

AGENDA ITEM: 29

CASE NUMBER: MJR 2024-007 (S 22-34 CORRES.)

L.U.C.B. MEETING: April 11, 2024

DEVELOPMENT: Coro Vista Subdivision

LOCATION: 1560 Drew Road

OWNER/APPLICANT: Gerald Robinson

REPRESENTATIVE: Josh Whitehead, Burch, Porter, Johnson

REQUEST: Major modification to allow (1) a two-year time extension pursuant to Section 9.7.I(5); (2) a phasing plan pursuant to Section 9.7.7I(4); and (3) a modification to the approved major preliminary plan to allow for private streets

AREA: +/-14.385 acres

EXISTING ZONING: Residential Single Family – 6 (R-6) and Residential Single Family – 10 (R-10)

## CONCLUSIONS

1. The request is not to approve the subdivision. The Land Use Control board previously approved the subdivision on November 10, 2022.
2. Requests (1) and (2) are consistent with the criteria found in the Unified Development Code to support such requests.
3. Staff finds Request (3) (private drive street network) cannot be supported. The east/west street through the development provides an ideal opportunity to accomplish public street connectivity as required by UDC Sub-Section 5.2.4A.

## CONSISTENCY WITH MEMPHIS 3.0

N/A

## RECOMMENDATION

*Approval of Requests (1) and (2); Rejection of (3)*

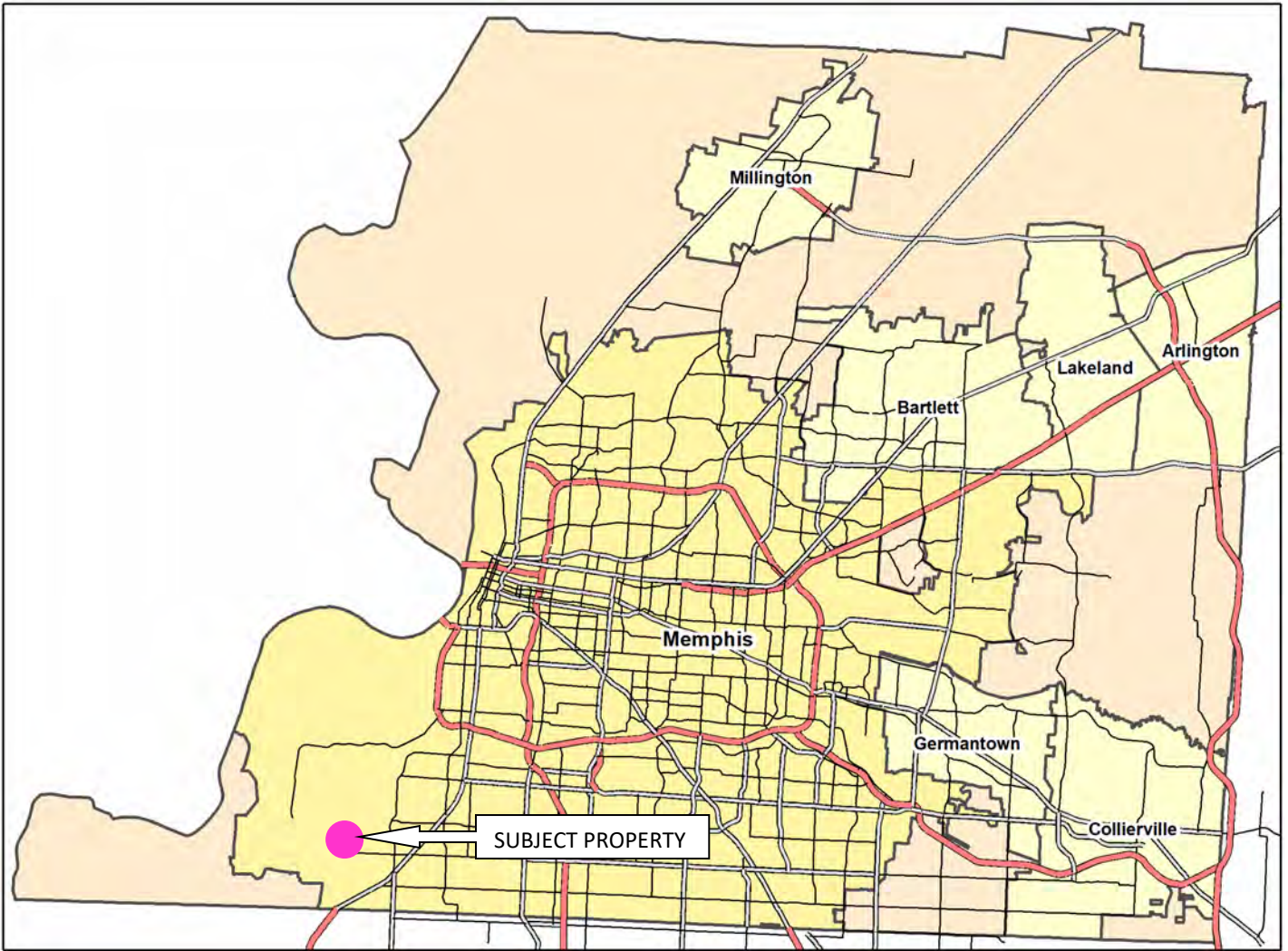
**GENERAL INFORMATION**

**Street Frontage:** Dodd Road +/-722.4 curvilinear feet  
**Zoning Atlas Page:** 2420  
**Parcel ID:** 082061 00014  
**Existing Zoning:** Residential Single Family – 6 (R-6) and Residential Single-Family – 10 (R-10)

**PUBLIC NOTICE**

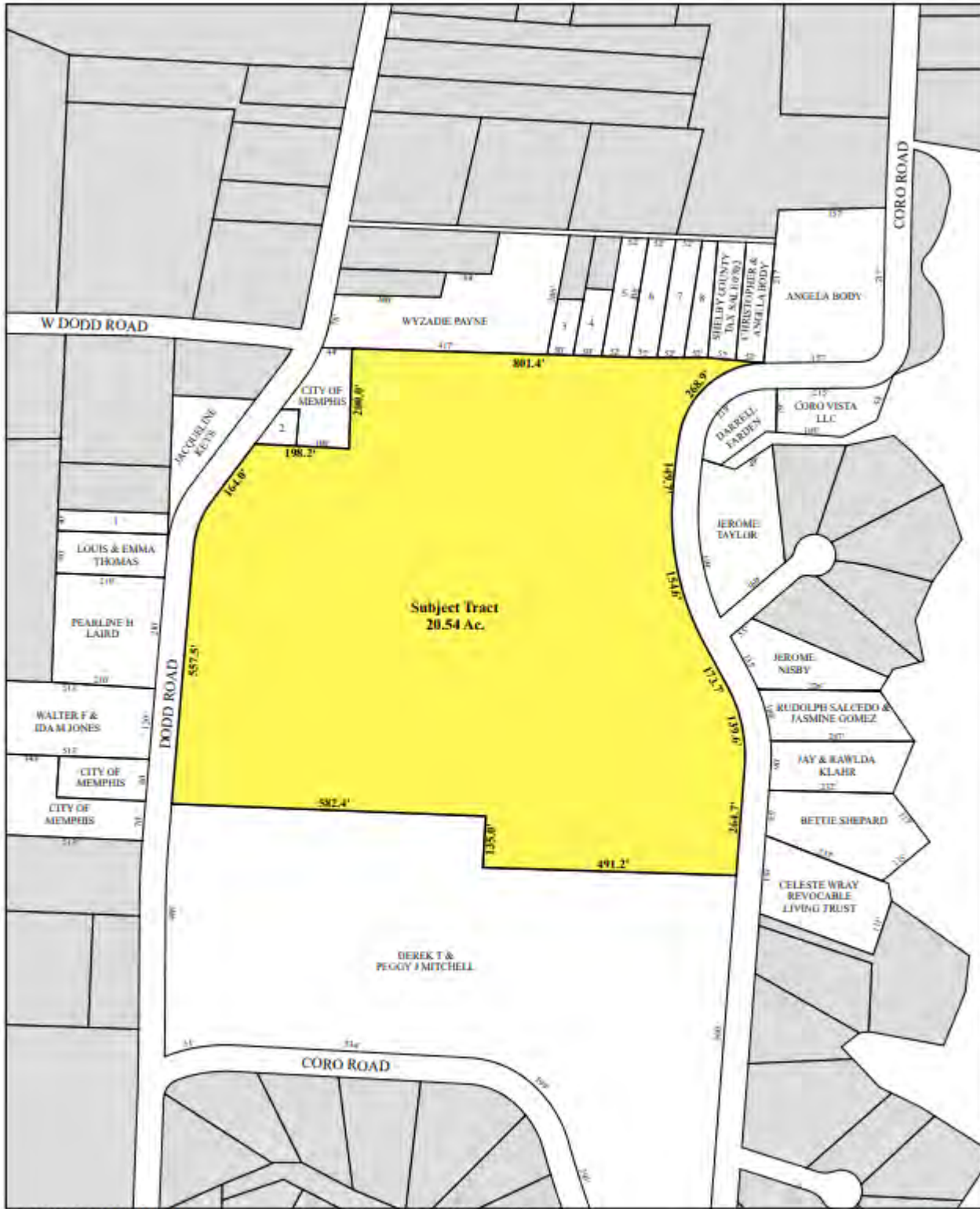
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 80 notices were mailed on February 16, 2024 see pages 18-19 for a copy of said public notice.

**LOCATION MAP**



Subject property located within the pink circle, Coro Lake neighborhood


VICINITY MAP



- 1. SHELBY COUNTY TAX SALE #14.04
- 2. U.S. LAND SYNDICATION LLC
- 3. SHELBY COUNTY TAX SALE 0702 EXH #16936
- 4. SHELBY COUNTY TAX SALE #83.1 EXH #8009
- 5. SHELBY COUNTY TAX SALE 11.01
- 6. SHELBY COUNTY TAX SALE 0702 EXH #16940
- 7. SHELBY COUNTY TAX SALE 0702 EXH #16941
- 8. SHELBY COUNTY TAX SALE 0702 EXH #16942

NOT TO SCALE

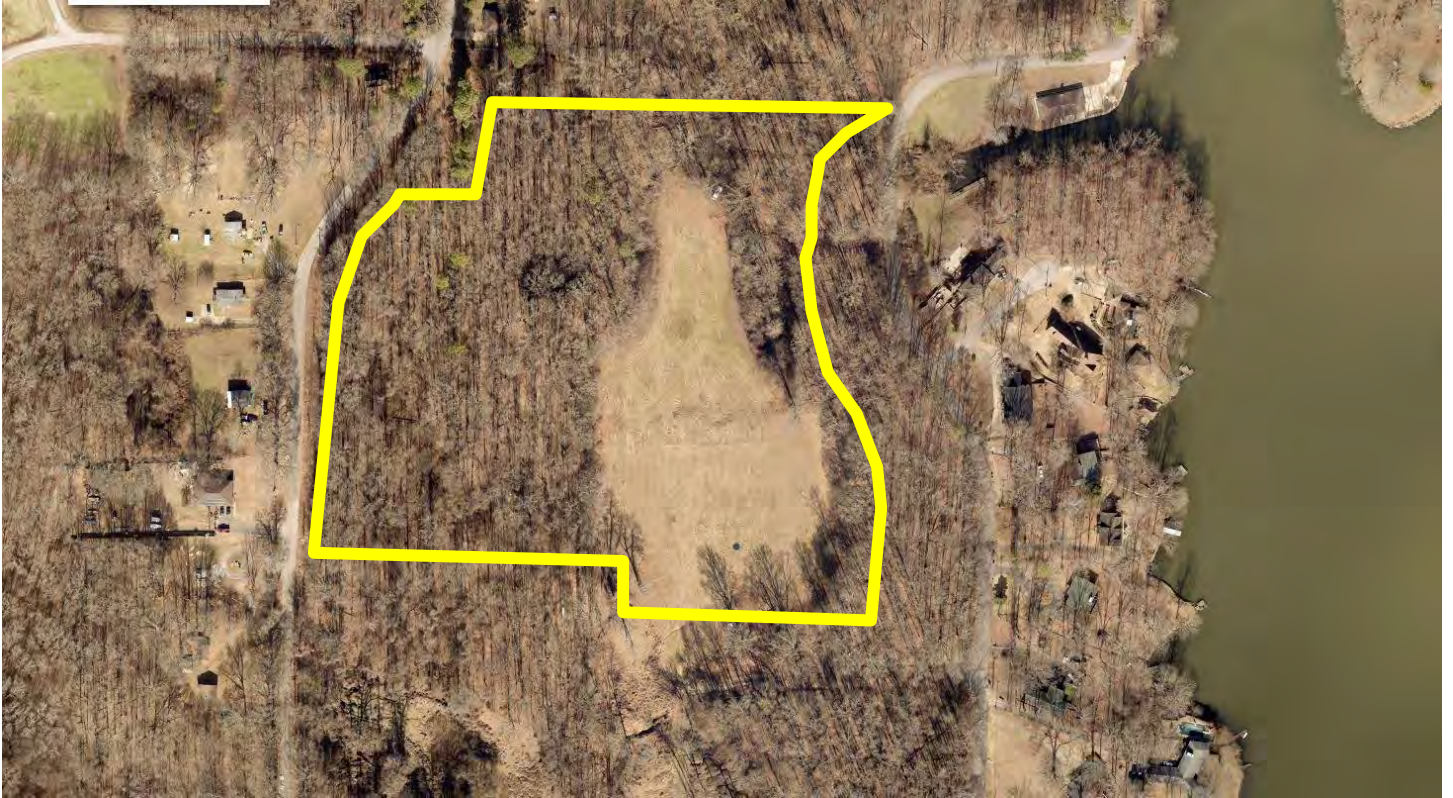
**W.H. PORTER CONSULTANTS, PLLC**  
ENGINEERS-PLANNERS-SURVEYORS-CONSULTANTS



4055 PRIMACY DRIVE, SUITE 115  
MEMPHIS, TENNESSEE 38118  
901-353-9452

Subject property highlighted in yellow

**AERIAL**



Subject property outlined in yellow, imagery from 2023

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** R-6 and R-10

**Surrounding Zoning**

**North:** Single Family Residential – 6 (R-6), and Single Family Residential – 10 (R-10)

**East:** R-10










**South:** R-6 and R-10

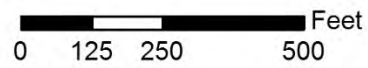
**West:** R-6, Conservation Agriculture (CA), and BOA 1947-070 CO

**LAND USE MAP**



**LandUse**

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

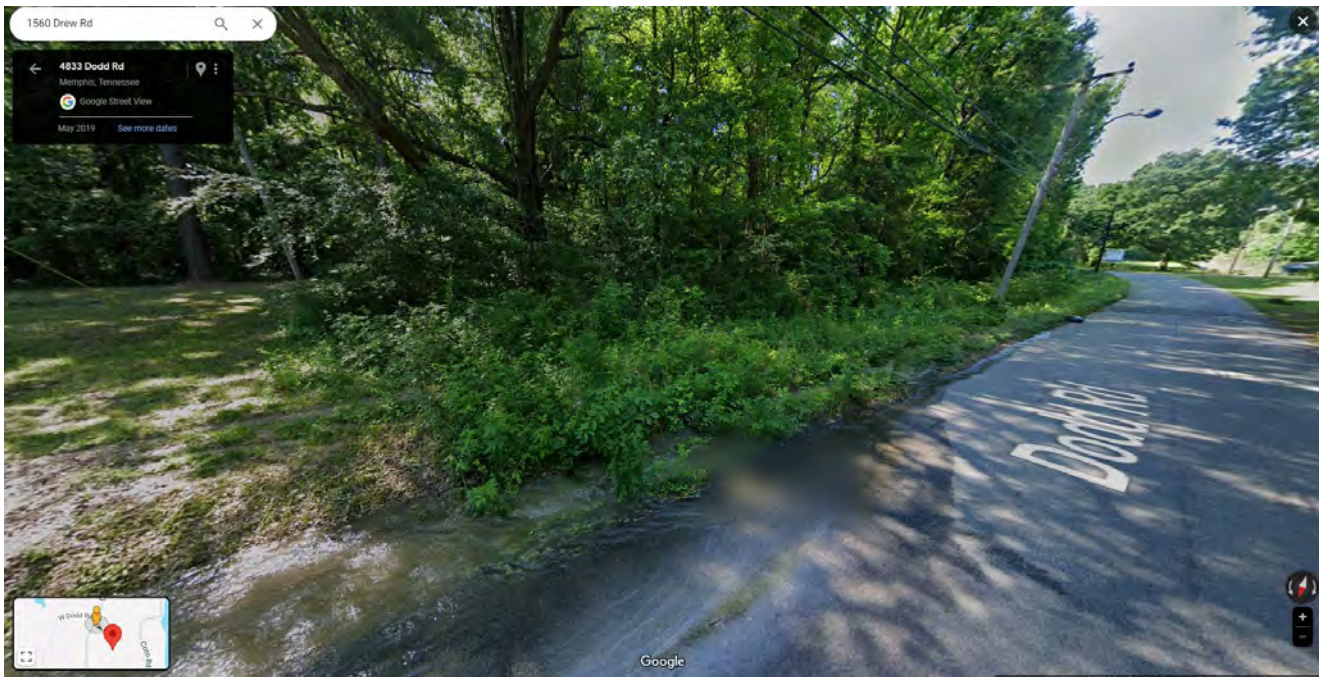


Subject property indicated by a pink star

**SITE PHOTOS**



View of subject property from Dodd Road looking east.



View of subject property from Dodd Road looking southeast.



**APPROVED PRELIMINARY PLAN (S 22-34)**



**PRELIMINARY PLAN**  
**TRANQUIL TIMBERS ESTATES**

DATE OF PLAN: 11/14/23	SCALE: AS SHOWN
PROJECT: TRANQUIL TIMBERS ESTATES	OWNER: [Redacted]
DESIGNER: [Redacted]	APPLICANT: [Redacted]
REVISIONS:	



NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	11/14/23
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	







**CONCEPTUAL MASTER PLAN**  
**TRANQUIL TIMBERS ESTATES**

PROJECT NO.	2024-007	DATE	03/14/2024
PROJECT NAME	TRANQUIL TIMBERS ESTATES	PROJECT LOCATION	0000 ROAD (HP 8.0 AM) & WEST DOORS ROAD
DESIGNED BY	SWA	PROJECT MANAGER	SWA
CHECKED BY	SWA	DATE	03/14/2024
SCALE	AS SHOWN	PROJECT NO.	2024-007



**PROPOSED PHASING PLAN**



PROJECT INFORMATION	
PROJECT NAME	TRANQUILL TIMBERS ESTATES
PROJECT ADDRESS	12345 DODD ROAD, WEST ROAD
PROJECT CITY	WEST VALLEY, CO
PROJECT COUNTY	WELLS COUNTY, MO
PROJECT STATE	MISSOURI
PROJECT ZIP	64088
PROJECT PHONE	(417) 555-1234
PROJECT FAX	(417) 555-5678
PROJECT EMAIL	info@tranquilltimbers.com
PROJECT WEBSITE	www.tranquilltimbers.com
PROJECT CONTACT	JOHN D. SMITH, PROJECT MANAGER
PROJECT TITLE	PRELIMINARY PLAN/MAJOR MODIFICATION
PROJECT DATE	MARCH 14, 2024
PROJECT SCALE	AS SHOWN
PROJECT STATUS	PENDING APPROVAL
PROJECT NOTES	SEE ATTACHED DRAWINGS FOR DETAILS

**PRELIMINARY PLAN/MAJOR MODIFICATION**  
**TRANQUILL TIMBERS ESTATES**

PROJECT INFORMATION	
PROJECT NAME	TRANQUILL TIMBERS ESTATES
PROJECT ADDRESS	12345 DODD ROAD, WEST ROAD
PROJECT CITY	WEST VALLEY, CO
PROJECT COUNTY	WELLS COUNTY, MO
PROJECT STATE	MISSOURI
PROJECT ZIP	64088
PROJECT PHONE	(417) 555-1234
PROJECT FAX	(417) 555-5678
PROJECT EMAIL	info@tranquilltimbers.com
PROJECT WEBSITE	www.tranquilltimbers.com
PROJECT CONTACT	JOHN D. SMITH, PROJECT MANAGER
PROJECT TITLE	PRELIMINARY PLAN/MAJOR MODIFICATION
PROJECT DATE	MARCH 14, 2024
PROJECT SCALE	AS SHOWN
PROJECT STATUS	PENDING APPROVAL
PROJECT NOTES	SEE ATTACHED DRAWINGS FOR DETAILS

## STAFF ANALYSIS

### Request and Justification

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

The request is major modification to allow (1) a two-year time extension pursuant to Section 9.7.7I(5); (2) a phasing plan pursuant to Section 9.7.7I(4); and (3) a modification to the approved major preliminary plan to allow for private streets. The justification for the request is due to the large scale of this 54-lot subdivision. According to the applicant, a time extension and phasing plan will ensure a stable and functional development is created to foster long-term residents. Additionally, the applicant believes the development will be more successful if its internal streets are private rather than public as originally approved.

### Site Description

The subject property is +/-14.385 acres located on the east side of Dodd Road in the Coro Lake neighborhood. The site is zoned R-6 and R-10 and is currently vacant. The site contains a sprinkling of mature trees and has mature shrubs located roughly along the western portion.

### Site Zoning History

On November 10, 2022, the Memphis and Shelby County Land Use Control Board approved Case Number S 22-34 for preliminary plan approval of a 54-lot single-family subdivision at 1560 Drew Road. See pages 21-22 of this report for said letter to applicant.

### Analysis

#### *Two-year Time Extension Request:*

The Findings of Fact used to evaluate a request for a time extension are found in UDC Chapter 9.16 and listed as follows;

- A. Changed conditions of the neighborhood and area in which the time extension is being made, as compared to conditions present during the original approval;
- B. Changed conditions of the site in which the request is being made, as compared to conditions present during the original approval;
- C. Any administrative or legislative policy, ordinance, regulation or comprehensive or neighborhood plan that has been adopted since the time of the original approval; and
- D. The scope of construction, such as the size of the site or building, involved with the original approval.

The Land Use Control Board shall make these findings in its approval, approval with conditions, or rejection of a time extension.

DPD Staff has concluded in their examination of the Findings of Fact nothing that would preclude recommending a two-year preliminary plan time extension. The proposed plan, even with its phasing and proposed use of private streets, remains consistent with the original preliminary plan street and lot layout and compatible with the neighborhood. Approval of the two-year time extension is recommended.

#### *Phasing Plan Request:*

When considering a phasing plan, connectivity becomes a primary issue. UDC Section 5.2.4 provides connectivity requirements based on the number of lots the development proposes. For instance, with the 54 lots that

comprise this application, at least two access points must be provided. The first two proposed phases consist of one access point to Coro Road for 36 lots. A second physical connection will be provided in Phase 3 to connect to Dodd Road. There is no objection to the proposed phasing as it complies with the connectivity requirements.

**Private Street Network Request:**

The subject property is within a large block surrounded by the following public streets: West Shelby Drive to the north, Coro Road to the south, Coro Road to the east, and Dodd Road to the west (see map on Page 6). In terms of connectivity, the distance between West Shelby Drive and Coro Road is +/-2,600 feet or nearly one-half mile (see map below). UDC Sub-Section 5.2.4A requires an overall connectivity network whose spacing generally occurs at ¼ mile intervals (1,320 feet). By converting the proposed public street network for the subdivision to private streets, compliance with this requirement is lost. The subject property is the largest remaining undeveloped property within this large block and presents the best opportunity to meet this requirement by retaining its east/west public thru street connection from Dodd Road to Coro Road. This public street connection should remain to increase connectivity and provide another route for emergency services vehicles, delivery vehicles, and school buses, not to mention a more efficient neighborhood circulation pattern. It is recommended the request for private streets be denied.



**Conclusions**

Requests (1) and (2) are consistent with the criteria found in the Unified Development Code to support such requests.

Request (3) for a private drive street network cannot be supported. The east/west street through the development provides an ideal location to accomplish public street connectivity as required by UDC Sub-Section 5.2.4A.

**RECOMMENDATION**

Two-Year Preliminary Time Extension – Approval.



Phasing Request – Approval.

Conversion from a Public Street Network to Private Street Network – Rejection.

**DEPARTMENTAL COMMENTS**

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

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

**APPLICATION**



**Record Summary for Major Modification**

**Record Detail Information**

Record Type: Major Modification

Record Status: Processing

Opened Date: February 5, 2024

Record Number: MJR 2024-007

Expiration Date:

Record Name: Tranquil Timbers Estates

Description of Work: A 54 lot (Single family home) subdivision consisting of 6,000 - 10,000 square foot lots

Parent Record Number:

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**Address:**

1560 DREW RD, MEMPHIS 38109

**Owner Information**

Primary Owner Name

Y CORO VISTA LLC

Owner Address

1450 E COMPTON BLVD, COMPTON, CA 90221

Owner Phone:

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**Parcel Information**

082061 00014

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**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner

Jeffery Penzes

Date of Meeting

02/01/2024

Pre-application Meeting Type

Phone

**GENERAL INFORMATION**

Justification for Request

Please See Letter of Intent

**GENERAL INFORMATION**

List any relevant former Docket / Case Number(s) related to previous applications on this site: S 22-34

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: -

Class: -

Downtown Fire District: No

Historic District: -

Land Use: -

Municipality: -

Overlay/Special Purpose District: -

Zoning: -

Lot: -

State Route: -

Subdivision: -

Planned Development District: -

Wellhead Protection Overlay District: No

**Contact Information**

Name: CORO VISTA LLC Contact Type: APPLICANT

Address:

Phone: -

**Fee Information**

Invoice #	Fee Item	Quantity	Fee	Status	Balance	Date Assessed
1535577	Major Modification Fee	1	300.00	INVOICED	0.00	02/05/2024
1535577	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	0.00	02/05/2024
			<b>Total Fee Invoiced: \$307.80</b>	<b>Total Balance: \$0.00</b>		

**Payment Information**

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

**MAILED PUBLIC NOTICE**

Public Notices Mailed on 3/12/2024



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 2024-007 (CORR S 22-034)  
**LOCATION:** 1560 Drew Road  
*(SEE SITE PLAN ON REVERSE SIDE)*  
**APPLICANT:** EFI Global  
**REQUEST:** 54-lot subdivision

**THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:**

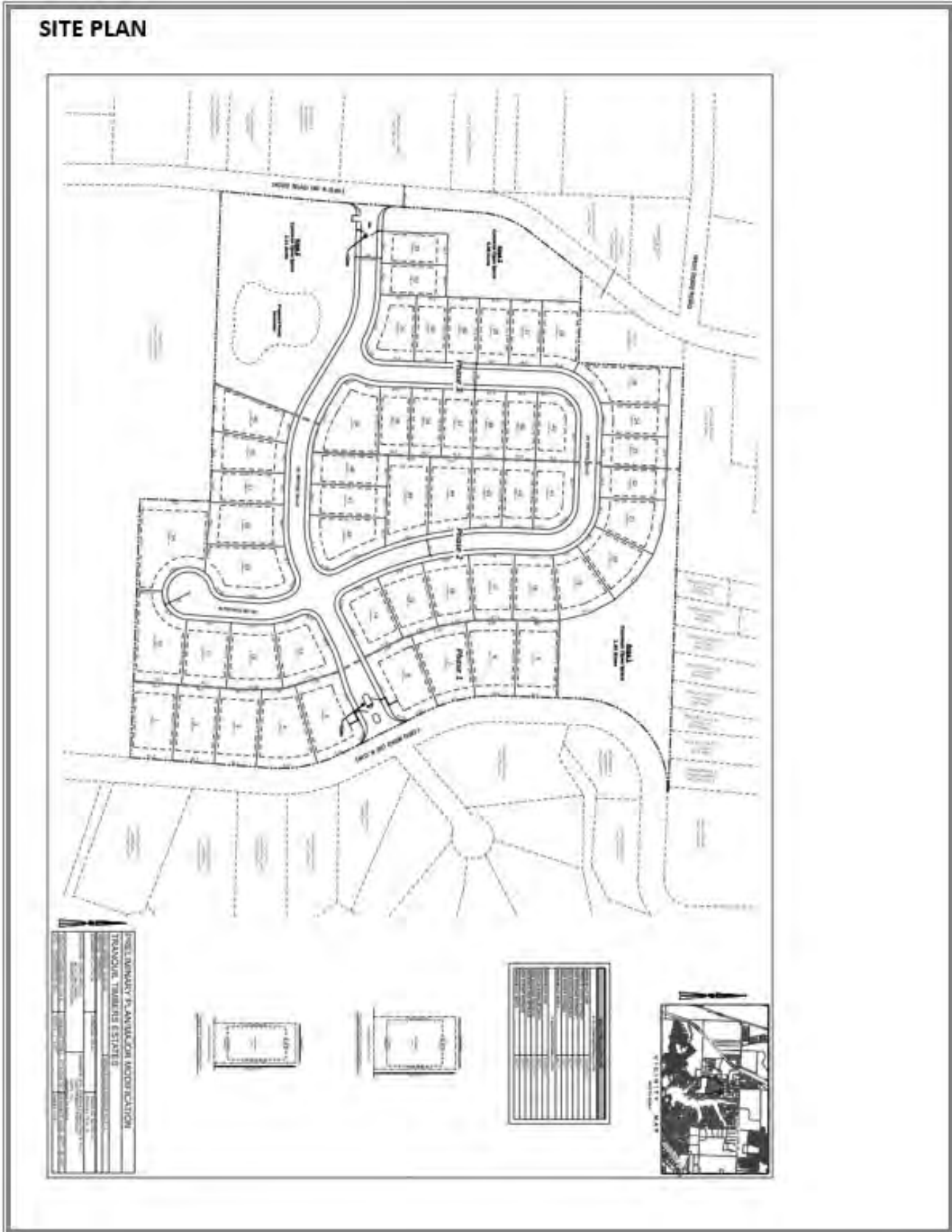
**DATE:** Thursday, March 14, 2024  
**TIME:** 9:00 AM  
**LOCATION:** Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may approve or reject this item or hold the item for a public hearing at a subsequent Board meeting.

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.christian@memphistn.gov](mailto:chloe.christian@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, March 6, 2024, at 8 AM.**

***Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.***



LETTER OF INTENT



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

LAW OFFICES

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

February 9, 2024

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

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

Dear Mr. Ragsdale, Chair Sharp and Members of the Board:

Concerning the Tranquil Timbers Estates subdivision on Coro Road (Case S 22-34), I am pleased to submit this application for a Major Modifications that will allow (1) a two-year time extension pursuant to Section 9.7.7I(5) of the Memphis and Shelby County Unified Development Code ("UDC"); (2) a phasing plan pursuant to Section 9.7.7I(4) of the UDC and (3) a modification to the approved major preliminary plan to allow for private streets pursuant to Section 9.7.9B of the UDC.

The current expiration date is November 15, 2024, and we request a two-year time extension for Phase 1 of the development from this date, November 15, 2026. Due to the large scale of this 54-lot single-family residential subdivision, a time extension and phasing plan will ensure a stable and functional development is created to foster long-term residents.

According to UDC Section 9.7.7I(4), "[t]he Land Use Control Board may approve an expiration date exceeding 24 months for a subdivision with multiple phases." As such, we request that the expiration date for all phases be set at November 15, 2030, which will allow each phase to be completed within two years.

Finally, we believe the development will be more successful if its internal streets are private rather than public as originally approved and are requesting this change as part of this application, per UDC Section 9.7.9B.

Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

**LETTER TO APPLICANT (S22-34)**



DATE: November 15, 2022  
TO: Josh Whitehead <jwhitehead@bpjlaw.com>  
RE: S 22-34  
AT: 1560 Drew Road and an adjacent parcel

Mr. Whitehead:

On Thursday, November 10, 2022, the Memphis and Shelby County Land Use Control Board **approved** the above-referenced request for preliminary plan approval of a 54-lot single-family residential subdivision, subject to the following conditions and waivers:

**Conditions**

1. Existing vegetation shall be incorporated into the landscape plan. New plantings shall emphasize native species.
2. A property owner's association shall be created concurrently with the recording of a final plat, if necessary to maintain common open spaces.
3. Any front-facing garage shall be at least 7' behind the front of the house.
4. The final plat shall demonstrate substantial compliance with the preliminary plan, as well as compliance with all standards of the Unified Development Code that have not been waived.

**Waivers**

1. Waivers are granted from Chapter 4.3 and Section 5.2.7 so as not to require any streetscape or street improvements along Coro Rd. or Dodd Rd. These waivers do not apply to new streets.

Your next step is to apply for final plat approval. Please do not hesitate to reach out with any questions or comments at (901) 636-7179 or [brett.davis@memphistn.gov](mailto:brett.davis@memphistn.gov).

Respectfully,

Brett Davis  
Principal Planner



**Letter to Applicant  
S 22-34  
PRELIMINARY PLAN**



**LETTERS RECEIVED**

One (1) letter of opposition has been received at the time of completion of this report.

Ms. Christian:

Please accept this email as formal notification from the Coro Lake Property Owners Association, the Coro Lake HOA, and the Coro Lakes Preservation Society that we are adamantly opposed to the above-referenced development proposal. As the record will reflect, our community has consistently voted with 99% opposition to this developer's proposals, and we remain opposed to this kind of large-scale development in our neighborhood.

As chair of the Coro HOA and Property Owners Association and as President of the Coro Lakes Preservation Society, I am asking for a 30-day delay on this hearing so that our residents, property owners, and supporters may have adequate time to express their opposition and concern to their elected officials.

Respectfully,

Sherry Jeffries Compton

**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

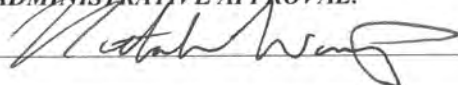
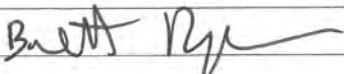
**FUNDING:**

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

**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**

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**WHEREAS**, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a 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.





***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:

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

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**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.



**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.

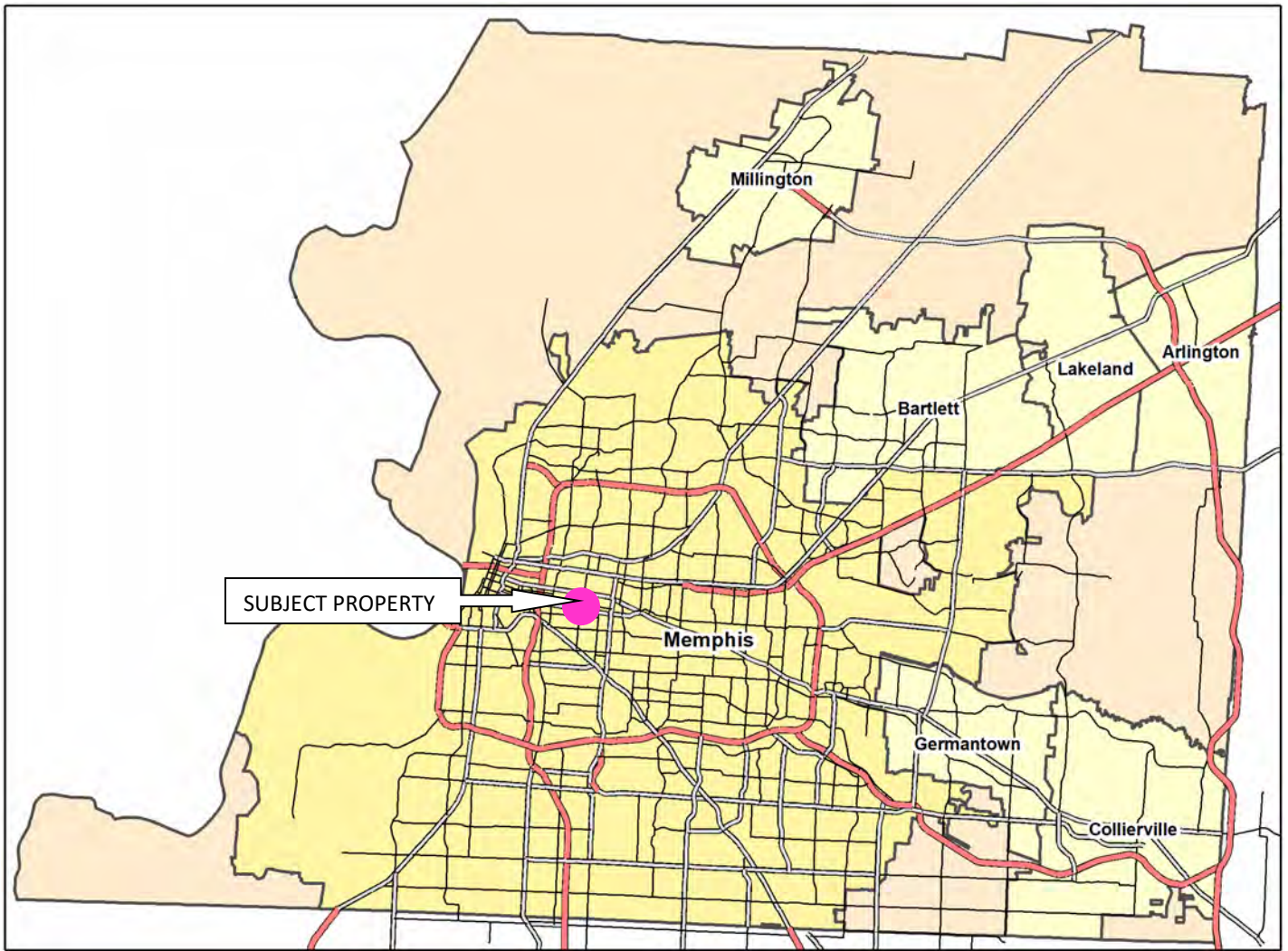
## CONSISTENCY WITH MEMPHIS 3.0

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

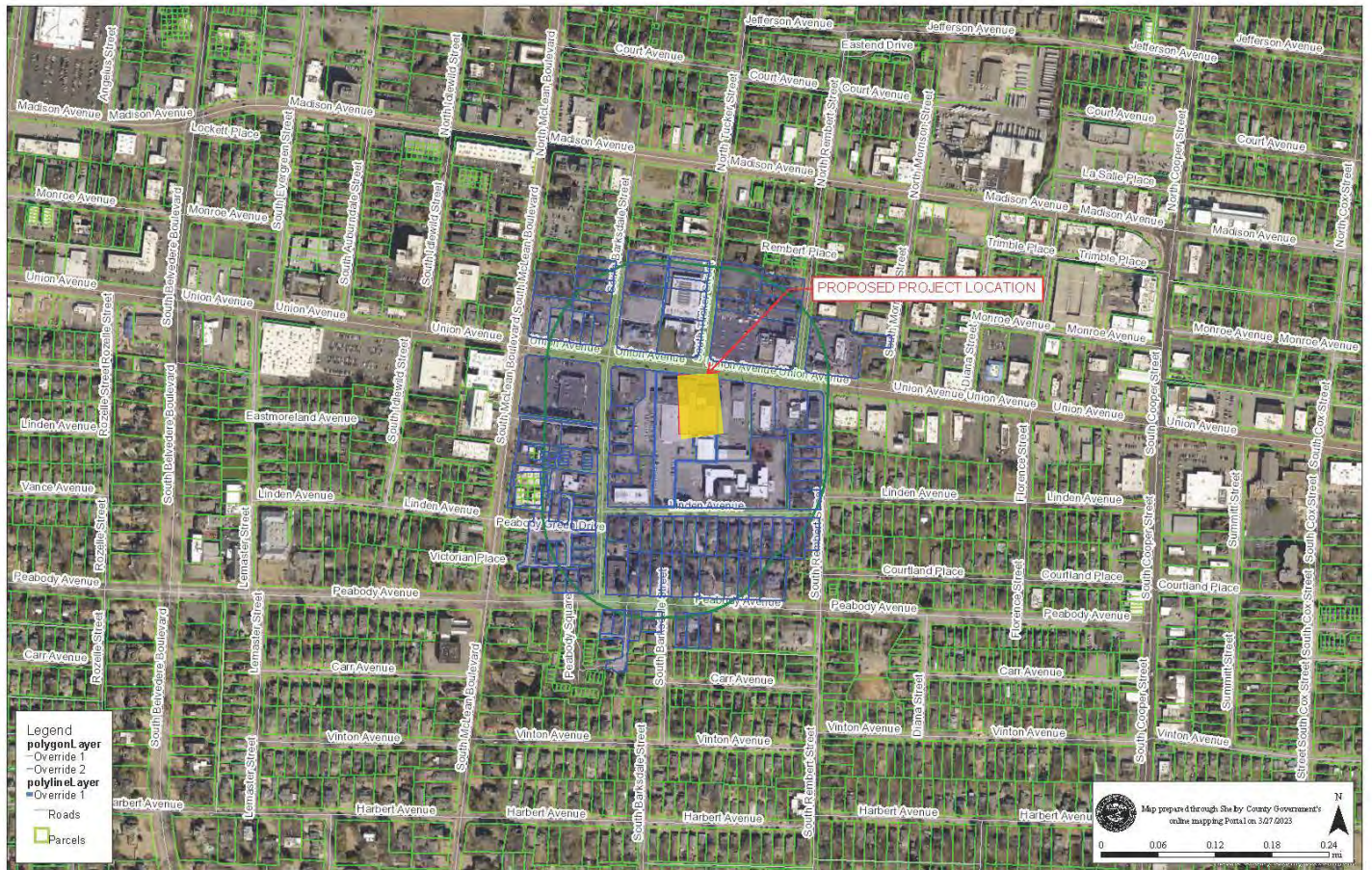
*Rejection*

**LOCATION MAP**



Subject property located within the pink circle

**PUBLIC NOTICE VICINITY MAP**



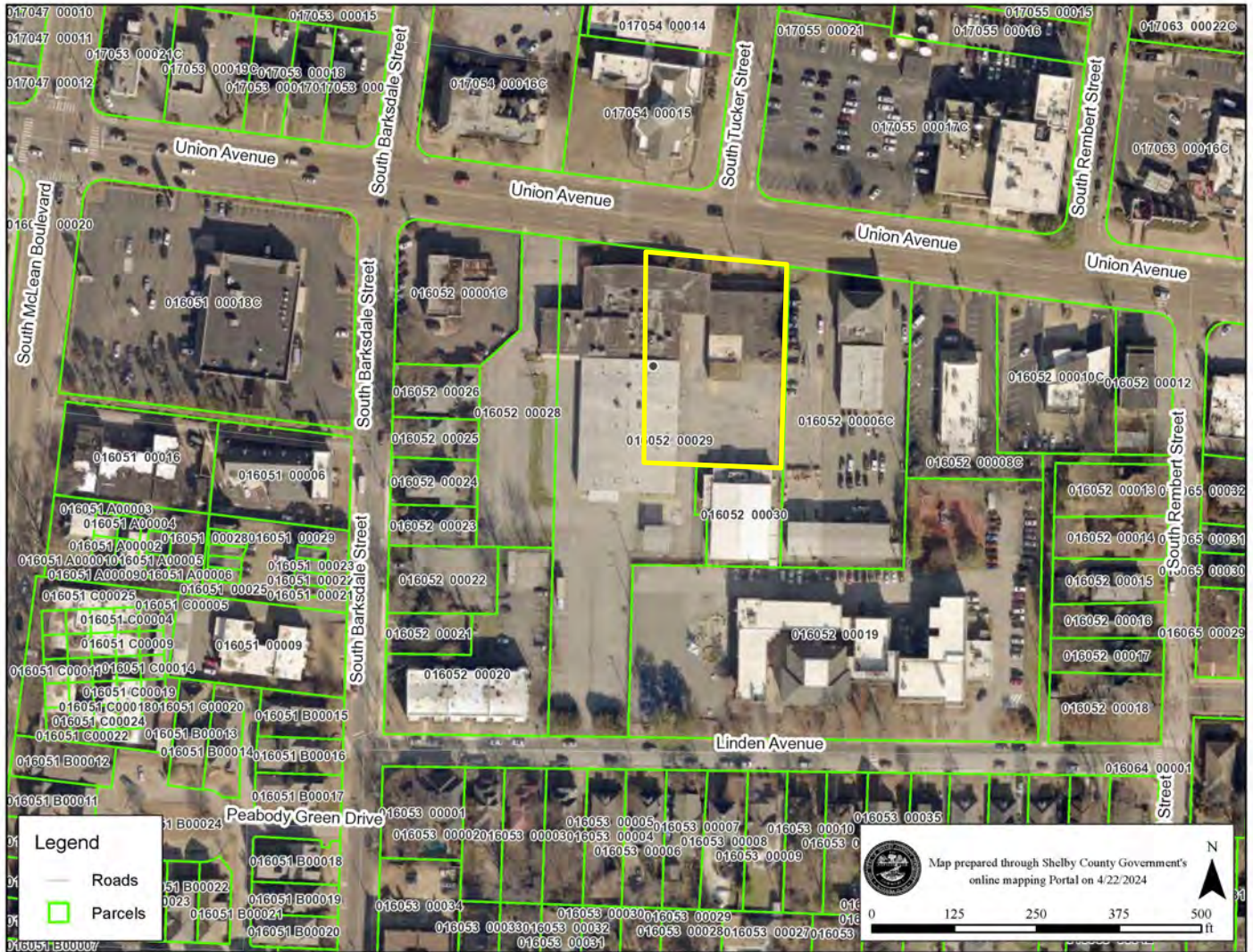
Subject property highlighted in yellow

**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.

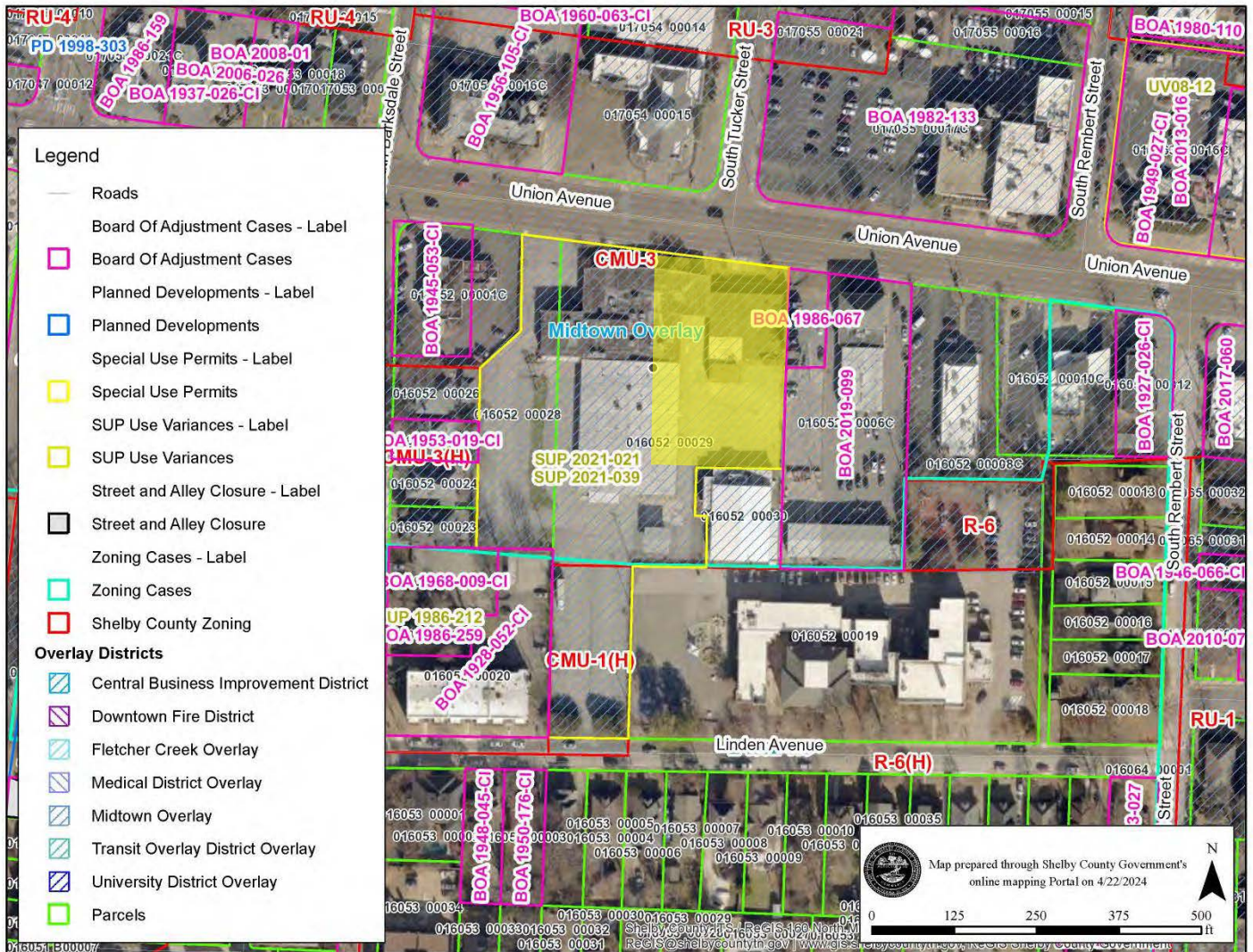


**AERIAL**



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

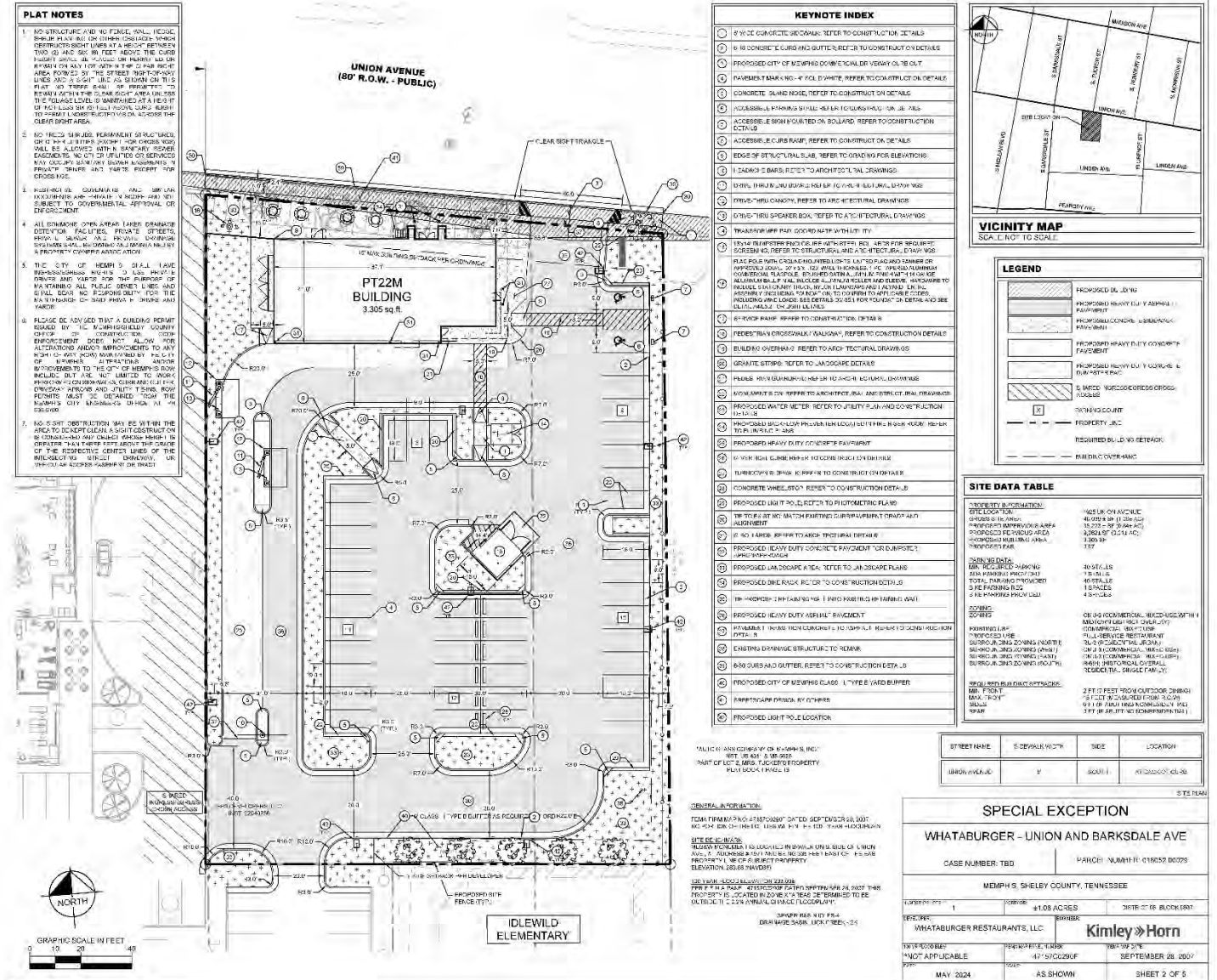


View of subject property from adjacent property looking southwest

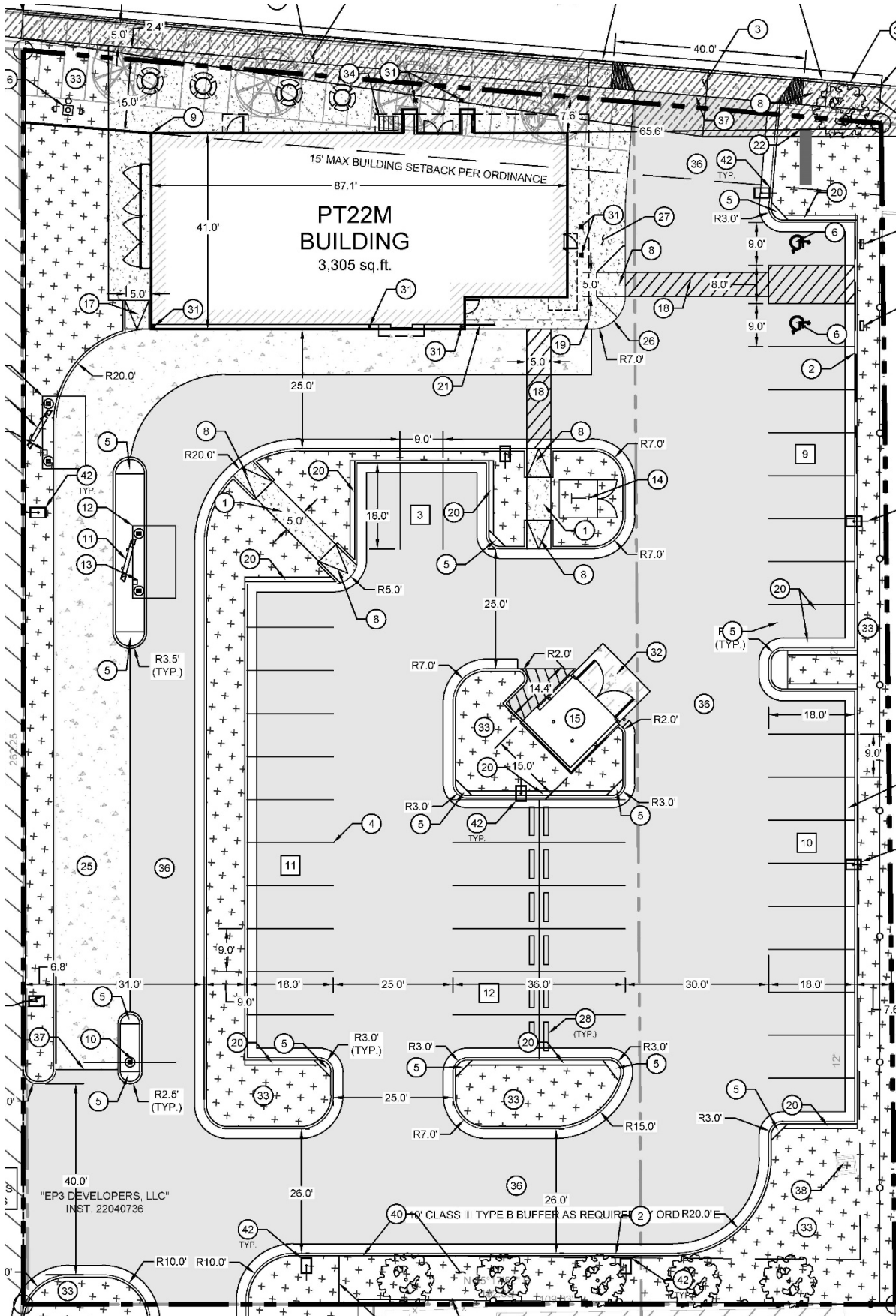


View of subject in background from Linden Avenue looking northeast

**SITE PLAN**

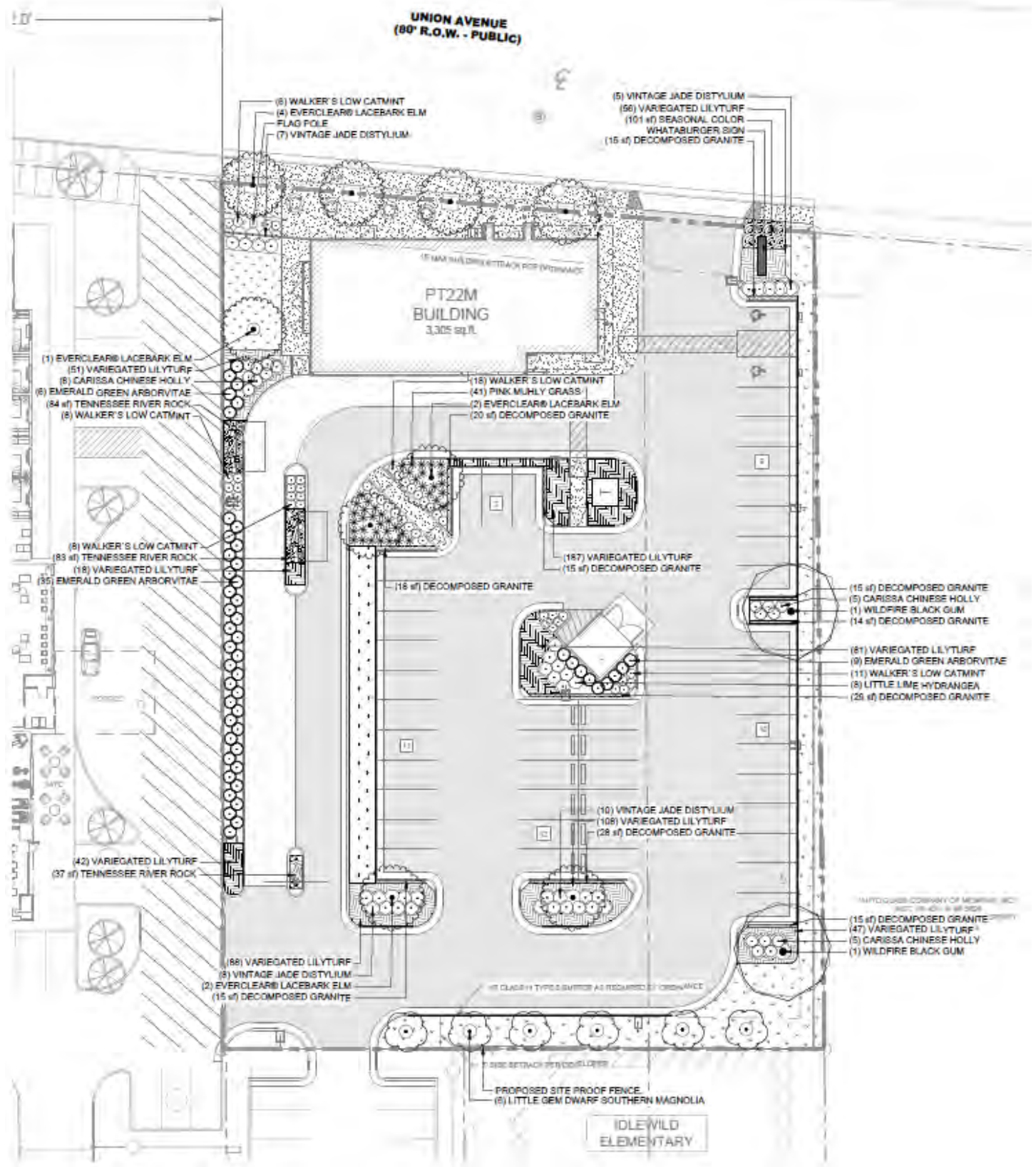


**SITE PLAN – MAGNIFIED**





LANDSCAPE PLAN



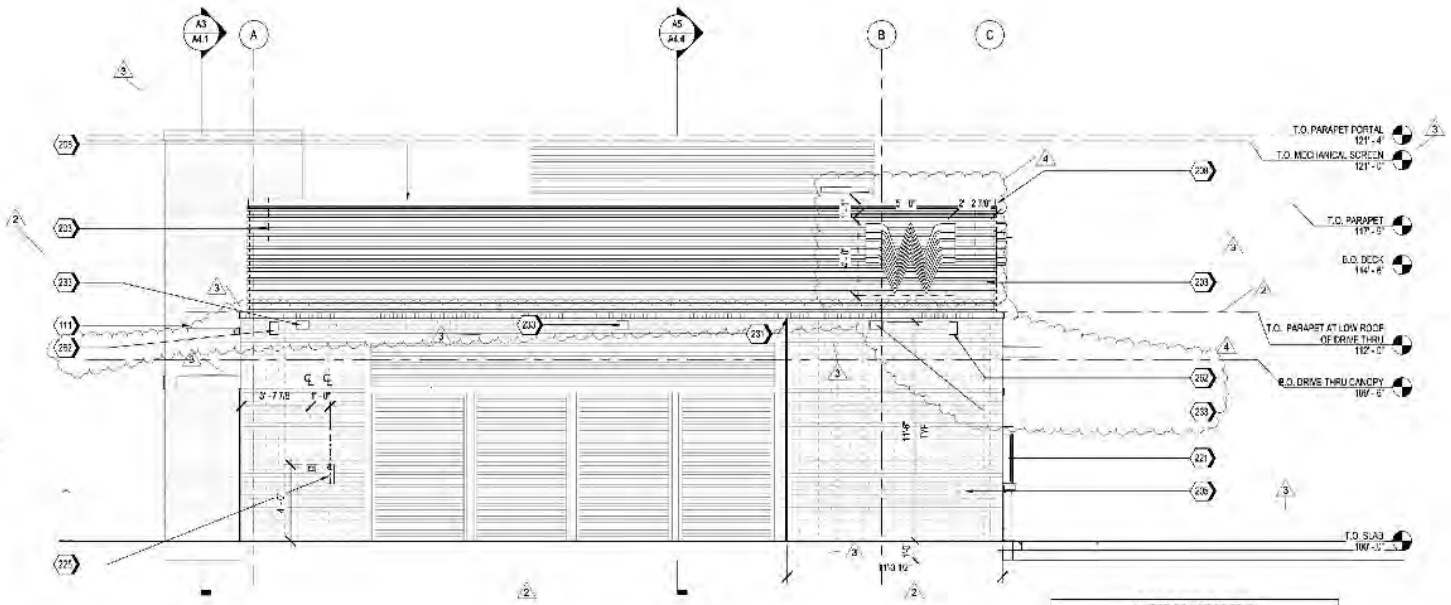
## PLANT SCHEDULE

<u>SYMBOL</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>SIZE</u>
<b>TREES</b>			
	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>
<b>SHRUBS</b>			
	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.

