

WHEREAS, when worthy circumstances arise, the Memphis City Council has seen fit to name certain public roads to honor citizens who have served the City of Memphis, and **Dr. Glenda Baskin Glover** is undoubtedly such an individual; and

WHEREAS, at a young age, **Dr. Glenda Baskin Glover** attended freedom marches with her father, the late Henry Baskin, Sr. and often accompanied him to civil rights meetings, serving as his recording secretary; she was active in the youth movement of the Memphis National Association for the Advancement of Colored People (NAACP); and

WHEREAS, **Dr. Glenda Baskin Glover** is a proud graduate of Geeter High School, received her Bachelor of Science degree with honors from Tennessee State University, a Master's degree in Business Administration from Clark Atlanta University, a Doctorate in Business from George Washington University, and completed her law degree at Georgetown University; and

WHEREAS, **Dr. Glenda Baskin Glover** is a certified public accountant, an attorney, and is one of two African American women to hold the Ph.D.-CPA-JD combination in the country; her past employment also includes high level positions in the corporate sector as she is among the few women to rise to the heights to serve on corporate boards of publicly traded corporations; **Dr. Glenda Baskin Glover** currently serves as a Board Member of Pinnacle Financial Partners; and

WHEREAS, **Dr. Glenda Baskin Glover** is President Emeritus of Tennessee State University in Nashville, Tennessee, having served as President of the university from January 1, 2013, through June 30, 2024; under her leadership as TSU's first female president, the university experienced a significant increase in enrollment, alumni fundraising, research dollars, and academic offerings; **Dr. Glenda Baskin Glover** worked tirelessly to ensure that students received funds to attend college, especially students from the Memphis area, securing large donations from corporate partners and often contributing her personal funds to make sure that students remained in school; and

WHEREAS, a prominent trailblazer, **Dr. Glenda Baskin Glover's** passion and energy for public service is immaculate; in 2022, President Joe Biden appointed her to serve as Vice Chair of the President's Board of Advisors on Historically Black Colleges and Universities; **Dr. Glenda Baskin Glover** serves as the immediate past International President, Chief Executive Officer, and Chairman of the Board of Directors of Alpha Kappa Alpha Sorority, Incorporated.

NOW THEREFORE, BE IT RESOLVED by the Memphis City Council that Horn Lake Road between Shelby Drive and Third Street be declared

Dr. Glenda Baskin Glover Street

in honor of her numerous accomplishments on behalf of the City of Memphis.

BE IT FURTHER RESOLVED that the City Engineer is requested to affix suitable signs so designating this public road.

ADOPTED:
August 6, 2024



Edmund H. Ford, Sr.
Memphis City Council
District 6

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/06/2024
DATE
PUBLIC SESSION: 08/20/2024
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 modification to a special use permit at the subject property located 1925 Union Avenue, known as case number MJR 2024-0020

CASE NUMBER: MJR 2024-020 (SUP 2021-039 CORRES.)

LOCATION: 1925 Union Avenue

COUNCIL DISTRICTS: District 4 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: EP3 Developers, LLC

REPRESENTATIVE: Kimley-Horn and Associates, Inc.

REQUEST: Major modification to allow a drive-through restaurant and a time-extension for SUP 2021-039

AREA: +/-1.06 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Add to consent agenda requesting public hearing – July 23, 2024
Public hearing – August 20, 2024

PRIOR ACTION ON ITEM:

(2) _____	APPROVAL - (1) APPROVED (2) DENIED
06/13/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

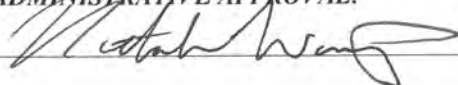
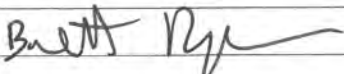
FUNDING:

(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>7-15-24</u>	PLANNER II
	<u>7/15/24</u>	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A MODIFICATION TO A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 1925 UNION AVENUE, KNOWN AS CASE NUMBER MJR 2024-0020

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

WHEREAS, the Council of the City of Memphis granted such a special use permit known as SUP 2021-039 for the subject property on February 1, 2022, subject to the condition that any future applications to construct a drive-through restaurant on the site would require approval by the Council; and

WHEREAS, EP3 Developers, LLC filed an application pursuant to that condition with the Memphis and Shelby County Division of Planning and Development to allow the construction of a drive-through restaurant; 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 June 25, 2024, 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 and the approved conditions of the relevant special use permit, SUP 2021-039 is hereby modified to permit the construction and operation of a drive-through restaurant at the subject property in accordance with the attached conditions.

BE IT FURTHER RESOLVED, that the expiry date for SUP 2021-039 is hereby extended to a date seven-hundred and thirty (730) days from the date of the approval of this Resolution by the Council

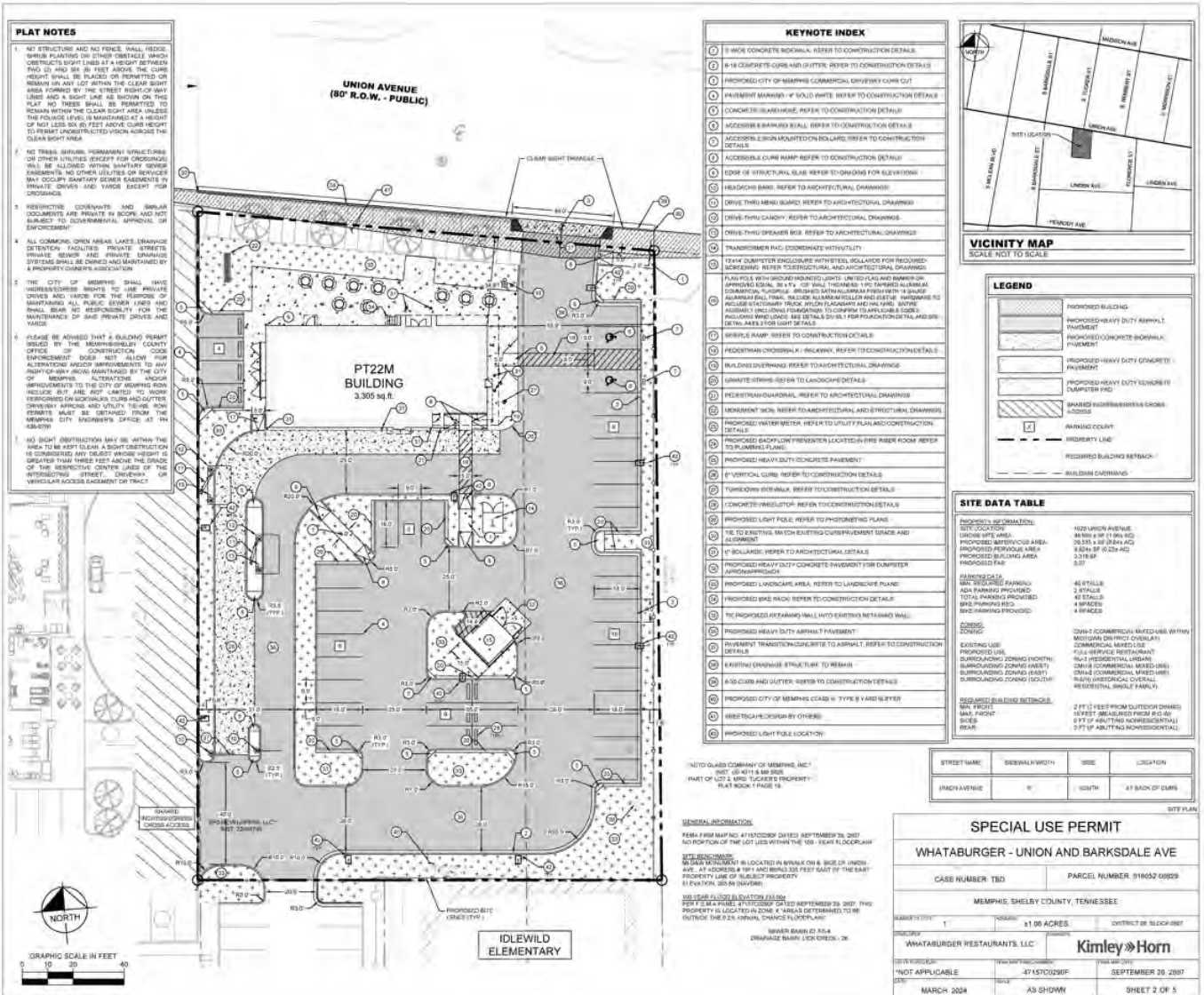
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

CONDITIONS

1. There shall be a minimum of 80% of building frontage.
2. The front setback area shall be a minimum of seven feet.
3. Streetscape standards as found in Chapter 4.3 of the Unified Development Code shall be met.
4. Outdoor lighting and access management must meet requirements as found in the UDC.
5. Incorporate native species into the landscape plan and Low-Impact Development (LID) practices to help manage stormwater runoff.
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.
7. Engineering ASPR will be required.

SITE PLAN



PLAT NOTES

- 1. NO STRUCTURE AND NO FENCE, WALL, HEDGE, BARRIER, PLANTING OR OTHER OBSTACLES WHICH OBSTRUCTS SIGHT LINES AT A HEIGHT BETWEEN TWO (2) AND SIX (6) FEET ABOVE THE CURB HEIGHT SHALL BE PLACED OR PERMITTED ON REMAIN IN ANY LOT WITHIN THE CLEAR SIGHT AREA FORMED BY THE STREET RIGHT-OF-WAY LINES AND SUCH LINES BE SHOWN ON THIS PLAN. NO TREES SHALL BE PERMITTED TO REMAIN WITHIN THE CLEAR SIGHT AREA UNLESS THE POULCE LEVEL IS MAINTAINED AT A HEIGHT OF NOT LESS THAN 2 FEET ABOVE CURB HEIGHT TO PERMIT UNOBSTRUCTED VISION ACROSS THE CLEAR SIGHT AREA.
- 2. NO TRUSS, GIRDER, PERMANENT STRUCTURES OR OTHER UTILITIES EXCEPT FOR CONDUITS OR CABLES SHALL BE ALLOWED WITHIN VERTICAL CLEARANCE LINES. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY EGRESS EXCEPT BY PRIVATE DRIVEWAY AND YARDS EXCEPT FOR CROSSING.
- 3. RESTRICTIVE COVENANTS AND SIMILAR DOCUMENTS ARE PRIVATE IN NATURE AND NOT SUBJECT TO GOVERNMENTAL APPROVAL OR ENFORCEMENT.
- 4. ALL CONDUITS, OPEN WIRING, LINES, ENCASED DETENTION FACILITIES, PRIVATE STREETS, PRIVATE SEWERS AND PRIVATE DRAINAGE SYSTEMS SHALL BE OWNED AND MAINTAINED BY A PROPERTY OWNER'S ASSOCIATION.
- 5. THE CITY OF MEMPHIS SHALL HAVE JURISDICTION OVER PRIVATE DRIVEWAY AND YARDS FOR THE PURPOSES OF MAINTAINING ALL PUBLIC EGRESS LINES AND SHALL BEAT RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVEWAY AND YARDS.
- 6. PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS-SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERNATIVE ACCESS ARRANGEMENTS TO ANY RIGHT-OF-WAY SHOW MAINTAINED BY THE CITY OF MEMPHIS. IMPROVEMENTS TO THE CITY OF MEMPHIS RIGHT-OF-WAY INCLUDING CURB AND GUTTER, DRIVEWAY APPROACH AND UTILITY TRENCH WORK PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEERING OFFICE AT 25 N. GAMBINO.
- 7. NO SIGN OBSTRUCTION MAY BE WITHIN THE AREA TO BE KEPT CLEAR A SIGN OBSTRUCTION IS DEFINED AS ANY OBJECT WHICH IS GREATER THAN THREE FEET ABOVE THE GRADE OF THE RESTRICTIVE CURB AND IS IN THE INTERSECTION STREET DRIVEWAY OR VEHICULAR ACCESS ADJACENT TO TRACT.

KEYNOTE INDEX

- 1. 8" WIDE CONCRETE SIDEWALK: REFER TO CONSTRUCTION DETAILS
- 2. 6"-8" CONCRETE CURB AND GUTTER: REFER TO CONSTRUCTION DETAILS
- 3. HIGHCHIEF CITY OF MEMPHIS COMMERCIAL DRIVEWAY CURB CUT
- 4. PAVEMENT MARKING - "F" SOLID WHITE: REFER TO CONSTRUCTION DETAILS
- 5. CONCRETE SIDEWALKS: REFER TO CONSTRUCTION DETAILS
- 6. ACCESSIBLE SIDEWALK SHALL REFER TO CONSTRUCTION DETAILS
- 7. ACCESSIBLE CURB RAMP REFER TO CONSTRUCTION DETAILS
- 8. EDGE OF STRUCTURAL SLAB REFER TO FOUNDATION FOR ELEVATIONS
- 9. HEADCOURT BARR: REFER TO ARCHITECTURAL DRAWINGS
- 10. DRIVE THROUGH BARR: REFER TO ARCHITECTURAL DRAWINGS
- 11. DRIVE THROUGH GATE: REFER TO ARCHITECTURAL DRAWINGS
- 12. DRIVE THROUGH BARRIER: REFER TO ARCHITECTURAL DRAWINGS
- 13. TRANSFORMER PAD COORDINATE WITH UTILITY
- 14. 15" X 4" CUMPUTER ENCLOSURE WITH STEEL COLLARS FOR REQUIRED SPACING: REFER TO ELECTRICAL AND ARCHITECTURAL DRAWINGS
- 15. PLAN ISLES WITH SHOWN INDICATED JOINTS: UNITS SHALL BE CONFORM TO APPROVED EQUAL OR 2" X 2" OR 2" X 4" OR 4" X 4" CONCRETE WITH 1.5% SLOPE FOR DRAINAGE AND FINISH SHALL BE FINISH WITH POLISHED CONCRETE OR POLISHED EXTERIOR TERRAZZO OR POLISHED POLYURETHANE (CONCRETE SHALL BE FINISHED TO RESIST WIND LOADS: SEE DETAILS 31.1.1 FOR FOUNDATION DETAIL AND 31.2.1 FOR DETAIL AS SHOWN)
- 16. SERVICE RAMP: REFER TO CONSTRUCTION DETAILS
- 17. FLOORS: REFER TO ARCHITECTURAL DRAWINGS
- 18. FOUNDATION: REFER TO ARCHITECTURAL DRAWINGS
- 19. GARAGE STRUCTURE: REFER TO ARCHITECTURAL DRAWINGS
- 20. FLOOR FINISHES: REFER TO ARCHITECTURAL DRAWINGS
- 21. FINISHES: REFER TO ARCHITECTURAL DRAWINGS
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- 28. FINISHES: REFER TO ARCHITECTURAL DRAWINGS



VICINITY MAP

LEGEND

- Proposed Building
- Proposed Heavy Duty Asphalt Pavement
- Proposed Concrete Sidewalk
- Proposed Heavy Duty Concrete Pavement
- Proposed Heavy Duty Concrete (Computer Enclosure)
- Proposed Barriers
- Adjacent County
- Adjacent Building
- Proposed Building Retention
- Building Curbing

SITE DATA TABLE

PROPERTY INFORMATION:

1022 UNION AVENUE
8181 S.W. 11 TH RD
58.51 ± AC 39.4 AC
8.54 ± AC 42.24 AC
3.31 ± AC
3.07

PARKING DATA:

MIN. REQUIRED PARKING: 48 STALLS
ADA PARKING PROVIDED: 48 STALLS
BICYCLE PARKING PROVIDED: 4 SPACES

EXISTING USE:

COMMERCIAL MIXED USE WITH MULTIFAMILY USES (OVERLAP)
COMMERCIAL MIXED USE
FULL SERVICE RESTAURANT
MULTI-FAMILY RESIDENTIAL USES
SINGLE-FAMILY RESIDENTIAL USES
SINGLE-FAMILY RESIDENTIAL USES
MULTI-FAMILY RESIDENTIAL USES

PROPOSED BUILDING RETENTION:

2 FT. FENCE WITH OUTSIDE DRIVEN POSTS (MEASURED FROM P.G. 40)
3 FT. OF ABUTTING ADJACENT BARRIERS
3 FT. OF ABUTTING ADJACENT BARRIERS

STREET NAME	SEWERS/WIDTH	TYPE	LOCATION
UNION AVENUE	12"	SOUTH	AT BACK OF CURB

SPECIAL USE PERMIT

WHATBURGER - UNION AND BARKSDALE AVE

CASE NUMBER: TBD PARCEL NUMBER: 014032 00029

MEMPHIS, SHELBY COUNTY, TENNESSEE

APPLICANT: WHATBURGER RESTAURANTS, LLC SUBJECT OF SUBJECT PROPERTY

DATE SUBMITTED: MARCH 2024 DATE OF PERMIT: SEPTEMBER 28, 2007

TERMS: NOT APPLICABLE DURATION: 21 MONTHS SHEET 2 OF 5

NOTED: COMPANY OF MEMPHIS, INC.
1801 1/2 S.W. 11 TH RD
PART OF LOT 2 & 3 "LINDEN PROPERTY"
PLAT BOOK: P. 18

GENERAL INFORMATION:

PERMITS FOR MAP NO. 47120699 DATED SEPTEMBER 28, 2007 AND RESOLUTION OF THE LOT WITHIN THE 100' YEAR FLOODPLAIN.

FOR MORE INFORMATION:

1022 UNION AVENUE
8181 S.W. 11 TH RD
58.51 ± AC 39.4 AC
8.54 ± AC 42.24 AC
3.31 ± AC
3.07



ATTEST:

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



Memphis City Council Summary Sheet

MJR 2024-020 (SUP 2021-039 CORRES.)

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A MODIFICATION TO A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 1925 UNION AVENUE, KNOWN AS CASE NUMBER MJR 2024-020

- This item is a resolution with conditions to modify an existing special use permit (SUP 2021-039) to permit the construction of a drive-through restaurant at 1925 Union Avenue.
- The conditions of SUP 2021-039, granted by the Council in February 2022, require that any applications to construct a drive-through restaurant go back before the Council for review. This application is pursuant to that condition.
- If approved, this item would also extend the expiry date of SUP 2021-039 by two years.
- Both the Land Use Control Board and Division of Planning and Development staff recommend *rejection* of this item.
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, June 13, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: MJR 2024-020 (SUP 2021-039 CORRES.)

LOCATION: 1925 Union Avenue.

COUNCIL DISTRICT(S): District 4 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: EP3 Developers, LLC

REPRESENTATIVE: Kimley-Horn and Associates, Inc.

REQUEST: Major modification to allow a drive-through restaurant and a time-extension for SUP 2021-039

EXISTING ZONING: Commercial Mixed-Use – 3 (CMU-3) and SUP 2021-039

AREA: +/-1.06 acres

The following spoke in support of the application: Lindsey Hearon and Shawn Massey

The following spoke in opposition the application: Gordon Alexander, Nicholas Barnhart, Jerry Bradfield, and Kevin Kreienbrink

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 vote of 3-6 on the regular agenda.

Respectfully,



Nicholas Wardroup
Planner II
Land Use and Development Services
Division of Planning and Development

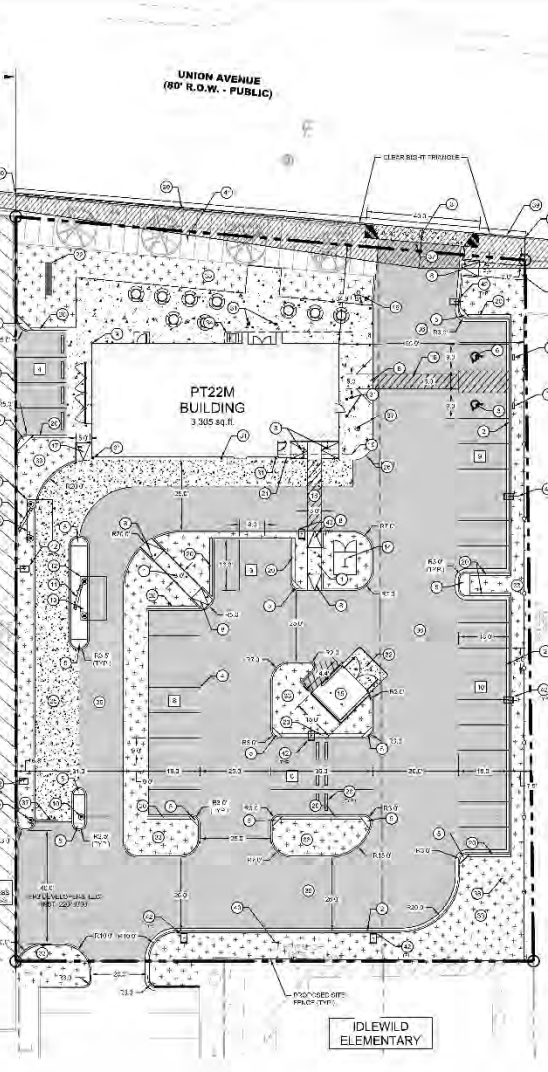
Cc: Committee Members
File

SUP 18-13
CONDITIONS

1. There shall be a minimum of 80% of building frontage.
2. The front setback area shall be a minimum of seven feet.
3. Streetscape standards as found in Section 4.3 of the Unified Development Code shall be met.
4. Outdoor lighting and access management must meet requirements as found in the UDC.
5. Incorporate native species into the landscape plan and Low-Impact Development (LID) practices to help manage stormwater runoff.
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.
7. Engineering ASPR will be required.

SITE PLAN

- PLAT NOTES**
- NO STRUCTURE AND NO FENCE SHALL BE LOCATED WITHIN 10 FEET OF THE RIGHT-OF-WAY CENTERLINE UNLESS THE CITY ENGINEER APPROVES. THE CITY ENGINEER SHALL BE NOTIFIED IN WRITING 30 DAYS PRIOR TO THE PLAT OF THIS SITE PLAN. THE CITY ENGINEER SHALL HAVE 30 DAYS TO REVIEW THE PLAT AND SHALL BE RESPONSIBLE FOR ANY COMMENTS OR CONDITIONS THAT ARE APPLIED TO THIS PLAT. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR ANY COMMENTS OR CONDITIONS THAT ARE APPLIED TO THIS PLAT.
 - THE TRUNK DRAINAGE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS. THE TRUNK DRAINAGE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.
 - SEE CIVIL ENGINEER'S AND MECHANICAL ENGINEER'S PLANS FOR DETAILS OF THE TRUNK DRAINAGE SYSTEM AND FOR THE LOCATION OF THE TRUNK DRAINAGE SYSTEM.
 - ALL CONCRETE DRIVEWAYS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS. THE CONCRETE DRIVEWAYS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.
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 - PLEASE BE AWARE THAT THE CITY ENGINEER'S REQUIREMENTS MAY BE SUBJECT TO CHANGE WITHOUT NOTICE. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR ANY COMMENTS OR CONDITIONS THAT ARE APPLIED TO THIS PLAT.
 - NO RIGHT-OF-WAY EXHAUSTION SHALL BE ALLOWED. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR ANY COMMENTS OR CONDITIONS THAT ARE APPLIED TO THIS PLAT.



- KEYNOTE INDEX**
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- GENERAL NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.
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 10. NO RIGHT-OF-WAY EXHAUSTION SHALL BE ALLOWED.



LEGEND

- 1. STRUCTURE TO BE DEMOLISHED
- 2. EXISTING CONCRETE DRIVEWAY
- 3. EXISTING GRASSY DRIVEWAY
- 4. EXISTING GRASSY DRIVEWAY TO BE DEMOLISHED
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- 50. EXISTING DRIVEWAY TO BE DEMOLISHED

SITE DATA TABLE

PROPERTY IDENTIFICATION	1.000 ACRES
AREA TOTAL	1.000 ACRES
AREA USED FOR THIS PROJECT	0.500 ACRES
AREA AVAILABLE FOR OTHER USES	0.500 ACRES
AREA USED FOR THIS PROJECT	0.500 ACRES
AREA AVAILABLE FOR OTHER USES	0.500 ACRES
AREA USED FOR THIS PROJECT	0.500 ACRES
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AREA USED FOR THIS PROJECT	0.500 ACRES
AREA AVAILABLE FOR OTHER USES	0.500 ACRES

SITE NAME	PROJECT NUMBER	DATE	LOCATION

SPECIAL USE PERMIT
WHATABURGER - UNION AND BARKSDALE AVE

CAS NUMBER: YED PARCEL NUMBER: 015653 0800

MEMPHIS, TENNESSEE

DATE: 01/06/2024

PROJECT: Whataburger Restaurants, LLC

PERMITS: Kimley-Horn

NOT APPLICABLE DATE: 4/15/2024

DATE: MARCH 2024 AS SHOWN 3 EET 2 OF 5

AGENDA ITEM: 5 **L.U.C.B. MEETING:** June 13, 2024
CASE NUMBER: MJR 2024-0020 (SUP 2021-039 CORRES.)
LOCATION: 1925 Union Avenue (1.06 acres of site)
OWNER/APPLICANT: EP3 Developers, LLC/ Marissa Higgins
REPRESENTATIVE: Kimley-Horn and Associates, Inc.
REQUEST: Major modification to allow a drive-thru restaurant and a time-extension for SUP 2021-039
EXISTING ZONING: Commercial Mixed Use – 3 (CMU-3), SUP 2021-039 and Midtown Overlay

CONCLUSIONS

1. This item is also a companion case to SE 2024-0001.
2. The request is a major modification to SUP 2021-039 to allow a drive thru restaurant on 1.06 acres of Parcel ID 016052 00029. The other portion of this parcel was approved for a five-story hotel under SUP 2021-039.
3. One of the conditions in approval of SUP 2021-039 stated that proposed drive thru uses would require a recommendation from the Land Use Control Board with final approval from City Council.
4. The subject property was previously City property and following the Requests for Proposals process, the City sold the property anticipating a mixed-use development.
5. The 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.

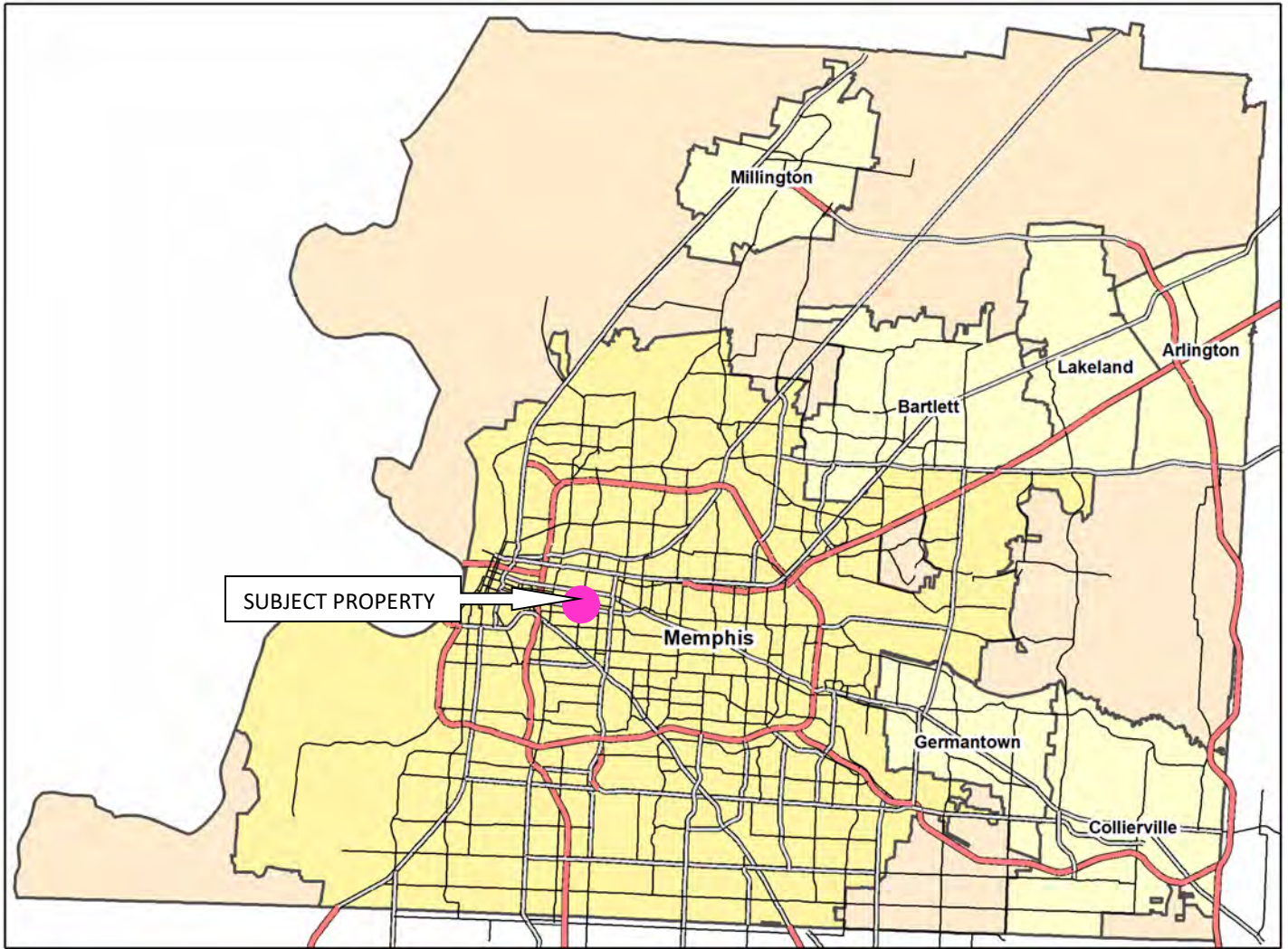
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 30 of this report.

RECOMMENDATION

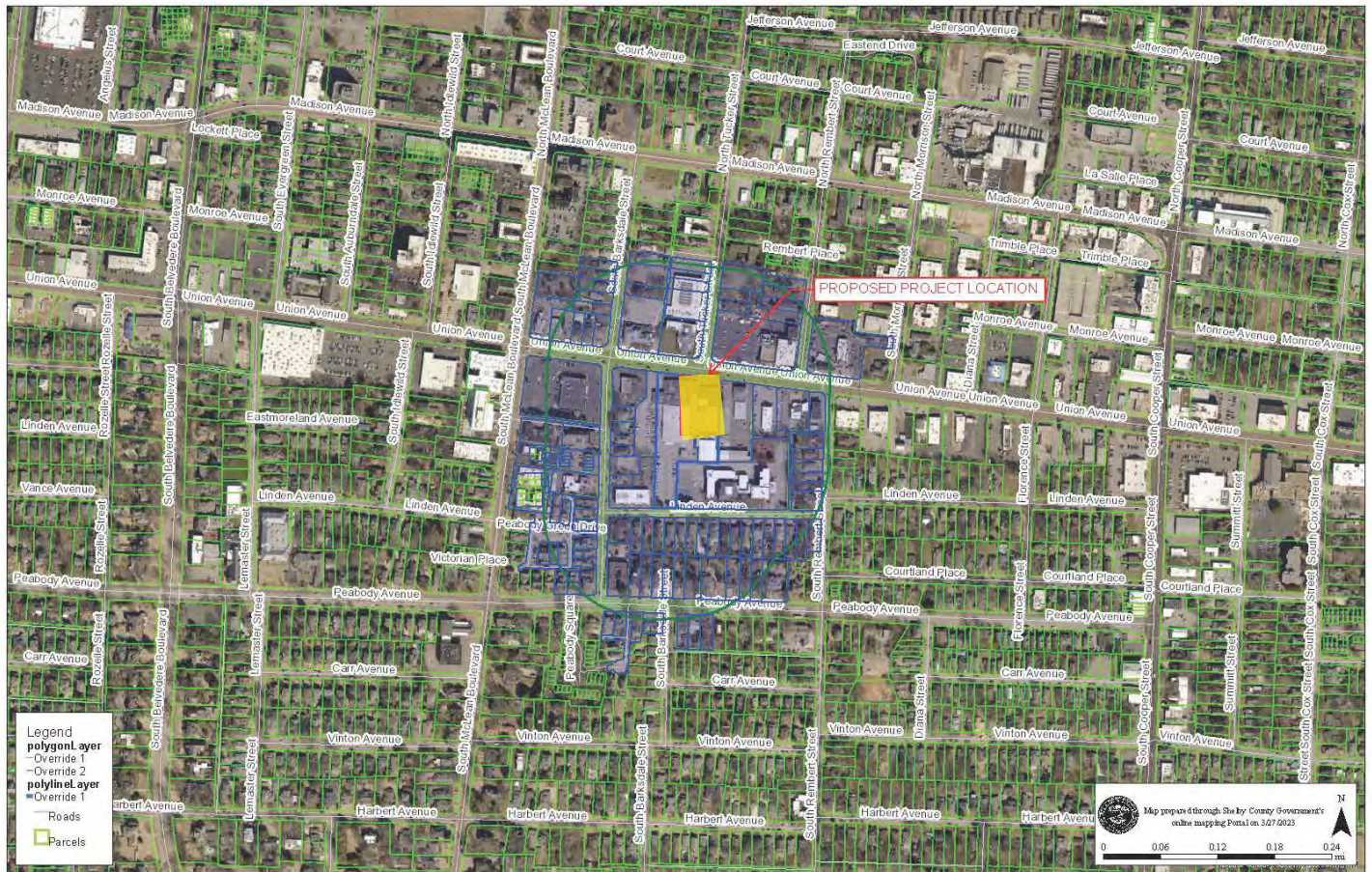
Rejection

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP

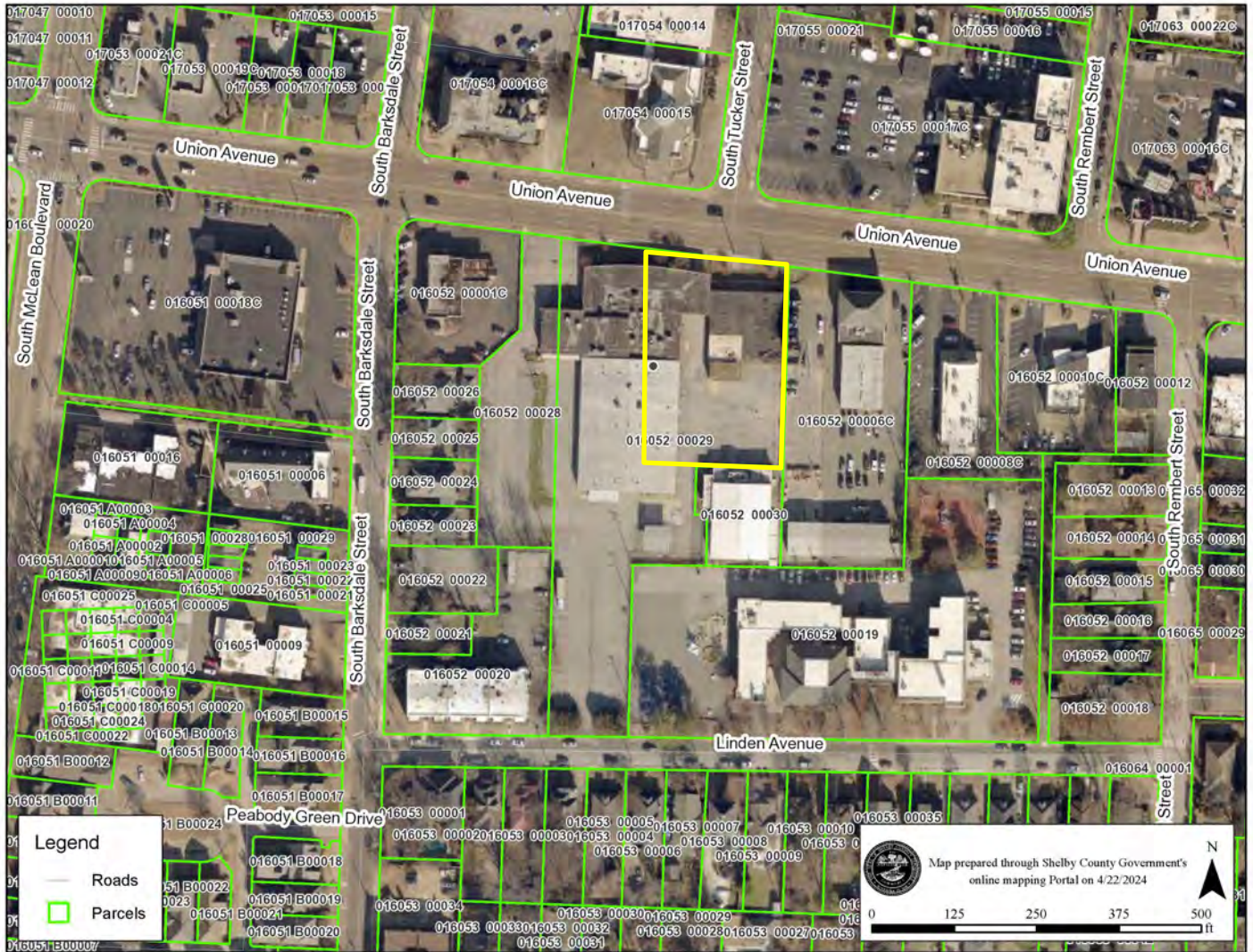


Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

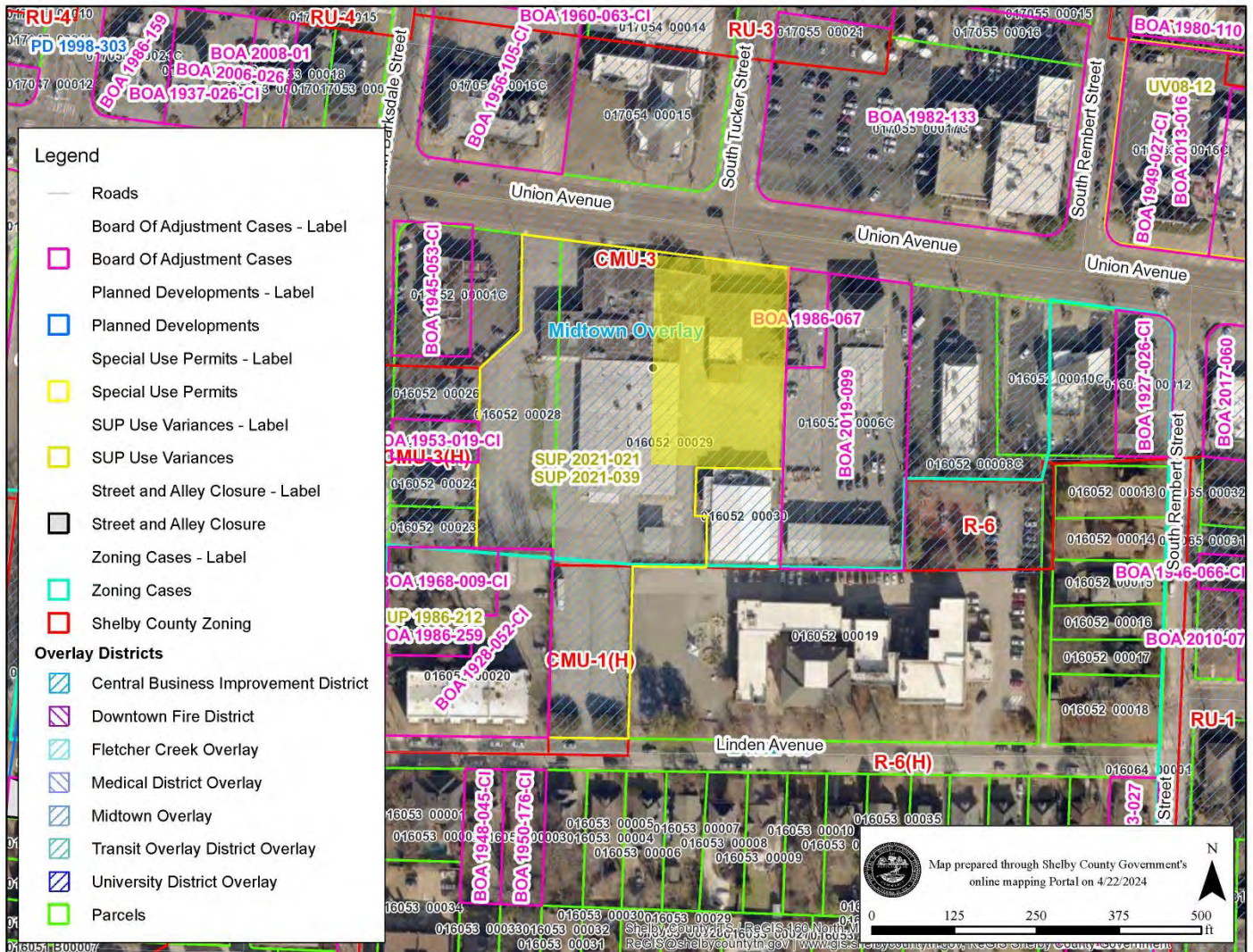
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 119 notices were mailed on April 12, 2014, see pages 33-34 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 35 of this report for a copy of the sign affidavit.

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



Onsite view of subject property looking east



Onsite view of subject property looking southeast



View of subject property from adjacent property looking northwest



View of subject property from adjacent property looking southwest

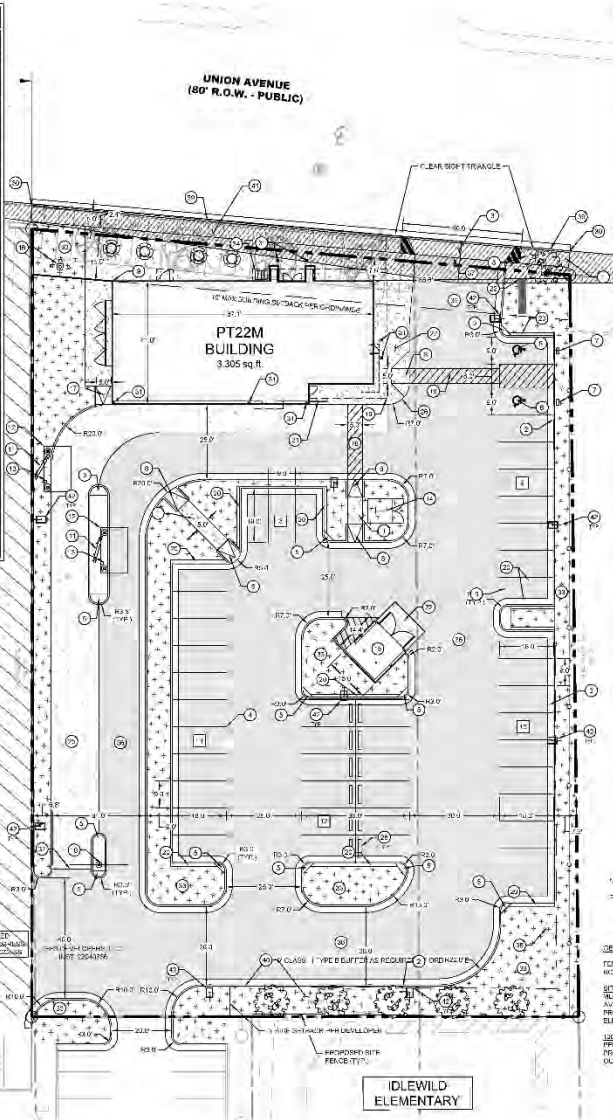


View of subject in background from Linden Avenue looking northeast

SITE PLAN

PLAT NOTES

- NO STRUCTURE AND NO FENCE SHALL BE PERMITTED TO BE PLACED ON EITHER SIDE OF THE STREET OR OTHER ROADWAY WHICH INTERFERES WITH THE CLEARANCE BETWEEN THE CURBS AND 20' FEET ABOVE THE CURBS.
- NO STRUCTURE SHALL BE PERMITTED TO BE PLACED ON EITHER SIDE OF THE STREET OR OTHER ROADWAY WHICH INTERFERES WITH THE CLEARANCE BETWEEN THE CURBS AND 20' FEET ABOVE THE CURBS.
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KEYNOTE INDEX

- 2" WIDE CONCRETE BEAMS: REFER TO CONSTRUCTION DETAILS
- 4" WIDE CONCRETE CURBS AND GUTTERS: REFER TO CONSTRUCTION DETAILS
- PROPOSED CITY OF MEMPHIS DOWNSLOPE OF VESARY CL. 1.0
- PAVEMENT MARKINGS - 4" POLY WHITE: REFER TO CONSTRUCTION DETAILS
- CONCRETE SLAB EDGE: REFER TO CONSTRUCTION DETAILS
- ACCESSIBLE FORMING SHALL BE USED TO CONSTRUCT ALL CURBS AND ACCESSIBLE RAMP MOUNTED ON BOLLARD: REFER TO CONSTRUCTION DETAILS
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LEGEND

[Symbol]	PROPOSED BLDG. NO.
[Symbol]	PROPOSED HEAVY DUTY ASPHALT PAVEMENT
[Symbol]	PROPOSED HEAVY DUTY ASPHALT PAVEMENT
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[Symbol]	PROPOSED HEAVY DUTY ASPHALT PAVEMENT
[Symbol]	PROPOSED HEAVY DUTY ASPHALT PAVEMENT

SITE DATA TABLE

UNIVERSITY INFORMATION:	UNIVERSITY INFORMATION:
SITE DATA:	SITE DATA:
PROPOSED BLDG. NO.:	PROPOSED BLDG. NO.:
PROPOSED HEAVY DUTY ASPHALT PAVEMENT:	PROPOSED HEAVY DUTY ASPHALT PAVEMENT:

STREET NAME	SEVERAL FEET	SIDE	LOCATION
UNION AVENUE	5'	SOUTH	AT 2520' WEST OF B

SPECIAL EXCEPTION

WHATABURGER - UNION AND BARKSDALE AVE

CASE NUMBER: TBD | PARCEL NUMBER: 018652 00205

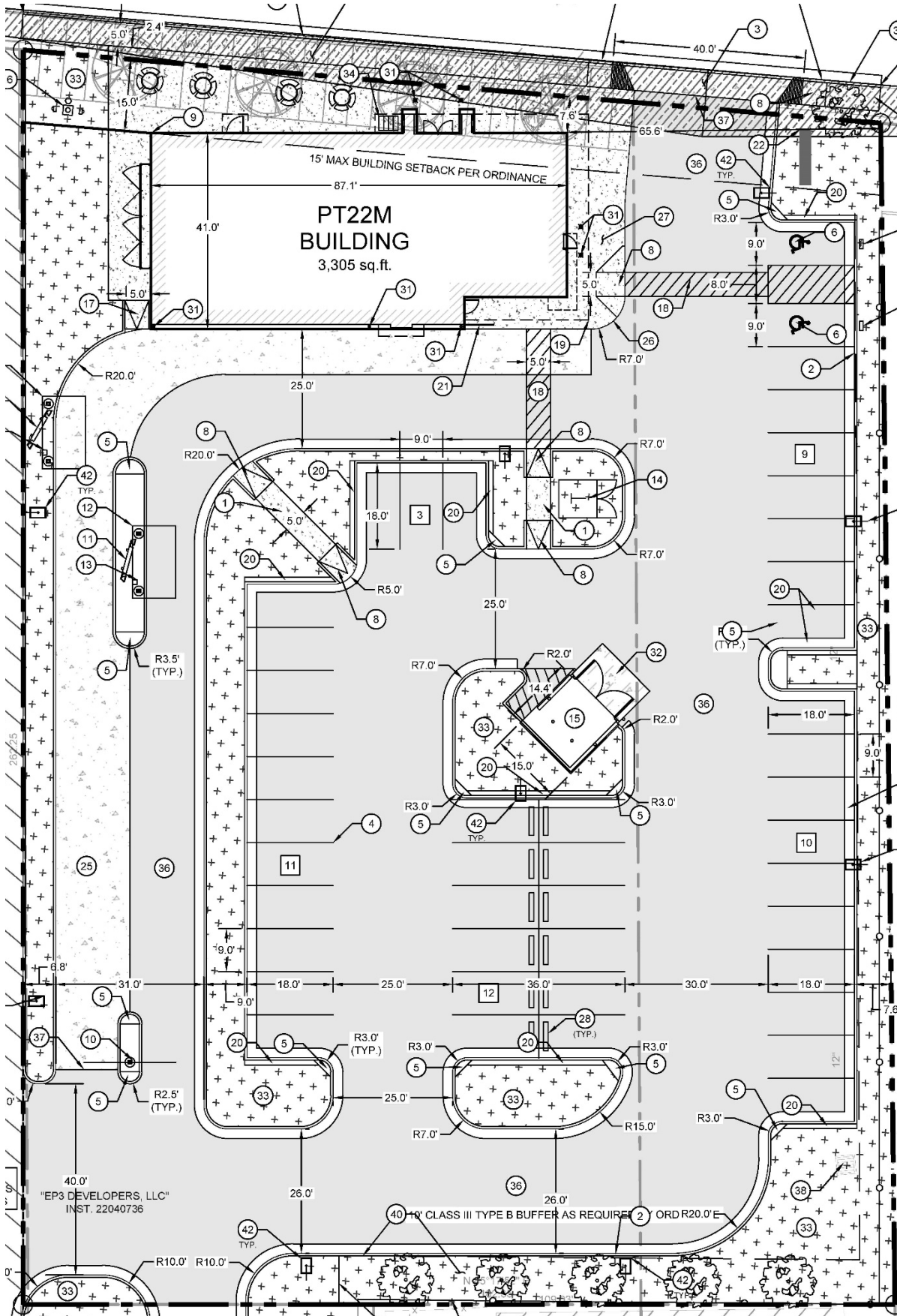
MEMPHIS, SHELBY COUNTY, TENNESSEE

CURRENT YEAR: 1 | 2024 | 41.05 ACRES | 2024 06 13 00:00

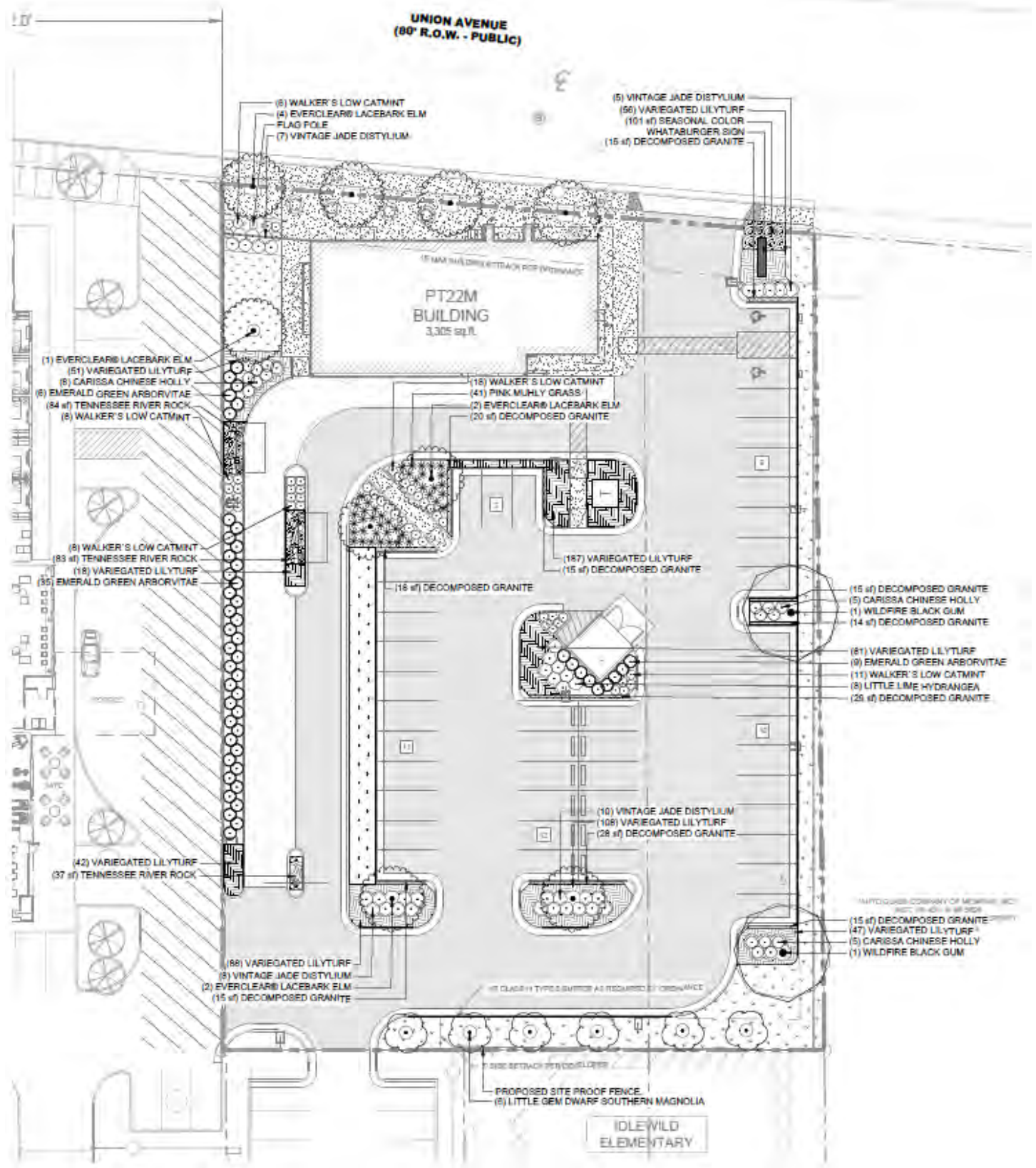
APPLICANT: WHATABURGER RESTAURANTS, LLC | PREPARED BY: Kimley-Horn

DATE: MAY 2024 | SHEET: AS SHOWN | SHEET 2 OF 5

SITE PLAN – MAGNIFIED



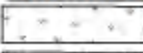
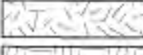

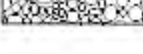
LANDSCAPE PLAN

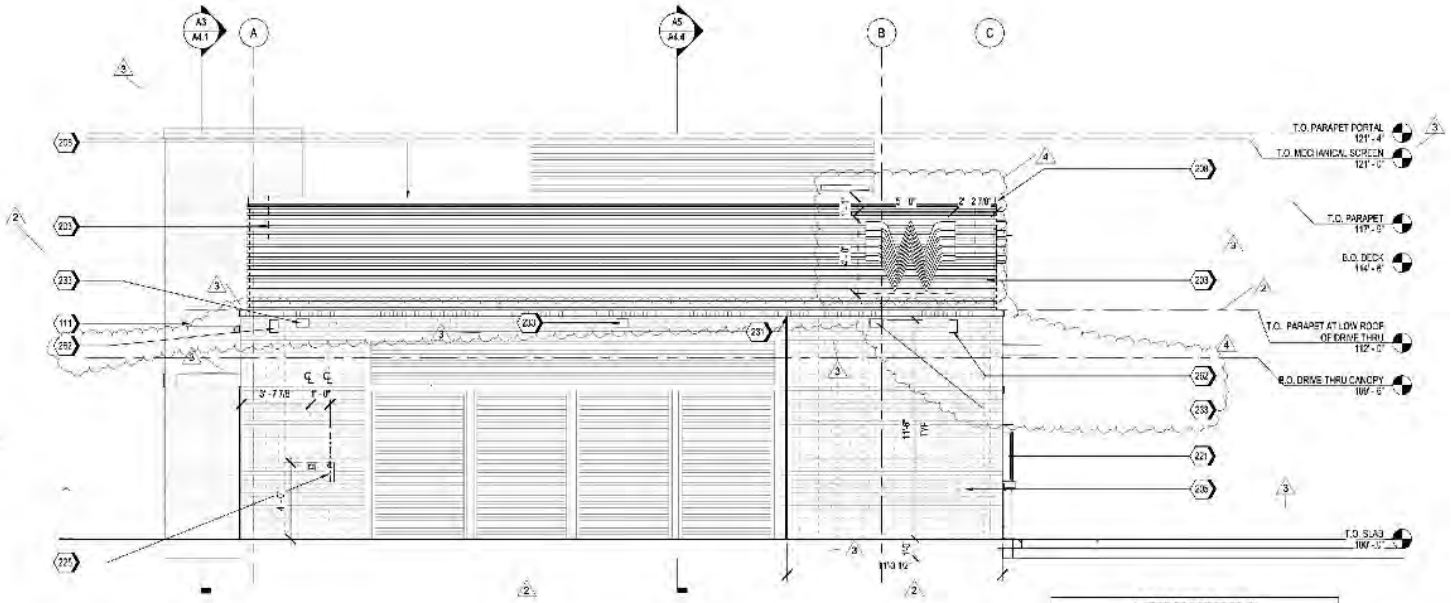


PLANT SCHEDULE

<u>SYMBOL</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>SIZE</u>
TREES			
	6	Magnolia grandiflora 'Little Gem' / Little Gem Dwarf Southern Magnolia	2.5" CAL / 8'-10' HT
	2	Nyssa sylvatica 'Wildfire' / Wildfire Black Gum	2.5" CAL / 8'-10' HT
	50	Thuja occidentalis 'Emera' / Emerald Green Arborvitae	5'-6' HT.
	9	Ulmus parvifolia 'BSNUPF' / Everclear® Lacebark Elm	2.5" CAL / 8'-10' HT

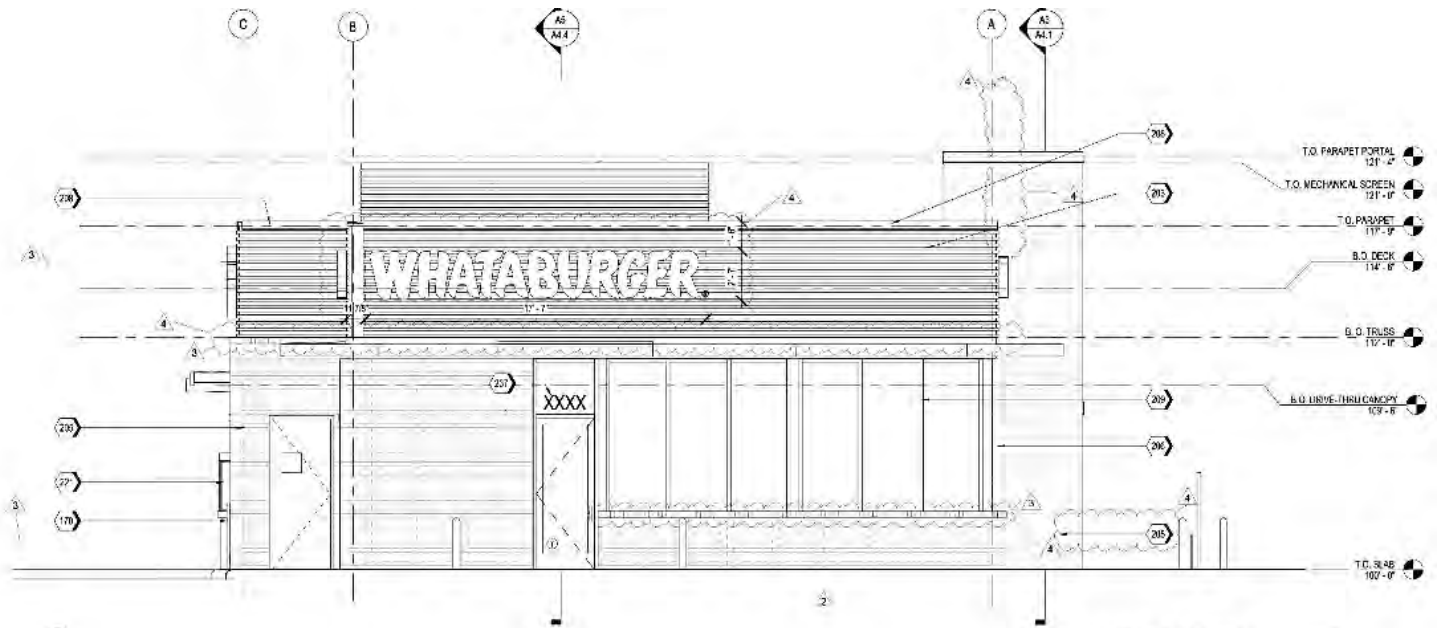
<u>SYMBOL</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>SIZE</u>
SHRUBS			
	30	Distylium x 'Vintage Jade' / Vintage Jade Distylium	24" HT. MIN.
	8	Hydrangea paniculata 'Little Lime' / Little Lime Hydrangea	24" HT. MIN.
	18	Ilex comuta 'Carissa' / Carissa Chinese Holly	24" HT. MIN.
	41	Muhlenbergia capillaris / Pink Muhly Grass	24" HT. MIN.
	51	Nepeta x 'Walker's Low' / Walker's Low Catmint	24" HT. MIN.

<u>SYMBOL</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>SIZE</u>
GROUND COVERS			
	4,581 sf	Cynodon dactylon 'Tifway 419' / Tifway 419 Bermuda Grass	Sod
	184 sf	Decomposed Granite	SEE DETAIL
	678	Liriope muscari 'Variegata' / VARIEGATED LILYTURF	1 GAL
	204 sf	TENNESSEE RIVER ROCK	4"-8" ASSORTED FLATS & ROUNDS



WEST ELEVATION

KEYNOTES	
111	ENTERA PRE-MANUFACTURED CANOPY, BY OTHERS
170	ENTERA PRE-MANUFACTURED GUARDRAIL, BY OTHERS, RE:3440.1
203	MP-01, PRE-FINISHED CORRUGATED METAL PANEL
205	BR-31, BRICK VENEER
206	BR-32, BRICK VENEER
208	MC-01, PRE-FINISHED METAL COPING
209	SS-01, ALUMINUM STOREFRONT SYSTEM
221	DRIVE-THRU WINDOW
225	STAINLESS STEEL GREASE SHIELD W/ 2 1/2" HOLE THROUGH WALL FOR GREASE TANK
231	MASONRY EXPANSION CONTROL JOINT
233	EXTERIOR LIGHT FIXTURE, RE: ELECTRICAL, RE: 11.3 FOR DIMENSIONS
237	BLU DING ADDRESS 6" HIGH WHITE VINYL NUMBERS WITH 1" STROKE, 10" A.F.G. TO TOP OF SIGNAGE
282	WIRELESS ACCESS POINT, RE: ELECTRICAL.



EAST ELEVATION

KEYNOTES	
111	ENTERA PRE-MANUFACTURED CANOPY BY OTHERS
170	ENTERA PRE-MANUFACTURED GUARDRAIL BY OTHERS RE:BA10.1
203	MP-31; PRE-FINISHED CORRUGATED METAL PANEL
206	BR-411; BRICK VENEER
206	BR-412; BRICK VENEER
208	MC-01; PRE-FINISHED METAL COPING
209	SS-01; ALUMINUM STOREFRONT SYSTEM
221	DRIVE-THRU WINDOW
225	STAINLESS STEEL GREASE SHIELD W/ 2 1/2\" HOLE THROUGH WALL FOR GREASE TANK
231	MASONRY EXPANSION CONTROL JOINT
233	EXTERIOR LIGHT FIXTURE RE: ELECTRICAL RE: A13 FOR DIMENSIONS
237	BUILDING ADDRESS 8\" HIGH WHITE VINYL NUMBERS WITH 1\" STROKE, 17\" A.F.G. TO TOP OF SIGNAGE
242	WIRELESS ACCESS POINT. RE: ELECTRICAL

CASE REVIEW

Request

The request is a special use permit major modification to allow a restaurant with a drive-thru.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:

1925 Union Avenue

Parcel ID:

016052 00029

Area:

+/-1.06 acres

Description:

The subject property is +/-1.06 acres and is the smaller portion of Parcel ID 016052 00029. It is a vacant lot, once occupied by the City of Memphis Police Department Traffic Division. Other than a metal gate and steps with a short pathway leading to the previous traffic division, as well as a historic marker for the Hutchison School, the site has been cleared.

Site Zoning History

On February 1, 2022, the Council of the City of Memphis approved SUP 2021-39 which allowed a hotel with conditions. One of the conditions states that “No drive-thru restaurant uses shall be permitted on this site or the adjacent future retail development site to the east without first receiving a recommendation from the Land Use Control Board followed with a final disposition by the City Council.” See pages 20-23 of this report for said resolution.

Relevant Unified Development Code Clauses

Sub-Section 8.4.8B Midtown Overlay Frontage Standards (Shopfront)

	Shop-front
BUILDING & PARKING PLACEMENT	
Lot Area & Building Width	
Maximum Uninterrupted Façade Width (ft.)	75
Setback Area ****	
Front Setback Line (min. ft.)	2
Front Setback Line, with outdoor dining (min. ft.)	7
Front Setback Line (max. ft.)	15 ¹
Required Building Frontage (min %) *****	
Primary Street (lot up to 100 feet in width)	70
Primary Street (lot 100 feet in width or more)	80
Side Street	40
Side/Rear Setback (min ft.)	
Abutting Single Family	10
Abutting Multifamily, Nonresidential	0*
Abutting Alley	5**
Building Separation	5
Parking (Structured or Lot) Setback (min ft.)	
From Primary Street	15
From Side Street	10
Abutting Single Family	10
Abutting Multifamily, Nonresidential, Alley	0
On Street Parking Requirement	Preferred
ELEMENTS	
Transparency (min %)	
<i>Primary Street</i>	
Ground Floor, non residential	50
Ground Floor, residential	50
Upper Floors	20
<i>Side Street</i>	
Ground Floor, non residential	30
Ground Floor, residential	30
Upper Floors	20
Building Entrance	
Facing Primary Street	Required
Blank Wall Area (max. linear ft.)	25
HEIGHT	
Building Height (max. ft.)	***
Ground Floor Elevation (min. inches)	
Residential Use	18
Nonresidential use	0
Floor to Floor Height (min. ft)	
Ground Floor Height, nonresidential use	14
Ground Floor Height, residential use	14
Upper Floor Height (floor to floor)	10

SUP 2021-39 Resolution

**RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY
LOCATED AT 1925 UNION AVENUE ON THE SOUTH SIDE OF UNION EAST OF
BARKSDALE STREET, KNOWN AS CASE NUMBER SUP 2021-39.**

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

WHEREAS, the Union Station LLC filed an application with the Memphis and Shelby County Office of Planning and Development to allow a hotel; 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 January 13, 2022, 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**

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

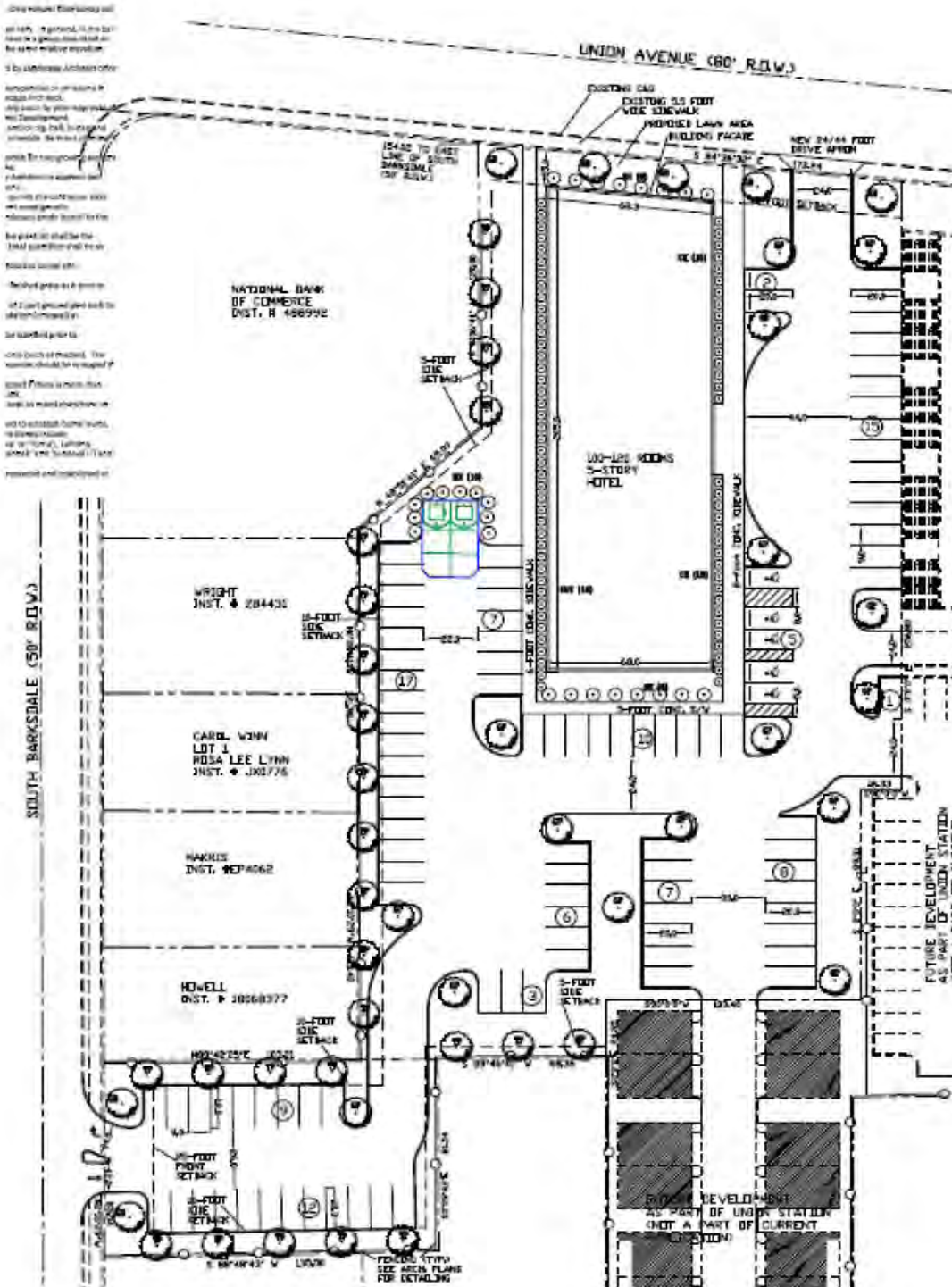
Date FEB 0 1 2022

Valerie C. Snipes
Deputy Comptroller-Council Records

CONDITIONS

1. Parking shall be in accordance with section 4.5.3 of the UDC.
2. The buildings along Union Avenue shall have a minimum of 60% building frontage. This condition shall be massaged as a part of the Administrative Site Plan Review process.
3. Light fixtures installed on the site shall meet the requirements and standards of the Unified Development Code.
4. Lighting for parking shall be arranged/positioned to prevent direct glare onto any residential property.
5. No drive-thru restaurant uses shall be permitted on this site or the adjacent future retail development site to the east without first receiving a recommendation from the Land Use Control Board followed with a final disposition by the City Council.
6. The applicant may need to submit a Trip Generation Report. This proposal shall be subject to the City Engineering Memorandum of Conformance process.
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. The applicant shall provide a minimum 6-foot sidewalk along Union Avenue.
10. No Certificate of Occupancy for the hotel property shall be issued until a building permit for either the commercial property or the townhouse property has been issued.

SITE PLAN



Site Plan Review

- A 3,305 square foot Whataburger drive-thru restaurant proposed;
- Front setback area includes outdoor dining, so minimum required front setback line is seven feet – that is unmet with northeastern corner of building at 7.6 feet and setback line tapers back to 15 feet at southeastern corner;
- Maximum permitted front setback line is 15 feet;
- The lot width is 180 feet and the building width is 87 feet;
- Minimum required building frontage percentage is 80 percent – this is unmet as the building frontage is 48 percent;
- Required side and rear setbacks are 0 feet when abutting nonresidential range – are met;
- Parking setback from street is 15 feet – is met at 15+ feet;
- Minimum transparency required from primary street is 50 percent - 60 percent of clear transparency and 40 percent spandrel transparency provided;
- Maximum blank wall area permitted is 25 feet – is met;
- Streetscape of four trees and shrubs provided;
- Eleven parking spaces are required at 1 per 300 sf of GFA – 45 spaces are provided;
- Drive-thru speaker and menu board located at rear of restaurant near western property line.

Analysis

In 2021, subsequent to a competitive Request for Proposals process, the City of Memphis sold the 3.66 acres once occupied by the Police Department Traffic Division. This coveted city property also included the 1.06 acres subject to the current request. Following the sale, Special Use Permit 2021-039 (SUP 21-039) was submitted and approved for just 1.92 acres allowing a five-story hotel. Initially the entire 3.66 acres were proposed as a mixed-use development consisting of a hotel, retail and multifamily uses. And there were renderings submitted with SUP 21-039 revealing a mixed-use development branded as Union Station.



Source: SUP 2021-039 Staff Report

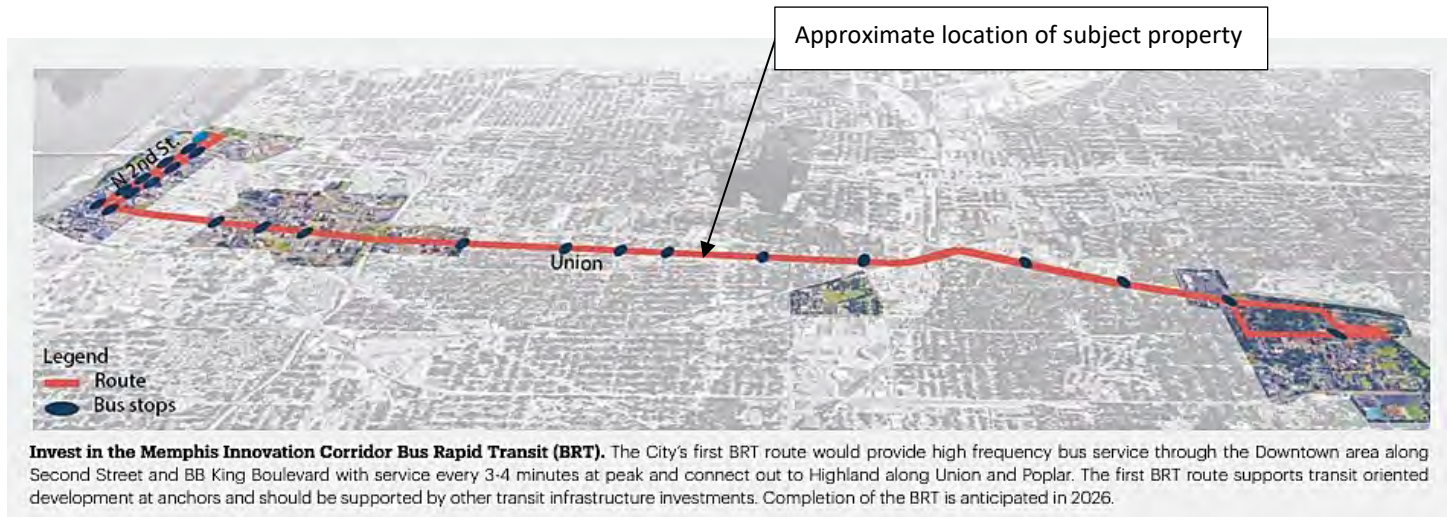
However, because this is in the Midtown Overlay and hotels require the issuance of a special use permit, the request was revised to only include the 1.92-acre hotel boundary. When the hotel request went to the Land

Use Control Board on January 13, 2022, a friendly amendment was added to the conditions stating that “No drive-thru restaurant uses shall be permitted on this site or the adjacent future retail development site to the east without first receiving a recommendation from the Land Use Control Board followed with a final disposition by the City Council.” Such being the nature of a transitioning Union Avenue and the pending Transit Oriented Development plan, staff was vigilant in trying to nurture transit-oriented uses.

When the Board’s recommendation went to City Council on February 1, 2022, the developer insisted that the proposed mixed-use development would continue as planned, and agreed to an additional condition that no certificate of occupancy would be issued for the hotel until building permits were filed for either the commercial or multifamily portions of the total 3.66-acre site. This condition speaks to the importance Council regarded for the site being developed as a quality mixed-use development. As the SUP 21-039 staff report stressed, “Union Avenue is one of the cities’ most traveled streets and an important connection from our downtown core, through midtown, to east Memphis.”

In addition to a drive-thru restaurant not being supported in SUP 21-039, a drive-thru at this location is antithetical to Memphis 3.0. The requested use is not consistent with the future land use designation Anchor Neighborhood-Mix of Building Types (AN-M). A designation that envisions a mixture of residential uses within walking distance to compatible mixed-use commercial (transit-oriented uses).

It also conflicts with the Memphis Innovation Corridor Bus Rapid Transit (BRT) plan. The BRT route is proposed to run east along Union Avenue from Downtown to the Poplar viaduct; therefore, this type of use will be disruptive to the BRT line. As an auto-oriented use, not only will a drive-thru restaurant negatively impact the BRT line, but it also impedes walkability and multimodal access.



