MCCOVEY DENISE  
13419 ANDY ST #  
CERRITOS CA 90703

A PARENT'S CHOICE LEARNING ACADEMY LLC  
2614 JACKSON AVE #  
MEMPHIS TN 38108

RACTHAN GROUP LLC  
387 SUZANNE PEAK CT #  
HENDERSON NV 89012

LEGACY REALTY & HOLDINGS INC  
3426 S PERKINS RD #  
MEMPHIS TN 38118

TLC PROPERTIES INC  
1600 CENTURY CENTER #104  
BARTLETT TN 38134

ROSS CLARENCE & AZALE S  
3048 WADE ST #  
MEMPHIS TN 38128

TLC PROPERTIES INC  
1600 CENTURY CENTER #104  
BARTLETT TN 38134

WOODS CURTISTINE  
800 COLUMBIA ST #  
MEMPHIS TN 38112

OXFORD AND GRAHAM CORP  
16720 STUEBNER AIRLINE RD #133  
SPRING TX 77379

JOYNER DENNIS  
794 COLUMBIA ST #  
MEMPHIS TN 38112

OXFORD AND GRAHAM CORP  
16720 STEUBNER AIRLINE RD #133  
SPRING TX 77379

GILLUM RICHARD E & OLETHIA  
788 COLUMBIA ST #  
MEMPHIS TN 38112

HUBBARD LOUIS  
782 COLUMBIA ST #  
MEMPHIS TN 38112

MORENO MOISES B  
778 COLUMBIA ST  
MEMPHIS TN 38112

NELSON ELIZEBEATH  
2619 LIBERTY AVE #  
MEMPHIS TN 38108

WEATHERINGTON A J JR & BONNIE  
120 E SWAN ST #224  
CENTERVILLE TN 37033

OXFORD AND GRAHAM CORP  
16720 STUEBNER AIRLINE RD #133  
SPRING TX 77379

052056 00027C - IMPORT AUTO SERVICE INC  
052056 00023 - N BINGHAM STREET INVESTMENTS LLC  
052056 00024 - MEMPHIS PROPERTY GROUP LLC  
052051 00004 - B AND H PLUS INC  
052051 00003 - MARTINEZ RICARDO L & ROSA I  
052052 00005 - JCM HOLDING LLC  
052052 00003 - JCM HOLDING LLC  
052051 00023 - BLIGHT AUTHORITY OF MEMPHIS INC  
052051 00024 - BLIGHT AUTHORITY OF MEMPHIS INC  
052051 00029 - HAZLETT SHERLY A  
052051 00031 - BLIGHT AUTHORITY OF MEMPHIS INC  
052030 00008 - ARMSTRONG COTTRELL  
052051 00022 - SCOTT LONNIE  
052048 00002 - BCP PROPERTIES (PSO)  
052049 00002 - BALLARD MONROE JR  
052031 00008 - HILLIARD ARTHUR I  
052031 00011 - SNIPES LATRICE M  
052049 00005 - WHITE LATOYA  
052051 00019 - HARRIS MARSHALL PAMELA M AND JENNIFER J  
052048 00006 - ADAMS SOLOMON & VANESSA T  
052048 00007 - PITTMAN DENNIS AND TONI PITTMAN  
052058 00024 - CITY OF MEMPHIS  
052058 00062 - SHELBY COUNTY TAX SALE 16.03  
052058 00065C - US SPRINT COMMUNICATIONS CO LTD PSO  
052058 00072C - SYED HANIYYAH



052058 00077 - FOSTER EDNA T  
052058 00080 - SANCHEZ EVELIN X V  
052058 00068 - SHELBY COUNTY TAX SALE 13.02  
052026 00038C - PARKS TONY J  
052058 00071 - SHELBY COUNTY TAX SALE 13.02  
052058 00079 - RUSHMORE REI LLC  
052051 00005 - IRAHETA LORVIN A B  
052058 00076 - SHELBY COUNTY TAX SALE 16.02  
052058 00078 - REDEEMERS GROUP INC  
052051 00002 - MARTINEZ RICARDO & ROSA  
052051 00001 - UNION REALTY COMPANY GP  
052029 00002 - JONES BARBARA  
052029 00003 - THARP JAMES H  
052029 00004 - THARP JAMES H  
052051 00032C - BLIGHT AUTHORITY OF MEMPHIS INC  
052029 00008 - MCKINNEY FLOYD AND WAYNE MCKINNEY AND  
052029 00007 - HUNT WILLIE J & JUANITA J  
052029 00006 - CARTER JERRY H AND DEBBIE CARTER PRIOR  
052029 00005 - SMITH SHIRLEY A  
052030 00005 - JOHNSON HARRY L & MAMMIE L  
052030 00006 - REED MICHAEL E  
052030 00007 - CARIHIL MANAGEMENT INC  
052051 00025 - CITY OF MEMPHIS LG & W  
052051 00026 - BLIGHT AUTHORITY OF MEMPHIS INC  
052051 00027 - HARRIS ROSIE L

052051 00028 - BLIGHT AUTHORITY OF MEMPHIS INC  
052051 00030 - BLIGHT AUTHORITY OF MEMPHIS INC  
052050 00006 - GONZALEZ JUAN C & FLOR D GARCIA  
052050 00007 - COLEMAN LINDA & VERA M  
052030 00010 - MCNELL SAMUEL F  
052030 00009 - HILLIARD JACQUELINE Y  
052048 00001 - CHISM SIDNEY JR  
052049 00019 - PITTMAN WILLIE L & EMMA J  
052049 00018 - PITTMAN STACY  
052048 00003 - ROBERTSON ROBBIE  
052049 00003 - BALLARD MONROE JR  
052031 00009 - JAMES LEROY & HENRIETTA  
052048 00019 - JONES SHARLINA AND ROBERT BURNS  
052031 00010 - M AND J TRUST (TR)  
052051 00021 - DOWERY GARRY  
052048 00004 - MEMPHIS SOCIAL HOUSING L P  
052049 00004 - WHITE LATOYA  
052048 00018 - GIBSON NANCY  
052051 00020 - CUMMINS INC  
052049 00017 - MCCOVEY DENISE  
052031 00012 - SNIPES BRIAN S  
052048 00017 - DUNN VAUDINE  
052049 00006 - ALEXANDER MICHAEL & LUCILLE  
052048 00016 - DUNN BONNIE F AND VAUDINE DUNN  
052051 00018 - RIVERA MANUEL

052049 00015 - VOLUNTEER BUYERS GP  
052051 00017 - RODRIGUEZ JUAN G  
052048 00015 - GRACE CHURCH OF GOD IN CHRIST  
052051 00006C - DIESEL RECON CO  
052058 00074C - A PARENT'S CHOICE LEARNING ACADEMY LLC  
052050 00002 - HARDING EUNICE P  
052050 00016 - MIRACLES FOR YOUTH LLC  
052050 00008 - VALLEJOS TOMAS AND NANCY ALVAREZ (RS)  
052050 00009 - SAVAGE CARTER J  
052050 00004 - SAGER JAMES E AND CHARLENE D EDWARDS  
052050 00003 - SRIVY  
052050 00019 - SRIVY  
052050 00001 - FILSINGER MANFRED  
052050 00005 - SAGER JAMES  
052050 00018 - RACTHAN GROUP LLC  
052050 00017 - LEGACY REALTY & HOLDINGS INC  
052050 00015 - ROSS CLARENCE & AZALE S  
052050 00014 - WOODS CURTISTINE  
052050 00013 - JOYNER DENNIS  
052050 00012 - GILLUM RICHARD E & OLETHIA  
052050 00011 - HUBBARD LOUIS  
052050 00010 - MORENO MOISES B  
052058 00069C - NELSON ELIZEBEATH  
052058 00081 - WEATHERINGTON A J JR & BONNIE  
052049 00007 - OXFORD AND GRAHAM CORP

052058 00063 - TLC PROPERTIES INC

052058 00064 - TLC PROPERTIES INC

052048 00005 - OXFORD AND GRAHAM CORP

052049 00016 - OXFORD AND GRAHAM CORP

**AGENDA ITEM:** 28

**CASE NUMBER:** Z 2023-005 **L.U.C.B. MEETING:** April 13, 2023

**LOCATION:** 0 Malone Rd

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

**OWNER/APPLICANT:** Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC

**REPRESENTATIVE:** Josh Whitehead, Burch, Porter, & Johnson, PLLC

**REQUEST:** Rezoning of 3.18-acre property from CA, Conservation Agriculture, to EMP, Employment.

**AREA:** +/-3.18 acres

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

## CONCLUSIONS

1. The request is to rezone 3.18 acres from Conservation Agriculture (CA) to Employment (EMP).
2. The underlying purpose of this application is a reclassification of 3.18 located to the extreme northwest of the subject property.
3. Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
4. The subject property is vacant at this time.

## RECOMMENDATION

*Approval*

**GENERAL INFORMATION**

**Street Frontage:** Malone Road +/-166.3 curvilinear feet  
**Zoning Atlas Page:** 2540  
**Parcel ID:** 094100 00311 and 094100 00312  
**Area:** +/-3.18 acres  
**Existing Zoning:** Conservation Agriculture (CA) and Employment (EMP)  
**Requested Zoning:** Employment (EMP)

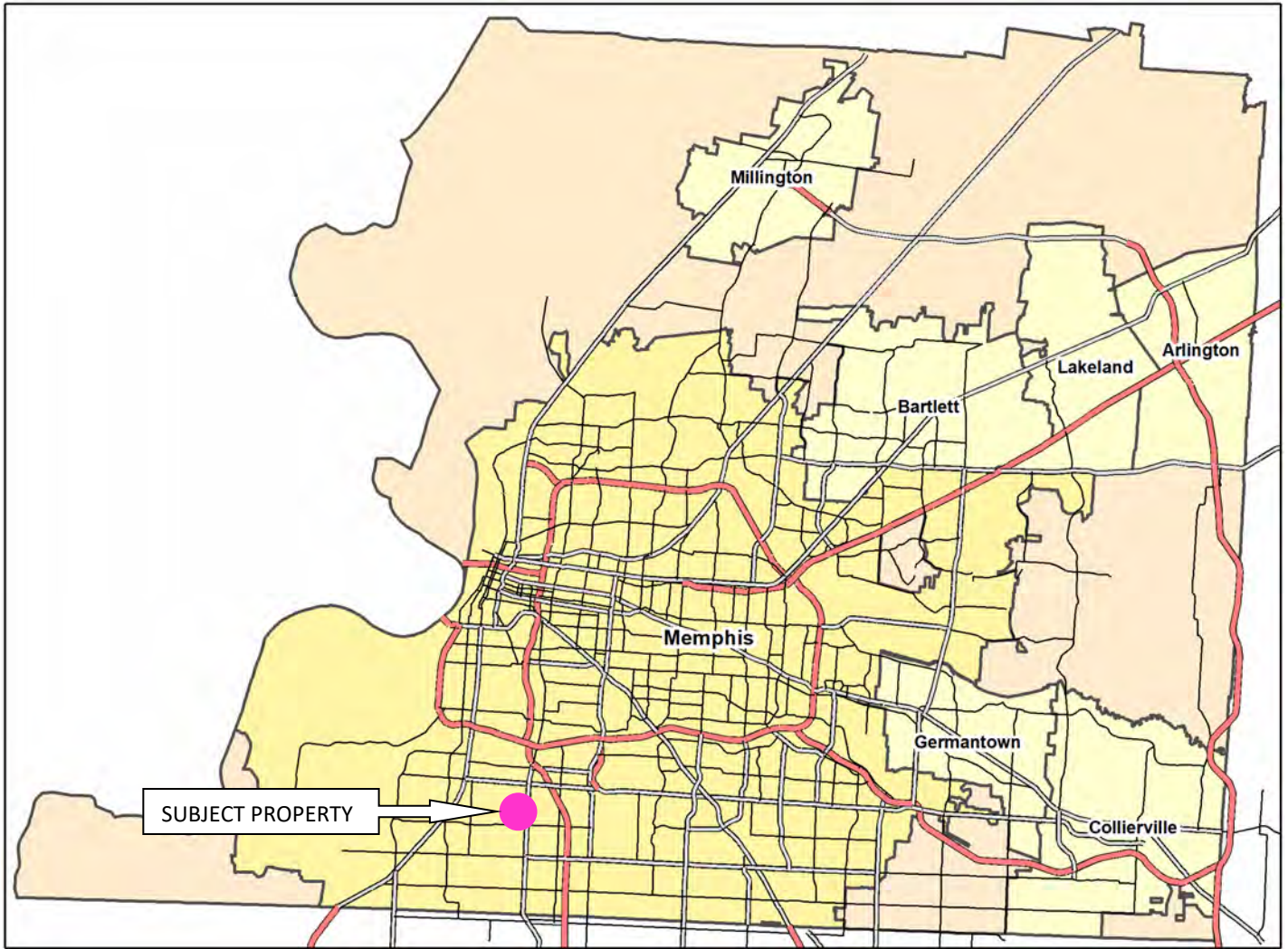
**NEIGHBORHOOD MEETING**

Not required, zoning change is in compliance with the Memphis Airport Area Land Use Study.

**PUBLIC NOTICE**

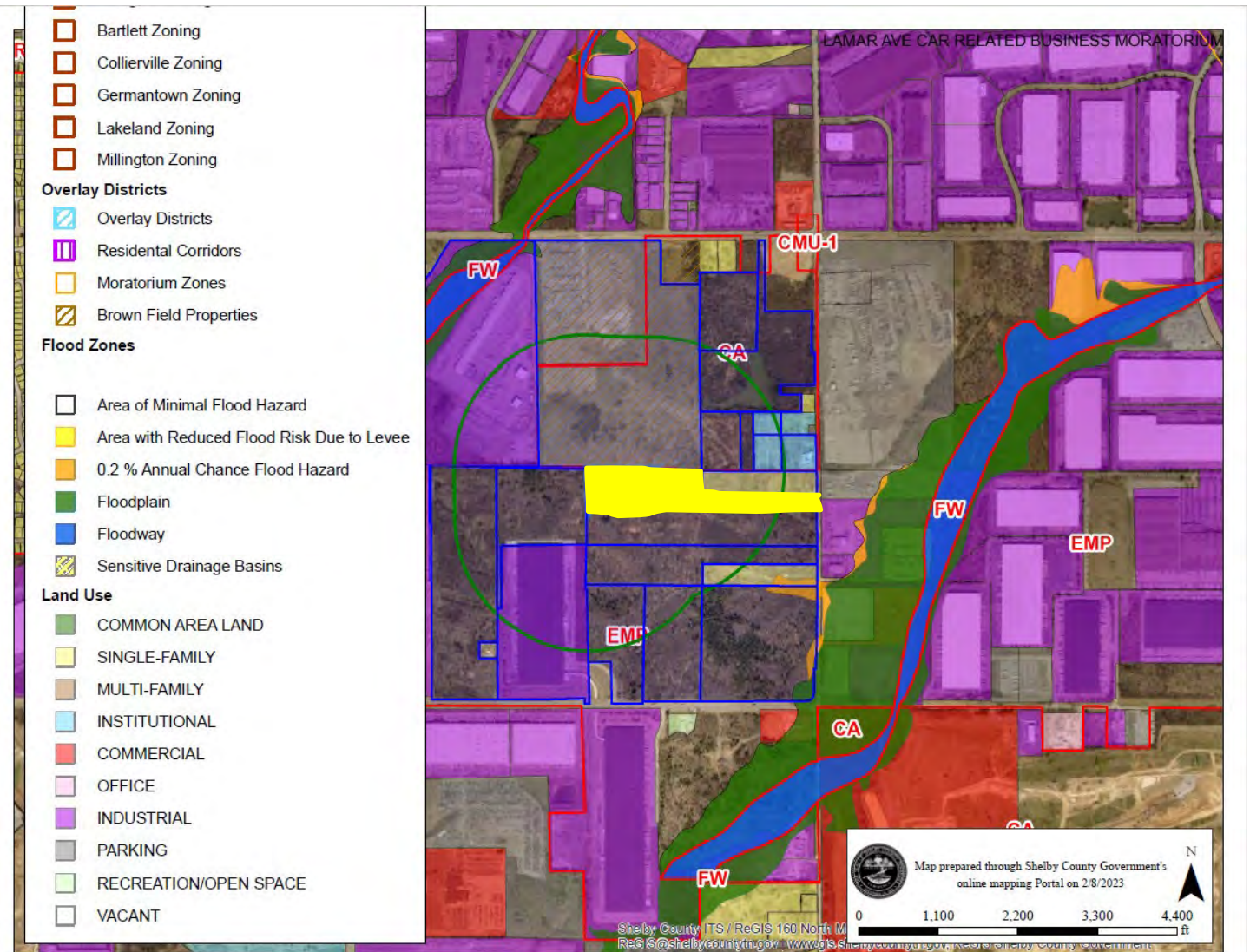
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 20 notices were mailed on March 23, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle

**VICINITY MAP**



Subject property highlighted in yellow

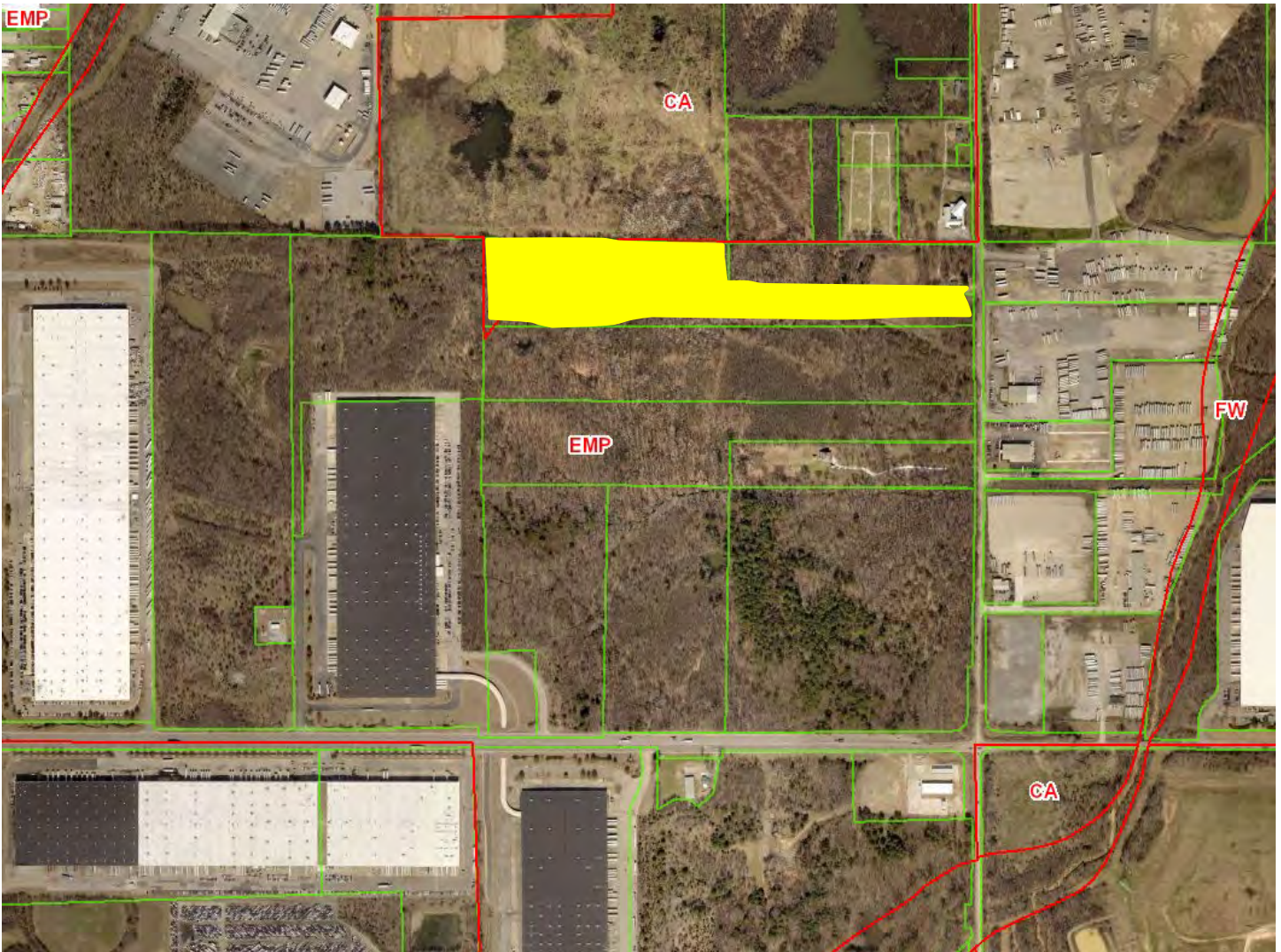


**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Conservation Agriculture (CA) and Employment (EMP)

**Surrounding Zoning**

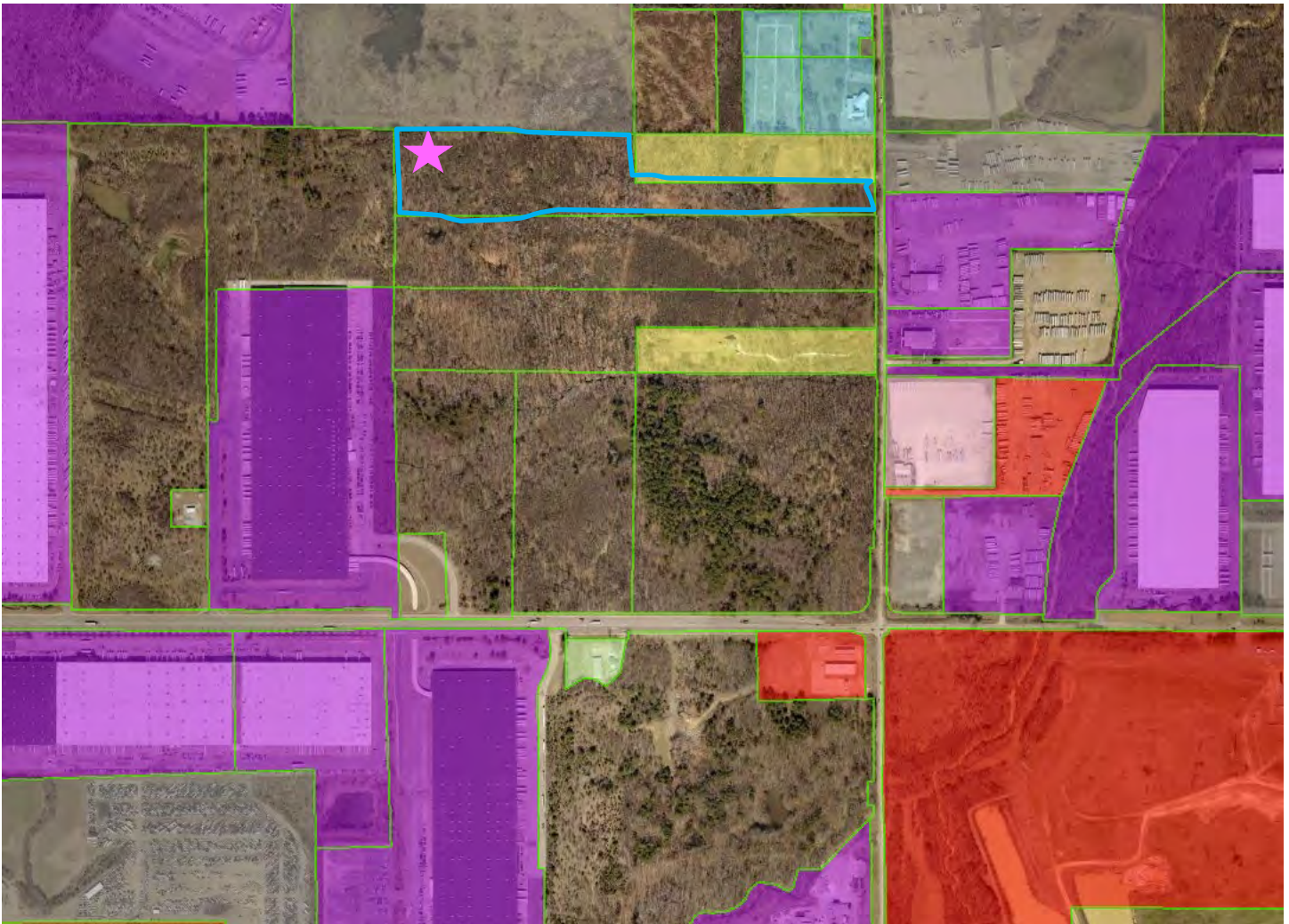
**North:** CA

**East:** FW










**South:** EMP

**West:** EMP

**LAND USE MAP**



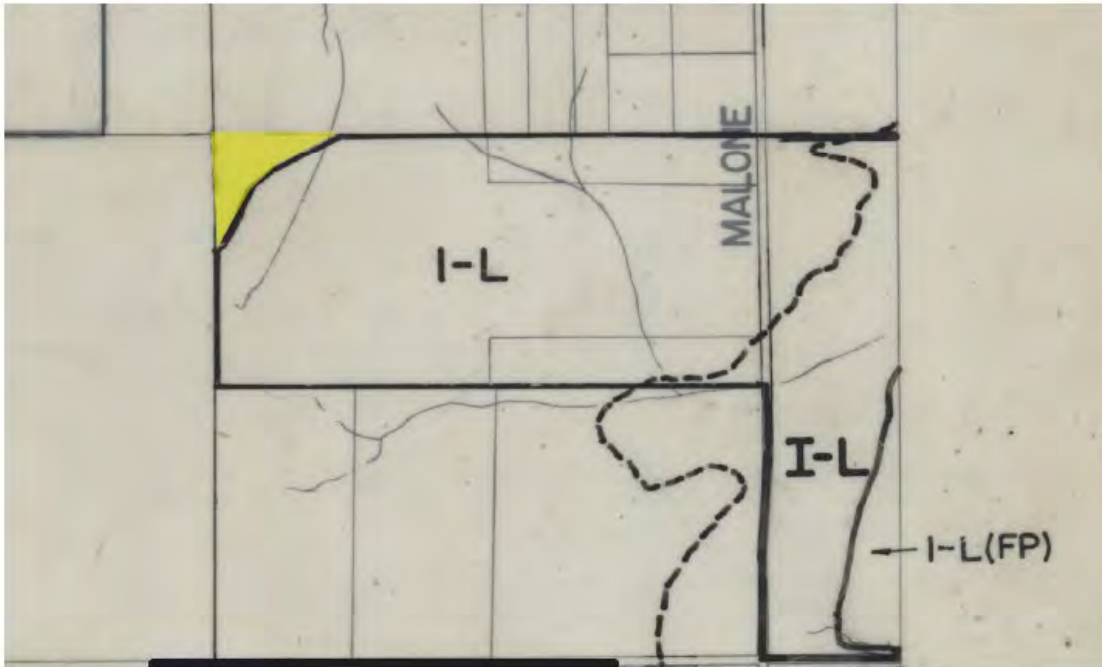
**LandUse**

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

Subject property outlined in electric blue and indicated by pink star

**EXCERPT FROM 1980 ZONING ATLAS**

**EXHIBIT A:** Excerpt from the 1980 Zoning Atlas (subject area highlighted in yellow; I-L is the former designation of what is now known as the EMP zoning district)

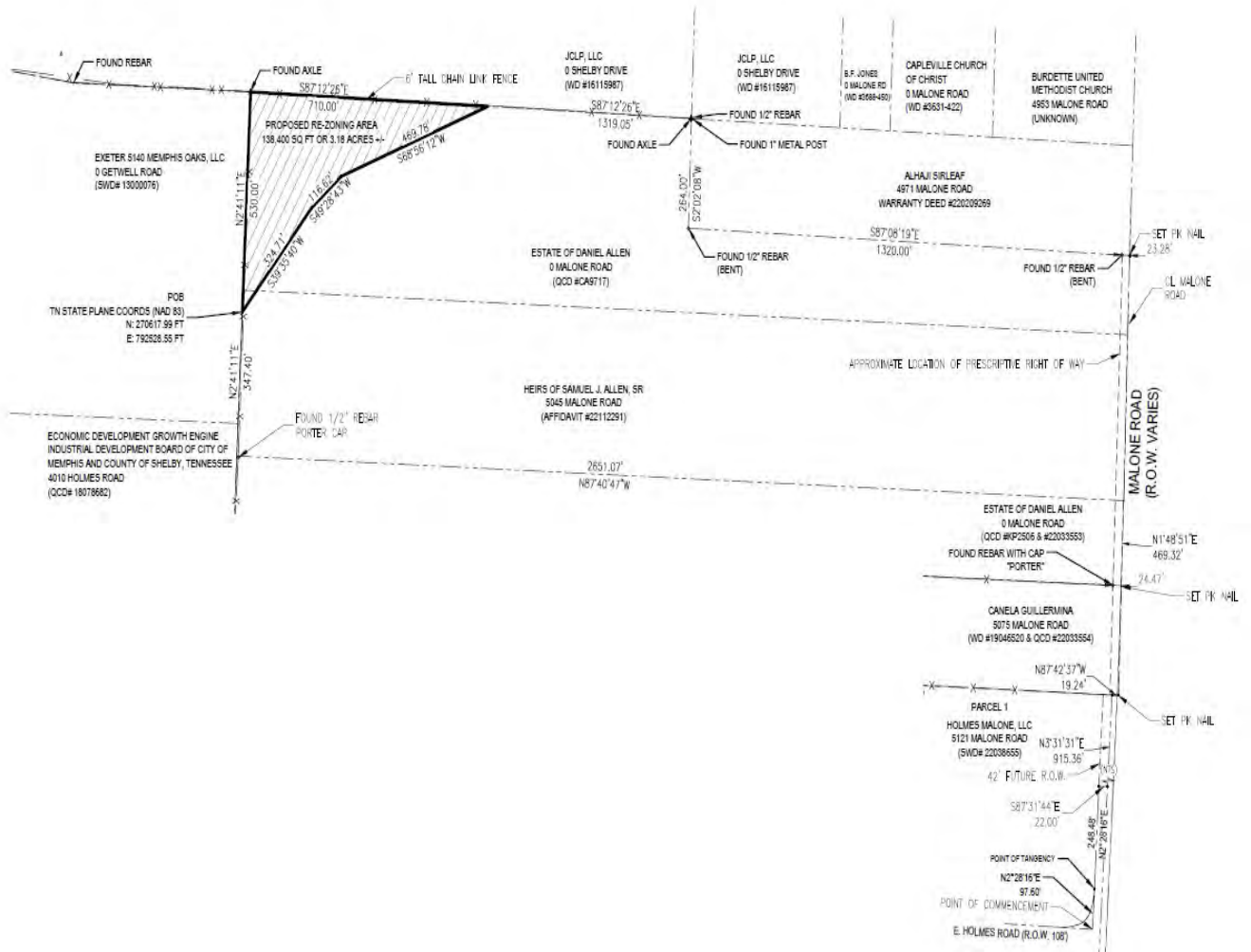


**EXCERPT FROM THE MEMPHIS 3.0 GENERAL PLAN**

**EXHIBIT B:** Excerpt from the Memphis 3.0 General Plan (subject area, identified with arrow, designated for “Industrial Flex”)



RE-ZONING EXHIBIT



## **STAFF ANALYSIS**

### **Request**

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

The request is to rezone 3.18 acres from Conservation Agriculture (CA) to Employment (EMP).

### **Review Criteria**

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

#### *9.5.7B Review Criteria*

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

*9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*

*9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*

*9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*

*9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*

*9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

### **Site Description**

The subject property is +/-20.25 acres and comprised of two parcels located at 0 Malone Road. The site is currently zoned both Employment (EMP) and Conservation Agriculture (CA) and it is vacant land. There is 3.18 acres that is currently located to the extreme northwest corner of the subject property that is zoned Conservation Agriculture (CA). The remaining of the subject property is zoned Employment.

### **Memphis Airport Area Land Use Study Final Report**

The Memphis Airport Area Land Use Study Final Report was adopted by Council of the City of Memphis in August of 1992 and by the Shelby County Commission in June 1992. This report indicates that residential uses are inappropriate for the area in which the subject property lies. The plan indicates Planned Business Park would be more appropriate, however, this is a zoning category that was never codified. Staff believes the Employment District is consistent with this plans recommendation and an appropriate zoning district for the area that is compatible with the surrounding land uses in which the subject property lies.

### **Conclusions**

The request is to rezone 3.18 acres from Conservation Agriculture (CA) to Employment (EMP).

The underlying purpose of this application is a reclassification of 3.18 located to the extreme northwest of the subject property.

Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.

The subject property is vacant at this time.

**RECOMMENDATION**

Staff recommends approval.



**DEPARTMENTAL COMMENTS**

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

- |   |                       |
|---|-----------------------|
| <b>City/County Engineer:</b>                    | No comments received. |
| <b>City/County Fire Division:</b>               | No comments received. |
| <b>City Real Estate:</b>                        | No comments received. |
| <b>City/County Health Department:</b>           | No comments received. |
| <b>Shelby County Schools:</b>                   | No comments received. |
| <b>Construction Code Enforcement:</b>           | No comments received. |
| <b>Memphis Light, Gas and Water:</b>            | No comments received. |
| <b>Office of Sustainability and Resilience:</b> | No comments received. |
| <b>Office of Comprehensive Planning:</b>        | No comments received. |

**APPLICATION**



### Record Summary for Rezoning

**Record Detail Information**

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 23, 2023

Record Number: Z 2023-005

Expiration Date:

Record Name: Memphis Oaks rezoning

Description of Work: Rezoning of 3.18-acre property from CA, Conservation Agriculture, to EMP, Employment.

Parent Record Number:

---

**Address:**

0 MALONE RD, MEMPHIS, TN 38118

**Owner Information**

Primary	Owner Name
Y	ALLEN DANIEL (ESTATE OF)

Owner Address	Owner Phone
4283 TURTLE CV, MEMPHIS, TN 38141	

---

**Parcel Information**

094100 00311

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner	Brett Ragsdale
Date of Meeting	02/15/2023
Pre-application Meeting Type	Email

**GENERAL INFORMATION**

**GENERAL INFORMATION**

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No  
 Have you held a neighborhood meeting? No  
 If yes, please provide additional information -

**GIS INFORMATION**

Central Business Improvement District No  
 Case Layer BOA1954-096-CO  
 Class R  
 Downtown Fire District No  
 Historic District -  
 Land Use VACANT  
 Municipality -  
 Overlay/Special Purpose District -  
 Zoning EMP  
 State Route -  
 Lot -  
 Subdivision -  
 Planned Development District -  
 Wellhead Protection Overlay District -

**Data Tables**

**ADDRESS AND PARCEL LIST**

Property Parcel Number: 094100 00312

**Contact Information**

Name JOSH WHITEHEAD Contact Type APPLICANT

Address

Phone

(901)524-5127

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1450854	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	02/23/2023
1451196	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/24/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

**Payment Information**

Payment Amount \$1,000.00 Method of Payment Check

LETTER OF INTENT



Josh Whitehead  
Senior Attorney  
Direct: 901.524.5127  
jwhitehead@bpjlaw.com

LAW OFFICES  
Burch, Porter & Johnson, PLLC  
130 North Court Avenue  
Memphis, TN 38103  
Phone: 901.524.5000  
Fax: 901.524.5024  
bpjlaw.com

February 23, 2023

Brett Ragsdale, AIA  
Zoning Administrator  
Memphis and Shelby County  
Division of Planning and Development

Mary W. Sharp and  
Members  
Memphis and Shelby County  
Land Use Control Board

Dear Mr. Ragsdale and Madam Chair:

On behalf of PDC TN/FL LPIV, LLC, I am pleased to submit this application for the rezoning of approximately 3.18 acres located in the center of the block bounded by Shelby Drive on the north, Malone Road on the east, Holmes Road on the south and Getwell Road on the west.

The subject 3.18 acres represents the extreme northwest corners of two tax parcels that are both located in two different zoning districts. The 3.18 acres is currently located in the CA, Conservation Agriculture, zoning district, while the balance of the tax parcels (Parcel IDs 094100 00311 and 094100 00312) are located in the EMP, Employment, zoning district. This may be a result of a lot line shift that occurred at some point in the past, as this unusual zoning boundary has existed for at least 40+ years (see Exhibit A, excerpt from the 1980 Zoning Atlas).

This request involves the reclassification of the 3.18 acres described above from the CA district to the EMP district, which is 1) supported by Memphis 3.0 (see Exhibit B, excerpt from the Memphis 3.0 General Plan), 2) will establish a single zoning district for the subject tax parcels and 3) will match the zoning of abutting properties to the east, south and west and the zoning of property approximately 1200 feet to the north of the subject property.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'J. Whitehead'.

Josh Whitehead

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Maxim Brown, being duly sworn, depose and say that at 9:30 am/pm on the 14 day of March, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. 223-05 at Malone Road providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]  
Owner, Applicant or Representative

3-14-2023  
Date

Subscribed and sworn to before me this 14<sup>th</sup> day of March, 2023.

Catherine Crawford  
Notary Public

My commission expires: 7-1-23



My Comm. Exp. 7-1-2023

**LETTERS RECEIVED**

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



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

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

April 17, 2023

Allen Daniel (Estate of)  
4283 Turtle Cv.  
Memphis, TN 38141

*Sent via electronic mail to: [jwhitehead@bpjlaw.com](mailto:jwhitehead@bpjlaw.com)*

Case Number: Z 23-005  
LUCB Recommendation: Approval

Dear applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at 0 Malone Road – Parcel #'s 094100 00311 and 094100 00312 of 3.18 acres from Conservation Agriculture (CA) to Employment (EMP) located to the extreme northwest of the subject property.


This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. 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) 636-6619 or via email at [teresa.shelton@memphistn.gov](mailto:teresa.shelton@memphistn.gov).

Respectfully,



Teresa H. Shelton  
Municipal Planner

**Letter to Applicant**

**Z 23-005**

Land Use and Development Services  
Division of Planning and Development

Cc: Josh Whitehead, Burch, Porter, & Johnson, PLLC  
File





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---

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0 MALONE RD, MEMPHIS, TN 38118

### Owner Information

Primary Owner Name

Y ALLEN DANIEL (ESTATE OF)

Owner Address

4283 TURTLE CV, MEMPHIS, TN 38141

Owner Phone

---

### Parcel Information

094100 00311

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

Brett Ragsdale

Date of Meeting

02/15/2023

Pre-application Meeting Type

Email

#### GENERAL INFORMATION

**GENERAL INFORMATION**

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No

Have you held a neighborhood meeting? No  
If yes, please provide additional information -

**GIS INFORMATION**

Central Business Improvement District No  
Case Layer BOA1954-096-CO  
Class R  
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Historic District -  
Land Use VACANT  
Municipality -  
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State Route -  
Lot -  
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Planned Development District -  
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Name JOSH WHITEHEAD Contact Type APPLICANT

Address

Phone (901)524-5127

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Payment Amount \$1,000.00 Method of Payment Check



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

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

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

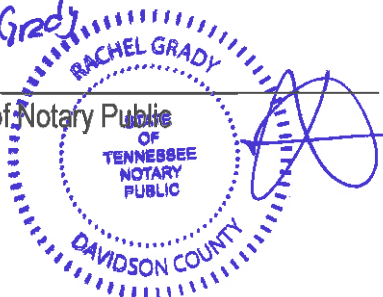
I, Whit Hamilton, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

(Whitfield Hamilton, partner of PDC TN/FL LP IV, LLC, a Delaware Limited Liability Company)

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 0 Malone Road  
and further identified by Assessor's Parcel Number Part of Parcels 094100 00311 and 094100 00312,  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 23<sup>rd</sup> day of February in the year of 2023.

Rachel Grady  
Signature of Notary Public 

My Commission Expires  
January 11, 2026

My Commission Expires



Josh Whitehead  
Senior Attorney  
Direct: 901.524.5127  
jwhitehead@bpjlaw.com

LAW OFFICES  
Burch, Porter & Johnson, PLLC  
130 North Court Avenue  
Memphis, TN 38103  
Phone: 901.524.5000  
Fax: 901.524.5024  
bpjlaw.com

February 23, 2023

Brett Ragsdale, AIA  
Zoning Administrator  
Memphis and Shelby County  
Division of Planning and Development

Mary W. Sharp and  
Members  
Memphis and Shelby County  
Land Use Control Board

Dear Mr. Ragsdale and Madam Chair:

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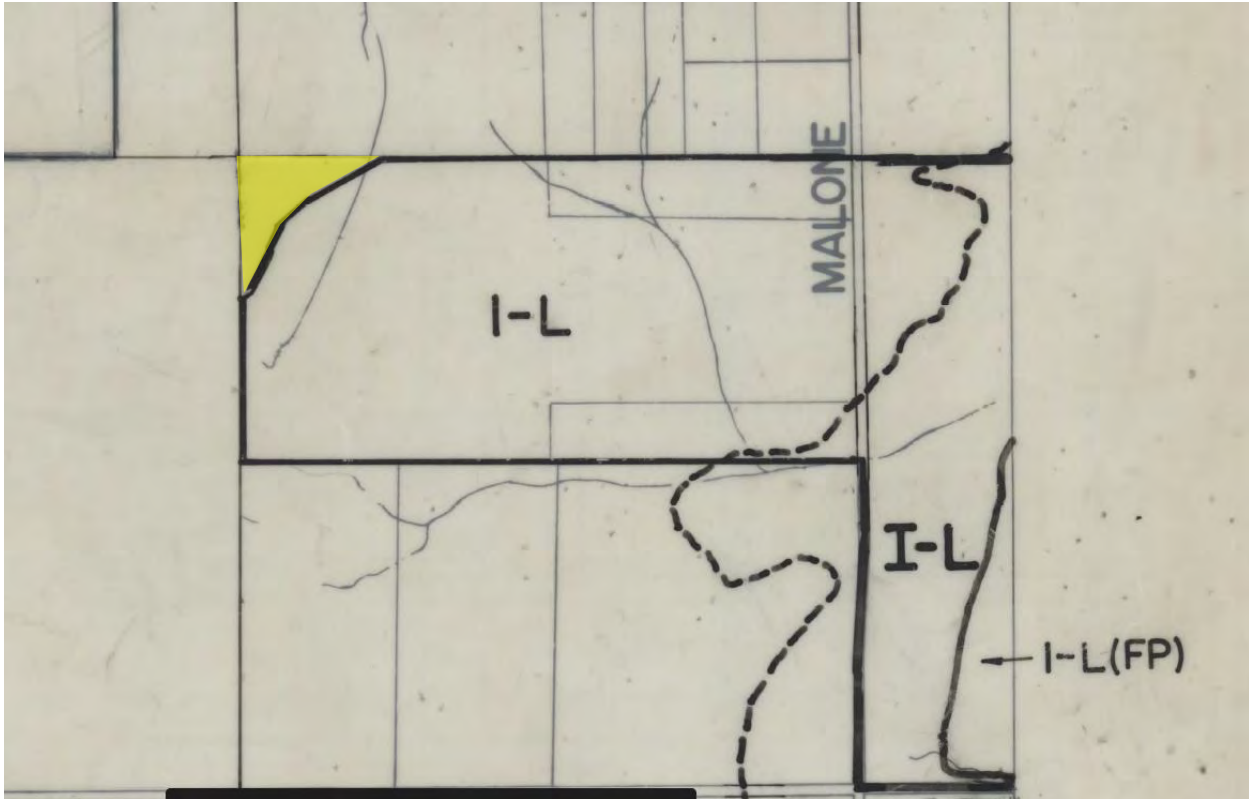
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Thank you for your consideration of this matter.

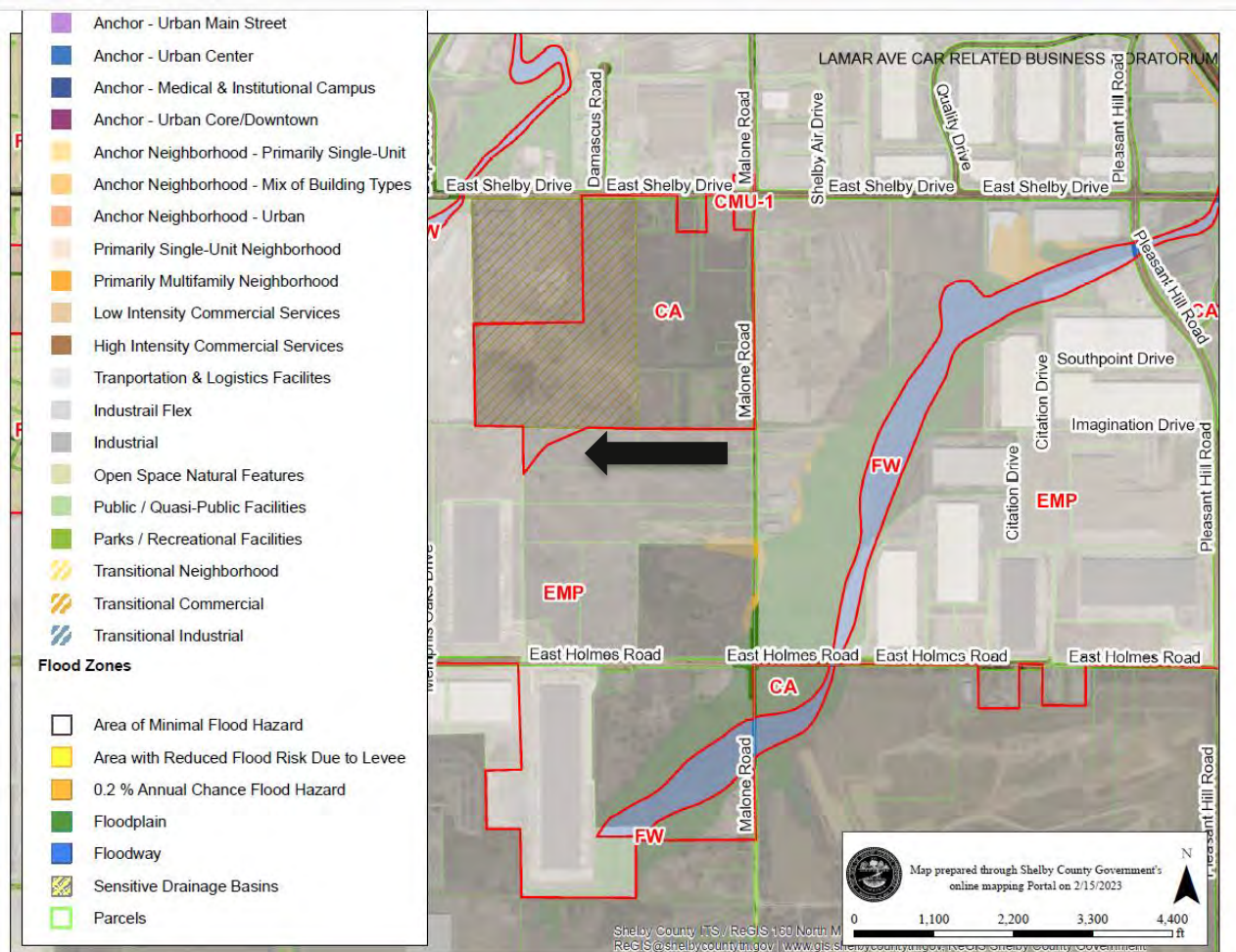
Very truly yours,

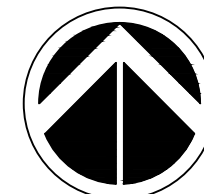
Josh Whitehead

**EXHIBIT A:** Excerpt from the 1980 Zoning Atlas (subject area highlighted in yellow; I-L is the former designation of what is now known as the EMP zoning district)

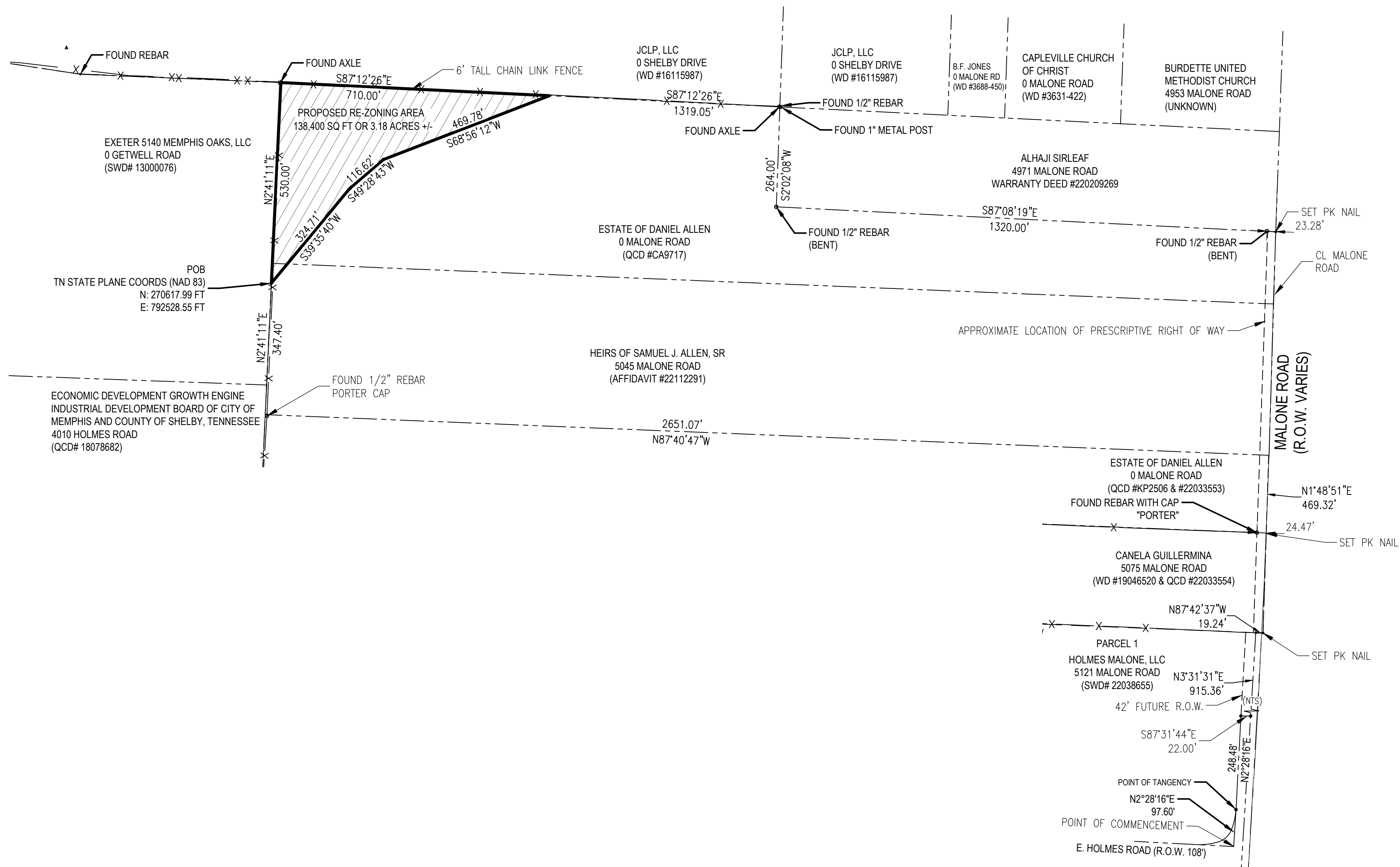


**EXHIBIT B:** Excerpt from the Memphis 3.0 General Plan (subject area, identified with arrow, designated for “Industrial Flex”)





TN GRID NORTH  
(NAD 83)



NOTE: THE PURPOSE OF THIS EXHIBIT IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.

**Pickering**  
 Pickering Firm, Inc.  
 Facility Design • Civil Engineering • Surveying  
 •Transportation • Naural / Water Resources  
 6363 Poplar Avenue, Suite 300  
 Memphis, TN 38119  
 901.726.0810

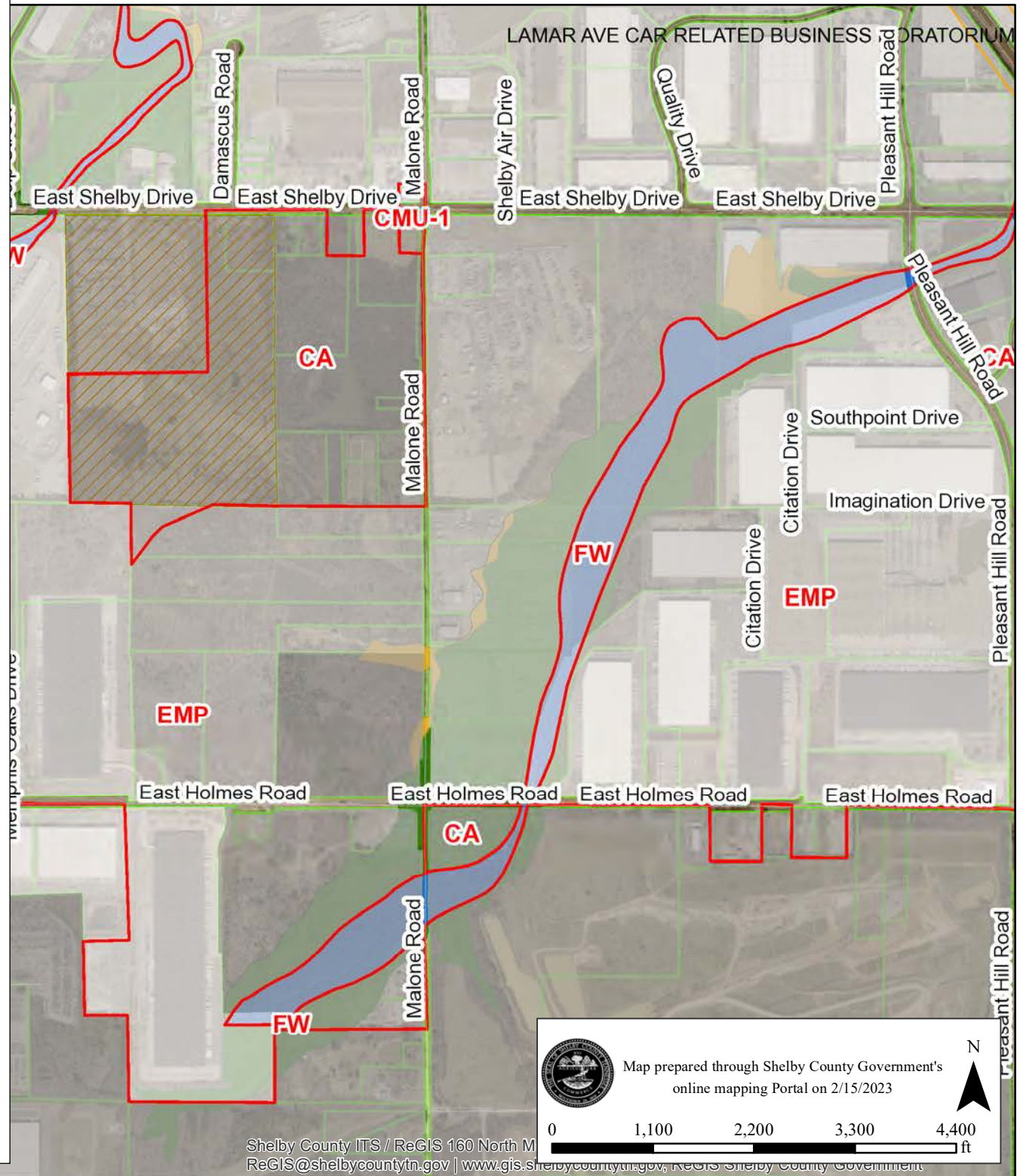
RE-ZONING EXHIBIT		
PART OF THE ESTATE OF DANIEL ALLEN PROPERTY & THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY		
	AREA: 3.18 ACRES	
DATE: FEBRUARY 21, 2023	SCALE: 1" = 200'	SHEET 1 OF 1

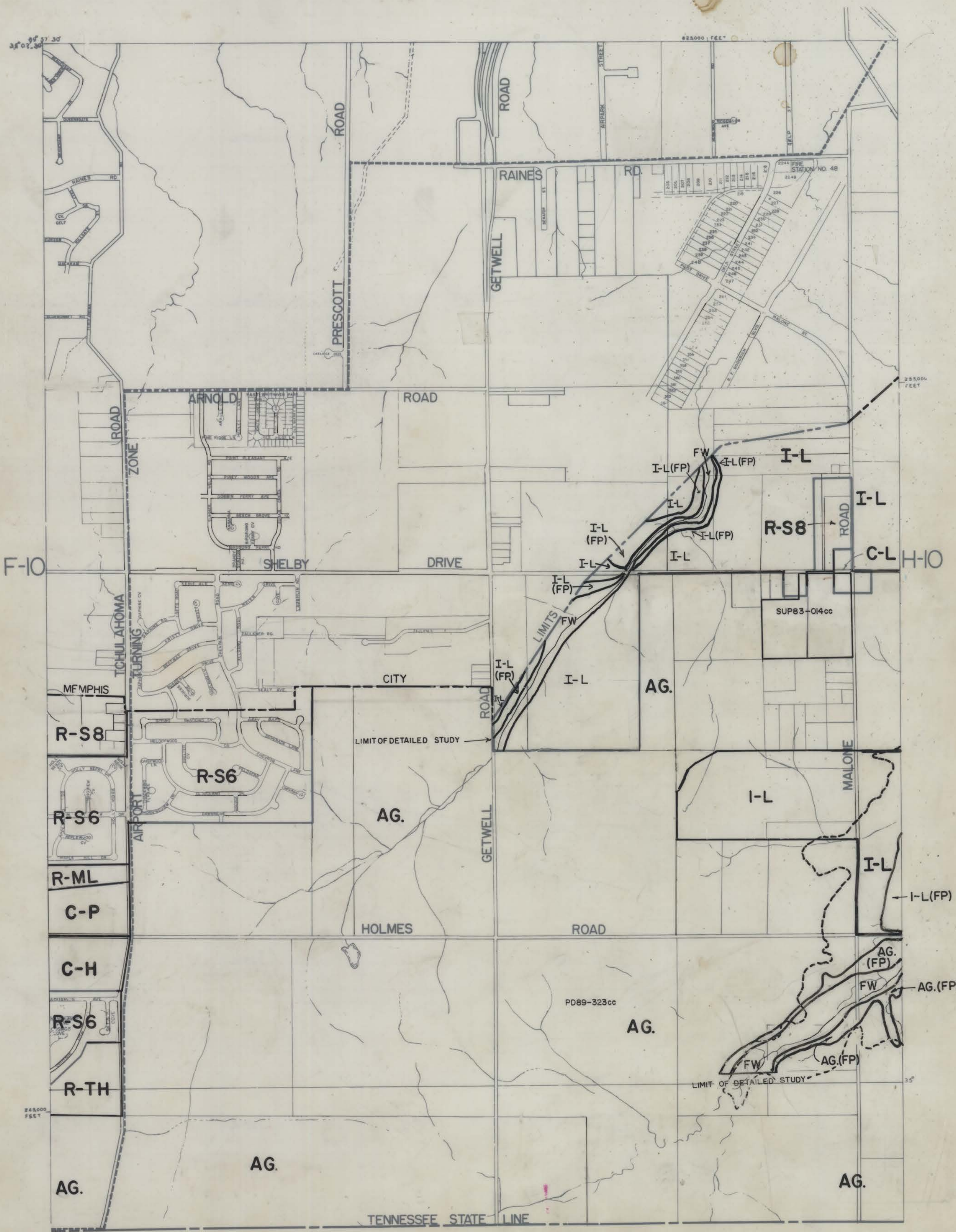


- Anchor - Urban Main Street
- Anchor - Urban Center
- Anchor - Medical & Institutional Campus
- Anchor - Urban Core/Downtown
- Anchor Neighborhood - Primarily Single-Unit
- Anchor Neighborhood - Mix of Building Types
- Anchor Neighborhood - Urban
- Primarily Single-Unit Neighborhood
- Primarily Multifamily Neighborhood
- Low Intensity Commercial Services
- High Intensity Commercial Services
- Transportation & Logistics Facilities
- Industriail Flex
- Industrial
- Open Space Natural Features
- Public / Quasi-Public Facilities
- Parks / Recreational Facilities
- Transitional Neighborhood
- Transitional Commercial
- Transitional Industrial

**Flood Zones**

- Area of Minimal Flood Hazard
- Area with Reduced Flood Risk Due to Levee
- 0.2 % Annual Chance Flood Hazard
- Floodplain
- Floodway
- Sensitive Drainage Basins
- Parcels





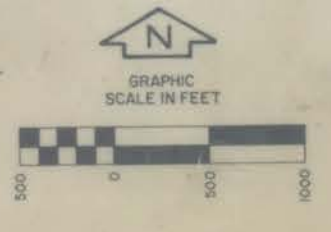
ANNUAL REVISIONS The following schedule correctly reflects all of the zoning map amendments that have been adopted by the County Board of Commissioners during the calendar year indicated.

Year	Director of Planning	Year	Director of Planning
1977	[Signature]	1978	[Signature]

We hereby certify that this map was adopted in joint session on the Zoning District Map for the City-County Five-Mile Zone by the Council of the City of Memphis and Board of Commissioners of Shelby County on 10/16/78 and is effective on 1/1/79.

*Robert Tamboli*  
COMPTROLLER

*Dorothy G. Beard*  
COUNTY COMMISSIONER



Prepared By  
MEMPHIS AND SHELBY COUNTY  
OFFICE OF PLANNING AND DEVELOPMENT

PROPERTY DESCRIPTION OF AREA TO BE RE-ZONED

DESCRIPTION OF PART OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY PER AFFIDAVIT INSTRUMENT NO. 22112291 AND THE ESTATE OF DANIEL ALLEN PROPERTY PER QUIT CLAIM DEED INSTRUMENT NO. CA9717, ALL OF RECORD IN THE REGISTER'S OFFICE IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF TANGENT INTERSECTION OF THE NORTH LINE OF HOLMES ROAD (108 FEET WIDE AT THIS POINT) WITH THE WEST LINE OF MALONE ROAD (42 FEET WEST OF THE CENTERLINE OF MALONE ROAD AT THIS POINT); THENCE NORTH 02 DEGREES 28 MINUTES 16 SECONDS EAST-97.60 FEET ALONG THE WEST LINE OF MALONE ROAD TO THE POINT OF TANGENCY; THENCE CONTINUING NORTHWARDLY ALONG SAID SAME WEST LINE 248.48 FEET ALONG THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY PER SPECIAL WARRANTY DEED 22038655 TO A R.O.W. OFFSET POINT; THENCE SOUTH 87 DEGREES 31 MINUTES 44 SECONDS EAST-22.00 FEET TO A POINT IN THE PRESENT WEST LINE OF MALONE ROAD; THENCE NORTH 03 DEGREES 31 MINUTES 31 SECONDS EAST-915.36 FEET ALONG THE WEST LINE OF MALONE ROAD AND THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY TO A POINT BEING THE NORTH EAST CORNER OF SAID HOLMES PROPERTY AND IN THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY (WD INST. NO. 19046520 AND QCD INST. NO. 22033554, S.C.R.O.); THENCE SOUTH 87 DEGREES 42 MINUTES 37 SECONDS EAST-19.24 FEET ALONG THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY TO AN OFFSET POINT IN THE CURRENT CENTER LINE OF MALONE ROAD; THENCE NORTH 1 DEGREE 48 MINUTES 51 SECONDS EAST-469.32 FEET ALONG THE CENTER OF MALONE ROAD AND ALONG THE EAST LINE OF SAID GUILLERMINA PROPERTY AND THE EAST LINE OF THE ESTATE OF DANIEL ALLEN PROPERTY (QCD INST. NO. KP2506 AND INST. NO. 22033553, S.C.R.O.) TO A POINT BEING THE NORTHEAST CORNER OF SAID ESTATE OF DANIEL ALLEN PROPERTY; THENCE (LEAVING MALONE ROAD) NORTH 87 DEGREES 40 MINUTES 47 SECONDS WEST-2651.07 FEET ALONG THE NORTH LINE OF THE SAID ESTATE OF DANIEL ALLEN PROPERTY AND THE SOUTH LINE OF THE HEIRS OF SAMUEL J ALLEN, SR PROPERTY (AFFADAVIT NO. 22112291, S.C.R.O.) TO A POINT IN THE EAST LINE OF THE ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY (QCD INST. NO. 18078682, S.C.R.O.); THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST-347.40 FEET ALONG THE WEST LINE OF THE ESTATE OF DANIEL ALLEN AND THE HEIRS OF SAMUEL J ALLEN, SR PROPERTIES, BEING THE EAST LINE OF THE SAID ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY AND THEN ALONG THE EAST LINE OF THE EXETER 5140 MEMPHIS OAKS, LLC PROPERTY (SWD INST. NO. 13000076, S.C.R.O.) TO A POINT BEING POINT OF BEGINNING AND BEING FURTHER LOCATED AT TENNESSEE STATE PLANE COORDINATES (NAD 83) NORTH 270617.99 FEET AND EAST 792528.55 FEET;

THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST – 530.00 FEET ALONG THE EAST LINE OF SAID “EXETER” PROPERTY TO A FOUND AXLE IN THE SOUTH LINE OF THE JCLP, LLC PROPERTY (WD INST. NO. 16115987);

THENCE SOUTH 87 DEGREES 12 MINUTES 26 SECONDS EAST – 710.00 FEET ALONG THE SOUTH LINE OF THE JCLP, LLC PROPERTY TO A POINT;

THENCE, LEAVING SAID BOUNDARY LINE, SOUTH 68 DEGREES 56 MINUTES 12 SECONDS WEST – 469.78 FEET ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 49 DEGREES 28 MINUTES 43 SECONDS WEST – 116.62 FEET ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 39 DEGREES 35 MINUTES 40 SECONDS WEST – 324.71 FEET ACROSS PART OF THE ESTATE OF DANIEL ALLEN PROPERTY AND A PORTION OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY TO THE POINT OF BEGINNING.





CONTAINING 138,400 SQUARE FEET OR 3.18 ACRES, MORE OR LESS.

ALL COORDINATES ARE TENNESSEE STATE PLANE (NAD 83).







NOTE: THE PURPOSE OF THIS DESCRIPTION IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.