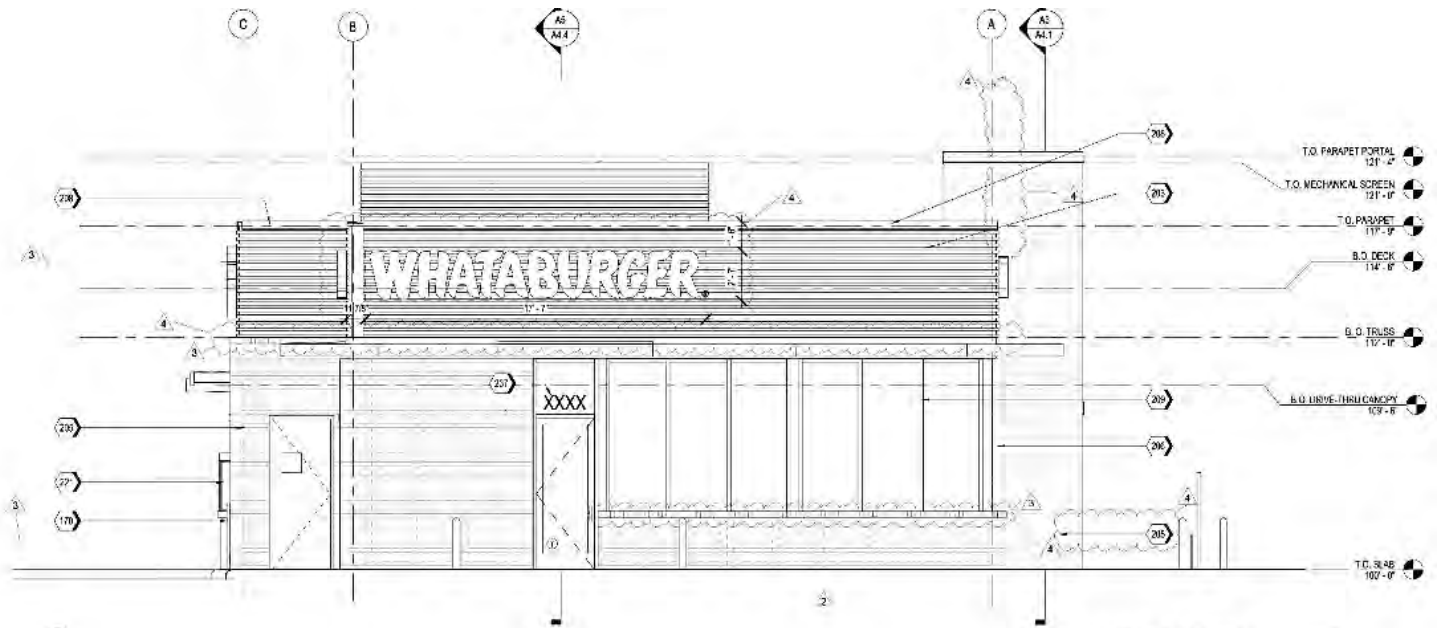
<u>SYMBOL</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>SIZE</u>
<b>GROUND COVERS</b>			
	4,581 sf	Cynodon dactylon 'Tifway 419' / Tifway 419 Bermuda Grass	Sod
	184 sf	Decomposed Granite	SEE DETAIL
	678	Liriope muscari 'Variegata' / VARIEGATED LILYTURF	1 GAL
	204 sf	TENNESSEE RIVER ROCK	4"-8" ASSORTED 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"X4" 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
200	MP-01: PRE-FINISHED CORRUGATED METAL PANEL
206	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: 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
<b>BUILDING &amp; PARKING PLACEMENT</b>	
<b>Lot Area &amp; Building Width</b>	
Maximum Uninterrupted Façade Width (ft.)	75
<b>Setback Area ****</b>	
Front Setback Line (min. ft.)	2
Front Setback Line, with outdoor dining (min. ft.)	7
Front Setback Line (max. ft.)	15 <sup>1</sup>
<b>Required Building Frontage (min %) *****</b>	
Primary Street (lot up to 100 feet in width)	70
Primary Street (lot 100 feet in width or more)	80
Side Street	40
<b>Side/Rear Setback (min ft.)</b>	
Abutting Single Family	10
Abutting Multifamily, Nonresidential	0*
Abutting Alley	5**
Building Separation	5
<b>Parking (Structured or Lot) Setback (min ft.)</b>	
From Primary Street	15
From Side Street	10
Abutting Single Family	10
Abutting Multifamily, Nonresidential, Alley	0
On Street Parking Requirement	Preferred
<b>ELEMENTS</b>	
<b>Transparency (min %)</b>	
<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
<b>Building Entrance</b>	
Facing Primary Street	Required
Blank Wall Area (max. linear ft.)	25
<b>HEIGHT</b>	
<b>Building Height (max. ft.)</b>	***
<b>Ground Floor Elevation (min. inches)</b>	
Residential Use	18
Nonresidential use	0
<b>Floor to Floor Height (min. ft)</b>	
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.**

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**WHEREAS**, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a 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

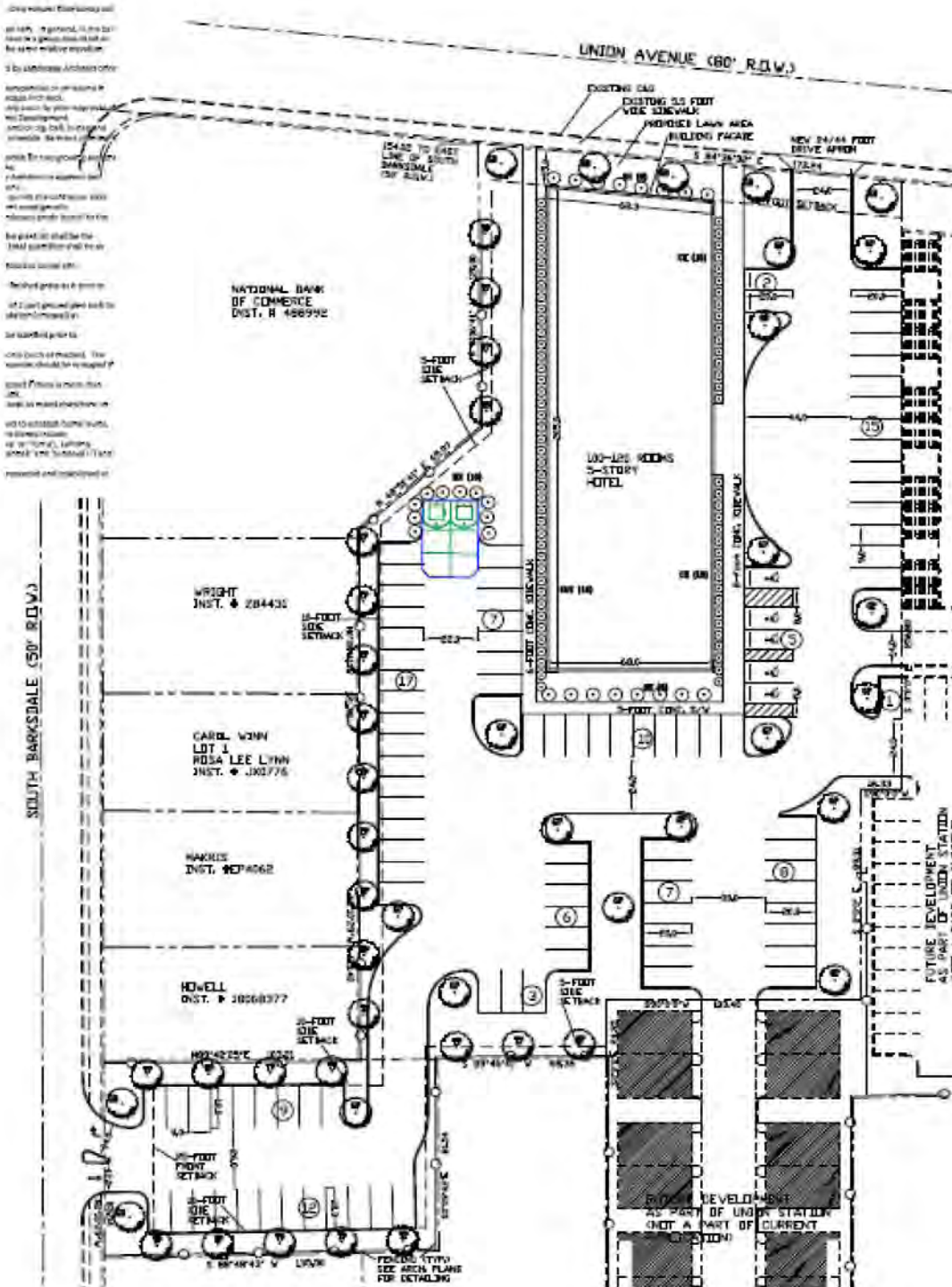
Date FEB 0 1 2022

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

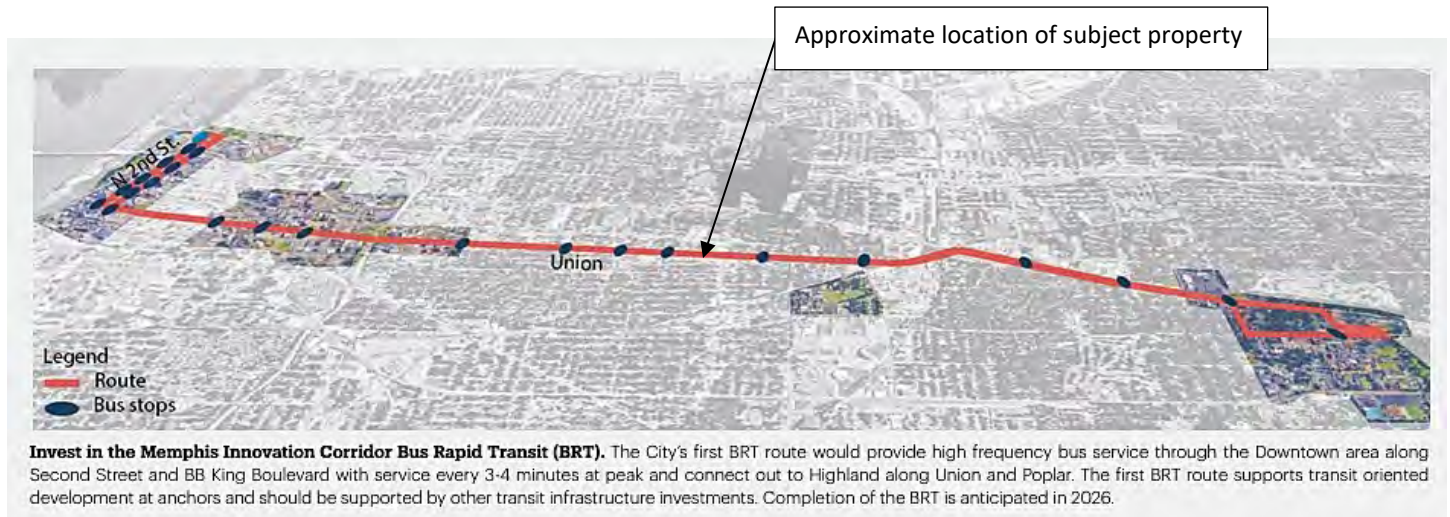
However, because this is in the Midtown Overlay and hotels require the issuance of a special use permit, the request was revised to only include the 1.92-acre hotel boundary. When the hotel request went to the Land

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.

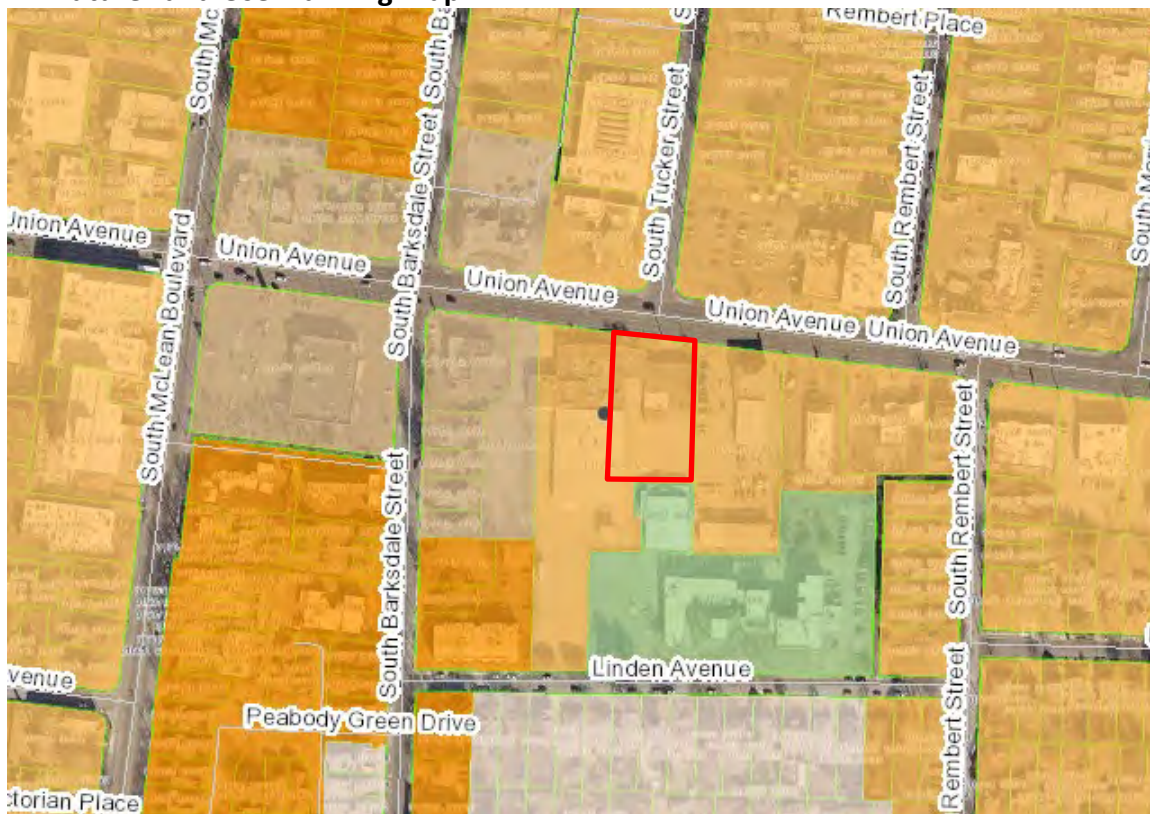
Staff suggests incorporating more native species in the landscape plan to maximize ecological benefits

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.

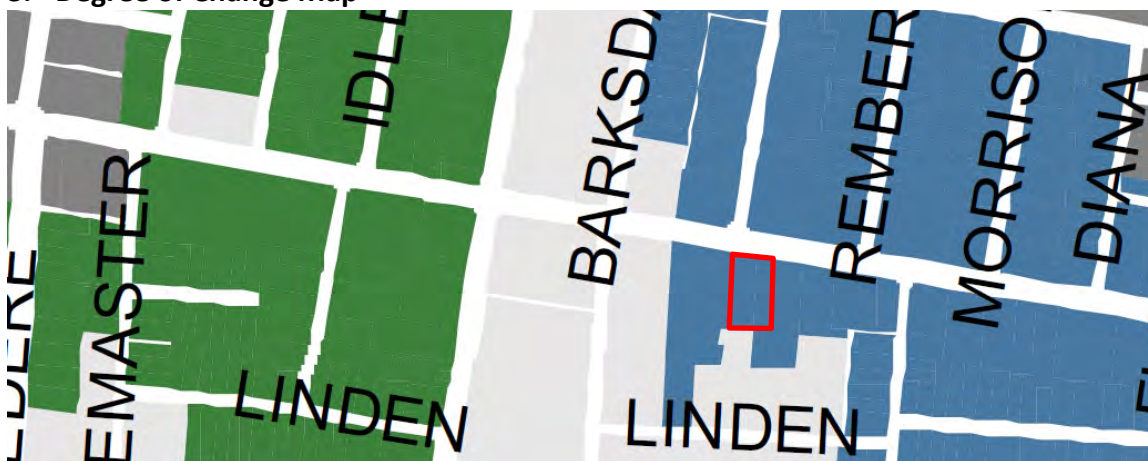
**Existing, Adjacent Land Use and Zoning**

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](mailto: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.

Jackson 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](http://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  
 Case Layer  
 Class  
 Downtown Fire District  
 Historic District  
 Land Use  
 Municipality  
 Overlay/Special Purpose District  
 Zoning  
 Lot  
 State Route  
 Subdivision  
 Planned Development District  
 Wellhead Protection Overlay District

No  
 Z92-115  
 C  
 No  
 Central Gardens  
 INSTITUTIONAL  
 MEMPHIS  
 Midtown Overlay  
 CMU-3  
 N PT 1&2  
 1  
 TUCKER  
 -  
 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](mailto: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](#)

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You're welcome. Right now it's on the May 9<sup>th</sup> 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](mailto:Kendra.Cobbs@memphistn.gov)



Visit our [website](#)

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

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---

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](mailto:Kendra.Cobbs@memphistn.gov)>  
**Date:** Friday, April 12, 2024 at 3:41 PM  
**To:** Jackson McNeil <[Jackson@innovatememphis.com](mailto: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](mailto:Kendra.Cobbs@memphistn.gov)



Visit our [website](#)

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

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**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](mailto: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

---



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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](mailto:anne@anneedgar.com)

[www.anneedgar.com](http://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

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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

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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

---



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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](mailto: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

---

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---

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

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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

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---

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

---



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---

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

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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

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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

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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](mailto:jdulaney84@gmail.com)



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

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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

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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

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

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Ms. Cobb,

I'm writing today to oppose the proposed Whataburger at 1925 Union. Being a lifelong Midtownner, 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

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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

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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](mailto:margaretcaddock@me.com)

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

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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](mailto: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

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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](mailto: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

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BOARD OF DIRECTORS

Kerri Campbell

Chip Clay

Robert Gordon

Trace Hallowell

Jackie Nichols

Linda Sowell

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


[info@midtownmemphis.org](mailto:info@midtownmemphis.org)

[MidtownMemphis.org](http://MidtownMemphis.org)

## Ragsdale, Brett

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

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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

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Land Use Control Board  
MJR 2024-020-1925 Union Ave.  
Attn: [Kendra.Cobbs@memphistn.gov](mailto: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](http://www.TheRobertGordon.com)

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

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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

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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](http://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

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### Parcel Information

016052 00029

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### 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](mailto: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.

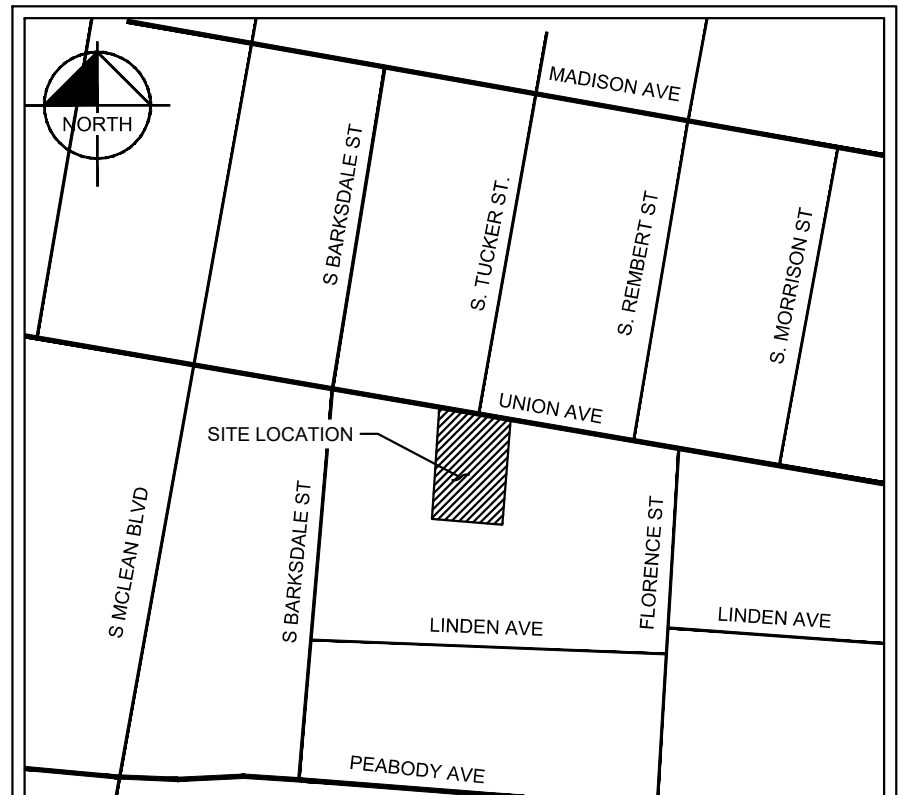
**SOUTH BARKSDALE STREET  
(50' R.O.W. - PUBLIC)**

**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

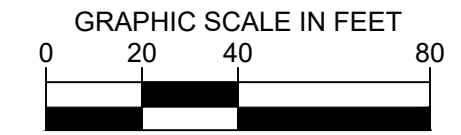
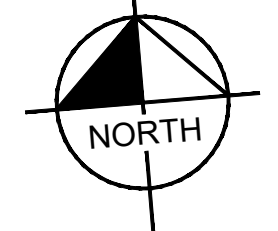
**GENERAL INFORMATION:**

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

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

"DISCENZA,"  
INST. GT 5143

"HOWELL"  
INST. 18068377

"MAKRIS"  
INST. EP 4062

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

"WRIGHT"  
INST. Z8 4431

"NATIONAL BANK OF COMMERCE"  
INST. U8 8992

PT22M  
BUILDING  
3,305 sq.ft.

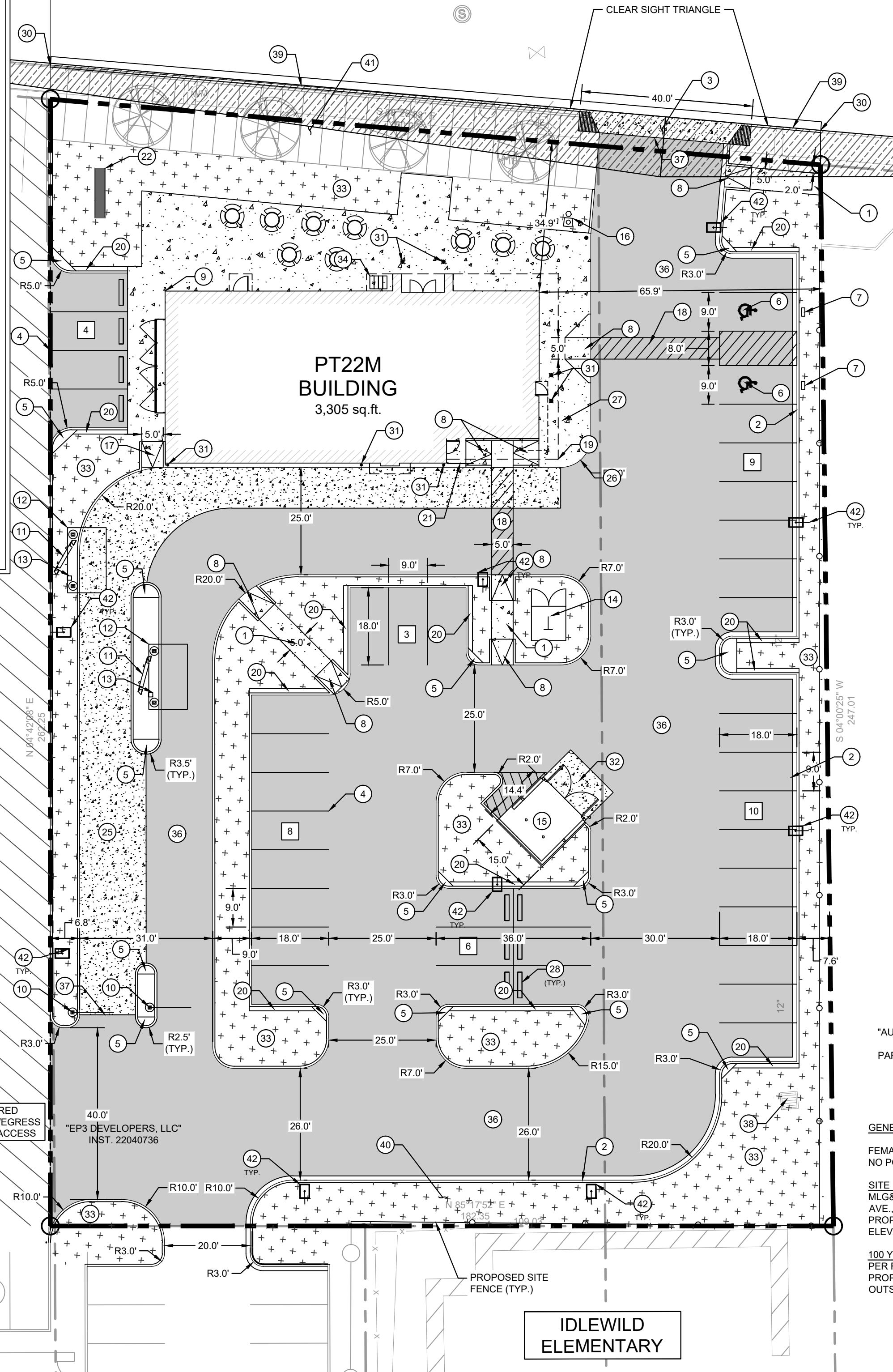
"EP3 DEVELOPERS, LLC"  
INST. 22040736

APPROXIMATE LOCATION OF 24" DRAIN LINE PER PLANS

**PLAT NOTES**

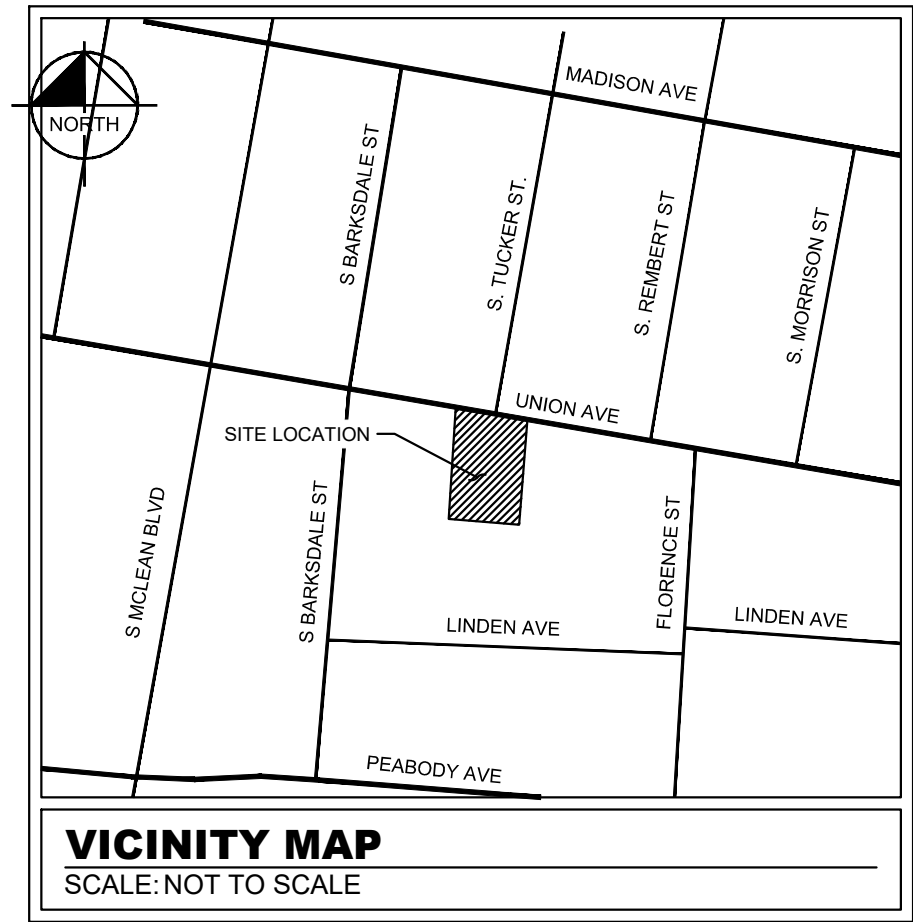
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**UNION AVENUE  
(80' R.O.W. - PUBLIC)**



**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
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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
[Stippled Box]	PROPOSED HEAVY DUTY CONCRETE PAVEMENT
[Dotted Box]	PROPOSED HEAVY DUTY CONCRETE DUMPSTER PAD
[Diagonal Lines]	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**

<b>PROPERTY INFORMATION:</b>	
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
<b>PARKING DATA:</b>	
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
<b>ZONING:</b>	
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)
<b>REQUIRED BUILDING SETBACKS:</b>	
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  
ELEVATION: 283.88 (NAVD88)

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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

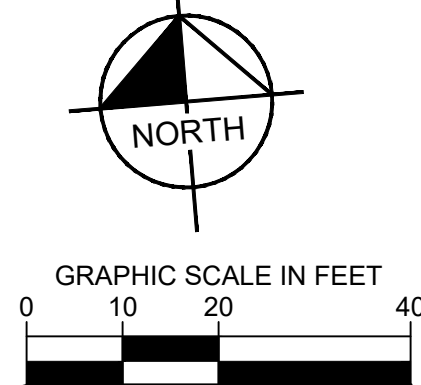
**SPECIAL USE PERMIT**

**WHATABURGER - UNION AND BARKSDALE AVE**

CASE NUMBER: TBD PARCEL NUMBER: 016052 00029

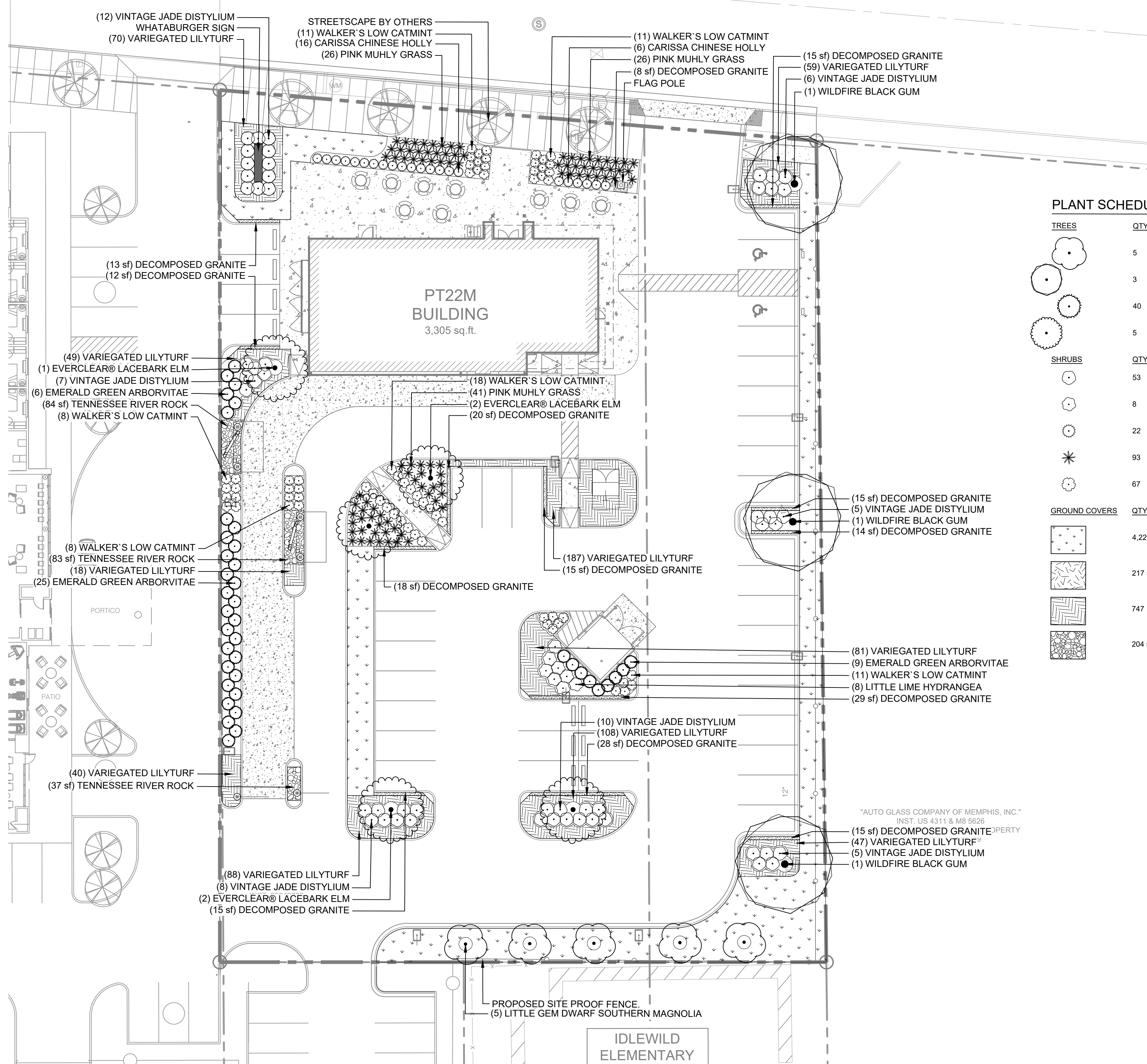
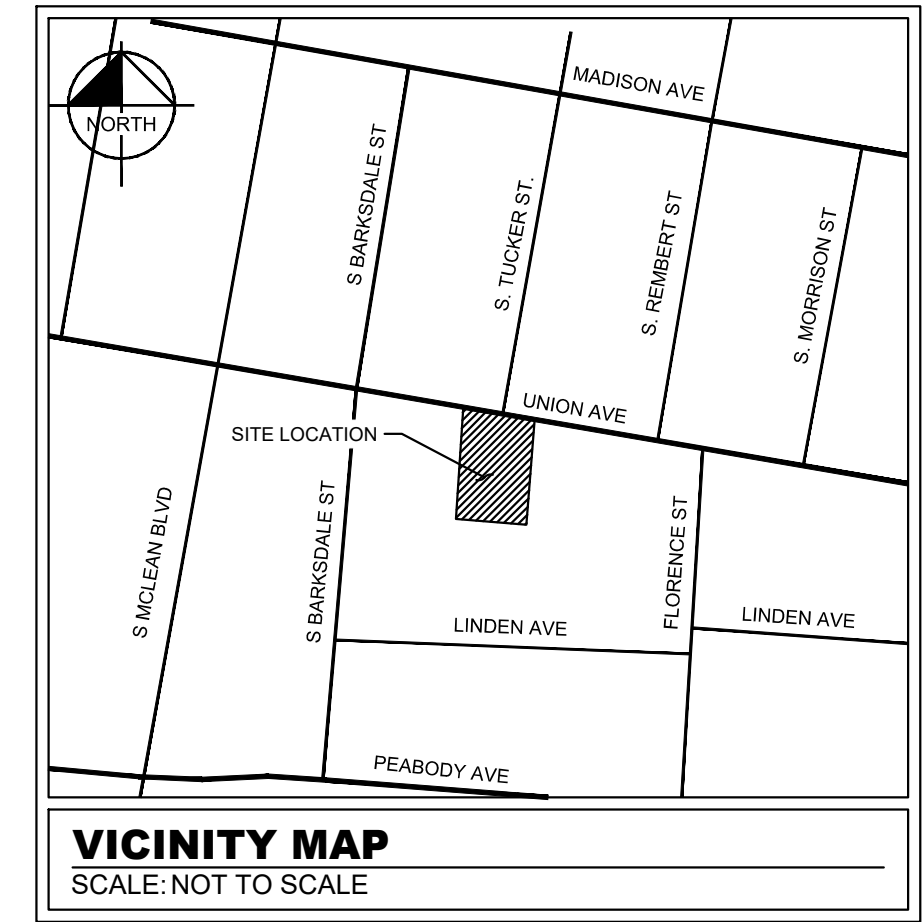
MEMPHIS, SHELBY COUNTY, TENNESSEE

NUMBER OF LOTS: 1	ACREAGE: ±1.06 ACRES	DISTRICT 08, BLOCK 0807
DEVELOPER: WHATABURGER RESTAURANTS, LLC	ENGINEER: <b>Kimley»Horn</b>	
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



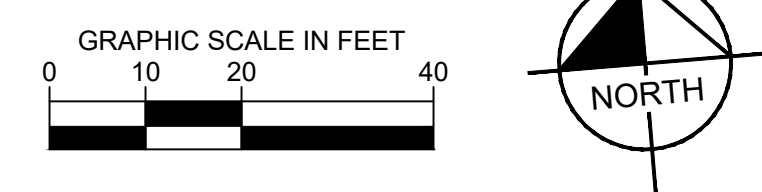
2.0'

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

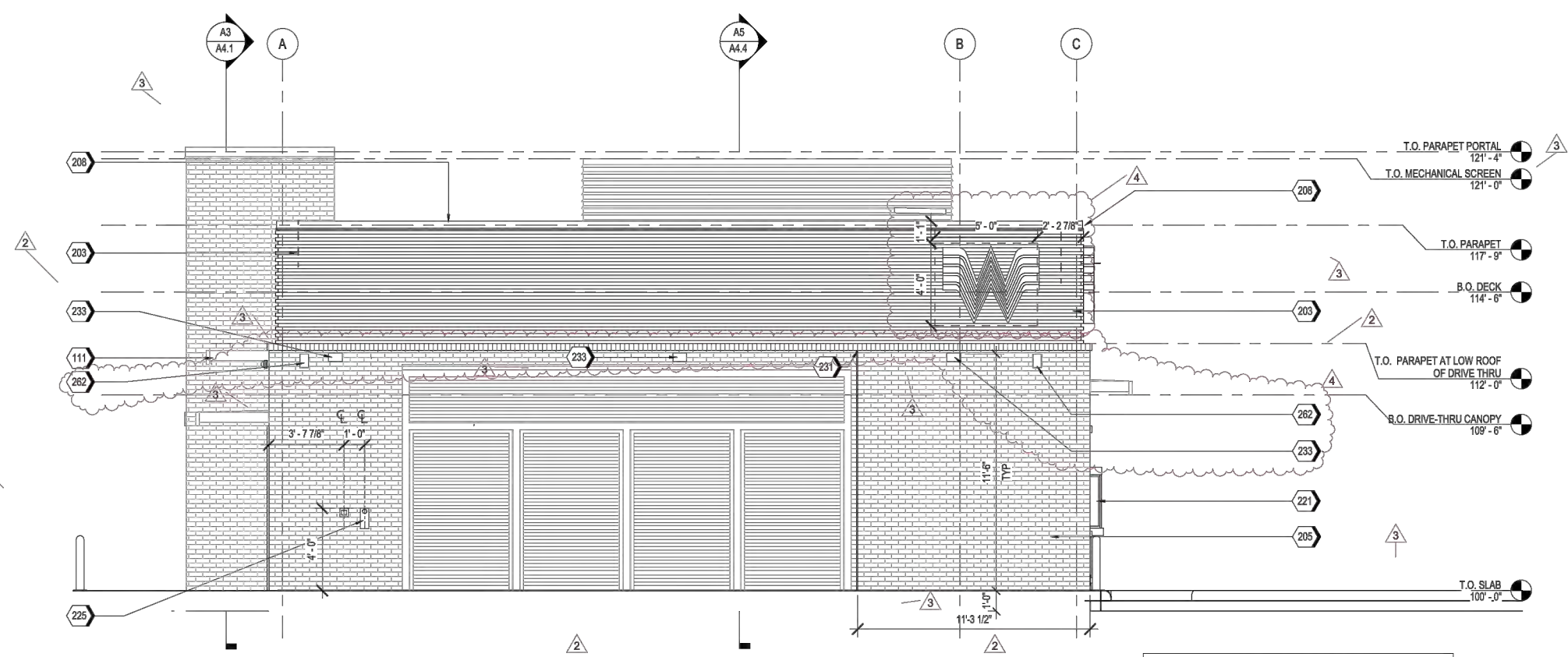


**PLANT SCHEDULE**

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



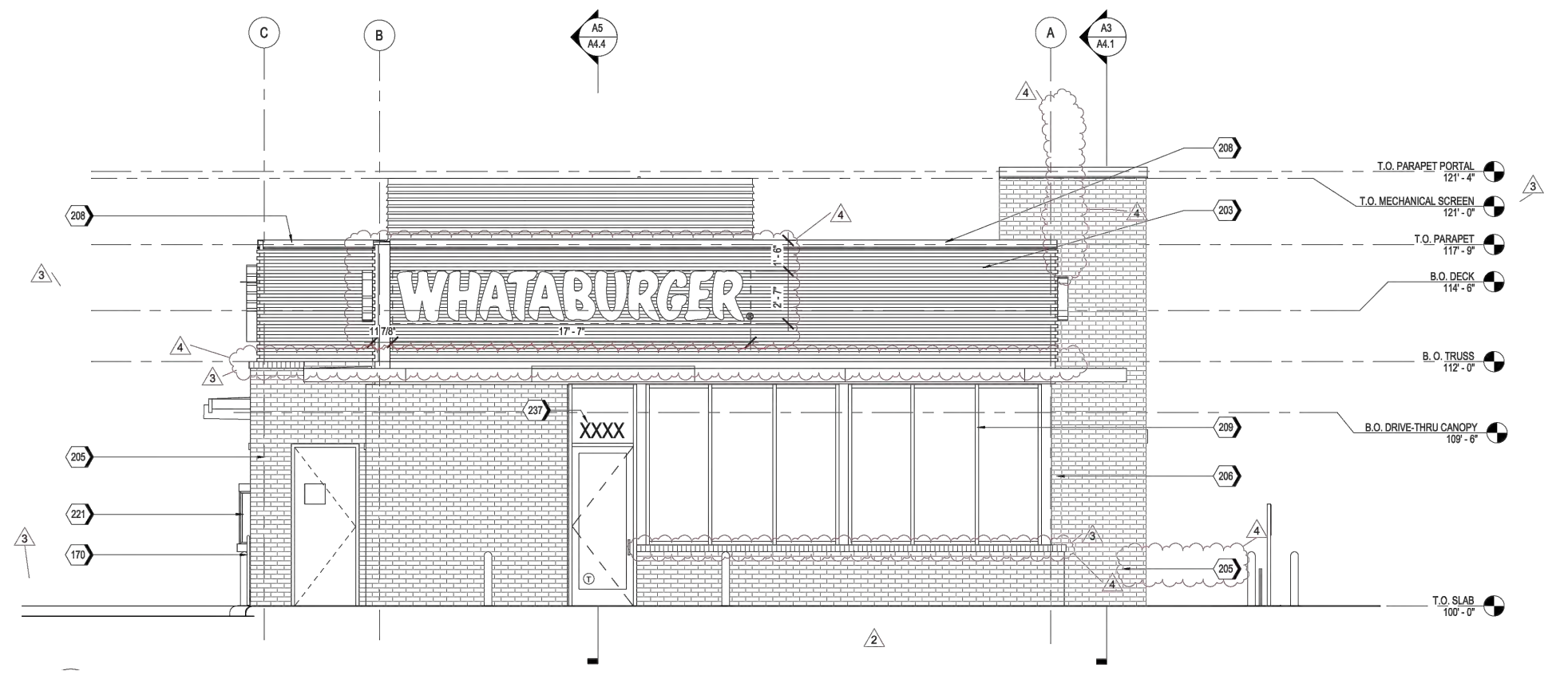
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MEMPHIS, SHELBY COUNTY, TENNESSEE		
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100 YR FLOOD ELEV: *NOT APPLICABLE	FEMA MAP PANEL NUMBER: 47157C0290F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MARCH 2024	SCALE: AS SHOWN	SHEET 3 OF 5



WEST ELEVATION

**KEYNOTES**

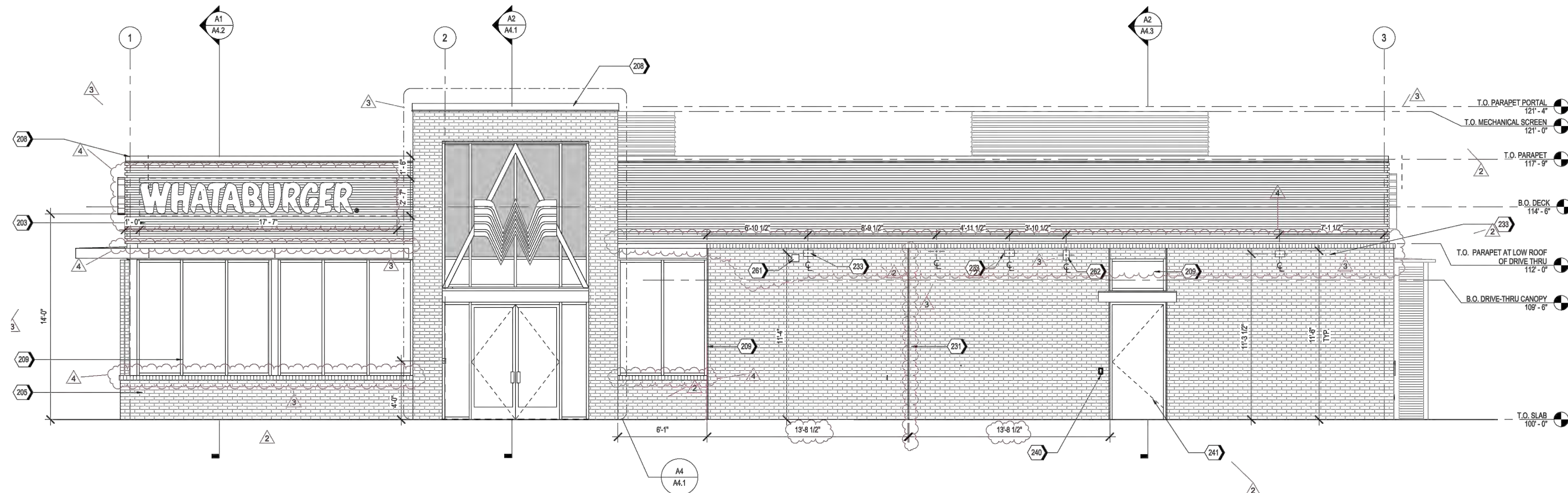
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170	ENTERA PRE-MANUFACTURED GUARDRAIL, BY OTHERS, RE: SBAHQ.1
203	MP-01; PRE-FINISHED CORRUGATED METAL PANEL
205	BR-01; BRICK VENEER
206	BR-02; BRICK VENEER
208	MC-01; PRE-FINISHED METAL COPING
209	SS-01; ALUMINUM STOREFRONT SYSTEM
211	DRIVE-THRU WINDOW
221	MASONRY EXPANSION CONTROL JOINT
225	STAINLESS STEEL GREASE SHIELD W/ 2 1/2" HOLE THROUGH WALL FOR GREASE TANK
231	EXTERIOR LIGHT FIXTURE, RE: ELECTRICAL, RE: A1.3 FOR DIMENSIONS
233	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**

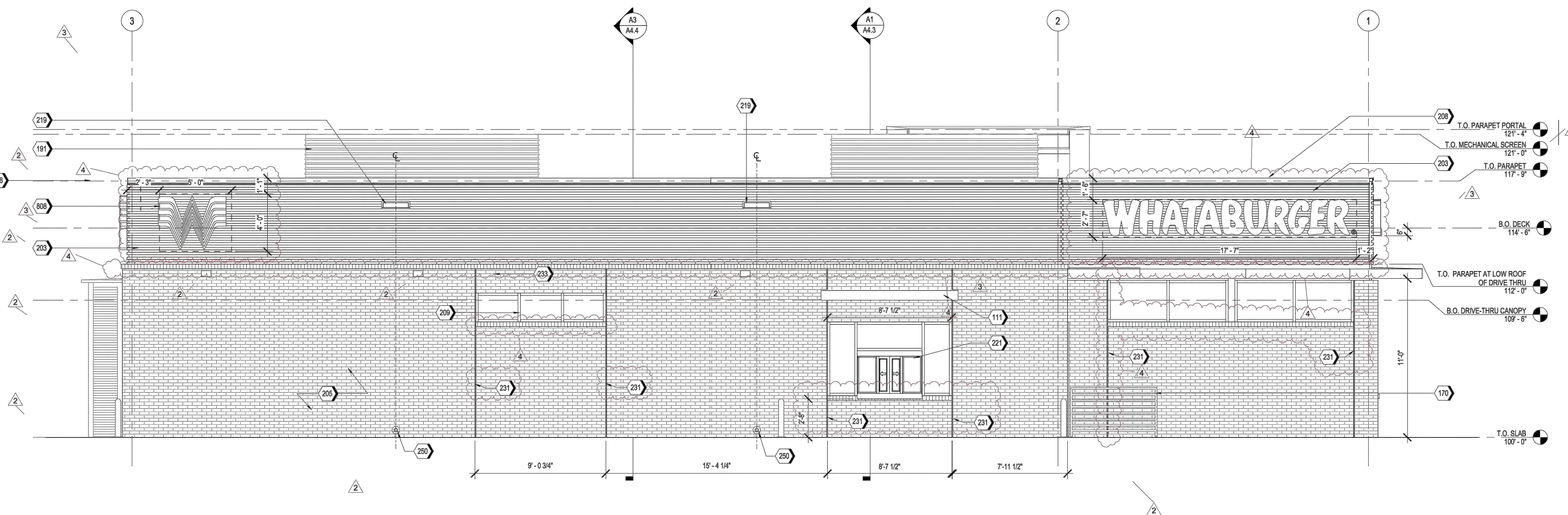
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231	EXTERIOR LIGHT FIXTURE, RE: ELECTRICAL, RE: A1.3 FOR DIMENSIONS
233	BUILDING ADDRESS 6" HIGH WHITE VINYL NUMBERS WITH 1" STROKE, 10" A.F.G. TO TOP OF SIGNAGE
282	WIRELESS ACCESS POINT, RE: ELECTRICAL



NORTH ELEVATION

**KEYNOTES**

111	ENTERA PRE-MANUFACTURED CANOPY, BY OTHERS
170	ENTERA PRE-MANUFACTURED GUARDRAIL, BY OTHERS, RE: SBAHQ.1
191	ENTERA PRE-MANUFACTURED ROOF SCREEN, BY OTHERS
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
211	DRIVE-THRU WINDOW
221	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: SBAHQ.1
191	ENTERA PRE-MANUFACTURED ROOF SCREEN, BY OTHERS
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
211	DRIVE-THRU WINDOW
221	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 ENCUMBERED 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

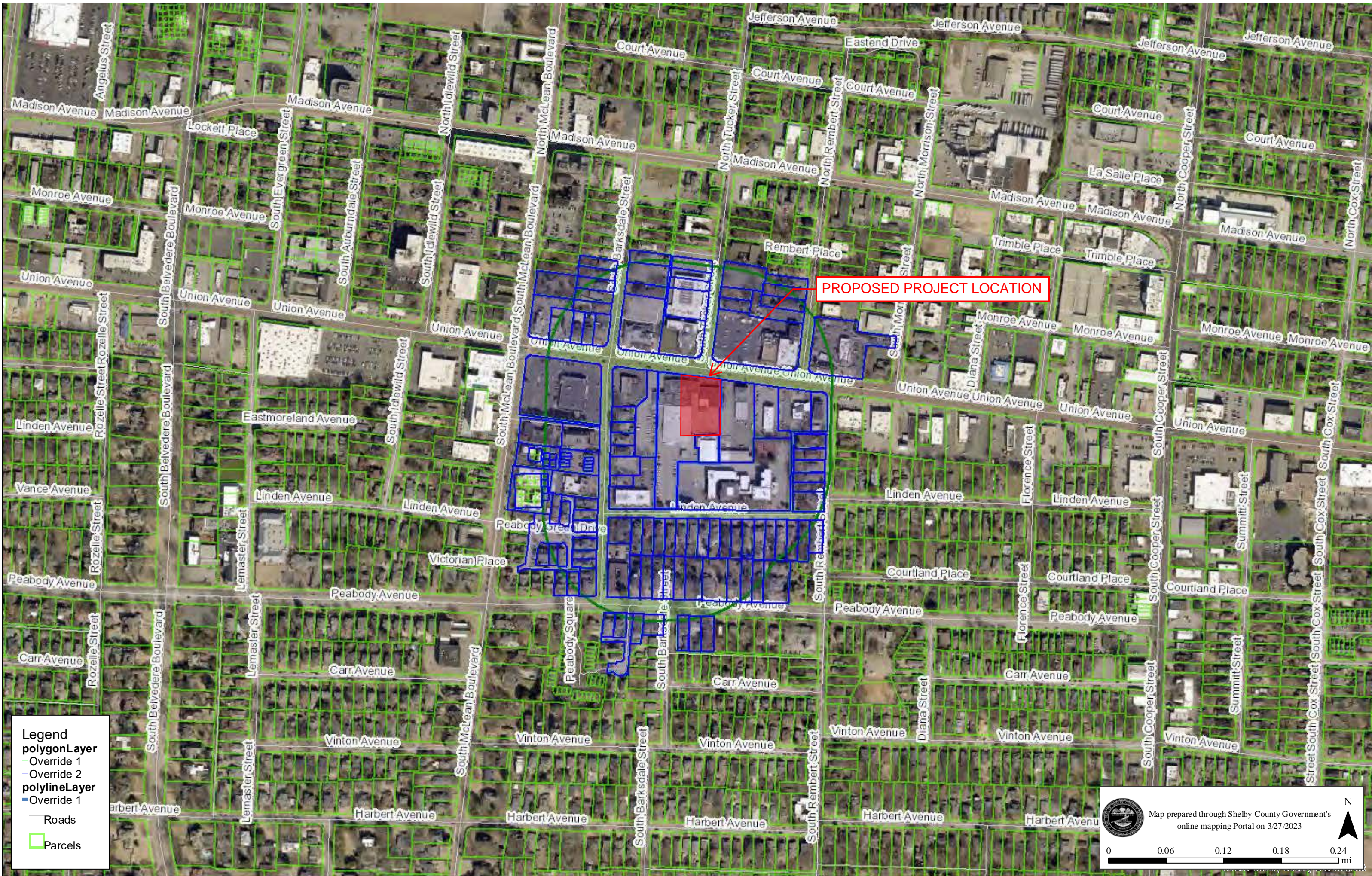
CASE NUMBER: TBD

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: <b>Kimley»Horn</b>	
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

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



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;

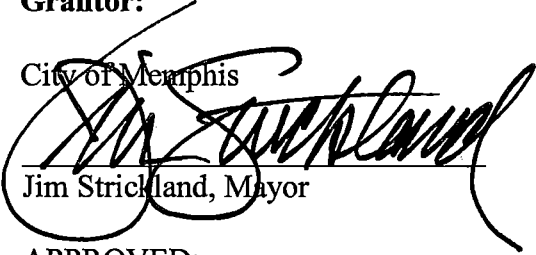
TO HAVE AND TO HOLD the Property, together with all the rights of way, easements, rights, privileges, appurtenances, hereditaments, improvements, estate, title interests and claims thereunto belonging or in any wise appertaining thereto, at law or in equity, forever. Notwithstanding the foregoing, this 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.

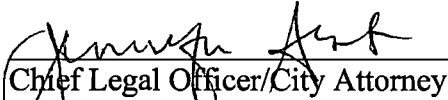
IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by his or her own hand or its duly authorized representative on the day and year first above written.

Grantor:

City of Memphis

  
\_\_\_\_\_  
Jim Strickland, Mayor

APPROVED:

  
\_\_\_\_\_  
Chief Legal Officer/City Attorney

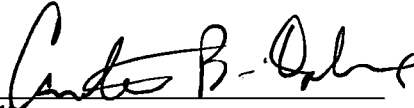
ATTEST:

  
\_\_\_\_\_  
City Comptroller

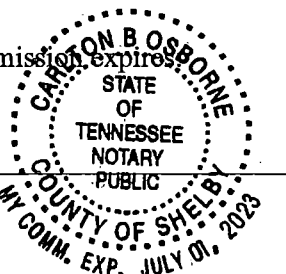
STATE OF TENNESSEE  
COUNTY OF SHELBY

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.

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

My commission expires

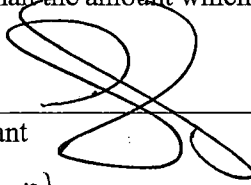




VALUE AFFIDAVIT

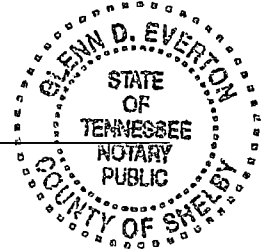
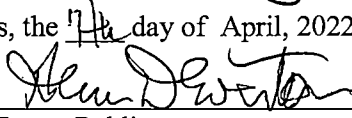
I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer, or the value of the property transferred, whichever is greater, is \$3,500,000,00, which amount is equal to or greater than the amount which the property transferred 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

Property Address (and Tax Parcel No.):

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

Memphis, Tennessee 38104

Name and Address of Grantor, and Mail Tax Bills To:

EP3 Developers, LLC  
9639 Grays Meadow Drive., W  
Cordova, Tennessee 38018

**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 25<sup>th</sup> 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: 9/10/2024**

*DATE*

**PUBLIC SESSION: 9/24/2024**

*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 planned development at the subject property located at 3419 American Way, known as case number PD 2024-009

**CASE NUMBER:** PD 2024-009

**DEVELOPMENT:** RaceTrac Planned Development

**LOCATION:** 3419 American Way

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

**OWNER/APPLICANT:** Sam Patel, Daniel Brown

**REPRESENTATIVE:** Dedrick Brittenum

**REQUEST:** Planned Development to allow a RaceTrac travel center

**AREA:** +/-2.8 acres

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

**RECOMMENDED COUNCIL ACTION:** **Public Hearing Not Required**  
Hearing – September 24, 2024

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
08/08/2024 _____	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>Chloe Christian</u>	<u>8/30/24</u>	PLANNER I
_____	_____	DEPUTY ADMINISTRATOR
<u>Brett Regalado</u>	<u>08/30/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

**PD 2024-009**

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 3419 AMERICAN WAY, KNOWN AS CASE NUMBER PD 2024-009

- This item is a resolution with conditions to allow a RaceTrac Travel Center; 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, August 8, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	PD 2024-009
<b>DEVELOPMENT:</b>	RaceTrac Planned Development
<b>LOCATION:</b>	3419 American Way
<b>COUNCIL DISTRICT(S):</b>	District 3 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Sam Patel / Daniel Brown
<b>REPRESENTATIVE:</b>	Dedrick Brittenum
<b>REQUEST:</b>	Planned Development to allow a RaceTrac travel center
<b>EXISTING ZONING:</b>	Commercial Mixed-Use -1 (CMU-1) and Commercial Mixed-Use -3 (CMU-3)
<b>AREA:</b>	+/-2.8 acres

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**The following spoke in support of the application:** Dedrick Brittenum and Kelly Harrington

**The following spoke in opposition the application:** Robin Brooks and Mary McLord

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

**The motion passed by a unanimous vote of 9-0.**

Respectfully,



Chloe Christion  
Planner I  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**PD 2024-009  
CONDITIONS**

**Outline Plan Conditions**

**I. Uses Permitted:**

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
  - 1. Truck Stop, Tractor Trailer (fueling of with no on-site bathing options, no on-site lodging facilities, nor overnight parking of Tractor Trailers.).
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels

**II. Bulk Regulations:**

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
  - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
  - 2. Canopy can be setback greater than 20' from the property line.
  - 3. The convenience store canopy cannot exceed 20 feet in height. The diesel fuel pumps canopy cannot exceed 25 feet in height.

**III. Access, Circulation and Parking:**

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.
- G. A minimum of three EV Charging Stations shall be provided at the front or side of the convenience store building.
- H. A minimum of 6 bike spaces shall be provided.

**IV. Landscaping and Screening:**

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.



- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east near the residential zoning.
- D. Streetscaping Plate Type S-10 modified to 15 feet in width behind the existing curb-lined sidewalk shall be provided on both Lamar Avenue and American Way.
- E. A detailed landscaping plan shall be provided as a part of the Final Plat. The Division of Planning and Development may approve modifications administratively.

**V. Signs:**

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. The sign face area of any detached signs shall be regulated by Table I in UDC Item 4.9.7.D(2)(b).
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. No canopy signs are permitted.
- E. Landscaping at the base of any detached sign shall be provided at 2 times the size of the sign face.

**VI. Outdoor Site Lighting:**

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.
- B. A Photometric Lighting Analysis shall be required with a 0 foot candle intensity along the property line measuring 233.93 feet at the end of Venable Avenue.

**VII. Drainage:**

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

**VIII. Building, Fuel Pumps Canopy, and Dumpster Enclosure Design**

- A. A minimum 50% transparency shall be provided with the front-facing building elevation for the convenience store.
- B. A minimum 30% transparency shall be provided on the side building elevations of the convenience store.

- C. The support columns for the gas pumps canopy in front of the convenience store and the truck fueling canopy shall be covered in an exterior compatible with the exterior of the convenience store by using brick or stone cladding, or a combination thereof. Any fuel canopy shall be architecturally compatible with the convenience store building.
  - D. The dumpster location and enclosure shall meet the locational requirements in the Unified Development Code.
  - E. Striping is permitted on any fuel canopy.
  - F. All exterior building elevations, fuel pump island canopy elevations, dumpster enclosure elevations, and detached sign elevations shall be provided on the final plat including building materials and colors to be used.
- IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

**X. Site Plan Review**

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plat. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
  - B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
  - C. The site plan shall be reviewed and based upon the following criteria:
    - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
    - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
    - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
    - 4. Building elevations and materials.
- XI.** A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

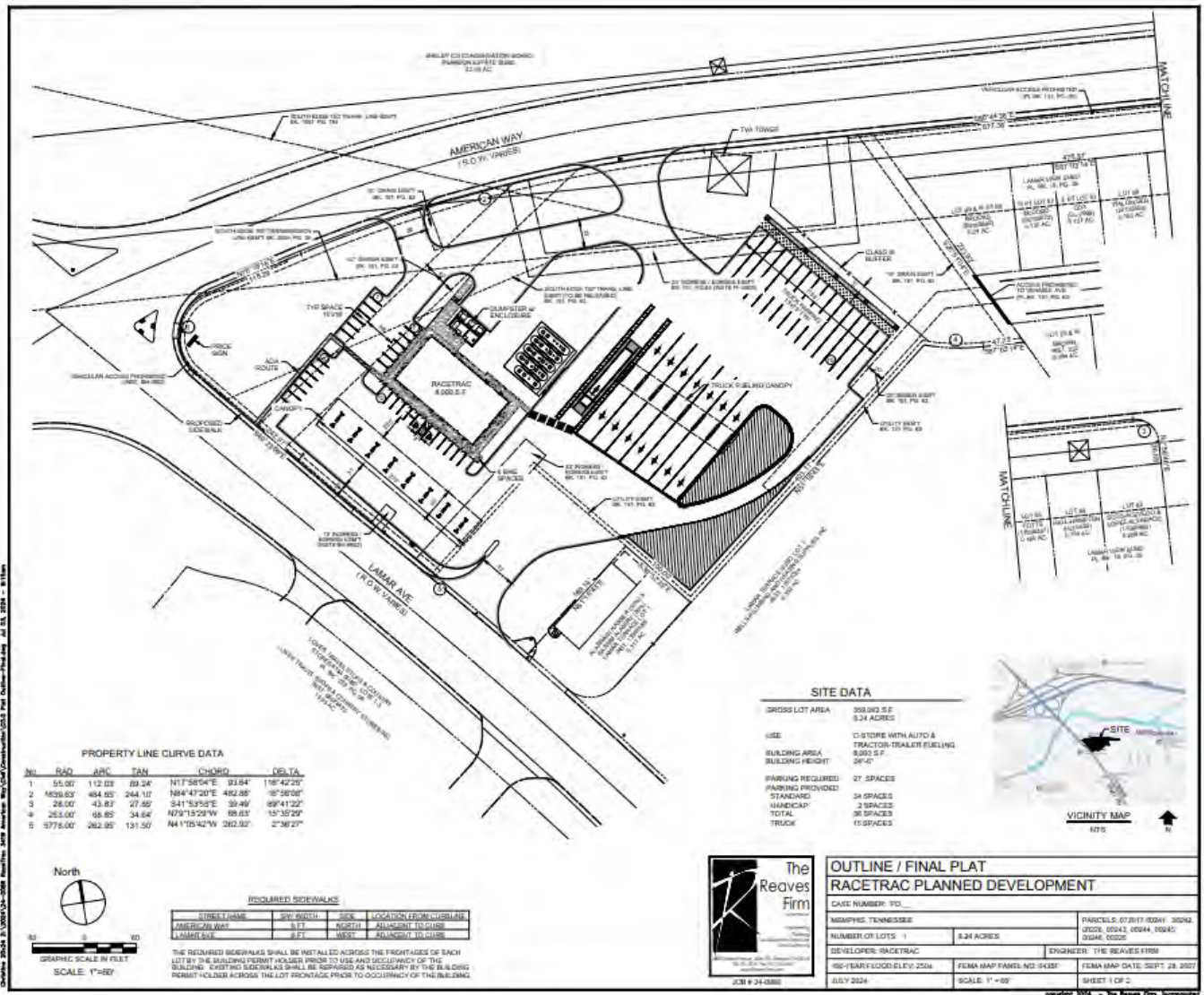
**XII.** Any final plat shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility

easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.

- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
- F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- 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 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.

# OUTLINE PLAN



**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3419 AMERICAN WAY, KNOWN AS CASE NUMBER PD 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 planned development for certain stated purposes in the various zoning districts; and

**WHEREAS**, Dedrick Brittenum filed an application with the Memphis and Shelby County Division of Planning and Development to allow a RaceTrac Travel center; 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 August 8, 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**

### **Outline Plan Conditions**

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

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
  - 1. Truck Stop, Tractor Trailer (fueling of with no on-site bathing options, no on-site lodging facilities, nor overnight parking of Tractor Trailers.).
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels

#### **II. Bulk Regulations:**

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
  - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
  - 2. Canopy can be setback greater than 20' from the property line.
  - 3. The convenience store canopy cannot exceed 20 feet in height. The diesel fuel pumps canopy cannot exceed 25 feet in height.

#### **III. Access, Circulation and Parking:**

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.
- G. A minimum of three EV Charging Stations shall be provided at the front or side of the convenience store building.
- H. A minimum of 6 bike spaces shall be provided.

#### **IV. Landscaping and Screening:**

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.
- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east near the residential zoning.
- D. Streetscaping Plate Type S-10 modified to 15 feet in width behind the existing curb-lined sidewalk shall be provided on both Lamar Avenue and American Way.
- E. A detailed landscaping plan shall be provided as a part of the Final Plat. The Division of Planning and Development may approve modifications administratively.

#### **V. Signs:**

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. The sign face area of any detached signs shall be regulated by Table I in UDC Item 4.9.7.D(2)(b).
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. No canopy signs are permitted.
- E. Landscaping at the base of any detached sign shall be provided at 2 times the size of the sign face.

#### **VI. Outdoor Site Lighting:**

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.
- B. A Photometric Lighting Analysis shall be required with a 0 foot candle intensity along the property line measuring 233.93 feet at the end of Venable Avenue.

#### **VII. Drainage:**

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

- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

### **VIII. Building, Fuel Pumps Canopy, and Dumpster Enclosure Design**

- A. A minimum 50% transparency shall be provided with the front-facing building elevation for the convenience store.
- B. A minimum 30% transparency shall be provided on the side building elevations of the convenience store.
- C. The support columns for the gas pumps canopy in front of the convenience store and the truck fueling canopy shall be covered in an exterior compatible with the exterior of the convenience store by using brick or stone cladding, or a combination thereof. Any fuel canopy shall be architecturally compatible with the convenience store building.
- D. The dumpster location and enclosure shall meet the locational requirements in the Unified Development Code.
- E. Striping is permitted on any fuel canopy.
- F. All exterior building elevations, fuel pump island canopy elevations, dumpster enclosure elevations, and detached sign elevations shall be provided on the final plat including building materials and colors to be used.

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

### **X. Site Plan Review**

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plat. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.



- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.

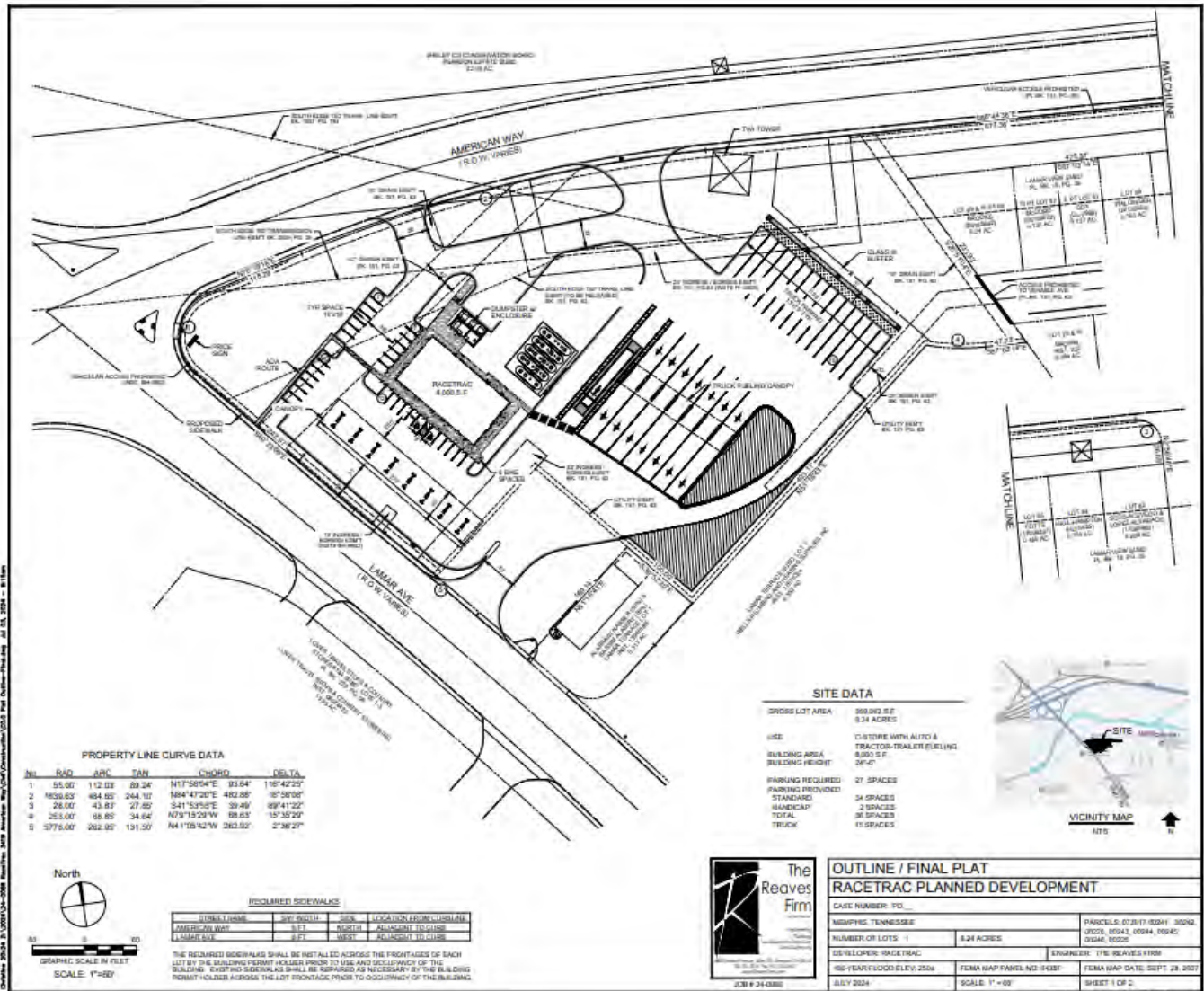
**XI. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.**

**XII. Any final plat shall include the following:**

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
- F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- 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

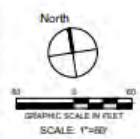
be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property 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.

# OUTLINE PLAN



**PROPERTY LINE CURVE DATA**

No.	RAD.	ARC	TAN	CHORD	DELTA
1	55.30	112.03	89.24	N17°50'0"E 83.84'	116°42'25"
2	1028.83	484.02	244.17	N84°47'30"E 482.88'	16°58'07"
3	28.00	43.83	27.85	S41°53'0"E 39.49'	89°41'22"
4	253.00	88.85	34.64	N79°15'29"W 88.83'	15°35'29"
5	5776.00	262.95	131.50	N41°25'42"W 262.92'	2°38'27"



**REQUIRED SIDEWALKS**

STREET NAME	SW WIDTH	SEW	LOCATION FROM CURBLINE
AMERICAN WAY	3 FT	WEST	ADJACENT TO CURB
LAMAR AVE	3 FT	WEST	ADJACENT TO CURB

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

**SITE DATA**

GROSS LOT AREA	38,800 S.F. 0.89 ACRES
USE	C STORE WITH AUTO & TRACTOR-TRAILER (S/BLNG)
BUILDING AREA	8,800 S.F.
BUILDING HEIGHT	36'-0"
PARKING REQUIRED	27 SPACES
PARKING PROVIDED	34 SPACES
STANDARD	2 SPACES
HANDICAP	1 SPACE
TOTAL	36 SPACES
TRUCK	11 SPACES



OUTLINE / FINAL PLAT					
RACETRAC PLANNED DEVELOPMENT					
CASE NUMBER:	PD	PARCELS: 0735(1) 02041 32042			
CITY:	MEMPHIS, TENNESSEE	JUDGE: 02043 02044 02045			
NUMBER OF LOTS:	1	02046 02047			
DEVELOPER:	RACETRAC	ENGINEER:	THE REAVES FIRM		
REV:	04/15/2024	FEMA MAP PANEL NO:	84387	FEMA MAP DATE:	SEPT 28 2022
DATE:	06/7/2024	SCALE:	1"=80'	SHEET:	1 OF 2

***ATTEST:***

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

**AGENDA ITEM:** 8 **L.U.C.B. MEETING:** August 8, 2024

**CASE NUMBER:** PD 2024-009

**DEVELOPMENT:** RaceTrac Travel Center Planned Development

**LOCATION:** 3419 American Way

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

**OWNER/APPLICANT:** Sam Patel, Daniel Brown

**REPRESENTATIVE:** Dedrick Brittenum

**REQUEST:** Planned Development to allow a truck stop

**EXISTING ZONING:** Commercial Mixed-Use – 3 (CMU-3) and Commercial Mixed-Use – 1 (CMU-1)

## CONCLUSIONS

1. The request is a +/- 2.8 acre planned development to allow a RaceTrac Travel Center. The facility will contain a convenience store with fuel pumps for motorized vehicles including tractor trailers. No overnight amenities or bathing options will be provided on site.
2. The project will require the demolition of the existing Garden Inn Hotel to allow for the convenience store, two fueling canopies for trucks and standard cars, and enclosed dumpster. There are two curb cuts to be installed along American Way, and one curb cut to be installed along Lamar Avenue subject to City Engineering approval.
3. 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.

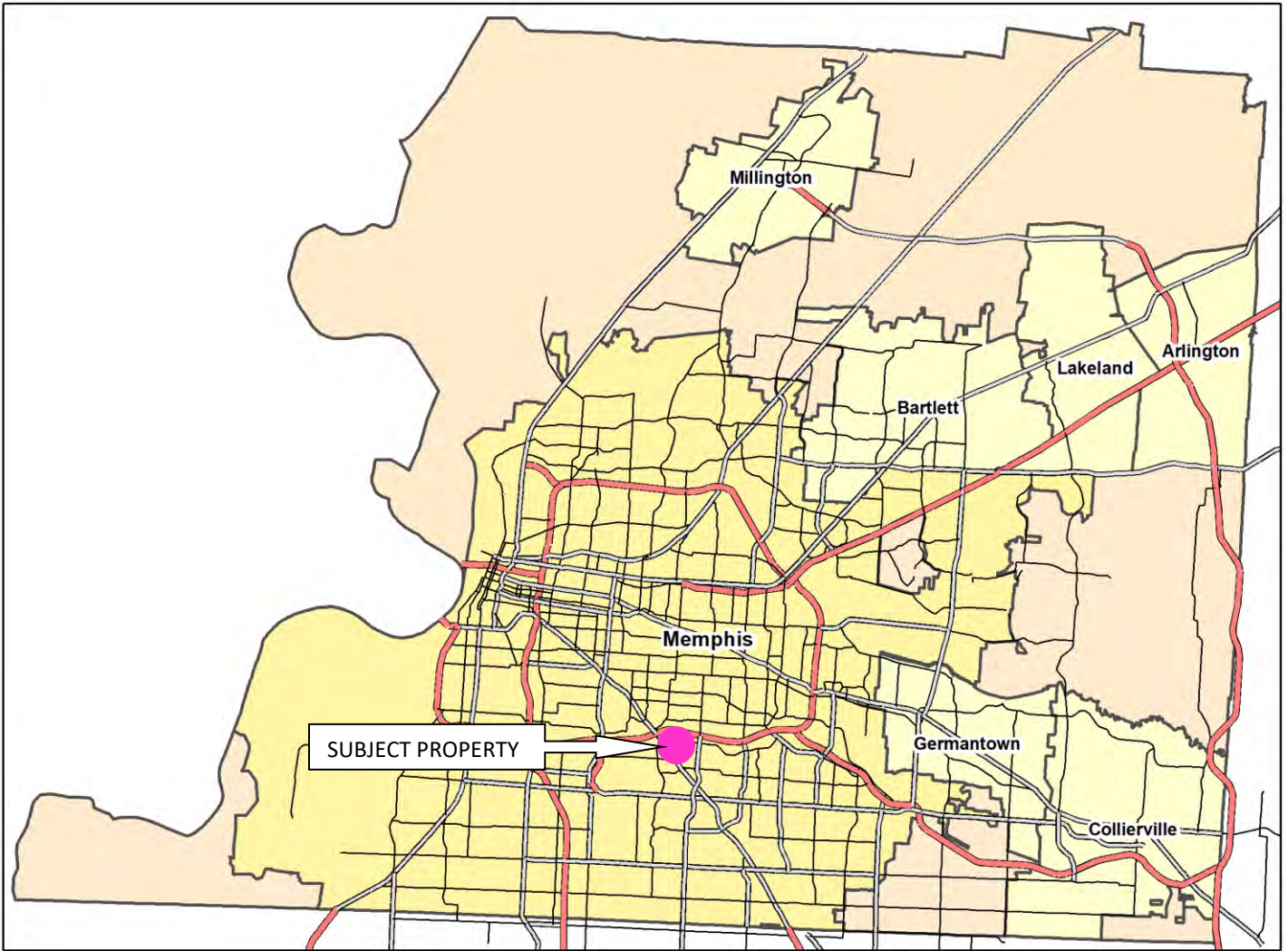
## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 25-26 of this report.

## RECOMMENDATION:

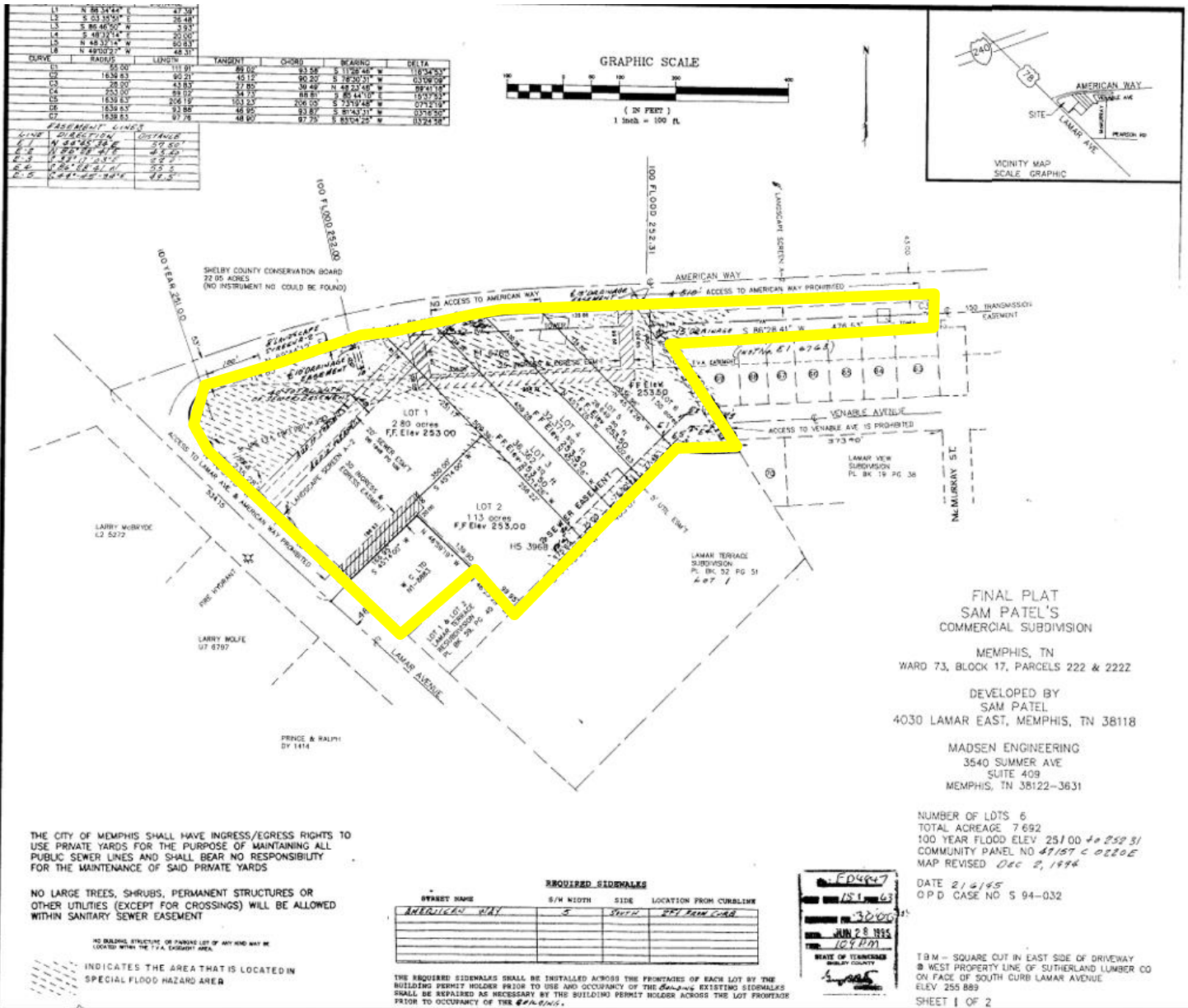
*Approval with conditions*

**LOCATION MAP**



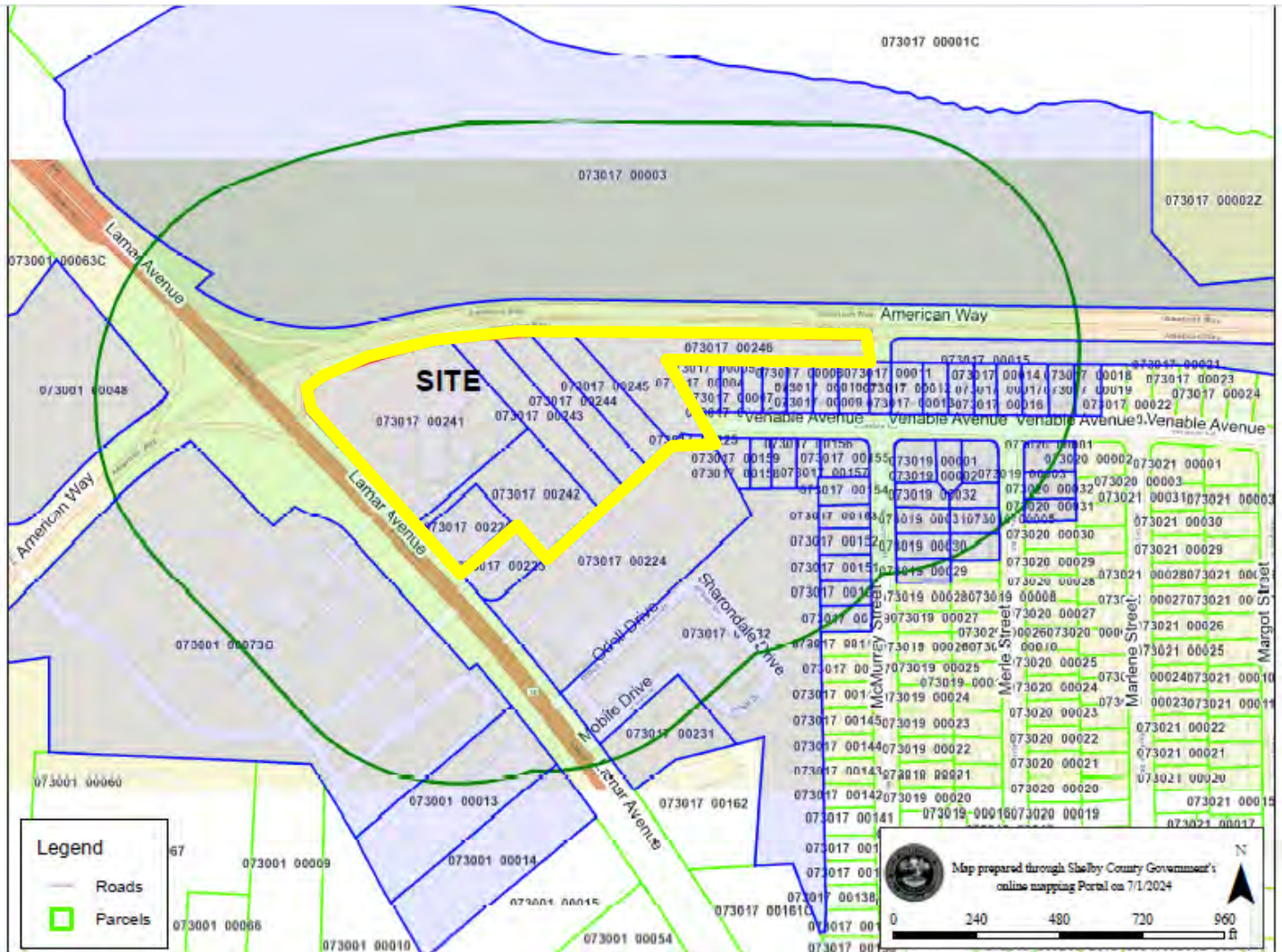
Subject property located within the pink circle

**SAM PATEL'S COMMERCIAL SUBDIVISION**



Subject property highlighted in yellow.

### 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 and signage posted. A total of 57 notices were mailed on July 11, 2024, see page 27 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see page 34 of this report for a copy of the sign affidavit.

### NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, July 23, 2024 at American Way Middle School, 3805 American Way.



**AERIAL**



Subject property outlined in yellow, imagery from 2023

**ZONING MAP**



Subject property highlighted in yellow

**FEMA MAP**

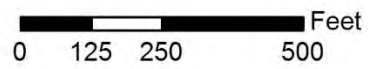











Subject property outlined in yellow

**LAND USE MAP**



**LandUse**

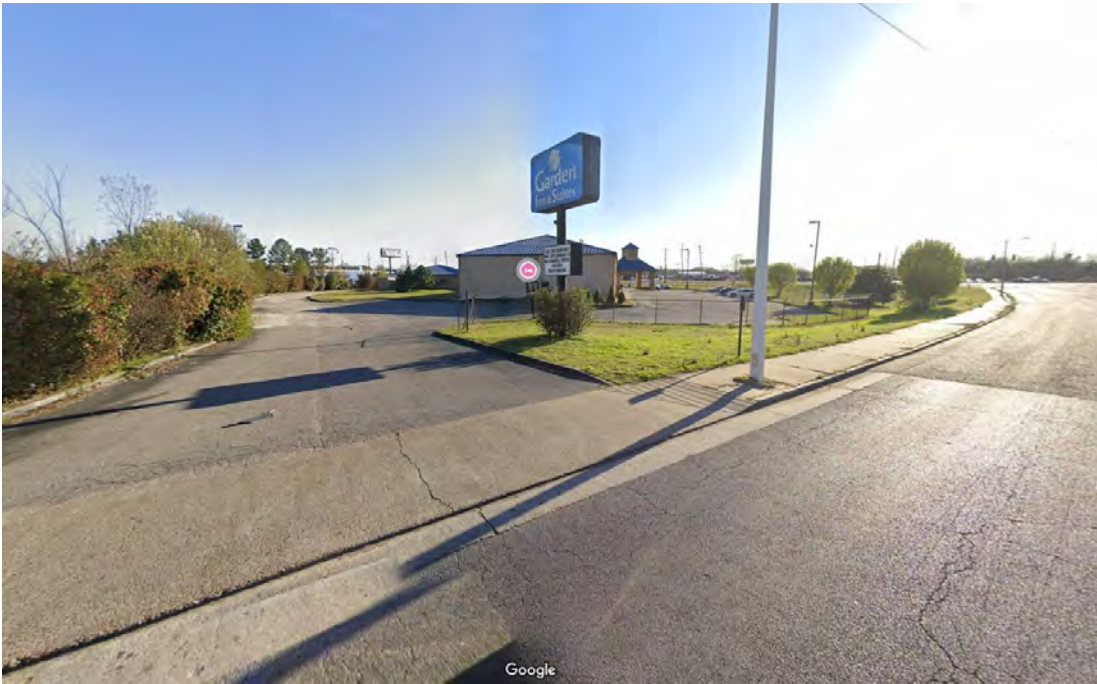


- |   |  |
|---|--|
|  SINGLE-FAMILY             |  OFFICE     |
|  MULTI-FAMILY              |  INDUSTRIAL |
|  INSTITUTIONAL             |  PARKING    |
|  COMMERCIAL                |  VACANT     |
|  RECREATIONAL / OPEN SPACE |  |



Subject property indicated by a pink star and outlined in yellow.

**SITE PHOTOS**



View of subject property from American Way looking south.



View of subject property from the parking lot.

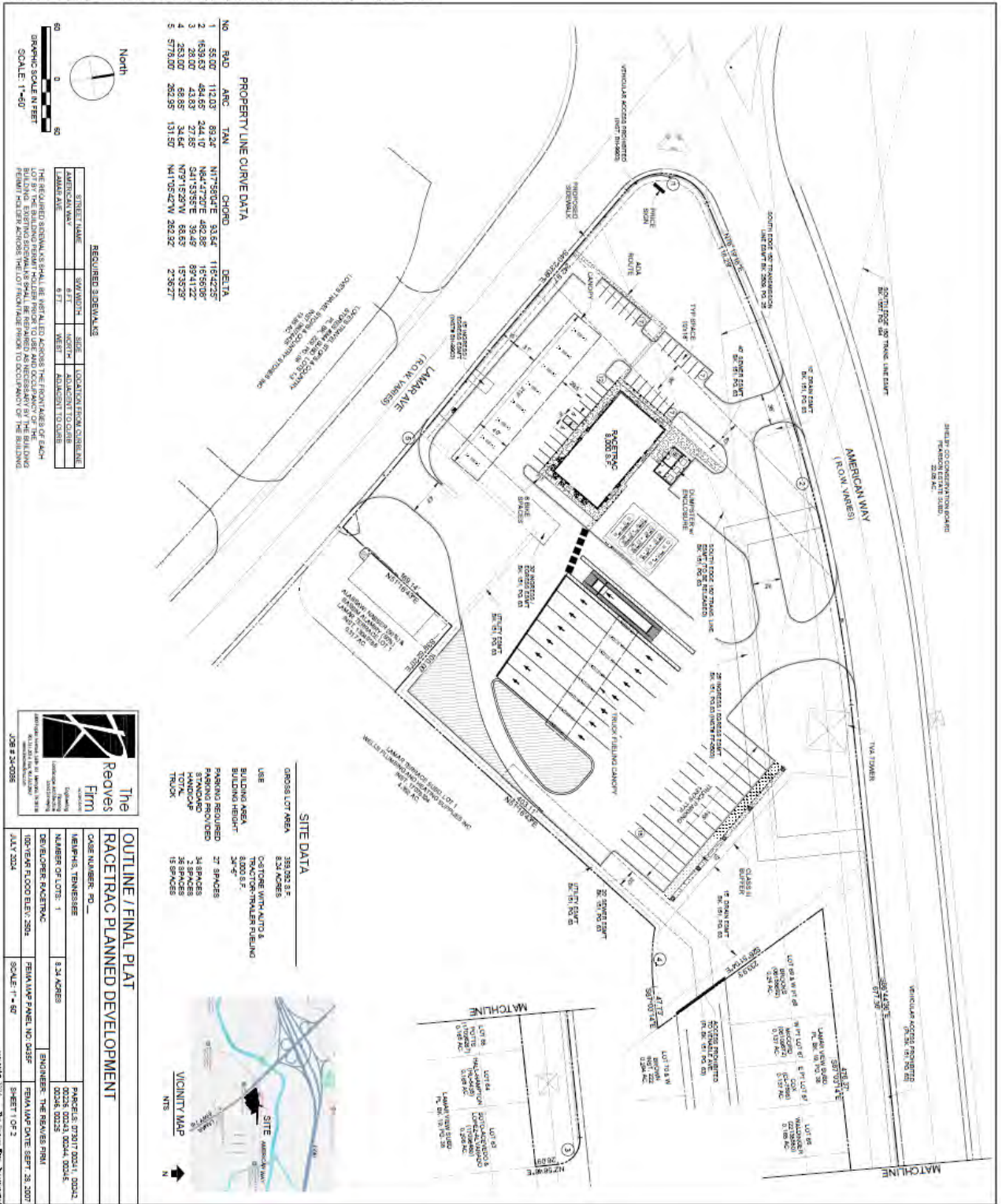


View of subject property from the parking lot



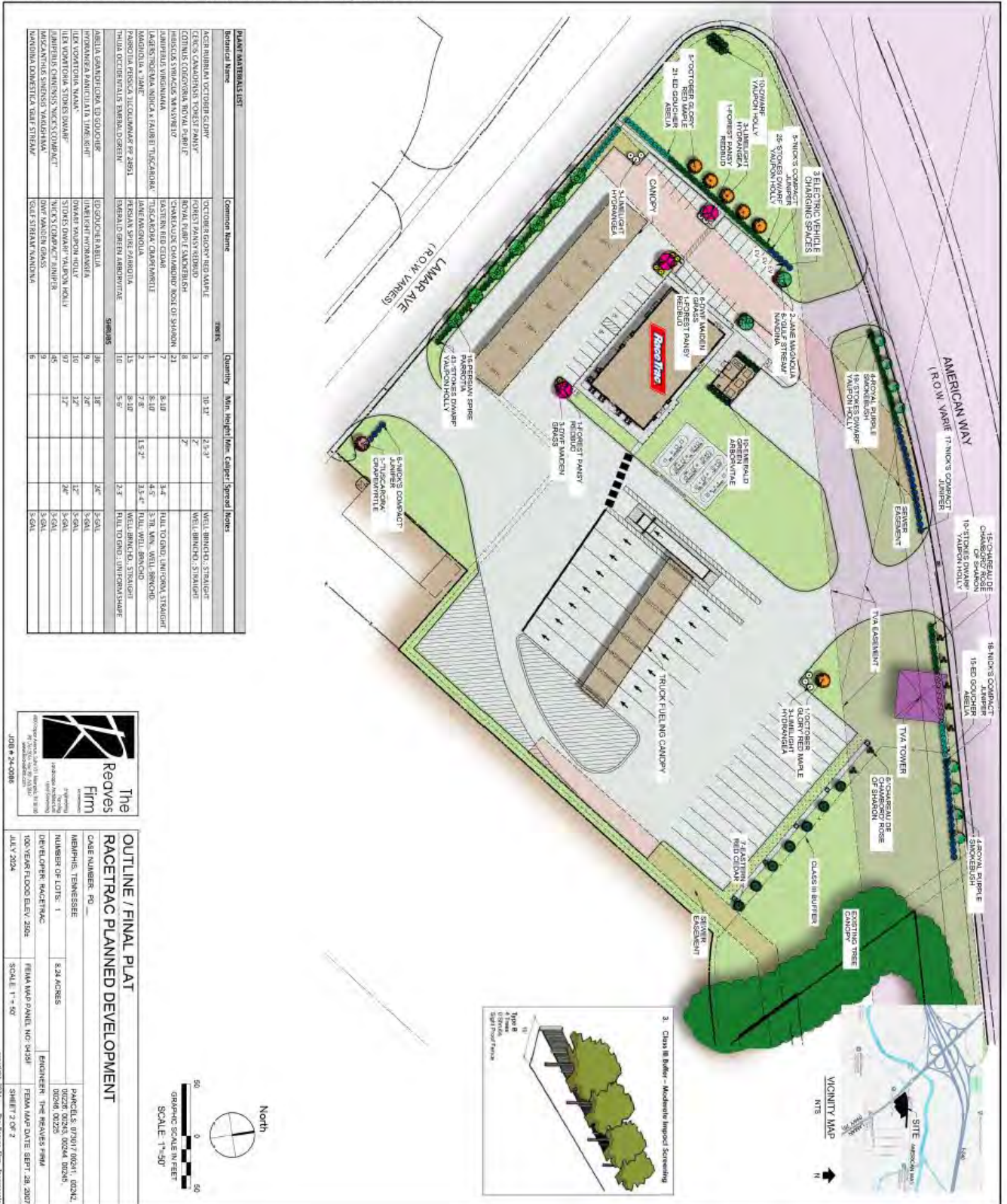
View of subject property from Lamar Avenue looking north

# OUTLINE PLAN



LANDSCAPE PLAN

Ordnance 22024 2/2024/24-0086 Issue/Proc 3419 American Way/CA/Construction/CLD Plat Outline-Final.dwg - J4 31, 2024 - 11:10am



**PLANT MATERIALS LIST**

Common Name	Quantity	Min. Height/In.	Caliper/Spread/Inches
AMERICAN WAY (ROW PARKING)	10	10-12"	2.5-3"
LAMAR AVE (ROW PARKING)	10	10-12"	2.5-3"
1-100 YALPORN HOLLY	100		
2-24 JUNE SPINDLER	24		
3-100 YALPORN HOLLY	100		
4-24 JUNE SPINDLER	24		
5-100 YALPORN HOLLY	100		
6-24 JUNE SPINDLER	24		
7-100 YALPORN HOLLY	100		
8-24 JUNE SPINDLER	24		
9-100 YALPORN HOLLY	100		
10-24 JUNE SPINDLER	24		
11-100 YALPORN HOLLY	100		
12-24 JUNE SPINDLER	24		
13-100 YALPORN HOLLY	100		
14-24 JUNE SPINDLER	24		
15-100 YALPORN HOLLY	100		
16-24 JUNE SPINDLER	24		
17-100 YALPORN HOLLY	100		
18-24 JUNE SPINDLER	24		



**OUTLINE / FINAL PLAT  
RACETRAC PLANNED DEVELOPMENT**

CASE NUMBER PD _____	PARTICULARS 07/01/2024, 02/02/24, 02/24, 02/24, 02/24, 02/24
CITY/TOWN, COUNTY, STATE _____	02/02/24, 02/24, 02/24, 02/24, 02/24
DEVELOPER RACETRAC _____	DEVELOPER THE REEVES FIRM
DESIGNER RACETRAC _____	DESIGNER THE REEVES FIRM
DATE OF PLAN _____	DATE OF PLAN FEB. 28, 2027
SCALE 1" = 50'	SCALE 1" = 50'
SHEET 2 OF 2	SHEET 2 OF 2



**1 FRONT ELEVATION**

**2 REAR ELEVATION**

**3 LEFT ELEVATION**

**4 RIGHT ELEVATION**

EXTENSION MATERIAL SCHEDULE	
NO.	DESCRIPTION
1	CONCRETE
2	BRICK
3	GLASS
4	ALUMINUM
5	STEEL
6	WOOD
7	PAINT
8	ROOFING
9	LANDSCAPING
10	MECHANICAL
11	ELECTRICAL
12	PLUMBING
13	HEATING
14	Cooling
15	Interior Finish
16	Exterior Finish
17	Signage
18	Lighting
19	Accessibility
20	Other

**PROJECT INFORMATION**

**Client:** RaceTrac

**Address:** ANYTOWN, CITY

**State:** STATE 00000

**Project Name:** RaceTrac

**Architect:** [Firm Name]

**City:** ANYTOWN, CITY

**State:** STATE 00000

**Address:** [Address]

**Material Schedule:**

1. CONCRETE

2. BRICK

3. GLASS

4. ALUMINUM

5. STEEL

6. WOOD

7. PAINT

8. ROOFING

9. LANDSCAPING

10. MECHANICAL

11. ELECTRICAL

12. PLUMBING

13. HEATING

14. Cooling

15. Interior Finish

16. Exterior Finish

17. Signage

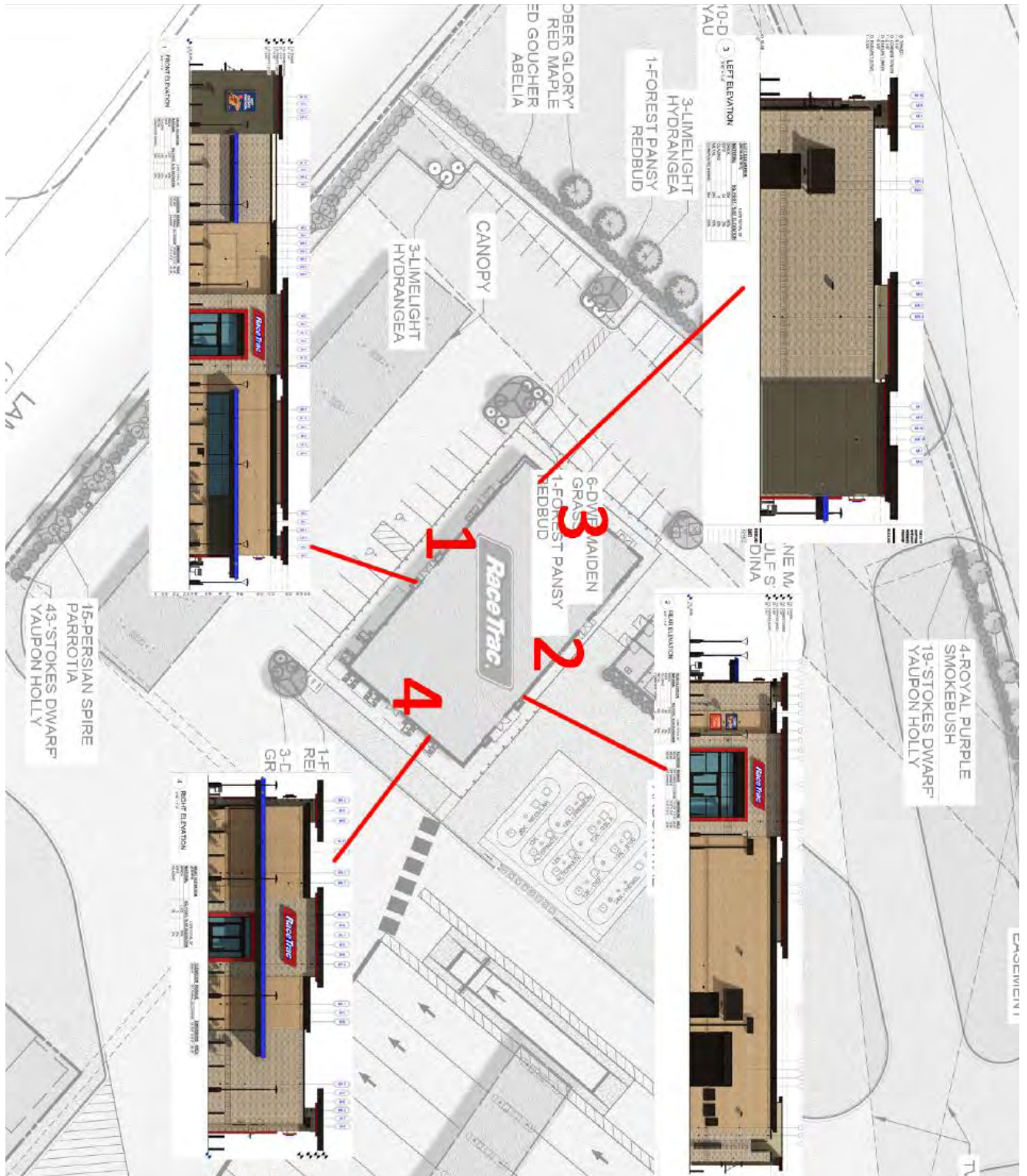
18. Lighting

19. Accessibility

20. Other

**300**

ELEVATION MAP



## CASE REVIEW

### Request

The request is a mixed use planned development to allow a truck stop.

### Applicability

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

#### *4.10.2 Applicability*

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

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

### General Provisions

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

#### *4.10.3 General Provisions*

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

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of*

*surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*

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

### **Commercial or Industrial Criteria**

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

#### *4.10.5 Planned Commercial or Industrial Developments*

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

- A. Screening*

*When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.*
- B. Display of Merchandise*

*All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.*
- C. Accessibility*

*The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.*
- D. Landscaping*

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

*any adverse impact on adjoining low-rise buildings.*

### **Approval Criteria**

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

#### *9.6.9 Approval Criteria*

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

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

### **Site Details**

Address:

3419 American Way

Parcel ID:

073017 00241

Area:

+/- 2.8 acres

Description:

The subject property is known as Lots 1 through 6 of Sam Patel's Commercial Subdivision (S 94-032) and has a zoning of Commercial Mixed-Use -1. Per the Assessor's website, the principal structure on Lot 1 was built in 1996 and has a square footage of 32,691. There is a sprinkling of mature trees along the eastern section of lot 6. The subject property has one street frontage along American Way and one along Lamar Avenue.

### **Concept Plan Review**

The submitted plans indicate a RaceTrac Travel Center with fuel pumps and a convenience store situated at the southeast corner of Lamar Avenue and American Way. The project will require the demolition of the existing Garden Inn Hotel to allow for the convenience store, two fueling canopies for trucks and standard cars, and enclosed dumpster. There are two curb cuts to be installed along American Way, and one curb cut to be installed along Lamar Avenue subject to City Engineering approval.

With regards to landscaping, a landscaping plan has been submitted that indicates a Class III Buffer on a portion of the east side of the lot near residential uses. All rows of parking terminate in a curbed landscaping island. There are 34 standard parking spaces provided and 2 handicap spaces which exceeds the UDC requirement of a minimum of 27 spaces by 7.

### **Analysis**

Although truck stops are not permitted within the CMU-1 or CMU-3 districts, staff finds the request to be compatible with surrounding land uses along American Way and Lamar. Directly adjacent to the west of the subject property, the land is zoned EMP, which does allow for truck stops by right. For example, a Love's Travel Stop currently occupies the space at the southwestern corner of American Way and Lamar Avenue.

It must be noted that the subject property does abut single family-residential lots on the east with R-6 zoning, however the property is not accessible through Venable Avenue. Furthermore, Outline Plan Condition III.F expressly prohibits any extension of Venable Avenue through the site. There shall also be a Class III Buffer installed along the eastern portion of the lot to increase compatibility with the surrounding district.

As there are proposed curb cuts, the proposed plans must undergo an administrative site plan approval process, known as a Final Plat Review. During the FPR, City Engineering will review the proposed curb cuts and the applicant will be required to submit necessary right-of-way permits for the project.

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.

## **RECOMMENDATION**

Staff recommends approval with the outline plan conditions below. The applicant's proposed conditions at the time of filing the application are provided on pages 39-41 of this report.

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

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
  - 1. Truck Stop, Tractor Trailer (fueling of with no on-site bathing options, no on-site lodging facilities,

nor overnight parking of Tractor Trailers.).

- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels

## **II. Bulk Regulations:**

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
  - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
  - 2. Canopy can be setback greater than 20' from the property line.
  - 3. The convenience store canopy cannot exceed 20 feet in height. The diesel fuel pumps canopy cannot exceed 25 feet in height.

## **III. Access, Circulation and Parking:**

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.
- G. A minimum of three EV Charging Stations shall be provided at the front or side of the convenience store building.
- H. A minimum of 6 bike spaces shall be provided.

## **IV. Landscaping and Screening:**

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.
- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east near the residential zoning.
- D. Streetscaping Plate Type S-10 modified to 15 feet in width behind the existing curb-lined sidewalk shall be provided on both Lamar Avenue and American Way.
- E. A detailed landscaping plan shall be provided as a part of the Final Plat. The Division of Planning and Development may approve modifications administratively.

**V. Signs:**

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. The sign face area of any detached signs shall be regulated by Table I in UDC Item 4.9.7.D(2)(b).
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. No canopy signs are permitted.
- E. Landscaping at the base of any detached sign shall be provided at 2 times the size of the sign face.

**VI. Outdoor Site Lighting:**

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.
- B. A Photometric Lighting Analysis shall be required with a 0 foot candle intensity along the property line measuring 233.93 feet at the end of Venable Avenue.

**VII. Drainage:**

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

**VIII. Building, Fuel Pumps Canopy, and Dumpster Enclosure Design**

- A. A minimum 50% transparency shall be provided with the front-facing building elevation for the convenience store.
- B. A minimum 30% transparency shall be provided on the side building elevations of the convenience store.
- C. The support columns for the gas pumps canopy in front of the convenience store and the truck fueling canopy shall be covered in an exterior compatible with the exterior of the convenience store by using brick or stone cladding, or a combination thereof. Any fuel canopy shall be architecturally compatible with the convenience store building.
- D. The dumpster location and enclosure shall meet the locational requirements in the Unified Development Code.
- E. Striping is permitted on any fuel canopy.



- F. All exterior building elevations, fuel pump island canopy elevations, dumpster enclosure elevations, and detached sign elevations shall be provided on the final plat including building materials and colors to be used.

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

**X. Site Plan Review**

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plat. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.

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

**XII.** Any final plat shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of

Planning and Development.

- F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- 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 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.

## **DEPARTMENTAL COMMENTS**

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

### **City Engineer:**

#### **CASE 2: \*PD-24-009**

NAME: 3419 American Way

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

### **Sewers:**

2. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
3. 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.
4. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.
5. Payment of applicable sewer development fees should be paid to the Land Development Office.

### **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.

**Drainage:**

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

**General Notes:**

19. Development is greater than 1 acre and detention is required.
20. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
21. All connections to the sewer shall be at manholes only.

22. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

23. Required landscaping shall not be placed on sewer or drainage easements.

**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: [Title]

Date Reviewed: 8/8/24

Reviewed by: J. Stinson

Address or Site Reference: 3419 American Way

- 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.

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

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This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 2024-009 Parkway Village

Site Address/Location: 3419 American Way  
Overlay District/Historic District/Flood Zone: Flood Zone  
Future Land Use Designation: High Intensity Commercial & Services (CSH)  
Street Type: Avenue

*The applicant is requesting a planned development for use as a RaceTrac Travel Center with fuel pumps for passenger vehicles and freight trucks.*

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**

High Intensity Commercial and Service areas typically not associated with anchors. These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, lodging, indoor recreation, and social service institutions. Graphic portrayal of CSH is to the right.



**“CSH” Form & Location Characteristics**

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-7 stories height

### “CSH” Zoning Notes

Generally compatible with the following zone districts: CMU-2, CMU-3 without frontage requirements, C-G in accordance with Form and characteristics listed above.

### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant Commercial; CMU-3, CMU-1

Adjacent Land Use and Zoning: Commercial, Industrial, Residential Single-Family, Open Space; EMP, CMU-2, CA, R-6

**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.*

### Degree of Change Map



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

### 3. Degree of Change Description

N/A

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

N/A

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

N/A

### Consistency Analysis Summary

*The applicant is requesting a planned development for use as a RaceTrac Travel Center with fuel pumps for passenger vehicles and freight trucks.*

*This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.*

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

Summary Compiled by: Nick Wiggins, Comprehensive Planning.



**MAILED PUBLIC NOTICE**

## NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, July 31, 2024 at 8 AM.**

**CASE NUMBER:** PD 2024-009  
**ADDRESS:** 3419 American Way  
**REQUEST:** New Planned Development to allow a truck stop  
**APPLICANT:** Daniel Brown

### Meeting Details

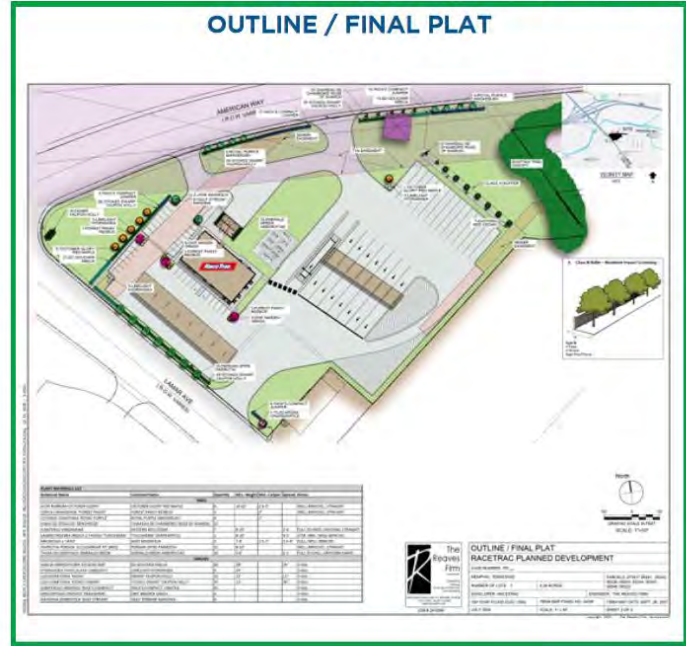
**Location:** Council Chambers  
City Hall 1st Floor  
125 N Main St.  
**Time:** 9:00 AM  
**Date:** Thursday, August 8, 2024

### Staff Planner Contact:

Chloe Christian  
✉ chloe.christian@memphistn.gov  
☎ (901) 636-7494



### OUTLINE / FINAL PLAT



To learn more about this proposal, contact the staff planner or use the QR code to view the full application.



**APPLICATION**



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

East Service Center: 6485 Mullins Station Rd; Memphis,  
Tennessee 38134  
Downtown Service Center: 125 N. Main Street;  
Memphis, Tennessee 38103

website: [www.develop901.com](http://www.develop901.com)

**Record Summary for Planned Development**

**Record Detail Information**

Record Type: Planned Development

Record Status: Pending

Opened Date: June 17, 2024

Record Number: PD 2024-009

Expiration Date:

Record Name: RaceTrac Travel Center

**Description of Work:** Request for a Planned Development at 3419 American Way for use as RaceTrac Travel Center - Convenience Store with Fuel Pumps For Motorized Vehicles including Tractor-Trailers. The subject property is zoned CMU-1 and CMU-3. The current use is a hotel. The application requests approval of the planned development in an area that has employment zoning districts, distribution uses, freight facilities, warehouses with residential to the east. The vicinity has a long history and continuing trend of related fulfillment center employment activities. The proposed Travel Center will provide convenient access to food and fuel services for the various trucking, distribution, industrial facilities and motorists along US Highway 78.

The approved planned development project will complement and enhance the existing uses in the surrounding area. Enclosed is the Application for Planned Development Approval for your favorable consideration.

Parent Record Number:

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**Address:**

3419 AMERICAN WAY, MEMPHIS 38118

**Owner Information**

Primary Owner Name

Y GARDEN INN AND SUITES INC

Owner Address

Owner Phone

3419 AMERICAN WAY, MEMPHIS, TN 38118

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**Parcel Information**

073017 00241

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**Data Fields**

PREAPPLICATION MEETING

**PREAPPLICATION MEETING**

Name of DPD Planner Chip & Jeffrey  
Date of Meeting 04/29/2024  
Pre-application Meeting Type In Person

**GENERAL PROJECT INFORMATION**

Planned Development Type New Planned Development (PD)  
Previous Docket / Case Number S 94-032  
Medical Overlay / Uptown No

If this development is located in unincorporated Shelby County, is the tract at least three acres?  
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)  
N/A

Is this application in response to a citation, stop work order, or zoning letter  
No

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

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A Proposed improvements to the corner of American Way and Lamar will improve the area both through landscape planting, new architecture, and elimination of a hotel that has long since been consigned as a public nuisance.

UDC Sub-Section 9.6.9B The proposed planned development will have no adverse effect on public utilities.  
The property has been used for commercial purposes for years. The project will operate as refueling center for cars and diesel trucks and access to the property will be provided by private curb cuts. The use is compatible with the Love's Travel Stop across the street on Lamar Ave.

UDC Sub-Section 9.6.9C The RaceTrac Travel Center will have access to all public services which are available for the proposed use.

UDC Sub-Section 9.6.9D Correct.

UDC Sub-Section 9.6.9E Correct.

UDC Sub-Section 9.6.9F Correct.

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A Correct.

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development  
All utilities are existing on or near this property.

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be  
Correct.

**GENERAL PROVISIONS**

compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

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

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

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

**GIS INFORMATION**

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

**Contact Information**

---

**Name**  
 DANIEL BROWN

**Address**

**Phone**  
 -

**Contact Type**  
 APPLICANT

**Name**  
 MIKE DAVIS

**Address**

**Phone**  
 (901)761-2016

**Contact Type**  
 ARCHITECT / ENGINEER /  
 SURVEYOR

**Name**  
 SAM PATEL

**Address**  
 MEMPHIS, TN, 38118

**Phone**  
 (901)761-2016

**Contact Type**  
 PROPERTY OWNER OF  
 RECORD

**Name**  
 DEDRICK BRITTENUM

**Address**

**Phone**  
 (901)347-3978

**Contact Type**  
 REPRESENTATIVE

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1575784	Planned Development - each additional or fractional acres above 5	4	400.00	INVOICED	0.00	07/03/2024
1575784	Credit Card Use Fee (.026 x fee)	1	49.40	INVOICED	0.00	07/03/2024
1575784	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	07/03/2024

Total Fee Invoiced: \$1,949.40      Total Balance: \$0.00

**Payment Information**

Payment Amount	Method of Payment
\$1,949.40	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.

**BERMAR ASSOCIATES-IV LLC**

I, TRA Lipsey [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 0 LAMAR AVE, 0 AMERICAN WAY, 0 VENABLE AVE  
and further identified by Assessor's Parcel Number 073017-00242, 00226, 00243,  
00244, 00245, 00246, 00225  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 19 day of June in the year of 2024

[Signature]  
Signature of Notary Public



**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. **GARDEN INN AND SUITES INC**

I, Jitendra Patel (Print Name) John Patel (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 3419 AMERICAN WAY  
and further identified by Assessor's Parcel Number 073017 00241,  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 21st day of June in the year of 2024.

Rachul Hagel  
Signature of Notary Public



June 10th 2025  
Commission Expires

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Clay A. Nelson, being duly sworn, depose and say that at 2:00 am/pm on the 25 day of July, 2024, I posted 2 Public Notice Sign(s) pertaining to Case No. PD24-009 at 3419 American Way 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.

Clay A. Nelson  
Owner, Applicant or Representative

7/26/24  
Date

Subscribed and sworn to before me this 26 day of July, 2024.

Christine Donhardt  
Notary Public

My commission expires: 9-8-27





LETTER OF INTENT

## **Brittenum**

### **Law PLLC**

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

5 July 2024

Via E-file

Mr. Brett Ragsdale  
Administrator, Zoning / Urban Design  
Memphis & Shelby County Office of Planning and Development  
City Hall  
125 North Main Street, Suite 476  
Memphis, TN 38103

RE: 3419 American Way - Application for Planned Development Approval  
Intersection with State Route 4 (US Highway 78, Lamar Avenue)  
Requested Use: RaceTrac Travel Center - Convenience Store with Fuel Pumps  
For Motorized Vehicles including Tractor-Trailers

Dear Administrator Ragsdale:

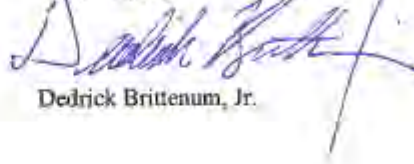
I represent RaceTrac, Inc. for approval of a Planned Development at the above tract for the requested use. The subject property is zoned CMU-1 and CMU-3. The current use is a hotel. The application requests approval of the planned development in an area that has employment zoning districts, distribution uses, freight facilities, warehouses with residential to the east. The vicinity has a long history and continuing trend of related fulfillment center employment activities. The proposed Travel Center will provide convenient access to food and fuel services for the various trucking, distribution, industrial facilities and motorists along US Highway 78. The approved planned development project will complement and enhance the existing uses in the surrounding area. Enclosed is the Application for Planned Development Approval for your favorable consideration.

The planning objective of the applicant provides for convenient, efficient and safe vehicle services with food and beverage to an important and growing employment district in the red-hot airport property sector. The Memphis 3.0 plan indicates the area shows low and high intensity commercial and service uses consistent with smart growth policies. The intersection of Highway 78 (Lamar Avenue) and American Way anchors a key activity node for north-south and east west interstate traffic. The heavily traveled routes supports a mix of freight and commute-oriented traffic. The development will incorporate the latest and most advanced designs, safety, security, refreshments and restrooms for the motoring public including electric charging stations. Like other RaceTrac Travel Centers, this location will not have any overnight amenities. This is a great opportunity to position the subject site for redevelopment to meet the growing demand

for services at the intersection of major transportation corridors while meeting the highest and best use criteria for land use. At construction and upon completion, the redevelopment will contribute to the economic impact the area is producing now and provide additional jobs without the benefit of a PILOT.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dedrick Brittenum, Jr.", is written over a light blue rectangular background. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Dedrick Brittenum, Jr.

enclosure

## APPLICANT'S PROPOSED CONDITIONS

### Outline Plan Conditions

#### I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
  - 1. Tractor-trailer (fueling of, parking).
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels

#### II. Bulk Regulations:

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
  - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
  - 2. Canopy can be setback greater than 20' from the property line.
  - 3. Canopy can have logos and stripes.

#### III. Access, Circulation and Parking:

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.

#### IV. Landscaping and Screening:

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.
- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east next to the residential zoning.

**V. Signs:**

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. Site shall have a maximum sign area of three hundred (300) square feet per face and a maximum height of thirty-five (35) feet.
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. Canopy signs shall have up to 55 SF sign on each canopy.

**VI. Outdoor Site Lighting:**

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.

**VII. Drainage:**

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

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

**IX. Site Plan Review**

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plan conforms to the site plan presented to the Land Use Control Board as part of the Planned

Development Outline Plan approval.

- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.
  
- X. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
  
- XI. Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private, of any easement.
  - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
  - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
  - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
  - G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - H. The 100-year flood elevation.
  - 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 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.

**LETTERS RECEIVED**

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



# 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 Planned Development

### Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: June 17, 2024

Record Number: PD 2024-009

Expiration Date:

Record Name: RaceTrac Travel Center

Description of Work: Request for a Planned Development at 3419 American Way for use as RaceTrac Travel Center - Convenience Store with Fuel Pumps For Motorized Vehicles including Tractor-Trailers. The subject property is zoned CMU-1 and CMU-3. The current use is a hotel. The application requests approval of the planned development in an area that has employment zoning districts, distribution uses, freight facilities, warehouses with residential to the east. The vicinity has a long history and continuing trend of related fulfillment center employment activities. The proposed Travel Center will provide convenient access to food and fuel services for the various trucking, distribution, industrial facilities and motorists along US Highway 78.

The approved planned development project will complement and enhance the existing uses in the surrounding area. Enclosed is the Application for Planned Development Approval for your favorable consideration.

Parent Record Number:

---

### Address:

3419 AMERICAN WAY, MEMPHIS 38118

### Owner Information

Primary Owner Name

Y GARDEN INN AND SUITES INC

Owner Address

3419 AMERICAN WAY, MEMPHIS, TN 38118

Owner Phone

---

### Parcel Information

073017 00241

---

### Data Fields

PREAPPLICATION MEETING



**PREAPPLICATION MEETING**

Name of DPD Planner Chip & Jeffrey  
Date of Meeting 04/29/2024  
Pre-application Meeting Type In Person

**GENERAL PROJECT INFORMATION**

Planned Development Type New Planned Development (PD)  
Previous Docket / Case Number S 94-032  
Medical Overlay / Uptown No

If this development is located in unincorporated Shelby County, is the tract at least three acres? N/A  
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop work order, or zoning letter No

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

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A Proposed improvements to the corner of American Way and Lamar will improve the area both through landscape planting, new architecture, and elimination of a hotel that has long since been consigned as a public nuisance.

UDC Sub-Section 9.6.9B The proposed planned development will have no adverse effect on public utilities.

UDC Sub-Section 9.6.9C The property has been used for commercial purposes for years. The project will operate as refueling center for cars and diesel trucks and access to the property will be provided by private curb cuts. The use is compatible with the Love's Travel Stop across the street on Lamar Ave.

UDC Sub-Section 9.6.9D The RaceTrac Travel Center will have access to all public services which are available for the proposed use.

UDC Sub-Section 9.6.9E Correct.

UDC Sub-Section 9.6.9F Correct.

UDC Sub-Section 9.6.9F Correct.

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A Correct.

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development All utilities are existing on or near this property.

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be Correct.

**GENERAL PROVISIONS**

compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

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

Correct.

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

Understood.

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

Understood.

**GIS INFORMATION**

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

**Contact Information**

---

**Name**  
DANIEL BROWN

**Contact Type**  
APPLICANT

**Address**

**Phone**  
-

**Name**  
MIKE DAVIS

**Contact Type**  
ARCHITECT / ENGINEER /  
SURVEYOR

**Address**

**Phone**  
(901)761-2016

**Name**  
SAM PATEL

**Contact Type**  
PROPERTY OWNER OF  
RECORD

**Address**  
MEMPHIS, TN, 38118

**Phone**  
(901)761-2016

**Name**  
DEDRICK BRITTENUM

**Contact Type**  
REPRESENTATIVE

**Address**

**Phone**  
(901)347-3978

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1575784	Planned Development - each additional or fractional acres above 5	4	400.00	INVOICED	0.00	07/03/2024
1575784	Credit Card Use Fee (.026 x fee)	1	49.40	INVOICED	0.00	07/03/2024
1575784	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	07/03/2024

Total Fee Invoiced: \$1,949.40

Total Balance: \$0.00

**Payment Information**

**Payment Amount**                      **Method of Payment**  
\$1,949.40                                  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. **BERMAR ASSOCIATES-IV LLC**

I, IRA Lipsey (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 0 LAMAR AVE, 0 AMERICAN WAY, 0 VENABLE AVE  
and further identified by Assessor's Parcel Number 073017-00242, 00226, 00243,  
00244, 00245, 00246, 00225  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 19 day of June in the year of 2024.

[Signature]  
Signature of Notary Public

  
My Commission Expires OCT. 25, 2026

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

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I, Jitendra Patel (Print Name) Anthony Patel (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

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of the property located at 3419 AMERICAN WAY  
and further identified by Assessor's Parcel Number 073017 00241,  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 21st day of June in the year of 2024.