Source: Memphis 3.0 Comprehensive Plan

RECOMMENDATION

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

Conditions

1. There shall be a minimum of 80% of building frontage.
2. The front setback area shall be a minimum of seven feet.
3. Streetscape standards as found in Section 4.3 of the Unified Development Code shall be met.
4. Outdoor lighting and access management must meet requirements as found in the UDC.
5. Incorporate native species into the landscape plan and Low-Impact Development (LID) practices to help manage stormwater runoff.
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.
7. Engineering ASPR will be required.

DEPARTMENTAL COMMENTS

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

City Engineer: See comments as follows:

MJR-24-020 (Cor. SUP-21-036)

NAME: 1925 Union Ave-Whataburger

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. Will require engineering ASPR.

Drainage:

11. 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.
12. 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.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
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.
15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City Fire Division:

See comments as follows:

Reviewed by: J. Stinson

Address or Site Reference: 1925 Union

- 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: See comments as follows:

From: Megan Farrell, Planner I

Date: April 24, 2024

Subject: OSR Comments on MJR 2024-020: CORE CITY

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 Applicant is requesting a major modification to allow a restaurant with a drive-thru. This is not located in a sensitive resilience zone.

Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes.

This application is consistent with the Mid-South Regional Resilience Master Plan. The site is located within Zone 1, where development is encouraged, which is consistent with Section 4.1 – Resilient Sites. The lot is currently developed, and this modification does not increase the existing impervious surface area, which is consistent with Section 2.3 – Low-Impact Development and Section 4.2 – Smart Growth. The site plan includes a landscaping plan, which adds pervious surface to the site. This improves stormwater management (Section 4.1 – Resilient Sites) and adds canopy coverage to the area (5.7 – Trees).

Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff recommends approval.

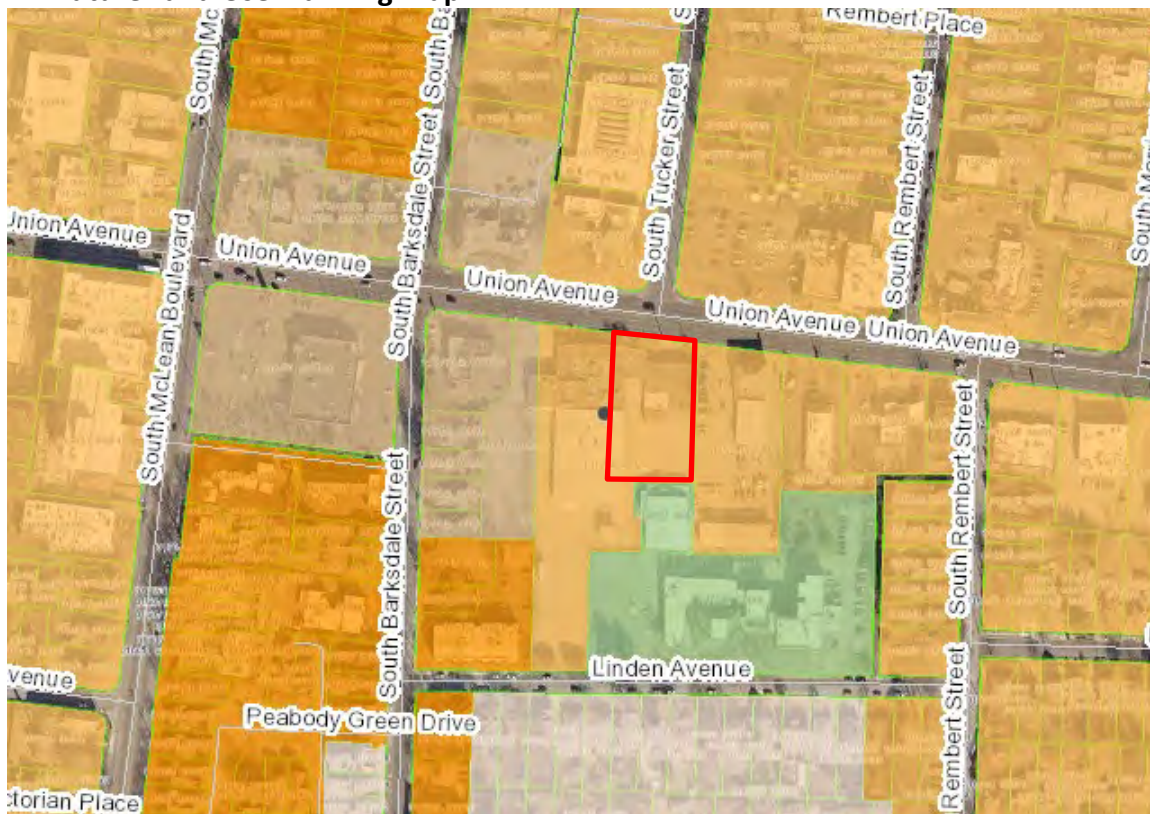
Staff suggests incorporating more native species in the landscape plan to maximize ecological benefits

and minimize maintenance. Integrating indigenous flora increases resilience and biodiversity. Native species provide ecosystem services such as water filtration, soil retention, and can also help mitigate climate change by trapping carbon dioxide, reducing stormwater runoff and flooding, and reducing air pollution.

Office of Comprehensive Planning: See comments as follows:
Site Address/Location: 1925 UNION AVE
Overlay District/Historic District/Flood Zone: In the Midtown Overlay District but not in the Historic District or Flood Zone
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)
Street Type: Parkway

The applicant is seeking approval for a major modification to construct a prototypical Whataburger restaurant. 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-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

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

“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.

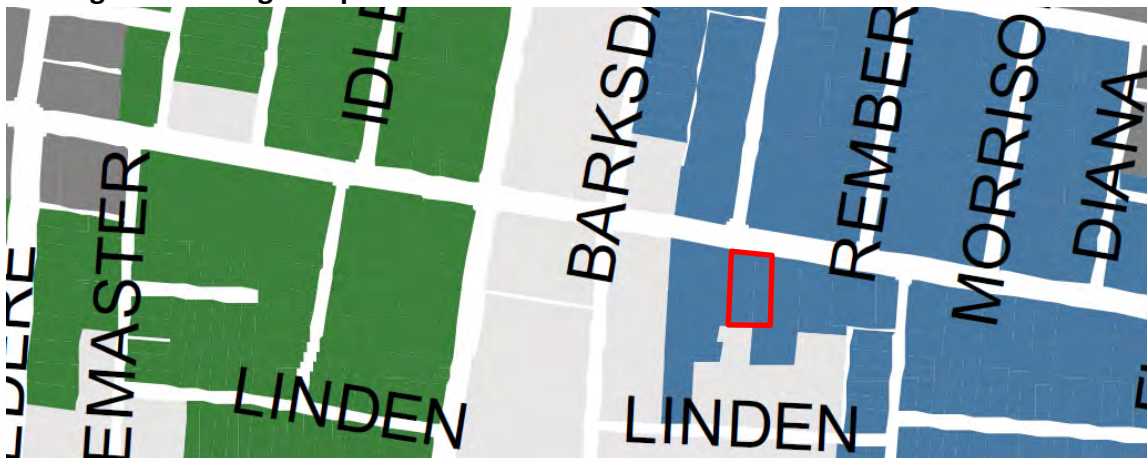
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Institutional, CMU-3

Adjacent Land Use and Zoning: Commercial, Multi-Family, Office, Institutional and Single-Family; CMU-3(H), CMU-1(H), R-6 and R-6(H)

Overall Compatibility: *This requested use is not consistent with the future land use description/intent, form & location characteristics, adjacent land use, however it is consistent with zoning notes and existing zoning.*

3. Degree of Change Map



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

4. Degree of Change Description

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place. *The proposed application is a private investment. However, the requested drive-thru is in conflict with the planned BRT Line on the Union Ave and will negatively impact the public transit system operation. This development will also impede pedestrian friendly development on Union Avenue.*

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities:

The requested use is not consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.9- Improve walkability and multimodal access within and around community and Citywide Anchors to promote local economies and connect neighborhood residents and local businesses.

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: N/A

Consistency Analysis Summary

The applicant is seeking approval for a major modification to construct a prototypical Whataburger restaurant.

This requested use is not consistent with the future land use description/intent, form & location characteristics, adjacent land use, however it is consistent with zoning notes and existing zoning.

The proposed application is a private investment. However, the requested drive-thru is in conflict with the planned BRT Line on the Union Ave and will negatively impact the public transit system operation. This development will also impede pedestrian friendly development on Union Avenue.

The requested use is not consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.9 - Improve walkability and multimodal access within and around community and Citywide Anchors to promote local economies and connect neighborhood residents and local businesses.

Additionally, the parcel is abutting an elementary school on the southeast corner and will negatively impact the adjacent neighborhood.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

119 Notices Mailed on 4/12/2024



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: MJR 2024-0020 (Corr. to SUP 2021-039)
LOCATION: 1925 Union Avenue
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Marissa Higgins
REQUEST: Major Modification application to allow a restaurant with a drive-thru

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, May 9, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a **recommendation** to the legislative body; the legislative body will take final action at a later date.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Kendra Cobbs at Kendra.Cobbs@memphistn.gov or (901) 636-6602 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, May 1, 2024, at 8 AM**.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Jackson Williams, Kimley-Horn,, being duly sworn, depose and say that at 3pm am/pm on the 23 day of April, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. MJR 2024-0020 at 1925 Union Avenue, Memphis, TN 38104, 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.

Jake Williams
Owner, Applicant or Representative

04-23-2024
Date

Subscribed and sworn to before me this 23 day of April, 2024.

Tracy Nevels
Notary Public

My commission expires: 10/4/2025



APPLICATION



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

East Service Center: 6465 Mullins Station Rd;
Memphis, Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Major Modification

Record Detail Information

Record Type: Major Modification

Record Status: Processing

Opened Date: March 28, 2024

Record Number: MJR 2024-020

Expiration Date:

Record Name: Whataburger Union and Barksdale

Description of Work: To construct a prototypical Whataburger restaurant on a portion of a lot known as 1925 Union Avenue. The overall site is approximately 1.06+/- acres and will consist of the restaurant building, associated parking, utility connections, grading and drainage, infrastructure and landscaping.

Parent Record Number:

Address:

1925 UNION AVE, MEMPHIS 38104

Owner Information

Primary Owner Name

Y EP3 DEVELOPERS LLC

Owner Address

9639 GRAYS MEADOW DR, CORDOVA, TN 38018

Owner Phone:

Parcel Information

016052 00029

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas Skinner

Date of Meeting

09/29/2023

Pre-application Meeting Type

Virtual

GENERAL INFORMATION

GENERAL INFORMATION

Justification for Request

The project sure was originally permitted under SUP 2021-39 that stated in conditions "No drive-thru restaurant uses shall be permitted on this site or the adjacent retail development sire to the east without first receiving a recommendation from the LUCB followed with a final disposition by the City Council." SUP 2021-39

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
 If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

No

-

GIS INFORMATION

Central Business Improvement District

No

Case Layer

Z92-115

Class

C

Downtown Fire District

No

Historic District

Central Gardens

Land Use

INSTITUTIONAL

Municipality

MEMPHIS

Overlay/Special Purpose District

Midtown Overlay

Zoning

CMU-3

Lot

N PT 1&2

State Route

1

Subdivision

TUCKER

Planned Development District

-

Wellhead Protection Overlay District

No

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 1925 Union Avenue

Property Parcel Number: 016052 00029

AREA INFORMATION

Name: Future Development

Size (Acres): 1.06

Existing Use of Property: Commercial Mixed Use

Requested Use of Property: Full Service Restaurant

Contact Information

Name
 MARISSA HIGGINS

Contact Type
 APPLICANT

Address

Phone
 (901)300-5843

Name
 LINDSEY HEARON

Contact Type
 ARCHITECT / ENGINEER /
 SURVEYOR

Address

Phone
 (901)300-5843

Name
 SANDIP PATEL

Contact Type
 PROPERTY OWNER OF
 RECORD

Address
 9639 GRAYS MEADOW DR, CORDOVA, TN, CORDOVA, TN, 38018

Phone
 (901)210-0345

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1551078	Major Modification Fee	1	300.00	INVOICED	0.00	03/28/2024
1551078	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	0.00	03/28/2024

Total Fee Invoiced: \$307.80

Total Balance: \$0.00

Payment Information

Payment Amount: \$307.80
 Method of Payment: Credit Card

OWNER 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, Sandip Patel (Print Name) [Signature] (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 1925 Union Ave, Memphis, TN 38104
and further identified by Assessor's Parcel Number 016052 00029
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 14th day of October in the year of 2023.

[Signature]
Signature of Notary Public



March 8, 2026
My Commission Expires

LETTER OF INTENT



March 28, 2024

Brett Ragsdale, Deputy Administrator
Memphis and Shelby County Division of Planning and Development
City Hall, 125 North Main Street, Suite 477
Memphis, Tennessee 38103

**RE: Letter of Intent - Correspondence Case to SUP 21-039
Whataburger NEQ S. Barksdale Street and Union Ave
1925 Union Avenue, Memphis, TN 38104**

Mr. Ragsdale:

On behalf of the applicant, Whataburger Restaurants LLC, we are submitting the enclosed application for consideration by the Land Use Control Board for a Modification to Special Use Permit (SUP) 21-039 to allow a drive thru restaurant. The project site was originally permitted under SUP 21-039 that stated in the conditions "No drive-thru restaurant uses shall be permitted on this site or the adjacent future retail development site to the east without first receiving a recommendation from the Land Use Control Board followed with a final disposition by the City Council." This application is proposing a Drive-Thru Restaurant seeking review and approval recommendation by the LUCB and City Council.

The proposed restaurant will consist of a 3,318 sq.ft. drive-thru restaurant with associated improvements parking and utilities. The site is at northeast quadrant of S. Barksdale Street and Union Avenue and comprises approximately 1.06 acres of land. The project will consist of a drive thru, outdoor patio fronting Union Avenue, dumpster enclosure at the rear of the property, parking and shared access to the adjacent development.

If you have any questions or need any additional information, please contact me at (901) 374-9109 or Lindsey.Hearon@Kimley-Horn.com

Sincerely,

A handwritten signature in black ink that reads "Lindsey Hearon".

Lindsey Hearon, P.E.
KIMLEY-HORN AND ASSOCIATES, INC.

LETTERS RECEIVED

One letter of inquiry, and 27 letters of opposition were received at the time of completion of this report and have subsequently been attached.

From: [Cobbs, Kendra](#)
To: [Jackson McNeil](#)
Subject: RE: MJR 2024-020 Question
Date: Friday, April 12, 2024 5:05:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

You're welcome. Right now it's on the May 9th LUCB agenda.



Kendra Cobbs, AICP
Planner III
Division of Planning and Development
125 N. Main, Ste. 468 Memphis, TN
38103
Phone: 901-636-6619
Email: Kendra.Cobbs@memphistn.gov



Visit our [website](#)

From: Jackson McNeil <Jackson@innovatememphis.com>
Sent: Friday, April 12, 2024 3:59 PM
To: Cobbs, Kendra <Kendra.Cobbs@memphistn.gov>
Subject: Re: MJR 2024-020 Question

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.

Great, thank you! I assume this hasn't been added to an agenda for a future LUCB meeting yet either?

From: Cobbs, Kendra <Kendra.Cobbs@memphistn.gov>
Date: Friday, April 12, 2024 at 3:41 PM
To: Jackson McNeil <Jackson@innovatememphis.com>
Subject: RE: MJR 2024-020 Question

Hi Jackson,

We're early on in review for these new cases. Engineering hasn't submitted comments just yet, but trip generation reports are something the applicant would submit to Traffic Engineering if required. Since the request is a required public hearing at Land Use Control Board, public hearing notices

went out today and the Board of Education was included. A public hearing notice sign will also have to be posted at the site.

I hope this helps,
Kendra



Kendra Cobbs, AICP
Planner III
Division of Planning and Development
125 N. Main, Ste. 468 Memphis, TN
38103
Phone: 901-636-6619
Email: Kendra.Cobbs@memphistn.gov



Visit our [website](#)

From: Jackson McNeil <Jackson@innovatememphis.com>
Sent: Friday, April 12, 2024 11:41 AM
To: Cobbs, Kendra <Kendra.Cobbs@memphistn.gov>
Subject: MJR 2024-020 Question



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender Jackson@innovatememphis.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.

Hi Kendra,

I hope you're doing well! I'm reaching out regarding project MJR 2024-020. I oversee a local transportation program that seeks to create cleaner air around schools and safer routes to school. I was extremely disappointed to see this applicant's request for a major modification to allow a drive thru at this site, especially considering its proximity (less than 100 feet) to an elementary school playground. Do you know if there has been a trip generation report submitted for this project? And has the school (Idlewild Elementary) been made aware of this?

Thanks,
Jackson



Jackson McNeil
Transportation & Mobility Director
Innovate Memphis
jackson@innovatememphis.com
901-206-3271
516 Tennessee St., Suite 422
Memphis, TN 38103

From: [Anne Edgar](#)
To: [Cobbs, Kendra](#)
Subject: OPPOSED to Whataburger
Date: Wednesday, April 24, 2024 6:54:30 PM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender anne@anneedgar.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.

Dear Ms Cobbs,

I am deeply opposed to erecting a Whataburger on Union Avenue, once one of Memphis's most gracious thoroughfares.

This area of midtown already offers a complement of fast food outlets. We Memphians don't need more. Only the developer does, for his own personal profit.

I'm also sure you know that Union Avenue is already backed up every weekday afternoon as parents pick up their children at Idlewild School.

Please register my opposition.

And thank you,

Anne Edgar

295 Hawthorne Street
Memphis, TN 38112

Anne Edgar

646 567 3586

anne@anneedgar.com

www.anneedgar.com

From: [Barbara Sysak](#)
To: [Cobbs, Kendra](#)
Subject: MJR 2024-020-1925 Union Ave
Date: Thursday, April 25, 2024 2:36:57 AM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender barbsysak@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.

Hello, regarding this case before LUCB, I am submitting my recommendation to NOT approve Whataburger for this site.

When I was President of Central Gardens Association, our neighbors came together to meet with the developers to discuss the site usage. There was great concern about adding significant traffic to an already busy neighborhood with an elementary school in the loop.

We were assured at the time, that there would be no drive through and or fast food additions to the site.

This is an unsafe scenario for our neighborhood- especially for our children. We have worked diligently to make the neighborhood more walkable. We need the city to help us!

Thank you.

Regards,
Barbara Sysak

From: [Candace C. Justice \(ccjustic\)](#)
To: [Cobbs, Kendra](#)
Subject: Land Use Control Board
Date: Tuesday, April 30, 2024 5:13:28 AM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender ccjustic@memphis.edu

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.

April 30,

I am writing to oppose the proposed Whataburger that developers plan to build at 1925 Union Avenue. That is already a very congested area with cars in and out of businesses and Idlewild school with parents already having to line up in their cars out in Union Avenue traffic. It would be insanity to allow a developer to build a 24-hour hamburger joint there. It is an accident waiting to happen! And it will greatly impact the livability of that whole neighborhood.

The proposal is MJR2024-O20-1925

Candy Justice
1701 York Avenue

From: [CAROL MALLORY](#)
To: [Cobbs, Kendra](#)
Subject: Whattaburger
Date: Saturday, April 27, 2024 4:16:11 PM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender cam2269@aim.com

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My name is Carol Ann Mallory. I live at 2240 Jefferson. 38104.

I am completely opposed to the proposed Union Avenue location for Whattaburger or any other fast food drive-thru. Traffic in the area is already a nightmare and a clear danger to all. Please register my disappointment with even considering this location. Thank you. Carol Ann Mallory

Sent from my iPhone

From: forblueskies04@aol.com
To: [Cobbs, Kendra](#)
Subject: MJR 2024-020-1925 Union Ave.
Date: Wednesday, April 17, 2024 5:25:42 PM

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MJR 2024-020-1925 Union Ave.

Please register my strong opposition to the above plan for a fastfood restaurant on this site, in direct violation of an agreement the developers made with the local preservationists and residents of the neighborhood. The traffic and noise this will create 24 hours a day will be only an added insult to the traffic already near this area of Union Avenue.

**Cary Miller
Humes Heights Neighborhood**

From: [corinne adrian](#)
To: [Cobbs, Kendra](#)
Subject: Fast food
Date: Saturday, May 11, 2024 3:53:30 PM

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

Dear Ms. Cobb,

Please vote no on a fast food restaurant at 1925 Union. Union is saturated with fast food . Chic fil a already backs up traffic and Ildewild School pick up Backs the street up more. Fast food restaurants cause more litter.Please vote against this idea!

Corinne Adrian

Corinne B. Adrian

Affiliate Broker

(901) 278-4380 Office

(901) 278-4390 Fax

(901) 496-1209 Cell



54 S Cooper • Memphis, TN 38104 • <http://sowellandco.com>

From: [cindy sharpe](#)
To: [Cobbs, Kendra](#)
Subject: MJR2024-020-1925 Union Ave.
Date: Tuesday, April 30, 2024 10:10:21 AM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender carveddesignsmemphis@gmail.com

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I am strongly opposed to putting a Whataburger in our neighborhood. We have major traffic issues now with the school. We also have issues with trash from all the drive throughs and cars speeding down the street. I have lived here for over 30 years and would love at some point if the city would see to putting an end to all the cut thru on our street as we haven't been able to get speed bumps that could help.
.Thank you for your consideration
Cynthia Sharpe
193 S Rembert St, Memphis, TN 38104

From: [Dave Harris](#)
To: [Cobbs, Kendra](#)
Cc: [Lisa Harris \(ranevjake@yahoo.com\)](mailto:ranevjake@yahoo.com)
Subject: MJR 2024-020-1925 Union Avenue
Date: Monday, April 29, 2024 10:55:31 AM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender dave@southardfinancial.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.

Ms. Cobbs,

We live in Central Gardens, near 1925 Union Avenue and would like to comment on the proposed development at that address. In short, we are 100% against allowing a fast food restaurant at that location, and are equally against allowing a drive-through, nonetheless a 24-hour drive-through. While we strongly encourage you and members of the LUCB to vote NO to a fast-food drive-through business at that location, It is important to understand the reasons for our objections.

1. There are already dozens of fast-food establishments along Union between East Parkway and Cleveland. They all generate traffic congestion, air pollution, and litter.
2. 1925 Union is only a few feet West of the Idelwild school crossing, which slows traffic on Union two times each day. And the lines of cars waiting to pickup kids from school will cause backups for cars trying to exit the Whataburger parking lot.
3. I (Dave) collect litter on a regular basis up and down McLean from Union south to Cowden. It is common for me to fill a 15-gallon garbage bag on that short walk, and the preponderance of litter consists of fast food wrappers, cups, lids, straws, condiment packets, and actual FOOD. The addition of another fast-food establishment (Whataburger or otherwise) will only increase the amount of litter in our neighborhood.
4. Midtown has some of the best independently and locally owned restaurants in the Memphis area, and fast-food establishments are out of character with the Midtown experience. While there are already a number of fast-food establishments littering Union Avenue in Midtown, that is no reason to add another to clog and litter the streets of our historic neighborhoods.
5. Finally, it is our understanding that the Midtown Action Coalition is also opposed to this and that they had an agreement with the developer NOT to include a drive-through in the development plans. It is also our understanding that the neighborhood immediately

adjacent to the development at 1925 Union Avenue made it clear to the developer that they are adamantly opposed to a fast-food drive-through at that location due to the safety of the children of Idelwild and the residents of the neighborhood.

Please DO NOT recommend that the LUCB accept this application and please recommend that they vote NO on the addition of a fast-food drive-through of any kind on the property.

Thanks.

Dave Harris and Lisa Harris

605 South McLean Boulevard

From: [david cotton](#)
To: [Cobbs, Kendra](#)
Subject: 1925 Union
Date: Thursday, April 18, 2024 9:00:16 PM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender cotton_da@yahoo.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.

Dear Ms. Cobbs,

I am writing to express my disappointment and dismay that consideration will be given to another fast food burger chain, Whataburger, to utilize the space of the old police station at 1925 Union. This is not in line with the original expressed intentions of the "developers". More consideration needs to be given to what takes place on this plott of land.

Thank you very much,

David Cotton

From: [Emily Graves](#)
To: [Cobbs, Kendra](#)
Subject: Opposition to Whataburger 1925 Union Ave - MJR 2024-020-1925 Union Ave
Date: Friday, April 19, 2024 1:14:08 PM

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

Dear Ms. Cobbs,

Please accept this email as opposition to the Whataburger with drive-thru proposed for the development at 1925 Union Avenue.

- 1) School traffic for Idlewild Elementary School (~750 feet away) creates major congestion on the adjacent residential streets already.
- 2) Drive-thru traffic for Chick-Fil-A (~500 feet east) already creates major congestion on Union Ave, particularly because there is no left turn lane for vehicles coming from the west -- Whataburger has the potential to render Union Ave into a one-lane road eastbound.

A solution which may ease some people's displeasure would be to pass and enforce an ordinance to prohibit and ticket cars (and the associated business) lining up on city streets when waiting for the drive-thru at any establishment throughout the city, as this also happens at Starbucks near Poplar and Ridgeway and at Chick-Fil-A at Poplar and Massey (although since their remodel this problem has eased substantially).

Thank you for your consideration,
Emily Graves, MD, FACS
1412 Carr Ave
Memphis TN 38104

From: [Gordon Alexander](#)
To: [Cobbs, Kendra](#)
Cc: [June West](#); [Emily Graves](#); doudnier@aol.com; [Laura Lanier](#); [Frank Campagna](#); forblueskies04@aol.com; [Linda Roper](#); [Justin Gillis](#); [Patrick Hopper](#); amishnomore@bellsouth.net; [Robert Gordon](#); [Marcia Clifton](#); ccjustic@memphis.edu; [Eric Porter](#); [Emily Bishop](#); [Laurie Stark](#); "Hunter Oppenheimer"; [kacky walton](#); [kathy edmundson](#); [Linda Sowell](#); linda.sowell@sowellrealtors.com; [Rodney Nash](#); [kacky walton](#)
Subject: RE: MJR 2024-020-1925 Union Ave
Date: Wednesday, April 24, 2024 1:45:11 PM

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.

In our two neighborhood meetings with Cameron Taylor and EP3 Developers, LLC, we were told that a restaurant would be in the final design of the site at 1925 Union Avenue. I told him personally the first time I met him that a restaurant there sounded like a good idea but a fast food-drive-through was the one item that our neighborhood did not want, as we are flooded with Union traffic as it is now. With this in mind, we supported their original application, after he made two important concessions concerning exits at Linden on the south and Barksdale on the west. Now they have returned with another application to add an even greater volume of traffic with the addition of a 24- hour Whataburger. I live a half-block off Union at 179 S. Rembert. Our neighborhood between Barksdale and Rembert is already clogged by Chick fil-A and Walgreen's traffic, as well as twice-a-day Idlewild School pick up and drop-offs. Sometimes the Idlewild school line stretches around Linden, down Rembert and onto the right lane of traffic on Union - right in front of where the Whataburger would be located at the old police precinct station. At school drop-off and pick-up times, how will Whataburger customers exit when they are met with a solid wall of Idlewild parents taking their children to and from school?

Cameron Taylor of EP3 Developers, LLC said he "doesn't recall" the conversation we had over two years ago about the fear of increased traffic with yet another fast food outlet on Union but he knows good and well that the neighborhood was, and is, adamantly opposed to a fast food drive-through of any type at that location.

I urge you, for the safety of our children and residents who watch daily as vehicles speed recklessly down our streets going to and from all the retail and food outlets on Union Avenue to vote "No!" to a fast-food drive-through business as part of this new development.

Respectfully yours,

Gordon Alexander, President
Midtown Action Coalition
179 S. Rembert
Memphis, 38104

From: [Gordon Alexander](#)
To: [Cobbs, Kendra](#)
Cc: [Gordon Alexander](#)
Subject: RE: MJR 2024-020-1925 Union Ave
Date: Wednesday, April 24, 2024 4:22:07 PM

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MAY I ADD THIS TO MY LETTER OF OPPOSITION I SENT TO YOU THIS AFTERNOON? IT SHOWS THE IDLEWILD SCHOOL TRAFFIC AT 3:00 PM IN FRONT OF THE SITE OF THE PROPOSED WHATABURGER.

Gordon Alexander
179 S. Rembert St.

From: [John T. Dulaney](#)
To: [Cobbs, Kendra](#)
Subject: MJR 2024-020-1925 Union Ave.
Date: Wednesday, April 24, 2024 2:18:23 PM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender jdulaney84@gmail.com

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Dear Ms. Cobb:

Regarding MJR 2024-020-1925 Union Avenue:

A fast-food drive-through eatery is the last business that should be planted in this area on Union Avenue. Allowing such a street-clogging business here will be an even worse decision than was the permit to construct the Starbuck's across the street on the corner of McLean – as anyone can testify who has to drive through this intersection. Please have mercy on Union drivers, other businesses, school parents, and nearby homeowners, and oppose this project.

Thank you.

John T. Dulaney
2428 Madison Ave.
Memphis, TN 38112
901-458-9134
jdulaney84@gmail.com

From: [JUNE WEST](#)
To: [Cobbs, Kendra](#)
Subject: What A Burger
Date: Thursday, April 18, 2024 9:41:52 AM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender june.west@comcast.net

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referencing MJR 2024-020-1925 Union Ave.

Dear Ms. Cobbs

I live in the area where the proposed development is being requested. This area of Union is already a major traffic problem due to a school zone drop off and pick up along with the city's busiest Walgreens. The development of a 24-hour drive thru restaurant will cause this area to be impossible to navigate safely.

When the developer first announced plans for this site, he met with the neighbors and agreed at that time to not put this sort of establishment at this location because he understood the traffic and safety issues. Yet a year later, he goes against his agreement and makes this application to build a fast-food restaurant and a 24 hour one at that.

I respectfully request that this application not be approved! Our neighborhood area on Union Ave. is already unsafe and this will only add to the problems.

Sincerely,

June West

1650 Peabody Ave.

Memphis, TN 38104

From: [Kyle Wood](#)
To: [Cobbs, Kendra](#)
Subject: MJR 2024-020-1925 Union Ave - NO WHATABURGER
Date: Thursday, April 18, 2024 9:31:38 AM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender krwood01@gmail.com

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Good morning,

I live at 182 S Rembert St. My wife, daughter (6 months), and I love living in Midtown. However, the traffic is atrocious and our street is a major thorough fare for drivers coming from Union Ave. This makes our street extremely dangerous for my family and neighborhood. We do not have speed bumps or any reinforcement for drivers driving over the speed limit.

Opening a 24 hour Whataburger this close to our neighborhood will only cause more damage to our street and impose more dangers and risks to our family.

I urge you to use this space for the good of Memphis and the good of our neighborhood. I am sure our neighborhood is open to other useful ideas for the betterment of our community.


Thank you,

Kyle Wood



Ragsdale, Brett

From: doudnier (null) <doudnier@aol.com>
Sent: Friday, May 17, 2024 1:28 PM
To: Cobbs, Kendra
Subject: MJR 2024-0020 : 1925 Union Avenue

 The CoM EmailSecurity System couldn't recognize this email as this is the first time you received an email from this sender doudnier@aol.com

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Ms. Cobb,

I'm writing today to oppose the proposed Whataburger at 1925 Union. Being a lifelong Midtowner, I've watched the traffic on Union Avenue go from bad to worse. Chick-fil-A traffic clogs the westbound side and a plethora of businesses in the same block as the proposed Whataburger already slow the eastbound traffic significantly. They include a very busy Panera as well as two banks and an auto glass repair company. In addition, Idlewild Elementary School is located on the same block directly to the south of the proposed site. Its morning drop off and afternoon pickup lines wrap completely around the block, impeding traffic into the existing businesses and bringing neighborhood traffic to a halt. A fast food restaurant in that block will create even greater chaos and an absolute traffic nightmare.

Please OPPOSE the proposed Whataburger at 1925 Union Avenue so that the already bad traffic situation won't become much worse.

Thank you,

Laura Lanier

From: [Laurie Stark](#)
To: [Cobbs, Kendra](#)
Subject: MJR 2024-020-1925 Union
Date: Wednesday, April 24, 2024 10:51:47 PM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender lstark@hobsonrealtors.com

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I live in the Tucker Jefferson neighborhood near Overton Square. I drive on Union every day, and it is already clogged with traffic by the Walgreens at Union and McLean, Panera bread, Chick Fil-a and the traffic from people dropping off and picking up their kids twice a day at Idlewild School. We do not need another drive through Whataburger restaurant in that location. Please vote NO on this issue. Union does not need any more traffic there at that location. Union doesn't need any more drive through restaurants at all, but especially there. Thank you for your consideration.

Laurie Stark

From: [Idlewild Elementary](#)
To: [Cobbs, Kendra](#)
Subject: Whataburger drive thru
Date: Wednesday, April 17, 2024 8:58:19 AM



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Hi there,

We are opposed to a drive through for the upcoming Whataburger on Union Ave. The increase in car fumes and people in their car being able to look into the school play area would have a negative impact on the school environment. Sadly, the "black top" area next to the upcoming Whataburger is the only play space for students 3-5, and a drive thru next door would not be appropriate.

Lizzy Langley
Idlewild PTO President

From: [Margaret Craddock](#)
To: [Cobbs, Kendra](#)
Subject: MJR 2024-020-1925 Union Avenue
Date: Tuesday, May 14, 2024 1:42:46 PM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender mcraddoc@comcast.net

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Dear Ms. Cobbs,

I am writing to oppose the approval of MJR 2024-020-1925 Union Avenue - What-a-Burger. Aside from the fact of the sad demise of Union Ave in the 50 years we have lived in Central Gardens, adding one more fast food operation on Union would be a mistake. As others have said the traffic situation in that block is already a concern - Walgreens, Idlewild, Panera Bread, Chick-Fill-A. Lots of cars already line up to turn left and right all hours of the day. It would be a mistake to grant prime real estate on Union to a 24-7 fast food restaurant. I am hopeful that the developer can find something much more appropriate and needed than a What-A-Burger. But if the Whataburger already has approval to be there, it most certainly shouldn't be allowed to have a drive-thru and definitely not a 24-hour drive-thru. Thank you

Margaret Craddock
1749 Harbert
Memphis, TN. 38104
margaretcaddock@me.com

From: mmwhite1949@gmail.com
To: [Cobbs, Kendra](#)
Subject: What-a-burger
Date: Wednesday, May 15, 2024 11:42:21 AM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender mmwhite1949@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.

Dear Ms: Cobbs:

I am writing to add my voice to the many Central Gardens residents who are totally and completely opposed to the 24/7 What-a-burger drive through at the old Union Ave. MPD site. This idea is just about the worst that could be considered. The traffic jams on Union from Starbucks, Chick fil-a, Idlewild school and more are already dangerous. The location will make it impossible for patrons to exit or enter during school drop off and pick up hours. Trash will be everywhere and with 24/7 hours crime is sure to be an issue. Based on previous discussions and promises the applicant cannot be trusted to care about the integrity of our historic neighborhoods. I ask you please do not approve this application.

Melanie White
1491 Vinton
38104
Sent from my iPhone

From: mhare1222@comcast.net
To: [Cobbs, Kendra](#)
Subject: reference MJR 2024-0020 : 1925 Union Avenue
Date: Tuesday, May 21, 2024 4:15:20 PM



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Right around the corner from my house, at the site of the old police precinct, a "bait and switch" scheme is threatening our neighborhood south of Union Avenue. We supported the new project by Cameron Taylor and EP3 Developers, LLC until they dismissed the idea of a restaurant there and presented the Land Use Control Board with an application for a Whataburger. The LAST thing we need in my neighborhood is more traffic spilling off Union from yet another drive-through burger chain, what with the added inconvenience of the Idlewild School line twice a day, which usually stretches all the way up the right, eastbound lane of Union to Walgreen's.

From: [Michelle Repass](#)
To: [Cobbs, Kendra](#)
Subject: MJR-2024-020-1925
Date: Thursday, April 18, 2024 10:52:15 AM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender michellerepass@comcast.net

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.

Hello-

I'm writing to beseech of you not to allow another fast food restaurant at 1925 Union Avenue. Traffic is unbearable as it is, Whatsburger serves horrible food with horrible service and would be an enormous orange and white eyesore on Union Ave.

We don't need this in our area. Please vote it down. In doing so you will protect the adjoining neighborhoods and our local restaurants.

Thank you for your time,

Michelle Repass

Land Use Control Board
MJR 2024-020-1925 Union Ave.
Attn: Kendra.Cobbs@memphistn.gov



Land Use Control Board:

We oppose the drive thru restaurant on Union because such an establishment is a bad idea at that location.

The Idlewild School traffic creates regular lane blockage extending around onto Union back to Barksdale. As well, Chick Fil-A is causing a traffic issue across the street. Union is unsafe enough as it is, and we do not want to see more traffic accidents there.

Further, drive-thru order windows cause a great racket. Please stand a block away, especially on a crisp night, and see if you'd order with the same condiments; the voices carry quite a ways. If approved, these drive thru establishments must provide proper noise protection for their residential neighbors—more than has been previously required.

We look forward to a safer Union Avenue with a hotel or some kind of business or establishment with less stop and go traffic and less noise pollution for the neighbors.

Thank you.

Emily Bishop

A handwritten signature in black ink, appearing to read "Robert Gordon".

Emily Bishop
President, MidtownMemphis.org

Robert Gordon
P&D Cmte Chair

EXECUTIVE COMMITTEE

Emily Bishop

Karen Lebovitz

Karen Edwards

Sterling Owens

BOARD OF DIRECTORS

Kerri Campbell

Chip Clay

Robert Gordon

Trace Hallowell

Jackie Nichols

Linda Sowell


66 S. Cooper St., Ste. 506
Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

Ragsdale, Brett

From: Nathalie Aguilar <natalhientn@gmail.com>
Sent: Tuesday, April 9, 2024 6:46 PM
To: Cobbs, Kendra

 The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender natalhientn@gmail.com

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Hello,

I am writing to express my opposition on allowing a drive through restaurant to be built on 1925 Union Ave. There are plenty of vacant fast food places already on Union that can accommodate a fast food restaurant.

Thank you
Nathalie Aguilar

From: [Robert Gordon](#)
To: [Cobbs, Kendra](#)
Subject: MJR 2024-020-1925 Union Ave. OPPOSED
Date: Wednesday, May 1, 2024 6:45:34 AM

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.

Land Use Control Board
MJR 2024-020-1925 Union Ave.
Attn: Kendra.Cobbs@memphistn.gov

Land Use Control Board:

We oppose the drive thru restaurant on Union because such an establishment is a bad idea at that location.

The Idlewild School traffic creates regular lane blockage extending around onto Union back to Barksdale. As well, Chick Fil-A is causing a traffic issue across the street. Union is unsafe enough as it is, and we do not want to see more traffic accidents there.

Further, drive-thru order windows cause a great racket. Please stand a block away, especially on a crisp night, and see if you'd order with the same condiments; the voices carry quite a ways. If approved, these drive thru establishments must provide proper noise protection for their residential neighbors—more than has been previously required.

We look forward to a safer Union Avenue with a hotel or some kind of business or establishment with less stop and go traffic and less noise pollution for the neighbors.

Thank you.

Robert Gordon
Central Gardens

www.TheRobertGordon.com

From: [Anni](#)
To: [Cobbs, Kendra](#)
Subject: MJR 2024-020 1925 Union Avenue
Date: Monday, May 20, 2024 3:04:07 PM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender anniwalker1@hotmail.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.

Dear Ms. Cobbs,

As a longtime midtown resident, frequenting Union Avenue, I would like to express my opposition to the proposed 24 hr drive-thru Whataburger at this location.

There already are numerous fast food restaurants within a few blocks of this location. But, most importantly, Idlewild Elementary School, which at school begin and end produces long lines and congestion on Union Avenue and the immediate residential neighborhood to the south.

The developers initially agreed to a restaurant, but NOT a fast food one at this location. Out of respect for the neighborhood they should be held to that plan.

Thank you,
Anni Warren-Walker
202 S. Cooper

From: [Will Mason](#)
To: [Cobbs, Kendra](#)
Subject: MJR 2024-020-1925 Union Ave
Date: Wednesday, April 17, 2024 1:49:05 PM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender wmason540@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.

Hi Kendra,

I'm writing to show my opposition to the Whataburger development project (MJR 2024-020-1925 Union Ave). I live on Rembert a block away. This will bring interstate traffic and more congestion to Union. I have the visions of making Memphis more beautiful and another fast food chain is not the answer. Thank you for your consideration.

Best ,
Will Mason
770-317-7579



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd;
Memphis, Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Major Modification

Record Detail Information

Record Type: Major Modification

Record Status: Processing

Opened Date: March 28, 2024

Record Number: MJR 2024-020

Expiration Date:

Record Name: Whataburger Union and Barksdale

Description of Work: To construct a prototypical Whataburger restaurant on a portion of a lot known as 1925 Union Avenue. The overall site is approximately 1.06+/- acres and will consist of the restaurant building, associated parking, utility connections, grading and drainage, infrastructure and landscaping.

Parent Record Number:

Address:

1925 UNION AVE, MEMPHIS 38104

Owner Information

Primary Owner Name

Y EP3 DEVELOPERS LLC

Owner Address

9639 GRAYS MEADOW DR, CORDOVA, TN 38018

Owner Phone

Parcel Information

016052 00029

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas Skinner

Date of Meeting

09/29/2023

Pre-application Meeting Type

Virtual

GENERAL INFORMATION

GENERAL INFORMATION

Justification for Request

The project sure was originally permitted under SUP 2021-39 that stated in conditions "No drive-thru restaurant uses shall be permitted on this site or the adjacent retail development sire to the east without first receiving a recommendation from the LUCB followed with a final disposition by the City Council." SUP 2021-39

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

-

GIS INFORMATION

Central Business Improvement District

No

Case Layer

Z92-115

Class

C

Downtown Fire District

No

Historic District

Central Gardens

Land Use

INSTITUTIONAL

Municipality

MEMPHIS

Overlay/Special Purpose District

Midtown Overlay

Zoning

CMU-3

Lot

N PT 1&2

State Route

1

Subdivision

TUCKER

Planned Development District

-

Wellhead Protection Overlay District

No

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 1925 Union Avenue

Property Parcel Number: 016052 00029

AREA INFORMATION

Name: Future Development

Size (Acres): 1.06

Existing Use of Property: Commercial Mixed Use

Requested Use of Property: Full Service Restaurant

Contact Information

Name
MARISSA HIGGINS

Contact Type
APPLICANT

Address

Phone
(901)300-5843

Name
LINDSEY HEARON

Contact Type
ARCHITECT / ENGINEER /
SURVEYOR

Address

Phone
(901)300-5843

Name
SANDIP PATEL

Contact Type
PROPERTY OWNER OF
RECORD

Address
9639 GRAYS MEADOW DR, CORDOVA, TN, CORDOVA, TN, 38018

Phone
(901)210-0345

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1551078	Major Modification Fee	1	300.00	INVOICED	0.00	03/28/2024
1551078	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	0.00	03/28/2024

Total Fee Invoiced: \$307.80

Total Balance: \$0.00

Payment Information

Payment Amount **Method of Payment**
\$307.80 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, Sandip Patel  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 26th day of October in the year of 2023.


Signature of Notary Public



March 8, 2026
My Commission Expires



March 28, 2024

Brett Ragsdale, Deputy Administrator
Memphis and Shelby County Division of Planning and Development
City Hall, 125 North Main Street, Suite 477
Memphis, Tennessee 38103

*RE: Letter of Intent - Correspondence Case to SUP 21-039
Whataburger NEQ S. Barksdale Street and Union Ave
1925 Union Avenue, Memphis, TN 38104*

Mr. Ragsdale:

On behalf of the applicant, Whataburger Restaurants LLC, we are submitting the enclosed application for consideration by the Land Use Control Board for a Modification to Special Use Permit (SUP) 21-039 to allow a drive thru restaurant. The project site was originally permitted under SUP 21-039 that stated in the conditions "No drive-thru restaurant uses shall be permitted on this site or the adjacent future retail development site to the east without first receiving a recommendation from the Land Use Control Board followed with a final disposition by the City Council." This application is proposing a Drive-Thru Restaurant seeking review and approval recommendation by the LUCB and City Council.

The proposed restaurant will consist of a 3,318 sq.ft. drive-thru restaurant with associated improvements parking and utilities. The site is at northeast quadrant of S. Barksdale Street and Union Avenue and comprises approximately 1.06 acres of land. The project will consist of a drive thru, outdoor patio fronting Union Avenue, dumpster enclosure at the rear of the property, parking and shared access to the adjacent development.

If you have any questions or need any additional information, please contact me at (901) 374-9109 or Lindsey.Hearon@Kimley-Horn.com

Sincerely,

A handwritten signature in blue ink that reads "Lindsey Hearon".

Lindsey Hearon, P.E.
KIMLEY-HORN AND ASSOCIATES, INC.

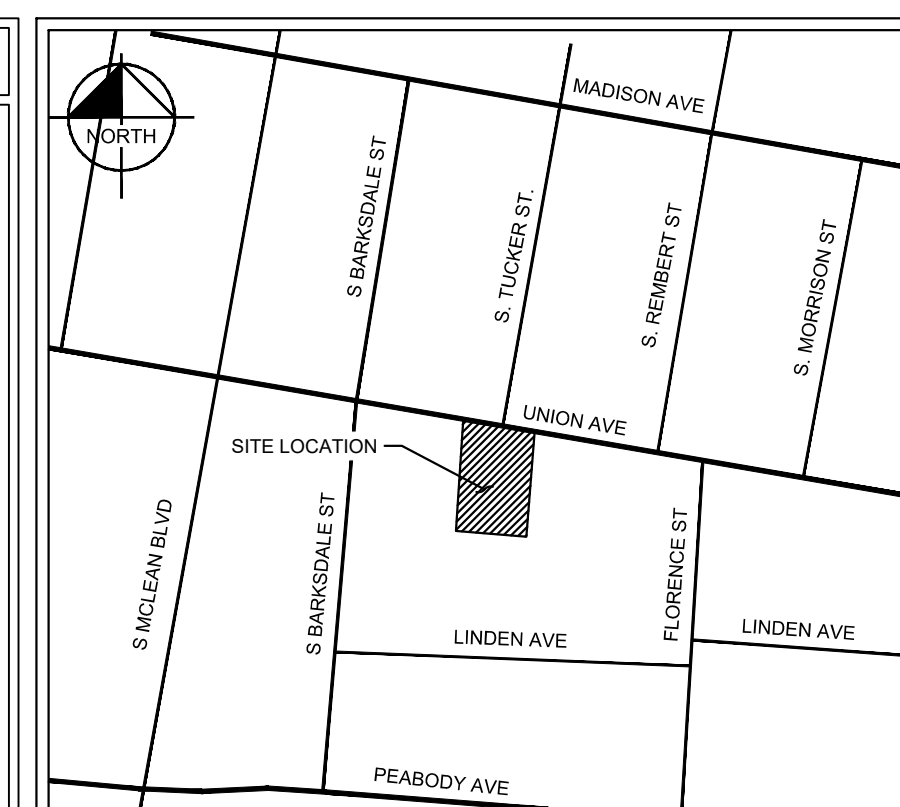
**SOUTH BARKSDALE STREET
(50' R.O.W. - PUBLIC)**

**UNION AVENUE
(80' R.O.W. - PUBLIC)**

**LINDEN AVENUE
(50' R.O.W. - PUBLIC)**

PLAT NOTES

1. NO STRUCTURE AND NO FENCE, WALL, HEDGE, SHRUB PLANTING OR OTHER OBSTACLE WHICH OBSTRUCTS SIGHT LINES AT A HEIGHT BETWEEN TWO (2) AND SIX (6) FEET ABOVE THE CURB HEIGHT SHALL BE PLACED OR PERMITTED OR REMAIN ON ANY LOT WITHIN THE CLEAR SIGHT AREA FORMED BY THE STREET RIGHT-OF-WAY LINES AND A SIGHT LINE AS SHOWN ON THIS PLAT. NO TREES SHALL BE PERMITTED TO REMAIN WITHIN THE CLEAR SIGHT AREA UNLESS THE FOLIAGE LEVEL IS MAINTAINED AT A HEIGHT OF NOT LESS SIX (6) FEET ABOVE CURB HEIGHT TO PERMIT UNOBSTRUCTED VISION ACROSS THE CLEAR SIGHT AREA.
2. NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENTS. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS.
3. RESTRICTIVE COVENANTS AND SIMILAR DOCUMENTS ARE PRIVATE IN SCOPE AND NOT SUBJECT TO GOVERNMENTAL APPROVAL OR ENFORCEMENT.
4. ALL COMMONS, OPEN AREAS, LAKES, DRAINAGE DETENTION FACILITIES, PRIVATE STREETS, PRIVATE SEWER AND PRIVATE DRAINAGE SYSTEMS SHALL BE OWNED AND MAINTAINED BY A PROPERTY OWNER'S ASSOCIATION.
5. THE CITY OF MEMPHIS SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES AND YARDS.
6. PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (ROW) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO THE CITY OF MEMPHIS ROW INCLUDE BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY APRONS AND UTILITY TIE-INS. ROW PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PH 636-6700.
7. NO SIGHT OBSTRUCTION MAY BE WITHIN THE AREA TO BE KEPT CLEAN. A SIGHT OBSTRUCTION IS CONSIDERED ANY OBJECT WHOSE HEIGHT IS GREATER THAN THREE FEET ABOVE THE GRADE OF THE RESPECTIVE CENTER LINES OF THE INTERSECTING STREET, DRIVEWAY, OR VEHICULAR ACCESS EASEMENT OR TRACT.



VICINITY MAP
SCALE: NOT TO SCALE

LEGEND

- PROPOSED BUILDING
- PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- PROPOSED CONCRETE SIDEWALK PAVEMENT
- PROPOSED HEAVY DUTY CONCRETE PAVEMENT
- PROPOSED HEAVY DUTY CONCRETE DUMPSTER PAD
- PARKING COUNT
- PROPERTY LINE
- REQUIRED BUILDING SETBACK
- BUILDING OVERHANG

STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION
UNION AVENUE	8'	SOUTH	AT BACK OF CURB

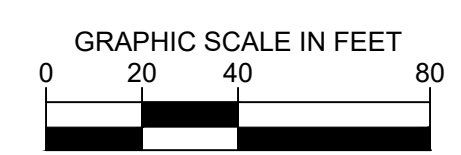
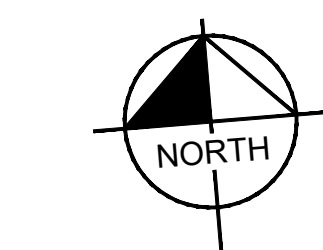
GENERAL INFORMATION:

FEMA FIRM MAP NO: 47157C0290F DATED: SEPTEMBER 28, 2007
NO PORTION OF THE LOT LIES WITHIN THE 100 - YEAR FLOODPLAIN

SITE BENCHMARK
MLG&W MONUMENT IS LOCATED IN S/WALK ON S. SIDE OF UNION AVE., AT ADDRESS # 1971 AND BEING 335 FEET EAST OF THE EAST PROPERTY LINE OF SUBJECT PROPERTY
ELEVATION: 283.88 (NAVD88)

100 YEAR FLOOD ELEVATION 233.00±
PER F.E.M.A PANEL 47157C0290F DATED SEPTEMBER 28, 2007, THIS PROPERTY IS LOCATED IN ZONE X "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".

SEWER BASIN ID: FS-4
DRAINAGE BASIN: LICK CREEK - 2K



OVERALL SITE PLAN

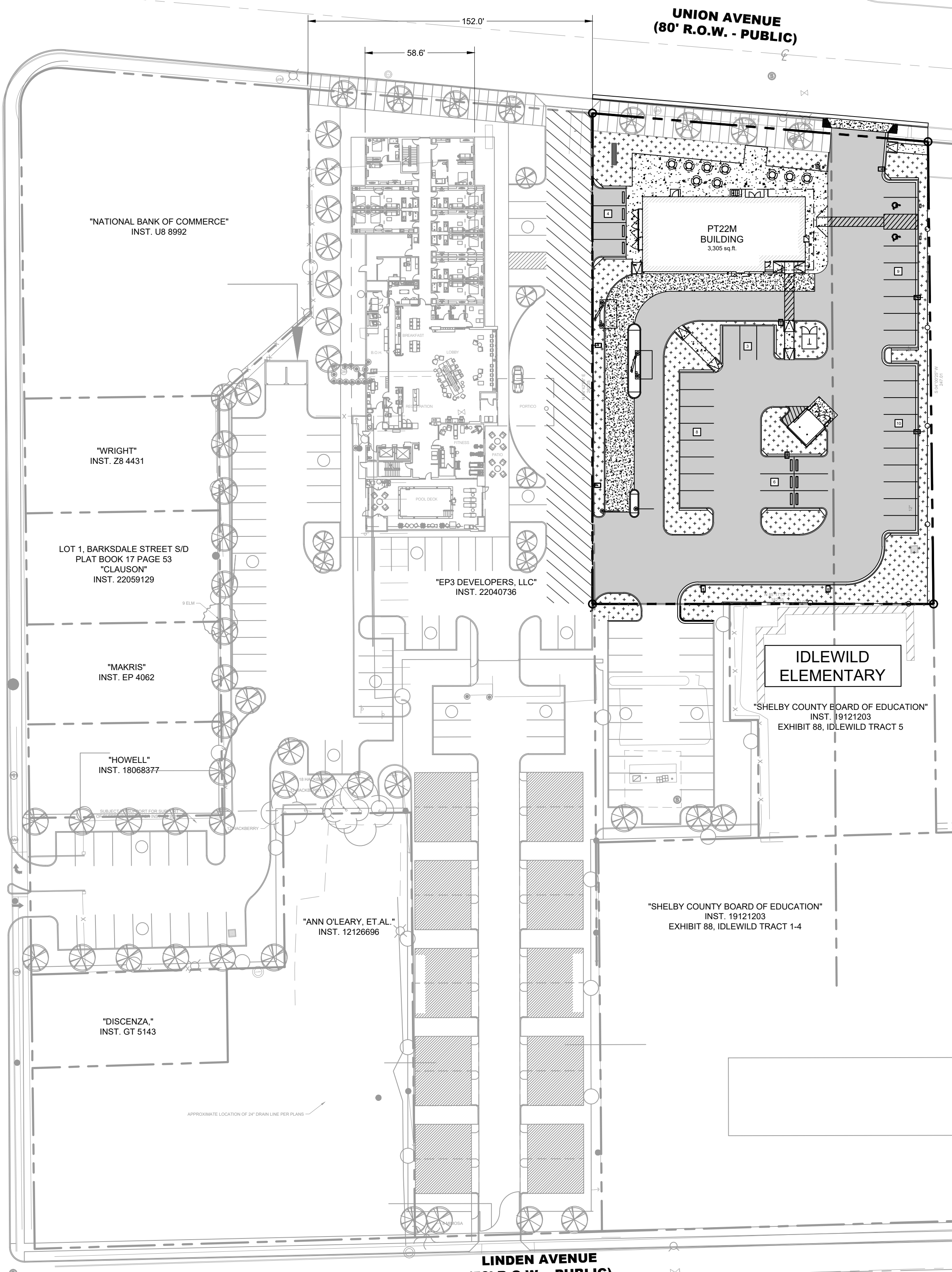
SPECIAL USE PERMIT

WHATABURGER - UNION AND BARKSDALE AVE

CASE NUMBER: TBD PARCEL NUMBER: 016052 00029

MEMPHIS, SHELBY COUNTY, TENNESSEE

NUMBER OF LOTS: 1	ACREAGE: ±1.06 ACRES	DISTRICT 08, BLOCK 0807
DEVELOPER: WHATABURGER RESTAURANTS, LLC	ENGINEER: Kimley»Horn	
100 YR FLOOD ELEV: *NOT APPLICABLE	FEMA MAP PANEL NUMBER: 47157C0290F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MARCH 2024	SCALE: AS SHOWN	SHEET 1 OF 5



"AUTO GLASS COMPANY OF MEMPHIS, INC."
INST. US 4311 & M8 5628
PART OF LOT 2, MRS. TUCKER'S PROPERTY
PLAT BOOK 1 PAGE 19

**IDLEWILD
ELEMENTARY**

"SHELBY COUNTY BOARD OF EDUCATION"
INST. 19121203
EXHIBIT 88, IDLEWILD TRACT 5

"SHELBY COUNTY BOARD OF EDUCATION"
INST. 19121203
EXHIBIT 88, IDLEWILD TRACT 1-4

"NATIONAL BANK OF COMMERCE"
INST. U8 8992

"WRIGHT"
INST. Z8 4431

LOT 1, BARKSDALE STREET S/D
PLAT BOOK 17 PAGE 53
"CLAUSON"
INST. 22059129

"MAKRIS"
INST. EP 4062

"HOWELL"
INST. 18068377

"DISCENZA,"
INST. GT 5143

"ANN O'LEARY, ET.AL."
INST. 12126696

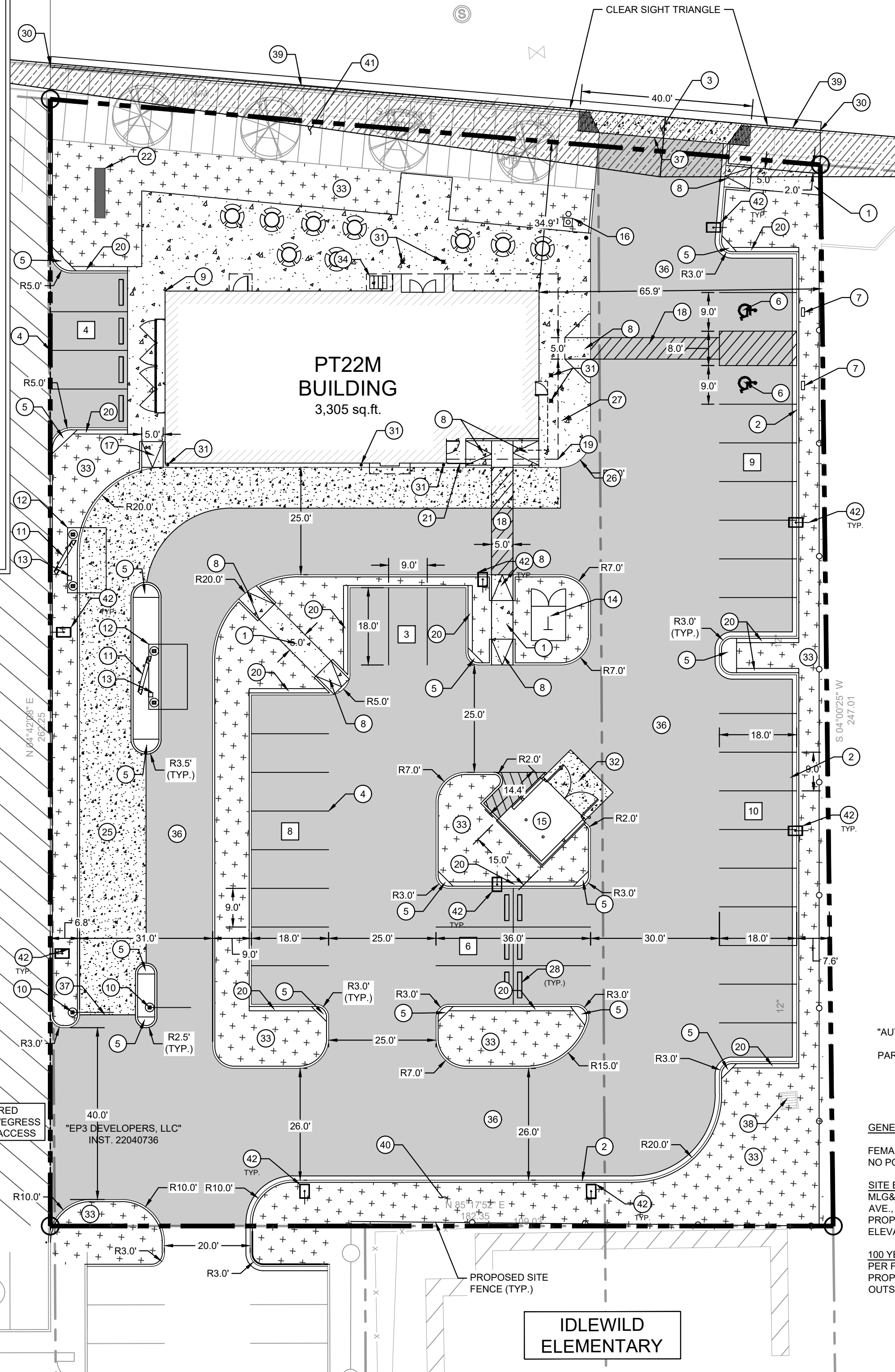
"EP3 DEVELOPERS, LLC"
INST. 22040736

APPROXIMATE LOCATION OF 24" DRAIN LINE PER PLANS

PLAT NOTES

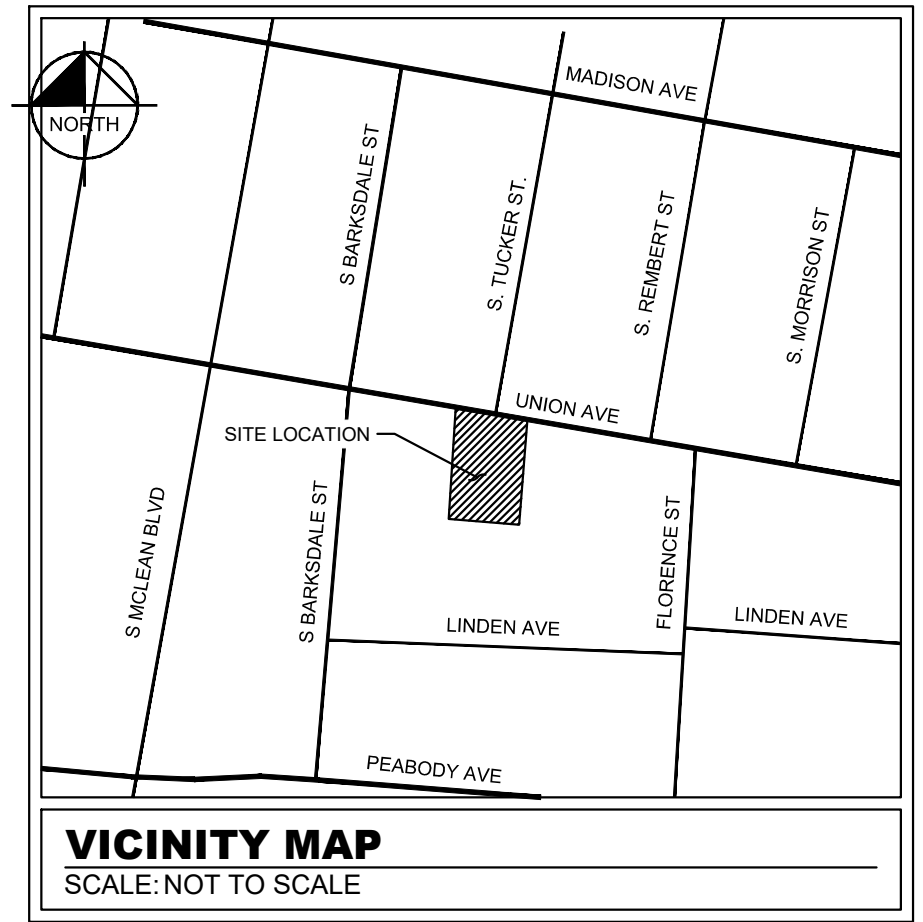
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**UNION AVENUE
(80' R.O.W. - PUBLIC)**



KEYNOTE INDEX

- | | |
|----|--|
| 1 | 5' WIDE CONCRETE SIDEWALK; REFER TO CONSTRUCTION DETAILS |
| 2 | 6-18 CONCRETE CURB AND GUTTER; REFER TO CONSTRUCTION DETAILS |
| 3 | PROPOSED CITY OF MEMPHIS COMMERCIAL DRIVEWAY CURB CUT |
| 4 | PAVEMENT MARKING - 4" SOLID WHITE; REFER TO CONSTRUCTION DETAILS |
| 5 | CONCRETE ISLAND NOSE; REFER TO CONSTRUCTION DETAILS |
| 6 | ACCESSIBLE PARKING STALL; REFER TO CONSTRUCTION DETAILS |
| 7 | ACCESSIBLE SIGN MOUNTED ON BOLLARD; REFER TO CONSTRUCTION DETAILS |
| 8 | ACCESSIBLE CURB RAMP; REFER TO CONSTRUCTION DETAILS |
| 9 | EDGE OF STRUCTURAL SLAB; REFER TO GRADING FOR ELEVATIONS |
| 10 | HEADACHE BARS; REFER TO ARCHITECTURAL DRAWINGS |
| 11 | DRIVE THRU MENU BOARD; REFER TO ARCHITECTURAL DRAWINGS |
| 12 | DRIVE-THRU CANOPY; REFER TO ARCHITECTURAL DRAWINGS |
| 13 | DRIVE-THRU SPEAKER BOX; REFER TO ARCHITECTURAL DRAWINGS |
| 14 | TRANSFORMER PAD. COORDINATE WITH UTILITY |
| 15 | 13'x14' DUMPSTER ENCLOSURE WITH STEEL BOLLARDS FOR REQUIRED SCREENING; REFER TO STRUCTURAL AND ARCHITECTURAL DRAWINGS |
| 16 | FLAG POLE WITH GROUND MOUNTED LIGHTS. UNITED FLAG AND BANNER OR APPROVED EQUAL. 30' x 5' x .125" WALL THICKNESS. 1-PC TAPERED ALUMINUM COMMERCIAL FLAGPOLE. BRUSHED SATIN ALUMINUM FINISH WITH 14 GA ALUMINUM BALL FINIAL. INCLUDE ALUMINUM ROLLER AND SLEEVE. HARDWARE TO INCLUDE STATIONARY TRUCK, NYLON FLAGSNAPS AND HALYARD. ENTIRE ASSEMBLY (INCLUDING FOUNDATION) TO CONFIRM TO APPLICABLE CODES, INCLUDING WIND LOADS. SEE DETAILS D5/ S5.1 FOR FOUNDATION DETAIL AND SEE DETAIL A4/E5.2 FOR LIGHT DETAILS |
| 17 | SERVICE RAMP; REFER TO CONSTRUCTION DETAILS |
| 18 | PEDESTRIAN CROSSWALK / WALKWAY; REFER TO CONSTRUCTION DETAILS |
| 19 | BUILDING OVERHANG; REFER TO ARCHITECTURAL DRAWINGS |
| 20 | GRANITE STRIPS; REFER TO LANDSCAPE DETAILS |
| 21 | PEDESTRIAN GUARDRAIL; REFER TO ARCHITECTURAL DRAWINGS |
| 22 | MONUMENT SIGN; REFER TO ARCHITECTURAL AND STRUCTURAL DRAWINGS |
| 23 | PROPOSED WATER METER; REFER TO UTILITY PLAN AND CONSTRUCTION DETAILS |
| 24 | PROPOSED BACKFLOW PREVENTER LOCATED IN FIRE RISER ROOM; REFER TO PLUMBING PLANS |
| 25 | PROPOSED HEAVY DUTY CONCRETE PAVEMENT |
| 26 | 6" VERTICAL CURB; REFER TO CONSTRUCTION DETAILS |
| 27 | TURNDOWN SIDEWALK; REFER TO CONSTRUCTION DETAILS |
| 28 | CONCRETE WHEELSTOP; REFER TO CONSTRUCTION DETAILS |
| 29 | PROPOSED LIGHT POLE; REFER TO PHOTOMETRIC PLANS |
| 30 | TIE TO EXISTING; MATCH EXISTING CURB/PAVEMENT GRADE AND ALIGNMENT |
| 31 | 6" BOLLARDS; REFER TO ARCHITECTURAL DETAILS |
| 32 | PROPOSED HEAVY DUTY CONCRETE PAVEMENT FOR DUMPSTER APRON/APPROACH |
| 33 | PROPOSED LANDSCAPE AREA; REFER TO LANDSCAPE PLANS |
| 34 | PROPOSED BIKE RACK; REFER TO CONSTRUCTION DETAILS |
| 35 | TIE PROPOSED RETAINING WALL INTO EXISTING RETAINING WALL |
| 36 | PROPOSED HEAVY DUTY ASPHALT PAVEMENT |
| 37 | PAVEMENT TRANSITION-CONCRETE TO ASPHALT. REFER TO CONSTRUCTION DETAILS |
| 38 | EXISTING DRAINAGE STRUCTURE TO REMAIN |
| 39 | 6-30 CURB AND GUTTER; REFER TO CONSTRUCTION DETAILS |
| 40 | PROPOSED CITY OF MEMPHIS CLASS III, TYPE B YARD BUFFER |
| 41 | SCAPE DESIGN BY OTHERS |
| 42 | PROPOSED LIGHT POLE LOCATION |



LEGEND

- | | |
|-----------------------|---|
| [Hatched Box] | PROPOSED BUILDING |
| [Dotted Box] | PROPOSED HEAVY DUTY ASPHALT PAVEMENT |
| [Cross-hatched Box] | PROPOSED CONCRETE SIDEWALK PAVEMENT |
| [Horizontal Line Box] | PROPOSED HEAVY DUTY CONCRETE PAVEMENT |
| [Vertical Line Box] | PROPOSED HEAVY DUTY CONCRETE DUMPSTER PAD |
| [Diagonal Line Box] | SHARED INGRESS/EGRESS CROSS ACCESS |
| [X] | PARKING COUNT |
| [Dashed Line] | PROPERTY LINE |
| [Dotted Line] | REQUIRED BUILDING SETBACK |
| [Long Dashed Line] | BUILDING OVERHANG |

SITE DATA TABLE

PROPERTY INFORMATION:	
SITE LOCATION:	1925 UNION AVENUE
GROSS SITE AREA:	46,039 ± SF (1.06± AC)
PROPOSED IMPERVIOUS AREA:	36,515 ± SF (0.84± AC)
PROPOSED PERVIOUS AREA:	9,524± SF (0.22± AC)
PROPOSED BUILDING AREA:	3,318 SF
PROPOSED FAR:	0.07
PARKING DATA:	
MIN. REQUIRED PARKING:	40 STALLS
ADA PARKING PROVIDED:	2 STALLS
TOTAL PARKING PROVIDED:	40 STALLS
BIKE PARKING REQ.:	4 SPACES
BIKE PARKING PROVIDED:	4 SPACES
ZONING:	
ZONING:	CMU-3 (COMMERCIAL MIXED-USE WITHIN MIDTOWN DISTRICT OVERLAY)
EXISTING USE:	COMMERCIAL MIXED USE
PROPOSED USE:	FULL-SERVICE RESTAURANT
SURROUNDING ZONING (NORTH):	RJ-3 (RESIDENTIAL URBAN)
SURROUNDING ZONING (WEST):	CMU-3 (COMMERCIAL MIXED-USE)
SURROUNDING ZONING (EAST):	CMU-3 (COMMERCIAL MIXED-USE)
SURROUNDING ZONING (SOUTH):	R-6(H) (HISTORICAL OVERALL RESIDENTIAL SINGLE FAMILY)
REQUIRED BUILDING SETBACKS:	
MIN. FRONT:	2 FT (7 FEET FROM OUTDOOR DINING)
MAX. FRONT:	15 FEET (MEASURED FROM R.O.W)
SIDES:	0 FT (IF ABUTTING NONRESIDENTIAL)
REAR:	0 FT (IF ABUTTING NONRESIDENTIAL)

"AUTO GLASS COMPANY OF MEMPHIS, INC."
INST. US 4311 & M8 5626
PART OF LOT 2, MRS. TUCKER'S PROPERTY
PLAT BOOK 1 PAGE 19

GENERAL INFORMATION:

FEMA FIRM MAP NO: 47157C0290F DATED: SEPTEMBER 28, 2007
NO PORTION OF THE LOT LIES WITHIN THE 100 - YEAR FLOODPLAIN

SITE BENCHMARK

ML&W MONUMENT IS LOCATED IN S/WALK ON S. SIDE OF UNION AVE., AT ADDRESS # 1971 AND BEING 335 FEET EAST OF THE EAST PROPERTY LINE OF SUBJECT PROPERTY
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SEWER BASIN ID: FS-4
DRAINAGE BASIN: LICK CREEK - 2K

STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION
UNION AVENUE	8'	SOUTH	AT BACK OF CURB

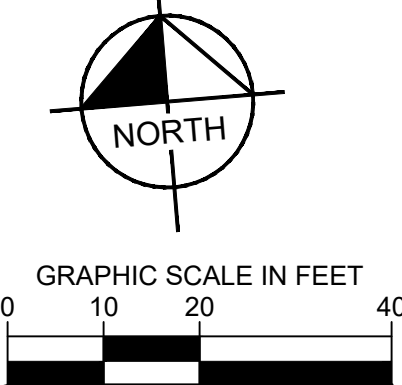
SPECIAL USE PERMIT

WHATABURGER - UNION AND BARKSDALE AVE

CASE NUMBER: TBD PARCEL NUMBER: 016052 00029

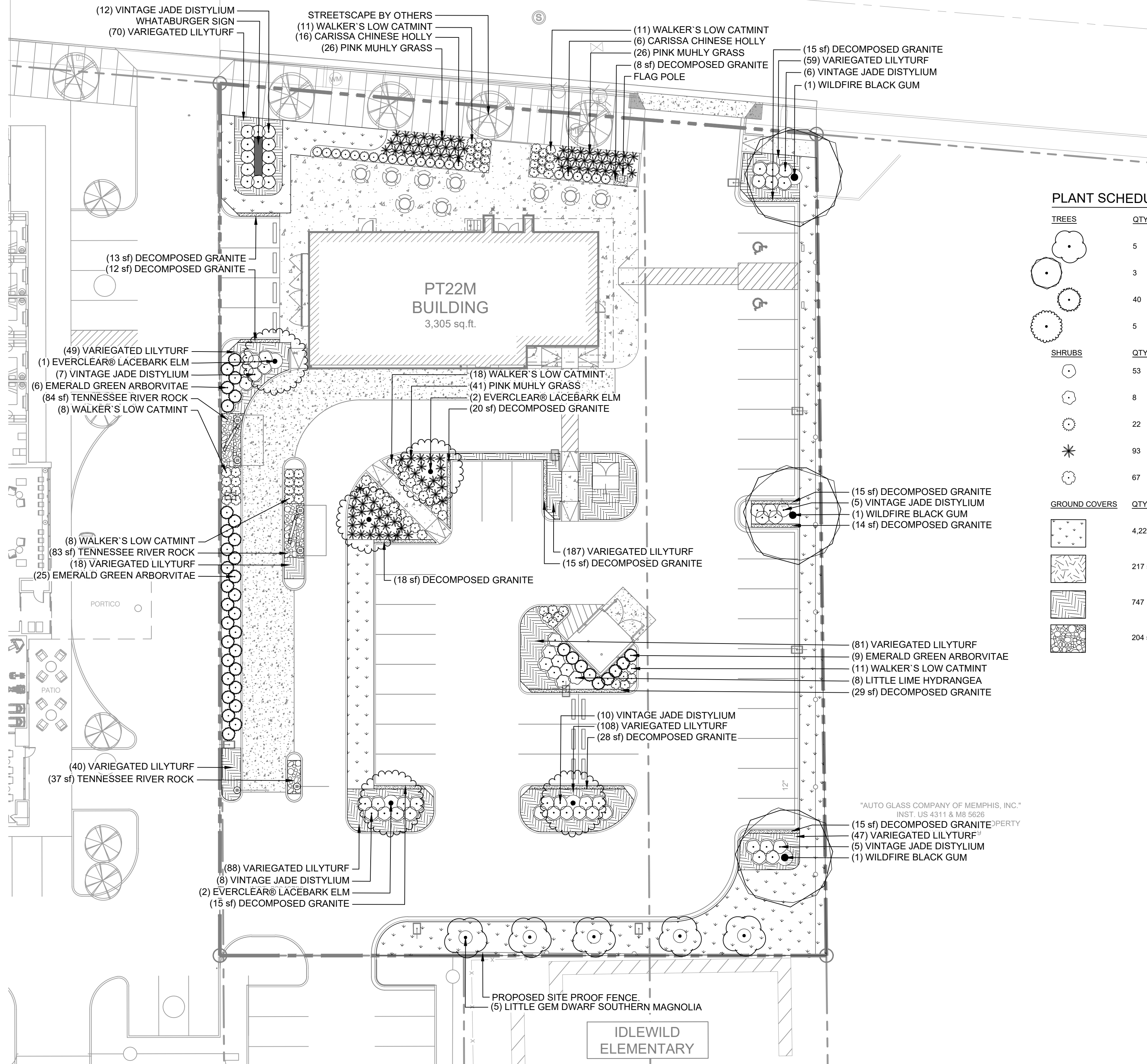
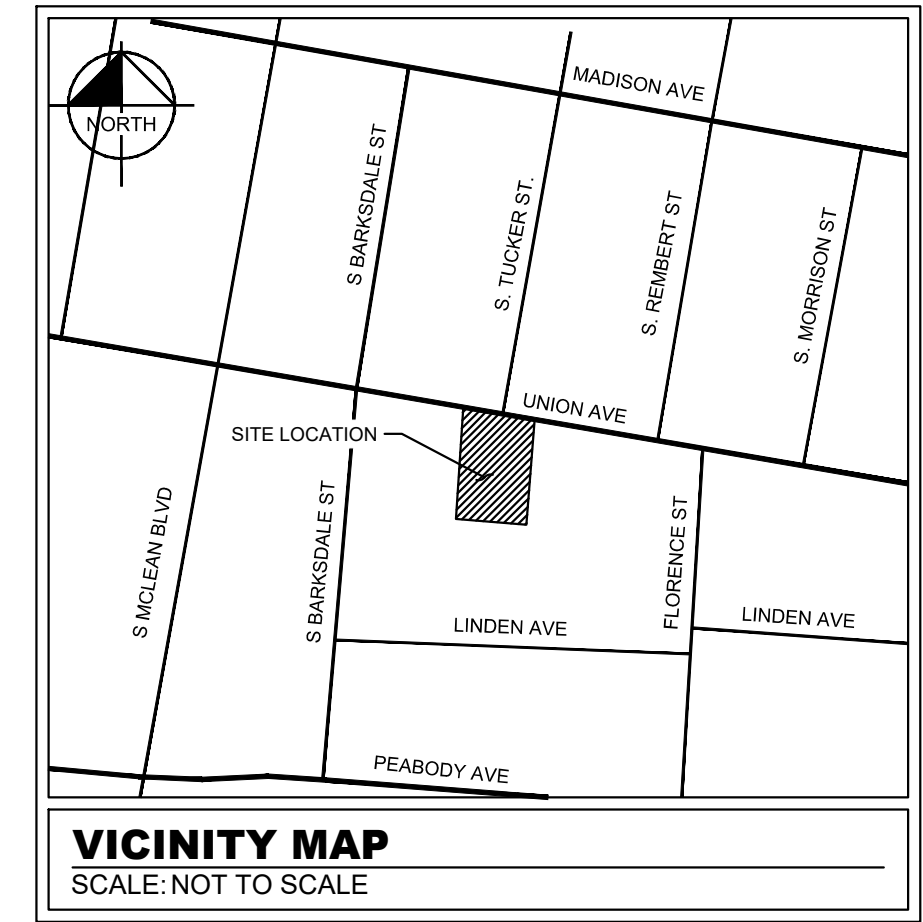
MEMPHIS, SHELBY COUNTY, TENNESSEE