-  Bartlett Zoning
-  Collierville Zoning
-  Germantown Zoning
-  Lakeland Zoning
-  Millington Zoning











**Overlay Districts**

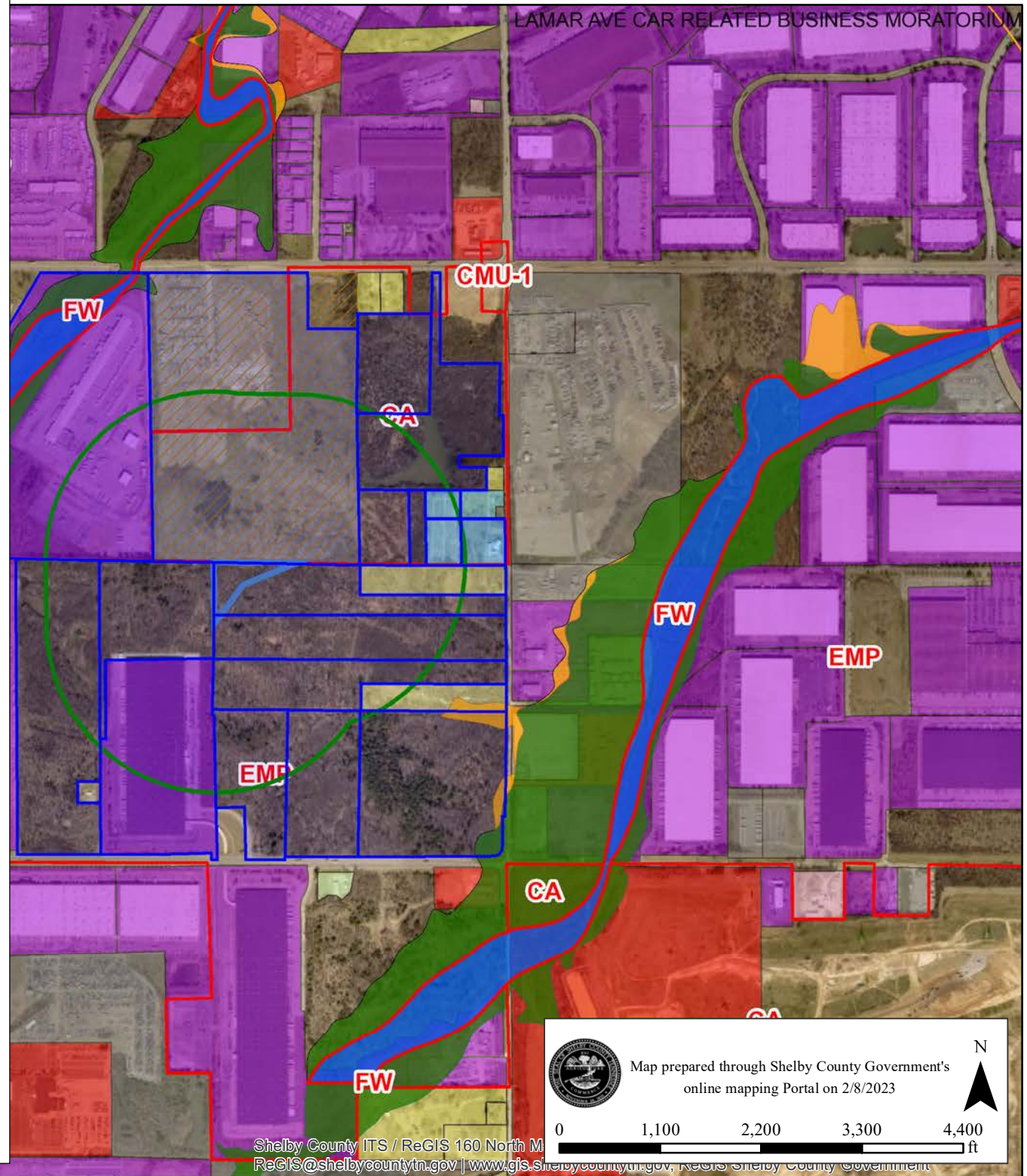
-  Overlay Districts
-  Residential Corridors
-  Moratorium Zones
-  Brown Field Properties


**Flood Zones**

-  Area of Minimal Flood Hazard
-  Area with Reduced Flood Risk Due to Levee
-  0.2 % Annual Chance Flood Hazard
-  Floodplain
-  Floodway
-  Sensitive Drainage Basins

**Land Use**

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




 Map prepared through Shelby County Government's online mapping Portal on 2/8/2023

0 1,100 2,200 3,300 4,400 ft

N

094100 00313 - ALLEN DANIEL  
094100 00035C - JCLP LLC  
094100 00039 - BURDETTE UNITED METHODIST CHURCH TRS  
094100 00312 - ALLEN DANIEL C JR AND CARL A ALLEN AND  
094100 00031 - MEMPHIS OAKS LAND HOLDINGS LPIV LLC  
094100 00034 - ALLEN SAMUEL AND MARTHA A JACKSON AND  
094100 00037 - JONES B F TR  
094100 00042 - CAPLEVILLE CHURCH OF CHRIST  
094100 00311 - ALLEN DANIEL  
094100 00038 - CAPLEVILLE CHURCH OF CHRIST  
094100 00047C - JCLP LLC  
094100 00100 - BRIDGEFORTH GRADY AND HERBERT WILLIAMS  
094100 00321 - GALAXY DEVELOPMENT CORP  
094100 00085C - RLIF CENTRAL LLC  
094100 00032 - CANELA GUILLERMINA  
094100 00178 - MEMPHIS OAKS LAND HOLDINGS LPIV LLC  
094100 00094C - MEMPHIS OAKS LAND HOLDINGS LPIV LLC  
094100 00179 - ECONOMIC DEV GROWTH ENGINE INDUSTRIAL  
094100 00309 - MEMPHIS OAKS LAND HOLDINGS LPIV LLC  
094100 00310 - EXTER 5140 MEMPHIS OAKS LLC

ALLEN DANIEL  
4971 MALONE RD #  
MEMPHIS TN 38118

JCLP LLC  
2505 FARRISVIEW RD #  
MEMPHIS TN 38118

JCLP LLC  
2505 FARRISVIEW RD #  
MEMPHIS TN 38118

BRIDGEFORTH GRADY AND HERBERT WILLIAMS  
4225 E SHELBY DR #  
MEMPHIS TN 38118

BURDETTE UNITED METHODIST CHURCH TRS  
4953 MALONE RD #  
MEMPHIS TN 38118

GALAXY DEVELOPMENT CORP  
6987 ESTACADA WAY S  
CORDOVA TN 38018

ALLEN DANIEL C JR AND CARL A ALLEN AND  
4971 MALONE RD #  
MEMPHIS TN 38118

RLIF CENTRAL LLC  
201 WEST ST #200  
ANNAPOLIS MD 21401

MEMPHIS OAKS LAND HOLDINGS LPIV LLC  
8775 FOLSOM BLVD #  
SACRAMENTO CA 95826

CANELA GUILLERMINA  
1151 HIGHWAY 51 N #14  
NESBIT MS 38651

ALLEN SAMUEL AND MARTHA A JACKSON AND  
4971 MALONE RD #  
MEMPHIS TN 38118

MEMPHIS OAKS LAND HOLDINGS LPIV LLC  
35 MUSIC SQ E #301  
NASHVILLE TN 37203

JONES B F TR  
24569 NORWOOD DR W  
SOUTHFIELD MI 48075

MEMPHIS OAKS LAND HOLDINGS LPIV LLC  
35 MUSIC SQ E #301  
NASHVILLE TN 37203

CAPLEVILLE CHURCH OF CHRIST  
GENERAL DELIVERY #  
MEMPHIS TN 38101

ECONOMIC DEV GROWTH ENGINE INDUSTRIAL  
100 PEABODY PL #1100  
MEMPHIS TN 38103

ALLEN DANIEL  
4971 MALONE RD #  
MEMPHIS TN 38118

MEMPHIS OAKS LAND HOLDINGS LPIV LLC  
35 MUSIC SQ E #301  
NASHVILLE TN 37203

CAPLEVILLE CHURCH OF CHRIST  
GENERAL DELIVERY #  
MEMPHIS TN 38101

EXTER 5140 MEMPHIS OAKS LLC  
101 W ELM ST #600  
CONSHOHOCKEN PA 19428

TOTAL 20

2

COMPLIMENTS OF  
STEWART TITLE COMPANY OF MEMPHIS

This Instrument Prepared by:  
TIM J. THOMPSON, ATTORNEY  
140 North Third Street  
Memphis, TN 38103

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That CARL A. ALLEN  
for and in consideration of TEN DOLLARS (\$10.00) AND LOVE AND AFFECTION DOLLARS  
do hereby bargain, sell, remise, release, quit claim and convey unto DANIEL ALLEN, JR.  
the following described real estate located in City of Memphis County of Shelby, State of Tennessee, to wit:

Part of the north half of the southeast quarter of Section 10, Township 1, Range 7 West in the Second Civil District of Shelby County, Tennessee and being more particularly described as follows:

Beginning at a point in Malone Road, said point being 858 feet southwardly from the northeast corner of the southeast quarter of Section 10, Township 1, Range 7 West; thence southwardly along said Mlaone Road a distance of 198 feet to a point; thence westwardly 1320 feet to a point; thence southwardly 264.0 feet to a point; thence westwardly 1320.0 feet to a point; thence northwardly 462.0 feet to a point; thence eastwardly 2640.0 feet to a point of beginning.

PROPERTY ADDRESS: 4971 Malone Road, Memphis, TN 38118.

I (We) do hereby quit claim the title herein conveyed against the lawful claims of all persons claiming the same by, through or under me (us), but not further or otherwise.

IN TESTIMONY WHEREOF, I (We) have executed this instrument this 3 day of January 1994

Carl A. Allen  
CARL A. ALLEN

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared CARL A. ALLEN

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as HIS free act and deed.

WITNESS my hand and Notarial Seal at office this 3 day of January 1994

[Signature]  
Notary Public

My commission expires 2-9-94

PROPERTY KNOWN AS: 4971 Malone Road, Memphis, TN 38118

MAIL TAX NOTICE TO: 4971 Malone Road, Memphis, TN 38118

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

Parcel No.  
D025300033

PROPERTY OWNER & ADDRESS  
DANIEL ALLEN JR  
4971 Malone Rd  
MEMPHIS TN 38118

Carl A. Allen  
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3 DAY OF January 1994

[Signature]  
NOTARY PUBLIC





**K P 2 5 0 6**

**10/20/2000-11:47:25**

Title Transfer: Quit Claim Deed	13
D/C: 0 - GENE REVER	
TRANSFER VALUATION	10.00
TN MORTGAGE TAX	N / A
TN TRANSFER TAX	N / A
RECORDING FEE	0.00
OP FEE	2.00
REGISTER'S FEE	N / A
WALK THRU FEE	0.00
<b>TOTAL AMOUNT</b>	<b>12.00</b>
PAGE COUNT: 2	PAGE ADDED: No
GROUP ID: X00017032T	
STATE of TENNESSEE, COUNTY of SHELBY	
<b>Joe M. Reves, REGISTER</b>	

QC 1000



# Shelby County Tennessee

## *Willie F. Brooks Jr*

Shelby County Register

---

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



22112291

10/06/2022 - 10:19:12 AM

2 PGS	
LAQUITA 2500619 - 22112291	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

WILLIE F. BROOKS JR  
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by Lorna J. Reynolds  
1602 Coolhurst Ave  
Sherwood Ar 72120

**AFFIDAVIT OF HEIRSHIP**

I, George M. Jones, Sr., swear under oath that I have personal knowledge of the matters stated in this Affidavit and am not an heir of Samuel J. Allen, Sr., decedent. I reside at 9432 Journey Drive, Sherwood, Arkansas, 72120, Pulaski County.

I was married to Vertice A. Jones, daughter of Samuel J. Allen, Sr. until her death on November 16, 2005. The Decedent, Samuel J. Allen, Sr. died June 9, 1989 in Memphis, Tennessee, Shelby County with no will. At the time of Mr. Allen's death he was a widower with eight surviving children and one child that preceded him in death. Mr. Allen's children inherited twenty-four acres (Parcel #094100 00312) of sixty-four acres of property as described:

Part of the North Half of the Southeast Quarter of Section 10, Township 1, Range 7 West in the Second Civil District of Shelby County, Tennessee. Beginning at a point in Malone Road said point being 4.00 chains south of the northeast corner of the southeast quarter of Section 10, Township 1, Range 7 West, thence south with Malone Road 12.00 chains to a point; thence west 20.00 chains to a point; thence south 4.00 chains to a point; thence west with the south line of the northwest quarter of the southeast quarter of Section 10, Township 1, Range 7 West, 20.00 chains to a point; thence north with the West line of the southeast quarter of Section 10, Township 1, Range 7 West 20.00 chains to the northwest corner of said southeast quarter of Section 10, Township 1, Range 7 west; thence east with the north line of the southeast quarter of Section 10, Township 1, Range 7 West, 20.00 chains to a point; thence south 4.00 chains to a point; thence east 20.00 chains to the point of beginning and containing 64.00 acres of land.

All of Mr. Allen's children have now passed away with surviving heirs to the land as described above. The names of those heirs to the best of my knowledge and belief as grandchildren of Samuel J. Allen, Sr. are listed below and are entitled to inherit the twenty-four acres (Parcel #094100 00312):

- |                      |                      |                     |                   |
|----------------------|----------------------|---------------------|-------------------|
| Debra Brooks         | Lloyd Rhodes         | Alvin Rhodes        | Phyllis Franklin  |
| Reginald Rhodes      | Adrian Rhodes        | Alecia Oldham       | Bryan Rhodes      |
| Ardath Campbell      | Gavin White          | Maleka Isom         | Karen Thompson    |
| James E. Allen, Jr.  | Rita Myles           | Dorothy Allen       | Kenny Allen       |
| Sheila Allen         | Cheryl Sizemore      | Moses E. Allen, Jr. | Paula Gandy       |
| Cleshea Macklin      | Leroy Anderson       | Jacqueline Anderson | Donald Anderson   |
| Floyd Anderson       | Donald R. Allen, Jr. | Kara Allen          | Lorna J. Reynolds |
| George M. Jones, Jr. | Robbyn Jones         |                     |                   |

AFFIANT: George M. Jones, Sr 10/4/2022  
Signature Date

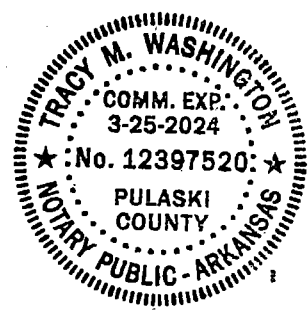
George M. Jones, Sr 501-231-1297  
Printed Name Telephone Number

Subscribed and sworn to be this 4<sup>th</sup> day of October, 2022.

Tracy M. Washington Notary Public Signature

Tracy M. Washington Notary Public Printed Name

My Commission expires: 3-25-2024



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

ONE ORIGINAL |  
ONLY STAPLED |  
TO DOCUMENTS |

Planning & Development  
**DIVISION**

Planning & Zoning COMMITTEE: 4/25/2023  
DATE  
PUBLIC SESSION: 4/25/2023  
DATE

**ITEM (CHECK ONE)**

       ORDINANCE        X   RESOLUTION             REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 400 W. Levi Road, known as case number SUP 2023-003

**CASE NUMBER:** SUP 2023-003

**LOCATION:** 400 W. Levi Road

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

**OWNER/APPLICANT:** John E. Thomas/Tiesha Hayes

**REPRESENTATIVE:** Tiesha Hayes

**REQUEST:** To allow a Special Use Permit to allow a childcare center

**AREA:** +/-0.172 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  
4/13/2023 DATE

(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION  
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) REQUIRES CITY EXPENDITURE - (1) YES (2) NO  
\$ AMOUNT OF EXPENDITURE  
\$ REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ OPERATING BUDGET  
\$ CIP PROJECT # \_\_\_\_\_  
\$ FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

DATE POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

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

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



## Memphis City Council Summary Sheet

### **SUP 2023-003**

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 400 W. LEVI ROAD, KNOWN AS CASE NUMBER SUP 2023-003

- This item is a resolution with conditions for a special use permit to allow a childcare center; and
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SUP 2023-003

**LOCATION:** 400 W. Levi Road

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

**OWNER/APPLICANT:** John E. Thomas/Tiesha Hayes

**REPRESENTATIVE:** Tiesha Hayes

**REQUEST:** To allow a Special Use Permit for a childcare center

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

**AREA:** +/-0.172 acres

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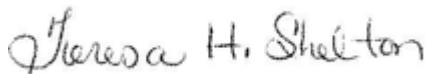
**The following spoke in support of the application:** None

**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 vote of 7-0 on the consent agenda.**

Respectfully,



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

Cc: Committee Members  
File

**SUP 2023-003**  
**CONDITIONS**

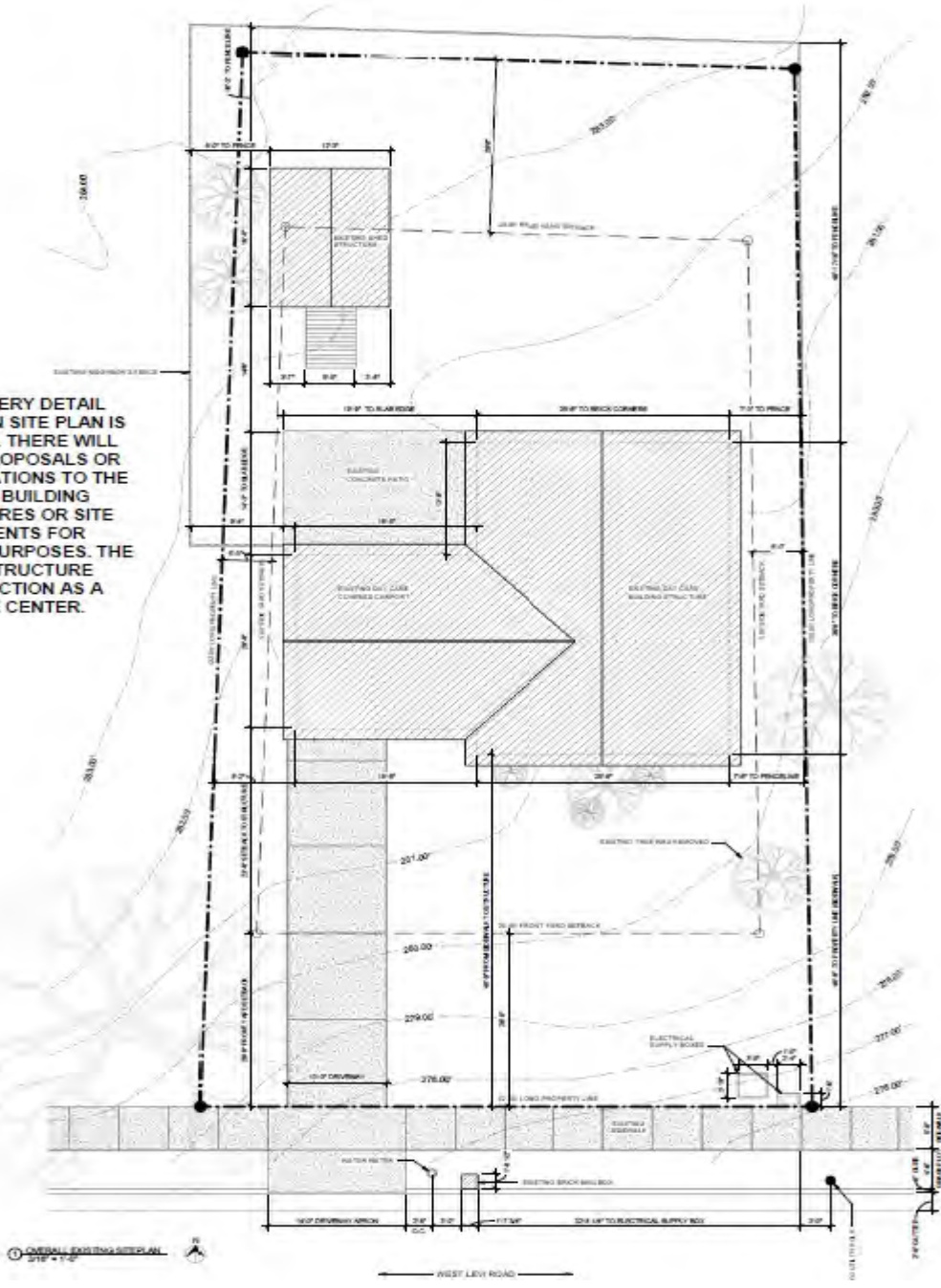
1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
2. No signs of any kind shall be permitted in a residential neighborhood.



# PRELIMINARY SITE PLAN

<p>O.B. AARON HARRIS, JR. DESIGNER/DRAFTER 1551 Taylor Street Memphis, TN 38108 901.596.4574 obharr03@gmail.com</p>	<p>400 WEST LEVI ROAD MEMPHIS, TN 38109</p> <h2 style="margin: 0;">TIESHA HAYES</h2> <p style="margin: 0;">SITE PLAN DRAWING FOR PERMIT OF DAY CARE CENTER:</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">NO.</th> <th style="width: 45%;">REVISION</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO.	REVISION																					<p><b>SITE PLAN</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">PROJECT NUMBER</td> <td style="width: 50%;">100</td> </tr> <tr> <td>DATE</td> <td> </td> </tr> <tr> <td>SCALE</td> <td> </td> </tr> <tr> <td>DRAWN BY</td> <td> </td> </tr> <tr> <td>CHECKED BY</td> <td> </td> </tr> <tr> <td>TITLE</td> <td> </td> </tr> </table>	PROJECT NUMBER	100	DATE		SCALE		DRAWN BY		CHECKED BY		TITLE	
NO.	REVISION																																				
PROJECT NUMBER	100																																				
DATE																																					
SCALE																																					
DRAWN BY																																					
CHECKED BY																																					
TITLE																																					

**NOTE: EVERY DETAIL DRAWN IN SITE PLAN IS EXISTING. THERE WILL BE NO PROPOSALS OR MODIFICATIONS TO THE EXISTING BUILDING STRUCTURES OR SITE COMPONENTS FOR PERMIT PURPOSES. THE "AS IS" STRUCTURE WILL FUNCTION AS A DAYCARE CENTER.**



**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 400 W. LEVI ROAD, KNOWN AS CASE NUMBER SUP 2023-003**

---

**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**, John E. Thomas/Tiesha Hayes filed an application with the Memphis and Shelby County Division of Planning and Development to allow a Special Use Permit for a childcare center; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 13, 2023, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

***ATTEST:***

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

## **CONDITIONS**

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
2. No signs of any kind shall be permitted in a residential neighborhood.

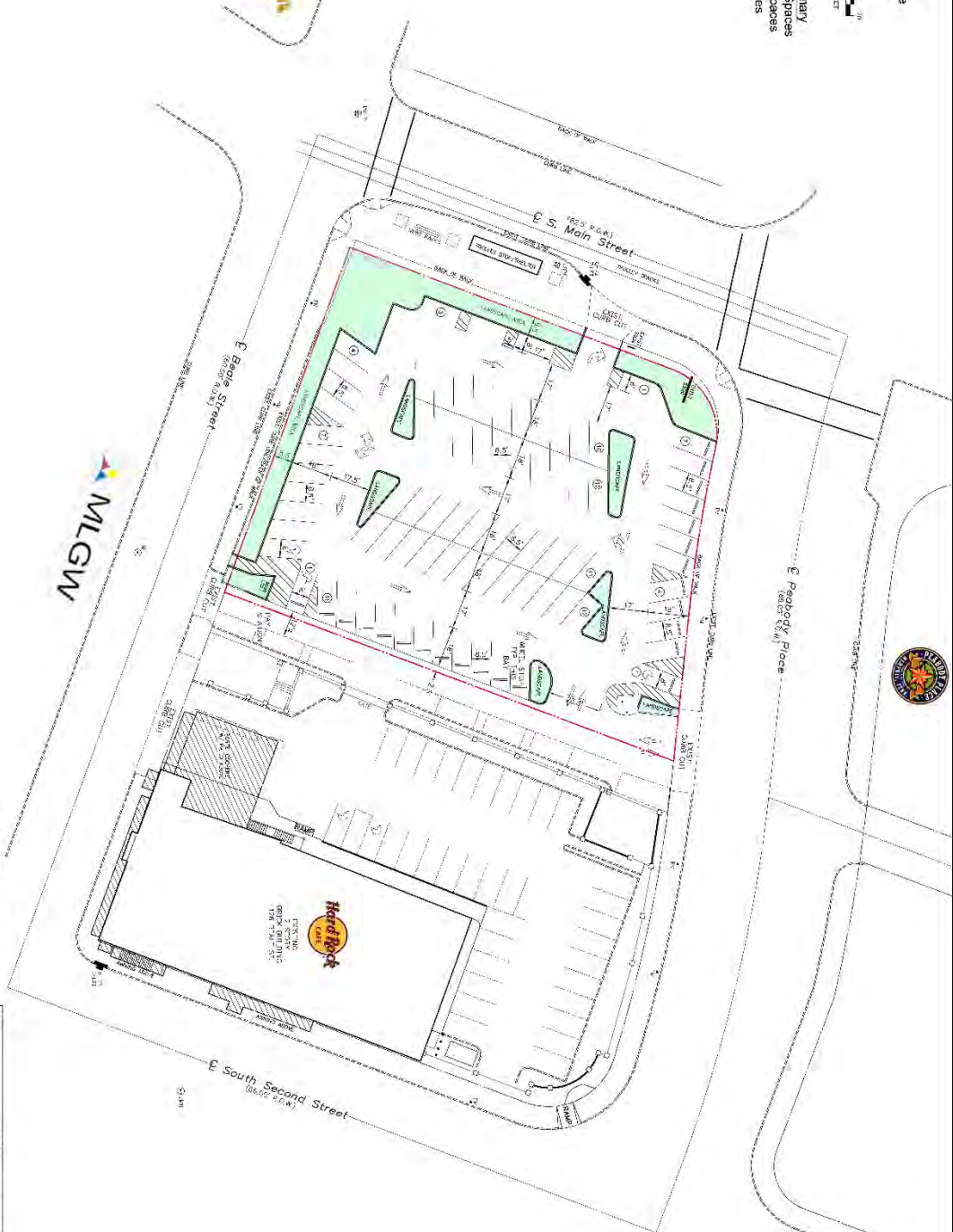
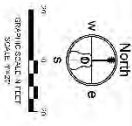
# SITE PLAN

Project No. 24242-2, (4/24/2027) 17 78 185 South Main Parkway, 1012-516 Extension Park Lane, 1012-516, April 24, 2025 9:22am

NO.	DATE	DESCRIPTION	BY



**Parking Summary**  
 79 Standard Spaces  
 3 Handicap Spaces  
 82 Total Spaces



**The Planning Firm**  
 1012-516 Extension Park Lane  
 1012-516, April 24, 2025 9:22am

PROJECT	PARKING LOT EXPANSION
OWNER	180 SOUTH MAIN PARKWAY STREET DANISH STRAY COMPANY - TRUSTEE
DESIGNED BY	THE PLANNING FIRM
DATE	APRIL 24, 2025
SCALE	AS SHOWN
DATE	APRIL 24, 2025
PROJECT NO.	24242-2
SHEET NO.	SHT 2 OF 3

Copyright 2025 - The Planning Firm, Inc.

**AGENDA ITEM:** 21

**CASE NUMBER:** SUP 2023-003

**L.U.C.B. MEETING:** April 13, 2023

**LOCATION:** 400 W. Levi Road

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

**OWNER/APPLICANT:** John E. Thomas/Tiesha Hayes

**REPRESENTATIVE:** Tiesha Hayes

**REQUEST:** Special Use Permit to allow a childcare center

**AREA:** +/-0.172 acres

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

## CONCLUSIONS

1. The applicant is seeking a Special Use Permit to allow a childcare center.
2. This requested use is not compatible with the land use description/intent; however, this location was once operated as a childcare center in a repurposed single-family house that is contextually compatible with the surrounding neighborhood.
3. This 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.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 10-12 of this report.

## RECOMMENDATION

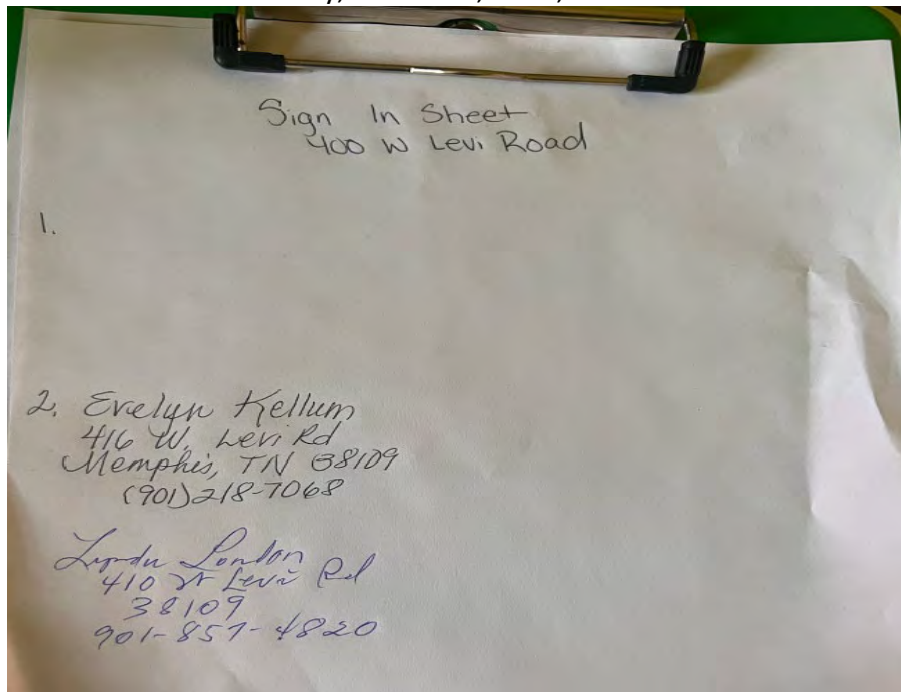
*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage:** West Levi Road +/-61.0 curvilinear feet  
**Zoning Atlas Page:** 2325  
**Parcel ID:** 075087 D00036  
**Existing Zoning:** Residential Single-Family – 6 (R-6)

**NEIGHBORHOOD MEETING**

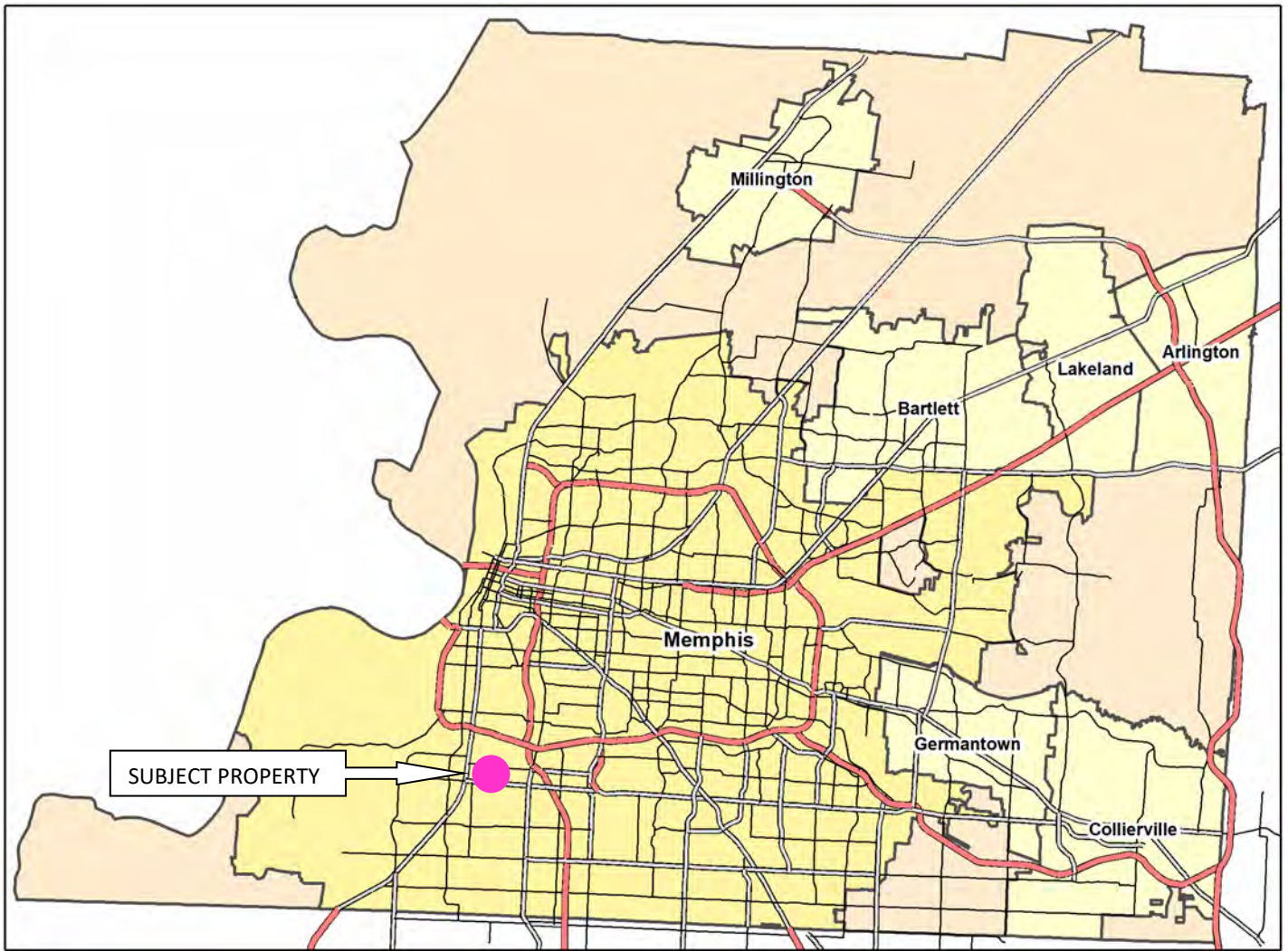
The meeting was held at 1:00 PM on Saturday, March 25, 2023, at 400 West Levi Road.



**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 64 notices were mailed on March 23, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

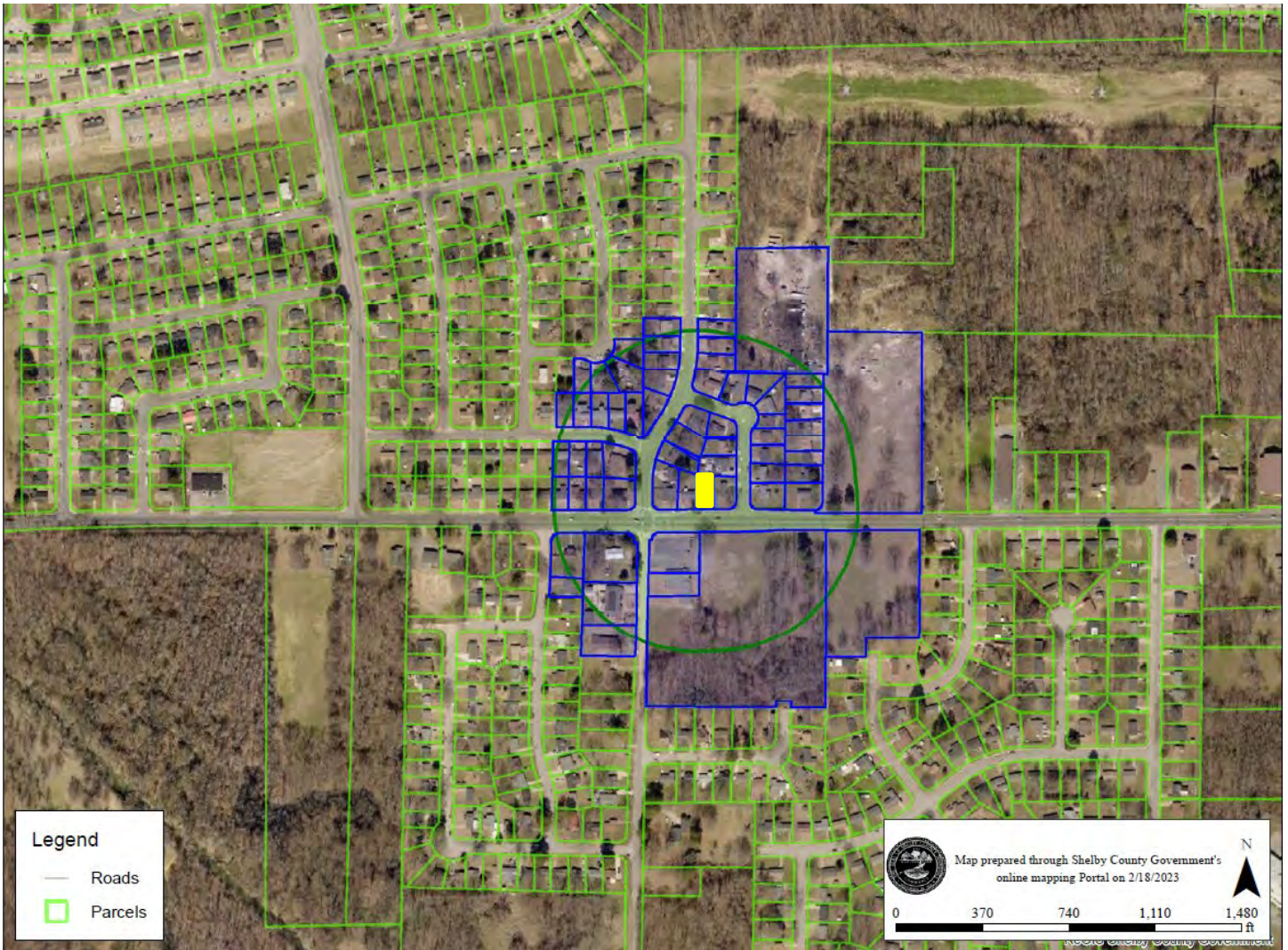
**LOCATION MAP**



Subject property located within the pink circle, Cordova neighborhood



**VICINITY MAP**



Site highlighted in yellow

**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



Subject property indicated by a pink star

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

**Surrounding Zoning**

**North:** R-6

**East:** RU-2

**South:** R-6

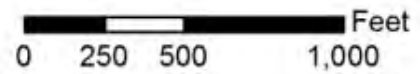
**West:** R-6

**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**

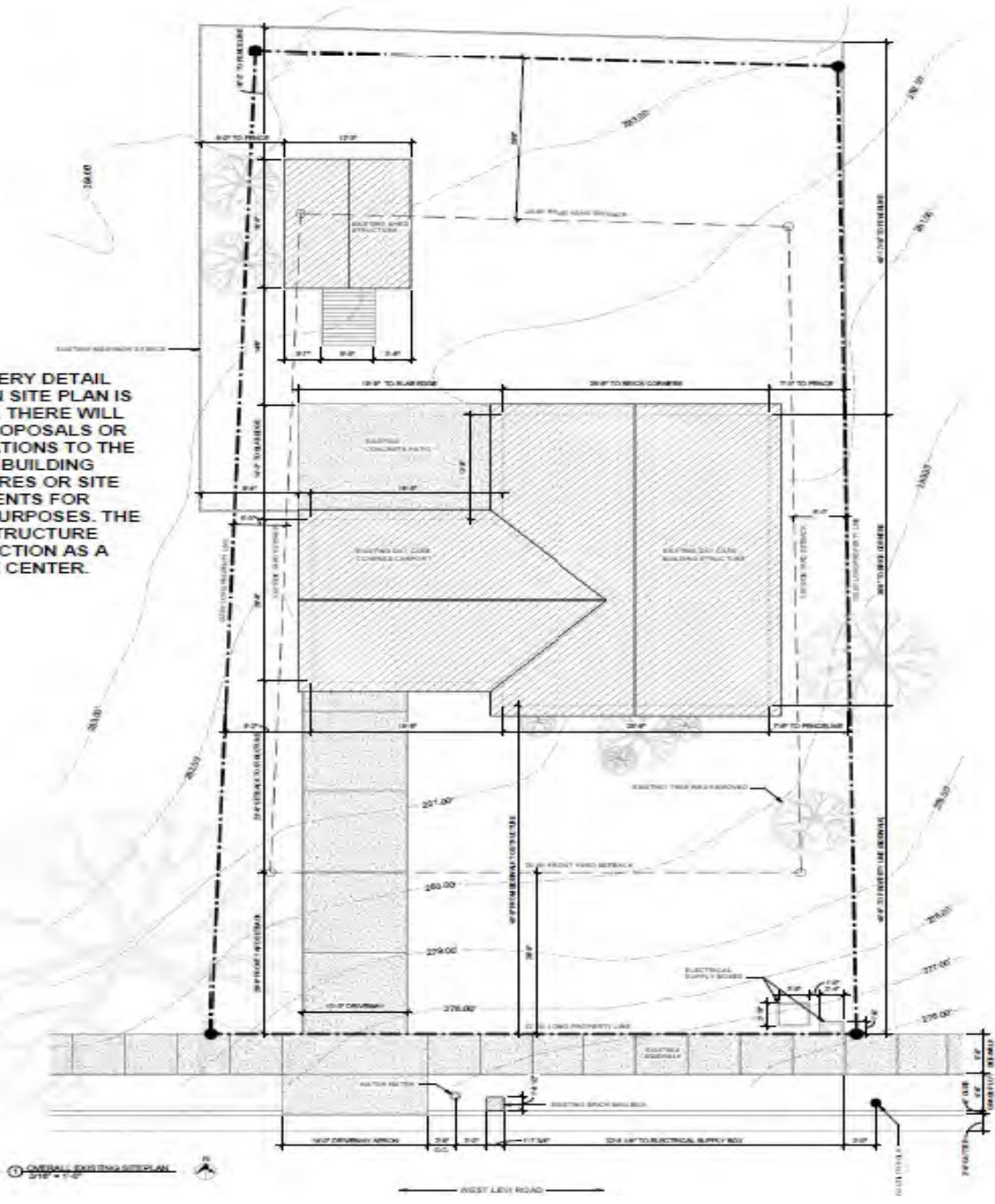


View of subject property from West Levi Road looking north

PRELIMINARY SITE PLAN

O. B. AARON HARRIS JR. DESIGNER/DRAFTER 1551 TAPPAN STREET MEMPHIS, TN 38108 901.596.4574 obharr100@gmail.com	400 WEST LEVI ROAD MEMPHIS, TN 38108 <b>TIESHA HAYES</b> SITE PLAN DRAWING FOR PERMIT OF DAY CARE CENTER:		SITE PLAN	Project Number:	1551
				Date:	2/28/23
				Scale:	100
				Sheet:	100
				Scale:	1/4" = 1'-0"

NOTE: EVERY DETAIL DRAWN IN SITE PLAN IS EXISTING. THERE WILL BE NO PROPOSALS OR MODIFICATIONS TO THE EXISTING BUILDING STRUCTURES OR SITE COMPONENTS FOR PERMIT PURPOSES. THE "AS IS" STRUCTURE WILL FUNCTION AS A DAYCARE CENTER.



## STAFF ANALYSIS

### Request

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

The request is for a Special Use Permit to allow a childcare center.

### Approval Criteria

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

#### *9.6.9 Approval Criteria*

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water, and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure 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.*

### **Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 23-03: SW Memphis

Site Address/Location: 400 W Levi Rd

Overlay District/Historic District/Flood Zone: Not located in an Overlay District, Historic District or Flood Zone

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

Street Type: Avenue

The applicant is requesting a special use permit to operate a childcare facility at the subject site. 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/Intent

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are a Community Anchor. Graphic portrayal of NS is to the right.



not near

#### “NS” Form & Location Characteristics

Primarily detached, House scale buildings, primarily residential, 1 – 3 stories; Beyond ½ mile from a Community Anchor

#### “NS” Zoning Notes

Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed above.

#### Existing, Adjacent Land Use and Zoning

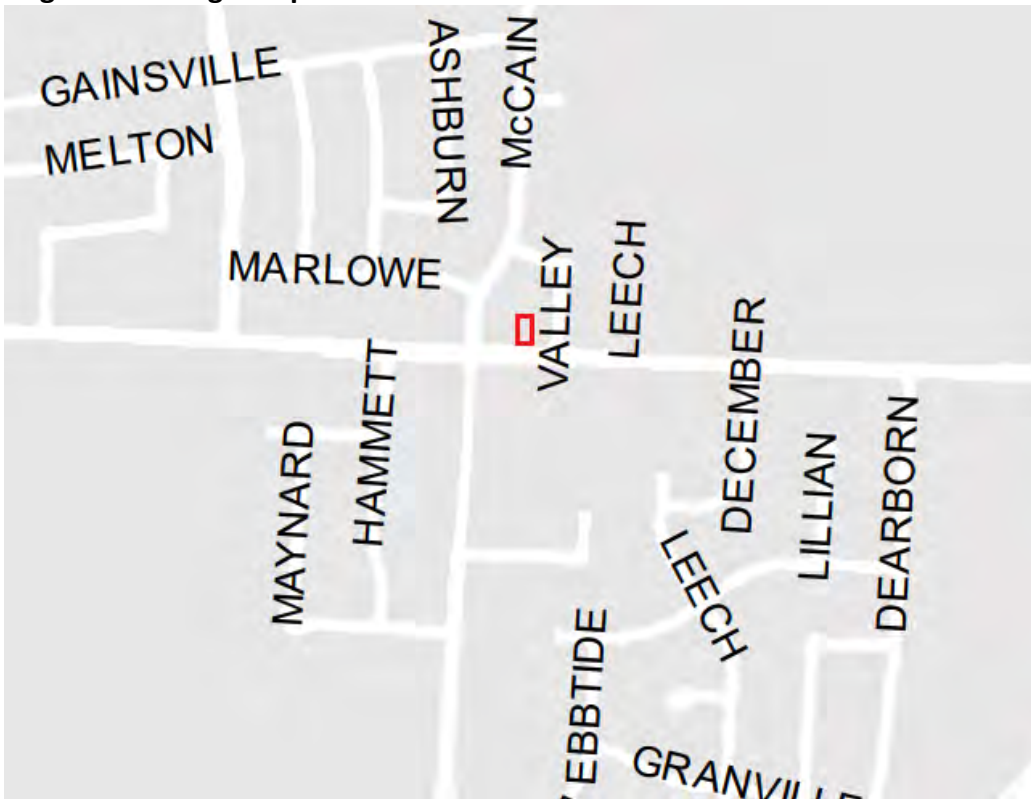
Existing Land Use and Zoning: Single-Family, R-6

Adjacent Land Use and Zoning: Single-Family, R-6

**Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not residential. However, the structure that the proposed daycare will operate out of is a repurposed single-unit house that is contextually compatible with the surrounding neighborhood.*



**Degree of Change Map**



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

**3. Degree of Change Description**

N/A

**4. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities**

N/A

**5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations**

N/A

**Consistency Analysis Summary**

*This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not residential. However, the structure that the proposed daycare will operate out of is a repurposed single-unit house that is contextually compatible with the surrounding neighborhood.*

*Additionally, the limited number of childcare facilities currently located within the area indicate a need for increased childcare services locally. As a result, this application would represent a positive change for childcare access in the Westwood area.*

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

**Conclusions**

The applicant is seeking a Special Use Permit to allow a childcare center.

This requested use is not compatible with the land use description/intent; however, this location was once operated as a childcare center in a repurposed single-family house that is contextually compatible with the surrounding neighborhood.

This 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.

## **RECOMMENDATION**

Staff recommends approval with conditions.

### **Conditions**

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
2. No signs of any kind shall be permitted in a residential neighborhood.

**DEPARTMENTAL COMMENTS**

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

- |   |                       |
|---|-----------------------|
| <b>City/County Engineer:</b>                    | No comments received. |
| <b>City/County Fire Division:</b>               | No comments received. |
| <b>City Real Estate:</b>                        | No comments received. |
| <b>City/County Health Department:</b>           | No comments received. |
| <b>Shelby County Schools:</b>                   | No comments received. |
| <b>Construction Code Enforcement:</b>           | No comments received. |
| <b>Memphis Light, Gas and Water:</b>            | No comments received. |
| <b>Office of Sustainability and Resilience:</b> | No comments received. |
| <b>Office of Comprehensive Planning:</b>        | No comments received. |

**APPLICATION**

**Record Summary for Special Use Permit**

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: February 19, 2023

Record Number: SUP 2023-003

Expiration Date:

Record Name: Preparing Little Steps

Description of Work: This will be a Family Group childcare. It will hold up to 15 children. It will operate all year round.

Parent Record Number:

---

**Address:**

400 W LEVI RD, MEMPHIS 38109

**Owner Information**

Primary Owner Name

Y THOMAS JOHN E

Owner Address

400 W LEVI RD, MEMPHIS, TN 38109

Owner Phone

---

**Parcel Information**

075087 D00036

---

**Data Fields**

PREAPPLICATION MEETING

Name of OPD Planner Teresa

Date of Meeting -

Pre-application Meeting Type Phone

GENERAL PROJECT INFORMATION

**GENERAL PROJECT INFORMATION**

Application Type New Special Use Permit (SUP)  
 List any relevant former Docket / Case Number(s) related to previous applications on this site -  
 Is this application in response to a citation, stop work order, or zoning letter No  
 If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

**APPROVAL CRITERIA**

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 I will not!  
 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 It will not be having any more construction added, it is already established. It will not interfere with the development and use of adjacent property in accordance with the applicable district regulation.  
 UDC Sub-Section 9.6.9C I agree!  
 UDC Sub-Section 9.6.9D It will not!  
 UDC Sub-Section 9.6.9E Yes, it does!  
 UDC Sub-Section 9.6.9F It will not!

**GIS INFORMATION**

Case Layer -  
 Central Business Improvement District No  
 Class R  
 Downtown Fire District No  
 Historic District -  
 Land Use SINGLE-FAMILY  
 Municipality MEMPHIS  
 Overlay/Special Purpose District -  
 Zoning R-6  
 State Route -  
 Lot 0 51  
 Subdivision WEST VALLEY  
 Planned Development District -  
 Wellhead Protection Overlay District -

**Data Tables**

**AREA INFORMATION**

Name: Preparing Little Steps Academy  
 Size (Acres): 7492  
 Existing Use of Property: family Daycare

**LETTER OF INTENT**

Tiesha Hayes  
8989 Country Pecan Cove  
Cordova, TN 38016

To whom it may concern,

I, Tiesha Hayes have always wanted to own a daycare or preschool. I found the perfect location at 400 W Levi Road in Memphis TN 38109. It was already a daycare for 15 years. However, because it is in a residential area, I have to get a special use permit. The rules and regulations have changed since Future Leaders(previous daycare) was there and first established in 2008.

I plan on teaching the children in that area and helping them get a jump start on education. My plan also is to on help every struggling parent or caregiver in that area by working with the Department of Human Services. With their help, I will provide the best affordable care possible. I will help with extending the hours for childcare to the people that needs it. This is my goal in life. This is what I want to do. I want to show my children that they can be an entrepreneur too.

Please approve my permit!

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Tiesha Hayes, being duly sworn, depose and say that at 1 am/pm on the 31TH day of March, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. SUP23-03 at WEST VALLEY AND LEVI RD, providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]  
Owner, Applicant or Representative

3/31/2023  
Date

Subscribed and sworn to before me this 31 day of March, 2023.

Mary W. Gordon  
Notary Public

My commission expires: 12-2-25



**LETTERS RECEIVED**

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





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

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

April 17, 2023

John E. Thomas, Owner  
400 W. Levi Road  
Memphis, TN 38109

Sent via electronic mail to: [tieshahayes0320@gmail.com](mailto:tieshahayes0320@gmail.com)

Case Number: SUP 23-003

LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow a childcare facility located at 400 W. Levi Road, subject to the following conditions:

1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
2. **No signs of any kind shall be permitted in a residential neighborhood.** \*

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.

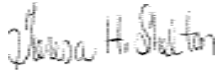
It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

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) 636-6619 or via email at [teresa.shelton@memphistn.gov](mailto:teresa.shelton@memphistn.gov).

**Letter to Applicant**  
**SUP 23-003**

Respectfully,



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

Cc: Tiesha Hayes  
File





## Record Summary for Special Use Permit

### Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: February 19, 2023

Record Number: SUP 2023-003

Expiration Date:

Record Name: Preparing Little Steps

Description of Work: This will be a Family Group childcare. It will hold up to 15 children. It will operate all year round.

Parent Record Number:

---

### Address:

400 W LEVI RD, MEMPHIS 38109

### Owner Information

Primary Owner Name

Y THOMAS JOHN E

Owner Address

400 W LEVI RD, MEMPHIS, TN 38109

Owner Phone

---

### Parcel Information

075087 D00036

---

### Data Fields

#### PREAPPLICATION MEETING

Name of OPD Planner Teresa

Date of Meeting -

Pre-application Meeting Type Phone

#### GENERAL PROJECT INFORMATION

**GENERAL PROJECT INFORMATION**

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	-
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

**APPROVAL CRITERIA**

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	I will not!
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	It will not be having any more construction added, it is already established. It will not interfere with the development and use of adjacent property in accordance with the applicable district regulation.
UDC Sub-Section 9.6.9C	I agree!
UDC Sub-Section 9.6.9D	It will not!
UDC Sub-Section 9.6.9E	Yes, it does!
UDC Sub-Section 9.6.9F	It will not!

**GIS INFORMATION**

Case Layer	-
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	0 51
Subdivision	WEST VALLEY
Planned Development District	-
Wellhead Protection Overlay District	-

**Data Tables**

**AREA INFORMATION**

Name:	Preparing Little Steps Academy
Size (Acres):	7492
Existing Use of Property:	family Daycare

Requested Use of family daycare  
Property:

---

**Contact Information**

**Name** TIESHA HAYES **Contact Type** APPLICANT

**Address**

**Phone**

(901)440-7604

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1449766	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	02/19/2023
1450135	Child Care Center (13+ children)	1	250.00	INVOICED	0.00	02/21/2023
1450135	Credit Card Use Fee (.026 x fee)	1	6.50	INVOICED	0.00	02/21/2023

Total Fee Invoiced: \$256.50

Total Balance: \$0.00

---

**Payment Information**

**Payment Amount** \$256.50 **Method of Payment** Credit Card

Tiesha Hayes

8989 Country Pecan Cove

Cordova, TN 38016

To whom it may concern,

I, Tiesha Hayes have always wanted to own a daycare or preschool. I found the perfect location at 400 W Levi Road in Memphis TN 38109. It was already a daycare for 15 years. However, because it is in a residential area, I have to get a special use permit. The rules and regulations have changed since Future Leaders(previous daycare) was there and first established in 2008.

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Please approve my permit!

## **SURVEYOR EXEMPTION**

To whom it may concern,

An application for a Group Home Daycare has been filed for a hearing by the Land Use

Control Board on the above captioned property. The specific request is to allow the

subdivision of the existing residential lot to be use as a childcare.

This application will be heard by the Memphis and Shelby County Land

Use Control Board on April 13th. I am requesting for a surveyor exemption. This house will not be adding

any type of construction. It will not change its appearance in any way. Nothing will be taken away

from the house as well.

If you have any questions about the application or the meeting, please feel free to call me

at 901.440.7604

Thanks,

Tiesha Hayes





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

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

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, John E Thomas (Print Name) John E. Thomas (Sign Name), state that I have read the definition of

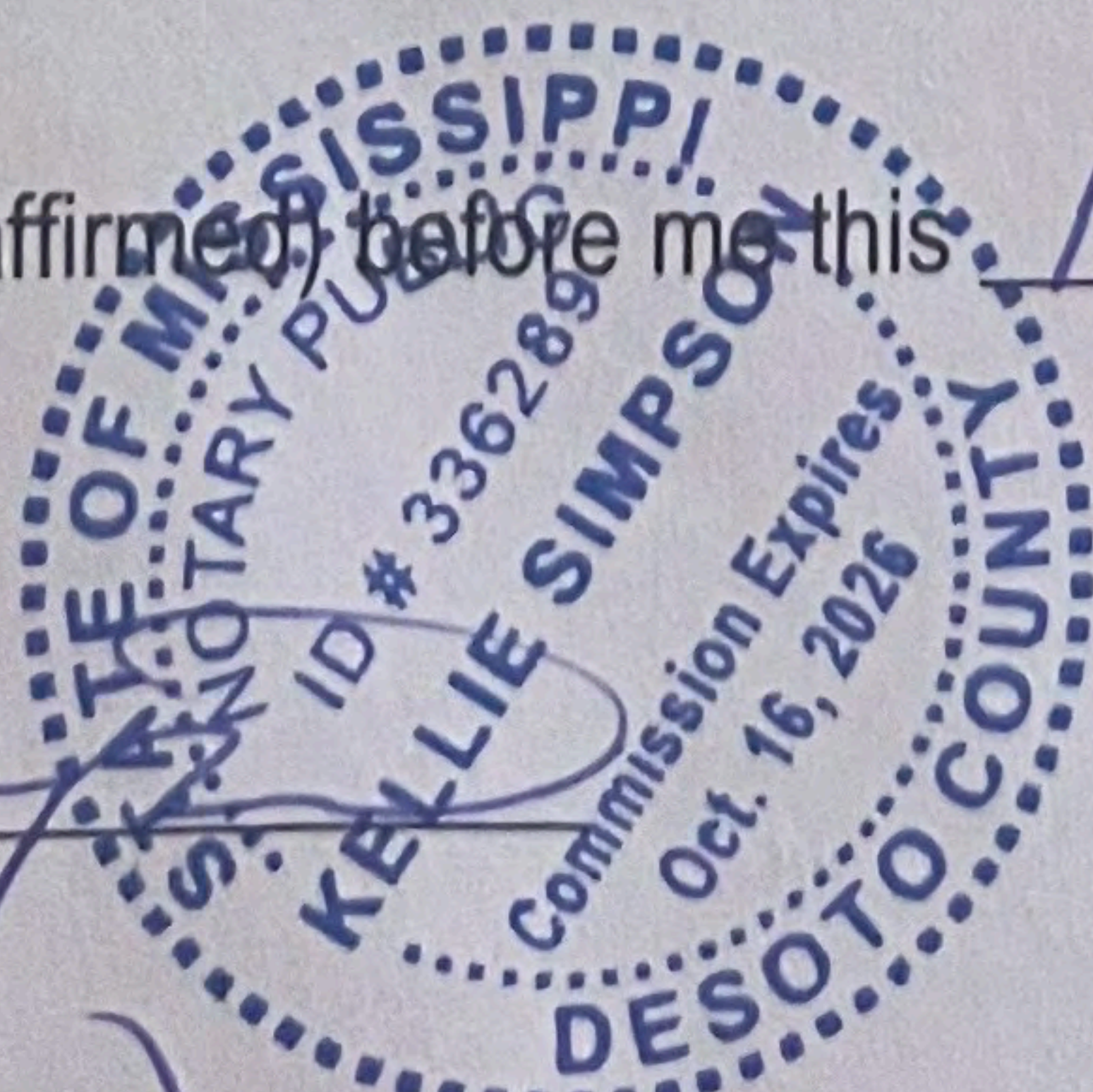
“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 400 WEST LEVI RD  
and further identified by Assessor's Parcel Number 075087 D00036  
for which an application is being made to the Division of Planning and Development.

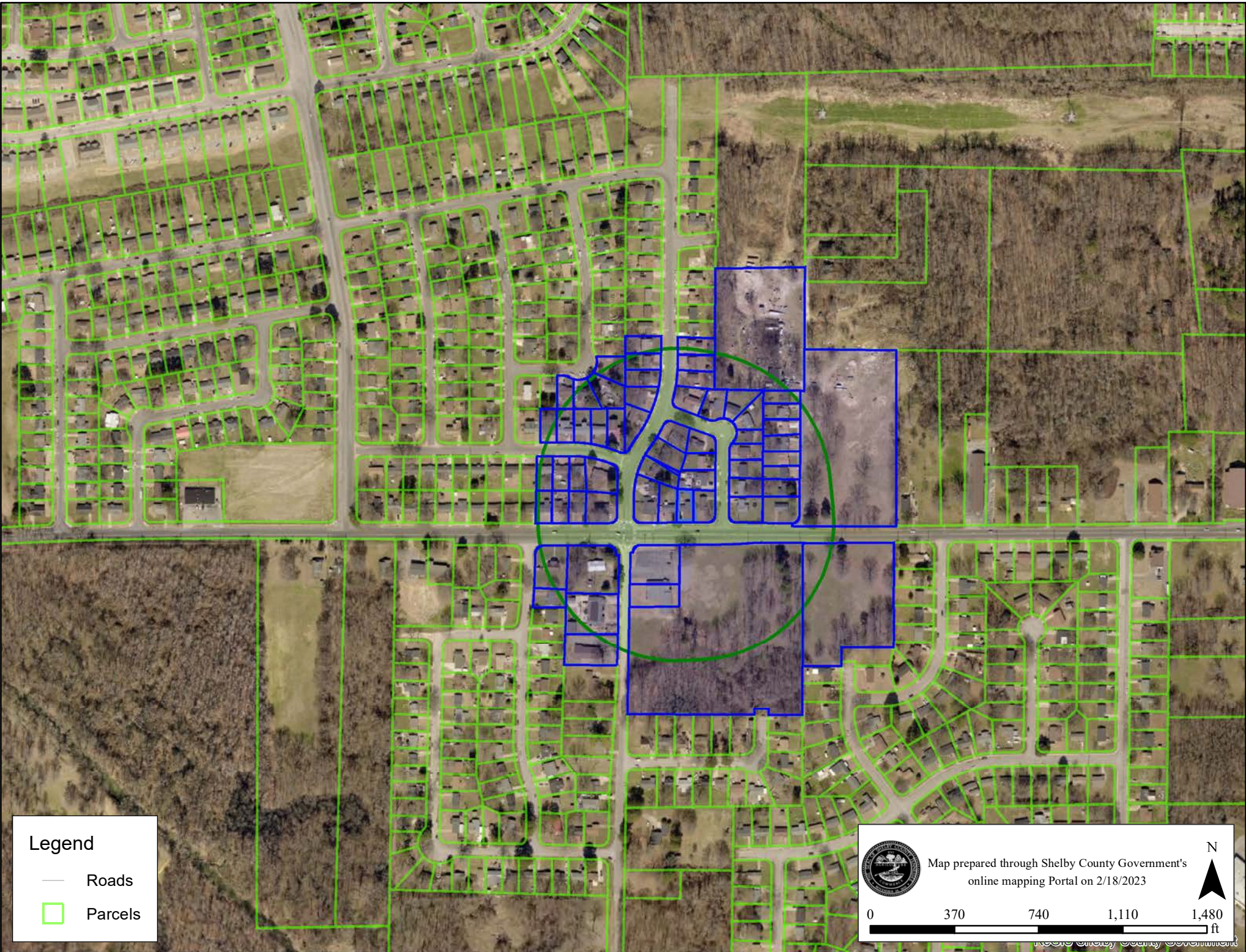
Subscribed and sworn to (or affirmed) before me this 15<sup>th</sup> day of FEBRUARY in the year of 2023.

Kellie Simpson  
Signature of Notary Public



KE LLIE SIMPSON

OCT 16, 2026  
My Commission Expires



Legend

- Roads
- Parcels



Map prepared through Shelby County Government's online mapping Portal on 2/18/2023



0 370 740 1,110 1,480 ft

HALL LESSIE L & MARTHA N  
3809 MCCAIN RD #  
MEMPHIS TN 38109

SLEEPY BEACH LLC  
1174 E LOMA VISTA ST #  
GILBERT AZ 85295

INGRAM LATRENA D  
9410 FOREST STATION RD #  
COLLIERVILLE TN 38017

SHELBY COUNTY TAX SALE 17.02  
PO BOX 2751  
MEMPHIS TN 38101

APPLEWHITE NATHAN  
432 MARLOWE AVE #  
MEMPHIS TN 38109

THOMAS JOHN E  
400 W LEVI RD #  
MEMPHIS TN 38109

WRIGHT CHRISTOPHER AND GWENDOLYN MABONE  
975 RUBE SCOTT RD  
GRAND JUNCTION TN 38039

GANDHI ANIKA & DARSHAN  
4861 ASHBURY AVE  
CYPRESS CA 90630

WALKER VICKIE S  
366 LEVI RD #  
MEMPHIS TN 38109

RIAS ELMA M  
3828 ASHBURN ST #  
MEMPHIS TN 38109

LOGWOOD ANGELIC  
1002 E HOLMES RD #  
MEMPHIS TN 38116

MANGRUM DOROTHY J  
3900 HAMMETT DR #  
MEMPHIS TN 38109

BOBO LEON AND CHARLINE WILLIAMS AND  
3826 W VALLEY CIR #  
MEMPHIS TN 38109

JOHNSON EARNESTINE J  
3850 W VALLEY CIR #  
MEMPHIS TN 38109

FULL GOSPEL MINISTRIES INC  
3919 MCCAIN RD #  
MEMPHIS TN 38109

BELGRAVIA SQUARE LLC  
11 S ORLEANS ST  
MEMPHIS TN 38103

WOODHOUSE LAHAROLD  
439 MARLOWE AVE #  
MEMPHIS TN 38109

BYRUM CANDICE  
1228 STAR LANDING RD E  
SOUTHAVEN MS 38672

IVORY ROSIE L  
3836 W VALLEY CIR #  
MEMPHIS TN 38109

MOORE MARQUETTE & SHIRLEY A  
3854 MCCAIN RD #  
MEMPHIS TN 38109

CARODINE LEROY & JUEL  
426 MARLOWE AVE #  
MEMPHIS TN 38109

FREEMAN VIRGINIA M  
3829 LEECH RD #  
MEMPHIS TN 38109

SHELBY COUNTY TAX SALE #83.1 EXH #7555  
160 N MAIN ST #  
MEMPHIS TN 38103

PEPPERS CALVIN JR  
447 W LEVI RD  
MEMPHIS TN 38109

SHIELDS DANIEL P  
3841 MCCAIN RD #  
MEMPHIS TN 38109

MIDDLEBROOK PAULINE  
3856 W VALLEY CIR #  
MEMPHIS TN 38109

JACKSON-WRIGHT HELEANOR AND  
5160 FAIRLEY DR #  
MEMPHIS TN 38109

WOODARD JAMES L & EMMA J  
450 MARLOWE AVE #  
MEMPHIS TN 38109

KELLUM DARION L & EVELYN A  
416 W LEVI RD #  
MEMPHIS TN 38109

ALSTON HAROLD J & DIANE B  
3810 MCCAIN RD #  
MEMPHIS TN 38109

VEASLEY J C & BESSIE  
3813 MCCAIN RD #  
MEMPHIS TN 38109

GOODMAN JAMES L  
3825 W VALLEY CIR #  
MEMPHIS TN 38109

LONDON LYNDA E AND BURNELL T MCKISSICK  
410 W LEVI RD #  
MEMPHIS TN 38109

EDWARDS WILLIE AND CHRISTOPHER E  
3814 MCCAIN RD #  
MEMPHIS TN 38109

SMITH EVELYN L  
8308 NW 77TH PL #  
OKLAHOMA CITY OK 73132

STINSON CHARLA B  
817 KENNEAR LN #  
MOUNT JULIET TN 37122

WRIGHT RODREQUES T  
3819 LEECH RD #  
MEMPHIS TN 38109

FREEMAN VIRGINIA M  
3845 LEECH RD #  
MEMPHIS TN 38109

LANG-BUTCHER PATRICIA (50%) AND ALBERT M  
452 W LEVI RD #  
MEMPHIS TN 38109

HARRIS LANA  
3821 MCCAIN RD #  
MEMPHIS TN 38109

WILLIAMS CASTELLA  
445 MARLOWE AVE #  
MEMPHIS TN 38109

BUTLER PROPERTIES LLC  
4435 SUMMER AVE #  
MEMPHIS TN 38122

CARTER DEREK & PAMELA R  
3820 ASHBURN ST #  
MEMPHIS TN 38109

CHANDLER MARVIN & ANNA M  
431 MARLOWE AVE #  
MEMPHIS TN 38109

HALL BISHIRA D  
3867 W VALLEY CIR #  
MEMPHIS TN 38109

CARPENTER CYNTHIA  
3824 ASHBURN AVE #  
MEMPHIS TN 38109

FIELD SHARON  
2933 DOTHAN ST #  
MEMPHIS TN 38118

SKINNER SHARON RENEE  
3868 W VALLEY CIR #  
MEMPHIS TN 38109

GOSSETT VIOLA C  
3816 W VALLEY CIR #  
MEMPHIS TN 38109

RAY HEATHER J  
2729 FRANKFORT ST  
NEW ORLEANS LA 70122

UNITY CHURCH OF GOD IN CHRIST  
PO BOX 16332 #  
MEMPHIS TN 38186

TURNER WARDELL & MARTHA D  
444 MARLOWE AVE #  
MEMPHIS TN 38109

MCGEE MARY J  
3855 LEECH RD #  
MEMPHIS TN 38109

UNITY CHURCH OF GOD IN CHRIST TR  
1542 E ALCY RD #  
MEMPHIS TN 38114

LEE VERNON & EDITH T  
3833 LEECH RD #  
MEMPHIS TN 38109

HUDSON JOE AND EUGENE PECK JR  
3859 W VALLEY CIR #  
MEMPHIS TN 38109

UNITY CHURCH OF GOD IN CHRIST  
1542 E ALCY RD #  
MEMPHIS TN 38114

SCOTT DEANDRE  
3841 LEECH RD #  
MEMPHIS TN 38109

ZOOK EMANUEL  
786 LIME QUARRY RD #  
GAP PA 17527

UNITY CHURCH OF GOD IN CHRIST  
1542 E ALCY RD #  
MEMPHIS TN 38114

UNITY CHURCH OF GOD IN CHRIST TR  
1542 E ALCY RD #  
MEMPHIS TN 38114

DUCKETT KEVA L (REM) AND LOURINE THOMAS  
3903 MCCAIN RD #  
MEMPHIS TN 38109

FREEMAN MICHAEL R & TERRI  
8895 BRISTOL PARK DR #207  
BARTLETT TN 38133

TOTAL 64

ROBINSON CAROLYN  
8621 PECK #1  
ANCHORAGE AK 99504

Compliments of

DC 2752



# Security Title Company, Inc.

6000 RIDGEMAN CENTER PARKWAY • SUITE 104 • PHONE 764-6888  
MEMPHIS, TENNESSEE 38119

2

## WARRANTY DEED

THIS INDENTURE, made and entered into on this 25TH DAY OF SEPTEMBER, 1992  
by and between SUE ROBBINS

party of the first part, and JOHN E. THOMAS

party of the second part.