Rachul Hagerty  
Signature of Notary Public



June 16th 2025  
My Commission Expires

# **Brittenum**

## **Law pllc**

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

5 July 2024

Via E-file

Mr. Brett Ragsdale  
Administrator, Zoning / Urban Design  
Memphis & Shelby County Office of Planning and Development  
City Hall  
125 North Main Street, Suite 476  
Memphis, TN 38103

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For Motorized Vehicles including Tractor-Trailers

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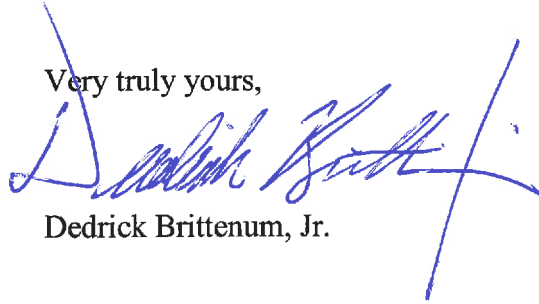
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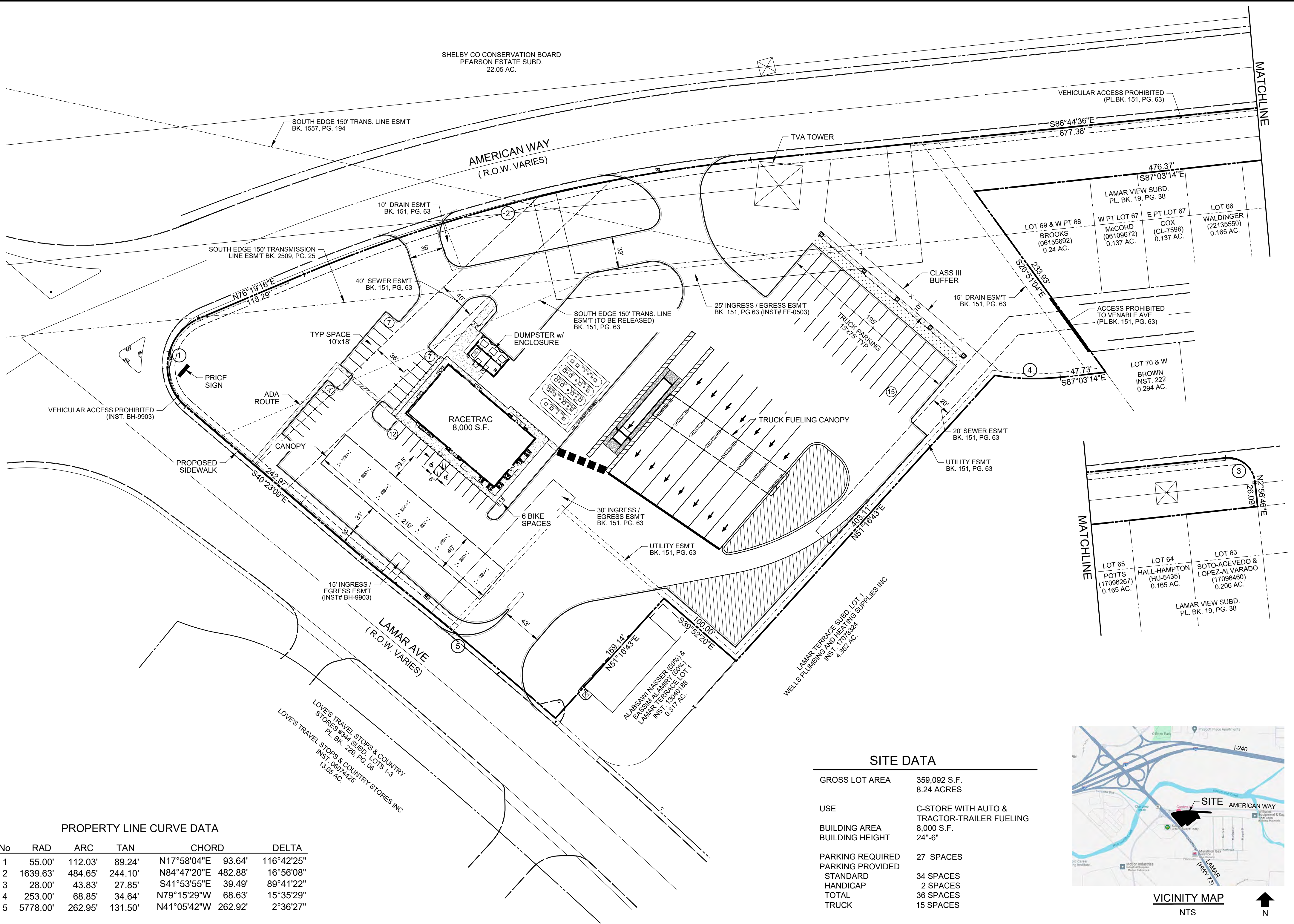
Very truly yours,

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

Dedrick Brittenum, Jr.

enclosure

Christine 20x24 Z:\2024\24-0086 RaceTrac 3419 American Way\Civil\Construction\CO.0 Plot Outline-Final.dwg Jul 03, 2024 - 9:15am



**PROPERTY LINE CURVE DATA**

No	RAD	ARC	TAN	CHORD	DELTA
1	55.00'	112.03'	89.24'	N17°58'04"E 93.64'	116°42'25"
2	1639.63'	484.65'	244.10'	N84°47'20"E 482.88'	16°56'08"
3	28.00'	43.83'	27.85'	S41°53'55"E 39.49'	89°41'22"
4	253.00'	68.85'	34.64'	N79°15'29"W 68.63'	15°35'29"
5	5778.00'	262.95'	131.50'	N41°05'42"W 262.92'	2°36'27"

**REQUIRED SIDEWALKS**

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
AMERICAN WAY	6 FT.	NORTH	ADJACENT TO CURB
LAMAR AVE	6 FT.	WEST	ADJACENT TO CURB

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

**SITE DATA**

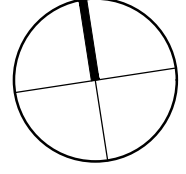
GROSS LOT AREA	359,092 S.F. 8.24 ACRES
USE	C-STORE WITH AUTO & TRACTOR-TRAILER FUELING
BUILDING AREA	8,000 S.F.
BUILDING HEIGHT	24'-6"
PARKING REQUIRED	27 SPACES
PARKING PROVIDED	34 SPACES
STANDARD	2 SPACES
HANDICAP	2 SPACES
TOTAL	36 SPACES
TRUCK	15 SPACES



**VICINITY MAP**

NTS

North



SCALE: 1"=60'

**The Reaves Firm**  
INCORPORATED  
Engineering  
Planning  
Landscape Architecture  
Land Surveying  
6800 Poplar Avenue, Suite 101 Memphis, TN 38138  
901.761.2016 Fax: 901.763.2847  
www.ReavesFirm.com

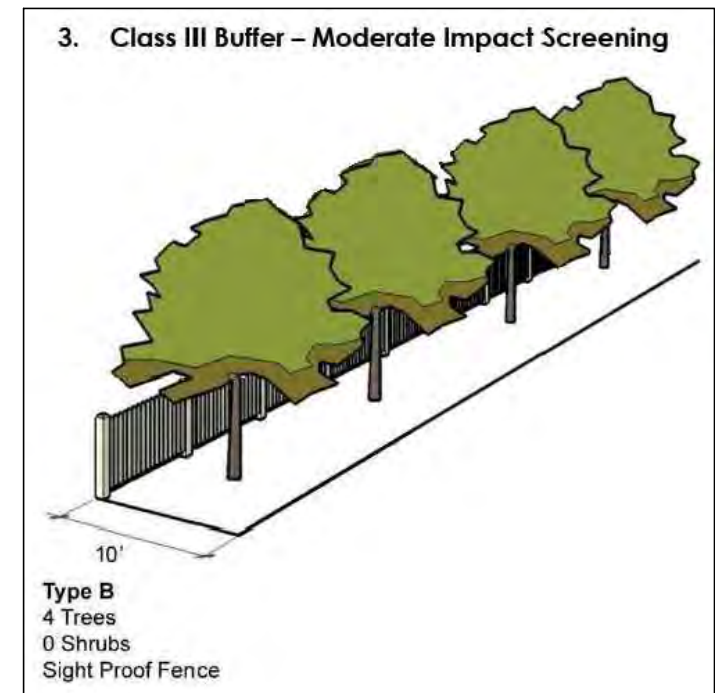
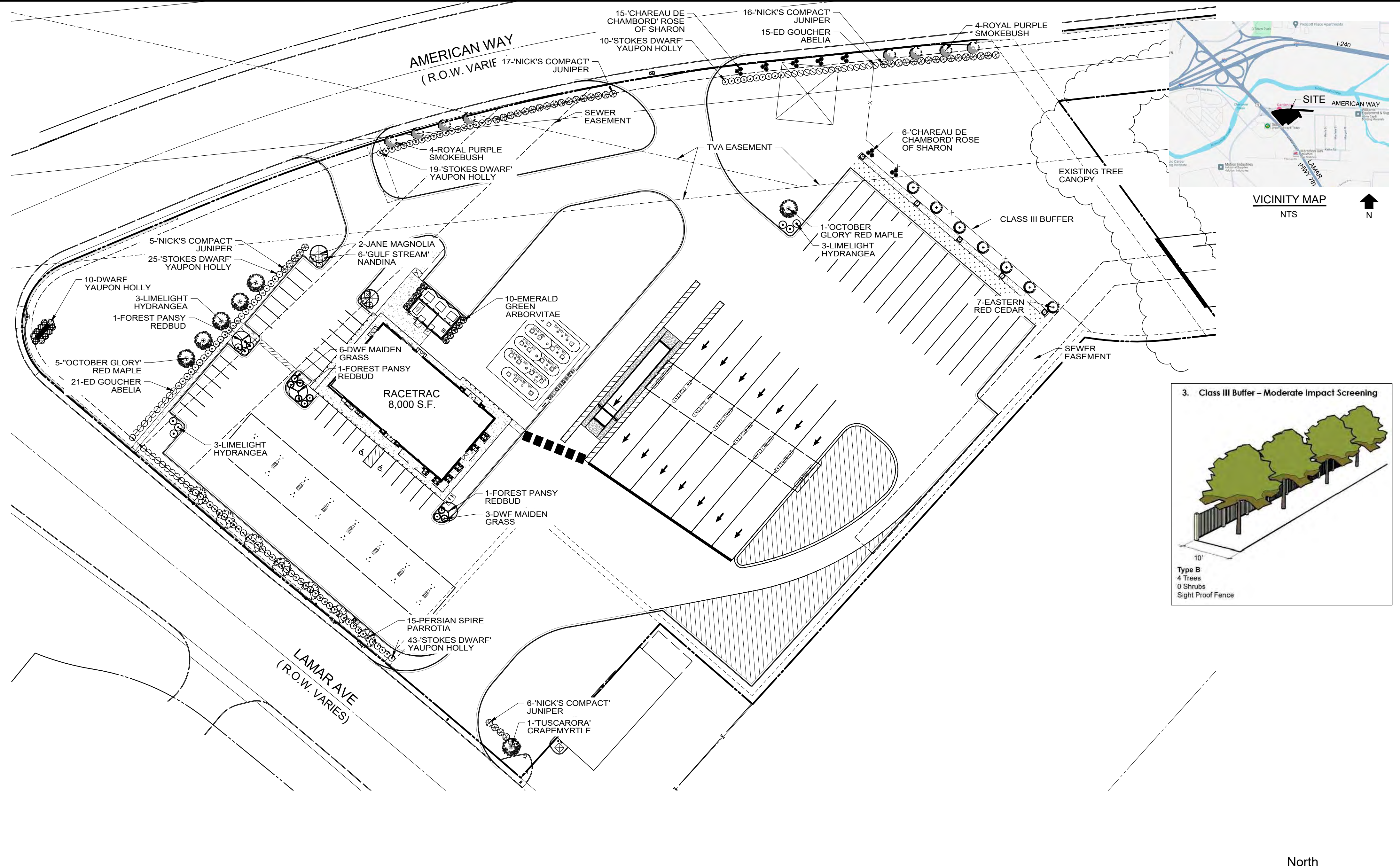
JOB # 24-0086

**OUTLINE / FINAL PLAT**  
**RACETRAC PLANNED DEVELOPMENT**

CASE NUMBER: PD _		
MEMPHIS, TENNESSEE		PARCELS: 073017 00241, 00242, 00226, 00243, 00244, 00245, 00246, 00225
NUMBER OF LOTS: 1	8.24 ACRES	
DEVELOPER: RACETRAC		ENGINEER: THE REAVES FIRM
100-YEAR FLOOD ELEV: 250±	FEMA MAP PANEL NO: 0435F	FEMA MAP DATE: SEPT. 28, 2007
JULY 2024	SCALE: 1" = 60'	SHEET 1 OF 2



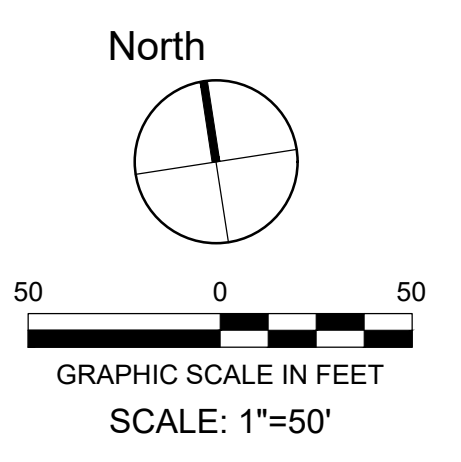
Christine 20x24 2: \2024\24-0086 RaceTrac 3419 American Way\Civil\Construction\CO.0 Plot Outline-Final.dwg Jul 03, 2024 - 9:20am



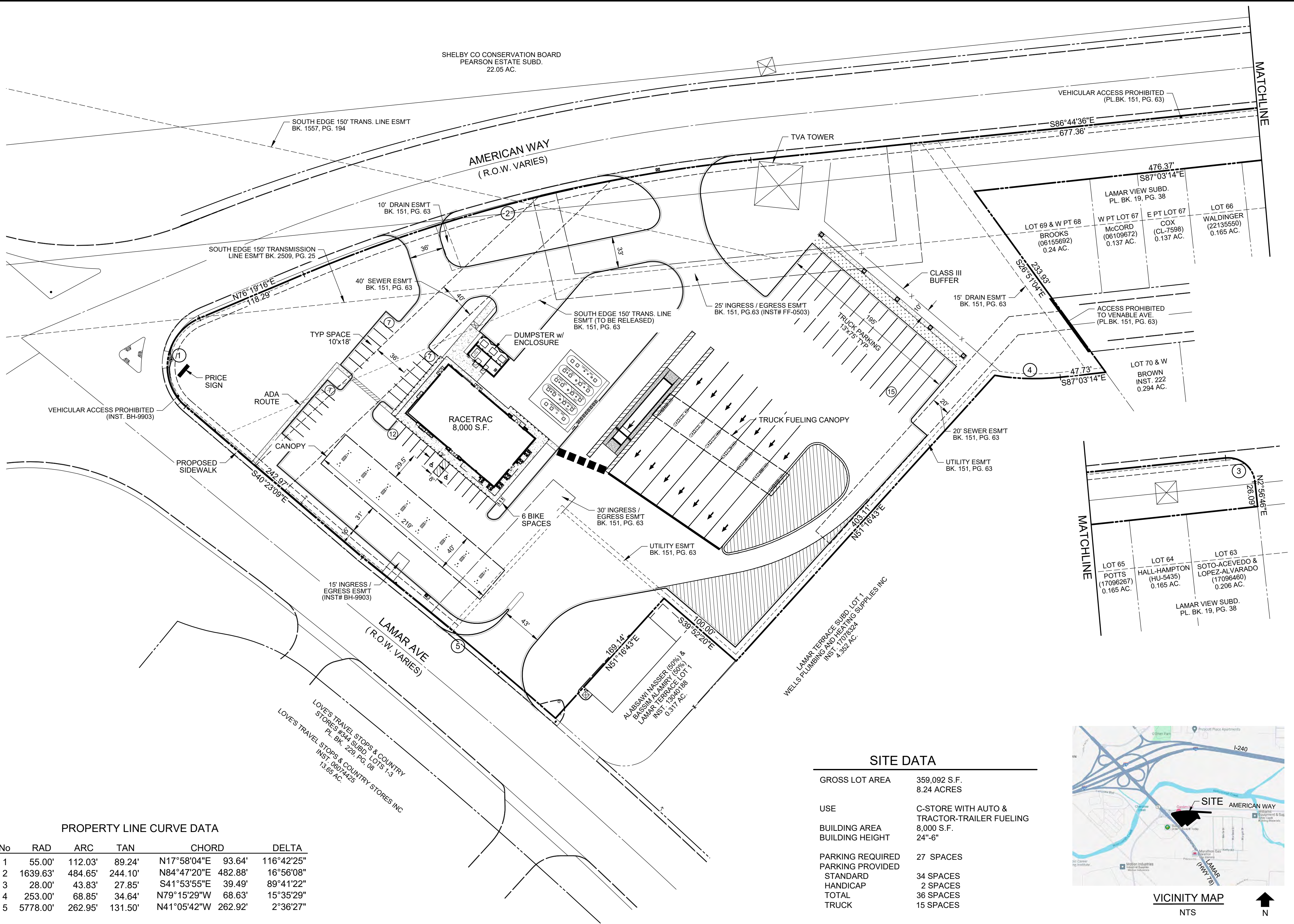
PLANT MATERIALS LIST						
Botanical Name	Common Name	Quantity	Min. Height	Min. Caliper	Spread	Notes
<b>TREES</b>						
ACER RUBRUM 'OCTOBER GLORY'	'OCTOBER GLORY' RED MAPLE	6	10-12'	2.5-3"		WELL-BRNCHD.; STRAIGHT
CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	3		2"		WELL-BRNCHD.; STRAIGHT
COTINUS COGGYGRIA 'ROYAL PURPLE'	ROYAL PURPLE SMOKEBUSH	8		2"		
HIBISCUS SYRIACUS 'MINSYRE10'	'CHAREAU DE CHAMBORD' ROSE OF SHARON	21				
JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	7	8-10'		3-4'	FULL TO GND.; UNIFORM, STRAIGHT
LAGERSTROEMIA INDICA x FAURIEI 'TUSCARORA'	'TUSCARORA' CRAPEMYRTLE	1	8-10'		4-5'	3-TR. MIN., WELL-BRNCHD.
MAGNOLIA x 'JANE'	JANE MAGNOLIA	2	7-8'	1.5-2"	3.5-4"	FULL; WELL-BRNCHD
PARROTIA PERSICA 'JLCOLUMNAR' PP 24951	PERSIAN SPIRE PARROTIA	15	8-10'			WELL-BRNCHD.; STRAIGHT
THUJA OCCIDENTALIS 'EMERALD GREEN'	EMERALD GREEN ARBORVITAE	10	5-6'		2-3'	FULL TO GND.; UNIFORM SHAPE
<b>SHRUBS</b>						
ABELIA GRANDIFLORA 'ED GOUCHER'	ED GOUCHER ABELIA	36	18"		24"	3-GAL
HYDRANGEA PANICULATA 'LIMELIGHT'	LIMELIGHT HYDRANGEA	9	24"			3-GAL
ILEX VOMITORIA 'NANA'	DWARF YAUPON HOLLY	10	12"		12"	3-GAL
ILEX VOMITORIA 'STOKES DWARF'	'STOKES DWARF' YAUPON HOLLY	97	12"		24"	3-GAL
JUNIPERUS CHINENSIS 'NICK'S COMPACT'	'NICK'S COMPACT' JUNIPER	45				3-GAL
MISCANTHUS SINENSIS 'YAKUSHIMA'	DWF MAIDEN GRASS	9				3-GAL
NANDINA DOMESTICA 'GULF STREAM'	'GULF STREAM' NANDINA	6				3-GAL

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JOB # 24-0086

OUTLINE / FINAL PLAT RACETRAC PLANNED DEVELOPMENT			
CASE NUMBER: PD __			
MEMPHIS, TENNESSEE		PARCELS: 073017 00241, 00242, 00226, 00243, 00244, 00245, 00246, 00225	
NUMBER OF LOTS: 1	8.24 ACRES		
DEVELOPER: RACETRAC		ENGINEER: THE REAVES FIRM	
100-YEAR FLOOD ELEV: 250±	FEMA MAP PANEL NO: 0435F	FEMA MAP DATE: SEPT. 28, 2007	
JULY 2024	SCALE: 1" = 50'	SHEET 2 OF 2	



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**PROPERTY LINE CURVE DATA**

No	RAD	ARC	TAN	CHORD	DELTA
1	55.00'	112.03'	89.24'	N17°58'04"E 93.64'	116°42'25"
2	1639.63'	484.65'	244.10'	N84°47'20"E 482.88'	16°56'08"
3	28.00'	43.83'	27.85'	S41°53'55"E 39.49'	89°41'22"
4	253.00'	68.85'	34.64'	N79°15'29"W 68.63'	15°35'29"
5	5778.00'	262.95'	131.50'	N41°05'42"W 262.92'	2°36'27"

**REQUIRED SIDEWALKS**

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
AMERICAN WAY	6 FT.	NORTH	ADJACENT TO CURB
LAMAR AVE	6 FT.	WEST	ADJACENT TO CURB

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

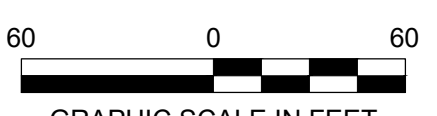
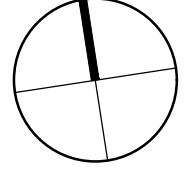
**SITE DATA**

GROSS LOT AREA	359,092 S.F. 8.24 ACRES
USE	C-STORE WITH AUTO & TRACTOR-TRAILER FUELING
BUILDING AREA	8,000 S.F.
BUILDING HEIGHT	24'-6"
PARKING REQUIRED	27 SPACES
PARKING PROVIDED	34 SPACES
HANDICAP	2 SPACES
TOTAL	36 SPACES
TRUCK	15 SPACES



**VICINITY MAP**  
NTS

North



GRAPHIC SCALE IN FEET  
SCALE: 1"=60'

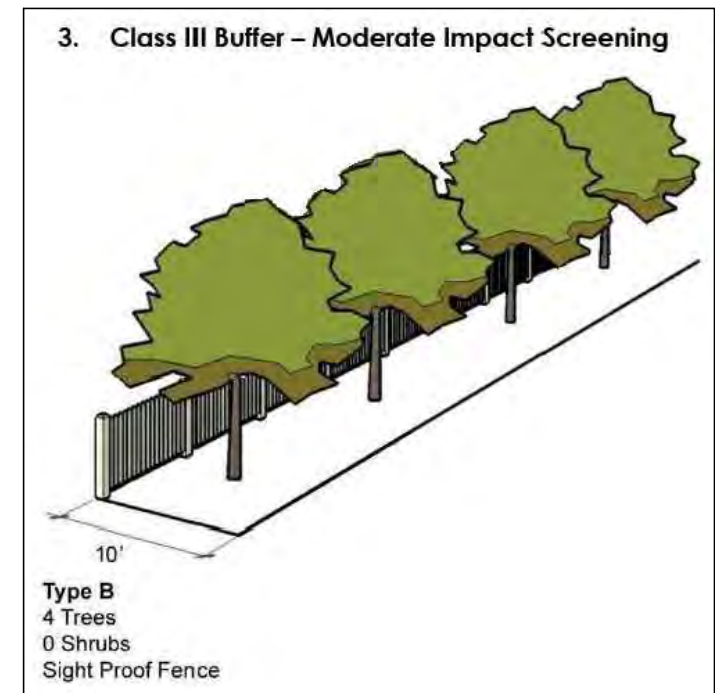
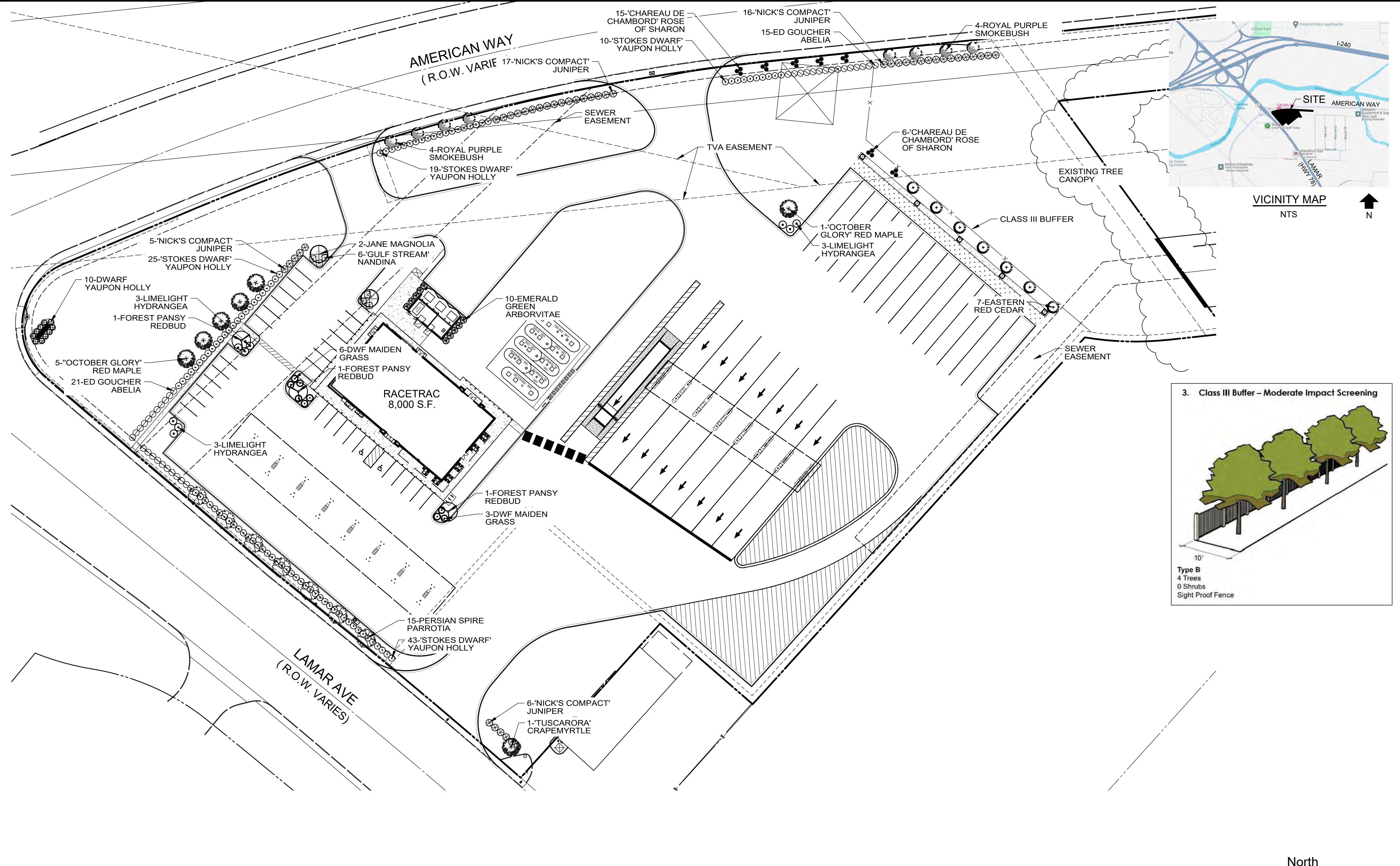
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**OUTLINE / FINAL PLAT**  
**RACETRAC PLANNED DEVELOPMENT**

CASE NUMBER: PD _		
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100-YEAR FLOOD ELEV: 250±	FEMA MAP PANEL NO: 0435F	FEMA MAP DATE: SEPT. 28, 2007
JULY 2024	SCALE: 1" = 60'	SHEET 1 OF 2

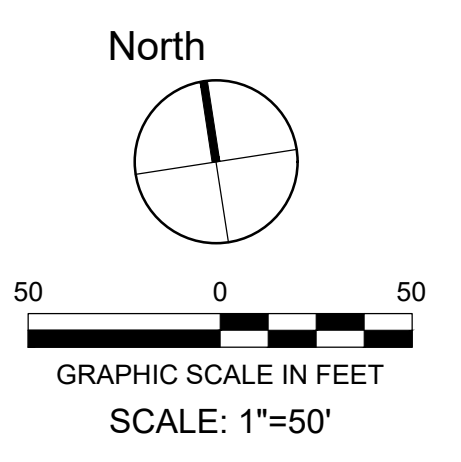
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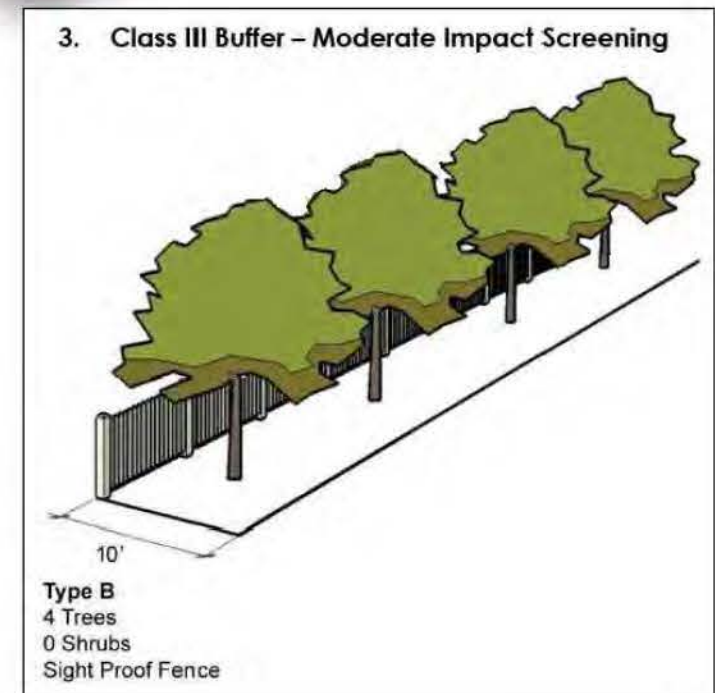
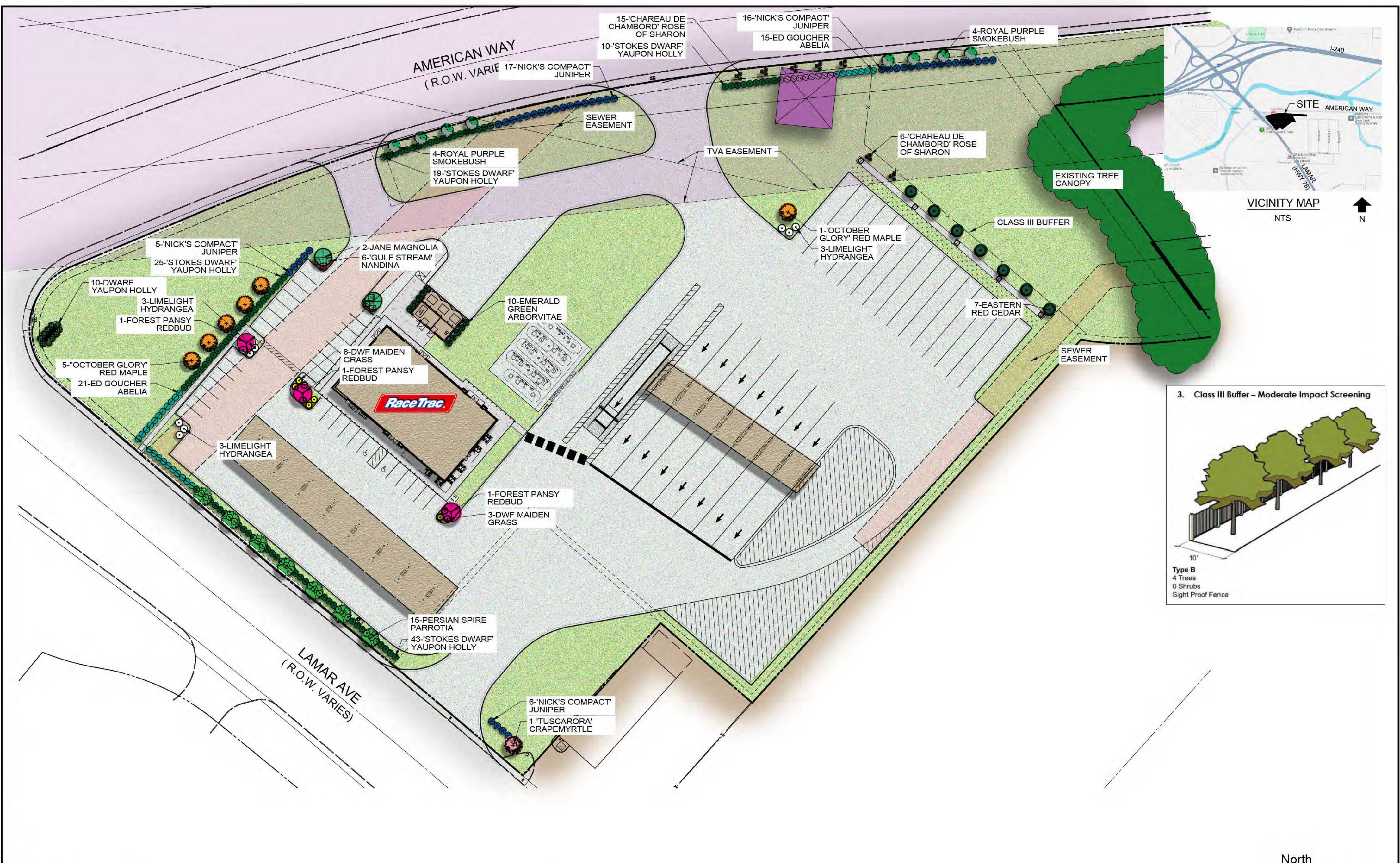
PLANT MATERIALS LIST						
Botanical Name	Common Name	Quantity	Min. Height	Min. Caliper	Spread	Notes
<b>TREES</b>						
ACER RUBRUM 'OCTOBER GLORY'	'OCTOBER GLORY' RED MAPLE	6	10-12'	2.5-3"		WELL-BRNCHD.; STRAIGHT
CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	3		2"		WELL-BRNCHD.; STRAIGHT
COTINUS COGGYGRIA 'ROYAL PURPLE'	ROYAL PURPLE SMOKEBUSH	8		2"		
HIBISCUS SYRIACUS 'MINSYRE10'	'CHAREAU DE CHAMBORD' ROSE OF SHARON	21				
JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	7	8-10'		3-4'	FULL TO GND.; UNIFORM, STRAIGHT
LAGERSTROEMIA INDICA x FAURIEI 'TUSCARORA'	'TUSCARORA' CRAPEMYRTLE	1	8-10'		4-5'	3-TR. MIN., WELL-BRNCHD.
MAGNOLIA x 'JANE'	JANE MAGNOLIA	2	7-8'	1.5-2"	3.5-4"	FULL; WELL-BRNCHD
PARROTIA PERSICA 'JLCOLUMNAR' PP 24951	PERSIAN SPIRE PARROTIA	15	8-10'			WELL-BRNCHD.; STRAIGHT
THUJA OCCIDENTALIS 'EMERALD GREEN'	EMERALD GREEN ARBORVITAE	10	5-6'		2-3'	FULL TO GND.; UNIFORM SHAPE
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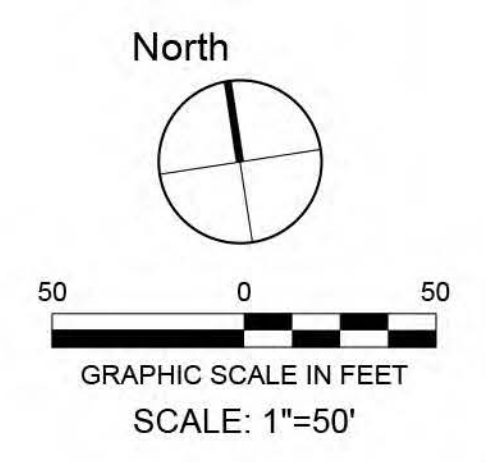
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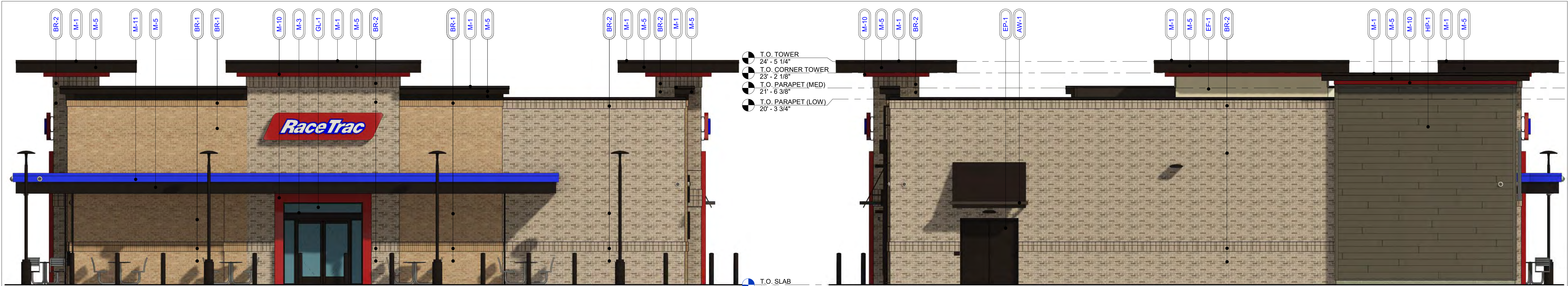
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**RIGHT ELEVATION (ENTRY)** 1,578 TOTAL SF

MATERIAL	SQ. FOOT.	% OF ELEVATION
BRICK	1,102	70%
EIFS	0	0%
GLAZING	78	5%
METAL	398	25%
COMPOSITE SIDING	0	0%

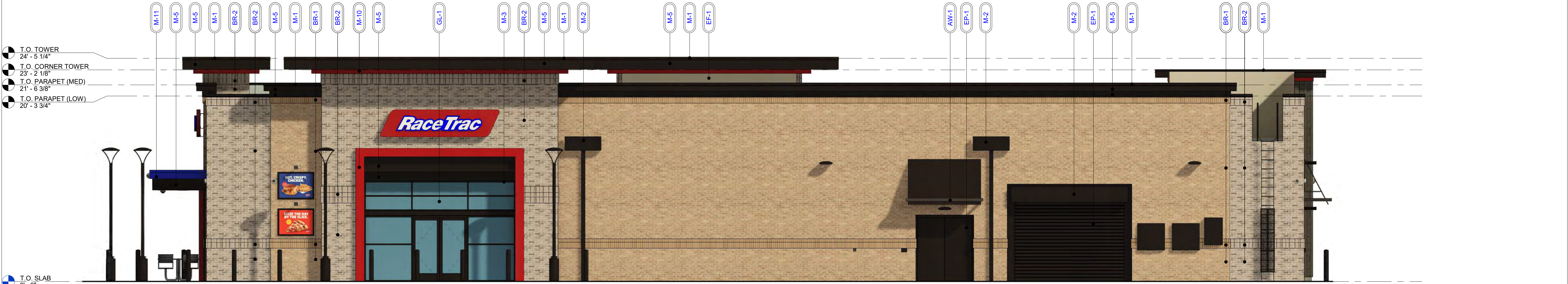
ELEVATION	SIGNAGE	DIMENSIONS	AREA
RIGHT	RT PARALLELOGRAM	13'-5/8" X 3'-0"	40 SF

**LEFT ELEVATION (NON-ENTRY)** 1,578 TOTAL SF

MATERIAL	SQ. FOOT.	% OF ELEVATION
BRICK	884	56%
EIFS	54	3%
GLAZING	0	0%
METAL	246	16%
COMPOSITE SIDING	394	25%

4 RIGHT ELEVATION  
3/16" = 1'-0"

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



**REAR ELEVATION** 2,680 TOTAL SF

MATERIAL	SQ. FOOT.	% OF ELEVATION
BRICK	1,754	65%
EIFS	48	2%
GLAZING	182	7%
METAL	696	26%
COMPOSITE SIDING	0	0%

ELEVATION	SIGNAGE	DIMENSIONS	AREA
REAR	RT PARALLELOGRAM	13'-5/8" X 3'-0"	40 SF
REAR	RT BANNER	4'-0" X 3'-0"	12 SF
REAR	RT BANNER	4'-0" X 3'-0"	12 SF

2 REAR ELEVATION  
3/16" = 1'-0"



**FRONT ELEVATION** 2,695 TOTAL SF

MATERIAL	SQ. FOOT.	% OF ELEVATION
BRICK	1,471	55%
EIFS	53	2%
GLAZING	265	10%
METAL	512	19%
COMPOSITE SIDING	394	14%

ELEVATION	SIGNAGE	DIMENSIONS	AREA
FRONT	RT PARALLELOGRAM	13'-5/8" X 3'-0"	40 SF
FRONT	BANNER	7'-8" X 5'-6"	42 SF

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

EXTERIOR MATERIAL SCHEDULE		
AWNING	AW-1	ALUMINUM AWNING SELECTED BY RACETRAC
BRICK	BR-1	US BRICK LAREDO (QUEEN 1/3 BOND) MORTAR COLOR "LIGHT BUFF"
BRICK	BR-2	US BRICK MOUNT RUSHMORE (QUEEN 1/3 BOND) MORTAR COLOR "LIGHT BUFF"
CEMENT BOARD	HP-1	JAMES HARDIE SMOOTH LAP SIDING (OR APPROVED ALTERNATE) PAINTED SHERWIN WILLIAMS "SEALSKIN" #7675, BLIND FASTEN AND STAGGER PLANKS PER MANUFACTURER'S RECOMMENDATION
EIFS	EF-1	STO EIFS FASCIA AND SOFFIT "FINE FINISH" APPLICATION; COLOR TO MATCH SW #6141 "SOFTER TAN"
GLAZING	GL-1	1" NON-IMPACT RATED INSULATED GLAZING CLIMATE ZONES 2 OR 3, IGU AT STOREFRONT 0.28 U-FACTOR, SHGC PF=0.25-0.27 (1/4" PPG SOLARBAN 70-XL LOW-E #2 +1/2" AIR +1/4" CLEAR) OR APPROVED ALTERNATE. SEE A600
METAL	M-1	PREFINISHED 4" 2-PIECE COMPRESSION METAL COVER METAL TO MATCH STOREFRONT COLOR DARK BRONZE
METAL	M-2	COLOR DARK BRONZE METAL TO MATCH STOREFRONT COLOR DARK BRONZE
METAL	M-3	VISTAWALL (OR APPROVED ALTERNATE) SYSTEM (OR APPROVED ALTERNATE) PREFINISHED DARK BRONZE ANODIZED ALUMINUM AA-MI2C22A44
METAL	M-5	ALCOA REYNOBOND PE WP4 TONGUE AND GROOVE 1"x6"x8" (OR APPROVED ALTERNATE) COLORWELD 500 "CLASSIC BRONZE" PAINT SHERWIN WILLIAMS "SEALSKIN" #7675
METAL	M-10	ALCOA REYNOBOND PE TRD RED
METAL	M-11	ALCOA REYNOBOND PE HYB BLUE
PAINT	EP-1	SHERWIN WILLIAMS EXTERIOR PAINT TO SW #7020 "BLACK FOX"
TREX	TX-1	SELECT COMPOSITE 1"x 6" WINCHESTER GRAY
WINDOW FILM	WF-1	WINDOW FILM; 3M PRESTIGE 70 SOLAR FILM LOCATIONS SEE A600 FOR WINDOW FILM LOCATIONS
WINDOW FILM	WF-2	WINDOW FILM; OPAQUE SEE A600 FOR WINDOW FILM LOCATIONS

**ISSUE/REVISION RECORD**

DATE	DESCRIPTION
12/15/23	SPB NO. 0305

STANDARD PLAN BULLETINS (SPB) MODIFY THE PROTOTYPE SERIES SET NOTED ABOVE. THE LISTED SPB REPRESENTS THE LATEST MODIFICATION INCORPORATED TO THIS PROTOTYPE SERIES SET AT ORIGINAL RELEASE. THE ISSUE/REVISION RECORD COLUMN ABOVE LISTS ANY REVISIONS OR SPB INCORPORATED IN THIS SET AFTER THE ORIGINAL RELEASE. CONTACT RACETRAC ENGINEERING AND CONSTRUCTION FOR ANY SUBSEQUENT BULLETINS NOT INCORPORATED HEREIN.

PRELIMINARY DRAFT NOT  
CONSTRUCTION, BID, RELIANCE,  
RECORDING PURPOSES OR  
IMPLEMENTATION.

## **Outline Plan Conditions**

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

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
  - 1. Tractor-trailer (fueling of, parking).
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels

### **II. Bulk Regulations:**

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
  - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
  - 2. Canopy can be setback greater than 20' from the property line.
  - 3. Canopy can have logos and stripes.

### **III. Access, Circulation and Parking:**

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.

### **IV. Landscaping and Screening:**

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.
- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east next to the residential zoning.

## **V. Signs:**

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. Site shall have a maximum sign area of three hundred (300) square feet per face and a maximum height of thirty-five (35) feet.
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. Canopy signs shall have up to 55 SF sign on each canopy.

## **VI. Outdoor Site Lighting:**

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.

## **VII. Drainage:**

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

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

## **IX. Site Plan Review**

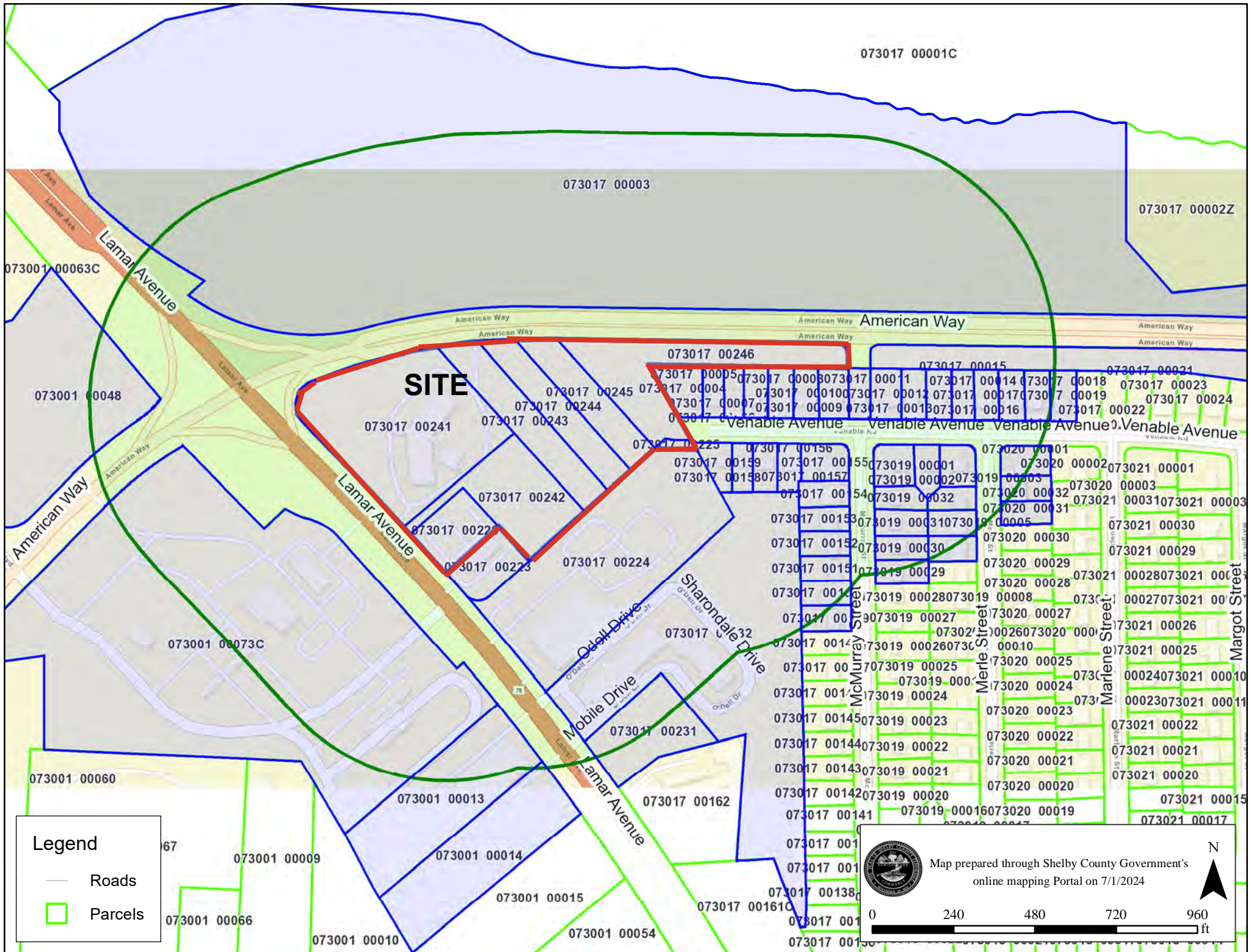
- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plan conforms to the site plan presented to the Land Use Control Board as part of the Planned

Development Outline Plan approval.

- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
  - C. The site plan shall be reviewed and based upon the following criteria:
    - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
    - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
    - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
    - 4. Building elevations and materials.
- X. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- XI. Any final plan shall include the following:
- A. The outline plan conditions.
  - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private, of any easement.
  - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
  - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
  - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
  - G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - H. The 100-year flood elevation.
  - 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 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.



073017 00001C

073017 00003

073017 00002Z

073001 00063C

073001 00048

**SITE**

073017 00241

073017 00243

073017 00246

073017 00245

073017 00244

073017 00005

073017 00004

073017 00010

073017 00011

073017 00012

073017 00014

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073020 00025

073021 00025

073017 00145

073019 00024

073020 00024

073021 00024

073017 00144

073019 00024

073020 00024

073021 00023

073017 00143

073019 00023

073020 00023

073021 00022

073017 00142

073019 00022

073020 00022

073021 00021

073017 00141

073019 00021

073020 00021

073021 00020

073017 00140

073019 00020

073020 00020

073021 00019

073017 00139

073019 00019

073020 00019

073021 00018

073017 00138

073019 00018

073020 00018

073021 00017

073017 00137

073019 00017

073020 00017

073021 00016

073017 00136

073019 00016

073020 00016

073021 00015

073017 00135

073019 00015

073020 00015

073021 00014

073017 00134

073019 00014

073020 00014

073021 00013

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073017 00132

073019 00012

073020 00012

073021 00011

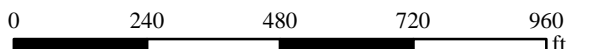
Legend

— Roads

□ Parcels



Map prepared through Shelby County Government's online mapping Portal on 7/1/2024



073017 00244 - BERMAR ASSOCIATES-IV LLC  
073017 00006 - COX WILLIAM & GLORIA D  
073017 00007 - WALDINGER KEVIN  
073017 00008 - POTTS ANGELETA  
073017 00242 - BERMAR ASSOCIATES-IV LLC  
073017 00225 - BERMAR ASSOCIATES-IV LLC  
073017 00158 - MOORE NEWELL T & JENILARA  
073017 00157 - MONIX ANTHONY & DORETHA  
073019 00001 - RODAMA GROUP LLC  
073019 00032 - BOWLES LORETHA O  
073017 00223 - ALABSAWI NASSER (50%) AND BASSIM ALAMIRY  
073017 00151 - BATTS DOROTHY J  
073017 00150 - FROELICH THOMAS C  
073017 00231 - VAYUDEV INC  
073001 00013 - CAPITAL FUELS TENNESSEE 2 LLC  
073017 00245 - BERMAR ASSOCIATES-IV LLC  
073017 00243 - BERMAR ASSOCIATES-IV LLC  
073017 00246 - BERMAR ASSOCIATES-IV LLC  
073017 00241 - GARDEN INN AND SUITES INC  
073017 00004 - BROOKS ROBERT L  
073017 00005 - MCCORD DEANNA E  
073017 00009 - HALL-HAMPTON ANDREA R  
073017 00010 - SOTO-ACEVEDO NAHUN & YESSICA  
073017 00012 - AESTHETIC REALTY LLC  
073017 00013 - MARQUEZ JESSE

073017 00014 - MARTINEZ KEVIN I  
073017 00015 - SHELBY COUNTY TAX SALE 19.03  
073017 00016 - ANAYA MARIO I & DAISY E  
073017 00017 - HAYS WILLIAM A & DOROTHY M  
073017 00018 - HERRERA FRANCISCO A  
073017 00019 - FOLEY CHRISTOPHER & VIRGINIA  
073017 00159 - BROWN R L  
073017 00156 - IRYTE INVESTMENTS LLC  
073017 00224 - WELLS PLUMBING AND HEATING SUPPLIES INC  
073017 00155 - PROVIDENT TRUST GROUP LLC  
073019 00002 - BALDWIN JERRY S  
073019 00003 - E & S RENTAL HOMES LLC  
073020 00001 - COPPENS GREGORY C AND JENNY  
073017 00226 - BERMAR ASSOCIATES IV LLC  
073017 00154 - MARTIN DEBORAH K  
073020 00032 - GOLDEN VIRGIE L  
073017 00232 - VAYUDEV INC  
073019 00004 - GUZMAN MARTHA D  
073017 00153 - JT PROPERTY MANAGEMENT LLC  
073020 00031 - JACKSON TROY  
073019 00031 - GUZMAN MARTHA D  
073019 00005 - LOFTON CALVIN C & EDNA R  
073017 00152 - RIVERA EMMA C  
073019 00030 - PATE CEDRIC  
073019 00006 - BAILEY VENORA

073019 00029 - MYERS CURTIS

073017 00149 - BOSS INVESTMENTS LLC

073001 00014 - CAPITAL FUELS TENNESSEE 2 LLC

073001 00048 - SHELBY COUNTY

073017 00003 - SHELBY CO CONSERVATION BOARD

073017 00011 - GEIGER GRAHAM

073001 00073C - LOVE'S TRAVEL STOPS & COUNTRY STORES INC

BERMAR ASSOCIATES-IV LLC  
4942 WILLIAM ARNOLD RD  
MEMPHIS TN 38117

COX WILLIAM & GLORIA D  
20 KILMORY DR  
ROSSVILLE TN 38066

WALDINGER KEVIN  
8343 E QUIET CANYON CT  
ANAHEIM CA 92808

POTTS ANGELETA  
434 WALNUT BEND RD  
CORDOVA TN 38018

BROWN R L  
3483 VENABLE RD  
MEMPHIS TN 38118

IRYTE INVESTMENTS LLC  
5704 WINTER TREE DR  
MEMPHIS TN 38115

MOORE NEWELL T & JENILARA  
3489 VENABLE RD  
MEMPHIS TN 38118

MONIX ANTHONY & DORETHA  
4069 ACORN RIDGE CV  
MEMPHIS TN 38125

RODAMA GROUP LLC  
6025 STAGE RD 42-106  
BARTLETT TN 38134

BOWLES LORETHA O  
2674 MCMURRAY ST  
MEMPHIS TN 38118

ALABSAWI NASSER (50%) AND BASSIM  
ALAMIRY  
5657 DUNWOODY AVE  
MEMPHIS TN 38120

BATTS DOROTHY J  
2693 MCMURRAY ST  
MEMPHIS TN 38118

FROELICH THOMAS C  
2187 W GLENALDEN  
GERMANTOWN TN 38139

VAYUDEV INC  
3456 LAMAR AVE  
MEMPHIS TN 38118

CAPITAL FUELS TENNESSEE 2 LLC  
16350 PARK TEN PL 240  
HOUSTON TX 77081

GARDEN INN AND SUITES INC  
3419 AMERICAN WAY  
MEMPHIS TN 38118

BROOKS ROBERT L  
3476 VENABLE RD  
MEMPHIS TN 38118

MCCORD DEANNA E  
3480 VENABLE RD  
MEMPHIS TN 38118

HALL-HAMPTON ANDREA R  
3504 VENABLE RD  
MEMPHIS TN 38118

SOTO-ACEVEDO NAHUN & YESSICA  
3510 VENABLE RD  
MEMPHIS TN 38118

AESTHETIC REALTY LLC  
1136 VALLECITO LOOP  
LOS LUNAS NM 87031

MARQUEZ JESSE  
86 MOELIMA ST  
WAIANAE HI 96792

MARTINEZ KEVIN I  
3536 VENABLE RD  
MEMPHIS TN 38118

SHELBY COUNTY TAX SALE 19.03  
PO BOX 2751  
MEMPHIS TN 38101

ANAYA MARIO I & DAISY E  
5341 WEST BLVD  
LOS ANGELES CA 90043

HAYS WILLIAM A & DOROTHY M  
4512 ALABASTER CV  
ARLINGTON TN 38002

HERRERA FRANCISCO A  
3560 VENABLE RD  
MEMPHIS TN 38118

FOLEY CHRISTOPHER & VIRGINIA  
11387 LINDY PL  
CUPERTINO CA 95014

SHELBY CO CONSERVATION BOARD  
GENERAL DELIVERY  
MEMPHIS TN 38101

GEIGER GRAHAM  
21223 W FOUR MOUND RD  
NINE MILE FALLS WA 99026

**WELLS PLUMBING &  
HEATING SUPPLIES  
916 W 21ST ST  
CHICAGO IL 60608**

**PROVIDENT TRUST GROUP LLC  
8880 W SUNSET RD 250  
LAS VEGAS NV 89148**

**BALDWIN JERRY S  
3533 VENABLE RD  
MEMPHIS TN 38118**

**E & S RENTAL HOMES LLC  
5363 RAGAN RIDGE DR  
MEMPHIS TN 38141**

**COPPENS GREGORY C AND JENNY  
2666 MERLE ST  
MEMPHIS TN 38118**

**JACKSON TROY  
2678 MERLE ST  
MEMPHIS TN 38118**

**MARTIN DEBORAH K  
2673 MCMURRAY ST  
MEMPHIS TN 38118**

**GOLDEN VIRGIE L  
2674 MERLE ST  
MEMPHIS TN 38118**

**VAYUDEV INC  
3456 LAMAR AVE  
MEMPHIS TN 38118**

**GUZMAN MARTHA D  
7226 STONE GARDEN DR  
OLIVE BRANCH MS 38654**

**JT PROPERTY MANAGEMENT LLC  
1831 TITUS RD  
MEMPHIS TN 38111**

**RIVERA EMMA C  
2685 MCMURRAY ST  
MEMPHIS TN 38118**

**GUZMAN MARTHA D  
7226 STONE GARDEN DR  
OLIVE BRANCH MS 38654**

**LOFTON CALVIN C & EDNA R  
2681 MERLE ST  
MEMPHIS TN 38118**

**MYERS CURTIS  
4866 CHUCK AVE  
MEMPHIS TN 38118**

**PATE CEDRIC  
1186 JESSICA LAUREN  
CORDOVA TN 38018**

**BAILEY VENORA  
2687 MERLE ST  
MEMPHIS TN 38118**

**SHELBY COUNTY GOVERNMENT  
160 N MAIN ST  
MEMPHIS TN 38103**

**BOSS INVESTMENTS LLC  
3425 FRANKLIN AVE  
WACO TX 76710**

**CAPITAL FUELS TENNESSEE 2 LLC  
16350 PARK TEN PL 240  
HOUSTON TX 77081**

**LOVE'S TRAVEL STOPS & COUNTRY  
STORES INC  
15 W 6TH ST 2400  
TULSA OK 74119**

**CHRISTINE DONHARDT  
THE REAVES FIRM  
6800 POPLAR AVE. SUITE 100  
MEMPHIS, TN 38138**

**Dedrick Brittenum  
Brittenum Law PLLC  
Airways Professional Center-Aerotropolis  
3385 Airways Blvd. Suite 229  
Memphis, TN 38116**



*Tom Leatherwood*  
Shelby County Register / Archives

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

16119105

11/21/2016 - 11:16 AM

4 PGS

ALONZO	1535299-16119105
VALUE	50.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	22.00

**TOM LEATHERWOOD**

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



**QUIT CLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, that the County of Shelby, a political subdivision of the State of Tennessee, for and in consideration of:

**FIFTY DOLLARS & NO/100**

**\$50.00 Dollars,**

does hereby bargain, sell, remise, quit claim and convey unto the said:

**BERMAR ASSOCIATES-IV, LLC**

the following described real estate located in Shelby County, Tennessee, to-wit:

**(SEE ATTACHED EXHIBIT "A")**

Being the same property conveyed to Shelby County Government in Tax Sale **94.5** on which sale was confirmed in Docket #

**Property Address:** 0 VENABLE AVE.

**Parcel #** 07301700002250

Conveyance of the above described property is made without warranties of any sort.

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Trustee, this 18th day of September, 2016.

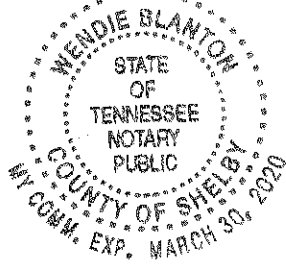
BY [Signature]

DAVID C. LENOIR, SHELBY COUNTY TRUSTEE

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared David C. Lenoir, as Trustee of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 18th day of September, 2016



[Signature]  
NOTARY PUBLIC

My Commission Expires:

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Mayor, this 16th day of September, 2015.

BY [Signature]  
MARK H. LUTTRELL, JR. SHELBY COUNTY MAYOR

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Mayor of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

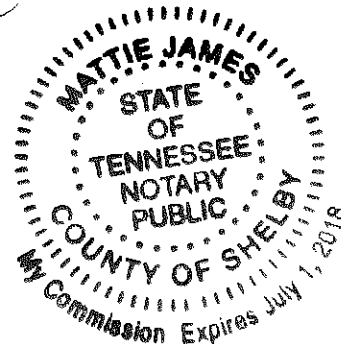
WITNESS my hand and Notarial Seal at office this 16th day of September, 2015.

[Signature]  
NOTARY PUBLIC

My Commission Expires:

APPROVED AS TO FORM:

[Signature]  
BY (ROBERTA KUSTOFF BPR#19519)  
DELINQUENT TAX ATTORNEY



RECORDING DATA ONLY

**Return Address:**

Office of the Shelby County Trustee  
157 Poplar Avenue - Third Floor  
Memphis, TN 38103

ATTENTION: SABRINA SAMUELS

**Property Address:**

0 VENABLE AVE.  
07301700002250

**Mail Tax Bills To:**

BERMAR ASSOCIATES-IV, LLC  
3480 DEMOCRAT ROAD  
MEMPHIS TN 38118

**Property Owner:**

BERMAR ASSOCIATES-IV, LLC  
3480 DEMOCRAT ROAD  
MEMPHIS TN 38118

I/We hereby swear/affirm that to the best of  
affiant's knowledge, information, and belief,  
the actual consideration for this transfer  
is \$50.00

*Federic Blunt*  
\_\_\_\_\_  
AFFIANT

This instrument prepared by:  
(ROBERTA KUSTOFF BPR#019519)  
DELINQUENT TAX ATTORNEY  
157 POPLAR AVENUE, 2ND FLOOR  
MEMPHIS, TN 38103

Subscribed and sworn to before me  
this 18th day of NOVEMBER, 2016.

STATE TAX \_\_\_\_\_  
REGISTER'S FEE \_\_\_\_\_  
RECORDING FEE \_\_\_\_\_  
TOTAL \_\_\_\_\_

*Wendie Blanton*  
\_\_\_\_\_  
NOTARY

My Commission expires:



## **“Exhibit A”**

Irregular lot measuring 27.89 feet, more or less, on the west; 34.29 feet, more or less, on the north; 27.89 feet, more or less, on the east and 116.44 feet, more or less, on the south. Containing 0.05 acres, more or less.