NUMBER OF LOTS: 1	ACREAGE: ±1.06 ACRES	DISTRICT 08, BLOCK 0807
DEVELOPER: WHATABURGER RESTAURANTS, LLC	ENGINEER: Kimley»Horn	
100 YR FLOOD ELEV: *NOT APPLICABLE	FEMA MAP PANEL NUMBER: 47157C0290F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MARCH 2024	SCALE: AS SHOWN	SHEET 2 OF 5



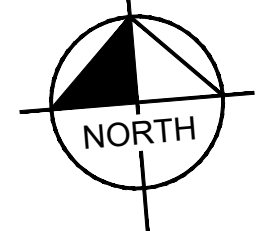
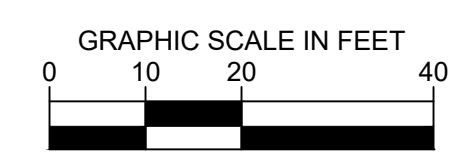
2.0'

**UNION AVENUE
(80' R.O.W. - PUBLIC)**



PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	SIZE
	5	Magnolia grandiflora 'Little Gem' / Little Gem Dwarf Southern Magnolia	2.5" CAL / 8'-10" HT
	3	Nyssa sylvatica 'Wildfire' / Wildfire Black Gum	2.5" CAL / 8'-10" HT
	40	Thuja occidentalis 'Emera' / Emerald Green Arborvitae	5'-6" HT.
	5	Ulmus parvifolia 'BSNUPF' / Everclear® Lacebark Elm	2.5" CAL / 8'-10" HT
SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE
	53	Distylium x 'Vintage Jade' / Vintage Jade Distylium	24" HT. MIN.
	8	Hydrangea paniculata 'Little Lime' / Little Lime Hydrangea	24" HT. MIN.
	22	Ilex cornuta 'Carissa' / Carissa Chinese Holly	24" HT. MIN.
	93	Muhlenbergia capillaris / Pink Muhly Grass	24" HT. MIN.
	67	Nepeta x 'Walker's Low' / Walker's Low Catmint	24" HT. MIN.
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	SIZE
	4,223 sf	Cynodon dactylon 'Tifway 419' / Tifway 419 Bermuda Grass	Sod
	217 sf	Decomposed Granite	SEE DETAIL
	747	Liriope muscari 'Variegata' / VARIEGATED LILYTURF	1 GAL
	204 sf	TENNESSEE RIVER ROCK	4"-8" ASSORTED FLATS & ROUNDS



SPECIAL USE PERMIT

WHATABURGER - UNION AND BARKSDALE AVE

CASE NUMBER: TBD

PARCEL NUMBER: 016052 00029

MEMPHIS, SHELBY COUNTY, TENNESSEE

NUMBER OF LOTS: 1 ACREAGE: ±1.06 ACRES DISTRICT 08, BLOCK 0807

DEVELOPER:
WHATABURGER RESTAURANTS, LLC

ENGINEER:
Kimley»Horn

100 YR FLOOD ELEV:
*NOT APPLICABLE

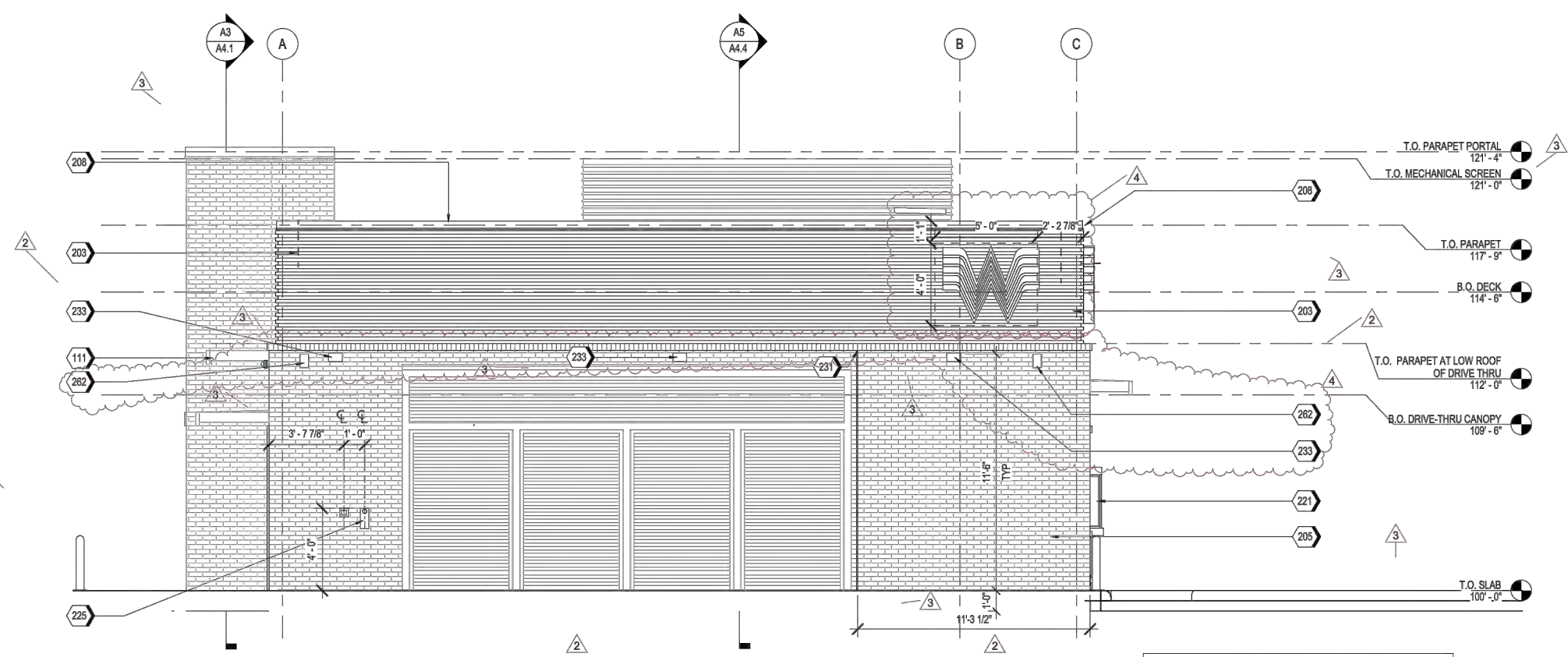
FEMA MAP PANEL NUMBER:
47157C0290F

FEMA MAP DATE:
SEPTEMBER 28, 2007

DATE:
MARCH 2024

SCALE:
AS SHOWN

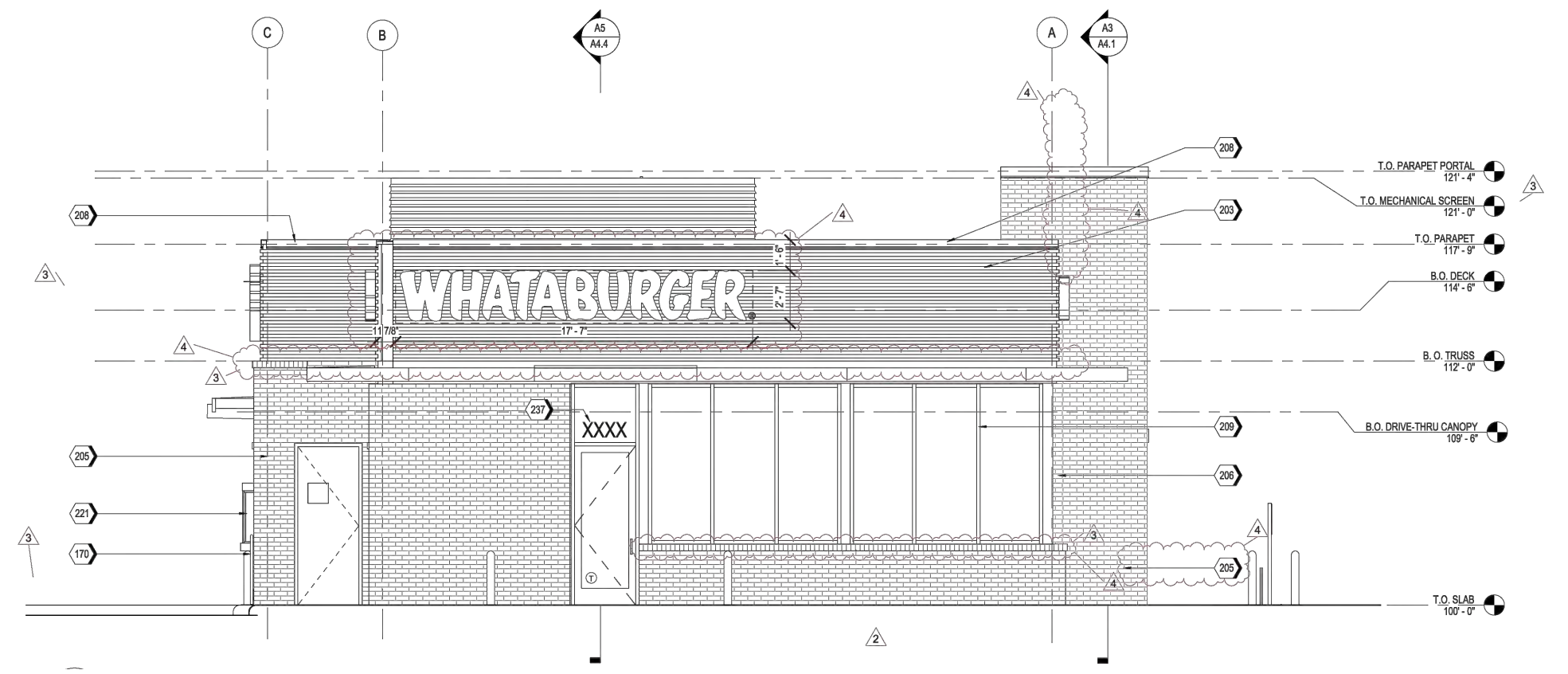
SHEET 3 OF 5



WEST ELEVATION

KEYNOTES

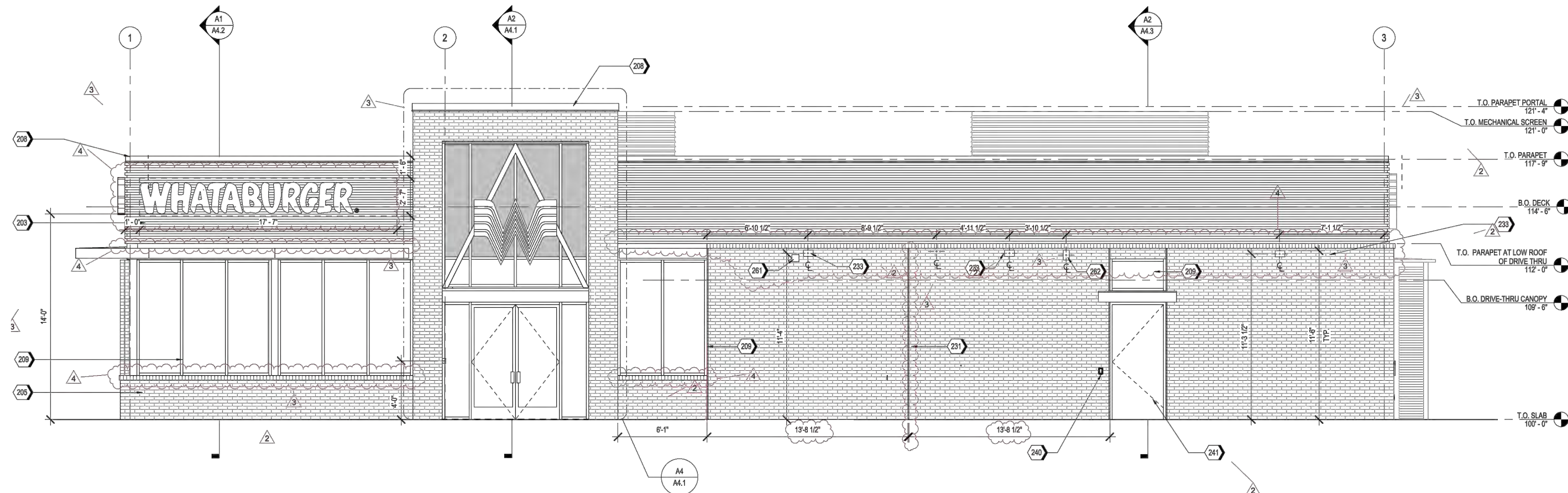
111	ENTERA PRE-MANUFACTURED CANOPY, BY OTHERS
170	ENTERA PRE-MANUFACTURED GUARDRAIL, BY OTHERS, RE: S4A0.1
203	MP-01; PRE-FINISHED CORRUGATED METAL PANEL
205	BR-01; BRICK VENEER
206	BR-02; BRICK VENEER
208	MC-01; PRE-FINISHED METAL COPING
209	SS-01; ALUMINUM STOREFRONT SYSTEM
221	DRIVE-THRU WINDOW
225	STAINLESS STEEL GREASE SHIELD W/ 2 1/2\" HOLE THROUGH WALL FOR GREASE TANK
231	MASONRY EXPANSION CONTROL JOINT
233	EXTERIOR LIGHT FIXTURE, RE: ELECTRICAL, RE: A1.3 FOR DIMENSIONS
237	BUILDING ADDRESS 6\" HIGH WHITE VINYL NUMBERS WITH 1\" STROKE, 10\" A.F.G. TO TOP OF SIGNAGE
282	WIRELESS ACCESS POINT, RE: ELECTRICAL



EAST ELEVATION

KEYNOTES

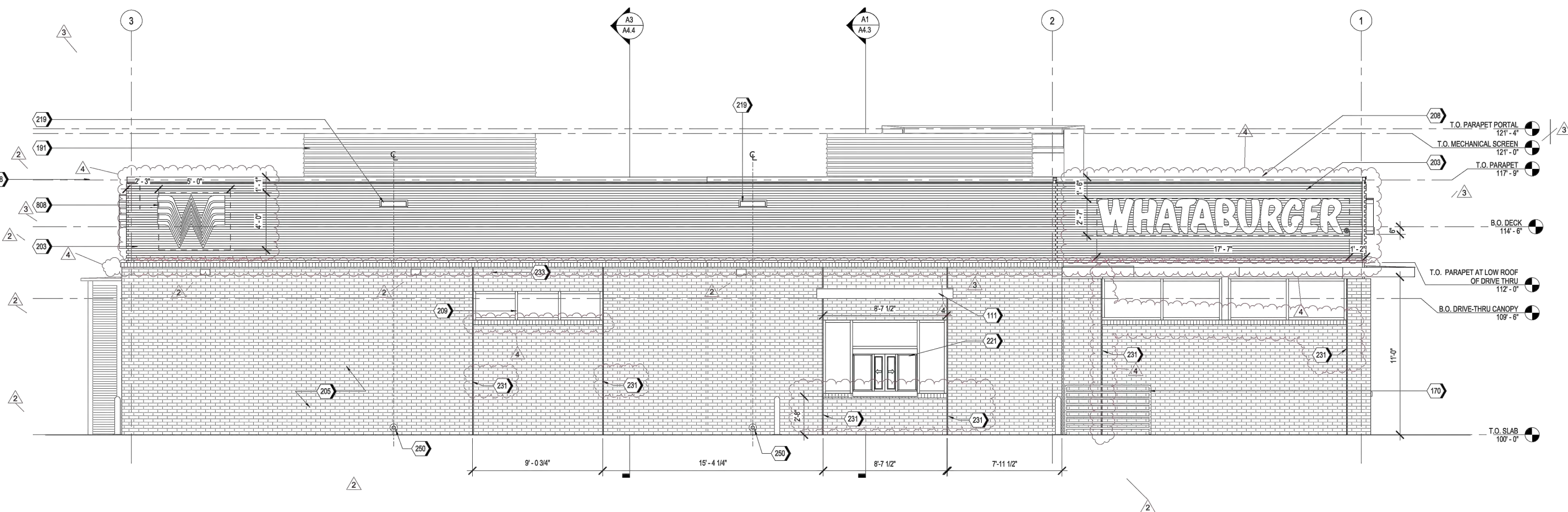
111	ENTERA PRE-MANUFACTURED CANOPY, BY OTHERS
170	ENTERA PRE-MANUFACTURED GUARDRAIL, BY OTHERS, RE: S4A0.1
203	MP-01; PRE-FINISHED CORRUGATED METAL PANEL
205	BR-01; BRICK VENEER
206	BR-02; BRICK VENEER
208	MC-01; PRE-FINISHED METAL COPING
209	SS-01; ALUMINUM STOREFRONT SYSTEM
221	DRIVE-THRU WINDOW
225	STAINLESS STEEL GREASE SHIELD W/ 2 1/2\" HOLE THROUGH WALL FOR GREASE TANK
231	MASONRY EXPANSION CONTROL JOINT
233	EXTERIOR LIGHT FIXTURE, RE: ELECTRICAL, RE: A1.3 FOR DIMENSIONS
237	BUILDING ADDRESS 6\" HIGH WHITE VINYL NUMBERS WITH 1\" STROKE, 10\" A.F.G. TO TOP OF SIGNAGE
282	WIRELESS ACCESS POINT, RE: ELECTRICAL



NORTH ELEVATION

KEYNOTES

111	ENTERA PRE-MANUFACTURED CANOPY, BY OTHERS
170	ENTERA PRE-MANUFACTURED GUARDRAIL, BY OTHERS, RE: S4A0.1
191	ENTERA PRE-MANUFACTURED ROOF SCREEN, BY OTHERS
203	MP-01; PRE-FINISHED CORRUGATED METAL PANEL
205	BR-01; BRICK VENEER
208	MC-01; PRE-FINISHED METAL COPING
209	SS-01; ALUMINUM STOREFRONT SYSTEM
219	OVERFLOW SCUPPER
221	DRIVE-THRU WINDOW
231	MASONRY EXPANSION CONTROL JOINT
233	EXTERIOR LIGHT FIXTURE, RE: ELECTRICAL, RE: A1.3 FOR DIMENSIONS
240	DOOR BUZZER
241	PAINT (PT-5) EXTERIOR DOORS
250	DOWNSPOUT NOZZLE 6 INCHES ABOVE INTERIOR FINISH FLOOR
261	SECURITY CAMERA
282	WIRELESS ACCESS POINT, RE: ELECTRICAL
808	PROVIDE BLOCKING FOR SIGNAGE AS REQUIRED



SOUTH ELEVATION

KEYNOTES

111	ENTERA PRE-MANUFACTURED CANOPY, BY OTHERS
170	ENTERA PRE-MANUFACTURED GUARDRAIL, BY OTHERS, RE: S4A0.1
191	ENTERA PRE-MANUFACTURED ROOF SCREEN, BY OTHERS
203	MP-01; PRE-FINISHED CORRUGATED METAL PANEL
205	BR-01; BRICK VENEER
208	MC-01; PRE-FINISHED METAL COPING
209	SS-01; ALUMINUM STOREFRONT SYSTEM
219	OVERFLOW SCUPPER
221	DRIVE-THRU WINDOW
231	MASONRY EXPANSION CONTROL JOINT
233	EXTERIOR LIGHT FIXTURE, RE: ELECTRICAL, RE: A1.3 FOR DIMENSIONS
240	DOOR BUZZER
241	PAINT (PT-5) EXTERIOR DOORS
250	DOWNSPOUT NOZZLE 6 INCHES ABOVE INTERIOR FINISH FLOOR
261	SECURITY CAMERA
282	WIRELESS ACCESS POINT, RE: ELECTRICAL
808	PROVIDE BLOCKING FOR SIGNAGE AS REQUIRED

BUILDING ELEVATIONS

SPECIAL USE PERMIT

WHATABURGER - UNION AND BARKSDALE AVE

CASE NUMBER: TBD

PARCEL NUMBER: 016052 00029

MEMPHIS, SHELBY COUNTY, TENNESSEE

NUMBER OF LOTS: 1 ACREAGE: ±1.06 ACRES DISTRICT 08, BLOCK 0807

DEVELOPER: WHATABURGER RESTAURANTS, LLC ENGINEER: **Kimley»Horn**

100 YR FLOOD ELEV: *NOT APPLICABLE FEMA MAP PANEL NUMBER: 47157C0290F FEMA MAP DATE: SEPTEMBER 28, 2007

DATE: MARCH 2024 SCALE: AS SHOWN SHEET 4 OF 5

GENERAL PLAN CONDITIONS: APPROVED ON XX/XX/XXXX BY LUCB FOR SUP XX-XXX

1. PARKING SHALL BE IN ACCORDANCE WITH SECTION 4.5.3 OF THE UDC.
2. THE BUILDINGS ALONG UNION AVENUE SHALL HAVE A MINIMUM OF 60% BUILDING FRONTAGE. THIS CONDITION SHALL BE MASSAGED AS A PART OF THE ADMINISTRATIVE SITE PLAN REVIEW PROCESS.
3. LIGHT FIXTURES INSTALLED ON THE SITE SHALL MEET THE REQUIREMENTS AND STANDARDS OF THE UNIFIED DEVELOPMENT CODE.
4. LIGHTING FOR PARKING STALL SHALL BE ARRANGED/POSITIONED TO PREVENT DIRECT GLARE ONTO ANY RESIDENTIAL PROPERTY.
5. NO DRIVE-THRU RESTAURANT USES SHALL BE PERMITTED ON THIS SITE OR THE ADJACENT FUTURE RETAIL DEVELOPMENT SITE TO THE EAST WITHOUT FIRST RECEIVING A RECOMMENDATION FROM THE LAND USE CONTROL BOARD FOLLOWED WITH A FINAL DISPOSITION BY THE CITY COUNCIL.
6. THE APPLICANT MAY NEED TO SUBMIT A TRIP GENERATION REPORT. THIS PROPOSAL SHALL BE SUBJECT TO THE CITY ENGINEERING MEMORANDUM OF CONFORMANCE PROCESS.
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. THE APPLICANT SHALL PROVIDE A MINIMUM 6-FOOT SIDEWALK ALONG UNION AVENUE.

LAND USE AND DEVELOPMENT SERVICES CERTIFICATE

THIS FINAL PLAT CONFORMS WITH THE RALEIGH PLAZA SHOPPING CENTER GENERAL PLAN.

BY (ZONING ADMINSTRATOR): _____ DATE: _____

LUDS: _____ DATE: _____

CITY ENGINEER: _____

FIRE DEPARTMENT CERTIFICATION

APPROVED BY THE MEMPHIS OR SHELBY COUNTY FIRE DEPARTMENT.

BY: _____ DATE: _____
LOCAL FIRE DEPARTMENT

OWNER'S CERTIFICATE

WE, _____, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY ADOPT THIS PLAT AS OUR PLAN OF DEVELOPMENT. WE CERTIFY THAT WE ARE THE OWNER OF THE SAID PROPERTY IN FEE SIMPLE, DULY AUTHORIZED TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBEDED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

BY _____ DATE: _____

TITLE: _____

NOTARY'S CERTIFICATE

STATE OF _____
COUNTY OF _____

BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED, _____, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO UPON HIS (HER) OATH ACKNOWLEDGED HIMSELF (HERSELF) TO BE _____ FOR _____, OWNER OF THE PROPERTY, THE WITHIN NAMED BARGAINER, AND THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN _____, THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS IS A CLASS _____ SURVEY AND THAT THE PRECISION OF THE UNADJUSTED SURVEY IS 1: _____ OR GREATER, THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS AND LOCAL ZONING ORDINANCES, SUBDIVISION REGULATIONS AND THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT RELATING TO THE PRACTICE OF SURVEYING.

BY _____ (SEAL) DATE _____

TENNESSEE CERTIFICATE NO. _____

ENGINEER'S CERTIFICATE

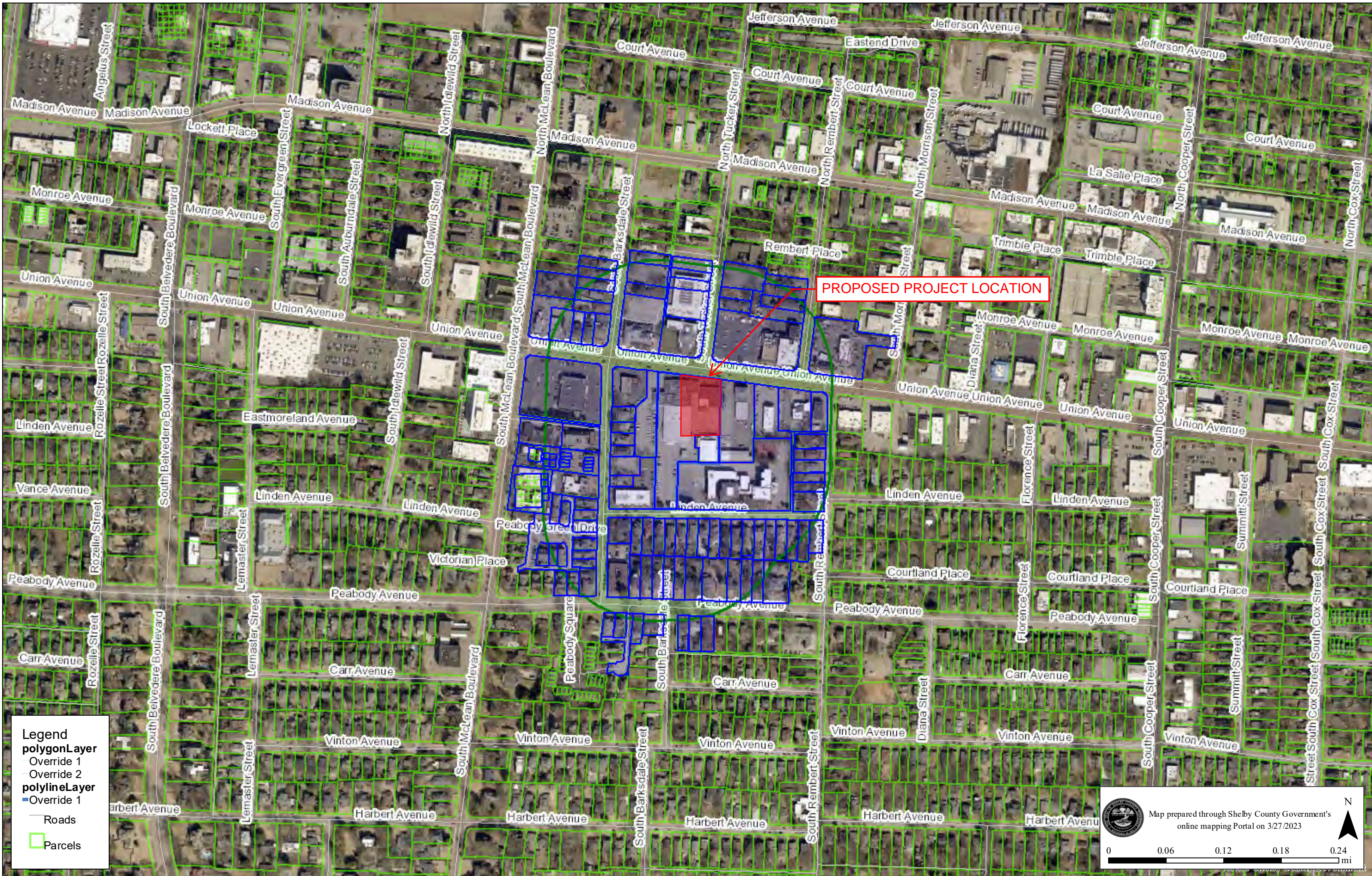
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE ZONING ORDINANCE, THE SUBDIVISION REGULATIONS AND THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE AND LOCAL BUILDING LAWS AND REGULATIONS.

BY _____ (SEAL) DATE: _____

TENNESSEE CERTIFICATE NO. _____

CERTIFICATIONS

SPECIAL USE PERMIT		
WHATABURGER - UNION AND BARKSDALE AVE		
CASE NUMBER: TBD	PARCEL NUMBER: 016052 00029	
MEMPHIS, SHELBY COUNTY, TENNESSEE		
NUMBER OF LOTS: 1	ACREAGE: ±1.06 ACRES	DISTRICT 08, BLOCK 0807
DEVELOPER: WHATABURGER RESTAURANTS, LLC	ENGINEER: Kimley»Horn	
100 YR FLOOD ELEV: *NOT APPLICABLE	FEMA MAP PANEL NUMBER: 47157C0290F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MARCH 2024	SCALE: AS SHOWN	SHEET 5 OF 5



PROPOSED PROJECT LOCATION

Legend

polygonLayer


- Override 1
- Override 2

polylineLayer

- Override 1

— Roads

▭ Parcels



Map prepared through Shelby County Government's online mapping Portal on 3/27/2023

0 0.06 0.12 0.18 0.24 mi

N

016051 B00002 - KNOTT STEPHEN AND CHRISTY CORNELL
016051 B00003 - TEAGARDEN JOSEPH W III & DIANA
016051 B00001 - NEMENOFF BEN & ANDREA P
016051 B00019 - KANNER ELLIOTT M
016051 B00016 - LEITZELL TERRY AND LUCY LEITZELL
016051 B00015 - BAILEY RENEE M
017055 00014 - WILSON WILLIE J
017053 00015 - BEHAVIORAL HEALTH INITIATIVES
017053 00017 - MITCHELL RAY AND DIANA V MITCHELL (RS)
017055 00017C - ELCOM OF MEMPHIS INC
016052 00001C - NATIONAL BANK OF COMMERCE
016052 00026 - WRIGHT WILLIAM G & DEBORAH L
016051 A00006 - RAINWATER JEFFERY & MICHELLE B
016052 00022 - MEMPHIS CITY OF
016051 00026 - KAIL DANNY W & SOHEILA N
016052 00020 - O'LEARY ANN
016051 00025 - BAM AND VIC LLC
016052 00016 - BEARE TONI H
016052 00017 - SHARPE CYNTHIA E
016053 00001 - WILLIS NANCY C REVOCABLE LIVING TRUST
016053 00003 - LOWRY JEREMY & WENDY
016053 00005 - JORDAN THOMAS H III & SUE M
016053 00011 - WILFORD MARTIN L & KRISTA F
016053 00017 - SHAFFER ELIZABETH J
016053 00032 - MOORE ZACHARY & MARY C

016053 00031 - WORRELL AMY C AND BRADFORD J STERLING
016053 00030 - SEYMOUR DONALD R JR & DEIDRE K
016053 00025 - ROYLE AUDREY S & DANIEL P
016054 00003 - SANDBERG DONALD W & ANN C
016051 00009 - CITYVEST PARTNERS LLC
016051 C00010 - PEB PROPERTIES LLC
016051 C00005 - TREECE DOCK D & KIAH B
017054 00016C - COMMUNITY FOUNDATION OF GREATER MEMPHIS
016051 B00017 - BREITLING HAROLD E JR AND
016051 B00014 - PATTERSON JAMES T
016051 B00013 - MCCORD CHARLES B & SUSAN M
016051 B00020 - BEST DONNA M LIVING TRUST
017054 00021 - TOMLIN TERESA K
017053 00011 - ZUMBRO BRYAN
017054 00011 - UNION AVE CHURCH OF CHRIST
017053 00012 - DEWOLFE CHEYNE Z
017055 00036 - UNION AVE CHURCH OF CHRIST
017053 00023 - HOOVER DANIEL E AND SUSAN E HOOVER
017054 00012 - UNION AVENUE CH OF CHRIST
017053 00013 - HOLMAN LESTER C JR
017054 00013 - MID-TOWN CHURCH OF CHRIST INC
017055 00035 - HOWELL DUNCAN L
017054 00018 - MIDTOWN CHURCH OF CHRIST INC
017053 00014 - SMALL TRAKELA AND THOMAS R BOWIE (RS)
017054 00014 - MID-TOWN CHURCH OF CHRIST INC

017055 00022 - MIDTOWN CHURCH OF CHRIST
017055 00016 - ELCOM OF MEMPHIS INC
017055 00015 - REED JOHN C & LITA H
017055 00021 - MID TOWN CHURCH OF CHRIST
017053 00018 - PRUETT MARK & HUI
017053 00016 - MTM PARTNERSHIP
017054 00015 - MID-TOWN CHURCH OF CHRIST INC
016052 00028 - MEMPHIS CITY OF
016051 00018C - TEMPLE TEXAS LLC
016051 00016 - G & G PROPERTIES L P
016052 00025 - WINN CAROL A
016052 00024 - MAKRIS STEVE & MARY
016052 00023 - HOWELL DUNCAN L
016051 00029 - BARKSDALE SOUTH TOWNHOUSES
016051 00024 - FRANCESCHINI RALPH E (10%) AND
016051 00022 - BRANDON TODD
016052 00021 - DISCENZA TIMOTHY R JR
016052 00018 - WILLIAMS JAMES B JR
016053 00004 - HANSEN SHAD
016053 00007 - EDGE GARDNER W & KAREN L
016053 00008 - MARTIN CORNELIUS
016053 00009 - GABRIEL JEFFREY & ANNA C
016053 00010 - HUGHES JAMES L
016053 00035 - HUSSEY ANDREW
016053 00013 - WARD GREGORY L

016053 00014 - THOMPSON BARBARA R
016053 00015 - CHEN JENNY X
016053 00016 - VOLL ZACHARY S D
016053 00018 - CUNNINGHAM MICHELLE A & LARRY D JR
016053 00034 - PEABODY MANAGEMENT LLC
016053 00033 - ROBINSON KENNETH B & JANA P
016053 00029 - SIGHTS WILSON W & ELIZABETH D
016053 00028 - MITCHELL ROBERT L AND ANDREW MITCHELL
016053 00036 - ROYLE AUDREY S & DANIEL P
016053 00027 - FONTENOT ANDREW AND LAUREN FONTENOT
016053 00026 - NENON THOMAS J & MONIKA C
016053 00024 - LEVESQUE JOHN & JULIA
016053 00023 - ALEJEAL RHAMY & ELIZABETH
016049 00009 - SPENCER CONNIE
016049 00010 - HANNEGAN ANNE N
016054 00001 - SMITH A EUGENE & ROBIN N
016054 00002 - WEBB LYNDA A
016049 00049 - SHANMUGASUNDARAM KANNAN & LINDSEY P
016049 00045 - PEABODY GREEN COVE HOMEOWNERS
016051 B00021 - PHAM KATHERINE T
016051 B00023 - TOMLINSON LESLIE B REVOCABLE TRUST
016051 B00024 - PEABODY GREEN HOMEOWNERS ASSOC INC
016053 00006 - PARK GEOFFREY H & KERRY L HASELOFF
016053 00002 - KITTYS DODGE HOUSE LLC
016051 A00005 - MEMPHIS ZOO INC

016051 A00008 - GAREISS SHELLY K
016051 A00007 - GREENE THOMAS A
016049 00048 - MATHEWES MICHELLE F & JEHL
016051 B00022 - PYBURN DAVIS E III & LYNDA L AND
016052 00013 - BRADFIELD JERRY M
016052 00014 - ALEXANDER GORDON
016052 00010C - ORION FEDERAL CREDIT UNION
016052 00012 - CHILDERS EMMA
016052 00015 - RAYMOND GINA M & ERIC C PORTER
016051 C00020 - PEB PROPERTIES LLC
016051 C00015 - PEB PROPERTIES LLC
017054 00019C - UNION AVE CHURCH OF CHRIST
017063 00016C - CHICK-FIL-A INC
016051 B00018 - COHEN ADAM N & SAMANTHA E
016052 00006C - AUTO GLASS CO OF MEMPHIS INC
016052 00019 - BOARD OF EDUCATION OF MPHS
016052 00030 - MEMPHIS CITY SCHOOLS BOARD OF EDUCATION
016052 00029 - MEMPHIS CITY OF
017053 00021C - SAWYER NANCY H
016052 00008C - WALKER GERALDINE E (ESTATE OF)
016051 00023 - BURK THOMAS W LIVING TRUST
016051 A00009 - TWIN OAKS CONDOMINIUM OWNERS
016051 C00025 - CRESCENT PLACE AT CENTRAL GARDENS OWNERS
016051 00006 - MEMPHIS CENTER CITY REVENUE FINANCE
016051 00028 - SOSO JORDANNA

016051 00027 - GALES TARLESHA M

016051 00021 - DALTON BRITTANY

017053 00019C - GREGORY REALTY GP

PROPERTY OWNER - EP3 DEVELOPERS, LLC

ENGINEER - KIMLEY-HORN AND ASSOCIATES, INC

KNOTT STEPHEN AND CHRISTY CORNELL
1872 PEABODY AVE #
MEMPHIS TN 38104

NATIONAL BANK OF COMMERCE
PO BOX 26665 #
RICHMOND VA 23261

LOWRY JEREMY & WENDY
210 RAYMOND ST
NASHVILLE TN 37211

TEAGARDEN JOSEPH W III & DIANA
1868 PEABODY #
MEMPHIS TN 38104

WRIGHT WILLIAM G & DEBORAH L
174 S BARKSDALE ST #
MEMPHIS TN 38104

JORDAN THOMAS H III & SUE M
1917 LINDEN AVE #
MEMPHIS TN 38104

NEMENOFF BEN & ANDREA P
1878 PEABODY AVE #
MEMPHIS TN 38104

RAINWATER JEFFERY & MICHELLE B
1432 HARBERT AVE #
MEMPHIS TN 38104

WILFORD MARTIN L & KRISTA F
1947 LINDEN AVE #
MEMPHIS TN 38104

KANNER ELLIOTT M
247 S BARKSDALE ST #
MEMPHIS TN 38104

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

SHAFFER ELIZABETH J
1977 LINDEN AVE #
MEMPHIS TN 38104

LEITZELL TERRY AND LUCY LEITZELL
221 S BARKSDALE ST #
MEMPHIS TN 38104

KAIL DANNY W & SOHEILA N
2264 GLENALDEN DR #
GERMANTOWN TN 38139

MOORE ZACHARY & MARY C
1908 PEABODY AVE #
MEMPHIS TN 38104

BAILEY RENEE M
213 S BARKSDALE ST #
MEMPHIS TN 38104

O'LEARY ANN
292 WALNUT TREE CV #
CORDOVA TN 38018

WORRELL AMY C AND BRADFORD J STERLING
1912 PEABODY AVE #
MEMPHIS TN 38104

WILSON WILLIE J
41 S REMBERT ST #
MEMPHIS TN 38104

BAM AND VIC LLC
2661 LOCKESLEY CV N
GERMANTOWN TN 38139

SEYMOUR DONALD R JR & DEIDRE K
1918 PEABODY AVE #
MEMPHIS TN 38104

BEHAVIORAL HEALTH INITIATIVES
2430 POPLAR AVE #
MEMPHIS TN 38112

BEARE TONI H
189 S REMBERT ST #
MEMPHIS TN 38104

ROYLE AUDREY S & DANIEL P
1952 PEABODY AVE
MEMPHIS TN 38104

MITCHELL RAY AND DIANA V MITCHELL (RS)
1876 UNION AVE #
MEMPHIS TN 38104

SHARPE CYNTHIA E
193 S REMBERT ST #
MEMPHIS TN 38104

SANDBERG DONALD W & ANN C
1935 PEABODY AVE #
MEMPHIS TN 38104

ELCOM OF MEMPHIS INC
201 MONROE ST #
MONTGOMERY AL 36104

WILLIS NANCY C REVOCABLE LIVING TRUST
1895 LINDEN AVE #
MEMPHIS TN 38104

CITYVEST PARTNERS LLC
2164 SETON PL #
GERMANTOWN TN 38139

PEB PROPERTIES LLC
5402 S ANGELA RD #
MEMPHIS TN 38120

DEWOLFE CHEYNE Z
43 S BARKSDALE ST #
MEMPHIS TN 38104

MIDTOWN CHURCH OF CHRIST
1930 UNION AVE #
MEMPHIS TN 38104

TREECE DOCK D & KIAH B
43 GALE TRL #
FRANKLIN NC 28734

UNION AVE CHURCH OF CHRIST
1930 UNION AVE #
MEMPHIS TN 38104

ELCOM OF MEMPHIS INC
201 MONROE ST #
MONTGOMERY AL 36104

COMMUNITY FOUNDATION OF GREATER MEMPHIS
1900 UNION AVE #
MEMPHIS TN 38104

HOOVER DANIEL E AND SUSAN E HOOVER
2131 S BERRYS CHAPEL RD #
FRANKLIN TN 37069

REED JOHN C & LITA H
169 SAINT ALBANS FAIRWAY #
MEMPHIS TN 38111

BREITLING HAROLD E JR AND
227 S BARKSDALE #
MEMPHIS TN 38104

UNION AVENUE CH OF CHRIST
1930 UNION AVE #
MEMPHIS TN 38104

MID TOWN CHURCH OF CHRIST
1930 UNION AVE #
MEMPHIS TN 38104

PATTERSON JAMES T
1870 PEABODY GREEN #
MEMPHIS TN 38104

HOLMAN LESTER C JR
45 S BARKSDALE DOWN #
MEMPHIS TN 38104

PRUETT MARK & HUI
2020 SHARON DR #
HORN LAKE MS 38637

MCCORD CHARLES B & SUSAN M
1864 PEABODY GREEN DR #
MEMPHIS TN 38104

MID-TOWN CHURCH OF CHRIST INC
1930 UNION AVE #
MEMPHIS TN 38104

MTM PARTNERSHIP
2435 WHITTEN RD #
BARTLETT TN 38133

BEST DONNA M LIVING TRUST
255 S BARKSDALE ST #
MEMPHIS TN 38104

HOWELL DUNCAN L
3816 NORTHWOOD DR #
MEMPHIS TN 38111

MID-TOWN CHURCH OF CHRIST INC
1930 UNION AVE #
MEMPHIS TN 38104

TOMLIN TERESA K
32 S BARKSDALE ST #
MEMPHIS TN 38104

MIDTOWN CHURCH OF CHRIST INC
1930 UNION AVE #
MEMPHIS TN 38104

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

ZUMBRO BRYAN
19 S BARKSDALE ST #
MEMPHIS TN 38104

SMALL TRAKELA AND THOMAS R BOWIE (RS)
290 N CLAYBROOK ST #
MEMPHIS TN 38104

TEMPLE TEXAS LLC
PO BOX 1159
DEERFIELD IL 60015

UNION AVE CHURCH OF CHRIST
1930 UNION AVE #
MEMPHIS TN 38104

MID-TOWN CHURCH OF CHRIST INC
1930 UNION AVE #
MEMPHIS TN 38104

G & G PROPERTIES L P
2268 MADISON AVE #
MEMPHIS TN 38104

WINN CAROL A
1914 HARBERT AVE #
MEMPHIS TN 38104

MARTIN CORNELIUS
980 HAMMOND DR #
ATLANTA GA 30328

ROBINSON KENNETH B & JANA P
1900 PEABODY AVE #
MEMPHIS TN 38104

MAKRIS STEVE & MARY
184 S BARKSDALE ST #
MEMPHIS TN 38104

GABRIEL JEFFREY & ANNA C
1939 LINDEN AVE #
MEMPHIS TN 38104

SIGHTS WILSON W & ELIZABETH D
1922 PEABODY AVE #
MEMPHIS TN 38104

HOWELL DUNCAN L
3816 NORTHWOOD DR #
MEMPHIS TN 38111

HUGHES JAMES L
1943 LINDEN AVE #
MEMPHIS TN 38104

MITCHELL ROBERT L AND ANDREW MITCHELL
1930 PEABODY AVE #
MEMPHIS TN 38104

BARKSDALE SOUTH TOWNHOUSES
8602 FARMINGTON BLVD #
GERMANTOWN TN 38139

HUSSEY ANDREW
3225 CLOAR CV #
MEMPHIS TN 38111

ROYLE AUDREY S & DANIEL P
1952 PEABODY AVE
MEMPHIS TN 38104

FRANCESCHINI RALPH E (10%) AND
2729 SAGE MEADOW DR #
MEMPHIS TN 38133

WARD GREGORY L
1959 LINDEN AVE #
MEMPHIS TN 38104

FONTENOT ANDREW AND LAUREN FONTENOT
1938 PEABODY AVE #
MEMPHIS TN 38104

BRANDON TODD
195 S BARKSDALE ##3
MEMPHIS TN 38104

THOMPSON BARBARA R
647 WEST DR #
MEMPHIS TN 38112

NENON THOMAS J & MONIKA C
1948 PEABODY AVE #
MEMPHIS TN 38104

DISCENZA TIMOTHY R JR
202 S BARKSDALE ST #
MEMPHIS TN 38104

CHEN JENNY X
1969 LINDEN AVE #
MEMPHIS TN 38104

LEVESQUE JOHN & JULIA
1958 PEABODY AVE #
MEMPHIS TN 38104

WILLIAMS JAMES B JR
195 S REMBERT #
MEMPHIS TN 38104

VOLL ZACHARY S D
1973 LINDEN AVE #
MEMPHIS TN 38104

ALEJEAL RHAMY & ELIZABETH
1962 PEABODY AVE #
MEMPHIS TN 38104

HANSEN SHAD
18021 MARIPOSA AVE #
RIVERSIDE CA 92508

CUNNINGHAM MICHELLE A & LARRY D JR
1983 LINDEN AVE #
MEMPHIS TN 38104

SPENCER CONNIE
1901 PEABODY AVE #
MEMPHIS TN 38104

EDGE GARDNER W & KAREN L
1929 LINDEN AVE #
MEMPHIS TN 38104

PEABODY MANAGEMENT LLC
3609 LYLES DR #
OXFORD MS 38655

HANNEGAN ANNE N
1870 HARBERT AVE #
MEMPHIS TN 38104

SMITH A EUGENE & ROBIN N
1925 PEABODY AVE #
MEMPHIS TN 38104

GAREISS SHELLY K
208 S MCLEAN BLVD ##8
MEMPHIS TN 38104

PEB PROPERTIES LLC
5402 S ANGELA RD #
MEMPHIS TN 38120

WEBB LYNDA A
1929 PEABODY AVE #
MEMPHIS TN 38104

GREENE THOMAS A
206 S MCLEAN BLVD #
MEMPHIS TN 38104

UNION AVE CHURCH OF CHRIST
1930 UNION AVE #
MEMPHIS TN 38104

SHANMUGASUNDARAM KANNAN & LINDSEY P
1895 PEABODY #
MEMPHIS TN 38104

MATHEWES MICHELLE F & JEHL
1889 PEABODY AVE #
MEMPHIS TN 38104

CHICK-FIL-A INC
5200 BUFFINGTON RD #
ATLANTA GA 30349

PEABODY GREEN COVE HOMEOWNERS
515 PEABODY GREEN CV #
MEMPHIS TN 38104

PYBURN DAVIS E III & LYNDA L AND
1475 VINTON AVE
MEMPHIS TN 38104

COHEN ADAM N & SAMANTHA E
239 S BARKSDALE ST #
MEMPHIS TN 38104

PHAM KATHERINE T
1867 PEABODY GREEN DR #
MEMPHIS TN 38104

BRADFIELD JERRY M
175 S REMBERT ST #
MEMPHIS TN 38104

AUTO GLASS CO OF MEMPHIS INC
1945 UNION AVE #
MEMPHIS TN 38104

TOMLINSON LESLIE B REVOCABLE TRUST
2905 GULF SHORE BLVD N #303N
NAPLES FL 34103

ALEXANDER GORDON
179 S REMBERT ST #
MEMPHIS TN 38104

BOARD OF EDUCATION OF MPHS
2597 AVERY AVE #
MEMPHIS TN 38112

PEABODY GREEN HOMEOWNERS ASSOC INC
213 S BARKSDALE #
MEMPHIS TN 38104

ORION FEDERAL CREDIT UNION
400 MONROE AVE #
MEMPHIS TN 38103

MEMPHIS CITY SCHOOLS BOARD OF EDUCATION
2597 AVERY AVE #N
MEMPHIS TN 38112

PARK GEOFFREY H & KERRY L HASELOFF
1921 LINDEN AVE #
MEMPHIS TN 38104

CHILDERS EMMA
1981 UNION AVE #
MEMPHIS TN 38104

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

KITTYS DODGE HOUSE LLC
1769 PEABODY AVE #
MEMPHIS TN 38104

RAYMOND GINA M & ERIC C PORTER
185 S REMBERT ST #
MEMPHIS TN 38104

SAWYER NANCY H
2650 THOUSAND OAKS BLVD #2350
MEMPHIS TN 38118

MEMPHIS ZOO INC
2000 PRENTISS PL #
MEMPHIS TN 38112

PEB PROPERTIES LLC
5402 S ANGELA RD #
MEMPHIS TN 38120

WALKER GERALDINE E (ESTATE OF)
65 UNION AVE #1200
MEMPHIS TN 38103

BURK THOMAS W LIVING TRUST
195 S BARKSDALE ST #2
MEMPHIS TN 38104

TWIN OAKS CONDOMINIUM OWNERS
6263 POPLAR AVE #440
MEMPHIS TN 38119

CRESCENT PLACE AT CENTRAL GARDENS OWNERS
310 GERMANTOWN BEND RD #103
CORDOVA TN 38018

MEMPHIS CENTER CITY REVENUE FINANCE
114 N MAIN ST #1200
MEMPHIS TN 38103

SOSO JORDANNA
199 S BARKSDALE ST #1
MEMPHIS TN 38104

GALES TARLESHA M
199 S BARKSDALE #2
MEMPHIS TN 38104

DALTON BRITTANY
195 S BARKSDALE ST #4
MEMPHIS TN 38104

GREGORY REALTY GP
PO BOX 382366
GERMANTOWN TN 38183

EP3 DEVELOPERS, LLC
9639 GRAYS MEADOW DR
CORDOVA TN 38018

KIMLEY-HORN AND ASSOCIATES, INC
6750 POPLAR AVE STE 600
MEMPHIS TN 38138



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.



22040736

04/08/2022 - 01:38:04 PM

6 PGS	
BRIAN 2411637 - 22040736	
VALUE	3500000.00
MORTGAGE TAX	0.00
TRANSFER TAX	12950.00
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	12983.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by and return to:
Monice Hagler
Hagler Law Group, LLC
2650 Thousand Oaks Blvd. Suite 2140
Memphis, Tennessee 38109
901-290-6620
Our File Number: 21305-1305 KA

Return to:
GRIFFIN, CLIFT, EVERTON & MASCHMEYER, PLLC
ATTORNEYS AT LAW
6489 QUAIL HOLLOW, SUITE 100
MEMPHIS, TN 38120

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into on this, the 7th day of April, 2022, by the **CITY OF MEMPHIS**, a Tennessee Municipality, ("Grantor" or "Seller") whose address is 125 N. Main Street, Room 568, Memphis, TN 38103 and **EP3 DEVELOPERS, LLC**, a Florida Limited Liability company ("Grantee" or "Purchaser") whose address is 9639 Grays Meadow Drive W., Cordova, Tennessee 38018.

WITNESSETH:

A. Grantor holds legal title to that certain real property commonly known as 1925 Union, Memphis, Tennessee which includes 0 Union at parcel number 160052 00029, 0 Union at parcel number 160052 00028 and 192 South Barksdale Street at parcel number 160052 00022 and is more particularly described in **Exhibit A** attached hereto and situated in the County of Shelby, Tennessee (the "Property"):

Being the same property conveyed to Grantor by Deed of record Instrument No. S2 9026 dated February 17, 1981 and filed in the Register's Office of Shelby County, Tennessee.

B. Property is being sold by Grantor to Grantee "AS-IS, WHERE IS" with all faults, with no representation or warranty whatsoever, express or implied as to the condition of the property or any other matter relating to the property. Grantor desires to convey to Grantee in fee simple all of its right, title and interest in and to the Property with exceptions to title being described herein as attached **Exhibit B**, "Exceptions to Title."

C. For a period of two (2) years following Closing (the "Sale Restriction Period"), without the prior consent of Seller which shall not be unreasonably withheld, conditioned or delayed, Purchaser will not transfer title to the Property except to a Permitted Affiliate. Notwithstanding to the foregoing, during the Sale Restriction Period, Purchaser may (a) transfer any phase of the Property (as noted on the Plan) upon the leasing or ground leasing of a phase, or upon completion of improvements on such phase and (b) transfer completed condominiums in the residential phases of the project. For purposes hereof, the term "Permitted Affiliate" means the individuals or an entity that controls, is controlled or managed by, or is under common control with Purchaser. The foregoing restriction on transfer shall not apply to transfers in connection with (i) leases or ground leases of the Property, or (ii) transfer in trust of pledge to, or foreclosures by, lenders pursuant to any indenture, mortgage or other loan instrument.

Purchaser or Permitted Affiliate of Purchaser shall begin construction work to improve the Property in one or multiple phases within two (2) years following Closing. Purchaser shall have the right to subdivide the Property and create separate parcels as needed for development of the project and to obtain financing. Commencement of construction shall mean Purchaser or a Permitted Affiliate of Purchaser shall have been issued a building permit for and shall have commenced construction of the alterations and improvements for its intended use pursuant to its plans specifications therefor. Purchaser or a Permitted Affiliate of Purchaser shall diligently prosecute (or cause to be prosecuted) the improvements to completion pursuant to its approved plans and specifications in generally the same form set forth as the concept plans of Exhibit "D" (the "Plan") of the Contract for Purchase and Sale of Real Property, subject to alterations and modifications required by Purchaser and approved by Seller in connection with its construction during the Due Diligence Period. After the expiration of the Due Diligence Period no Seller approved shall be required for plans and alterations that are approved by the Office of Planning and Development ("OPD") or for which no approval is required by OPD. In the event such work has not begun within such two (2) year period, Seller shall have the one time right, exercisable within thirty (30) days following the expiration of such two (2) year period, to purchase the Property back from Purchaser or its assigns for Three Million Five Hundred Thousand (\$3,500,000.00) (plus any documented carrying cost for the Property such as taxes and insurance but in an amount not to exceed \$75,000.00), which right shall be deemed waived if not exercised within said 30-day period. The closing related thereto shall occur not later than thirty (30) days after Purchaser's receipt of Seller's notice of election to repurchase. Purchaser shall not take any action or fail to undertake any action which would, directly or indirectly, prohibit or otherwise impede Seller's ability to exercise its repurchase right. At closing Seller agrees to subordinate its repurchase right to the lien rights of any acquisition or construction financing secured by the Property.

D. The Grantor will deliver the Property to the Grantee at the closing.

NOW, THEREFORE, Grantor, pursuant to the Resolution approved by the Council of the City of Memphis on July 20, 2021 and in consideration of Ten and No/100 Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto Grantee, its heirs, successors and assigns, in fee simple the Property;

TO HAVE AND TO HOLD the Property, together with all the rights of way, easements, rights, privileges, appurtenances, hereditaments, improvements, estate, title interests and claims thereunto belonging or in any wise appertaining thereto, at law or in equity, forever. Notwithstanding the foregoing, this conveyance is subject to all those matters shown on Exhibit B, attached hereto.

Grantor hereby covenants with Grantee that the title to the afore-described real estate and the quiet enjoyment thereof it will warrant and forever defend against the lawful claims of all persons whomsoever claiming by, through or under Grantor, and such persons only; and that Grantor will execute such further assurances of the Property as may be required.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by his or her own hand or its duly authorized representative on the day and year first above written.

Grantor:

City of Memphis

[Handwritten signature of Jim Strickland]

Jim Strickland, Mayor

APPROVED:

[Handwritten signature]

Chief Legal Officer/City Attorney

ATTEST:

[Handwritten signature]

City Comptroller

STATE OF TENNESSEE
COUNTY OF SHELBY

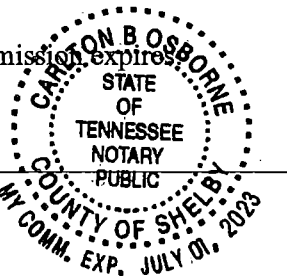
Before me, the undersigned, a Notary Public within and for said State and County duly commissioned and qualified personally appeared JIM STRICKLAND, Mayor of the City of Memphis, with whom I am personally acquainted, and who, upon his oath, acknowledges himself to be the Mayor of the City of Memphis, the within named bargainer, a Municipal Corporation of the State of Tennessee, and that he as such Mayor of said City, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such Mayor of said City.

WITNESS my hand and Notarial Seal at office on this, the 7TH day of April, 2022.

[Handwritten signature]

Notary Public

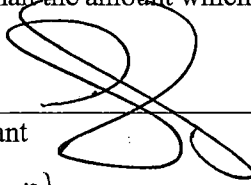
My commission expires



VALUE AFFIDAVIT

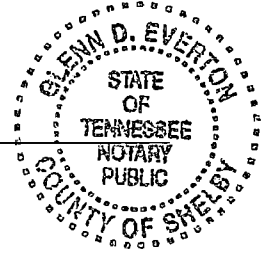
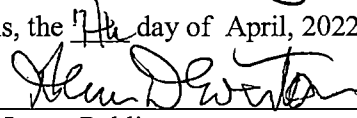
I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer, or the value of the property transferred, whichever is greater, is \$3,500,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant



Subscribed and sworn to before me on this, the 17th day of April, 2022.

Notary Public



My commission expires:

10/27/2024

<p><u>Property Address (and Tax Parcel No.):</u></p> <p>1925 Union, Memphis, Tennessee which includes 0 Union at parcel number 160052 00029, 0 Union at parcel number 160052 00028 and 192 South Barksdale Street at parcel number 160052 00022</p> <p>Memphis, Tennessee 38104</p>	<p><u>Name and Address of Grantor, and Mail Tax Bills To:</u></p> <p>EP3 Developers, LLC 9639 Grays Meadow Drive., W Cordova, Tennessee 38018</p>
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EXHIBIT A**LEGAL DESCRIPTION**

Beginning at a point in the south line of Union Avenue (80 feet wide) a distance of 154.0 feet easterly along said line, from the tangent intersection of the said south sideline of Union Avenue with the east sideline of Barksdale Street (50 feet wide); Thence proceed South $83^{\circ}55'15''$ East, a distance of 332.65 feet to a point in the said south line of Union Avenue; Thence proceed South $0^{\circ}30'30''$ West a distance of (367.95 feet call), 369.24 feet measured, to a point in the north line of the City of Memphis, Board of Education, Idlewild School property; Thence proceed South $89^{\circ}30'00''$ West a distance of 180.65 feet to the northwest corner of said school property; Thence proceed South $0^{\circ}41'17''$ West, a distance of 208.0 feet to a point in the north sideline of Linden Avenue (50 feet wide), said point being also the southwest corner of the said school property; Thence proceed South $89^{\circ}30'00''$ West a distance of 100.0 feet to a point in the said north sideline of Linden Avenue; Thence proceed North $0^{\circ}41'17''$ East a distance of 227.0 feet to a point; Thence proceed North $89^{\circ}32'02''$ West a distance of (67.52 feet call) 68.36 feet measured to a point; Thence proceed south $0^{\circ}31'35''$ West a distance of 81.54 feet to a point; Thence proceed South $89^{\circ}30'00''$ West a distance of 135.5 feet to a point in the east sideline of Barksdale Street (50 feet wide); Thence proceed North $0^{\circ}30'48''$ East a distance of 83.6 feet to a point in the said east sideline of Barksdale Street; Thence proceed South $89^{\circ}36'18''$ East a distance of 103.2 feet to a point; Thence proceed North $0^{\circ}30'48''$ East a distance of 103.4 feet to a point; Thence proceed North $0^{\circ}34'36''$ East a distance of 121.0 feet to a point; Thence proceed North $49^{\circ}32'58''$ East a distance of 65.97 feet to a point; Thence proceed North $0^{\circ}34'36''$ East a distance of 120.0 feet to a point in the south sideline of Union Avenue, the point of beginning.

Together with a perpetual non-exclusive easement for underground gas service pipeline across and under the premises labeled as "N.B.C. Bank" and "N.B.C. Parking" as shown on survey by Irby Seay Company, Consulting Engineers, dated January 12, 1981.

EXHIBIT B – EXCEPTIONS

1. Shelby County taxes for the year 2022, a lien, not yet due and payable.
2. Subdivision restrictions, building lines and easements of record in Book 2389, Page 618; Book 3695, Page 65; Instrument Number F2 0151 and S2 9026, filed in the Register's Office of Shelby County, Tennessee.
3. Deed Restrictions of record at Instrument E5-6400 and H4 9717, filed in the aforesaid Register's Office.

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(SPECIAL USE PERMIT)**

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, August 20, 2024 at 3:30 P.M., in the matter of granting an application for a special use permit pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

CASE NUMBER: MJR 2024-020 (SUP 2021-039 CORRES.)
LOCATION: 1925 Union Avenue
COUNCIL DISTRICTS: District 4, Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: EP3 Developers, LLC
REPRESENTATIVE: Kimley-Horn and Associates, Inc.
EXISTING ZONING: Commercial Mixed-Use – 3 (CMU-3) and SUP 2021-039
REQUEST: Major modification to permit a drive-through restaurant and time extension for SUP 2021-039
AREA: +/-1.06 acres

RECOMMENDATIONS:

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

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

NOW, THEREFORE, you will take notice that on Tuesday, August, 20, 2024, 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 THE 25th DAY OF JULY, 2024

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/06/2024
DATE
PUBLIC SESSION: 08/20/2024
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 4701 Boeingshire Dr, known as case number PD 2023-029.

CASE NUMBER: PD 2023-029

DEVELOPMENT: Summers Planned Development

LOCATION: 4701 Boeingshire Dr

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

OWNER/APPLICANT: Dolphin Construction INC

REPRESENTATIVE: The Bray Firm

REQUEST: Planned development amendment for 11 residential lots in Area II-B of the previously entitled Summers Planned Development

AREA: +/-1.951 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Public hearing – August 20, 2024

PRIOR ACTION ON ITEM:

(2) _____	APPROVAL - (1) APPROVED (2) DENIED
04/11/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE


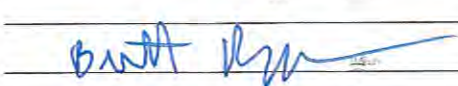
FUNDING:

(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>
	July 17, 2024	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	7/17/24	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2023-029

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 4701 BOEINGSHIRE DR, KNOWN AS CASE NUMBER PD 2023-029.

- This item is a resolution with conditions to allow a Planned development amendment for 11 residential lots in Area II-B of the previously entitled Summers Planned Development; 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 11, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2023-029

DEVELOPMENT: Summers Planned Development

LOCATION: 4701 Boeingshire Dr

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

OWNER/APPLICANT: Dolphin Construction INC

REPRESENTATIVE: The Bray Firm

REQUEST: Planned development amendment for 11 residential lots in Area II-B of the previously entitled Summers Planned Development

EXISTING ZONING: Residential Urban-3 (RU-3), Currently governed by the existing Summers Planned Development (PD 1997-323).

AREA: +/-1.951 acres

The following spoke in support of the application: David Bray

The following spoke in opposition the application: Lorece Coleman

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

The motion failed by a unanimous vote of 7-0 on the regular agenda.

Respectfully,

Mahsan Ostadnia

Planner II
Land Use & Development Services

Cc: Committee Members
File

**PD 2023-029
CONDITIONS**

I. Uses Permitted

- A. Area I.A. shall be labeled as the parcel on the east side of Boeingshire Drive defined as follows:

A maximum of 330 feet in depth as measured at its widest point south from the southern right-of-way line of Shelby Drive.

A maximum of 450 feet wide as measured east to west parallel with Shelby Drive.

This parcel's uses shall be governed by the uses permitted by right or by administrative site plan review in the Local Commercial (C-L) District with the following exceptions:

1. Group Shelter
2. Transitional Home
3. Airport, Heliport
4. Lodge, Country Club
5. Museum
6. Recreation Field
7. School, public or private, K-12
8. Farm Labor and Management Services

- B. The following uses shall also be permitted:

1. Office and art supply, display and storage
2. Apothecary
3. Answering Service
4. Duplicating or blueprinting establishment
5. Computer Sales and Service
6. As an accessory to office use only, wholesale sales, service, storage and display of equipment shall be permitted. The floor area devoted to these activities shall be limited to a maximum of 25 percent of the total floor area of the office establishment.

- C. The remainder of the subject property east of Boeingshire Drive shall be labeled Area I-B. In Area I-B, uses shall be governed by the Limited Office (O-L) District and the following additional uses shall be permitted:

1. Office and art supply, display and storage
2. Apothecary in association with a medical office(s)
3. Answering service
4. Duplicating and blueprint establishment
5. Computer sales and service
6. As an accessory to office use only, wholesale sales, service, storage and display of equipment shall be permitted. The floor area devoted to these activities shall be limited to a maximum of 25 percent of the total floor area of the office establishment.
7. Art or photo studio or gallery
8. Music or dancing academy

9. Telephone service center
10. Multiple tenants shall be permitted in a single building.

D. The following uses are not permitted in Areas I-A, I-B, II-A and ~~II-B~~:

1. Hotels/Motels
2. Liquor Stores
3. Mini-storage
4. Apartments or residential uses
5. Pawn Shops
6. Car lots
7. Pool Halls
8. Service Stations
9. Lumber Yards
10. Auto Garages
11. Warehouses
12. Brewery
13. Arcades
14. Car Rentals
15. Car Washes
16. Scrap Metal
17. Transportation Equipment
18. Taxi Cab Dispatch Station

E. The parcel shown on the west side of Boeingshire Drive 249.97 feet deep as dimensioned along the western boundary shall be labeled Area II-A and shall permit all of the same uses allowed in Area I-A above.

F. Area II-B

1. Lots of 1–9. The concept plan shall be permitted cottage, semi-attached, or townhouse dwellings.
2. Lots 10–11 on the concept plan shall be permitted single-family detached dwellings.
3. The bulk regulations of the RU-3 zoning district shall apply with the following exceptions:
 - a) The minimum lot width of all lots shall be 32 feet except for Lots 10–11 which shall be 75 feet.
 - b) The minimum front yard building setback along Boeingshire Drive shall be 20 feet.
 - c) The minimum front yard building setback along the internal private drive shall be 15 feet.
 - d) The minimum rear yard building set back from the common open space alleys serving Lots 1-9 shall be 10 feet. All other rear setbacks shall be 20 feet.
 - e) A side yard setback of 5 feet shall be provided along the north line of Lot 1 and the south line of Lot 9.

f) No driveway access to Boeingshire Drive from lots 1–9 shall be permitted.

4. A cellular monopole communications tower and a maximum of 75 feet in height with accessory equipment shelter, and generator pad shall be permitted in the northwest corner of Area II-B. An access easement shall be the provided for the cell tower parcel.

5. No building permit shall be issued based on the concept plan. A final plat must be approved and recorded for Area II-B.

II. Bulk Regulations

A. Commercial and office uses shall be governed by the C-P District regulations with the following exceptions:

1. Area I-B - Minimum setback from the south and east property line: 35 feet.
- ~~2. Area II-B - Minimum setback from the south and east property line: 20 feet.~~
3. Buildings within 200 feet of the southern property line shall be limited to one story and a maximum of 6,000 square feet.

III. Access and Circulation

- A. Adequate queing spaces for two (2) cars shall be provided between the Shelby Drive right-of-way line and any proposed gate/guardhouse/cardreader.
- B. Adequate maneuvering room shall be provided in advance of the gate for vehicles to exit by forward motion.

C. Curb cuts permitted along Shelby Drive:

- Area I-A (East of Boeingshire Drive) - Two
- Area II-A (West of Boeingshire Drive) - One
- Area I-B (East of Boeingshire Drive) - One

- D. Internal circulation shall be provided between all adjacent phases/sections of the development.
- E. No curb cut along the Shelby Drive frontage of Parcel II-A permitting ingress by left turn shall be permitted.
- F. All private drives are to be constructed to meet the Subdivision Regulations, applicable City standards, and provide a minimum width of twenty-two feet (22') exclusive of curb and gutter.
- G. Sidewalks are required along Shelby and Boeingshire Drives.

IV. Drainage

- A. All drainage plans shall be submitted to the City Engineering Office for review.
- B. A pro-rata fee for major drainage improvements through this site may be required for phased development.
- C. Drainage improvements, including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. 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.).

V. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereinafter 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.

VI. Landscaping and Screening

- A. In Area I-B, a minimum 30 foot front yard along Boeingshire Drive shall be landscaped with trees and shrubs subject to the approval of the Office of Planning and Development.
- ~~B. In Area II-B, Plant 11-1 or equivalent landscaping shall be provided along the Boeingshire Drive frontage.~~
- C. Interior landscaping, exclusive of streetscape and perimeter landscaping, shall be provided in an amount equivalent to 5% of the building and paved parking and circulation areas. Existing trees shall be preserved and incorporated into the development if possible.

- D. Plate A-3 or equivalent shall be provided along Shelby Drive and along Boeingshire Drive for Areas I-A and II-A.
- E. Existing trees shall be preserved and supplemented where necessary to provide a minimum 25 foot wide screen, Plate B-5 or equivalent, along the property boundaries as follows:
 - south and east boundaries of Area I-B
 - ~~south and west boundaries of Area II-B~~
- F. Within Area I-B, east of Boeingshire Drive, existing growth which extends along the drainage creek shall be preserved. This screen area shall extend at least 20 feet on both sides of the drainage creek and shall be supplemented with trees and shrubs where necessary.
- G. Equivalent landscaping may be substituted for any of the above requirements subject to the approval of the Office of Planning and Development.
- H. All required landscaping and screening shall not conflict with any easements including overhead wires.
- I. All refuse dumpsters shall be completely screened from view from all adjacent properties and from all public roads.
- J. On commercial and office buildings, all heating and air conditioning equipment including that located on the roof shall be hidden from view through the use of architectural features of the building.
- K. On commercial and office buildings, utility features such as electrical wiring and meters shall also be screened using architectural features or landscaping.
- L. All loading facilities shall be screened from view of the public roads and adjacent properties to the south and east.
- M. The cellular tower compound shall have in addition to any landscaping required above, a row of Privet Hedge with the plants spaced every 5 feet on center around the perimeter of the chain link fence that encloses the site. This shall be illustrated on the final plat and include Plate B-5 required in Condition VI.E including any existing trees to be removed or used as part of the landscaping requirement.

VII. Signs

Signs shall be governed by the Planned Commercial (C-P) District, except as provided below:

- A. A maximum of two ground mounted detached signs shall be permitted along the east side of Boeingshire Drive, with a maximum area of 35 square feet and a minimum setback of 15 feet.
- B. A maximum of two ground mounted detached signs shall be permitted along the west side of Boeingshire Drive, with a maximum area of 35 square feet and a minimum setback of 15 feet.
- C. Signage along Shelby Drive shall be consistent with the C-P District.

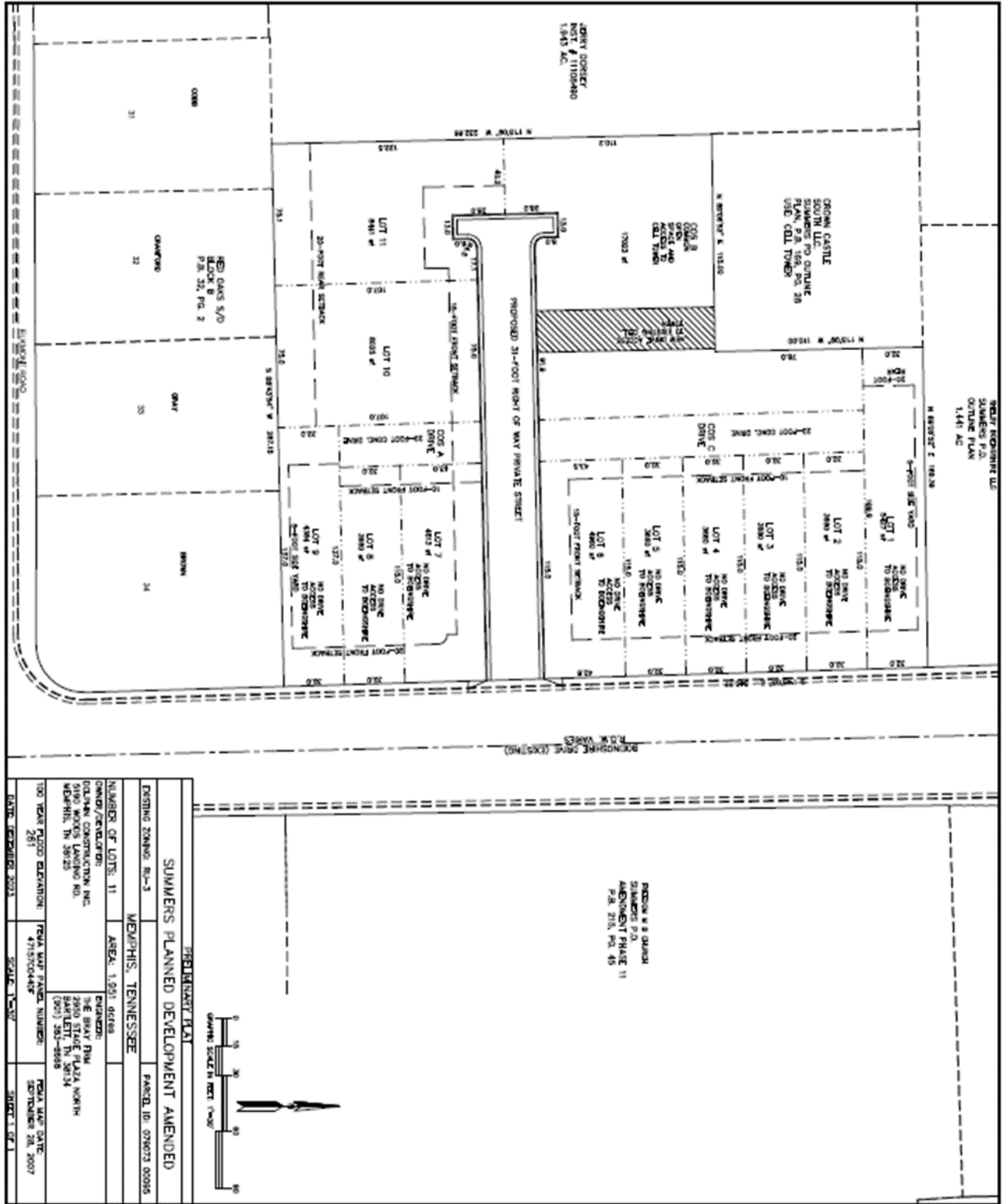
- D. Ground mounted subdivision entrance signs shall be provided on both sides of Boeingshire Drive near the south property line, each with a maximum area of 35 square feet and a minimum setback of 15 feet.
- E. Portable and temporary signs shall be prohibited.
- F. The design and materials of signs shall be consistent with the proposed buildings subject to approval by the Office of Planning and Development.