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

LOT 51, WEST VALLEY SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 40, PAGE 58, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

THIS BEING THE VERY SAME PROPERTY CONVEYED TO THE GRANTOR HEREIN BY WARRANTY DEED OF RECORD AT INSTRUMENT NUMBER BF 5260, IN SAID REGISTER'S OFFICE.

THIS CONVEYANCE IS MADE SUBJECT TO SUBDIVISION RESTRICTIONS, BUILDING LINES AND EASEMENTS OF RECORD IN PLAT BOOK 40, PAGE 58 AND RESTRICTIONS IN INSTRUMENT NUMBER P6 7921, IN SAID REGISTER'S OFFICE.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments therunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except as set out above

and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

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

Sue Robbins  
SUE ROBBINS

DC 2752

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared

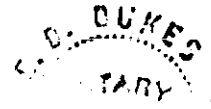
SUE ROBBINS

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 25th day of SEPTEMBER 19 92

My commission expires MARCH 28, 1992

[Signature] Notary Public



STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, the undersigned Notary Public in the State and County aforesaid, personally appeared

with whom I am personally acquainted and who, upon oath, acknowledged himself to be the President of

the within named bargainor, a corporation, and that he as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such President.

WITNESS my hand and Notarial Seal at office this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

My commission expires \_\_\_\_\_

Notary Public

DC2752

920925 10:00:00

PARCEL I. D. NO. 75-087D-036  
Property address 400 LEVI ROAD  
MEMPHIS, TENNESSEE 38109

(FOR RECORDING DATA ONLY)

Mail tax bills to: (Person or Agency responsible for payment of taxes)

COUNTRYWIDE FUNDING CORPORATION  
5124 POPLAR AVENUE, SUITE 103  
MEMPHIS, TN 38117

\$ 38,500.00

This instrument prepared by:  
E. D. DUKES, ATTORNEY  
965 RIDGE LAKE BLVD, SUITE 100  
MEMPHIS, TN 38120

DC 2752  
STATE TAX 142.45  
REGISTER'S FEE 1.00  
RECORDING FEE 8.00  
TOTAL 151.45  
STATE OF TENNESSEE  
SHELBY COUNTY  
GUY B. BATES  
REGISTER

I, or we, hereby swear or affirm that, to the best of affirmant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$ 38,500.00

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

[Signature] Affiant

Subscribed and sworn to before me this 25th day of September, 19 92

[Signature] Notary Public

My Comm. Exp.: March 28, 1995

State Tax \$ 142.45  
Register's fee 1.00  
Recording fee 8.00  
Total 151.45

T.G. # ST 123364  
Return to: E. D. DUKES, ATTORNEY  
965 RIDGE LAKE BLVD,  
SUITE 100  
MEMPHIS, TN 38120



[Handwritten mark]



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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 04/25/2023  
DATE  
PUBLIC SESSION: 04/25/2023  
DATE**

ITEM (*CHECK ONE*)  
 ORDINANCE     RESOLUTION     REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 2292 Park Avenue, known as case number SUP 23-08

CASE NUMBER: SUP 23-08

LOCATION: 2292 Park Avenue

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

OWNER/APPLICANT: Luis Melendez and Carlos Zelaya

REPRESENTATIVE: David Bray

REQUEST: Special Use Permit to allow vehicle repair in the CMU-1 zoning district

AREA: +/-0.372 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**  
 Hearing – April 25, 2023

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
04/13/2023 _____	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>
_____	_____	PLANNER III
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### SUP 23-08

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2292 PARK AVENUE, KNOWN AS CASE NUMBER SUP 23-08

- This item is a resolution with conditions for a special use permit to allow vehicle repair at a property located in the CMU-1 zoning district; and
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SUP 23-08

**LOCATION:** 2292 Park Avenue

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

**OWNER/APPLICANT:** Luis Melendez and Carlos Zelaya

**REPRESENTATIVE:** David Bray

**REQUEST:** Special Use Permit to allow vehicle repair in the CMU-1 zoning district

**AREA:** +/-0.372 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 vote of 7-0 on the agenda.**

Respectfully,



Seth Thomas  
Planner III  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**SUP 23-08**  
**CONDITIONS**

1. No window signage is permitted on the front façade
2. Existing signage will be brought into conformity with the current sign code requirements
3. The selling/scrapping of individual vehicle parts is prohibited
4. The storage and display of tires within the public right of way is prohibited
5. This approval shall expire on April 13, 2028, subject to site plan review by the Land Use Control Board.



**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2292 PARK AVENUE, KNOWN AS CASE NUMBER SUP 23-08**

---

**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**, Luis Melendez and Carlos Zelaya filed an application with the Memphis and Shelby County Division of Planning and Development to allow vehicle repair at a property located in the CMU-1 zoning district; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 13 2023, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

***ATTEST:***

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

## **CONDITIONS**

1. No window signage is permitted on the front façade
2. Existing signage will be brought into conformity with the current sign code requirements
3. The selling/scrapping of individual vehicle parts is prohibited
4. The storage and display of tires within the public right of way is prohibited
5. This approval shall expire on April 13, 2028, subject to site plan review by the Land Use Control Board.







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

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

April 17, 2023

Alberto's Auto Services  
2292 Park Avenue  
Memphis, TN 28144

*Sent via electronic mail to: dennyalberto99@gmail.com*

Case Number: SUP 23-08  
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow Special Use Permit to allow vehicle repair in the CMU-1 zoning district located at 2292 Park Avenue, subject to the following conditions:

1. No window signage is permitted on the front façade
2. Existing signage will be brought into conformity with the current sign code requirements
3. The selling/scraping of individual vehicle parts is prohibited
4. The storage and display of tires within the public right of way is prohibited
5. This approval shall expire on April 13, 2028, subject to site plan review by the Land Use Control Board.

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

**Letter to Applicant**  
**SUP 23-08**

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) 636-6619 or via email at [seth.thomas@memphistn.gov](mailto:seth.thomas@memphistn.gov).

Respectfully,

A handwritten signature in black ink, appearing to read "Seth Thomas", written in a cursive style.

Seth Thomas  
Planner III  
Land Use and Development Services  
Division of Planning and Development

Cc: David Bray, The Bray Firm  
File



## Record Summary for Special Use Permit

### Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: March 3, 2023

Record Number: SUP 2023-008

Expiration Date:

Record Name: SUP for 2292 Park Avenue

Description of Work: SUP application to allow vehicle repair in the CMU-1 zoning district

Parent Record Number:

---

### Address:

2292 PARK AVE, MEMPHIS 38114

### Owner Information

Primary Owner Name

Y ZELAYA CARLOS H A AND LUIS M A MELENDEZ

Owner Address

1160 BRADBURY DR, MEMPHIS, TN 38122

Owner Phone

---

### Parcel Information

029047 00026C

---

### Data Fields

#### PREAPPLICATION MEETING

Name of OPD Planner

Chip Saliba

Date of Meeting

01/27/2023

Pre-application Meeting Type

Phone

#### GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

**GENERAL PROJECT INFORMATION**

List any relevant former Docket / Case Number(s) related to previous applications on this site none

Is this application in response to a citation, stop work order, or zoning letter Yes

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information Cited by Insepctor Rodgers on 12.30.22 for improper ues, lack of dumpster, outdoor storage, and portable signs

**APPROVAL CRITERIA**

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 The existing site is properly permitted for a tire shop in the CMU-1 zoning district. The expansion to allow auto repair will be compatible with the surrounding area.

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 The site is an existing business on a business corridor. Approval of this SUP will coincide with improvements to the site to bring it into compliance with the UDC.

UDC Sub-Section 9.6.9C Existing services are already in use at the site.

UDC Sub-Section 9.6.9D NO

UDC Sub-Section 9.6.9E None

UDC Sub-Section 9.6.9F No

**GIS INFORMATION**

Case Layer -

Central Business Improvement District No

Class C

Downtown Fire District No

Historic District -

Land Use COMMERCIAL

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-3

State Route -

Lot 5-8 31,

Subdivision TREZEVANT PARK SD

Planned Development District -

Wellhead Protection Overlay District -

---

**Contact Information**

Name ZELAYA CARLOS H A AND LUIS M A MELENDEZ Contact Type APPLICANT

Address

Phone

-

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452654	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	03/03/2023
1452654	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	03/03/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

---


**Payment Information**

Payment Amount	Method of Payment
\$513.00	Credit Card

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

Carlos Alberto Z. , state that I have read the definition of  
(Print Name) (Sign Name)

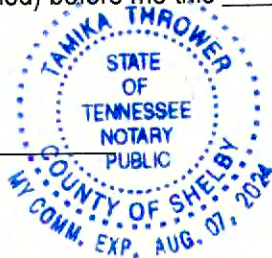
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at \_\_\_\_\_  
and further identified by Assessor's Parcel Number \_\_\_\_\_,  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 3<sup>rd</sup> day of March in the year of 2023.

Tamika Thrower  
Signature of Notary Public



August 7, 2024  
My Commission Expires



---

Telephone 901-383-8668

2950 Stage Plaza North  
Bartlett, Tennessee 38134

March 3, 2023

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

**RE: Special Use Permit – Auto Repair in the CMU-1 zoning district**

Lots 5,6,7, & 8 Forest Height Subdivision &  
Part of Lots 31 & 32 Trezvent Park Subdivision  
2292 Park Avenue  
Memphis, Tennessee

Mr. Ragsdale:

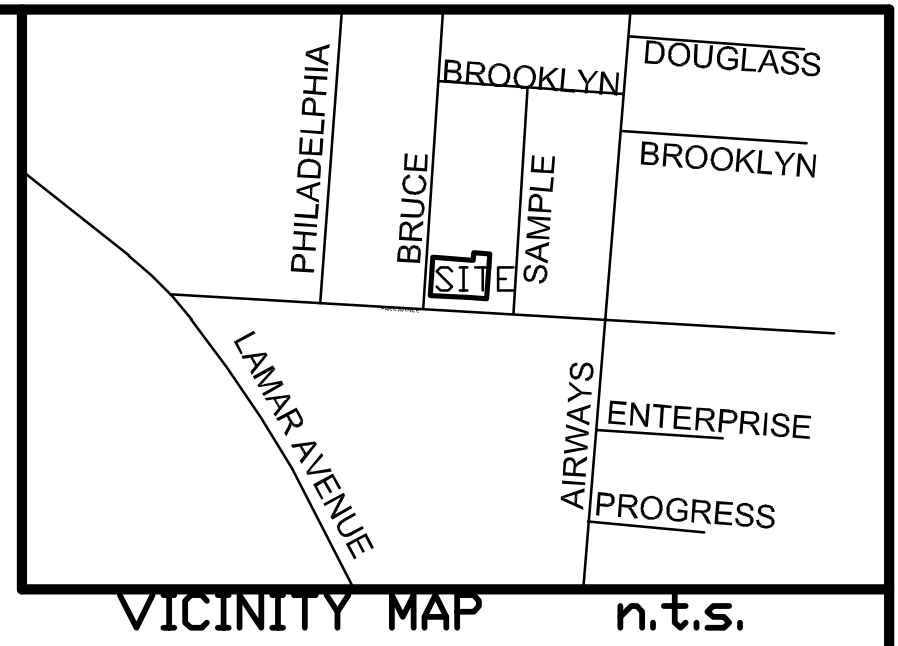
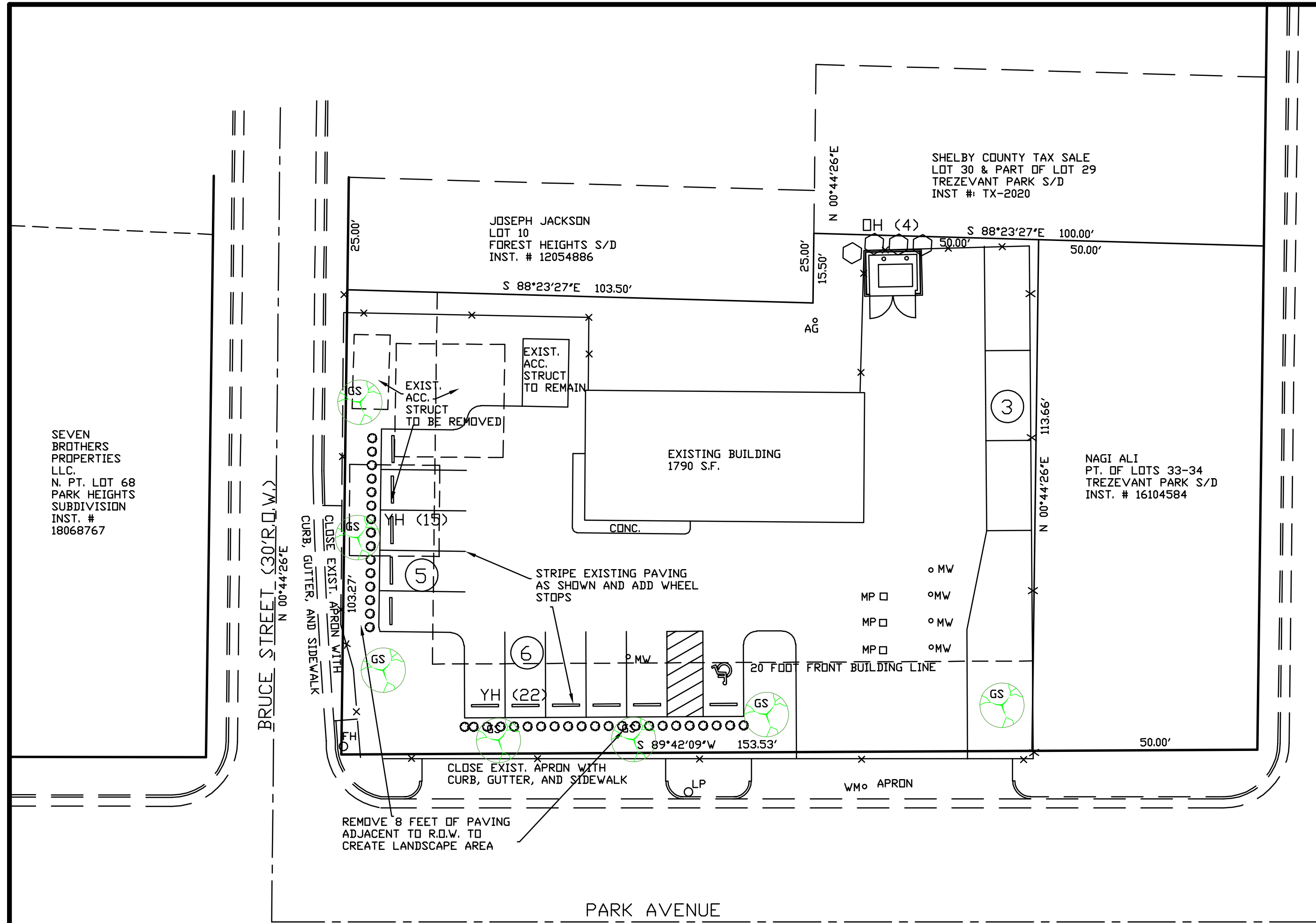
Please find attached an application for a Special Use Permit to allow auto repair at the above captioned property. The owner/applicant began operations at this site in 2019 as a permitted tire shop. Since that time, his business has grown to include auto repair which is only permissible in the CMU-1 zoning district with a Special Use Permit. On December 30, 2022 the owner was cited by the Office of Construction Code Enforcement for the following violations: failure to have a proper SUP for auto repair, lack of a dumpster on the site, improper outdoor display, and portable signs. Additionally, three of the accessory buildings were located in the required front yard setback. The attached site plan brings the above described deficiencies into compliance with the Unified Development Code and includes landscaping that complies with current code requirements.

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

Sincerely,

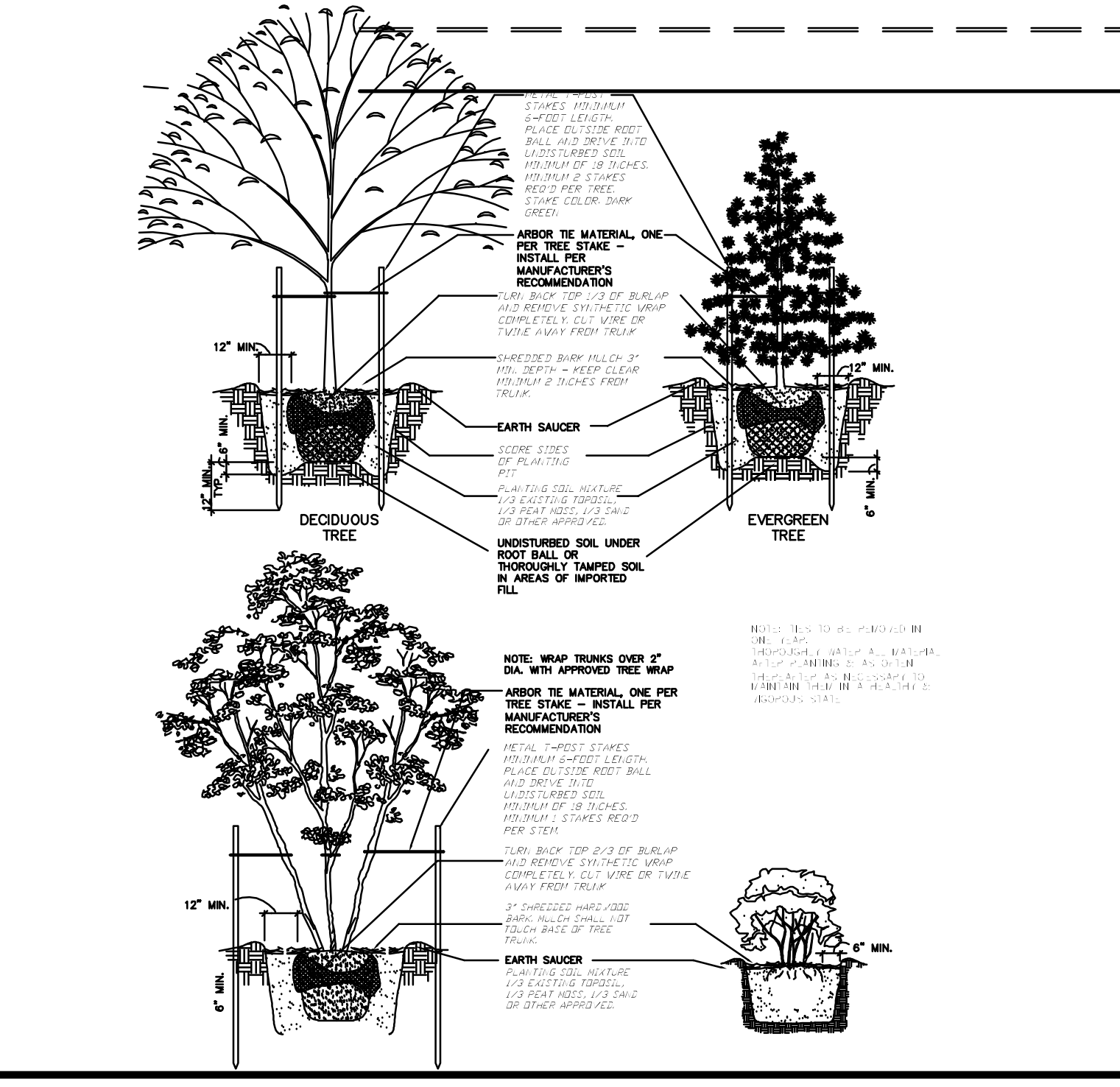
David Gean Bray, P.E.





**CITY OF MEMPHIS/SHELBY COUNTY PLANTING NOTES**

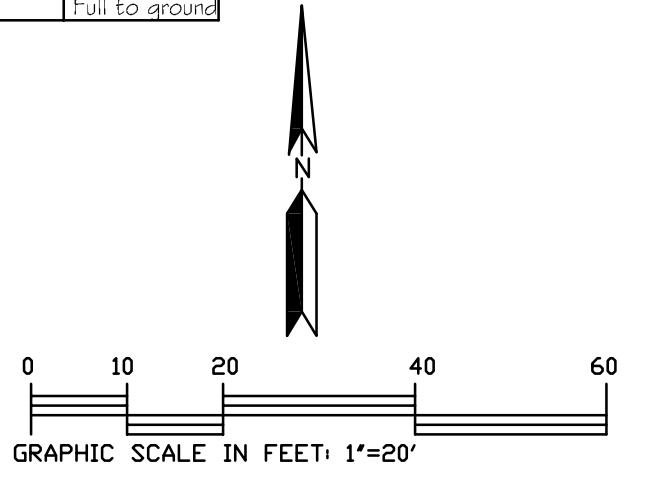
- Plants shall be nursery grown and material shall conform to the latest edition of American Standard for nursery stock (ANSI-S60.1), as published by the American Association of Nurserymen.
- Roots balls shall conform to A.A.N. Standards. Only natural fiber burlap will be acceptable for wrapping.
- Ball depths on some trees in a single group may vary. In general, 1/2 the ball should be above grade. But, if depths vary, all trees in a group should set so that the base of the trunks will appear to be at the same relative elevation above grade.
- Plant locations to be staked in field and approved by Landscape Architect prior to installation.
- Planting plans shall govern quantities. Any discrepancies or omissions in lists of materials should be reported to the Landscape Architect.
- Substitution of plant materials specified can only occur by prior approval of Landscape Architect and the Office of Planning and Development.
- 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.
- Landscape contractor to guarantee plant materials for two growing seasons following substantial completion per specifications.
- Establish plant bed configurations. Landscape Architect to approve bed layout in field. Prepare plant beds per specifications.
- In event of planting beds and mulch being required, the contractor shall install black fiber mesh under the mulch to prevent weed growth.
- Contractor shall provide a minimum 2" of landscape grade topsoil to the entire site.
- 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.
- BBB as listed under "Root" in the plant list indicated balled and burlapped.
- All plants shall bear the same relationship to finished grade as it bore to grade in nursery.
- Typical planting backfill mixture shall consist of 1 part ground pine bark to 4 parts existing soil with "Agriform" 20-1-5 formulation (or equal) at manufacturer's rate.
- All root balls removed from containers shall be scarified prior to backfilling.
- 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.
- No deciduous or evergreen trees will be accepted if there is more than one leader unless the tree is specified as multi-trunk.
- 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 ("SR9554" and "LaPaloma"), Oasis ("Blackjack", "Savannah" and "Sundevil") and Triangle ("Mohawk", "Sultan" and "Sydney").
- Lawn areas damaged by contractor shall be reseeded and established at no additional cost to owner.



SEVEN BROTHERS PROPERTIES LLC.  
SAMPLE ST S/D  
0.7498 ACRES  
INST. # 19066045

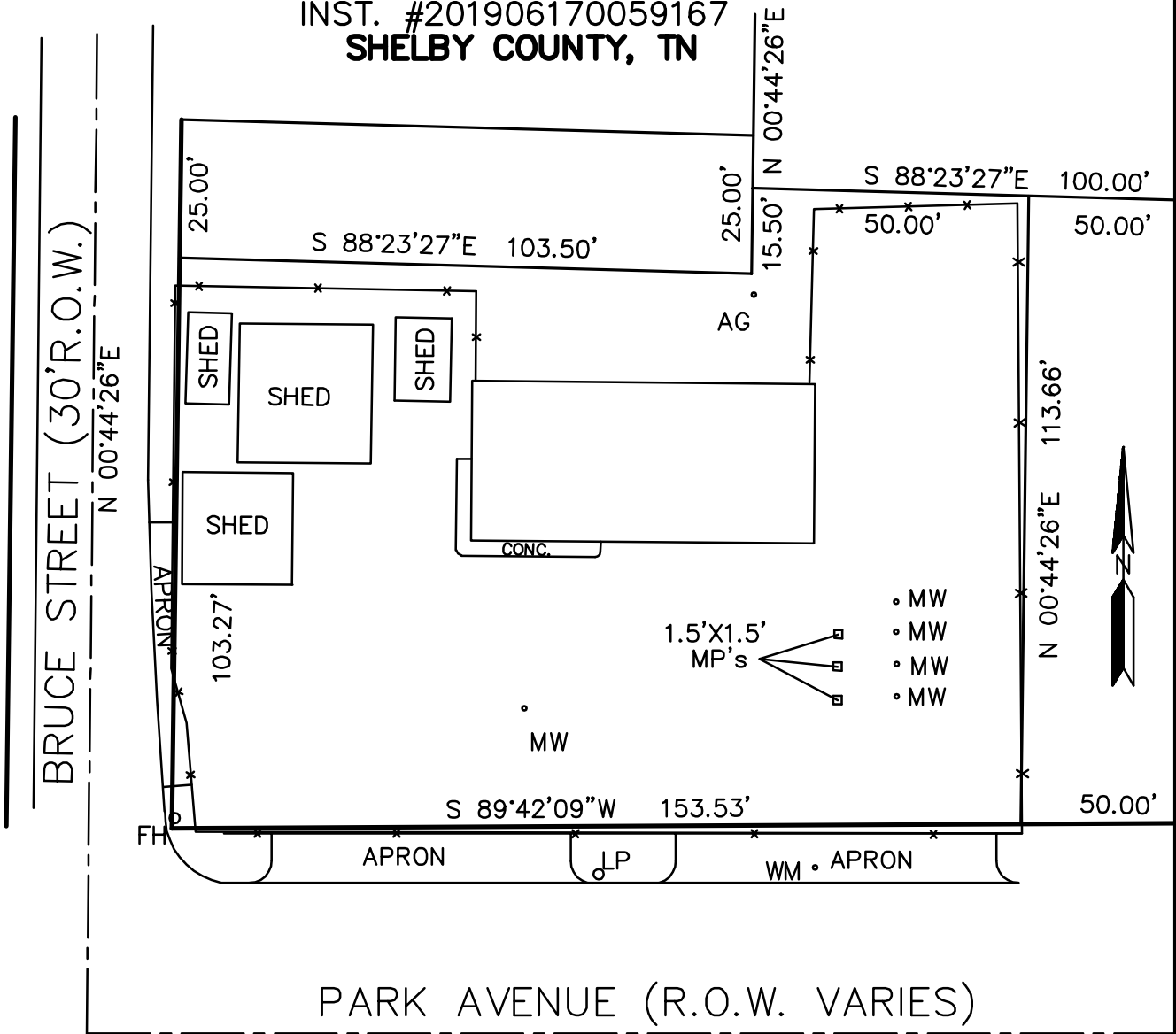
- CITY OF MEMPHIS/SHELBY COUNTY GENERAL LANDSCAPE NOTES**
- Issuance of Certificate of Occupancy.
  - Unless bonded in accordance with Sub-Section 4.7.4G of the Unified Development Code, the Building Official may not issue a permanent certificate of occupancy for an approved site plan or final plat, 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.
  - 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 Office of Planning and Development.
  - 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.
  - The site shall be staked and seeded prior to the issuance of a Certificate of Occupancy.
  - All HVAC systems within 150 feet of a residence or a public street shall be screened from off-site views.
  - All dumpsters and cardboard recycling locations within 150 feet of a residence or public street shall be screened from off-site views.
  - Where existing vegetation fails to function adequately as the required buffer type, (i.e. Class U/III or IV) the Shelby County Office of Planning and Development reserves the right to require supplemental plantings in addition to those shown on the planting plan based on actual field conditions.
  - Contractor shall comply with all applicable codes and ordinances regarding landscaping and irrigation.
  - A water source must be supplied within 50 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated an irrigation system is required.
  - Contractor shall install an irrigation system sufficient to meet local jurisdictional requirements or sufficient to properly irrigate the landscaping and grass. Timer/control to be located inside building at electrical panel.
  - 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.
  - Contractor shall be responsible for the watering and the maintenance of all landscaped areas until the later of:
    - Thirty (30) days following the planting of the grass and shrubs; or
    - The date that the project opens for business to the public.
  - The evergreen shrubs proposed in the streetscape to create an evergreen opaque screen should be allowed to attain a minimum height of 4 feet.
  - General Contractor is to clean entire site of all construction debris and rake entire site.
  - Contact all utility companies to locate underground utilities prior to construction if location is in question. All lines must be identified on site before digging.
  - 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.
  - 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.

**SITE DATA:**  
AREA: 0.372 ACRES  
USE: AUTO REPAIR  
PARKING REQUIRED: 6  
PARKING: 14 (1 ADA)



SPECIAL USE PERMIT		
LOTS 5, 6, 7, & 8 FOREST HEIGHT SUBDIVISION PART OF LOTS 31 & 32 TREZEVANT PARK S/D		
Zoning District: CMU-1	INST. # 20190617	029047 00026C
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	AREA: 0.372 ACRES	
DEVELOPER: CARLOS ZELAYA & LUIS MELENDEZ 1160 BRADBURY DRIVE MEMPHIS, TN 38122	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668	
100 YEAR FLOOD ELEVATION: 251	FEMA MAP PANEL NUMBER: 47157C0430 F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MARCH 2023	SCALE: 1"=20'	SHEET 1 OF 1

**LOT SURVEY**  
**LOTS 5,6,7 & 8 OF FOREST HEIGHTS S/D**  
**PART OF LOTS 31 & 32 OF TREZVENT PARK S/D**  
**AS RECORDED AT THE**  
**SHELBY COUNTY REGISTER'S OFFICE**  
 INST. #201906170059167  
**SHELBY COUNTY, TN**

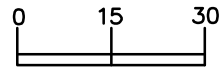


NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.

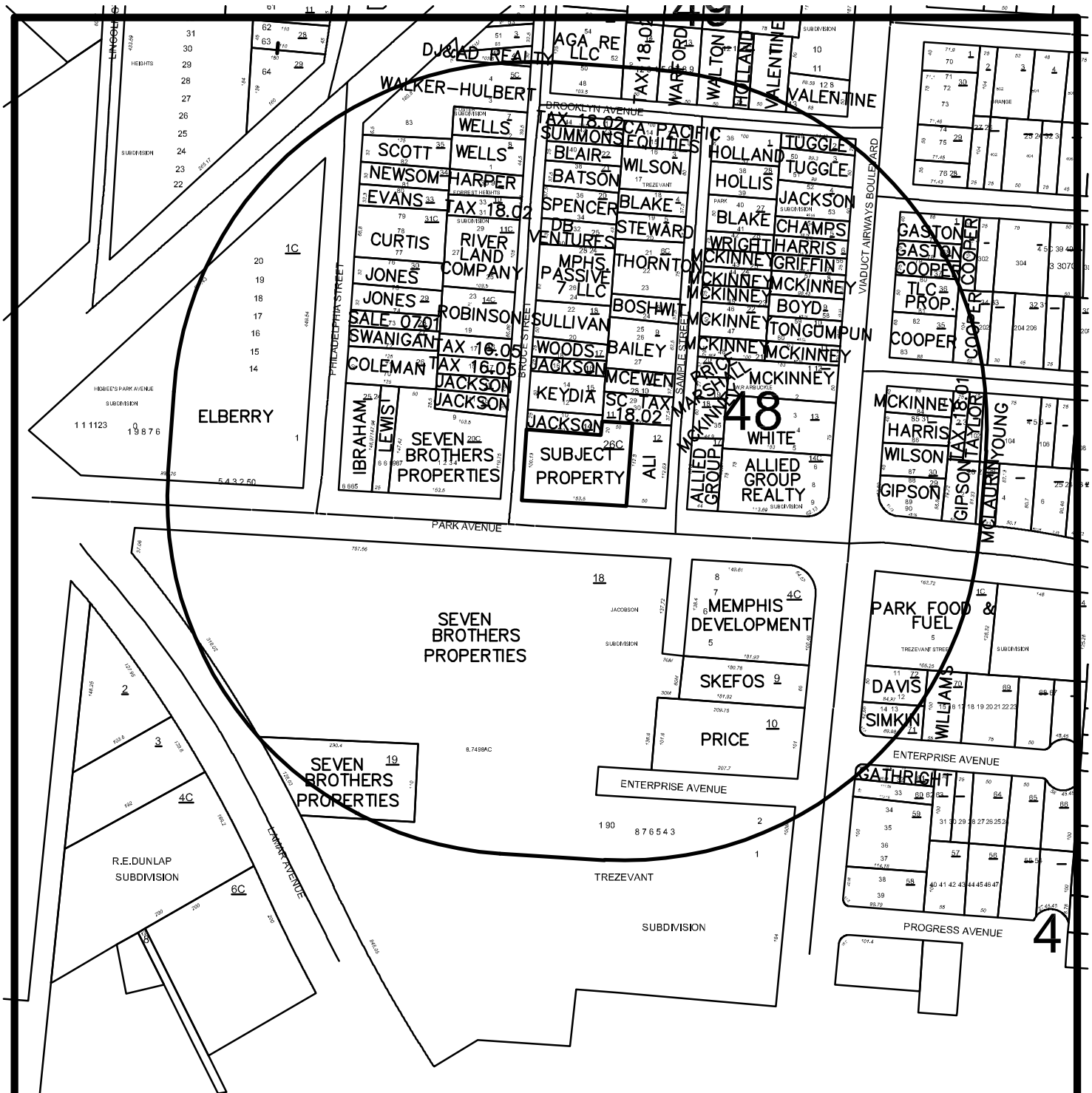
THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0430 F DATED SEPTEMBER 28, 2007.



DATE: 2/10/23  
 SCALE: 1"=30'

PREPARED FOR:  
 CARLOS ZELAYA &  
 LOUIS MELENDEZ

PREPARED BY:  
 THE BRAY FIRM/  
 SULLIVAN SURVEYING  
 2950 STAGE PLAZA N.  
 BARTLETT, TN 38134  
 (901) 383-8668



**SUP APPLICATION – 2292 PARK  
 APPLICANT: CARLOS ZELAYA**

**MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES  
 2950 STAGE PLAZA NORTH  
 BARTLETT, TENNESSEE  
 FEBRUARY 28, 2023

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

Carlos Zelaya  
1160 Bradbury Dr.  
Memphis, TN 38122-1505

The Bray Firm  
2950 Stage Plaza North  
Bartlett, TN 38134

Owner

Engineer

Nagi Ali  
P.O. Box 70357  
Bakersfield, CA 93387-0357

Resident  
2306 Park Ave.  
Memphis, TN 38114

Shelby County Tax Sale 18.02  
P.O. Box 2751  
Memphis, TN 38101-2751

Resident  
1335 Sample St.  
Memphis, TN 38114

Stacy McEwen  
3032 Keats Rd.  
Bartlett, TN 38134-8510

Oscar B Bailey & Jacqueline Okoreeh  
501 Castegate Dr.  
Nashville, TN 37217

Boshwit Bros Mortgage Corp  
2595 Broad Ave.  
Memphis, TN 38112-2615

Resident  
1323 Sample St.  
Memphis, TN 38114

Britney Thornton  
1521 Cella St.  
Memphis, TN 38114-3702

Tamika Steward & Vertel Culp  
1171 Ethel St.  
Memphis, TN 38114-6640

Resident  
1309 Sample St.  
Memphis, TN 38114

Nathanel Blake  
1307 Sample St.  
Memphis, TN 38114

Dwight Wilson  
1299 Sample St.  
Memphis, TN 38114-2309

California Pacific Equities LLC  
400 Emerald Bay  
#100  
Laguna Beach, CA 92651

Trenton Simmons & Lotoya Simmons  
P.O. Box 140162  
Memphis, TN 38114-0162

Stanley Blair  
1302 Bruce St.  
Memphis, TN 38114-2304

Dominque Batson  
1611 Eagle Trace Dr.  
Mount Juliet, TN 37122-7428

Angel Spencer  
1310 Bruce St.  
Memphis, TN 38114-2304

DB Ventures LLC  
4312 Wethersby  
Memphis, TN 38125-3980

Resident  
1312 Bruce St.  
Memphis, TN 38114-2304

Memphis Passive 7 LLC  
8016 US Highway 70  
Bartlett, TN 38133-1306

Louise Sullivan  
1326 Bruce St.  
Memphis, TN 38114-2304

Nancy Woods  
1858 Snowden Ave.  
Memphis, TN 38107

Resident  
1328 Bruce St.  
Memphis, TN 38114

Hattie J Jackson  
1332 Bruce St.  
Memphis, TN 38114-2304

Keydia Holdings LLC  
8016 US Highway 70  
Bartlett, TN 38133-1306

Resident  
1336 Bruce St.  
Memphis, TN 38114

Joseph Jackson  
6707 Reindeer Ave.  
Memphis, TN 38115

Seven Brothers Properties LLC  
6926 E Shelby Drive  
Memphis, TN 38141-0265

City of Memphis Tax Sale 16.05  
125 N. Main St.  
Memphis, TN 38103

Annie Robinson  
7250 N. Watkins Rd.  
Millington, TN 38053

Resident  
1323 Bruce St.  
Memphis, TN 38114

River Land Company LLC  
4750 E Bails Pl  
Denver, CO 80222-4459

Resident  
1319 Bruce St.  
Memphis, TN 38114

Bettye J Harper  
1307 Bruce St.  
Memphis, TN 38114-2303

Cleveland & Carolyn Wells  
5032 Cora Rd.  
Memphis, TN 38109-6124

Resident  
1303 Bruce St.  
Memphis, TN 38114

Emma Walker-Hulbert & Jesse Walker &  
Elijah Walker Jr.  
800 Rosebank Rd.  
Memphis, TN 38116

Resident  
1293 Bruce St.  
Memphis, TN 38114

DJ & AD Realty  
2490 Larose  
Memphis, TN 38114-4236

AGA RE LLC  
3908 Lebanon Park  
Unit 8145  
Hermitage, TN 37076-2297

Mary Warford  
2026 Waverly Ave.  
Memphis, TN 38114-2124

Derrico Walton & Derrick McDonald  
4260 Tomahawk St.  
Memphis, TN 38109-5037

Resident  
2314 E Brooklyn Ave.  
Memphis, TN 38114

Jacqueline Holland  
130 Sample St.  
Memphis, TN 38114-2308

Thomas Valentine & Ivory Jackson  
1107 S Greer St.  
Memphis, TN 38111-4000

Ophelia Scott  
1304 Philadelphia St.  
Memphis, TN 38114-2306

Brucie Newsom & Ayeisha Huqq  
1304 Philadelphia  
Memphis, TN 38107-2306

Tommie Evans  
1310 Philadelphia St.  
Memphis, TN 38114-2306

Jimmy Curtis  
1316 Philadelphia St.  
Memphis, TN 38114-2306

Gloria Jones  
1600 S Eads St.  
Apt. 1106S  
Arlington, VA 22202-2911

Resident  
1320 Philadelphia St.  
Memphis, TN 38114

Shelby County Tax Sale 0701 EXH  
#3645  
P.O. Box 2751  
Memphis, TN 38101-2751

Willie Swanigan Jr.  
2349 Malone Ave.  
Memphis, TN 38114-4122

Resident  
1330 Philadelphia St.  
Memphis, TN 38114

Dean Coleman  
256 Forrest Dr. N.  
Sardis, MS 38666-3228

Resident  
1334 Philadelphia St.  
Memphis, TN 38114

Mohammad Ibrahim  
6626 Rocky Park Dr.  
Memphis, TN 38141-7256

Herrol P Lewis  
170 S Center St.  
Holly Springs, MS 38635-3007

Ashraf Elberry  
4904 Georgia Ave. NW  
Washington DC 20011

Warren Price  
2836 Lamar Ave.  
Memphis, TN 38114-5015

Harry Skefos  
3981 Walnut Grove Rd.  
Memphis, TN 38111

Memphis Development LLC  
100 Bald Knob Rd.  
New Albany, IN 47150-8820

Allied Group Realty LLC  
P.O. Box 752390  
Memphis, TN 38175-2390

Temeka S McKinney  
4442 Cottonwood Rd.  
Memphis, TN 38118-2354

Cleopia Marshall  
332 Harold  
Memphis, TN 38112

Mario Price  
3126 Kimball Ave.  
Memphis, TN 38114-4071

Memorie K White  
116 Fern Ave.  
Nashville, TN 37207

Temeka McKinney  
4343 Cottonwood Rd.  
Memphis, TN 38118-2928

Tanarat Tongumpun  
2884 Fairway Glen Dr.  
Collierville, TN 38017-5900

Claudette Boyd  
713 Birthstone Ave.  
Memphis, TN 38109-6388

Robert C Griffin  
46 Banner Spring Circle  
Stafford, VA 22554

Charles E Harris & Arthur W Jones &  
Claudette Payne (Estate of)  
1800 Beach Drive  
#016  
Gulfport, MS 39507-1554

Champs Construction Contractors LLC  
P.O. Box 280965  
Memphis, TN 38168-0965

Joseph Jackson  
6707 Reindeer Ave.  
Memphis, TN 38115

Resident  
1305 Airways Blvd.  
Memphis, TN 38114

Collie M Tuggle  
1325 Cherry Rd.  
Memphis, TN 38117-6031

Resident  
1297 Airways Blvd.  
Memphis, TN 38114

Jacqueline Holland  
1300 Sample St.  
Memphis, TN 38114

Sarita Hollis  
1304 Sample St.  
Memphis, TN 38114-2308

Nathanel Blake  
1307 Sample St.  
Memphis, TN 38114-2309

Ethel Wright  
1079 Raymond St.  
Memphis, TN 38114

Resident  
1314 Sample St.  
Memphis, TN 38114

Timothy Gaston  
P.O. Box 750501  
Memphis, TN 38175

Gregory E Cooper & Marion Harris-  
Cooper  
1210 Poppen Dr.  
Memphis, TN 38111

TLC Properties Inc.  
1600 Century Center  
Ste. 104  
Bartlett, TN 38134-6100

Resident  
1324 Ridgeway Blvd.  
Memphis, TN 38114

Winson Cooper  
2344 Saratoga Ave.  
Memphis, TN 38114-2311

James Harris & Emogene H Terry and  
John R Harris and Leo Harris  
2157 Rayner St.  
Memphis, TN 38106

LD Wilson  
27888 Adobe Ct.  
Hayward, CA 94542

Lovelance Gipson & Amanda Gipson  
Trust  
1040 Twinkletown Rd.  
Memphis, TN 38116-3104

Toya McLaurin & Lloyd, Carmen, &  
Bonnie Pinkston  
2348 Park Ave.  
Memphis, TN 38114-6638

Shelby County Tax Sale 18.01  
P.O. Box 2751  
Memphis, TN 38101-2751

Herman Taylor & Flowers Taylor &  
Elizabeth Young  
2347 Saratoga Ave.  
Memphis, TN 38114-2312

Elizabeth Young  
2347 Saratoga Ave.  
Memphis, TN 38114-2312

Park Food & Fuel Inc.  
2335 Park Ave.  
Memphis, TN 38114-6639

Fred & Ella Davis  
1374 Airways Blvd.  
Memphis, TN 38114-6601

Pearl & Evelyn Simkin  
420 S Yates Rd.  
Memphis, TN 38120-2432

Robert & Thelma Williams  
2346 Enterprise Ave.  
Memphis, TN 38114-6606

Delois J Gathright  
1388 Airways Blvd.  
Memphis, TN 38114-6602



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

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



201906170059167

06/17/2019 - 01:17:30 PM

4 PGS	
TAMMY 1879384 - 201906170059167	
VALUE	65000.00
MORTGAGE TAX	0.00
TRANSFER TAX	240.50
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	265.50

**SHELANDRA Y FORD**  
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



Instrument Prepared by:  
Apperson Crump, PLC  
6070 Poplar Avenue – Suite 600  
Memphis, TN 38119  
File Number: AC19050131CM

After Recording Return To:  
Apperson Crump  
6000 Poplar Avenue  
Suite 150  
Memphis, TN 38119

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### Warranty Deed

THIS INDENTURE made and entered into as of this 10th day of June, 2019, by and between Donovan T. Cole, a single person, (henceforth referred to as “Grantor”), and Carlos Hernan Alberto Zelaya, a married person and Luis Manuel Alberto Melendez, a single person, (henceforth referred to as “Grantee”),

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

**PARCEL ONE:**

Part of Lots 5,6,7 and 8, Forest Heights Subdivision, as shown on plat of record in Plat Book 5, Page 26, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING at the point of intersection of the present north line of Park Avenue with the east line of Bruce Street; thence east along the present north line of Park Avenue 103.5 feet to a point in the west line of Lot 31 of Trezevant Park Subdivision; thence north along the said west line of Lot 31 of Trezevant Park Subdivision 97 feet to a point at the southeast corner of Lot 10 Forest Heights Subdivision; thence west 103.5 feet to a point in the east line of Bruce Street at the southwest corner of said Lot 10 of Forest Heights Subdivision; thence south along the east line of Bruce Street 99.3 feet to the point of beginning.

**PARCEL TWO:**

Part of Lots 31 and 32 of the Trezevant Park Subdivision, as shown on plat of record in Plat Book 5, Page 73, of the Register's Office of Shelby County, Tennessee and being more particularly described as follows:

BEGINNING at a point in the present north line of Park Avenue 103.5 feet east of the east line of Bruce Avenue, said point being in the east line of Lot 8 of Forest Heights Subdivision; thence east along the present north line of Park Avenue 50 feet to a point in the west line of Lot 33 of Trezevant Park Subdivision; thence north along the west line of Lot 33 of Trezevant Park Subdivision 112.5 feet to a point in the south line of Lot 30 of Trezevant Park Subdivision; thence west along the south line of Lot 30 of Trezevant Park Subdivision 50 feet to a point in the east line of Lot 10 Forest Heights Subdivision; thence south along the east line of Lots 10 and 8 of Forest Heights Subdivision 114 feet to the point of beginning.

Being the same property conveyed to Donovan T. Cole by Warranty Deed dated August 16, 2018 from Roger Abernathy, recorded August 20, 2018, in Instrument Number 18084719, in the Official Records of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining, unto the said Grantee, his, her, its, successors and assigns in fee simple forever.

And the Grantor does hereby covenant with the said Grantee that he, she, they, it is lawfully seized in fee of the aforescribed real estate; that Grantor has a good right to sell and convey the same; that the same is unencumbered except for the following:


The lien of the following general and special taxes for the year or years specified and subsequent years: 2019 City of Memphis taxes and 2019 Shelby County taxes, being liens not yet due and payable.

Subdivision Restrictions, Building Lines and Easements of record in Plat Book 5, Page 26 and Plat Book 5, Page 73, in the Register's Office of Shelby County, Tennessee.

Rights of tenants under existing lease or rental agreements.

And that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.


In Witness Whereof, the said, Grantor(s), has executed this instrument this 10th day of June, 2019.

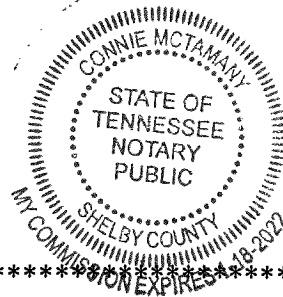
  
\_\_\_\_\_  
Donovan T. Cole

STATE OF TENNESSEE  
COUNTY OF SHELBY

On this 10th day of June, 2019, before me personally appeared Donovan T. Cole, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

Witness my hand, at office, this 10th day of June, 2019.

\_\_\_\_\_  
Notary Signature  
My commission expires: 



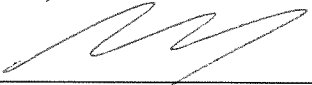
\*\*\*\*\*

State of Tennessee  
County of Shelby

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$65,000.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

  
\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this 10<sup>th</sup> day of June, 2019.

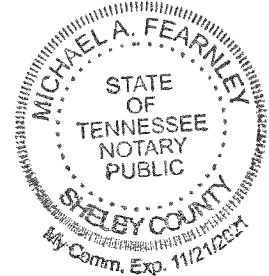
  
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

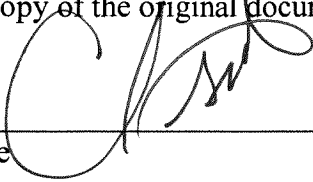
**New Owner's Name, Address and Mail Tax Bills to:**  
Carlos Hernan Alberto Zelaya and Luis Manuel Alberto Melendez  
1160 Bradbury Drive  
Memphis, TN 38122

**Tax Parcel ID #(s):**  
029047 00027 and 029047 00026

**Property Address:** 2292 Park Ave. Memphis TN 38114 and  
0 park Avenue, Memphis, TN 38114




I, **Christopher G. Britt**, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

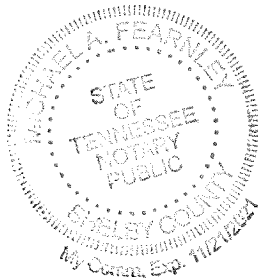
  
\_\_\_\_\_  
Signature

State of Tennessee  
County of Shelby

On this the 15th day of June, 2019, personally appeared before me, **Michael A. Fearnley**, a Notary Public for this county and state, **Christopher G. Britt**, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

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

My Commission Expires: 11/21/2021



**AGENDA ITEM:** 26

**CASE NUMBER:** SUP 2023-08 **L.U.C.B. MEETING:** April 13, 2023

**LOCATION:** 2292 Park Avenue

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

**OWNER/APPLICANT:** Luis Melendez and Carlos Zelaya

**REPRESENTATIVE:** David Bray

**REQUEST:** Special Use Permit to allow vehicle repair in the CMU-1 zoning district

**AREA:** +/-0.372 acres

**EXISTING ZONING:** Commercial Mixed Use – 1

## CONCLUSIONS

1. The applicant is seeking a Special Use Permit to allow the use of vehicle repair in the CMU-1 zoning district.
2. The property has been operating as a tire shop through legal non-conformity and is seeking the Special Use Permit to increase the amount of business they can conduct.
3. In staff's opinion, this project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 18-19 of this report.

## RECOMMENDATION

*Rejection*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	Park Avenue	+/-153.53 linear feet
	Bruce Street	+/-103.27 linear feet
<b>Zoning Atlas Page:</b>	2135	
<b>Parcel ID:</b>	029047 00026C	
<b>Existing Zoning:</b>	Commercial Mixed Use – 1	

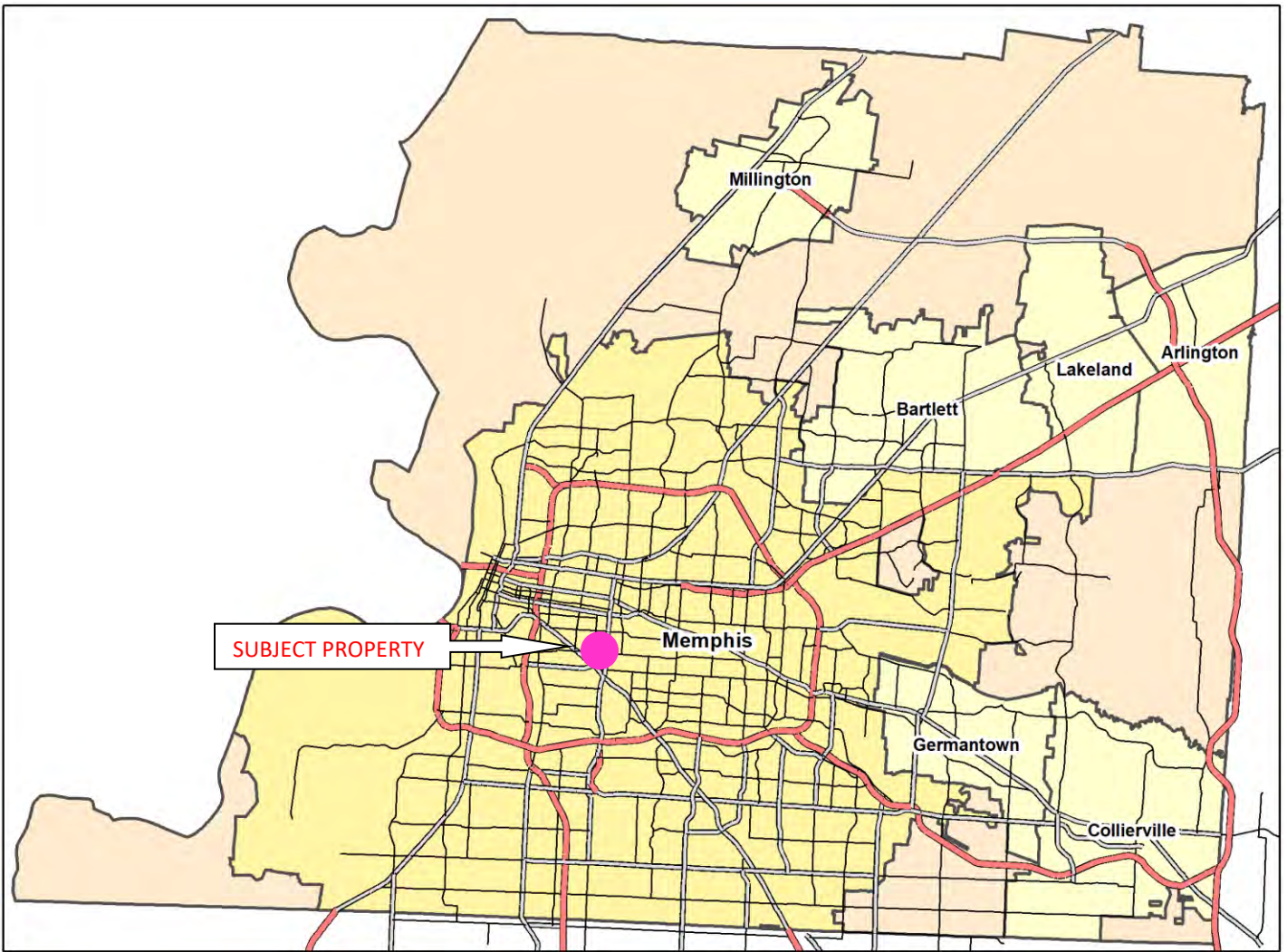
**NEIGHBORHOOD MEETING**

The meeting was held at 7:00 PM on Thursday, March 30, 2023, 2292 Park Avenue.

**PUBLIC NOTICE**

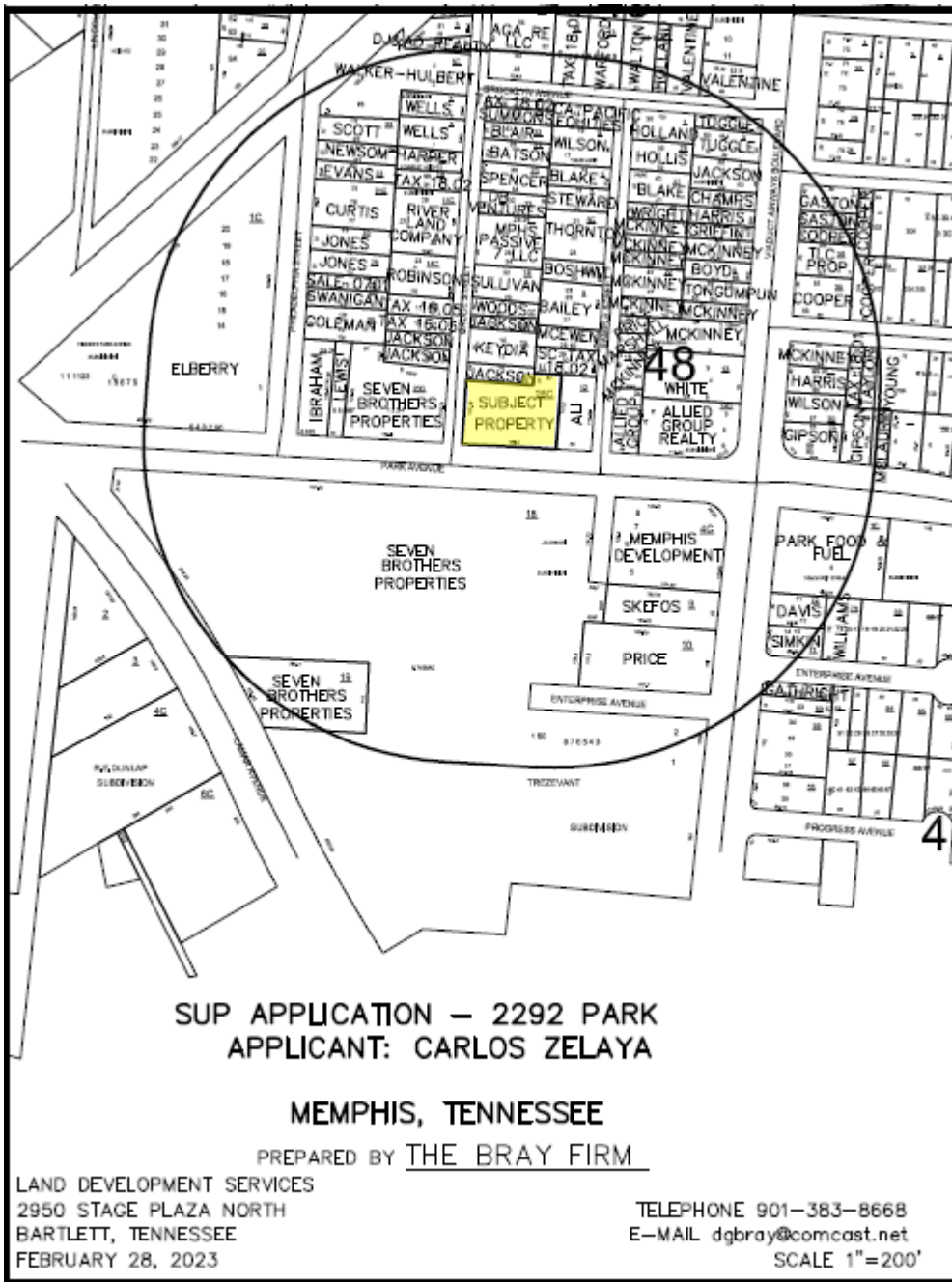
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 98 notices were mailed on March 22, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle, Castalia Heights neighborhood

**VICINITY MAP**



Site highlighted in yellow



**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



Subject property outlined in yellow

**Existing Zoning:** Commercial Mixed Use – 1

**Surrounding Zoning**

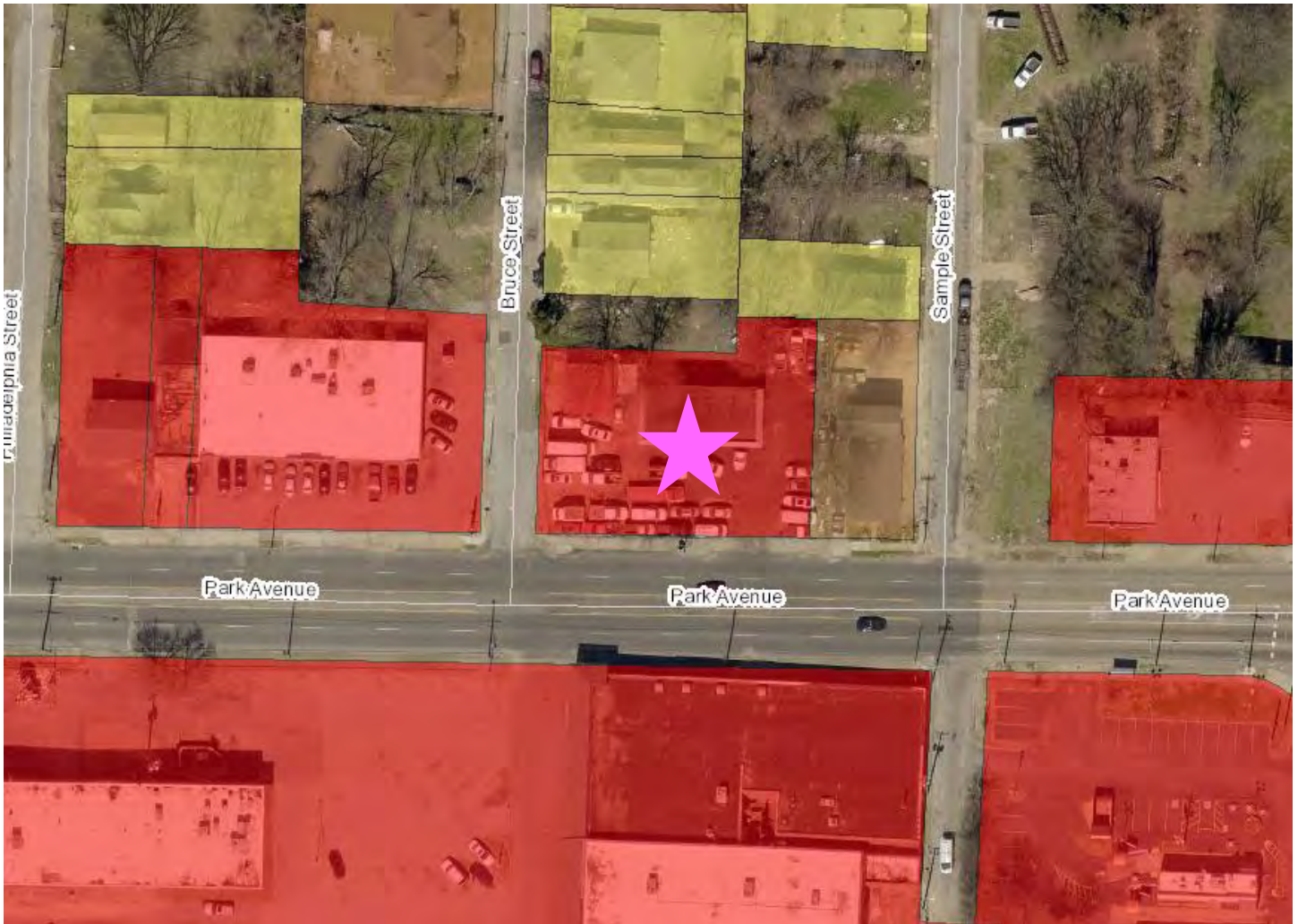
**North:** RU-1

**East:** CMU-1

**South:** CMU-1 and BOA 64-014-CI

**West:** CMU-1

**LAND USE MAP**



**LandUse**

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

Subject property indicated by a pink star

**SITE PHOTOS**



View of the subject property from the corner of Bruce Street and Park Avenue facing northeast

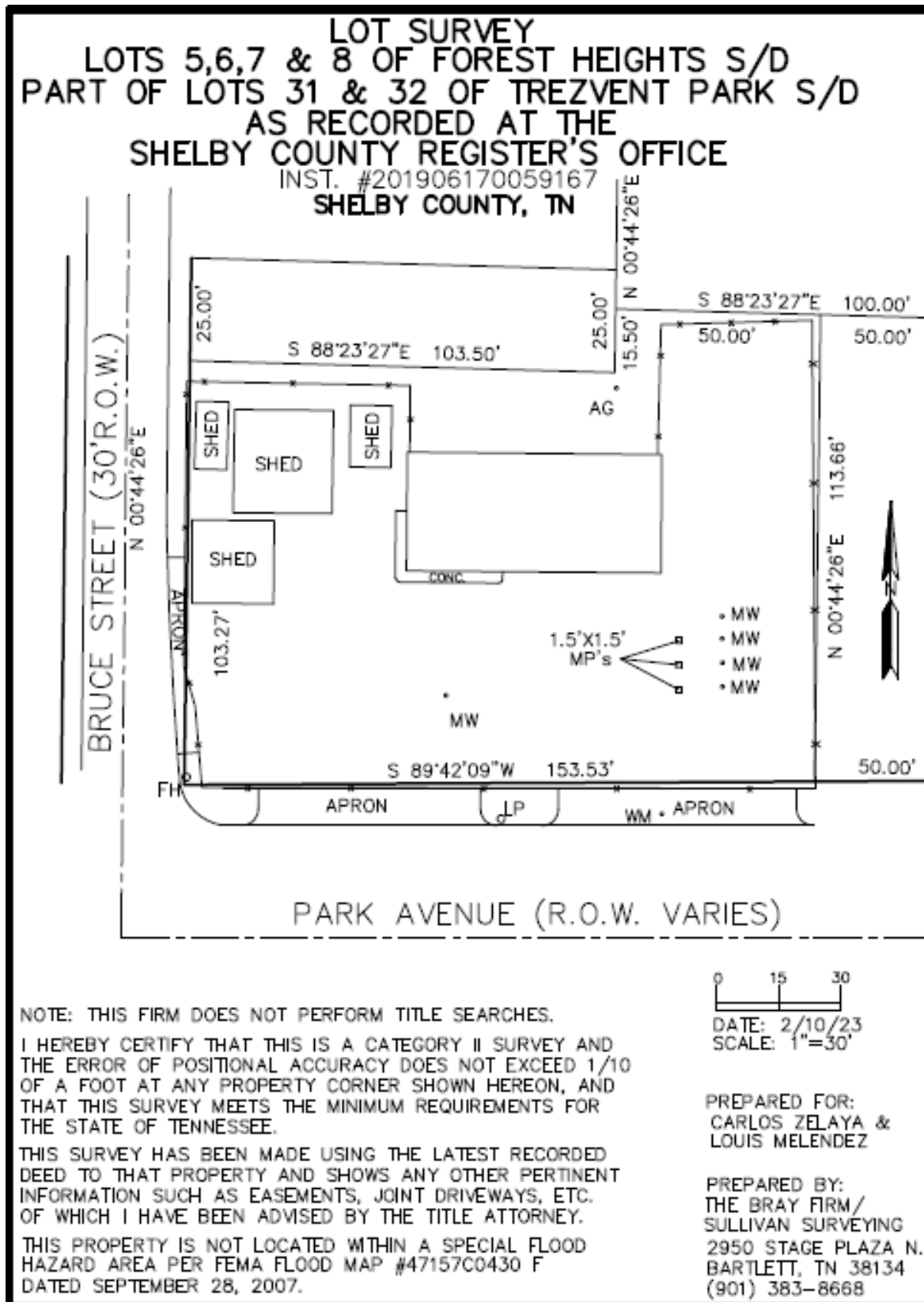


View of the subject property from Park Avenue facing north

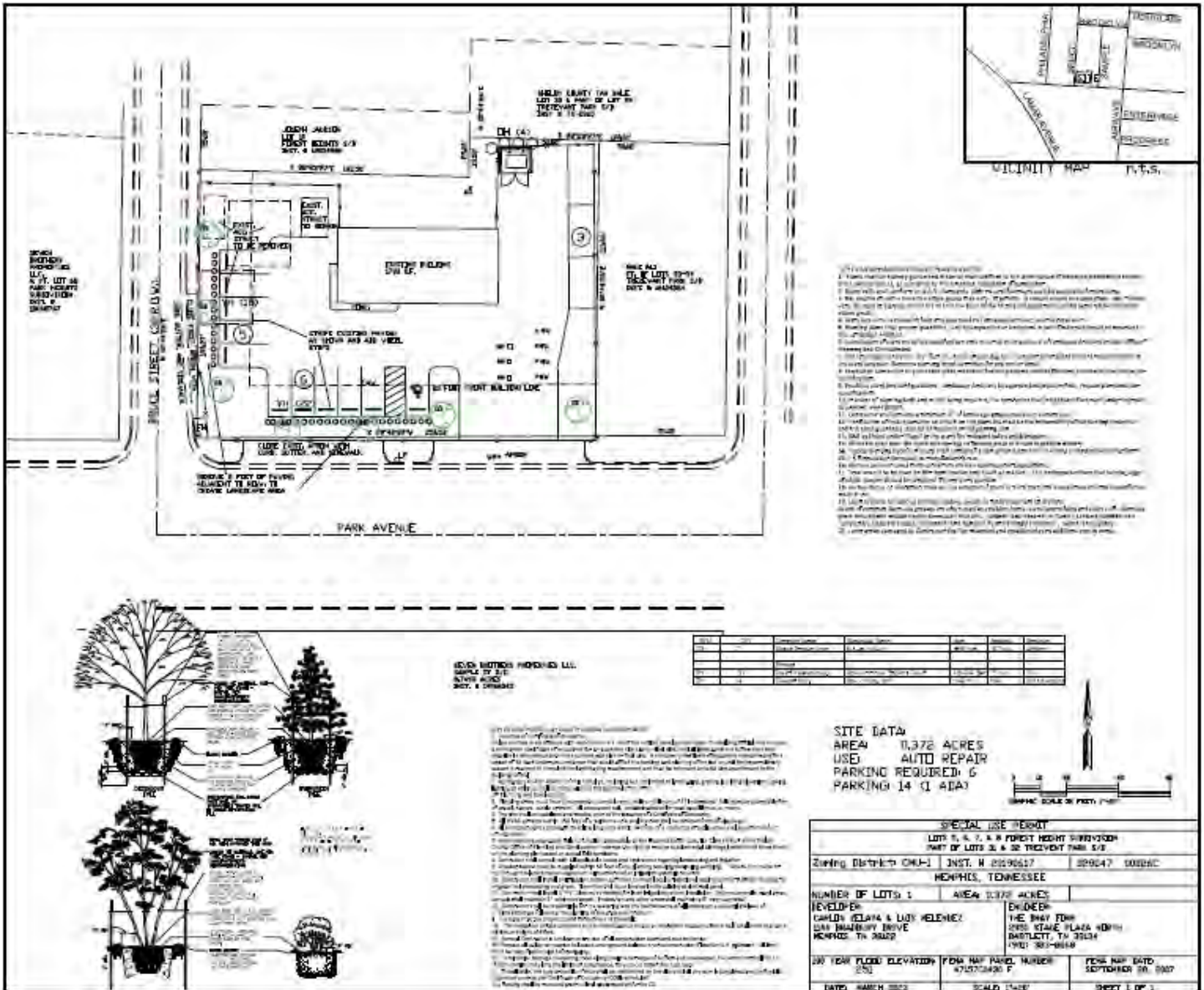


View of the subject property from the corner of Sample Street and Park Avenue facing northwest

LOT SURVEY

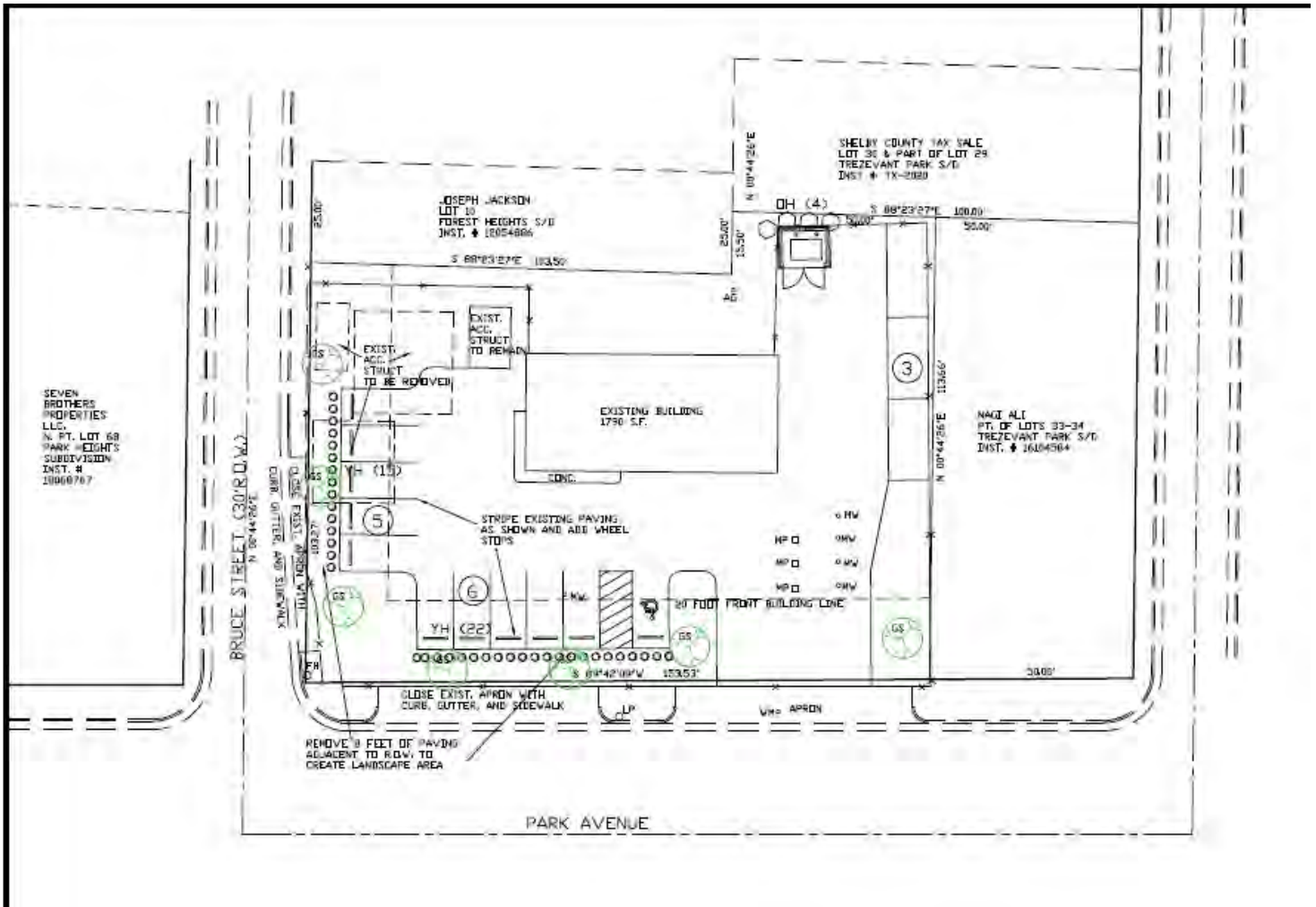


SITE PLAN





SITE PLAN (ZOOMED)



## STAFF ANALYSIS

### Request

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

The request a Special Use Permit to allow the use of vehicle repair in the CMU-1 zoning district.