\*\*\*The intent is to combine this property with the Grantee's existing adjacent parcel number 07301700002460\*\*\*

**Parcel:** 03703500000030

**Exhibit:** 3475

I, Roberta Kustoff, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to § 47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

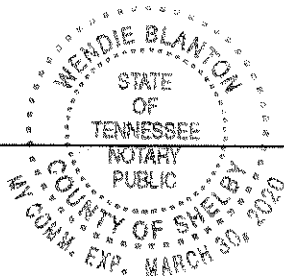
  
Signature

STATE OF TENNESSEE)  
COUNTY OF SHELBY)

On this 10th day of July 2015, before me personally appeared Roberta Kustoff, to me known to be the person described in and who acknowledges that this certification is true and correct and whose signature I have witnessed.

  
NOTARY PUBLIC


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





*Tom Leatherwood*  
Shelby County Register / Archives

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

	
<b>15003188</b>	
01/12/2015 - 12:55 PM	
10 PGS	
TANYA 1287753-15003188	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	50.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
<b>TOTAL AMOUNT</b>	<b>52.00</b>
<b>TOM LEATHERWOOD</b>	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

<p><b>THIS INSTRUMENT PREPARED BY AND RETURN TO:</b></p> <p><b>WEISSMAN &amp; OSTROW</b> Attorneys at Law 5118 Park Avenue, Suite 600 Memphis, TN 38117 (901) 763-2134</p>	<p><b>MAIL TAX BILLS TO:</b></p> <p>Bermar Associates IV, LLC 3480 Democrat Memphis, TN 38118</p>	<p><b>TAX PARCEL NUMBER:</b></p> <p>073-017-00226</p>
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## QUIT CLAIM DEED

*Title to this property was not examined incidental to this conveyance*

**KNOW ALL MEN BY THESE PRESENTS**, that, I, **BERNARD LIPSEY**, does hereby quit claim and convey unto **BERMAR ASSOCIATES IV, LLC**, all my right, title and interest in and to the following described real estate, lying in the Shelby County, State of Tennessee, to-wit:

### PARCEL I

The following described property located on the north side of Lamar Avenue, south of the Interstate 240 in Memphis, Tennessee, known as Lot 2 of the re-subdivision of Lot 2, Lamar Terrance Subdivision, as shown on Plat of record in Plat Book 59, Page 40 in the Register's Office, Shelby County, Tennessee, being more particularly described as follows:

Beginning at a point on the northeast right of way line of Lamar Avenue and U.S. Highway 78, at its intersection with the northwest line of said subdivision; thence North 45 degrees 19 minutes 32 seconds East a distance of 157.1 feet to a point; thence south 42 degrees 50 minutes 06 seconds East a distance of 75 feet to a point marked by an iron pin found; thence South 48 degrees 15 minutes 50 seconds West a distance of 166.51 feet to a point on the northeast right of way line of Lamar Avenue; thence northwesterly along said right of way along the curve to the left having a radius of 5,780.28 feet a distance of 69.36 feet to the point of beginning.

### PARCEL II

The following describe property located on the north side of Lamar Avenue, South of Interstate 240 in Memphis, Tennessee, known as Parcel 2, being part of the Billy L. Hensley Tract, being more particularly described as follows:

Beginning at a point in the northeast right of way line of Lamar Avenue (U.S. Highway 78) at the southwest corner of Lot 2 Re-subdivision of Section 2, Lamar Terrace Subdivision, as record in the Shelby County Register's Office in Plat Book 59, Page 40; thence in a northwesterly direction along the northeast right of way line of Lamar Avenue being the curve to the left having a radius of 5,780.28 feet a distance of 71 feet to a point; thence North 48 degrees 23 minutes 07 seconds East a distance of 167 feet to a point; thence South 44 degrees 14 minutes 14 seconds East a distance of 65 feet to the northwest corner of Lot 2 in the Re-subdivision of the Lamar Terrace Subdivision, as recorded in Plat Book 59, Page 40, in the Shelby County Register's Office; thence South 46 degrees 19 minutes 32 seconds West along the northwest line of Lot 2 a distance of 167.1 feet to the point of beginning.


Being the same property conveyed to the grantors herein by Special Warranty Deed of record at Instrument No. 14101646, said Register's Office.

This conveyance is made subject to:

1. Building and zoning ordinances, laws, regulations, and restrictions by municipal or other governmental authorities;
2. Any and all easements, right-of-ways, encumbrances, conditions, covenants, restrictions, reservations, exceptions, or other title matters of recording, including but not limited to the Plat of record in Book 59, Page 40, Register's Office, Shelby County, Tennessee, the Use and operating Restrictions and Affirmative Covenants set forth in the deed of record as Instrument No. 14101646, Register's Office, Shelby County, Tennessee, and the Release and Right of Entry Agreement of record as Instrument No. 06190727, Register's Office, Shelby County, Tennessee.
3. Any state of facts that an accurate survey and independent inspection of the Property would disclose.

TO HAVE AND TO HOLD said parcel of land, with the appurtenances, estate, title and interest thereto belonging to said Grantee and his heirs and assigns forever. Grantor warrants and will defend his title to the Property against all lawful claims and demands made against said title by all persons claiming by, from, through, or under grantors, and none other, except as noted above.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this  
8th day of January, 2015.

  
BERNARD LIPSEY

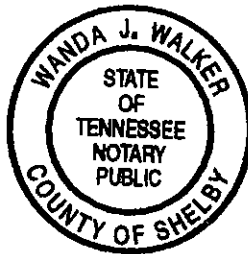
**STATE OF TENNESSEE**

**COUNTY OF SHELBY**

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **BERNARD LIPSEY**, to me known to be the person described in and who executed for foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 8th day of January, 2015.

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



My Commission Expires Oct. 17, 2018

*Wanda J. Walker*  
NOTARY PUBLIC

**Property Owner:**

Bernar Associates IV, LLC  
3480 Democrat  
Memphis, TN 38118

**Property Address:**

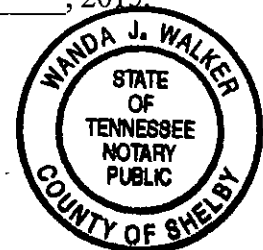
3402 Lamar Avenue  
Memphis, TN

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

*Televa Coult*  
AFFIANT

Subscribed and sworn to before me this the 8th day of January, 2015.

*Wanda J. Walker*  
NOTARY PUBLIC



My Commission Expires Oct. 17, 2018



## **RESTRICTIONS**

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, interest, claim or demand whatsoever, of Grantor, either at law or in equity, of, in and to the Property, with the hereditaments ad appurtenances;

**TO HAVE AND TO HOLD** the above granted and bargained Property with the easements and rights appurtenant thereunto belonging, unto Grantee and the heirs, devisees, legal representatives, successors and assigns of Grantor, as the case may be, forever, SUBJECT, however to: (a) taxes and assessments, both general and special, not then due and payable; (b) building and zoning ordinances, laws, regulations, and restrictions by municipal or other governmental authorities; (c) any and all leases, easements, rights-of-way, encumbrances, conditions, covenants, restrictions, reservations, exceptions and all other matters of record; (d) any state of facts that an accurate survey and independent inspection of the Property would disclose; and (e) the restrictions, covenants and representations set forth herein. Grantor warrants and will defend its title to the Property against all lawful claims and demands made against said title by all persons claiming by, from, through or under Grantor, and none other, except as above noted.

### **Use and Restrictions**

This conveyance is made subject to the restrictions and covenants described on **Exhibit B** attached hereto ("Use and Restrictions"). Notwithstanding the foregoing, the Use and Operation Restrictions do not prohibit the installation or use of any compliance wells, or any underground monitoring, recovery or extraction wells or similar devices used for or related to the performance of any remediation or any corrective action work on the Property now or in the future. Grantee, for and on behalf of itself and its successors and assigns (including, without limitation, all successors in title to the Property (or any portion thereof) to Grantee (collectively, the "Grantee Parties"), by acceptance of this Deed, hereby agrees to indemnify, defend and hold harmless Grantors, its parents, affiliates and subsidiaries, and their respective directors, officers, partners, employees, contractors, agents, representatives, successors and assigns, (collectively, the "Grantor Parties"), from and against any and all actions or causes of action at law or in equity, claims, demands, expenses, obligations, losses, damages (including, without limitation, business interruption), costs, payments, liabilities, liens, environmental remediation costs and expenses, fines, penalties, and costs and expenses of litigation and reasonable attorneys' fees arising out of or relating to any use of the Property from and after the Transfer Date which is in violation of or inconsistent with the Use and Operation Restrictions. The Use and Operation Restrictions shall run with the Property and each portion thereof for the benefit of the Grantor Parties and shall bind Grantee, the Grantee Parties, and their respective directors, officers, employees, contractors, agents, representatives, lessees, licensees, invitees, and any user or occupant of all or any portion of the Property. Grantor may, in Grantor's sole and absolute discretion (but shall in no event be obligated to), release and/or waive any or all of

the Use and Operation Restrictions at any time, by written instrument duly executed and delivered by Grantor.

**EXHIBIT B  
TO SPECIAL WARRANTY DEED**

**(Use and Operating Restrictions, and Affirmative Covenants)**

The Grantee herein covenants and agrees, for and on behalf of itself and the other Grantee Parties that the following use and operating restrictions, notices, acknowledgment and covenants shall run with the land and each portion thereof, shall bind and restrict the Property and each portion thereof, and shall be binding upon and inure to the benefit of the parties, including without limitation, Grantor, the other Grantor Parties, Grantee and other Grantee Parties, as the case may be, and their respective heirs, devisees, representatives, successors and assigns, and any other person or entity expressly noted herein, and shall bind and restrict the Property for the time periods set forth herein:

I. **This Section Intentionally Omitted.**

II. **Environmental Matters.**

A. **Environmental Restrictions.** To reduce risks to human health and/or the environment and to permit application of environmental corrective action standards or other protective activities that are consistent with applicable law, this conveyance is made by Grantor and accepted by Grantee on the express condition and subject to the following restrictions, notices, acknowledgments and covenants:

1. **Groundwater Exposure Restrictions.** No water supply wells of any kind (including, without limitation, water wells used for drinking, bathing or other human consumption purposes and water wells used for livestock, farming or irrigation) shall be installed or used on the Property (collectively, the "**Groundwater Exposure Restriction**"); provided, however, that the Groundwater Exposure Restriction does not prohibit the installation or use of any compliance wells or any groundwater monitoring, recovery or extraction wells or similar devices used for or related to the performance of any remediation or environmental corrective action work on the Property now or in the future.

2. **Residential Use Restrictions.** The property shall not be used or occupied (if used or occupied at all) for residential purposes, and additionally, no part of the Property shall be used for the purpose of operating a child care facility, a nursing home facility or hospice, a medical or dental facility, school, a church or other place of worship, a park or a hospital (collectively, the "**Residential Use Restriction**"). If applicable state environmental laws and regulations define residential use, any use that is deemed to be residential use by such laws and restrictions will also be a residential use as the terms are used herein.

### 3. Construction and Excavation Restrictions.

**3.1 Below-grade Restriction.** Any building or other improvements constructed on the Property shall have a slab-on-grade foundation, with the top of the slab at or above surface level, except for any building footings and/or underground utilities (the "**Below-grade Restriction**").

**3.2 Construction Workers' Caution Statement.** Prior to conducting any intrusive activities with respect to the Property, Grantee and the other Grantee Parties shall cause all construction workers performing or assisting with such activities to be notified of possible petroleum hydrocarbon encounters and appropriately trained and certified in accordance with all environmental, health and safety laws, rules, regulations and ordinances, including, without limitation, any and all Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) requirements (including, without limitation, those set forth in 29 CFR 1910.120) (collectively, the "**Workers' Caution Restriction**"). Such training shall at a minimum include both an initial 40-hour and 8 hour refresher training and certifications in compliance with OSHA HAZWOPER requirements and any similar applicable requirements (whether existing as of the date of this conveyance or enacted or promulgated in the future).

### **3.3 Removal and Disposal of Soil and Groundwater.**

No soils shall be excavated at or removed from any portion of the Property, unless and until representative soil samples from such portion of the Property are first tested to determine whether any actionable levels of petroleum-related chemicals are present, and if such levels are present, then (a) the excavation, management, disposal and/or removal of any such soils at or from such portion of the Property shall be governed by a written soil management plan ("**Soil Management Plan**") to be developed by Grantee or any other Grantee Party, as applicable, which shall comply with all applicable laws and regulatory requirements; (b) a copy of the Soil Management Plan shall be submitted by Grantor for review and approval; (c) Grantee, or any other Grantee Party, as applicable, obtains any required government approval of the Soil Management Plan. Grantee and the other Grantee Parties shall be solely responsible for the proper and lawful performance and payment of (d) any and all soil excavation, hauling, transportation and disposal pursuant to the Soil Management Plan or otherwise and (e) any extraction, dewatering and disposal of any groundwater to be extracted or removed from the Property arising out of or resulting from any development or other construction activities at the Property, including any required testing and treatment of such water (collectively, the "**Soil and Groundwater Removal Restriction**"). Except as may be otherwise expressly provided in the Soil Management Plan that has been approved by Grantor or in the Purchase and Sale Agreement, Grantor shall not be obligated to pay any costs related to such soil excavation or groundwater extraction or any soil or groundwater removal or disposal, and/or any development of the Property.

### **3.4 Development: Relocation of Remediation Equipment.**

Grantee shall submit to the Grantor a copy of plans for any construction, relocation of improvements on the Property, or any excavation, demolition re-grading, repaving,

landscaping or other development activity at the Property (excluding any renovations solely to the interior of the building that have no impact on any government required environmental work) (“**Development**”) for Grantor’s review and consent at least thirty (30) days prior to the commencement by anyone of any Development activities on the Property, unless Grantor expressly waives this provision in writing and in advance of any such Development. In the event that monitoring or recovery wells, monitoring points, treatment equipment, mobile treatment units, and any other equipment, vehicles or improvements used or installed by Grantor for any government required environmental (collectively, “**Corrective Action Equipment**”) are present at the Property in the date of this conveyance or thereafter, no Grantee Party will interfere with the use or operation of the Corrective Action Equipment, or damage or destroy (or permit the damage or destruction of ) any Corrective Action Equipment. In the event Grantee or any other Grantee Party damages or destroys any Corrective Action Equipment, Grantee or such other Grantee Party (as applicable) shall pay. Upon demand, Grantor’s costs in repairing or replacing it. No Grantee Party shall remove or relocate any Corrective Action Equipment without the prior written consent of Grantor. In the event that Grantor consents to any such removal or relocation, then either (at Grantor’s sole election): (a) Grantee (or such other Grantee Party (as applicable)) shall perform such removal and/or relocation at its sole cost and expense, pursuant to plans and specifications which have been approved in writing by Grantor, and using contractors acceptable to Grantor (in which event Grantor and its contractors and consultants shall have the right to be present at, and supervise, such removal or relocation); or (b) Grantor shall perform (or cause to be performed) such removal and/or relocation, but all costs and expenses of such removal or relocation shall be borne solely by Grantee or such other Grantee Party (as applicable), and Grantee or such other Grantee Party (as applicable) shall promptly reimburse Grantor for any such costs or expenses paid, sustained or incurred by Grantor.

**3.5 Cooperation.** Grantee and each of the other Grantee Parties agrees to cooperate with Grantor and with the Government in obtaining environmental site closure (to commercial standards, if applicable) for any Hydrocarbon Contamination. Said cooperation may include, but not limited to, the following: (a) execution of any and all documentation as may be necessary, in Grantor’s sole discretion, to obtain environmental site closure for the Property, which documentation may impose further use and operating restrictions similar to those set forth in this **Exhibit B**; (b) attendance at any meeting requested by Grantor relating to the Hydrocarbon Contamination and government required environmental work efforts; and /or (c) such further acts as may be required in order to obtain environmental site closure for any Hydrocarbon Contamination. Should Grantee or any Grantee Party fail or refuse to sign such documentation, or become unavailable to sign such documentation (after reasonable inquiry by Grantor), Grantee or Grantee Parties hereby irrevocably appoints any Environmental Business Manager of Grantor (or any successor corporation thereto) as its power-in-fact to sign and execute such documentation for and on behalf of Grantor to record one or more “No Further Remediation” or “No Further Action” letters or similar site closure documentation or notices against the Property, if required by the government or the laws, when the same are obtained by Grantor from the government.

**3.6 Notice.** Any notices required to be given to Grantor shall be given using the following address:

BP Products North America Inc.  
c/o Atlantic Richfield Company, VP Operations  
28100 Torch Parkway  
Warrenville, IL 60555  
Telephone No.: (630) 836-7138  
Facsimile No.: (630) 836-7195  
Site SS #: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
\_\_\_\_\_

**3.7 Duration.** The Groundwater Exposure Restriction, the Residential Use Restriction, the Below-grade Restriction, the Construction Workers' Restriction, and the Soil and Groundwater Removal Restriction, including their related restrictions, notices, acknowledgments and covenants and those restrictions, notices, acknowledgments and covenants set forth in sections 3.4 and 3.5 above (collectively, the "**Environmental Restrictions**"), shall run with land and each portion thereof and shall be binding upon and inure to the benefit of Grantor, the other Grantor Parties, Grantee and the other Grantee Parties, and shall remain in full force and effect and bind and restrict the Property, unless and until the Environmental Restrictions (or any portion thereof) are either: (1) waived in writing by Grantor under conditions which, in Grantor's sole discretion, demonstrate that specific risks to human health and the environment are, have been, and/or will be appropriately reduced; (2) released in writing by Grantor. Grantor may, at Grantee's request, release a portion or portions of the Environmental Restrictions from the Property upon Grantor's receipt from Grantee of an acknowledgment from the government, obtained by Grantee at its sole cost and expense, that test results demonstrate that the Property meets the then-current soil and groundwater standards for the Property without the portion or portions of the Environmental Restrictions and that the government approves the releasing of that portion or portions of the Environmental Restrictions.

**II. Certain Environmental Acknowledgments, Covenants and Notices.**

**A. Prior Use.** Grantee acknowledges that the Property has been used as a service station or for the storage, sale, transfer and distribution of motor vehicle fuels, petroleum products or derivatives containing hydrocarbons.

**B. USTs.** Grantee acknowledges that underground storage tanks and associated product piping systems ("**USTs**") included in, on or under the Property may contain explosive gases and may have been used for the storage of motor fuels containing tetraethyl lead or other "antiknock" compounds which have made such USTs unfit for the storage of water or any other article or commodity intended for human or animal contact or consumption. Grantee expressly agrees not to use or permit the use of any such USTs for such purposes.

**C. Notice of Environmental Restrictions upon Conveyance.** Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a recital acknowledging the Environmental Restrictions and providing the recording location of this Deed upon such conveyance substantially in the following form: "The real property described herein is subject to the Environmental Restrictions made by BP Products North America Inc., as Grantor, for its benefit and the benefit of other parties and persons as set forth therein, and recorded with the Office of the Recorder of Shelby County on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, in Shelby County Deed Records at Volume \_\_\_\_\_, Page \_\_\_\_\_ and having Document No. \_\_\_\_\_ as if the same were fully set forth herein." Notwithstanding the foregoing, any failure to include such notice shall not, in itself and of itself, create any right or claim that any of the Environmental Restrictions or this Deed are void, voidable or otherwise unenforceable in accordance with their terms.

**D. Defined Terms: Successors: Other.** All capitalized terms used in this Exhibit B shall have the meanings ascribed to such terms as set forth in the Deed to which this Exhibit B is attached. By taking title to the Property (or otherwise succeeding, directly or indirectly, to any of Grantee's right, title or interest in or to the Property), each Grantee Party shall be conclusively deemed to have agreed to and accepted each and all of the terms, provisions and conditions of this Exhibit B, and to have agreed to be bound thereby. It is the intention of Grantor and Grantee that the terms, provisions, covenants and restrictions set forth in this Exhibit B shall be deemed to have vested upon the execution and delivery of this Deed by Grantor. If any of the covenants or restrictions contained herein shall be unlawful, void or voidable for violation of the rule against perpetuities, then any such covenants and restrictions shall continue only until twenty-one (21) years after the death of the survivor of the now living descendants of George W. Bush. If any of the covenants or restrictions contained herein shall be unlawful, void or voidable for violation of any other statutory or common law rule(s) imposing time limits, then any such covenants and restrictions shall continue only for the longest period permitted under such statutory or common law rule(s) or regulation(s). If any term, provision, condition, covenant or restriction in this Exhibit B shall, to any extent, be invalid or unenforceable, the remainder of this Exhibit B (or the application of such term, provision, condition, covenant or restriction to persons or circumstances other than in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision, condition, covenant and restriction set forth in this Exhibit B shall be valid and enforceable to the fullest extent permitted by law. Grantee acknowledges, for itself and the other Grantee Parties, that the breach of any of the covenants or restrictions contained in this Exhibit B on the part of Grantee or any other Grantee Party will result in irreparable harm and continuing damages to Grantor and Grantor's business, and that Grantor's remedy at law for any such breach or threatened breach would be inadequate. Accordingly, in addition to such remedies as may be available to Grantor at law or in equity in the event of any such breach, any court of competent jurisdiction may issue an injunction, (both preliminary and permanent), without bond, enjoining and restricting the breach or threatened breach of any such covenant or restriction by Grantee or any other Grantee Party. In the event that Grantee or any other Grantee Party shall breach any of the covenants or restrictions set forth in this Exhibit B, then Grantee or such other Grantee Party (as applicable) shall pay all of Grantor's costs and

expenses (including reasonable attorneys' fees) incurred in enforcing such covenants and restrictions.

**[End of Exhibit B to Deed]**



# Shelby County Tennessee

## *Willie F. Brooks Jr*

Shelby County Register

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



22137545

12/27/2022 - 03:01:55 PM

3 PGS	
BRIAN 2529431 - 22137545	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

WILLIE F. BROOKS JR  
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



QUIT CLAIM DEED

MARUTI, INC. (aka Maruti of Memphis, Inc. by name change amendment filed with the Tennessee Secretary of State), a Tennessee corporation, "Grantor", does hereby quit claim unto GARDEN INN AND SUITES INC, a Tennessee corporation, "Grantee", all of Grantor's interest in and to that certain real estate located in the County of Shelby, State of Tennessee, which is more particularly described as follows, to-wit:

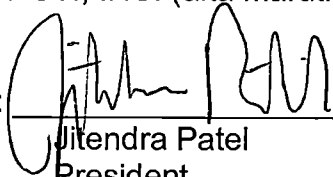
Lot 1, Sam Patel's Commercial Subdivision, as shown on plat of record in Plat Book 151, Page 63, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

This being the same property conveyed to the Grantor herein by Quit Claim Deed of record at Instrument No. HG 5143 in the Register's Office of Shelby County, Tennessee.

THIS DEED PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION.

WITNESS the signature of the Grantor as of the 21<sup>st</sup> day of December, 2022.

MARUTI, INC. (aka Maruti of Memphis, Inc.)

By:   
\_\_\_\_\_  
Jitendra Patel  
President

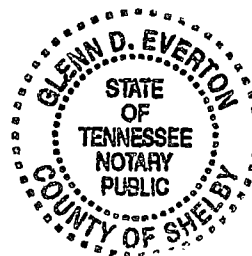
STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, the undersigned Notary Public in the State and County aforesaid, personally appeared Jitendra Patel, known to me to be the President of MARUTI, INC., the within named bargainor, and that he, being authorized so to do, executed the foregoing for the purposes therein contained by signing the name of the Corporation by himself as such President.

WITNESS my hand and seal at office this 21st day of December, 2022.

Glenn D. Everton  
Notary Public

My commission expires: 10/27/2024



STATE OF TENNESSEE  
COUNTY OF SHELBY

I hereby swear or affirm that the actual consideration for this transfer is \$-0-.

Jitendra Patel  
Affiant

WITNESS my hand and notarial seal at office this 21st day of December, 2022.

Glenn D. Everton  
Notary Public

My commission expires: 10/27/2024



Tax Parcel No.: 073017 00241

Property Address: 3419 American Way, Memphis, TN 38118

Name and Address of New Property Owner  
and mail tax notices to:

Garden Inn and Suites Inc  
3419 American Way  
Memphis, TN 38118

PREPARED BY:

Griffin, Clift, Everton & Maschmeyer, PLLC  
6489 N. Quail Hollow Rd. #100  
Memphis, TN 38120 *KA*


RETURN TO: Preparer    FF 24697    (GDE)



*Tom Leatherwood*

Shelby County Register

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

	
<b>12012340</b>	
<b>02/02/2012 - 12:08 PM</b>	
4 PGS	
ALONZO 916587-12012340	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
<b>TOTAL AMOUNT</b>	<b>22.00</b>
<b>TOM LEATHERWOOD</b>	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

<p><b>THIS INSTRUMENT WAS PREPARED BY:</b>  <b>WEISSMAN, OSTROW &amp; MITCHELL</b>                  Attorneys at Law                  5118 Park Avenue, Suite 600                  Memphis, TN 38117                  Telephone: 901-763-2134                  Fax: 901-763-3891</p>	<p>State of Tennessee                  County of Shelby</p> <p>The actual consideration or value, whichever is greater, for this transfer is <b>\$10.00</b></p> <p><i>[Signature]</i>                  Affiant</p> <p>Subscribed and sworn to before me, this the <u>30th</u> day of <u>January</u>, 2012.</p> <p><i>[Signature]</i>                  Notary Public</p> <p>My commission expires: _____                  (AFFIX SEAL)</p>
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**QUIT CLAIM DEED**

My Commission Expires April 6, 2014

Address of New Owner(s) as follows: <b>Bermar Associates-IV, L.L.C.</b>	Send Tax Bills To: <b>Bermar Associates-IV, L.L.C.</b>	Property Address: <b>SEE LEGAL DESCRIPTION</b>
<b>3480 Democrat</b>	<b>3480 Democrat</b>	Map-Parcel Number: <b>SEE LEGAL DESCRIPTION</b>
<b>Memphis, TN 38118</b>	<b>Memphis, TN 38118</b>	File Number:

*Title to this property was not examined incidental to this conveyance*

**KNOW ALL MEN BY THESE PRESENTS**, that, **BERMAR ASSOCIATES**, a Tennessee General Partnership, composed of General partners Bernard A. Lipsey and Mark Lurie of Memphis, TN, does hereby quit claim and convey unto **BERMAR ASSOCIATES-IV, L.L.C.**, a Tennessee limited liability company, all my right, title and interest in and to the following described real estate, lying in the Shelby County, State of Tennessee, to-wit:

**PARCEL 1:**

Beginning at a point of curvature in the present south line of Raines Road (123 feet R.O.W.) a tangent distance of 40.95 feet southwestwardly from the tangent intersection of the west line of Pilot Drive (80 feet R.O.W.) with the said south line of Raines Road; thence in a southeastwardly direction along a curve to the right having a radius of 40 feet, a distance of 63.77 feet to the end of said curve and being in the present line of Pilot Drive; thence due south along the said west line of Pilot Drive a distance of 149.47 feet (Deed call – 150.44 feet) to an iron pin set at the northeast corner of property in the name of Coleman Enterprises, Inc., thence south 88 degrees 39 minutes 00 seconds west, along the north line of said Coleman Enterprises, Inc. property a distance of 114.88 feet to an iron pin set at the southeast corner of a 0.297 acre parcel; thence North 0 degrees 09 minutes 00 seconds east, along the east line of said parcel, a distance of 190.44 feet to an iron pin set in the south line of Raines Road; thence north 88 degrees 39 minutes 00 seconds east, along the said south line of Raines Road, a distance of 73.43 feet, to the point of beginning, and containing 0.493 acre, more or less.

Property Address: 3939 Pilot, Memphis, TN

Tax ID: 073-101-00804

Being the same property conveyed to the grantors herein by Substitute Trustee's Deed of record in Instrument NO. DR 6378, Register's Office, Shelby County, Tennessee.

**PARCEL 2:**

A part of Lots 6 and 7 of R. P. Marr Subdivision described as follows: Commencing at the northeast corner of the intersection of North Parkway and Dunscomb Place and run thence in an easterly direction along the north right-of-way line of North Parkway a distance of 150 feet; thence in a northerly direction parallel to the east right-of-way line of Dunscomb Place a distance of 158 feet; thence in a westerly direction parallel to the north right-of-way line of North Parkway a distance of 150 feet to a point on the east right-of-way line of Dunscomb Place; thence in a southerly direction along the easterly right-of-way line of Dunscomb Place 158 feet to the point of beginning.

Property Address: 710 N. Parkway, Memphis, TN

Tax ID: 001-109-021

Being the same property conveyed to the grantors herein by Quit Claim Deed of record in Instrument NO. EW 7889, Register's Office, Shelby County, Tennessee.

**PARCEL 3:**

Part of Lot 1, Ben Paine (Payne) Farm Subdivision, as shown on plat of record in Plat Book 9, Page 30, and part of Tract 3, Chancery Court No. 40536 E. D. Division of Benj. Paine 74.83 acres of the Elizabeth Brown 139.69 acres and being more particularly described as follows; Beginning at a point in the south line of Lamar Avenue (100 feet wide) a distance of 111.5 feet eastwardly from its tangent intersection with the east line of Old Getwell Road; thence south 80 degrees 18 minutes 20 seconds east 163.96 feet to a point; thence south 04 degrees 48 minutes 09 seconds west 200.61 feet to a point; thence north 80 degrees 18 minutes 20 seconds west 187.99 feet to a point; thence north 11 degrees 40 minutes 40 seconds east 200.0 feet to the point of beginning, containing 0.807 acres.

This conveyance is made subject to easements of record as Instrument No. G7 6157 and G7 6158, said Register's Office.

Property Address: 3897 Lamar, Memphis, TN

Tax ID: 073-010-00004 and 073-010-00007

Being the same property conveyed to the grantors herein by Warranty Deed of record in Instrument NO. DZ 5182, Register's Office, Shelby County, Tennessee.

**PARCEL 4:**

Lot 8, W.F. McLemore Subdivision, as per plat of record in Plat Book 13, Page 19, Register's Office, Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lot.

Property Address: 3480 Democrat, Memphis, TN

Tax ID: 073-001-00029

Being the same property conveyed to the grantors herein by Warranty Deed of record in Instrument NO. X5 9755, Register's Office, Shelby County, Tennessee.

**PARCEL 5:**

Parts of Lots 1 and 2, Oaks Subdivision of Lot 5, Jay Madison Subdivision, and being more particularly described as follows: Beginning at a point in the intersection of the present north line of Park Avenue with the east line of Goodman Street, as shown on subdivision plat; thence eastwardly with said present north line of Park Avenue 102.5 feet to the line dividing Lots 2 and 3 of

said Oaks Subdivision; thence northwardly with said dividing line and parallel with Goodman Street 168.3 feet to an iron pipe; thence westwardly parallel with Park Avenue 102.5 feet to the east line of Goodman Street; thence southwardly with said east line of Goodman Street 168.3 feet to the point of beginning.

Property Address: 3824 Park, Memphis, TN

Tax ID: 046-037-00026

Being the same property conveyed to the grantors herein by Warranty Deed of record in Instrument NO. 04084603, Register's Office, Shelby County, Tennessee.

**PARCEL 6:**

Lot 2, 3, 4, 5, and 6, Sam Patel Subdivision, as shown on plat of record in Plat Book 151, Page 63, Register's Office, Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lot.

Property Address: 0 Lamar, Memphis, TN  
0 American Way, Memphis, TN  
0 American Way, Memphis, TN  
0 American Way, Memphis, TN  
0 American Way, Memphis, TN

Tax ID: 073-017-00242  
073-017-00243  
073-017-00244  
073-017-00245  
073-017-00246 \* see Deed Restrictions

Being the same property conveyed to the grantors herein by Quit Claim Deed of record in Instrument NO. 03246405, Register's Office, Shelby County, Tennessee.

**\*Deed Restrictions**

1. No motel, hotel or any other type business providing transitory lodging shall be built or operated on the property conveyed herein.
2. Any development of the property conveyed, including the building or placing of any structures on said property, shall not obstruct the visibility of the motel building on Lot 1 of the Sam Patel Subdivision mentioned herein to American Way.
3. Development of the property conveyed herein shall not be of a nature to adversely affect the business of the motel on Lot 1 of the Sam Patel Subdivision.
4. These restrictions shall run with the land in perpetuity, shall be binding on the heirs, successors, personal and legal representatives and assigns of the grantee hereto.

**PARCEL 7:**

Commencing at the intersection of the centerline of Pleasant Hill Road (114 foot Right-of-Way) and the centerline of Old Pleasant Hill Road (80 foot Right-of-Way); thence North 52 minutes 17seconds East along the centerline of Old Pleasant Hill Road a distance of 172.37 feet to a point of curvature; thence continuing along said centerline along a curve to the left having a radius of 400.00 feet an arc distance of 296.36 feet (chord of North 31 degrees 04 minutes 05 seconds East 289.63 feet) to a point of tangency; thence North 09 degrees 50 minutes 35 seconds East continuing along said centerline a distance of 32.17 feet to a point on the east line of the property described by Instrument FF 4360; thence leaving said centerline South 00 degrees 38 minutes 44 seconds West along said east line a distance of 130.84 feet to a point; thence South 00 degrees 11 minutes 27 seconds East continuing along said east line a distance of 52.11 feet to the point of beginning; thence continuing along said east line South 00 degrees 11 minutes 27 seconds East a distance of 546.66 feet to a point; thence leaving said

east line North 88 degrees 26 minutes 39 seconds West a distance of 35.72 feet to a point on the east line of Pleasant Hill Road (114 foot Right-of-way); thence along said east line along a curve to the left having a radius of 1,457.00 feet an arc length of 307.48 feet (chord of North 26 degrees 39 minutes 18 seconds West 306.91 feet) to a point of reverse curvature; thence continuing along said east line along a curve to the right having a radius of 170.00 feet an arc length of 51.99 feet (chord of North 23 degrees 56 minutes 21 seconds West 51.79 feet) to a point of curvature; thence continuing along said line along a curve to the right having a radius of 50.00 feet an arc length of 43.00 feet (chord of North 09 degrees 27 minutes 37 seconds East 41.69 feet) to a point of compound curvature; thence along the south line of Old Pleasant Hill Road, along a curve to the right having a radius of 170.00 feet an arc length of 53.99 feet (chord of North 43 degrees 11 minutes 44 seconds East 53.76 feet) to a point of tangency; thence continuing along said south line North 52 degrees 17 minutes 35 seconds East a distance of 24.95 feet to a point of curvature; thence continuing along said south line along a curve to the left having a radius of 440.00 feet an arc length of 177.26 feet (chord of North 40 degrees 45 minutes 06 seconds East 176.07 feet) to a point; thence leaving said south line South 71 degrees 04 minutes 20 seconds East a distance of 15.08 feet to the point of beginning.

Property Address: 0 Pleasant View Road, Memphis, TN

Tax ID: 094-200-00450

Being the same property conveyed to the grantors herein by Warranty Deed of record in Instrument NO. 07163383, Register's Office, Shelby County, Tennessee.

30th IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 30th day of Jan, 2012.

**BERMAR ASSOCIATES**  
BY: Bernard Lipsey  
Bernard Lipsey, Partner

**STATE OF TENNESSEE**

**COUNTY OF SHELBY**

Before me, a Notary Public, of the State and County aforesaid, personally appeared **Bernard Lipsey**, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be a partner of **BERMAR ASSOCIATES**, a Tennessee general partnership, the within named bargainor, a partnership and that he as such partners executed the foregoing instrument for the purpose therein contained, by signing the name of the partnership by himself as partner.

WITNESS my hand and Notarial Seal, this the 30th day of Jan, 2012.



My commission expires on

Larry A. Weissman  
NOTARY PUBLIC

My Commission Expires April 6, 2014





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

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

August 9, 2024

Dedrick Brittenum, Brittenum Law pllc  
3385 Airways Boulevard, Suite 229  
Memphis, Tennessee 38116

*Sent via electronic mail to: [dbj@brittenumlaw.com](mailto:dbj@brittenumlaw.com)*

RaceTrac Planned Development  
Case Number: PD 2024-009  
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, August 9, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development amendment application for the RaceTrac Planned Development, subject to the attached outline plan conditions.

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

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

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

**Letter to Applicant**  
**PD 2024-009**

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](mailto:chloe.christion@memphistn.gov).

Respectfully,



Chloe Christion  
Planner I  
Land Use and Development Services  
Division of Planning and Development

Cc: Christine Donhardt – [cdonhardt@reavesfirm.com](mailto:cdonhardt@reavesfirm.com)  
Daniel Brown – [dbrown@racetrac.com](mailto:dbrown@racetrac.com)  
Mike Davis – [mdavis@reavesfirm.com](mailto:mdavis@reavesfirm.com)  
Brandon Allred – [jallred@racetrac.com](mailto:jallred@racetrac.com)  
File

## Letter to Applicant

PD 2024-009

### Outline Plan Conditions

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

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
  - 1. Truck Stop, Tractor Trailer (fueling of with no on-site bathing options, no on-site lodging facilities, nor overnight parking of Tractor Trailers.).
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels

#### **II. Bulk Regulations:**

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
  - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
  - 2. Canopy can be setback greater than 20' from the property line.
  - 3. The convenience store canopy cannot exceed 20 feet in height. The diesel fuel pumps canopy cannot exceed 25 feet in height.

#### **III. Access, Circulation and Parking:**

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.
- G. A minimum of three EV Charging Stations shall be provided at the front or side of the convenience store building.
- H. A minimum of 6 bike spaces shall be provided.

#### **IV. Landscaping and Screening:**

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.

## **Letter to Applicant**

### **PD 2024-009**

- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east near the residential zoning.
- D. Streetscaping Plate Type S-10 modified to 15 feet in width behind the existing curb-lined sidewalk shall be provided on both Lamar Avenue and American Way.
- E. A detailed landscaping plan shall be provided as a part of the Final Plat. The Division of Planning and Development may approve modifications administratively.

#### **V. Signs:**

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. The sign face area of any detached signs shall be regulated by Table I in UDC Item 4.9.7.D(2)(b).
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. No canopy signs are permitted.
- E. Landscaping at the base of any detached sign shall be provided at 2 times the size of the sign face.

#### **VI. Outdoor Site Lighting:**

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.
- B. A Photometric Lighting Analysis shall be required with a 0 foot candle intensity along the property line measuring 233.93 feet at the end of Venable Avenue.

#### **VII. Drainage:**

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

#### **VIII. Building, Fuel Pumps Canopy, and Dumpster Enclosure Design**

## **Letter to Applicant**

### **PD 2024-009**

- A. A minimum 50% transparency shall be provided with the front-facing building elevation for the convenience store.
  - B. A minimum 30% transparency shall be provided on the side building elevations of the convenience store.
  - C. The support columns for the gas pumps canopy in front of the convenience store and the truck fueling canopy shall be covered in an exterior compatible with the exterior of the convenience store by using brick or stone cladding, or a combination thereof. Any fuel canopy shall be architecturally compatible with the convenience store building.
  - D. The dumpster location and enclosure shall meet the locational requirements in the Unified Development Code.
  - E. Striping is permitted on any fuel canopy.
  - F. All exterior building elevations, fuel pump island canopy elevations, dumpster enclosure elevations, and detached sign elevations shall be provided on the final plat including building materials and colors to be used.
- IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

### **X. Site Plan Review**

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plat. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.

- XI.** A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the

**Letter to Applicant**  
**PD 2024-009**

Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

**XII.** Any final plat shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
- F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- 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 and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 09/10/2024  
DATE  
PUBLIC SESSION: 09/24/2024  
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 at 4615 Quince Road, known as case number SUP 2024-017.

CASE NUMBER: SUP 2024-017

LOCATION: 4615 Quince Road

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

OWNER/APPLICANT: Ken Shin

REPRESENTATIVE: David Baker

REQUEST: Special use permit to allow a drive-thru restaurant

AREA: +/-1.001 acres

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

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

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
08/08/2018 _____	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>mahan Catalin</u>	<u>Aug 29, 2024</u>	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Burt Ryan</u>	<u>8/29/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### **SUP 2024-017**

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 4615 QUINCE ROAD, KNOWN AS CASE NUMBER SUP 2024-017.

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



## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, August 8, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SUP 2024-017

**LOCATION:** 4615 Quince Road

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

**OWNER/APPLICANT:** Ken Shin

**REPRESENTATIVE:** David Baker

**REQUEST:** special use permit to allow a drive-thru restaurant

**EXISTING ZONING:** Commercial Mixed-1 (CMU-1), BOA 1969-043-CI

**AREA:** +/-1.001 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,

*Mahsan Ostadnia*

Planner II  
Land Use & Development Services

Cc: Committee Members  
File

**SUP 2024-017**

**CONDITIONS**

1. The two parking islands on site shall be converted to landscaped islands with trees.
2. A final site plan shall be provided to the Division of Planning and Development if the Special Use Permit is approved by the City Council. The final site plan shall include a landscaping plan, the building elevations, and any approved conditions of the City Council.

# SITE PLAN



PLAN DATA

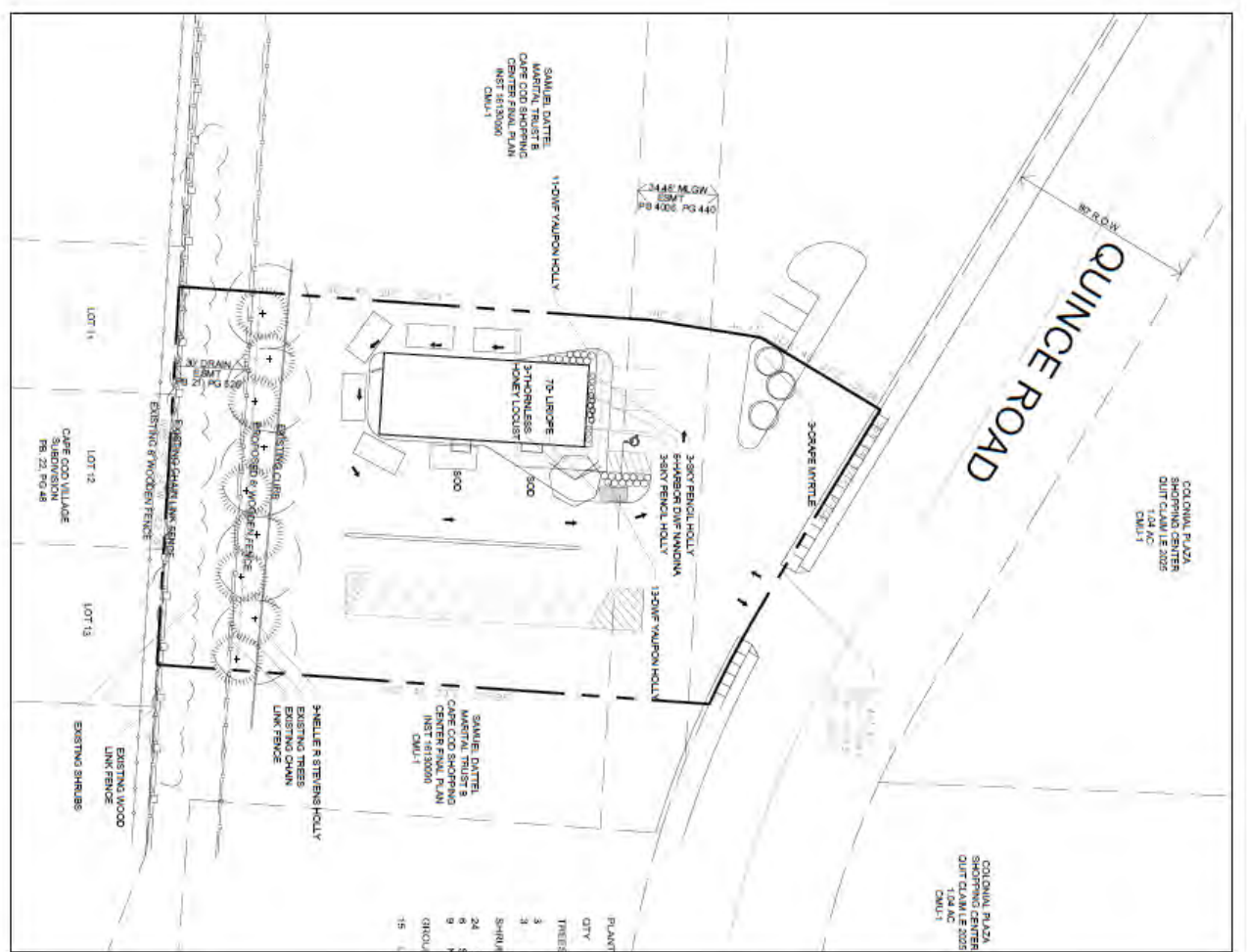
TOTAL AREA.....1.001 ACRES  
 BUILDING SIZE.....3,080 S.F.  
 DENSITY.....0.087 F.A.R.  
 PARKING REQUIRED.....31 SPACES  
 PARKING PROVIDED.....14 SPACES

\*THERE IS A RECIPROCAL INGRESS/EGRESS PARKING AGREEMENT BETWEEN ALL LOTS IN THIS SHOPPING CENTER. TOTAL PARKING FOR ENTIRE SHOPPING CENTER IS 277 SPACES



SITE PLAN - AMERICAN DELI		LOT 3, CAPE COD VILLAGE COMMERCIAL SID	
CASE NO.: SUP-24	FORMER CASE NUMBER:		
NUMBER OF LOTS: 1	AGE: 100 AC	S-23-11	
DEVELOPER: JILL SONG	ENGINEER: FISHER & LANDO INC.	DISTRICT: WARD 51, BLOCK 24	
788 WINCHESTER RD, SUITE 201	MEMPHIS, TN 38125	PARCEL: 25	
100 YEAR FLOOD ELEVATION:	FINAL MAP PANEL NUMBER:	DATE: MAY, 2024	
ELEV: N/A	47150 DMSF	SEPTEMBER 28, 2007	
	SCALE: 1" = 30'	SHEET 2 OF 3	

**PLOT PLAN**



PLANT LIST	CITY	NAME	SCIENTIFIC NAME	COND.	HT.	SFR.	REMARKS
TREES	1	CRANE WARTLE	LAGERSTRÖMIA INDICA 'MAMM'	8AB	8'		FULL BRANCHING
	2	THORNLESS HONEY LOCUST	GLUCOSTYA THORNANTHUS INFRANSE	8AB	8'		FULL BRANCHING
SHRUBS	24	CAPE COD VILLAGES	LEXY VORANTORIA NANA	CON.T.	18"		MATCHING
	8	CAPE COD VILLAGES	ILEX OREANA ('SWE' PRINCI')	CON.T.	36"		MATCHING
	9	NELLE R STEVENS HOLLY	ILEX X NELLE R STEVENS	8AB	8'		PULL TO GROUND
	15	PROPE	LEPROPE MISCARPA VARIEGATA	4* POTS			



<b>LOT 3, CAPE COD VILLAGE COMMERCIAL S/D</b>	
CASE NO.: SUP 24-	FORNER CASE NUMBER:
NUMBER OF LOTS: 1	ACRES: 1.001 AC.
DEVELOPER: JILL SONG	ENGINEER: FISHER & ARNOLD, INC.
7855 WINCHESTER RD, SUITE 201	MEMPHIS, TN 38125
100 YEAR FLOOD ELEVATION: 47.50 MSL	PERMIT DATE: SEPTEMBER 28, 2007
DATE: MAY 2004	SCALE: 1" = 20'

**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 4615 QUINCE ROAD, KNOWN AS CASE NUMBER SUP 2024-017.**

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

**WHEREAS**, Ken Shin filed an application with the Memphis and Shelby County Division of Planning and Development to allow a drive-thru 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 August 8, 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 two parking islands on site shall be converted to landscaped islands with trees.
2. A final site plan shall be provided to the Division of Planning and Development if the Special Use Permit is approved by the City Council. The final site plan shall include a landscaping plan, the building elevations, and any approved conditions of the City Council.

# SITE PLAN



SITE LOCATION MAP

PLAN DATA  
 TOTAL AREA.....1.001 ACRES  
 BUILDING SIZE.....3,080 S.F.  
 DENSITY.....0.087 F.A.R.  
 PARKING REQUIRED.....31 SPACES  
 PARKING PROVIDED.....14 SPACES

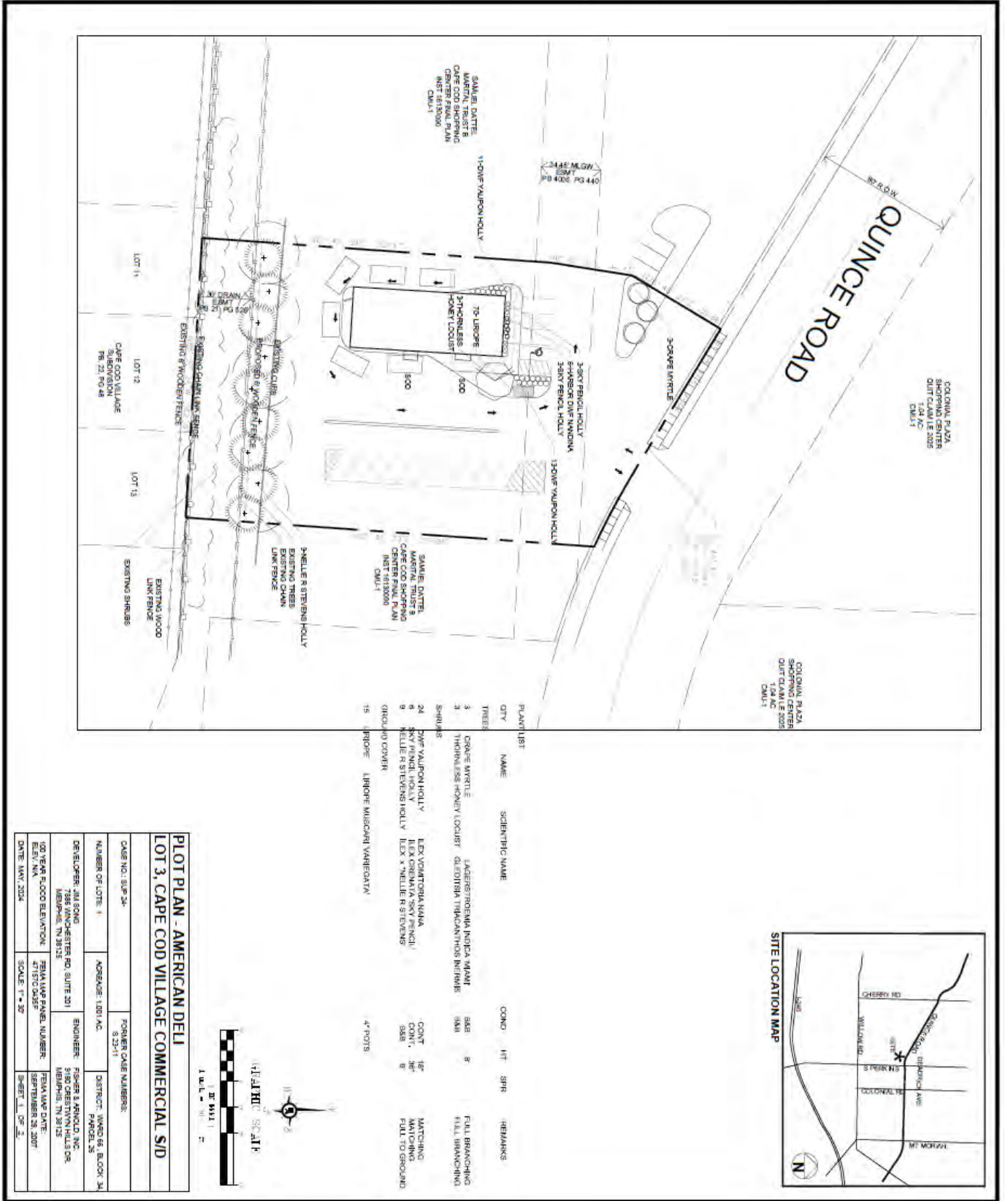
\*THERE IS A RECIPROCAL INGRESS/EGRESS PARKING AGREEMENT BETWEEN ALL LOTS IN THIS SHOPPING CENTER. TOTAL PARKING FOR ENTIRE SHOPPING CENTER IS 277 SPACES



## SITE PLAN - AMERICAN DELI LOT 3, CAPE COD VILLAGE COMMERCIAL SID

CASE NO.: SUP-24	FORNER CASE NUMBERS:
NUMBER OF LOTS: 1	ACREAGE: 1.001 AC.
DEVELOPER: JIM SONG	ENGINEER: FISHER & ARNOLD, INC.
DESIGNER: JIM SONG	MEMPHIS, TN 38125
DESIGNER FLOOD ELEVATION: 4 FT. ABOVE GROUND	DESIGNER PANEL NUMBER: SEPTEMBER 20, 2007
DATE: MAY, 2004	SCALE: 1" = 30'
	SHEET: 2 OF 3

**PLOT PLAN**



PLANT LIST	QTY	NAME	SCIENTIFIC NAME	COND.	HT.	SFR.	REMARKS
TREES	3	GRAPE WYRTIDE	TAKESTROEMIA INDICA WAKAI	8-10'	8"		FULL BRANCHING FULL BRANCHING
SHRUBS	24	DIPE YALPORN HOLLY	LEX. VORITTOBANANA		8-10'		COAST MATCHING FULL TO GROUND
	4	SHIMADA	SHIMADA		8-10'		8"
	10	NELLE R. STEVENS HOLLY	LEX. X NELLE R. STEVENS		8"		8"
GROUND COVER	15	LIPEORGE	LIPEORGE MISCORRI VALEFOATVA				4" TOTS



PLOT PLAN - AMERICAN DELI			
LOT 3, CAPE COD VILLAGE COMMERCIAL S/D			
CASE NO.: SUP-24	FORNER CASE NUMBER:		
NUMBER OF LOTS: 1	ACREAGE: 1.181 AC.	DISTRICT: IWARD 65, BLOCK 24	
DEVELOPER: JAI SOONG 7388 WINGCHESTER RD., SUITE 201 MEMPHIS, TN 38125		ENGINEER: FISHER & ARNOLD, INC. 5180 CRESTVIEW HILLS DR. MEMPHIS, TN 38125	
100 YEAR FLOOD ELEVATION: 271.00 (DASS) ELEV. N/A		PRIMA W/P PANEL NUMBER: (SEPTEMBER 28, 2007) FEMA W/P DATE: SCALE: 1" = 32'	
DATE: MAY, 2024 SHEET: 1 OF 2			



***ATTEST:***

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

**AGENDA ITEM:** 1 **L.U.C.B. MEETING:** August 08, 2024  
**CASE NUMBER:** SUP 2024-017  
**LOCATION:** 4615 Quince Road  
**COUNCIL DISTRICT:** District 5 and Super District 9 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** Ken Shin  
**REPRESENTATIVE:** David Baker  
**REQUEST:** special use permit to allow a drive-thru restaurant  
**EXISTING ZONING:** Commercial Mixed-1 (CMU-1), BOA 1969-043-CI

## CONCLUSIONS

1. The original site plan proposed the drive-thru lane between the right-of-way along Quince Road. The applicant applied for variances from UDC Paragraphs 4.5.6B(2), queuing spaces impeding traffic movements, and 4.6.8A(2) requiring landscape plantings along the entire length of the drive-thru lane, located between the drive-thru lane and the right-of-way. The Board of Adjustment rejected the variance application, BOA 2024-0069, on July 24, 2024, requiring the applicant to apply the recommended site plan by the DPD Staff.
2. 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.

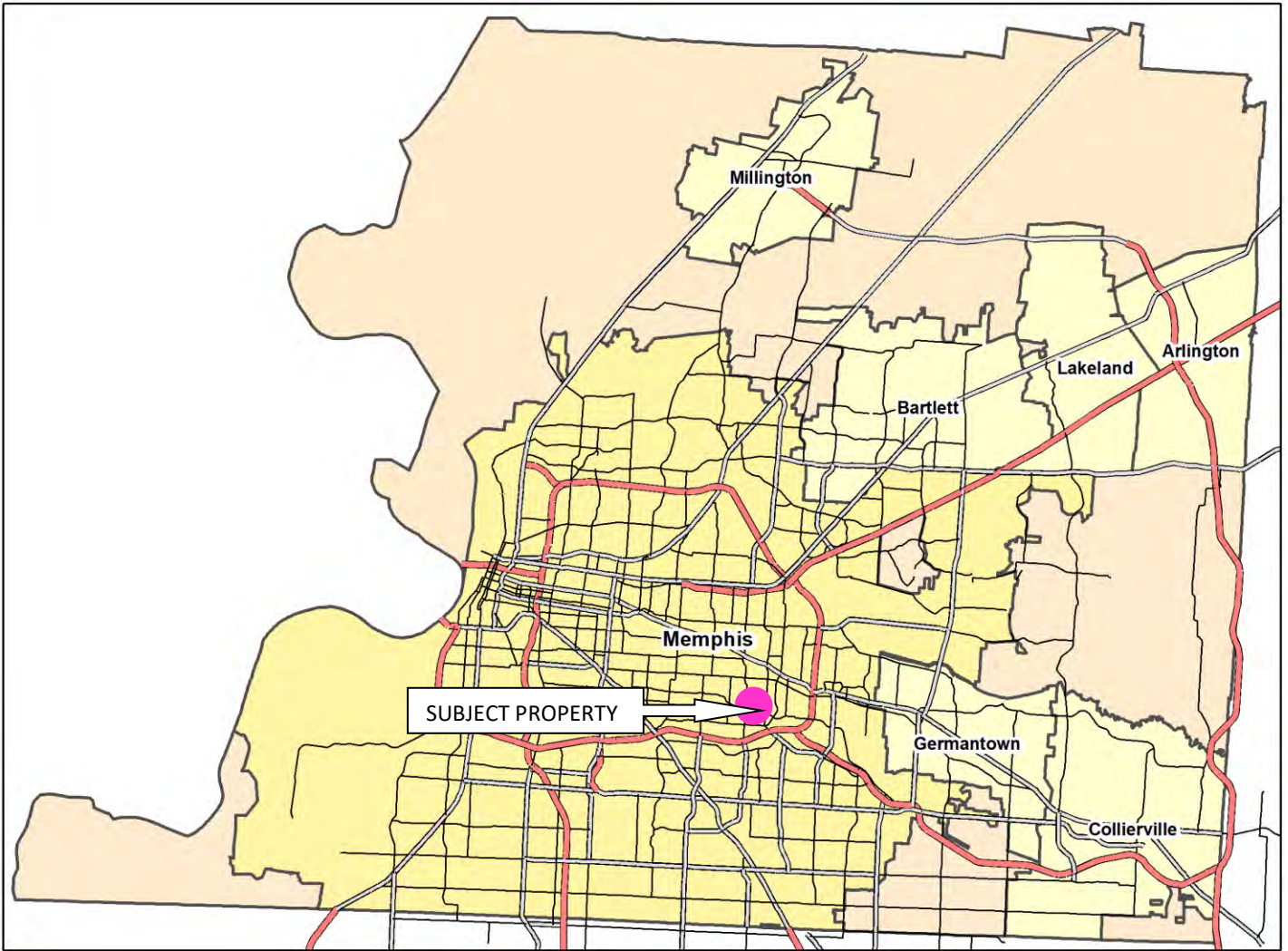
## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-19 of this report.

## RECOMMENDATION:

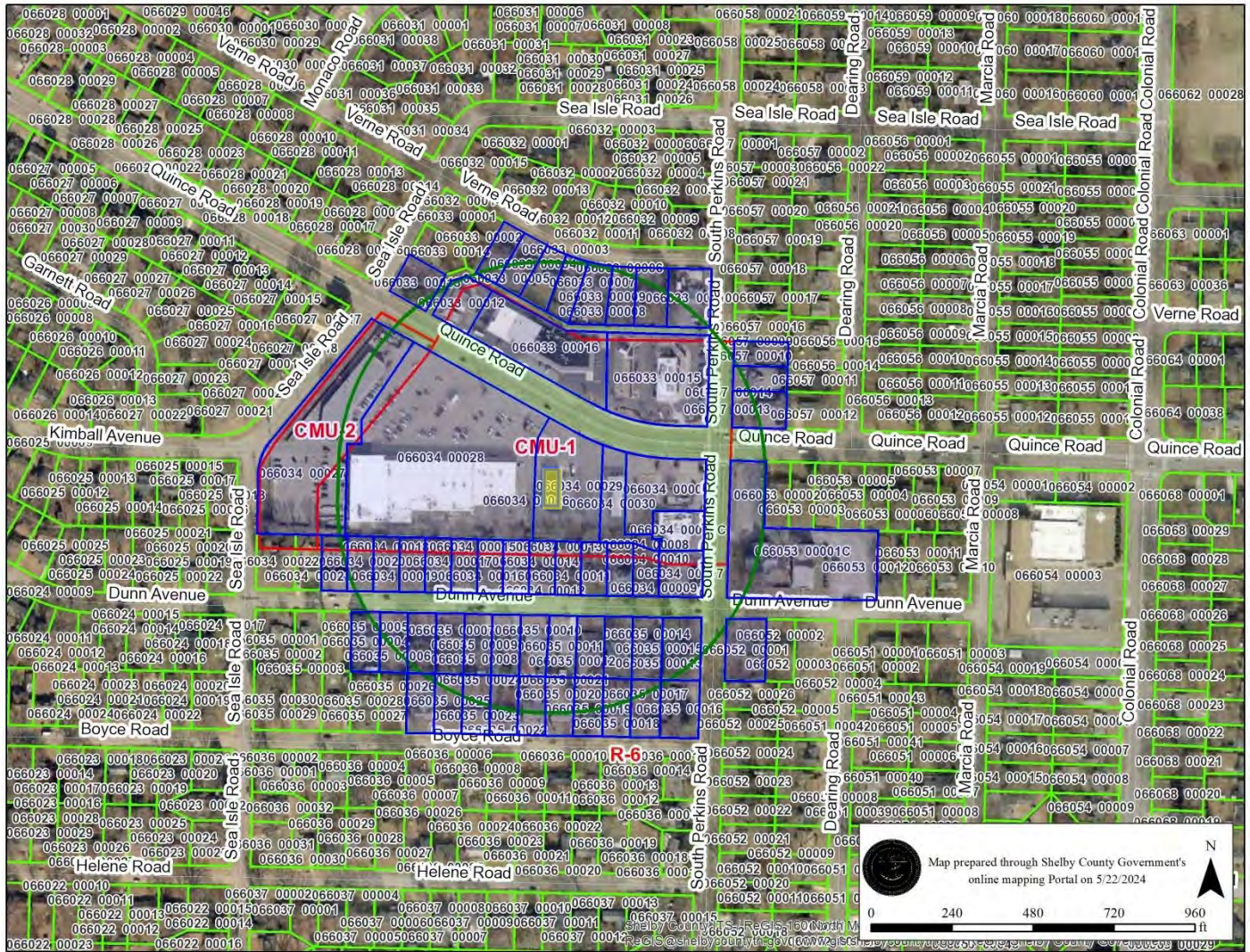
*Approval with conditions*

**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 and signage posted. A total of 58 notices were mailed on May 15, 2024, see pages 20-21 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see pages 22-23 of this report for a copy of the sign affidavit.