VIII. Other

- A. All buildings, signs, and other structures shall be constructed in a consistent architectural style and use consistent building materials.
 - B. Buildings of metal or concrete block siding shall be prohibited.
 - C. A rendering of the exterior appearance of proposed buildings with proposed siding and roof materials shall be provided on any final plan subject to the approval of the Office of Planning and Development.
- IX. A final plan shall be filed within five years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- X. All common open space features shall be maintained by a property owners' association. The first phase of development adjacent to a common open space shall include the common open space within the site plan for that phase.
- XI. 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 location and dimensions of building footprints, pedestrian and utility easements, and required landscaping and screening areas;
 - D. The content of all landscaping and screening to be provided;
 - E. The location of trees and groups of trees to be preserved within the yard spaces and required landscape/screening areas;
 - F. The location and ownership, whether public or private, of any easement;
 - G. If applicable, a statement conveying all common facilities and areas to a homeowner's association or other entity, for ownership and maintenance purposes;
 - H. Building and sign illustrations as required by Conditions VII-E and VIII-A and C.

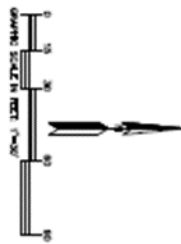
- i. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. 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 owner's 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 Engineering 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.

CONCEPT FOR OUTLINE PLAN AREA II-B



DEVELOPER:
SUMMERS PLANNED DEVELOPMENT AMENDED
 1.441 AC

SECTION 8 & 9 QUAD
 SUMMERS P.D.
 AMENDMENT PHASE 11
 P.L. 215, PG. 45



PROJECT TITLE			
SUMMERS PLANNED DEVELOPMENT AMENDED			
EXISTING ZONING: R-3		MEMPHIS, TENNESSEE	
NUMBER OF LOTS: 11		AREA: 1,991 SQFT	
CONVEYOR/CONTRACTOR: CROWN CASTLE CONSTRUCTION, INC. 2719 UNIVERSITY BLVD. MEMPHIS, TN 38122 (901) 263-8888			
100' WIDE PLAZA DIMENSION: 261'		TOTAL MAP FRAME NUMBER: 4712700448	
DATE: DECEMBER 2003		SCALE: 1"=50'	
TITLE: 1 OF 1		SHEET: 1 OF 1	

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 4701 BOEINGSHIRE DR, KNOWN AS CASE NUMBER PD 2023-029.

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 Dolphin Construction INC filed an application with the Memphis and Shelby County Division of Planning and Development to allow Planned development amendment for 11 residential lots in Area II-B of the previously entitled Summers 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 April 11, 2024, 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.

OUTLINE PLAN CONDITIONS

I. Uses Permitted

- A. Area I.A. shall be labeled as the parcel on the east side of Boeingshire Drive defined as follows:

A maximum of 330 feet in depth as measured at its widest point south from the southern right-of-way line of Shelby Drive.

A maximum of 450 feet wide as measured east to west parallel with Shelby Drive.

This parcel's uses shall be governed by the uses permitted by right or by administrative site plan review in the Local Commercial (C-L) District with the following exceptions:

1. Group Shelter
2. Transitional Home
3. Airport, Heliport
4. Lodge, Country Club
5. Museum
6. Recreation Field
7. School, public or private, K-12
8. Farm Labor and Management Services

- B. The following uses shall also be permitted:

1. Office and art supply, display and storage
2. Apothecary
3. Answering Service
4. Duplicating or blueprinting establishment
5. Computer Sales and Service
6. As an accessory to office use only, wholesale sales, service, storage and display of equipment shall be permitted. The floor area devoted to these activities shall be limited to a maximum of 25 percent of the total floor area of the office establishment.

- C. The remainder of the subject property east of Boeingshire Drive shall be labeled Area I-B. In Area I-B, uses shall be governed by the Limited Office (O-L) District and the following additional uses shall be permitted:

1. Office and art supply, display and storage
2. Apothecary in association with a medical office(s)
3. Answering service
4. Duplicating and blueprint establishment
5. Computer sales and service
6. As an accessory to office use only, wholesale sales, service, storage and display of equipment shall be permitted. The floor area devoted to these activities shall be limited to a maximum of 25 percent of the total floor area of the office establishment.
7. Art or photo studio or gallery
8. Music or dancing academy

9. Telephone service center
10. Multiple tenants shall be permitted in a single building.

D. The following uses are not permitted in Areas I-A, I-B, II-A and ~~II-B~~:

1. Hotels/Motels
2. Liquor Stores
3. Mini-storage
4. Apartments or residential uses
5. Pawn Shops
6. Car lots
7. Pool Halls
8. Service Stations
9. Lumber Yards
10. Auto Garages
11. Warehouses
12. Brewery
13. Arcades
14. Car Rentals
15. Car Washes
16. Scrap Metal
17. Transportation Equipment
18. Taxi Cab Dispatch Station

E. The parcel shown on the west side of Boeingshire Drive 249.97 feet deep as dimensioned along the western boundary shall be labeled Area II-A and shall permit all of the same uses allowed in Area I-A above.

F. Area II-B

1. Lots of 1–9. The concept plan shall be permitted cottage, semi-attached, or townhouse dwellings.
2. Lots 10–11 on the concept plan shall be permitted single-family detached dwellings.
3. The bulk regulations of the RU-3 zoning district shall apply with the following exceptions:
 - a) The minimum lot width of all lots shall be 32 feet except for Lots 10–11 which shall be 75 feet.
 - b) The minimum front yard building setback along Boeingshire Drive shall be 20 feet.
 - c) The minimum front yard building setback along the internal private drive shall be 15 feet.
 - d) The minimum rear yard building set back from the common open space alleys serving Lots 1-9 shall be 10 feet. All other rear setbacks shall be 20 feet.
 - e) A side yard setback of 5 feet shall be provided along the north line of Lot 1 and the south line of Lot 9.

f) No driveway access to Boeingshire Drive from lots 1–9 shall be permitted.

4. A cellular monopole communications tower and a maximum of 75 feet in height with accessory equipment shelter, and generator pad shall be permitted in the northwest corner of Area II-B. An access easement shall be the provided for the cell tower parcel.

5. No building permit shall be issued based on the concept plan. A final plat must be approved and recorded for Area II-B.

II. Bulk Regulations

A. Commercial and office uses shall be governed by the C-P District regulations with the following exceptions:

1. Area I-B - Minimum setback from the south and east property line: 35 feet.
- ~~2. Area II-B - Minimum setback from the south and west property line: 10 feet.~~
3. Buildings within 200 feet of the southern property line shall be limited to one story and a maximum of 6,000 square feet.

III. Access and Circulation

A. Adequate queing spaces for two (2) cars shall be provided between the Shelby Drive right-of-way line and any proposed gate/guardhouse/cardreader.

B. Adequate maneuvering room shall be provided in advance of the gate for vehicles to exit by forward motion.

C. Curb cuts permitted along Shelby Drive:

- Area I-A (East of Boeingshire Drive) - Two
- Area II-A (West of Boeingshire Drive) - One
- Area I-B (East of Boeingshire Drive) - One

- D. Internal circulation shall be provided between all adjacent phases/sections of the development.
- E. No curb cut along the Shelby Drive frontage of Parcel II-A permitting ingress by left turn shall be permitted.
- F. All private drives are to be constructed to meet the Subdivision Regulations, applicable City standards, and provide a minimum width of twenty-two feet (22') exclusive of curb and gutter.
- G. Sidewalks are required along Shelby and Boeingshire Drives.

IV. Drainage

- A. All drainage plans shall be submitted to the City Engineering Office for review.
- B. A pro-rata fee for major drainage improvements through this site may be required for phased development.
- C. Drainage improvements, including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. 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.).

- V. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereinunder 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.

VI. Landscaping and Screening

- A. In Area I-B, a minimum 30 foot front yard along Boeingshire Drive shall be landscaped with trees and shrubs subject to the approval of the Office of Planning and Development.
- ~~B. In Area II-B, Plot A, an equivalent landscaping shall be provided along the Boeingshire Drive frontage.~~
- C. Interior landscaping, exclusive of streetscape and perimeter landscaping, shall be provided in an amount equivalent to 5% of the building and paved parking and circulation areas. Existing trees shall be preserved and incorporated into the development if possible.

- D. Plate A-3 or equivalent shall be provided along Shelby Drive and along Boeingshire Drive for Areas I-A and II-A.
- E. Existing trees shall be preserved and supplemented where necessary to provide a minimum 25 foot wide screen, Plate B-5 or equivalent, along the property boundaries as follows:
 - south and east boundaries of Area I-B
 - ~~south and west boundaries of Area II-B~~
- F. Within Area I-B, east of Boeingshire Drive, existing growth which extends along the drainage creek shall be preserved. This screen area shall extend at least 20 feet on both sides of the drainage creek and shall be supplemented with trees and shrubs where necessary.
- G. Equivalent landscaping may be substituted for any of the above requirements subject to the approval of the Office of Planning and Development.
- H. All required landscaping and screening shall not conflict with any easements including overhead wires.
- I. All refuse dumpsters shall be completely screened from view from all adjacent properties and from all public roads.
- J. On commercial and office buildings, all heating and air conditioning equipment including that located on the roof shall be hidden from view through the use of architectural features of the building.
- K. On commercial and office buildings, utility features such as electrical wiring and meters shall also be screened using architectural features or landscaping.
- L. All loading facilities shall be screened from view of the public roads and adjacent properties to the south and east.
- M. The cellular tower compound shall have in addition to any landscaping required above, a row of Privet Hedge with the plants spaced every 5 feet on center around the perimeter of the chain link fence that encloses the site. This shall be illustrated on the final plat and include Plate B-5 required in Condition VI.E including any existing trees to be removed or used as part of the landscaping requirement.

VII. Signs

Signs shall be governed by the Planned Commercial (C-P) District, except as provided below:

- A. A maximum of two ground mounted detached signs shall be permitted along the east side of Boeingshire Drive, with a maximum area of 35 square feet and a minimum setback of 15 feet.
- B. A maximum of two ground mounted detached signs shall be permitted along the west side of Boeingshire Drive, with a maximum area of 35 square feet and a minimum setback of 15 feet.
- C. Signage along Shelby Drive shall be consistent with the C-P District.

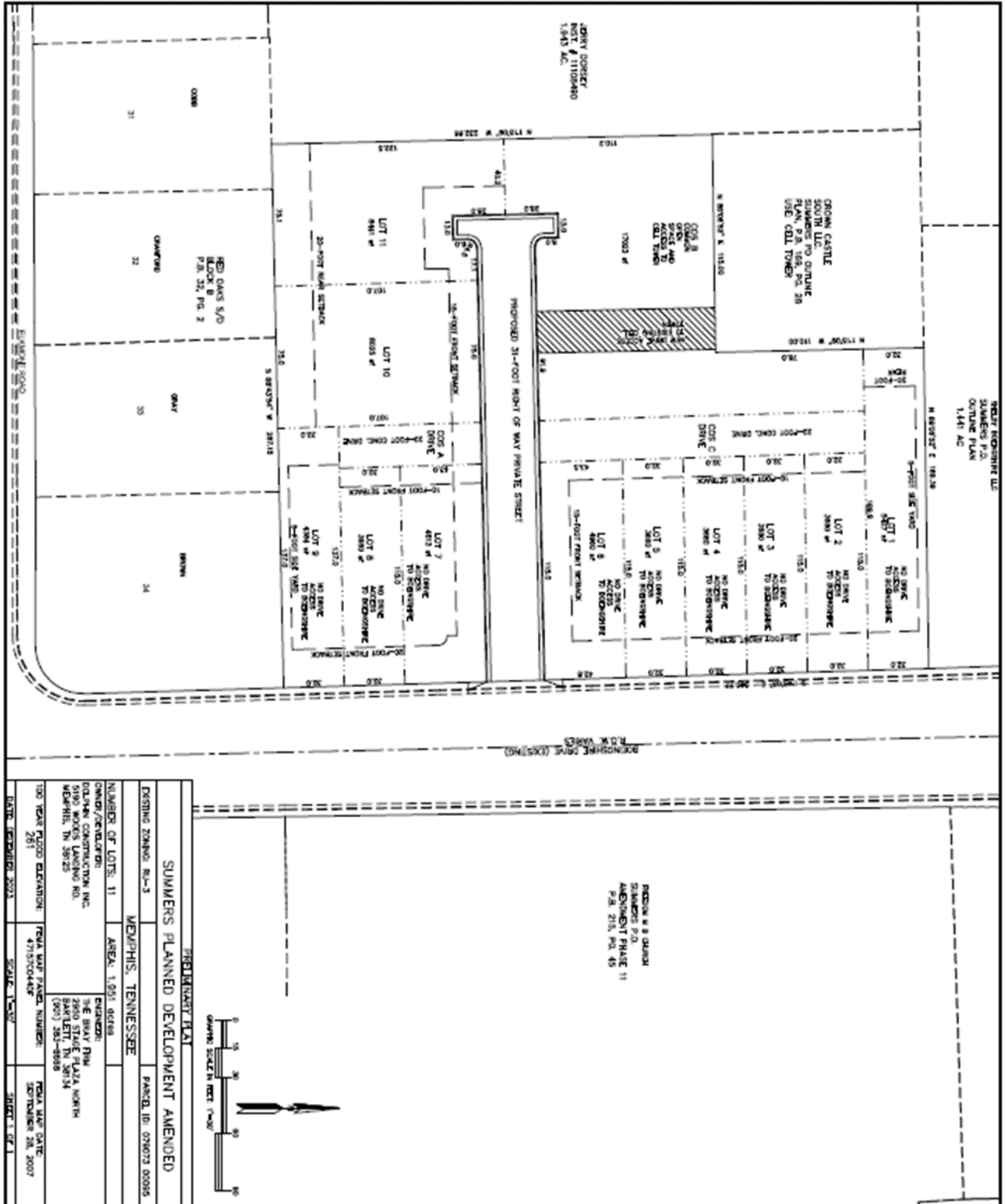
- D. Ground mounted subdivision entrance signs shall be provided on both sides of Boeingshire Drive near the south property line, each with a maximum area of 35 square feet and a minimum setback of 15 feet.
- E. Portable and temporary signs shall be prohibited.
- F. The design and materials of signs shall be consistent with the proposed buildings subject to approval by the Office of Planning and Development.

VIII. Other

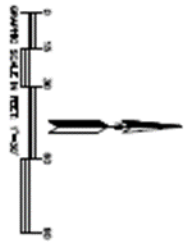
- A. All buildings, signs, and other structures shall be constructed in a consistent architectural style and use consistent building materials.
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- IX. A final plan shall be filed within five years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
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- XI. 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 location and dimensions of building footprints, pedestrian and utility easements, and required landscaping and screening areas;
 - D. The content of all landscaping and screening to be provided;
 - E. The location of trees and groups of trees to be preserved within the yard spaces and required landscape/screening areas;
 - F. The location and ownership, whether public or private, of any easement;
 - G. If applicable, a statement conveying all common facilities and areas to a homeowner's association or other entity, for ownership and maintenance purposes;
 - H. Building and sign illustrations as required by Conditions VII-E and VIII-A and C.

1. 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 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 owner's 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 Engineering 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.

CONCEPT FOR OUTLINE PLAN AREA II-B

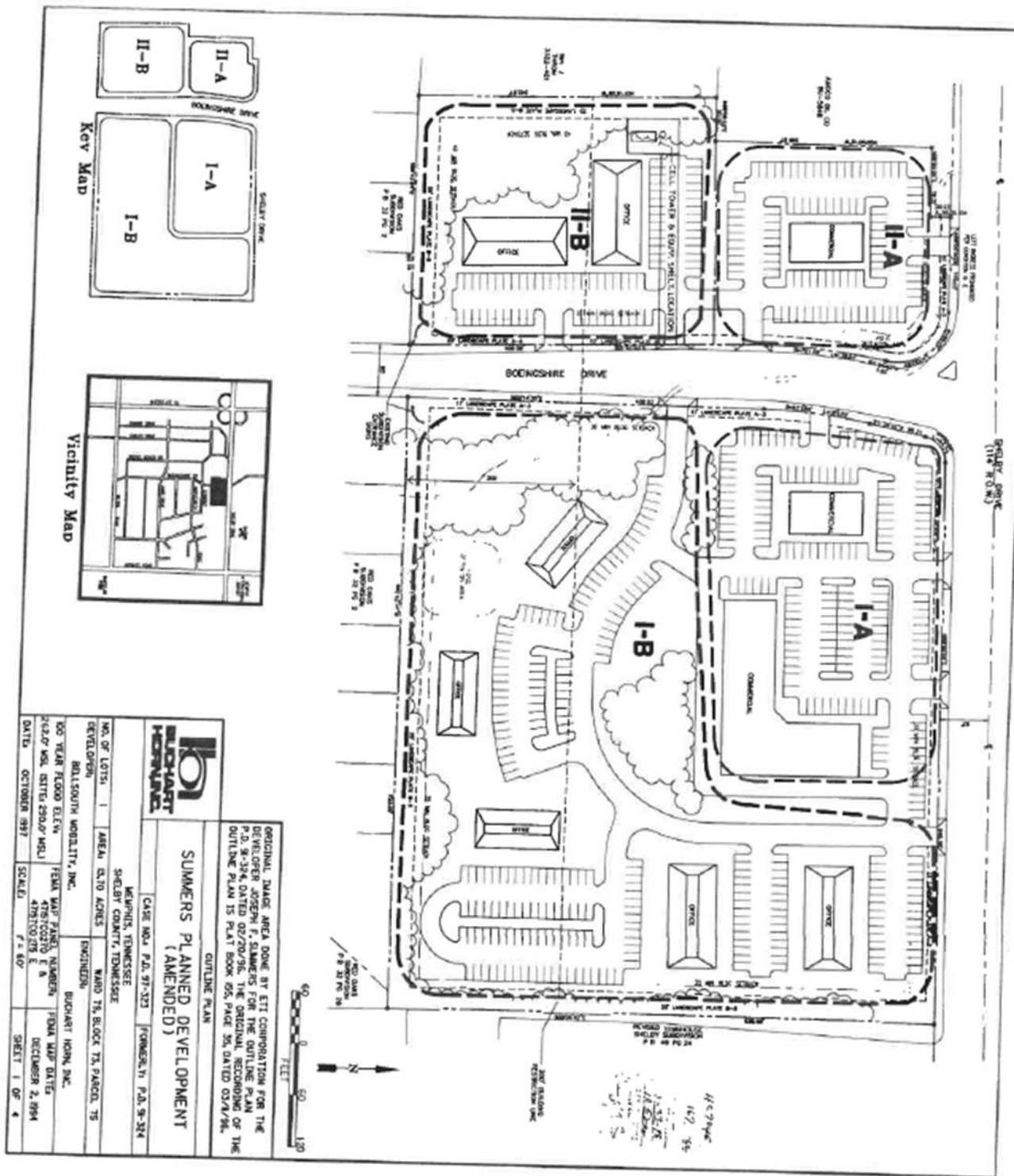


PROPOSED 31-FOOT WIDE PRIVATE STREET



PRELIMINARY PLAN SUMMERS PLANNED DEVELOPMENT AMENDED	
RESTING ZONING: R1-3 AREA: 1.44 ACRES NUMBER OF LOTS: 11 OWNER/DEVELOPER: COLMAN CONSTRUCTION INC. 1500 W. WOODBURN RD. MEMPHIS, TN 38125 (901) 361-8888	PARCEL ID: 076073 00056 THE STATE OF TENNESSEE DEPARTMENT OF REVENUE 261 TOTAL MAP DATE: SEPTEMBER 28, 2007
TOTAL MAP DATE: SEPTEMBER 28, 2007	TOTAL MAP SCALE: 1"=50'

CURRENTLY RECORDED OUTLINE PLAN GRAPHIC



		SUMMERS PLANNED DEVELOPMENT (AMENDED)	
CASE NO. P.A. 91-323 / CONGR. N. P.A. 91-314		ORIGINAL: PLANNED DEVELOPMENT FOR THE DEVELOPER DESIGN BY SUMMERS FOR THE OUTLINE PLAN P.A. 91-314, DATED 02/20/94. THE ORIGINAL RECORDING OF THE OUTLINE PLAN IS PLAT BOOK 656, PAGE 30, DATED 03/14/94.	
MUNICIPAL JURISDICTION: MEMPHIS, TENNESSEE COUNTY: SHELBY COUNTY, TENNESSEE		OUTLINE PLAN	
NO. OF LOTS: 1	AREA: 63.10 ACRES	ENGINEER: RICHARD HORN, INC.	FROM MAP DATES: DECEMBER 2, 1994
DEVELOPER: BOLLINGHOPE MOBILITY, INC.	WARD: 7th, BLOCK 7th, PARCEL 75	ARCHITECT: RICHARD HORN, INC.	SHEET 1 OF 4
100 YEAR FLOOD ELEV.: 475.00' MSL. (SITE 290.0' MSL.)	DATE: OCTOBER 1997	SCALE: 1" = 60'	SHEET 1 OF 4

ATTEST:

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

AGENDA ITEM: 2

CASE NUMBER: PD 2023-029 **L.U.C.B. MEETING:** April 11, 2024

DEVELOPMENT: Summers Planned Development

LOCATION: 4701 Boeingshire Dr

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

OWNER/APPLICANT: Dolphin Construction INC

REPRESENTATIVE: The Bray Firm

REQUEST: Planned development amendment for 11 residential lots in Area II-B of the previously entitled Summers Planned Development

AREA: +/-1.951 acres

EXISTING ZONING: Residential Urban-3 (RU-3), Currently governed by the existing Summers Planned Development (PD 1997-323).

CONCLUSIONS

1. The requested amendment to Area II-B eliminates non-residential uses in favor of the development of 11 residential lots.
2. In terms of land use transition from Shelby Drive south to Elkmont Road, the proposed land use change to Area II-B is an even better transition in intensity of use to the single-family homes in the abutting Red Oaks Subdivision.
3. Whereas currently Area II-B could be developed with a variety of non-residential uses such as offices, computer sales and services, an art supply store, music or dancing academy, and a duplicating and blueprint establishment, the amendment would place townhouse, semi-attached, and single-family detached homes in Area II-B offering opportunity for new home ownership.
4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 25-27 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Boeingshire Dr +/-340.77 linear feet

Zoning Atlas Page: 2430

Parcel ID: 079073 00095

Existing Zoning: Residential Urban-3 (RU-3), PD 1997-323

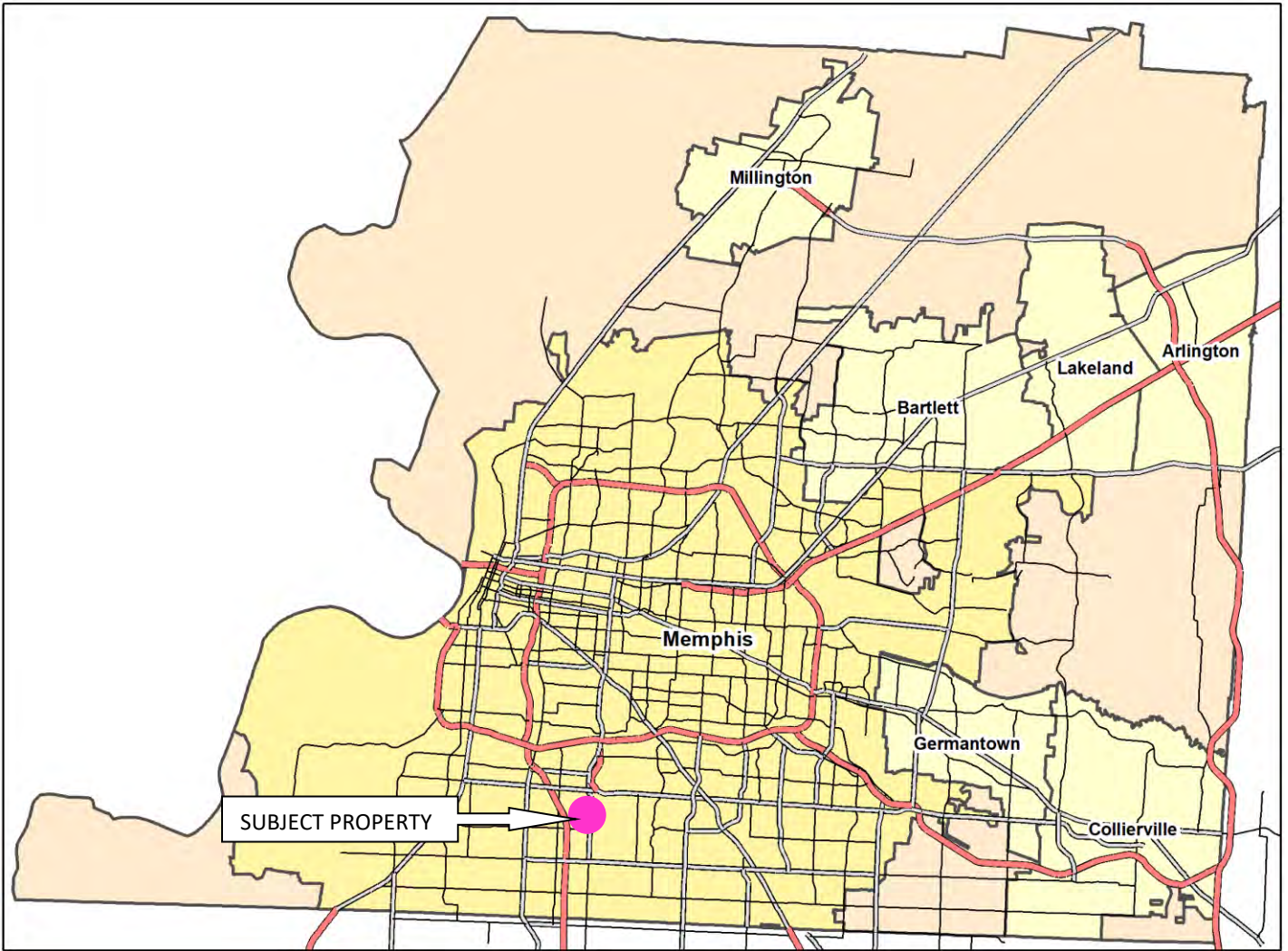
NEIGHBORHOOD MEETING

The meeting was held at 6:00-7:00 PM on Wednesday, December 27, 2023, at Whitehaven Library, 4120 Mill Branch Road.

PUBLIC NOTICE

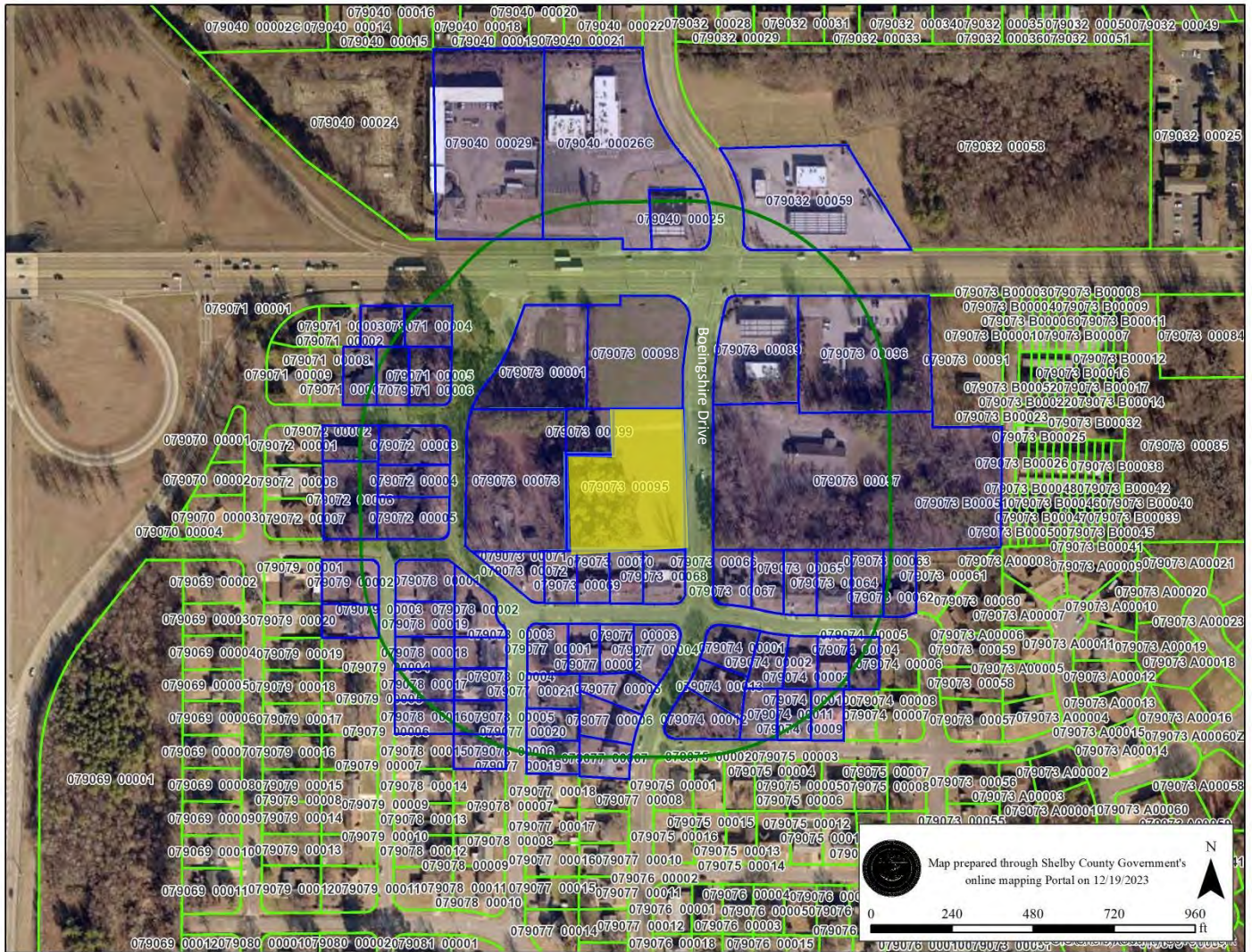
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 65 notices were mailed on December 19, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle.

VICINITY MAP



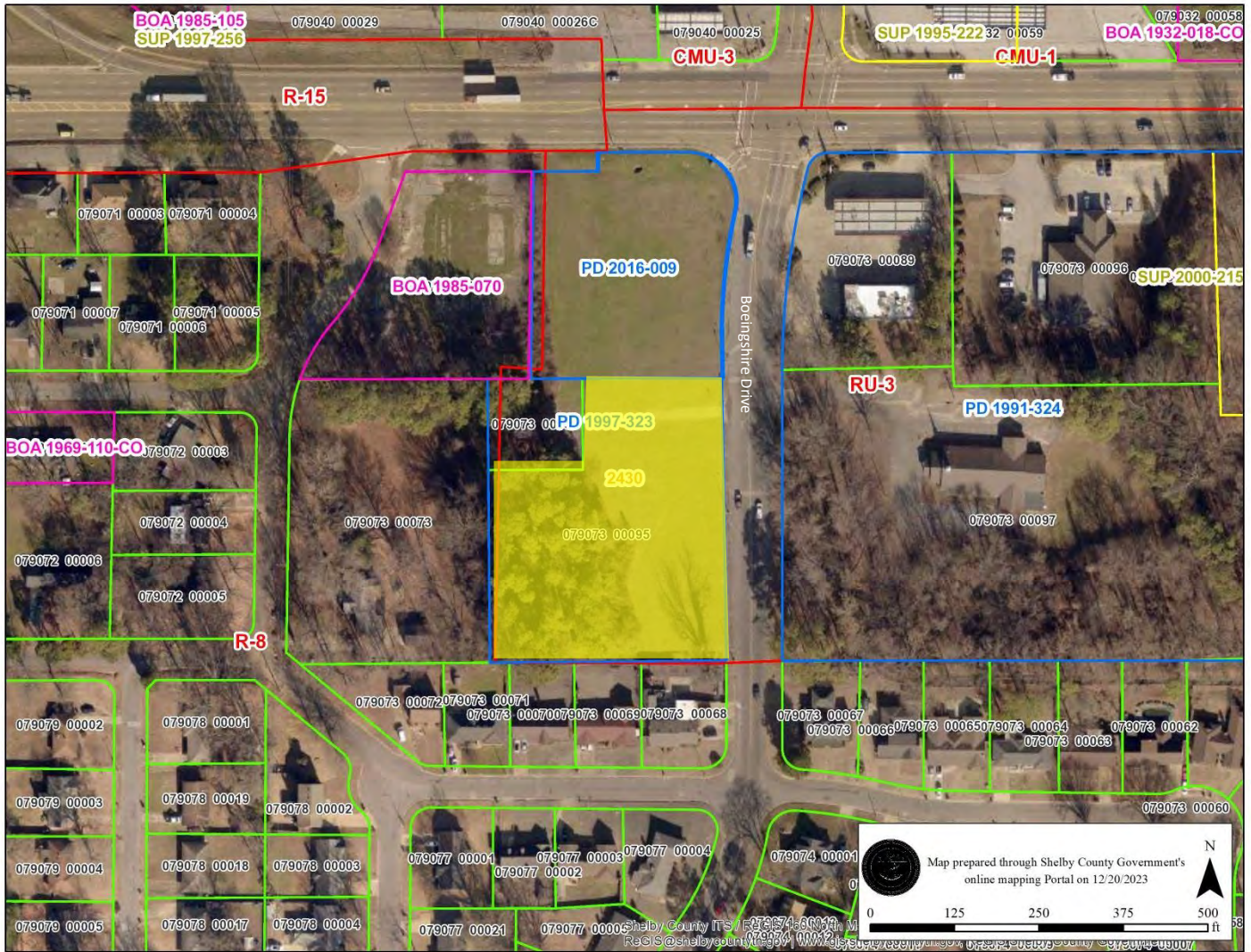
Subject property highlighted in yellow.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

Existing Zoning: Residential Urban-3 (RU-3), Currently governed by the existing Summers Planned Development (PD 1997-323).

Surrounding Zoning

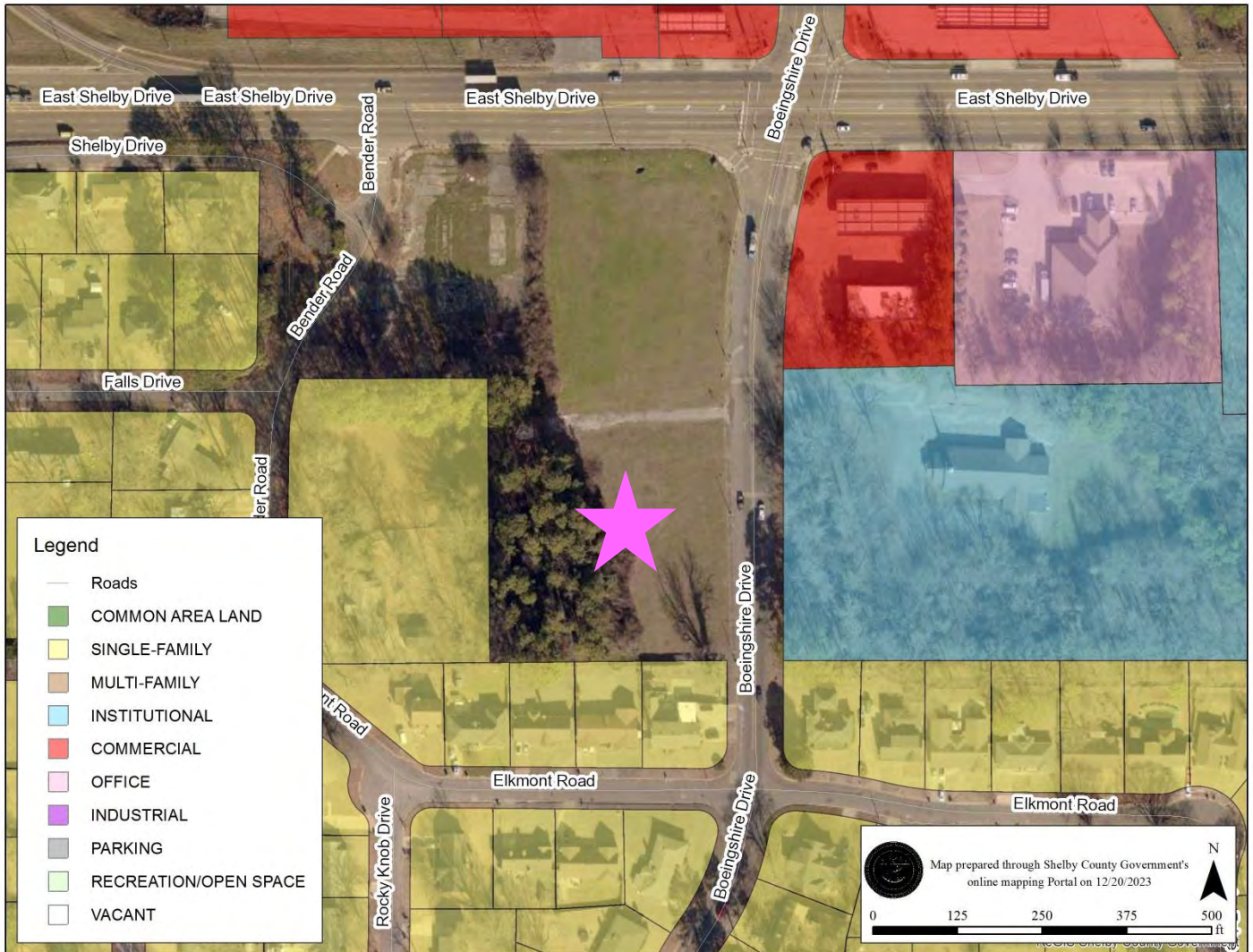
North: RU-3, CMU-3, BOA 1985-070

East: RU-3, R-8, PD 1997-323, BOA 1969-026-CO

South: R-8

West: R-8, BOA 1969-110-CO

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star.

SITE PHOTOS



View of the center of the subject property from Boeingshire Dr (Front).



View of the center of the subject property from Boeingshire Dr (East).

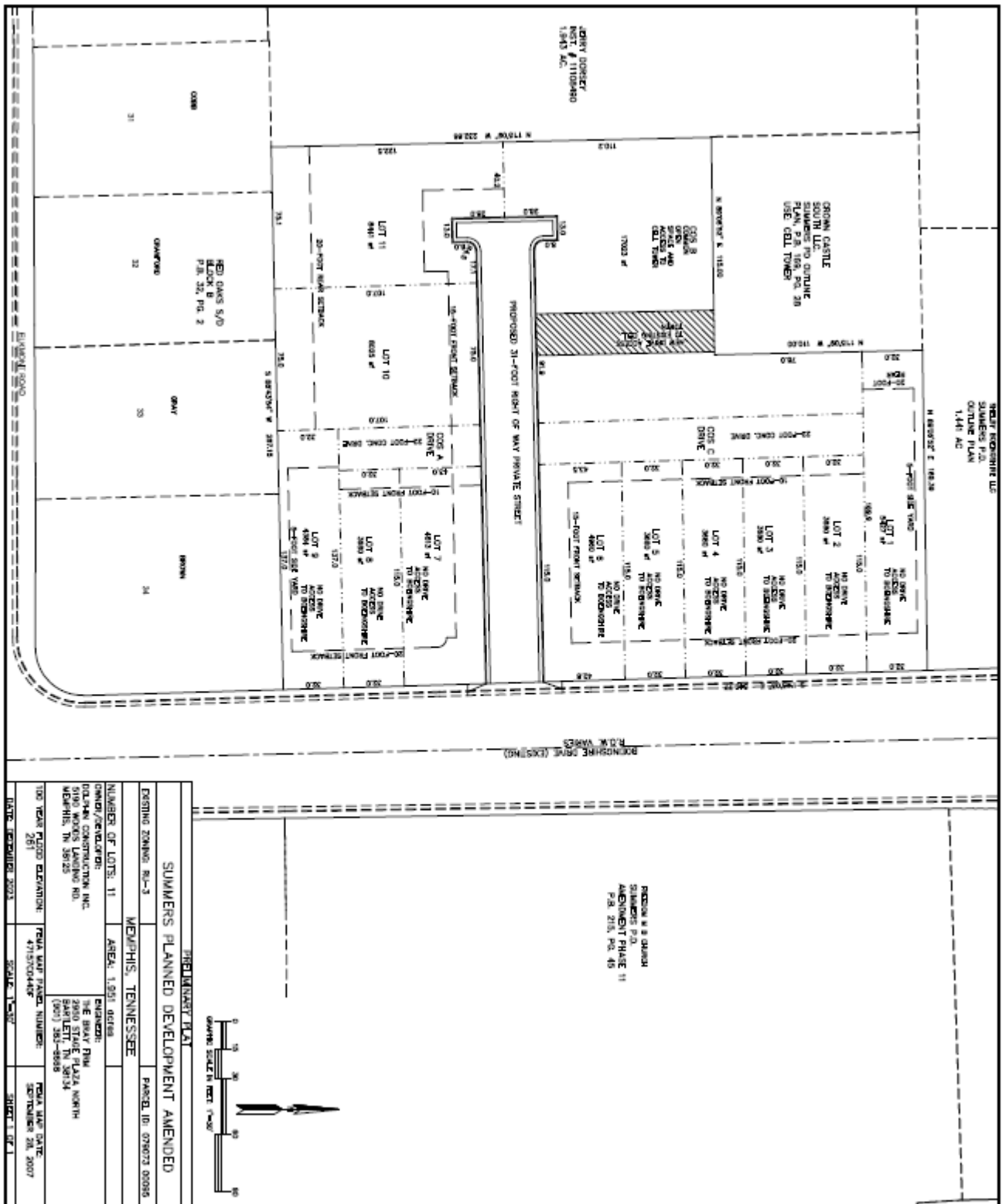


View of the center of the subject property from Boeingshire Dr (West).

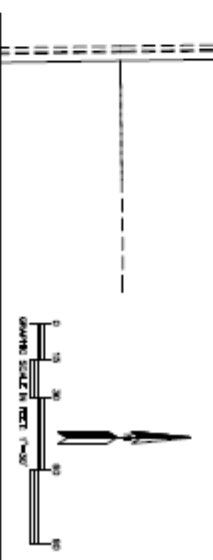


View of the center of the subject property from Boeingshire Dr (Above).

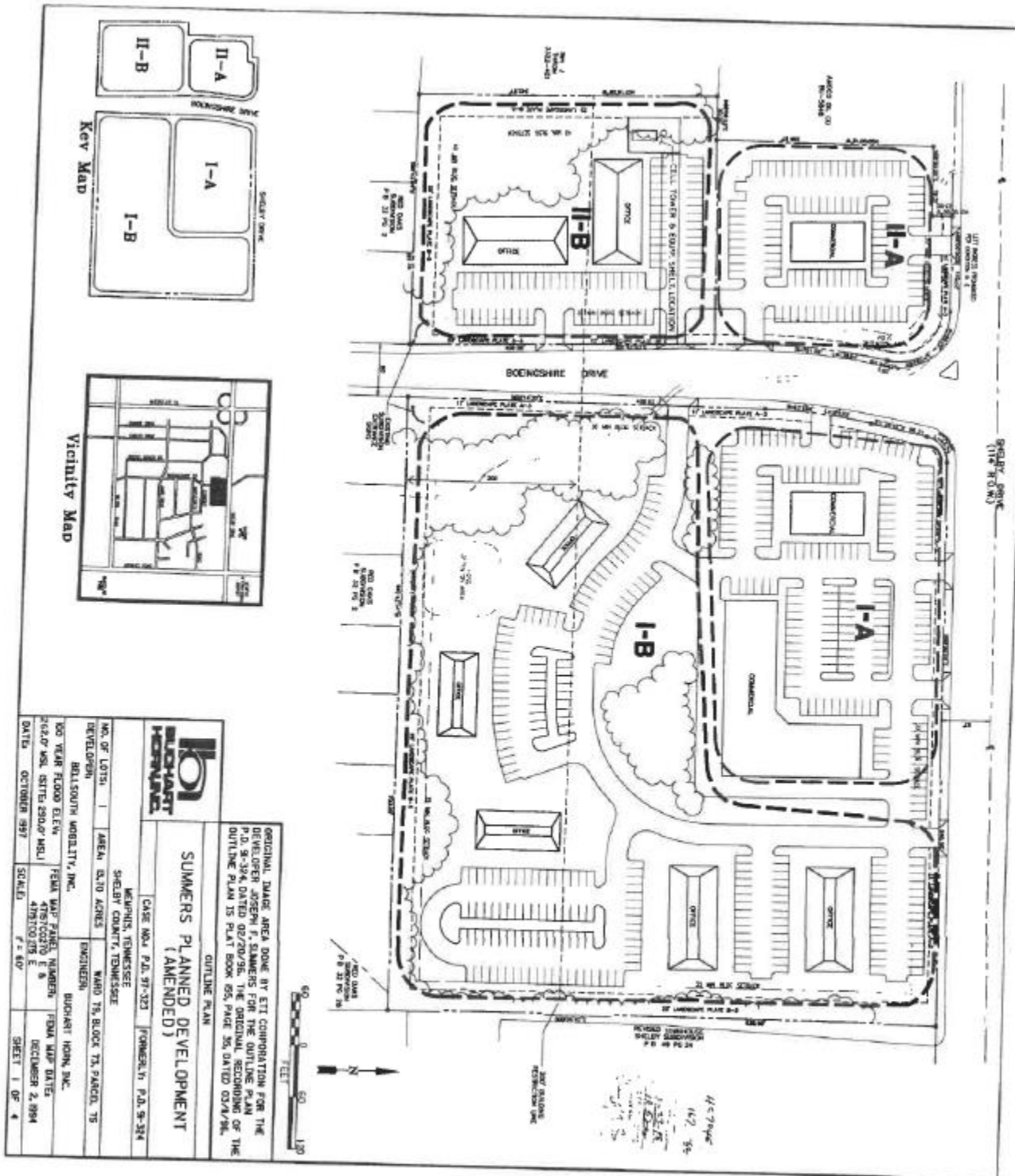
CONCEPT FOR OUTLINE PLAN AREA II-B



PRELIMINARY PLAN	
SUMMERS PLANNED DEVELOPMENT AMENDED	
EXISTING ZONING: R-3	MEMPHIS, TENNESSEE
NUMBER OF LOTS: 11	AREA: 1.991 ACRES
OWNER/DEVELOPER: SUMMERS PLANNED DEVELOPMENT, INC. 2900 STATE BLVD. NORTH MEMPHIS, TN 38122 (901) 382-8888	ENGINEER: RMA 2900 STATE BLVD. NORTH BARTLETT, TN 38134 (901) 382-8888
100' YEAR FLOOD ELEVATION: 261'	FLOOD MAP FRAME NUMBER: 471570044F
DATE: 06/01/2023	SCALE: 1"=30'
	SHEET 1 OF 1



CURRENTLY RECORDED OUTLINE PLAN GRAPHIC



Case Review

Request

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

The request is a planned development amendment for 11 residential lots in Area II-B of the previously entitled Summers Planned Development.

Applicability

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

4.10.2 Applicability

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

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environments 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 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 all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

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

4.10.4 Planned Residential Developments

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

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

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

F. Distance Requirements

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

Approval Criteria

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

9.6.9 Approval Criteria

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

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water, and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to 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 currently part of the Summers Planned Development, a mixed-use planned development recorded in the Plat Book 167, Page 62 at the Shelby County Register's Office.

The total area of the planned development is 13.70 acres. Outline Plan Area II-B is located at the southwest corner of this planned development.

The subject property receives its sole access from Boeingshire Drive. Boeingshire Drive is fully improved with a

curb, gutter, and sidewalk along the frontage of the subject property. No overhead utility lines exist along Boeingshire Drive, but rather only streetlights.

The site is currently vacant and flat. A large stand of mature pine trees line in the rear of the site. The site is currently surrounded by a tree-form cell tower and mostly vacant property to the north, single-family homes in the Red Oaks Subdivision to the south, a church to the east, and single-family homes to the west.

The existing planned development conditions permit several non-residential uses on the subject property. None have been developed to this point with the exception of the aforementioned cell tower.

Site Zoning History

The Summers Planned Development has governed the development of the site since 1991. It was amended in 1997 to permit the aforementioned cell tower in Outline Plan Area II-B.

Concept Plan Review

The current Concept Plan for Outline Plan Area II-B illustrates two office buildings with a large parking lot as the dominant feature along Boeingshire Drive. The proposed Concept Plan (See page 10 of this report) presents a much different plan, replacing the parking field with homes facing into Boeingshire Drive which will be accessed by rear service drives, so no individual driveways will be a front yard element. The proposed homes will be setback a minimum of 20 feet.

Internal access to the development will be provided by a 31-foot-wide private drive. The private drive length is approximately 247 feet, terminating with a hammerhead turnaround. The width of the private drive will allow enough room for parking. The private drive will also serve as sole access to the existing cell tower and adjoining common open space area that currently has a number of mature Pine Trees on it.

Nine of the proposed eleven lots will front on Boeingshire Drive. These lots will be developed with cottage, semi-attached, and/or townhouse dwellings on lots ranging in size from 3,680 square feet to 5,427 square feet with lot widths from 32 feet to 43.50 feet.

Proposed Lots 10 and 11 would face into the internal private drive. Single-family detached dwellings would occupy these lots. These will be the largest lots in the development with lot sizes of 8,025 square feet and 8,441 square feet respectively. These two lots are comparable in lot width to the lots they abut in the Red Oaks Subdivision.

Analysis

The proposed 11-lot residential plan for Outline Plan Area II-B is an acceptable change. The development will face into an existing church on the east side of Boeingshire Drive. In terms of character and compatibility with the adjoining Red Oaks Subdivision immediately south, the two lots in the Red Oaks Subdivision north of Elkmont Drive along both sides of Boeingshire Drive contain existing single-family homes, whose front face into Elkmont Road, not Boeingshire Drive. The sides of these two homes face into Boeingshire Drive including their garage and carport. There would not be any interruption to any existing street-facing rhythm of homes along Boeingshire Drive north of Elkmont Road because no existing homes face Boeingshire Drive. If the site were developed as offices with a large parking lot along Boeingshire Drive as the current approved concept plan illustrates a stark contrast in street frontage appearance would be the result as one enters The Red Oak Subdivision from Shelby Drive. Permitting the proposed residential concept plan is a better land use transition

from Shelby Drive to the entrance of the Red Oaks Subdivision. New homes with front yards uninterrupted by multiple driveways will provide an even more attractive streetscape.

Finally, the existing homes along Bing Shire Drive south of Elkmont Road are on a curved portion of Boeingshire Drive, making any visual transition in a streetscape appearance by the new development more subtle. 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 outline plan conditions that reflect Area II-B now being regulated for residential use only.

OUTLINE PLAN CONDITIONS-REVISIONS
PD 2023-029
Summers Planned Development Amendment

I. Uses Permitted

- A. Area I.A. shall be labeled as the parcel on the east side of Boeingshire Drive defined as follows:

A maximum of 330 feet in depth as measured at its widest point south from the southern right-of-way line of Shelby Drive.

A maximum of 450 feet wide as measured east to west parallel with Shelby Drive.

This parcel's uses shall be governed by the uses permitted by right or by administrative site plan review in the Local Commercial (C-L) District with the following exceptions:

1. Group Shelter
2. Transitional Home
3. Airport, Heliport
4. Lodge, Country Club
5. Museum
6. Recreation Field
7. School, public or private, K-12
8. Farm Labor and Management Services

- B. The following uses shall also be permitted:

1. Office and art supply, display and storage
2. Apothecary
3. Answering Service
4. Duplicating or blueprinting establishment
5. Computer Sales and Service
6. As an accessory to office use only, wholesale sales, service, storage and display of equipment shall be permitted. The floor area devoted to these activities shall be limited to a maximum of 25 percent of the total floor area of the office establishment.

- C. The remainder of the subject property east of Boeingshire Drive shall be labeled Area I-B. In Area I-B, uses shall be governed by the Limited Office (O-L) District and the following additional uses shall be permitted:

1. Office and art supply, display and storage
2. Apothecary in association with a medical office(s)
3. Answering service
4. Duplicating and blueprint establishment
5. Computer sales and service
6. As an accessory to office use only, wholesale sales, service, storage and display of equipment shall be permitted. The floor area devoted to these activities shall be limited to a maximum of 25 percent of the total floor area of the office establishment.
7. Art or photo studio or gallery
8. Music or dancing academy

9. Telephone service center
10. Multiple tenants shall be permitted in a single building.

D. The following uses are not permitted in Areas I-A, I-B, II-A and ~~II-B~~

1. Hotels/Motels
2. Liquor Stores
3. Mini-storage
4. Apartments or residential uses
5. Pawn Shops
6. Car lots
7. Pool Halls
8. Service Stations
9. Lumber Yards
10. Auto Garages
11. Warehouses
12. Brewery
13. Arcades
14. Car Rentals
15. Car Washes
16. Scrap Metal
17. Transportation Equipment
18. Taxi Cab Dispatch Station

E. The parcel shown on the west side of Boeingshire Drive 249.97 feet deep as dimensioned along the western boundary shall be labeled Area II-A and shall permit all of the same uses allowed in Area I-A above.

F. Area II-B

1. Lots of 1–9. The concept plan shall be permitted cottage, semi-attached, or townhouse dwellings.
2. Lots 10–11 on the concept plan shall be permitted single-family detached dwellings.
3. The bulk regulations of the RU-3 zoning district shall apply with the following exceptions:
 - a) The minimum lot width of all lots shall be 32 feet except for Lots 10–11 which shall be 75 feet.
 - b) The minimum front yard building setback along Boeingshire Drive shall be 20 feet.
 - c) The minimum front yard building setback along the internal private drive shall be 15 feet.
 - d) The minimum rear yard building set back from the common open space alleys serving Lots 1-9 shall be 10 feet. All other rear setbacks shall be 20 feet.
 - e) A side yard setback of 5 feet shall be provided along the north line of Lot 1 and the south line of Lot 9.
 - f) No driveway access to Boeingshire Drive from lots 1–9 shall be permitted.

4. A cellular monopole communications tower and a maximum of 75 feet in height with accessory equipment shelter, and generator pad shall be permitted in the northwest corner of Area II-B. An access easement shall be the provided for the cell tower parcel.
5. No building permit shall be issued based on the concept plan. A final plat must be approved and recorded for Area II-B.

II. Bulk Regulations

- A. Commercial and office uses shall be governed by the C-P District regulations with the following exceptions:
 1. Area I-B - Minimum setback from the south and east property line: 35 feet.
 - ~~2. Area II-B - Minimum setback from the south and west property line: 40 feet.~~
 3. Buildings within 200 feet of the southern property line shall be limited to one story and a maximum of 6,000 square feet.

III. Access and Circulation

- A. Adequate queing spaces for two (2) cars shall be provided between the Shelby Drive right-of-way line and any proposed gate/guardhouse/cardreader.
- B. Adequate maneuvering room shall be provided in advance of the gate for vehicles to exit by forward motion.

C. Curb cuts permitted along Shelby Drive:

- Area I-A (East of Boeingshire Drive) - Two
- Area II-A (West of Boeingshire Drive) - One
- Area I-B (East of Boeingshire Drive) - One

- D. Internal circulation shall be provided between all adjacent phases/sections of the development.
- E. No curb cut along the Shelby Drive frontage of Parcel II-A permitting ingress by left turn shall be permitted.
- F. All private drives are to be constructed to meet the Subdivision Regulations, applicable City standards, and provide a minimum width of twenty-two feet (22') exclusive of curb and gutter.
- G. Sidewalks are required along Shelby and Boeingshire Drives.

IV. Drainage

- A. All drainage plans shall be submitted to the City Engineering Office for review.
- B. A pro-rata fee for major drainage improvements through this site may be required for phased development.
- C. Drainage improvements, including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. 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.).

V. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereinunder 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.

VI. Landscaping and Screening

- A. In Area I-B, a minimum 30 foot front yard along Boeingshire Drive shall be landscaped with trees and shrubs subject to the approval of the Office of Planning and Development.
- B. ~~In Area II-B, Parcel A-4, perimeter landscaping shall be provided along the Boeingshire Drive frontage.~~
- C. Interior landscaping, exclusive of streetscape and perimeter landscaping, shall be provided in an amount equivalent to 5% of the building and paved parking and circulation areas. Existing trees shall be preserved and incorporated into the development if possible.

- D. Plate A-3 or equivalent shall be provided along Shelby Drive and along Boeingshire Drive for Areas I-A and II-A.
- E. Existing trees shall be preserved and supplemented where necessary to provide a minimum 25 foot wide screen, Plate B-5 or equivalent, along the property boundaries as follows:

south and east boundaries of Area I-B
~~south and west boundaries of Area II-B~~
- F. Within Area I-B, east of Boeingshire Drive, existing growth which extends along the drainage creek shall be preserved. This screen area shall extend at least 20 feet on both sides of the drainage creek and shall be supplemented with trees and shrubs where necessary.
- G. Equivalent landscaping may be substituted for any of the above requirements subject to the approval of the Office of Planning and Development.
- H. All required landscaping and screening shall not conflict with any easements including overhead wires.
- I. All refuse dumpsters shall be completely screened from view from all adjacent properties and from all public roads.
- J. On commercial and office buildings, all heating and air conditioning equipment including that located on the roof shall be hidden from view through the use of architectural features of the building.
- K. On commercial and office buildings, utility features such as electrical wiring and meters shall also be screened using architectural features or landscaping.
- L. All loading facilities shall be screened from view of the public roads and adjacent properties to the south and east.
- M. The cellular tower compound shall have in addition to any landscaping required above, a row of Privet Hedge with the plants spaced every 5 feet on center around the perimeter of the chain link fence that encloses the site. This shall be illustrated on the final plat and include Plate B-5 required in Condition VI.E including any existing trees to be removed or used as part of the landscaping requirement.

VII. Signs

Signs shall be governed by the Planned Commercial (C-P) District, except as provided below:

- A. A maximum of two ground mounted detached signs shall be permitted along the east side of Boeingshire Drive, with a maximum area of 35 square feet and a minimum setback of 15 feet.
- B. A maximum of two ground mounted detached signs shall be permitted along the west side of Boeingshire Drive, with a maximum area of 35 square feet and a minimum setback of 15 feet.
- C. Signage along shelly Drive shall be consistent with the C-P District.

- D. Ground mounted subdivision entrance signs shall be provided on both sides of Boeingshire Drive near the south property line, each with a maximum area of 35 square feet and a minimum setback of 15 feet.
- E. Portable and temporary signs shall be prohibited.
- F. The design and materials of signs shall be consistent with the proposed buildings subject to approval by the Office of Planning and Development.

VIII. Other

- A. All buildings, signs, and other structures shall be constructed in a consistent architectural style and use consistent building materials.
 - B. Buildings of metal or concrete block siding shall be prohibited.
 - C. A rendering of the exterior appearance of proposed buildings with proposed siding and roof materials shall be provided on any final plan subject to the approval of the Office of Planning and Development.
- IX. A final plan shall be filed within five years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- X. All common open space features shall be maintained by a property owners' association. The first phase of development adjacent to a common open space shall include the common open space within the site plan for that phase.
- XI. 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 location and dimensions of building footprints, pedestrian and utility easements, and required landscaping and screening areas;
 - D. The content of all landscaping and screening to be provided;
 - E. The location of trees and groups of trees to be preserved within the yard spaces and required landscape/screening areas;
 - F. The location and ownership, whether public or private, of any easement;
 - G. If applicable, a statement conveying all common facilities and areas to a homeowner's association or other entity, for ownership and maintenance purposes;
 - H. Building and sign illustrations as required by Conditions VII-E and VIII-A and C.

I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City 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 owner's 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 Engineering Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

1. City sanitary sewers are 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. Will require engineering ASPR.

Drainage:

10. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
11. 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.
12. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
13. 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.
14. 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:

15. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
16. Prior to recording, the following note shall be placed on the plat:
17. Residential lots with individual curb cuts to a collector street should provide adequate width and front yard depth to provide an on-site turn around area permitting egress by forward motion.
18. Development is greater than 1 acre; REQUIRES DETENTION.

City Fire Division:

- Fire apparatus access shall comply with section 503.
- 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.

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:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 23-029 Airport Adjacent

Site Address/Location: 4701 Boeingshire Dr

Overlay District/Historic District/Flood Zone: Not located in an overlay or historic district, or a flood zone

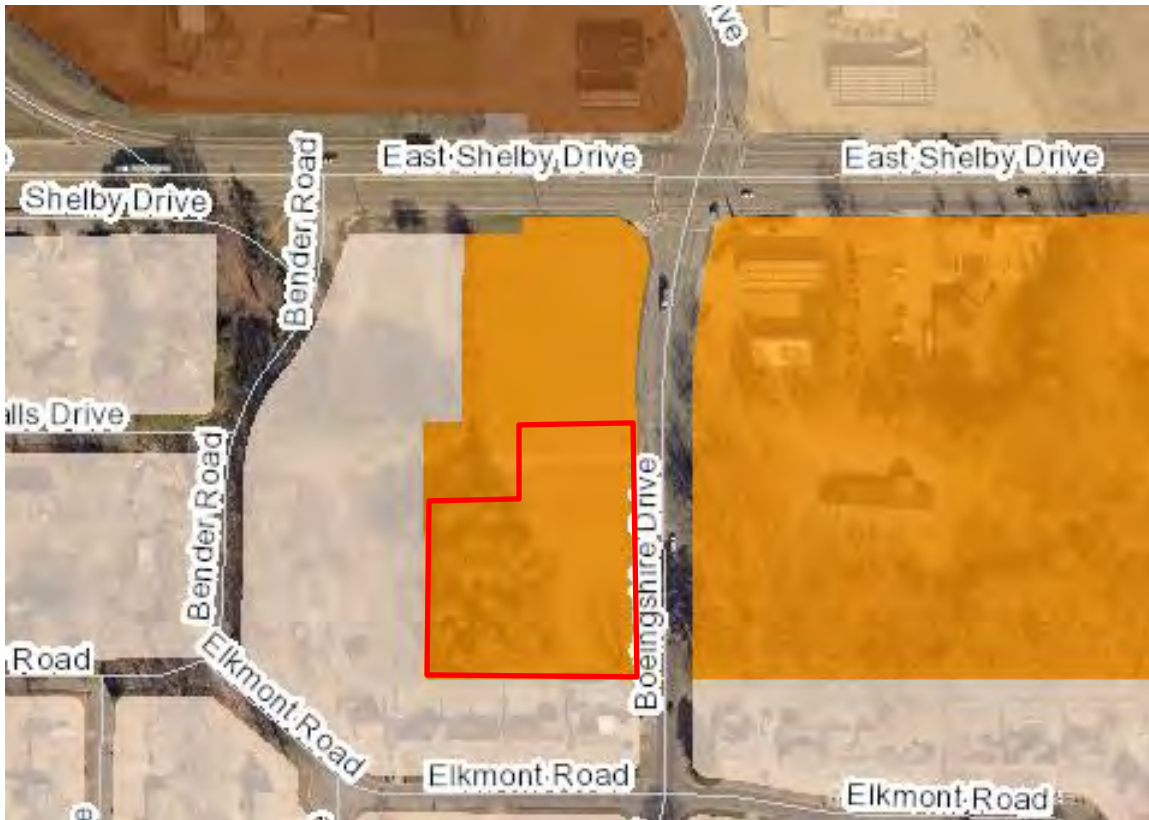
Future Land Use Designation: Primarily Multifamily Neighborhood (NM)

Street Type: N/A

The applicant is seeking approval to develop an 11-lot subdivision of detached, single-family homes.

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 Multifamily Neighborhood (NM) are residential neighborhoods consisting primarily of multi-unit buildings that are not near a Community Anchor. Graphic portrayal of NM is to the right.



“NM” Form & Location Characteristics

Attached, semi-detached, and detached House-scale and some block-scale buildings, Primarily residential with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-3+ stories height; Beyond 1/2 mile from a Community Anchor

“NM” 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.

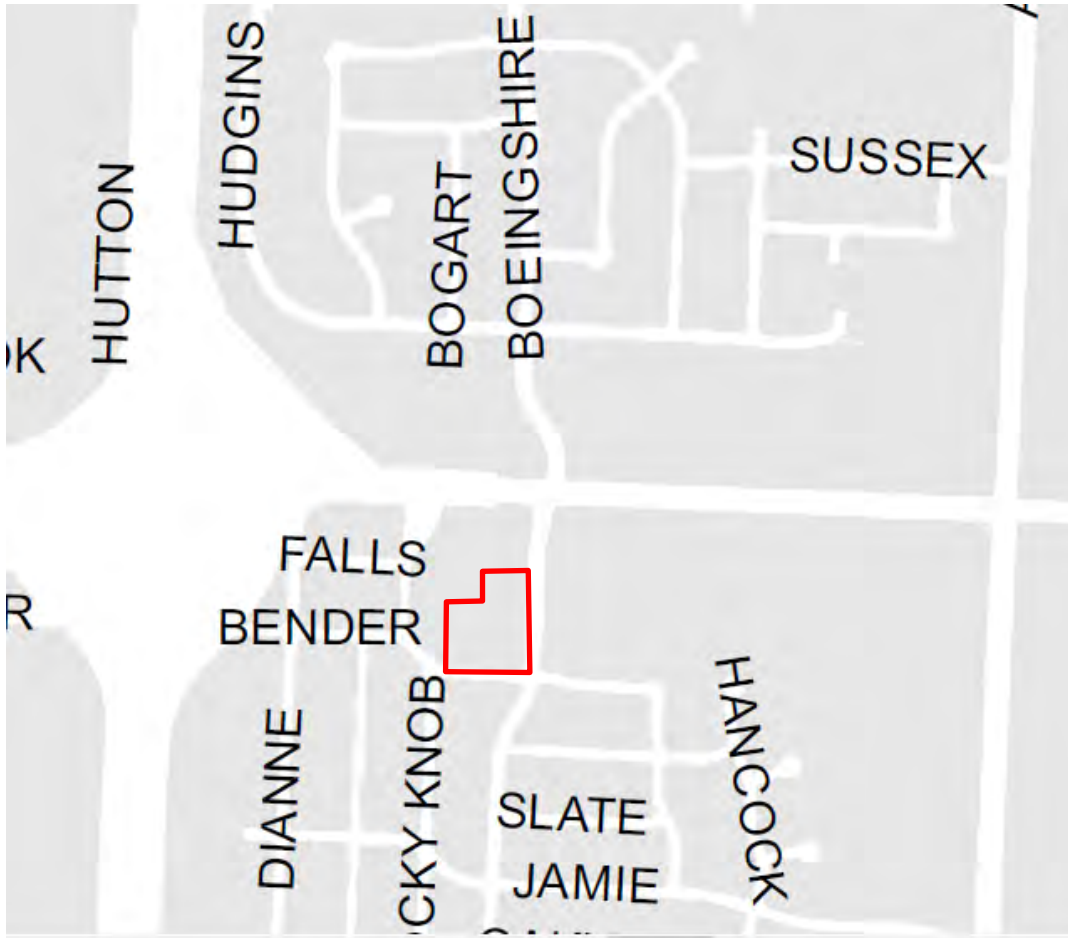
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant land, RU-3

Adjacent Land Use and Zoning: Single-Family, Commercial, Institutional; RU-3 and R-8

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed development of detached house-scale residential fits within the characteristics of NM and the site also abuts an existing single-family residential neighborhood.*

3. Degree of Change Map



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

- 4. **Degree of Change Description:** N/A
- 5. **Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities:** N/A
- 6. **Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations:** N/A

Consistency Analysis Summary

The applicant is seeking approval to develop an 11-lot subdivision of detached, single-family homes.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed development of detached house-scale residential fits within the characteristics of NM and the site also abuts an existing single-family residential neighborhood.

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: December 8, 2023

Record Number: PD 2023-029

Expiration Date:

Record Name: Summers Planned Development Amended

Description of Work: Planned development request for the development of 11 lots in a portion of the previously entitled Summers Planned Development

Parent Record Number:

Address:

4701 BOEINGSHIRE DR, MEMPHIS 38116

Owner Information

Primary Owner Name

Y DOLPHIN CONSTRUCTION INC

Owner Address

5190 WOODS LANDING, MEMPHIS, TN 38125

Owner Phone

Parcel Information

079073 00095

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

09/11/2023

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	PD 91-324
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	n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	The underlying zoning is RU-3. The site is bounded by an undeveloped commercial tract to the north and a cell tower, a church to the east, and single family to the south and west.
UDC Sub-Section 9.6.9B	The site has been configured to have a similar number of lots abutting the south property line as the existing development to the south. New lots fronting Boeingshire will not have drive access to Boeingshire.
UDC Sub-Section 9.6.9C	All utilities are located adjacent to the site. Boeingshire has been previously improved.
UDC Sub-Section 9.6.9D	Agreed
UDC Sub-Section 9.6.9E	Agreed
UDC Sub-Section 9.6.9F	Agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	This development will be compatible with surrounding uses. All utilities are adjacent to the existing 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	This development will be compatible with surrounding uses.
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	Agreed

GENERAL PROVISIONS

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

An HOA will be formed for the maintenance and ownership of three COS lots.

F) Lots of record are created with the recording of a planned development final plan

Agreed

GIS INFORMATION

Case Layer	PD97-323
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	RU-3
State Route	-
Lot	-
Subdivision	PT SUMMERS PD OUTLINE PLAN
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name	Contact Type
DOLPHIN CONSTRUCTION INC	APPLICANT
Address	
Phone	
-	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1523213	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	12/08/2023
1523213	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	12/08/2023

Total Fee Invoiced: \$1,539.00 Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$1,539.00	Credit Card

LETTER OF INTENT

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

December 7, 2023

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

**RE: Summers Planned Development Amended
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached an application for a residential planned development located on the west side of Boeingshire Drive, 125 feet north of Elkmont Road. This parcel was originally part of the Summers Planned Development (Outline plan recorded in P.B. 168, Page 28). This area of the original approval was for office uses with similar uses on the opposite side of Boeingshire. In the interim, the east side of Boeingshire has been improved as a church property and portions of the commercial areas along East Shelby are currently vacant. The underlying zoning of the subject property is RU-3. The owner seeks to develop this area within the framework of the RU-3 zoning district and would like to develop 11 new lots within this area. As shown on the attached plans, there is no driveway access to Boeingshire and efforts have been made to have a similar number of lots abutting the south property line as currently abut the property from the south (Red Oaks Subdivision).

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Marcus Butcher being duly sworn, depose and say that at 11:25 am on the 25 day of January, 2024, I posted 2 Public Notice Sign(s) pertaining to Case No. PD 23-029 at 4701 Boeingshire Dr. 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.

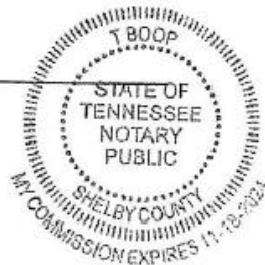
[Signature]
Owner, Applicant or Representative

1-25-2024
Date

Subscribed and sworn to before me this 25 day of January, 2024.

[Signature]
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: Processing

Opened Date: December 8, 2023

Record Number: PD 2023-029

Expiration Date:

Record Name: Summers Planned Development Amended

Description of Work: Planned development request for the development of 11 lots in a portion of the previously entitled Summers Planned Development

Parent Record Number:

Address:

4701 BOEINGSHIRE DR, MEMPHIS 38116

Owner Information

Primary Owner Name

Y DOLPHIN CONSTRUCTION INC

Owner Address

5190 WOODS LANDING, MEMPHIS, TN 38125

Owner Phone

Parcel Information

079073 00095

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

09/11/2023

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	PD 91-324
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	n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	The underlying zoning is RU-3. The site is bounded by an undeveloped commercial tract to the north and a cell tower, a church to the east, and single family to the south and west.
UDC Sub-Section 9.6.9B	The site has been configured to have a similar number of lots abutting the south property line as the existing development to the south. New lots fronting Boeingshire will not have drive access to Boeingshire.
UDC Sub-Section 9.6.9C	All utilities are located adjacent to the site. Boeingshire has been previously improved.
UDC Sub-Section 9.6.9D	Agreed
UDC Sub-Section 9.6.9E	Agreed
UDC Sub-Section 9.6.9F	Agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	This development will be compatible with surrounding uses. All utilities are adjacent to the existing 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	This development will be compatible with surrounding uses.
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	Agreed

GENERAL PROVISIONS

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

An HOA will be formed for the maintenance and ownership of three COS lots.