### Approval Criteria

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

#### *9.6.9 Approval Criteria*

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

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

### Site Description

The subject property is +/-0.372 acres (parcel ID: 029047 00026C) located at 2292 Park Avenue, and is zoned Commercial Mixed Use – 1. Per the Assessor’s Office, the principal structure on the site was originally built around 1960 and is currently in use as a legal nonconforming tire shop. The surrounding land uses are a mixture of single family residential and commercial.

**Conclusions**

The applicant is seeking a Special Use Permit to allow the use of vehicle repair in the CMU-1 zoning district.

The property has been operating as a tire shop through legal non-conformity and is seeking the Special Use Permit to increase the amount of business they can conduct.

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

**RECOMMENDATION**

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

**Conditions**

1. No window signage is permitted on the front façade
2. Existing signage will be brought into conformity with the current sign code requirements
3. The selling/scraping of individual vehicle parts is prohibited
4. The storage and display of tires within the public right of way is prohibited

## **DEPARTMENTAL COMMENTS**

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

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

CITY ENGINEERING COMMENTS - 21 DATE: 4/10/2023

CASE: SUP-23-008 NAME: 2292 Park Ave, ORANGE MOUND

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

### **Sewers:**

Sanitary Sewer Capacity is available to serve this development.

### **Roads:**

2. 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.

3. 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:**

4. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

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

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

**Curb Cuts/Access:**

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

**General Notes:**

10. The width of all existing off-street sewer easements shall be widened to meet current city standards.
11. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
12. All connections to the sewer shall be at manholes only.
13. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
14. Required landscaping shall not be placed on sewer or drainage easements.

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

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

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

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

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

**Memphis Light, Gas and Water:** No comments received.

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

**Office of Comprehensive Planning:**

## 1. Future Land Use Planning Map



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

## 2. Land Use Description/Intent

Anchor Neighborhood-Mix of Building Types (AN-M) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of a mix of single-unit and multi-unit housing. Graphic portrayal of AN-M is to the right.



### “AN-M” Form & Location Characteristics

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

### “AN-M” Zoning Notes

Generally compatible with the following zone districts: RU-2, RU-3, RU-4, R-SD, R-R, MDR, and CMU-1 when located along avenues, boulevards, and parkways as identified in the Street Types Map, in accordance with Form and characteristics listed above.

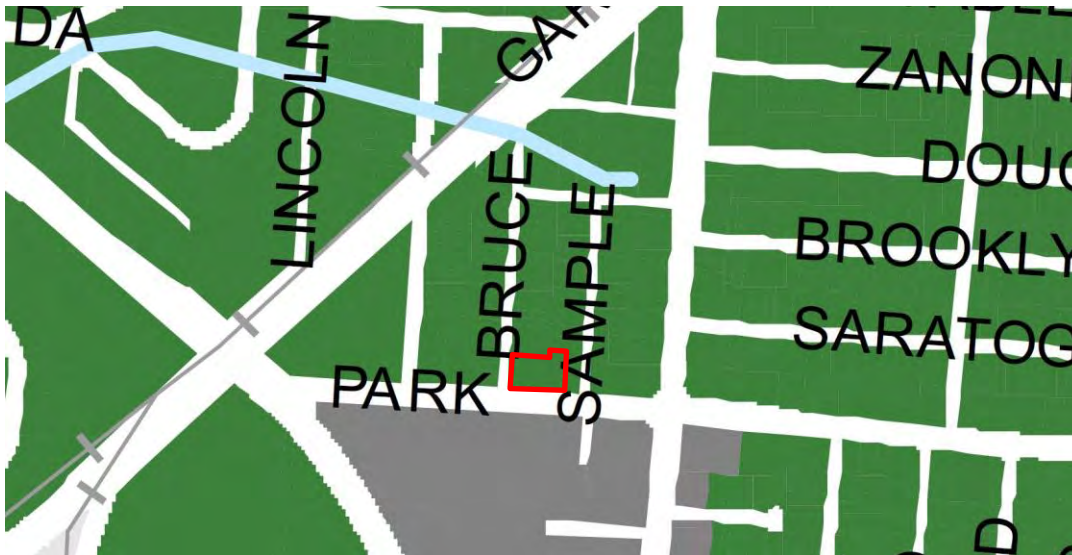
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Multi-Family, Vacant and Single-Family; IH, RU-1, and CMU-1

**Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes of AN-M, and with the existing, adjacent land use and zoning.*

### 3. Degree of Change Map



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

### 4. 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.

*The proposed application is a private investment. The use will not promote pedestrian-oriented infill development.*

### 5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities N/A

#### Consistency Analysis Summary

*The applicant is seeking approval for a special use permit with the intention of expanding a vehicle repair in the CMU-1 zoning district.*

*This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes of AN-M, and with the existing, adjacent land use and zoning.*

*The proposed application is a private investment. The use will not promote pedestrian-oriented infill development.*

**Based on the information provided, the proposal is NOT CONSISTENT with the Memphis 3.0 Comprehensive Plan.**

Summary Compiled by: Faria Urmey, Comprehensive Planning.

**APPLICATION**



**Record Summary for Special Use Permit**

**Record Detail Information**

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: March 3, 2023

Record Number: SUP 2023-008

Expiration Date:

Record Name: SUP for 2292 Park Avenue

Description of Work: SUP application to allow vehicle repair in the CMU-1 zoning district

Parent Record Number:

---

**Address:**

2292 PARK AVE, MEMPHIS 38114

**Owner Information**

Primary Owner Name

Y ZELAYA CARLOS H A AND LUIS M A MELENDEZ

Owner Address

1160 BRADBURY DR, MEMPHIS, TN 38122

Owner Phone

---

**Parcel Information**

029047 00026C

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**Data Fields**

**PREAPPLICATION MEETING**

Name of OPD Planner

Chip Saliba

Date of Meeting

01/27/2023

Pre-application Meeting Type

Phone

**GENERAL PROJECT INFORMATION**

Application Type

New Special Use Permit (SUP)



**GENERAL PROJECT INFORMATION**

List any relevant former Docket / Case Number(s) related to previous applications on this site none

Is this application in response to a citation, stop work order, or zoning letter Yes

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information Cited by Insepctor Rodgers on 12.30.22 for improper ues, lack of dumpster, outdoor storage, and portable signs

**APPROVAL CRITERIA**

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 The existing site is properly permitted for a tire shop in the CMU-1 zoning district. The expansion to allow auto repair will be compatible with the surrounding area.

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 The site is an existing business on a business corridor. Approval of this SUP will coincide with improvements to the site to bring it into compliance with the UDC.

UDC Sub-Section 9.6.9C Existing services are already in use at the site.

UDC Sub-Section 9.6.9D NO

UDC Sub-Section 9.6.9E None

UDC Sub-Section 9.6.9F No

**GIS INFORMATION**

Case Layer -

Central Business Improvement District No

Class C

Downtown Fire District No

Historic District -

Land Use COMMERCIAL

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-3

State Route -

Lot 5-8 31,

Subdivision TREZEVANT PARK SD

Planned Development District -

Wellhead Protection Overlay District -

**Contact Information**

**Name**  
 ZELAYA CARLOS H A AND LUIS M A MELENDEZ

**Contact Type**  
 APPLICANT

**Address**

**Phone**

LETTER OF INTENT



---

Telephone 901-383-8668

2950 Stage Plaza North  
Bartlett, Tennessee 38134

March 3, 2023

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

**RE: Special Use Permit – Auto Repair in the CMU-1 zoning district**  
Lots 5, 6, 7, & 8 Forest Height Subdivision &  
Part of Lots 31 & 32 Trezvent Park Subdivision  
2292 Park Avenue  
Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a Special Use Permit to allow auto repair at the above captioned property. The owner/applicant began operations at this site in 2019 as a permitted tire shop. Since that time, his business has grown to include auto repair which is only permissible in the CMU-1 zoning district with a Special Use Permit. On December 30, 2022 the owner was cited by the Office of Construction Code Enforcement for the following violations: failure to have a proper SUP for auto repair, lack of a dumpster on the site, improper outdoor display, and portable signs. Additionally, three of the accessory buildings were located in the required front yard setback. The attached site plan brings the above described deficiencies into compliance with the Unified Development Code and includes landscaping that complies with current code requirements.

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

Sincerely,

David Gean Bray, P.E.

**SIGN AFFIDAVIT**



**LETTERS RECEIVED**

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

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 4/25/2023  
DATE  
PUBLIC SESSION: 4/25/2023  
DATE**

ITEM (*CHECK ONE*)  
 ORDINANCE     RESOLUTION     REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 4747 Getwell Road, known as case number PD 22-21

**CASE NUMBER:** PD 22-21

**DEVELOPMENT:** Smith Family Planned Development

**LOCATION:** 4747 Getwell Road

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

**OWNER/APPLICANT:** Willie Smith Sr.

**REPRESENTATIVE:** Brenda Solomito Basar, Solomito Land Planning

**REQUEST:** Planned Development to allow limited number of CMU-1 uses

**AREA:** +/-1.247 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**  
Public hearing – April 25, 2023

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
02/9/2023 _____	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
<b>SOURCE AND AMOUNT OF FUNDS</b>	
\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

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



## Memphis City Council Summary Sheet

### PD 22-21

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 4747 GETWELL ROAD, KNOWN AS CASE NUMBER PD 22-21

- This item is a resolution with conditions to allow a planned development with limited CMU-1 uses; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, February 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** PD 22-21

**DEVELOPMENT:** Smith Family Planned Development

**LOCATION:** 4747 Getwell Road

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

**OWNER/APPLICANT:** Willie Smith Jr.

**REPRESENTATIVE:** Brenda Solomito Basar, Solomito Land Planning

**REQUEST:** Planned Development to allow limited number of CMU-1 uses

**EXISTING ZONING:** Conservation Agriculture – CA

**AREA:** +/- 1.247 acres

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

**The following spoke in opposition the application:** Cheryl Hopper, Laura Payne, and James Newsom

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 regular agenda.**

Respectfully,



Jordan McKenzie  
Principal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**PD 22-21  
CONDITIONS**

**Outline Plan Conditions**

I. Uses Permitted

A. The following Uses are permitted

1. Single-Family Detached Conventional, Side Yard House Cottage, Single-Family Attached Semi-attached, and Two-Family Townhouse.
2. Multifamily Large Home
3. Stacked Townhouse Apartment
4. Upper-Story Residential Live/Work
5. Nursing Home, Full-time Convalescent, Hospice, Assisted Living Facility, Residential Home for the Elderly, Independent Living Facility
6. Personal Care Home for the Elderly Supportive Living Facility
7. Police, Fire, EMS Substation
8. Neighborhood Arts Center or Similar Community Facility (public) Philanthropic Institution
9. Places of worship and off-site parking for places of worship
10. Social service institutions
11. Restaurants, including restaurants or other retail with a drive thru.
12. Retail sales and services
13. Personal Services including Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon.
14. Offices
15. Bakery, Retail

B. The following uses are strictly prohibited.

1. Payday loans, title loans and flexible loan plan establishments
2. Pawn shop
3. Tattoo, Palmist, Psychic or Medium
4. Vapor shop
5. Heliport
6. Drive-in theater
7. Campground
8. Undertaking establishment
9. Garbage/refuse collection
10. Adult entertainment
11. Landfill
12. Off-premise advertising sign
13. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer, abrasive products, fabricated metal products/machinery or other products which create noxious fumes boat rental, sales, or storage.
14. Tavern, cocktail lounge or night club



## 15. Outdoor sales

### II. Bulk Regulations

- A. The development shall comply with the bulk requirements of the Commercial Mixed Use (CMU-1) District.

### III. Access, Parking and Circulation

- A. One curb cut is permitted on Getwell Road.
- B. There shall be no curb cut permitted on Faulkner Road.
- C. The design and location of the curb cut shall be approved by the City Engineer.
- D. Internal circulation between adjacent phases, lots, sections shall be provided.
- E. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- F. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- G. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
- H. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

### IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

- F. 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.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Final Site Plan and Landscape Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. Lighting shall be directed to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

- A. Signage shall be in conformance with the CMU-1 District regulations.

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

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

IX. A final site plan will be submitted for approval by the Land Use Control Board to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.

X. Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, elevations, required landscaping, trash receptacles

and signs, etc...

- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.

CONCEPT PLAN (REVISED AFTER FEB 9<sup>TH</sup> MEETING)





RUFENY LLC  
 21189240  
 1.28 ACRES

MONTEC BUSH  
 100' x 100'  
 0.14 ACRES



**FAULKNER ROAD**  
 (50' R.O.W.)

**GETWELL ROAD**  
 (R.O.W. VARIES)

BIRCHITE UNITED  
 METHODIST CHURCH  
 100' x 100'  
 0.14 ACRES

CHRYSLER  
 100' x 100'  
 0.14 ACRES



SOUTH MILLIKENS

44 GETWELL LLC  
 100' x 100'  
 0.14 ACRES

WEST MILLIKENS

BRIDGES & BARBERS OF  
 100' x 100'  
 0.14 ACRES

**CONCEPT PLAN**  
 CASE:  
**OUTLINE PLAN**  
**4747 GETWELL ROAD**  
**MEMPHIS, TENNESSEE**

TOTAL AREA: 41.247 ACRES  
 WARD 013, BLOCK 111, PARCEL 0000  
 No. OF LOTS: 1  
 100 YEAR FLOOD ELEV: 233

OWNER/DEVELOPER:  
 WILLE SMITH SR.  
 1822 Brookside Road  
 Germantown, TN 38148

PREPARED BY:  
**SOLOMITO**

PROJECT NO.: 17-00000001-01-001-001-001  
 DATE: 10/10/2018 08:29:18 (SHEET 1 OF 1)

**NOTES:**  
 1. LANDMARK 20080112  
 2. FLOORPLAN AS SHOWN  
 THIS PROJECT IS NOT A DESIGN IN A SPECIAL CLASS  
 UNLESS INDICATED OTHERWISE. THIS PLAN WAS  
 FILED AT 10:00 AM ON 10/10/2018 AT 10:00 AM AT  
 17-00000001-01-001-001-001  
 3. PROVIDED FROM MEMPHIS CITY PLANNING DEPARTMENT  
 2017-10-08 08:29:18

**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 4747 GETWELL ROAD, KNOWN AS CASE NUMBER PD 22-21**

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

**WHEREAS**, the Willie Smith Jr. filed an application with the Memphis and Shelby County Division of Planning and Development to allow limited CMU-1 uses at the Smith Family Planned Development ; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 9, 2023, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

***ATTEST:***

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

## OUTLINE PLAN CONDITIONS

### I. USES PERMITTED

#### A. The following Uses are permitted

1. Single-Family Detached Conventional, Side Yard House Cottage, Single-Family Attached Semi-attached, and Two-Family Townhouse.
2. Multifamily Large Home
3. Stacked Townhouse Apartment
4. Upper-Story Residential Live/Work
5. Nursing Home, Full-time Convalescent, Hospice, Assisted Living Facility, Residential Home for the Elderly, Independent Living Facility
6. Personal Care Home for the Elderly Supportive Living Facility
7. Police, Fire, EMS Substation
8. Neighborhood Arts Center or Similar Community Facility (public) Philanthropic Institution
9. Places of worship and off-site parking for places of worship
10. Social service institutions
11. Restaurants, including restaurants or other retail with a drive thru.
12. Retail sales and services
13. Personal Services including Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon.
14. Offices
15. Bakery, Retail

#### B. The following uses are strictly prohibited.

1. Payday loans, title loans and flexible loan plan establishments
2. Pawn shop
3. Tattoo, Palmist, Psychic or Medium
4. Vapor shop
5. Heliport
6. Drive-in theater
7. Campground
8. Undertaking establishment
9. Garbage/refuse collection
10. Adult entertainment
11. Landfill
12. Off-premise advertising sign
13. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer, abrasive products, fabricated metal products/machinery or other products which create noxious fumes boat rental, sales, or storage.
14. Tavern, cocktail lounge or night club
15. Outdoor sales

### II. BULK REGULATIONS



- A. The development shall comply with the bulk requirements of the Commercial Mixed Use (CMU-1) District.

### III. ACCESS, PARKING AND CIRCULATION

- A. One curb cut is permitted on Getwell Road.
- B. There shall be no curb cut permitted on Faulkner Road.
- C. The design and location of the curb cut shall be approved by the City Engineer.
- D. Internal circulation between adjacent phases, lots, sections shall be provided.
- E. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- F. All required parking shall be as Illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- G. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
- H. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

### IV. DRAINAGE

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- F. 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.

## V. LANDSCAPING

- A. Landscaping shall be provided as illustrated on the Final Site Plan and Landscape Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. Lighting shall be directed to not glare onto residential property or onto traffic on Malone Road.

## VI. SIGNS

- A. Signage shall be in conformance with the CMU-1 District regulations.

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

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

IX. A final site plan will be submitted for approval by the Land Use Control Board to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.

X. Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, elevations, required landscaping, trash receptacles and signs, etc...
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of

Planning and Development.

# CONCEPT PLAN



**AGENDA ITEM:** 5

**CASE NUMBER:** PD 2022-021 **L.U.C.B. MEETING:** February 9, 2023

**DEVELOPMENT:** Smith Family Planned Development

**LOCATION:** 4747 Getwell Road

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

**OWNER/APPLICANT:** Willie Smith Sr.

**REPRESENTATIVE:** Brenda Solomito Basar, Solomito Land Planning

**REQUEST:** Planned Development to allow limited number of CMU-1 uses.

**AREA:** +/- 1.247 acres

**EXISTING ZONING:** Conservation Agriculture - CA

## CONCLUSIONS

1. The applicant is requesting a Planned Development with a limited number of CMU-1 uses as listed by the outline plan conditions.
2. A retail/restaurant as a principal use is not permitted by right under the current zoning but will be under the outline plan conditions.
3. The subject property is currently vacant, and the planned development will create more desirable infill development
4. Currently the property has been cleared of vegetation, so the proposed landscaping as seen in the outline plan is inaccurate.
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.
6. The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities are compatible with the surrounding land uses.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 23-25 of this report.

## RECOMMENDATION

***Approval with conditions***

**GENERAL INFORMATION**

<b>Street Frontage:</b>	Getwell Road	+/-144.7 linear feet
	Faulkner Road	+/-68.3 linear feet
<b>Zoning Atlas Page:</b>	2440	
<b>Parcel ID:</b>	073111 00005	
<b>Existing Zoning:</b>	Conservation Agriculture - CA	

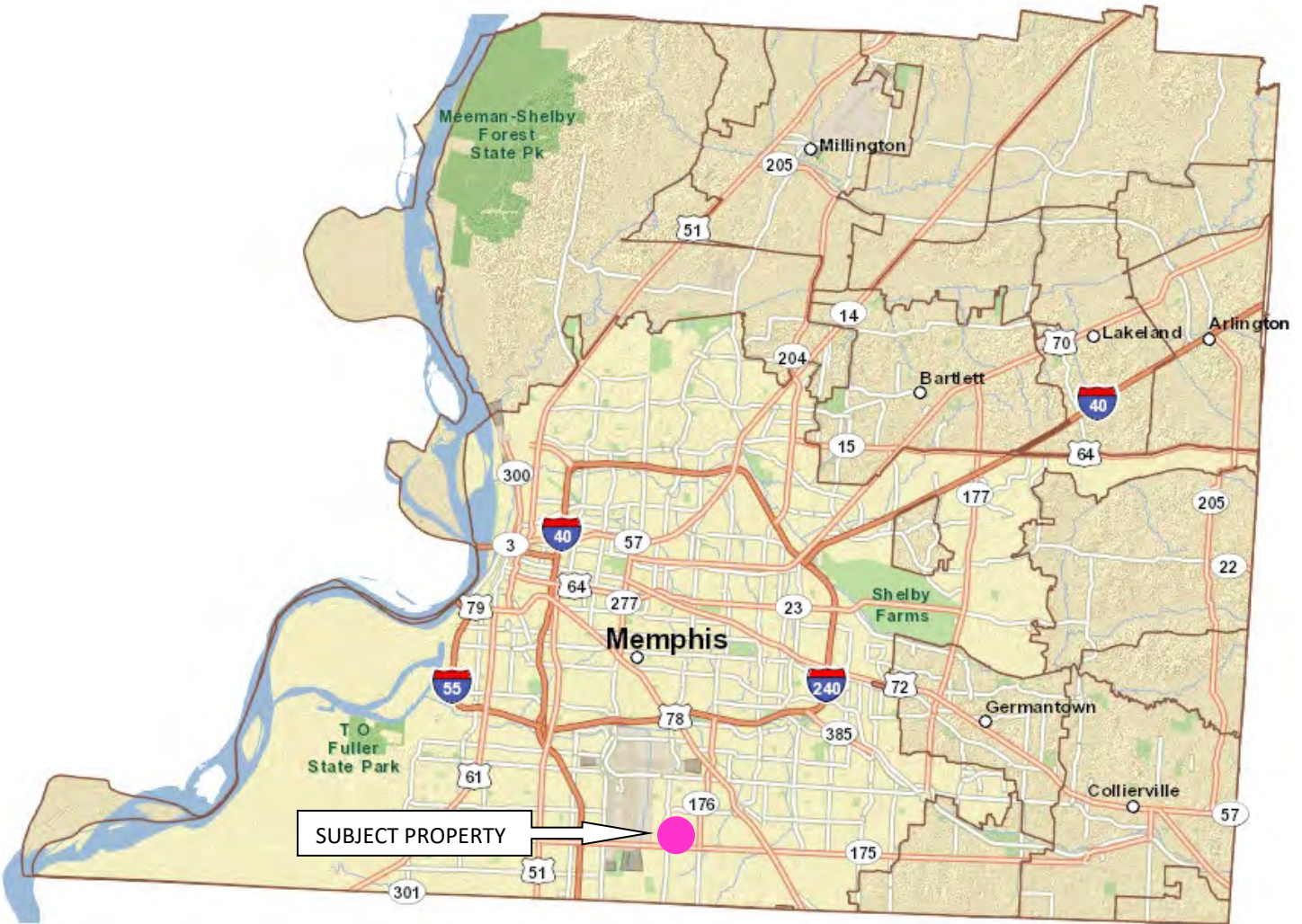
**NEIGHBORHOOD MEETING**

The meeting was held at 6:30 PM on Thursday 29, 2022, at McDonald's, 3845 E. Shelby Drive.

**PUBLIC NOTICE**

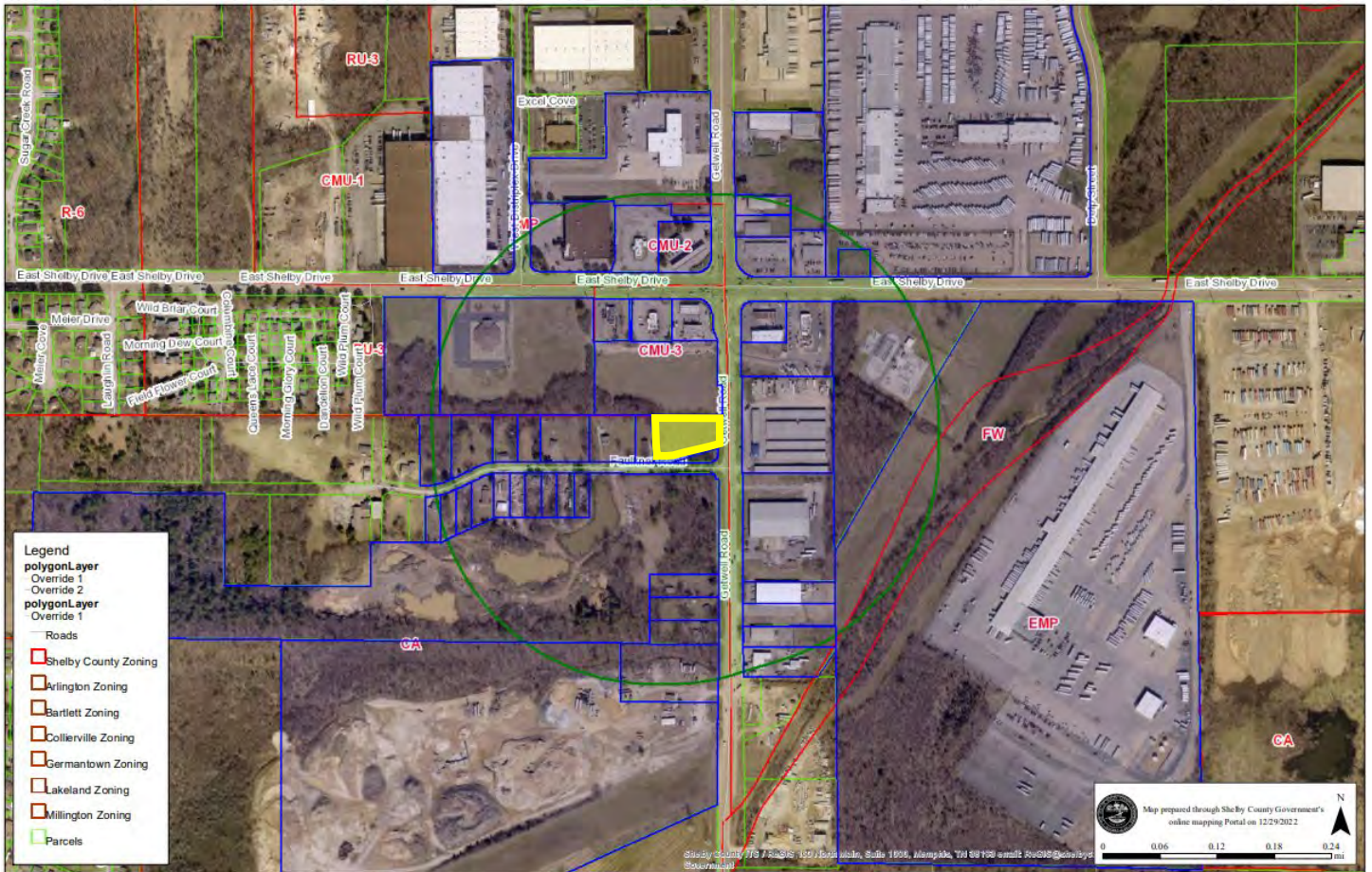
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of **53 notices** were mailed on December 29, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle, near the Airport Industrial Park Area

VICINITY MAP



Subject property highlighted in yellow



**AERIAL**



Subject property outlined in yellow, imagery from January 5, 2023

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Conservation Agriculture - CA

**Surrounding Zoning**

**North:** Commercial Mixed-Use -3 (CMU-3)

**East:** Employment - EMP

**South:** Conservation Agriculture - CA

**West:** Conservation Agriculture - CA

**LAND USE MAP**



Subject property indicated by a pink star

**SITE PHOTOS**



View of the center of the subject property from Getwell Road looking south



View of the subject property from Getwell Road looking West

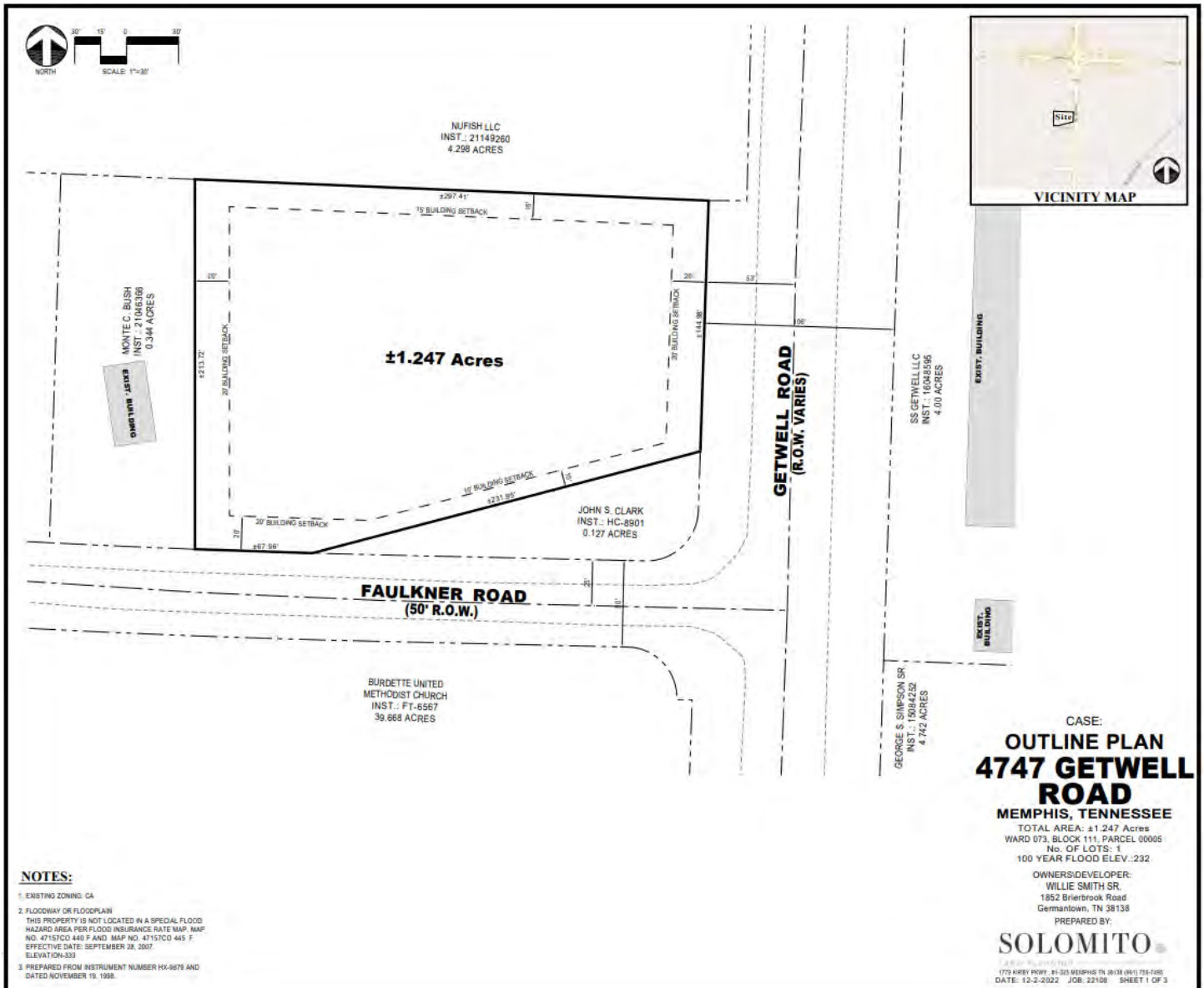


View of the subject property from the corner of Faulkner and Getwell Road looking northwest



View of the subject property from Faulkner Road looking North (Image from 2019)

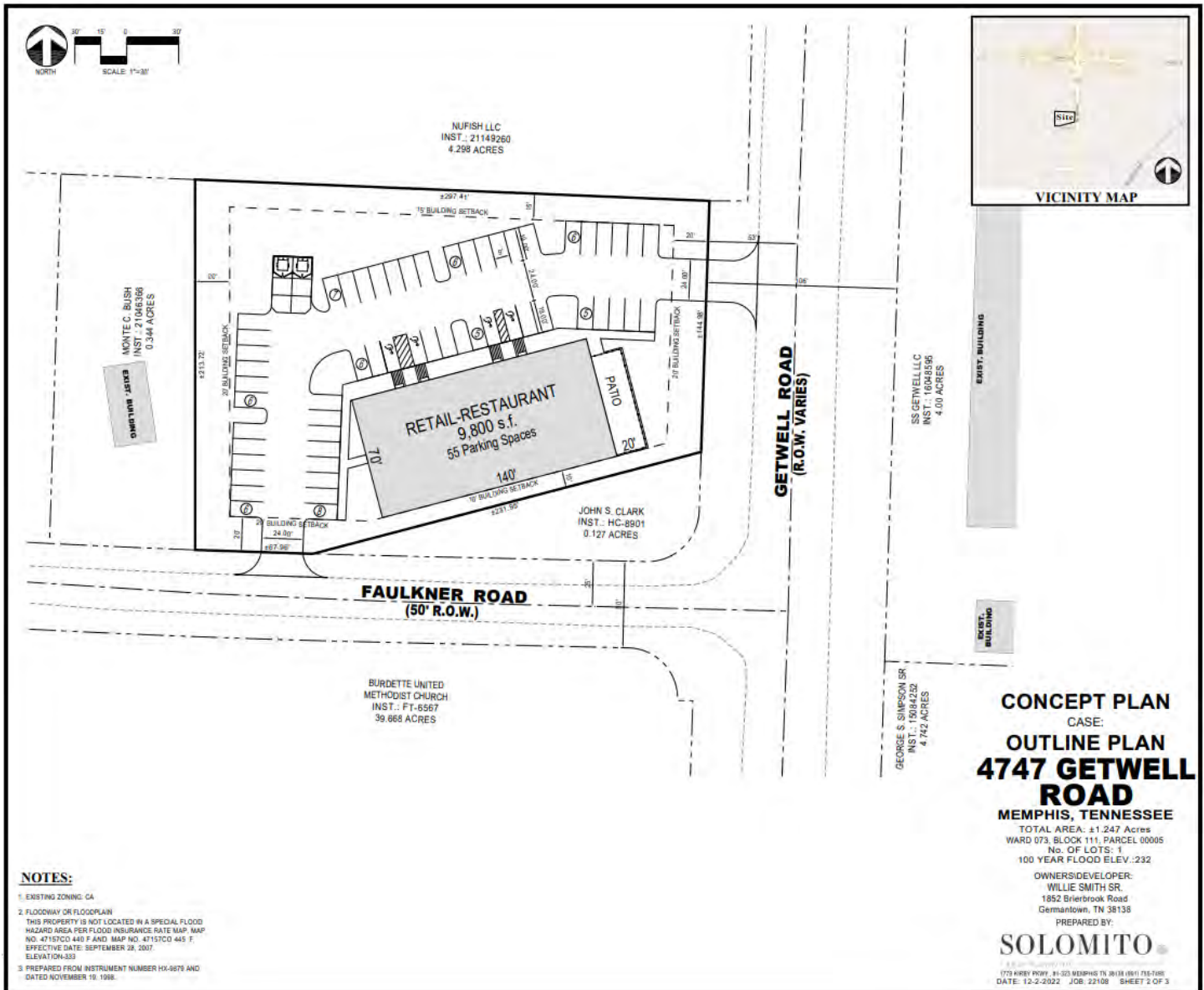
**OUTLINE PLAN**



**NOTES:**  
 1. EXISTING ZONING: CA  
 2. FLOODWAY OR FLOODPLAIN  
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 448-F AND MAP NO. 47157CO 445-F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION: 333  
 3. PREPARED FROM INSTRUMENT NUMBER HX-6679 AND DATED NOVEMBER 19, 1996.

CASE:  
**OUTLINE PLAN**  
**4747 GETWELL ROAD**  
**MEMPHIS, TENNESSEE**  
 TOTAL AREA: ±1.247 Acres  
 WARD 073, BLOCK 111, PARCEL 00005  
 No. OF LOTS: 1  
 100 YEAR FLOOD ELEV.: 232  
 OWNERS/DEVELOPER:  
 WILLIE SMITH SR.  
 1352 Briarbrook Road  
 Germantown, TN 38138  
 PREPARED BY:  
**SOLOMITO**  
 1773 KIRBY POYB, #1-303 MEMPHIS TN 38108 (901) 755-1085  
 DATE: 12-2-2022 JOB: 22108 SHEET 1 OF 3

**CONCEPT PLAN**



**NOTES:**  
 1. EXISTING ZONING: CA  
 2. FLOODWAY OR FLOODPLAIN  
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 445-F AND MAP NO. 47157CO 445-F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION: 333  
 3. PREPARED FROM INSTRUMENT NUMBER HV-6075 AND DATED NOVEMBER 19, 1998.

**CONCEPT PLAN**  
 CASE:  
**OUTLINE PLAN**  
**4747 GETWELL ROAD**  
**MEMPHIS, TENNESSEE**  
 TOTAL AREA: 41.247 Acres  
 WARD 073, BLOCK 111, PARCEL 00005  
 No. OF LOTS: 1  
 100 YEAR FLOOD ELEV.: 232  
 OWNERS/DEVELOPER:  
 WILLIE SMITH SR.  
 1952 Briarbrook Road  
 Germantown, TN 38138  
 PREPARED BY:  
**SOLOMITO**  
1779 ARREY POWY, #1-323 MEMPHIS TN, 38118 (901) 752-7385  
 DATE: 12-2-2022 JOB: 22108 SHEET 2 OF 3

## STAFF ANALYSIS

### Request

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

The request is to permit a limited number of CMU-1 uses

### Applicability

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

#### *4.10.2 Applicability*

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

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

### General Provisions

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

#### *4.10.3 General Provisions*

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



- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*  
By providing a limited number of CMU-1 uses and designing the site so as to not negatively impact the surrounding properties, this site will be developed in a compatible manner and ample landscaping and buffering.
- 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 abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.*
- B. *Display of Merchandise*  
*All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.*
- C. *Accessibility*  
*The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.*

**D. Landscaping**

*Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.*

**Approval Criteria**

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

**9.6.9 Approval Criteria**

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

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

**Site Description**

The subject property is +/-1.247 acres located on the west side of Getwell Road – approximately 525 feet south of East Shelby Drive. The site is currently a vacant lot with a Conservation Agriculture- CA zoning designation. There is an existing curb cut in disrepair on the Faulkner Road frontage (68.3 feet) but nothing along the Getwell Road frontage (144.7 feet). The parcel has overhead powerlines along Getwell Road and has been largely cleared of all vegetation/tree canopy. The property abuts the Faulkner Subdivision and is adjacent to EMP zoning across the street and CMU-3 zoning to the north.

**Site Plan Review**

- Retail/ Restaurant as a principal use is not permitted by right
- Total parking required 33, provided 55

- No open space calculation was given
- No landscape buffer is being proposed per the outline plan or concept plan
- The parking setback of at least 10 feet is met.
- Building setbacks appear to meet CMU-1 bulk regulations

### **Conclusions**

The applicant is requesting a Planned Development with a limited number of CMU-1 uses as listed by the outline plan conditions.

A retail/restaurant as a principal use is not permitted by right under the current zoning but will be under the outline plan conditions.

The subject property is currently vacant, and the planned development will create more desirable infill development.

Currently the property has been cleared of vegetation, so the proposed landscaping as seen in the outline plan is inaccurate.

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 and outline plan conditions.

### **Outline Plan Conditions**

Smith Family Planned Development  
Proposed Outline Plan Conditions  
January 4, 2023

#### **I. Uses Permitted**

##### **A. The following Uses are permitted**

1. Single-Family Detached Conventional, Side Yard House Cottage, Single-Family Attached Semi-attached, and Two-Family Townhouse.
2. Multifamily Large Home
3. Stacked Townhouse Apartment

4. Upper-Story Residential Live/Work
5. Nursing Home, Full-time Convalescent, Hospice, Assisted Living Facility, Residential Home for the Elderly, Independent Living Facility
6. Personal Care Home for the Elderly Supportive Living Facility
7. Police, Fire, EMS Substation
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11. Restaurants, including restaurants or other retail with a drive thru.
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14. Offices
15. Bakery, Retail

B. The following uses are strictly prohibited.

1. Payday loans, title loans and flexible loan plan establishments
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14. Tavern, cocktail lounge or night club
15. Outdoor sales

II. Bulk Regulations

- A. The development shall comply with the bulk requirements of the Commercial Mixed Use (CMU-1) District.

III. Access, Parking and Circulation

- A. One curb cut is permitted on Getwell Road and one curb cut is permitted on Faulkner.

- B. The design and location of the curb cut shall be approved by the City Engineer.
- C. Internal circulation between adjacent phases, lots, sections shall be provided.
- D. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- E. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- F. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

#### IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- F. 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.

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- A. Landscaping shall be provided as illustrated on the Final Site Plan and Landscape Plan.

- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. Lighting shall be directed to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

- A. Signage shall be in conformance with the CMU-1 District regulations.

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

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

IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.

X. Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, elevations, required landscaping, trash receptacles and signs, etc...
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.

## DEPARTMENTAL COMMENTS

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

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

1. Standard Public Improvement 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.
4. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.

### **Roads:**

5. 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.
6. 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.
7. Improve and dedicate 54' from centerline for Getwell Rd.

### **Traffic Control Provisions:**

8. 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.
9. 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.
10. 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:**

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.

**Drainage:**

13. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
14. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
16. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
17. A pro-rata Fee for major drainage improvements may be required by a phased development.
18. All drainage emanating on-site shall be private in nature and no public easements will be accepted.
19. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

**Site Plan Notes:**

20. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
21. Residential lots with individual curb cuts to an arterial street must have a minimum 100 feet, a minimum lot depth of 150 feet, and provide an on-site turn around area permitting egress by forward motion. A note to this effect shall appear on the final plat in accordance with Section 403.4.A of the Unified Development Code.
22. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.



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

**General Notes:**

24. The width of all existing off-street sewer easements shall be widened to meet current city standards.

25. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

26. All connections to the sewer shall be at manholes only.

27. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

28. Required landscaping shall not be placed on sewer or drainage easements.

**City/County Fire Division:**

- All design and construction shall comply with the 2021 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.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- 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:**

**General Comments & Analysis:**

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The parcel for which the Applicant would like to create a planned development is currently zoned Conservation Agriculture. The types, area, and intensity of land uses in this district are designed to encourage and protect agricultural uses and the conservation of undeveloped areas.

The proposed Outline Plan does show increased impervious surfaces on the lot including one building and a surrounding parking lot.

The submitted Outline Plan and existing condition maps use aerial imagery taken in 2021. These images show a highly vegetated, undeveloped parcel. Recent aerial imagery and Google Street View images from June 2022 show that all trees and leafy vegetation on the parcel have been removed. Such tree removal, if completed without filing a Notice of Intent, would be in violation of the Unified Development Code. In addition, the Applicant submitted proposed conditions stating that landscaping and existing trees to be preserved are indicated on the Outline Plan. The Outline Plan only shows the minimum buffers around the outside boundaries of the planned development.

**Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes**

This planned development request is generally consistent with the Mid-South Regional Resilience Master Plan. The parcel is not located in an area with a high risk for flooding or ecological damage. The proposed land uses are unlikely to have a negative impact on the surrounding environment.

While the Outline Plan is generally consistent, Staff remains concerned regarding the removal of the tree canopy on the site and lack of proposed landscaping conditions. Increasing the impervious area and reducing vegetative cover increases stormwater runoff quantity and velocity. Trees reduce stormwater runoff, improve air quality, improve ecological health, and help reduce the surface temperature in their immediate vicinity (Section 5.7 Trees).

**Consistent with the Memphis Area Climate Action Plan best practices: No**

The proposed planned development is generally not consistent with the Memphis Area Climate Action Plan due to the recent tree removal and lack of conditions addressing tree replacement and plantings in the new development. The Climate Action Plan calls for increasing the urban tree canopy from 37% coverage to 60% coverage countywide by 2050 (Priority Action E.7).

**Recommendations:** Staff recommends the following condition:

- Prior to final site plan approval, the Applicant shall meet or exceed the tree replacement requirements in UDC Section 6.1 Tree Removal.

As landscaping planning moves forward on this planned development, efforts should be made to ensure that the species of trees represented in the tree canopy is diverse and well-maintained. In addition, Staff urges the developer to use Low Impact Development (LID) techniques for managing stormwater runoff, such as using permeable pavers for parking spaces and designing stormwater to flow into landscaped areas.

**Office of Comprehensive Planning:**

**Comprehensive Planning Review of Memphis 3.0 Consistency**

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This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB PD 22-21: Airport Adjacent

Site Address/Location: 4747 Getwell Road

Overlay District/Historic District/Flood Zone: Not located in an overlay district, historic district, or flood zone.

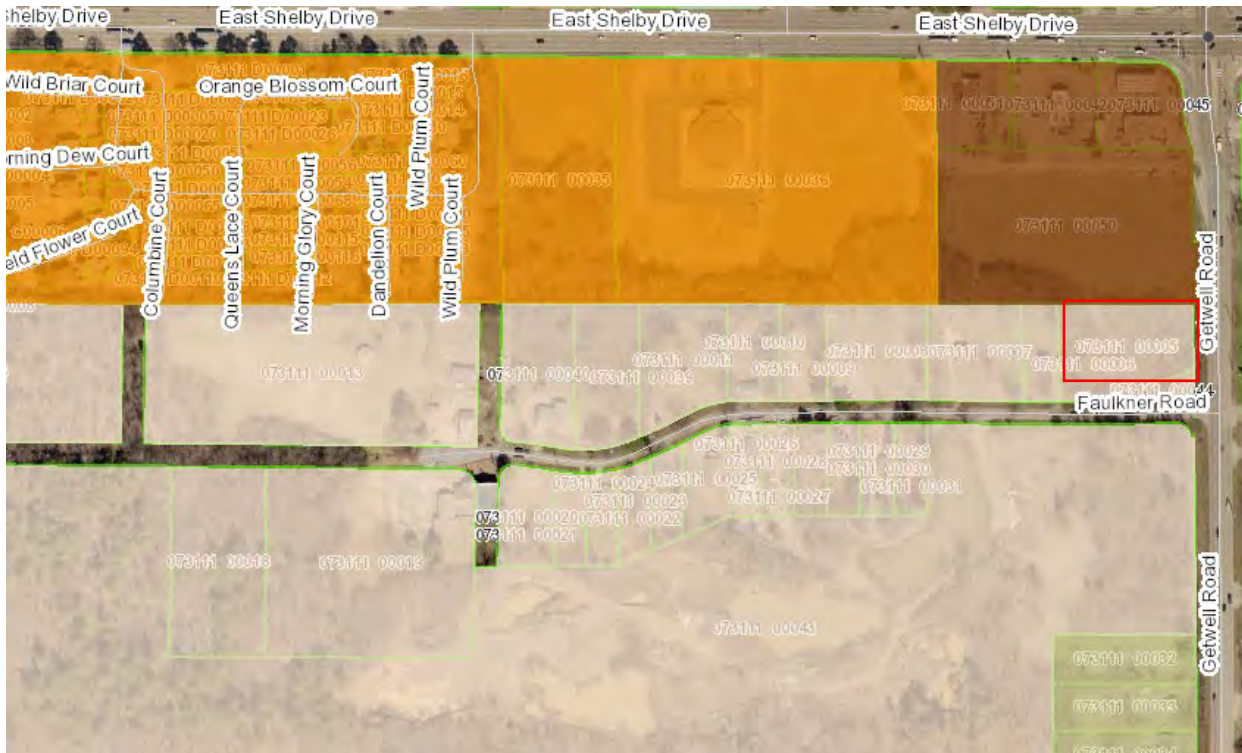
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: N/A

*The applicant is requesting a planned development to allow CMU-1 uses on the parcel. The applicant intends to develop a retail/restaurant use on the parcel.*

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/Intent**

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are a Community Anchor. Graphic portrayal of NS is to the right.



not near

**“NS” Form & Location Characteristics**

Primarily detached, House scale buildings, Primarily residential, 1 – 3 stories; Beyond ½ mile from a Community Anchor

**“NS” Zoning Notes**

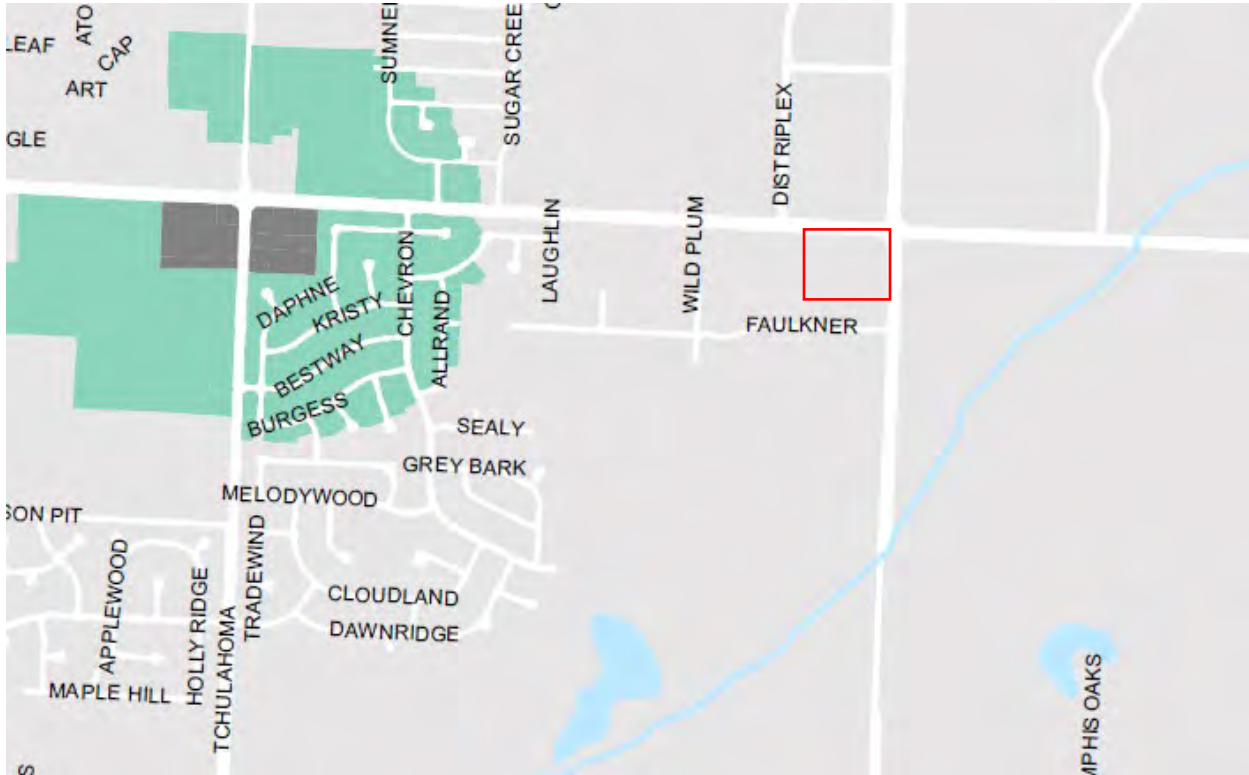
Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed above.

**Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Vacant, Conservation Agriculture  
 Adjacent Land Use and Zoning: Vacant, Commercial, CMU-3, RU-3

**Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form and location characteristics, zoning notes, and existing land use and zoning. However, the requested use is consistent with adjacent land use and zoning.*

**Degree of Change Map**



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

**3. Degree of Change Description**

N/A

**4. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities**

N/A

**5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations**

N/A

**Consistency Analysis Summary**

*The applicant is requesting a planned development to allow CMU-1 uses on the parcel. The applicant intends to develop a retail/restaurant use on the parcel.*

*This requested use is not compatible with the land use description/intent, form and location characteristics, zoning notes, and existing land use and zoning. However, the requested use is consistent with adjacent land use and zoning.*

*While, the planned development is not compatible with the future land use, it is consistent with adjacent land use and zoning. Additionally, it will bring infill development to a vacant parcel. Therefore, the request is consistent.*

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

APPLICATION



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

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION**  
**TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: 12/08/2022 Previous Case/Docket #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Willie Smith Sr. Phone #: 901-292-1147

Mailing Address: 1852 Brierbrook Rd City/State: Germantown, TN Zip: 38138

Property Owner Email Address: smith9181@bellsouth.net

Applicant: Same Phone #: \_\_\_\_\_

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

Applicant Email Address: \_\_\_\_\_

Representative: Brenda Solomito Basar, Solomito Land Planning Phone #: 901-569-0310

Mailing Address: 1779 Kirby Parkway #1-323 City/State: Memphis, TN Zip: 38138

Representative Email Address: brenda@solomitolandplanning.com

Architect/Engineer/Surveyor: Mark Underwood, Property Solutions Phone #: 901-230-5867

Mailing Address: 784 Dean's Creek Drive City/State: Collierville, TN Zip: 38017

Architect/Engineer/Surveyor Email Address: underwoodm@earthlink.net

**PREMISES LOCATION** (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 4747 Getwell Rd, East of Getwell, North of Faulkner Road

Parcel ID: 073111 00005

Project Name: \_\_\_\_\_

Project Description: Planned development to allow CMU-1 Uses

**Did you have a pre-application meeting with the Division of Planning and Development (DPD)?**

Planner: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

Type of Planned Development (PD) (check one)?  New PD  Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? No (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? \_\_\_\_\_ (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>1.247</u>	_____	_____
Existing Use of Property:	<u>Vacant Land</u>	_____	_____
Requested Use of Property:	<u>CMU-1</u>	_____	_____

Is this application in response to a citation, stop work order, or zoning letter? No (yes or no)

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPROVAL CRITERIA** (UDC Section 9.6.9)

*No 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LETTER OF INTENT

December 8, 2022

Mr. Brett Ragsdale, AIA  
Zoning Administrator  
Division of Planning and Development  
125 N. Main, Ste. 468  
Memphis, TN 38103

Re: Application for Planned Development  
4747 Getwell Rd.

Dear Brett:

We are pleased to submit an application for Planned Development on behalf of the property owner, Mr. Willie Smith. The property is located at the northwest corner of Getwell Road and Faulkner Road just south of East Shelby Drive. The property contains 1.247 acres and is currently zoned Conservation Agriculture (CA). Research of historical aerial photographs indicate the property has never been developed.

The property to the north is zoned CMU-3 and was approved for a Special Use Permit in 2018 (SUP 2018-011). Properties to the east are zoned Employment (EMP) and properties to the south and west are zoned Conservation Agriculture (CA). The small triangle property at the corner is not included in the application since ownership is unclear.

The purpose of this application is to request a Planned Development with limited CMU-1 uses. The approval of this request will provide the neighborhood with neighborhood services. As a part of our research, we consulted with the DPD Comprehensive Planning department and while the future land use for this property is Primarily Single-Unit Neighborhood (NS), CMU-1 uses would be considered.

As a result, this proposal provides for a couple of possible layouts for the property so as to not negatively impact the surrounding single family residential.

**APPROVAL CRITERIA (UDC Section 9.6.9)**

- 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:  
*The existing character of the neighborhood is a mixture of single family residential, warehousing and distribution. The addition of a small neighborhood support center will provide a land use transition and a needed resource for the neighborhood. This proposal will not adversely impact 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:  
*By providing a limited number of CMU-1 uses and designing the site so as to not negatively impact the surrounding properties, this site will be developed in a compatible manner and ample landscaping and buffering.*

**SOLOMITO**

LAND PLANNING

brenda@solomitolandplanning.com | 901.755.7495



December 8, 2022  
Page 2

- 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:  
***All public services are readily available at the site.***
- 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:  
***There are no significant natural, scenic, or historic features or characteristics on this site.***
- E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use:  
***This proposal complies with all applicable regulations***
- 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:  
***This proposal complies with other plans to be considered.***

**GENERAL PROVISIONS (UDC Section 4.10.3)**

- 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:  
***When developed, this property 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.***
- B) An approved water supply, community wastewater 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 public facilities and services exist for this site.***
- C) The location and arrangement of the structures, parking and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation:  
***As illustrated on the attached site plans, the site has options for the arrangement of parking, access, and other site features. Landscaping will be provided in excess of what is required.***
- 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:  
***Because of the irregular shape of the property, setbacks, building locations and parking have been provided to best fit the site.***

December 8, 2022  
Page 3

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

***Duly Noted***

F) Lots of record are created with the recording of a planned development final plan:

***Yes***

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

**SOLOMITO LAND PLANNING**



Brenda Solomito Basar  
Land Planner

**SIGN AFFIDAVIT**

*Wells Sisk*

AFFIDAVIT

Shelby County  
State of Tennessee

I *Shea Bon*, being duly sworn deposes and says that at *7:05* am, pm on the *29<sup>th</sup>* day of *Dec* he/she posted a Public Notice Sign(s) pertaining to case number *PD 2022-021* at (address) *4747 Crockett*, providing notice of a Public Hearing before the Land Use Control Board , Memphis City Council , Shelby County Board of Commissioners for consideration of a proposed land use action (Planned Development \_\_\_\_\_, Use Variance \_\_\_\_\_, Zoning District map Amendment \_\_\_\_\_), a photograph of said sign(s) being attached hereon and a copy of the signs purchase receipt or rental contract attaches hereto.

*Shea Bon* \_\_\_\_\_ *12-31-22* \_\_\_\_\_  
Owner, Applicant or Representative Date

Subscribed and sworn to before me this *31<sup>st</sup>* day of *Dec*, 2007. *2022*

Notary Public



My Commission Expires: \_\_\_\_\_

**LETTERS RECEIVED**

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



## Record Summary for Planned Development

### Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: December 7, 2022

Record Number: PD 2022-021

Expiration Date:

Record Name: Smith Family Planned Development

Description of Work: Request for a Planned Development to permit limited CMU-1 uses.

Parent Record Number:

---

### Address:

4747 GETWELL RD, MEMPHIS 38118

### Owner Information

Primary Owner Name

Y SMITH WILLIE SR

Owner Address

1852 BRIERBROOK RD, GERMANTOWN, TN 38138

Owner Phone

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### Parcel Information

073111 00005

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### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

Jeffrey Penzes

Date of Meeting

09/22/2022

#### GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

Previous Docket / Case Number

1947-057 - CO

**GENERAL PROJECT INFORMATION**

Medical Overlay / Uptown No  
If this development is located in unincorporated N/A  
Shelby County, is the tract at least three acres?  
(Note a tract of less than three acres is not  
eligible for a planned development in  
unincorporated Shelby County)  
Is this application in response to a citation, stop No  
work order, or zoning letter  
If yes, please provide a copy of the citation, stop -  
work order, and/or zoning letter along with any  
other relevant information

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A See Attached  
UDC Sub-Section 9.6.9B See Attached  
UDC Sub-Section 9.6.9C See Attached  
UDC Sub-Section 9.6.9D See Attached  
UDC Sub-Section 9.6.9E See Attached  
UDC Sub-Section 9.6.9F See Attached

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A See Attached  
B) An approved water supply, community waste See Attached  
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 See Attached  
structures, parking and loading 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 such facilities shall be landscaped or  
otherwise improved except where natural  
features are such as to justify preservation  
D) Any modification of the district standards that See Attached  
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 Yes  
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 Yes  
of a planned development final plan

**GIS INFORMATION**

Central Business Improvement District No  
Case Layer BOA1947-057-CO

**GIS INFORMATION**

Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CA
State Route	1
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	-

---

**Contact Information**

<b>Name</b>	<b>Contact Type</b>
SMITH WILLIE SR	APPLICANT
<b>Address</b>	

**Phone**  
(901)292-1147

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1434570	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	12/07/2022
1434651	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	12/08/2022
			Total Fee Invoiced: \$1,500.00	Total Balance: \$0.00		

---

**Payment Information**

<b>Payment Amount</b>	<b>Method of Payment</b>
\$1,500.00	Check



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

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

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION  
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: 12/08/2022

Previous Case/Docket #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Willie Smith Sr. Phone #: 901-292-1147

Mailing Address: 1852 Brierbrook Rd City/State: Germantown, TN Zip: 38138

Property Owner Email Address: smith9181@bellsouth.net

Applicant: Same Phone #: \_\_\_\_\_

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

Applicant Email Address: \_\_\_\_\_

Representative: Brenda Solomito Basar, Solomito Land Planning Phone #: 901-569-0310

Mailing Address: 1779 Kirby Parkway #1-323 City/State: Memphis, TN Zip: 38138

Representative Email Address: brenda@solomitolandplanning.com

Architect/Engineer/Surveyor: Mark Underwood, Property Solutions Phone #: 901-230-5867

Mailing Address: 784 Dean's Creek Drive City/State: Collierville, TN Zip: 38017

Architect/Engineer/Surveyor Email Address: underwoodm@earthlink.net

**PREMISES LOCATION** (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 4747 Getwell Rd, East of Getwell, North of Faulkner Road

Parcel ID: 073111 00005

Project Name: \_\_\_\_\_

Project Description: Planned development to allow CMU-1 Uses

**Did you have a pre-application meeting with the Division of Planning and Development (DPD)?**

Planner: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_



Type of Planned Development (PD) (check one)?  New PD  Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? No (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? \_\_\_\_\_ (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>1.247</u>	_____	_____
Existing Use of Property:	<u>Vacant Land</u>	_____	_____
Requested Use of Property:	<u>CMU-1</u>	_____	_____

Is this application in response to a citation, stop work order, or zoning letter? No (yes or no)

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information: \_\_\_\_\_

**APPROVAL CRITERIA** (UDC Section 9.6.9)

*No 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: \_\_\_\_\_

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E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

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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: \_\_\_\_\_

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**GENERAL PROVISIONS (UDC Section 4.10.3)**

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

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: \_\_\_\_\_

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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:

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- C) The location and arrangement of the structures, parking and loading 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 such facilities 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: \_\_\_\_\_

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION GUIDE**

To file online use the Develop 901 Citizen Portal: [www.aca-prod.accela.com/SHELBYCO/Default](http://www.aca-prod.accela.com/SHELBYCO/Default)

**GENERAL INFORMATION**

**UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR PLANNED DEVELOPMENTS:**

- a) Planned Development – UDC Chapter 9.6 and Section 9.6.11
- b) Planned Development Amendment – UDC Paragraph 9.6.11E(1)

**PRE-APPLICATION MEETING** – This is a meeting in which the Division of Planning and Development Land Use and Development Services discusses the procedures, standards, and regulations required of a request in accordance with the Unified Development Code with the applicant(s) and/or their representative(s), see Section 9.3.1 of [Unified Development Code](#) for additional information. To schedule a pre-application meeting please call Land Use and Development Services at (901) 636-6619.

**APPLICATION REVIEW PROCESS** – [Click here](#) to view a flowchart that explains the review process by application type, as well as the expected review time for each.

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than one hundred twenty (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, see Section 9.3.2 of the [Unified Development Code](#) for additional information, procedures, standards, and requirements.

**APPLICATION DEADLINES** – A link to the Applications Deadlines Calendar can be found on the Land Use and Development Services’ [webpage](#).

**APPLICATION ASSISTANCE** – [Click here](#) to view a list of firms and individuals who frequently provide assistance with the filing of applications with the Division of Planning and Development.

**FILING FEE(S)** – See the [Fee Schedule](#). Make checks payable to “M/SC Division of Planning and Development”

**POSTED NOTICE** – Posting sign(s) may be required, refer to Sub-Sections 9.3.4A and 9.3.4C of the [Unified Development Code](#) for specific requirements. If posted notice is required, the sign [affidavit](#) and a photograph of each sign on the subject property are also mandatory. [Download](#) templates of the sign in a PowerPoint document. [Click here](#) for a list of companies that may be able to produce posted notice signs.

### **REQUIRED DOCUMENTS**

As part of the application, the following documents are required to be submitted:

**LETTER OF INTENT** – A brief narrative statement generally describing the nature, location, and extent of the development and the market it is intended to serve.

**OUTLINE PLAN** – An outline plan consists of the following documents:

- A. CONCEPT PLAN** – In general, a drawing of the subject property drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions, and arrangements of buildings on the property; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site, any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds; etc.
- B. LANDSCAPE PLAN** – A detailed diagram that includes the specific location and spacing of plant materials. All plant materials shall be identified in a planting schedule chart that indicates the symbol, quantity, common name, botanical name, and minimum size at planting—caliper and height.
- C. PROPOSED OUTLINE PLAN CONDITIONS IN WORD** – The proposed outline plan conditions must be submitted in the Microsoft Word format.