**NEIGHBORHOOD MEETING**

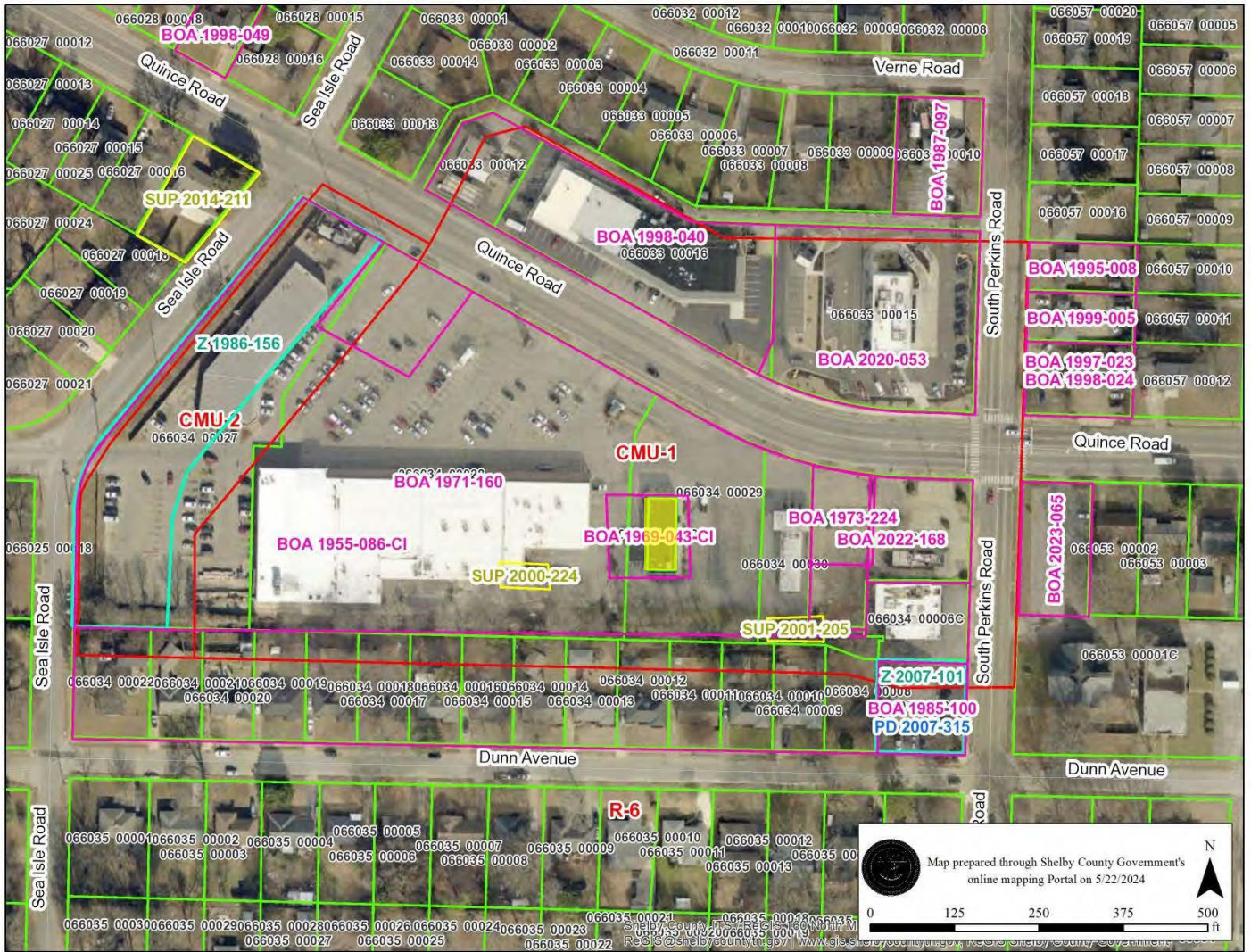
The meeting was held at 5:00 PM on Wednesday, May 29, 2024, at the American Deli at 4615 Quince Road.

**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 Quince Road.

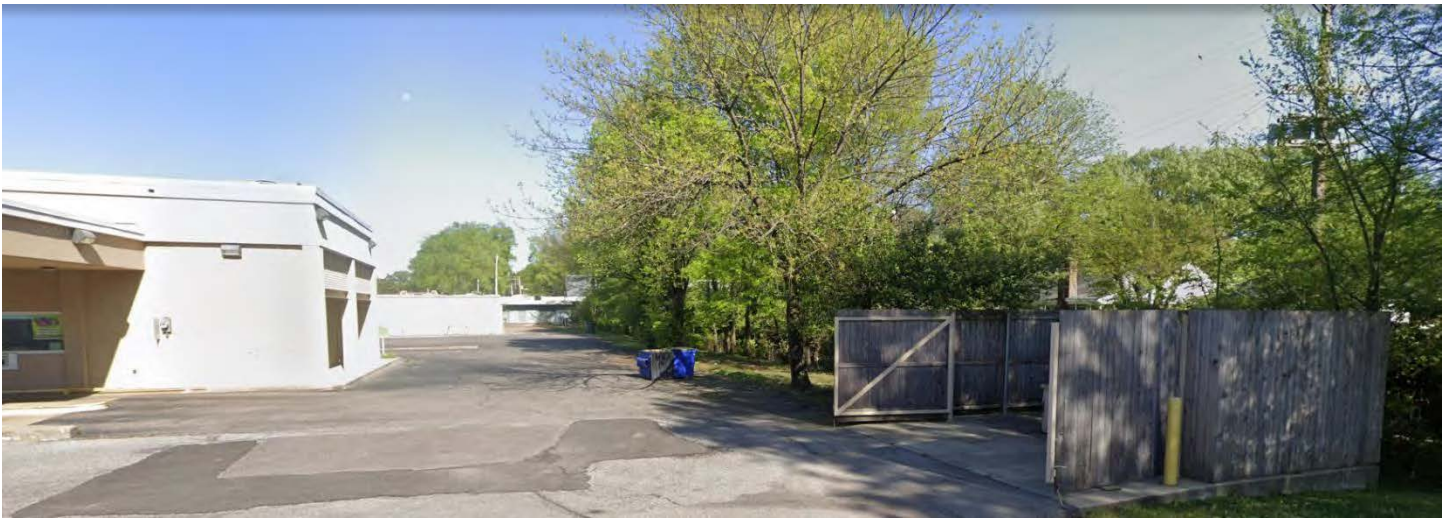


View of subject property from Quince Road, a closer look to the subject property.





View of subject property from the west side.



View of subject property from the rear of the building and the surrounding.

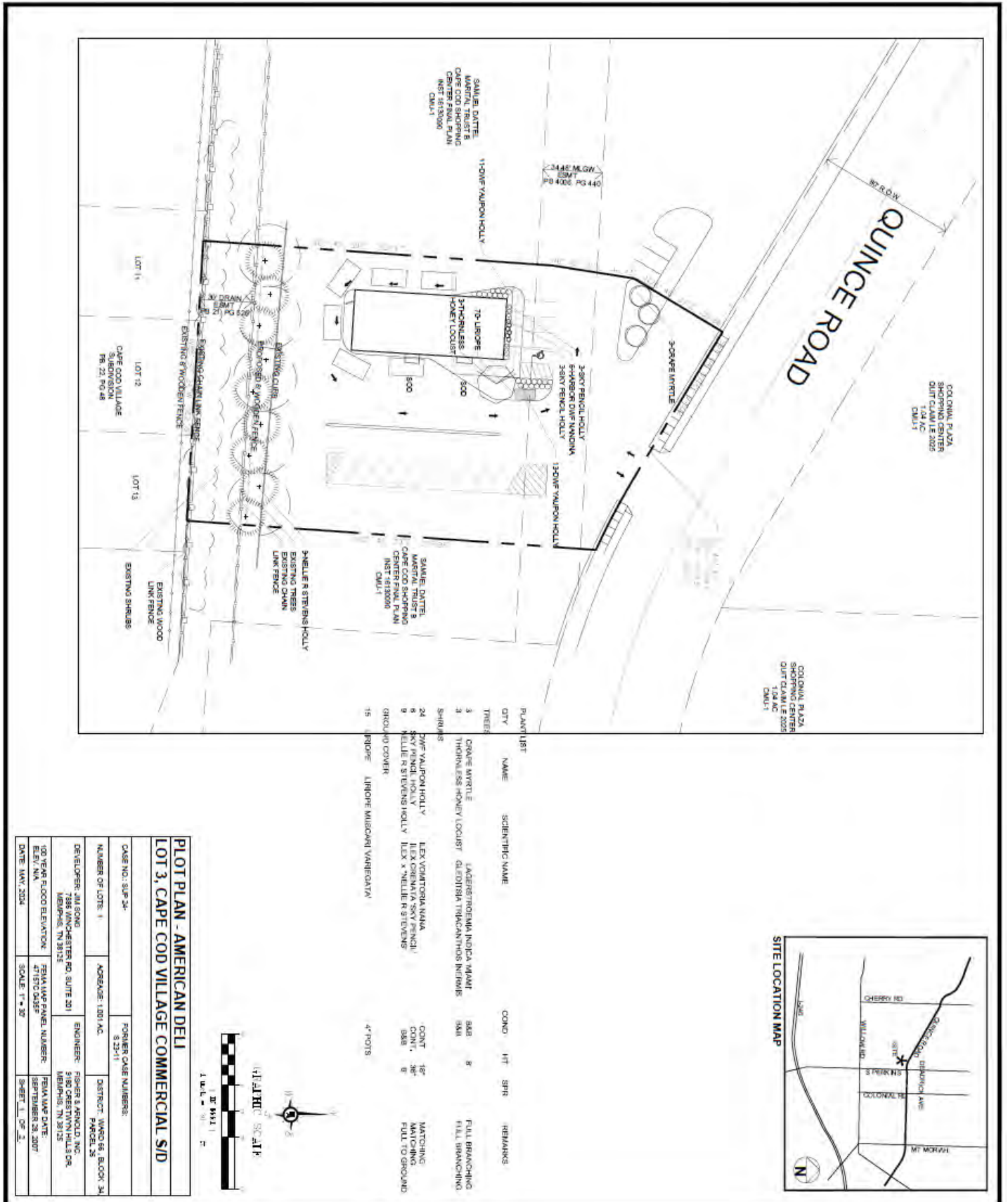


View of subject property from above.

**SITE PLAN**



**PLOT PLAN**



PLANT LIST	QTY	NAME	SCIENTIFIC NAME	COND.	HT.	SPR.	REMARKS
TREES							
	3	CAPE WYRTLE	LACONOSTEMMA INDOCA MIAMI	S&B	8'		FULL BRANCHING
	3	THORNLESS HOVEY/LOCUST	QUERUS TINCANATUS INDIAN	S&B	8'		FULL BRANCHING
SHRUBS							
	24	YAPON HOLLY	LEX VORTICATA MIAMI	CONC.	18"		MATCHING
	9	SHILLE R STEVENS HOLLY	LEX S STEVENS MIAMI	S&B	8'		FULL TO GROUND
	15	LIPOPE	LIPOPE MIAMI MIAMI	CONC.	4"		



<b>LOT 3, CAPE COD VILLAGE COMMERCIAL S/D</b>			
CASE NO.: SUP 24	FORWARD CASE NUMBERS:		
NUMBER OF LOTS: 1	AGE: 1201 AC	S 23-11	
DESIGNER: JILLSONG	ENGINEER: FISHER & ARNOLD INC		
7888 WINCHESTER RD, SUITE 201	5180 CRESTVIEW HILLS DR		
MEMPHIS, TN 38125	MEMPHIS, TN 38125		
100 YEARS FLOOD ELEVATION:	PERMANENT NUMBER:		
ELEV: N/A	471512 0355P		
DATE: MAY 2024	SCALE: 1" = 20'	SHEET 1 OF 2	

## CASE REVIEW

### Request

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

### 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:

4615 Quince Road

Parcel ID:

066034 00026

Area:

+/-1.001 acres

**Description:**

The subject property is 1.001 acres lot at 4615 Quince Road. The existing structure was constructed circa 1962 and it was most recently operated as a bank (Regions Bank). Per the Assessor’s website the building total built out is 3800 square feet. There is also another structure on the property as an automated teller machine, which was built in 1993 with a dimension of 10 L x 9 W which is 90 square feet in total. the surrounding land uses are a mixture of single-family and commercial lots.

**Relevant Unified Development Code Clauses**

**Section 2.5.2**

2.5 Permitted Use Table

Article 2 Districts and Uses  
2.5.2 Use Table Key

USE CATEGORY		PRINCIPAL USE		P	OS	FW	CA	CV	R-MP	R-E	R-15	R-10	R-8	R-6	R-3	RU-1	RU-2	RU-3	RU-4	RU-5	R-W	OG	MU*	CML-1	CML-2	CML-3	CBD	CMP-1	CMP-2	EMP	WD	IH	Use Standard						
Indoor Recreation (see 2.9.4A)	Athletic, tennis, swim or health club																							■	■	■	■	■	■	■	■	■	2.6.3B						
	Bar, Tavern, Cocktail Lounge, Nightclub																							■	■	■	■	■	■	■	■	■	■	■	2.6.3B				
	Convention Center								■																■	■	■	■	■	■	■	■	■	■	■	2.6.3B			
	Lodge, Private Club								■																■	■	■	■	■	■	■	■	■	■	■	2.6.3B			
Office (see 2.9.4B)	All offices, except as listed below:																							■	■	■	■	■	■	■	■	■	■	■	2.6.3C				
	Radio, TV, or Recording Studio								■																■	■	■	■	■	■	■	■	■	■	■	2.6.3C			
Overnight Lodging (see 2.9.4C)	Bed and Breakfast																								■	■	■	■	■	■	■	■	■	■	■	2.6.3D			
	Hotel or Motel																								■	■	■	■	■	■	■	■	■	■	■	2.6.3D			
Outdoor Recreation (see 2.9.4D)	Youth Hostel																							■	■	■	■	■	■	■	■	■	■	■	■	2.6.3D			
	All outdoor recreation, except as listed below:																								■	■	■	■	■	■	■	■	■	■	■	■	2.6.3E		
	Home-Based Wedding and Event Center																									■	■	■	■	■	■	■	■	■	■	■	■	2.6.3E	
	Golf Course, Country Club, Clubhouse																									■	■	■	■	■	■	■	■	■	■	■	■	2.6.3E	
	Horse Stables, Riding Academy, Equestrian Center																									■	■	■	■	■	■	■	■	■	■	■	■	2.6.3E	
	Riding Academy and Equestrian Center with Outdoor Lighting																									■	■	■	■	■	■	■	■	■	■	■	■	2.6.3E	
	Outdoor Shooting Range																									■	■	■	■	■	■	■	■	■	■	■	■	2.6.3E	
	Stadium or Arena, Commercial Amphitheater																									■	■	■	■	■	■	■	■	■	■	■	■	2.6.3E	
Outdoor Advertising Sign (see 2.9.4E)	Permanent Off-Premise Advertising Sign (*Signs in CBD are only permitted outside of the CBD.)																									■	■	■	■	■	■	■	■	■	■	■	■	2.6.3E	
Parking, Commercial (see 2.9.4F)	All commercial parking																									■	■	■	■	■	■	■	■	■	■	■	■	2.6.3F	
Restaurant (see 2.9.4G)	All restaurants, except as listed below:																								■	■	■	■	■	■	■	■	■	■	■	■	2.6.3F		
	Restaurant with sale of alcoholic beverages, Brew Pub																								■	■	■	■	■	■	■	■	■	■	■	■	2.6.3G		
	Restaurant, Drive-Thru or Drive-in																									■	■	■	■	■	■	■	■	■	■	■	■	2.6.3G	
Retail Sales & Service (see 2.9.4H)	All retail sales and service, except as listed below:																								■	■	■	■	■	■	■	■	■	■	■	■	■	2.6.3H	
	Animal Hospital, Veterinary Clinic, Pet Clinic																									■	■	■	■	■	■	■	■	■	■	■	■	■	2.6.3H
	Animal Boarding, Animal Shelter, Kennel, Doggy Day Care																									■	■	■	■	■	■	■	■	■	■	■	■	■	2.6.3H
	Art or photo studio, gallery																									■	■	■	■	■	■	■	■	■	■	■	■	■	2.6.3I
	Bakery, retail																									■	■	■	■	■	■	■	■	■	■	■	■	■	2.6.3I
	Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon																									■	■	■	■	■	■	■	■	■	■	■	■	■	2.6.3I
	Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station																									■	■	■	■	■	■	■	■	■	■	■	■	■	2.6.3J
	Convenience store without gas pumps																									■	■	■	■	■	■	■	■	■	■	■	■	■	2.6.3K
Catering establishment, small-scale																									■	■	■	■	■	■	■	■	■	■	■	■	■	■	2.6.3K

## Section 4.6.8A

### A. Drive-Thru Facilities

Drive-thru windows and lanes must be designed to adhere to the following standards:

1. In the CBD, SCBID, Uptown, and CMU-1 districts and on any designated shopfront, pedestrian or urban frontage (see Section 3.10.3), drive-thru windows and lanes may not be placed between the right-of-way of the street and the associated building. Drive-thru windows and lanes associated with buildings must be placed to the side or rear of the building.
2. Drive-thru windows and lanes placed between the right-of-way and the associated building require landscape plantings installed and maintained along the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way (not including an alley). Such screening must be a compact evergreen hedge or other type of dense foliage as permitted in Section 4.6.9. At the time of installation, such screening must be at least 36 inches in height and reach a height of 48 inches within two years of planting.
3. No drive-thru window is permitted on the side of a building facing any residential district.

### Site Plan Review

The building size provided by the applicant is 3,080 square feet, although per the Assessor's website, the building area is 3800 square feet. The subject property has a street frontage of 97.02 feet wide at Quince Road. Based on the use, 31 parking spaces on the site, but since there is a reciprocal ingress/egress parking agreement between all lots in this shopping center, the applicant only provided 18 parking spaces. A total of 277 parking spaces have been provided for the entire shopping center.

As the google street view shows, there is a dumpster location at the rear of the subject property, which has not been shown on the site plan. The picture of the rear of the building can be found in page 8 of this report. There is 30 feet setback to drain easement at the rear of the property and there is an existing screening which includes existing shrubs, existing chain link fence and existing trees. The existing trees on the rear of the subject property include 3 Crape Myrtle (8 feet tall), and 1 Thornless Honey Locust.

The shrubs also include 18 DFW Yaupon Hollies that are 18 inches tall and 6 Sky Pencil Hollies that are 36 inches tall. The front side of subject property also has been screened with some shrubs and trees.

### Analysis

The subject property is governed by the Cape Cod Shopping Center General Plan that allows uses permitted in the Commercial Mixed Use – 2 District with certain restrictions.

The existing structure has been established since 1980's and has been used as a drive-thru bank with a drive-thru lane and window. The subject property is currently vacant, and the applicant is requesting to convert the existing building to a drive-thru restaurant.

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. The two parking islands on site shall be converted to landscaped islands with trees.
2. A final site plan shall be provided to the Division of Planning and Development if the Special Use Permit is approved by the City Council. The final site plan shall include a landscaping plan, the building elevations, and any approved conditions of the City Council.



**DEPARTMENTAL COMMENTS**

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

- City/County Engineer:** No comments received.
- City/County Fire Division:** No comments received.
- City Real Estate:** No comments received.
- County Health Department:** No comments received.
- Shelby County Schools:** No comments received.
- Construction Code Enforcement:** No comments received.
- Memphis Light, Gas and Water:** No comments received.
- 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: SUP 2024-017: University

Site Address/Location: 4615 Quince RD

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

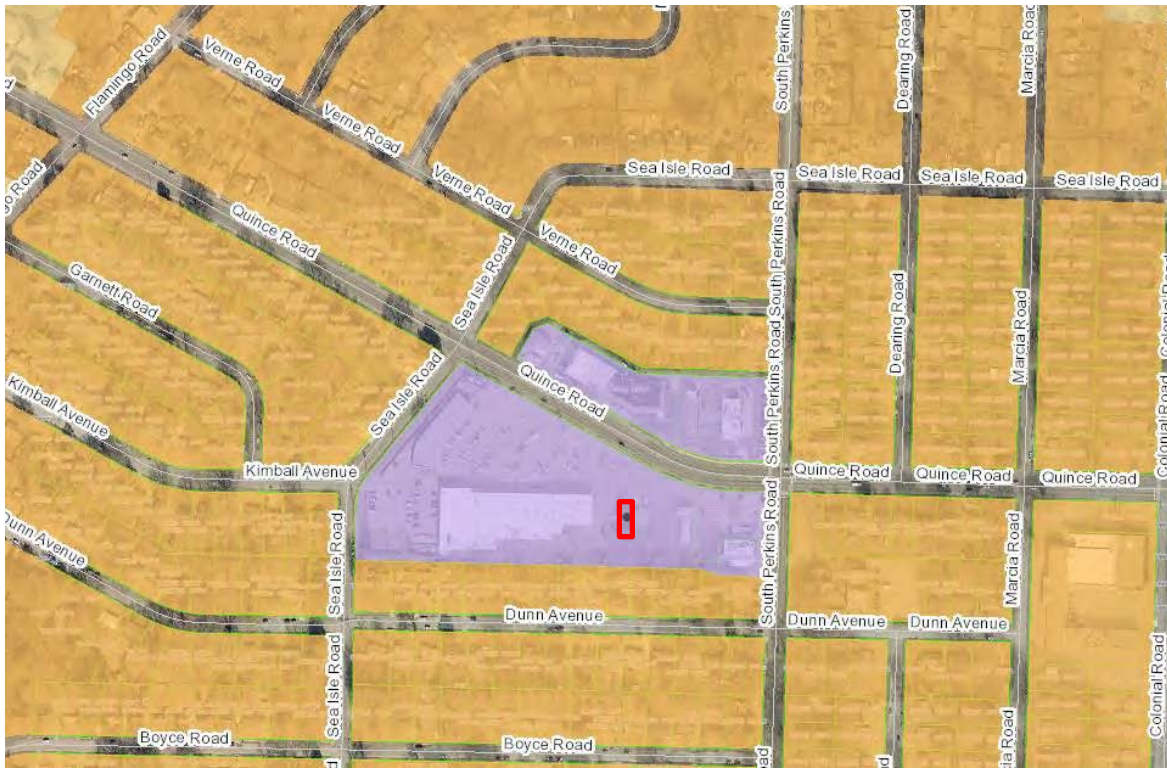
Future Land Use Designation: Anchor Neighborhood Main Street (A-NMS)

Street Type: Avenue

*The applicant is seeking a special use permit to allow a drive-thru restaurant in a former ATM building.*

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

## 1. Future Land Use Planning Map



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

## 2. Land Use Description/Intent

Anchor Neighborhood Main Street (A-NMS) are walkable, mixed-use centers comprised of house-scale buildings, some of which may be attached, lining two facing blocks, sometimes extending for several adjacent blocks. Graphic portrayal of A-NMS is to the right.



### “A-NMS” Form & Location Characteristics

NURTURE- Detached and attached single family, duplexes, triplexes, quadplexes, large homes and apartments, including those with active ground floor commercial uses (including live/work) along sidewalk, as well as commercial and institutional uses. Height: 1-5 stories. Scales: house-scale and block-scale.

### “A-NMS” Zoning Notes

Generally compatible with the following zone districts: MU, NC, CMU-1, CMU-2 with frontage requirements (MO District) in accordance with Form and characteristics listed above.

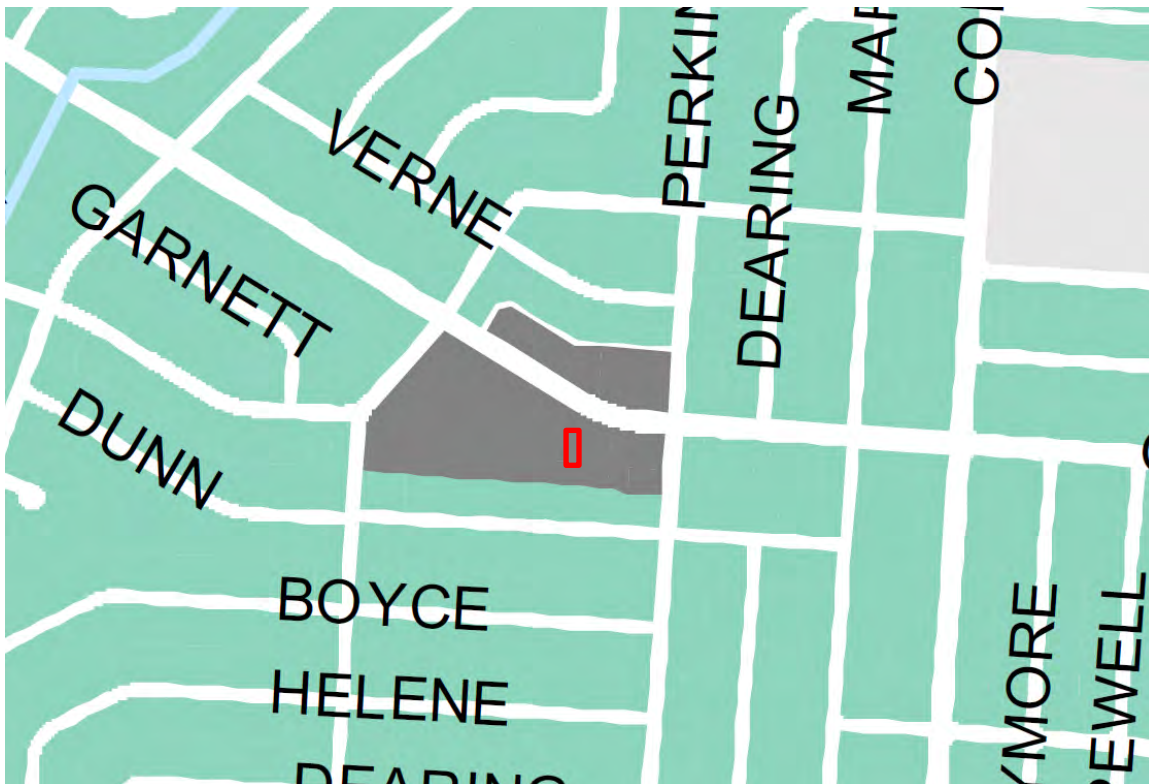
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial and Single-Family, CMU-1, CMU-2 and R-6

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

### 3. Degree of Change Map



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

### 4. Degree of Change Description

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

*The proposed application is a private investment. However, the drive thru restaurant will hinder the process of reducing number of curb cuts to improve pedestrian and cyclist safety.*

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

### 6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

The proposed development is not consistent with the University District Priorities- *“Improve pedestrian and cyclist infrastructure to increase accessibility and support multi-modal transportation options.”*

### Consistency Analysis Summary

*The applicant is seeking a special use permit to allow a drive-thru restaurant in a former ATM building.*

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

*The proposed application is a private investment. However, the drive thru restaurant will hinder the process of reducing number of curb cuts to improve pedestrian and cyclist safety.*

*The proposed development is not consistent with the University District Priorities- “Improve pedestrian and cyclist infrastructure to increase accessibility and support multi-modal transportation options.”*

*However, the proposed drive-thru will repurpose an existing abandoned drive-thru ATM facility. Comprehensive Planning recommends approval provided that the proposed design should reflect an improved site plan, landscaping and better access control.*

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

MAILED PUBLIC NOTICE

58 Notices Mailed on 05/15/2024



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 2024-017  
**LOCATION:** 4615 Quince Rd  
*(SEE SITE PLAN ON REVERSE SIDE)*  
**APPLICANT:** Ken Shin-AD Memphis  
**REQUEST:** Special use permit to allow a drive-thru restaurant in CMU-1 zoning

**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

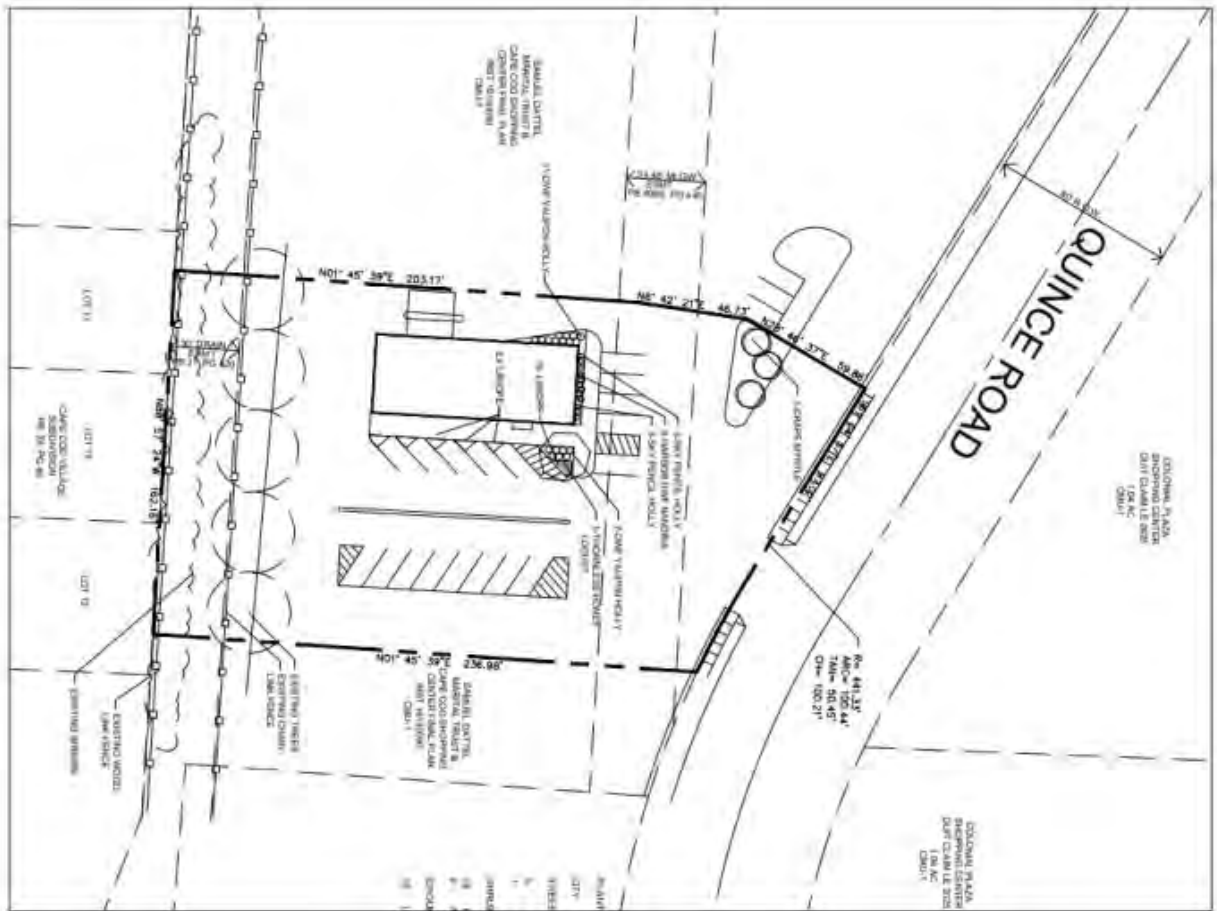
**During** the public hearing, the Board may approve or reject this item or hold the item for a public hearing at a subsequent Board meeting.

**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.

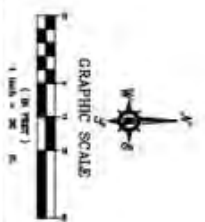
Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed 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 Mahsan Ostadnia at [mahsan.ostadnia@memphistn.gov](mailto:mahsan.ostadnia@memphistn.gov) or (901) 636-7181 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 5, 2024, at 8 AM**.

**SITE PLAN**



NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	10/20/23	MM
2	REVISED	11/15/23	MM
3	REVISED	01/10/24	MM
4	REVISED	02/20/24	MM
5	REVISED	03/20/24	MM
6	REVISED	04/20/24	MM
7	REVISED	05/20/24	MM
8	REVISED	06/20/24	MM
9	REVISED	07/20/24	MM
10	REVISED	08/20/24	MM



PLOT PLAN - AMERICAN DELI			
LOT 3, CAPE COD VILLAGE COMMERCIAL SID			
DATE: 08/23/24	PROJECT: CAPE COD VILLAGE COMMERCIAL SID	SCALE: 1" = 20'	SHEET: 1 OF 3
DESIGNER: JACOBSON	APPLICANT: AMERICAN DELI	REVISIONS:	
DATE: 08/23/24	PROJECT: CAPE COD VILLAGE COMMERCIAL SID	SCALE: 1" = 20'	SHEET: 1 OF 3

**SIGN AFFIDAVIT**

**PUBLIC NOTICE SIGN POSTING AFFIDAVIT**

AFFIDAVIT  
Shelby County  
State of Tennessee

I, David Baker, being duly sworn, deposes and says that at 5:30 pm on the 29th day of May, 2024, he posted Public Notice Signs pertaining to SUP 24-017 at the following address: 0 Quince Road 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,  Use Variance,  Zoning District Map Amendment), photograph of said sign being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

David Baker  
Owner, Applicant or Representative

5/30/24  
Date

Subscribed and sworn to before me this 30th day of May, 2024.

Hope Rogers  
Notary Public  
My commission expires: 11/29/2027







**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](http://www.develop901.com)

**Record Summary for Special Use Permit**

**Record Detail Information**

Record Type: Special Use Permit

Record Status: Processing

Opened Date: May 9, 2024

Record Number: SUP 2024-017

Expiration Date:

Record Name: American Deli Quince

Description of Work: Seeking a special use permit to allow a drive thru restaurant

Parent Record Number:

**Address:**

4615 Quince RD, Memphis, Tennessee 38117

**Owner Information**

Primary	Owner Name
Y	Ken Shin

Owner Address

4417 Whisper Spring Dr, Collierville, TN 38017

Owner Phone

**Parcel Information**

066034 00026

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner	Chip Saliba
Date of Meeting	04/16/2024
Pre-application Meeting Type	Email

**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	Z-86-156
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 existing building was a bank with drive thru lanes and our proposed use is consistent with the prior use. The proposed use will not have an adverse effect on the neighborhood.

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 existing building was a bank with drive thru lanes and our proposed use is consistent with the prior use. The proposed use will operate as the prior use.

UDC Sub-Section 9.6.9C

The existing roadway system is adequate to serve this use.

UDC Sub-Section 9.6.9D

The property will only have minor alterations and is not a historically significant property.

UDC Sub-Section 9.6.9E

The project will comply with current requirements of the UDC

UDC Sub-Section 9.6.9F

The existing building is complimentary to the existing overall shopping center and therefore will not alter the character of the existing 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

BOA1955-086-CI, BOA1969-043-CI  
 No  
 -  
 No  
 -  
 -  
 MEMPHIS  
 -  
 -  
 -  
 -  
 -  
 -  
 -  
 Yes

**Data Tables**

**AREA INFORMATION**

Name: American Deli Quince  
 Size (Acres): 1.001  
 Existing Use of Property: vacant bank  
 Requested Use of Drive Thru Restaurant

Property:

---

**Contact Information**

**Name**

KEN SHIN

**Contact Type**

APPLICANT

**Address**

**Phone**

-

---

**Name**

DAVID BAKER

**Contact Type**

ARCHITECT / ENGINEER /  
SURVEYOR

**Address**

9180 CRESTWYN HILLS DR, MEMPHIS, TN 38125.

**Phone**

(901)210-7988

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563146	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	05/09/2024
1563146	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	05/09/2024

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, Eun Cheol (Ken) Shin [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 4615 Quince Road  
and further identified by Assessor's Parcel Number 066034 00026  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 11th day of May in the year of 2024

[Signature]  
Signature of Notary Public



MY COMMISSION EXPIRES  
AUGUST 17, 2025  
My Commission Expires \_\_\_\_\_

**LETTER OF INTENT**



May 9, 2024

Mr. Chip Saliba, Deputy Administrator, Development Services  
Memphis and Shelby County Office of Planning and Development  
Land Use Controls  
125 N Main Street, Suite 468  
Memphis, TN 38104

**RE: AMERICAN DELI QUINCE ROAD SPECIAL USE PERMIT  
MEMPHIS, TENNESSEE**

Dear Chip:

On behalf of Mr. Ken Shin, we are pleased to submit this Special Use Permit Application for the American Deli on Quince Road. The subject property is located on the south side of Quince Road approximately 365 feet west of S Perkins Road. The subject property's address is 4615 Quince Road. The subject property is in the CMU-1 Commercial Mixed Use Zoning District. Our application requests a Special Use Permit to allow a restaurant with a drive thru as required by Article 2.5.2 of the Unified Development Code.

Attached with our application is a preliminary site plan that illustrates the reuse of the existing building and site conditions.

As always, we look forward to working with the Office of Planning and Development and appreciate your consideration of our request. If there is anything you may need to assist in your review of our proposal, please do not hesitate to contact me.

Sincerely,

**FISHER & ARNOLD, INC.**

David Baker  
Manager – Planning and Landscape Architecture

DBB/dbb

Z:\Ken\_Shin\_0001\PI\planning\documents\application cover letter.doc

**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

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Primary Owner Name

Y Ken Shin

Owner Address

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Owner Phone

### Parcel Information

066034 00026

### Data Fields

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Name of DPD Planner Chip Saliba

Date of Meeting 04/16/2024

Pre-application Meeting Type Email

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List any relevant former Docket / Case Z-86-156

Number(s) related to previous applications on this site

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 Zoning  
 State Route  
 Lot  
 Subdivision  
 Planned Development District  
 Wellhead Protection Overlay District

BOA1955-086-CI, BOA1969-043-CI  
 No  
 -  
 No  
 -  
 -  
 MEMPHIS  
 -  
 -  
 -  
 -  
 -  
 -  
 Yes

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Property:

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KEN SHIN

**Contact Type**  
APPLICANT

**Address**

**Phone**  
-

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**Name**  
DAVID BAKER

**Contact Type**  
ARCHITECT / ENGINEER /  
SURVEYOR

**Address**  
9180 CRESTWYN HILLS DR, MEMPHIS, TN 38125,

**Phone**  
(901)210-7988

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Total Balance: \$0.00

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**Payment Information**

<b>Payment Amount</b> \$513.00	<b>Method of Payment</b> 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

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I, Eun Cheol (Ken) Shin , state that I have read the definition of  
(Print Name) (Sign Name)

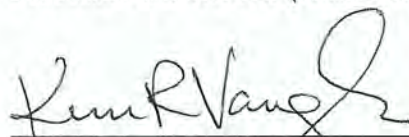
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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 4615 Quince Road  
and further identified by Assessor's Parcel Number 066034 00026,  
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 May in the year of 2024

  
Signature of Notary Public



MY COMMISSION EXPIRES  
AUGUST 17, 2025

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



# FISHER ARNOLD

ENGINEERS | ARCHITECTS | CONSULTANTS | PLANNERS

May 9, 2024

Mr. Chip Saliba, Deputy Administrator, Development Services  
Memphis and Shelby County Office of Planning and Development  
Land Use Controls  
125 N Main Street, Suite 468  
Memphis, TN 38104

**RE: AMERICAN DELI QUINCE ROAD SPECIAL USE PERMIT  
MEMPHIS, TENNESSEE**

Dear Chip:

On behalf of Mr. Ken Shin, we are pleased to submit this Special Use Permit Application for the American Deli on Quince Road. The subject property is located on the south side of Quince Road approximately 365 feet west of S Perkins Road. The subject property's address is 4615 Quince Road. The subject property is in the CMU-1 Commercial Mixed Use Zoning District. Our application requests a Special Use Permit to allow a restaurant with a drive thru as required by Article 2.5.2 of the Unified Development Code.

Attached with our application is a preliminary site plan that illustrates the reuse of the existing building and site conditions.

As always, we look forward to working with the Office of Planning and Development and appreciate your consideration of our request. If there is anything you may need to assist in your review of our proposal, please do not hesitate to contact me.

Sincerely

**FISHER & ARNOLD, INC.**

David Baker  
Manager – Planning and Landscape Architecture

DBB/dbb

Z:\Ken\_Shin.0001PL\planning\documents\application cover letter.doc

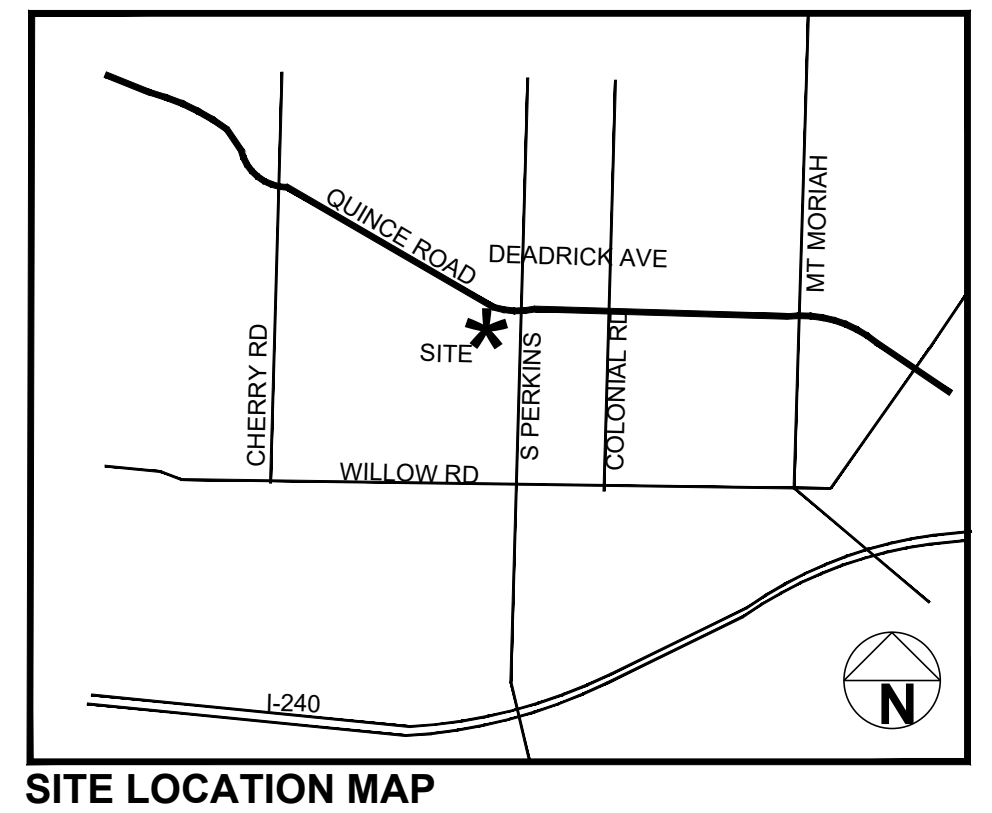
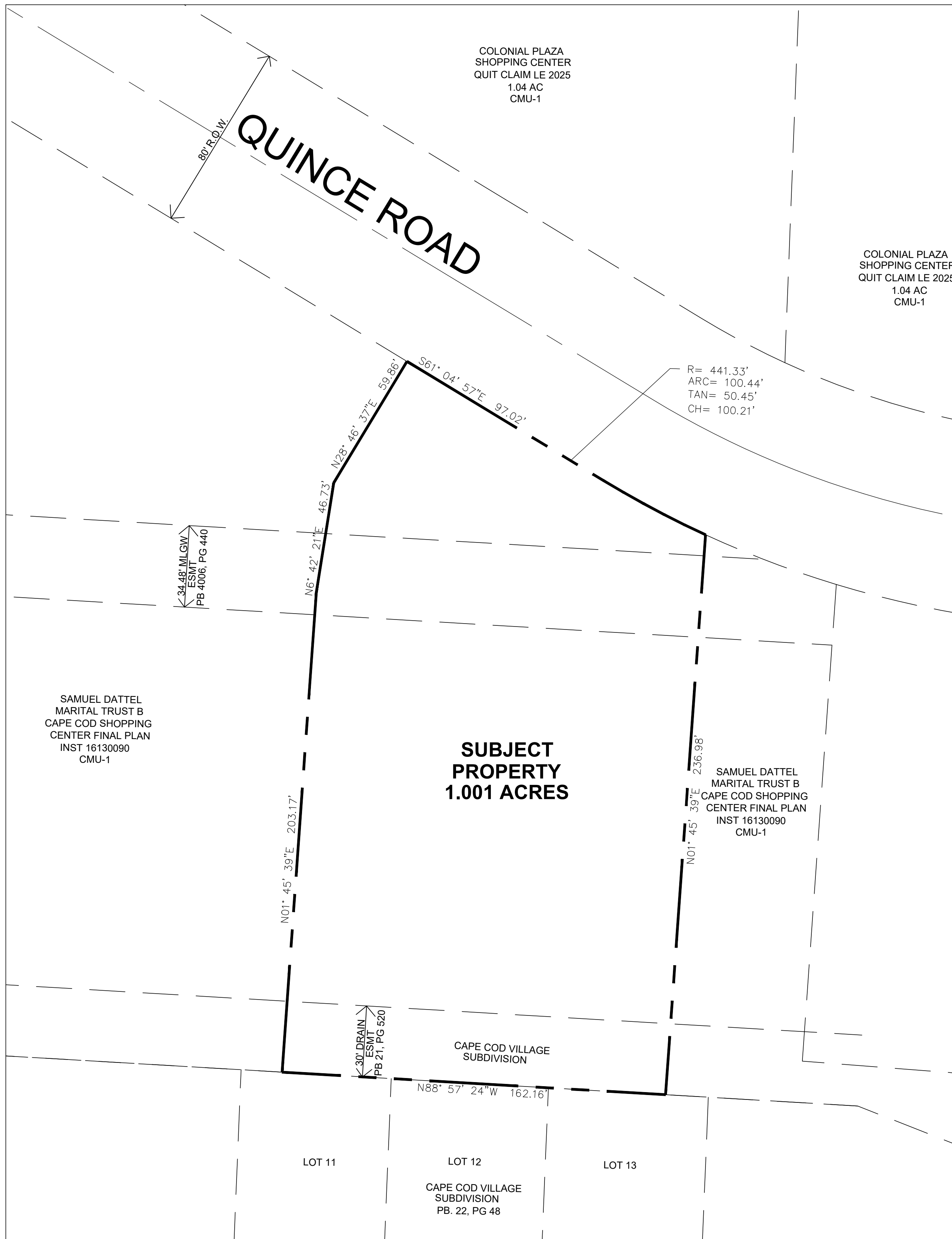
9180 Crestwyn Hills Drive  
Memphis, TN 38125

901.748.1811

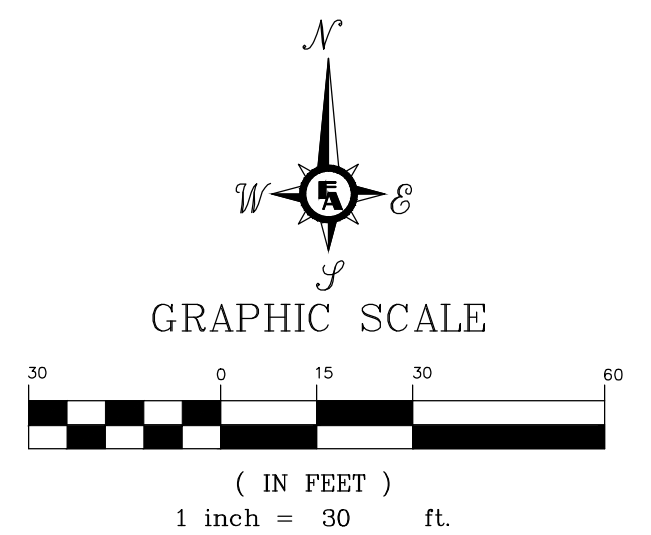
Fax: 901.748.3115

Toll Free: 1.888.583.9724

[www.fisherarnold.com](http://www.fisherarnold.com)

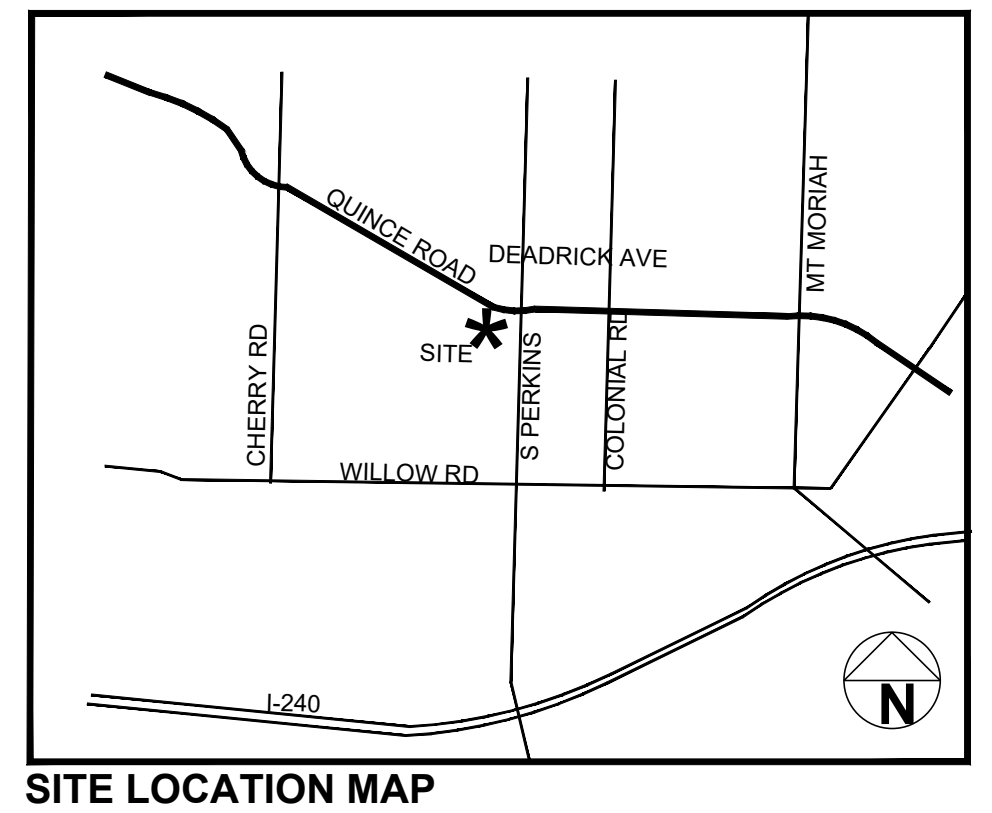
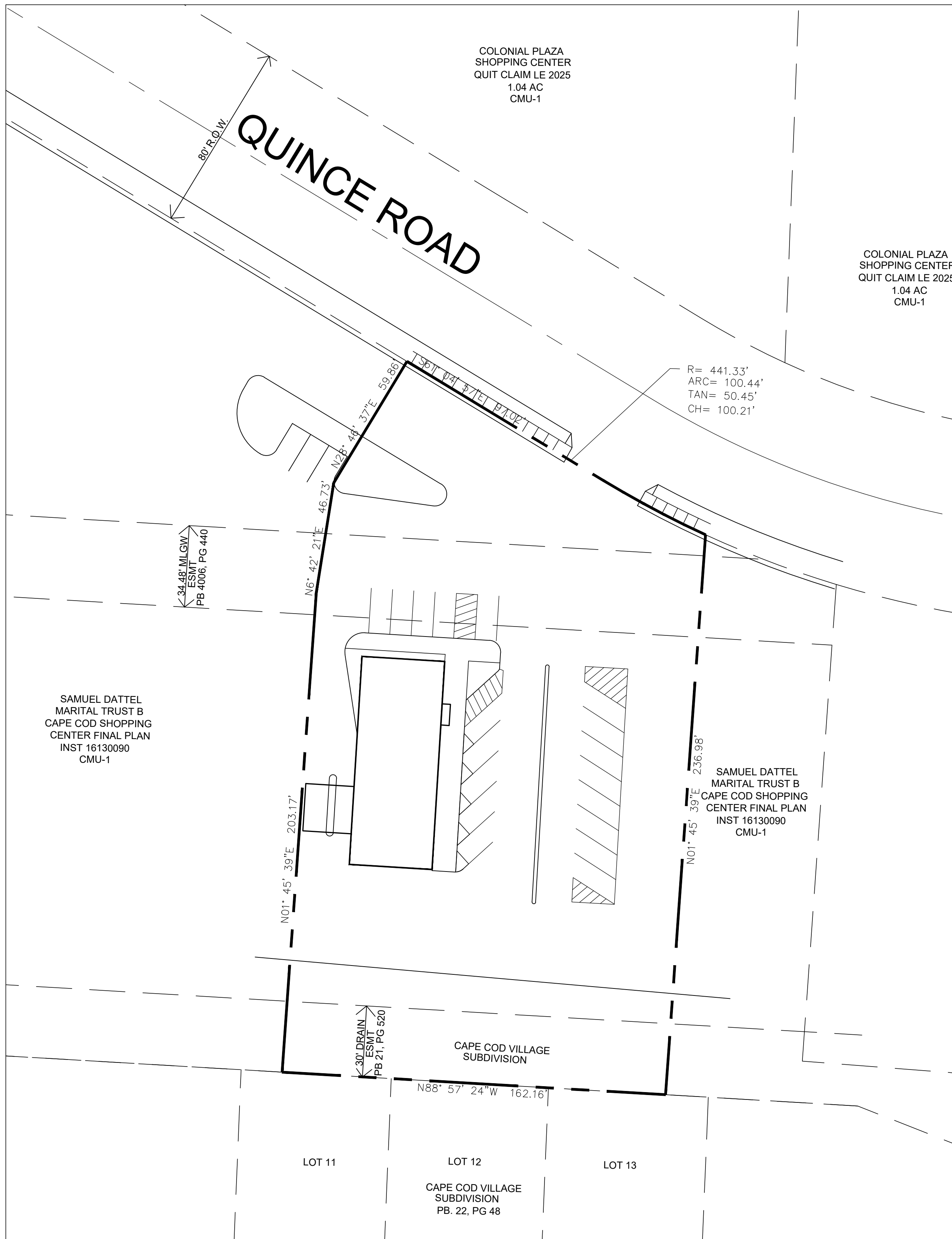


SITE LOCATION MAP



**PLOT PLAN - AMERICAN DELI**  
**LOT 3, CAPE COD VILLAGE COMMERCIAL S/D**

CASE NO.: SUP 24-		FORMER CASE NUMBERS: S 23-11
NUMBER OF LOTS: 1	ACREAGE: 1.001 AC.	DISTRICT: WARD 66, BLOCK 34, PARCEL 26
DEVELOPER: JIM SONG 7886 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125		ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125
100 YEAR FLOOD ELEVATION: ELEV. N/A	FEMA MAP PANEL NUMBER: 47157C 0435F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MAY, 2024	SCALE: 1" = 30'	SHEET 1 OF 3.

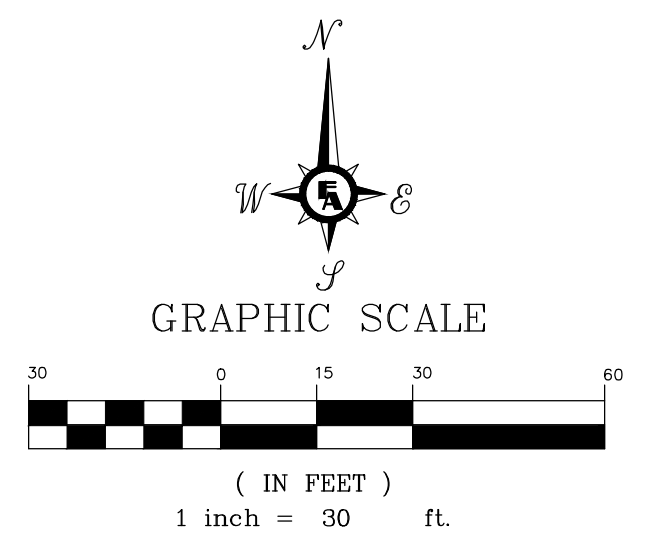


**SITE LOCATION MAP**

**PLAN DATA**

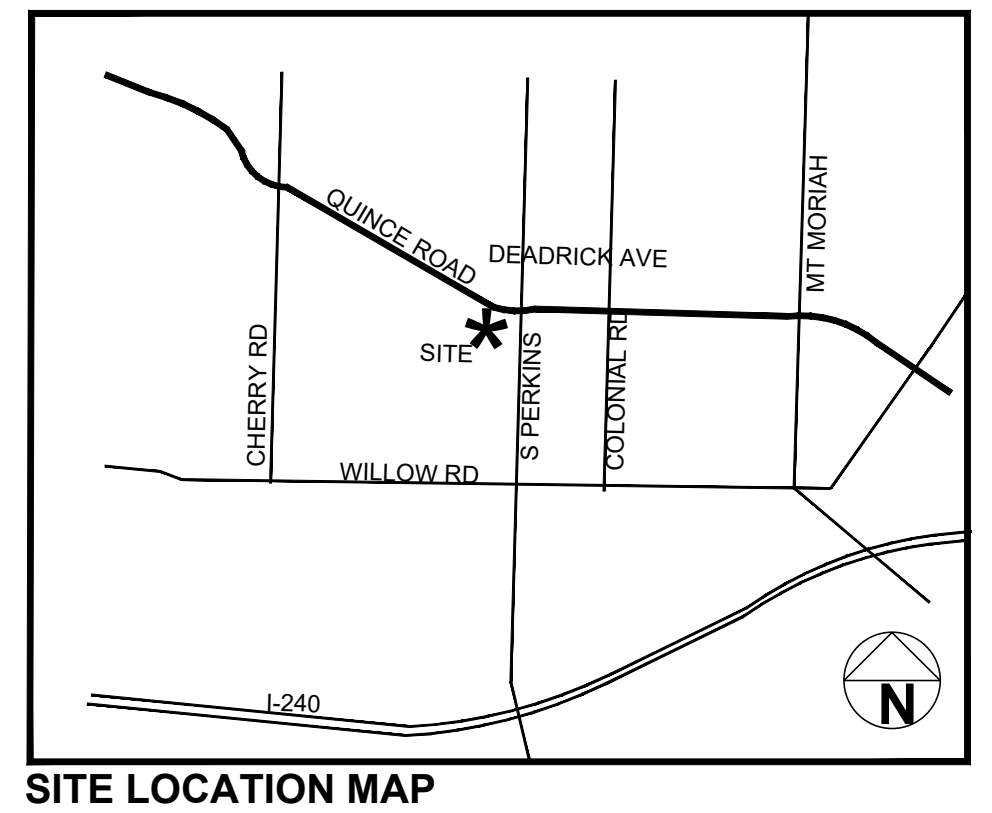
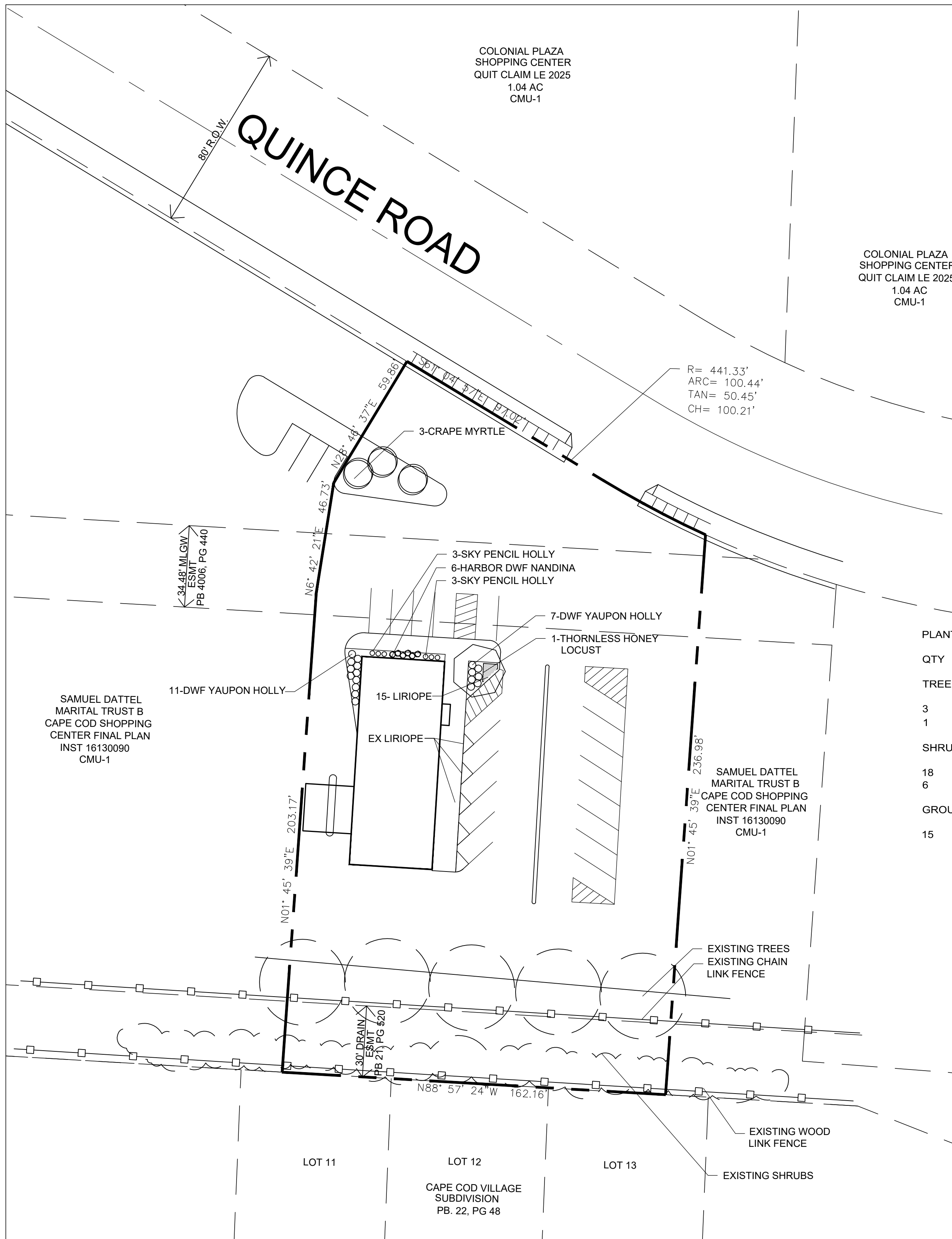
TOTAL AREA.....	1.001 ACRES
BUILDING SIZE .....	3,080 S.F.
DENSITY.....	0.087 F.A.R.
PARKING REQUIRED.....	31 SPACES
PARKING PROVIDED.....	18 SPACES

\*THERE IS A RECIPROCAL INGRESS/EGRESS PARKING AGREEMENT BETWEEN ALL LOTS IN THIS SHOPPING CENTER. TOTAL PARKING FOR ENTIRE SHOPPING CENTER IS 277 SPACES



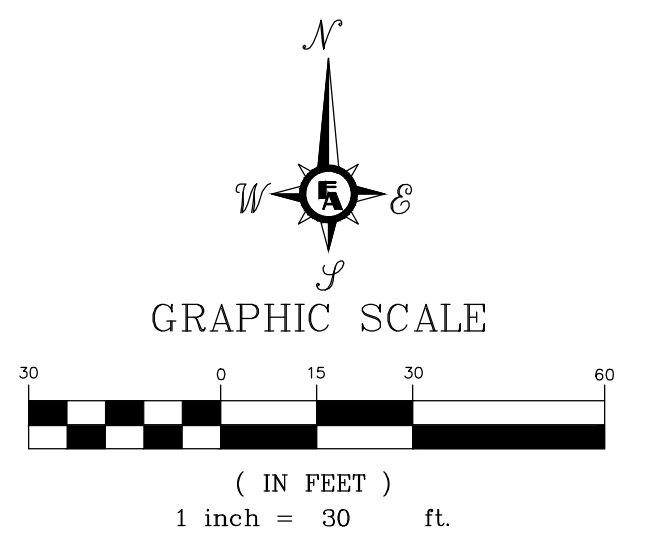
**SITE PLAN - AMERICAN DELI  
LOT 3, CAPE COD VILLAGE COMMERCIAL S/D**

CASE NO.: SUP 24-		FORMER CASE NUMBERS: S 23-11
NUMBER OF LOTS: 1	ACREAGE: 1.001 AC.	DISTRICT: WARD 66 , BLOCK 34, PARCEL 26
DEVELOPER: JIM SONG 7886 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125		ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125
100 YEAR FLOOD ELEVATION: ELEV. N/A	FEMA MAP PANEL NUMBER: 47157C 0435F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MAY, 2024	SCALE: 1" = 30'	SHEET 2 OF 3.