F) Lots of record are created with the recording of a planned development final plan

Agreed

GIS INFORMATION

Case Layer	PD97-323
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	RU-3
State Route	-
Lot	-
Subdivision	PT SUMMERS PD OUTLINE PLAN
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name	Contact Type
DOLPHIN CONSTRUCTION INC	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1523213	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	12/08/2023
1523213	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	12/08/2023

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$1,539.00	Credit Card

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

December 7, 2023

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

**RE: Summers Planned Development Amended
Memphis, Tennessee**

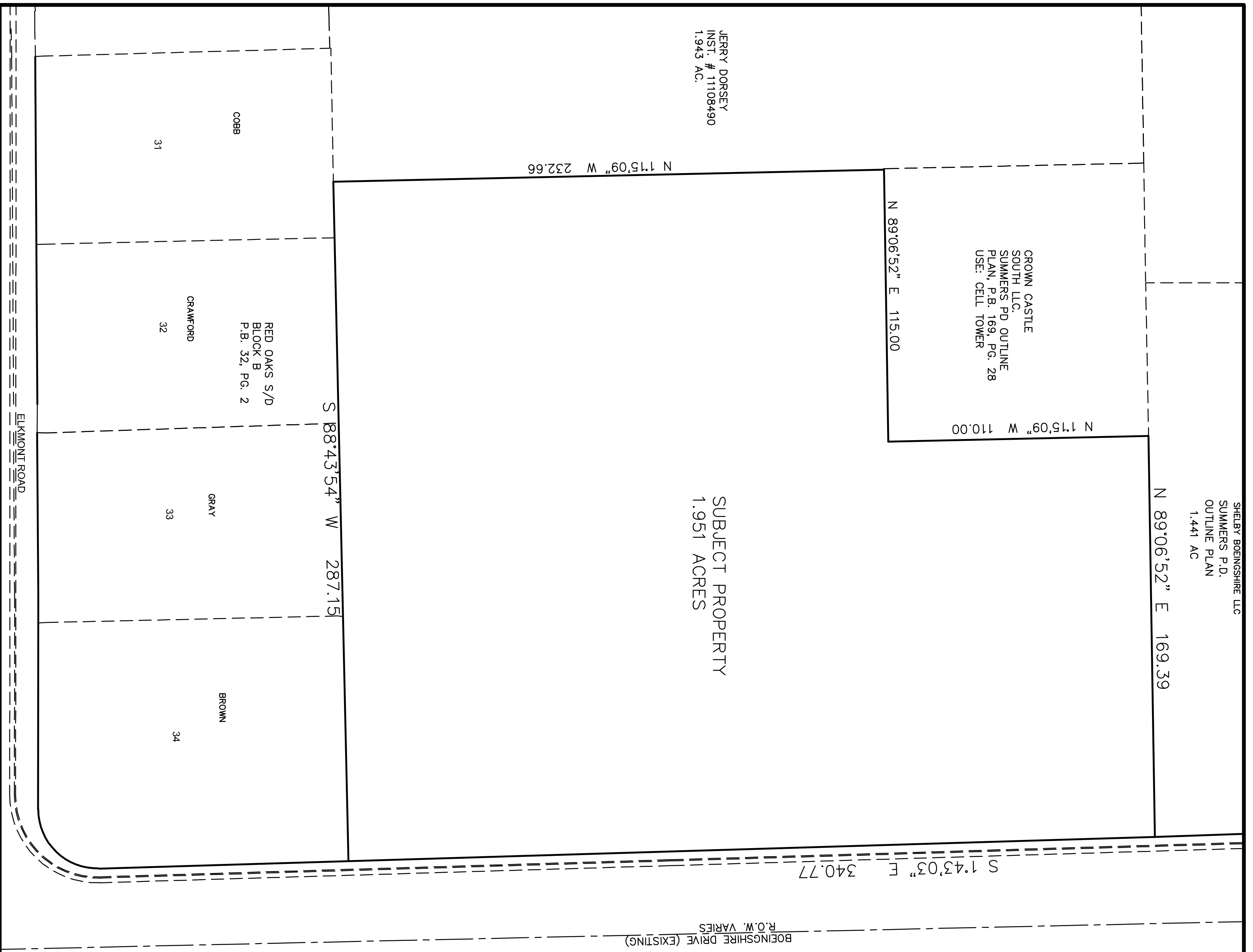
Mr. Ragsdale:

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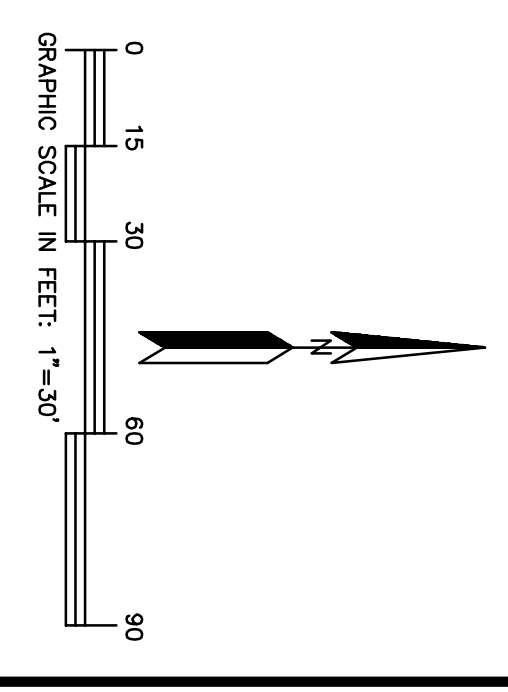
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

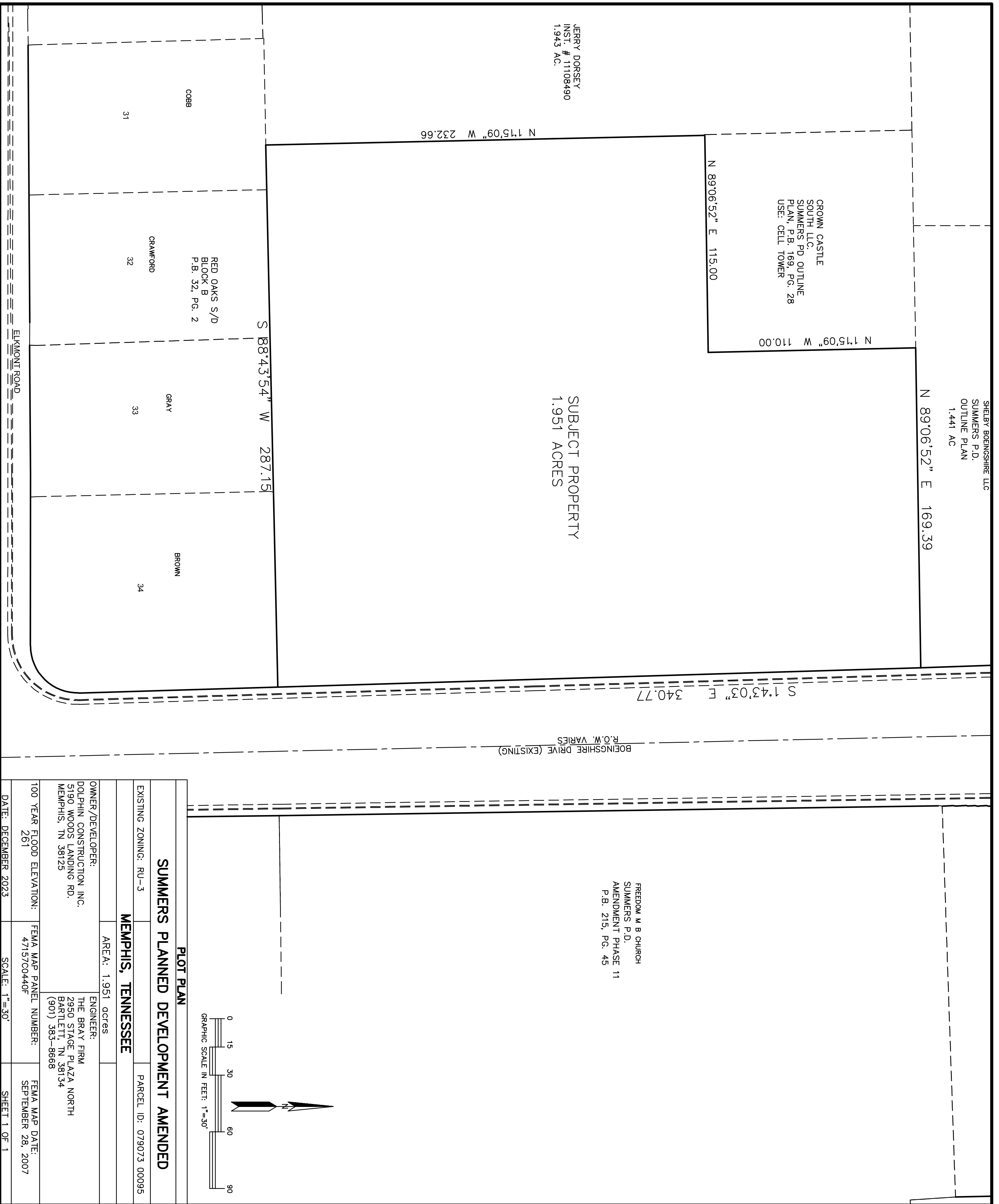
David Gean Bray, P.E.



FREDON M B CHURCH
 SUMMERS P.D.
 AMENDMENT PHASE 11
 P.B. 215, PG. 45



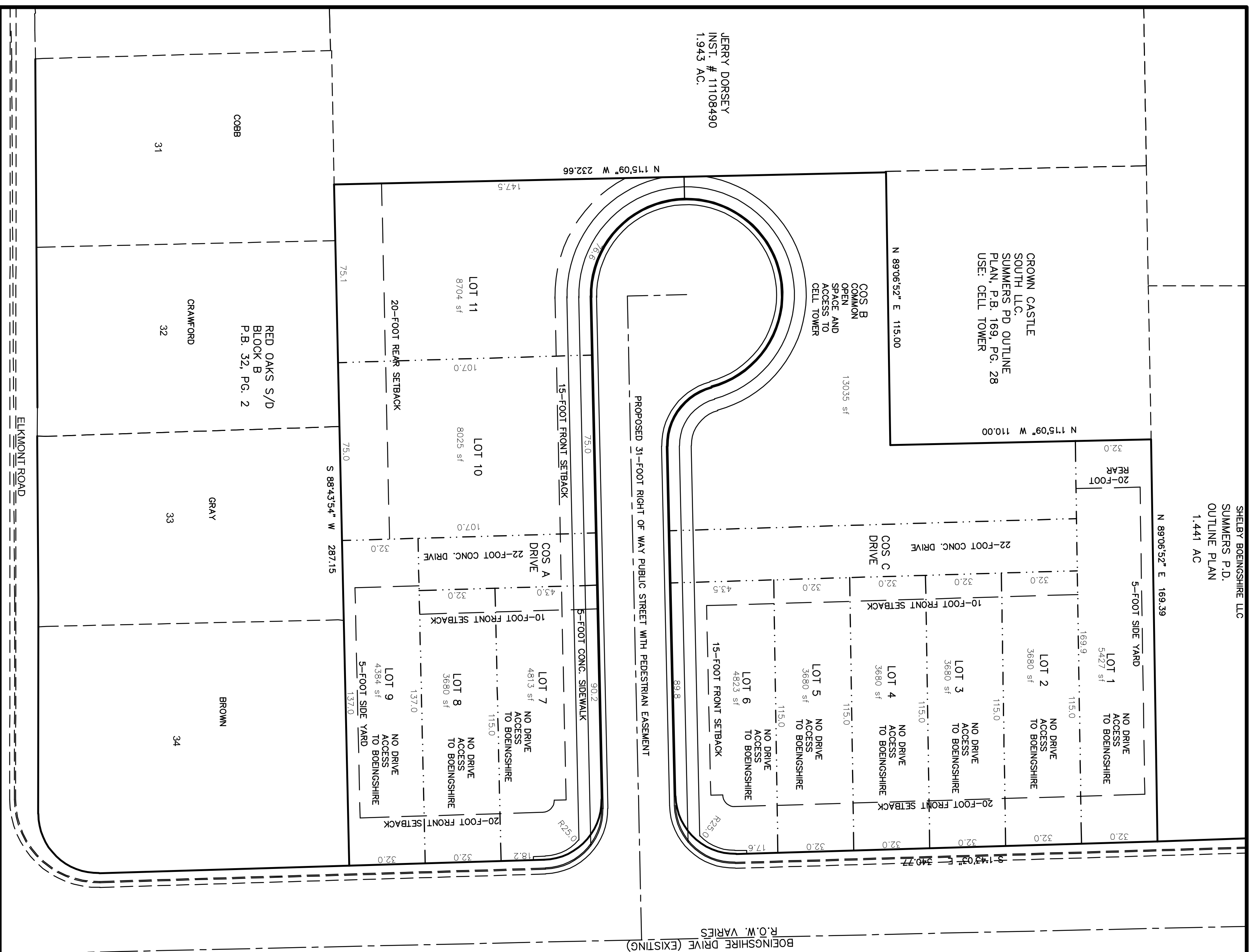
PLOT PLAN	
SUMMERS PLANNED DEVELOPMENT AMENDED	
EXISTING ZONING: RU-3	PARCEL ID: 079073 00095
MEMPHIS, TENNESSEE	
OWNER/DEVELOPER: DOLPHIN CONSTRUCTION INC. 5190 WOODS LANDING RD. MEMPHIS, TN 38125	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8868
AREA: 1.951 acres	
100 YEAR FLOOD ELEVATION: 261	FEMA MAP PANEL NUMBER: 47157C0440F
DATE: DECEMBER 2023	FEMA MAP DATE: SEPTEMBER 28, 2007
SCALE: 1"=30'	SHEET 1 OF 1



SHELBY BOENSHIRE LLC
SUMMERS P.D.
OUTLINE PLAN
1.441 AC

GROWN CASTLE
SOUTH LLC
SUMMERS PD OUTLINE
PLAN, P.B. 169, PG. 28
USE: CELL TOWER

JERRY DORSEY
INST. # 11108490
1.943 AC.



BOENSHIRE DRIVE (EXISTING)
R.O.W. VARIES

FREDON A B CHURCH
SUMMERS P.D.
AMENDMENT PHASE 11
P.B. 215, PG. 45



PRELIMINARY PLAT
SUMMERS PLANNED DEVELOPMENT AMENDED

EXISTING ZONING: RU-3	PARCEL ID: 079073 00095
MEMPHIS, TENNESSEE	
NUMBER OF LOTS: 11	AREA: 1.951 acres
OWNER/DEVELOPER: DOLPHIN CONSTRUCTION INC. 5190 WOODS LANDING RD. MEMPHIS, TN 38125	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668
100 YEAR FLOOD ELEVATION: 261	FEMA MAP PANEL NUMBER: 47157C0440F
DATE: DECEMBER 2023	SCALE: 1"=30'
	FEMA MAP DATE: SEPTEMBER 28, 2007
	SHEET 1 OF 1

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

RE: Summers Planned Development Amended Memphis, Tennessee

The bulk regulations of the RU-3 zoning district shall apply with the following exceptions:

Minimum lot width of all lots shall be 32 feet.

The front building setback along Boeinshire Road shall be 20 feet.

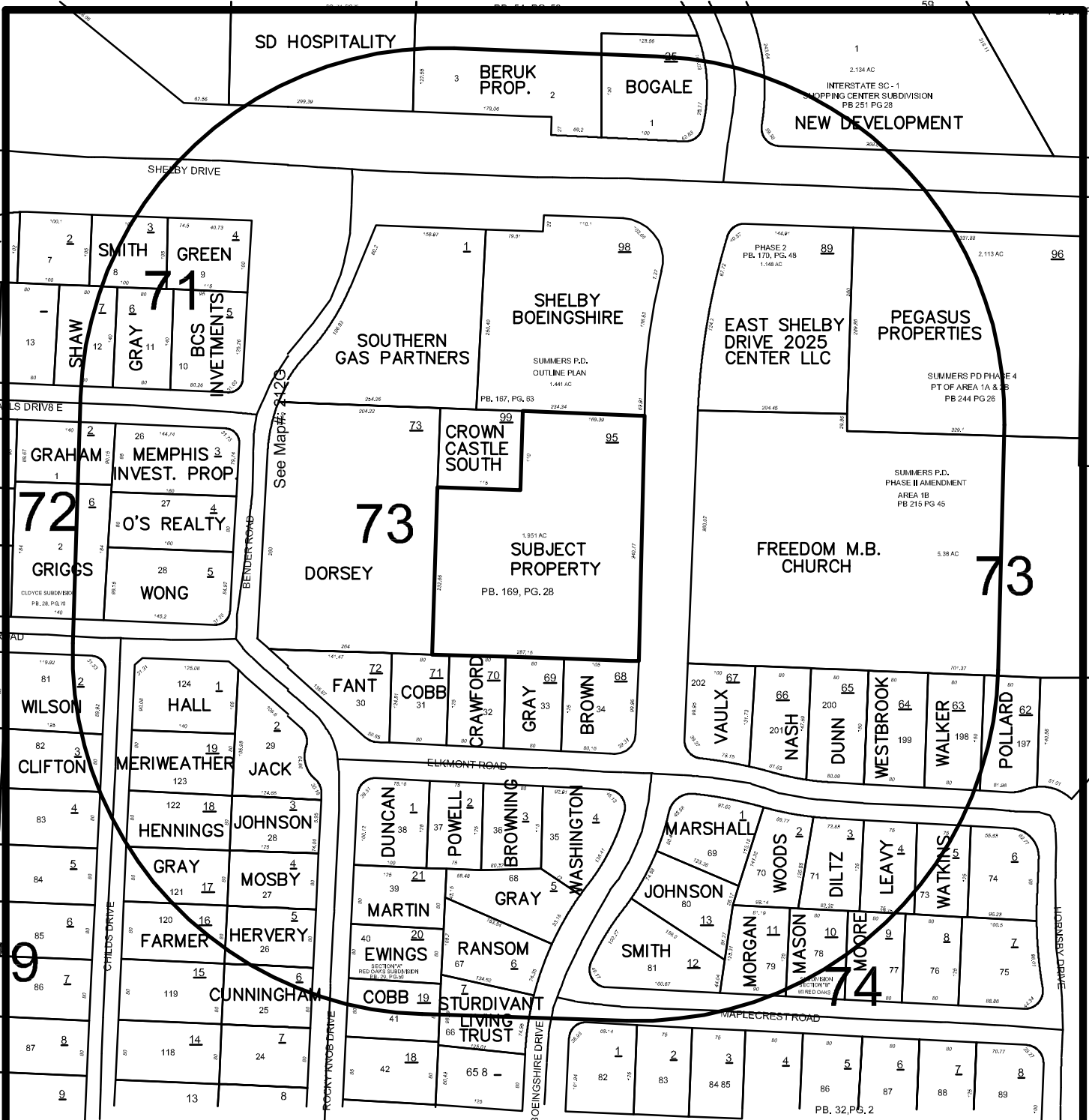
The front setback to the internal cul-de-sac shall be 15 feet.

The rear setback from the alleys shall by 10 feet.

All other rear setbacks shall be 20 feet.

A side yard setback of 5 feet shall be observed along the north line of Lot 1 and the south line of Lot 9

No drive access to Boeingshire Drive shall be permitted.



**LUCB APPLICATION – 0 BOEINGSHIRE
 SUMMERS PD AMENDED
 APPLICANT: DOLPHIN CONSTRUCTION, INC.
 MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 DECEMBER 7, 2023

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

**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.

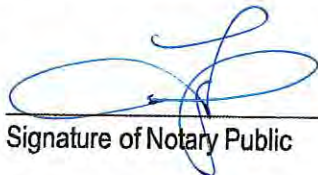
I, Marques Batchelor (Print Name),  (Sign Name), state that I have read the definition of

"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 _____
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 8 day of Dec in the year of 2023.


Signature of Notary Public



Dolphin Construction Inc.
5190 Woods Landing
Memphis, TN 38125-3800

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Jerry Dorsey
1953 Bender Dr.
Memphis, TN 38116

Southern Gas Partners LLC
P.O. Box 48466
Atlanta, GA 30362-1466

Shelby Boeingshire LLC
5100 Poplar
Ste. 508
Memphis, TN 38137

Crown Castle South LLC
4017 Washington Rd.
McMurray, PA 15317

East Shelby Drive 2025 Center LLC
P.O. Box 1565
Lawrenceville, GA 30046-1565

Freedom M.B. Church
898 Parkrose Rd.
Memphis, TN 38109-5630

Pegasus Properties LLC
4041 Honeysuckle Dr. SE
Smyrna, GA 30082

New Development LLC
3264 W Sarazens Circle
Memphis, TN 38125-0808

Beruk Properties Inc.
3264 W Sarazens Circle
Memphis, TN 38125-0808

Mulualem Bogale
1094 Sugar Lane
Collierville, TN 38017-6855

SD Hospitality LLC
1952 E Shelby Dr.
Memphis, TN 38116-7510

John Green
1953 Goodhaven Dr.
Memphis, TN 38116

Resident
1941 E Shelby Dr.
Memphis, TN 38116

Lee Smith
1931 E Shelby Dr.
Memphis, TN 38116-7509

Willie & Virgie Shaw
1926 Falls Dr.
Memphis, TN 38116-8027

Terri Gray
1934 Falls Dr.
Memphis, TN 38116-8027

BCS Investments II LLC
P.O. Box 38895
Germantown, TN 38183-0895

Resident
1944 Falls Dr.
Memphis, TN 38116

Memphis Investment Properties IV LLC
4701 Summer Ave.
Memphis, TN 38122-4729

Resident
1943 Falls Dr.
Memphis, TN 38116

O's Realty Inc.
4561 Millbranch Rd. 2
Memphis, TN 38116

Eric Wong
1539 W Cheyenne Rd.
Colorado Springs, CO 80906-3058

Resident
1940 Bender Rd.
Memphis, TN 38116

Linda Griggs
1926 Bender Rd.
Memphis, TN 38116-8040

Mary Graham
1929 Falls Dr.
Memphis, TN 38116-8026

Denitric Wilson
4745 Childs Dr.
Memphis, TN 38116-8018

Gertie Clifton
4753 Childs Dr.
Memphis, TN 38116-8018

Olivia Hall
4744 Childs Dr.
Memphis, TN 38116-8019

Rhonda Meriweather
4752 Childs Dr.
Memphis, TN 38116

Jannie Hennings
4760 Childs Dr.
Memphis, TN 38116-8019

Darrell & Glinda Gray
4768 Childs Dr.
Memphis, TN 38116-8019

Antonio Farmer
4776 Childs Dr.
Memphis, TN 38116-8019

Antoinette, Angela, & Kwesi Cunningham
4785 Rocky Knob Dr.
Memphis, TN 38116-8153

Euna Hervery
4779 Rocky Knob Dr.
Memphis, TN 38116

Dennis & Eva Mosby
4771 Rocky Knob Dr.
Memphis, TN 38116-8153

Kristin Johnson
4763 Rocky Knob Dr.
Memphis, TN 38116-8153

Shirley Jack
4753 Rocky Knob Dr.
Memphis, TN 38116-8153

Thomas & Barbara Fant
1966 Elkmont Rd.
Memphis, TN 38116-8150

Cheryl Cobb
1976 Elkmont Rd.
Memphis, TN 38116-8150

Rose Crawford
1984 Elkmont Rd.
Memphis, TN 38116-8150

Anthony & Garnett Gray
1992 Elkmont Rd.
Memphis, TN 38116-8150

Cedric Brown
2002 Elkmont Rd.
Memphis, TN 38116

Jeffrey Vaulx
2018 Elkmont Rd.
Memphis, TN 38116-8152

Tracy & Regena Nash
2026 Elkmont Rd.
Memphis, TN 38116-8152

Deborah Dunn
2036 Elkmont Rd.
Memphis, TN 38116-8152

Henry & Annie Westbrook
2044 Elkmont Rd.
Memphis, TN 38116-8152

William Walker
2050 Elkmont Rd.
Memphis, TN 38116-8152

Ruth Pollard
2058 Elkmont Rd.
Memphis, TN 38116-8152

Shirley Marshall
4758 Boeingshire
Memphis, TN 38116

Stancie Woods
2029 Elkmont Rd.
Memphis, TN 38116

Mikadaya Diltz
2037 Elkmont Rd.
Memphis, TN 38116-8151

David & Patricia Leavy
2043 Elkmont Rd.
Memphis, TN

Estelle Watkins
2670 Union Ave. Ext.
Ste. 100
Memphis, TN 38112-4428

Resident
2049 Elkmont Rd.
Memphis, TN 38116

Deverne Johnson & Shanae Brown
4766 Boeingshire Dr.
Memphis, TN 38116

Brent & Alice Smith
4774 Boeingshire Dr.
Memphis, TN 38116-8190

Mary Morgan & Debra Dewitt
2026 Maplecrest Rd.
Memphis, TN 38116-8184

Odessa Mason
2034 Maplecrest Rd.
Memphis, TN 38116-8184

Yung & Michael Moore
2042 Maplecrest Rd.
Memphis, TN 38116

Shirley Washington, Julia & Marcellus
Buchanan
4761 Boeingshire Dr.
Memphis, TN 38116-8191

Frederick & Chantay Browning
1989 Elkmont Rd.
Memphis, TN 38116-8149

Marilyn Powell-Jones
1981 Elkmont Rd.
Memphis, TN 38116-8149

Melivin & Tracey Duncan
4760 Rocky Knob Dr.
Memphis, TN 38116

Marktavis Martin & Carleen Edwards
4770 Rocky Knob Dr.
Memphis, TN 38116-8154

Eddie & Marilyn Ewings
4780 Rocky Knob Dr.
Memphis, TN 38116-8154

Debra Cobb
4786 Rocky Knob Dr.
Memphis, TN 38116-8154

Billy & Kathryn Sturdivant Joint Living
Trust
3827 Langdon Ct.
El Dorado Hills, CA 95762-4332

Elaine Ransom
4783 Boeingshire Dr.
Memphis, TN 38116-8191

Marion Gray
4775 Boeingshire Dr.
Memphis TN 38116-8191

Prepared By:

Realty Title & Escrow Company, Inc.
6525 Quail Hollow Road, Suite 115
Memphis, TN 38120
(901)260-4055
File No: 01-MEM21-03102

WARRANTY DEED

FOR AND IN CONSIDERATION OF Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, **First Thessalonians M. B. Church** ("Grantor"), has this day bargained and sold and by these presents does bargain, sell, transfer and convey unto **Dolphin Construction, Inc.**, a Tennessee Limited Liability Company ("Grantee") the following described property being situated in Shelby County, Tennessee, to wit:

Beginning at a point in the west line of Boeingshire Drive, said point being 125.0 feet northwardly from the north line of Elkmont Road; thence South 88 degrees 43 minutes 54 seconds West, 287.15 feet; thence North 01 degree 15 minutes 09 seconds West a distance of 232.66 feet; thence North 89 degrees 06 minutes 52 seconds East a distance of 115.0 feet; thence North 01 degrees 15 minutes 09 seconds West a distance of 110.0 feet; thence North 89 degrees 06 minutes 52 seconds East a distance of 169.39 feet to a point in the West line of Boeingshire Drive; thence along the said west line, South 01 degree 43 minutes 03 seconds East a distance of 340.77 feet to a point of beginning; all as per the survey of Campbell Surveying Co., Inc., dated July 14, 2003.

Derivation Clause: Being the same property conveyed to Grantor herein by way of warranty deed of record at Instrument No. 03152535 in the Register's Office of Shelby County, Tennessee;

TO HAVE AND TO HOLD the aforesaid real estate, together with all appurtenances and hereditaments thereunto appertaining unto Grantee, his heirs, successors and assigns in fee simple forever. Grantor covenants that Grantor is lawfully seized and possessed of said real estate; Grantor has full power and lawful authority to sell and convey the same; the title thereto is free, clear and unencumbered except as to: (1) permitted encumbrances listed below; (2) zoning; (3) setback requirements and general utility, sewer, and drainage easements of record; (4) subdivision and/or condominium declarations, covenants, restrictions, and easements of record; and (5) applicable property taxes which are not yet due and payable; and Grantor will forever warrant and defend the same against the claims of all persons whomsoever.

Permitted Encumbrances: Subdivision restrictions, building lines, and easements of record in Plat Book 169, Page 28 and Plat Book 167, Page 6; Easements of record in Book 4280, Page 57, Book 4335, Pages 611-612, Book 4407, Page 171, Book 5525, Page 368, and Book 6115, Page 181; Restrictive Covenants of record at Instrument No. HR-0376.

The words Grantor and Grantee shall include the plural where appropriate and, along with pronouns used herein, shall be construed according to their proper gender and number according to the context thereof.

IN WITNESS WHEREOF, Grantor has executed this instrument to be effective the 3rd day of June, 2021.

First Thessalonians M. B. Church

BY: Danny Nicks
Danny Nicks, Chairman of the Deacon Board

BY: Mitchell Henderson
Mitchell Henderson, Deacon

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, the undersigned Notary Public in and for the said State and County, personally appeared Danny Nicks and Mitchell Henderson, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such persons to be the chairman of the deacon board and deacon (or other officer authorized to execute the instrument) of First Thessalonians M. B. Church, the within named bargainer, corporation, and that such persons as such chairman of the deacon board and deacon (or other office authorized to execute the instrument), executed the foregoing instrument for the purpose therein contained, by personally signing the name of the corporation as chairman of the deacon board and deacon.

Witness my hand and seal, at office in Shelby County, Tennessee, this 20th day of May, 2021.

Andrea Hood-Carr
Notary Public

My Commission Expires: _____



Owner Name and Address:

Dolphin Construction, Inc.
5190 Woods Landing
Memphis, TN 38125

Send Tax Bills To:

DOLPHIN CONSTRUCTION, INC.
5190 Woods Landing
Memphis, TN 38125

Property Address:

0 Boeingshire Drive
Memphis, TN 38116

Tax Parcel ID No.:

079073 00095

Valuation Affidavit:

I hereby swear or affirm that to the best of my knowledge, information and belief, that the actual consideration for the transfer or the value of the property transferred, whichever is greater, is \$36,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Joe Pett
Affiant

Subscribed and sworn to before me this 3rd day of June, 2021.

Lena McClain
Notary Public

My Commission Expires: _____



Return To:

MID SOUTH TITLE SERVICES, LLC
1715 Aaron Brenner Dr., Suite 401
Memphis, TN 38120
MST#: 2021030270 LM

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

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, August 20, 2024 at 3:30 P.M., in the matter of granting an application for a planned development pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

- CASE NUMBER:** PD 2023-029
- LOCATION:** 4701 Boeingshire Dr
- COUNCIL DISTRICTS:** District 3 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Dolphin Construction INC
- REPRESENTATIVE:** The Bray Firm
- EXISTING ZONING:** Residential Urban-3 (RU-3), Currently governed by the existing Summers Planned Development (PD 1997-323).
- REQUEST:** Planned development amendment for 11 residential lots in Area II-B of the previously entitled Summers Planned Development
- AREA:** +/-1.951 acres

RECOMMENDATIONS:

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

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

NOW, THEREFORE, you will take notice that on Tuesday, August 20, 2024, 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 THE 25th DAY OF JULY,2024

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

TO BE PUBLISHED:

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

**ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 08/06/2024
DATE
PUBLIC SESSION: 08/20/2024
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 3679 Outland Road, known as case number SUP 2024-009

CASE NUMBER: SUP 2024-009

LOCATION: 3679 Outland Road

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

OWNER/APPLICANT: ALIEX, LLC/ New Development, LLC

REPRESENTATIVE: The Bray Firm, David Bray

REQUEST: Special Use Permit to permit a convenience store with gas sales.

AREA: +/- 2,496 sq. ft.

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 Required**
Add to consent agenda requesting public hearing – July 23, 2024
Public hearing – August 20, 2024

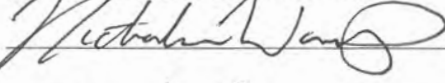
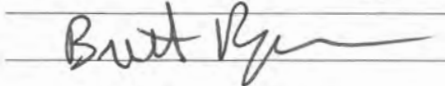
PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
06/13/2024 _____	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>
	7-15-24	PLANNER II
_____	_____	DEPUTY ADMINISTRATOR
	7/15/24	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-009

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 3769 OUTLAND ROAD, KNOWN AS CASE NUMBER SUP 2024-009

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 11, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2024-009

LOCATION: 3769 Outland Road

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

OWNER/APPLICANT: ALIEX, LLC/New Development, LLC

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Special use permit to allow a convenience store with gasoline sales

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

AREA: +/- 2,496 sq. ft.

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,



Nicholas Wardroup
Planner II
Land Use and Development Services
Division of Planning and Development

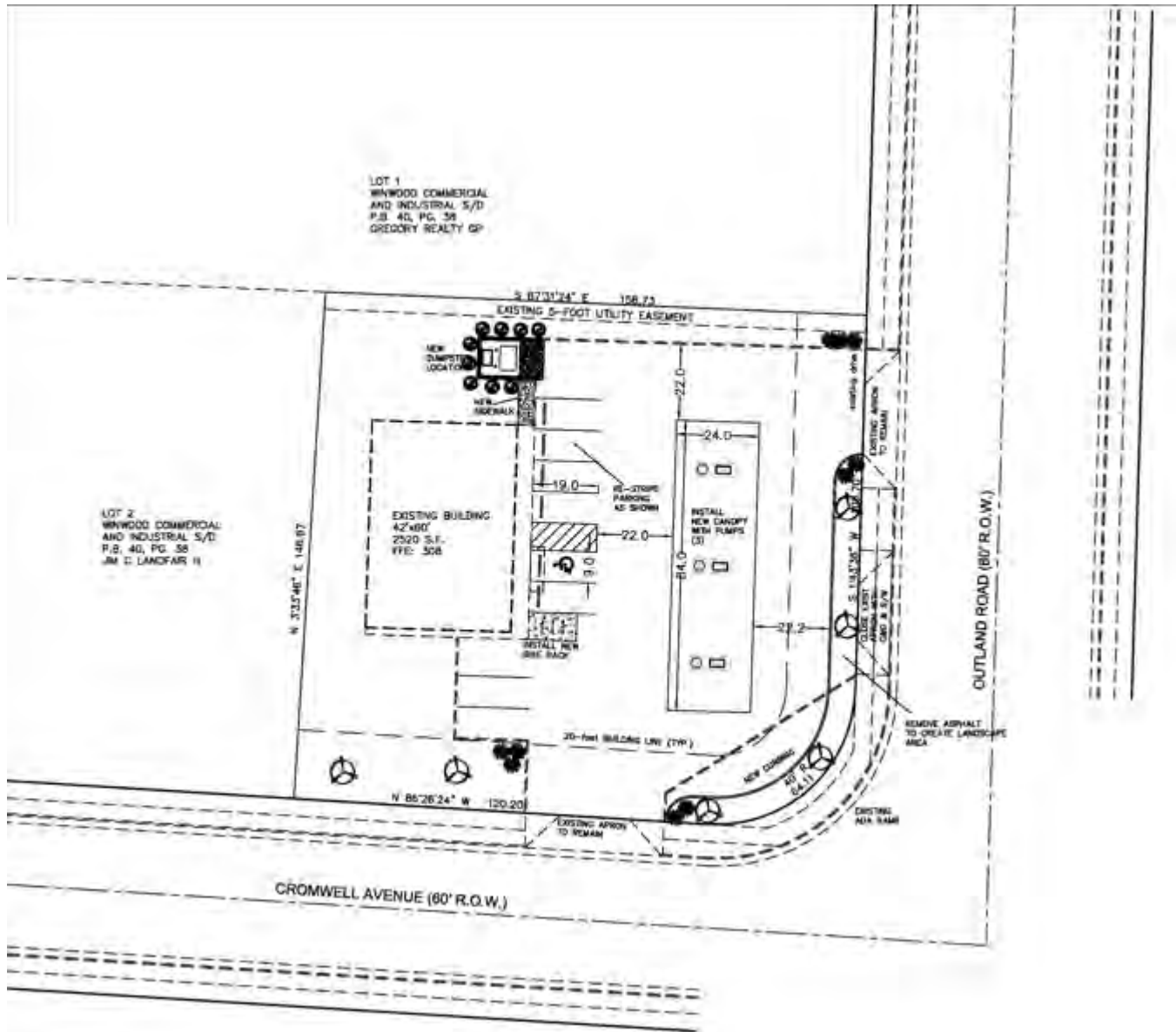
Cc: Committee Members
File

SUP 2024-009

CONDITIONS

1. The applicant shall submit a final site plan for administrative review and approval (ASPR Application) by the Division of Planning and Development.
2. The convenience store shall be sheathed with some form of masonry material on all facades of the building.
3. The fuel canopy shall be architecturally compatible with the design of the principal building.
4. The canopy shall not exceed 20 feet in height.
5. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
6. A Class II buffer shall be established along the western property line, provided such barrier or screen does not restrict clear sight at the driveway.
7. All signage, remaining and/or proposed, must conform to requirements of UDC Section 4.9

SITE PLAN



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 3679 OUTLAND ROAD, KNOWN AS CASE NUMBER SUP 2024-009

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, ALIEX, LLC and New Development, LLC filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit to permit a convenience store with gas sales; 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 11, 2024, 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.

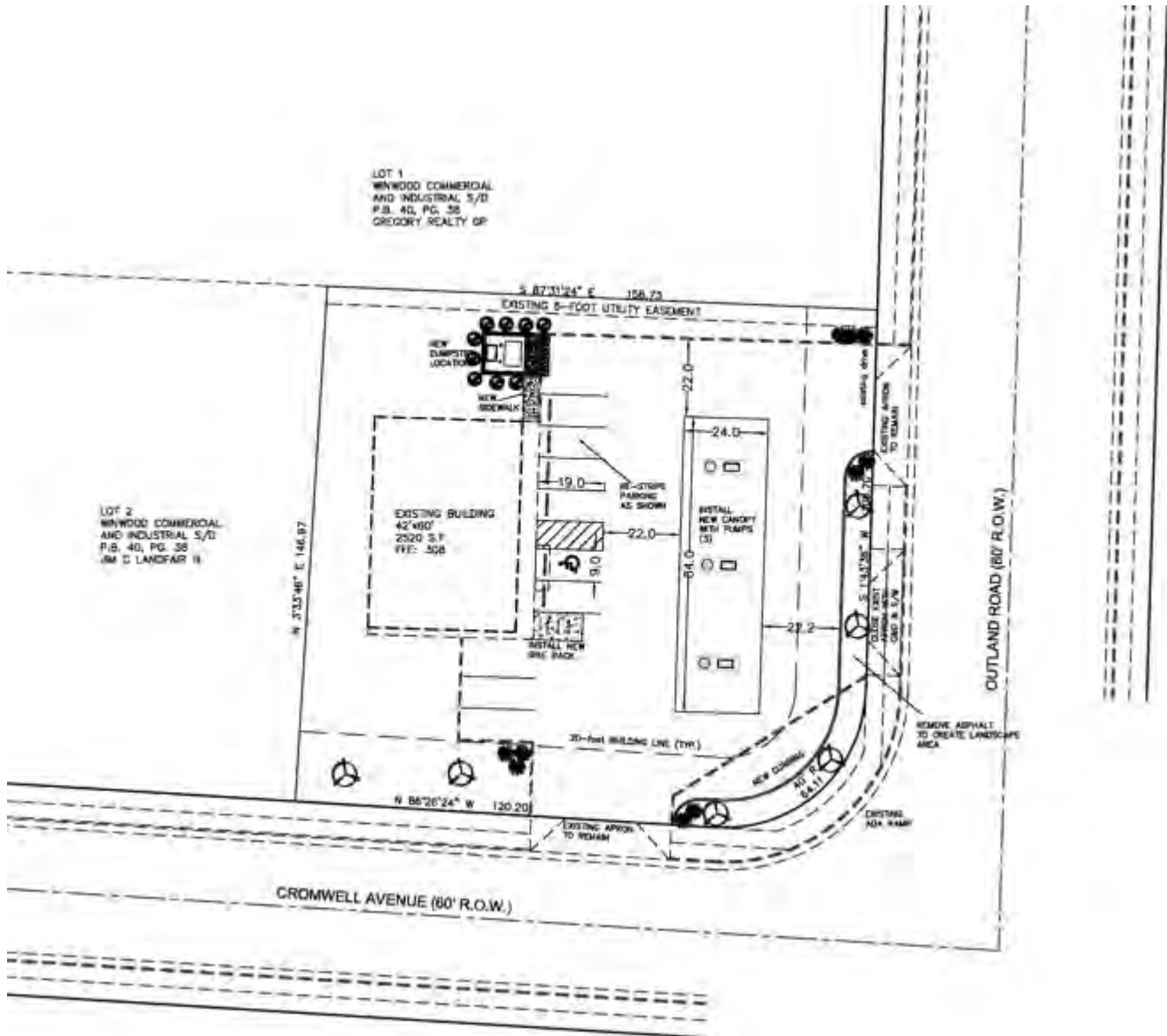
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

CONDITIONS

1. The applicant shall submit a final site plan for administrative review and approval (ASPR Application) by the Division of Planning and Development.
2. The convenience store shall be sheathed with some form of masonry material on all facades of the building.
3. The fuel canopy shall be architecturally compatible with the design of the principal building.
4. The canopy shall not exceed 20 feet in height.
5. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
6. A Class II buffer shall be established along the western property line, provided such barrier or screen does not restrict clear sight at the driveway.
7. All signage, remaining and/or proposed, must conform to requirements of UDC Section 4.9

SITE PLAN



ATTEST:

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



Memphis City Council Summary Sheet

SUP 2024-009

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 3769 OUTLAND ROAD, KNOWN AS CASE NUMBER SUP 2024-009

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

AGENDA ITEM: 22 **L.U.C.B. MEETING:** April 11, 2024
CASE NUMBER: SUP 2024-0009
LOCATION: 3769 Outland Road
COUNCIL DISTRICT: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: ALIEX, LLC/ New Development, LLC
REPRESENTATIVE: David Bray, The Bray Firm
REQUEST: Special use permit to allow a convenience store with gasoline sales
EXISTING ZONING: Commercial Mixed Use – 1 (CMU-1)

CONCLUSIONS

1. The subject property, most recently utilized as a laundromat, is requested for adaptive reuse as a convenience store with gasoline sales.
2. Since the principal structure exists and is proposed to be repurposed, placement for the fuel canopy is sited for the front of the lot.
3. Various land uses and zoning districts surround the site lending it appropriate for the proposed use.
4. Furthermore, the future land use designation for the site as well as the surrounding area is Industrial Flex.
5. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

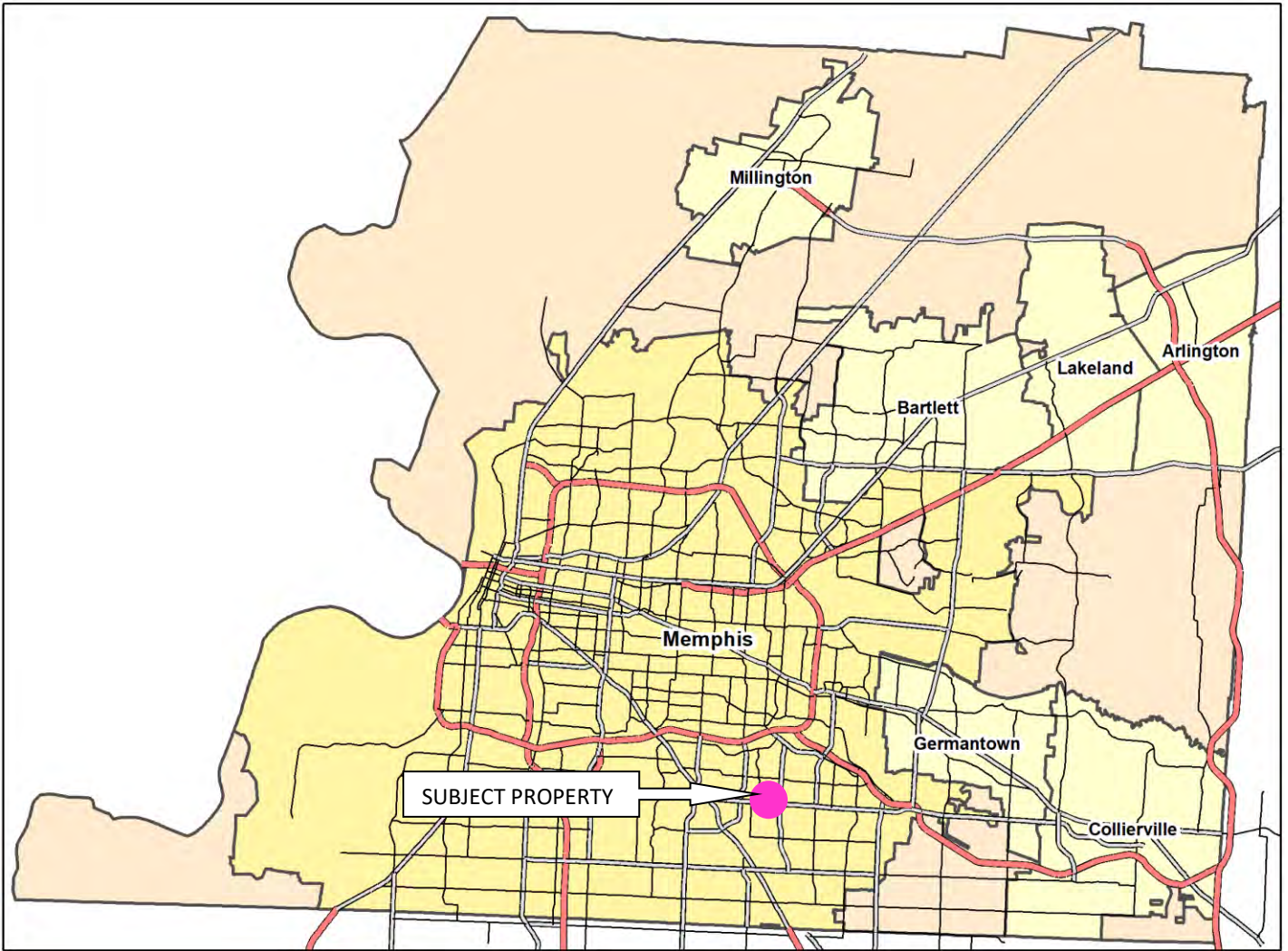
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 20 of this report.

RECOMMENDATION:

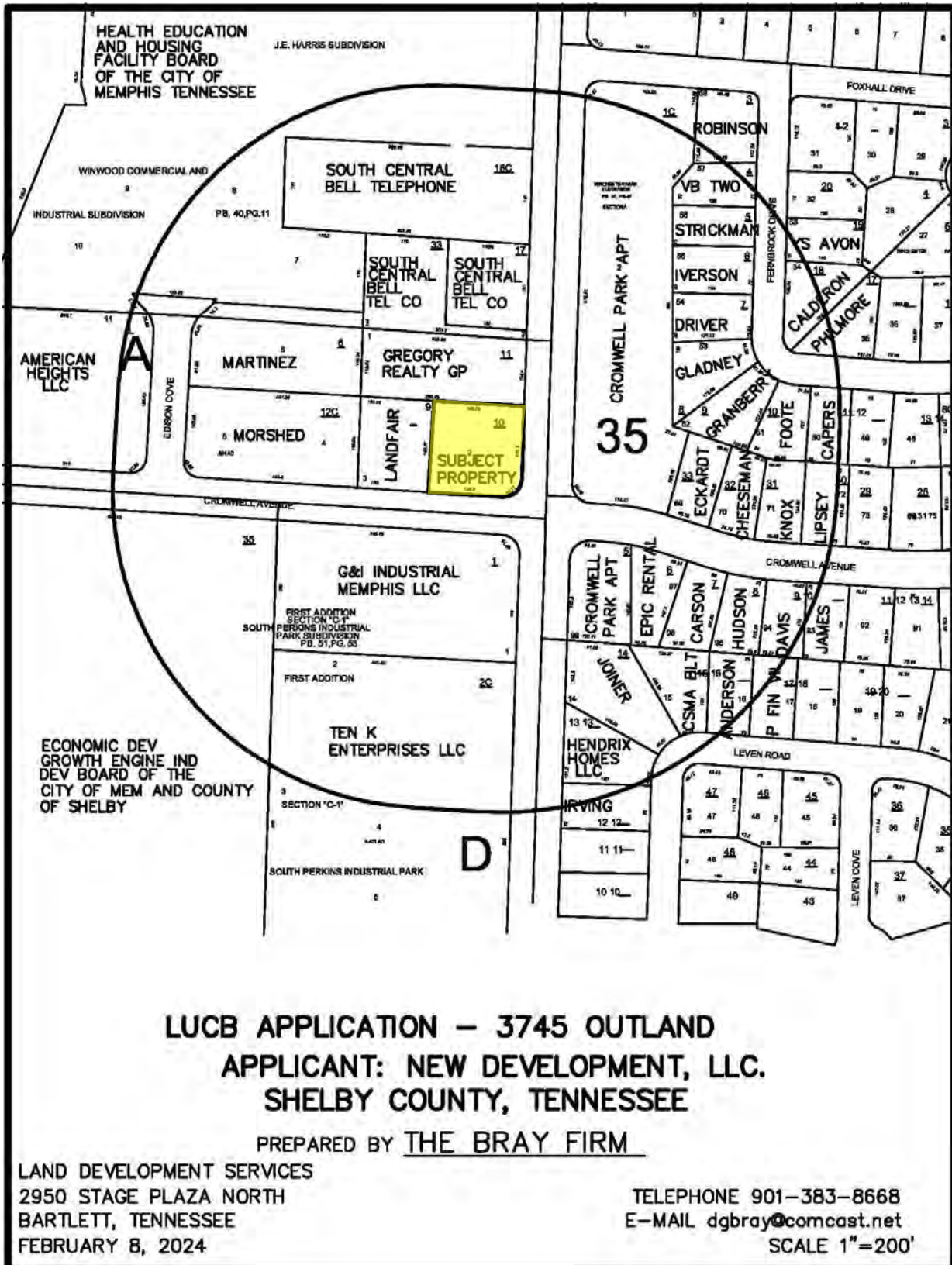
Approval with conditions

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



LUCB APPLICATION – 3745 OUTLAND
APPLICANT: NEW DEVELOPMENT, LLC.
SHELBY COUNTY, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
2950 STAGE PLAZA NORTH
BARTLETT, TENNESSEE
FEBRUARY 8, 2024

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

Subject property highlighted in yellow

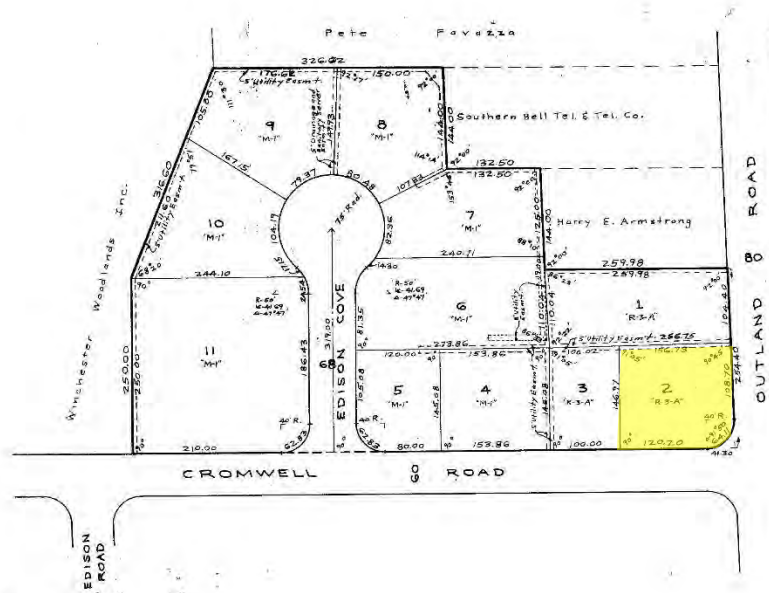
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 60 notices were mailed on March 14, 2024, see pages 23-24 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 25 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Monday, February 26, 2024, at Whitehaven Library, 4120 Mill Branch Road.

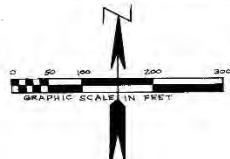
WINWOOD COMMERCIAL AND INDUSTRIAL SUBDIVISION SECTION "C-1" (1970) (PLAT BOOK 40 PAGE 38)



SECTION "C-1"
WINWOOD COMMERCIAL AND
INDUSTRIAL SUBDIVISION

DEVELOPER: WINCHESTER WOODLANDS INC.
 ZONED: "M-1" & "R-2-A" 7386 ACRES
 MEMPHIS, TENNESSEE

SHROYER ENGINEERING CO.
 ASSOCIATES
 S. L. DAVIS - W. S. OLLAR
 Date: Jan. 1970 Scale: 1"=200'



It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.

Ed L. Ollar
 Tennessee certificate number 1059

We, Winchester Woodlands, Inc. by E.M. Tinsley, the undersigned, owners of the property shown herein hereby adopt this as our plan of subdivision and hereby dedicate the parcels to widen roads to the public use forever and hereby certify that we are the owners, duly authorized to so act, and that said property is not encumbered by any mortgages or taxes which are due and payable.

E.M. Tinsley

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 E.M. Tinsley, with whom I am personally acquainted and who upon oath acknowledged that he executed the foregoing instrument for the purpose therein contained as his own free act and deed.

Witness my hand and notarial seal this 16 day of February, 1970.

My Commission expires _____
 Notary Public *[Signature]*

Approved by the Memphis and Shelby County Planning Commission.

Date FEB 19, 1970 *Richard M. Sullivan*
 Deputy 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 _____ day of _____, 1970.

[Signature]
 City Clerk

This plat revised to correct lot dimensions of lots 10 and 11. No other changes were made.

This plat revised to show a five foot drainage and sanitary sewer easement along the west line of lot 8 and the east line of lot 9, and to increase the size of the easement at the northeast corner of lot 8. No other changes were made.

[Signature]
 Director

RECORDED
 FEB 20 1970

STATE TAX
 REGISTER'S FEE
 RECORDED
 APR 11 9 03 AM
 STATE OF TENNESSEE
 PLAT BOOK 40
 PAGE 38

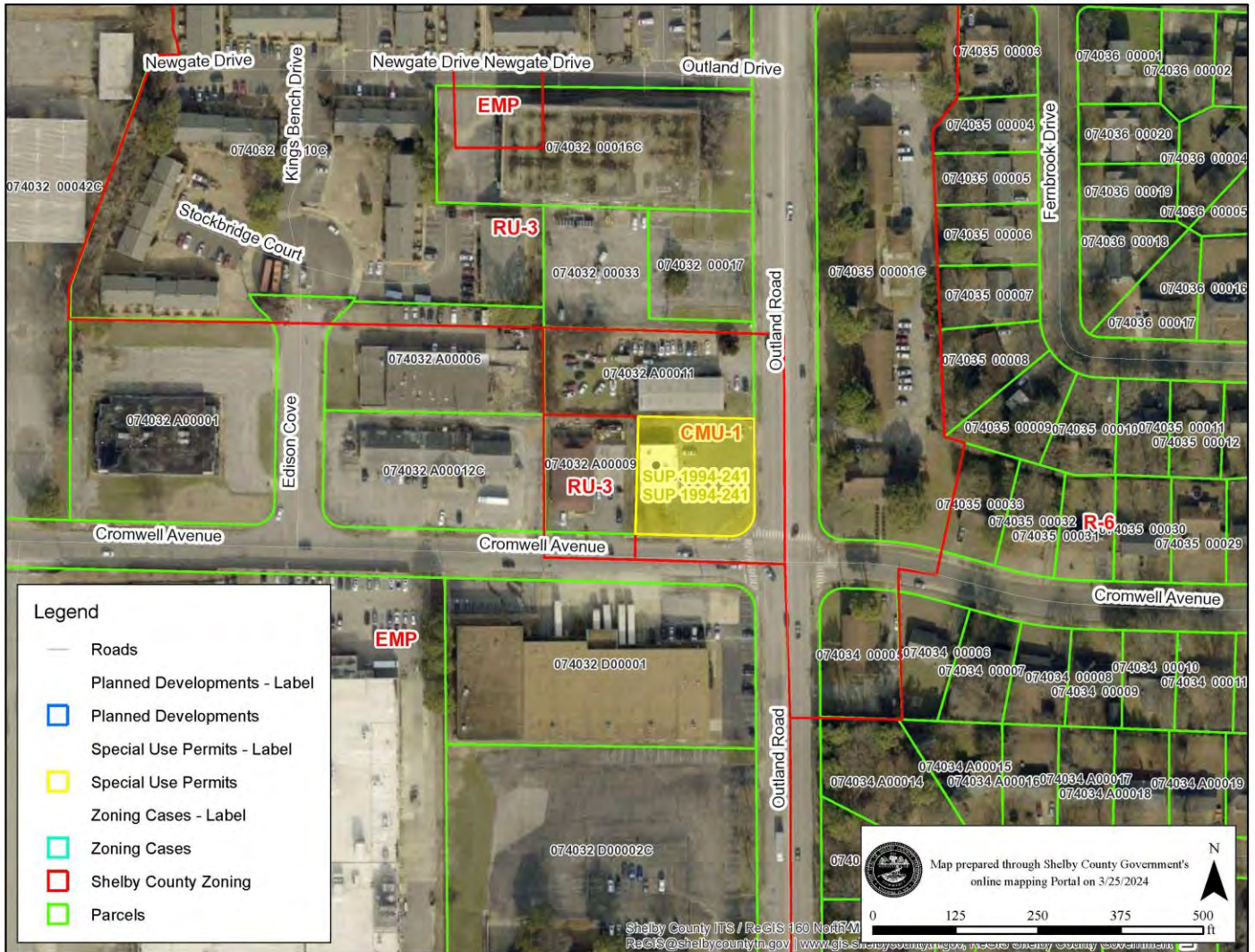
100-40-17
 15,000
 APR 28 1970
 100-40-17
 15,000
 APR 28 1970

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Outland Road looking west



View of subject property from intersection of Outland Road and Cromwell Avenue looking northwest

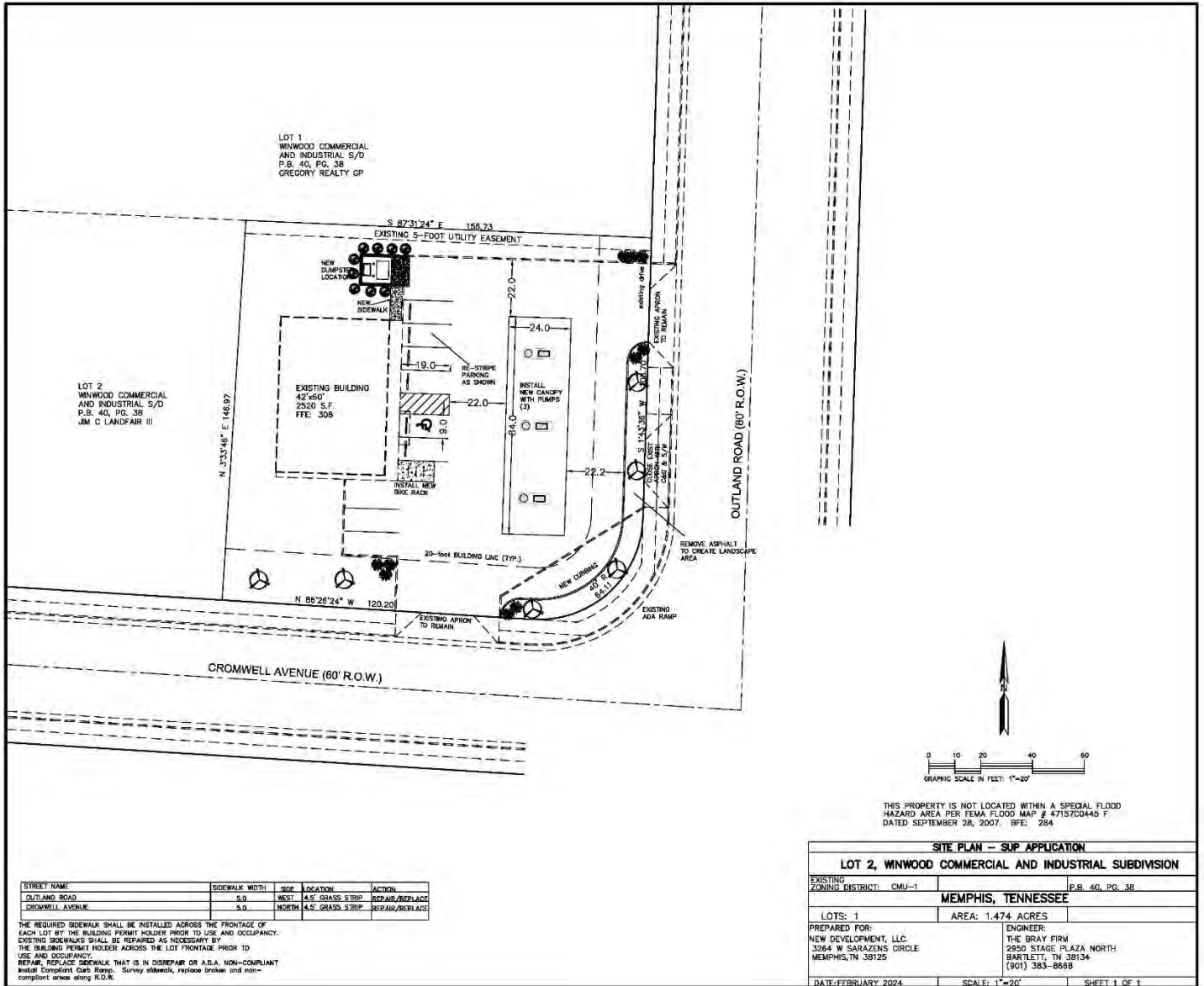


View of subject property from Outland Road looking southwest

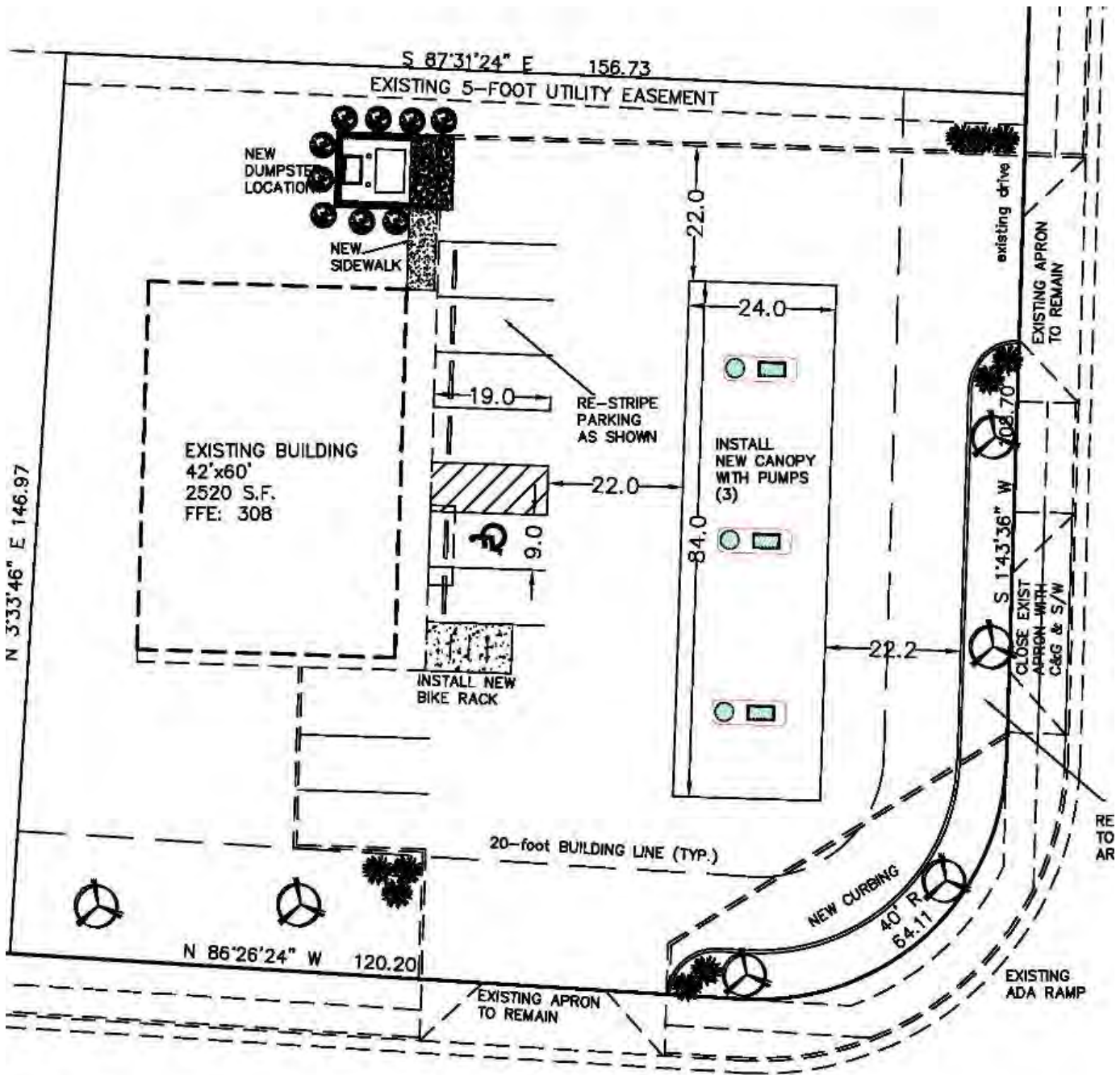


View of subject property from Cromwell Avenue looking east

SITE PLAN



SITE PLAN – MAGNIFIED



ROMWELL AVENUE (SOLD)

CASE REVIEW

Request

The request is a special use permit to allow a convenience store with gasoline sales.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:

3769 Outland Road

Parcel ID:

074032 A00010

Area:

+/-0.51 acres

Description:

The subject property was most recently used as a laundromat. Great Day Laundry is the signage that remains on the building. Other site features include parking spaces facing the building and along the northern property line, and a vacant freestanding sign in the grassy area at the corner of Outland Road and Cromwell Avenue. The building sits to the rear of the lot, along the western property line. Per the Assessor's website, the structure was built in 1979 and consists of 2,496 square feet. Being that this is a corner lot, there are access points off Outland Road and Cromwell Avenue.

Relevant Unified Development Code Clauses

Use Standards for Convenience Stores Section 2.6.3J reads as follows:

J. Convenience Store with Gas Pumps, Gas Station, Commercial Electric Vehicle Charge Station

1. General Standards

- a. The primary building shall conform to all building envelope standards. It shall be sheathed with some form of masonry material on all facades of the building.
- b. Gasoline pumps, tanks, vents, EV chargers and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.
- c. No sign of any type or any gasoline pump, tank, or EV charger shall be located within 20 feet of any residential district. Furthermore, no gasoline pump, tank or tank vent pipe located at gasoline stations constructed on or after August 21, 2012, or at those gasoline stations that have been vacant for more than 365 days, shall be located within 125 feet of any single-family residential district. This Item shall not apply to any portion of a residential district that lies within a state, city or county right-of-way.
- d. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to a residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
- e. Freestanding vents shall not be permitted.
- f. CMU-3 district. Any convenience store with gas pumps or gas stations constructed in the CMU-3 district after January 28, 2013, or reactivated after one year of discontinuance, not located at the intersection of two arterials, an arterial and a collector or two collectors, according to the Functional Classification Map of the Long Range Transportation Plan, shall require the issuance of a Special Use Permit. Convenience stores with gas pumps and gas stations constructed in the CMU-3 district prior to January 28, 2013, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.
- g. CMU-1 district. Any convenience store with gas pumps or gas stations constructed in the CMU-1 district after January 1, 2021, reactivated after one year of discontinuance or whose convenience store is reconstructed or relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-1 district prior to January 1, 2021, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in [Section 9.6.9](#), the Land Use Control Board and governing body shall also consider the proximity of the proposed convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

Please note that items a-e and g above are applicable to this application.

Site Plan Review

Existing structure onsite to be repurposed as a convenience store;

Fuel canopy for gasoline sales to be added in front of convenience store and more than 22 feet from eastern property line;

Fuel canopy is 2,016 square feet to cover three new fuel pumps;

9 parking spaces and bike racks provided – 3 parking spaces required;

1 existing curb cut along Outland Rd to be closed leaving 1 proposed curb cut each from Outland Rd and

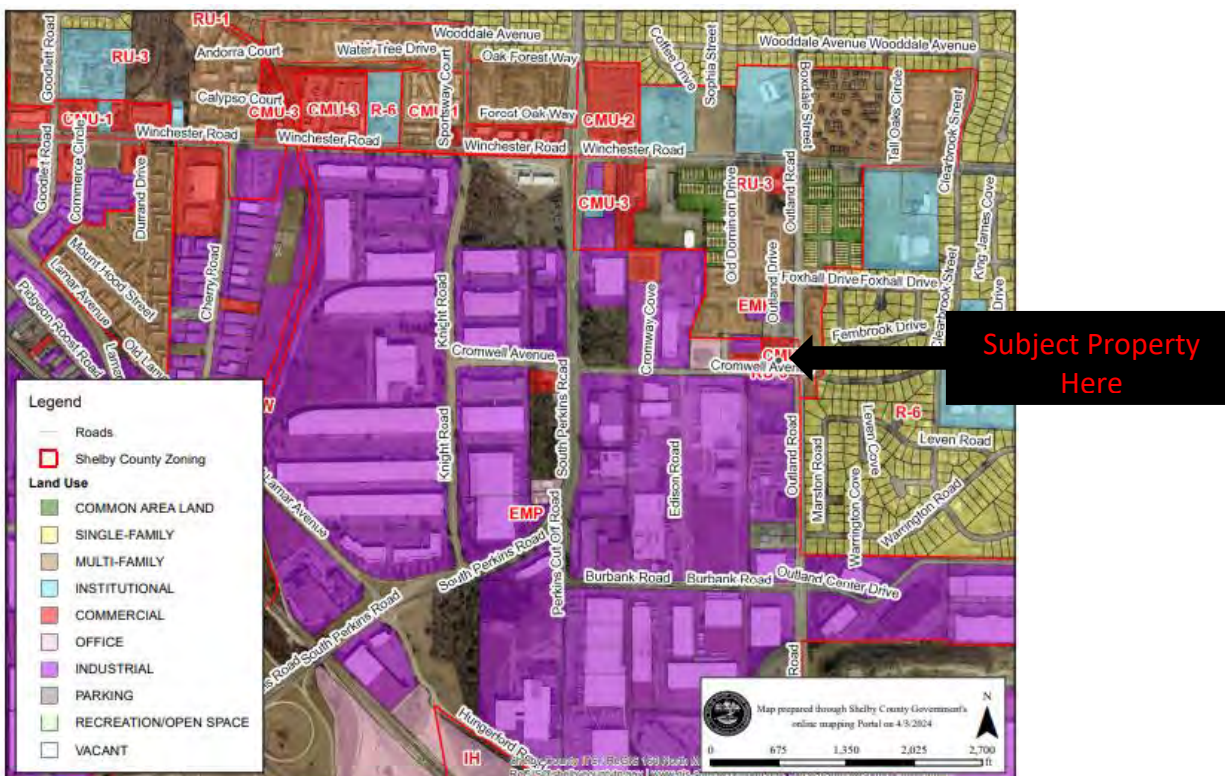
Cromwell Ave;
Dumpster added next to convenience store near northern property line – front enclosure should be opaque fence or wall;
Streetscape plate of at least S-12 required along Outland Rd and Cromwell Ave property lines;
Class II buffer required along western property line.

Analysis

The convenience store with gasoline pumps proposed for the site involves retrofitting the existing structure, most recently a laundromat, as a convenience store. Considering the existing building and that it is a significant distance from the front property line, the only placement for the fuel canopy is in front of the building. Three gasoline pumps are proposed underneath. Since the site is zoned Commercial Mixed Use – 1 (CMU-1), it is ideal to develop the site closer to the road frontage, which in this case would engage passers-by from two frontages, but adaptive reuse of an existing building is also a community benefit. The environment is better served and what was a vacant structure, vulnerable to vagrants and/or nefarious activity, is reactivated into the tax base.

This property is uniquely situated in the middle of commercial, institutional, industrial and multi-family uses. An auto repair shop is next door to the north. A daycare exists to the rear; a restaurant/deli is next to the daycare. And warehouse storage buildings consume the block across the street, south of Cromwell. Meanwhile, garden style apartments front the block across Outland Road. The property’s proximity to all these land uses supports the proposed use being compatible in the area.

The zoning districts are just as diverse, consistent with the array of land uses in the area. It appears that west of Outland Road and south of Winchester Road was intended to be an industrial hub and the land use pattern has developed as such. A wider view of the land use map shows the expansive reach of industrial uses that are also in the Employment (EMP) District.



Regarding EMP zoning and industrial uses, the future land use designation for the site and largely west of Outland Road is Industrial Flex, which further supports the idea that land development in the area was intended for commercial and industrial uses.

Lastly, the CMU-1 District does permit a convenience store with gas sales by right if certain design requirements are met. However, as already stated, there is an existing structure at the rear of the property that would be repurposed as the convenience store. The only placement for the fuel canopy in this instance is in front of the building. If the site had been developed leaving the option for the fuel canopy to be rear loaded and placed to the side or rear of the building, or also in front of the building but no farther than 20 feet from the right-of-way, a special use permit may not be required.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. The applicant shall submit a final site plan for administrative review and approval (ASPR Application) by the Division of Planning and Development.
2. The convenience store shall be sheathed with some form of masonry material on all facades of the building.
3. The fuel canopy shall be architecturally compatible with the design of the principal building.
4. The canopy shall not exceed 20 feet in height.
5. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
6. A Class II buffer shall be established along western property line, provided such barrier or screen does not restrict clear sight at the driveway.
7. All signage, remaining and/or proposed, must conform to requirements of UDC Section 4.9.

DEPARTMENTAL COMMENTS

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

City Engineer: See comments as follows:

NAME: [3769 Outland Road; Lot 2 Winward Commercial & Industrial SubDiv](#)

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. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
4. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.
5. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.

Roads:

6. 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.
7. 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:

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.
13. Will require engineering ASPR.

City Fire Division: See comments as follows:
Reviewed by: J. Stinson

Address or Site Reference: 3769 Outland

- 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.
- 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.

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: See comments as follows:
From: Leta Rowan, Sustainability Intern

Date: March 21, 2024

Subject: OSR Comments on SUP 2024-009

General Comments & Analysis:

Located in Zone 3 of the Resilience Zone Framework:

Zone 3 areas contain resilience assets that could be compromised by certain kinds of development. These assets include wetlands, forests, meadows, and aquifer recharge areas. The loss of these assets makes the

entire region less resilient. Context sensitive development could still occur in these areas to minimize its impact. Consider strategic investment in ecological assets through revitalization and preservation as well as the impacts on local and regional hydrology and methods to mitigate drainage impacts.

The applicant is requesting a SUP to construct a canopy in front of, rather than behind, the parcel's preexisting structure. The applicant is also planning to install gas pumps underneath the canopy. However, the site's Zone 3 designation is due to its location within a 6.5 square mile aquifer recharge area.

Consistent with the Mid-South Regional Resilience Master Plan best practices: No

While the applicant's request to install a canopy is consistent with the resilience plan, the installation of gas pumps within an aquifer recharge area is not. The Memphis Sands aquifer is a crucial natural resource that provides clean drinking water across the MSA. In order to maintain the aquifer's quality and supply of water, it is critical to protect the recharge zone from harmful developments. Section 2.2.2 – Aquifer Conservation and Recharge explains how, within aquifer recharge zones, pollutants from chemical use have the potential to seep underground and affect drinking water for the entire region. Gas stations are understood as a potential threat to groundwater when developed in sensitive areas.

Additionally, the approval of a contaminating development within a Zone 3 area is inconsistent with Section 4.1 – Resilient Sites. Areas within Zone 3 are sensitive to increasing development, and discretionary review should be practiced to protect an essential natural resource from potential chemical pollutants.

Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff recommends rejection of the installation of new gas pumps due to the site's location in an aquifer recharge zone. As the Memphis Sands aquifer provides the region's primary source of drinking water, it is imperative that Staff limits hazardous developments within these areas.

Office of Comprehensive Planning: See comments as follows:

Site Address/Location: 3769 Outland Rd.

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

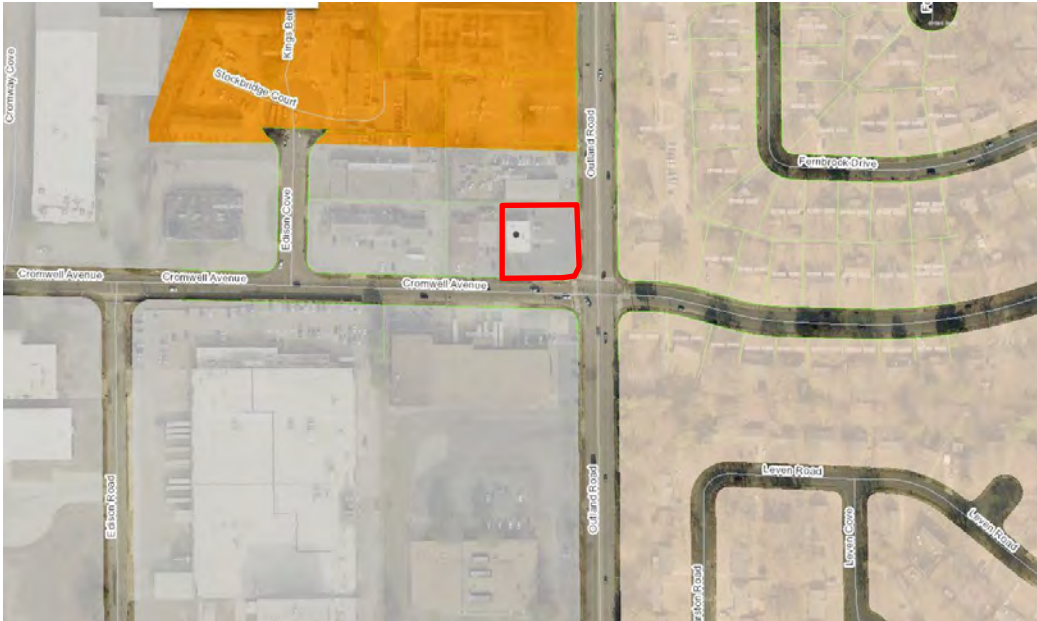
Future Land Use Designation: Industrial Flex (IF)

Street Type: Avenue

The applicant is requesting a special use permit to allow a convenience store with gas pumps.

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

Lower intensity industrial areas with a mix of uses and building scales that are generally compatible with nearby neighborhoods. Graphic portrayal of IF is to the right.



“IF” Form & Location Characteristics

Industrial with some commercial and service uses 1-6 stories.

“IF” Zoning Notes

Generally compatible with the following zone districts: EMP, IH in accordance with Form and characteristics listed above.