**VICINITY MAP** – Map showing the subject property (boldly outlined) and all adjacent parcel owners. Refer to Sub-Section 9.3.4A of the [Unified Development Code](#) for specific notification requirements. Note two hardcopy sets of sticky labels must be provided and shall be dropped off at Suite 477 in City Hall, 125 N Main Street, Memphis, TN 38103. [Public Notice Tool User Guide](#).

**MAILING LABELS OF NAMES AND ADDRESSES** – A complete list of names and mailing addresses, of all property owners shown on the vicinity map, typewritten, and formatted as 1" x 2 5/8" labels (Avery 5160). Additionally, include the application property owner of record, applicant, representative, and/or Architect/Engineer/Surveyor. [Public Notice Tool User Guide](#).

**DEED(S)** – Most recent deed(s) on file with [Shelby County Register of Deeds](#).

**OWNER AFFIDAVIT** – [Affidavit of ownership or owner designee](#).

**Additional documents may be required prior to approval including, but not limited, to:**

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

Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Stellie Smith state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 4747 Getwell Rd and further identified by Assessor's Parcel Number 07311 00005, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 19th day of Oct in the year of 2020

Amanda P. Hood  
Signature of Notary Public



December 8, 2022

Mr. Brett Ragsdale, AIA  
Zoning Administrator  
Division of Planning and Development  
125 N. Main, Ste. 468  
Memphis, TN 38103

Re: Application for Planned Development  
4747 Getwell Rd.

Dear Brett:

We are pleased to submit an application for Planned Development on behalf of the property owner, Mr. Willie Smith. The property is located at the northwest corner of Getwell Road and Faulkner Road just south of East Shelby Drive. The property contains 1.247 acres and is currently zoned Conservation Agriculture (CA). Research of historical aerial photographs indicate the property has never been developed.

The property to the north is zoned CMU-3 and was approved for a Special Use Permit in 2018 (SUP 2018-011). Properties to the east are zoned Employment (EMP) and properties to the south and west are zoned Conservation Agriculture (CA). The small triangle property at the corner is not included in the application since ownership is unclear.

The purpose of this application is to request a Planned Development with limited CMU-1 uses. The approval of this request will provide the neighborhood with neighborhood services. As a part of our research, we consulted with the DPD Comprehensive Planning department and while the future land use for this property is Primarily Single-Unit Neighborhood (NS), CMU-1 uses would be considered.

As a result, this proposal provides for a couple of possible layouts for the property so as to not negatively impact the surrounding single family residential.

#### **APPROVAL CRITERIA (UDC Section 9.6.9)**

- 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:

***The existing character of the neighborhood is a mixture of single family residential, warehousing and distribution. The addition of a small neighborhood support center will provide a land use transition and a needed resource for the neighborhood. This proposal will not adversely impact 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:

***By providing a limited number of CMU-1 uses and designing the site so as to not negatively impact the surrounding properties, this site will be developed in a compatible manner and ample landscaping and buffering.***

# SOLOMITO

LAND PLANNING

brenda@solomitolandplanning.com | 901.755.7495

- 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:

***All public services are readily available at the site.***

- 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:

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

- E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

***This proposal complies with all applicable regulations***

- 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:

***This proposal complies with other plans to be considered.***

#### **GENERAL PROVISIONS (UDC Section 4.10.3)**

- 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:

***When developed, this property 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.***

- B) An approved water supply, community wastewater 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 public facilities and services exist for this site.***

- C) The location and arrangement of the structures, parking and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation:

***As illustrated on the attached site plans, the site has options for the arrangement of parking, access, and other site features. Landscaping will be provided in excess of what is required.***

- 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:

***Because of the irregular shape of the property, setbacks, building locations and parking have been provided to best fit the site.***

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

***Duly Noted***

F) Lots of record are created with the recording of a planned development final plan:

***Yes***

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

**SOLOMITO LAND PLANNING**

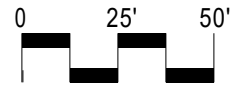


Brenda Solomito Basar  
Land Planner





NORTH



SCALE: 1"=50'



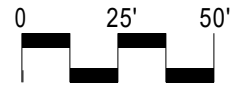
December 5, 2022  
Concept Plan  
**4747 Getwell Road**  
MEMPHIS, TENNESSEE

PREPARED BY:  
**SOLOMITO**  
LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495

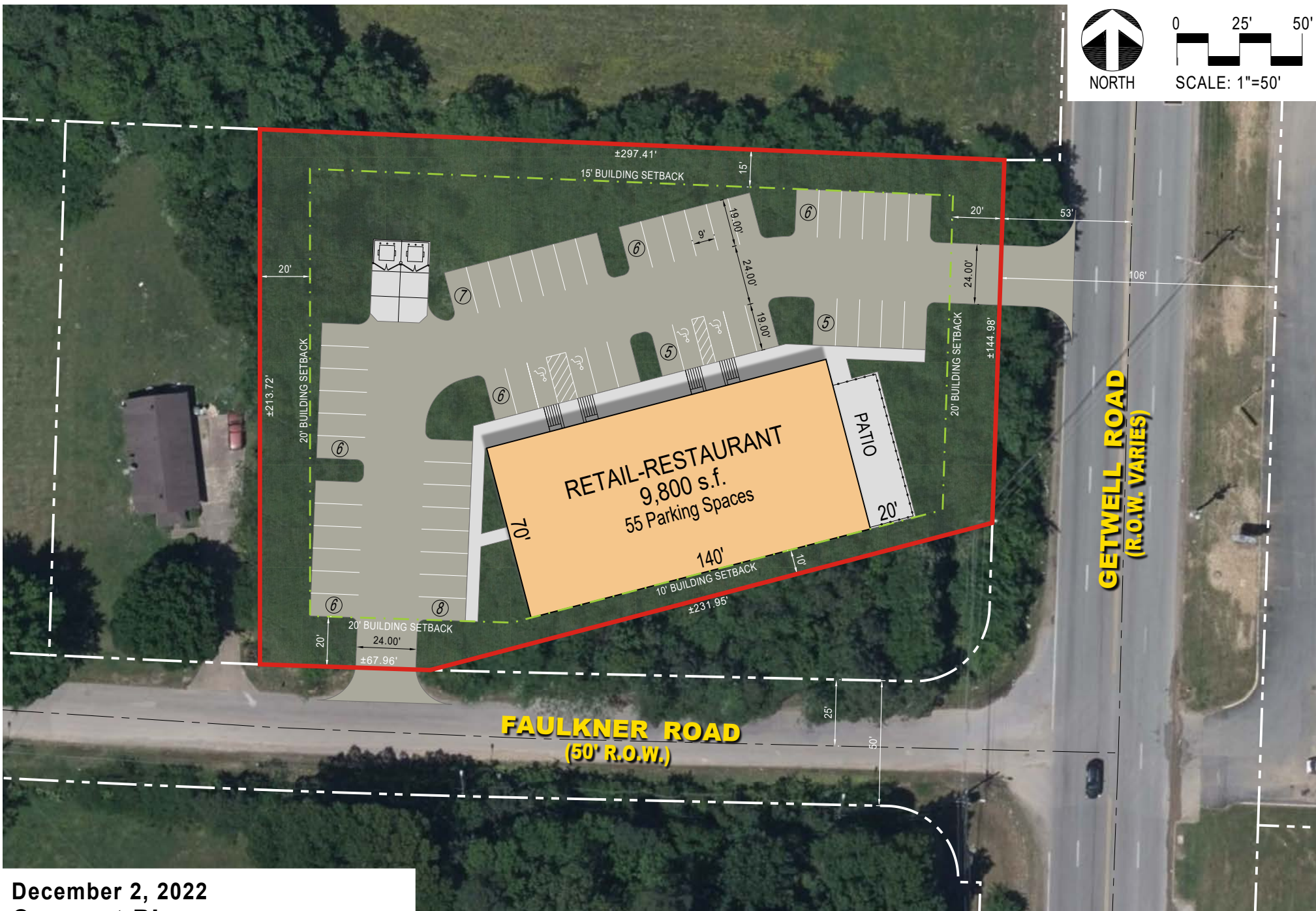
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NORTH



SCALE: 1"=50'



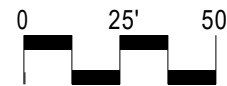
December 2, 2022  
 Concept Plan  
**4747 Getwell Road**  
 MEMPHIS, TENNESSEE

PREPARED BY:  
**SOLOMITO**  
 LAND PLANNING  
 1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495

DWG. NAME: 22108-Outline.dwg



NORTH



SCALE: 1"=50'



**±1.247 Acres**

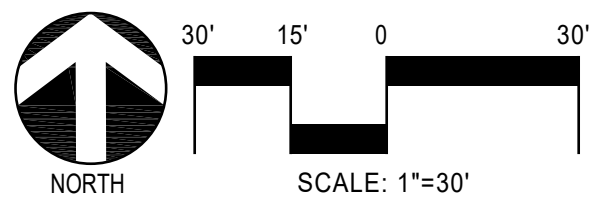
**FAULKNER ROAD  
(50' R.O.W.)**

**GETWELL ROAD  
(R.O.W. VARIES)**

December 2, 2022  
Existing Conditions  
**4747 Getwell Road**  
MEMPHIS, TENNESSEE

PREPARED BY:  
**SOLOMITO**  
LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495

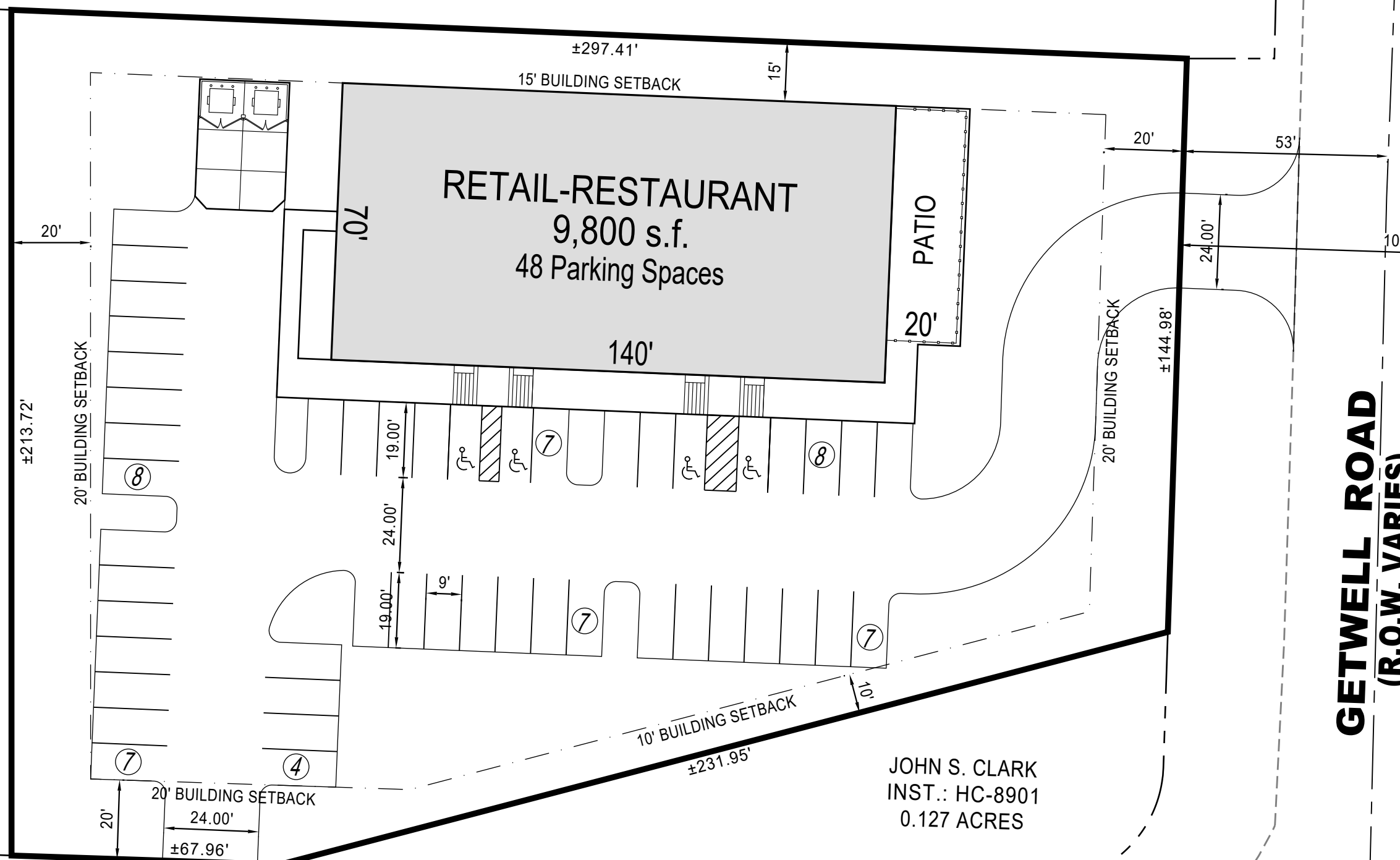
DWG. NAME: 22108-Outline.dwg



NUFISH LLC  
INST.: 21149260  
4.298 ACRES

MONTE C. BUSH  
INST.: 21046366  
0.344 ACRES

EXIST. BUILDING



JOHN S. CLARK  
INST.: HC-8901  
0.127 ACRES

**FAULKNER ROAD**  
(50' R.O.W.)

BURDETTE UNITED  
METHODIST CHURCH  
INST.: FT-6567  
39.668 ACRES

SS GETWELL LLC  
INST.: 16048595  
4.00 ACRES

EXIST. BUILDING

EXIST. BUILDING

GEORGE S. SIMPSON SR.  
INST.: 15084252  
4.742 ACRES

**GETWELL ROAD**  
(R.O.W. VARIES)



VICINITY MAP

**NOTES:**

1. EXISTING ZONING: CA
2. FLOODWAY OR FLOODPLAIN  
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 440 F AND MAP NO. 47157CO 445 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION-333
3. PREPARED FROM INSTRUMENT NUMBER HX-9879 AND DATED NOVEMBER 19, 1998.

**CONCEPT PLAN**  
CASE:  
**OUTLINE PLAN**  
**4747 GETWELL ROAD**

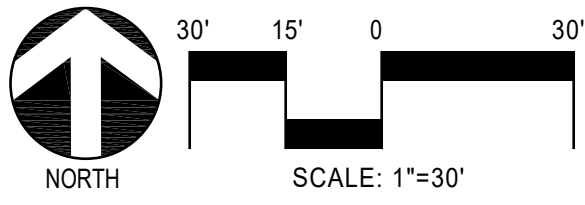
**MEMPHIS, TENNESSEE**  
TOTAL AREA: ±1.247 Acres  
WARD 073, BLOCK 111, PARCEL 00005  
No. OF LOTS: 1  
100 YEAR FLOOD ELEV.:232

OWNERS/DEVELOPER:  
WILLIE SMITH SR.  
1852 Brierbrook Road  
Germantown, TN 38138

PREPARED BY:

**SOLOMITO**

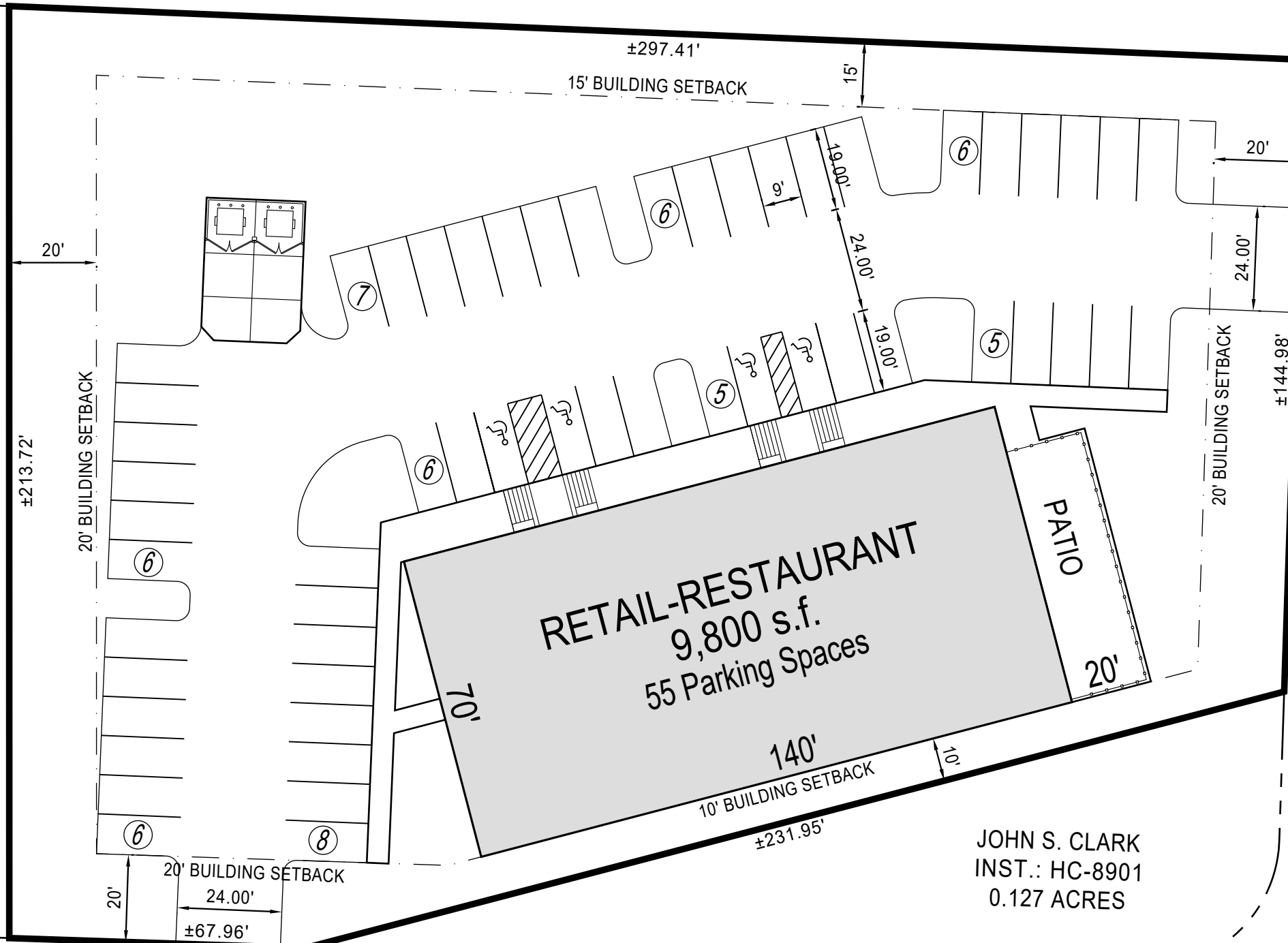
LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495  
DATE: 12-5-2022 JOB: 22108 SHEET 2 OF 3



NUFISH LLC  
INST.: 21149260  
4.298 ACRES

MONTE C. BUSH  
INST.: 21046366  
0.344 ACRES

EXIST. BUILDING



JOHN S. CLARK  
INST.: HC-8901  
0.127 ACRES

**FAULKNER ROAD**  
(50' R.O.W.)

**GETWELL ROAD**  
(R.O.W. VARIES)

SS GETWELL LLC  
INST.: 16048595  
4.00 ACRES

EXIST. BUILDING

EXIST. BUILDING

GEORGE S. SIMPSON SR.  
INST.: 15084252  
4.742 ACRES

BURDETTE UNITED  
METHODIST CHURCH  
INST.: FT-6567  
39.668 ACRES



VICINITY MAP

**NOTES:**

1. EXISTING ZONING: CA
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THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 440 F AND MAP NO. 47157CO 445 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION-333
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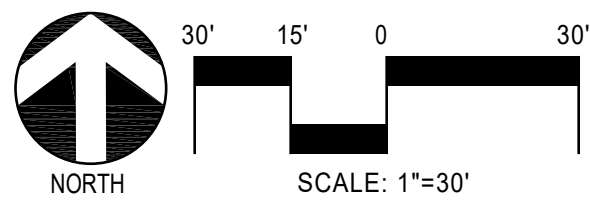
**CONCEPT PLAN**  
CASE:  
**OUTLINE PLAN**  
**4747 GETWELL ROAD**  
**MEMPHIS, TENNESSEE**  
TOTAL AREA: ±1.247 Acres  
WARD 073, BLOCK 111, PARCEL 00005  
No. OF LOTS: 1  
100 YEAR FLOOD ELEV.:232

OWNERS/DEVELOPER:  
WILLIE SMITH SR.  
1852 Brierbrook Road  
Germantown, TN 38138

PREPARED BY:

**SOLOMITO**

LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495  
DATE: 12-2-2022 JOB: 22108 SHEET 2 OF 3



NUFISH LLC  
INST.: 21149260  
4.298 ACRES

MONTE C. BUSH  
INST.: 21046366  
0.344 ACRES

EXIST. BUILDING

**±1.247 Acres**

JOHN S. CLARK  
INST.: HC-8901  
0.127 ACRES

**FAULKNER ROAD  
(50' R.O.W.)**

BURDETTE UNITED  
METHODIST CHURCH  
INST.: FT-6567  
39.668 ACRES

**GETWELL ROAD  
(R.O.W. VARIES)**

SS GETWELL LLC  
INST.: 16048595  
4.00 ACRES

EXIST. BUILDING

EXIST. BUILDING

GEORGE S. SIMPSON SR.  
INST.: 15084252  
4.742 ACRES



VICINITY MAP

**NOTES:**

- EXISTING ZONING: CA
- FLOODWAY OR FLOODPLAIN  
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 440 F AND MAP NO. 47157CO 445 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION-333
- PREPARED FROM INSTRUMENT NUMBER HX-9879 AND DATED NOVEMBER 19, 1998.

CASE:  
**OUTLINE PLAN  
4747 GETWELL  
ROAD**  
MEMPHIS, TENNESSEE

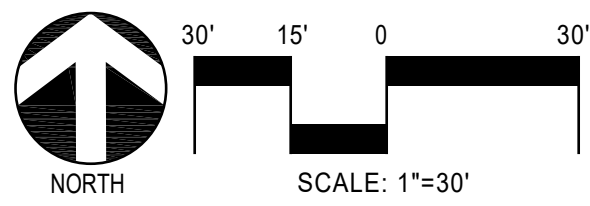
TOTAL AREA: ±1.247 Acres  
WARD 073, BLOCK 111, PARCEL 00005  
No. OF LOTS: 1  
100 YEAR FLOOD ELEV.:232

OWNERS/DEVELOPER:  
WILLIE SMITH SR.  
1852 Brierbrook Road  
Germantown, TN 38138

PREPARED BY:

**SOLOMITO**

LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495  
DATE: 12-2-2022 JOB: 22108 SHEET 1 OF 3



NUFISH LLC  
INST.: 21149260  
4.298 ACRES

MONTE C. BUSH  
INST.: 21046366  
0.344 ACRES

**±1.247 Acres**

JOHN S. CLARK  
INST.: HC-8901  
0.127 ACRES

SS GETWELL LLC  
INST.: 16048595  
4.00 ACRES

GEORGE S. SIMPSON SR.  
INST.: 15084252  
4.742 ACRES

**FAULKNER ROAD  
(50' R.O.W.)**

**GETWELL ROAD  
(R.O.W. VARIES)**

BURDETTE UNITED  
METHODIST CHURCH  
INST.: FT-6567  
39.668 ACRES

CASE:  
**PLOT PLAN  
4747 GETWELL  
ROAD**

**MEMPHIS, TENNESSEE**  
TOTAL AREA: ±1.247 Acres  
WARD 073, BLOCK 111, PARCEL 00005  
No. OF LOTS: 1  
100 YEAR FLOOD ELEV.:232

OWNERS/DEVELOPER:  
WILLIE SMITH SR.  
1852 Brierbrook Road  
Germantown, TN 38138

PREPARED BY:

**SOLOMITO**


LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495  
DATE: 12-2-2022 JOB: 22108 SHEET 1 OF 1

**NOTES:**

- EXISTING ZONING: CA
- FLOODWAY OR FLOODPLAIN  
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- PREPARED FROM INSTRUMENT NUMBER HX-9879 AND DATED NOVEMBER 19, 1998.



- Legend**
- polygonLayer**
  - Override 1
  - Override 2
  - polygonLayer**
  - Override 1
  - Roads
  - Board Of Adjustment Cases - Label
  - Board Of Adjustment Cases
  - Planned Developments - Label
  - Planned Developments
  - Special Use Permits - Label
  - Special Use Permits
  - SUP Use Variances - Label
  - SUP Use Variances
  - Street and Alley Closure - Label
  - Street and Alley Closure
  - Zoning Cases - Label
  - Zoning Cases
  - Shelby County Zoning
  - Arlington Zoning
  - Bartlett Zoning
  - Collierville Zoning
  - Germantown Zoning
  - Lakeland Zoning
  - Millington Zoning
  - Parcels


 Map prepared through Shelby County Government's online mapping Portal on 12/6/2022

0 0.05 0.1 0.15 0.2 mi

N



073111 00051 - MEMPHIS FOODS LLC  
073111 00050 - NUFISH LLC  
073111 00045 - MOHAMED AMIN & AIDA SAMUEL  
073112 00003 - BROTHERS REAL ESTATE INC  
073112 00022 - SS GETWELL LLC  
073111 00044 - CLARK JOHN S  
073111 00030 - HAMILTON JACOB  
073111 00031 - PAYNE HERMAN III AND KORY K PAYNE  
073111 00005 - SMITH WILLIE SR  
073102 00120 - ALHALAWANI RADEH  
073102 00114 - EAST SHELBY DRIVE 3796 CENTER LLC  
073101 00102C - SOMIT LLC  
073111 00036 - CENTER CHAPEL BAPTIST CHURCH (TR)  
073111 00042 - FRAYSER QUALITY LLC  
073112 00004C - MCDONALDS CORPORATION  
073112 00012 - CITY OF MEMPHIS  
073111 00010 - PHILLIPS MARY W  
073111 00009 - DAVIS JOSEPHINE W AND HERBERT WATKINS  
073111 00008 - BRADLEY JESSIE & DIEDRA  
073111 00007 - MURDOCK ROSCOE & AUDREY S  
073111 00043 - BURDETTE UNITED METHODIST CHURCH (40%)  
073111 00027 - HAMILTON JACOB  
073111 00028 - PAYNE SADIE M AND LORA PAYNE  
073111 00029 - PAYNE SADIE M AND LORA PAYNE ODOM  
073112 00021 - SIMPSOM GEORGE W SR

073111 00032 - COLEMAN WILLIE L & CHARLOTTE

073112 00014 - B & B REALTY LLC

073111 00033 - CARTER JULIA

073111 00006 - BUSH MONTE C

MEMPHIS FOODS LLC  
139 SOUTHWEST DR #  
JONESBORO AR 72401

EAST SHELBY DRIVE 3796 CENTER LLC  
P O BOX 1565 #  
LAWRENCEVILLE GA 30046

BURDETTE UNITED METHODIST CHURCH (40%)  
4953 MALONE RD #  
MEMPHIS TN 38118

NUFISH LLC  
5858 RIDGEWAY CENTER PKWY  
MEMPHIS TN 38120

SOMIT LLC  
8196 WINDERSVILLE DR #  
BARTLETT TN 38133

HAMILTON JACOB  
3733 FAULKNER RD #  
MEMPHIS TN 38109

MOHAMED AMIN & AIDA SAMUEL  
3799 E SHELBY DR #  
MEMPHIS TN 38118

CENTER CHAPEL BAPTIST CHURCH (TR)  
PO BOX 18483 #  
MEMPHIS TN 38181

PAYNE SADIE M AND LORA PAYNE  
3725 FAULKNER RD #  
MEMPHIS TN 38118

BROTHERS REAL ESTATE INC  
3825 E SHELBY DR #  
MEMPHIS TN 38118

FRAYSER QUALITY LLC  
968 JAMES ST #  
SYRACUSE NY 13203

PAYNE SADIE M AND LORA PAYNE ODOM  
3725 FAULKNER RD #  
MEMPHIS TN 38118

SS GETWELL LLC  
PO BOX 800729 #  
DALLAS TX 75380

MCDONALDS CORPORATION  
5645 MURRAY RD #  
MEMPHIS TN 38119

SIMPSON GEORGE W SR  
4784 GETWELL RD #  
MEMPHIS TN 38118

CLARK JOHN S  
1852 BRIERBROOK RD #  
GERMANTOWN TN 38138

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

COLEMAN WILLIE L & CHARLOTTE  
5990 OLD HIGHWAY 64 #  
WHITEVILLE TN 38075

HAMILTON JACOB  
703 BRAKEBILL AVE #  
MEMPHIS TN 38116

PHILLIPS MARY W  
3704 FAULKNER RD #  
MEMPHIS TN 38118

B & B REALTY LLC  
4830 GETWELL RD #  
MEMPHIS TN 38118

PAYNE HERMAN III AND KORY K PAYNE  
3725 FAULKNER RD #  
MEMPHIS TN 38118

DAVIS JOSEPHINE W AND HERBERT WATKINS  
1328 ROBIN HILL DR #  
NORCROSS GA 30093

CARTER JULIA  
4827 GETWELL RD #  
MEMPHIS TN 38118

SMITH WILLIE SR  
1852 BRIERBROOK RD #  
GERMANTOWN TN 38138

BRADLEY JESSIE & DIEDRA  
3726 FAULKNER RD #  
MEMPHIS TN 38118

BUSH MONTE C  
3836 CARAVEL DR  
MEMPHIS TN 38118

ALHALAWANI RADEH  
3770 SHELBY DR #  
MEMPHIS TN 38118

MURDOCK ROSCOE & AUDREY S  
5041 WHITWORTH #  
MEMPHIS TN 38116

For Current Resident  
3745 SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3796 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
GETWELL RD #  
Memphis, TN 38118

For Current Resident  
GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3810 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3711 FAULKNER #  
Memphis, TN 38118

For Current Resident  
3799 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3715 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3719 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
3825 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3795 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3725 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
4740 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3845 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
4784 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
GETWELL #  
Memphis, TN 38118

For Current Resident  
3843 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
4817 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3733 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
3704 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
4830 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3739 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
FAULKNER #  
Memphis, TN 38118

For Current Resident  
4827 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
4747 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3726 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
3770 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
3770 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3762 FAULKNER RD #  
Memphis, TN 38118

This Instrument prepared by: John Skinner Clark, 4747 Getwell Rd., Memphis TN 38118

THIS INDENTURE, made and entered into this 18th day of November, 1998

by and between John Skinner Clark  
of the first part, and Willie Smith, Sr.

HX 9879  
2

WITNESSETH: That for the consideration hereinafter expressed the said party \_\_\_\_\_, of the second part  
part has: \_\_\_\_\_ bargained and sold and does \_\_\_\_\_ hereby bargain, sell, convey and confirm unto the said  
party \_\_\_\_\_ of the second part the following described real estate, situated and being in Memphis  
County of Shelby State of Tennessee

A part of the Northeast corner of the Faulkner 79.87 acres, as recorded in Plat Book 17, Page 74, in the Register' Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description, and being further described as follows:

BEGINNING at a point in the West line of Getwell Road 600 feet South of the center line of Whitehaven-Capleville Road; thence Westwardly along the North line of the Faulkner tract 285 feet to the Northeast corner of the lot sold to Ira Lee Stewart, recorded in Book 3481, Page 26; thence South along the Stewart East line 200 feet to the North line of Faulkner Road to the Southeast corner of the Stewart lot; thence Eastwardly along the North line of Faulkner Road 306.37 feet to the West line of Getwell Road; thence North along the said West line of Getwell Road 67.41 feet to the point of beginning, and being a part of the same property conveyed to Sidney Baker and wife, Minnie Baker, by Deed from Fannie Lee Faulkner Maxwell, recorded in Book 3187, Page 166. Said property being commonly known and referred to as 4747 Getwell Rd. Said property being the same property conveyed to Party of the first part as Instrument G2 4801.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party \_\_\_\_\_ of the second part, y. \_\_\_\_\_ heirs and assigns in fee simple forever.

And the said party \_\_\_\_\_ of the first part does \_\_\_\_\_ hereby covenant with the said party Y \_\_\_\_\_ of the second part that he is lawfully seized in fee of the aforescribed real estate; that he has a good right to sell and convey the same; that the same is unencumbered,

and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

THE CONSIDERATION for this conveyance is as follows:

Ten and no/100 (\$10.00) Dollars, and other good and valuable considerations.

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

John Skinner Clark 11-19-98

STATE OF TENNESSEE,  
County of Shelby.

HX 9879

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared \_\_\_\_\_

John Skinner Clark

with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person \_\_\_\_\_ within named and that \_\_\_\_\_ he \_\_\_\_\_ executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and seal, this 19th day of November.

*Adricia Weaver*  
Notary Public

MY COMMISSION EXPIRES MAY 14, 2002

My commission expires \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

STATE OF TENNESSEE COUNTY OF SHELBY }

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is, \$40,000, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

*Willie Smith Sr.*  
Affiant

Subscribed and sworn to before me this the 19th day of November 1998.

*Adricia Weaver*  
Notary Public

MY COMMISSION EXPIRES MAY 14, 2002

My commission expires \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

073-111-00005

Mail tax notices to: Willie Smith, Sr., 1852 Brierbrook, Germantown, TN 38138

*Owner*

**MEMPHIS TITLE**  
A DIVISION OF F&M INVESTMENTS, L.L.C.  
100 NORTH MAIN BUILDING  
POST OFFICE BOX 3073  
MEMPHIS, TENNESSEE 38103  
TELEPHONE (901) 525-4343

**WARRANTY DEED**

TO \_\_\_\_\_

State Tax ..... \$ \_\_\_\_\_

Clerk's Fee ..... \$ \_\_\_\_\_

TOTAL ..... \$ \_\_\_\_\_

Paid.....  
Deputy County Court Clerk.

MTC form 0015

The following information is not a part of this Deed.  
Property Address 4747 Retwell Rd  
Memphis TN

Mail Tax Bill to \_\_\_\_\_  
MT \_\_\_\_\_

No. HX 9879

D/C \_\_\_\_\_ DR# 7

Pgs. 2 Hm. \_\_\_\_\_

Vol. 40000

STATE TAX 1480

REGISTER'S FEE 100

RECORDING FEE 800

D.P. FEE 200

WT  MISC FEE \_\_\_\_\_

TOTAL 1570

STATE OF TENNESSEE  
SHELBY COUNTY  
GUY B. WOODS  
REGISTER

HX9879

SHELBY COUNTY  
REGISTER OF DEEDS

98 NOV 19 PH 3:52

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 4/11/2023  
DATE  
PUBLIC SESSION: 4/11/2023  
DATE**

ITEM (CHECK ONE)  
 ORDINANCE     RESOLUTION     REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 707 Adams Ave., known as case number PD 2023-004

**CASE NUMBER:** PD 2023-004

**DEVELOPMENT:** Adams Orleans Planned Development

**LOCATION:** 707 Adams Ave.

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

**OWNER/APPLICANT:** Regents Park QOZB I, LLC

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

**REQUEST:** Amendment to the Adams Orleans PD to add Event Center as an allowed use

**AREA:** +/-0.596 acres

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

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

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_ APPROVAL - (1) APPROVED (2) DENIED  
 03/9/2023 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>Jeressa H. Shelton</u>	<u>3/22/2023</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Britt Rye</u>	<u>3/22/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### PD 2023-004

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 707 ADAMS AVE., KNOWN AS CASE NUMBER PD 2023-004

- This item is a resolution with conditions to allow an Amendment to the Adams Orleans PD to add Event Center as an allowed use; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.



## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, March 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** PD 2023-004

**DEVELOPMENT:** Adams Orleans Planned Development

**LOCATION:** 707 Adams Ave.

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

**OWNER/APPLICANT:** Regents Park QOZB I, LLC

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

**REQUEST:** Amendment to the Adams Orleans PD to add Event Center as an allowed use

**EXISTING ZONING:** Residential Urban-4(H) zoning district in the Medical District Overlay

**AREA:** +/-0.596 acres

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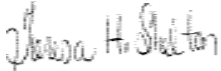
**The following spoke in support of the application:** None

**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 9-0 on the consent agenda.**

Respectfully,



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

Cc: Committee Members  
File

**SITE CONDITIONS**

1. Any tents used during an event can be erected no earlier than twenty-four (24) to forty-eight (48) hours prior to any event and disassembled within twenty-four (24) to forty-eight (48) hours after the event is over.
2. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.

**OUTLINE PLAN CONDITIONS**

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~**bold-strikethrough**~~.

Adams Orleans PD Amended - PD 23-004 (Formerly P.D 82-005)

I. Permitted Uses

- A. Office use, excluding medical and dental offices, shall be permitted in the existing building.
- B. Those uses permitted by right in the R-U4 Multiple Dwelling Residential District including an Antique Shop and excludes photocopying, package shipping or blueprints.
- C. Event Center – including any acceptable accessory structures as shown on the site plan.**

II. Circulation, Access and Parking

- A. Thirteen parking spaces shall be provided on site
- B. One way access shall be permitted and indicated through parking area.
- C. The location and design of curb cuts shall be approved by the City Traffic Engineer.
- D. A twenty-five-foot (25') property line radius at the intersection of Orleans and Adams shall be dedicated.
- E. Driveway to Adams shall be limited to 11 feet wide.

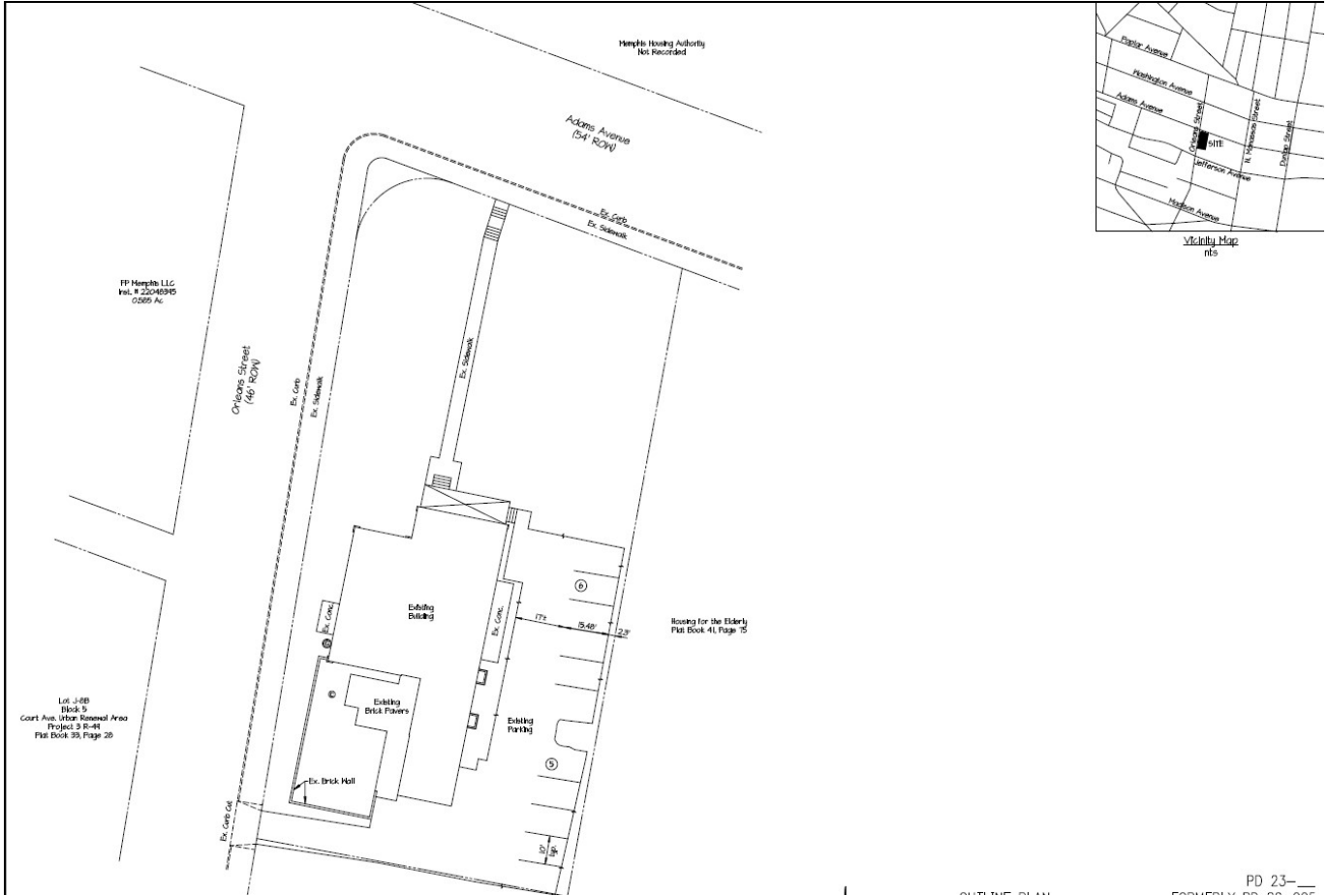
III. Bulk Regulations

- A. The existing building shall not be expanded without Landmarks and Final Plan Approval.

IV. In addition to the outline plan, any final plan shall include:

- A. A standard subdivision contract.
- B. The exact location, number and dimension of all parking spaces and access drive.

# CONCEPT PLAN



PD 23-  
CONCEPT PLAN

**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED 707 ADAMS AVE., KNOWN AS CASE NUMBER PD 2023-004**

---

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

**WHEREAS**, the Regents Park QOZB I, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow an Amendment to the Adams Orleans PD to add Event Center as an allowed use; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on March 9, 2023, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

## SITE CONDITIONS

1. Any tents used during an event can be erected no earlier than twenty-four (24) to forty-eight (48) hours prior to any event and disassembled within twenty-four (24) to forty-eight (48) hours after the event is over.
2. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.

## OUTLINE PLAN CONDITIONS

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~**bold-strikethrough**~~.

Adams Orleans PD Amended - PD 23-004 (Formerly P.D 82-005)

### I. Permitted Uses

- A. Office use, excluding medical and dental offices, shall be permitted in the existing building.
- B. Those uses permitted by right in the R-U4 Multiple Dwelling Residential District including an Antique Shop and excludes photocopying, package shipping or blueprints.
- C. Event Center – including any acceptable accessory structures as shown on the site plan.**

### II. Circulation, Access and Parking

- A. Thirteen parking spaces shall be provided on site
- B. One way access shall be permitted and indicated through parking area.
- C. The location and design of curb cuts shall be approved by the City Traffic Engineer.
- D. A twenty-five-foot (25') property line radius at the intersection of Orleans and Adams shall be dedicated.
- E. Driveway to Adams shall be limited to 11 feet wide.

### III. Bulk Regulations

- A. The existing building shall not be expanded without Landmarks and Final Plan Approval.

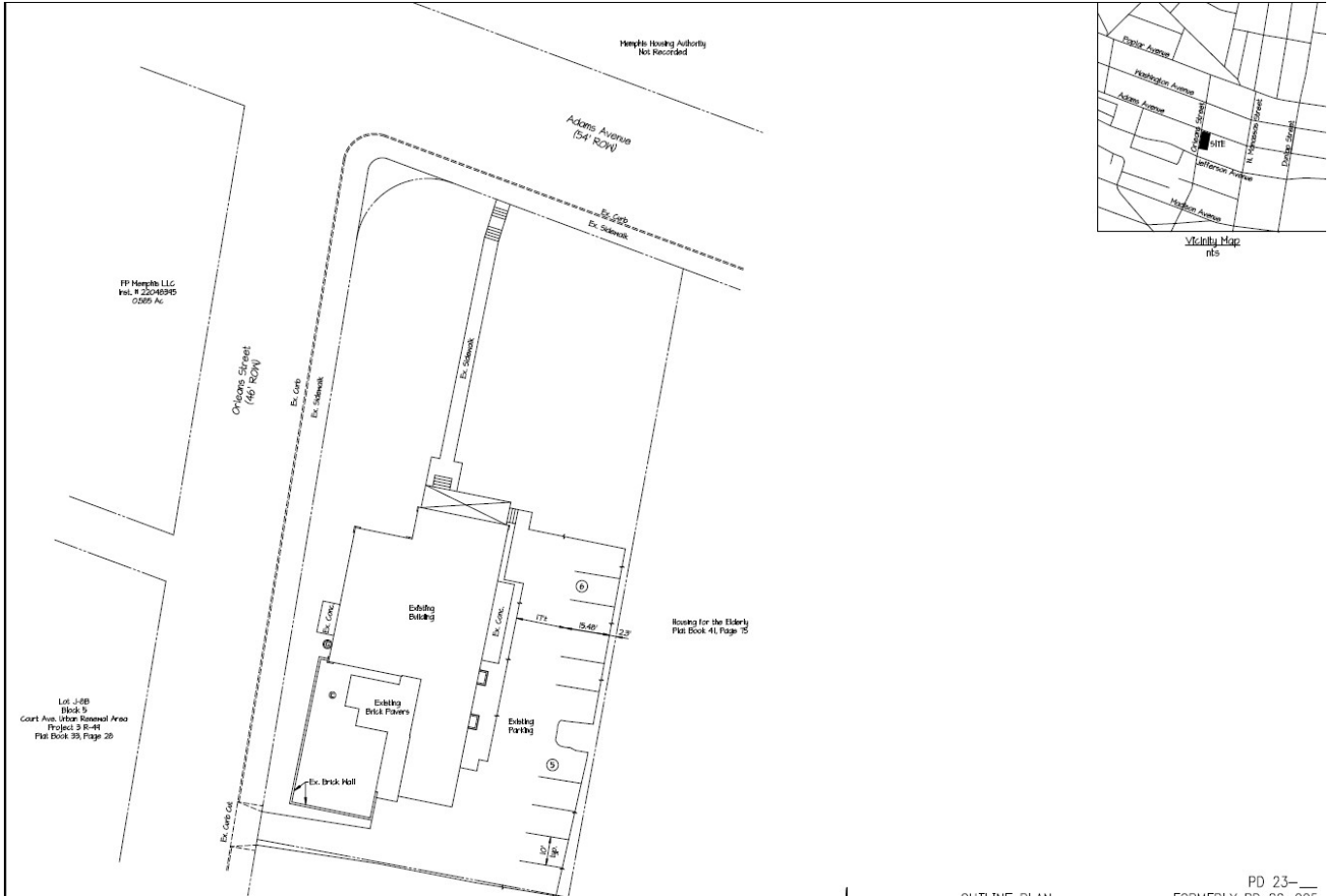
### IV. In addition to the outline plan, any final plan shall include:

- A. A standard subdivision contract.
- B. The exact location, number and dimension of all parking spaces and access drive.

***ATTEST:***

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

# CONCEPT PLAN



TP Memphis LLC  
 Plat # 22046395  
 0.069 Ac

Lot 14B  
 Block 5  
 Court Ave. Urban Renewal Area  
 Project 3 South  
 Plat Book 39, Page 20

Memphis Housing Authority  
 Not Recorded

Adams Avenue  
 (54' ROW)

Orleans Street  
 (46' ROW)

Ex. Conc.

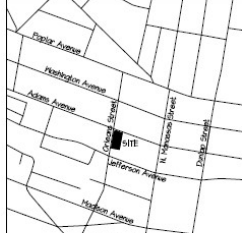
Ex. Conc.

Ex. Conc.

17' x 54' x 2.7'

Reserve for the Elderly  
 Plat Book 41, Page 15

Ex. Corp. Lot



Validity Map  
 nts

CONCEPT PLAN

PD 23-  
 CONCEPT PLAN

**AGENDA ITEM:** 10

**CASE NUMBER:** PD 2023-004 **L.U.C.B. MEETING:** March 9, 2023

**DEVELOPMENT:** Adams Orleans PD Amendment

**LOCATION:** 707 Adams Ave.

**COUNCIL DISTRICT:** District 7 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Regents Park QOZB I, LLC

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

**REQUEST:** Amendment to the Adams Orleans PD to add Event Center as an allowed use

**AREA:** +/-0.596 acres

**EXISTING ZONING:** Residential Urban-4(H) zoning district in the Medical District Overlay

## CONCLUSIONS

1. The applicant is requesting to amend the Adams Orleans PD to add an Event Center as an allowed use.
2. An office use as a principal use is permitted by right in the outline plan conditions.
3. The site plan is in conformance with the outline plan conditions other than the event center which is not a permitted use in the RU-4(H) and Medical District Overlay zoning districts.
4. They have applied for a Certificate of Appropriateness, and it will be heard at the March 23<sup>rd</sup> meeting.
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

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 17-19 of this report.

## RECOMMENDATION

***Approval with conditions***



**GENERAL INFORMATION**

**Street Frontage:** Adams Avenue +/-105.0 curvilinear feet  
 North Orleans Street +/-240.3 linear feet

**Zoning Atlas Page:** 2030

**Parcel ID:** 023021 00001

**Existing Zoning:** Residential Urban – 4(H) zoning district in the Medical District Overlay

**NEIGHBORHOOD MEETING**

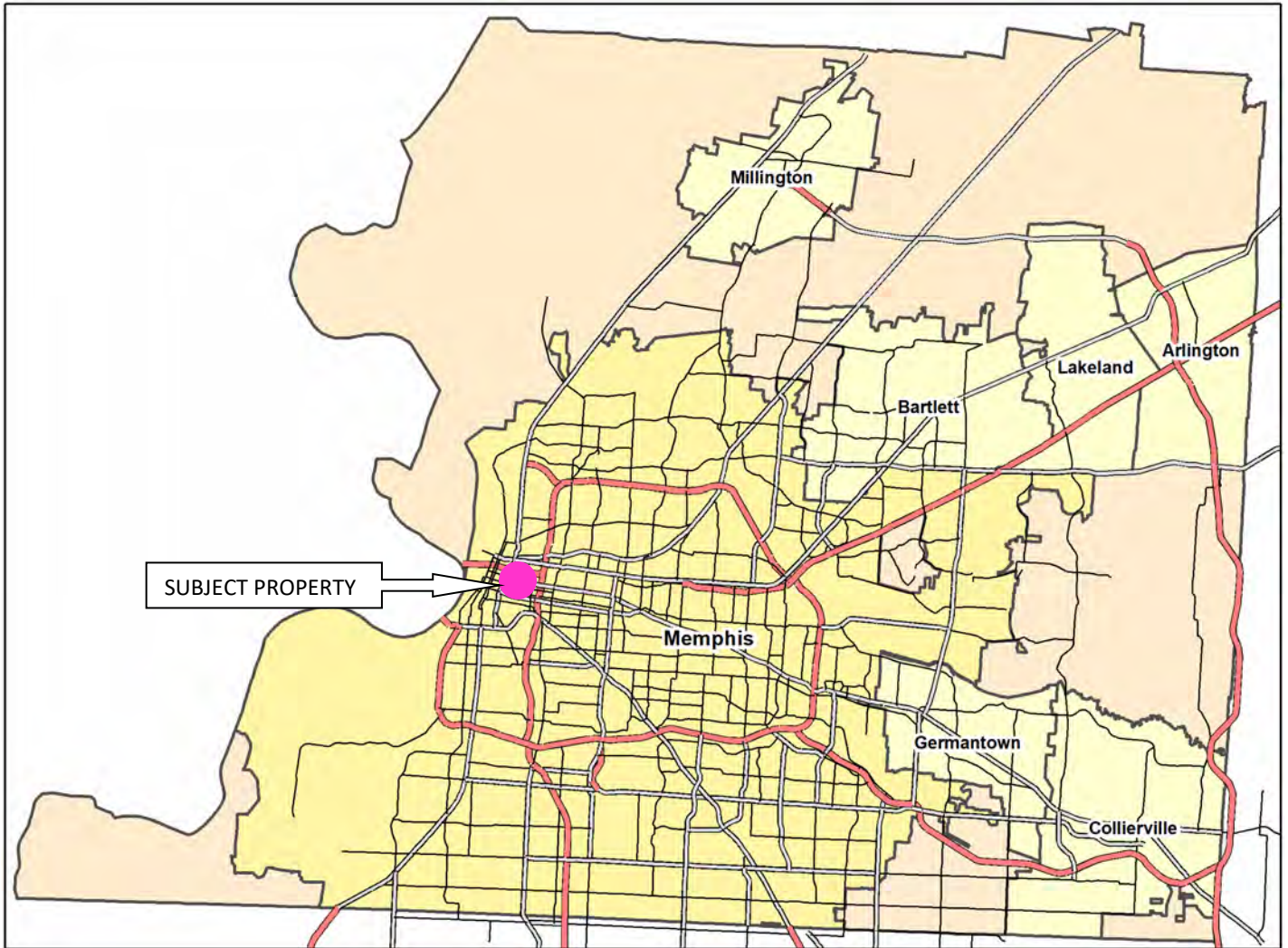
The meeting was held at 5:30 PM on Monday, February 27, 2023, at 707 Adams Ave., Memphis, TN 38105

Date: 02/27/23 707 Adams Ave. - PD Amendment Case # PD 23-004			
Contact	Address	Phone Number	Email
5			
1 Scott Blake	671 JEFFERSON	901-277-0223	scott@victorianvillage.org
2 Kevin Lewis	1331 Union Ave 38104	901-300-4779	khlewis@me.com
3 Cindy Leaves	5909 Shelby Oaks Dr	901-890-7003	Cindy@srce-memphis.com
4			
5			
6			
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17			
18			
19			
20			

**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 42 notices were mailed on February 14, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle

**VICINITY MAP**



Subject property highlighted in yellow

**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Residential Urban-4(H) zoning district in the Medical District Overlay

**Surrounding Zoning**

**North:** RU-3, MU

**East:** CMP-1

**South:** RU-4

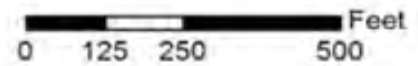
**West:** CMU-3(H), CBD(H)

**LAND USE MAP**



**LandUse**

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



Subject property outlined in electric blue and indicated by a pink star

**SITE PHOTOS**



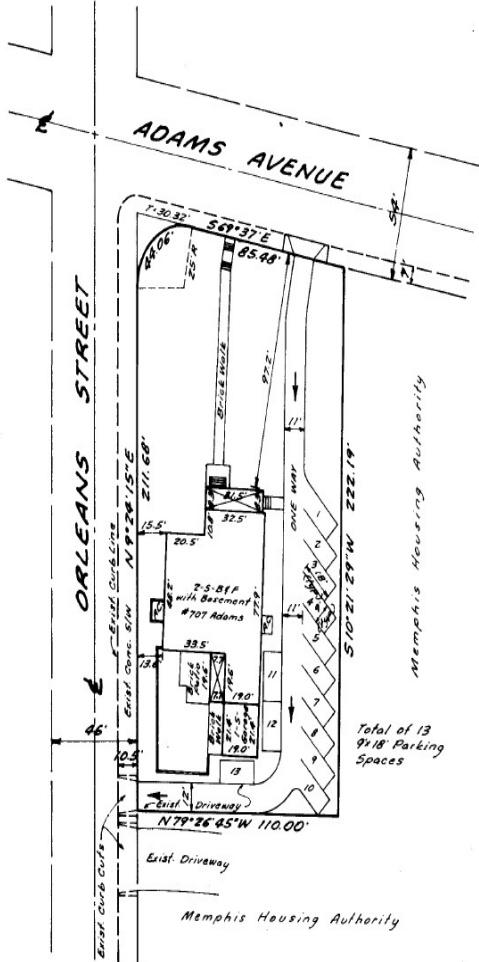
View of subject property from N. Orleans Street looking northwest



View of subject property from Adams Avenue looking north



**OUTLINE PLAN (PD 82-005)**



P.D. 82-005

**OUTLINE PLAN CONDITIONS**

**I. Permitted Uses**

- A. Office use, excluding medical and dental offices, shall be permitted in the existing building. A maximum of 4800 square feet of floor area shall be occupied by such office area. Accessory storage is the only use that shall be made of any additional floor area in the existing building.
- B. Those uses permitted by right in the R-MH Multiple Dwelling Residential District.

**II. Circulation, Access and Parking**

- A. Thirteen parking spaces shall be provided on site and three additional off-street parking spaces shall be provided at 679 Adams Avenue.
- B. One way access shall be permitted and indicated through parking area.
- C. The location and design of curb cuts shall be approved by the City Traffic Engineer.
- D. A twenty-five foot (25') property line radius at the intersection of Orleans and Adams shall be dedicated.
- E. Driveway to Adams shall be limited to 11 feet wide.

**III. Bulk Regulations**

- A. The existing building shall not be expanded.
- B. Existing building setbacks from all property lines shall be maintained.
- C. No exterior alterations to the building will be made except as necessary to maintain.

**IV. In addition to the outline plan, any final plan shall include:**

- A. A standard subdivision contract.
- B. The exact location, number and dimension of all parking spaces and access drive.

**CARRIER'S CERTIFICATE:**

I, Marge Vanhook, the undersigned owner of the property shown hereon, hereby adopt this as my plan of development and dedicate the street, rights-of-way, easements as shown hereon, and/or described, to the public use forever. I hereby certify that I am the owner, duly authorized so to act, and that said property is not encumbered by any mortgages or taxes which have become due and payable.

## OUTLINE PLAN CONDITIONS ENLARGED FROM PD 82-005

### OUTLINE PLAN CONDITTONS

#### I. Permitted Uses

- A. Office use, excluding medical and dental offices, shall be permitted in the existing building. A maximum of 4800 square feet of floor area shall be occupied by such office area. Accessory storage is the only use that shall be made of any additional floor area in the existing building.
- B. Those uses permitted by right in the R-MH Multiple Dwelling Residential District.

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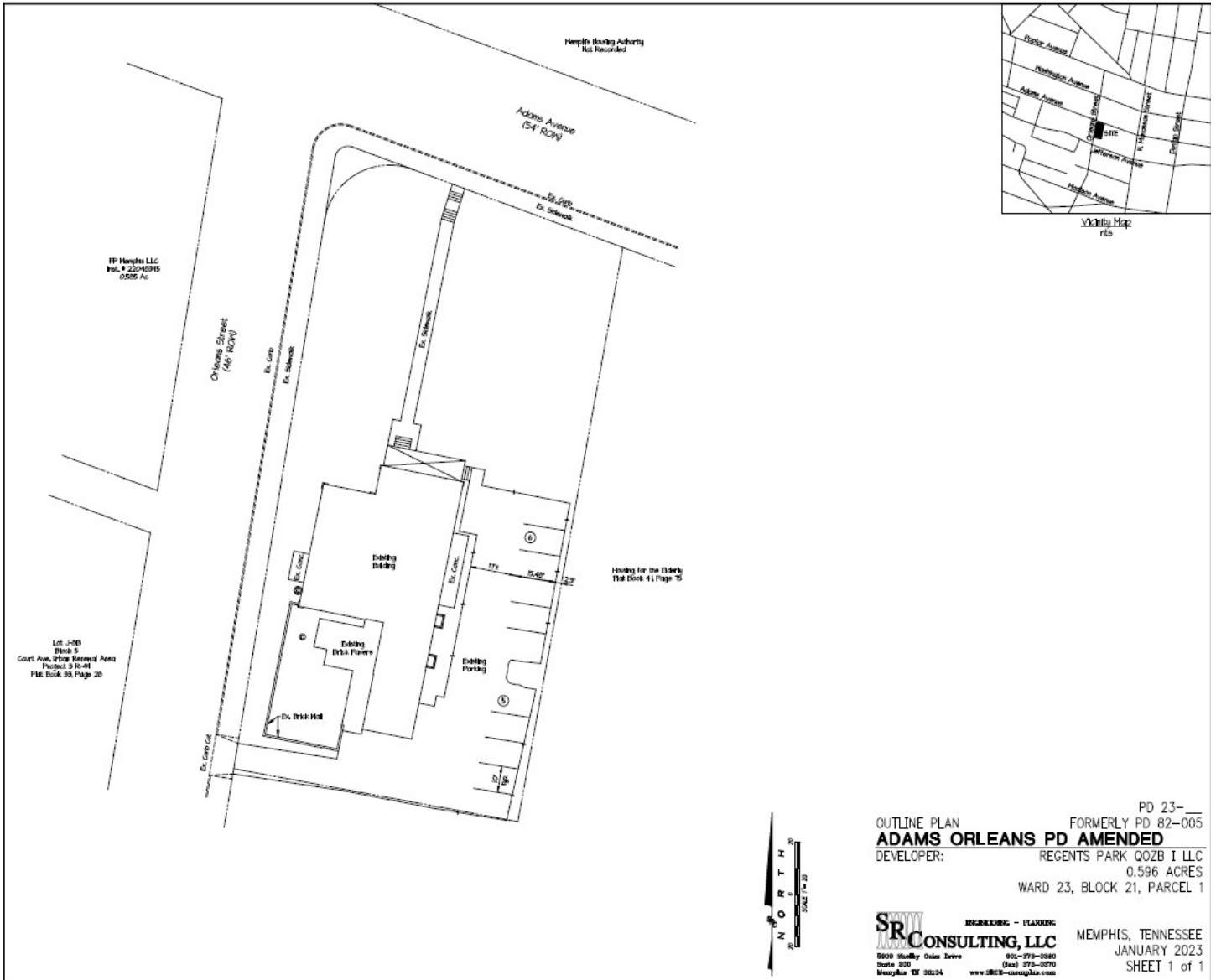
#### III. Bulk Regulations

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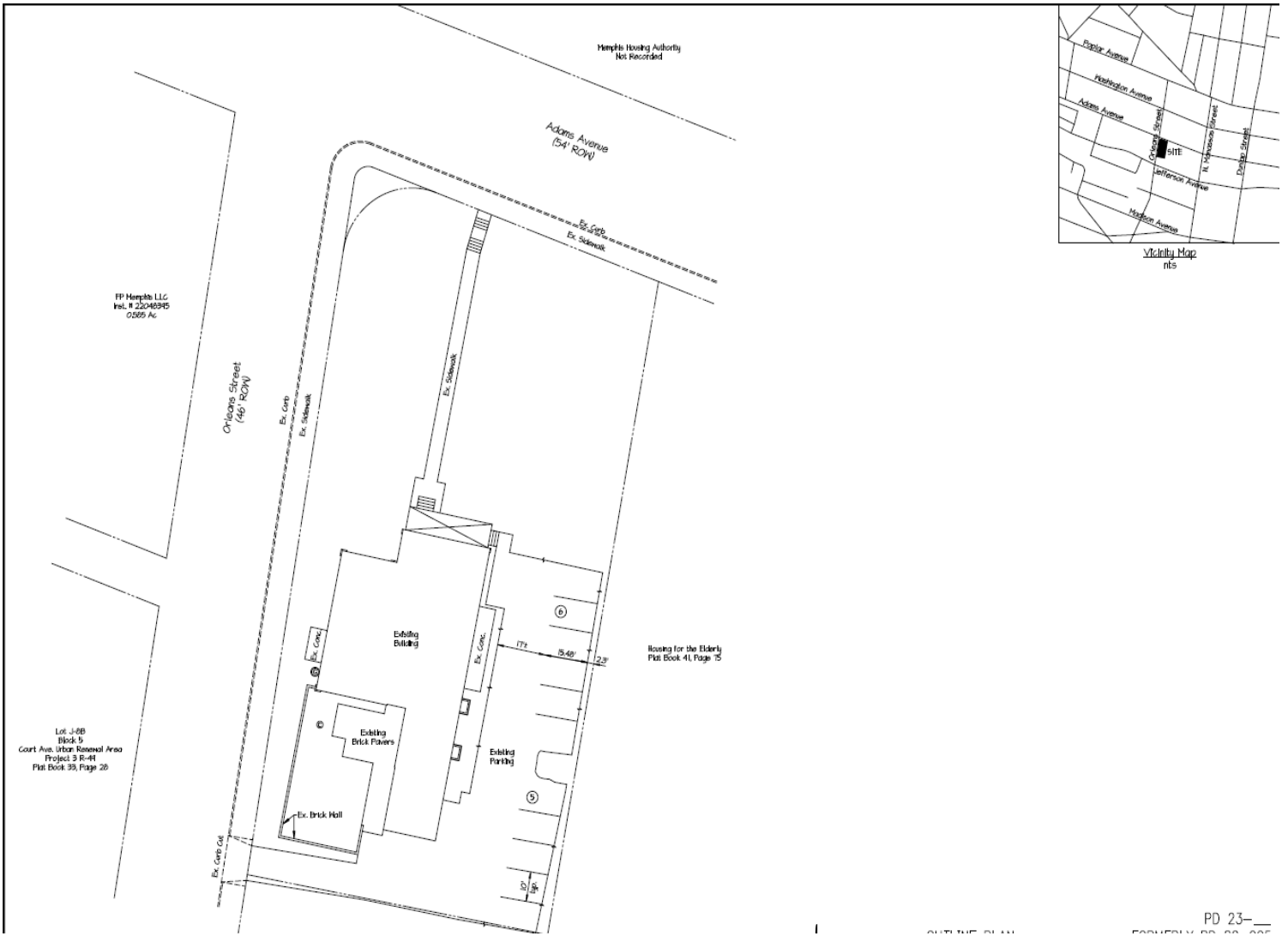
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- A. A standard subdivision contract.
- B. The exact location, number and dimension of all parking spaces and access drive.

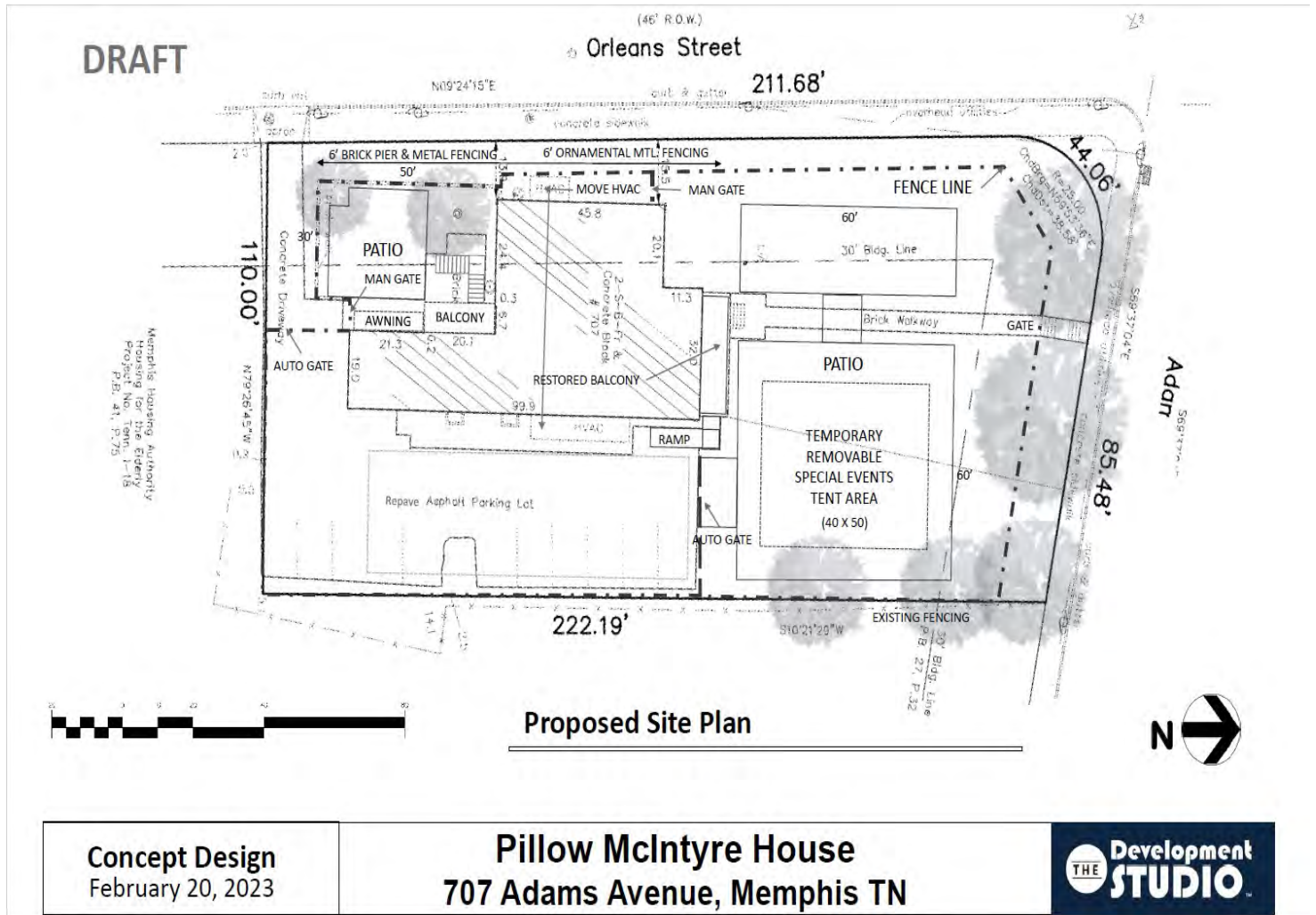
**OUTLINE PLAN**



**ENLARGED OUTLINE PLAN**



**DRAFT OF PROPOSED SITE PLAN (2/20/2023)**



## STAFF ANALYSIS

### Request

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

The request is for an amendment to the Adams Orleans PD to add Event Center as an allowed use.