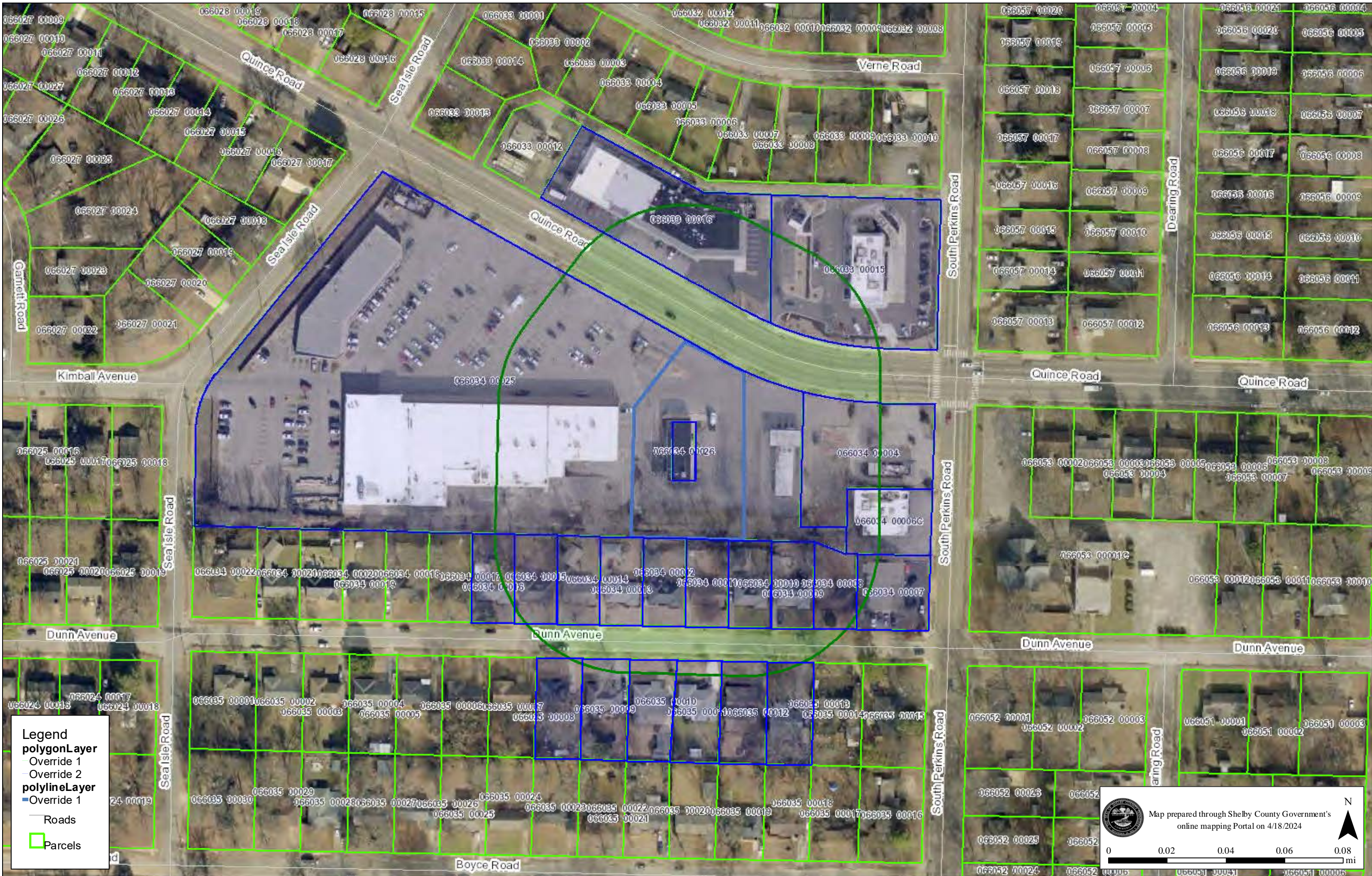
PLANT LIST

QTY	NAME	SCIENTIFIC NAME	COND	HT	SPR	REMARKS
<b>TREES</b>						
3	CRAPE MYRTLE	LAGERSTROEMIA INDICA 'MIAMI'	B&B	8'		FULL BRANCHING
1	THORNLESS HONEY LOCUST	GLEDITSIA TRIACANTHOS INERMIS	B&B			FULL BRANCHING
<b>SHRUBS</b>						
18	DWF YAUPON HOLLY	ILEX VOMITORIA NANA	CONT	18"		MATCHING
6	SKY PENCIL HOLLY	ILEX CRENATA 'SKY PENCIL'	CONT.	36"		MATCHING
<b>GROUND COVER</b>						
15	LIRIOPE	LIRIOPE MUSCARI 'VARIEGATA'		4" POTS		



**PLOT PLAN - AMERICAN DELI**  
**LOT 3, CAPE COD VILLAGE COMMERCIAL S/D**

CASE NO.: SUP 24-		FORMER CASE NUMBERS: S 23-11
NUMBER OF LOTS: 1	ACREAGE: 1.001 AC.	DISTRICT: WARD 66, BLOCK 34, PARCEL 26
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100 YEAR FLOOD ELEVATION: ELEV. N/A	FEMA MAP PANEL NUMBER: 47157C 0435F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MAY, 2024	SCALE: 1" = 30'	SHEET 1 OF 2



**Legend**

**polygonLayer**


- Override 1
- Override 2

**polylineLayer**

- Override 1

— Roads


▭ Parcels



Map prepared through Shelby County Government's online mapping Portal on 4/18/2024

0 0.02 0.04 0.06 0.08 mi

N



066033 00015 - COLONIAL PLAZA SHOPPING CENTER  
066033 00016 - COLONIAL PLAZA SHOPPING CENTER  
066034 00004 - BERUK PROPERTIES INC  
066034 00006C - HIZAM EMAD  
066034 00007 - PRECISION PROSTHETICS INC  
066034 00008 - SHELBY SEAN C  
066034 00009 - SAENZ REYNA  
066034 00010 - SUGGS PHILLIP E  
066034 00011 - ROGERS DAVID A & JANET M  
066034 00012 - PARRISH VIRGIL S & PATRICIA H  
066034 00013 - WILLIAMS PAUL D & BONNIE T  
066034 00014 - JAMES JULIUS A AND TIFFANY R BUKOWSKI  
066034 00015 - BAY STREET HOMES LLC  
066034 00016 - WADDICK KRISTEN M  
066034 00025 - DATTEL SAMUEL MARITAL TRUST B  
066034 00026 - DATTEL SAMUEL MARITAL TRUST B  
066035 00008 - TENN TODD A AND LORI L TENN  
066035 00009 - MNA INVESTMENTS LLC  
066035 00010 - BYNOE KENSLEY & EDRIS  
066035 00011 - FINANCIAL HEDGE LLC  
066035 00012 - BEDWELL JIMMIE & DIANA  
066035 00013 - FKH SFR PROPCO I LP



COLONIAL PLAZA SHOPPING CENTER  
PO BOX 3165 #  
HARRISBURG PA 17105

WILLIAMS PAUL D & BONNIE T  
4604 DUNN AVE #  
MEMPHIS TN 38117

BEDWELL JIMMIE & DIANA  
4623 DUNN AVE #  
MEMPHIS TN 38117

COLONIAL PLAZA SHOPPING CENTER  
PO BOX 171133 #  
MEMPHIS TN 38187

JAMES JULIUS A AND TIFFANY R BUKOWSKI  
4598 DUNN AVE #  
MEMPHIS TN 38117

FKH SFR PROPCO I LP  
1850 PARKWAY PL #  
MARIETTA GA 30067

BERUK PROPERTIES INC  
3264 W SARAZENS CIR #  
MEMPHIS TN 38119

BAY STREET HOMES LLC  
300 MONTGOMERY ST #  
SAN FRANCISCO CA 94104

GREG AND DAISY DIAZ  
3895 E RAINES RD  
MEMPHIS, TN 38118

HIZAM EMAD  
685 SALEM AVE #  
HOLLY SPRINGS MS 38635

WADDICK KRISTEN M  
4586 DUNN AVE #  
MEMPHIS TN 38117

RANDY STARK AND  
JOHN GALLINA  
4664 QUINCE RD  
MEMPHIS, TN 38117

PRECISION PROSTHETICS INC  
1505 S PERKINS RD #  
MEMPHIS TN 38117

DATTEL SAMUEL MARITAL TRUST B  
505 S PERKINS RD #  
MEMPHIS TN 38117

4571 SEA ISLE LLC  
128 WEATHERVANE  
IRVINE, CA 92603

SHELBY SEAN C  
4586 DUNN AVE #  
MEMPHIS TN 38117

DATTEL SAMUEL MARITAL TRUST B  
505 S PERKINS RD #  
MEMPHIS TN 38117

COUNCILMAN CHASE CARLISLE  
125 N MAIN ST, RM 514  
MEMPHIS, TN 38103

SAENZ REYNA  
4628 DUNN AVE #  
MEMPHIS TN 38117

TENN TODD A AND LORI L TENN  
525 WANAAO RD #  
KAILUA HI 96734

COUNCILMAN PHILIP SPINOSA  
125 N MAIN ST, RM 514  
MEMPHIS, TN 38103

SUGGS PHILLIP E  
4622 DUNN AVE #  
MEMPHIS TN 38117

MNA INVESTMENTS LLC  
4603 DUNN AVE #  
MEMPHIS TN 38117

COLONIAL ACRES NEIGHBORHOOD  
ASSOCIATION  
4686 WILLOW ROAD  
MEMPHIS, TN 38117

ROGERS DAVID A & JANET M  
7223 EASTERN AVE #  
GERMANTOWN TN 38138

BYNOE KENSLEY & EDRIS  
PO BOX 419001 #  
SAINT LOUIS MO 63141

COLONIAL ACRES NEIGHBORHOOD  
ASSOCIATION  
4634 MONACO ROAD  
MEMPHIS, TN 38117

PARRISH VIRGIL S & PATRICIA H  
4610 DUNN AVE #  
MEMPHIS TN 38117

FINANCIAL HEDGE LLC  
PO BOX 1690 #  
COLLIERVILLE TN 38027

COLONIAL ACRES NEIGHBORHOOD  
ASSOCIATION  
4728 SPOTTSWOOD ROAD  
MEMPHIS, TN 38117



# Shelby County Tennessee

## *Willie F. Brooks Jr*

Shelby County Register

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



23080156

09/21/2023 - 11:41:14 AM

6 PGS	
LAQUITA 2622965 - 23080156	
VALUE	900000.00
MORTGAGE TAX	0.00
TRANSFER TAX	3330.00
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	3363.00

**WILLIE F. BROOKS JR**  
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by:  
Neil Harkavy, Esq.  
Harkavy Shainberg Kaplan & Dunstan PLC  
6060 Poplar Avenue, Suite 140  
Memphis, Tennessee 38119

Please return to: **RETURN TO:**  
**H. Mark Beanblossom, P.C.**  

---

**1661 Aaron Brenner Drive # 301**  

---

**Memphis, Tennessee 38120**  

---

**901.758.0500**  

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**WARRANTY DEED**

THIS INDENTURE, made and entered into as of the 20 day of September, 2023, by and between **ROSE MARIE J. DATTEL, MARK R. DATTEL AND AUBREY D. BELVIN**, Co-Trustees of The Samuel Dattel Marital Trust B u/a dated September 9, 2002 ("**Grantor**"), and **DAEBAK29 INC.**, a Tennessee corporation ("**Grantee**");

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

Lot 3 as shown in the Final Plat of Cape Cod Village Commercial Sub. Re-Subdivision of Lots 1 and 3 of record in Book 302, Page 22, in the Register's Office of Shelby County, Tennessee to which plat reference is hereby made for a more particular description of said property (the "**Property**").

Being a portion of the property conveyed to Grantor herein by Quit Claim Deed of record in Instrument No. 16130090, in the Register's Office of Shelby County, Tennessee.

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

Grantor does hereby covenant with Grantee that they are lawfully seized in fee of the Property; that they have a good right to sell and convey the same; that the same is unencumbered, except for those items shown on **Exhibit "A"** attached hereto and made a part hereof, and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons.

The Property shall be subject to the covenants and restrictions set forth in **Exhibit "B"** attached hereto and by reference, made a part hereof.

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

IN WITNESS WHEREOF, the undersigned have caused their names to be signed hereto by and through their proper Members authorized so to do as of the day and year first above written.

GRANTOR:

*Rose Marie J. Dattel*

Rose Marie J. Dattel, Co-Trustee of the Samuel Dattel Marital Trust B, created u/a dated September 9, 2002

*Audrey D. Bevin*

Audrey D. Bevin, Co-Trustee of the Samuel Dattel Marital Trust B, created u/a dated September 9, 2002

*Mark R. Dattel*

Mark R. Dattel, Co-Trustee of the Samuel Dattel Marital Trust B, created u/a dated September 9, 2002

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, Rose Marie J. Dattel, a Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the foregoing instrument on behalf of Rose Marie J. Dattel, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, acting as agent for, and in her capacity as Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, and acknowledged that she executed the same for the purposes therein contained as her free act and deed and as the free act and deed of Rose Marie J. Dattel, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002.

WITNESS my hand and seal at office this 20 day of September, 2023.

*Neil Harkavy*

Notary Public

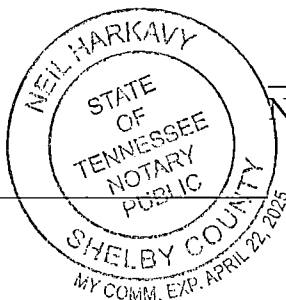
My commission expires:



STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, Aubrey D. Bevin, a Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the foregoing instrument on behalf of Aubrey D. Bevin, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, acting as agent for, and in her capacity as Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, and acknowledged that she executed the same for the purposes therein contained as her free act and deed and as the free act and deed of Aubrey D. Bevin, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002.

WITNESS my hand and seal at office this 20 day of September, 2023.



*Neil Harkavy*

Notary Public

My commission expires:

STATE OF TENNESSEE  
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, Mark R. Dattel, a Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the foregoing instrument on behalf of Mark R. Dattel, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, acting as agent for, and in his capacity as Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, and acknowledged that he executed the same for the purposes therein contained as his free act and deed and as the free act and deed of Mark R. Dattel, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002.

WITNESS my hand and seal at office this 20 day of September, 2023.



*Neil Harkavy*

Notary Public

My commission expires:

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$900,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

B. P. Laen  
AFFIANT

Subscribed and sworn to before me this 20<sup>th</sup> day of September, 2023.

Alison Grim  
Notary Public



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

\*\*\*\*\*

Tax Parcel Numbers: 066034 00026 and a portion of 066034 00025

Property Owner and Property Address:

DAEBAK29 INC  
4615 Quince Road  
Memphis, Tennessee

Mail Tax Notices to:

DAEBAK29 INC  
~~3748 Chamblee Dunwoody Rd!~~  
~~Atlanta, GA 30341~~ / / / / /  
4417 Whisper Spring Drive  
Collierville, TN 38017

**EXHIBIT "A"**  
**Permitted Encumbrances**

1. Any lien for real estate taxes not yet due and payable; and any water and sewer taxes, rents, charges, and any other governmental charges and impositions not yet due and payable, which Grantee assumes.
2. Matters shown on the Plans of record in Book 19, Page 64; Book 21, Page 17; Book 39, Page 46; Book 118, Page 7; Book 284, Page 31; and Book 302, Page 22, in the Register's Office of Shelby County, Tennessee.
3. Easements of record in Book 2639, Page 44; Book 2989, Page 82; 3096, Page 11; Book 4006, Page 440; Book 4008, Page 30; Book 4008, Page 58; 4036, Page 455; Book 4046, Page 271; Book 4140, Page 639; Book 4598, Page 520; Book 4735, Page 17 and J5-7626, in said Register's Office.
4. Lease of record in Book 64, Page 171, in said Register's Office.
5. Easement of record in Instrument No. 04181228, in said Register's Office.
6. Assignment and Assumption of Easement in Instrument No. 05128163, in said Register's Office.
7. Memorandum of Site Supplement of record in Instrument No. 13149833, in said Register's Office.
8. Agreement of record in Book 3941, Page 7, in said Register's Office.

EXHIBIT "B"  
Property Covenants and Restrictions

No part of the Property shall be used for "retail banking purposes" (the "Use Restriction"). The term "retail banking purposes" shall include, without limitation, commercial and/or retail banking activities, mortgage and/or brokerage activities, receiving deposits or making loans to the general public, trust operations, safe deposit box services, insurance activities, investment activities, or financially-related services, whether done by a state bank, national bank, savings and loan association, credit union or other entity, whether by walk-up or drive-in teller facility, ATM, or otherwise. In the event of a violation of the Use Restriction by Shin, Dattel shall be entitled to pursue all remedies available at law or in equity, including, without limitation, injunctive relief.



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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

Planning & Zoning COMMITTEE: 08/20/2024  
DATE  
PUBLIC SESSION: 09/10/2024  
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 3230 Commercial Parkway, known as case number SUP 2024 – 019

CASE NUMBER: SUP 2024 – 019

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugaa

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Special Use Permit to allow a convenience store with gas pumps

AREA: +/- 3.78 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**  
Hearing – September 10, 2024



**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
07/11/2024 _____	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
<b>SOURCE AND AMOUNT OF FUNDS</b>	
\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER _____

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
	<u>8/12/24</u>	PLANNER I
		DEPUTY ADMINISTRATOR
	<u>8/12/24</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		<b>CHIEF ADMINISTRATIVE OFFICER</b>
		<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### SUP 2024 – 019

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 3230 COMMERCIAL PARKWAY, KNOWN AS CASE NUMBER SUP 2024 – 019

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

## **LAND USE CONTROL BOARD RECOMMENDATION**

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

**CASE NUMBER:** SUP 2024 – 019

**LOCATION:** 3230 Commercial Parkway

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

**OWNER/APPLICANT:** Yaaqob Al Shugaa

**REPRESENTATIVE:** David Bray, The Bray Firm

**REQUEST:** Special use permit to allow a convenience store with gas pumps

**EXISTING ZONING:** Commercial Mixed Use – 1, Residential Single – Family – 15

**AREA:** +/- 3.78 acres

---

**The following spoke in support of the application:** David Bray and Aaron Robinson

**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.

**The motion failed by a vote of 8-1 on the regular agenda.**

Respectfully,



Alexis Longstreet  
Planner I  
Land Use and Development Services  
Division of Planning and Development

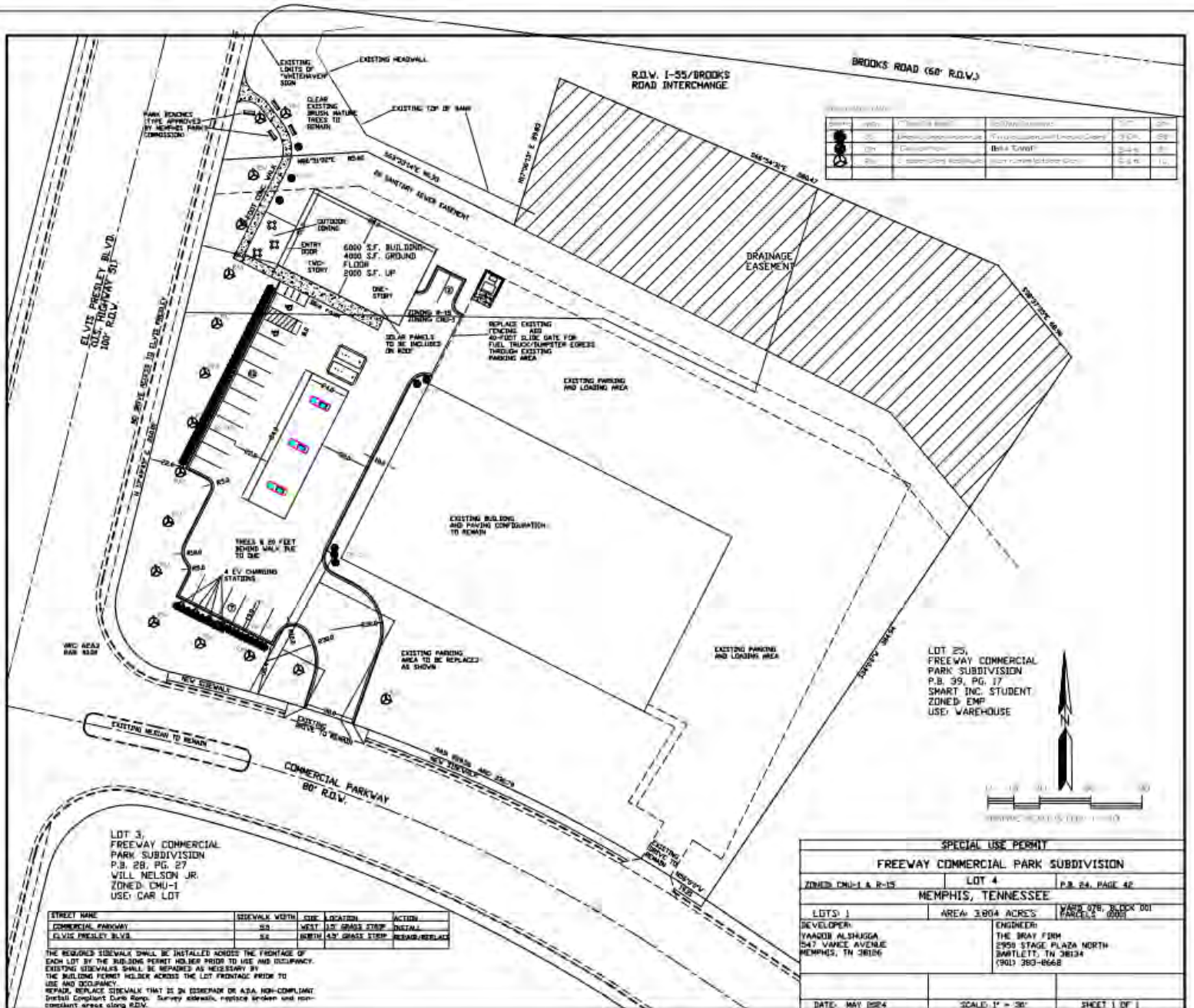
Cc: Committee Members  
File

## **SUP 2024 – 019**

### **CONDITIONS**

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

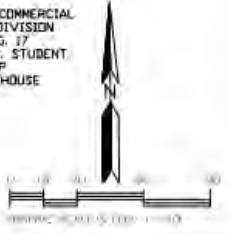
# SITE PLAN



NO.	DATE	DESCRIPTION	BY	CHK'D
1				
2				
3				

LOT 4,  
FREEWAY COMMERCIAL  
PARK SUBDIVISION  
P.B. 28, PG. 27  
WILL NELSON JR.  
ZONED CMU-1  
USE: CAR LOT

LOT 25,  
FREEWAY COMMERCIAL  
PARK SUBDIVISION  
P.B. 29, PG. 17  
SMART INC. STUDENT  
ZONED EMP  
USE: WAREHOUSE



STREET NAME	SIDEWALK WIDTH	DIR.	LOCATION	ACTION
COMMERCIAL PARKWAY	5.0	WEST	1/2" GRASS STRIP	INSTALL
ELVIS PRESLEY BLVD.	5.6	NORTH	4.5' GRASS STRIP	REPAIR/REPLACE

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY. REPAIR/REPLACE SIDEWALK THAT IS IN DISREPAIR OR ALSO NON-COMPLIANT (wheelchair compliant curb ramps, survey sidewalk, replace broken and non-compliant areas along R.O.V.)

SPECIAL USE PERMIT		
FREEWAY COMMERCIAL PARK SUBDIVISION		
ZONED CMU-1 A R-15	LOT 4	P.B. 28, PAGE 42
MEMPHIS, TENNESSEE		
LOTS: 1	AREA: 3.804 ACRES	PARCELS: BLOCK 001
DEVELOPER: YAAGOB ALSHUGGA 547 VANCE AVENUE MEMPHIS, TN 38106	ENGINEER: THE GRAY FIRM 2958 STAGE PLAZA NORTH SMYTHLET, TN 38134 (901) 383-8668	
DATE: MAY 2024	SCALE: 1" = 30'	SHEET 1 OF 1

**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 3230 COMMERCIAL PARKWAY, KNOWN AS CASE NUMBER SUP 2024 – 019**

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

**WHEREAS**, Yaaqob Al Shugaa filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience store with gas pumps; 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 July 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.

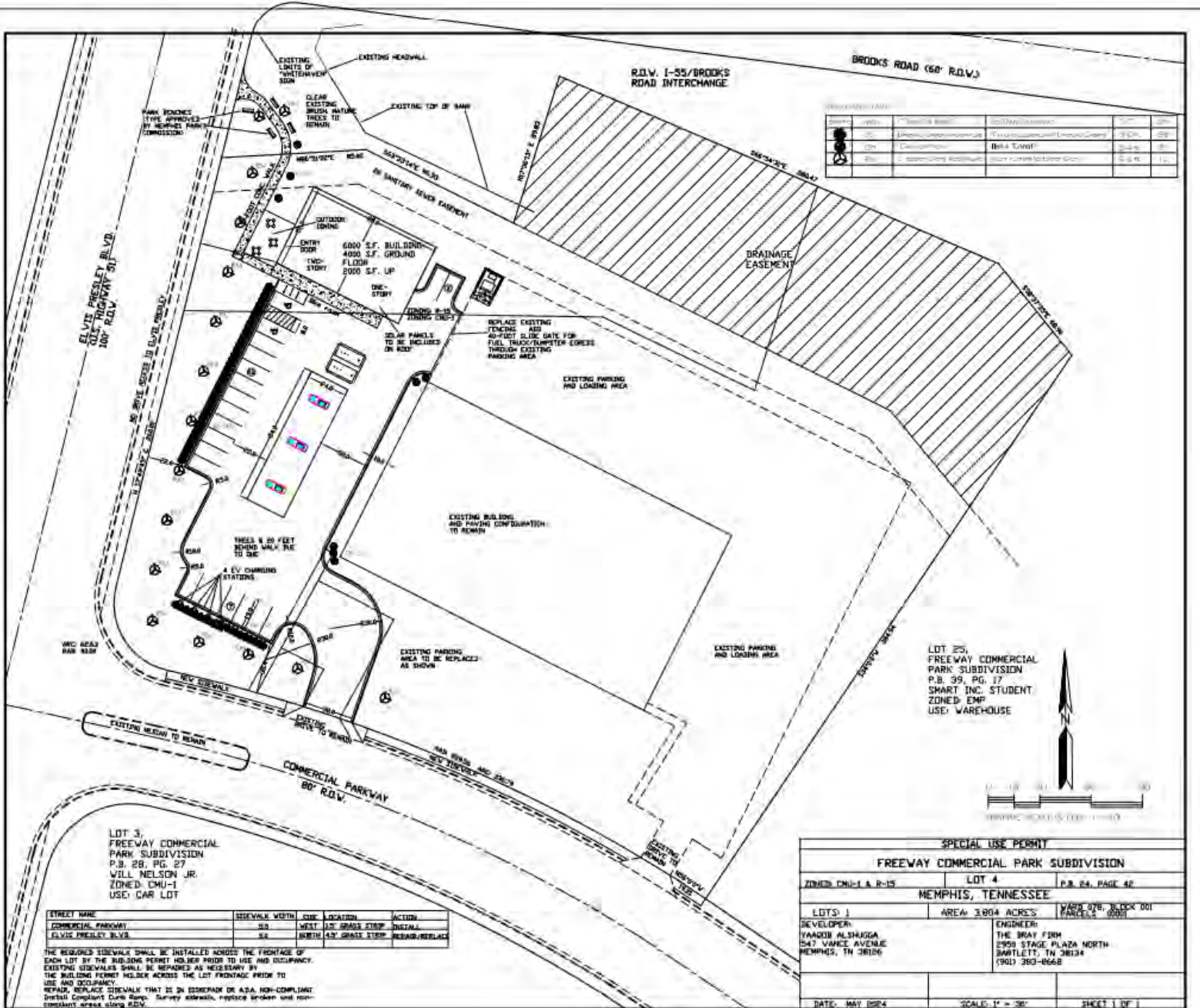
**BE IT FURTHER RESOLVED**, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed 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. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

# SITE PLAN



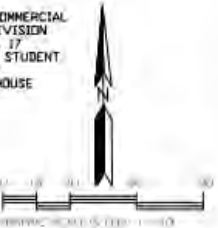
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3	REVISED	11/15/13	W. BRAY	W. BRAY
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LOT 3,  
FREEWAY COMMERCIAL  
PARK SUBDIVISION  
P.B. 28, PG. 27  
WILL NELSON JR.  
ZONED CMU-1  
USE: CAR LOT

STREET NAME	SEWERAL WIDTH	SIDE	LOCATION	ACTION
COMMERCIAL PARKWAY	80'	WEST	NEW GRASS STRIP	INSTALL
ELVIS PRESLEY BLVD.	100'	WEST	NEW GRASS STRIP	REPAIR/REPLACE

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY. REPAIRS: REPLACE SIDEWALK THAT IS IN DISREPAIR OR ALSO NON-COMPLIANT. Install compliant Curb Ramps. Survey address, replace broken and non-compliant areas along R.O.V.

LOT 25,  
FREEWAY COMMERCIAL  
PARK SUBDIVISION  
P.B. 28, PG. 17  
SMART INC. STUDENT  
ZONED EMP  
USE: WAREHOUSE



SPECIAL USE PERMIT			
FREEWAY COMMERCIAL PARK SUBDIVISION			
ZONED CMU-1 & R-15	LOT 4	P.B. 28, PAGE 42	
MEMPHIS, TENNESSEE			
LOTS: 1	AREA: 3.804 ACRES	PARCELS: 076, BLOCK 001 (PARCELS 000)	
DEVELOPER: YANQUB ALSHAGGA 547 VANCE AVENUE MEMPHIS, TN 38126	ENGINEER: THE BRAY FIRM 2959 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 353-8668		
DATE: MAY 2014	SCALE: 1" = 30'	SHEET 1 OF 1	



***ATTEST:***

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

**AGENDA ITEM:** 12 **L.U.C.B. MEETING:** July 11, 2024  
**CASE NUMBER:** SUP 2024 – 019  
**LOCATION:** 3230 Commercial Parkway  
**COUNCIL DISTRICT:** District 3  
**OWNER/APPLICANT:** Yaaqob Al Shugaa  
**REPRESENTATIVE:** David Bray, The Bray Firm  
**REQUEST:** Special use permit to allow a convenience store with gas pumps.  
**EXISTING ZONING:** Commercial Mixed Use – 1, Residential Single – Family – 15

## CONCLUSIONS

1. The applicant is requesting a stand-alone convenience store with gas sales and a two-story structure with an outdoor dining area.
2. The subject property is split zoned Commercial Mixed Use – 1 (CMU-1) and the northwest portion of the parcel is zoned Residential Single – Family – 15 (R-15).
3. The applicant is requesting a zoning change of the portion zoned R-15 to CMU-1 (see case # Z 2024 -006).
4. In May 2019, a variance (BOA 19-32) was granted by the Board of Adjustment to allow an established warehouse to continue operations at the same location as the proposed convenience store.
5. In May 2019, a special use permit (SUP 2019 – 06) was recommended for rejection by the Land Use Control Board to allow a convenience store with gasoline sales at the intersection of an arterial street and a local street. This application was subsequently withdrawn by the applicant.
6. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

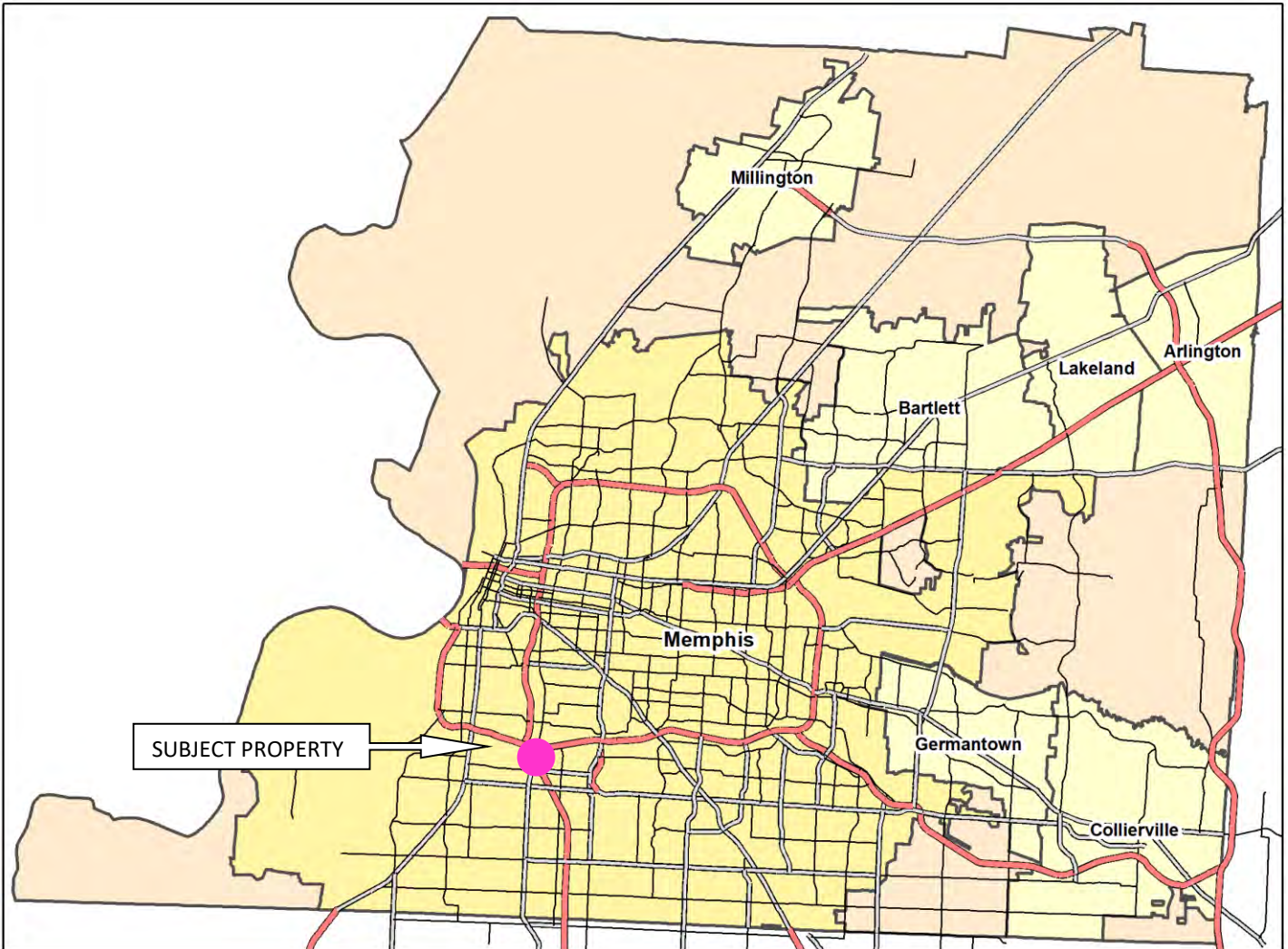
## CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 22 - 24 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 and signage posted. A total of 28 notices were mailed on May 13, 2024, see pages 25 - 26 of this report for a copy of said notice. Additionally, xx sign was posted at the subject property, see page xx of this report for a copy of the sign affidavit (awaiting copy of sign affidavit from property owner).

**NEIGHBORHOOD MEETING**

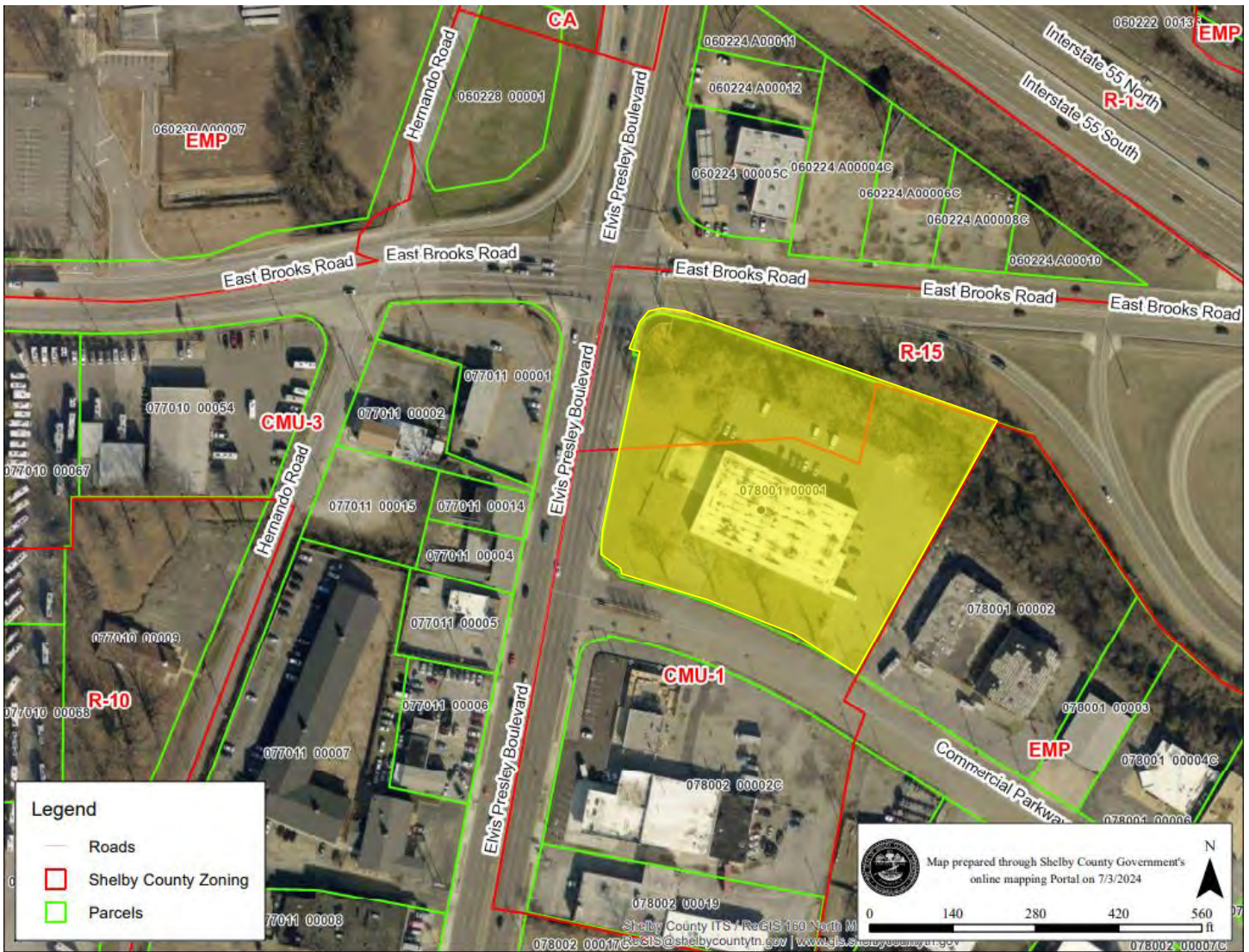
The meeting was held at 5:00 PM on Thursday, July 1, 2024, at Southbrook Mall, 1254 East Shelby Drive.

**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



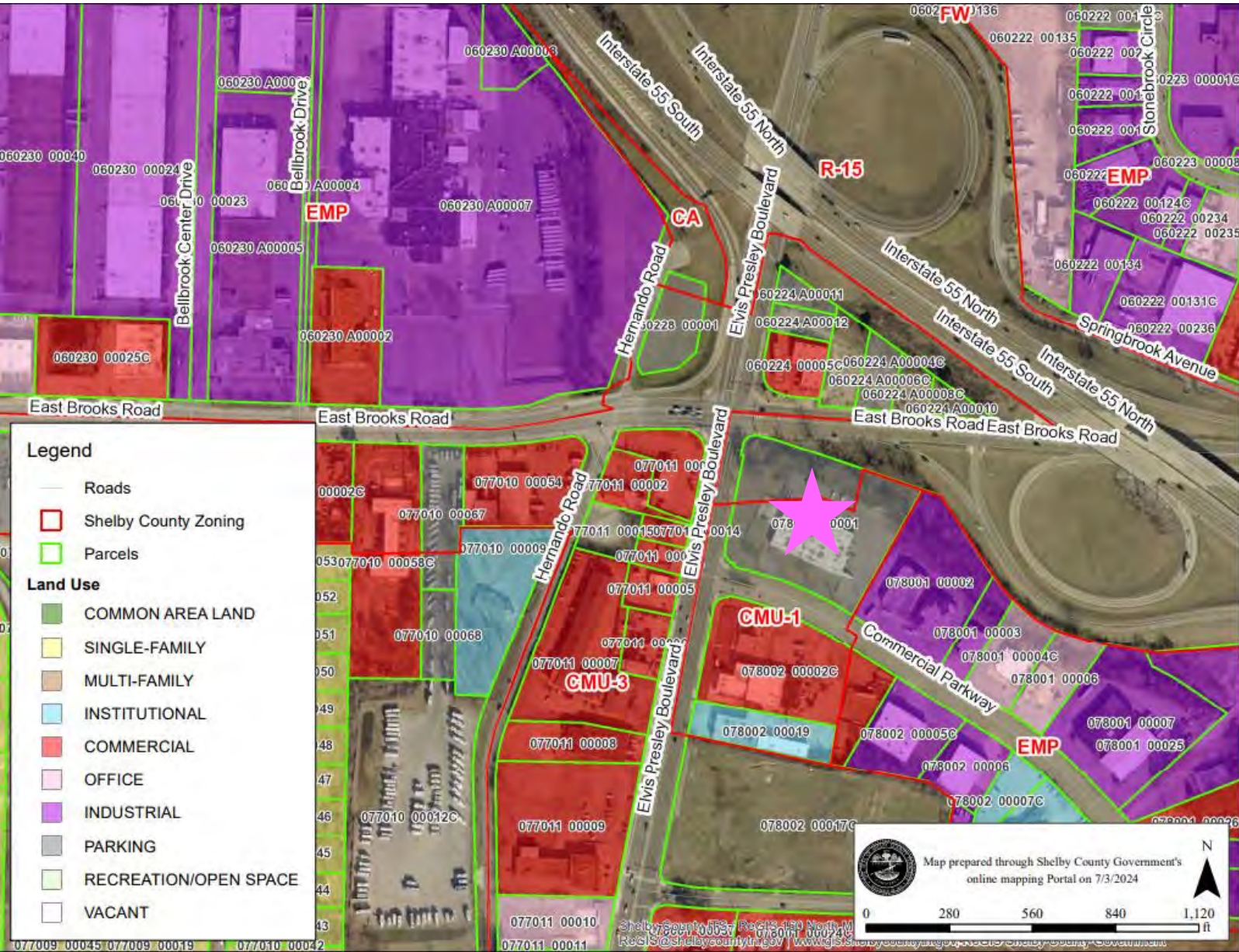
Subject property highlighted in yellow.

FEMA MAP



Subject property outlined in yellow.

LAND USE MAP



Subject property indicated by a pink star



**SITE PHOTOS**



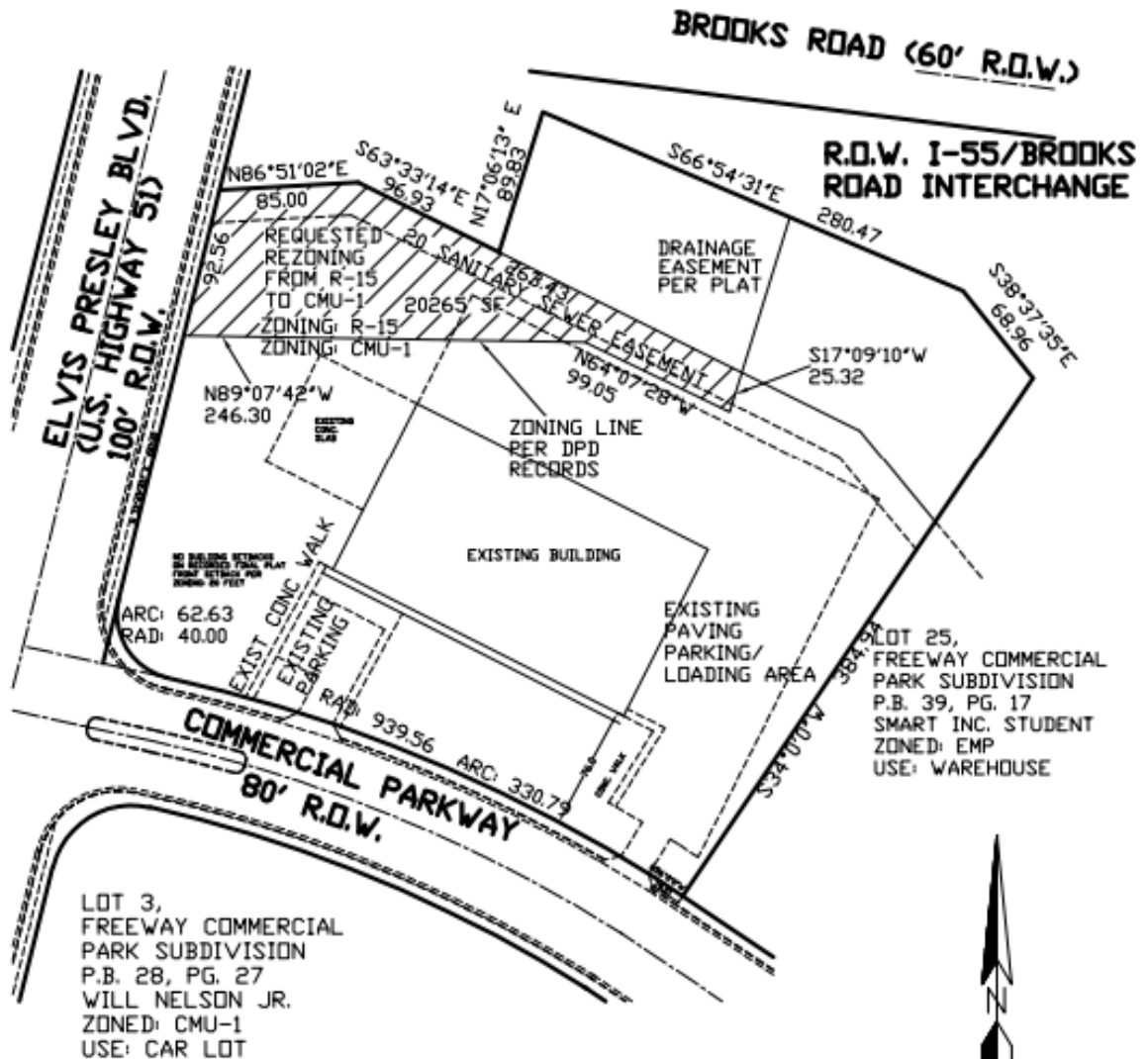
View of subject property from Elvis Presley.



View of subject property from Commercial Parkway looking North.

**SURVEY**

**LOT SURVEY  
 LOT 4  
 FREEWAY COMMERCIAL  
 PARK SUBDIVISION  
 PB. 24, PG 42  
 MEMPHIS, TN**



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREDON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

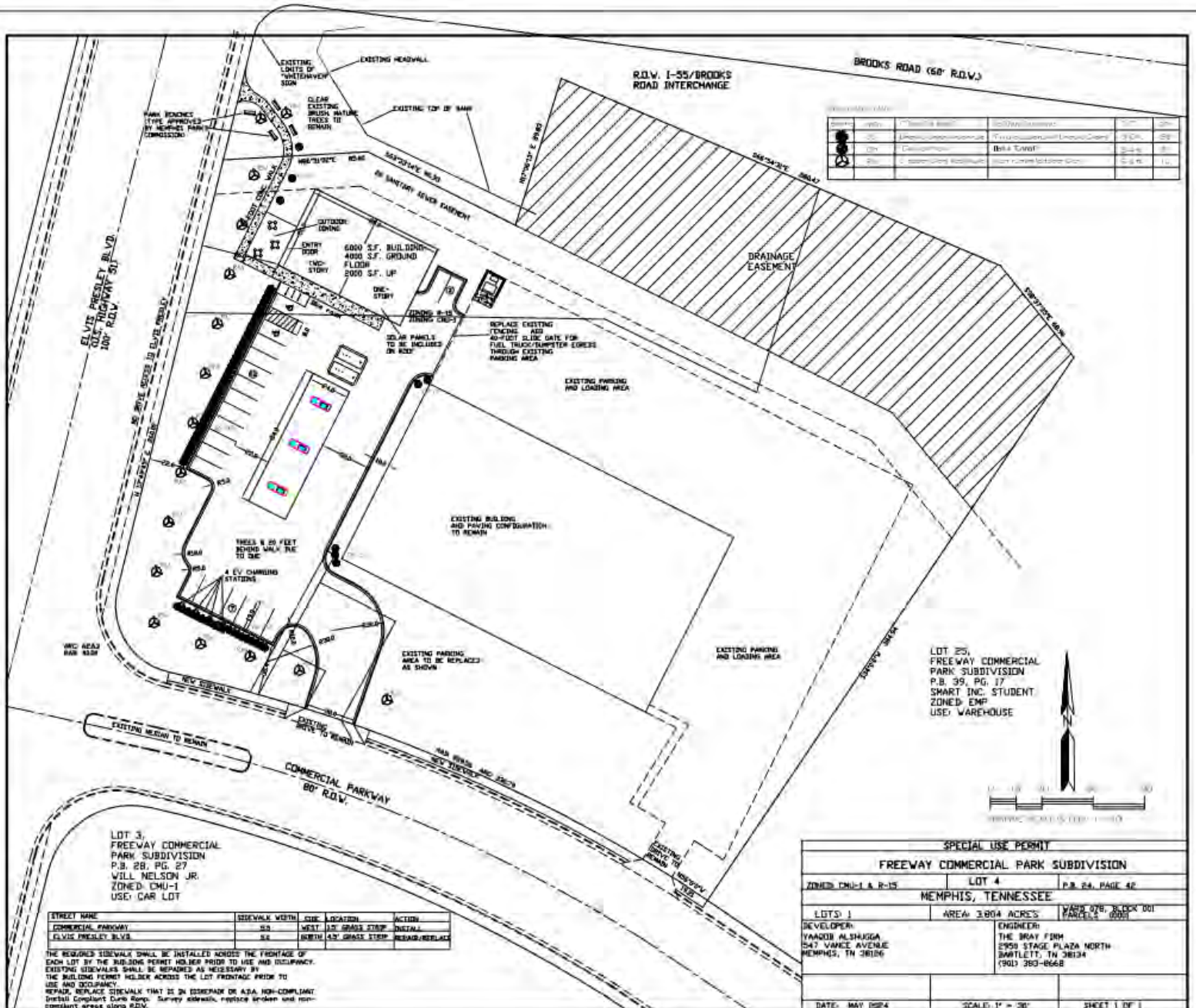
THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

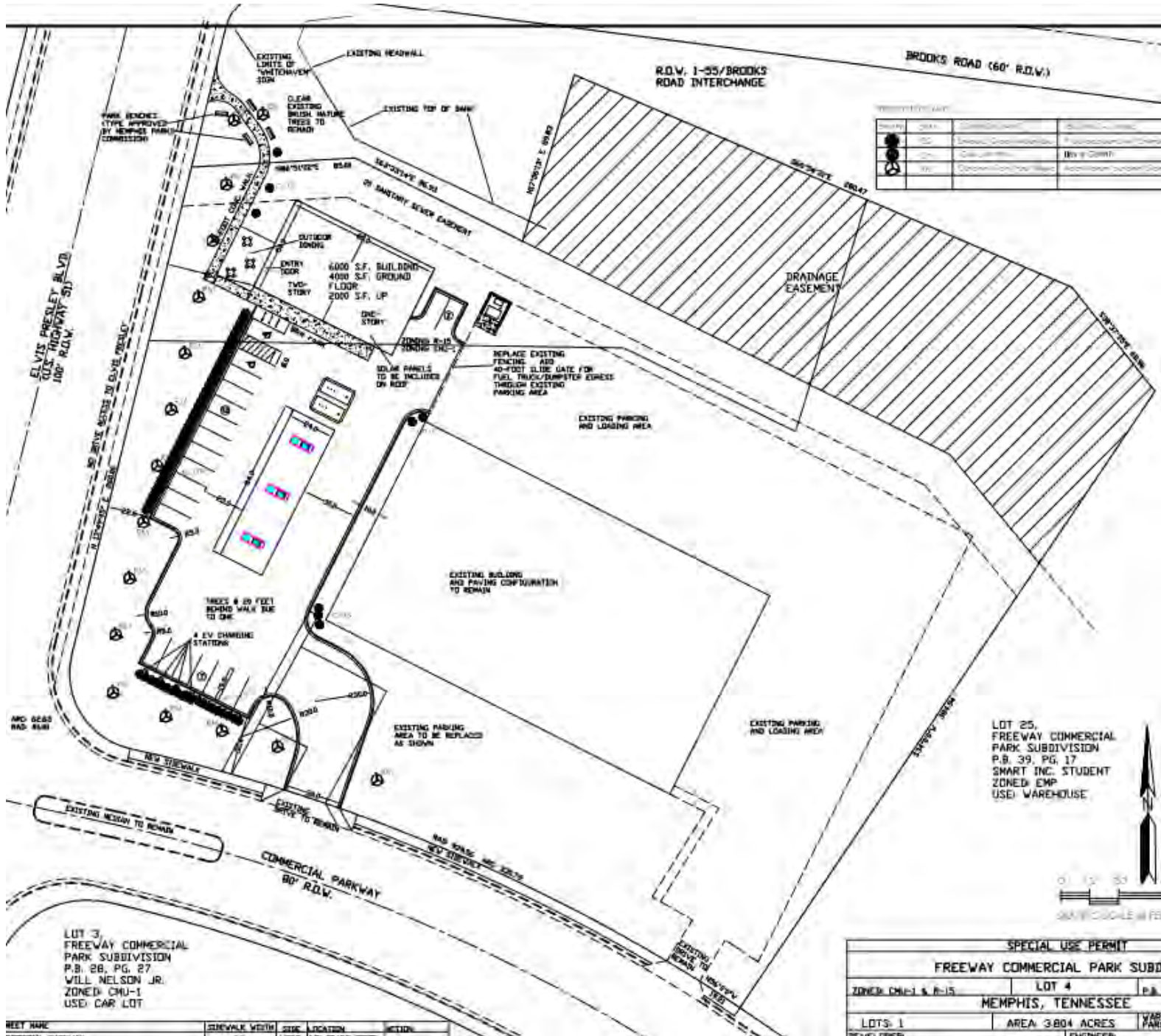
DATE: 05.09.2024  
 SCALE: 1"=100'

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

**SITE PLAN**



**SITE PLAN – MAGNIFIED**



## CASE REVIEW

### Request

The request is a special use permit to allow a convenience store with gas pumps.

### 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:  
3230 Commercial Parkway

Parcel ID:  
078001 00001

Area:  
+/- 3.78 acres

**Description:**

The subject property is located along Elvis Presley and located within the Whitehaven neighborhood. The property is split zoned CMU-1 and R-15. There is currently a warehouse located on the property that would remain. Per the Assessor’s website, the principal structure on the site was built circa 1961 with a building area of +/- 8,000 square feet. The surrounding land uses are a mixture of commercial, industrial, institutional, and single-family and vacant lots. Additionally, this lot has two street frontages: one along Elvis Presley Boulevard and one along Commercial Parkway.

**Relevant Unified Development Code Clauses**

Sub-Section 2.6.3J

*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.*

*h. CMU-2 and CBD districts. Any convenience store with gas pumps or gas stations constructed in the CMU-2 and CBD districts after the effective date of this ordinance (ZTA 21-2) or 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-2 and CBD districts prior to the effective date of this ordinance (ZTA 21-2), 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.*

*i. Rope lighting subject to Paragraph 4.9.4A(10) is prohibited.*

## **2. Fuel Canopies**

*a. Fuel canopies may be located within the required front yard of a lot. With the exception of those canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii), the canopy shall be located no closer than 10 feet to any side or rear property line or right-of-way. This Item shall not be construed to supersede the landscaping and streetscape provisions of Article 4.*

*b. The canopy shall not exceed a height of 20 feet.*

*c. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.*

*d. Architectural compatibility of fuel canopies*

*i. Establishments permitted by right*

*The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be complementary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage. Examples of architecturally integrated and compatible fuel canopies are provided in Sub-Item (iv) below.*

*ii. Establishments that require a Special Use Permit*

*In addition to the requirements set forth above in Sub-Item (i), a fuel canopy associated with an establishment that requires a Special Use Permit or is eligible for a waiver from a Special Use Permit under Items 2.6.3J(1)(f), (g) or (h), shall also either:*

*a. Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code. See Sub-Item (v) below for a photographic representation of a rear-loaded fuel canopy; or*

*b. Be structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way. See Sub-Item (vi) below for photographic*



*representations of structurally integrated fuel canopies.*

*iii. Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.*

*iv. Examples of architecturally integrated and compatible fuel canopies.*



v. Example of rear-loaded fuel canopy



vi. Examples of structural integrated fuel canopies



vii. Example of architecturally incompatible fuel canopy.



### **Site Plan Review**

- The proposed development will utilize the existing access point along Commercial Parkway and there is no access point being proposed along Elvis Presley.
- The proposed canopy will be located with a 30-foot setback from the existing building.
- Three fuel pumps are being proposed.
- Three EV charging stations are being proposed along the southwest portion of the lot along Commercial Parkway.
- There is proper landscaping being proposed along Elvis Presley and Commercial Parkway providing proper screening to parking spaces.
- Any mature trees located near the existing 'Whitehaven' sign located on the corner of Elvis Presley and Brooks shall remain.
- The applicant is proposing to replace the existing fence on the property and add a 40-foot sliding gate for fuel truck and dumpster egress.
- The two-story structure housing the convenience store will have solar panels included on the roof.

### **Analysis**

The proposal has been deemed inconsistent in accordance with the Memphis 3.0 Plan based on the land use intent of Low Intensity Commercial (CSL). The proposed use is also not in keeping with the land use designation noted as parking based on the Land Use Map. There is an existing warehouse facility that encompasses a

substantial portion of the parcel. The Office of Sustainability and Resilience (OSR) has deemed the proposal inconsistent with the Mid-South Regional Resilience Master Plan best practices as it discourages development within sensitive areas such as floodplains.

The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

### **RECOMMENDATION**

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

#### **Conditions**

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

## DEPARTMENTAL COMMENTS

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

### City Engineer:

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

Sewers:

2. The sewer capacity will not be determined until the developer provide the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.

Drainage:

3. 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.

4. 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.

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

6. 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.

7. 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.

8. Development is greater than 1 acre and is located within a sensitive drainage basin.

9. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

10. All connections to the sewer shall be at manholes only.

11. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

12. Required landscaping shall not be placed on sewer or drainage easements.

### City Fire Division:

1. All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.

2. Fire apparatus access shall comply with section 503.

3. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).

4. Fire protection water supplies (including fire hydrants) shall comply with section 507.

5. 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.

6. 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.
7. 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:**  
**MEMORANDUM**

To: Alexis Longstreet, Planner I  
From: Logan Landry, Planner I  
Date: June 3, 2024  
Subject: OSR Comments on SUP 24-019: WHITEHAVEN

**General Comments & Analysis:**

Located in Zones 1 and 4 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.

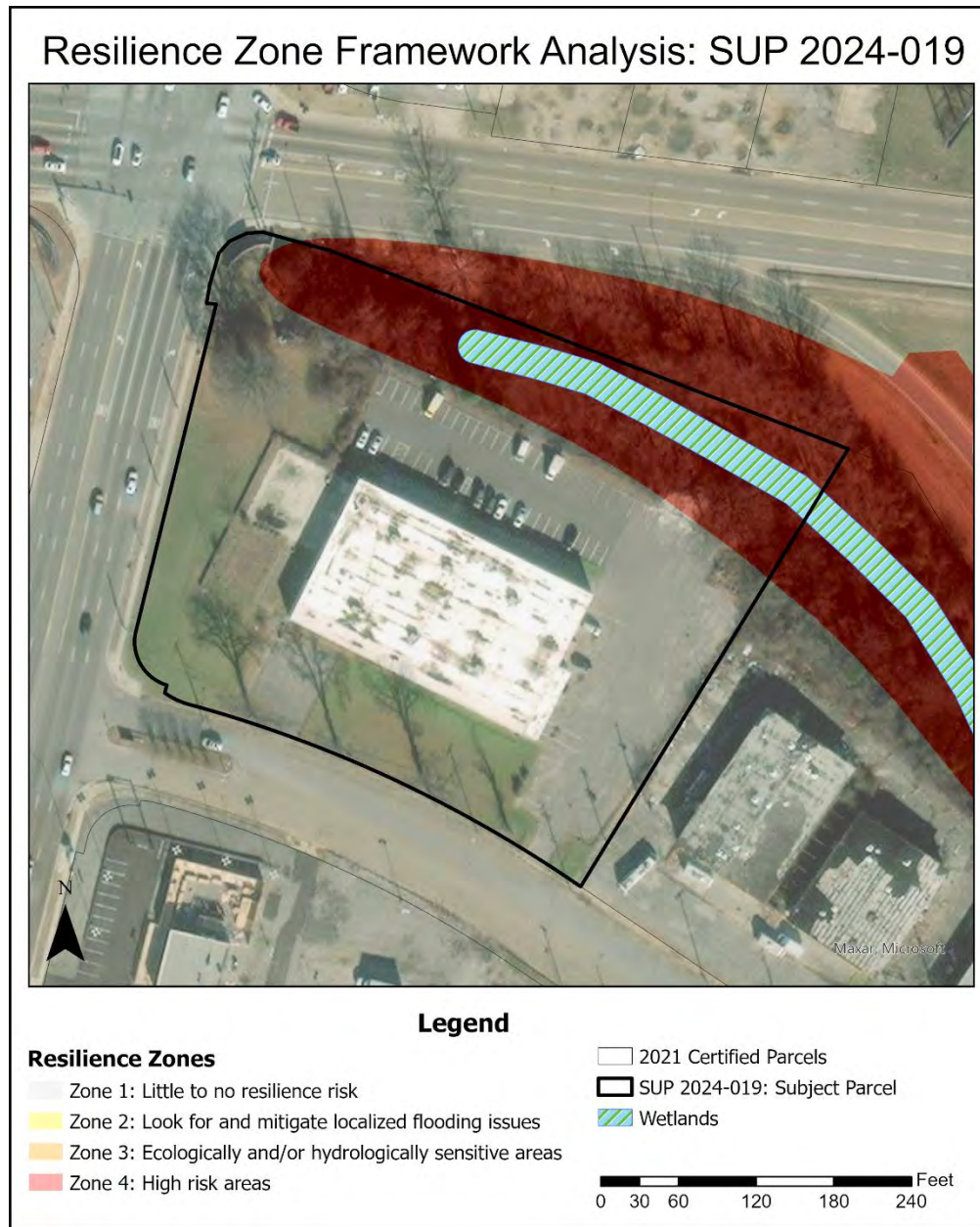
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure 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 designation in Zone 4 is due to its location within the 500-year floodplain for a wetland located in the northeast portion of the parcel.