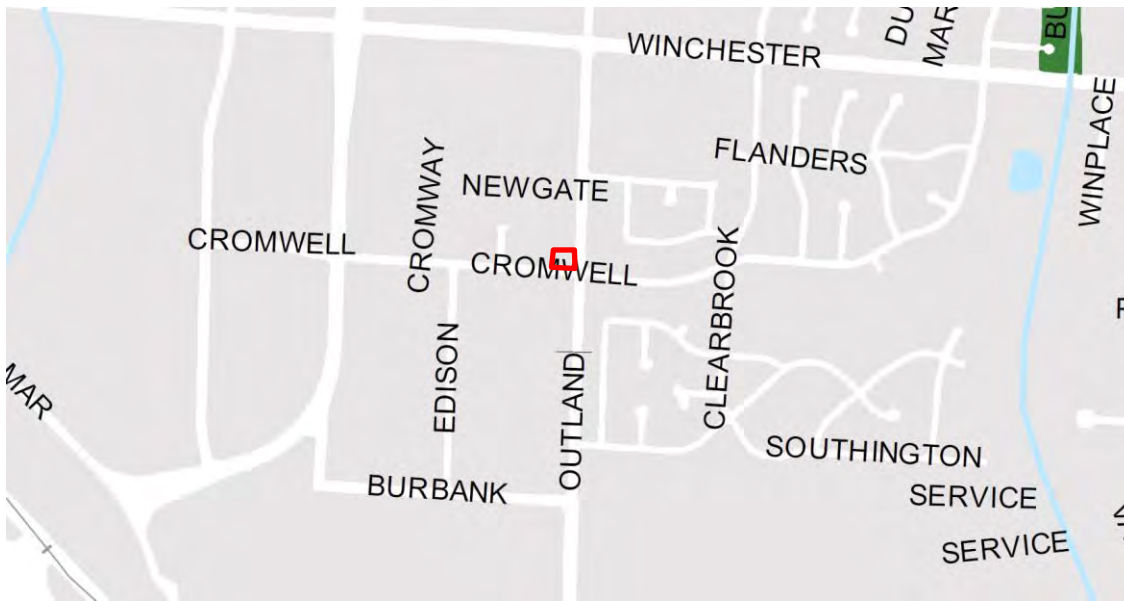
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Industrial, and Multi-Family; CMU-1, RU-3, and EMP

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, and adjacent land use and zoning as the proposal to allow a c-store with gas pumps is compatible with the neighboring industrial and commercial uses. Additionally, the existing laundromat building will not be demolished and will be re-purposed as the convenience store. Moreover, the surrounding single-family neighborhood is buffered from the gas pumps by multi-family structures.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

NA

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

NA

Consistency Analysis Summary

The applicant is requesting a special use permit to allow a convenience store with gas pumps.

This requested use is compatible with the land use description/intent, form & location characteristics, and adjacent land use and zoning as the proposal to allow a c-store with gas pumps is compatible with the neighboring industrial and commercial uses. Additionally, the existing laundromat building will not be demolished and will be re-purposed as the convenience store. Moreover, the surrounding single-family neighborhood is buffered from the gas pumps by multi-family structures.

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

MAILED PUBLIC NOTICE

60 Notices Mailed on 3/14/2024



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: SUP 2024-0009
LOCATION: 3769 Outland Road
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: The Bray Firm
REQUEST: Convenience store with gasoline pumps in the Commercial Mixed Use – 1 (CMU-1) District

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

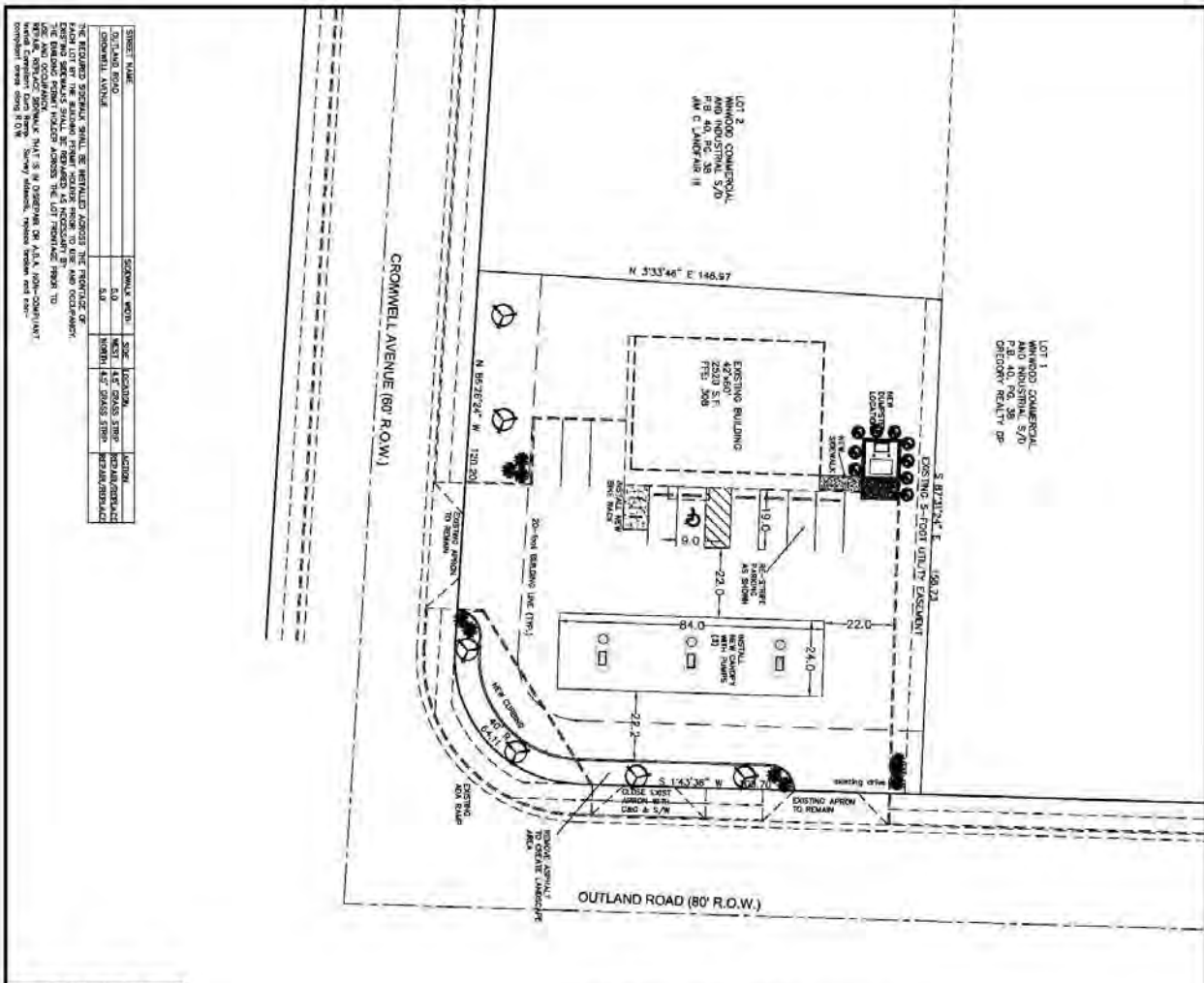
DATE: Thursday, April 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a *recommendation* to the legislative body; the legislative body will take final action at a later date.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Kendra Cobbs at Kendra.Cobbs@memphistn.gov or (901) 636-6602 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, April 3, 2024, at 8 AM**.

SITE PLAN



THREAT NAME	SCHEMA #	SIZE	LOCATION	STATUS
SHOVELL AVENUE	8.0	NORTH	47' DRIVE STRIP	REPAIR/REPLACE

REQUIREMENTS SHALL BE INSTALLED TO BE IN ACCORDANCE WITH THE CITY OF MEMPHIS ZONING ORDINANCES. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL PROPOSED CHANGES TO THE SITE PLAN. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL PROPOSED CHANGES TO THE SITE PLAN. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL PROPOSED CHANGES TO THE SITE PLAN.

EXISTING ZONING DISTRICT	OWNER	AREA	PREPARED FOR	DATE
MEPHIS, TENNESSEE <td>1.474 ACRES <td>THE GRAY INN <td>FEB. 20, 2024 <td></td> </td></td></td>	1.474 ACRES <td>THE GRAY INN <td>FEB. 20, 2024 <td></td> </td></td>	THE GRAY INN <td>FEB. 20, 2024 <td></td> </td>	FEB. 20, 2024 <td></td>	

LOT 2, WINWOOD COMMERCIAL AND INDUSTRIAL SUBDIVISION

DATE: FEBRUARY 2024 SCALE: 1"=50'



THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 4715004A DATED SEPTEMBER 28, 2007. SEE 284

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Mohamood Shah, being duly sworn, depose and say that at Friday am/pm on the 29 day of March, 2024, I posted a Public Notice Sign(s) pertaining to Case No. SUP 2024-009 at 3745 Outland Rd, providing notice of a Public Hearing before the _____ Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, _____ Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

M. Shah

Owner, Applicant or Representative

4-2-2024

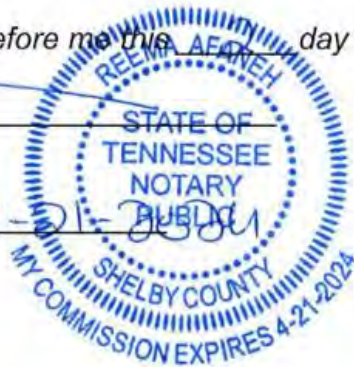
Date

Subscribed and sworn to before me this _____ day of April, 2024.

[Signature]

Notary Public

My commission expires: 4-21-2024



APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: February 9, 2024

Record Number: SUP 2024-009

Expiration Date:

Record Name: Lot 2, Winward Commercial and Industrial Subdivision

Description of Work: Special Use Permit to allow C-store with gasoline sales in the CMU-1 zoning district.

Parent Record Number:

Address:

3769 OUTLAND RD, MEMPHIS 38118

Owner Information

Primary Owner Name
Y ALIEX LLC

Owner Address
1779 BARTLETT RD, BARTLETT, TN 38134

Owner Phone

Parcel Information

074032 A00010

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Chip Saliba
Date of Meeting	12/11/2023
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 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 n/a

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 site is currently developed as a laundromat. The existing building would be re-purposed as a convenience store. Site improvements would involve the installation of a new canopy and pumps. All existing infrastructure is in place and impacts to surrounding properties would be de minimis.

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 currently developed as a retail space. One existing drive apron would be closed. Other improvements would be internal to the site.

UDC Sub-Section 9.6.9C All existing facilities and utilities are currently in place serving the existing retail space.

UDC Sub-Section 9.6.9D Agreed

UDC Sub-Section 9.6.9E Agreed

UDC Sub-Section 9.6.9F Agreed.

GIS INFORMATION

Case Layer BOA1994-024, BOA1994-024

Central Business Improvement District No

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning -

State Route -


Lot -

Subdivision WINWOOD COMM & IND REV

Planned Development District -

Wellhead Protection Overlay District No

OWNER AFFIDAVIT



**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, Roopman Shah Ro Shah, 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 3745 outland rd, memphis TN
and further identified by Assessor's Parcel Number 0740320A000100

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 9 day of February in the year of 2024.



[Signature]
Signature of Notary Public

5-17-26
My Commission Expires

LETTER OF INTENT

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

February 9, 2024

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

**RE: Special Use Permit for C-store with gasoline sales in the CMU-1 zoning district
3745 Outland
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application to permit a C-store with gasoline sales in the CMU-1 zoning district on the above captioned property. The existing site is currently purposed as a laundromat. The existing parking facilities and building would be maintained and re-purposed upon successful completion of this project. However, the site requires Special Use Permit approval to allow the canopy to be located in front of the building. Due to the existing improvements, it's not feasible to locate the canopy behind the building structure.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

Three letters of opposition, two with signed petitions, were received at the time of completion of this report and have subsequently been attached.

From: [Abdullah Haimed](#)
To: [Cobbs, Kendra](#)
Subject: Outland rd and Cromwell ave
Date: Tuesday, April 2, 2024 3:00:45 AM



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender abdullahhaimed@yahoo.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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Neighborhood Opposition List to the Special permit No. at the corner of
 Outland rd and Cromwell Ave

Name	Address	In Favor of
Klina Mason	4836 S. Winchester Sq	reject
Serso denny	3925 S. landlett	reject
Leonard Madsen	4947 - Leach rd	reject
Mariucci Rach	4847 Courtmail	reject
Lamy Jenkins	3699 Shoreham Dr	reject
Jimmys King	4940 Simbury	reject
Son	250 Simon	res
DAVID DORTCH	3637 Custerwood	reject
Shawanda Ray	4976 Brunstle	reject
EDWARD HACKWORTH	4977 SIMBURY	REJECT
Ridley Anne	3679 Old Street Court	ReJect
Denetion Jack P.	4950 Churnside	AcJect
Patrick Franklin	4860 CROMWELL	REject
Willie Jackson	3795 Marsh ton	Reject
Ashley Spivison	4859 Foxhall Dr	Reject
Ernie Jones Sr	3610 Old Dombrow Dr	Reject
Chavona Lewis	900 4775 Stockbridge Ct	Reject
Juanita Hart	4836 S. Winchester ^{II}	Reject

5110 King ...

Make your
City of Memphis
DO NOT MAIL
Write the Notice
Do not tape, stick
insert this sign-
together with the
back of the sign



Neighborhood Opposition List to the Special permit No. at the corner of
Outland rd and Cromwell Ave

Name	Address	In Favor of
Steve Smith	526 N. Ltr	Reject
DD	20	Reject
Deshaun	Deshaun	Reject
Wesley	3730 Outland Dr	Reject
LaCedi Worth	4922 Fernbrook	Reject
Brunce Austin	4928 Fernbrook	Reject
Willie M. K.	3713 King John	Reject
Nick Williams	3617 King George	Reject
Antonio Patterson	3720 Outland rd #4	Reject
Alex Austin	4791 Outland dr.	reject
Ke Arnold	3688 King George	Reject
Tim Gibson	4818 Memphis	reject
Kenneth Evans	5103 Cromwell Ave	reject
Edward Smith	6616 Rainbrook Ln -	reject
Jevanne Richards	4809 Winchesford Rd	Reject
Neha J. J.	6765 Harlowe Ln	Reject
David Norman	2819 Brewer	REJECT
Adrian Wilson	4821 4821 North Winchester Sq	Reject

AMOUNT DUE:
 111 490 796
 596 790 4111
 is used necessary you
 through the window
 envelope with the ad
 insert the size of 20
 Do not tape, staple
 Write the Notice #:
 DO NOT MAIL CA
 City of Memphis
 Make your check

Neighborhood Opposition List to the special permit No. at the corner of
 Outland rd and Cromwell Ave

Name	Address	In Favor of
Joshua Taper	3710 outland Rd	Reject
Toffice Taper	3810 outland Rd	Reject
Torrie Taper	3813 outland Rd	Reject
Andre Hubbard	784 Spring ST	Reject
Ronnie Slaughter	3943 W. Winchell Sq.	Reject
Michael Baxi	4238 Cromwell	Reject
Adam Love	440 Burdick	Reject
Zuriel Pullen	4781 Stock Brick Court	Reject
Jesse Kirby	4694 LAKE Village	Reject
Wade Dene	4767 Stockbridge	Reject
Raymond Potterfield	3910 Stuart Rd	Reject
Delmar Jones	3680 Old Street Ct	Reject
Ami McCl	4990 Cromwell	Reject
Don Burr	3143 King CU	Reject
Chris Stephens	6146 Exrie dr	Reject
Vivian Rogers	5001 Cromwell Ave	reject
Victoria Dodson	5131 Southington Ave	reject
Kemia Sumlin	1512 Genesis Cir PD	Reject
Eric Temple	3718 Kings Beach Drive	Reject

From: [YASER SALEH](#)
To: [Cobbs, Kendra](#)
Cc: [Yaser Saleh](#); [Mona Saleh](#)
Subject: Neighborhood Opposition List to the Special permit No. at the corner of Outland road and Cromwell Ave
Date: Tuesday, April 2, 2024 10:12:46 AM
Attachments: [Neighborhood Opposition List to the Special permit No. at the corner of.pdf](#)



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender dmoyaser@aol.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.

Good morning Kendra, Attached is a list of neighbors who object given special permits For c-store at the corner of Outland and Cromwell. If you have any questions, please don't hesitate to call me or email me. Thank you so much for taking this into your consideration

BR

Yaser Saleh
901-553-0627

Sent from my iPhone

Neighborhood Opposition List to the Special permit No. at the corner of
Outland rd and Cromwell Ave

Name	Address	In Favor of
Yvonne Davis	3846 Hwy 9 Cinth dr. mp. TN	Reject
Katrine Crum	3800 Highbridge	Reject
Danielle Wright	3670 Old Street Ct	Reject
Diamond Cole	4819 Winchester Rd	Reject
April Green	4834 Winchester Sq	Reject
Stacie Page	Memphis 38111	Reject
Detriawn Wade	4890 Chesternood	Reject
Latonya Rodgers	3791 Statcan way	Reject
Kenyatta Lawson	38118	Reject
Jameel Cunningham	38118	Reject
Tyrone Harris	38118	Reject
Ryan Hick	38118	Reject
Troy Walker	38118	Reject
Barbara Morgan	38118	Reject
Lakeray Moore	38118	Reject
Stanley Burnett	38118	Reject
Gabbie Smith	38118	Reject
Ronnie Dandridge	38118	Reject

Neighborhood Opposition List to the Special permit No. at the corner of
Outland rd and Cromwell Ave

Name	Address	In Favor of
Darius Saxon	3683 Old Street Court	REJECT
Tracy Jones	3645 W. Winchester	Reject
Theodore Dotson	3800 Highbridge	Reject
Gregory Squirewell	38118	Reject
Charlie Edwards	38118	Reject
Maurice Jenkins	38611 1	Reject
O. Holloway	38118	Reject
D. Brown	38118	REJECT
J. Hill	38118	Reject
O. Smith	38118	Reject
Monica	38118	Reject
Carmen	38109	Reject
Maybeline Davis	38118	Reject
Kelvin Holmes	38118	Reject
Walter Johnson	38118	Reject
Richard Jones	38118	Reject
Marques Odun	4796	Reject
Audrey F. Taylor	38105	Reject
Deborah Ray	38111	Reject

This response pertains to APPLICATION being filed on CROMWELL PARK COMMUNITY .
Specific Cromwell Ave / Outland Road , petition to Zone GAS STATION and CONVENIENCE STORE
on west corner in this NEIGHBORHOOD .

Petition of one/all HOMEOWNER's to NOT ALLOW such .
Cromwell Park is a quiet old peaceful Neighbor settled since 1960's .
Elementary School is 500 yds east on Cromwell - Clear brook , has Children commuting on foot to
/ fro , on Outland from other area Schools and / or Mata Bus Service walking to their homes .

Winchester Road is major thoroughfare - has Gas station and Convenience Store 200 yds on north .
Perkins Road is major thoroughfare - has Gas station & Convenience Store & etc 200 yds on west
entering Cromwell Ave .
There is NO such Demand - Need - Want - substantiated to sheppardize a SAFE small old
NEIGHBORHOOD of unwarranted Exposure , which also impacts greatly OWNERSHIP for
Residents who - in age or disability - and /or other causes can endure this blatant venture .

Repeat ! SAFETY ! CRIME it will add , no peaceable look ahead ! And Value of Residential Properties
People - Owners - Residents secure themselves for -however small or better defend " SAFETY " for
THEIR LIVELIHOOD and F U T U R E !

Resident Owner , 4872 Cromwell Ave . Petra Adams Feb. 22 - 2024

FAMILY OWNER

LILU ECKARDT

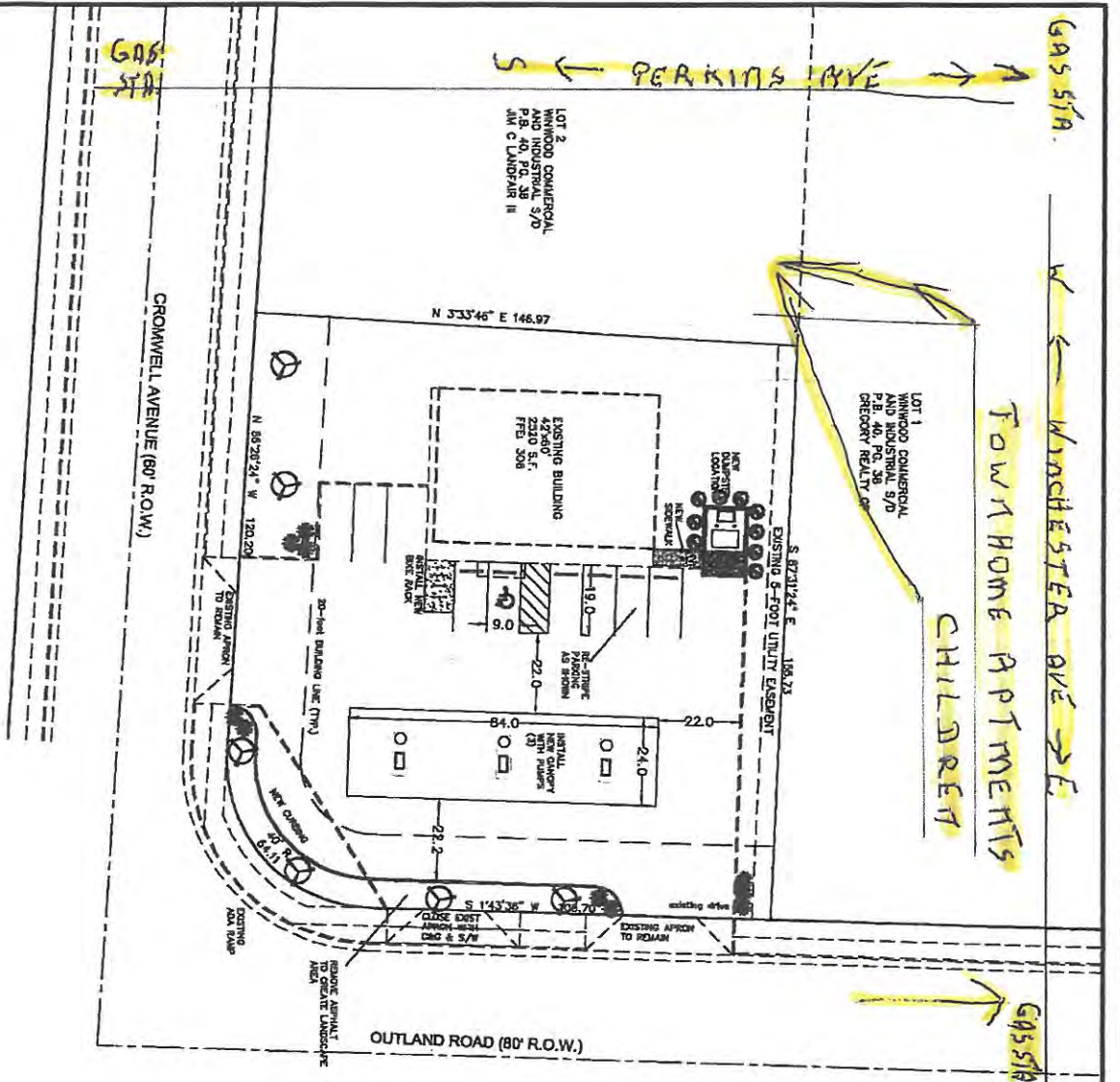
THIS IS OWNER & RESIDENT RESPONSE TO CASE SUP 2024-0009
LOCATION 3769 OUTLAND ROAD

ATTENTION KENDRA COBB

SITE PLAN

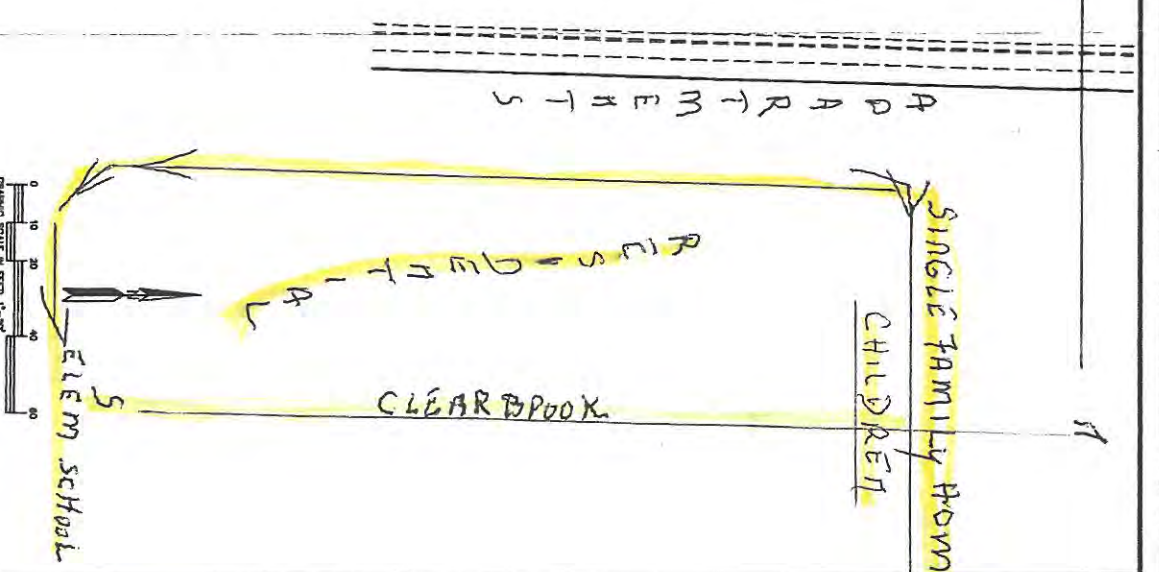
STREET NAME	RIGHT-OF-WAY WIDTH	EXISTING ROADWAY WIDTH	LOCATION	SECTION
OUTLAND ROAD	80' R.O.W.	40'	SECTION 1	SECTION 1
CROWWELL AVENUE	80' R.O.W.	40'	SECTION 1	SECTION 1

THE PROPOSED SIDEWALK SHALL BE INSTALLED ALONG THE FRONTAGE OF EACH LOT BY THE BUILDING FRONT. HOLES SHALL BE PROVIDED AS NECESSARY FOR THE SIDEWALK. THE SIDEWALK SHALL BE FINISHED WITH CONCRETE. THE SIDEWALK SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE SIDEWALK SHALL BE INSTALLED WITHIN 10 DAYS OF THE COMMENCEMENT OF CONSTRUCTION. THE SIDEWALK SHALL BE INSTALLED WITHIN 10 DAYS OF THE COMMENCEMENT OF CONSTRUCTION. THE SIDEWALK SHALL BE INSTALLED WITHIN 10 DAYS OF THE COMMENCEMENT OF CONSTRUCTION.



SITE PLAN - SIP APPLICATION			
LOT 2, WINWOOD COMMERCIAL AND INDUSTRIAL SUBDIVISION			
EXISTING ZONING DISTRICT:	CU-1	MEMPHIS, TENNESSEE	P.B. 40, P.C. 38
LOTS:	1	AREA: 1.474 ACRES	
PREPARED FOR:	NEW DEVELOPMENT, LLC.	ENGINEER:	THE BOYD FIRM
	2660 STAGE PLAZA NORTH		2660 STAGE PLAZA NORTH
	MEMPHIS, TN 38125		MEMPHIS, TN 38125
DATE: FEBRUARY 2024	SCALE: 1"=20'	SHEET:	OF 1

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP DATED SEPTEMBER 28, 2007. BEC: JG



THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP DATED SEPTEMBER 28, 2007. BEC: JG



HEALTH EDUCATION AND HOUSING FACILITY BOARD OF THE CITY OF MEMPHIS TENNESSEE

J.E. HARRIS SUBDIVISION

TOWN HOMES APT

WINWOOD COMMERCIAL AND INDUSTRIAL SUBDIVISION

PB. 40, PG. 11

SOUTH CENTRAL BELL TELEPHONE 16C

SOUTH CENTRAL BELL TEL CO

SOUTH CENTRAL BELL TEL CO

GREGORY REALTY GP 11

MARTINEZ 6

MORSHED 5 12C

LANDFAIR 9

SUBJECT PROPERTY 10

AMERICAN HEIGHTS LLC

EDISON COVE

CROMWELL PARK APT

35

ROBINSON

VB TWO

STRICKMAN

IVERSON

DRIVER

GLADNEY

GRANBERR

ECKARDT

CHEESEMAN

KNOX

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CALDERON

PHILMORE

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CLEGG BARAK

ELEM School

STUDENT CROSSING

CROMWELL AVENUE

CROMWELL AVENUE

G&I INDUSTRIAL MEMPHIS LLC

FIRST ADDITION SECTION "C-1" SOUTH PERKINS INDUSTRIAL PARK SUBDIVISION PB. 51, PG. 53

FIRST ADDITION

TEN K ENTERPRISES LLC

SECTION "C-1"

SOUTH PERKINS INDUSTRIAL PARK

D

ECONOMIC DEV GROWTH ENGINE IND DEV BOARD OF THE CITY OF MEM AND COUNTY OF SHELBY

LUCB APPLICATION - 3745 OUTLAND
APPLICANT: NEW DEVELOPMENT, LLC.
SHELBY COUNTY, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
2950 STAGE PLAZA NORTH
BARTLETT, TENNESSEE
FEBRUARY 8, 2024

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

Yaser Saleh
Tel# 901-553-0627
Dmoyaser@aol.com

April 13, 2024

Mr. John Zeanah, AICP
Director of Planning
City of Memphis

Through: Kendra Cobbs, AICP
Planner, City of Memphis
125 N. Main St., Ste. 477
Memphis, TN 38103

Re: Appeal of Special Use Permit SUP 2024-009, Proposed Convenience Store with Gas Pumps at 3769 Outland Rd., Memphis, TN

In accordance with Section 9.3.4 of the Unified Land Development Code of the City of Memphis and the Unincorporated Area of Shelby County, please, accept this appeal for a public hearing at the Memphis City Council against the special use permit to allow a convenience store with gas pumps in the Commercial Mixed Use – 1 (CMU-1) District, precisely at 3769 Outland Rd., being application number SUP 2024-009.

This appeal is filed based on standards for a convenience store with gas pumps in the CMU-1 District and with regards to safeguarding public safety, health, and general welfare.

Prior to the consideration of the application by the Land Use Control Board at its meeting on Thursday, April 11, 2024, many neighborhood residents and I submitted a written petition against the application. This appeal is also being filed within 14 days of the said consideration.

Please, could you inform me of the day, time, and address of where the City Council will hold the public hearing at least five days before the hearing.

Thank you and I wish you the best in your services to our City, Memphis.

Sincerely,
Yaser Saleh



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: February 9, 2024

Record Number: SUP 2024-009

Expiration Date:

Record Name: Lot 2, Winward Commercial and Industrial Subdivision

Description of Work: Special Use Permit to allow C-store with gasoline sales in the CMU-1 zoning district.

Parent Record Number:

Address:

3769 OUTLAND RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y ALIEX LLC

Owner Address

1779 BARTLETT RD, BARTLETT, TN 38134

Owner Phone

Parcel Information

074032 A00010

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

12/11/2023

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 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 n/a

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 site is currently developed as a laundromat. The existing building would be re-purposed as a convenience store. Site improvements would involve the installation of a new canopy and pumps. All existing infrastructure is in place and impacts to surrounding properties would be de minimis.

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 currently developed as a retail space. One existing drive apron would be closed. Other improvements would be internal to the site.

UDC Sub-Section 9.6.9C

All existing facilities and utilities are currently in place serving the existing retail space.

UDC Sub-Section 9.6.9D

Agreed

UDC Sub-Section 9.6.9E

Agreed

UDC Sub-Section 9.6.9F

Agreed.

GIS INFORMATION

Case Layer

BOA1994-024, BOA1994-024

Central Business Improvement District

No

Class

-

Downtown Fire District

No

Historic District

-

Land Use

-

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

-

State Route

-

Lot

-

Subdivision

WINWOOD COMM & IND REV

Planned Development District

-

Wellhead Protection Overlay District

No

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1536939	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	02/09/2024
1536939	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	02/09/2024
1536931	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	02/09/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

February 9, 2024

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

**RE: Special Use Permit for C-store with gasoline sales in the CMU-1 zoning district
3745 Outland
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application to permit a C-store with gasoline sales in the CMU-1 zoning district on the above captioned property. The existing site is currently purposed as a laundromat. The existing parking facilities and building would be maintained and re-purposed upon successful completion of this project. However, the site requires Special Use Permit approval to allow the canopy to be located in front of the building. Due to the existing improvements, it's not feasible to locate the canopy behind the building structure.

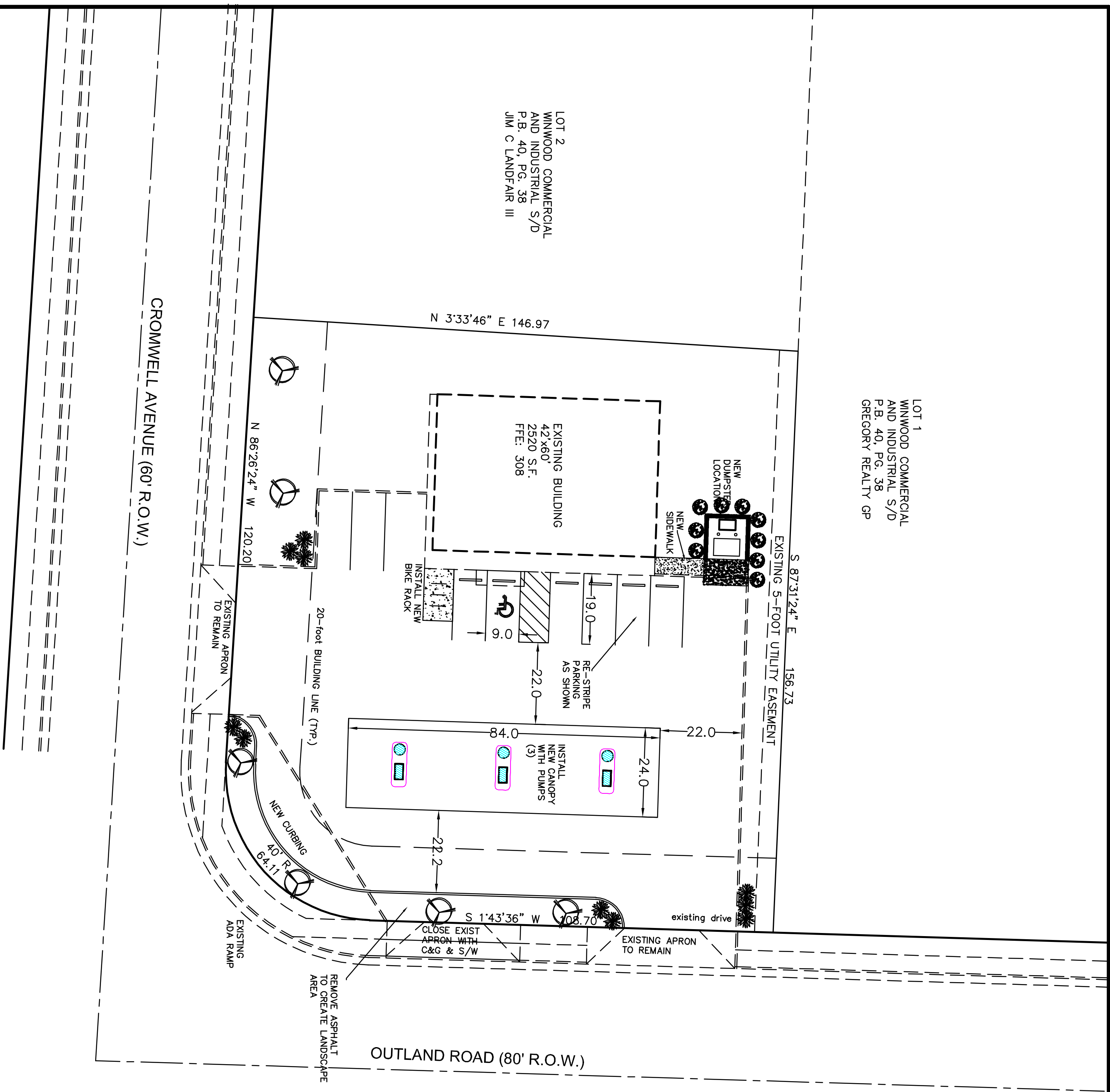
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

LOT 1
WINWOOD COMMERCIAL
AND INDUSTRIAL S/D
P.B. 40, PG. 38
GREGORY REALTY GP

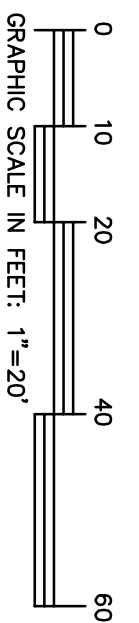
LOT 2
WINWOOD COMMERCIAL
AND INDUSTRIAL S/D
P.B. 40, PG. 38
JIM C LANDFAIR III



STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION	ACTION
OUTLAND ROAD	5.0	WEST	4.5' GRASS STRIP	REPAIR/REPLACE
CROMWELL AVENUE	5.0	NORTH	4.5' GRASS STRIP	REPAIR/REPLACE

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF THE BUILDING. THE SIDEWALK SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER PRIOR TO THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY. REPAIR, REPLACE SIDEWALK THAT IS IN DISREPAIR OR ADA, NON-COMPLIANT. Survey shown, spaces between and from compliant areas along R.O.W.

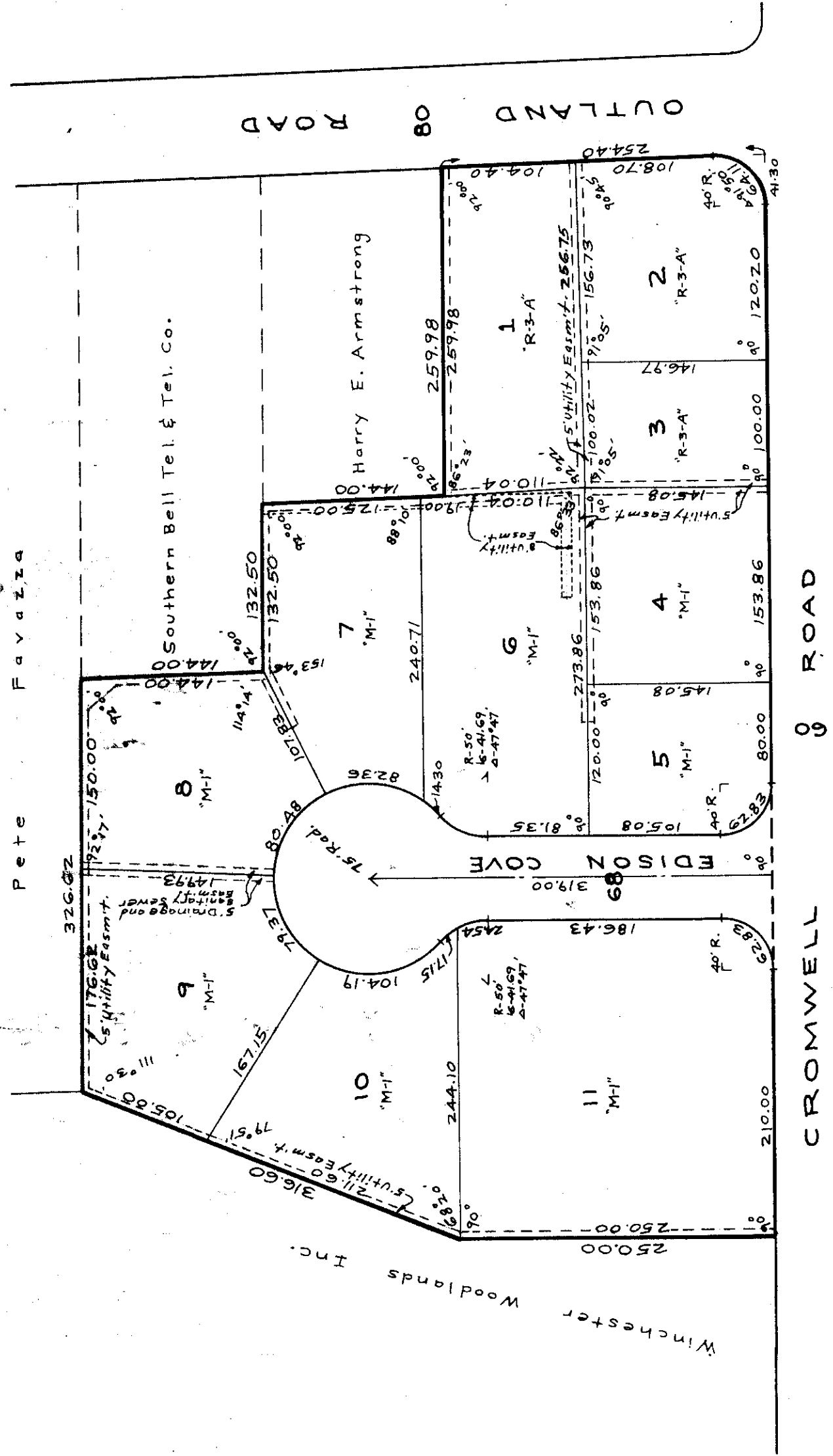
THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0445 F DATED SEPTEMBER 28, 2007. BFE: 284



SITE PLAN - SUP APPLICATION

LOT 2, WINWOOD COMMERCIAL AND INDUSTRIAL SUBDIVISION

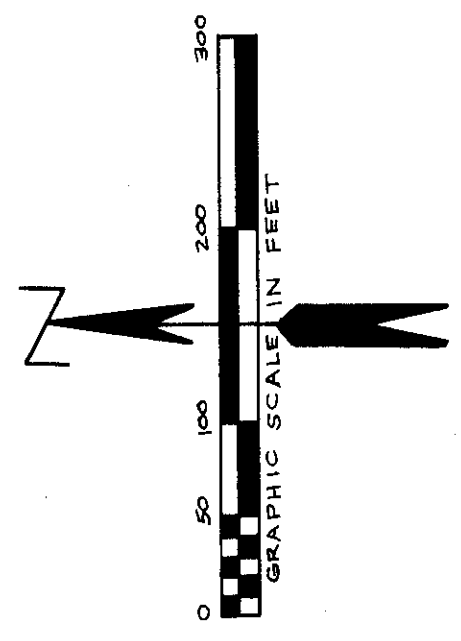
EXISTING ZONING DISTRICT: CMU-1	P.B. 40, PG. 38
MEMPHIS, TENNESSEE	
LOTS: 1	AREA: 1.474 ACRES
PREPARED FOR: NEW DEVELOPMENT, LLC, 3284 W SARAZENS CIRCLE MEMPHIS, TN 38125	ENGINEER: THE BRAY FIRM, 2350 STAGE PLAZA NORTH, BARTLETT, TN 38134, (901) 383-8668
DATE: FEBRUARY 2024	SCALE: 1"=20'
	SHEET 1 OF 1



SECTION "C-1" WINWOOD COMMERCIAL AND INDUSTRIAL SUBDIVISION

DEVELOPER: WINCHESTER WOODLANDS INC.
ZONED: "M-1" & "R-3-A" 7.985 ACRES
MEMPHIS, TENNESSEE

SHROYER ENGINEERING CO.
ASSOCIATES
B. L. DAVIS - W. S. OLLAR
Date: Jan. 1970 Scale: 1" = 100'



EX 40 17
F46398
APR 28 1970
1500

RECORDED
FEB 28 1970
STATE OF TENNESSEE
RECORDING FEE
MAY 11 9 02 AM
REGISTER'S FEE
MAY 28

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.

Edith E. Johnson
Tennessee Certificate Number 1097

We, Winchester Woodlands, Inc. by GM Jacobson the undersigned, owners of the property shown hereon hereby adopt this as our plan of subdivision and hereby dedicate the parcels to widen roads to the public use forever and hereby certify that we are the owners, duly authorized so to act, and that said property is not encumbered by any mortgages or taxes which have become due and payable.

BY: *GM Jacobson*

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 G. M. Jacobson, with whom I am personally acquainted and who upon oath acknowledged that he executed the foregoing instrument for the purpose therein contained as his own free act and deed.

Witness my hand and notarial seal this 16 day of Feb 1970.
MY COMMISSION EXPIRES 13 JAN

J. B. Davis
Notary Public

Approved by the Memphis and Shelby County Planning Commission.

Date: **FEB 19, 1970** *W. S. Ollar* Director

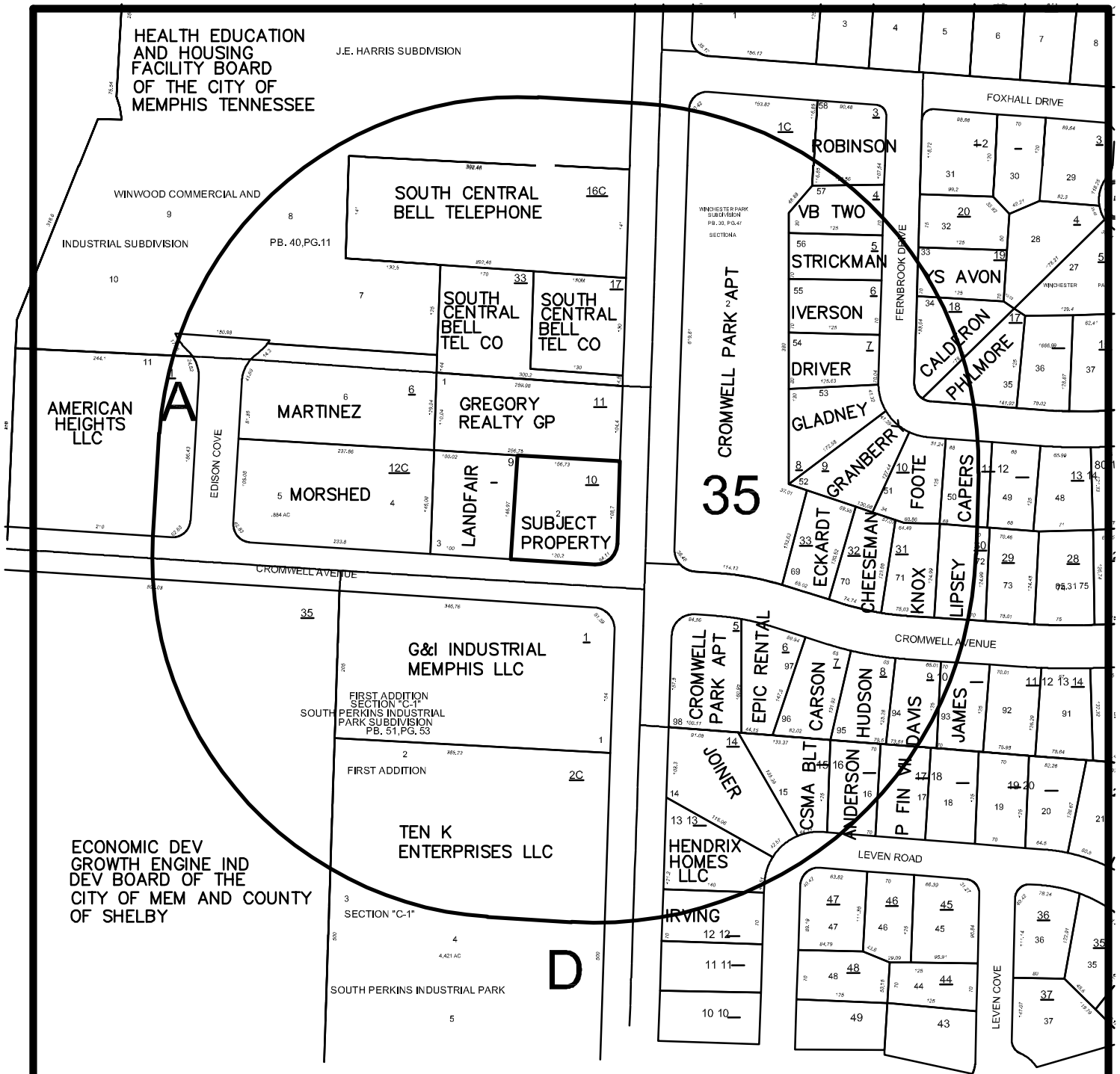
I hereby certify that the foregoing is a true copy and that said document was approved by the Council of the City of Memphis in regular session on the 15 day of February 1970.

W. S. Ollar
Controller

This plat revised to correct lot dimensions of lots 10 and 11. No other changes were made.

This plat revised to show a five foot drainage and sanitary sewer easement along the west line of lot 8 and the east line of lot 9, and to increase the size of the easement at the northeast corner of lot 8. No other changes were made.

W. S. Ollar
Director



**LUCB APPLICATION – 3745 OUTLAND
 APPLICANT: NEW DEVELOPMENT, LLC.
 SHELBY COUNTY, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 FEBRUARY 8, 2024

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

**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, Roopman Shah [Signature], 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 3745 outland rd, memphis TN
and further identified by Assessor's Parcel Number 0740320A000100,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 9 day of February in the year of 2024.



[Signature]
Signature of Notary Public

5-17-26
My Commission Expires



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.

23092358

10/26/2023 - 03:57:30 PM

4 PGS

ANGELAF 2634951-23092358

VALUE	1.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
EFILE FEE	2.00
TOTAL AMOUNT	24.00

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by and Return to:

**Hugh H. Armistead, Attorney
Armistead Law, PLLC
8925 Goodman Road
Olive Branch, MS 38654
662-895-4844**

New Property Owner/Send Tax Bills:

**AliEx, LLC
1779 Bartlett Road
Memphis, TN 38134**

Property Address and Tax Parcel Number:

**3745 Outland Road, Memphis, TN 38118
074-0320-A-00010-0**

QUITCLAIM DEED

THIS INSTRUMENT, made and entered into this the 17 day of September, 2023, by and between

ROOZIMAN SHAH, of the first part,

and

ALIEX, LLC, a Tennessee Limited Liability Company, of the second part,

WITNESSETH: That for and in consideration of the sum of **One and 00/100 DOLLARS (\$1.00)**, 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, remise, quitclaim and convey unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

Lot 2, Section C-1, Winwood Commercial & Industrial Subdivision, as shown on plat of record in Plat Book 40, at Page 38, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lot.

Being the same property conveyed to Rooziman Shah by AliEx, LLC, in Quitclaim Deed dated March 1, 2021, and recorded as Instrument No. 21025693 in said Register's Office.

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.

IN TESTIMONY WHEREOF, the Grantors have executed this instrument, this the 17 day of September, 2023.



ROOZIMAN SHAH

STATE OF ~~MISSISSIPPI~~ **TENNESSEE**

COUNTY OF **SHELBY**

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, **Rooziman Shah**, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

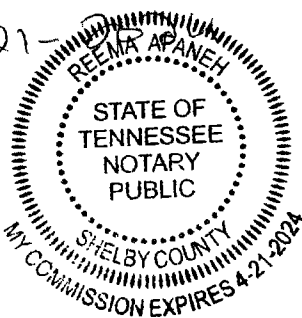
WITNESS my hand and Notarial Seal at office this 17 day of September, 2023.



NOTARY PUBLIC

My Commission Expires:

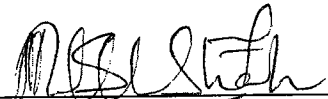
u-21-



STATE OF ~~MISSISSIPPI~~ **TENNESSEE**

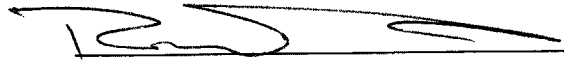
COUNTY OF **SHELBY**

I hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is One and 00/100 Dollars (\$1.00).



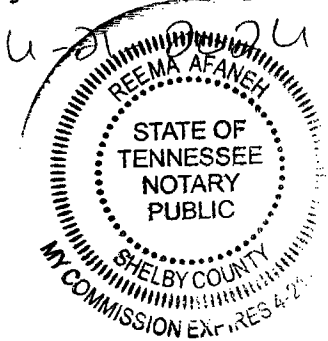
AFFIANT

Subscribed and sworn to before me this the 17 day of September, 2023.



NOTARY PUBLIC

My Commission Expires:



Tennessee Certification of Electronic Document

I, Hugh H. Armistead, 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 9.17.2023 (date of document).

[Handwritten Signature]
Affiant Signature

10.20.2023
Date

State of Mississippi
County of DeSoto

Sworn to and subscribed before me this 20th day of October, 2023.

[Handwritten Signature]
Notary's Signature

MY COMMISSION EXPIRES: _____

NOTARY'S SEAL



Aliex LLC
1779 Bartlett Rd.
Bartlett, TN 38134-6406

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

New Development,LLC.
3264 W. Sarazens Circle, Suite 1
Memphis, TN 38125

Owner

Engineer

Applicant

Gregory Realty GP
PO Box 382366
Germantown, TN 38183

Resident
3737 Outland Rd
Memphis, TN 38118

Jim Landfair III
71 W Grand Heights Dr.
Memphis, TN 38109

Resident
4826 Cromwell Ave
Memphhis, TN 38118

Nabil Morshed
3294 Poplar Ave
Apt 202
Memphis, TN 38111

Resident
4800 Cromwell Rd
Memphis, TN 38118

Antonio Martinez
8541 Collinswood Dr
Olive Branch, MS 38654

Resident
3736 Edison Cv
Memphis, TN 38118

Health Education & Housing Facility
Board of the City of Memphis TN
65 Union Ave
Ste 1120
Memphis, TN 38103

South Central Bell Telephone
226 Hurt St Ne
Atlanta, GA 30307

Resident
3705 Outland Rd
Memphis, TN 38118

Resident
3719 Outland Rd
Memphis, TN 38118

American Heights LLC
PO Box 1944
Tracy, CA 95378

Resident
4770 Cromwell Ave
Memphis, TN 38118

Economic Dev Growth Engine Ind Dev
Board of the City of Memphis
100 Peabody Pl
Ste 1100
Memphis, TN 38103

Resident
4789 Cromwell Rd
Memphis, TN 38118

G&I Industrial Memphis LLC
111 W Fisher Ave
Greensboro, NC 27401

Ten K Enterprises LLC
3815 Outland Rd
Memphis, TN 38118

Jaylon Joiner
4868 Leven Rd
Memphis, TN 38118

Hendrix Homes LLC
111 S Highland St
Memphis, TN 38111

Resident
3795 Marston Rd
Memphis, TN 38118

Barbara & Quennel Irving 3801 Marston Rd Memphis, TN 38118	CSMA BLT LLC 1850 Parkway Pl Ste 900 Marietta, GA 30067	Resident 4872 Leven Rd Memphis, TN 38118
Leroy & Martha Anderson 4878 Leven Rd Memphis, TN 38118	P FIN VII Mem LLC 3525 Piedmont Bldg 5 Rd Ste 900 Atlanta, GA 30305	Cromwell Park Apt 3720 Outland Rd Apt 3 Memphis, TN 38118
Resident 3770 Outland Rd Memphis, TN 38118	Epic Rental Holdings LLC 4940 Rose Way Aurora, CO 80015	Resident 4869 Cromwell Ave Memphis, TN 38118
Sidney & Colleen Carson 4875 Cromwell Ave Memphis, TN 38118	Antonio Hudson 4883 Cromwell Ave Memphis, TN 38118	Terry Davis 4889 Cromwell Ave Memphis, TN 38118
Jimmy James 4895 Cromwell Ave Memphis, TN 38118	Lilo Eckardt & Petra Adams 4872 Cromwell Ave Memphis, TN 38118	Sharon Cheeseman 4880 Cromwell Ave Memphis, TN 38118
Olious & Patrice Knox 4888 Cromwell Ave Memphis, TN 38118	Eric Lipsey 4894 Cromwell Ave Memphis, TN 38118	Rita Capers 4901 Fernbrook Dr Memphis, TN 38118
Gregory Foote 4899 Fernbrook Dr Memphis, TN 38118	Yvette Granberry 4897 Fernbrook Dr Memphis, TN 38118	Larry Gladney 4895 Fernbrook Dr Memphis, TN 38118
Tonja Driver 4893 Fernbrook Dr Memphis, TN 38118	Bonnie & Craig Iverson 4889 Fernbrook Dr Memphis, TN 38118	Brain Strickman-Levitas 3235 Rosewell Rd NE Unit 619 Atlanta, GA 30305
VB Two LLC 3500 Park Center Dr Ste 100 Dayton, OH 45414	Resident 4881 Fernbrook Dr Memphis, TN 38118	Resident 4883 Fernbrook Memphis, TN 38118

Donna Robinson, Latasha & Lataya
Frost, & Gerald Neil
4875 Foxhall Dr
Memphis, TN 38118

Raymond & Rita Philmore
4902 Fernbrook Dr
Memphis, TN 38118

Ramon & Patricia Calderon
4586 Nob Hill Dr
Arlington, TN 38002

Resident
4890 Fernbrook Dr
Memphis, TN 38118

YS Avon SFR III Propco LLC
32 Mercer St
Floor 4
New York, NY 10013

Resident
4886 Fernbrook Dr
Memphis, TN 38118



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

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

April 16, 2024

ALIEX, LLC
1779 Bartlett Rd
Bartlett, TN 38134

Sent via electronic mail to: dgbray@comcast.net

Case Number: SUP 2024-0009
LUCB Recommendation: Approval with conditions

Dear Applicant,

On Thursday, April 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow a convenience store with gasoline sales located at 3769 Outland Road, subject to the following conditions:

1. The applicant shall submit a final site plan for administrative review and approval (ASPR Application) by the Division of Planning and Development.
2. The convenience store shall be sheathed with some form of masonry material on all facades of the building.
3. The fuel canopy shall be architecturally compatible with the design of the principal building.
4. The canopy shall not exceed 20 feet in height.
5. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
6. A Class II buffer shall be established along western property line, provided such barrier or screen does not restrict clear sight at the driveway.
7. All signage, remaining and/or proposed, must conform to requirements of UDC Section 4.9.

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

Letter to Applicant
SUP 2024-0009

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 Kendra.Cobbs@memphistn.gov.

Respectfully,
Kendra Cobbs

Kendra Cobbs
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Shah Rooziman – New Development, LLC
File

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(SPECIAL USE PERMIT)**

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, August 20, 2024 at 3:30 P.M., in the matter of granting an application for a special use permit pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

- CASE NUMBER:** SUP 2024-009
- LOCATION:** 3769 Outland Road
- COUNCIL DISTRICTS:** District 3, Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** ALIEX,LLC/New Development, LLC
- REPRESENTATIVE:** David Bray, The Bray Firm
- EXISTING ZONING:** Commercial Mixed-Use – 1 (CMU-1)
- REQUEST:** Special Use Permit to allow a convenience store with gasoline sales.
- AREA:** +/- 2,496 sq. ft.
- RECOMMENDATIONS:**

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

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

NOW, THEREFORE, you will take notice that on Tuesday, August 20, 2024, 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 25th DAY OF JULY, 2024

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/6/2024

DATE

PUBLIC SESSION: 08/20/2024

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 5225 Summer Avenue, known as case number SUP 2024-018

CASE NUMBER: SUP 2024-018

LOCATION: 5225 Summer Avenue

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

OWNER/APPLICANT: Menachen Bonnardel

REPRESENTATIVE: Cindy Reaves, SRC Consulting

REQUEST: Special Use Permit to allow apartments

AREA: +/-3.41 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**
Hearing – August 20, 2024

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>06/13/2024</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:

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 2024-018

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 5225 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2024-018

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, June 13, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2024-018

LOCATION: 5225 Summer Avenue

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

OWNER/APPLICANT: Menachen Bonnardel

REPRESENTATIVE: Cindy Reaves, SR Consulting

REQUEST: Special use permit to allow apartments

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

AREA: +/-3.41 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 9-0 on the consent agenda.

Respectfully,



Chloe Christian
Planner I
Land Use and Development Services
Division of Planning and Development

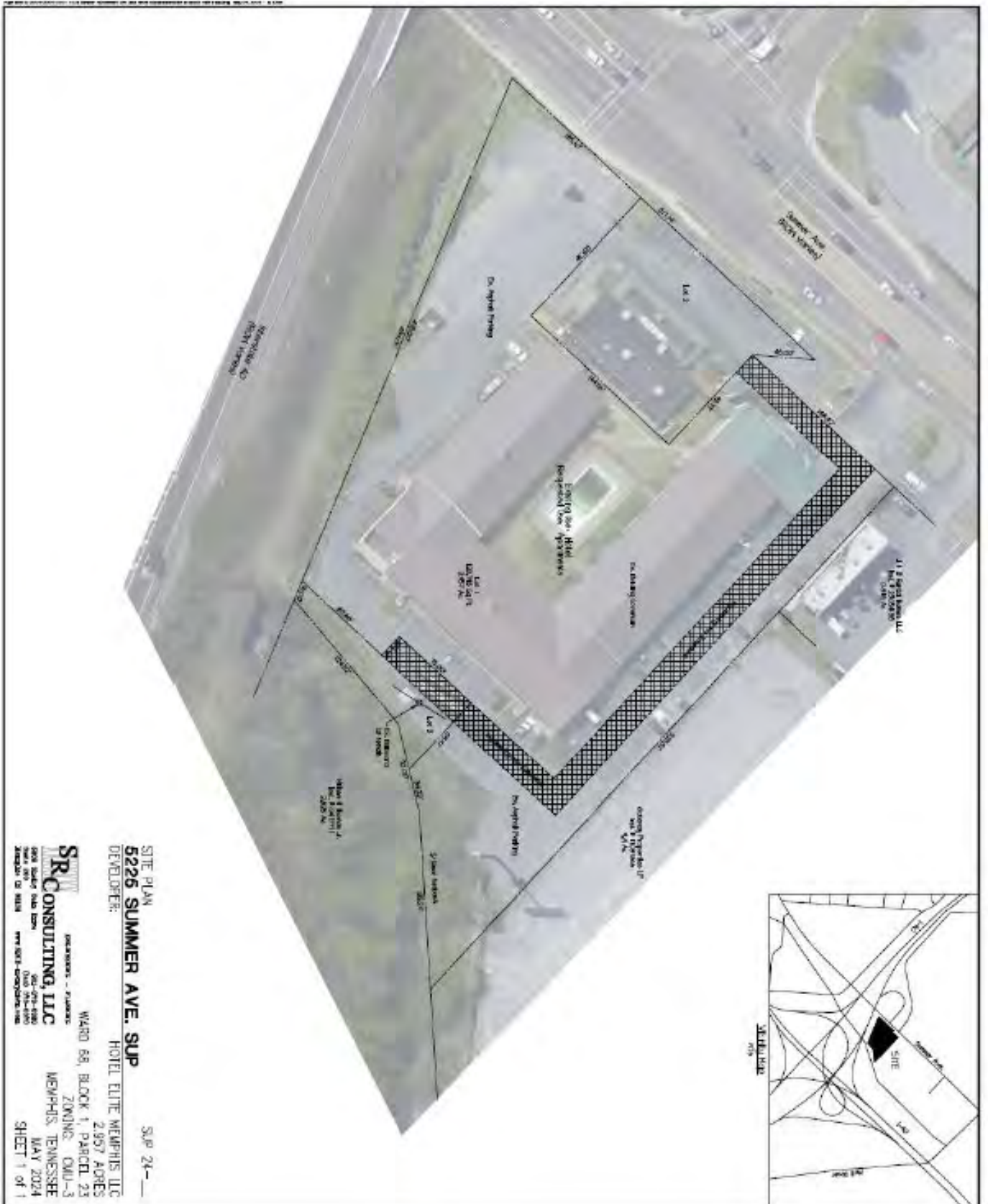
Cc: Committee Members
File

SUP 2024-018

CONDITIONS

1. Landscaping consisting of shrubs and trees shall be added along head-in parking facing Summer Avenue.
2. No permits shall be issued prior to the approval and completion of the three-lot subdivision (S 2024-020).
3. The uncoated chain link fence surrounding the property shall be removed.
4. A landscaping plan and parking chart must be submitted to the Division of Planning and Development for review and approval before any alteration permits are issued.
5. Parking shall comply with Parking and Loading standards of UDC Chapter 4.5.

SITE PLAN



SITE PLAN
5226 SUMMER AVE. SUP
 DEVELOPER: HOTEL ELITE MEMPHIS LLC
 2,957 SQUARE FEET
 WARD 68, BLOCK 1, PARCEL 23
 ZONING: OML-3
 MEMPHIS, TENNESSEE
 MAY 2024
 SHEET 1 of 1

SPRC
CONSULTING, LLC
 PREPARED BY: SPRC
 1000 SHERWOOD BLVD, SUITE 200
 MEMPHIS, TN 38104
 901-521-1100
 WWW.SPRCONSULTING.COM

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 5225 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2024-018

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, Menachen Bonnardel filed an application with the Memphis and Shelby County Division of Planning and Development to allow apartments; 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 June 13, 2024, 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.

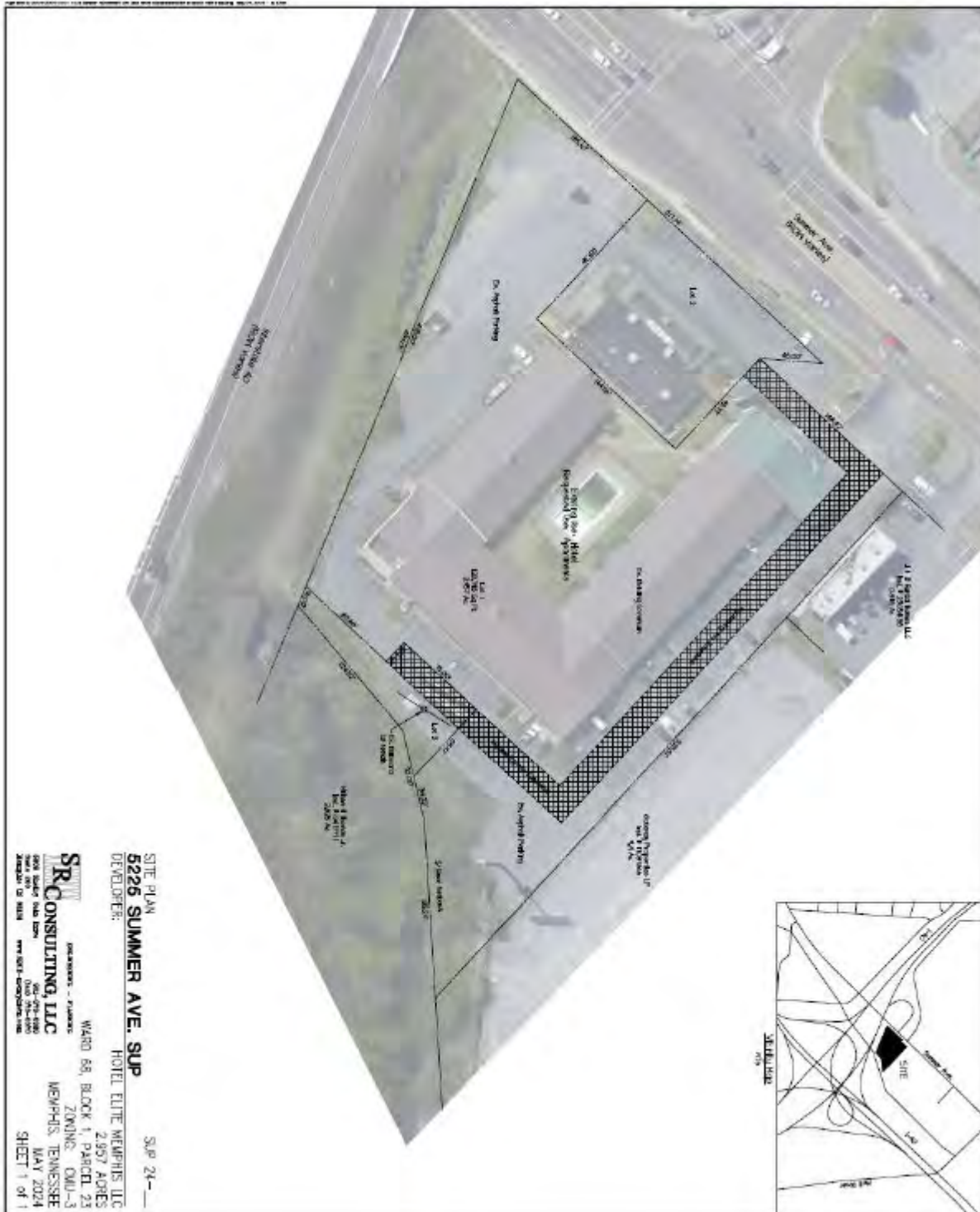
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

CONDITIONS

1. Landscaping consisting of shrubs and trees shall be added along head-in parking facing Summer Avenue.
2. No permits shall be issued prior to the approval and completion of the three-lot subdivision (S 2024-020).
3. The uncoated chain link fence surrounding the property shall be removed.
4. A landscaping plan and parking chart must be submitted to the Division of Planning and Development for review and approval before any alteration permits are issued.
5. Parking shall comply with Parking and Loading standards of UDC Chapter 4.5.

SITE PLAN



SITE PLAN
5226 SUMMER AVE. SUP
 DEVELOPER: **HOTEL ELITE MEMPHIS, LLC**
 2,957 ACRES
 WARD 88, BLOCK 1, PARCEL 23
 ZONING: OMLU-3
 MEMPHIS, TENNESSEE
 MAY 2024
 SHEET 1 OF 1

SR CONSULTING, LLC
 ENGINEER - EXAMINED
 200 SOUTH MAIN STREET
 SUITE 300
 MEMPHIS, TN 38102

ATTEST:

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

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(SPECIAL USE PERMIT)**

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session 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 granting an application for a special use permit pursuant to Article 9.6 of the Memphis and Shelby County Unified Development Code, as follows:

- CASE NUMBER:** SUP 2024-018
- LOCATION:** 5225 Summer Avenue
- COUNCIL DISTRICTS:** District 2 and Super District 9 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Menachen Bonnardel
- REPRESENTATIVE:** Cindy Reaves, SRC Consulting
- EXISTING ZONING:** Commercial Mixed-Use – 3 (CMU-3)
- REQUEST:** Special use permit to allow apartments
- AREA:** +/-3.41 acres
- RECOMMENDATIONS:**

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

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

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session 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 _____, _____

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

TO BE PUBLISHED:

AGENDA ITEM: 26 **L.U.C.B. MEETING:** June 13, 2024
CASE NUMBER: SUP 2024-018
LOCATION: 5225 Summer Avenue
COUNCIL DISTRICT: District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Menachen Bonnardel
REPRESENTATIVE: Cindy Reaves, SR Consulting
REQUEST: Special use permit to allow apartments
EXISTING ZONING: Commercial Mixed-Use - 3 (CMU-3)

CONCLUSIONS

1. The request is a special use permit to allow apartments.
2. The applicant has filed a companion subdivision case (S 2024-020) that proposes to divide one lot into three, with one lot for the existing hotel, one lot for the existing restaurant, and one lot for the billboard. The subdivision case is scheduled to be heard July 8, 2024. Proposed Lot 1 would contain the apartments.
3. The proposed conversion of an existing extended stay hotel to apartments is compatible with the surrounding zoning and land uses.
4. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

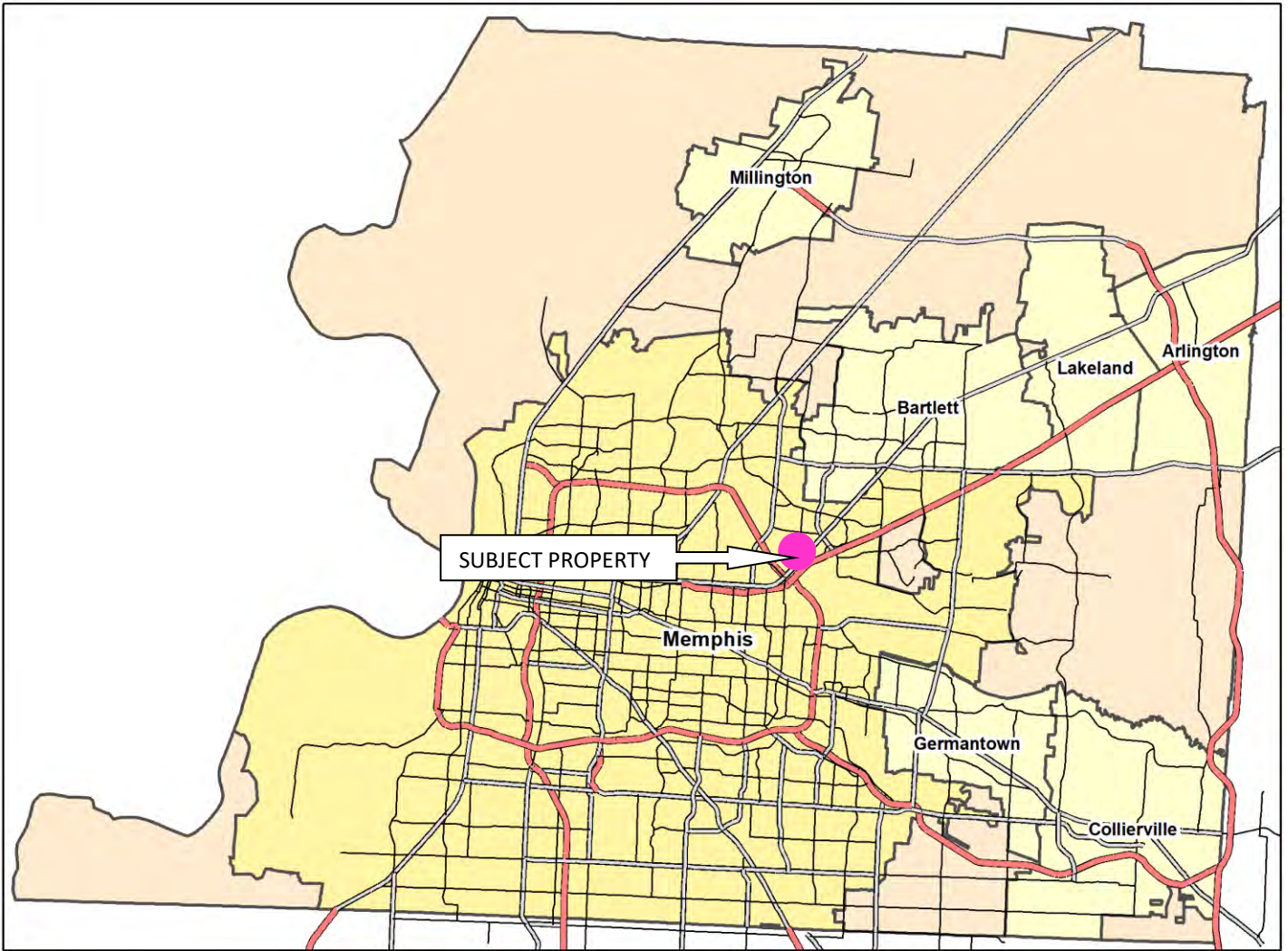
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-17 of this report.

RECOMMENDATION:

Approval with conditions

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in blue

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 29 notices were mailed on May 15, 2024, see pages 19-20 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 21 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

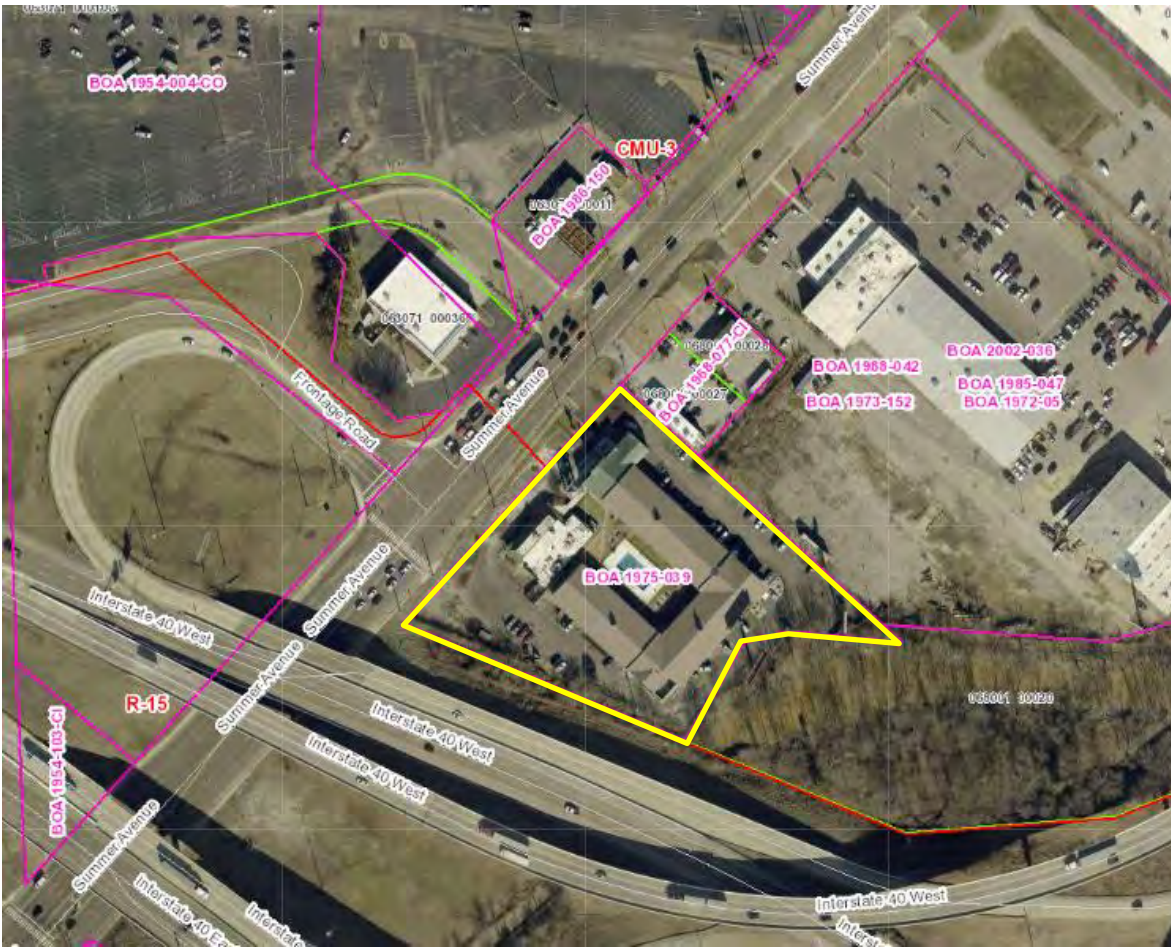
The meeting was held at 5:30 PM on Tuesday, May 28, 2024, at Hotel Elite, 5225 Summer Avenue.