### 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 wastewater 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.*

### **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 ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. *Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

**Site Description**

The subject property is +/-0.596 acres located at the corner of Adams Avenue and Orleans Street. The site is a part of the Adams Orleans PD with the referenced underlying zoning Residential Urban-4(H) zoning district in the Medical District Overlay.

**Comprehensive Planning Review of Memphis 3.0 Consistency**

---

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 23-04: Victorian Village

- Site Address/Location: 707 Adams Avenue
- Overlay District/Historic District/Flood Zone: In the Medical Overlay and the Central Business Improvement District, in a Historic District but not in a Flood Zone
- Future Land Use Designation: Anchor Neighborhood-Urban (AN-U)
- Street Type: Avenue

*The applicant is requesting a PD amendment to add Event Center as an additional use for the existing building.*  
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/Intent

Anchor Neighborhood-Urban (AN-U) are walkable residential and mixed-use within a 5 – 10-minute walk of a City Anchor, consisting of block-scale buildings. Graphic portrayal of AN-U is the right.



to

### “AN-U” Form & Location Characteristics

NURTURE, SUSTAIN, and ACCELERATE

Buildings attached, semi-detached, and detached; Primarily block-scale with some house-scale, Residential, commercial, or mix of uses; Primarily within 1/4 mile of a Citywide Anchor

### “AN-U” Zoning Notes

Generally compatible with the following zone districts: RU-4, RU-5, R-B, CBD in accordance with Form and characteristics listed above.

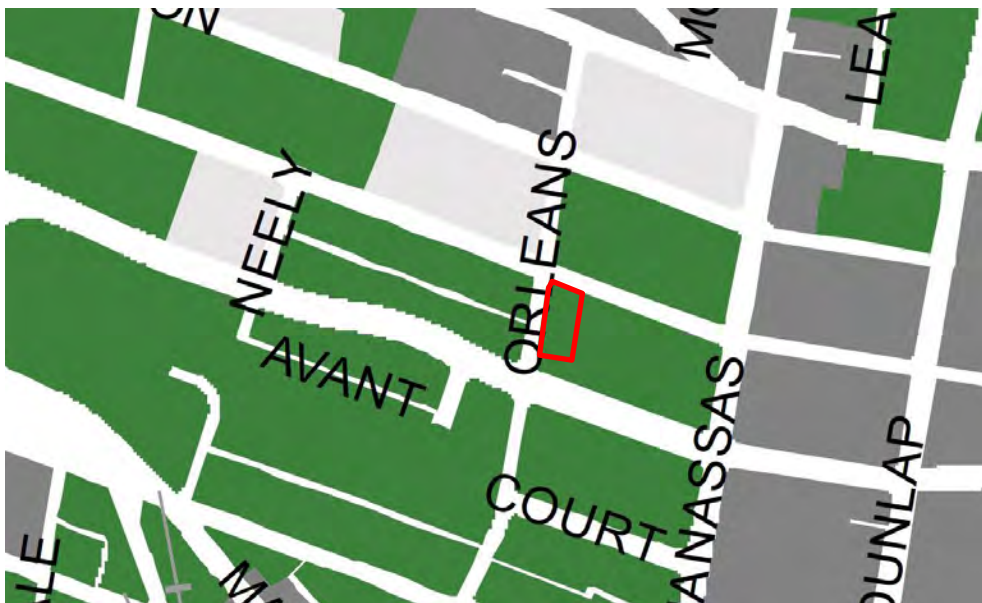
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Office, RU-4(H)

Adjacent Land Use and Zoning: Commercial, Institutional, Single-Family, and Multi-Family, RU-4, CMU-3(H), and CMP-1.

**Overall Compatibility:** *This requested use is compatible with the form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed request is to add an additional use for the existing building, which is also a permitted use for the PD in the Central Business Improvement District.*

## 3. Degree of Change Map



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

#### **4. 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.

*The proposed application is a private investment and will allow greater mix of uses, which is congruent with the degree of change designation.*

#### **5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities**

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.6 - Support the redevelopment and intensification of underutilized commercial properties within Community Anchors.

#### **6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations**

The parcel is located in the Core City Planning District and the requested use is consistent with Core City priority – Encourage growth and density by improving underutilized land for development.

#### **Consistency Analysis Summary**

*The applicant is requesting a PD amendment to add Event Center as an additional use for the existing building. This requested use is compatible with the form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed request is to add an additional use for the existing building, which is also a permitted use for the PD in the Central Business Improvement District.*

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.

*The proposed application is a private investment and will allow greater mix of uses, which is congruent with the degree of change designation.*

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.6 - Support the redevelopment and intensification of underutilized commercial properties within Community Anchors.

The parcel is located in the Core City Planning District and the requested use is consistent with Core City priority – Encourage growth and density by improving underutilized land for development.

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

#### **Conclusions**

The applicant is requesting to amend the Adams Orleans PD to add an Event Center as an allowed use.

An office use as a principal use is permitted by right in the outline plan conditions.

The site plan is in conformance with the outline plan conditions other than the event center which is not a permitted use in the RU-4(H) and Medical District Overlay zoning districts.

They have applied for a Certificate of Appropriateness, and it will be heard at the March 23<sup>rd</sup> meeting.

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.

## RECOMMENDATION

Staff recommends approval with revisions to the outline plan conditions.

### Site Conditions

1. Any tents used during an event can be erected no earlier than twenty-four (24) to forty-eight (48) hours prior to any event and disassembled within twenty-four (24) to forty-eight (48) hours after the event is over.
2. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.

### Outline Plan Conditions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~**bold-strikethrough**~~.

Adams Orleans PD Amended - PD 23-004 (Formerly P.D 82-005)

#### I. Permitted Uses

- A. Office use, excluding medical and dental offices, shall be permitted in the existing building.
- B. Those uses permitted by right in the R-U4 Multiple Dwelling Residential District including an Antique Shop and excludes photocopying, package shipping or blueprints.

**C. Event Center – including any acceptable accessory structures as shown on the site plan.**

#### II. Circulation, Access and Parking

- A. Thirteen parking spaces shall be provided on site
- B. One way access shall be permitted and indicated through parking area.
- C. The location and design of curb cuts shall be approved by the City Traffic Engineer.
- D. A twenty-five-foot (25') property line radius at the intersection of Orleans and Adams shall be dedicated.
- E. Driveway to Adams shall be limited to 11 feet wide.

#### III. Bulk Regulations

- A. The existing building shall not be expanded without Landmarks and Final Plan Approval.

IV. In addition to the outline plan, any final plan shall include:

- A. A standard subdivision contract.
- B. The exact location, number and dimension of all parking spaces and access drive.

## DEPARTMENTAL COMMENTS

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

**City/County Engineer:**                      Date: **3/3/2023**

Case: PD-23-004 (PD 82-005)              Name: Victorian Village, 707 Adams Ave

1. Standard Public Improvement 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.

### **Roads:**

3. 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.
4. 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:**

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
7. 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:**

8. The City Engineer shall approve the design, number, and location of curb cuts.
9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
10. All existing curb cuts must be in accordance with City of Memphis Unified Development Code.
11. Any new curb cuts will need to acquire curb cut permit from traffic engineering.
12. Curb ramp on southeast corner of Adams and Orleans will need to be repaired.

**Drainage:**

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. 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.

**City/County Fire Division:** Case Number: PD 23-04  
Date Reviewed: 3/3/23  
Reviewed by: J. Stinson

Address or Site Reference: 707 Adams

- All design and construction shall comply with the 2021 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.

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

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

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

<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>Office of Sustainability and Resilience:</b>	No comments received.
<b>Office of Comprehensive Planning:</b>	See pages 17-19

**APPLICATION**



**Record Summary for Planned Development**

**Record Detail Information**

Record Type: Planned Development

Record Status: Assignment

Opened Date: February 3, 2023

Record Number: PD 2023-004

Expiration Date:

Record Name: Adams Orleans PD Amendment

Description of Work: PD Amendment to add Event Center as an additional use.

Parent Record Number:

---

**Address:**

707 ADAMS AVE, MEMPHIS 38105

**Owner Information**

Primary Owner Name

Y REGENTS PARK QOZB I LLC

Owner Address

272 COURT AVE, MEMPHIS, TN 38103

Owner Phone

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**Parcel Information**

023021 00001

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner

Lucas Skinner

Date of Meeting

-

**GENERAL PROJECT INFORMATION**

Planned Development Type

Amendment to Existing PD

Previous Docket / Case Number

PD 82-005



**GENERAL PROJECT INFORMATION**

Medical Overlay / Uptown Yes  
If this development is located in unincorporated N/A  
Shelby County, is the tract at least three acres?  
(Note a tract of less than three acres is not  
eligible for a planned development in  
unincorporated Shelby County)  
Is this application in response to a citation, stop No  
work order, or zoning letter  
If yes, please provide a copy of the citation, stop -  
work order, and/or zoning letter along with any  
other relevant information

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A The additional use will not affect these areas.  
UDC Sub-Section 9.6.9B The existing development will remain and does  
affect adjacent properties.  
UDC Sub-Section 9.6.9C Adequate facilities exist on the site.  
UDC Sub-Section 9.6.9D No affect to any feature.  
UDC Sub-Section 9.6.9E The development complies with all standards.  
UDC Sub-Section 9.6.9F No affect to any plans to be considered.

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A The existing development will remain and does  
affect adjacent properties.  
Adequate facilities exist on the site.

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 and loading 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 such facilities 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

A final plat will be recorded.

**GIS INFORMATION**

**GIS INFORMATION**

Central Business Improvement District	Yes
Case Layer	Z88-162, Z06-117
Class	C
Downtown Fire District	No
Historic District	Victorian Village
Land Use	OFFICE
Municipality	MEMPHIS
Overlay/Special Purpose District	Medical District Overlay
Zoning	RU-4
State Route	-
Lot	2-A
Subdivision	ADAMS-ORLEANS OUTLINE FN PL PUD
Planned Development District	-
Wellhead Protection Overlay District	-

**Contact Information**

<b>Name</b>	<b>Contact Type</b>
REGENTS PARK QOZB I, LLC	APPLICANT
<b>Address</b>	
<b>Phone</b>	
-	

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1446577	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	02/03/2023
1446577	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	02/03/2023
			<b>Total Fee Invoiced: \$1,539.00</b>	<b>Total Balance: \$0.00</b>		

**Payment Information**

<b>Payment Amount</b>	<b>Method of Payment</b>
\$1,539.00	Credit Card

**LETTER OF INTENT**



Date: January 20, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: Adams Orleans PUD Amendment  
707 Adams Ave.

**LETTER OF INTENT**

We are submitting a PD Amendment application for Adams Orleans PUD, located at 707 Adams Avenue. We are requesting an amendment to add Event Center as an additional use for the existing building.

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

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Cindy Reaves, being duly sworn, depose and say that at 5:43 pm on the 27th day of February, 2023 I posted two Public Notice Signs pertaining to Case No. PD 23-004 one on the property located at 707 Adams Avenue and one on North Orleans Street providing notice of a Public Hearing before the March 9, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy Reaves  
Owner, Applicant or Representative

2/28/2023  
Date

Subscribed and sworn to before me this 28<sup>th</sup> day of February, 2023.

Robert M. Sweeney  
Notary Public  
My commission expires: 9/27/23



**LETTERS RECEIVED**

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

On Feb 23, 2023, at 2:38 PM, todd frankel <tfrankel@pacbell.net>  
wrote:

Hi Cindy,

I am in receipt of your Neighborhood Meeting notice for 707  
Adams in Memphis.  
I support your plan for Event Center.

Best,

Todd Frankel  
FPMemphis llc  
685 Adams Avve  
408-930-6040

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

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

March 10, 2023

Regents Park QOZB I LLC  
272 Court Ave.  
Memphis, TN 38103

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

Amendment to the Adams Orleans PD to add Event Center as an allowed use  
Case Number: PD 2023-004  
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, July 14, 2022, the Memphis and Shelby County Land Use Control Board recommended **approval** of your amendment application for the Amendment to the Adams Orleans PD to add Event Center as an allowed use located at 707 Adams Ave., subject to the site conditions and the attached outline plan conditions.

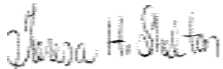
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6621 or via email at [teresa.shelton@memphistn.gov](mailto:teresa.shelton@memphistn.gov).

Respectfully,



Teresa H. Shelton  
Municipal Planner

**Letter to Applicant**  
**PD 23-004**

Land Use and Development Services  
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC  
File

## Letter to Applicant

PD 23-004

### Site Conditions

1. Any tents used during an event can be erected no earlier than twenty-four (24) to forty-eight (48) hours prior to any event and disassembled within twenty-four (24) to forty-eight (48) hours after the event is over.
2. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.

### Outline Plan Conditions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~**bold strikethrough**~~.

Adams Orleans PD Amended - PD 23-004 (Formerly P.D 82-005)

#### I. Permitted Uses

- A. Office use, excluding medical and dental offices, shall be permitted in the existing building.
- B. Those uses permitted by right in the R-U4 Multiple Dwelling Residential District including an Antique Shop and excludes photocopying, package shipping or blueprints.

**C. Event Center – including any acceptable accessory structures as shown on the site plan.**

#### II. Circulation, Access and Parking

- A. Thirteen parking spaces shall be provided on site
- B. One way access shall be permitted and indicated through parking area.
- C. The location and design of curb cuts shall be approved by the City Traffic Engineer.
- D. A twenty-five-foot (25') property line radius at the intersection of Orleans and Adams shall be dedicated.
- E. Driveway to Adams shall be limited to 11 feet wide.

#### III. Bulk Regulations

- A. The existing building shall not be expanded without Landmarks and Final Plan Approval.

#### IV. In addition to the outline plan, any final plan shall include:

- A. A standard subdivision contract.
- B. The exact location, number and dimension of all parking spaces and access drive.





## Record Summary for Planned Development

### Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: February 3, 2023

Record Number: PD 2023-004

Expiration Date:

Record Name: Adams Orleans PD Amendment

Description of Work: PD Amendment to add Event Center as an additional use.

Parent Record Number:

---

### Address:

707 ADAMS AVE, MEMPHIS 38105

### Owner Information

Primary Owner Name

Y REGENTS PARK QOZB I LLC

Owner Address

272 COURT AVE, MEMPHIS, TN 38103

Owner Phone

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### Parcel Information

023021 00001

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

Lucas Skinner

Date of Meeting

-

#### GENERAL PROJECT INFORMATION

Planned Development Type

Amendment to Existing PD

Previous Docket / Case Number

PD 82-005

**GENERAL PROJECT INFORMATION**

Medical Overlay / Uptown Yes  
If this development is located in unincorporated Shelby County, is the tract at least three acres? N/A  
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)  
Is this application in response to a citation, stop work order, or zoning letter No  
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A The additional use will not affect these areas.  
UDC Sub-Section 9.6.9B The existing development will remain and does affect adjacent properties.  
UDC Sub-Section 9.6.9C Adequate facilities exist on the site.  
UDC Sub-Section 9.6.9D No affect to any feature.  
UDC Sub-Section 9.6.9E The development complies with all standards.  
UDC Sub-Section 9.6.9F No affect to any plans to be considered.

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A The existing development will remain and does affect adjacent properties.  
Adequate facilities exist on the site.  
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 and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation  
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E) 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 the property.  
F) Lots of record are created with the recording of a planned development final plan A final plat will be recorded.

**GIS INFORMATION**

**GIS INFORMATION**

Central Business Improvement District	Yes
Case Layer	Z88-162, Z06-117
Class	C
Downtown Fire District	No
Historic District	Victorian Village
Land Use	OFFICE
Municipality	MEMPHIS
Overlay/Special Purpose District	Medical District Overlay
Zoning	RU-4
State Route	-
Lot	2-A
Subdivision	ADAMS-ORLEANS OUTLINE FN PL PUD
Planned Development District	-
Wellhead Protection Overlay District	-

---

**Contact Information**

<b>Name</b>	<b>Contact Type</b>
REGENTS PARK QOZB I, LLC	APPLICANT
<b>Address</b>	

**Phone**

-

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**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

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**Payment Information**

<b>Payment Amount</b>	<b>Method of Payment</b>
\$1,539.00	Credit Card

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

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

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, William B. Townsend  
(Print Name)

WBT  
(Sign Name)

, state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 707 Adams Ave.

and further identified by Assessor's Parcel Number 023-021-00001

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 7th day of July in the year of 2022

Cynthia J. Reeves  
Signature of Notary Public

9/27/23  
My Commission Expires



ENGINEERING • PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

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

Date: January 20, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: Adams Orleans PUD Amendment  
707 Adams Ave.

## **LETTER OF INTENT**

We are submitting a PD Amendment application for Adams Orleans PUD, located at 707 Adams Avenue. We are requesting an amendment to add Event Center as an additional use for the existing building.

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

Memphis Housing Authority  
Not Recorded

Adams Avenue  
(54' ROW)

Orleans Street  
(46' ROW)

FP Memphis LLC  
Inst. # 22048345  
0.585 Ac

Ex. Curb  
Ex. Sidewalk

Ex. Curb  
Ex. Sidewalk

Ex. Sidewalk

Ex. Conc.

Ex. Conc.

Existing Building

Existing Brick Pavers

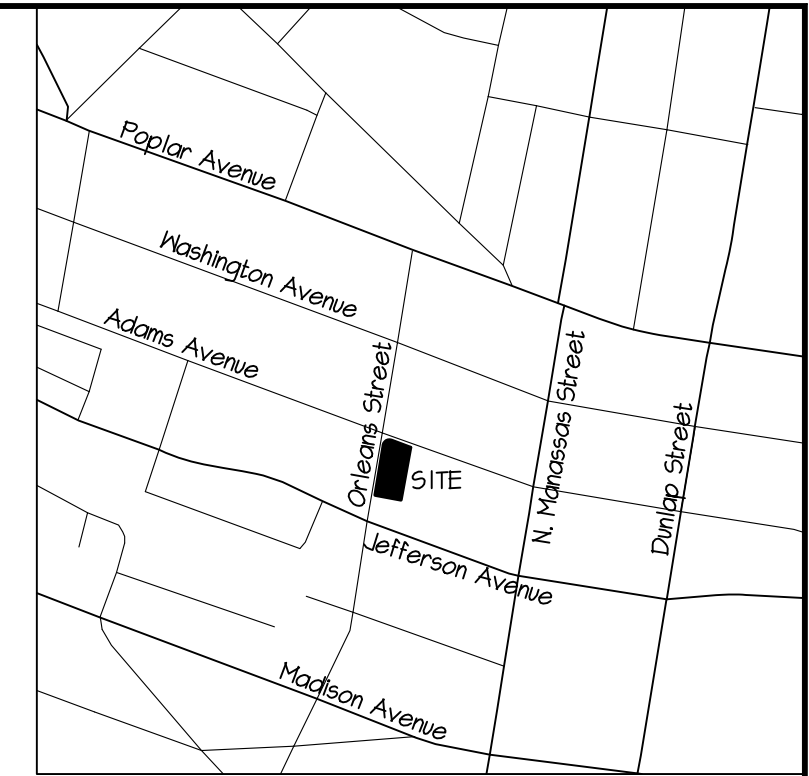
Ex. Brick Wall

Existing Parking

Housing for the Elderly  
Plat Book 41, Page 75

17'±  
15.48'  
2.3'

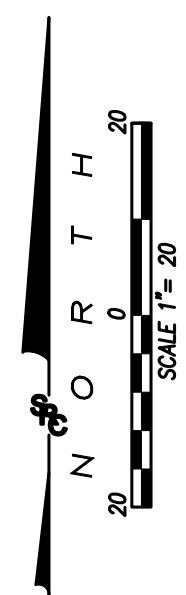
10'  
typ.



Vicinity Map  
nts

Lot J-8B  
Block 5  
Court Ave. Urban Renewal Area  
Project 3 R-41  
Plat Book 33, Page 28

Ex. Curb Cut



PD 23-\_\_\_  
FORMERLY PD 82-005  
**OUTLINE PLAN ADAMS ORLEANS PD AMENDED**  
DEVELOPER: REGENTS PARK QOZB I LLC  
0.596 ACRES  
WARD 23, BLOCK 21, PARCEL 1

**SR CONSULTING, LLC**  
ENGINEERING - PLANNING  
5909 Shelby Oaks Drive Suite 200 Memphis TN 38134  
901-373-0380 (fax) 373-0370  
www.SRCE-memphis.com

MEMPHIS, TENNESSEE  
JANUARY 2023  
SHEET 1 of 1

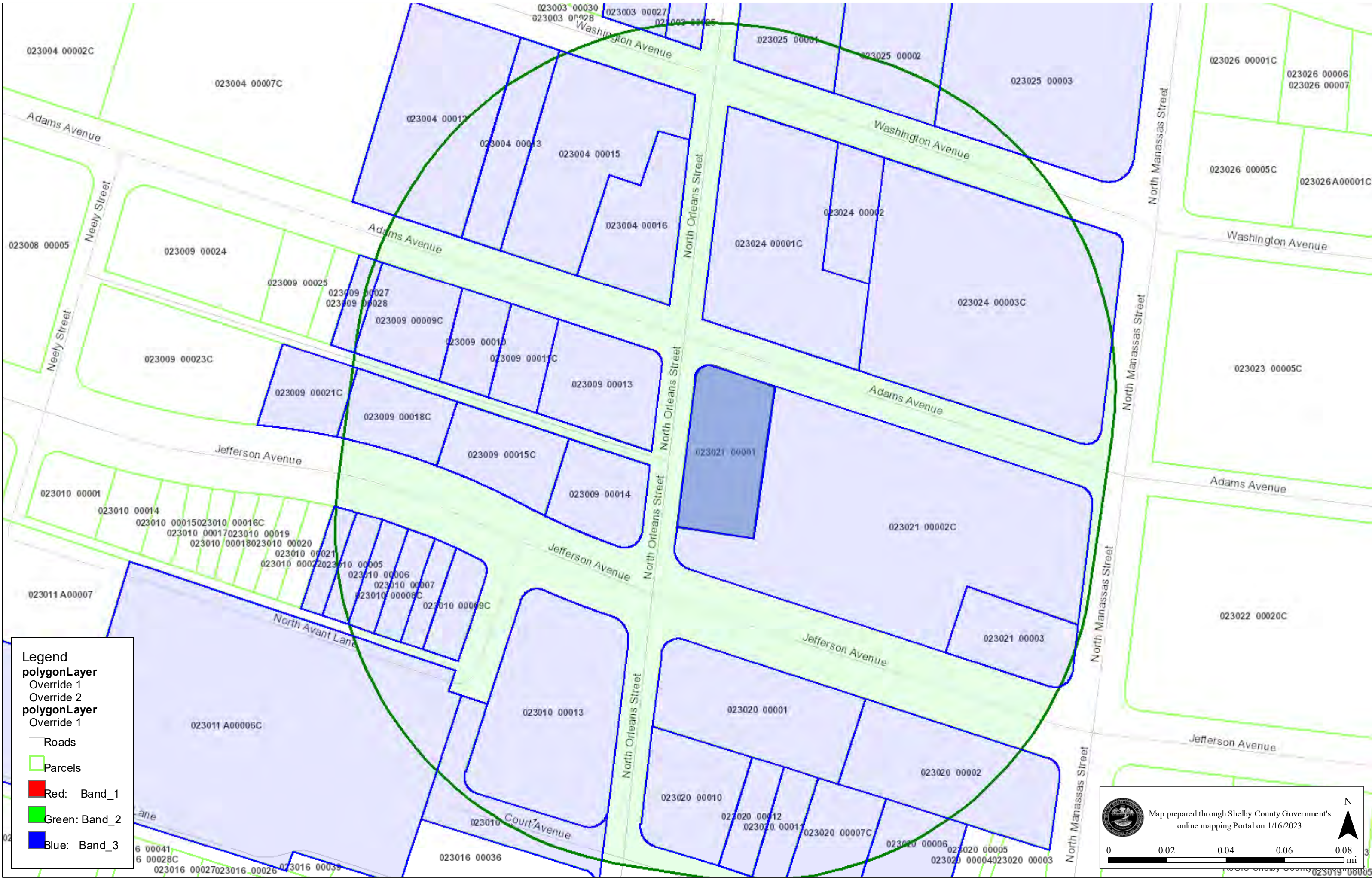
Adams Orleans PD Amended

PD 23-\_\_

Formerly P.D 82-005

#### OUTLINE PLAN CONDITIONS

- I. Permitted Uses
  - A. Office use, excluding medical and dental offices, shall be permitted in the existing building.
  - B. Those uses permitted by right in the R-U4 Multiple Dwelling Residential District including an Antique Shop and excludes photocopying, package shipping or blueprints.
  - C. Event Center
  
- II. Circulation, Access and Parking
  - A. Thirteen parking spaces shall be provided on site
  - B. One way access shall be permitted and indicated through parking area.
  - C. The location and design of curb cuts shall be approved by the City Traffic Engineer.
  - D. A twenty-five-foot (25') property line radius at the intersection of Orleans and Adams shall be dedicated.
  - E. Driveway to Adams shall be limited to 11 feet wide.
  
- III. Bulk Regulations
  - A. The existing building shall not be expanded without Landmarks and Final Plan Approval.
  
- IV. In addition to the outline plan, any final plan shall include:
  - A. A standard subdivision contract.
  - B. The exact location, number and dimension of all parking spaces and access drive.



**Legend**


**polygonLayer**

- Override 1
- Override 2

**polygonLayer**

- Override 1

- Roads
- Parcels
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



Map prepared through Shelby County Government's online mapping Portal on 1/16/2023

0 0.02 0.04 0.06 0.08 0.1 mi

N



MEMPHIS CENTER CITY REVENUE  
114 N MAIN ST #  
MEMPHIS TN 38103

TISDAL WILLIAM C III  
P O BOX 40352 #  
MEMPHIS TN 38174

CITY OF MEMPHIS PARK COMM  
GENERAL DELIVERY #  
MEMPHIS TN 38101

CITY OF MEMPHIS  
GENERAL DELIVERY #  
MEMPHIS TN 38101

UNIVERSITY OF TENNESSEE  
125 N MAIN ST #  
MEMPHIS TN 38103

MEMPHIS CITY OF  
125 N MAIN ST #  
MEMPHIS TN 38103

COLLINS CHAPEL C M E CHURCH  
678 WASHINGTON AVE #  
MEMPHIS TN 38105

UNIVERSITY OF TENNESSEE THE  
62 S DUNLAP ST #  
MEMPHIS TN 38103

MEMPHIS HOUSING AUTHORITY  
700 ADAMS AVE #  
MEMPHIS TN 38105

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

UNIVERSITY OF TENNESSEE  
GENERAL DELIVERY #  
MEMPHIS TN 38101

MEMPHIS HOUSING AUTHORITY  
700 ADAMS AVE #  
MEMPHIS TN 38105

COLLINS CHAPEL COLORED M E CHURCH (TRS)  
678 WASHINGTON AVE #  
MEMPHIS TN 38105

UNIVERSITY OF TENN  
4 S DUNLAP ST #  
MEMPHIS TN 38103

THUNDERBIRD TOWERS LLC  
1387 CENTRAL AVE #  
MEMPHIS TN 38104

MEMPHIS CITY OF SHELBY COUNTY TN  
125 N MAIN ST #  
MEMPHIS TN 38103

STATE OF TENNESSEE  
312 EIGHTH AVE N  
MEMPHIS TN 38103

TISDAL WILLIAM C  
688 JEFFERSON AVE #  
MEMPHIS TN 38105

FRANKEL TODD P  
230 JOSSELYN LN #  
WOODSIDE CA 94062

TYGER LARRY J  
661 JEFFERSON AVE #  
MEMPHIS TN 38105

MOOSE APARTMENTS LLC  
92 ISLAND PL  
MEMPHIS TN 38103

763 S ROWLETT LLC  
18 S BYHALIA RD #  
COLLIERVILLE TN 38017

HENDERSON JAMES C & JOCELYN  
655 JEFFERSON AVE #  
MEMPHIS TN 38105

CARRIER KAREN B  
679 ADAMS AVE #  
MEMPHIS TN 38105

UNITY PROPERTIES INC  
707 ADAMS AVE #  
MEMPHIS TN 38105

ESSENCE PROPERTIES LLC  
2760 N GERMANTOWN PKWY #  
MEMPHIS TN 38133

MEMPHIS POLICE ASSOCIATION THE  
638 JEFFERSON AVE #  
MEMPHIS TN 38105

ASAPP PROPERITES LLC  
4840 GWYNNE RD #  
MEMPHIS TN 38117

HANSON RYAN  
667 JEFFERSON AVE #  
MEMPHIS TN 38105

MEMPHIS HOUSING AUTHORITY  
5050 POPLAR AVE #  
MEMPHIS TN 38157

EDISON PARK LTD  
PO BOX 241990 #  
MEMPHIS TN 38124

UNIVERSITY OF TENNESSEE THE  
62 S DUNLAP ST #  
MEMPHIS TN 38103

REGENTS PARK QOZB I LLC  
272 COURT AVE  
MEMPHIS TN 38103

UNIVERSITY OF TENNESSEE  
125 N MAIN ST #  
MEMPHIS TN 38103

UNIVERSITY OF TENNESSEE  
GENERAL DELIVERY #  
MEMPHIS TN 38101

UNIVERSITY OF TENNESSEE  
4 S DUNLAP ST #  
MEMPHIS TN 38103

BLAKE SCOTT W  
671 JEFFERSON AVE #  
MEMPHIS TN 38105

MEMPHIS CITY OF  
125 N MAIN ST #  
MEMPHIS TN 38103

DURBIN ROBERT F  
253 TILTON ST #  
MEMPHIS TN 38111

HENDERSON JOCELYN V  
200 JEFFERSON AVE #1500  
MEMPHIS TN 38103

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

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Memphis TN 38134

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Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

Regents Park QOZB I, LLC  
272 Court Ave.  
Memphis, TN 38103

Regents Park QOZB I, LLC  
272 Court Ave.  
Memphis, TN 38103

Regents Park QOZB I, LLC  
272 Court Ave.  
Memphis, TN 38103

Regents Park QOZB I, LLC  
272 Court Ave.  
Memphis, TN 38103

Regents Park QOZB I, LLC  
272 Court Ave.  
Memphis, TN 38103

**TOTAL 42**

023004 00016 - MEMPHIS CENTER CITY REVENUE  
023025 00001 - CITY OF MEMPHIS  
023003 00027 - COLLINS CHAPEL C M E CHURCH  
023025 00003 - CITY OF MEMPHIS  
023003 00025 - COLLINS CHAPEL COLORED M E CHURCH (TRS)  
023004 00013 - MEMPHIS CITY OF SHELBY COUNTY TN  
023009 00013 - FRANKEL TODD P  
023009 00018C - 763 S ROWLETT LLC  
023021 00001 - UNITY PROPERTIES INC  
023009 00015C - ASAPP PROPERITES LLC  
023009 00014 - TISDAL WILLIAM C III  
023020 00001 - UNIVERSITY OF TENNESSEE  
023010 00010Z - UNIVERSITY OF TENNESSEE THE  
023020 00012 - UNIVERSITY OF TENNESSEE  
023020 00007C - UNIVERSITY OF TENN  
023020 00006 - STATE OF TENNESSEE  
023010 00006 - TYGER LARRY J  
023010 00005 - HENDERSON JAMES C & JOCELYN  
023010 00008C - ESSENCE PROPERTIES LLC  
023010 00007 - HANSON RYAN  
023025 00002 - CITY OF MEMPHIS PARK COMM  
023004 00012 - MEMPHIS CITY OF  
023024 00001C - MEMPHIS HOUSING AUTHORITY  
023024 00002 - MEMPHIS HOUSING AUTHORITY  
023024 00003C - THUNDERBIRD TOWERS LLC

023009 00009C - TISDAL WILLIAM C  
023009 00010 - MOOSE APARTMENTS LLC  
023009 00011C - CARRIER KAREN B  
023009 00021C - MEMPHIS POLICE ASSOCIATION THE  
023021 00002C - MEMPHIS HOUSING AUTHORITY  
023011 A00006C - EDISON PARK LTD  
023010 00013 - UNIVERSITY OF TENNESSEE THE  
023021 00003 - REGENTS PARK QOZB I LLC  
023020 00002 - UNIVERSITY OF TENNESSEE  
023020 00010 - UNIVERSITY OF TENNESSEE  
023020 00011 - UNIVERSITY OF TENNESSEE  
023010 00009C - BLAKE SCOTT W  
023004 00015 - MEMPHIS CITY OF  
023009 00028 - DURBIN ROBERT F  
023010 00022 - HENDERSON JOCELYN V



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

---

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

22053191

05/11/2022 - 09:23:30 AM

3 PGS

LACY 2426971-22053191

VALUE	725000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2682.50
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	2702.50

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

**THIS INSTRUMENT PREPARED BY:**

Regency Title & Escrow, LLC  
1655 International Dr. Ste. 101  
Memphis, TN 38120  
Phone :901.753.9499

**RETURN TO:**

The Law Office of John D Smith, PLLC  
36 North Cooper Street  
Memphis, TN 38104  
(901) 849-4156

**New Owner(s)- Name & Address**

Regents Park QOZB I, LLC  
272 Court Avenue  
Memphis, TN 38103

**Send Tax Bills To:**

Regents Park QOZB I, LLC  
272 Court Ave.  
Memphis, TN 38103  
Map & Parcel Nos.:  
02-3021-0-0001

**PROPERTY ADDRESS:**

707 Adams Avenue  
Memphis, TN 38105

**WARRANTY DEED**

**THIS INDENTURE**, made and entered into **2nd day of May, 2022**, by and between **Unity Properties, Inc., a Tennessee Limited Liability Company**, party of the first part, and **Regents Park QOZB I, LLC, a Tennessee Limited Liability Company** party of the second part,

**WITNESSETH:** That for and in consideration of **TEN DOLLARS (\$10.00)** cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in Memphis, County of Shelby, State of Tennessee:

**The Outline/Final Plan Adams-Orleans (P.U.D.) as shown on plat of record in Plat Book 86, Page 57, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.**

**Being the same property conveyed to Unity Properties, Inc., by Warranty Deed of record at Instrument No. 15103002, dated 10/02/2015 and recorded 10/09/2015, in the Register's Office of Shelby, Tennessee.**

**TO HAVE AND TO HOLD** The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs, successors and assigns in fee simple forever.

And the said party of the first part does hereby covenant with the said party of the second part that he is lawfully seized in fee of the aforescribed real estate; that he has a good right to sell and convey the same; that the same is unencumbered, except for the following:

**This property is being conveyed subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 86, Page 57; Plat Book 86, Page 44 and Plat Book 27, Page 32 and any existing easements and restrictions as shown of record not stated herein; all of record in the Register's Office of Shelby County, Tennessee; 2022 City of Memphis Property Taxes and 2022 Shelby County Property Taxes not yet due and payable.**

and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according to their proper gender and number according to the context hereof.

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

Unity Properties, Inc

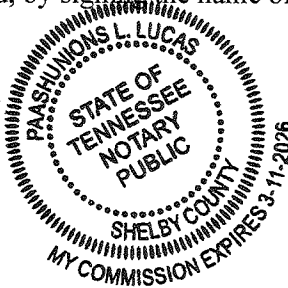
By: [Signature]  
Lorenzo Derek Renfro, President & Treasurer

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, a Notary Public of said State and County, aforesaid, personally appeared **Lorenzo Derek Renfro**, with whom I am personally acquainted with (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be **President and Treasurer of Unity Properties, Inc.**, the within named bargainer, and that he as such **President & Treasurer** executed the foregoing instrument for the purposes therein contained, by signing the name of **Unity Properties, Inc.** by himself as such **President & Treasurer**.

Witness my hand, at office, this 2nd day of May, 2022.

[Signature]  
Notary Signature  
My commission expires:



Valuation Acknowledgement

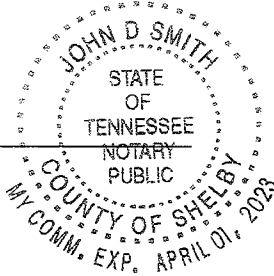
STATE OF Tennessee  
COUNTY OF Shelby

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is, **\$725,000.00**, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

[Signature]  
Affiant

Subscribed and sworn to before me, this 4th day of May, 2022

[Signature]  
Notary Public  
My Commission Expires: Apr. 1, 2023



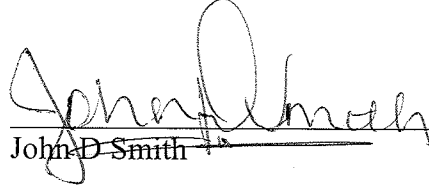




Prepared by:  
The Law Office of John D Smith, PLLC  
36 N Cooper St.  
Memphis, TN 38104  
(901) 257-0455 • <http://www.johndsmith.attorney>

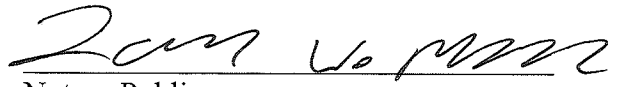
**AFFIDAVIT**

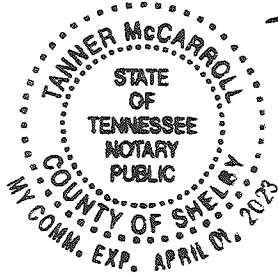
I, John D Smith, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

  
\_\_\_\_\_  
John D Smith

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, Tanner McCarroll, a notary public for this county and state, John D Smith, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.

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



My commission expires: April 1, 2023

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

ONE ORIGINAL |  
ONLY STAPLED |  
TO DOCUMENTS |

Planning & Development  
DIVISION

Planning & Zoning COMMITTEE: 4/25/2023  
DATE  
PUBLIC SESSION: 4/25/2023  
DATE

**ITEM (CHECK ONE)**

       ORDINANCE        X   RESOLUTION             REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 110 Byfield Drive, known as case number PD 2023-005

**CASE NUMBER:** PD 2023-005

**DEVELOPMENT:** Byfield Drive Planned Development

**LOCATION:** 110 Byfield Drive

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

**OWNER/APPLICANT:** Thornton Realty and Property Solutions

**REPRESENTATIVE:** Delinor Smith, Smith Building Design and Associates

**REQUEST:** Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6)

**AREA:** +/- .355 acres

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

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

**PRIOR ACTION ON ITEM:**

(1) APPROVAL - (1) APPROVED (2) DENIED  
04/13/2023 DATE  
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION  
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) REQUIRES CITY EXPENDITURE - (1) YES (2) NO  
\$ AMOUNT OF EXPENDITURE  
\$ REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ OPERATING BUDGET  
\$ CIP PROJECT # \_\_\_\_\_  
\$ FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

**DATE POSITION**

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



## Memphis City Council Summary Sheet

### PD 2023-005

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 110 BYFIELD, KNOWN AS CASE NUMBER PD 2023-005

- This item is a resolution with conditions to allow a Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6); and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	PD 2023-005
<b>DEVELOPMENT:</b>	Byfield Drive Planned Development
<b>LOCATION:</b>	110 Byfield Drive
<b>COUNCIL DISTRICT(S):</b>	District 6 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Thornton Realty and Property Solutions
<b>REPRESENTATIVE:</b>	Delinor Smith, Smith Building Design and Associates
<b>REQUEST:</b>	Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6)
<b>EXISTING ZONING:</b>	Residential Single-Family – 6 (R-6)
<b>AREA:</b>	+/- .355 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 outline plan conditions.

**The motion passed by a unanimous vote of 7-0 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 2023-005  
CONDITIONS**

**Outline Plan Conditions**

- I. Permitted Uses
  - A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.
    1. All offices
    2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
    3. Pharmacy
    4. Bakery, retail
    5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
    6. Medical or Dental Laboratory
  - B. The following uses are strictly prohibited.
    1. Payday loans, title loans and flexible loan plan establishments
    2. Vehicle service and repair
    3. Microbrewery and micro distillery
    4. Farmers Market
    5. Tattoo, Palmist, Psychic or Medium
    6. Retail Sales Outdoor (vendor), Flea market
    7. Smoke shop
    8. All Vehicle Sales, Rental, Leasing
    9. Vehicle parts and accessories
    10. Indoor multi-story
    11. Vehicle wash establishment
    12. All Vehicle Service
    13. Lumberyard and wood products
    14. Neighborhood Garden
    15. Radio, TV, or Recording Studio
    16. All other funeral establishments, including crematorium and pet crematorium
    17. CMCS tower and facilities
    18. Amateur Radio Operator Tower (65' or less)
    19. All minor utilities
    20. Light manufacturing or assembly of equipment, instruments, or goods
    21. Reservoir, Control Structure, Water Supply, Water Well
    22. Recreation Field with or without lights
    23. All parks and open areas
    24. Restaurant with sale of alcoholic beverages, Brew Pub
    25. Restaurant, Drive-in
    26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
    27. Cemetery, Mausoleum, Columbarium, Memorial Park
    28. Group Living

- 29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station
- 30. Restaurant, Drive-in

II. Bulk Regulations

- A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.

III. Access, Parking and Circulation

- A. One curb cut permitted on Horn Lake Road.
- B. The design and location of the curb cut shall be approved by the City Engineer.
- C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- E. A standard subdivision contract.
- F. The exact location, number and dimension of all parking spaces and access drive.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- C. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

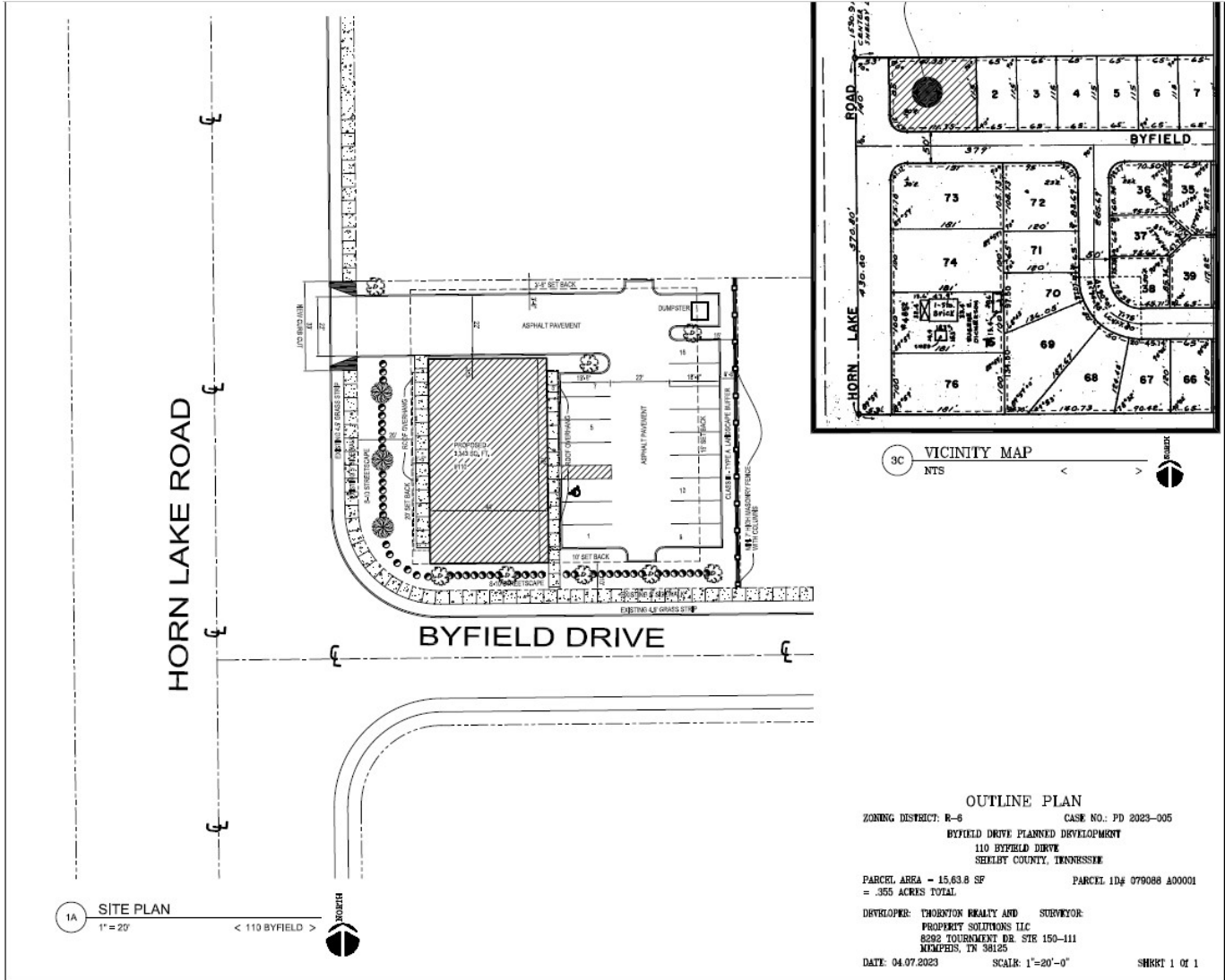
- A. Signage shall be in conformance with the CMU-1 District regulations.

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

Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

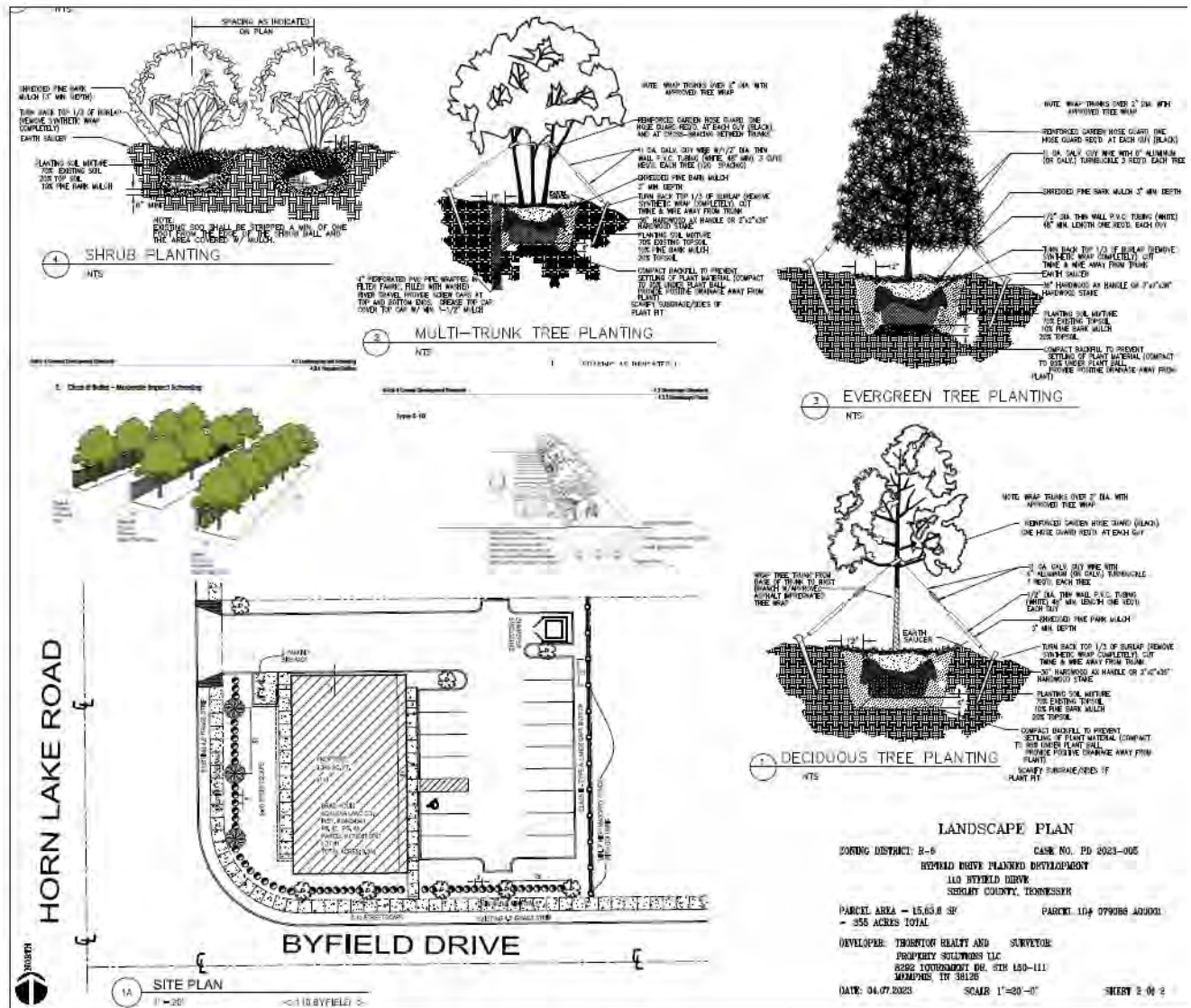
- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easement.
  - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
  - G. The 100-year flood elevation.
  - H. Fire hydrants in accordance with requirements of the Memphis Fire Department.

**OUTLINE PLAN**





# LANDSCAPE PLAN



**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 110 BYFIELD DRIVE, KNOWN AS CASE NUMBER PD 2023-005**

---

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

**WHEREAS**, the Thornton Realty and Property Solutions filed an application with the Memphis and Shelby County Division of Planning and Development to allow a Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6); 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 April 13, 2023, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

***ATTEST:***

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

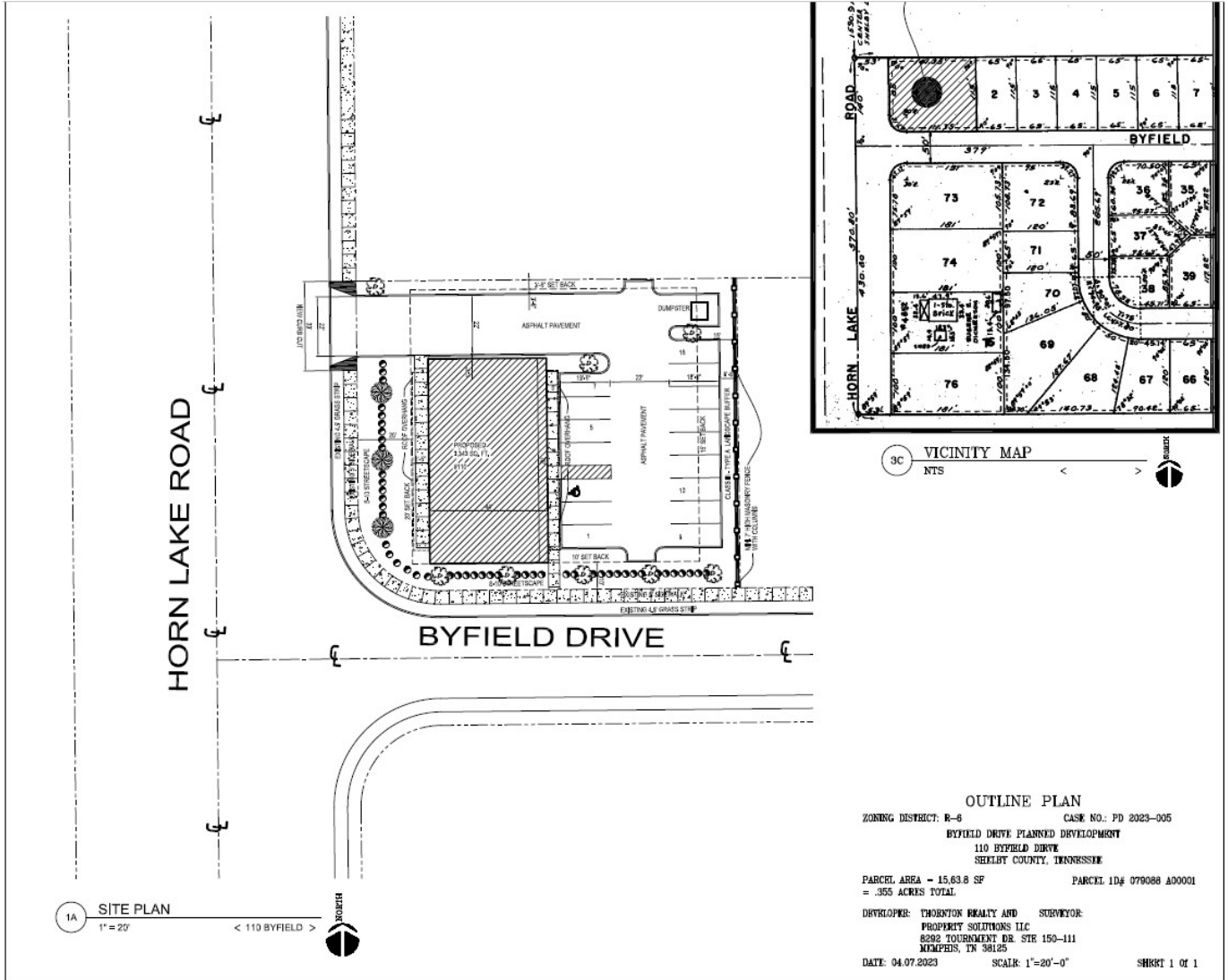
## OUTLINE PLAN CONDITIONS

- I. Permitted Uses
  - A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.
    1. All offices
    2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
    3. Pharmacy
    4. Bakery, retail
    5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
    6. Medical or Dental Laboratory
  - B. The following uses are strictly prohibited.
    1. Payday loans, title loans and flexible loan plan establishments
    2. Vehicle service and repair
    3. Microbrewery and micro distillery
    4. Farmers Market
    5. Tattoo, Palmist, Psychic or Medium
    6. Retail Sales Outdoor (vendor), Flea market
    7. Smoke shop
    8. All Vehicle Sales, Rental, Leasing
    9. Vehicle parts and accessories
    10. Indoor multi-story
    11. Vehicle wash establishment
    12. All Vehicle Service
    13. Lumberyard and wood products
    14. Neighborhood Garden
    15. Radio, TV, or Recording Studio
    16. All other funeral establishments, including crematorium and pet crematorium
    17. CMCS tower and facilities
    18. Amateur Radio Operator Tower (65' or less)
    19. All minor utilities
    20. Light manufacturing or assembly of equipment, instruments, or goods
    21. Reservoir, Control Structure, Water Supply, Water Well
    22. Recreation Field with or without lights
    23. All parks and open areas
    24. Restaurant with sale of alcoholic beverages, Brew Pub
    25. Restaurant, Drive-in
    26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
    27. Cemetery, Mausoleum, Columbarium, Memorial Park
    28. Group Living
    29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station
    30. Restaurant, Drive-in

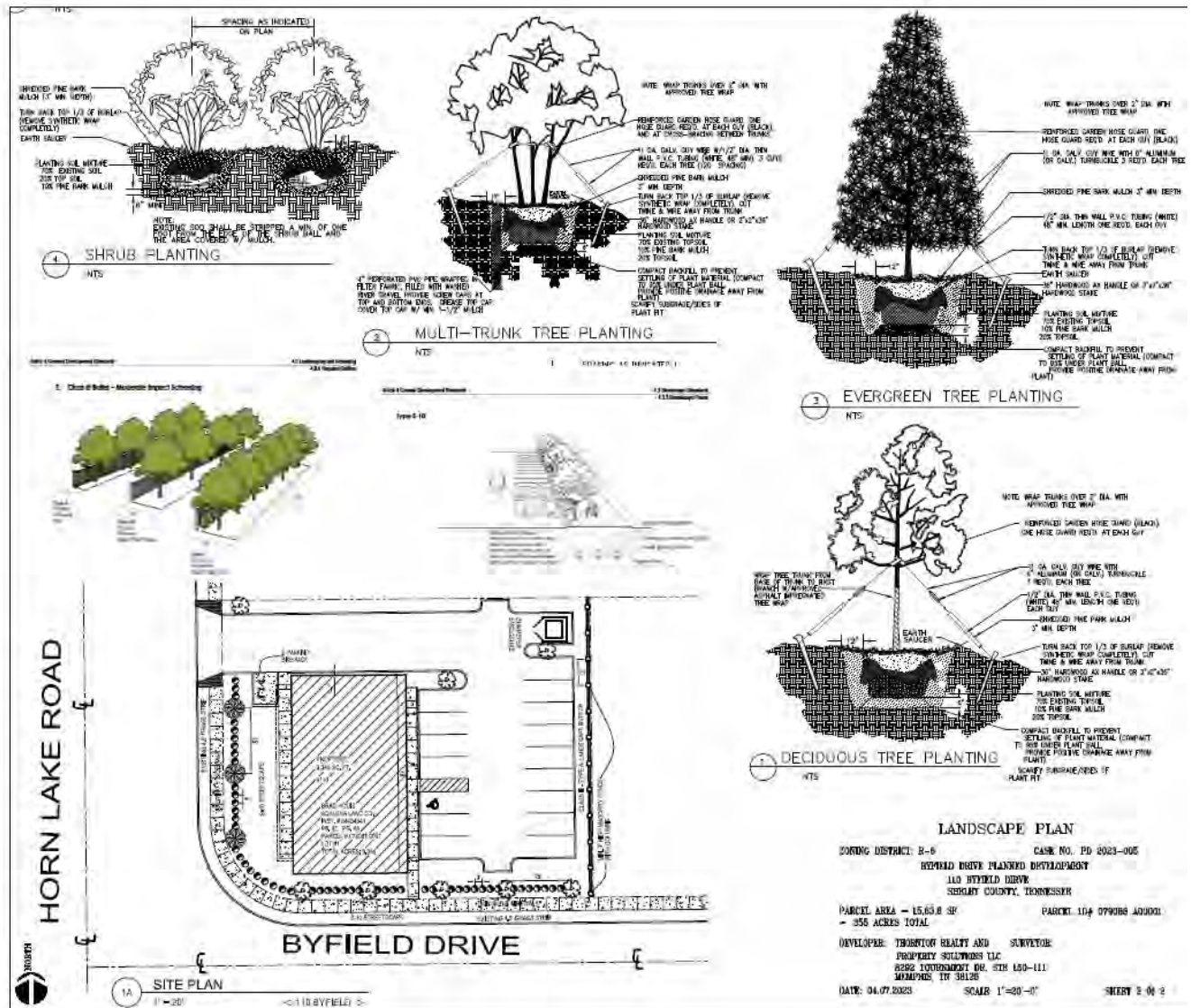
- II. Bulk Regulations
  - A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.
  
- III. Access, Parking and Circulation
  - A. One curb cut permitted on Horn Lake Road.
  - B. The design and location of the curb cut shall be approved by the City Engineer.
  - C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
  - D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
  - E. A standard subdivision contract.
  - F. The exact location, number and dimension of all parking spaces and access drive.
  
- IV. Drainage
  - A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
  - B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
  - C. All drainage emanating on-site shall be private in nature and no easements will be accepted.
  - D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
  
- V. Landscaping
  - A. Landscaping shall be provided as illustrated on the Outline Plan.
  - B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
  - C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.
  
- VI. Signs
  - A. Signage shall be in conformance with the CMU-1 District regulations.
  
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easement.
  - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
  - G. The 100-year flood elevation.
  - H. Fire hydrants in accordance with requirements of the Memphis Fire Department.

# OUTLINE PLAN



# LANDSCAPE PLAN





**AGENDA ITEM:** 2

**CASE NUMBER:** PD 2023-005 **L.U.C.B. MEETING:** April 13, 2023

**DEVELOPMENT:** Byfield Drive Planned Development

**LOCATION:** 110 Byfield

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

**OWNER/APPLICANT:** Thornton Realty and Property Solutions

**REPRESENTATIVE:** Delinor Smith, Smith Building Design and Associates

**REQUEST:** Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6)

**AREA:** +/- .355 acres

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

## CONCLUSIONS

1. The applicant is requesting a planned development of +/- .355 acres to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6).
2. The purpose of this request is to develop a small retail shopping center with at least 3 to 4 rental spaces.
3. This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than commercial. However, the existing, adjacent land use to the north side of the parcel is zoned CMU-1.
4. The subject property is vacant at this time.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage:** W. Byfield Drive +/-128.6 linear feet  
Horn Lake Road +/-124.1 curvilinear feet

**Zoning Atlas Page:** 2425

**Parcel ID:** 076088 A00001

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

**NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Monday, March 27, 2023, at Whitehaven Branch Library, 4120 Millbranch Road.

March 17, 2023

You are invited to a neighborhood meeting to discuss a Planned Development Application filed with the Memphis and Shelby County Division of Planning and Development. The site is located at 110 Byfield Drive. We are requesting this planned development to include retail shopping center use that is permitted in the CMU-1 zoning district, where the current zoning is R-6.

**NEIGHBORHOOD MEETING NOTICE**

Subject: Planned Development – 110 Byfield Dr.

**(DPD Case # PD 23-05)**

Date: Monday, March 27, 2023

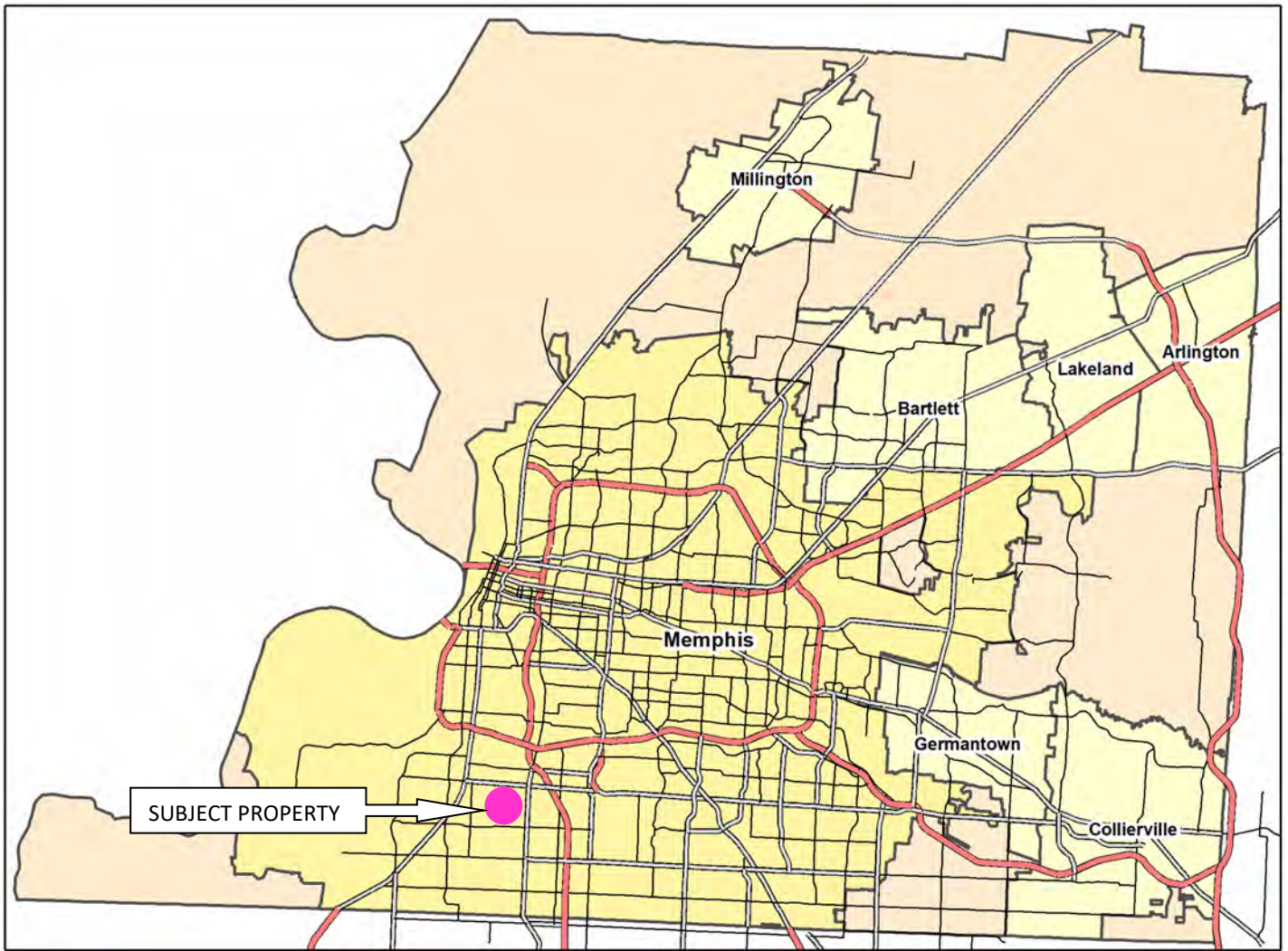
Time: 5pm to 6pm

Location: Whitehaven Branch Library  
4120 Millbranch Rd.  
Memphis, TN 38116

**PUBLIC NOTICE**

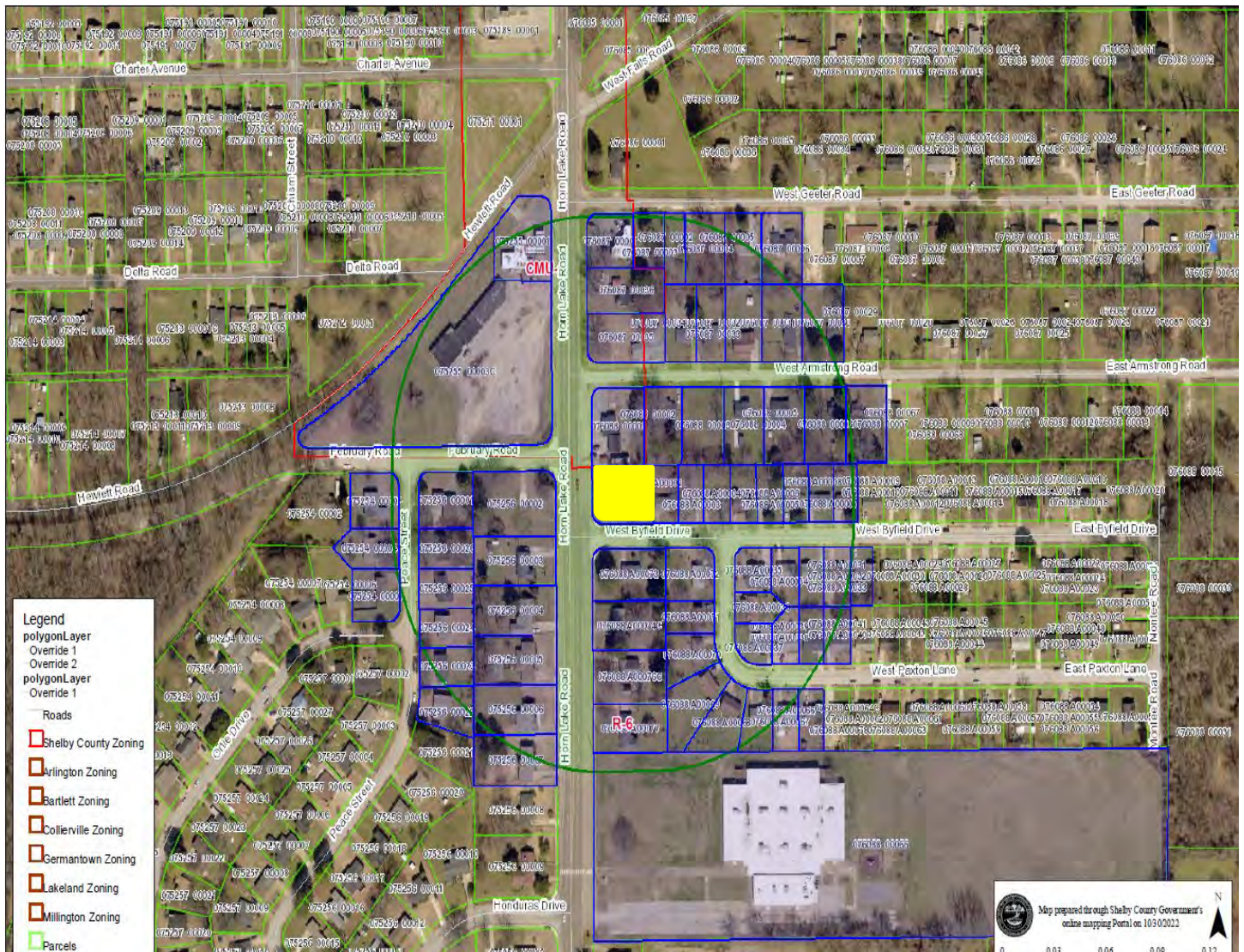
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 69 notices were mailed on March 23, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle

VICINITY MAP



Subject property highlighted in yellow

**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



Subject property highlighted in yellow

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

**Surrounding Zoning**

**North:** CMU-1

**East:** R-6

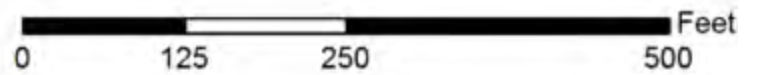
**South:** R-6

**West:** R-6

**LAND USE MAP**



**LandUse**



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



Subject property outlined in electric blue indicated by a pink star

**SITE PHOTOS**



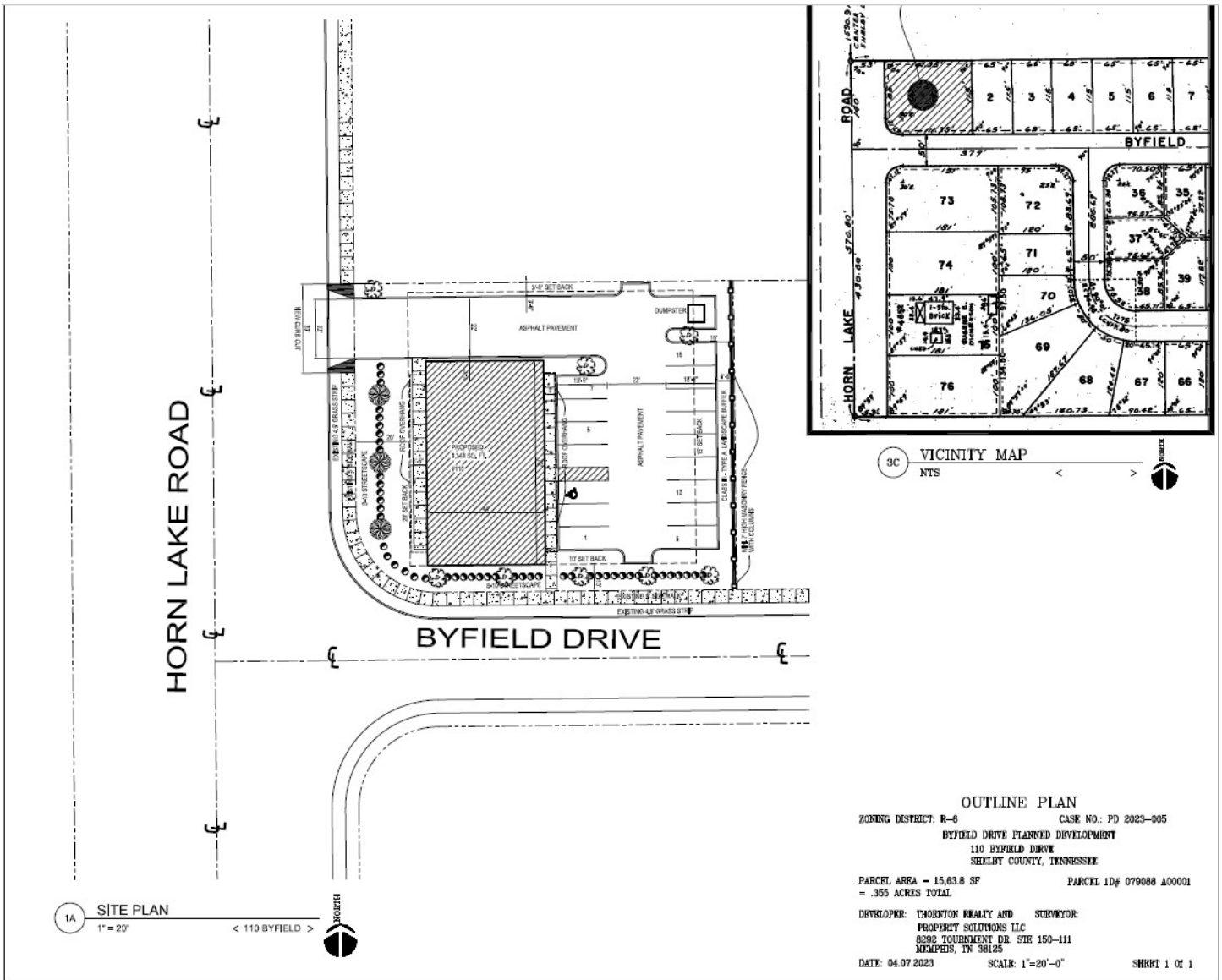
View of subject property from Horn Lake Rd. looking east



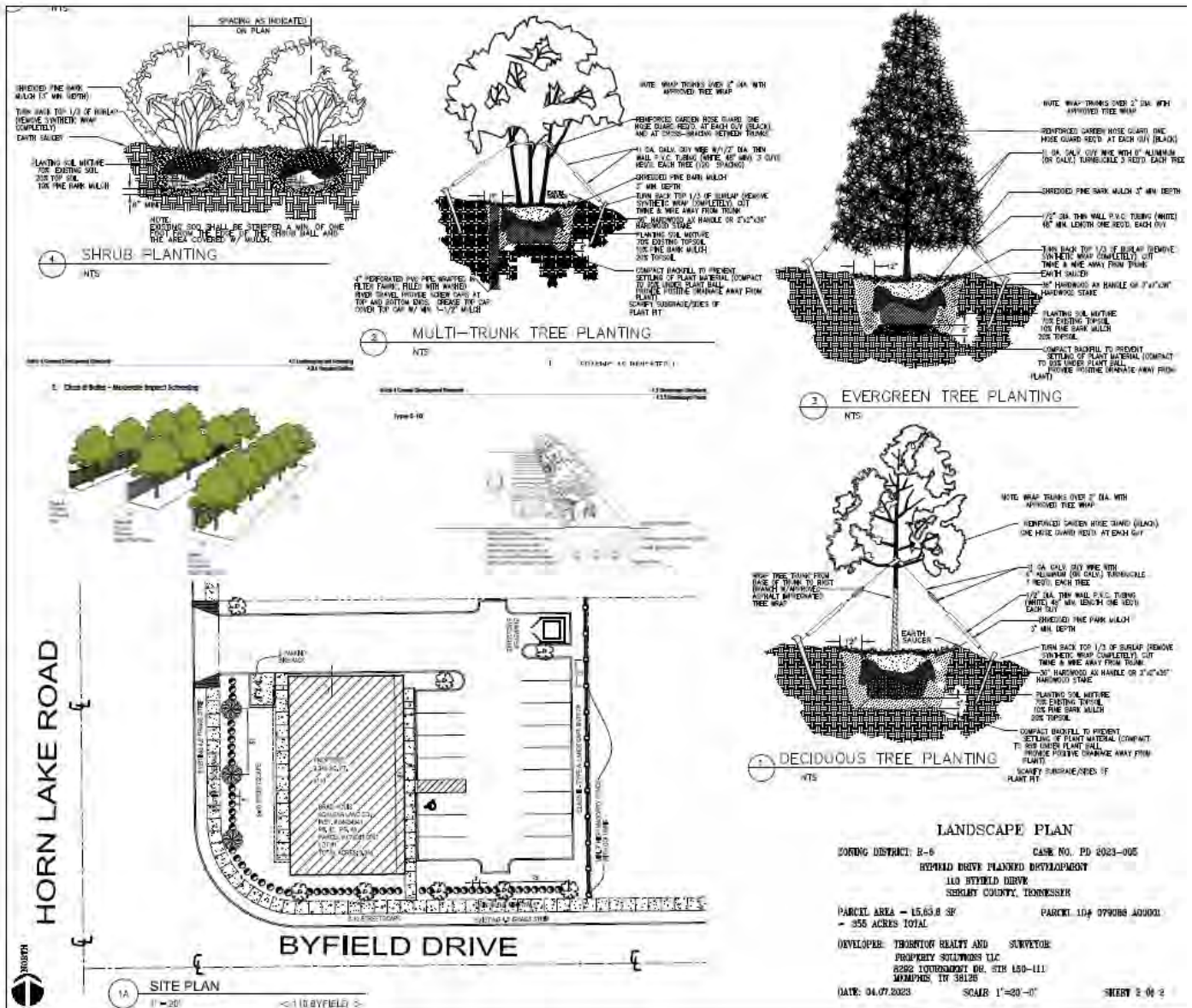


View of subject property from W Byfield looking north

**OUTLINE PLAN**



LANDSCAPE PLAN



## **STAFF ANALYSIS**

### **Request**

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

The request is for a Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6).

### **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/disagrees 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 wastewater 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 abut 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 ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

### **Site Description**

The subject property is +/- .355 acres located 110 Byfield Drive at the corner of Horn Lake Rd and Byfield. The site is currently zoned Residential – 6 (R-6) and it is vacant lot.

## **Comprehensive Planning Review of Memphis 3.0 Consistency**

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This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB PD 23-05 Whitehaven

Site Address/Location: 110 Byfield Dr.

Overlay District/Historic District/Flood Zone: Not located in Overlay District, Historic District, or Flood Zone

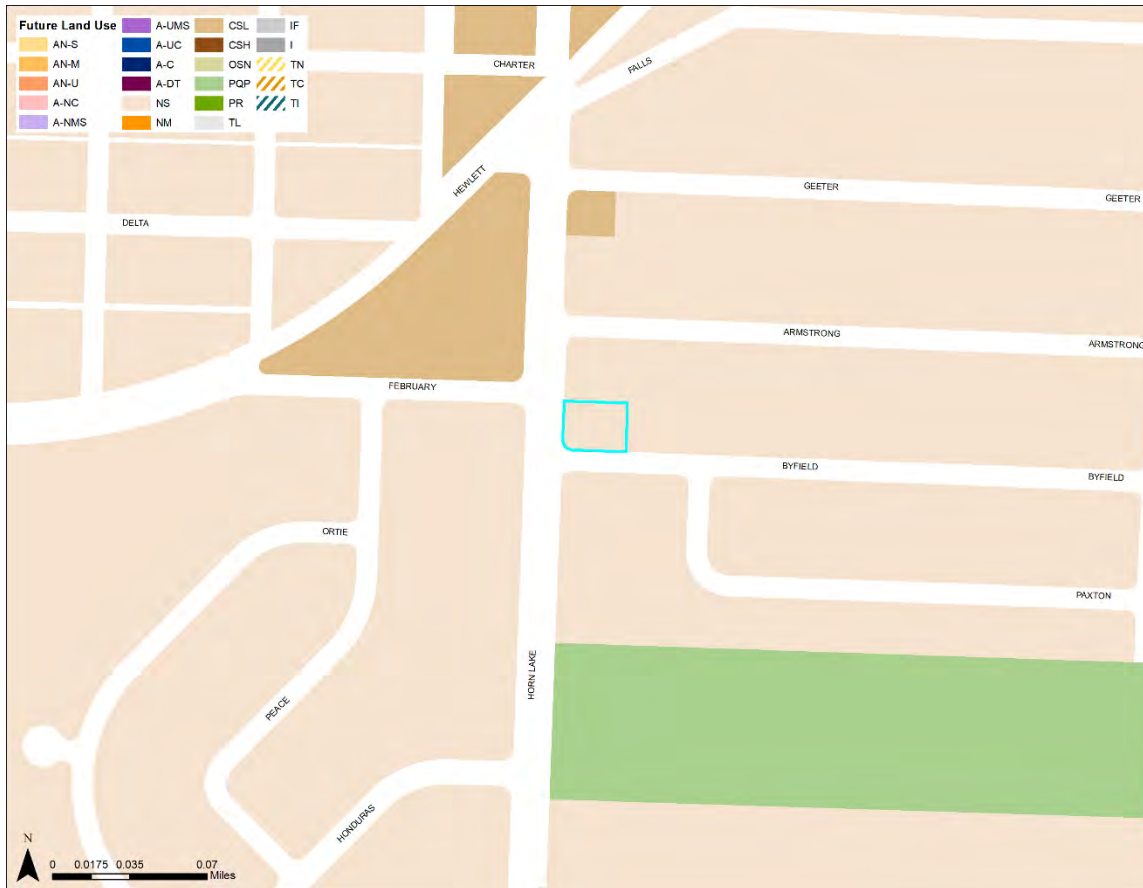
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: Avenue

The applicant is requesting a planned development with the intention of constructing a small shopping center.

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

**1. Future Land Use Planning Map**



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

**2. Land Use Description/Intent**

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods primarily of single-unit houses that are not near a Community Anchor. portrayal of NS is to the right.



consisting Graphic

**“NS” Form & Location Characteristics**

Primarily detached, House scale buildings, primarily residential, 1 – 3 stories; Beyond ½ mile from a Community Anchor

**“NS” Zoning Notes**

Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed above.

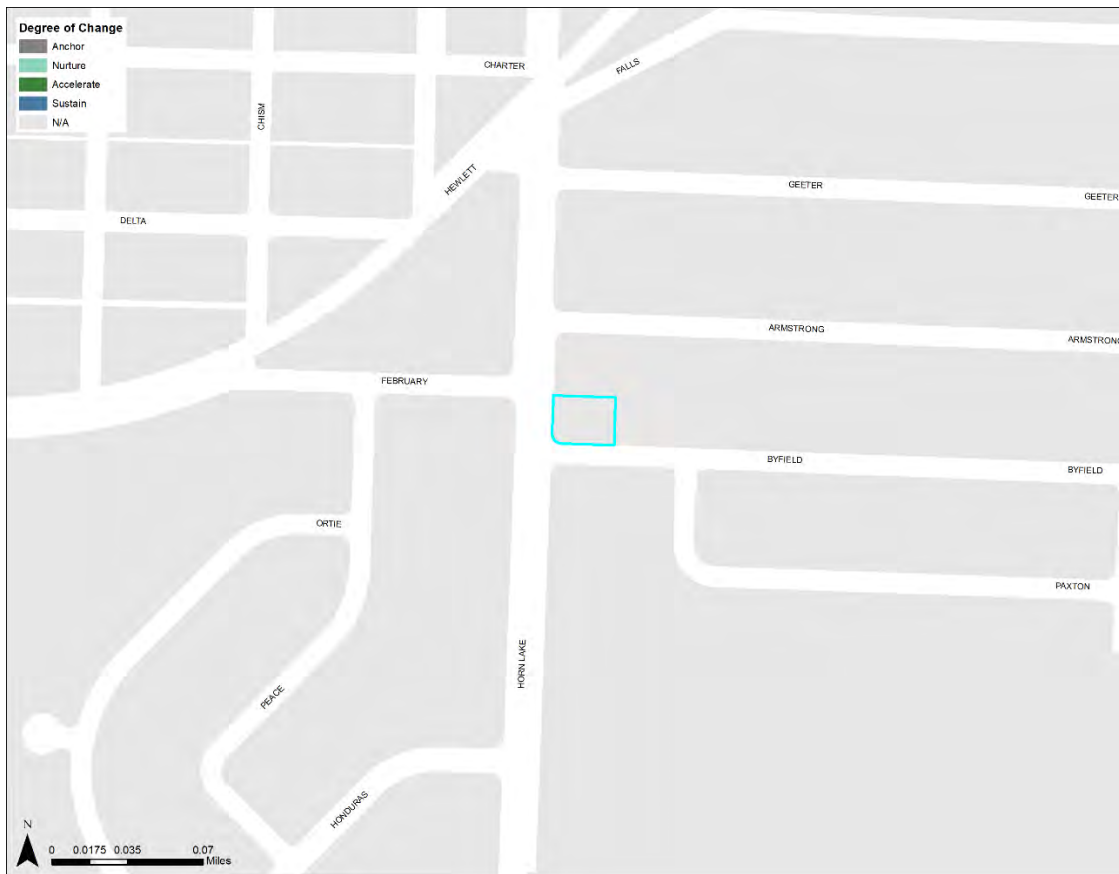
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-6

Adjacent Land Use and Zoning: Office and Single-Family; R-6, CMU-1

**Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. However, it is consistent with adjacent land use and zoning.*

### Degree of Change Map



Blue polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

### 3. Degree of Change Description

N/A

### 4. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

N/A

### 5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

### Consistency Analysis Summary

*The applicant is requesting a planned development with the intention of constructing a small shopping center. This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes.*



*However, it is consistent with adjacent land use and zoning. Additionally, the subject site is directly south of existing CMU-1 zoning and a commercial use. Therefore, the request is consistent.*

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

Summary Compiled by: Bradyn Carson, Comprehensive Planning.

### **Conclusions**

The applicant is requesting a planned development of +/- .355 acres to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6).

The purpose of this request is to develop a small retail shopping center with at least 3 to 4 rental spaces.

This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than commercial. However, the existing, adjacent land use to the north side of the parcel is zoned CMU-1.

The subject property is vacant at this time.

### **RECOMMENDATION**

Staff recommends approval with outline plan conditions.

### **OUTLINE PLAN CONDITIONS**

- I. Permitted Uses
  - A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.
    1. All offices
    2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
    3. Pharmacy
    4. Bakery, retail
    5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
    6. Medical or Dental Laboratory
  - B. The following uses are strictly prohibited.
    1. Payday loans, title loans and flexible loan plan establishments
    2. Vehicle service and repair
    3. Microbrewery and micro distillery
    4. Farmers Market
    5. Tattoo, Palmist, Psychic or Medium
    6. Retail Sales Outdoor (vendor), Flea market
    7. Smoke shop
    8. All Vehicle Sales, Rental, Leasing

9. Vehicle parts and accessories
10. Indoor multi-story
11. Vehicle wash establishment
12. All Vehicle Service
13. Lumberyard and wood products
14. Neighborhood Garden
15. Radio, TV, or Recording Studio
16. All other funeral establishments, including crematorium and pet crematorium
17. CMCS tower and facilities
18. Amateur Radio Operator Tower (65' or less)
19. All minor utilities
20. Light manufacturing or assembly of equipment, instruments, or goods
21. Reservoir, Control Structure, Water Supply, Water Well
22. Recreation Field with or without lights
23. All parks and open areas
24. Restaurant with sale of alcoholic beverages, Brew Pub
25. Restaurant, Drive-in
26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
27. Cemetery, Mausoleum, Columbarium, Memorial Park
28. Group Living
29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station
30. Restaurant, Drive-in

II. Bulk Regulations

- A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.

III. Access, Parking and Circulation

- A. One curb cut permitted on Horn Lake Road.
- B. The design and location of the curb cut shall be approved by the City Engineer.
- C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- E. A standard subdivision contract.
- F. The exact location, number and dimension of all parking spaces and access drive.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- C. All drainage emanating on-site shall be private in nature and no easements will be accepted.

- D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

- A. Signage shall be in conformance with the CMU-1 District regulations.

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

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

- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.

X. Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. Fire hydrants in accordance with requirements of the Memphis Fire Department.

**DEPARTMENTAL COMMENTS**

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

**City/County Engineer:**

DATE: 4/6/2023

CASE: PD 23-005

NAME: Byfield Drive Planned Development

**Roads:**

1. 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.

2. 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 construction, reconstruction, or repair necessary to meet City standards.

**Traffic Control Provisions:**

3. 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. If the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

4. 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.

5. 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:**

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

**City/County Fire Division:**

No comments received.

**City Real Estate:**

No comments received.

**City/County Health Department:**

No comments received.

**Shelby County Schools:**

No comments received.

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

**Memphis Light, Gas and Water:** No comments received.

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

**Office of Comprehensive Planning:** SEE PAGES 14-17

APPLICATION

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

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

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION  
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: 2/16/2023

Previous Case/Docket #: Z 2022-011

PLEASE TYPE OR PRINT

Property Owner of Record: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 8295 TOURNAMENT DR City/State: MEMPHIS Zip: 38125

Property Owner Email Address: \_\_\_\_\_

Applicant: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 2570 OVERLOOK DRIVE City/State: GERMANTOWN, TN Zip: 38138

Applicant Email Address: \_\_\_\_\_

Representative: DELINOR SMITH, SMITH BUILDING DESIGN AND ASSOCIATES Phone #: 901-690-3944

Mailing Address: 3831 LAKEHURST DRIVE City/State: MEMPHIS Zip: 38128

Representative Email Address: dsmith920@comcast.net

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

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

Architect/Engineer/Surveyor Email Address: \_\_\_\_\_

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 110 BYFIELD DRIVE AT THE CORNER OF BYFIELD AND HORN LAKE ROAD

Parcel ID: 076088 A00001

Project Name: BYFIELD PLANNED DEVELOPMENT

Project Description: PLANNED DEVELOPMENT TO INCLUDE RETAIL SHOPPING CENTER USE THAT IS PERMITTED IN CMU-1, WHERE THE CURRENT ZONING IS R-6

Did you have a pre-application meeting with the Division of Planning and Development (DPD)?

Planner: TERESA SHELTON Date of Meeting: 10/05/2022

Type of Planned Development (PD) (check one)?  New PD  Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? NO (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? NO (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>0.355</u>	_____	_____
Existing Use of Property:	<u>R-6</u>	_____	_____
Requested Use of Property:	<u>CMU-1</u>	_____	_____

Is this application in response to a citation, stop work order, or zoning letter? NO (yes or no)

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information: \_\_\_\_\_

**APPROVAL CRITERIA (UDC Section 9.6.9)**

*No 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: The project will not have undue adverse effects upon adjacent properties, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and the 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: This project will be compatible with the use of adjacent properties along Horn Lake Road.

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: The public facilities and services are adequate and will meet the needs for this project.

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: This project will not have any negative affects on any feature that the governing bodies determined to be of significant natural, scenic of historic importance.

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E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use: This project shall be constructed and operated according to all prevailing local codes and state regulations governing this type of business.

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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: This project will not affect any plans to be considered, or violate the character of existing standards for development of the adjacent properties.

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**GENERAL PROVISIONS (UDC Section 4.10.3)**

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

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: This development will not 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 policies and plans of the City and County.

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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: All public facilities are adaqueate for this type of business.

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- C) The location and arrangement of the structures, parking and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation: A site plan shall be submitted for approval to satisfy the parking, lighting, landscaping, required buffers and streetscapes.  

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- 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: Any modifications to the district standards shall be submitted to the governing boards for approval before constructing.  

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- E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements: The owner shall be responsible for the maintenance of the structure and property.
- F) Lots of record are created with the recording of a planned development final plan: Once the request is approved the final plat shall be recorded.

**LETTER OF INTENT**

2/16/2023

Mr. Brett Ragsdale  
Zoning Administrator  
Division of Planning and Development  
125 N. Main St., Ste. 477  
Memphis, TN 38103

RE: 110 Byfield Dr.

Dear Brett:

On behalf of the applicant, Mrs. Vernita Thornton, Thornton Realty and Property Solutions, LLC., we are requesting a Planned Development in a Residential Single Family - 6 (R-6) zoning district to build a small retail shopping center with 3 to 4 rental spaces.

The proposed planned development of the subject property is to build a small retail shopping center and will be in accordance with the four already existing properties along Horn Lake Road that are currently zoned CMU-1, with one of the properties known as, "T's Tires located at 4804 Horn Lake Rd which is adjacent to the subject property. We do not feel that this will impair nor will have a detrimental effect on the surrounding neighborhood but will enhance the neighborhood by bringing more retail to the area. I have attached photos of the properties that are already zoned CMU-1 in this area.

We are asking that you please consider this letter of intent as our formal request for this re-zoning of this property.

Thank you,



Delinor Smith, Smith Building Design and Associates

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, DELINOR SMITH, being duly sworn, depose and say that at 6:30pm am/pm on the 28 day of MARCH, 2023, I posted a Public Notice Sign(s) pertaining to Case No. PD 2023-005 at 110 BYFIELD ROAD (address) providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council,      Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development,      Special Use Permit,      Use Variance, Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

*Delnor Smith*  
Owner, Applicant or Representative

3-29-2023  
Date

Subscribed and sworn to before me this 29 day of March, 2023.

*Shane Roe*  
Notary Public

MY COMMISSION EXPIRES MAY 17, 2026

My commission expires: \_\_\_\_\_



**LETTERS RECEIVED**

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

**From:** [Nina G](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** Re: 71 W Byfield Dr  
**Date:** Tuesday, April 04, 2023 8:54:36 PM  
**Attachments:** [Outlook-gm1mb0mu.png](#)  
[Outlook-ghqgrgh2w.png](#)  
[Outlook-mu1yrkp.png](#)  
[Outlook-ta3hebyo.png](#)

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

To Whom It May Concern:

I own 71 W Byfield Dr 38109.

I am writing to state my opposition to the following:  
Planned Development in a Residential Single Family - 6 (R-6) zoning district to build a small retail shopping center with 3 to 4 rental spaces.


The reasons include noise, traffic, lower property value, and the potential for increased crime. I prefer to maintain the area as a single-family residential.

Thank you for hearing my concerns.


Soawanee Greene

On Mon, Apr 3, 2023 at 10:40 AM Shelton, Teresa <[Teresa.Shelton@memphistn.gov](mailto:Teresa.Shelton@memphistn.gov)> wrote:

An email is sufficient.



Teresa Shelton  
Municipal Planner  
Land Use and Development Services  
Division of Planning and Development  
125 N. Main, Ste. 468 Memphis, TN 38103  
Phone: 901-636-6621  
Email: [teresa.shelton@memphistn.gov](mailto:teresa.shelton@memphistn.gov)




Visit our [website](#)

**From:** Nina G <[greenemangoes@gmail.com](mailto:greenemangoes@gmail.com)>  
**Sent:** Monday, April 3, 2023 9:33 AM  
**To:** Shelton, Teresa <[Teresa.Shelton@memphistn.gov](mailto:Teresa.Shelton@memphistn.gov)>

**From:** [Denise S. Richardson](#)  
**To:** [Shelton, Teresa](#)  
**Subject:** PD 23-005 110 Byfield  
**Date:** Thursday, April 6, 2023 3:18:31 PM

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 The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender [deniserich7.rev@gmail.com](mailto:deniserich7.rev@gmail.com)

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

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I and my neighbors are in complete opposition to this planned Development to build a retail shopping center with 3-4 rental spaces for the following reasons:

It will cause dangerous traffic congestion. The speed limit is already at 45 on this street. Most people actually already travel 55.

The lot is too small to accomodate sufficient parking, ingress and egress.

We, the homeowners and inhabitants of this community have not been made aware of the types of businesses allowed in this small space.

It may bring an undesirable transient group of people to the area which exposes us to more crime.

Please vote no on this proposal.

Sincerely,

Joyce Springfield Collins  
4859 Horn Lake Road

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

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

April 17, 2023

Thornton Realty and Property Solutions  
110 Byfield Dr.  
Memphis, TN 38109

*Sent via electronic mail to: [dsmith920@comcast.net](mailto:dsmith920@comcast.net)*

Byfield Drive Planned Development  
Case Number: PD 23-005  
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Byfield Drive Planned Development, subject to the attached outline plan conditions.

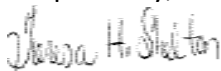
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [teresa.shelton@memphistn.gov](mailto:teresa.shelton@memphistn.gov).

Respectfully,



Teresa Shelton  
Municipal Planner  
Land Use and Development Services

**Letter to Applicant**  
**PD 23-005**

Division of Planning and Development

Cc: Delinor Smith, Smith Building Design and Associates  
File



## Letter to Applicant

PD 23-005

### Outline Plan Conditions

#### I. Permitted Uses

A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.

1. All offices
2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
3. Pharmacy
4. Bakery, retail
5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
6. Medical or Dental Laboratory

B. The following uses are strictly prohibited.

1. Payday loans, title loans and flexible loan plan establishments
2. Vehicle service and repair
3. Microbrewery and micro distillery
4. Farmers Market
5. Tattoo, Palmist, Psychic or Medium
6. Retail Sales Outdoor (vendor), Flea market
7. Smoke shop
8. All Vehicle Sales, Rental, Leasing
9. Vehicle parts and accessories
10. Indoor multi-story
11. Vehicle wash establishment
12. All Vehicle Service
13. Lumberyard and wood products
14. Neighborhood Garden
15. Radio, TV, or Recording Studio
16. All other funeral establishments, including crematorium and pet crematorium
17. CMCS tower and facilities
18. Amateur Radio Operator Tower (65' or less)
19. All minor utilities
20. Light manufacturing or assembly of equipment, instruments, or goods
21. Reservoir, Control Structure, Water Supply, Water Well
22. Recreation Field with or without lights
23. All parks and open areas
24. Restaurant with sale of alcoholic beverages, Brew Pub
25. Restaurant, Drive-in
26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
27. Cemetery, Mausoleum, Columbarium, Memorial Park
28. Group Living
29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station

30. Restaurant, Drive-in

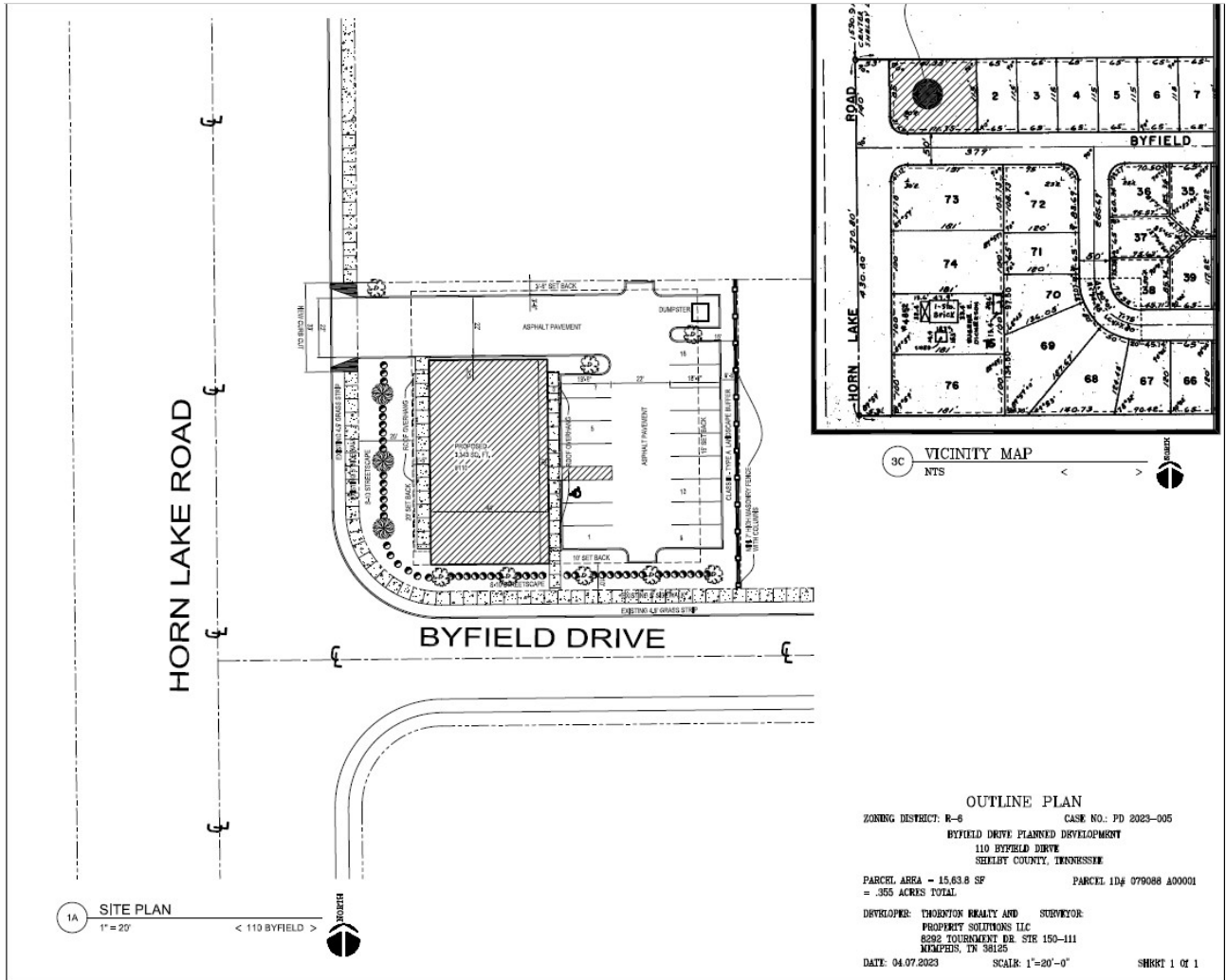
- II. Bulk Regulations
  - A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.
  
- III. Access, Parking and Circulation
  - A. One curb cut permitted on Horn Lake Road.
  - B. The design and location of the curb cut shall be approved by the City Engineer.
  - C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
  - D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
  - E. A standard subdivision contract.
  - F. The exact location, number and dimension of all parking spaces and access drive.
  
- IV. Drainage
  - A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
  - B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
  - C. All drainage emanating on-site shall be private in nature and no easements will be accepted.
  - D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
  
- V. Landscaping
  - A. Landscaping shall be provided as illustrated on the Outline Plan.
  - B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
  - C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.
  
- VI. Signs
  - A. Signage shall be in conformance with the CMU-1 District regulations.
  
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of

**Letter to Applicant**  
**PD 23-005**

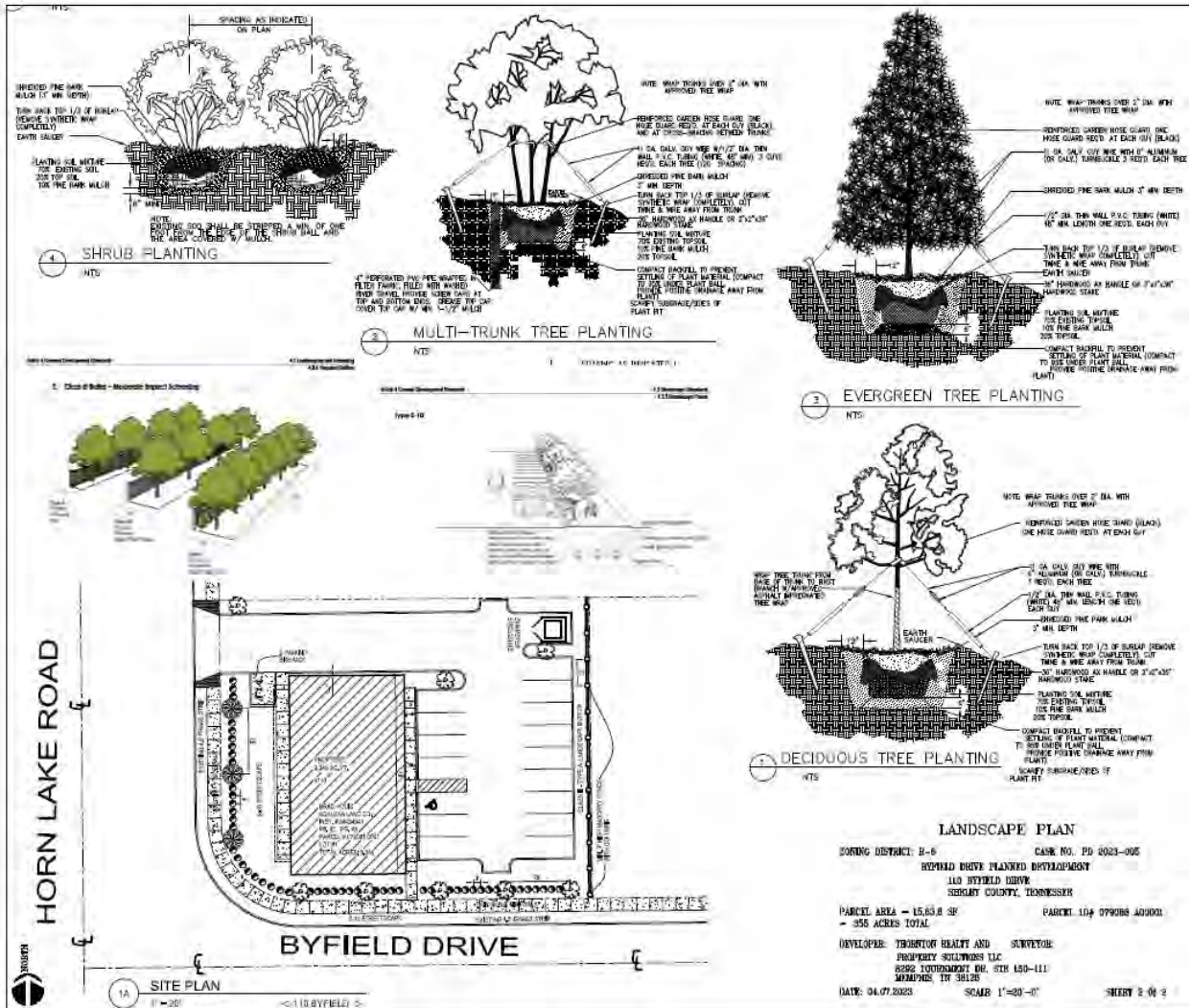
the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easement.
  - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
  - G. The 100-year flood elevation.
  - H. Fire hydrants in accordance with requirements of the Memphis Fire Department.

OUTLINE PLAN



LANDSCAPE PLAN





## Record Summary for Planned Development

### Record Detail Information

**Record Type:** Planned Development

**Record Status:** Assignment

**Opened Date:** November 28, 2022

**Record Number:** PD 2023-005

**Expiration Date:**

**Record Name:** 110 Byfield Drive Re-zoning

**Description of Work:** The request is to re-zone +/-0.355 acres from Residential Single Family - 6 (R-6) to Commercial Mixed Use - 1 to build a small retail shopping center with 3 to 4 rental spaces.

**Parent Record Number:**

### Address:

110 BYFIELD DR, MEMPHIS 38109

### Owner Information

Primary	Owner Name
Y	THORNTON REALTY AND PROPERTY SOLUTIONS

Owner Address	Owner Phone
8295 TOURNAMENT DR, MEMPHIS, TN 38125	

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner	Teresa Shelton
Date of Meeting	10/05/2022
Pre-application Meeting Type	-

#### GENERAL PROJECT INFORMATION

Planned Development Type	-
Previous Docket / Case Number	-
Medical Overlay / Uptown	-

**GENERAL PROJECT INFORMATION**

If this development is located in unincorporated Shelby County, is the tract at least three acres? -  
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop work order, or zoning letter -

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A -

UDC Sub-Section 9.6.9B -

UDC Sub-Section 9.6.9C -

UDC Sub-Section 9.6.9D -

UDC Sub-Section 9.6.9E -

UDC Sub-Section 9.6.9F -

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A -

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 and loading 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 such facilities 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 -

**GIS INFORMATION**

Central Business Improvement District No

Case Layer -

Class R

**GIS INFORMATION**

Downtown Fire District No  
Historic District -  
Land Use VACANT  
Municipality MEMPHIS  
Overlay/Special Purpose District -  
Zoning R-6  
State Route -  
Lot 0 1  
Subdivision WILSHIRE OAKS TERRACE  
Planned Development District -  
Wellhead Protection Overlay District -

---

**Contact Information**

**Name** THORNTON REALTY AND PROPERTY SOLUTIONS, LLC. **Contact Type** APPLICANT  
**Address** 2570 OVERLOOK DRIVE, GERMANTOWN, TN, 38138  
**Phone** (901)485-9655

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**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1448909	Adjustment Fee	750	750.00	INVOICED	0.00	02/14/2023
1448909	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	02/14/2023

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

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**Payment Information**

**Payment Amount** \$769.50 **Method of Payment** Credit Card





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

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

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION  
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: 2/16/2023

Previous Case/Docket #: Z 2022-011

PLEASE TYPE OR PRINT

Property Owner of Record: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 8295 TOURNAMENT DR City/State: MEMPHIS Zip: 38125

Property Owner Email Address: \_\_\_\_\_

Applicant: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 2570 OVERLOOK DRIVE City/State: GERMANTOWN, TN Zip: 38138

Applicant Email Address: \_\_\_\_\_

Representative: DELINOR SMITH, SMITH BUILDING DESIGN AND ASSOCIATES Phone #: 901-690-3944

Mailing Address: 3831 LAKEHURST DRIVE City/State: MEMPHIS Zip: 38128

Representative Email Address: dsmith920@comcast.net

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

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

Architect/Engineer/Surveyor Email Address: \_\_\_\_\_

**PREMISES LOCATION** (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 110 BYFIELD DRIVE AT THE CORNER OF BYFIELD AND HORN LAKE ROAD

Parcel ID: 076088 A00001

Project Name: BYFIELD PLANNED DEVELOPMENT

Project Description: PLANNED DEVELOPMENT TO INCLUDE RETAIL SHOPPING CENTER USE THAT IS PERMITTED IN CMU-1, WHERE THE CURRENT ZONING IS R-6

**Did you have a pre-application meeting with the Division of Planning and Development (DPD)?**

Planner: TERESA SHELTON Date of Meeting: 10/05/2022

Type of Planned Development (PD) (check one)?  New PD  Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? NO (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? NO (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>0.355</u>	<u></u>	<u></u>
Existing Use of Property:	<u>R-6</u>	<u></u>	<u></u>
Requested Use of Property:	<u>CMU-1</u>	<u></u>	<u></u>

Is this application in response to a citation, stop work order, or zoning letter? NO (yes or no)

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information: \_\_\_\_\_

**APPROVAL CRITERIA** (UDC Section 9.6.9)

*No 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: The project will not have undue adverse effects upon adjacent properties, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and the 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: This project will be compatible with the use of adjacent properties along Horn Lake Road.

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: The public facilities and services are adequate and will meet the needs for this project.

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: This project will not have any negative affects on any feature that the governing bodies determined to be of significant natural, scenic of historic importance.

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E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use: This project shall be constructed and operated according to all prevailing local codes and state regulations governing this type of business.

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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: This project will not affect any plans to be considered, or violate the character of existing standards for development of the adjacent properties.

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**GENERAL PROVISIONS (UDC Section 4.10.3)**

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

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: This development will not 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 policies and plans of the City and County.

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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: All public facilities are adequate for this type of business.

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- C) The location and arrangement of the structures, parking and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation: A site plan shall be submitted for approval to satisfy the parking, lighting, landscaping, required buffers and streetscapes.
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- 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: \_\_\_\_\_  
Any modifications to the district standards shall be submitted to the governing boards for approval before constructing.
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- E) Homeowners’ associations or some other responsible party shall be required to maintain any and all common open space and/or common elements: \_\_\_\_\_  
The owner shall be responsible for the maintenance of the structure and property.
- F) Lots of record are created with the recording of a planned development final plan: Once the request is approved the final plat shall be recorded.

## LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION GUIDE

To file online use the Develop 901 Citizen Portal: [www.aca-prod.accela.com/SHELBYCO/Default](http://www.aca-prod.accela.com/SHELBYCO/Default)

### **GENERAL INFORMATION**

#### **UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR PLANNED DEVELOPMENTS:**

- a) Planned Development – UDC Chapter 9.6 and Section 9.6.11
- b) Planned Development Amendment – UDC Paragraph 9.6.11E(1)

**PRE-APPLICATION MEETING** – This is a meeting in which the Division of Planning and Development Land Use and Development Services discusses the procedures, standards, and regulations required of a request in accordance with the Unified Development Code with the applicant(s) and/or their representative(s), see Section 9.3.1 of [Unified Development Code](#) for additional information. To schedule a pre-application meeting please call Land Use and Development Services at (901) 636-6619.

**APPLICATION REVIEW PROCESS** – [Click here](#) to view a flowchart that explains the review process by application type, as well as the expected review time for each.

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than one hundred twenty (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, see Section 9.3.2 of the [Unified Development Code](#) for additional information, procedures, standards, and requirements.

**APPLICATION DEADLINES** – A link to the Applications Deadlines Calendar can be found on the Land Use and Development Services’ [webpage](#).

**APPLICATION ASSISTANCE** – [Click here](#) to view a list of firms and individuals who frequently provide assistance with the filing of applications with the Division of Planning and Development.

**FILING FEE(S)** – See the [Fee Schedule](#). Make checks payable to “M/SC Division of Planning and Development”

**POSTED NOTICE** – Posting sign(s) may be required, refer to Sub-Sections 9.3.4A and 9.3.4C of the [Unified Development Code](#) for specific requirements. If posted notice is required, the sign [affidavit](#) and a photograph of each sign on the subject property are also mandatory. [Download](#) templates of the sign in a PowerPoint document. [Click here](#) for a list of companies that may be able to produce posted notice signs.

### **REQUIRED DOCUMENTS**

As part of the application, the following documents are required to be submitted:

**LETTER OF INTENT** – A brief narrative statement generally describing the nature, location, and extent of the development and the market it is intended to serve.

**OUTLINE PLAN** – An outline plan consists of the following documents:

- A. CONCEPT PLAN** – In general, a drawing of the subject property drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions, and arrangements of buildings on the property; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site, any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds; etc.
- B. LANDSCAPE PLAN** – A detailed diagram that includes the specific location and spacing of plant materials. All plant materials shall be identified in a planting schedule chart that indicates the symbol, quantity, common name, botanical name, and minimum size at planting—caliper and height.
- C. PROPOSED OUTLINE PLAN CONDITIONS IN WORD** – The proposed outline plan conditions must be submitted in the Microsoft Word format.

**VICINITY MAP** – Map showing the subject property (boldly outlined) and all adjacent parcel owners. Refer to Sub-Section 9.3.4A of the [Unified Development Code](#) for specific notification requirements. Note two hardcopy sets of sticky labels must be provided and shall be dropped off at Suite 477 in City Hall, 125 N Main Street, Memphis, TN 38103. [Public Notice Tool User Guide](#).

**MAILING LABELS OF NAMES AND ADDRESSES** – A complete list of names and mailing addresses, of all property owners shown on the vicinity map, typewritten, and formatted as 1" x 2 5/8" labels (Avery 5160). Additionally, include the application property owner of record, applicant, representative, and/or Architect/Engineer/Surveyor. [Public Notice Tool User Guide](#).

**DEED(S)** – Most recent deed(s) on file with [Shelby County Register of Deeds](#).

**OWNER AFFIDAVIT** – [Affidavit of ownership or owner designee](#).

**Additional documents may be required prior to approval including, but not limited, to:**

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

2/16/2023

Mr. Brett Ragsdale  
Zoning Administrator  
Division of Planning and Development  
125 N. Main St., Ste. 477  
Memphis, TN 38103

RE: 110 Byfield Dr.

Dear Brett:

On behalf of the applicant, Mrs. Vernita Thornton, Thornton Realty and Property Solutions, LLC., we are requesting a Planned Development in a Residential Single Family - 6 (R-6) zoning district to build a small retail shopping center with 3 to 4 rental spaces.

The proposed planned development of the subject property is to build a small retail shopping center and will be in accordance with the four already existing properties along Horn Lake Road that are currently zoned CMU-1, with one of the properties known as, "T's Tires located at 4804 Horn Lake Rd which is adjacent to the subject property. We do not feel that this will impair nor will have a detrimental effect on the surrounding neighborhood but will enhance the neighborhood by bringing more retail to the area. I have attached photos of the properties that are already zoned CMU-1 in this area.

We are asking that you please consider this letter of intent as our formal request for this re-zoning of this property.

Thank you,



Delinor Smith, Smith Building Design and Associates



T's Tire - 4804 Horn Lake Rd zoned CMU-1 next to subject property



Abandoned shopping center on the other side of Horn Lake from subject property zoned CMU-1 4777 Horn Lake Rd



Service Station at 4775 Horn Lake next to 4777 Horn Lake zoned CMU-1



Community Grocery located at 4770 Horn Lake zoned CMU-1

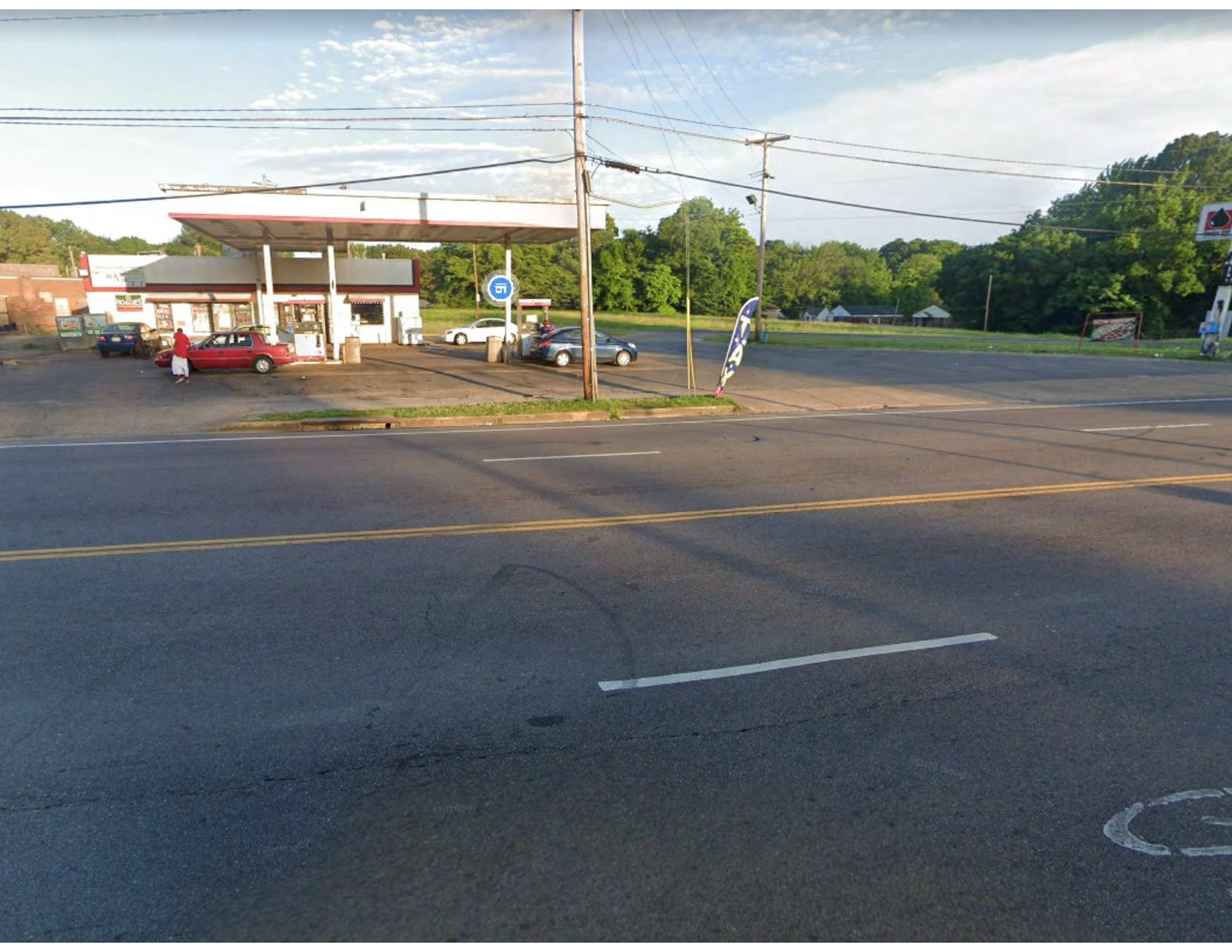




T'S TIRES  
WHEEL ALIGNMENT  
WAX & POLISH  
AIR FILTERS









PIZZA  
BY THE  
COLD CUTS

**COMMUNITY GI**

DISCOUNT CIGS  
COLD BEER  
WE ACCEPT EBT



**HOT PIZZA**  
**WINGS & WINGBITES**

Hot to Go

**BUNNY BROTHERS**  
**PIZZA**

ATM

449





T's Tire - 4804 Horn Lake Rd zoned CMU-1 next to subject property



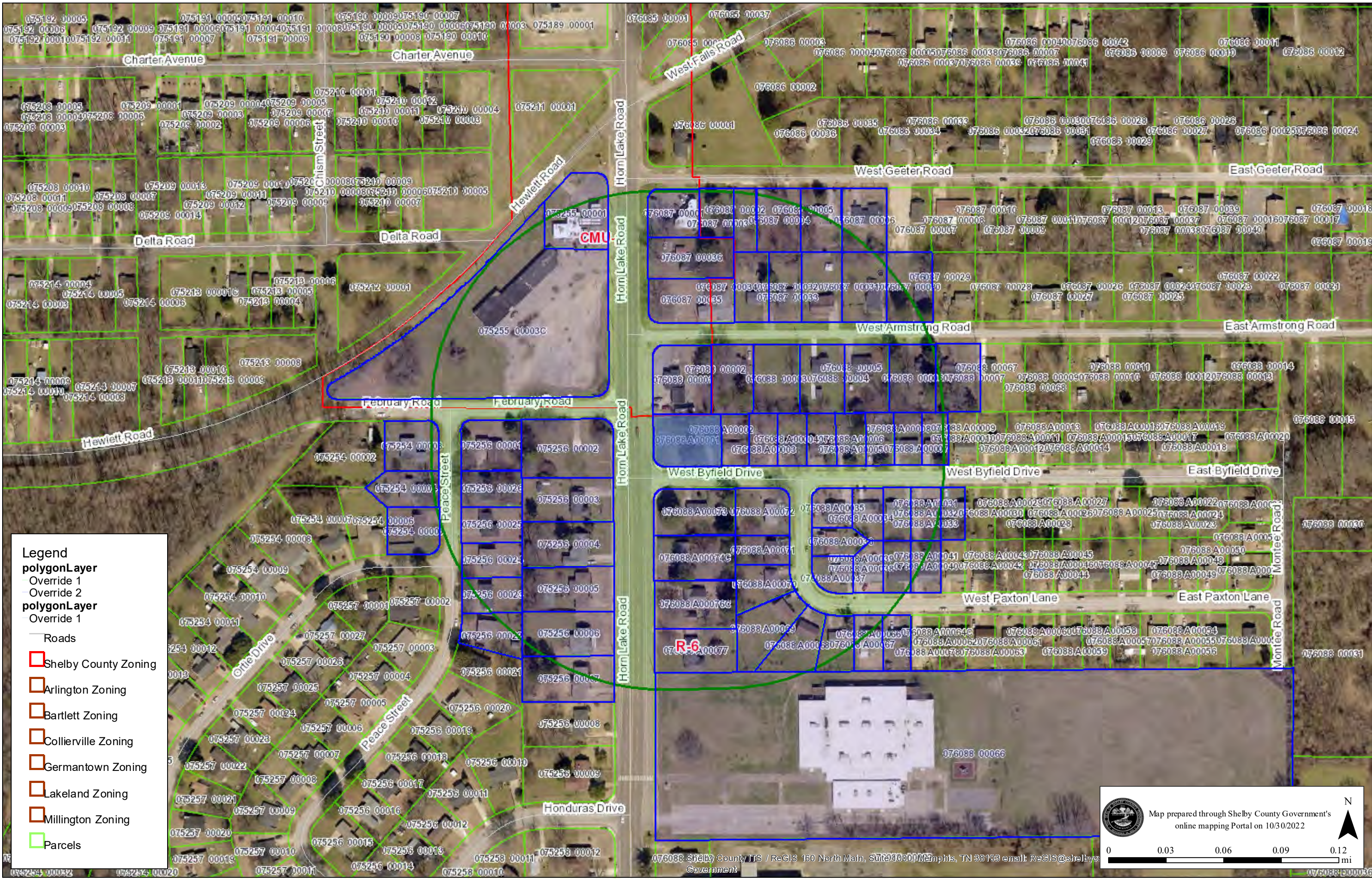
Abandoned shopping center on the other side of Horn Lake from subject property zoned CMU-1 4777 Horn Lake Rd



Service Station at 4775 Horn Lake next to 4777 Horn Lake zoned CMU-1



Community Grocery located at 4770 Horn Lake zoned CMU-1



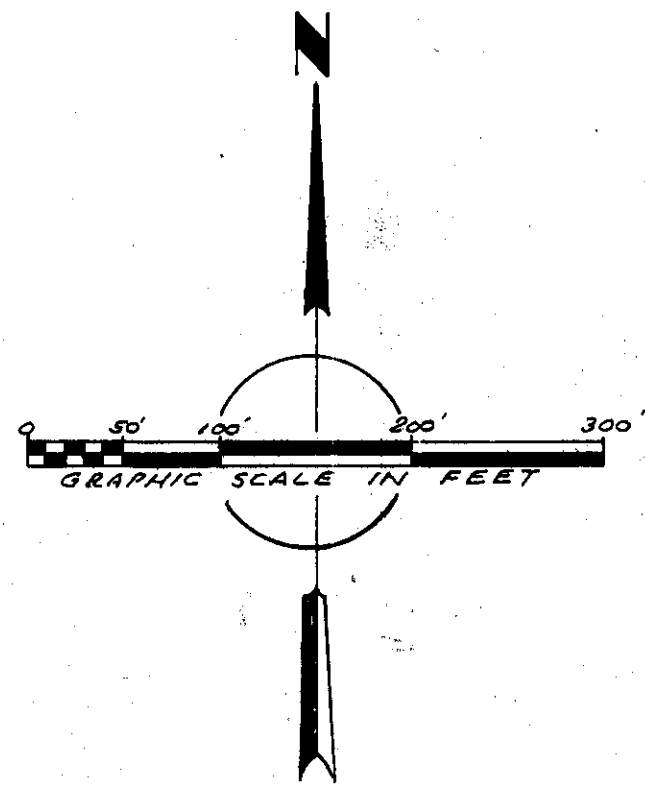
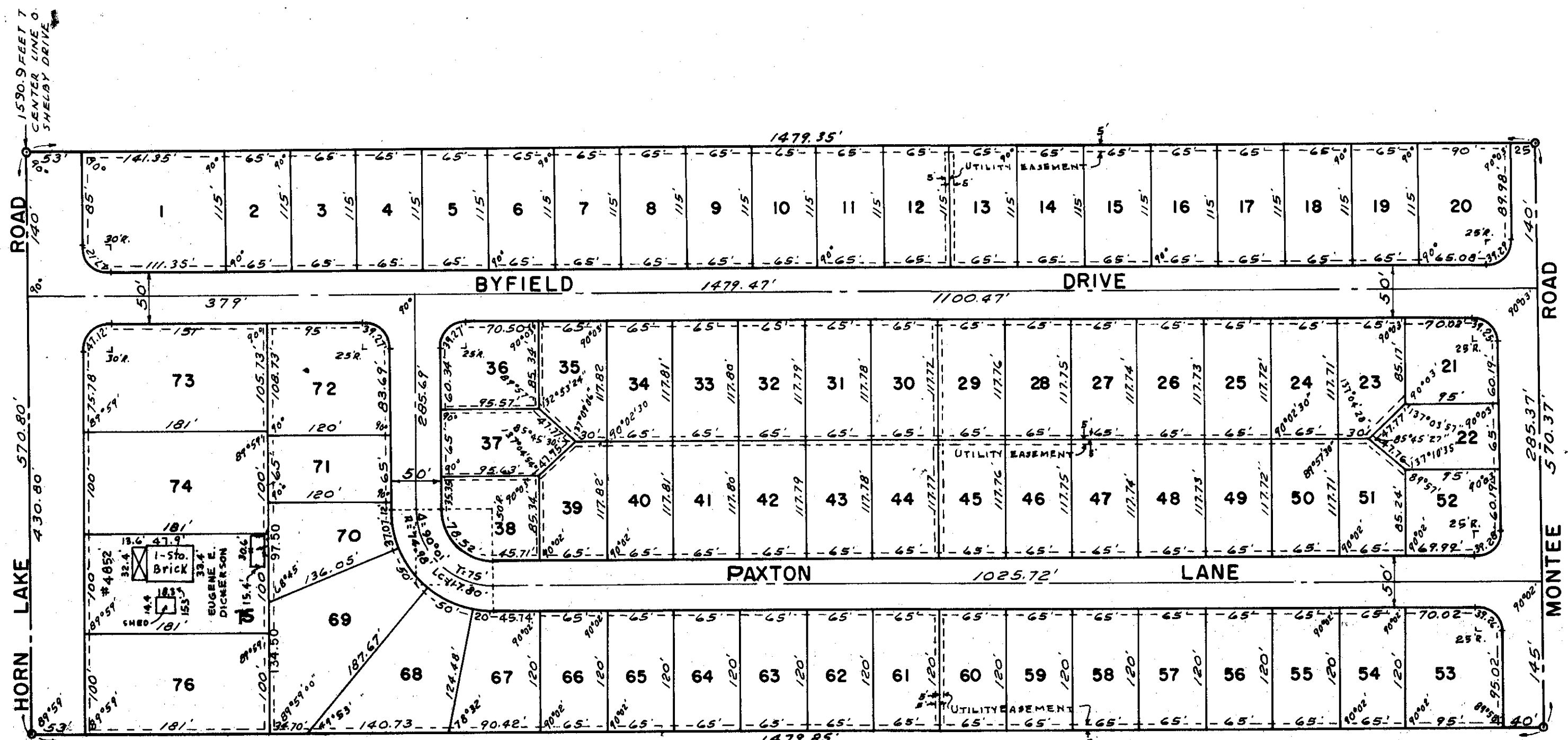
- Legend**
- polygonLayer**
  - Override 1
  - Override 2
  - polygonLayer**
  - Override 1
  - Roads
  - Shelby County Zoning
  - Arlington Zoning
  - Bartlett Zoning
  - Collierville Zoning
  - Germantown Zoning
  - Lakeland Zoning
  - Millington Zoning
  - Parcels

Map prepared through Shelby County Government's  
online mapping Portal on 10/30/2022

N

0    0.03    0.06    0.09    0.12

mi



NOTE: 5' UTILITY EASEMENT IN FRONT & REAR OF EACH LOT.

**RESTRICTIONS**

- A. ALL LOTS IN THE TRACT SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS. NO STRUCTURE SHALL BE ERECTED, ALTERED, PLACED, OR PERMITTED TO REMAIN ON ANY RESIDENTIAL BUILDING LOT OTHER THAN SINGLE FAMILY DWELLINGS NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NO MORE THAN TWO CARS AND ONE SERVANTS ROOM.
- B. THE SETBACK FROM STREET TO BUILDING SHALL MEET THE APPROVAL OF THE BUILDING DEPARTMENT.
- C. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- D. NO TRAILER, BASEMENT, TENT, SHACK, BARN, OR OTHER OUTBUILDING ERECTED IN THE TRACT SHALL AT ANY TIME BE USED AS A RESIDENCE, TEMPORARILY OR PERMANENTLY, NOR SHALL ANY STRUCTURE OF A TEMPORARY CHARACTER BE USED AS A RESIDENCE.
- E. THERE IS A PERPETUAL EASEMENT AS SHOWN ON THE RECORDED PLAN OF SUBDIVISION RESERVED FOR UTILITY INSTALLATION AND MAINTENANCE AND DRAINAGE.
- F. THE MINIMUM GROUND FLOOR AREA OF SINGLE FAMILY RESIDENCES, EXCLUSIVE OF ONE-STORY OPEN PORCHES AND GARAGES SHALL BE 800 SQUARE FEET FOR A ONE-STORY BUILDING AND 700 SQUARE FEET FOR A ONE AND ONE-HALF OR TWO STORY BUILDING.
- G. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 2000, AT WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE TEN YEAR PERIODS, UNLESS BY A VOTE OF THE MAJORITY OF THE THEN OWNERS OF THE LOTS IT IS AGREED TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.
- H. IF THE PARTIES HERETO OR ANY OF THEM OR THEIR HEIRS OR ASSIGNS SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL PROPERTY IN SAID DEVELOPMENT OR SUBDIVISION TO PROSECUTE ANY PROCEEDING AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION.
- I. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

STATE OF TENNESSEE,  
COUNTY OF SHELBY:

WE, STAR DEVELOPMENT COMPANY, INC., AND EUGENE E. DICKERSON AND WIFE, MARTHA LOUISE DICKERSON, OWNERS OF THE PROPERTY SHOWN HEREON AND SUPREME MORTGAGE AND REALTY COMPANY, INC., MORTGAGEE OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS AS OUR PLAN OF SUBDIVISION AND DEDICATE THE STREETS, RIGHT-OF-WAY, BASEMENTS AND RIGHTS OF ACCESS AS SHOWN AND /OR DESCRIBED TO THE PUBLIC USE FOREVER. WE HEREBY CERTIFY THAT WE ARE THE OWNERS AND MORTGAGEE, DULY AUTHORIZED SO TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

STAR DEVELOPMENT COMPANY, INC.  
BY: [Signature] PRESIDENT  
A. W. WILLIS, JR.  
ATTEST BY: [Signature]  
JESSE H. TURNER, SECRETARY

[Signature]  
EUGENE E. DICKERSON  
[Signature]  
MARTHA LOUISE DICKERSON

SUPREME MORTGAGE AND REALTY COMPANY, INC.  
BY: [Signature] PRESIDENT  
ATTEST BY: [Signature]  
A. WESTLEY, SECRETARY -TREASURER

STATE OF TENNESSEE,  
COUNTY OF SHELBY:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED A. W. WILLIS, JR., WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON OATH ACKNOWLEDGED HIMSELF TO BE PRESIDENT OF STAR DEVELOPMENT COMPANY, INC., THE WITHIN NAMED BARGAINOR, AND THAT HE AS SUCH PRESIDENT, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SUBSCRIBING THERETO THE NAME OF SAID CORPORATION, BY THE PRESIDENT AND ATTEST BY THE SECRETARY -TREASURER.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT OFFICE IN MEMPHIS THIS 10th DAY OF July 1970.  
MY COMMISSION EXPIRES: June 12, 1971 [Signature] NOTARY PUBLIC

STATE OF TENNESSEE,  
COUNTY OF SHELBY:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED EUGENE E. DICKERSON AND MARTHA LOUISE DICKERSON, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO UPON OATH ACKNOWLEDGED THEMSELVES TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS THEIR FREE ACT AND DEED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MEMPHIS THIS THE 10th DAY OF July 1970.  
MY COMMISSION EXPIRES: June 12, 1971 [Signature] NOTARY PUBLIC

STATE OF TENNESSEE,  
COUNTY OF SHELBY:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED A. W. WILLIS, JR., WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON OATH ACKNOWLEDGED HIMSELF TO BE PRESIDENT OF SUPREME MORTGAGE AND REALTY COMPANY, INC., THE WITHIN NAMED BARGAINOR, AND THAT HE AS SUCH PRESIDENT, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SUBSCRIBING THERETO THE NAME OF SAID CORPORATION, BY THE PRESIDENT AND ATTEST BY THE SECRETARY -TREASURER.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT OFFICE IN MEMPHIS, THIS DAY OF July 1970.  
MY COMMISSION EXPIRES: June 12, 1971 [Signature] NOTARY PUBLIC

**CERTIFICATE OF SURVEY:**

THIS IS TO CERTIFY THAT WE HAVE SURVEYED THE PROPERTY SHOWN HEREON IN WILSHIRE OAKS TERRACE SUBDIVISION AND THAT THIS PLAN REPRESENTS THE SURVEY THEREOF.

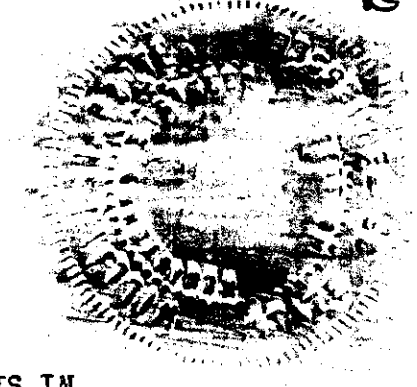
APPROVED BY THE MEMPHIS AND SHELBY COUNTY PLANNING COMMISSION:  
DATE: APRIL 2, 1971 [Signature] DIRECTOR

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY AND THAT SAID DOCUMENT WAS APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS IN REGULAR SESSION ON THE 24th DAY OF November 1970.