AERIAL



Subject property outlined in yellow, imagery from 2023.

ZONING MAP



Subject property outlined in yellow, imagery from 2023

FEMA MAP












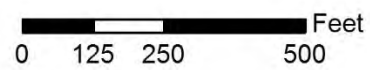
Subject property outlined in yellow

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 Summer Avenue looking east.

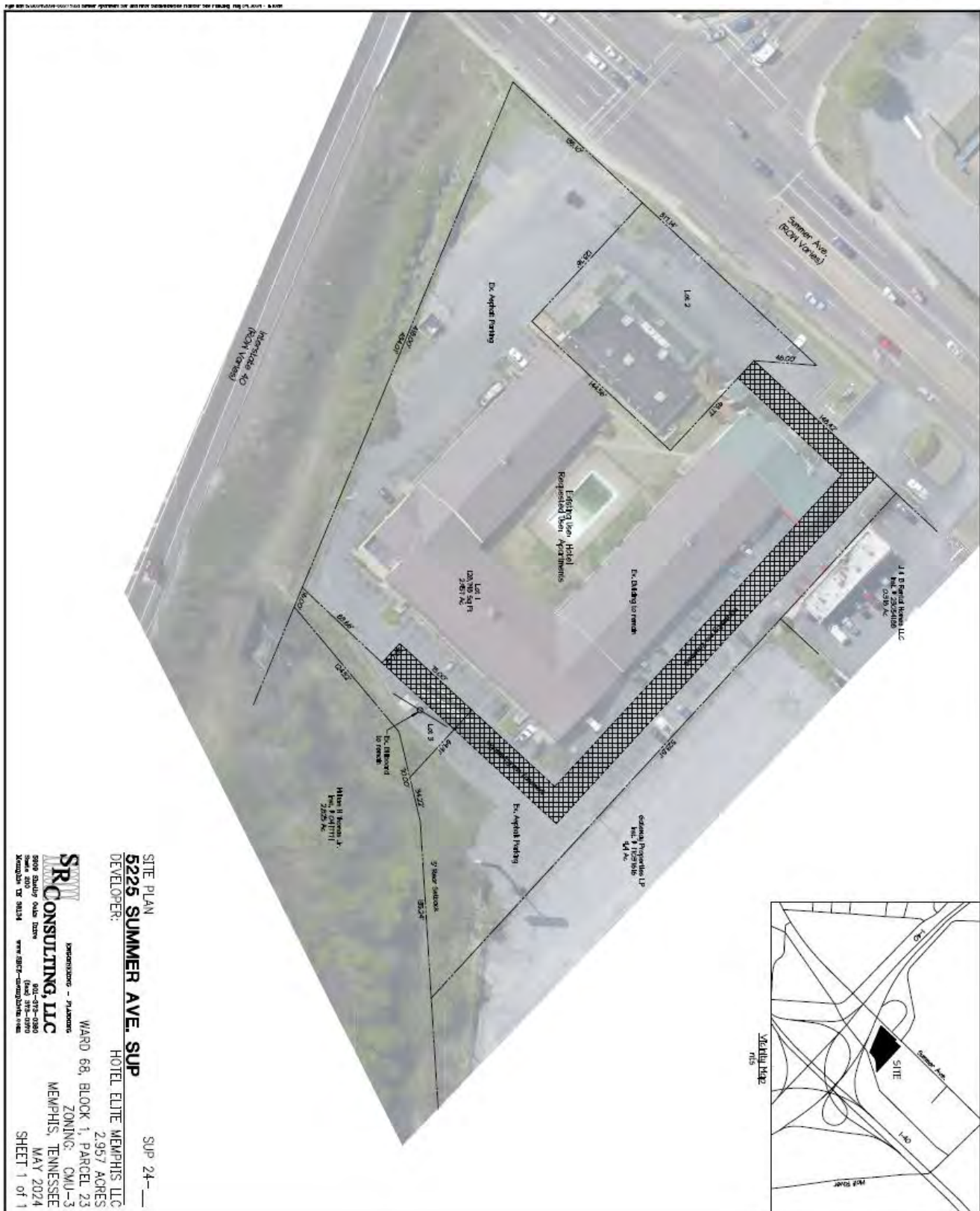


View of subject property from Summer Avenue looking east.



View of southwest corner of subject property.

SITE PLAN



SITE PLAN
5225 SUMMER AVE. SUP
 DEVELOPER: HOTEL ELITE MEMPHIS LLC
 SUP 24-—
 2.957 ACRES

WARD 68, BLOCK 1, PARCEL 23
 ZONING: CMU-3
 MEMPHIS, TENNESSEE
 MAY 2024
 SHEET 1 of 1

SPR CONSULTING, LLC
 MEMPHIS - PLANNING
 5009 Shallowford Way
 Memphis, TN 38134
 901-518-0380
 www.sprconsulting.com

CASE REVIEW

Request

The request is a special use permit to allow apartments.

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.*

Site Details

Address:

5225 Summer Avenue

Parcel ID:

068001 00023

Area:

+/-3.41 acres

Description:

The subject property is zoned Commercial Mixed-Use 1. Per the Assessor's website, the principal structure on the site was built in 1966 as a motel. The structure has a ground floor area of 69,843 square feet. In the southwest corner of the lot, there is a billboard which faces Interstate 40. A restaurant occupies the front portion of the lot facing Summer Avenue. Additionally, the lot has one street frontage on Summer Avenue and abuts Interstate 40 on the east property line.

Relevant Unified Development Code Clauses

Paragraph 4.9.8A(4) – Standards Applicable to Permanent Off-premise Signs

Does not share its lot with any other principal use or any accessory use serving a principal use on an adjacent lot.

Section 2.5.2 – Use Table Key

A use may be permitted in the respective district only where approved by the governing bodies in accordance with Chapter 9.6, Special Use and Planned Development Review. Special uses are subject to all other applicable requirements of this development code, including all applicable use standards, except where such use standards are expressly modified by the governing bodies as part of the special use approval.

Site Plan Review

The proposed site plan indicates the existing building and restaurant are to remain. No structural adjustments or improvements are indicated on the site plan. Additionally, no landscaping improvements are indicated on the site plan.

Existing asphalt parking is also proposed to remain, and the applicant states that they intend to establish a shared parking agreement for all parking on the property. No parking chart has been submitted along with this request. An ingress/egress easement is labeled through the eastern half of the parking lot with access to the proposed Lot 3 with existing billboard.

Analysis

Considering a lack of a landscaping plan or parking chart for the request, staff recommends these materials should be submitted upon approval. When submitted, the landscaping plan should indicate a buffer with shrubs and trees along the head-in parking abutting Summer Avenue. Additionally, the parking chart should be in compliance with the Parking and Loading standards of UDC Chapter 4.5. This necessitates submittal of a floorplan to determine the amount and type of units proposed for the apartments.

The proposed conversion of an existing extended stay hotel to apartments is compatible with the surrounding zoning and land uses.

The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Landscaping consisting of shrubs and trees shall be added along head-in parking facing Summer Avenue.
2. No permits shall be issued prior to the approval and completion of the three-lot subdivision (S 2024-020).
3. The uncoated chain link fence surrounding the property shall be removed.
4. A landscaping plan and parking chart must be submitted to the Division of Planning and Development for review and approval before any alteration permits are issued.
5. Parking shall comply with Parking and Loading standards of UDC Chapter 4.5.

DEPARTMENTAL COMMENTS

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

City Engineer:

CASE 21: SUP-24-018

NAME: 5225 Summer Avenue

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

Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

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.

Drainage:

10. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
11. 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.
12. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
13. 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.
14. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City Fire Division:



DIVISION OF FIRE SERVICES ❖ FIRE PREVENTION BUREAU

2668 Avery Avenue · Memphis · Tennessee · 38112
(901) 636-5401 Fax (901) 320-5425

Case Number: SUP 2024-018

Date Reviewed: 6/14/24

Reviewed by: J. Stinson

Address or Site Reference: 5225 Summer

- 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.

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:



Robin Richardson
Planner II
Office of Sustainability and Resilience
125 N. Main St., Memphis, TN 38103
Dorothy.Richardson1@memphistn.gov

MEMORANDUM

To: Chloe Christion, Planner I
From: Robin Richardson, Planner II
Date: May 29, 2024
Subject: OSR Comments on SUP 2024-018: EAST

General Comments & Analysis:

Located in Zone 4 of the Resilience Zone Framework:

Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

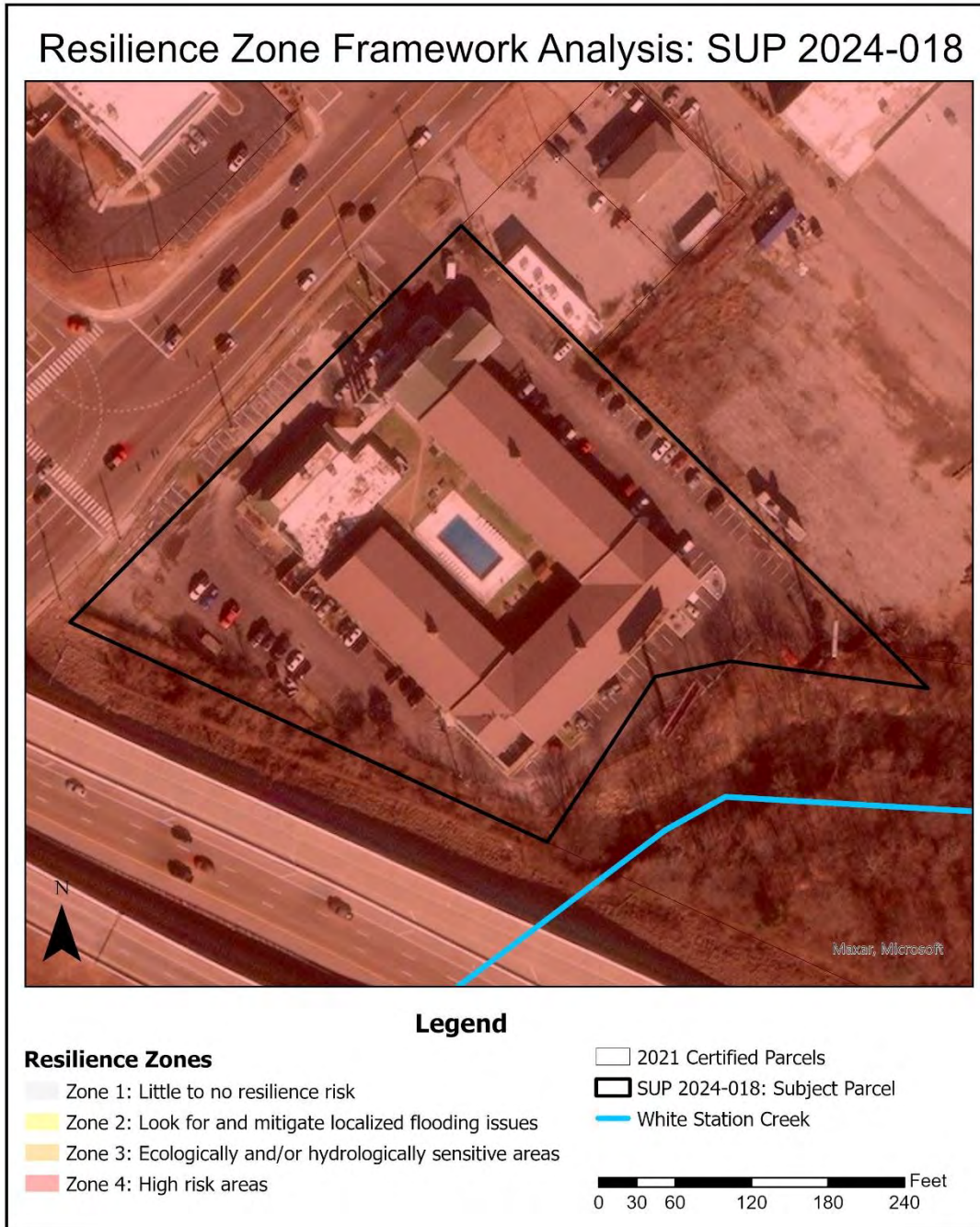
The site's Zone 4 designation is a result of its location within the 100-year floodplain for Wolf River. The area surrounding the site is also at a highly elevated risk of soil liquefaction in the event of an earthquake. White Station Creek also flows behind the property.

The applicant is seeking a special use permit to convert a hotel to an apartment building.

Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This application is generally inconsistent with the Mid-South Regional Resilience Master Plan. The redevelopment of this building generally would be consistent with Section 4.2 – Smart Growth, as it would be an example of infill development. However, the site is located in an ecologically-sensitive area, the development of which is discouraged in Section 2.2 – Watershed Conservation and Section 4.1 – Resilient Sites. While the site and its surrounding neighborhood have already been developed (and have been for decades), the surrounding uses are all commercial and would typically host customers on a temporary basis. By converting the building from a hotel to an apartment building, the potential tenants would be exposed to high risk of flooding and damage from earthquakes, which would directly conflict with the goals of the Mid-South Regional Resilience Master Plan.

Consistent with the Memphis Area Climate Action Plan best practices: N/A



Recommendations: Staff urges the applicant to meet with City Engineering to discuss plans for the site and determine whether the proposed development would constitute a substantial improvement to the site, which would necessitate compliance with floodplain development requirements.

**Office of Comprehensive Planning:
Consistency**

Comprehensive Planning Review of Memphis 3.0

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-018: EAST

Site Address/Location: 5225 Summer Ave

Overlay District/Historic District/Flood Zone: Located in the Flood Zone, but not in any Historic District and Overlay District.

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

The applicant is requesting a special use permit to convert an existing hotel to apartments.

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

Low Intensity Commercial and Service (CSL) areas are typically not associated with anchors. These areas may include neighborhood supporting commercial uses such as retail sales and services, offices, restaurants, funeral services, small-scale recreation, social service institutions, and occasional upper-story residential. Graphic portrayal of CSL is to the right.



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

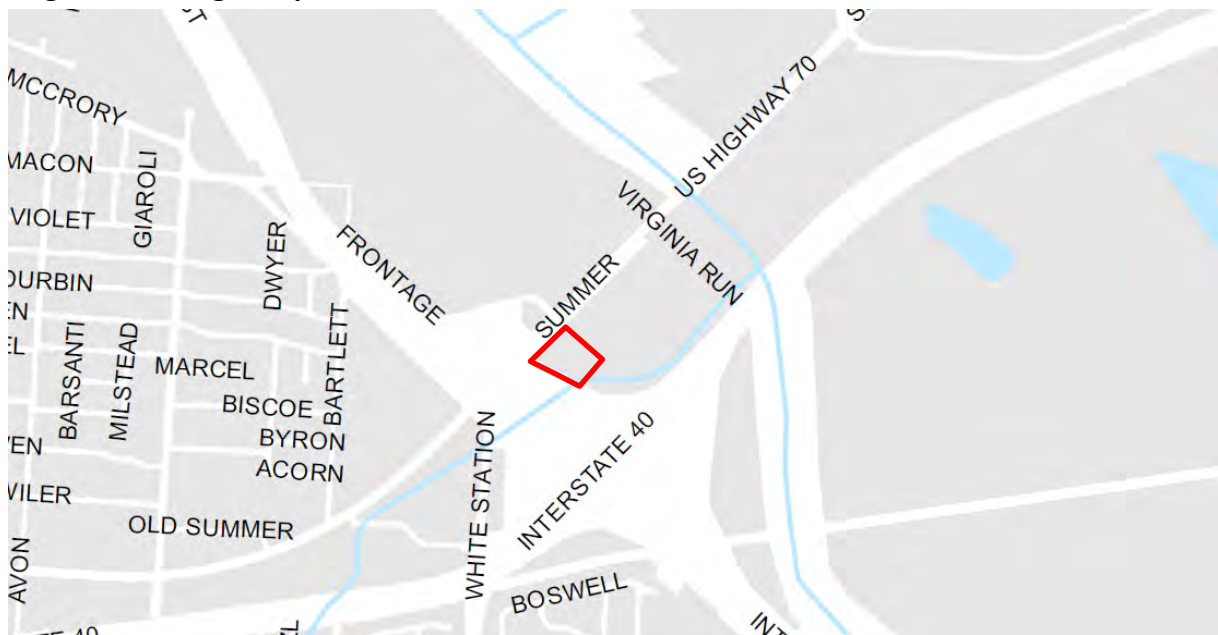
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-3

Adjacent Land Use and Zoning: Commercial, Office, Industrial, Parking, Multi-Family; CMU-3, EMP and RU-3

Overall Compatibility: *The request is compatible with the land use description/intent, form and location characteristics, zoning notes, and existing adjacent land use and zoning as it is intending to convert an existing hotel to apartments.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

The applicant is requesting a special use permit to convert an existing hotel to apartments.

The request is compatible with the land use description/intent, form and location characteristics, zoning notes, and existing adjacent land use and zoning as it is intending to convert an existing hotel to apartments.

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

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

MAILED PUBLIC NOTICE

29 Notices Mailed on 05/13/2024



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: SUP 2024-018
LOCATION: 5225 Summer Avenue
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Menachen Bonnardel
REQUEST: Special use permit to convert an existing hotel to apartments.

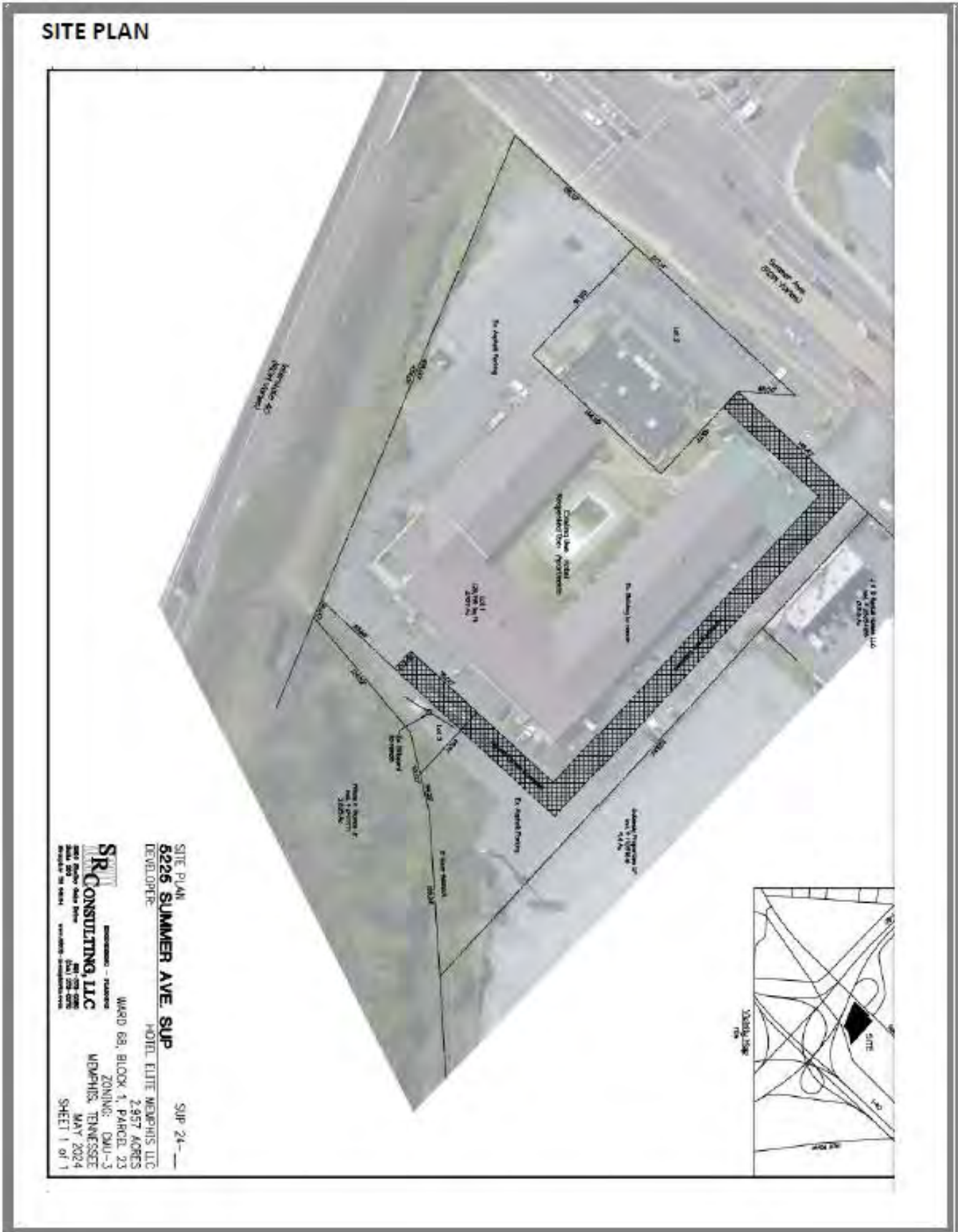
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, June 13, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a *recommendation* to the legislative body; the legislative body will take final action at a later date.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Chloe Christian at chloe.christion@memphistn.gov or (901) 636-7494 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, May 22, 2024, at 8 AM.**



SIGN AFFIDAVIT

AFFIDAVIT

*Shelby County
State of Tennessee*

I, Kristin Reaves, being duly sworn, depose and say that at 5:25 pm am/pm on the 28th day of May, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. SUP 2024-018 at 5225 Summer Ave 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

5/28/24
Date

Subscribed and sworn to before me this 28 day of May, 2024

Cynthia J. Reaves
Notary Public



My commission expires: 9/26/27

MY COMMISSION EXPIRES 9/26/27

APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: May 10, 2024

Record Number: SUP 2024-018

Expiration Date:

Record Name: 5225 Summer Ave.

Description of Work: SUP to convert existing hotel to apartments.

Parent Record Number:

Address:

5225 SUMMER AVE, MEMPHIS 38122

Owner Information

Primary Owner Name

Y HOTEL ELITE MEMPHIS LLC

Owner Address

20229 NE 16 PL, MIAMI, FL 33179

Owner Phone

Parcel Information

068001 00023

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas Skinner

Date of Meeting

-

Pre-application Meeting Type

-

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

GENERAL PROJECT INFORMATION

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

The project will utilize existing buildings and parking.

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 project will utilize existing buildings and parking.

UDC Sub-Section 9.6.9C

Adequate facilities are existing and will be updated as needed.

UDC Sub-Section 9.6.9D

No significant features on the site.

UDC Sub-Section 9.6.9E

The site will meet requirements of apartments.

UDC Sub-Section 9.6.9F

No affect to plans to be considered or adjacent properties.

GIS INFORMATION

Case Layer
 Central Business Improvement District
 Class
 Downtown Fire District
 Historic District
 Land Use
 Municipality
 Overlay/Special Purpose District
 Zoning
 State Route
 Lot
 Subdivision
 Planned Development District
 Wellhead Protection Overlay District

BOA1975-039
 No
 C
 No
 -
 COMMERCIAL
 MEMPHIS
 -
 CMU-3
 1
 -
 -
 -
 No

Contact Information



Name
MENACHEN BONNARDEL

Contact Type
APPLICANT

Address

Phone
-

Name
CINDY REAVES

Contact Type
REPRESENTATIVE

Address

Phone
(901)870-7003

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563555	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	05/10/2024
1563555	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	05/10/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount \$513.00	Method of Payment Credit Card
-----------------------------------	---

OWNER 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, Menachen Bonnardei, 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 5225 Summer Avenue and further identified by Assessor's Parcel Number 068001 00023, for which an application is being made to the Division of Planning and Development.

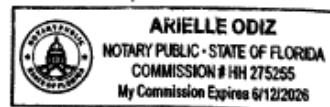
Subscribed and sworn to (or affirmed) before me this 8 day of APRIL in the year of 2024.

[Signature]
Signature of Owner

[Signature]
Signature of Notary Public

MEMPHIS HOTEL 770 LLC
On behalf of (if owned by a corporation)

My Commission Expires



LETTER OF INTENT



Date: May 6, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: 5225 Summer Ave.

LETTER OF INTENT

We are submitting a Special Use Permit application for property at 5225 Summer Avenue. The property is within the CMU-3 zoning district. We are requesting to convert the existing hotel to apartments. A companion minor subdivision application is being filed to create 3 lots with one lot for the existing hotel, one lot for the existing restaurant and one lot for the existing billboard. A shared parking agreement will be established for all parking on the property.

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

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: May 10, 2024

Record Number: SUP 2024-018

Expiration Date:

Record Name: 5225 Summer Ave.

Description of Work: SUP to convert existing hotel to apartments.

Parent Record Number:

Address:

5225 SUMMER AVE, MEMPHIS 38122

Owner Information

Primary Owner Name

Y HOTEL ELITE MEMPHIS LLC

Owner Address

20229 NE 16 PL, MIAMI, FL 33179

Owner Phone

Parcel Information

068001 00023

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Lucas Skinner

Date of Meeting -

Pre-application Meeting Type -

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

GENERAL PROJECT INFORMATION

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

-

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UDC Sub-Section 9.6.9F

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GIS INFORMATION

Case Layer

BOA1975-039

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

1

Lot

-

Subdivision

-

Planned Development District

-

Wellhead Protection Overlay District

No

Contact Information

Name
MENACHEN BONNARDEL

Contact Type
APPLICANT

Address

Phone
-

Name
CINDY REAVES

Contact Type
REPRESENTATIVE

Address

Phone
(901)870-7003

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- 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 5225 Summer Avenue and further identified by Assessor's Parcel Number 068001 00023, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 8 day of APRIL in the year of 2024.

[Signature]
Signature of Owner

MEMPHIS HOTEL 770 LLC
On behalf of (if owned by a corporation)

[Signature]
Signature of Notary Public

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

Date: May 6, 2024

To: Division of Planning & Development

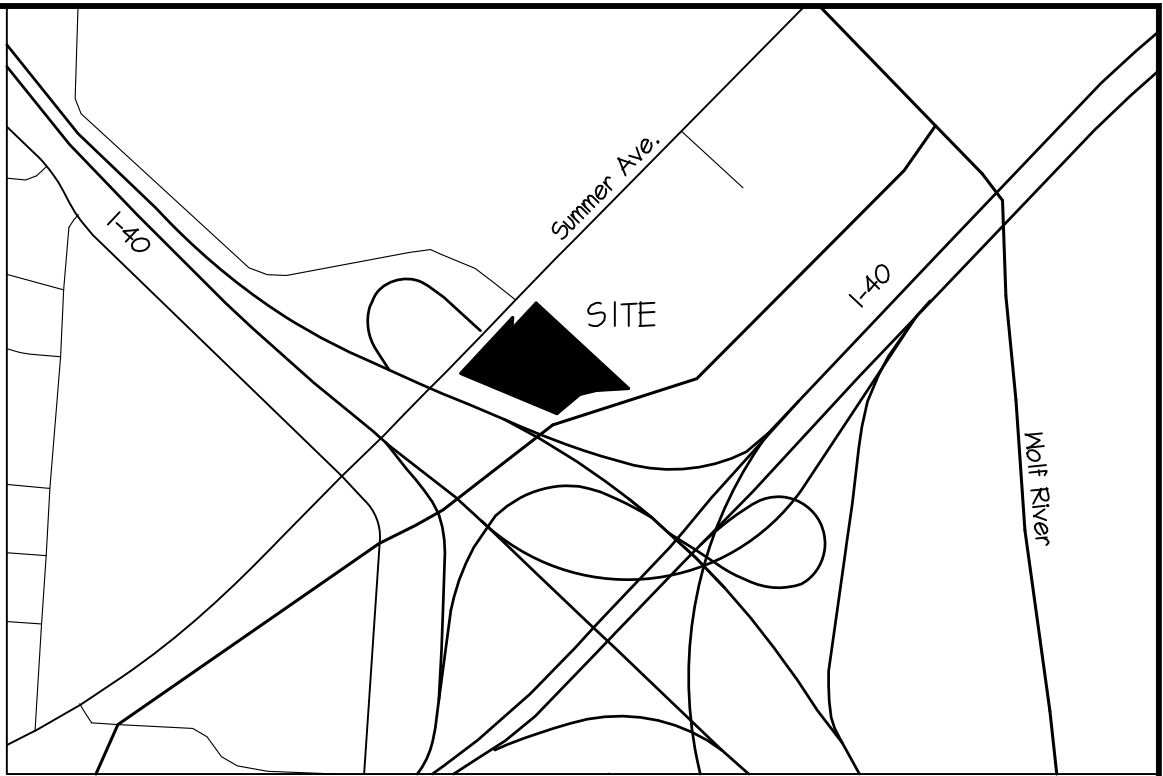
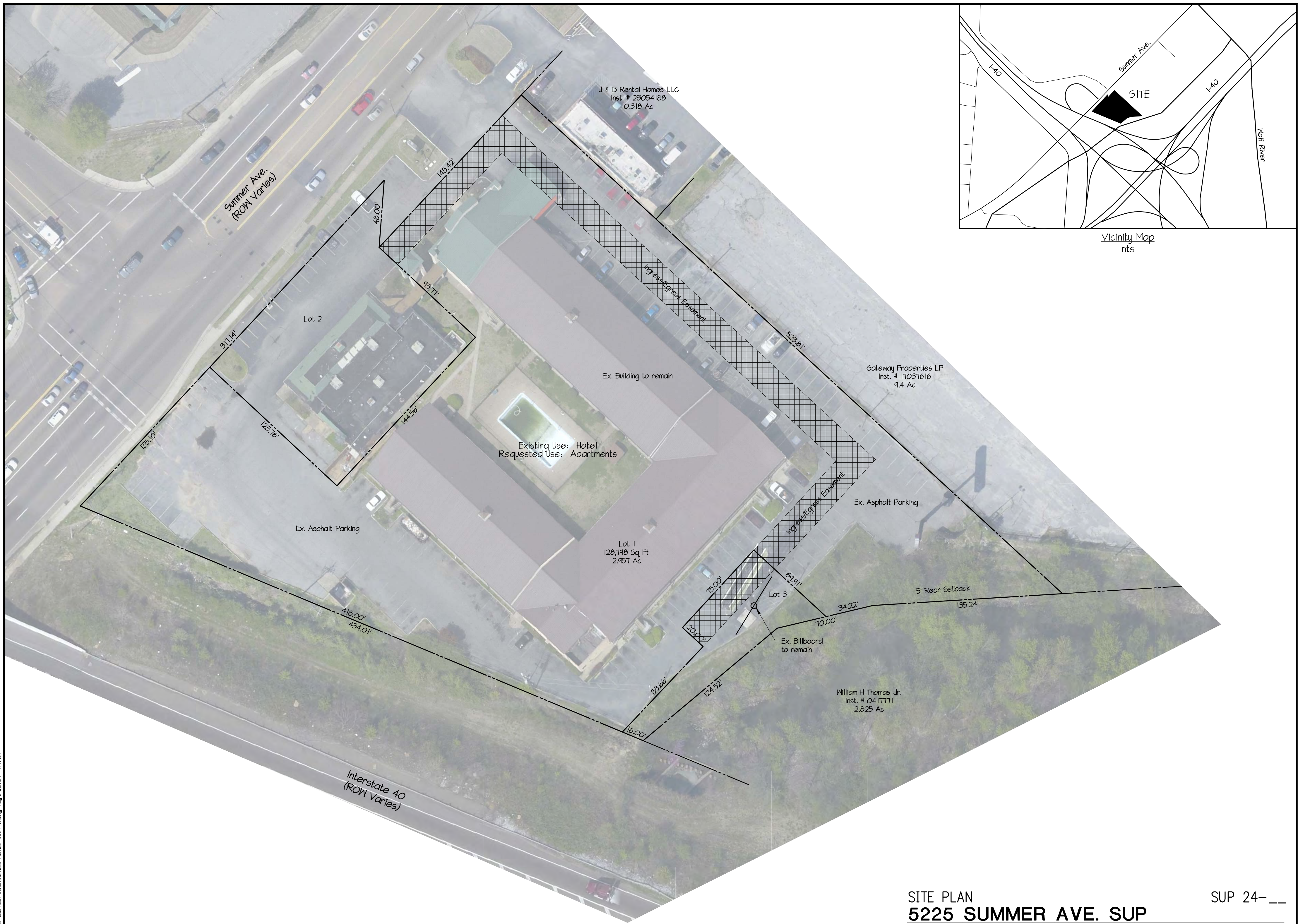
From: Cindy Reaves

Re: 5225 Summer Ave.

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



Vicinity Map
nts

SITE PLAN
5225 SUMMER AVE. SUP

SUP 24-__

DEVELOPER: HOTEL ELITE MEMPHIS LLC
2.957 ACRES

WARD 68, BLOCK 1, PARCEL 23

ZONING: CMU-3

MEMPHIS, TENNESSEE

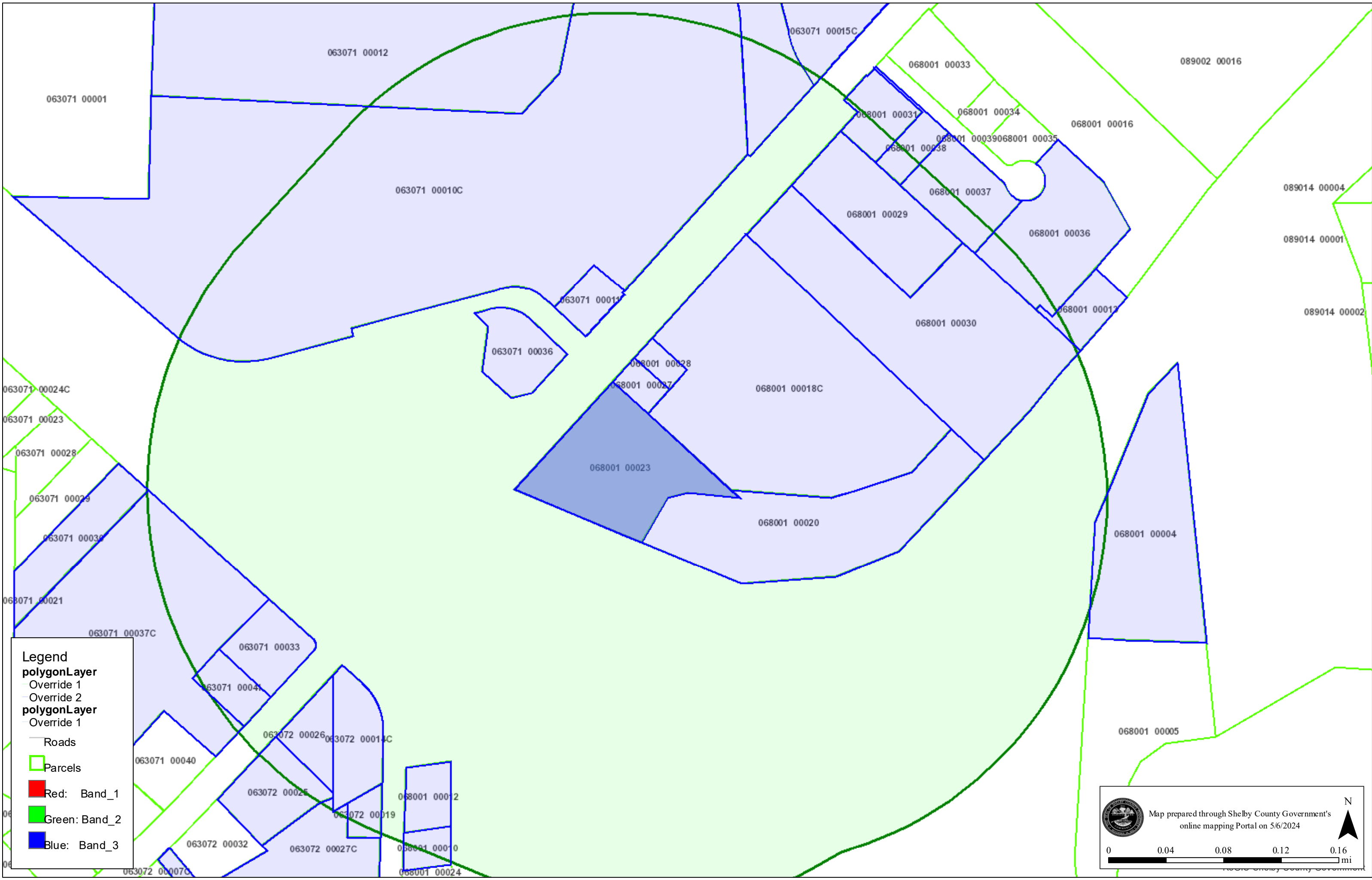
MAY 2024

SHEET 1 of 1



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

File No. 5120240204-0021 5225 Summer Ave. SUP and New Subdivision Platfile Site Planning Map 04, 2024 - 11.10am



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 5/6/2024

0 0.04 0.08 0.12 0.16 mi

N

063071 00012 - LIGHTMAN MICHAEL A SR AND ROBERT T LEVY
063071 00015C - BELZ INVESTCO GP
063071 00030 - MEMPHIS CITY OF
063071 00033 - SUMMER AVENUE 5158 CENTER LLC
063071 00036 - MARION VALLEY LLC
063071 00037C - SUMMER COMMONS INVESTORS LLC
063071 00041 - SUMMER AND I 40 LIQUORS INC
063072 00014C - NORTH WHITE STATION INC
063072 00019 - WS SUMMER LLC
063072 00025 - LAM SING-SUM & WENDY NGAR-WAN
063072 00026 - SMITH FRANK (37 1/2%) AND ALAN DIXON
063072 00027C - WS SUMMER LLC
068001 00004 - HARRIS J W JR D.D.S PROFIT SHARING PLAN
068001 00010 - ALSAFFAR BRENDA
068001 00012 - THREE ARROW INVESTMENTS NO 1 LTD
068001 00013 - ONE ZERO NINE MADISON PRPERTIES LLC
068001 00018C - GATEWAY PROPERTIES LP
068001 00020 - THOMAS WILLIAM H JR
068001 00023 - HOTEL ELITE MEMPHIS LLC
068001 00027 - J & B RENTAL HOMES LLC
068001 00028 - J & B RENTAL HOMES LLC
068001 00029 - AREC 8 LLC
068001 00030 - JMDH REAL ESTATE OF MEMPHIS LLC
068001 00031 - B & B PROPERTY INVESTMENTS LLC
068001 00036 - PLANNED PARENTHOOD GREATER MEMPHIS

068001 00037 - PLANNED PARENTHOOD GREATER MEMPHIS

068001 00038 - PLANNED PARENTHOOD GREATER MEMPHIS

063071 00010C - BELZ INVESTCO GP

063071 00011 - HWY 64 BP (DBA)

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Hotel Elite Memphis LLC
20229 NE 16 Pl
Miami, FL 33179-2719

Hotel Elite Memphis LLC
20229 NE 16 Pl
Miami, FL 33179-2719

Hotel Elite Memphis LLC
20229 NE 16 Pl
Miami, FL 33179-2719

Menachen Bonnardel
Rore Investment Group, LLC
19790 W. Dixie Hwy Suite 604
Aventura, FL 33180

Menachen Bonnardel
Rore Investment Group, LLC
19790 W. Dixie Hwy Suite 604
Aventura, FL 33180

Menachen Bonnardel
Rore Investment Group, LLC
19790 W. Dixie Hwy Suite 604
Aventura, FL 33180

BELZ INVESTCO GP
PO BOX 3661 #
MEMPHIS TN 38173

J & B RENTAL HOMES LLC
4501 PRINCETON RD #
MEMPHIS TN 38117

SUMMER AVENUE 5158 CENTER LLC
P O BOX 1565 #
LAWRENCEVILLE GA 30046

HWY 64 BP (DBA)
8941 US HIGHWAY 64 #
ARLINGTON TN 38002

AREC 8 LLC
PO BOX 29046 #
PHOENIX AZ 85038

MARION VALLEY LLC
9173 RANDLE VALLEY DR #
CORDOVA TN 38018

HARRIS J W JR D.D.S PROFIT SHARING PLAN
135 MOSBY RD #
OAKLAND TN 38060

JMDH REAL ESTATE OF MEMPHIS LLC
1710 WHITESTONE EXPY #
WHITESTONE NY 11357

SUMMER COMMONS INVESTORS LLC
1825 MAIN ST #
FORT LAUDERDALE FL 33326

ALSAFFAR BRENDA
746 N WHITE STATION RD #
MEMPHIS TN 38122

B & B PROPERTY INVESTMENTS LLC
2424 RIDGE RD #
ROCKWALL TX 75087

SUMMER AND I 40 LIQUORS INC
10520 LARSON BAY LN #
COLLIERVILLE TN 38017

THREE ARROW INVESTMENTS NO 1 LTD
8901 FOREST RIDGE CV #
CORDOVA TN 38018

PLANNED PARENTHOOD GREATER MEMPHIS
2430 POPLAR AVE #
MEMPHIS TN 38112

NORTH WHITE STATION INC
5050 POPLAR AVE #
MEMPHIS TN 38157

ONE ZERO NINE MADISON PRPERTIES LLC
4728 SPOTTSWOOD #
MEMPHIS TN 38117

PLANNED PARENTHOOD GREATER MEMPHIS
2430 POPLAR AVE #
MEMPHIS TN 38112

WS SUMMER LLC
1800 CENTURY PARK #
LOS ANGELES CA 90067

GATEWAY PROPERTIES LP
280 EUREKA ST #
BATESVILLE MS 38606

PLANNED PARENTHOOD GREATER MEMPHIS
2430 POPLAR AVE #
MEMPHIS TN 38112

LAM SING-SUM & WENDY NGAR-WAN
5971 BARRENTINE DR #
BARTLETT TN 38134

THOMAS WILLIAM H JR
5160 SANDERLIN #
MEMPHIS TN 38117

LIGHTMAN MICHAEL A SR AND ROBERT T LEVY
5851 RIDGEWAY CENTER PKWY #
MEMPHIS TN 38120

SMITH FRANK (37 1/2%) AND ALAN DIXON
544 FOXMOOR AVE #
BOWLING GREEN KY 42103

HOTEL ELITE MEMPHIS LLC
20229 NE 16 PL #
MIAMI FL 33179

BELZ INVESTCO GP
PO BOX 3661 #
MEMPHIS TN 38173

WS SUMMER LLC
1800 CENTURY PARK #
LOS ANGELES CA 90067

J & B RENTAL HOMES LLC
4501 PRINCETON RD #
MEMPHIS TN 38117

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103



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.

23012443

02/15/2023 - 08:50:30 AM

5 PGS

HERTHA 2545680-23012443

VALUE	6500000.00
MORTGAGE TAX	0.00
TRANSFER TAX	24050.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	24080.00

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared By

Name: ICONIC TITLE AGENCY, LLC
1815 Lakewood Road | Suite 127
Toms River, New Jersey 08755

After Recording Return To

Name: Iconic Title Agency
Address: 1815 Lakewood Rd, Ste 127
Toms River
State: NJ Zip Code: 08755

Space Above This Line for Recorder's Use

WARRANTY DEED

STATE OF TENNESSEE

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of TEN DOLLARS (\$10.00) in hand paid to MEMPHIS THIRTY SIX, LLC, a Tennessee limited liability company, with an address at 11 SW 12th Avenue, Suite 106, Dania, FL 33004-3527 (hereinafter known as the "Grantor(s)") hereby grants, warrants, and conveys to HOTEL ELITE MEMPHIS LLC, a Tennessee limited liability company, with an address at 20229 NE 16 PL, Miami, FL 33179 (hereinafter known as the "Grantee(s)") the following *described real estate (*and in Exhibit A if attached), situated in Shelby County, State of Tennessee to-wit:

[INSERT LEGAL DESCRIPTION HERE AND/OR ATTACH EXHIBIT A]

TOGETHER WITH all the rights, members and appurtenances to the Real Estate in anywise appertaining or belonging thereto.

This conveyance is made subject to all subdivision restrictions, building lines, easements, zoning and planning ordinances, and other municipal regulations including those records in Easements at Book 5851 Page 22; Instrument Numbers GD 5553, XB 7911, BC 8924, LA 3228; Notice of Quarantine at Instrument Number 09125367; and those recorded items set forth in the Commitment for Title Insurance dated 12-30-2022, Schedule B, Part II, Exceptions, paragraphs 8 – 14, all in said Register's Office.



TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said Grantees, their heirs and assigns forever.

And said Grantors, for said Grantors, their heirs, successors, executors and administrators, covenants with Grantees, and with their heirs and assigns, that Grantors are lawfully seized in fee simple of the said Real Estate; that said Real Estate is free and clear from all Liens and Encumbrances, except as set forth herein, and except for taxes due for the current and subsequent years, and except for any Restrictions pertaining to the Real Estate of record in the Probate Office of said County; and that Grantors will, and their heirs, executors and administrators shall, warrant and defend the same to said Grantees, and their heirs and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantor has executed and delivered this General Warranty Deed under seal as of the day and year first above written.

MEMPHIS THIRTY SIX, LLC, an TN limited liability company.

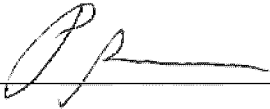


Judah Benjamin Holland, Mgr.
Grantor Manager
11 SW 12th Avenue, STE 106
Dania, FL 33004-3527

State: Tennessee


County: Shelby

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual for this transfer or value of the property transferred, whichever is greater, is \$6,500,000.00, which is equal to or greater than the amount which the property transferred would command at a fair and sale.



 Affiant

DOMONIQUE LUONGO
 Notary Public, State of New Jersey
 Comm. # 50183913
 My Commission Expires 01/28/2027



 Notary Public

Subscribed and sworn to before me, this the 31 day of January 2023

RECORDING DATA

Name/ Address of Property Owners Hotel Elite Memphis LLC 20229 NE 16 PL, Miami, FL 33179	Send Tax Bills to: 20229 NE 16 PL, Miami, FL 33179	Map Parcel Numbers 068001 0023
Improved Property: Yes	Property commonly known and numbered as: 5225 Summer Avenue Memphis, TN 38122	
Return to: Iconic Title Agency 1815 Lakewood Toms River, NJ 08755		

STATE OF GEORGIA

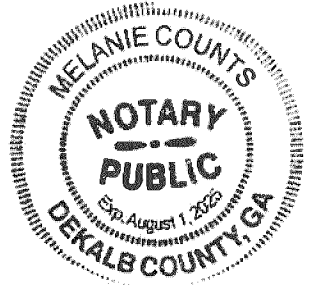
COUNTY OF DeKalb

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Judah Benjamin Holland whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 31st day of January, 2023.

Melanie Counts
Notary Public

My Commission Expires: 08/01/2025



Tennessee Certification of Electronic Document

I, Pearl Stendig, 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 1/31/2023 (date of document).

Pearl Stendig

Affiant Signature

2/7/23

Date

State of New Jersey
County of Olean

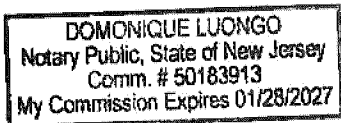
Sworn to and subscribed before me this 7 day of February, 2023.

[Signature]

Notary's Signature

MY COMMISSION EXPIRES: 1/28/27

NOTARY'S SEAL





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

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

June 14, 2024

SR Consulting, LLC
5909 Shelby Oaks Drive, Suite 200
Memphis, TN 38134

Sent via electronic mail to: cindy@srce-memphis.com

Case Number: SUP 2024-018
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, June 13, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow apartments located at 5225 Summer Avenue subject to the following conditions:

1. Landscaping consisting of shrubs and trees shall be added along head-in parking facing Summer Avenue.
2. No permits shall be issued prior to the approval and completion of the three-lot subdivision (S 2024-020).
3. The uncoated chain link fence surrounding the property shall be removed.
4. A landscaping plan and parking chart must be submitted to the Division of Planning and Development for review and approval before any alteration permits are issued.
5. Parking shall comply with Parking and Loading standards of UDC Chapter 4.5.

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 2024-018

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 chloe.christion@memphistn.gov.

Respectfully,

A handwritten signature in cursive script that reads "Chloe Christion".

Chloe Christion
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Menachen Bonnardel - mendy@roreinvestmentgroup.com
File

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 06/25/2024

DATE

PUBLIC SESSION: 06/25/2024

DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Annual amendments to the Memphis and Shelby County Unified Development. The following item was heard by the Land Use Control Board and a recommendation made. (LUCB DATE: **April 11, 2024**)

CASE NUMBER: ZTA 24-2

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: Brett Ragsdale, Zoning Administrator

REQUEST: Adopt amendments to the Memphis and Shelby County Unified Development Code.

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – June 25, 2024
Second reading – July 9, 2024
Third reading – July 23, 2024
Publication in a Newspaper of General Circulation **Required**

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
04/11/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

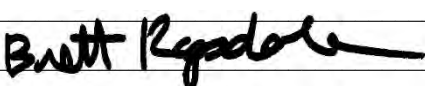
(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

DATE POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
	06/05/2024	ZONING ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

ZTA 24-2

Ordinance approving a Zoning Text Amendment to amend the Unified Development Code.

- Ordinance to approve a Zoning Text Amendment initiated by the Zoning Administrator of the Memphis and Shelby County Division of Planning and Development.
- Zoning Text Amendments amend the Memphis and Shelby County Unified Development Code.
- This particular set of amendments will revise regulations regarding pending legislation, commercial mobile communication services (CMCS) towers, food preparation vehicles, residential circular driveways, street name changes, administrative flexibility, public notice, neighborhood plan recognition, signage, and other provisions of the Code.
- The Memphis and Shelby County Land Use Control Board held a public hearing on **April 11, 2024**, and approved the Text Amendment by a vote of 7 to 0.
- No contracts are affected by this item.
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 11, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: ZTA 24-2

LOCATION: City of Memphis and Unincorporated Shelby County

COUNCIL DISTRICT(S): All

OWNER/APPLICANT: Division of Planning and Development

REPRESENTATIVE: Brett Ragsdale, Zoning Administrator

REQUEST: Adopt several amendments to the Unified Development Code

The following spoke in support of the application: Brett Ragsdale, John Zeanah

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 with friendly amendments as presented by staff.

The motion passed by a vote of 7-0 on the regular agenda.

Respectfully,



Brett Ragsdale
Zoning Administrator

Cc: Committee Members
File

Joint Ordinance No.: _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, by the provisions of section 2 of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative bodies of the City of Memphis and the County of Shelby the authority to regulate the subdivision and resubdivision of land within three miles of the corporate limits of the City of Memphis into two or more parts; and

WHEREAS, by provisions of T.C.A. title 54, ch. 10 [§ 54-10-101 et seq.], the General Assembly of the State of Tennessee conferred on the legislative body of Shelby County the authority to open, close or change public roads within the areas subject to its jurisdiction; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, the Zoning Administrator is one of the entities and individuals identified by the Unified Development Code as one that may initiate amendments to the Code; and

WHEREAS, the Zoning Administrator submitted his request to amend the Unified Development Code in such a way that would reflect amendments that will regulations regarding pending legislation, commercial mobile communication services (CMCS) towers, food preparation vehicles, residential

circular driveways, street name changes, administrative flexibility, public notice, neighborhood plan recognition, signage, and other provisions of the Code; and

WHEREAS, The Unified Development Code should reflect the adoption of the amendments presented by the Memphis and Shelby County Division of Planning and Development; and

WHEREAS, The Memphis and Shelby County Land Use Control Board approved these amendments at its April 11, 2024, session;

NOW, THEREFORE, BE IT ORDAINED, By the City Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee that Ordinance Nos. 5367 and 397, are hereby amended as follows:

SECTION 1, CASE NO. ZTA 24-2. That various sections of the Unified Development Code be hereby amended as reflected on Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 3. That only those portions of this Joint Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.

SECTION 4. That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

ATTEST:

AGENDA ITEM: 28

CASE NUMBER: ZTA 24-2 **L.U.C.B. MEETING:** April 11, 2024
APPLICANT: Memphis and Shelby County Division of Planning and Development
REPRESENTATIVE: Brett Ragsdale, Zoning Administrator
REQUEST: Adopt the following amendments to the Unified Development Code (UDC)

EXECUTIVE SUMMARY

1. Listed below are the more significant amendments associated with this zoning text amendment, or "ZTA." All other items are explained in greater detail in the staff report. Proposed new language is indicated in **bold, underline** while proposed deletions are indicated in ~~bold strikethrough~~. All proposed changes are reflected in a copy of the complete UDC at the end of this report.
2. Chapter 1.9: The proposed change creates a two-part process of neighborhood plan recognition, expanding the opportunity for neighborhood plans to be included for consideration and enhancing the way neighborhood plans are considered.
3. Paragraph 1.13.3E(2): Revises pending legislation clause to match State law.
4. Various revisions to CMCS tower language, including relocating the CMCS tower general requirements to apply to all CMCS towers, not only towers that require a special use permit to require colocation when feasible and reincludes the tower height maximum of 200 feet with any CMCS tower over 200 feet requiring a special use permit.
5. Revisions to define mobile food trucks as principal uses in instances where they become permanent or stationary. Revisions also require mobile food trucks operating in residential zoning districts on a temporary basis to obtain a special event permit.
6. Increase in the minimum requirements of circular driveways to avoid smaller lots from having front yard parking pads.
7. Revisions to reflect process changes to street name changes within the UDC to align with Memphis City Council Ordinance number 5759 and requested to be adopted into the UDC by resolution of the Memphis City Council on September 12, 2023.
8. Paragraph 9.21.2A(1): This revision increases the administrative authority for setback encroachments from 10 to 20% and eliminates the limitation regarding platted setbacks, subject to the administrative deviation approval criteria.
9. Sub-Section 9.21.D: This revision allows lot size and width reductions of up to 10%, subject to the administrative deviation approval criteria.
10. Paragraphs 9.3.4D(1) & 9.23.1C(2): The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1. While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 20 days. This revision would also apply to 9.23.1C(2) - this specific clause was missed in the previous text amendment.

RECOMMENDATION:

Approval

Note, the following items on pages 2-6 are a summary of noteworthy updates from the original published DRAFT staff report:

Initial report:

1.9.D

- D. ~~Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after January 1, 2019, may be considered in any decisions under this development code.~~ The following plans may be considered in any decisions under this development code.

Current report:

1.9.D

- D. **Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after ~~January 1~~December 3, 2019, may shall be considered in any decisions under this development code. Plans prepared by or filed with Division of Planning and Development, but not approved by the Memphis City Council or Shelby County Board of Commissioners, may also be considered.** The following plans may be considered in any decisions under this development code.

Initial report:

2.7.4A(27)

Academic or other instructions may not be given to more than ~~four~~ **seven** persons at the same time.

2.7.4C(1)

Any home occupation involving group instruction of ~~four~~ **seven** or less students per hour is permitted.

Current report:

2.7.4A(27)

Academic or other instructions may not be given to more than ~~four~~ **seven** persons at the same time.

[2.7.4B\(7\)](#)

No more than one persons, other than members of the family residing on the premises, shall be engaged in the home occupation.

2.7.4C(1)

Any home occupation involving group instruction of ~~four~~ **seven** or less students per hour is permitted.

2.7.4C(2)

Any home occupation involving group instruction of more than ~~four~~ **seven** students per hour shall require the issuance of a Conditional Use Permit (see Chapter 9.24).

Initial report:

3.3.1B

Frontage

Unless otherwise approved **by the Zoning Administrator**, each lot must have frontage on a public street or an approved private drive **or common open space**. An alley or rear private drive may not constitute frontage.

Current report:

3.3.1B

Frontage

Unless otherwise approved **by the Zoning Administrator**, each lot must have frontage on a public street or an approved private drive ~~or common open space~~. An alley or rear private drive may not constitute frontage.

Initial report:

4.6.5I

5. **Trees with a mature height of more than thirty (30) feet and up to fifty (50) feet shall be planted at least twenty-five (25) feet from any overhead utility wire. Trees with a mature height of more than fifty (50) feet shall be planted at least forty (40) feet from any overhead utility wire.**
6. A minimum buffer width of five feet, or at least half the minimum required buffer width, must be provided outside of any required easements. The majority of buffer plantings and all structures must be located outside the easements.

Current report:

4.6.5I

5. **Trees with a mature height of more than thirty (30) feet and up to fifty (50) feet shall be planted at least ~~twenty-five~~ (25) feet from any overhead ~~utility~~ **distribution voltage** utility wire. Trees with a mature height of more than fifty (50) feet shall be planted at least forty (40) feet from any overhead **distribution voltage utility wire. There shall be no restriction on planting trees around secondary voltage wires, communication lines, and other overhead wires.****
6. A minimum buffer width of five feet, or at least half the minimum required buffer width, must be provided outside of any required easements. The majority of buffer plantings and all structures must be located outside the easements.

Initial report:

8.5.2

Overlay Restrictions

- A. All land fronting the designated Residential Corridor, for a depth of 200 feet, shall not be eligible for rezoning to a mixed use or nonresidential district nor shall such land be eligible for a change in use from a residential use to a nonresidential use. Certain ~~eCivic and institutional~~ uses may be permitted **by right or** through the special use process (see **subject to permitted uses of Section 2.5.2 and provisions of Chapter 9.6**).

Current report:

8.5.2

Overlay Restrictions

- A. All land fronting the designated Residential Corridor, for a depth of 200 feet, shall not be eligible for rezoning to a mixed use or nonresidential district **or nonresidential planned development** nor shall such land be eligible for a change in use from a residential use to a nonresidential use. Certain ~~eCivic and institutional~~ uses may be permitted **by right or** through the special use process (see **subject to permitted uses of Section 2.5.2 and provisions of Chapter 9.6**).
-

Initial report: Struck Paragraph 9.3.2B(1), as the City of Memphis Office of Community Affairs does not maintain any such list.

Current report: Retains Paragraph 9.3.2B(1). The City of Memphis Office of Community Affairs will attempt to re-establish a list for use.

Initial report:

The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1. While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 15 days. This revision would also apply to 9.23.1C(2) - this specific clause was missed in the previous text amendment.

9.3.4D(1)

Where mailed notice is required, notification shall be mailed not more than 45 or less than ~~25~~ **15** days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.

9.23.1C(2)

Not less than 28 or more than 63 days after a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. In the case of appeals to the Land Use Control Board, not less than 35 or more than 75 days after a notice of appeal is filed, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. For appeals taken by non-property owners, the Division of Planning and Development shall provide notice of the appeal to the property owner by mail and any other reasonable means available no less than ~~10~~ **15** days prior to the date of the public hearing by the Board of Adjustment.

Current report:

The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1. While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 15 days. This revision would also apply to 9.23.1C(2) - this specific clause was missed in the previous text amendment.

9.3.4D(1)

Where mailed notice is required, notification shall be mailed not more than 45 or less than ~~25~~ **15-20** days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.

9.23.1C(2)

Not less than 28 or more than 63 days after a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. In the case of appeals to the Land Use Control Board, not less than 35 or more than 75 days after a notice of appeal is filed, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. For appeals taken by non-property owners, the Division of Planning and Development shall provide notice of the appeal to the property owner by mail and any other reasonable means available no less than ~~10~~ **15-20** days prior to the date of the public hearing by the Board of Adjustment.

Initial report:

12.3.1

LUMBERYARD: A location where lumber and wood-related products used in construction are processed from raw logs or other wood or forest products, stored, or kept for sale. For the purposes of these regulations, locations where chemicals or high-temperature kilns are used in processing shall be classified as sawmills.

Current report:

~~12.3.1~~

~~**LUMBERYARD: A location where lumber and wood-related products used in construction are processed from raw logs or other wood or forest products, stored, or kept for sale. For the purposes of these regulations, locations where chemicals or high-temperature kilns are used in processing shall be classified as sawmills.**~~

PROPOSED NOTEWORTHY AMENDMENTS

Proposed language is indicated in **bold, underline**; deleted language is indicated in ~~strikethrough~~. Staff commentary *italicized*.

Revises other plans to be considered within the land use decision consistency section of the code to plans adopted by the governing bodies after January 1, 2019, to limit the scope of plans that may be considered.

1.9.D

D. **Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after December 3, 2019, shall be considered in any decisions under this development code. Plans prepared by or filed with Division of Planning and Development, but not approved by the Memphis City Council or Shelby County Board of Commissioners, may also be considered.**~~The following plans may be considered in any decisions under this development code.~~

- ~~1. Bicentennial Plan;~~
- ~~2. Community Redevelopment Plan for the University Neighborhood Development Corporation/Highland Row Area;~~
- ~~3. Community Redevelopment Plan for the Uptown Area;~~
- ~~4. Downtown Streetscape Master Plan;~~
- ~~5. Eastview Area Redevelopment Plan;~~
- ~~6. Frayser (Futures) District Plan;~~
- ~~7. Glenview Area Plan;~~
- ~~8. Grays Creek Area Plan;~~
- ~~9. 2000 Main Street Master Plan;~~
- ~~10. MPO Long Range Transportation Plan;~~
- ~~11. MPO Bicycle and Pedestrian Plan;~~
- ~~12. Medical Center Area Plan;~~
- ~~13. Midtown Corridor East/Binghampton Plan;~~
- ~~14. Mud Island Report;~~
- ~~15. Normal Station Area Plan;~~
- ~~16. Rozelle Annesdale Neighborhood Plan;~~
- ~~17. Shelby County Greenway Plan;~~
- ~~18. South Central Business Improvement District Area Plan;~~
- ~~19. South Forum "SoFo" Redevelopment Plan;~~
- ~~20. South Memphis District Plan;~~
- ~~21. Uptown Redevelopment Plan;~~
- ~~22. University District Comprehensive Plan;~~
- ~~23. Victorian Village Redevelopment Plan;~~
- ~~24. Vollintine Evergreen Plan;~~
- ~~25. Whitehaven District Plan;~~
- ~~26. Winchester Park Area Study; and~~
- ~~27. Any other plans approved by the Memphis City Council and the Shelby County Board of Commissioners.~~

Revises pending legislation clause to match State law.

1.13.3E(2)

Pending Legislation. Any individual, board or body with authority to act upon the regulations of this Code ~~shall~~ **may not** consider pending text amendments to this Code and pending amendments to the Zoning Map, ~~provided the pending amendment(s) have been acted upon by the Land Use Control Board and by one or both governing bodies at second reading (see Chapter 9.4, Text Amendment and Chapter 9.5, Zoning Change)~~ **pursuant** to TCA 29-43-101.

All former College and University (CU) and Hospital (H) references in historical zoning entitlements will now convert only to Campus Master Plan – 1 (CMP-1) with this change. As existing the issue is the former CU and H districts convert to two UDC districts, CMP-1 and CMP-2, that have different uses permitted by right.

1.13.4

NEW DISTRICTS		FORMER DISTRICTS
CMP-1	Campus Master Plan – 1	CU, H
CMP-2	Campus Master Plan – 2	CU, H

A health club and a gym are by dictionary definition the same use and the UDC is inconsistent with the two uses as health club exists within the indoor recreation use category and gym existed within the Retail Sales & Service use category within the principal use of all retail sales and service, except as listed below” per the principal uses listed within Sub-Section 2.9.4H. This combines the gym use within the indoor recreation use category and health club principal use. Additionally this would allow gyms by right in the Mixed Use District and by Significant Neighborhood Structure Conditional Use Permit within the R-15, R-10, R-8, R-3, RU-1, RU-3, RU-3, RU-4, and RU-5 districts to match where gyms were allowed when previously double classified within the All retail sales and service, except as listed below: principal use. Note Sub-Sections 2.9.4A and 2.9.4H are also being updated to reflect this change.

2.5.2

Use Category	Principal Use	R-15	R-10	R-8	R-3	RU-1	RU-2	RU-3	RU-4	RU-5	MU*
Indoor Recreation	Athletic, tennis, swim or health club, <u>dance, martial arts, music studio or classroom, personal trainer or gym</u>	±	±	±	±	±	±	±	±	±	■

2.9.4A

Athletic, tennis, swim or health club, **dance, martial arts, music studio or classroom, personal trainer or gym**

2.9.4H

~~Dance, martial arts, music studio or classroom, personal trainer or gym~~

These revisions relocate the CMCS tower general requirements to apply to all CMCS towers, not only towers that require a special use permit to require colocation when feasible and reincludes the tower height maximum of 200 feet with any CMCS tower over 200 feet requiring a special use permit.

2.6.21(2)(a)(2)

General Requirements

~~a. The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:~~

- ~~1. The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.~~
- ~~2. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.~~
- ~~3. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.~~
- ~~4. Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.~~

2.6.21(2)(h)

Reserved Height

The maximum tower height to be submitted for approval under an administrative approval is 200 feet from ground level. Any tower over 200 feet will require a special use permit.

2.6.21(2)(m)

General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

- 1. The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.**
- 2. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.**
- 3. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.**
- 4. Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.**

This revision is to align the UDC with the Building Code.

2.6.1B(8)(d)

Maximum work space within a live/work unit shall be ~~4,000~~ **3,000** square feet.

This revision ensures the height of accessory structures are measured using the same method that principal structures are measured.

2.7.2B(2)

Height and Setback. Accessory structures shall be at least five feet from the side and rear property lines. Any portion of an accessory structure over 20 feet in height shall be located at least 20 feet from all side and rear property lines that do not abut an alley. For the purpose of this paragraph, height shall be measured **pursuant Paragraph 3.2.6A(1)** ~~from the highest point of the accessory structure.~~

This revision allows an increase of up to 10% to the maximum living area square footage of an accessory dwelling unit, subject to the administrative deviation approval criteria.

2.7.2D(1)(d)

d. The Zoning Administrator shall be authorized to grant an administrative deviation for an increase of up to 10% of the maximum living area of the accessory dwelling unit.

This revision reduces the minimum distance that requires the use of only clearstory windows on accessory dwelling units from 10 to 5 feet of an abutting property line that is zoned single-family residential.

2.7.2D(6)

No windows besides clerestory windows shall be permitted along any portion of the walls of an accessory dwelling unit that is within ~~10~~ **5** feet of an abutting parcel that is zoned single-family residential.

The change from four to seven persons/students is primarily to address caring for children at one's residence as a home occupation without necessitating a special use permit. This change will align more closely with the State considers a "family day care" as seven is the maximum number of children a single individual could be permitted to care for. Additionally, staff does not anticipate any negative impacts by the increase of 3 persons/students for non-childcare related group instruction. Additionally, these revisions will allow home occupations to have one employee on-site who does not reside on the premises to be engaged in said home occupation.

2.7.4A(27)

Academic or other instructions may not be given to more than ~~four~~ **seven** persons at the same time.

2.7.4B(7)

No **more than one** persons, other than members of the family residing on the premises, shall be engaged in the home occupation.

2.7.4C(1)

Any home occupation involving group instruction of ~~four~~ seven or less students per hour is permitted.

2.7.4C(2)

Any home occupation involving group instruction of more than ~~four~~ seven students per hour shall require the issuance of a Conditional Use Permit (see Chapter 9.24).

These revisions define mobile food trucks as principal uses in instances where they become permanent or stationary. Revisions also require mobile food trucks operating in residential zoning districts on a temporary basis to obtain a special event permit.

2.8.2F

Except where operating in residential zoning districts under an issued special event permit, Mmobile food preparation vehicles that adhere to the provisions of Memphis Code of Ordinances Section 9-52-84, et. seq., or the Shelby County Code of Ordinances Chapter 8, Article XVI.

2.8.3G

Mobile Food Preparation Vehicles

Mobile Food Preparation Vehicles operating in a residential zone and adhering to the provisions of Memphis Code of Ordinances Section 9-52-84, et. seq., or the Shelby County Code of Ordinances Chapter 8, Article XVI.

2.9.4G

Principal Uses

Permanent/stationary food preparation vehicle (food truck or food trailer)

12.3.1

MOBILE FOOD PREPARATION VEHICLE: Any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed or stored and used to sell and dispense food to the consumer. Mobile units must be mobile at all times during operations. The unit must be on wheels (excluding boats) at all times. Any mobile units that removes such wheels or becomes stationary shall be considered a Permanent (or Stationary) Food Preparation Vehicle for the purposes of this code.

PERMANENT (OR STATIONARY) FOOD PREPARATION VEHICLE: Any mobile food preparation vehicle shall be considered permanent (or stationary) when not moved daily for cleaning and servicing or where there are dedicated utilities serving the vehicle. Permanent (or stationary) food preparation vehicle status shall be considered a principal use classification as a restaurant.

This revision clarifies that a restaurant with a drive-thru is always considered a principal use and removing it as an accessory use to align with the use chart, Section 2.5.2.

2.9.4G

Principal Uses

Restaurant, **drive-thru or** drive-in

Accessory Uses

~~Drive-thru facility~~

This revision clarifies that the Zoning Administrator is the approving authority.

3.3.1B

Frontage

Unless otherwise approved **by the Zoning Administrator**, each lot must have frontage on a public street or an approved private drive. An alley or rear private drive may not constitute frontage.

These revisions clarify that the required minimum lot width of unsewered or unsewered and public water not available lots is a minimum of 120 feet—this is merely a clarification to match the existing bulk regulations charts within the same sections that regulate the identical situations, i.e. the Code is inconsistent about what the minimum lot width is in these situations at the moment. Additionally, the Code does not explicitly state permitted non-residential uses within residential use districts are required to follow the unsewered or unsewered and public water not available regulations and with these proposed changes it will explicitly state this.

3.6.1B(1)

Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of ~~150~~ **120** feet unless served by a privately owned and maintained sewer system.

3.6.1B(2)

Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of ~~150~~ **120** feet.

3.6.1B(5)

Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer (~~moved from Sub-Section 3.6.1C below~~).

3.6.2C

C. Lots not served by public sewer or water:

- 1. Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of 120 feet unless served by a privately owned and maintained sewer system.**
- 2. Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of 120 feet.**
- 3. Where the provisions of this Sub-Section cannot be met, the Board of Adjustment may grant a variance to these requirements after receiving a written opinion from the Health Department that the proposed variance would not create a health hazard and the proposed lots are acceptable for septic tank and/or wells.**
- 4. See Section 5.3.3 for additional requirements associated with sanitary sewers and septic systems.**
- 5. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.**
- 6. Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.**

3.7.2D(1)

Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of ~~150~~ **120** feet unless served by a privately owned and maintained sewer system. The Shelby County Health Department shall have the authority to mandate that a particular development contain more than two acres, if required for a proper septic system to operate.

3.7.2D(2)

Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of ~~150~~ **120** feet.

3.7.3C

C. Lots not served by public sewer or water:

- 1. Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of 120 feet unless served by a privately owned and maintained sewer system.**
- 2. Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of 120 feet.**
- 3. Where the provisions of this Sub-Section cannot be met, the Board of Adjustment may grant a variance to these requirements after receiving a written opinion from the Health Department that the proposed variance would not create a health hazard and the proposed lots are acceptable for septic tank and/or wells.**
- 4. See Section 5.3.3 for additional requirements associated with sanitary sewers and septic systems.**
- 5. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.**
- 6. Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.**

These revisions clarify that any section of contextual infill may be waived through the subdivision process, whether the subdivision is a major or minor, as appropriate to match the existing character of development in the neighborhood when appropriate. The lot width of contextual infill development is meant to allow the reduction of the minimum lot width required in the bulk regulations of the Code in order to match the existing character of development in the neighborhood when appropriate. The subdivision approval process of Chapter 9.7 already allows requiring larger minimum lot widths to meet the existing character of development in the neighborhood when appropriate.

3.9.2B(4)

~~The lot width provisions of this Section may be waived through either the major or minor subdivision approval process; all other p~~ Provisions of this Section may be waived through the ~~major~~ subdivision approval process, provided a determination is made that no substantial harm will be imposed upon the health, safety and welfare of the surrounding neighborhood. The provisions of this Section may also be waived through the approval of a Certificate of Appropriateness by the Memphis Landmarks Commission.

3.9.2D

The minimum lot width requirements **of this Code may be reduced to** is the smaller of:

1. The average width of the four lots on either side of the project site fronting on the same block face (the two closest lots in either direction along the street); or
2. The average of the widths for all lots fronting on the same block face.

3.10.2E(1)

Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of ~~150~~ **120** feet unless served by a privately owned and maintained sewer system. The Shelby County Health Department shall have the authority to mandate that a particular development contain more than two acres, if required for a proper septic system to operate.

3.10.2E(2)

Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of ~~150~~ **120** feet.

This removes the maximum ground floor area in the Commercial Mixed Use – 1 (CMU-1) and Commercial Mixed Use – 3 (CMU-3) districts. A maximum ground floor area regulation is not appropriate as it penalizes larger sites from being built as a single development without justification in these two districts.

3.10.2B

Apartment and Nonresidential

	RW ¹	OG	CMU-1	CMU-2	CMU-3	CBD
Ground floor area (max sq. ft.) ²			15,000	80,000		

²~~Maximum ground floor area shall not apply to sites that were developed prior to Jan. 1, 2011. Buildings on sites developed prior to Jan. 1, 2011, may be expanded, modified or rebuilt and exceed the maximum ground floor area standards.~~

This revision ensures that sidewalks are in good repair by requiring the approval by the City or County Engineer prior to the issuance or revision of any certificate of occupancy permit.

4.2.1A

Prior to the issuance of any ~~use and~~ **certificate of** occupancy permit or the revision of any previously issued ~~use and~~ **certificate of** occupancy permit, the owner of the property on which the requested use is located shall be required to ~~show~~ **obtain approval by the City or County Engineer** that any existing sidewalk or walkway abutting, on, or adjacent to the owner’s property is in good repair.

4.2.1B

If unable to show that the existing sidewalk or walkway abutting on or adjacent to the owner’s meets the standards cited above the Building Official, or the City or County Engineer, may require repair or replacement of the existing sidewalk or walkway **prior to the issuance of the certificate of occupancy.**

This revision increases the minimum sidewalk width from 5 feet to 6 feet when not part of a curb and gutter system.

4.3.4B(1)

A ~~5~~ **6**-foot wide sidewalk shall be located at least 5 feet from the edge of the roadside drainage ditch.

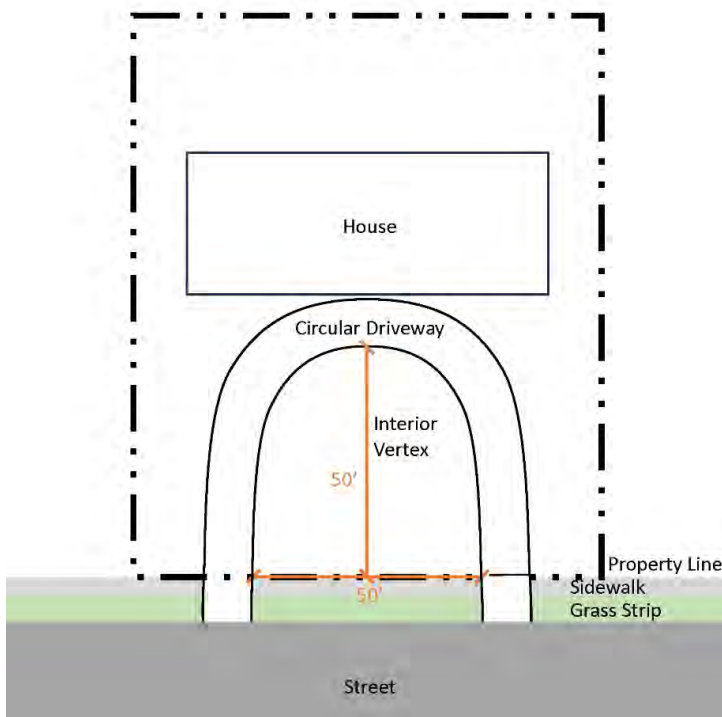
These revisions increase the minimum requirements of circular driveways. The idea being that smaller lots should not have circular driveways as it essentially turns their entire front yard into a parking area.

4.4.4B

The minimum distance from a driveway access point to an intersection shall be 20 feet. No lot may have more than one driveway per street frontage, with the exception of circular driveways which are permitted if the two driveway access points of the circular driveway are at least ~~20~~ **50** feet from each other, **see Item 4.5.2C(1)(e) for additional requirements.**

4.5.2C(1)

e. Circular driveways are prohibited in a front yard, except circular driveways may be permitted in any front yard where the two driveway access points are at least 50 feet from each other and where the interior vertex of the circular driveway is a minimum of 50 feet from the right-of-way.