RE-CORDED TO SHOW ADDITIONAL EASEMENTS FOR UNDERGROUND TELEPHONE CABLES.  
APPROVED BY THE MEMPHIS AND SHELBY COUNTY PLANNING COMMISSION:  
DATE: FEB 24, 1971 [Signature] DIRECTOR

[Signature]  
W. H. PORTER, CIVIL ENGINEER  
TENNESSEE LICENSE NO. 1195

RECORDED  
94536  
BOOK 42  
PAGE 48  
STATE TAX  
FURNISHES THE  
1970



WILSHIRE OAKS TERRACE SUBDIVISION  
MEMPHIS, TENNESSEE  
APRIL 1970 SCALE 1" = 100"  
W.H. PORTER, CONSULTING ENGINEER  
MEMPHIS, TENNESSEE  
17.12 ACRES ZONED - R-2



## LEGAL DESCRIPTION

Lot I, Wilshire Oaks Terrace Subdivision, as per plat recorded in Plat Book 42, Page 48, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

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

21122259

09/30/2021 - 07:32:30 AM

4 PGS

LINDA 2310047-21122259

VALUE	4200.00
MORTGAGE TAX	0.00
TRANSFER TAX	15.54
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	40.54

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Instrument Prepared by:  
Apperson Crump, PLC  
6000 Poplar Avenue – Suite 150  
Memphis, TN 38119  
File Number: AC21090133

After Recording Return To:  
Apperson Crump, PLC  
6000 Poplar Avenue  
Suite 150  
Memphis, TN 38119

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### Warranty Deed

THIS INDENTURE made and entered into as of this 24th day of September, 2021, by and between Sherrie Adams, a single woman, (henceforth referred to as “Grantor”), and Thornton Realty and Property Solutions LLC, a Tennessee Limited Liability Company, (henceforth referred to as “Grantee”),

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

Lot I, Wilshire Oaks Terrace Subdivision, as per plat recorded in Plat Book 42, Page 48, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

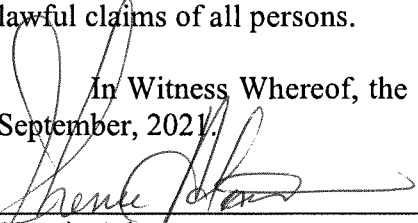
Being the same property conveyed to Sherrie Adams by Quitclaim Deed dated May 22, 2019 from Shelby County, recorded May 28, 2019, in Instrument Number 19051698, in the Official Records of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining, unto the said Grantee, his, her, its, successors and assigns in fee simple forever.

And the Grantor does hereby covenant with the said Grantee that he, she, they, it is lawfully seized in fee of the aforescribed real estate; that Grantor has a good right to sell and convey the same; that the same is unencumbered except for the following: The lien of the following general and special taxes for the year or years specified and subsequent years: 2022 City of Memphis and Shelby County taxes, being liens not yet due and payable; Subdivision Restrictions, Building Lines and Easements of record in Plat Book 42, Page 48, in the Register's Office of Shelby County, Tennessee; Amendment to Subdivision Restrictions of record as Instrument No. G5 9409, in said Register's Office.

And that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

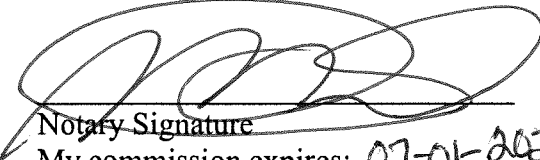
In Witness Whereof, the said, Grantor(s), has executed this instrument this 24th day of September, 2021.

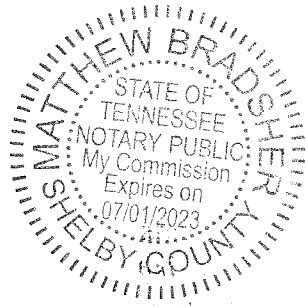
  
\_\_\_\_\_  
Sherrie Adams

STATE OF TENNESSEE  
COUNTY OF SHELBY

On this 24th day of September, 2021, before me personally appeared Sherrie Adams, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

Witness my hand, at office, this 24th day of September, 2021.

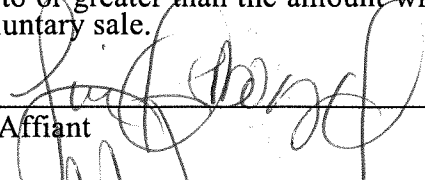
  
\_\_\_\_\_  
Notary Signature  
My commission expires: 07-01-2023



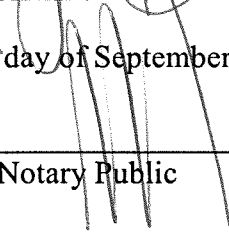
\*\*\*\*\*

State of Tennessee  
County of Shelby

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$4,200.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

  
\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this 24 day of September, 2021.

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

My Commission Expires: 11/21/2024

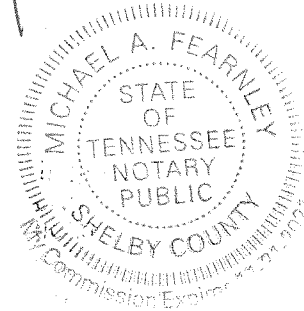
New Owner's Name & Address:

Thornton Realty and Property Solutions LLC  
8295 TOURNAMENT DRIVE SUITE 150-111  
MEMPHIS, TN 38125

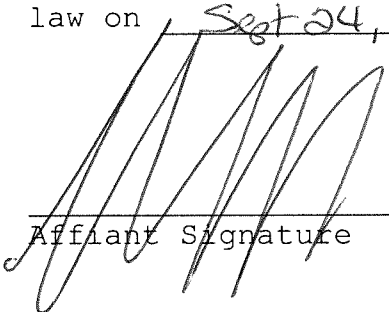
Mail Tax Bills to:  
THORNTON REALTY & PROPERTY SOULTIONS LLC  
8295 TOURNAMENT DRIVE SUITE150-111  
MEMPHIS, TN 38125

Property Address(es):  
110 West Byfield Drive, Memphis, TN 38109

Tax Parcel ID #(s):  
076088 A00001



I, Robert E. Tribble, Jr., do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on Sept 24, 2021.

  
\_\_\_\_\_  
Affiant Signature

Sept 28, 2021  
Date

State of Tennessee  
County of Shelby

Sworn to and subscribed before me this 28th day of September, 2021.

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

MY COMMISSION EXPIRES: 11/21/2021



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

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

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Vernita Thornton Vernita Thornton, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):  
(Print Name) (Sign Name) At Thornton Realty Property Solutions

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 110 W. Byfield Dr. Memphis, TN 38109  
and further identified by Assessor's Parcel Number 076088 A 00 001  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29th day of October in the year of 2022

Betham Young  
Signature of Notary Public



11/18/24  
My Commission Expires

075255 00001 - KHMOUS RAFAT  
076087 00001 - CHANG ANDREW C & MI HYONG  
076087 00036 - RAYBORN CLAUDE AND MARILYN D HARPER  
076087 00033 - LLOYD-HUDSON JANET D  
076088 00001 - TURNER ALICE F  
076088 00003 - DUNBAR DARRELL D  
076088 00006 - CAMPBELL LOUISE AND JOHNNIE I MELTON AND  
075254 00003 - SNIPES MARCUS  
075256 00002 - COBBINS DARRELL T  
076088 A00006 - LINDIMENT LIZZIE B ETAL  
075256 00003 - CONOVER THERESA  
076088 A00073 - CONSTABLE JASON R  
076088 A00072 - FITZPATRICK KELSA & MATTIE M  
076088 A00033 - MICKENS CONSTANCE D  
076088 A00031 - BURNS UTHUR & MARTHA M  
075256 00004 - WEBB KRYSTAL M  
075256 00024 - OSBORNE HAROLD H & EDITH I  
076088 A00071 - HAYES EDITH M  
076088 A00037 - FOUSE GEORGE A & SUSIE M  
075256 00005 - WESTLEY CECELIA AND ELLA W HORTON (RS)  
076088 A00068 - WILLIAMS LAURA  
075256 00007 - WRING REAL ESTATE LLC  
076087 00002 - CHANG ANDREW CHA  
076087 00004 - CLAYTON TERRY R  
076087 00034 - PARHAM COLLIS AND ADLINE PHAIRMS



076087 00035 - RAYBORN BONNIE  
076088 00004 - WOODARD SANDRA AND MELVIN WOODARD  
076088 00005 - MCGOWAN HERBERT JR  
076088 00007 - WHITE TERINA  
075256 00001 - BOSHWIT BROS MORTGAGE CORP  
076088 A00001 - THORNTON REALTY AND PROPERTY SOLUTIONS  
076088 A00002 - 102 WEST BYFIELD LLC  
076088 A00003 - SHELBY COUNTY TAX SALE 0803 EXH #332305  
076088 A00004 - KEMP JENNIFER  
076088 A00005 - RIZZATO ALEX C  
076088 A00007 - MAURER JAMES I & LYNN E  
076088 A00008 - JACKSON PHALON  
076088 A00009 - PERRY ARTHUR JR  
075254 00004 - ROWLAND MICHEAL A  
075256 00026 - MCMORRIS SHIRLEY N  
076088 A00035 - THOMPSON VERNEDA L  
075254 00005 - GLOBAL PROPERTIES LLC  
076088 A00034 - GREENE SOAWANEE  
076088 A00032 - BANKS LUE D  
075256 00025 - JONES ROBERT L & VERA M  
076088 A00036 - MARR ROOSEVELT & LORRAINE R  
076088 A00038 - KABUKI TN LLC  
076088 A00040 - 58 WEST PAXTON LANE TRUST  
076088 A00070 - MOSLEY MELANIE L  
075256 00023 - DUNLAP VALERIE L

076088 A00076C - MCCOLLUM JEFFERY & CHERYL  
076088 A00069 - WADE TYRIE & PATRICIA B  
075256 00022 - DAVIS PATRICIA B  
075256 00006 - SPRINGFIELD-COLLINS JOYCE CLIVING TRUST  
076088 A00067 - FEILD JEANNINE P  
076088 A00066 - TAYLOR LOIS L  
076088 A00078 - WHITE RAYFORD  
076088 A00077 - STANLEY JAMES R JR & JENNY M  
076087 00030 - SLAUGHTER WASH & FANNIE M  
076087 00031 - MOORE CAROLYN H AND SAMUEL W HARRISON  
076087 00032 - MELTON TONYA  
076087 00006 - PIGFORD MARY G  
076087 00005 - PIGFORD MARY G  
075255 00003C - FLEMING RICHARD  
076087 00003 - CLAYTON TERRY R  
076088 00002 - DUNBAR DARRALL  
076088 A00074C - TRUE CORE TN REI LLC  
076088 A00039 - ENTRUST GROUP FBO WILLIAM J LEACH IRA  
076088 00066 - MEMPHIS CITY OF FOR BD OF EDUC

KHMOUS RAFAT  
4775 HORN LAKE RD #  
MEMPHIS TN 38109

CONOVER THERESA  
4829 HORN LAKE RD #  
MEMPHIS TN 38109

WILLIAMS LAURA  
81 W PAXTON LN #  
MEMPHIS TN 38109

CHANG ANDREW C & MI HYONG  
1480 JOHN RIDGE DR #  
COLLIERVILLE TN 38017

CONSTABLE JASON R  
10045 REMINGTON DR #  
RIVERVIEW FL 33578

WRING REAL ESTATE LLC  
5524 RIVERDALE RD #  
MEMPHIS TN 38141

RAYBORN CLAUDE AND MARILYN D HARPER  
2510 DOVERGLEN DR #  
MISSOURI CITY TX 77489

FITZPATRICK KELSA & MATTIE M  
97 PAXTON LN #  
MEMPHIS TN 38109

CHANG ANDREW CHA  
1480 JOHN RIDGE DR #  
COLLIERVILLE TN 38017

LLOYD-HUDSON JANET D  
88 W ARMSTRONG RD #  
MEMPHIS TN 38109

MICKENS CONSTANCE D  
65 W BYFIELD DR #  
MEMPHIS TN 38109

CLAYTON TERRY R  
3776 MARYDALE DR  
NASHVILLE TN 37207

TURNER ALICE F  
1053 HESTER #  
MEMPHIS TN 38116

BURNS UTHUR & MARTHA M  
51 BYFIELD DR #  
MEMPHIS TN 38109

PARHAM COLLIS AND ADLINE PHAIRMS  
90 ARMSTRONG RD #  
MEMPHIS TN 38109

DUNBAR DARRELL D  
99 W ARMSTRONG RD #  
MEMPHIS TN 38109

WEBB KRYSTAL M  
4839 HORN LAKE RD #  
MEMPHIS TN 38109

RAYBORN BONNIE  
9368 FOREST WIND DR #  
COLLIERVILLE TN 38017

CAMPBELL LOUISE AND JOHNNIE I MELTON AND  
1502 LEHR DR #  
MEMPHIS TN 38116

OSBORNE HAROLD H & EDITH I  
4842 PEACE ST #  
MEMPHIS TN 38109

WOODARD SANDRA AND MELVIN WOODARD  
1495 BROWNWOOD #  
MEMPHIS TN 38116

SNIPES MARCUS  
4819 PEACE ST #  
MEMPHIS TN 38109

HAYES EDITH M  
93 PAXTON LN #  
MEMPHIS TN 38109

MCGOWAN HERBERT JR  
73 W ARMSTRONG RD #  
MEMPHIS TN 38109

COBBINS DARRELL T  
1331 UNION AVE #  
MEMPHIS TN 38104

FOUSE GEORGE A & SUSIE M  
80 PAXTON LN #  
MEMPHIS TN 38109

WHITE TERINA  
1258 CUMMINGS ST #  
MEMPHIS TN 38106

LINDIMENT LIZZIE B ETAL  
76 BYFIELD DR #  
MEMPHIS TN 38109

WESTLEY CECELIA AND ELLA W HORTON (RS)  
4849 HORN LAKE RD #  
MEMPHIS TN 38109

BOSHWIT BROS MORTGAGE CORP  
2595 BROAD AVE #  
MEMPHIS TN 38112

THORNTON REALTY AND PROPERTY SOLUTIONS  
8295 TOURNAMENT DR #150-111  
MEMPHIS TN 38125

THOMPSON VERNEDA L  
98 PAXTON LN #  
MEMPHIS TN 38109

MCCOLLUM JEFFERY & CHERYL  
4852 HORN LAKE RD #  
MEMPHIS TN 38109

102 WEST BYFIELD LLC  
400 NEWMAN ST #  
WHEAT RIDGE CO 80033

GLOBAL PROPERTIES LLC  
PO BOX 38895 #  
GERMANTOWN TN 38183

WADE TYRIE & PATRICIA B  
85 PAXTON LN #  
MEMPHIS TN 38109

SHELBY COUNTY TAX SALE 0803 EXH #332305  
PO BOX 2751 #  
MEMPHIS TN 38101

GREENE SOAWANEE  
2694 BRADFORDT DR #  
MELBOURNE FL 32904

DAVIS PATRICIA B  
4856 PEACE ST #  
MEMPHIS TN 38109

KEMP JENNIFER  
4652 SWEET WHISPER LN #  
MEMPHIS TN 38125

BANKS LUE D  
59 W BYFIELD DR #  
MEMPHIS TN 38109

SPRINGFIELD-COLLINS JOYCE CLIVING TRUST  
PO BOX 671 #  
MEMPHIS TN 38101

RIZZATO ALEX C  
637 ADAIR CT  
MORGAN HILL CA 95037

JONES ROBERT L & VERA M  
4834 PEACE ST #  
MEMPHIS TN 38109

FEILD JEANNINE P  
79 PAXTON LN #  
MEMPHIS TN 38109

MAURER JAMES I & LYNN E  
2436 PUUNI AVE #  
HONOLULU HI 96817

MARR ROOSEVELT & LORRAINE R  
9122 TRIPLE CROWN LOOP W  
SOUTHAVEN MS 38671

TAYLOR LOIS L  
71 PAXTON LN #  
MEMPHIS TN 38109

JACKSON PHALON  
3339 FOGGY RIDGE CV #  
MEMPHIS TN 38115

KABUKI TN LLC  
5189 VIA DEL VALLE ST  
LA VERNE CA 91750

WHITE RAYFORD  
4311 WHISPER TRL #  
OLIVE BRANCH MS 38654

PERRY ARTHUR JR  
3609 GRACELAND DR #  
MEMPHIS TN 38116

58 WEST PAXTON LANE TRUST  
90 W 84TH AVE  
THORNTON CO 80260

STANLEY JAMES R JR & JENNY M  
4862 HORN LAKE RD #  
MEMPHIS TN 38109

ROWLAND MICHEAL A  
4827 PEACE ST #  
MEMPHIS TN 38109

MOSLEY MELANIE L  
89 PAXTON LN #  
MEMPHIS TN 38109

SLAUGHTER WASH & FANNIE M  
60 W ARMSTRONG RD #  
MEMPHIS TN 38109

MCMORRIS SHIRLEY N  
2105 LAKELAND CV #  
HORN LAKE MS 38637

DUNLAP VALERIE L  
4850 PEACE ST #  
MEMPHIS TN 38109

MOORE CAROLYN H AND SAMUEL W HARRISON  
PO BOX 41406  
MEMPHIS TN 38174

MELTON TONYA  
64 PARK AVE #C7  
BLOOMFIELD NJ 7003

PIGFORD MARY G  
2004 NELLIE RD #  
MEMPHIS TN 38116

PIGFORD MARY G  
2004 NELLIE RD #  
MEMPHIS TN 38116

FLEMING RICHARD  
1279 DOGWOOD DR  
MEMPHIS TN 38111

CLAYTON TERRY R  
3776 MARYDALE DR  
NASHVILLE TN 37207

DUNBAR DARRALL  
12963 RUNWAY RD #409  
LOS ANGELES CA 90094

TRUE CORE TN REI LLC  
172 CENTER ST #202  
JACKSON WY 83001

ENTRUST GROUP FBO WILLIAM JLEACH IRA  
555 12TH ST #900  
OAKLAND CA 94607

MEMPHIS CITY OF FOR BD OF EDUC  
2597 AVERY AVE #218  
MEMPHIS TN 38112

**TOTAL 69**

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: April 25, 2023**

*DATE*

**PUBLIC SESSION: April 25, 2023**

*DATE*

**ITEM (CHECK ONE)**

       ORDINANCE      X   RESOLUTION           REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for a planned commercial development at 2453 Elvis Presley Blvd., known as case number PD 23-6

**CASE NUMBER:** PD 23-6 (formerly SUP 22-33)

**DEVELOPMENT:** Convenience store with gas pumps

**LOCATION:** 2453 Elvis Presley Blvd.

**COUNCIL DISTRICTS:** District 6 and Super District 8

**OWNER/APPLICANT:** Falaq Investment and Development, LLC

**REPRESENTATIVE:** Timbo's Construction, Inc.

**REQUEST:** Special use permit for a planned commercial development

**AREA:** 1 acre

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

**RECOMMENDED COUNCIL ACTION:** **Public Hearing Not Required**  
Hearing – April 25, 2023

**PRIOR ACTION ON ITEM:**

<u>(2)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>April 13, 2023</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

<u>(2)</u>	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE
<u>\$</u>	REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

<u>\$</u>	OPERATING BUDGET
<u>\$</u>	CIP PROJECT # _____
<u>\$</u>	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

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



## Memphis City Council Summary Sheet

### PD 23-6

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT AT 2453 ELVIS PRESLEY BLVD., KNOWN AS CASE NUMBER PD 23-6

- This item is a resolution, with conditions, to allow a convenience store with gas pumps that does not meet the special use design standards; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	PD 23-6
<b>DEVELOPMENT:</b>	Convenience store with gas pumps
<b>LOCATION:</b>	2453 Elvis Presley Blvd.
<b>COUNCIL DISTRICT(S):</b>	District 6 and Super District 8
<b>OWNER/APPLICANT:</b>	Falaq Investment and Development, LLC
<b>REPRESENTATIVE:</b>	Timbo's Construction, Inc.
<b>REQUEST:</b>	Special use permit for a planned commercial development
<b>EXISTING ZONING:</b>	Commercial Mixed Use – 1
<b>AREA:</b>	1 acre

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**The following spoke in support of the application:** Ethan Sandifer

**The following spoke in opposition to the application:** Frank Johnson, Diane Reed, David Payne, Frances Howard, Sherri Wade, Brenda Jones, Timothy Buchanan, Joyce Lindsey, and Felix Moss

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

**The motion failed by a unanimous vote of 0-7.** However, if approved, the Land Use Control Board recommended the following outline plan conditions:

1. The fuel canopy shall be architecturally complementary to the principal building in roof pitch, architectural detailing, materials, and color. Support columns shall be fully sheathed in the same masonry used on the principal building. The canopy may not include any signage. The canopy need not be rear-loaded or structurally integrated with the principal structure. The canopy shall have a minimum setback of 25' from either right-of-way and shall not be subject to a maximum setback.
2. Signage shall be limited to the name(s) of the establishment(s) only. Window signs shall be prohibited.
3. The side street façade shall have a minimum transparency of 20% measured between 2 and 10 feet above the adjacent sidewalk.
4. A final plan (site plan, landscape plan, elevations, lighting plan, sign plan, etc.) shall be submitted that demonstrates full compliance with all standards of the Unified Development Code, including all special use standards specifically associated with convenience stores with gas pumps, unless modified above, subject to administrative discretion.



**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS AT 2453 ELVIS PRESLEY BLVD., KNOWN AS CASE NUMBER PD 23-6**

---

**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 a planned development for certain stated purposes in the various zoning districts; and

**WHEREAS**, Falaq Investment and Development, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development requesting a special use permit for a planned commercial 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 compatibility of its design and amenities 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 April 13, 2023, and said Board has submitted its 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 special use permit for a planned commercial development to allow a convenience store with gas pumps is hereby granted in accordance with the attached outline plan conditions.

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

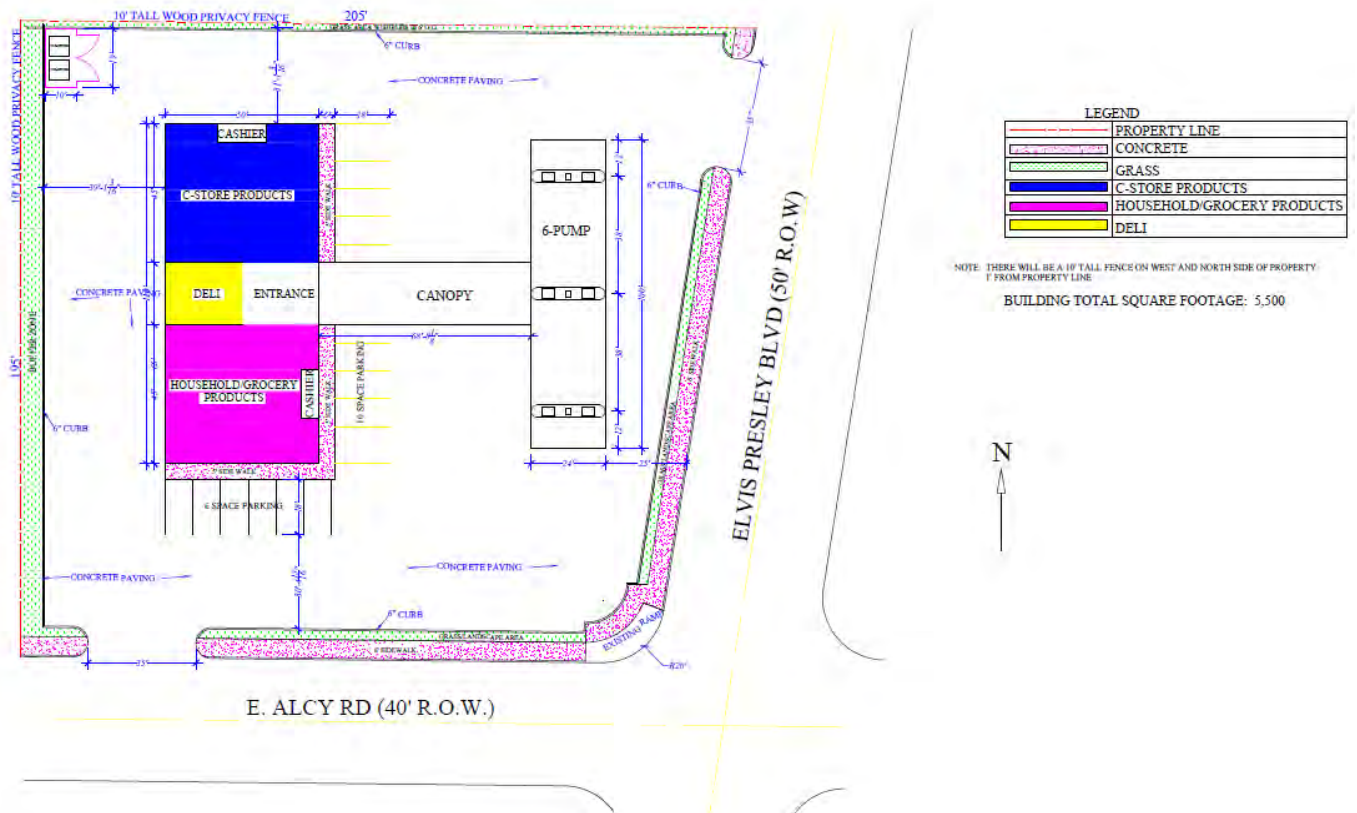
**ATTEST:**

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

**OUTLINE PLAN CONDITIONS**

1. The fuel canopy shall be architecturally complementary to the principal building in roof pitch, architectural detailing, materials, and color. Support columns shall be fully sheathed in the same masonry used on the principal building. The canopy may not include any signage. The canopy need not be rear-loaded or structurally integrated with the principal structure. The canopy shall have a minimum setback of 25' from either right-of-way and shall not be subject to a maximum setback.
2. Signage shall be limited to the name(s) of the establishment(s) only. Window signs shall be prohibited.
3. The side street façade shall have a minimum transparency of 20% measured between 2 and 10 feet above the adjacent sidewalk.
4. A final plan (site plan, landscape plan, elevations, lighting plan, sign plan, etc.) shall be submitted that demonstrates full compliance with all standards of the Unified Development Code, including all special use standards specifically associated with convenience stores with gas pumps, unless modified above, subject to administrative discretion.

**CONCEPTUAL SITE PLAN**



AGENDA ITEM: 5

**CASE NUMBER:** PD 23-6 (formerly SUP 22-33) **L.U.C.B. MEETING:** April 13, 2023  
**LOCATION:** 2453 Elvis Presley Blvd.  
**COUNCIL DISTRICT:** District 6 and Super District 8  
**OWNER:** Falaq Investment & Development, LLC  
**APPLICANT:** Timbo's Construction, Inc.  
**REPRESENTATIVE:** Jimmy Sandifer  
**REQUEST:** Special use permit for a planned commercial development

## CONCLUSIONS

1. Timbo's Construction, Inc., has requested a special use permit for a planned commercial development to allow a convenience store with gas pumps at 2453 Elvis Presley Blvd.
2. A special use permit is required because this site is within a Commercial Mixed Use – 1 zoning district.
3. The Memphis City Council rezoned this site from Commercial Mixed Use – 3 to Commercial Mixed Use – 1 in 2021 as part of the comprehensive rezoning known as Z 21-11. This action was taken in large part to limit the amount of land where convenience stores with gas pumps were permitted by right (in response to a moratorium on said use), using the Memphis 3.0 Comprehensive Plan Future Land Use Map, which designates this land as a 'Neighborhood Main Street Anchor', as a guide.
4. The Commercial Mixed Use – 1 zoning district discourages auto-oriented uses and, like the 'Neighborhood Main Street Anchor' future land use designation, is intended to serve local residents, rather than through-traffic.
5. This site is immediately adjacent to single-family housing to the west, and two convenience stores with gas pumps to the east and southeast. The UDC instructs decision makers to consider adjacency to such uses when reviewing a special use request for convenience stores with gas pumps.
6. Additionally, there are environmental sensitivities – including aquifer protection as well the City and County's largest Superfund site (the Memphis Defense Depot), which is just over a half-mile from the subject site – to consider in this neighborhood.
7. For these reasons, staff finds that this request does not meet the special use criteria.
8. As drawn, the site plan of the proposed convenience store with gas pumps does not meet contemporary UDC standards. If approved via special use permit, the gas canopy must either be rear-loaded or structurally integrated with the convenience store, with a minimum/maximum setback of 20' in either scenario. Because Tennessee disallows gas canopies within 25' of state routes, including Elvis Presley Blvd., the gas canopy must be rear-loaded to satisfy both local and state standards. (The state's minimum setback applies only to the canopy, but not the convenience store itself.) Rather than propose a rear-loaded gas canopy, the applicant has requested to vary from UDC standards via the planned development process to allow a front-loaded canopy located over 20' from the rights-of-way.
9. Additionally, the applicant has indicated their intent to construct a metal convenience store. The UDC requires the store to be fully sheathed in masonry. Additional standards apply.

## CONSISTENCY WITH MEMPHIS 3.0

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

## RECOMMENDATION

*Rejection*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	Elvis Presley Blvd.	(Minor Arterial)	202.5'
	E. Alcy Rd.	(Major Collector)	202.4'
<b>Zoning Atlas Page:</b>	2230		
<b>Parcel ID:</b>	060031 00031		
<b>Existing Zoning:</b>	Commercial Mixed Use – 1		
<b>Area:</b>	1 acre		

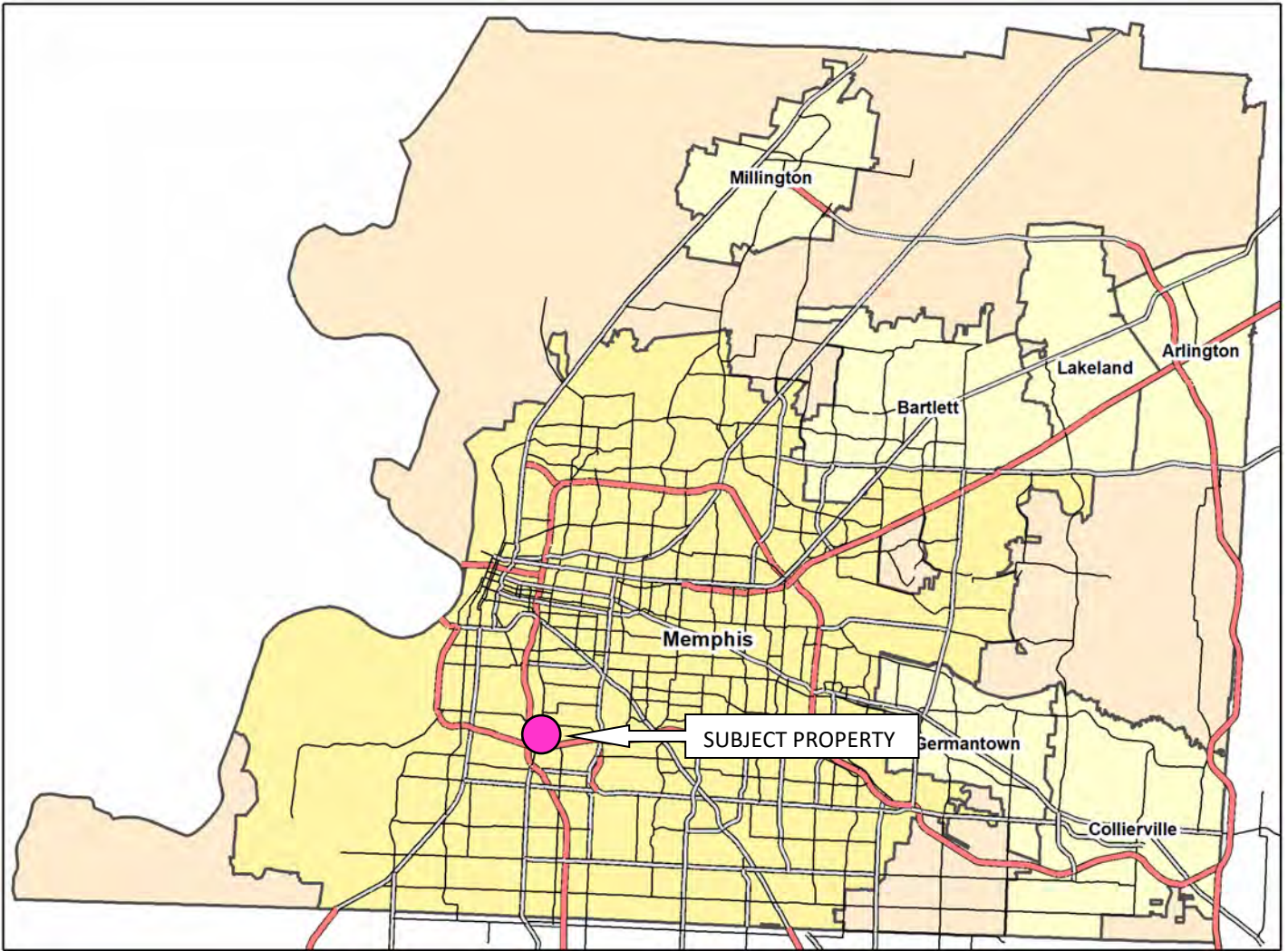
**NEIGHBORHOOD MEETING**

The required neighborhood meeting was held at 6 p.m. on Monday, January 30, 2023, at the Exxon at 2468 Elvis Presley Blvd.

**PUBLIC NOTICE**

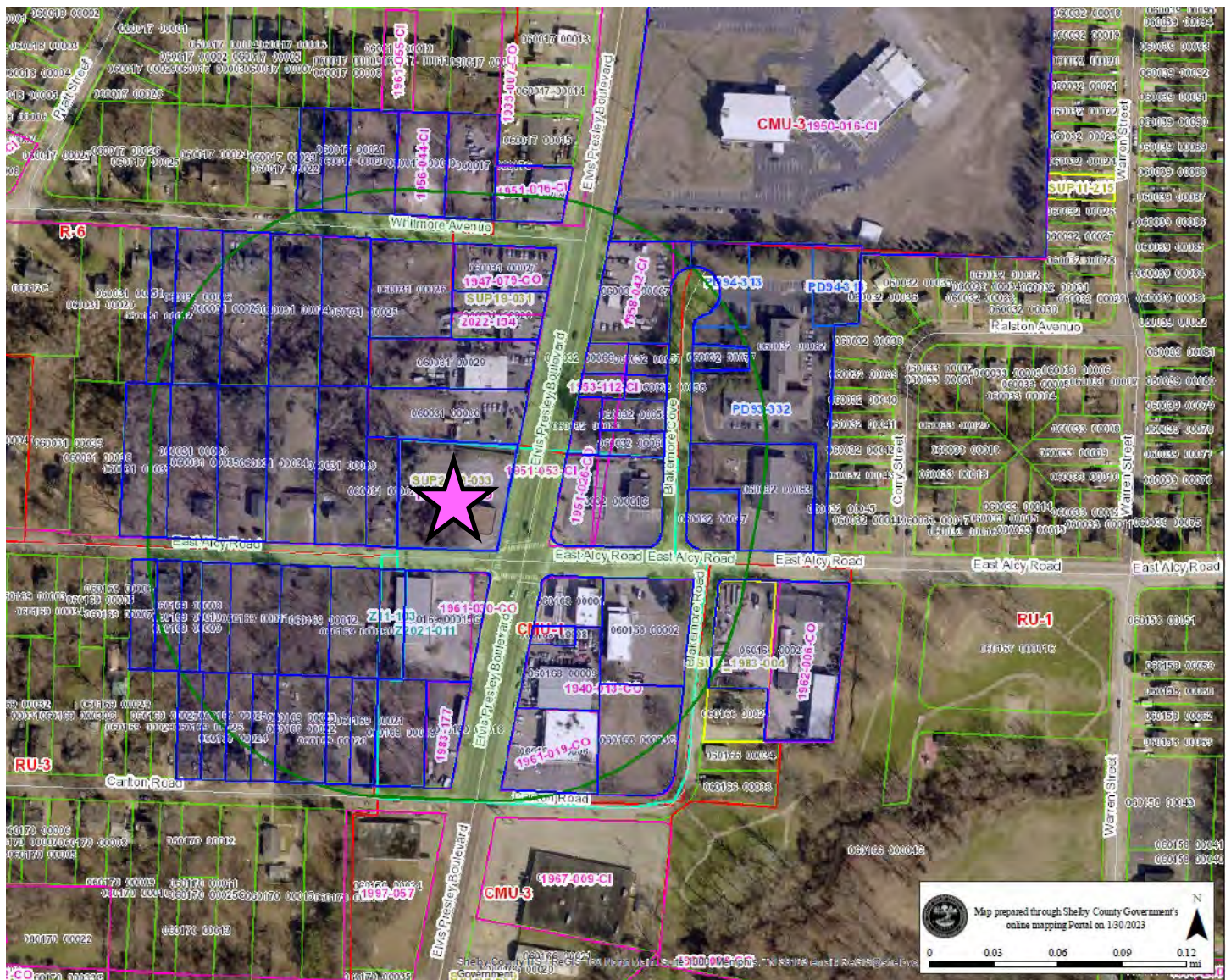
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 48 notices were mailed on January 30, 2023, and two signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within Alcy-Ball

VICINITY MAP



**SATELLITE PHOTO WITH ZONING**



**Existing Zoning:** Commercial Mixed Use – 1

**Surrounding Zoning**

**North:** Commercial Mixed Use – 3











**East:** Commercial Mixed Use – 1

**South:** Commercial Mixed Use – 1

**West:** Residential Single-Family – 6

**LAND USE MAP**



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



**SURVEY**



*Staff commentary: Certain inaccuracies on this survey have been reflected on the site plan. For example, the Elvis Presley right-of-way is wider than 50'.*

**SITE PHOTOS**



View of structure from corner



View of structure from Alcy

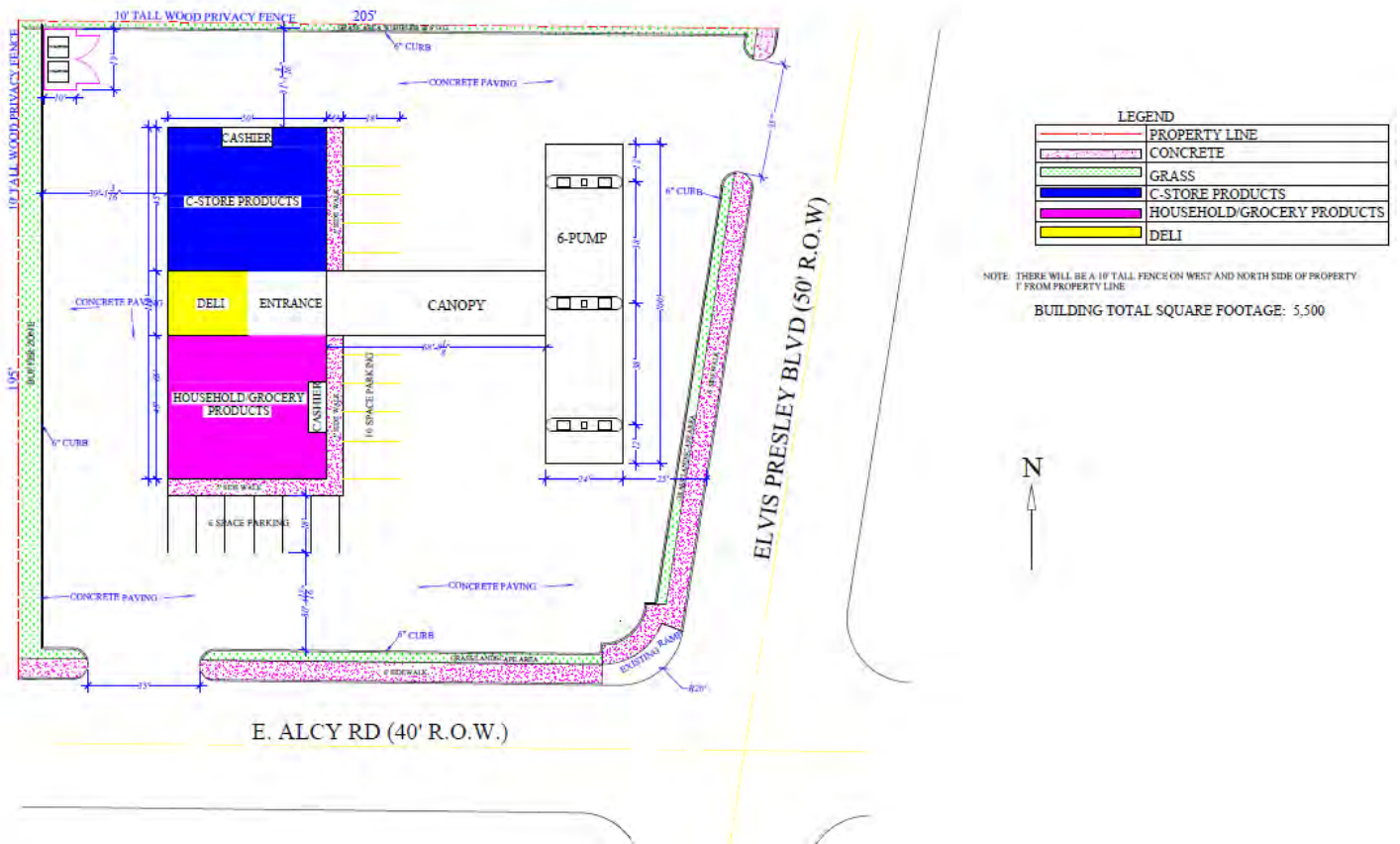


View south down Elvis Presley



View east down Alcy

**SITE PLAN**

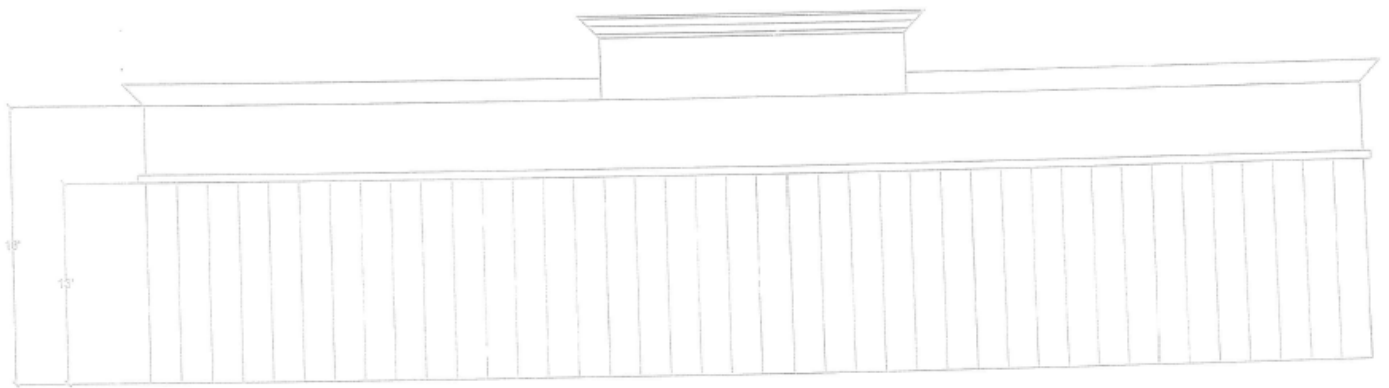


**ELEVATIONS**

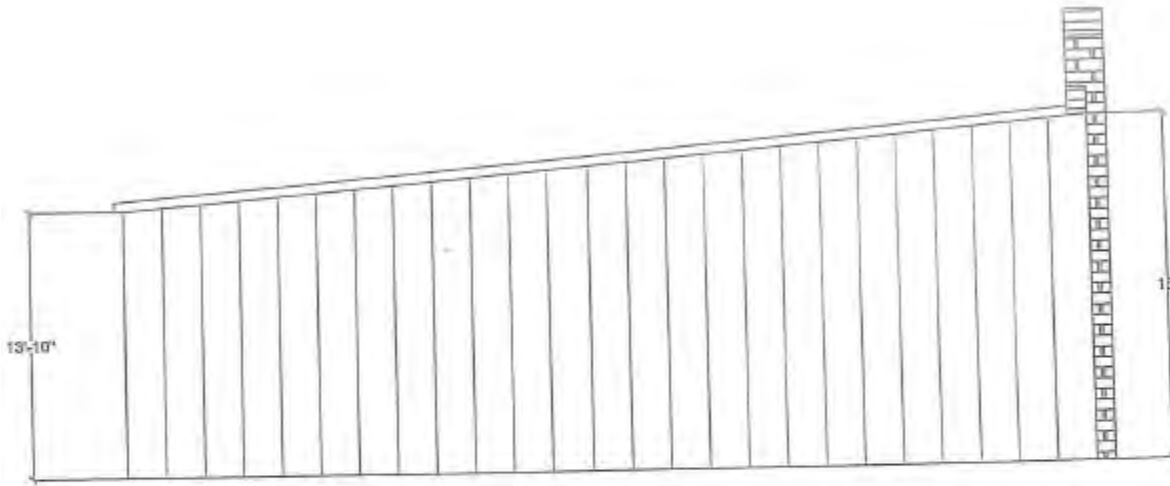


FRONT ELEVATION

ELEVATION PLAN  
SCALE 1/4" = 1'-0"



REAR ELEVATION



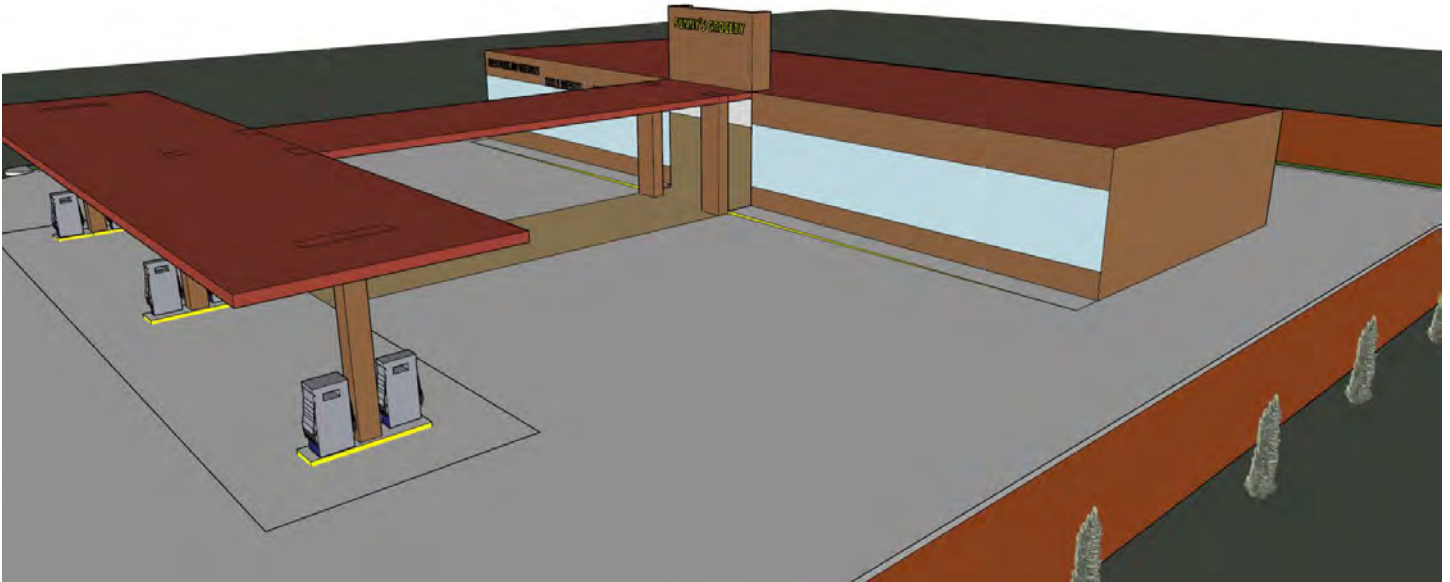
SIDE ELEVATION



SIDE ELEVATION



**RENDERING**



## STAFF ANALYSIS

### Request

The request is for a special use permit for a planned commercial development to both allow a convenience store with gas pumps and vary from the design standards. The application form and letter of intent have been added to this report.

### Approval Criteria

Staff **disagrees** that least one applicability objective as set out in Section 4.10.2 of the Unified Development Code is 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 **disagrees** the general provisions 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 **disagrees** the 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.*

### **Special Use Permit 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.

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

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

### **Site Description**

The subject property contains a grade-C multi-occupancy retail strip built in 1949 with a square footage of 2879.

### **Site Plan Review**

- The site plan is significantly out of compliance with the UDC. For that reason, staff recommends a condition requiring a final plan submittal subject to administrative review. A landscape plan has not yet been submitted.
- Although a full site plan review has not yet taken place, staff immediately notes that: the site plan lacks property lines, and the minimum setback of 25' from Elvis Presley for the canopy cannot be verified; the dumpster is too close to the property line; a landscape buffer has not been provided along the residential zoning border; the proposed fencing exceeds the maximum height; more substantial streetscaping and parking area landscaping will be required; and the building must be fully sheathed in masonry.
- Staff has recommended that, if approved, a condition be included that restricts signage to the name(s) of the establishment(s) only (see p. 21). An example of such a sign at a convenience store with gas pumps may be found at 2015 Houston Levee Rd. in Collierville.

### **Conclusions**

Timbo's Construction, Inc., has requested a special use permit for a planned commercial development to allow a convenience store with gas pumps at 2453 Elvis Presley Blvd.

A special use permit is required because this site is within a Commercial Mixed Use – 1 zoning district.

The Memphis City Council rezoned this site from Commercial Mixed Use – 3 to Commercial Mixed Use – 1 in 2021 as part of the comprehensive rezoning known as Z 21-11. This action was taken in large part to limit the amount of land where convenience stores with gas pumps were permitted by right (in response to a moratorium on said use), using the Memphis 3.0 Comprehensive Plan Future Land Use Map, which designates this land as a 'Neighborhood Main Street Anchor', as a guide.

The Commercial Mixed Use – 1 zoning district discourages auto-oriented uses and, like the 'Neighborhood Main Street Anchor' future land use designation, is intended to serve local residents, rather than through-traffic.

This site is immediately adjacent to single-family housing to the west, and two convenience stores with gas pumps to the east and southeast. The UDC instructs decision makers to consider adjacency to such uses when reviewing a special use request for convenience stores with gas pumps.

Additionally, there are environmental sensitivities – including aquifer protection as well the City and County's largest Superfund site (the Memphis Defense Depot), which is just over a half-mile from the subject site – to consider in this neighborhood.

For these reasons, staff finds that this request does not meet the special use criteria.

As drawn, the site plan of the proposed convenience store with gas pumps does not meet contemporary UDC standards. If approved via special use permit, the gas canopy must either be rear-loaded or structurally integrated with the convenience store, with a minimum/maximum setback of 20' in either scenario. Because Tennessee disallows gas canopies within 25' of state routes, including Elvis Presley Blvd., the gas canopy must be rear-loaded to satisfy both local and state standards. (The state's minimum setback applies only to the canopy, but not the convenience store itself.) Rather than propose a rear-loaded gas canopy, the applicant has requested to vary from UDC standards via the planned development process to allow a front-loaded canopy located over 20' from the rights-of-way.

Additionally, the applicant has indicated their intent to construct a metal convenience store. The UDC requires the store to be fully sheathed in masonry. Additional standards apply.

## **RECOMMENDATION**

Staff recommends *rejection*.

However, if approved, staff recommends the following outline plan conditions:

1. The fuel canopy shall be architecturally complementary to the principal building in roof pitch, architectural detailing, materials, and color. Support columns shall be fully sheathed in the same masonry used on the principal building. The canopy may not include any signage. The canopy need not be rear-loaded or structurally integrated with the principal structure. The canopy shall have a minimum setback of 25' from either right-of-way and shall not be subject to a maximum setback.
2. Signage shall be limited to the name(s) of the establishment(s) only. Window signs shall be prohibited.
3. The side street façade shall have a minimum transparency of 20% measured between 2 and 10 feet above the adjacent sidewalk.
4. A final plan (site plan, landscape plan, elevations, lighting plan, sign plan, etc.) shall be submitted that demonstrates full compliance with all standards of the Unified Development Code, including all special use standards specifically associated with convenience stores with gas pumps, unless modified above, subject to administrative discretion.

## **DEPARTMENTAL COMMENTS**

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

### **City Engineer:**

1. Standard Public Improvement 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.
4. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.

### **Roads:**

5. 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.
6. 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.
7. Dedicate a chord of a 5' property line radius (from end of radius to end of radius) at the corner of Alcy and Elvis Presley.
8. This will require engineering ASPR.

### **Traffic Control Provisions:**

9. 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.
10. 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.
11. 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:**

12. The City Engineer shall approve the design, number, and location of curb cuts.
13. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
14. Canopy must be a minimum of 25' from back of R.O.W along Elvis Presley Blvd and a minimum of 25' from back of R.O.W along Alcy Rd.
15. Close all existing curb cuts.
16. One right-in right-out curb cut will be allowed on Elvis Presley Blvd
17. One standard commercial curb cut will be permitted on Alcy Rd at least 100' feet from end of radius at the corner of Elvis Presley.

**Drainage:**

18. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
19. 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.
20. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
21. 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.
22. 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.



**General Notes:**

- 23. All connections to the sewer shall be at manholes only.
  
- 24. Required landscaping shall not be placed on sewer or drainage easements.

**City Fire Division:**

Reviewed by: J. Stinson

Address or Site Reference: 2453 Elvis Presley

- All design and construction shall comply with the 2021 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.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- 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.

**Comprehensive Planning:**

**Comprehensive Planning Review of Memphis 3.0 Consistency**

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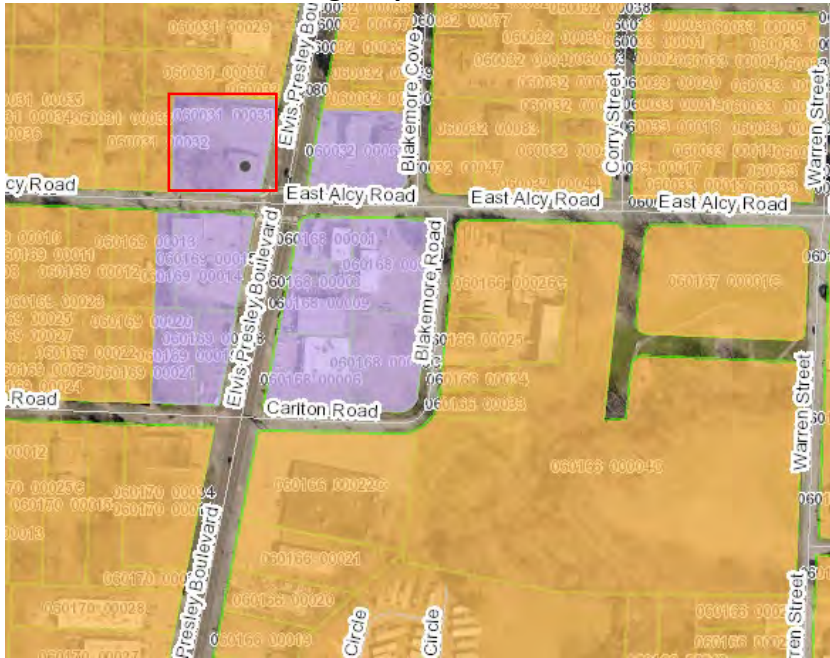
This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUBC SUP 22-33: Alcy Ball

Site Address/Location: 2453 Elvis Presley

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District or Flood Zone  
Future Land Use Designation: Anchor Neighborhood Main Street (A-NMS)  
Street Type: Avenue & Parkway

*The applicant is seeking a special use permit to construct a gas station with five pumps and a fuel canopy.*  
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/Intent**

Anchor Neighborhood Main Street (A-NMS) are walkable, mixed-use centers comprised of house-scale buildings, some of which may be attached, lining two facing blocks, sometimes extending for several adjacent blocks. Graphic portrayal of A-NMS is to the right.



**“A-NMS” Form & Location Characteristics**

ACCELERATE - Detached and attached single family, duplexes, triplexes, quadplexes, large homes and apartments, including those with active ground floor commercial uses (including live/work) along sidewalk, as well as commercial and institutional uses. Height: 1-5 stories. Scales: house-scale and block-scale.

**“A-NMS” Zoning Notes**

Generally compatible with the following zone districts: MU, NC, CMU-1, CMU-2 with frontage requirements (MO District) in accordance with Form and characteristics listed above.

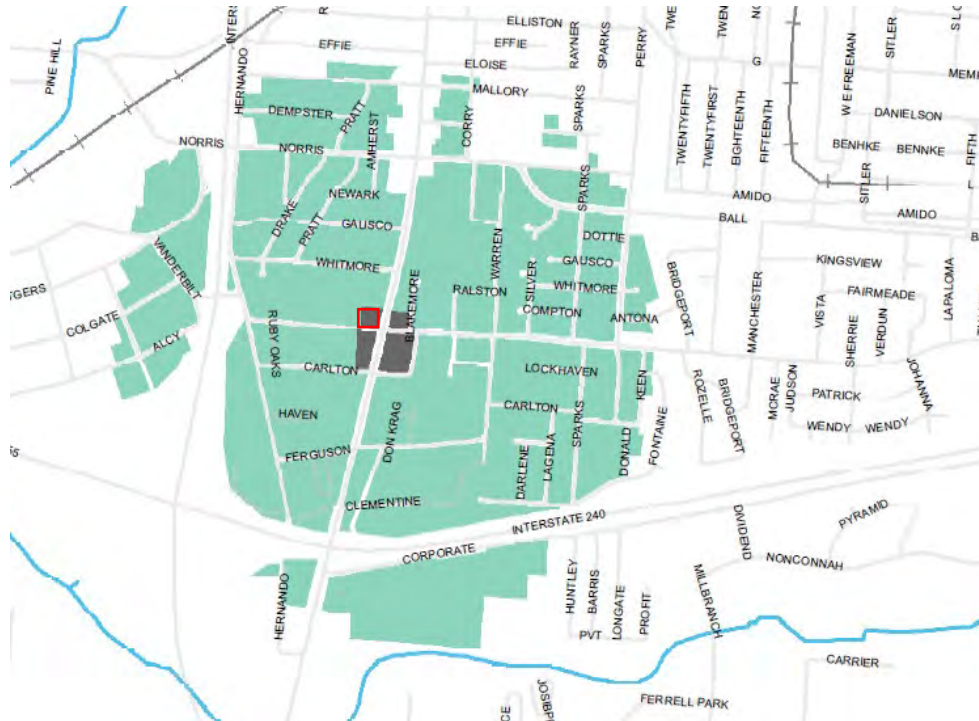
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

Adjacent Land Use and Zoning: Commercial and Single-Family, CMU-3 and RU-3

**Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. Additionally, the proposed use exists on two parcels across the street.*

### 3. Degree of Change Map



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

### 4. 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.

*The proposed application is a private investment. The use will not promote pedestrian-oriented infill development.*

### 5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

*The requested use is not consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.1 – Within anchor and anchor neighborhoods, ensure that zoning designations support, maintain, and encourage walkable, mixed-use infill development. The parcel is located in the Elvis Presley and Alcy anchor. This parcel along with others at the anchor were down zoned from CMU-3 to CMU-1 to discourage auto-centric uses.*

### 6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

NA

### Consistency Analysis Summary

*The applicant is seeking a special use permit to construct a gas station with five pumps and a fuel canopy. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning*

*notes, and existing, adjacent land use and zoning. Additionally, the proposed use exists on two parcels across the street.*

*The proposed application is a private investment. The use will not promote pedestrian-oriented infill development. The requested use is not consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.1 – Within anchor and anchor neighborhoods, ensure that zoning designations support, maintain, and encourage walkable, mixed-use infill development. The parcel is located in the Elvis Presley and Alcy anchor. This parcel along with others at the anchor were down zoned from CMU-3 to CMU-1 to discourage auto-centric uses. Therefore, the request is not consistent.*

**Based on the information provided, the proposal is NOT CONSISTENT with the Memphis 3.0 Comprehensive Plan.**

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning

**APPLICATION FORM**



**Record Summary for Planned Development**

**Record Detail Information**

Record Type: Planned Development

Record Status: Assignment

Opened Date: February 21, 2023

Record Number: PD 2023-006

Expiration Date:

Record Name: C-Store Elvis Presley Blvd

Description of Work: Construction of a 4,000 sf convenient store with 2 attached 2,000 sf areas for retail. Building will have a 16' eave height. There will be 4 gas pumps with a canopy and approximately 34,021 sf of parking area.

Parent Record Number:

---

**Address:**

2453 ELVIS PRESLEY BLVD, MEMPHIS 38106

**Owner Information**

Primary Owner Name

Y FALAQ INVESTMENT & DEVELOPMENT LLC

Owner Address

4581 GATE POINT ST, BARTLETT, TN 38002

Owner Phone

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**Parcel Information**

060031 00031

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**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner

Brett Davis

Date of Meeting

03/07/2023

Pre-application Meeting Type

In Person

**GENERAL PROJECT INFORMATION**

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	SUP record number REC22-00000-01J0R
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	N/A
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A	That is correct
UDC Sub-Section 9.6.9B	That is correct
UDC Sub-Section 9.6.9C	That is correct
UDC Sub-Section 9.6.9D	That is correct
UDC Sub-Section 9.6.9E	That is correct
UDC Sub-Section 9.6.9F	That is correct

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A	That is correct
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	They will be provided concurrent with the development.
C) The location and arrangement of the structures, parking and loading 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 such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	That is correct
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	That is correct
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements	Owner of property will maintain all common open space and or common elements on property only.
F) Lots of record are created with the recording of a planned development final plan	That is correct.

**GIS INFORMATION**

**GIS INFORMATION**

Central Business Improvement District	No
Case Layer	BOA1940-029-CO, BOA1948-013-CO
Class	C
Downtown Fire District	No
Historic District	-
Land Use	COMMERCIAL
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-3
State Route	1
Lot	14 & 15
Subdivision	NORRIS
Planned Development District	-
Wellhead Protection Overlay District	Yes

**Data Tables**

**AREA INFORMATION**

Name:	C-Store
Size (Acres):	1
Existing Use of Property:	Vacant
Requested Use of Property:	gas station

**Contact Information**

<b>Name</b>	<b>Contact Type</b>
TIMBO'S CONSTRUCTION INC	APPLICANT
<b>Address</b>	
3853 HIGHWAY 61 N, CLEVELAND, MS, 38732	
<b>Phone</b>	
(662)843-4740	

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1450167	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	02/21/2023
1450167	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	02/21/2023

Total Fee Invoiced: \$1,539.00      Total Balance: \$0.00

**Payment Information**

<b>Payment Amount</b>	<b>Method of Payment</b>
\$1,539.00	Credit Card

**LETTER OF INTENT**



December 13, 2022

Tim Sandifer  
Timbo's Construction, Inc.  
3853 Highway 61 North  
Cleveland, MS 38732

Attn: City of Memphis, TN Planning and Development

Re: Letter of Intent C-Store Elvis Presley BLVD

Timbo's Construction intends to demolish an existing 1-1/2 story brick building and home located at 2453 Elvis Presley Blvd. in Memphis, TN. After the demolition, Timbo's Construction intends to improve the earthwork to prepare for new construction. With the improvements to the site, this may include installing additional fill dirt and then preparing for concrete foundation. Our intentions of development would include, concrete sitework for building and parking lot for a convenience store. The sitework would also include installing fuel tanks underground. The estimated footprint for the store would be 4000 square feet at approximately sixteen feet in height. The parking lot would be approximately 34,021 square feet and would feature a 3,264 square foot metal awning for gas pump coverage. The site may be developed to the standards of the City of Memphis to include any landscaping, painting or any features that the City requires.

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Sandifer".

Jimmy W. Sandifer, President



Brett, I have added Tara who works with Councilman Ford to the conversation.

This is my updated site plan, it will be an open concept that will differ from a conventional gas station in the aspects of clearer street view, more natural light and less clutter from excessive fuel pumps.

I have held a public meeting with the community members, around 90-95% of the persons that showed up liked the design and site plan.

Those who disliked I emailed them, text and even offered time for them to discuss conditions that they may like to see. I have not heard anything from those in opposition. Please note this, I can attach evidence of this if you would like.

Site plan and 3D model.

--

Ethan Sandifer, Marketing & Project Management  
Timbo's Construction Inc.  
Cell (662) 719-9925  
Office (662) 843-4740

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Jimmy Sandifer, being duly sworn, depose and say that at 8:26 am/pm on the 29 day of January, 2023, I posted 2 Public Notice Sign(s) pertaining to Case No. SUP 22-33 at 2354 Elvis Presley Blvd. providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature] \_\_\_\_\_ / 1/30/2023  
 Owner, Applicant or Representative Date

Subscribed and sworn to before me this 29 day of January, 2023.

[Signature]  
Notary Public

My commission expires: April 30, 2025



**OWNER'S AFFIDAVIT**



**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Muhammad Ahmed Mu. A. Ahmed, state that I have read the definition of  
(Print Name) (Sign Name)

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

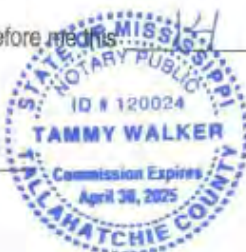
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 2453 Elvis Presley Blvd Memphis, TN  
and further identified by Assessor's Parcel Number 060039 00031  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 14 day of December in the year of 2022.

Tammy Walker  
Signature of Notary Public



April 30, 2025  
My Commission Expires

## LETTERS RECEIVED

Five letters of opposition were received by the time of publication of this report. They have been pasted below.

**Claudia Mims** <seemems@aol.com>

I FORWARD THIS MSG TO SAY THANKS FOR DENYING THIS HAZARDOUS REQUEST . As homeowners on Alcy Rd...west of this proposed monstrosity..... WE ADAMANTLY OPPOSE THIS request for more gas pumps and a convenience store in our community. This is an abomination that contributes to the demise of our health and welfare. 1)Our community is plagued with cancers and other related respiratory problems. 2) There are already 4 gas stations less than a mile apart ... 2 about 300 ft and this new one would be 5 which is approximately 600ft 3) the homeowners on Alcy west would experience increased environmental hazards increasing questionable damage to the aquifers. 4) the approval of another gas station or convenience store does not benefit the community

Thank you for allowing me the opportunity to voice my opinion concerning opposition to SUP 22-33 L.U.C.B. MEETING: February 9, 2023 2453 Elvis Presley Blvd. District 6 and Super District 8 Falaq Investment & Development, LLC Timbo's Construction, Inc. Jimmy Sandifer Special use permit for a convenience store with a gas station. We have been underserved in this community for far too long. The approval of SUP 22-33 L.U.C.B. MEETING: February 9, 2023 2453 Elvis Presley Blvd. District 6 and Super District 8 Falaq Investment & Development, LLC Timbo's Construction, Inc. Jimmy Sandifer Special use permit for a convenience store with a gas station is just another disservice to our community. This proposal directly affects our community, this community belong to us, not the proposal leaders.

We would like to see a transformation of our community, but we would like to see it enhanced not diminished. We are willing to promote projects that will improve the local tax base

increase property value and

provide a sense of pride in our community. I've lived in this neighborhood since 1988, of course, we are committed to improving and developing this area. The proposal leaders have a desired goal and so do we. While theirs interest is strictly financial, ours is to create a safe and family friendly environment that would significantly add to the quality and value of our lives. Therefore,

I ask that you all, please vote "NO" to SUP 22-33 L.U.C.B. MEETING: February 9, 2023 2453 Elvis Presley Blvd. District 6 and Super District 8 Falaq Investment & Development, LLC Timbo's Construction, Inc. Jimmy Sandifer Special use permit for a convenience store with the gas station and we ask of the proposal leaders to respect our community like they respect their own! Thank you for your time and attention to this matter.

Respectfully,  
Delois Mosley  
[1203 E Alcy Rd](#)  
[Memphis, TN 38106](#)

**Shirley Andrews** <sdsandrews1@gmail.com>

Good Morning Im apart of the Alcy Ball Corporation District 88. We dont need another Gas Sration in our community. What we need is a clean up of the environment that's Killing our Future. Please stop the Madness and Help Us. Thank You

Residents of 60.1 Neighborhood Association are speaking against . A few years ago 2020 we learned of gas station/ church/ clinic trying to move into our area Norris and Hernado. Several of us residents researched and discovered the hazardous repercussions of that dilemma.

Now again we are faced with the same issue.

There are currently 3 gas stations less than a 2 mile radius in our neighborhood.

Gasoline is dangers to residents. It is highly flammable, can leak into the soil, and runoff water according to the EPA.

The proposed site is at Alcy Rd and Elvis Presley Blvd.

Please help us to stop this dreadful disservice to the residents of 60.1 Neighborhood Association.

Thank you

Angela Mays Johnson.

David Payne <paynedmp@gmail.com>

Sixty Point One Neighborhood Association and All adjoining Neighborhood Associations opposes this application. Please include with application. Please confirm of this request. Thank you in advance.

Sixty Point One Neighborhood Association