12.3.1

PARKING PAD: Any impervious surface designed to accommodate one or more parked vehicles. This definition does not include circular driveways, **see Item 4.5.2C(1)(e),** or those linear driveways that lead to a garage or carport.

Housing with two or less residential units fronting local or connector streets would longer require waivers from City Engineering for lack queuing space depth. There is a low volume of traffic associated with two or less residential units.

4.4.8A

Street Type	Residential Units	Queue Space Depth
Local	0 <u>3</u> to 30 units	20 feet
	30+ units	40 feet
Connector	0 <u>3</u> to 150 units	40 feet
	150+ units	60 feet

These revisions clarify how to treat legal non-conforming parking situations that increase the intensity of use of any building by the addition of a dwelling units, gross floor area, seating capacity, etc. or if a building or structure is changed to a new use. An example would be if there is an addition to an existing building, the new parking required per the UDC would fully apply to the addition, but the legally non-conforming parking situation for the remainder of the building that was developed under historical zoning regulations would remain legal non-conforming.

4.5.1D

D. If the intensity of use of any building, structure, or use is increased by the addition of dwelling units, gross floor area, seating capacity, or any other measure of increased intensity, the provisions of this Chapter shall only apply to the extent of such increase in intensity of use.

4.5.1E

E. If the existing use of a building or structure is changed to a new use, such new use shall comply with the provisions of this Chapter; provided, however, that if the existing use is located in a building or structure in existence prior to the effective date of this Code (January 1, 2011), additional parking and loading requirements shall be required only in the amount by which the requirements for the new use exceed the amount required for the existing use if such existing use were subject to the provisions of this Chapter.

Clarification related to which districts have no parking requirements and which districts have alternative parking requirements as opposed to Sub-Section 4.5.3B minimum parking ratios of the Code.

4.5.3B

Minimum Parking Ratios

Off-street parking spaces shall be provided for all uses listed in the amounts specified below. For the purpose of this Sub-Section, the list of “specific uses” in the tables below coincides with the principal uses as articulated in Chapter 2.9. All accessory uses, per Chapter 2.9, shall have the same parking ratio as their principal uses, unless indicated otherwise in this Sub-Section. Where in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted in support of

higher or lower ratios (see Section 4.5.4). No minimum off-street parking spaces are required in the CBD District, ~~or the SCBID District, or the MU District.~~ **Reduced Alternative** parking ratios apply in the Uptown District (see Chapter 7.3), ~~and the Medical Overlay District (see Section 8.2.4), and the University District Overlay (–S see Sub-Section 8.3.10E)~~ for parking requirements in the University District Overlay.

Per Article 12 Definitions of the Code “abutting” means “Sharing a common border; adjoining. Parcels across the street from one another are not abutting.” The term “adjacent” may be interpreted to include parcels across the street from one another that do not physical abut one another. The clarification here is that this clause is meant to only apply in the abutting situation.

4.5.5D(1)(b)

The perimeter of all parking and vehicular use areas ~~adjacent~~ **abutting** to a single-family residential district must provide a Class III buffer (see Section 4.6.5).

4.6.5E(3)

The perimeter of all parking and vehicular use areas ~~adjacent to~~ **abutting** a single-family residential district must provide a Class III buffer (see also Sub-Section 4.5.5D).

This revision adds the Mixed Use (MU) District to the District Boundary Buffer Table.

4.6.5B

Subject District	OS	FW	CA	CIV	R-MP	R-E	R-*	RU-1	RU-2	RU-3	RU-4	RU-5	RW	OG	<u>MU</u>	CMU-1	CMU-2	CMU-3	CBD	EMP	WD	IH
RU-1	--	--	I	--	--	I	I	--	--	--	--	--	--	--	II	--	--	--	--	--	--	--
RU-2	--	--	I	--	--	I	I	--	--	--	--	--	--	--	II	--	--	--	--	--	--	--
RU-3	--	--	II	--	--	II	II	--	--	--	--	--	--	--	II	--	--	--	--	--	--	--
RU-4	--	--	II	--	--	II	II	II	II	--	--	--	--	--	II	--	--	--	--	--	--	--
RU-5	--	--	II	--	--	II	II	II	II	--	--	--	--	--	II	--	--	--	--	--	--	--
RW	--	--	II	--	II	II	II	II	II	II	--	--	--	--	II	--	--	--	--	--	--	--
OG	--	--	III	--	III	III	III	III	III	II	--	--	--	--	--	--	--	--	--	--	--	--
<u>MU</u>	II	II	III	II	III	III	II	I	I	II	II	II	II	II	II	II	II	II	II	II	II	II
CMU-1	--	--	III	--	III	III	III	III	III	II	I	I	--	--	II	--	--	--	--	--	--	--
CMU-2	--	--	III	II	III	III	III	III	III	II	II	II	II	II	II	--	--	--	--	--	--	--
CMU-3	--	--	III	II	III	III	III	III	III	III	II	II	II	II	I	--	--	--	--	--	--	--
CBD	--	--	III	II	III	III	III	III	III	III	II	II	II	II	I	--	--	--	--	--	--	--
EMP	--	--	III	III	III	III	III	III	III	III	III	III	III	III	II	III	III	II	--	--	--	--
WD	--	--	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	--	--
IH	--	--	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	--	--

* R- = R-15, R-10, R-8, R-6, R-3

Adds minimum distance for trees with mature heights of greater than 30 feet to avoid conflicts with overhead distribution voltage utility wires within required buffers.

4.6.5I

5. **Trees with a mature height of more than thirty (30) feet and up to fifty (50) feet shall be planted at least fifteen (15) feet from any overhead distribution voltage utility wire. Trees with a mature height of more than fifty (50) feet shall be planted at least forty (40) feet from any overhead distribution voltage utility wire. There shall be no restriction on planting trees around secondary voltage wires, communication lines, and other overhead wires.**
6. A minimum buffer width of five feet, or at least half the minimum required buffer width, must be provided outside of any required easements. The majority of buffer plantings and all structures must be located outside the easements.

This revision splits Sub-Item 4.8.4B(3)(b)(1) to clarify screening is always required along a public street or any public access easement, whereas the additional screening requirements shown above as Sub-Item 4.8.4B(3)(b)(2) are only required when within 500 feet of a single-family residential zoning district as measured along the public right-of-way.

4.8.4B(3)(b)

- b. General outdoor storage shall be permitted in association with any permitted nonresidential use (in accordance with Section 4.8.3) following review and approval of a site plan illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
 1. General outdoor storage shall be screened along the public street and any public access easement by a Class III buffer as set forth in Section 4.6.5.
 - ~~1~~ **2.** In situations where general outdoor storage is located abutting or across the street from a residential district, such screening shall be high enough to completely conceal all outdoor storage from view. General outdoor storage on sites in the EMP, WD, and IH Districts that are not within 500 feet of single-family residential zoning districts, as measured along the public right-of-way, are exempt from this Sub-Item.
 - ~~2~~ **3.** All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
 - ~~3~~ **4.** General outdoor storage may be located in the side or rear setback area.

These proposed revisions will accommodate a project or complex containing a government use or school with a larger monument style sign with or without an electronic or video message board. The current regulations are overly restrictive and have led to numerous variance requests by government agencies and schools, mainly Memphis Public Libraries and Memphis Shelby County Schools, that were approved for larger signs and signs with electronic or video message boards than are permitted at their residentially zoned subject site. Additionally, this further clarifies that said signs must be of the monument style to capture the higher allowable square footage, i.e. not wall or fence signs.

4.9.7B(9)

9. Complex Signs

In addition to the above permitted signage, a complex sign is permitted if the following standards and requirements are met.

a. Standards

The sign may bear no commercial message except the name of a neighborhood, project or complex containing a governmental use, school, or a minimum of thirty-five (35) lots or ten (10) dwelling units.

b. Maximum Gross Surface Area

- i. The maximum gross surface area for a complex sign that conforms with the design standards of Sub-Section 4.9.6M **and Paragraph 4.9.7B(9)** shall not exceed the size shown in the column of the table below opposite the type of street from which the complex is entered.

Street Type	Maximum Gross Surface Area of Sign	Maximum Gross Surface Area of Proj. Containing a Govt. Use or School Monument Sign*
Minor street (see Sec. 12.3.4)	30 square feet	64 square feet
Connector street (see Sec. 12.3.4)	30 square feet	64 square feet
Arterial street (see Sec. 12.3.4)	50 square feet	112 square feet
Controlled access road (see Sec. 12.3.4)	100 square feet	176 square feet

***The maximum square footages in this column are only for monument signs of a project or complex containing a government use or school.**

- ii. Complex signs which are not in conformance with the required elements of Sub-Section 4.9.6M shall be reduced in size from the maximum area permitted, in accordance with each of the following.
 - a. A ten (10) percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building(s) or project, neighborhood, or complex character.
 - b. A twelve (12) percent reduction shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.
 - c. Minimum Setback
Complex signs shall be setback at least ten (10) feet unless attached to a wall or fence.
 - d. Maximum Height
The maximum height of a complex sign shall not exceed the height shown in the table below.

Street Type	Maximum Height of Sign
Minor street (see Sec. 12.3.4)	10 feet
Connector street (see Sec. 12.3.4)	10 feet
Arterial street (see Sec. 12.3.4)	16 feet
Controlled access road (see Sec. 12.3.4)	24 feet

e. Illumination

Direct or indirect illumination shall be permitted.

f. Structural Types Permitted

Complex signs ~~may~~ **shall** be detached **of the monument sign style, creative design styles may be considered via administrative deviation,** or attached to a wall or fence.

g. Maximum Number Permitted

~~One Two~~ complex signs per frontage **or up to two complex signs per frontage of 600 feet or more** are permitted on the periphery of the complex.

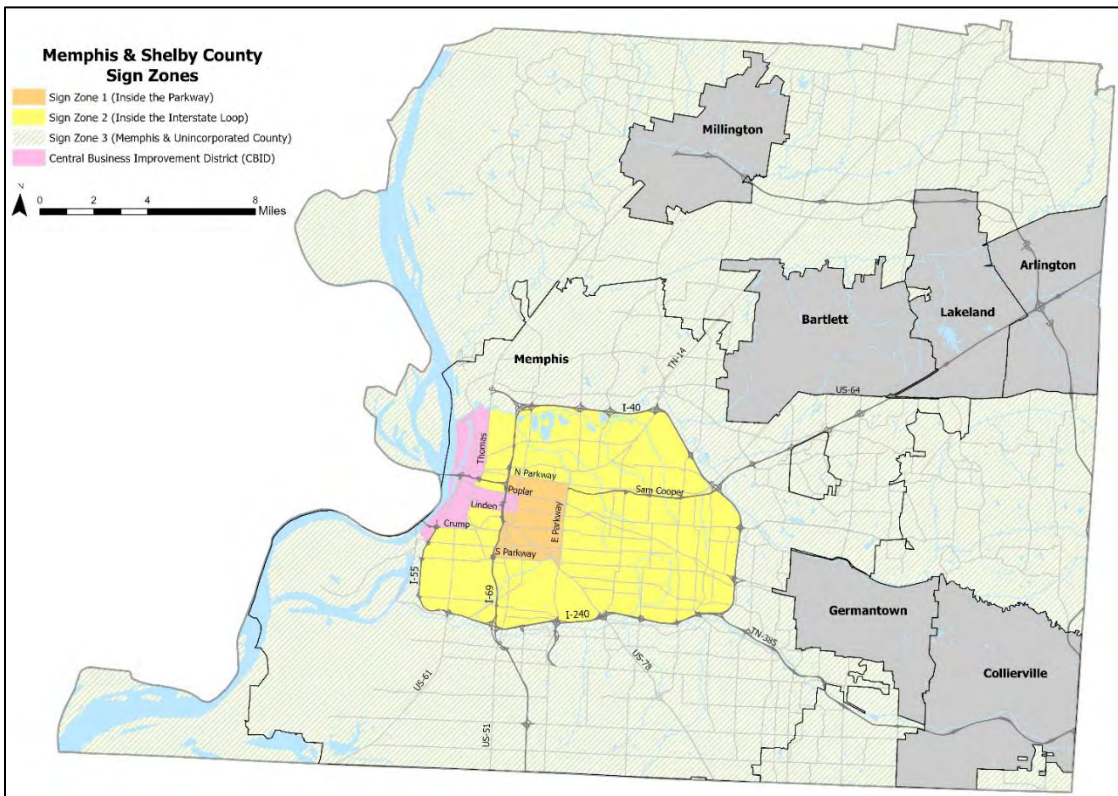
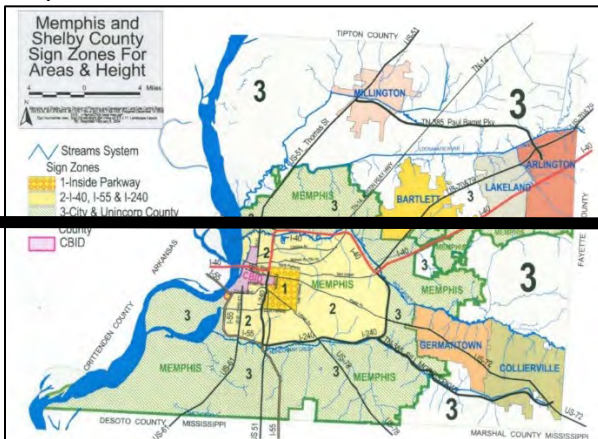
h. Electronic and Video Message Boards

Complex signs of the monument sign style for a project or complex containing a government use or school shall be allowed an electronic or video message board of 36 square feet maximum gross surface area by right. Additional square footage is allowed in accordance with the regulations of Items 4.9.6E(2)(g) or 4.9.6E(2)(h).

Replaces existing sign zones map with the above corrected version of the map.

4.9.7D(2)(b)

Map 3: Zones 1, 2 and 3



This revision prohibits planned developments as an option to circumvent the off-premise sign locational requirements.

4.9.8G(7)

Off-premises signs shall not be permitted to be erected at any location within the City of Memphis and Shelby County except within those zoning districts that expressly allow off-premise signs, in locations where each portion of the installed sign is within 300 feet of U.S. Interstate Highways and the sign face is oriented toward such U.S. Interstate Highway. **In no instance shall an off-premise sign be allowed to circumvent this requirement as a permitted use within a planned development.**

Adds new condition to add to final plats with private street requiring that said streets be maintained in a state of good repair and includes examples what constitutes distressed conditions.

5.2.17D

Maintenance

1. The final plat shall be conditioned as follows:
 - ~~1.a.~~ Require perpetual maintenance of private streets by a property owners association to the same standards as connecting public streets for the safe use of persons using the streets; and
 - b.** State that the City or County has absolutely no obligation or intention to ever accept such streets as public right-of-way.
- 2. Private streets shall be maintained in a state of good repair and free from distressed conditions such as cracking, depressions, potholes, rutting, swelling, and weathering.**

These revisions require approval by the City or County Engineer of sanitary sewer system designs.

5.3.3B

1. All new public sanitary sewer systems shall be designed to conform to the City's Engineering Design and Policy Manual, **approved by the City or County Engineer,** and constructed in accordance with the City Standard Construction Specifications.
2. If lift stations and/or force mains are required, the applicant shall be responsible for installation. All proposed lift stations and/or force mains shall be evaluated on a case-by-case basis **by the City or County Engineer.**
3. For subdivisions designed without access to public sanitary sewer, the developer shall provide a high intensity soils map certified by a State of Tennessee licensed soil scientist as a supplement to the preliminary plan submission. The soils map shall be drawn at a scale of one-inch equals one hundred feet (1'=100') or a larger scale suitable to the size of development if authorized by the Zoning Administrator. The soils map shall illustrate the proposed location of two (2) disposal field bed areas in addition to the location of any principal and accessory uses. Principal and accessory uses are not permitted within the disposal bed area. All disposal field bed areas shall remain undisturbed so that each area can be used for the proper installation of the subsurface sewage disposal system.
4. **Prior to the issuance of any building permit, the applicant shall be required to show that City or County Engineering has approved all sanitary sewer design, connections, lift station, or force main requirements, if applicable.**

Updates responsibilities and responsible agencies regarding Tree Bank Administration.

6.1.3B(3)

Tree Bank Administration

- a. Funds which are contributed to the tree bank will be distributed by the Zoning Administrator. The Zoning Administrator shall consult with the ~~Shelby County Environmental Improvement Committee and/or the Memphis City Beautiful Commission, whichever is appropriate,~~ Memphis and Shelby County Office of Sustainability and Resilience prior to approval of any distribution of tree bank funds.
- b. Expenditure of the funds shall be for program planning, planting public trees, or ~~and may be used for~~ recognition and preservation of trees designated as public trees through a heritage tree program.
- c. A heritage tree program may be developed by one or more of the following agencies:
 - 1. The Memphis Parks Department;
 - 2. The Shelby County Conservation Board;
 - 3. The Memphis City Beautiful Commission; or
 - 4. ~~The Shelby County Environmental Improvement Committee~~ Memphis and Shelby County Office of Sustainability and Resilience.

Removes maximum density requirements from the South Main (SM) District. This is within the urban core of Memphis where residential density is appropriate, desired, and contextually compatible.

7.2.2E(2)

- 2. Maximum Density: **None**
 - a. ~~For new residential construction — 40 dwelling units per acre.~~
 - b. ~~For mixed use developments — 60 dwelling units per acre~~
 - c. ~~For existing buildings — None~~

This change prohibits a drive-in restaurant as a permitted used within the Mixed Use (MU) District. A drive-in restaurant does not align with the pedestrian-oriented intent of the district.

7.3.11

USES PERMITTED	MDR	HDR	MU	UH	ULI
Restaurant, drive-in			✕	P4	X

These revisions allow Civic uses permitted by right in the applicable underlying zoning district to remain permitted by right instead of classifying them as non-conforming uses. This resolves the need for a variance request or the deletion of an existing section of residential corridor that many existing places of worship within residential corridors experience when proposing any new construction.

8.5.1

Purpose

A Residential Corridor Overlay District (-RC) serves as an additional layer of land use control that prohibits

approval of nonresidential development (with the exception of certain ~~eCivic and institutional~~ uses) within 200 feet on either side of a designated roadway. This designation is intended to provide protection against encroachment of nonresidential uses along a designated Residential Corridor.

8.5.2

Overlay Restrictions

- A. All land fronting the designated Residential Corridor, for a depth of 200 feet, shall not be eligible for rezoning to a mixed use or nonresidential district **or nonresidential planned development** nor shall such land be eligible for a change in use from a residential use to a nonresidential use. Certain ~~eCivic and institutional~~ uses may be permitted **by right or** through the special use process (see **subject to permitted uses of Section 2.5.2 and provisions of Chapter 9.6**).
- B. Rezoning to OG, CMU-1, CMU-2, CMU-3, CBD, CMP-1, CMP-2, EMP, WD, or IH shall be specifically prohibited and no special use permits for uses other than those outlined above shall be considered.
- C. All nonresidential uses along a Residential Corridor, with the exception of certain ~~civic~~ **Civic and institutional** uses permitted **by right or** through the special use process, are nonconforming uses. Nonconforming uses along a designated Residential Corridor shall be subject to the provisions of Article 10, Nonconformities.
- D. The preferred housing type adjacent to a designated Residential Corridor is a single-family detached structure, or, where appropriate, a large home.

This overlay does not exist anywhere with the City of Memphis or unincorporated Shelby County and has been deemed unnecessary due to its lack of use since creation.

8.10

~~TRANSITIONAL OFFICE OVERLAY (TO)~~ **RESERVED**

Entire Chapter Deleted

This overlay does not exist anywhere with the City of Memphis or unincorporated Shelby County and has been deemed unnecessary due to its lack of use since creation.

8.11

~~NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NC)~~ **RESERVED**

Entire Chapter Deleted

The various revisions within the Wellhead Overlay are not considered substantial changes to the content of the overlay but provide clarification, consistent terminology, correct formatting issues, etc. All revisions come from the final version of the adopted version of the Wellhead Overlay Ordinance that were not reflected in the UDC accurately.

8.12

WELLHEAD OVERLAY PROTECTION DISTRICT

Various Minor Updates/Corrections

These revisions reflect process changes to street name changes within the UDC to align with Memphis City Council Ordinance number 5759 and requested to be adopted into the UDC by resolution of the Memphis City Council on September 12, 2023.

9.1.2

C. Review Authority

With respect to this development code, the Land Use Control Board reviews and makes recommendations regarding:

- 1. Text amendments;
- 2. Zoning changes;
- 3. Comprehensive rezonings;
- 4. Special uses and special use amendments;
- 5. Planned development outline plan and amendments;
- 6. **Street Name Change**;
- ~~6.~~ **7.** Right-of-way vacation;
- ~~7.~~ **8.** Right-of-way dedication; and
- ~~8.~~ **9.** Historic district designation.

D. Final Authority

With respect to this development code, the Land Use Control Board shall be responsible for final action (subject to appeal) regarding:

- 1. Planned development major modifications;
- 2. Special use major modifications;
- 3. Major preliminary plans;
- 4. Resubdivision;
- ~~5.~~ ~~Street name change~~;
- ~~6.~~ **5.** Plat of record vacation; and
- ~~7.~~ **6.** Special exceptions.

9.2.2

	Land Use Control Board	Governing Bodies
Street Name Change	D <u>RR</u>	<u>A</u> <u>D</u>

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

RR = Review & Recommendation

A = Appeal

9.3.4A

	Governing Bodies
Street Name Change	PH <u>AO</u>

PH = Public Hearing

PH-AO = Public Hearing Upon Appeal or Objection Only (see Section 9.2.2)

9.10.1C

C. The governing bodies shall have the authority to change the name of a street by adoption of an ordinance and shall not be subject to a public hearing and recommendation by the Land Use Control Board. An application shall be submitted to the Zoning Administrator prior to adoption of a street name change on first reading by the governing body.

9.10.3B

The Land Use Control Board shall make a ~~decision~~ **recommendation** on the application after deliberation and prior to the close of the public hearing. The Land Use Control Board may, prior to the close of the public hearing, take the matter under advisement or defer decision in accordance with Sub-Section C below.

9.10.4

Governing Body Action

- A. ~~Appeals of the Land Use Control Board may be made to the governing bodies by an individual who was either present at the Land Use Control Board meeting and made a vocal objection or submitted written comments to the Division of Planning and Development prior to the Land Use Control Board meeting. A written notice of appeal shall be filed with the Zoning Administrator within 14 days after the date of the close of the public hearing.~~ **Within 21 days following the Land Use Control Board public hearing, the Zoning Administrator shall forward the completed request and any related materials, including the Land Use Control Board recommendation, to the governing bodies for final action.**
- B. **Street name changes initiated by the governing bodies shall be subject to a public hearing and public notice in accordance with Section 9.3.4, Public Hearings and Notification** ~~The Zoning Administrator shall forward the Land Use Control Board's decision on any appeal to the appropriate governing body within 21 days of the close of the public hearing.~~

The right-of-way vacation and dedication governing bodies asterisks are being struck here to match the text of Sub-Sections 9.8.5B and 9.9.5B which require a public hearing with mailed notice.

9.2.2

	Governing Bodies
Right-of-Way Vacation	D*
Right-of-Way Dedication	D*

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

This revision will require mailed public notice sent to owners within a 500-foot radius of the subject property for special use permit and planned development major modifications.

9.3.4A

Owners within 500 Ft. Radius¹

Special Use Major Modifications

■

P.D. Major Modifications

■

■ = Public Notice Sent To

This revision is a clarification to the intent of the previous modification of this clause within ZTA 22-1. This clarifies that the changing of uses within PDs via major modification is limited to “trading” within the Residential, Civic, commercial, Industrial, and Open use classifications of the use chart (Section 2.5.2), i.e. one could not propose to trade a permitted Civic principal use to allow an unpermitted Residential principal use as the principal uses are not within the same use classification of Section 2.5.2.

9.6.11E(2)(e)

Changing the permitted uses in a planned development may be processed as a major modification if uses of a lower classification are being changed to uses of a higher classification, but only within the same ~~Use Category~~ **use classification** of Section ~~pursuant to Chapter 2.5~~ **2.5.2 (Residential, Civic, Commercial, Industrial, Open)**. The Zoning Administrator shall determine whether a proposed use is of a higher classification as compared to the existing use on a case-by-case basis.

*This revision adds **drainage, sanitary sewer** to items required to be dedicated and improved as part of a subdivision final plat.*

9.7.2A

A final plat shall require the dedication and improvement of necessary public facilities to provide adequate public streets, sidewalks, **drainage, sanitary sewer**, or other public infrastructure for the development.

This revision clarifies that the minimum required acreage cannot be located within the 100-year floodplain, while anything beyond the minimum required acreage could be within the 100-year floodplain.

9.7.8E(6)

Any plat with a lot or lots not connected to a sanitary sewer system shall include the following note:

“The Shelby County Health Department plat approval only verifies that each lot meets the Shelby County 2-acre (or 4-acre for lots with a well) minimum and **that the 2-acre (or 4-acre for lots with a well) minimum portion containing septic** ~~the lot~~ is not located in the 100-year floodplain. This is not an approval of a septic system on any one lot. The lot owner must apply for a septic installation permit with the Shelby County Health Department. In order to ensure the lot is suitable for a septic system, a TN registered soil scientist must assess and map the soils on the lot. Additionally, the owner should determine if any topographic aspects of the lot will or may

negatively impact the installation of a septic system.”

This revision allows City or County Engineering review of special district administrative site plans when deemed appropriate by the Zoning Administrator in addition to the circumstances in which it is always required. Note this change matches the change in ZTA 22-1 which added the same language to Item 9.12.3B(3)(e) which is within the “Administrative Site Plan Review” chapter while this proposed revision is within the “Special District Administrative Site Plan Review” chapter.

9.13.4D(5)

5. Any development deemed appropriate by the Zoning Administrator.

This revision increases the administrative authority for setback encroachments from 10 to 20% and eliminates the limitation regarding platted setbacks, subject to the administrative deviation approval criteria.

9.21.2A(1)

Setback encroachment – increase or decrease of up to ~~10~~ **20%** of the maximum permitted setback and increase of up to ~~10~~ **20%** of the minimum permitted setback. ~~The Zoning Administrator is not authorized to grant an administrative deviation for encroachments into setbacks indicated on a subdivision plat or planned development final plan, unless otherwise conditioned by the subdivision plat or planned development plan. Any encroachments into these setbacks must be approved by the Board of Adjustment (see Sub-Section 3.2.9F).~~

This revision allows lot size and width reductions of up to 10%, subject to the administrative deviation approval criteria.

9.21.D

D. Lots

- 1. Lot size – reduction of up to 10% of minimum required lot size**
- 2. Lot width – reduction of up to 10% of minimum required lot width.**

The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1. While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 20 days. This revision would also apply to 9.23.1C(2) - this specific clause was missed in the previous text amendment.

9.3.4D(1)

Where mailed notice is required, notification shall be mailed not more than 45 or less than ~~25~~ **20** days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.

9.23.1C(2)

Not less than 28 or more than 63 days after a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. In the case of

appeals to the Land Use Control Board, not less than 35 or more than 75 days after a notice of appeal is filed, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. For appeals taken by non-property owners, the Division of Planning and Development shall provide notice of the appeal to the property owner by mail and any other reasonable means available no less than ~~10~~ 20 days prior to the date of the public hearing by the Board of Adjustment.

These revisions allow sales to be calculated on a non-annual basis.

12.3.1

BAR: Any establishment primarily in the business of the sale of alcoholic beverages for on-premises consumption and possessing the appropriate licenses for such and where the sale of prepared food-stuffs and other non-alcohol related sales account for 40% or less of the establishment's sales income. For regulatory purposes of this code the following terms are synonymous with "Bar": "Cocktail Lounge", "Nightclub", and "Tavern".

RESTAURANT: An establishment where food is available to the general public primarily for consumption within a structure on the premises and/or which is by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged. Alcoholic beverages shall not constitute more than 60% of the annual establishment's sales ~~at a restaurant~~.

This revision clarifies if any residential units are on a portion of the ground floor that they must be designed to accommodate a future conversion to commercial or office space.

12.3.1

UPPER-STORY RESIDENTIAL: Any residential unit located on any floor above a ground floor nonresidential use, all or a portion of which shall be commercial or office space open to the general public. **Any residential unit located on the ground floor shall not have a raised foundation and must have a minimum floor to floor height of 14 feet.**

These revisions clarify various signage related terminology.

12.3.4

COPY: Any message or image related to a product or service of entity offered or located on the same premise for on-premise signs or located on a premise other than the location of the sign for off-premise signs. Copy shall not include the name of the operator or owner of the sign, nor any messaging related to the sale or lease of the sign or property.

DIGITAL TECHNOLOGY: See video technology.

SIGN FACE: the gross surface areas of a sign as defined in Sub-Section 4.9.6A of this Code.

LETTERS RECEIVED

Thirty-one (31) letters were received at the time of completion of this report and have subsequently been attached.

Ragsdale, Brett

From: Brent Nair <bnairuni87@gmail.com>
Sent: Sunday, March 31, 2024 11:21 AM
To: Ragsdale, Brett
Subject: Opposing ZTA24-2

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: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted.

Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods.

The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak.

Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.


The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Sincerely,

Brent Nair
Idlewild Neighborhood
2083 Vinton

Ragsdale, Brett

From: Carmen Blair <myblair_chele@yahoo.com>
Sent: Tuesday, April 2, 2024 12:27 PM
To: Ragsdale, Brett
Subject: Re-ZTA-24-2

 The CoM EmailSecurity System couldn't recognize this email as this is the first time you received an email from this sender myblair_chele@yahoo.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.

TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted. Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods.

The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak.

Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,

[Yahoo Mail: Search, Organize, Conquer](#)

University Neighborhoods Development Corporation
578 S. Highland St.
Memphis, TN 38111
undcmemphis.org

April 2, 2024

Land Use Control Board

Re: ZTA 24-2

Attn: Brett Ragsdale brett.ragsdale@memphistn.gov

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, The University District Comprehensive Plan was the result of a partnership among the City of Memphis, the University District, Inc., the University Neighborhoods Development Corporation, the University of Memphis, the University District Business Alliance and the Highland Area Renewal Corporation.

While some of the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted.

Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

Thank you,
Cody Fletcher
University Neighborhoods Development Corporation (UNDC)



TO: Land Use Control Board

Re: ZTA 24-2

ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted.

Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is DPD allowing citizens less say and influence in their immediate neighborhoods.

The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak.

Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Thank you,
D'Andrea "Dee" Franklin
Binghampton Development Corporation

To: Land Use Control Board
Re: ZTA 24-2
Attn: brett.ragsdale@memphistn.gov

Land Use Control Board:

I oppose the following changes to the 2024 Zoning Text Amendment:

1.9D-- **I am a resident of the Glenview neighborhood**, and I am opposed to having our plan removed from the UDC. That plan was created by our neighbors, along with the city and county division (Landmarks) and our neighborhood is benefitting from that plan now. We do not want our voice removed.

3.3.18-- I am opposed to allowing "open space" to be considered as frontage, even in a subdivision. I do not agree with granting the requested authority to the Zoning Administrator and I want each lot to have frontage on a public street or an approved private drive, end of sentence.

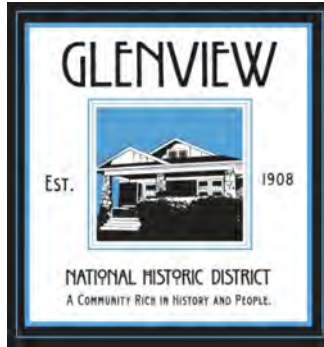
9.21.2A(1)—I do not agree with giving DPD the authority to grant 20% setback encroachments, and I do not want to eliminate the limitation regarding platted setbacks, subject to the administrative deviation approval criteria. Notice should be sent to neighbors abutting and adjoining, and if there is objection, the neighbors should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.21.D—I do not want to grant authority to the Zoning Administrator to make these reductions. Notice should be sent to neighbors/property owners abutting and adjoining, and if there is objection, the neighbors/property owners should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.3.4D(1) and 9.23.1C(2)—I am opposed to having my public notice for public hearings cut by ten days. Please allow the USPS due time.

Thank you,

Earlice Taylor
1663 Glenview Ave
Memphis, TN 38106
Glenview Historic District



GLENVIEW-EDGEWOOD MANOR AREA ASSOCIATION, INC
P. O BOX 140664 MEMPHIS, TN 38114

March 18, 2024

To: Land Use Control Board
Re: ZTA 24-2
Attn: brett.ragsdale@memphistn.gov

Land Use Control Board:

I oppose the following changes to the 2024 Zoning Text Amendment:

1.9D-- **I am a resident of the Glenview neighborhood**, and I am opposed to having our plan removed from the UDC. That plan was created by our neighbors, and our neighborhood is benefitting from that plan now. We do not want our voice removed.

3.3.18-- I am opposed to allowing "open space" to be considered as frontage, even in a subdivision. I do not agree with granting the requested authority to the Zoning Administrator and I want each lot to have frontage on a public street or an approved private drive, end of sentence.

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9.3.4D(1) and 9.23.1C(2)—I am opposed to having my public notice for public hearings cut by ten days. Please allow the USPS due time.

Thank you,

Eartha Reaves
1689 Kendale Ave
Memphis, TN 38106
Glenview Historic District

Ragsdale, Brett

From: Emily Oppenheimer <emoppenheimer@gmail.com>
Sent: Monday, April 1, 2024 4:40 PM
To: Ragsdale, Brett
Subject: ZTA 24-2



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender: emoppenheimer@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.

To Mr. Ragsdale and the LUCB,

I am writing to express my fervent opposition to some of the Zoning Text Amendment changes promoted by the DPD. It is my opinion that these changes diminish my voice and input as a proud member of my neighborhood, Annesdale Park, and those of my neighbors and fellow Memphians. In Annesdale Park and many similar neighborhoods, we, the homeowners, have established neighborhood plans that create cooperative visions of how we want our neighborhoods to look and feel. I believe many of these proposed changes are pro-developer and NOT pro-neighborhood.

I vehemently object to the following proposed changes:

1.9 D: I oppose the removal of our neighborhood plans. We have intentionally bought into the neighborhoods we choose to live in, and the shared visions and plans created by my neighborhood and other neighborhoods should be honored and respected by the city, the DPD, and the LUCB.

9.21.2A(1) & 9.22D: DPD's administrative authority should not be increased to approve projects without public/homeowner notification. Homeowners should maintain their right to be notified and to speak or submit comments at public hearings.

Please conduct your business on behalf of the citizens and neighbors who make these neighborhoods sought-after places to be, and not on behalf of the developers that seek to profit off them through their brief engagement in short-term building projects.

HOMEOWNERS DESERVE TO BE THE LOUDEST VOICES IN OUR NEIGHBORHOODS. WE LIVE HERE. WE BOUGHT HERE. WE WILL STAY HERE. OUR VISIONS AND VOICES SHOULD BE RESPECTED.

Thank you,
Emily Oppenheimer

Annesdale Park Neighborhood Association - Vice President
901-238-1547

To: Land Use Control Board
Re: ZTA 24-2
Attn: brett.ragsdale@memphistn.gov

Land Use Control Board:

I oppose the following changes to the 2024 Zoning Text Amendment:

1.9D-- **I am a resident of the Glenview neighborhood**, and I am opposed to having our plan removed from the UDC. That plan was created by our neighbors, along with the city and county division (Landmarks) and our neighborhood is benefitting from that plan now. We do not want our voice removed.

3.3.18-- I am opposed to allowing "open space" to be considered as frontage, even in a subdivision. I do not agree with granting the requested authority to the Zoning Administrator and I want each lot to have frontage on a public street or an approved private drive, end of sentence.

9.21.2A(1)—I do not agree with giving DPD the authority to grant 20% setback encroachments, and I do not want to eliminate the limitation regarding platted setbacks, subject to the administrative deviation approval criteria. Notice should be sent to neighbors abutting and adjoining, and if there is objection, the neighbors should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.21.D—I do not want to grant authority to the Zoning Administrator to make these reductions. Notice should be sent to neighbors/property owners abutting and adjoining, and if there is objection, the neighbors/property owners should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.3.4D(1) and 9.23.1C(2)—I am opposed to having my public notice for public hearings cut by ten days. Please allow the USPS due time.

Thank you,

Earlene Holloway
1734 Foster Ave
Memphis, TN 38114
Glenview Historic District

Ragsdale, Brett

From: Esther Gordon <esthergordon98@gmail.com>
Sent: Monday, April 1, 2024 2:16 PM
To: Ragsdale, Brett
Subject: Land use control board Re: ZTA 24-2



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender esthergordon98@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.

TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale

LUCB: I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them. 1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners. While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted. Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain. 9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods. The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak. Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD. The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,
Esther Gordon
Central Gardens

Ragsdale, Brett

From: Hunter Oppenheimer <hunteropp@gmail.com>
Sent: Monday, April 1, 2024 4:46 PM
To: Ragsdale, Brett
Subject: Re: ZTA 24-2

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.

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

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The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Thank you,
HUNTER OPPENHEIMER
DLEWILD NEIGHBORHOOD

Ragsdale, Brett

From: skyward_hackle_03@icloud.com
Sent: Wednesday, April 3, 2024 7:00 AM
To: Ragsdale, Brett
Subject: ZTA 2024-002



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender: skyward_hackle_03@icloud.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.

Dear Mr. Ragsdale and Land Use Control Board Members,

I write to you regarding the proposed ZTA 2024-002, with a respectful request to consider the long-term implications of these zoning text amendments on our cherished neighborhoods.

1.9D — Preservation of Neighborhood Plans:

The Department of Planning and Development's (DPD) proposal to remove established neighborhood plans from the Unified Development Code (UDC) is a matter of great concern.

The neighborhood plans for VECA (Vollintine-Evergreen), Glenview, and Rozelle-Annesdale have been instrumental in fostering community spirit and guiding development towards increasing homeownership and revitalization. While the data underpinning these plans may have aged, the goals they set forth remain as pertinent as ever. To remove these plans from the UDC is to sever the vital link between our community's vision and the zoning laws that shape our environment. It is to disregard the voices that have, for over two decades, contributed to the fabric of our neighborhoods.

These plans, often developed in collaboration with DPD and City Council, reflect the aspirations and concerted efforts of our communities. They are not merely documents but are the embodiment of our neighborhoods' identities and futures.

12.3.1 Definition of LUMBERYARD — and Sawmill:

Sawmills, by their very nature, involve processes that are industrial in scale and impact, and thus, should not be conflated with lumberyards. Furthermore, the reclassification of sawmills under the definition of lumberyards poses a significant threat to the residential quality of life. The distinction between the two is not merely semantic but has real-world implications on noise, air quality, and the safety of our neighborhoods.

9.3.2B(1), 9.3.4D(1), & 9.23.1C(2)— Public Notification and Involvement:

While we appreciate the efforts of DPD to keep us informed via email, it is imperative that formal notifications continue to be mailed. The sections of the UDC concerning public notice and involvement are foundational to a democratic process. This ensures that every member of our community, regardless of their access to digital communication, is informed and has the opportunity to participate in the decision-making process that affects our daily lives.

Let us not make hasty decisions that could undermine the very essence of what makes our neighborhoods vibrant and unique. Please, I urge the DPD and LUCB to uphold the principles of good urban planning, community engagement, and inclusivity.

Sincerely,

Ragsdale, Brett

From: Jef <jef.fowler.atx@gmail.com>
Sent: Tuesday, April 2, 2024 8:31 AM
To: Ragsdale, Brett
Subject: ZTA 24-2 Opposition



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender jef.fowler.atx@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.

Land Use Control Board (via Brett Ragsdale),

Please register this Memphis homeowner's opposition to the ZTA 24-2 proposals 1.9D, 9.21.2A(1), and 9.22D which would serve to increase the authority of the Dept. of Planning and Development at the expense of my fellow Memphis citizens/neighbors and me.

Thank you,
James Fowler
Vollintine Evergreen

Ragsdale, Brett

From: Jane Jeffrey <jjeffrey1@mac.com>
Sent: Tuesday, April 2, 2024 8:52 AM
To: Ragsdale, Brett
Cc: dlyleswallace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com; mwsharp@bellsouth.net; sfleming@flemingarchitects.com; brown@gillprop.com; Tolesassoc@aol.com
Subject: ZTA 2024-002

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TO: Land Use Control Board (LUCB)

Re: ZTA 2024-002

ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

CC: dlyleswallace@comcast.net, jmckinnoncre@gmail.com, jenniferbethoconnell@gmail.com, dkthomas@gotci.com, lisa@ethridgeenterprises.com, mwsharp@bellsouth.net, sfleming@flemingarchitects.com, brown@gillprop.com, Tolesassoc@aol.com

Dear Mr. Ragsdale and Land Use Control Board Members:

I write to you regarding the proposed ZTA 2024-002, with a respectful request to consider the long-term implications of these amendments on our cherished neighborhoods. The Department of Planning and Development's (DPD) proposal to remove established neighborhood plans from the Unified Development Code (UDC) is a matter of great concern. These plans, often developed in collaboration with DPD and City Council, reflect the aspirations and concerted efforts of our communities. They are not merely documents but are the embodiment of our neighborhoods' identities and futures.

1.9D — Preservation of Neighborhood Plans:

The neighborhood plans for Glenview, Rozelle-Annesdale, and VECA (Vollintine-Evergreen) have been instrumental in fostering community spirit and guiding development towards increasing homeownership and revitalization. While the data underpinning these plans may have aged, the goals they set forth remain as pertinent as ever. To remove these plans from the UDC is to sever the vital link between our community's vision and the zoning laws that shape our environment. It is to disregard the voices that have, for over two decades, contributed to the fabric of our neighborhoods.

12.3.1 Definition of LUMBERYARD— and Sawmill:

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9.3.2B(1), 9.3.4D(1), & 9.23.1C(2)— Public Notification and Involvement:

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In conclusion, I urge the DPD and LUCB to uphold the principles of transparency and inclusivity. Let us not make hasty decisions that could undermine the very essence of what makes our neighborhoods vibrant and unique. Instead, let us work together to ensure that any changes to the UDC are reflective of the collective will and wisdom of our communities.

Respectfully,
Jane E. Jeffrey
Vollintine-Evergreen

Ragsdale, Brett

From: Jennifer Sanders <jjeclat@gmail.com>
Sent: Wednesday, April 3, 2024 6:42 AM
To: dlyleswallace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com; mwsharp@bellsouth.net; sfleming@flemingarchitects.com; brown@gillprop.com; Tolesassoc@aol.com; Ragsdale, Brett

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

Dear Mr. Ragsdale and Land Use Control Board Members:

I write to you regarding the proposed ZTA 2024-002, with a respectful request to consider the long-term implications of these amendments on our cherished neighborhoods. The Department of Planning and Development's (DPD) proposal to remove established neighborhood plans from the Unified Development Code (UDC) is a matter of great concern. These plans, often developed in collaboration with DPD and City Council, reflect the aspirations and concerted efforts of our communities. They are not merely documents but are the embodiment of our neighborhoods' identities and futures.

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Respectfully,
Jennifer Sanders
Vollintine Evergreen Neighborhood

Ragsdale, Brett

From: Judi Shellabarger <jshellab@comcast.net>
Sent: Friday, March 22, 2024 9:42 AM
To: Ragsdale, Brett
Subject: New zoning for trees under and near lines

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.

Brett,

While I understand the why of the new tree zoning proposal, it is not practical nor will home owners follow. It is past time for MLGW to update our grid with underground wiring. The streets are open for new sewer lines all over midtown. Verizon has had streets open for the 5G network. They COULD work with other groups.

The Memphis Tree Board proposed an updated tree list for MLGW to put on their website and use as replacement trees when they take a tree down. As of last week, it is still not up on their website. That needs to come first as a planting guide.

The new tree guideline measurements are too far from sidewalk or back alley to be practical. They put trees right against a home.

As a group, we are against these need guidelines. The measurements need to be adjusted. Alleyways need to be mowed every three weeks to keep growth down.

We need new trees for our canopy. Big trees to cool homes and reduce utility usage.

Thank you for your time.

Judi Shellabarger Cooper-Young Historic District Arboretum
Sent from my iPad

Ragsdale, Brett

From: Katherine Larsha <klarsha@yahoo.com>
Sent: Tuesday, April 2, 2024 8:48 AM
To: Ragsdale, Brett; dlyleswallace@comcast.net; jmckinnoncre@gmail.com;
jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com;
mwsharp@bellsouth.net; sfleming@flemingarchitects.com; brown@gillprop.com;
Tolesassoc@aol.com
Subject: Land Use Control Board (LUCB) Re: ZTA 2024-002 ATTN: Brett Ragsdale



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender klarsha@yahoo.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.

Dear Mr. Ragsdale and Land Use Control Board Members:

I write to you regarding the proposed ZTA 2024-002, with a respectful request to consider the long-term implications of these amendments on our cherished neighborhoods. The Department of Planning and Development's (DPD) proposal to remove established neighborhood plans from the Unified Development Code (UDC) is a matter of great concern. These plans, often developed in collaboration with DPD and City Council, reflect the aspirations and concerted efforts of our communities. They are not merely documents but are the embodiment of our neighborhoods' identities and futures.

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Respectfully,
Katherine Larsha
VECA

[Sent from Yahoo Mail for iPhone](#)

Ragsdale, Brett

From: Scott McDermott <scott.mcdermott209@gmail.com>
Sent: Monday, April 1, 2024 4:11 PM
To: Ragsdale, Brett
Cc: Scott McDermott
Subject: Land Use Control Board - ZTA 24-2

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.

ATTN: Brett Ragsdale:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them. 1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners. While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted. Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain. 9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods. The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak. Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD. The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD. Thank you,

Kevin McDermott
1827 Mignon Ave, Memphis, TN 38107
VECA. - Vollintine Evergreen Neighborhood

Ragsdale, Brett

From: Lauren Kenworthy <lkenworthy36@gmail.com>
Sent: Monday, April 1, 2024 12:14 PM
To: Ragsdale, Brett
Subject: ZTA proposals



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender kenworthy36@gmail.com

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No
TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

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Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,
Lauren Kenworthy
Idlewild Historic District
Sent from my iPhone

Ragsdale, Brett

From: Linda Williams <pratfall3@yahoo.com>
Sent: Monday, April 1, 2024 2:30 PM
To: Ragsdale, Brett
Subject: Re: ZTA 24-2



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender: pratfall3@yahoo.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.

To the Land Use Control Board
Attention: Brett Ragsdale
April 2, 2024

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

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Thank you,
Linda Williams
Secretary of the Rozelle-Annesdale Area Association

Ragsdale, Brett

From: Mable Johnson <mablejohnson737@gmail.com>
Sent: Wednesday, April 3, 2024 6:49 AM
To: Ragsdale, Brett; tolesassoc@aol.com; dlyleswallace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com; mwsharp@bellsouth.net; sfleming@flemingarchitects.com; brown@gillprop.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.

Dear Mr. Ragsdale and Land Use Control Board Members:

I write to you regarding the proposed ZTA 2024-002, with a respectful request to consider the long-term implications of these amendments on our cherished neighborhoods. The Department of Planning and Development's (DPD) proposal to remove established neighborhood plans from the Unified Development Code (UDC) is a matter of great concern. These plans, often developed in collaboration with DPD and City Council, reflect the aspirations and concerted efforts of our communities. They are not merely documents but are the embodiment of our neighborhoods' identities and futures.

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Respectfully,
Mable Johnson
Vollintine Evergreen Neighborhood

Ragsdale, Brett

From: Michael Pongetti <Michaelpongetti@outlook.com>
Sent: Wednesday, April 3, 2024 5:32 AM
To: Ragsdale, Brett
Subject: Opposition



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender Michaelpongetti@outlook.com

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LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

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Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Thank you,
Michael Pongetti
533 Diana St
Memphis, TN 38104
Idlewild National Historic District



TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

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EXECUTIVE COMMITTEE

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Karen Lebovitz

Karen Edwards

Sterling Owens



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Kerri Campbell

Chip Clay

Robert Gordon

Trace Hallowell

Jackie Nichols

Linda Sowell



66 S. Cooper St., Ste. 506
Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

Thank you,

Emily Bishop

Emily Bishop
President, MidtownMemphis.org



Robert Gordon
P&D Cmte Chair

Ragsdale, Brett

From: Natalia Wobst <natalia.wobst@gmail.com>
Sent: Tuesday, April 2, 2024 9:45 PM
To: Ragsdale, Brett
Subject: Re: ZTA 24-2

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ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

Dear Land Use Control Board:

We, as representatives of the board of Annesdale Park Neighborhood Association, are opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized.

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The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,

Annesdale Park Neighborhood Association

Natalia Wobst, President

Emily Oppenheimer, Vice President

Glenn Vault, Treasurer

Barbara Jennings, Secretary

Bert McElroy, Board Member

Jennifer Lewis, Board Member

Maegan Rusch, Board Member

David Brown, Board Member
Evalie Hill, Board Member

Ragsdale, Brett

From: Ramona Brawner <rbrawner@gmail.com>
Sent: Monday, April 1, 2024 8:59 AM
To: Ragsdale, Brett
Subject: ZTA 24-2 ATTN BRETT RAGSDALE



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender: rbrawner@gmail.com

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TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

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The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,

Ramona W. Brawner
VOLLINTINE-EVERGREEN NEIGHBORHOOD

Ragsdale, Brett

From: Rebecca Todd <rebeccagogetodd@gmail.com>
Sent: Tuesday, April 2, 2024 1:57 PM
To: Ragsdale, Brett
Subject: ZTA 24-2 - Land Use Control Board

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TO: Land Use Control Board

Re: ZTA 24-2

LUCB:

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The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Thank you,
Rebecca Todd
ASNA Resident and Homeowner
Cooper Young Neighborhood Homeowner
Edge District Commercial Property Owner

--

Becky Todd
(901) 870-5454 mobile
(901) 725-5625 office
(901) 272-0934 fax

Ragsdale, Brett

From: RENATE ROSENTHAL <renaterosenthal@comcast.net>
Sent: Monday, April 1, 2024 8:00 PM
To: Ragsdale, Brett
Cc: vecahistoric@gmail.com; RENATE ROSENTHAL
Subject: Opposition to Land Use Control Board Item ZTA 24-2

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

Dear Mr. Ragsdale,

The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are finally being realized. Home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize. VECA recently achieved Landmark status. There is a surge in home ownership and renovations, and young couples with children are moving in

The data that spurred the plans may be out of date, but the goals are still very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted. Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace the old ones. Until then, the voices of the neighborhood should remain.

What may seem a minor request – DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods. Currently, the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity. Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you.

Sincerely,

Renate Rosenthal, Ph.D.
2107 Hallwood Drive (Vollintine-Evergreen Historic Neighborhood)
Memphis TN 38107

Steve Redding
1554 Harbert Avenue
Memphis, Tennessee 38104

April 2, 2024

Memphis & Shelby County Land Use Control Board
Division of Planning and Development
125 N. Main Street, Room 468
Memphis, TN 38103

VIA EMAIL

RE: ZTA 24-2: Zoning Text Amendments

Dear Mr. Ragsdale & Members of the Land Use Control Board:

Most of the proposed zoning text amendments appear well in order. However, I do have questions or concerns with a few of the following UDC sections.

Regarding Section 1.9.D which removes a large number of neighborhood plans, have these plans been replaced by subsequent plans? Otherwise, with their removal, we might be negating community goals developed by neighborhoods in conjunction with the City.

Neighborhood oversight and the consequent right to speak before the LUCB are reduced by Sections 9.21.2A(1) and 9.21.D, each giving the Zoning Administrator greater authority over setbacks. Similarly, Sections 2.7.2D(1)(d) and 2.7.2D(6) ease restrictions on living area and setback for accessory dwelling units (ADUs). While expediency and streamlining LUCB processes are certainly worthy actions, the rights and input of those neighbors directly affected by zoning changes can be critical, and will yield a more effective and inclusive land use control process.

Section 4.6.5I limits the planting of trees within 25 or 40 feet of an overhead utility line. If I understand this correctly, it would prevent planting trees in many front or back yards. While I appreciate MLGW's issues with outages and tree trimming costs, I fear this amendment might significantly reduce our tree canopy over the next 25 to 50 years. Input and recommendations from urban foresters might be desirable before moving forward. I believe Nashville has worked with tree experts in this regard.

Thank you,

Steve Redding

Ragsdale, Brett

From: Susan Andrews <sm.andrews@live.com>
Sent: Monday, March 25, 2024 6:37 PM
To: Ragsdale, Brett
Cc: cyndygrivich@gmail.com; Mario Walker; mwinter@flemingarchitects.com; mlc.nstrong@gmail.com; Love@designlovestudio.com; brown@gillprop.com; Joy@eastwestpr.net; Cox, Joyce; fxboyd409@gmail.com; Memphis Mayor; officeofthemayor@shelbycountyttn.gov
Subject: ZTA 24-2

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After consideration of ZTA 24-2 proposed amendments, I have oppositions to the text as follows:

3.3.18-- I am opposed to allowing "open space" to be considered as frontage, even in a subdivision. I do not agree with granting the requested authority to the Zoning Administrator and I want each lot to have frontage on a public street or an approved private drive, end of sentence.

9.21.2A(1)—I do not agree with giving DPD the authority to grant 20% setback encroachments, and I do not want to eliminate the limitation regarding platted setbacks, subject to the administrative deviation approval criteria. Notice should be sent to neighbors abutting and adjoining, and if there is objection, the neighbors should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.21.D—I do not want to grant authority to the Zoning Administrator to make these reductions. Notice should be sent to neighbors abutting and adjoining, and if there is objection, the neighbors should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.3.4D(1) and 9.23.1C(2)—I am opposed to having my public notice for public hearings cut by ten days. Please allow the USPS due time.

Thank you,

Susan M. Andrews
2013 Courtland Pl
Idlewild Historic Neighborhood

Ragsdale, Brett

From: Terry Ryan <terry.ryan@draslovka.com>
Sent: Tuesday, April 2, 2024 7:33 AM
To: Ragsdale, Brett
Subject: ZTA 24-2



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender terry.ryan@draslovka.com

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LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted.

Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods.

The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak.

Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Thank you,
Terence Ryan
2015 Harbert ave.

The information transmitted by this email is intended only for the person or entity to which it is addressed. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the e-mail or any attachment is prohibited. If you have received this email in error, please notify us immediately by replying to the sender and then delete this copy and the reply from your system. Unless explicitly and conspicuously designated, this e-mail does not constitute a contract offer, a contract amendment, or an acceptance of a contract offer.

Ragsdale, Brett

From: Vaughan Dewar <vaughandewar@bellsouth.net>
Sent: Tuesday, April 2, 2024 2:55 PM
To: Ragsdale, Brett
Cc: Robert Gordon
Subject: Opposition to ZTA 24-2 Proposals

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Dewar Mr. Brett Ragsdale,

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted.

Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods.

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Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Thank you,
Vaughan Dewar

Leas Woods Neighborhood Representative

Ragsdale, Brett

From: VECA Communications <hello@veca.org>
Sent: Tuesday, April 2, 2024 9:43 PM
To: Ragsdale, Brett
Cc: dlyleswallace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com; mwsharp@bellsouth.net; sfleming@flemingarchitects.com; Brown Gill; Tolesassoc@aol.com; VECA Communications
Subject: ZTA 2024-002

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.

ATTN:

brett.ragsdale@memphistn.gov

CC: dlyleswallace@comcast.net, jmckinnoncre@gmail.com, jenniferbethoconnell@gmail.com, dkthomas@gotci.com, lisa@ethridgeenterprises.com, mwsharp@bellsouth.net, sfleming@flemingarchitects.com, brown@gillprop.com, Tolesassoc@aol.com

April 2, 2024

Dear Mr. Ragsdale and the Land Use Control Board Members,

We, the Vollintine Evergreen Community Association, write to express our deep concerns regarding the proposed zoning text amendments (ZTA 2024-002) scheduled for discussion and a vote at the Land Use Control Board on Thursday, April 11, 2024. Our community has thrived on the principles of civic engagement, neighborhood planning, and grassroots advocacy. The proposed amendments threaten to undermine these principles and the very fabric of our neighborhood's progress.

1.9D — Preservation of Neighborhood Plans:

The neighborhood plans for VECA (Vollintine Evergreen) Glenview, and Rozelle-Annesdale have been a cornerstone in our journey towards revitalization and increased homeownership. These plans, some over two decades old, are not outdated documents but living testaments to our community's aspirations. They have been crafted with the sweat and dedication of our residents, often in collaboration with the DPD and City Council. To remove these plans from the UDC is to silence the voices that have shaped our neighborhood's past and are guiding its future.

12.3.1 Definition of LUMBERYARD— and Sawmill:

A location where lumber and wood-related products used in construction are processed from raw logs or other wood or forest products, stored, or kept for sale. For the purposes of these regulations, locations where chemicals or high-temperature kilns are used in processing shall be classified as sawmills.

The proposed redefinition of 'lumberyard' to include operations akin to 'sawmills' is alarming. Sawmills have no place in or near residential areas, such as the proposed location at 1230 N. Watkins Street (PD 2023-025). The distinction between lumberyards and sawmills is critical to maintaining the residential quality of life. We strongly oppose any amendments that blur this line and potentially expose our community to undue industrial impact.

The presence of industrial operations like sawmills in residential areas affect property values negatively.

9.3.2B(1), 9.3.4D(1), & 9.23.1C(2)— Public Notification and Involvement:

The UDC's provisions for public notice and involvement are not mere formalities but the bedrock of community participation. While digital communications are valuable, they cannot replace the inclusivity of mailed notifications. Every resident deserves the right to be informed and involved, especially when decisions with lasting impacts on their lives are being made.

Limiting public notice to digital communications could exclude those without access to technology, leading to a less informed and less involved community, which undermines the democratic process.

In light of these concerns, we urge the DPD and LUCB to reconsider the proposed ZTA 2024-002. We advocate for a process that respects the voices of our neighborhoods, values the work invested in our community plans, and ensures that any changes to the UDC are made with the broadest possible consensus.

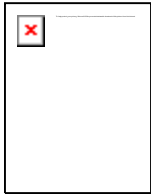
We urge the LUCB Commissioners to consider the negative impacts of the proposed zoning changes, highlighting how approval may undermine community input, lower property values, and weaken community ties. We stress the importance of collaboration and transparency in decision-making to strengthen community and city bonds.

We stand ready to engage in a constructive dialogue and work collaboratively towards solutions that honor the spirit and intent of our existing neighborhood plans.

Thank you for your attention to this matter.

Sincerely,

Vollintine Evergreen Community Association



veca.org

hello@veca.org

1680 Jackson Avenue
Memphis, TN 38107

**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 ZONING TEXT AMENDMENT APPLICATION

Date: 02/09/2024


Case/Docket #: ZTA 24-2

PLEASE TYPE OR PRINT

Applicant: Brett Ragsdale Phone #: 901-636-6619

Mailing Address: 125 N. Main St. Ste. 468 City/State: Memphis, TN Zip: 38103

Applicant Email Address: brett.ragsdale@memphistn.gov

 02/09/2024
Signature Date

Attachments: DRAFT Staff Report.
Note, this case will be heard at the April 11th LUCB meeting.

ZTA 24-2

Annual set of amendments to the UDC



Item 3: Pending Legislation

Revises pending legislation clause to match State law.

1.13.3E(2)

Pending Legislation. Any individual, board or body with authority to act upon the regulations of this Code ~~shall~~ **may not** consider pending text amendments to this Code and pending amendments to the Zoning Map, ~~provided the pending amendment(s) have been acted upon by the Land Use Control Board and by one or both governing bodies at second reading (see Chapter 9.4, Text Amendment and Chapter 9.5, Zoning Change)~~ **pursuant** to TCA 29-43-101.

Item 4: Commercial Mobile Communications Services (CMCS) Towers

Reincludes the CMCS tower height maximum of 200 feet with any tower over 200 feet requiring a special use permit.

Relocates the colocation general requirements so that they apply to all CMCS towers to require colocation when feasible in all situations, not only towers that require a special use permit.

2.6.21(2)(h)

Reserved Height

The maximum tower height to be submitted for approval under an administrative approval is 200 feet from ground level. Any tower over 200 feet will require a special use permit.

2.6.21(2)(m)

m. General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.
3. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.
4. Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.

Item 5: Mobile Food Preparation Vehicle

Defines mobile food trucks as principal uses in instances where they become permanent or stationary.

Mobile food trucks operating in residential zoning districts on a temporary basis will be required to obtain a special event permit.

2.8.2F

Except where operating in residential zoning districts under an issued special event permit, mobile food preparation vehicles that adhere to the provisions of Memphis Code of Ordinances Section 9-52-84, et. seq., or the Shelby County Code of Ordinances Chapter 8, Article XVI.

2.8.3G

Mobile Food Preparation Vehicles

Mobile Food Preparation Vehicles operating in a residential zone and adhering to the provisions of Memphis Code of Ordinances Section 9-52-84, et. seq., or the Shelby County Code of Ordinances Chapter 8, Article XVI.

2.9.4G

Restaurant Principal Uses List

Permanent/stationary food preparation vehicle (food truck or food trailer)

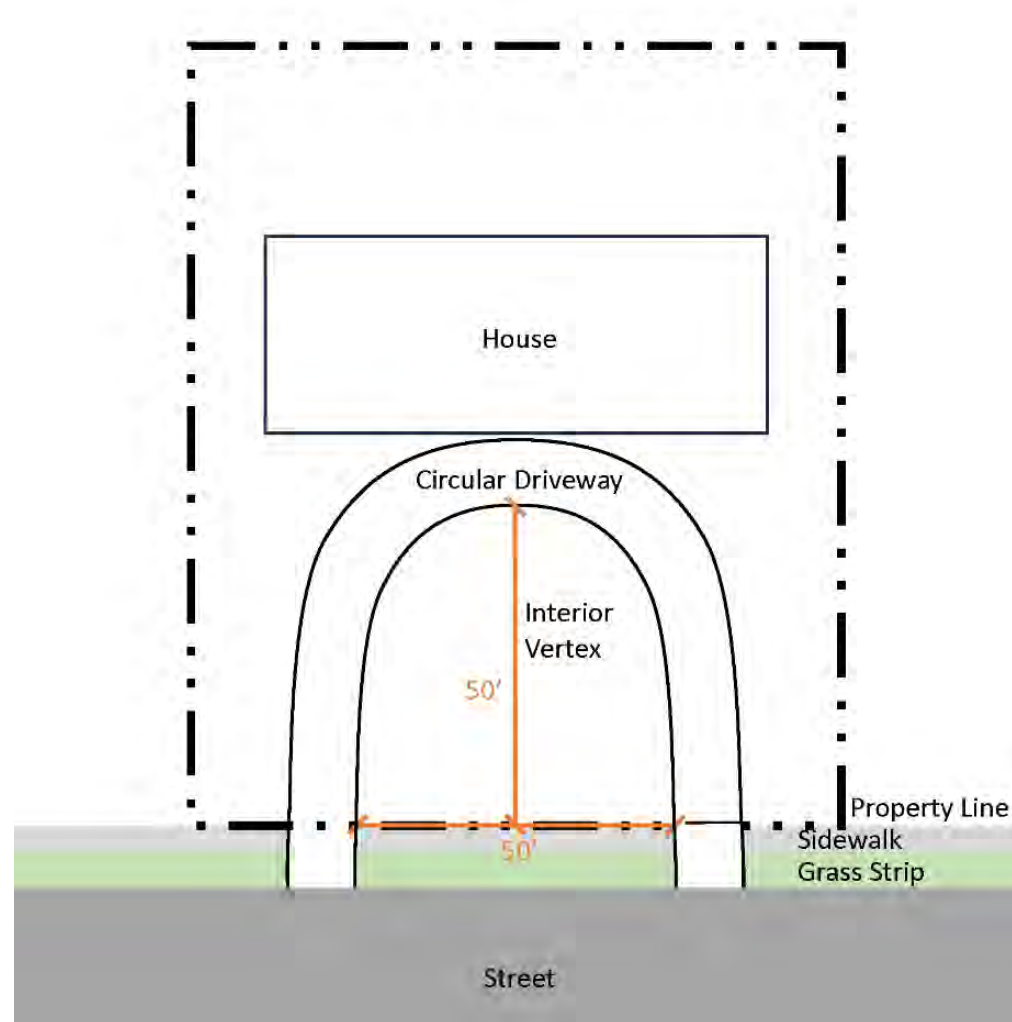
12.3.1

MOBILE FOOD PREPARATION VEHICLE: Any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed or stored and used to sell and dispense food to the consumer. Mobile units must be mobile at all times during operations. The unit must be on wheels (excluding boats) at all times. Any mobile units that removes such wheels or becomes stationary shall be considered a Permanent (or Stationary) Food Preparation Vehicle for the purposes of this code.

PERMANENT (OR STATIONARY) FOOD PREPARATION VEHICLE: Any mobile food preparation vehicle shall be considered permanent (or stationary) when not moved daily for cleaning and servicing or where there are dedicated utilities serving the vehicle. Permanent (or stationary) food preparation vehicle status shall be considered a principal use classification as a restaurant.

Item 6: Circular Driveways

Increases the minimum requirements of circular driveways. The idea being that smaller lots should not have circular driveways as it essentially turns their entire front yard into a parking area.



4.4.4B

The minimum distance from a driveway access point to an intersection shall be 20 feet. No lot may have more than one driveway per street frontage, with the exception of circular driveways which are permitted if the two driveway access points of the circular driveway are at least ~~20~~ **50** feet from each other, see Item 4.5.2C(1)(e) for additional requirements.

4.5.2C(1)

e. Circular driveways are prohibited in a front yard, except circular driveways may be permitted in any front yard where the two driveway access points are at least 50 feet from each other and where the interior vertex of the circular driveway is a minimum of 50 feet from the right-of-way.

Item 7: Street Name Changes

Revisions to reflect process changes to street name changes within the UDC to align with Memphis City Council Ordinance number 5759 and requested to be adopted into the UDC by resolution of the Memphis City Council on September 12, 2023.

9.10.1C

C. The governing bodies shall have the authority to change the name of a street by adoption of an ordinance and shall not be subject to a public hearing and recommendation by the Land Use Control Board. An application shall be submitted to the Zoning Administrator prior to adoption of a street name change on first reading by the governing body.

Item 8: Administrative Flexibility

Allows the Zoning Administrator to approve increased or decreased setback encroachments up to 20%, including platted setbacks; allows administrative lot size and lot width reductions of up to 10%. Subject to administrative deviation approval criteria.

Provides relief to property owners of relatively minor requests.

From 2021-2023, a total of 11 cases before the Board of Adjustment would have been eligible for approval by administrative deviation under this change. All were approved on the consent agenda.

- BOA 20-126 encroachment of 3.2 ft. into a 65 ft. front setback
- BOA 22-064 encroachment of 2 ft. into a 20 ft. side setback
- BOA 22-068 encroachment of 0.4 ft into a 75 ft. front setback
- BOA 22-110 encroachment of 2 ft 9 in. into a 30 ft. side setback and of 6 in. into a 40 ft. front setback
- BOA 22-128 encroachment of 0.4 ft into a 60 ft. front setback
- BOA 22-136 encroachment of 2 ft. into a 20 ft. front setback and 1 ft. into a 20 ft. rear setback
- BOA 22-137 encroachment of 2 ft. into a 20 ft. front setback and of 2 ft. into a 20 ft. rear setback
- BOA 22-138 encroachment of 2 ft. into a 20 ft. front setback and 2 ft. into a 20 ft. rear setback
- BOA 22-139 encroachment of 1.5 ft. into a 20 ft. front setback and of 1.5 ft. into a 20 ft. rear setback
- BOA 23-064 encroachment of 2 ft. into a 40 ft. side setback
- BOA 23-136 encroachment of 7 inches into a 20 ft. rear setback

Item 10: Public Notice

The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1.

While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 20 days.

This would also apply to 9.23.1C(2) as this specific clause was missed in the previous text amendment.

9.3.4D(1)

Where mailed notice is required, notification shall be mailed not more than 45 or less than ~~25~~ **20** days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.

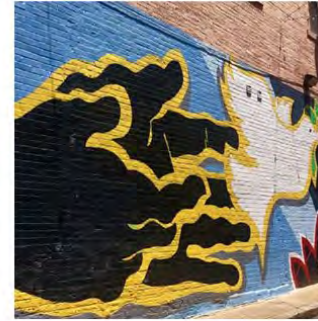
9.23.1C(2)

Not less than 28 or more than 63 days after a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. In the case of appeals to the Land Use Control Board, not less than 35 or more than 75 days after a notice of appeal is filed, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. For appeals taken by non-property owners, the Division of Planning and Development shall provide notice of the appeal to the property owner by mail and any other reasonable means available no less than ~~10~~ **20** days prior to the date of the public hearing by the Board of Adjustment.

Item 2: Neighborhood Plan Recognition Program

Since the adoption of the Memphis 3.0 Comprehensive Plan in 2019, DPD has turned its attention to promoting more neighborhood planning throughout the city. In addition to conducting 14 neighborhood, area, or corridor plans, DPD has published a Small Area Planning Guide to assist neighborhood planning and Community Improvement Guide to assist neighborhood plan implementation.

 **Memphis3.0**

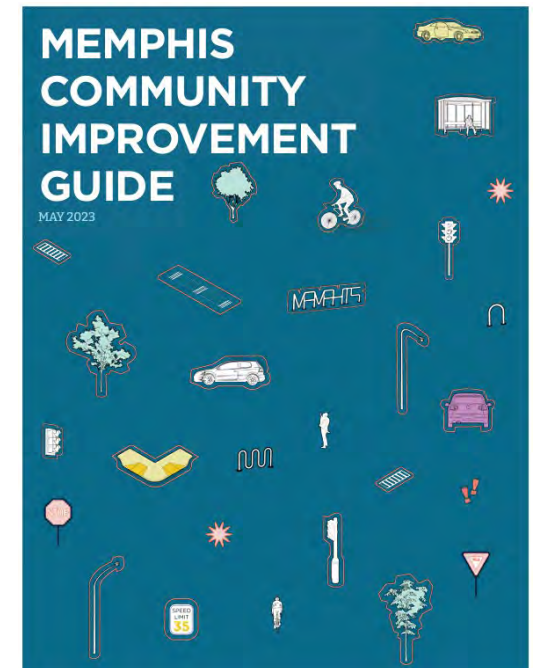


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Small Area Planning Guide

City of Memphis, Tennessee
Division of Planning and Development | Comprehensive Planning
December 2020



Item 2: Neighborhood Plan Recognition Program

When neighborhood plans are completed by DPD, they get adopted in Memphis 3.0 as associated plans in the appendix. This gives these plans greater weight in the land development process.

But when a neighborhood develops a plan on its own, there is no such avenue for recognition.



DATE: JUNE 2022

CITY OF MEMPHIS TENNESSEE

Summer Avenue |
Complete Streets Study



Orange Mound Small Area Plan

City of Memphis
Division of Planning -
Development
November, 2021

Item 2: Neighborhood Plan Recognition Program

Under the current code, a select number of plans are listed in Chapter 1.9 as other plans that may be considered. This list predates the UDC (pre-2010), has never been updated, and contains several outdated plans that have since been replaced or plans that cannot be located.

More importantly, many neighborhoods and neighborhood plans are left out of this list.

- D. The following plans may be considered in any decisions under this development code.
1. Bicentennial Plan;
 2. Community Redevelopment Plan for the University Neighborhood Development Corporation/Highland Row Area;
 3. Community Redevelopment Plan for the Uptown Area;
 4. Downtown Streetscape Master Plan;
 5. Eastview Area Redevelopment Plan;
 6. Frayser (Futures) District Plan;
 7. Glenview Area Plan;
 8. Grays Creek Area Plan;
 9. 2000 Main Street Master Plan;
 10. MPO Long Range Transportation Plan;
 11. MPO Bicycle and Pedestrian Plan;
 12. Medical Center Area Plan;
 13. Midtown Corridor East/Binghampton Plan;
 14. Mud Island Report;
 15. Normal Station Area Plan;
 16. Rozelle Annesdale Neighborhood Plan;
 17. Shelby County Greenway Plan;
 18. South Central Business Improvement District Area Plan;
 19. South Forum "SoFo" Redevelopment Plan;
 20. South Memphis District Plan;
 21. Uptown Redevelopment Plan;
 22. University District Comprehensive Plan;
 23. Victorian Village Redevelopment Plan;
 24. Vollintine-Evergreen Plan;
 25. Whitehaven District Plan;
 26. Winchester Park Area Study; and
 27. Any other plans approved by the Memphis City Council and the Shelby County Board of Commissioners.

Item 2: Neighborhood Plan Recognition Program

The proposed change creates a two-part process of neighborhood plan recognition, expanding the opportunity for neighborhood plans to be included for consideration and enhancing the way neighborhood plans are considered.

NEW 1.9D: Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after December 3, 2019, shall be considered in any decisions under this development code. Plans prepared by or filed with Division of Planning and Development, but not approved by the Memphis City Council or Shelby County Board of Commissioners, may also be considered.

Item 2: Neighborhood Plan Recognition Program

Amendment Requested

AMENDED 1.9D: Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after December 3, 2019, shall be considered in any decisions under this development code. Plans prepared by or filed with Division of Planning and Development, including but not limited to ~~but not approved by the Memphis City Council or Shelby County Board of Commissioners, The~~ the following plans may also be considered in any decisions under this development code.

1. Bicentennial Plan;
2. Community Redevelopment Plan for the University Neighborhood Development Corporation/Highland Row Area;
3. Community Redevelopment Plan for the Uptown Area;
4. Downtown Streetscape Master Plan;
5. Eastview Area Redevelopment Plan;
6. Frayser (Futures) District Plan;
7. Glenview Area Plan;
8. Grays Creek Area Plan;
9. 2000 Main Street Master Plan;
10. MPO Long Range Transportation Plan;
11. MPO Bicycle and Pedestrian Plan;
12. Medical Center Area Plan;
13. Midtown Corridor East/Binghampton Plan;
14. Mud Island Report;
15. Normal Station Area Plan;
16. Rozelle Annesdale Neighborhood Plan;
17. Shelby County Greenway Plan;
18. South Central Business Improvement District Area Plan;
19. South Forum “SoFo” Redevelopment Plan;
20. South Memphis District Plan;
21. Uptown Redevelopment Plan;
22. University District Comprehensive Plan;
23. Victorian Village Redevelopment Plan;
24. Vollintine-Evergreen Plan;
25. Whitehaven District Plan;
26. Winchester Park Area Study; and
27. Any other plans approved by the Memphis City Council and the Shelby County Board of Commissioners.

Not Listed: Sign Regulations

Amendment Requested

AMENDED 4.9.8G(7)

In no instance shall an off-premise sign erected after July 1, 2024 be allowed to circumvent this requirement as a permitted use within a planned development.

AMENDED 12.3.4

COPY: Any message or image related to a product or service of entity offered or located on the same premise for on-premise signs or located on a premise other than the location of the sign for off-premise signs. ~~Copy shall not include the name of the operator or owner of the sign, nor any messaging related to the sale or lease of the sign or property.~~ Copy shall not include a business, product, property, or service which no longer exists or is no longer for sale or lease on the same premise where an on-premise sign is located.

NEW 4.9.15F(1)(c)(iii)

Copy or sign face displaying the leasing or selling of the sign is not removed or replaced after 365 days.

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(Zoning Text Amendment)**

You will take notice that a public hearing will be held by the Memphis City Council in session in the City Council Chambers, 125 North Main Street, Memphis City Hall, First Floor., on **Tuesday, July 23, 2024, at 3:30 P.M.**, in the matter of granting an application for amendments to the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010, and by Shelby County on August 9, 2010 to revise and enhance the joint zoning and subdivision regulations as recommended by the Memphis and Shelby County Division of Planning & Development and the Land Use Control Board, applying to all unincorporated territory in Shelby County, Tennessee, by which it is sought to approve the following text amendments:

CASE NO.: **ZTA 24-2**

LOCATION: **City of Memphis and Unincorporated Shelby County**

APPLICANT: **Division of Planning and Development**

REQUEST: Under this proposal, the Memphis and Shelby County Unified Development Code will be amended to reflect the annual list of updates proposed by the Division of Planning and Development. To view these amendments, please visit the following website: <http://www.shelbycountyttn.gov/Blog.aspx?CID=7> or the Division of Planning and Development at 125 N. Main Street, Suite 468, Memphis, TN 38103.

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, July 23, 2024, at 3:30 P.M.** the Memphis City Council will be in session at the City Council Chambers, Memphis City Hall First Floor, 125 North Main Street, Memphis, Tennessee, to hear remonstrance's or protests against the making of such changes; such remonstrances 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.

TO BE PUBLISHED, Tuesday, July 9, 2024 , in the Daily News. Please furnish Ms. Crystal Givens, Comptroller, 125 North Main Street, Memphis, Tennessee, with 5 tear sheets.