The applicant is requesting a special use permit to allow a convenience store with gasoline sales in a parcel currently zoned as Commercial Mixed Use – 1 (CMU-1). Additionally, the applicant is planning on constructing a two-story restaurant space which will include a patio, a new sidewalk, park benches, landscaping, and solar panels on the roof.

According to the submitted site plan, the applicant plans to increase the amount of impervious surface by expanding existing parking areas. The expanded parking area will host three new EV charging stations.

The applicant plans to clear the existing brush in the northwest corner of the parcel and leave the existing mature trees. The landscaping plans include the addition of eighty-three new plants, according to the submitted site plan.



**Consistent with the Mid-South Regional Resilience Master Plan best practices:** No

Section 4.1 – Resilient Sites of the Mid-South Regional Resilience Master Plan discourages development within sensitive areas such as floodplains, so this request for a special use permit is generally inconsistent with the Plan.

The proposed installation of solar panels is encouraged in Section 3.5 – Green Building Retrofits as it increases the building’s energy performance and promotes sustainable energy use.

**Consistent with the Memphis Area Climate Action Plan best practices:** Yes

The proposed site plan is generally consistent with the Memphis Area Climate Action Plan. The proposed addition of three new electric vehicle charging stations aligns with Action T.5: Encourage Electric Vehicle Adoption and the Development of Charging Infrastructure.

**Recommendations:** None

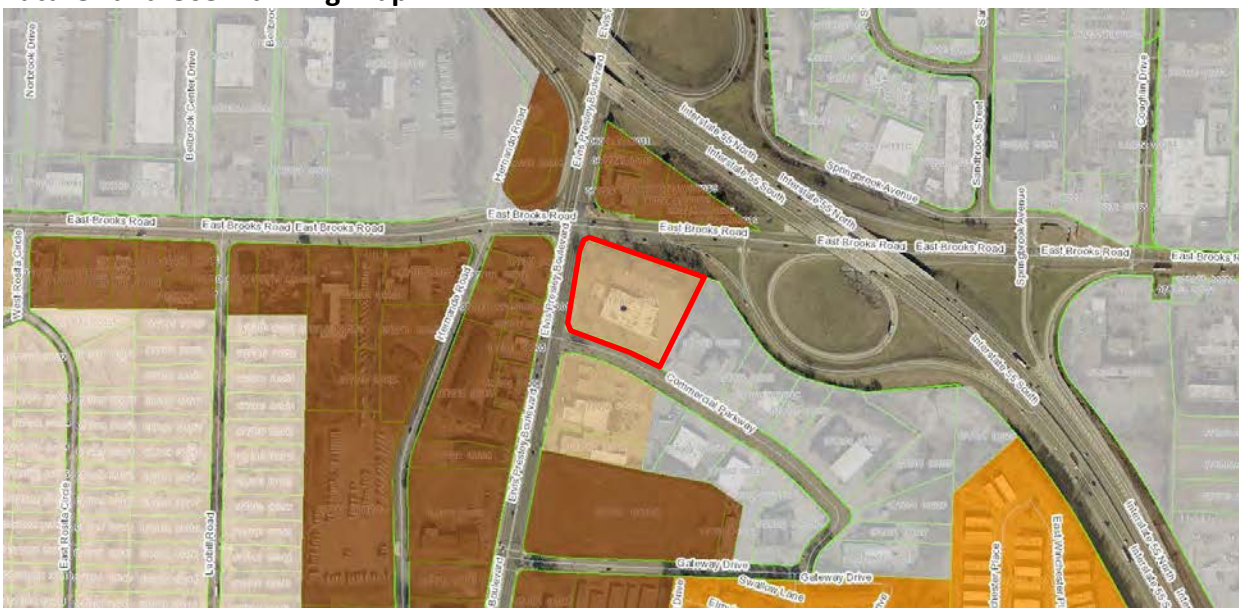
**Office of Comprehensive Planning:  
Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024 - 019 Whitehaven

Site Address/Location: 3230 Commercial Pkwy  
Overlay District/Historic District/Flood Zone: Not in an Overlay District or Historic District  
Future Land Use Designation: Low Intensity Commercial and Services (CSL)  
Street Type: Parkway

*The applicant is requesting a special use permit to build 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**

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.

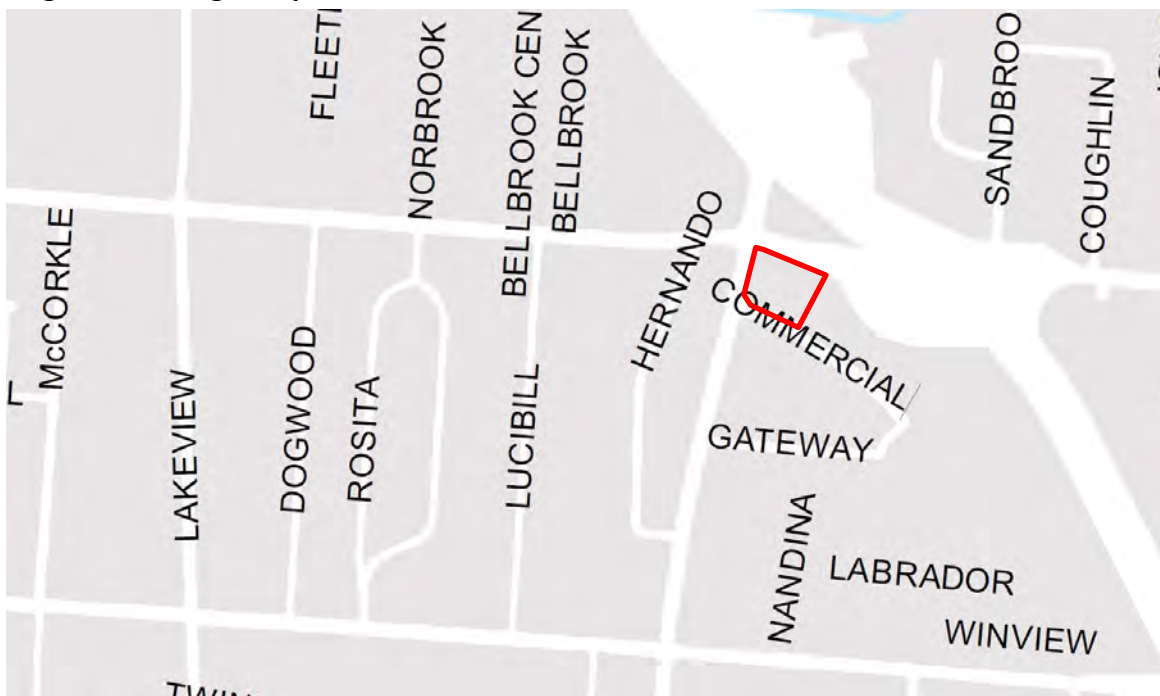
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Parking, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Industrial, and Institution; CMU-1

**Overall Compatibility:** *This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed gas station is too intense for low-intensity commercial and incompatible with the Whitehaven district priorities. As this node is the gateway to enter the Whitehaven neighborhood with Memphis Visitor Center located across the street from the requested property, the proposal would be detrimental to increasing multi-modal accessibility and safety along this node.*

### 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

The parcel is located in the Whitehaven Planning District and the requested use is inconsistent with Whitehaven priorities – “Improve pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors” and “Repurpose vacant lots and parking for public recreation and park development initiatives.”

### Consistency Analysis Summary

*The applicant is requesting a special use permit to build a convenience store with gas pumps.*



*This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed gas station is too intense for low-intensity commercial and incompatible with the Whitehaven district priorities. As this node is the gateway to enter the Whitehaven neighborhood with Memphis Visitor Center located across the street from the requested property, the proposal would be detrimental to increasing multi-modal accessibility and safety along this node.*

The parcel is located in the Whitehaven Planning District and the requested use is inconsistent with Whitehaven priorities – “Improve pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors” and “Repurpose vacant lots and parking for public recreation and park development initiatives.”

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

MAILED PUBLIC NOTICE

28 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 – 019 and Z 2024 – 006  
**LOCATION:** 3230 Commercial Parkway  
(SEE SITE PLAN ON REVERSE SIDE)  
**APPLICANT:** Shugga Yaaqob  
**REQUEST:** Special use permit to allow a convenience store with gas pumps

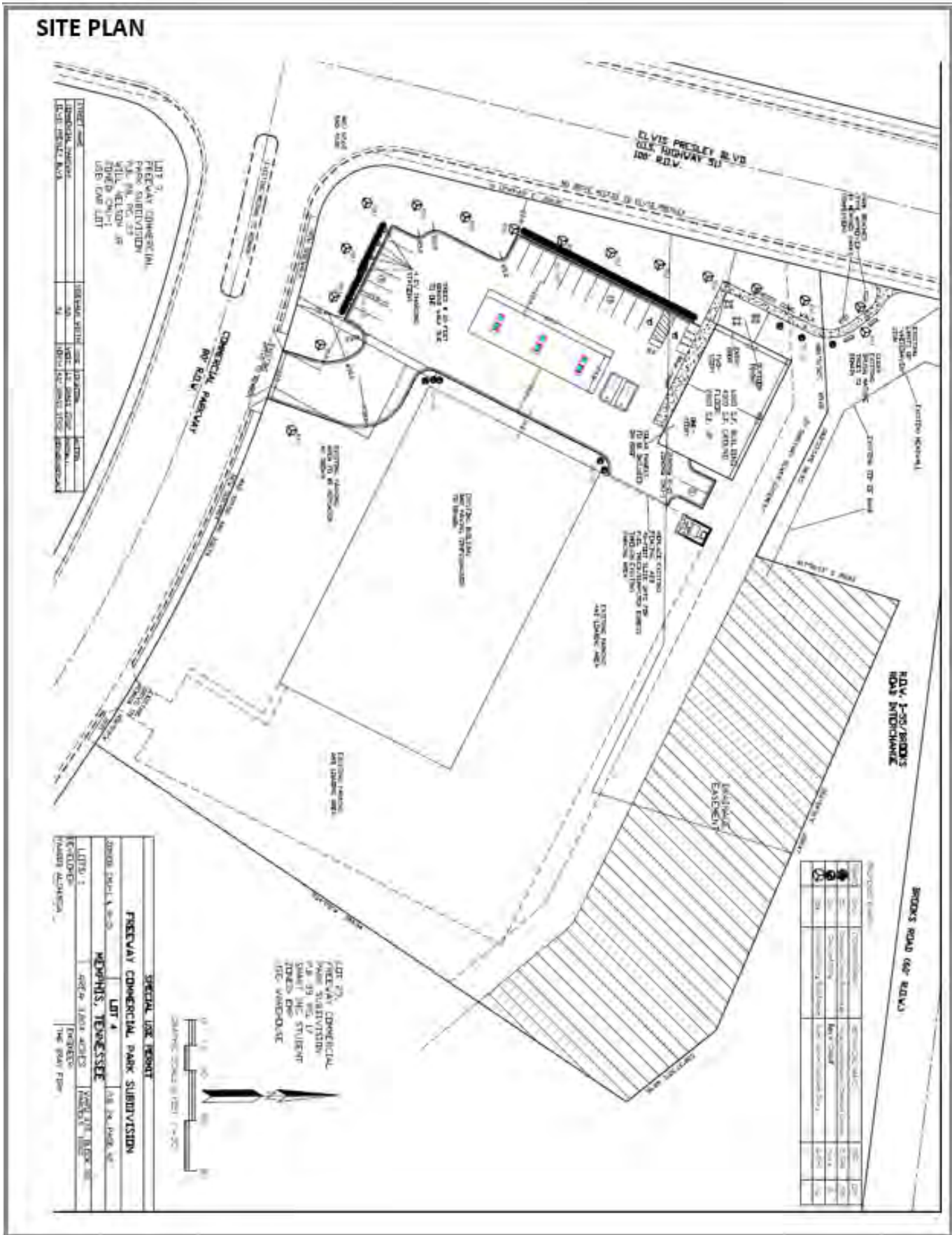
**THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:**

**DATE:** Thursday, July 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 Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 19, 2024, at 8 AM**



**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 2024-019

Expiration Date:

Record Name: Freeway Commercial Park Subdivision, Lot 4

Description of Work: SUP request for convenience store with gasoline sales.

Parent Record Number:

---

**Address:**

3230 COMMERCIAL PKWY, MEMPHIS 38116

**Owner Information**

Primary Owner Name

Y SHUGAA YAAQOB A

Owner Address

547 VANCE AVE, MEMPHIS, TN 38126

Owner Phone

---

**Parcel Information**

078001 00001

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner Chip Saliba

Date of Meeting 02/27/2024

Pre-application Meeting Type Email

**GENERAL PROJECT INFORMATION**

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case n/a

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

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

This project will be compatible with surrounding developments in the CMU-1 zoning district.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

This project will not impact surrounding properties in a negative fashion.

UDC Sub-Section 9.6.9C

All existing facilities and utilities are currently in place.

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

SUP19-006

Central Business Improvement District

No

Class

-

Downtown Fire District

No

Historic District

-

Land Use

-

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-1

State Route

-

Lot

-

Subdivision

-

Planned Development District

-

Wellhead Protection Overlay District

No

**Contact Information**

---

**Name**  
 SHUGAA YAAQOB A

**Contact Type**  
 APPLICANT

**Address**  
 547 VANCE AVE, MEMPHIS, TN, MEMPHIS, TN, 38126

**Phone**  
 -

**Name**  
 THE BRAY FIRM

**Contact Type**  
 ARCHITECT / ENGINEER /  
 SURVEYOR

**Address**  
 2950 STAGE PLAZA NORTH,

**Phone**  
 (901)487-2425

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563617	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	05/10/2024
1563617	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	Method of Payment
\$513.00	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, Yaqub Shogaa (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 3220 Elvis Presley  
and further identified by Assessor's Parcel Number 07806100001  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

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

LETTER OF INTENT



---

Telephone 901-383-8668

2950 Stage Plaza North  
Bartlett, Tennessee 38134

May 9, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision  
3230 Elvis Presley Blvd.  
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached a Special Use Permit application for the above captioned property. The subject property is located at the intersection of Elvis Presley and Commercial Avenue. This site was the subject of a previous application with a similar request in 2019 but the proposed configuration has changed significantly. After meeting with elected representatives from the area, the owners are proposing a two story structure located closer to Elvis Presley that will include a restaurant space. Additionally, a patio for outdoor dining will be added and a new sidewalk, park benches, and landscaping will be provided to provide pedestrian connectivity to Elvis Presley and the proposed business location. Finally, no drive access to Elvis Presley Boulevard is proposed.

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

Sincerely,

David Gean Bray, P.E.



**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

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Primary Owner Name

Y SHUGAA YAAQOB A

Owner Address

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### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner	Chip Saliba
Date of Meeting	02/27/2024
Pre-application Meeting Type	Email

#### 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	n/a
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 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 This project will be compatible with surrounding developments in the CMU-1 zoning district.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations This project will not impact surrounding properties in a negative fashion.

UDC Sub-Section 9.6.9C All existing facilities and utilities are currently in place.

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 SUP19-006

Central Business Improvement District No

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

**Contact Information**

---

**Name**  
SHUGAA YAAQOB A

**Contact Type**  
APPLICANT

**Address**  
547 VANCE AVE, MEMPHIS, TN, MEMPHIS, TN, 38126

**Phone**  
-

**Name**  
THE BRAY FIRM

**Contact Type**  
ARCHITECT / ENGINEER /  
SURVEYOR

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I, Yaagob shugaa , 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 3230 Elvis Presley  
 and further identified by Assessor's Parcel Number 07800100001  
 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_.

\_\_\_\_\_  
 Signature of Notary Public

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



---

Telephone 901-383-8668

2950 Stage Plaza North  
Bartlett, Tennessee 38134

May 9, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision  
3230 Elvis Presley Blvd.  
Memphis, Tennessee**

Mr. Ragsdale:

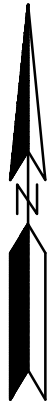
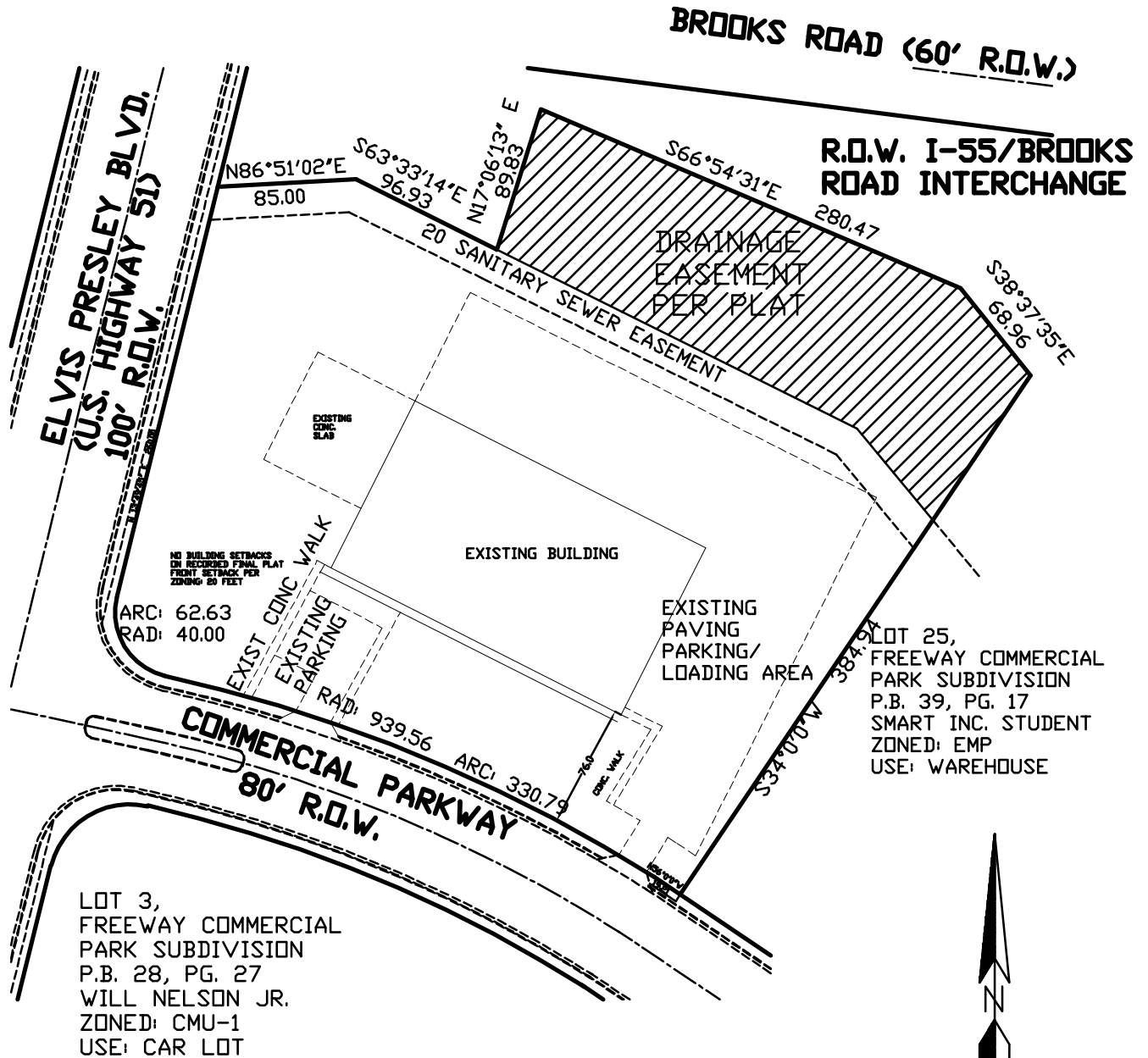
Please find attached a Special Use Permit application for the above captioned property. The subject property is located at the intersection of Elvis Presley and Commercial Avenue. This site was the subject of a previous application with a similar request in 2019 but the proposed configuration has changed significantly. After meeting with elected representatives from the area, the owners are proposing a two story structure located closer to Elvis Presley that will include a restaurant space. Additionally, a patio for outdoor dining will be added and a new sidewalk, park benches, and landscaping will be provided to provide pedestrian connectivity to Elvis Presley and the proposed business location. Finally, no drive access to Elvis Presley Boulevard is proposed.

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

Sincerely,

David Gean Bray, P.E.

LOT SURVEY  
 LOT 4  
 FREEWAY COMMERCIAL  
 PARK SUBDIVISION  
 PB. 24, PG 42  
 MEMPHIS, TN



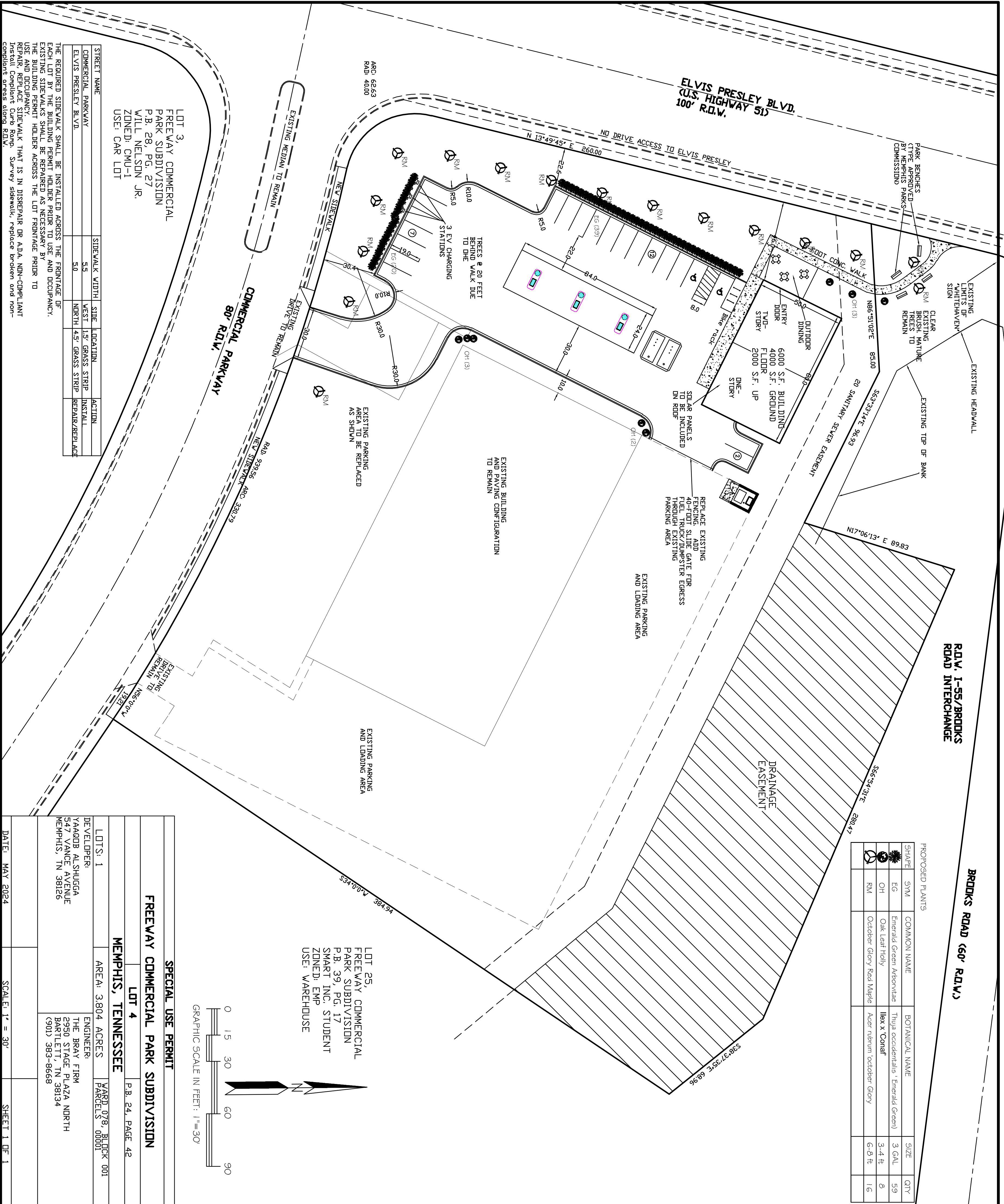
I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1:10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

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

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024  
 SCALE: 1"=100'

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



LOT 3,  
 FREEWAY COMMERCIAL  
 PARK SUBDIVISION  
 P.B. 28, PG. 27  
 WILL NELSON JR.  
 ZONED: CMU-1  
 USE: CAR LOT

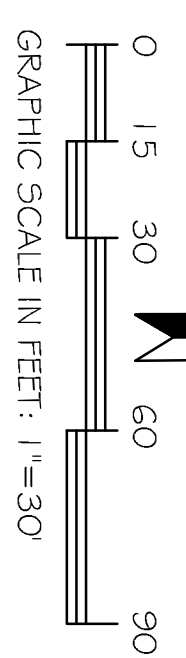
STREET NAME	SIDEWALK WIDTH	LOCATION	ACTION
COMMERCIAL PARKWAY	5.5	WEST	INSTALL
ELVIS PRESLEY BLVD.	5.0	NORTH	REPAIR/REPLACE

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY.  
 REPAIR, REPLACE SIDEWALK THAT IS IN DISREPAIR OR A PA NON-COMPLIANT CONDITION ALONG R.O.W. Survey sidewalk, reduce broken and non-

PROPOSED PLANTS

SHAPE	SYM	COMMON NAME	BOTANICAL NAME	SIZE	QTY
	EG	Emerald Green Arborvitae	Thuja occidentalis 'Emerald Green'	3 GAL	39
	OH	Oak Leaf Holly	Ilex x Cornif	3-4 ft	6
	RM	October Glory Red Maple	Acer rubrum 'October Glory'	6-8 ft	16

LOT 25,  
 FREEWAY COMMERCIAL  
 PARK SUBDIVISION  
 P.B. 39, PG. 17  
 SMART INC. STUDENT  
 ZONED: EMP  
 USE: WAREHOUSE



**SPECIAL USE PERMIT**  
**FREEWAY COMMERCIAL PARK SUBDIVISION**

LOT 4  
 MEMPHIS, TENNESSEE  
 AREA: 3.804 ACRES  
 VARI: 078, BLOCK 001  
 PARCELS: 00001

DEVELOPER:  
 YAODD ALSHUGA  
 547 VANCE AVENUE  
 MEMPHIS, TN 38126

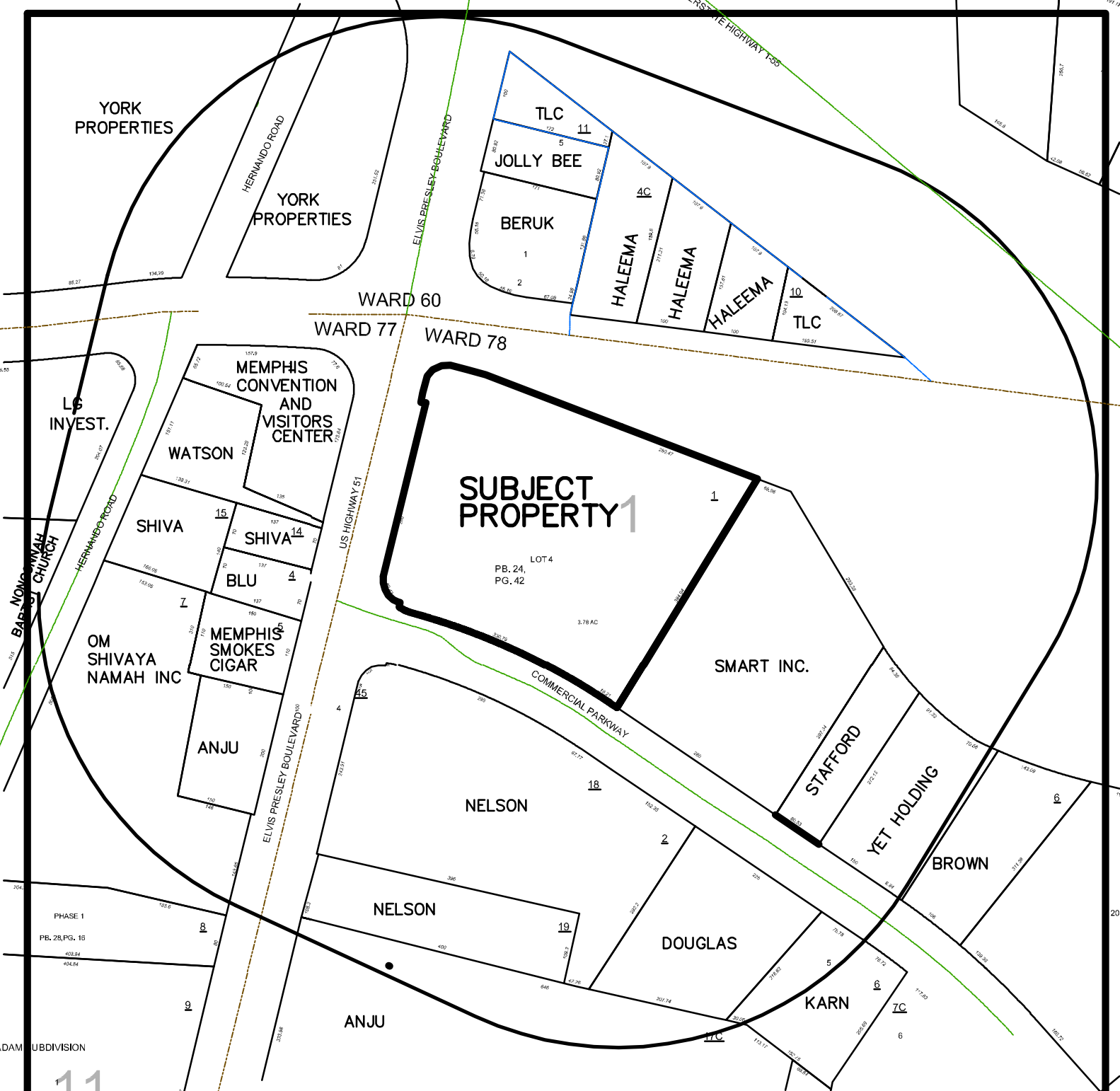
ENGINEER:  
 THE BRAY FIRM  
 2950 STAGE PLAZA NORTH  
 BARTLETT, TN 38134  
 (901) 383-8668

DATE: MAY 2024

SCALE: 1" = 30'

SHEET 1 OF 1





**LUCB APPLICATION – 3230 ELVIS PRESLEY  
 LOT 4, FREEWAY COMMERCIAL PARK S/D  
 APPLICANT: YAAQOB SHUGAA  
 MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES  
 2950 STAGE PLAZA NORTH  
 BARTLETT, TENNESSEE  
 MAY 9, 2024

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

Applicant/Owner

Engineer/Surveyor

Yasqob El Shubba  
547 Vance Ave.  
Memphis, TN 38116

The Bray Firm  
2950 Stage Plaza North  
Bartlett, TN 38134

Smart Inc. Student Making  
A Rewarded  
3242 Commerical Pkwy.  
Memphis, TN 38116

Dell Stafford &  
Edwin Stafford  
3262 Commercial Pkwy.  
Memphis, TN 38116

Yet Holding LLC  
4920 Raleigh LaGrange  
Ste. 9  
Memphis, TN 38128

James Karn Jr.  
3271 Commercial Parkway  
Memphis, TN 38116

Paul Douglas &  
George Douglas  
3261 Commercial Pkwy.  
Memphis, TN 38116

Will Nelson, Sr.  
465 Tennesseeed  
Memphis, TN 38103

Willie & Hattie Nelson  
3360 Fontaine Rd.  
Memphis, TN 38116

Anju Hotels LLC  
8720 Somerset Ln.  
Germantown, TN 38138

Om Shvaya Namah Inc.  
3265 Elvis Presley  
Memphis, TN 38116

Memphis Smokes Cigar Lounge  
LLC  
5341 Bradley Ridge Ln  
Memphis, TN 38125-4141

BLU River LLC  
119 So. Main  
Ste. 500  
Memphis, TN 38103

Kenneth Watson  
8909 Georgia Dr.  
Austin, TX 79753

Memphis Convention &  
Visitors Bureau  
47 Union Ave.  
Memphis, TN 38103

LG Investmetns LLC  
407 Saintt Tammany St.  
Madisonville, LA 70447-9713

Nonconnah Baptist  
Church Trust  
3257 Hernando  
Memphis, TN 38116

York Properties LLC  
3100 Bellbrook Dr.  
Memphis, TN 38116-1702

Artie Brown Revocable Living Trust  
8585 Edenfield Cv.  
Germantown, TN 38138

TLC Properties Inc.  
1600 Century Center  
Bartlett, TN 38134

Set No. 1  
El Shugga  
Page 2 of 2

Jolly Bee LLC  
P.O. Box 400  
Wheatley, AR 72392-0400

Beruk Properties  
3264 W Sarazens CL  
Memphis, TN 38125-0808


Cheryl Forbes  
Whitehaven Development Corp.  
P.O. Box 16005  
Memphis, TN 38186

Shiva Properties  
8720 Somerset Ln.  
Germantown, TN 38138



*Tom Leatherwood*  
Shelby County Register / Archives

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

	
<b>17103589</b>	
<b>10/06/2017</b>	<b>03:21 PM</b>
<b>2 PGS</b>	
<b>CHRISTINAM</b>	<b>1857071-17103589</b>
<b>VALUE</b>	<b>10.00</b>
<b>MORTGAGE TAX</b>	<b>0.00</b>
<b>TRANSFER TAX</b>	<b>0.00</b>
<b>RECORDING FEE</b>	<b>10.00</b>
<b>DP FEE</b>	<b>2.00</b>
<b>REGISTER'S FEE</b>	<b>0.00</b>
<b>WALK THRU FEE</b>	<b>0.00</b>
<b>TOTAL AMOUNT</b>	<b>12.00</b>
<b>TOM LEATHERWOOD</b>	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This Instrument prepared by: Ronny Porter -- Quick Refund 3258 Commercial Freeway  
Memphis Tenn, 38116

QUIT CLAIM DEED David K. Kemp

KNOW ALL MEN BY THESE PRESENTS, that \_\_\_\_\_ on this the 5 day of OCTOBER, 2017, for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, remise, quit claim and convey unto (Student Making (A) ReWarded Today) 3242 Commercial ParkWay Memphis TN. 38116 (County Of Shelby. For the amount of \$10.00 dollars and service perform by ICA/ Student Making A's Rewarded Today. \_\_\_\_\_ all \_\_\_\_\_ right, title and interest in and to the following described real estate, to wit: 3230 HWY. 51. SOUTH. Memphis TN. 38116 (County Of Shelby TN.) Property Details as following RE:

1. Office Building, Subdivision :Freeway Comm. Park SEC B (home size: 0.65 Acres, lot size: 3.78 Acres, built in 1961:Parcel number 07800100001:County Shelby:Census:3, Tract:22023, Lot:4,Zoning:C-L

Being the same property Conveyed to grantor by 06106565

IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 5 day of October, 2017.

Neil Shreat  
Mr. Shreat

STATE OF TENNESSEE

COUNTY OF Shelby

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared David K. Kemp with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged to be person(s) within named and that \_\_\_\_\_ executed the foregoing instrument for the purpose therein contained.

for Witness my hand and seal this 5 day of October, 2017.

Mable Louise Williams  
Notary Public

My commission expires:

~~I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ 425,000.00 four hundred twenty five thousand dollars Credit for service. Per David K. Kemp perform. (by ICA/ Student Making A'S Reward Today)~~

David K. Kemp  
Affiant

STATE OF TENNESSEE  
COUNTY OF SHELBY M L W

Subscribed and sworn before me this the 5 day of October, 2017

Mable Louise Williams  
Notary Public

The following information is not a part of this Deed:

Property Address:

3230 Highway 51 South  
Memphis Tenn 38116

Owner's Name and Address

Student Making A's Reward Today  
3242 Commerical Parkway  
Memphis Tenn 38116

Parcel Number

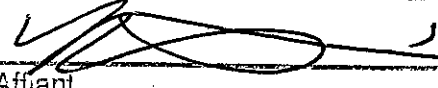
78-1-1

Mail Tax Bills to:

3242 Commerical Parkway  
Memphis Tenn 38116

Student Making A's Reward Today

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



Affiant

Subscribed and sworn to before  
me this the 6<sup>th</sup> day of October  
20 17

**TOM LEATHERWOOD, REGISTER**

by  D.R.



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

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

July 24, 2024

Yaaqob Shugaa  
547 Vance Avenue  
Memphis, TN 38126

Sent via electronic mail to: [dqbray@comcast.net](mailto:dqbray@comcast.net), [Mustafashujaa2003@yahoo.com](mailto:Mustafashujaa2003@yahoo.com)

Case Number: SUP 2024 – 019  
LUCB Recommendation: Rejection

Dear applicant,

On Thursday, July 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your special use permit application to allow a convenience store with gas pumps, **however, if approved, the Board recommends the following conditions:**

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

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

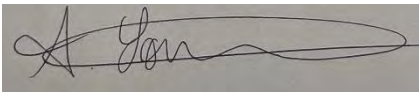
**Letter to Applicant**  
**SUP 2024 – 019**

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

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

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

Respectfully,

A handwritten signature in black ink, appearing to read "A. Longstreet", is written over a light gray rectangular background.

Alexis Longstreet  
Planner I  
Land Use and Development Services  
Division of Planning and Development

Cc: David Bray, The Bray Firm  
File



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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 09/10/2024  
DATE  
PUBLIC SESSION: 09/24/2024  
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 at 5700 Mt. Moriah Road, known as case number SUP 2024-023

CASE NUMBER: SUP 2024-023

LOCATION: 5700 Mt. Moriah Road

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

OWNER/APPLICANT: Wingli Cepeda Ochoa

REPRESENTATIVE: Maureen Valdez

REQUEST: Special use permit to allow motor vehicle sales

AREA: +/-0.57 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 – September 24, 2024

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
08/08/2024 _____	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>Chloe Christian</u>	<u>8/30/24</u>	PLANNER I
_____	_____	DEPUTY ADMINISTRATOR
<u>Brett Regado</u>	<u>08/30/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### SUP 2024-023

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 5700 MT MORIAH ROAD, KNOWN AS CASE NUMBER SUP 2024-023

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

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, August 8, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SUP 2024-023

**LOCATION:** 5700 Mt. Moriah Road

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

**OWNER/APPLICANT:** Wingli Cepeda Ochoa

**REPRESENTATIVE:** Maureen Valdez

**REQUEST:** Special Use Permit to allow motor vehicle sales

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

**AREA:** +/-0.57 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 Christion  
Planner I  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

## **SUP 2024-023**

### **CONDITIONS**

1. Any fence erected on the site shall comply with UDC Section 4.6.7 and no uncoated chain link fence shall be permitted.
2. No vehicle repair shall be permitted on site. Vehicle service may be performed in accordance with the principle use category of Vehicle Service in UDC Sub-Section 2.9.4J.
3. The vehicle sales facility shall comply with all Use Standards provided in UDC Paragraphs 2.6.3P(1) and 2.6.3P(3).
4. A type S-10 streetscape plate or an equivalent approved by the Division of Planning and Development shall be provided along the street frontage of Mount Moriah Road. Any approved fencing along Mount Moriah Road shall be located behind the streetscape plate.
5. The existing detached pole sign at the southwestern corner shall be upgraded to meet the requirements of UDC Sub-Section 4.9.7D or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
6. The existing driveway/curb opening is subject to reconstruction or repair to meet current City Standards.
7. All existing sidewalk and curbing along Mount Moriah Road is subject to reconstruction or repair to meet current City Standards.
8. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development in accordance with UDC Chapter 4.1.

**SITE PLAN**

**SITE PLAN**

5700 Mt Moriah Rd  
 Memphis, TN 38115

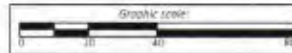
Parcel ID: 074-090- -D-00009-C

Lot area: 0.77 Acres

Paper Size: 11"x17"



scale 1"=30'



FLOOD ZONE



VICINITY MAP

**Calculating Building and Lot Coverage Percentages**

Lot area: 33,715 sq. ft.

Total building coverage (gross floor area): 6,490 sq. ft.

Building Coverage Percentage: 6,490 sq. ft / 33,715 sq. ft = 0.19249 = 19.2%

Total Lot Coverage: 26,128 sq. ft.

Lot Coverage Percentage: 26,128 sq. ft / 33,715 sq. ft = 0.77496 = 77.4%

\*Total landscape areas:

**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 5700 MT MORIAH ROAD, KNOWN AS CASE NUMBER SUP 2024-023**

---

**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**, Wingli Cepeda Ochoa filed an application with the Memphis and Shelby County Division of Planning and Development to motor vehicle 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 August 8, 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. Any fence erected on the site shall comply with UDC Section 4.6.7 and no uncoated chain link fence shall be permitted.
2. No vehicle repair shall be permitted on site. Vehicle service may be performed in accordance with the principle use category of Vehicle Service in UDC Sub-Section 2.9.4J.
3. The vehicle sales facility shall comply with all Use Standards provided in UDC Paragraphs 2.6.3P(1) and 2.6.3P(3).
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6. The existing driveway/curb opening is subject to reconstruction or repair to meet current City Standards.
7. All existing sidewalk and curbing along Mt. Moriah Road is subject to reconstruction or repair to meet current City Standards.
8. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development in accordance with UDC Chapter 4.1.

# SITE PLAN

## SITE PLAN

5700 Mt Moriah Rd  
 Memphis, TN 38115

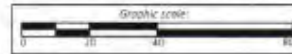
Parcel ID: 074-090- -D-00009-C

Lot area: 0.77 Acres

Paper Size: 11"x17"



scale 1"=30'



FLOOD ZONE



VICINITY MAP



Mt Moriah Rd

### Calculating Building and Lot Coverage Percentages

Lot area: 33,715 sq. ft.

Total building coverage (gross floor area): 6,490 sq. ft.

Building Coverage Percentage:  $6,490 \text{ sq. ft.} / 33,715 \text{ sq. ft.} = 0.19249 = 19.2\%$

Total Lot Coverage: 26,128 sq. ft.

Lot Coverage Percentage:  $26,128 \text{ sq. ft.} / 33,715 \text{ sq. ft.} = 0.77496 = 77.4\%$

\*Total landscape areas:



***ATTEST:***

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

**AGENDA ITEM:** 16 **L.U.C.B. MEETING:** August 8, 2024  
**CASE NUMBER:** SUP 2024-023  
**LOCATION:** 5700 Mount Moriah Road  
**COUNCIL DISTRICT:** District 4 and Super District 8 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** Wingli Cepeda Ochoa, Latin America Auto Sales  
**REPRESENTATIVE:** N/A  
**REQUEST:** Special use permit to allow motor vehicle sales  
**EXISTING ZONING:** Commercial Mixed-Use – 1 (CMU-1)

## CONCLUSIONS

1. The request is a special use permit to allow used car sales in the Commercial Mixed-use – 1 zoning district.
2. A Certificate of Occupancy for vehicle repair only was issued in error to the applicant on December 15, 2023 (COO-23-000608). Vehicle repair is only allowed by Special Use Permit. The Certificate of Occupancy is being corrected for vehicle service since vehicle service is permitted by right in CMU-1.
3. 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.

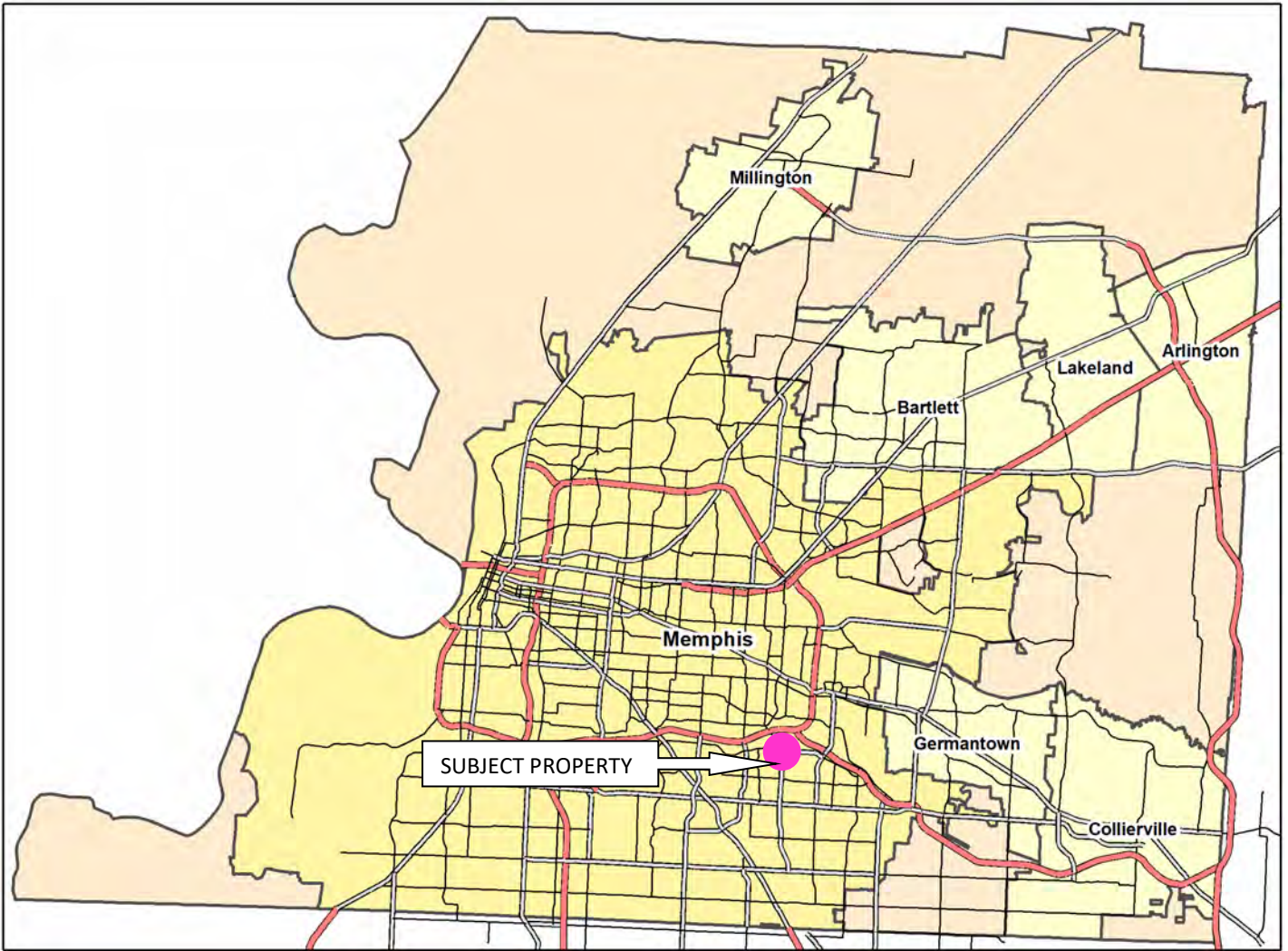
## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 17-19 of this report.

## RECOMMENDATION:

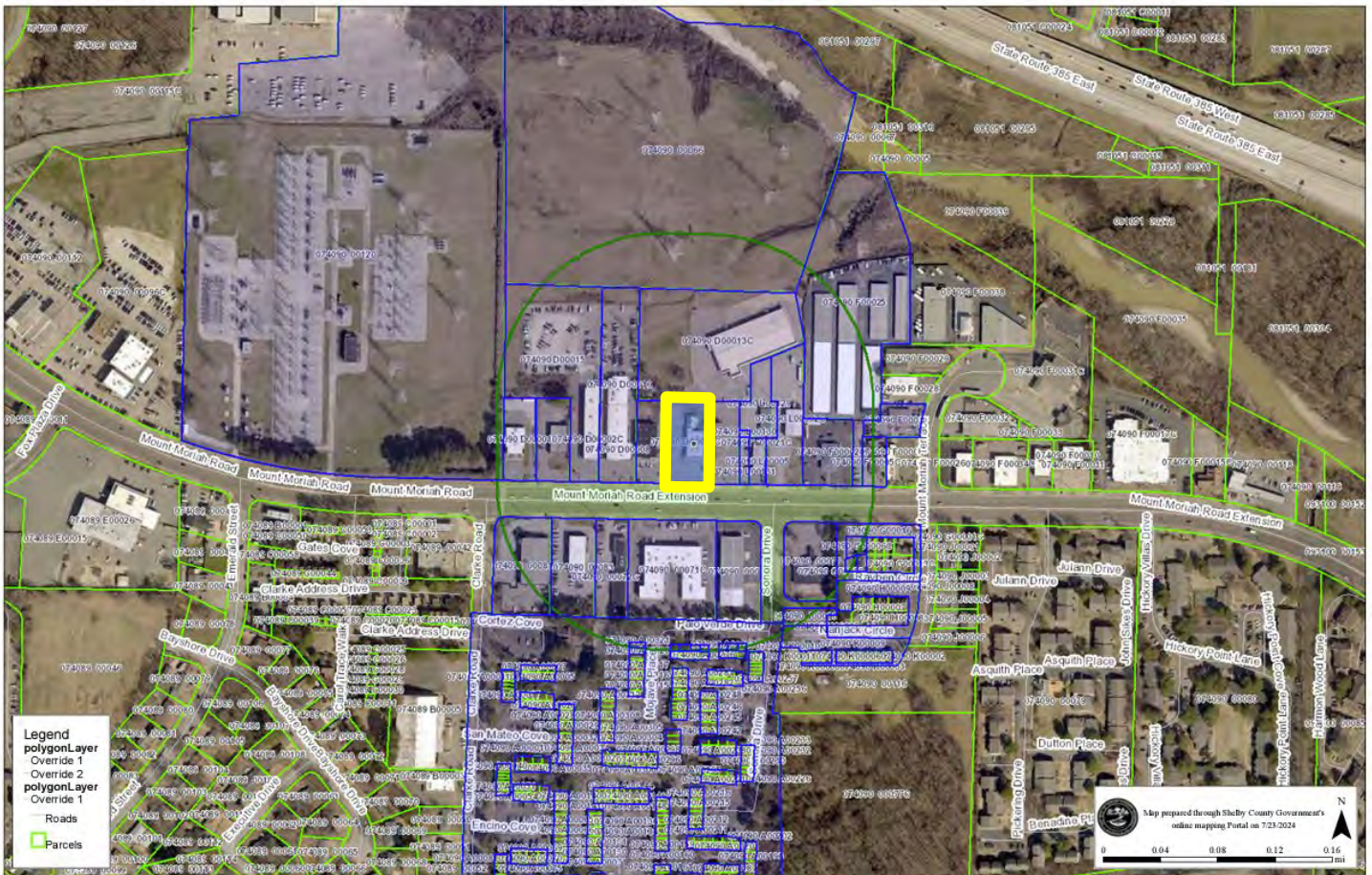
*Approval with conditions*

**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 and signage posted. A total of 45 notices were mailed on July 11, 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 12:00 PM on Sunday, July 28, 2024, at 5700 Mount Moriah Road.

**AERIAL**



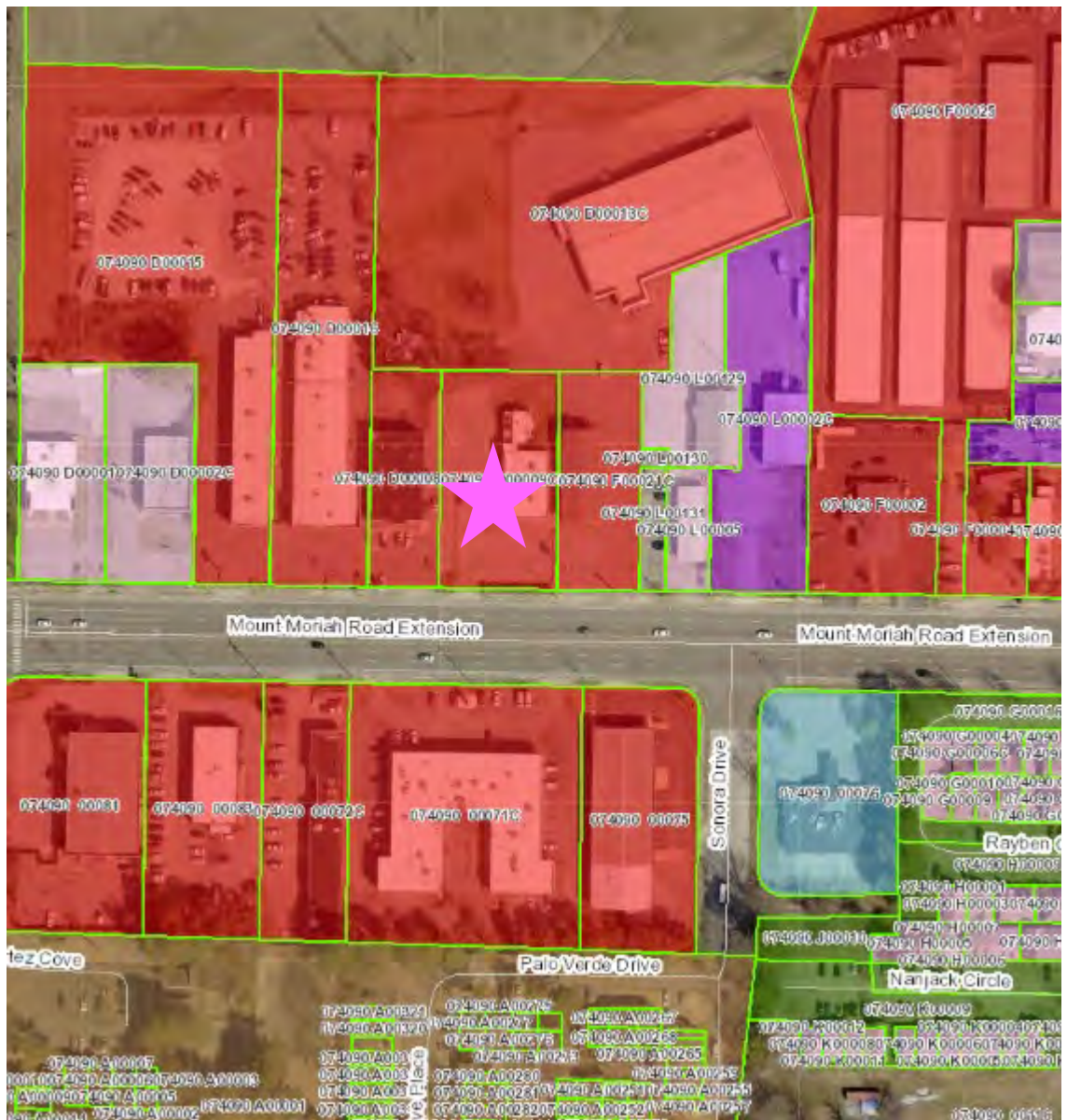
Subject property outlined in yellow, imagery from 2023

**ZONING MAP**

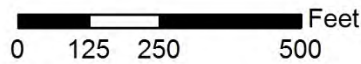











Subject property highlighted in yellow

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 Mount Moriah Road looking north



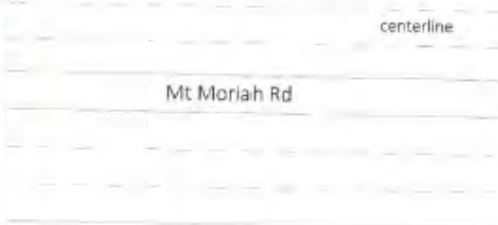
View of subject property from Moun Moriah Road looking northeast.



**ORIGINAL SITE PLAN**

**SITE PLAN**

5700 Mt Moriah Rd  
 Memphis, TN 38115  
 Parcel ID: 074-090- -D-00009-C  
 Lot area: 0.77 Acres  
 Paper Size: 11"x17"

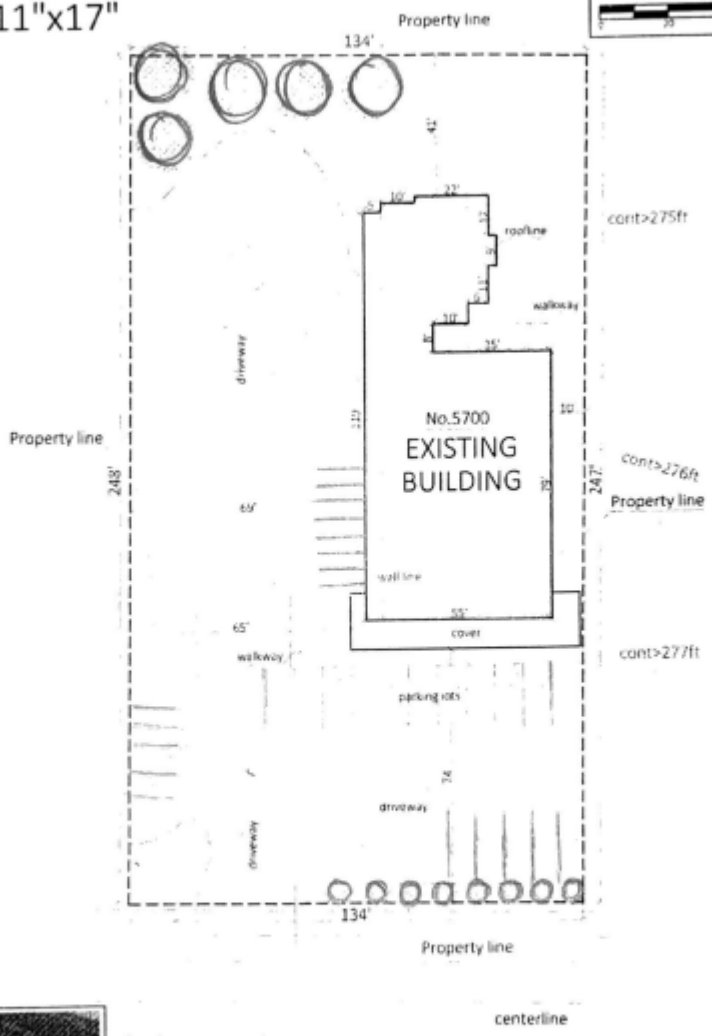


Calculating Building and Lot Coverage Percentages  
 Lot area: 33,715 sq. ft.  
 Total building coverage (gross floor area): 6,490 sq. ft.  
 Building Coverage Percentage: 6,490 sq. ft / 33,715 sq. ft = 0.19249 = 19.2%  
 Total Lot Coverage: 26,128 sq. ft.  
 Lot Coverage Percentage: 26,128 sq. ft / 33,715 sq. ft = 0.77496 = 77.4%  
 \*Total landscape areas:

REVISED SITE PLAN ILLUSTRATING MORE STRIPED PARKING SPACES

SITE PLAN

5700 Mt Moriah Rd  
Memphis, TN 38115  
Parcel ID: 074-090- -D-00009-C  
Lot area: 0.77 Acres  
Paper Size: 11"x17"



*Emerald green Arborvitae Thuja (Evergreen shrub)*

Calculating Building and Lot Coverage Percentages  
Lot area: 33,715 sq.ft.  
Total building coverage (gross floor area): 6,490 sq.ft.  
Building Coverage Percentage: 6,490 sq.ft. / 33,715 sq.ft = 0.19249 = 19.2%

## CASE REVIEW

### Request

The request is a special use permit to allow motor vehicle sales

### 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:

4700 Mount Moriah Road

Parcel ID:

074090 D00009C

Area:

+/-0.57 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 1979 as a restaurant containing 4,756 square feet. The surrounding land uses are a mix of commercial, industrial, and institutional. In terms of existing automotive related uses, on both sides of Mount Moriah Road between Clarke Road and Sonora Drive (a distance of 800 feet), the following businesses were found: Caliber Collision Body Shop, Union Auto Parts, Unidos Muffler and Auto Service, Pep Boys Auto Service, and Maaco Body Shop.

**Site Zoning History**

On February 19, 1991, the Council of the City of Memphis approved SUP 90-234 which authorized the Rib Ranch Café for the on-premise sale of beer and/or alcohol at this subject property, however this case is not necessarily relevant to the current request.

**Site Plan Review**

The proposed site plan indicates minimal changes to the existing lot, and the principal structure previously used as a restaurant is proposed to remain without any significant alteration or expansion. In regards to landscaping, a buffer of shrubs is proposed for the street frontage along Mount Moriah, and trees are proposed to be added to the northwest corner of the site. No fence is indicated on the submitted site plan.

**Analysis**

A Certificate of Occupancy for vehicle repair only was issued in error to the applicant on December 15, 2023 (COO-23-000608). Vehicle repair is only allowed by Special Use Permit. The Certificate of Occupancy is being corrected for vehicle service. Staff finds that allowing vehicle sales is a use that is compatible with the surrounding land uses along Mount Moriah.

A fence permit (COM-ACC-23-000163) for the site is currently under review, however the submitted plans do not indicate the fence type. In order to comply with UDC Section 4.6.7 – Fences and Walls, any fence erected on the site may not exceed 9 feet in height and must be constructed of high-quality materials such as brick, stone, wrought iron, treated wood, or PVC color-coated chain-link. Uncoated chain link fences are not permitted in the CMU-1 district.

In regard to parking, UDC Sub-Section 2.6.3P requires a minimum of 15 parking spaces for overnight service, repair storage, or on-going vehicle sales display as well as a minimum of three dedicated spaces for customer parking.

The landscaping plan that applicant proposed along Mt. Moriah Road is unacceptable. A minimum width of 8 feet behind the sidewalk must be planted with street trees and a row of shrubs.

It should also be noted that there appears to be an abandoned detached sign on the site. This sign cannot be re-used unless it complies with the current UDC requirements.

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. Any fence erected on the site shall comply with UDC Section 4.6.7 and no uncoated chain link fence shall be permitted.
2. No vehicle repair shall be permitted on site. Vehicle service may be performed in accordance with the principle use category of Vehicle Service in UDC Sub-Section 2.9.4J.
3. The vehicle sales facility shall comply with all Use Standards provided in UDC Paragraphs 2.6.3P(1) and 2.6.3P(3).
4. A Type S-10 streetscape plate or an equivalent approved by the Division of Planning and Development shall be provided along the street frontage of Mount Moriah Road. Any approved fencing along Mount Moriah Road shall be located behind the streetscape plate.
5. The existing detached pole sign at the southwestern corner shall be upgraded to meet the requirements of UDC Sub-Section 4.9.7D or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
6. The existing driveway/curb opening is subject to reconstruction or repair to meet current City Standards.
7. All existing sidewalk and curbing along Mt. Moriah Road is subject to reconstruction or repair to meet current City Standards.
8. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development in accordance with UDC Chapter 4.1.

## DEPARTMENTAL COMMENTS

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

### City Engineer:

## CASE 7: SUP-24-023

NAME: 5700 Mt. Moriah Road

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 sewer capacity will not be determined until the developer provides the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.
3. If new/upgraded meter is assigned by MLGW for this development as a result of redevelopment/renovation, a Sewer Development Fee may be required per Ordinance.

### Roads:

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

### Traffic Control Provisions:

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

City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

**Curb Cuts/Access:**

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

**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: [Title]

Date Reviewed: 8/8/24

Reviewed by: J. Stinson

Address or Site Reference: 5700 Mount Moriah

- 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.

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

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This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-023: Parkway Village

Site Address/Location: 5700 MT MORIAH RD.

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

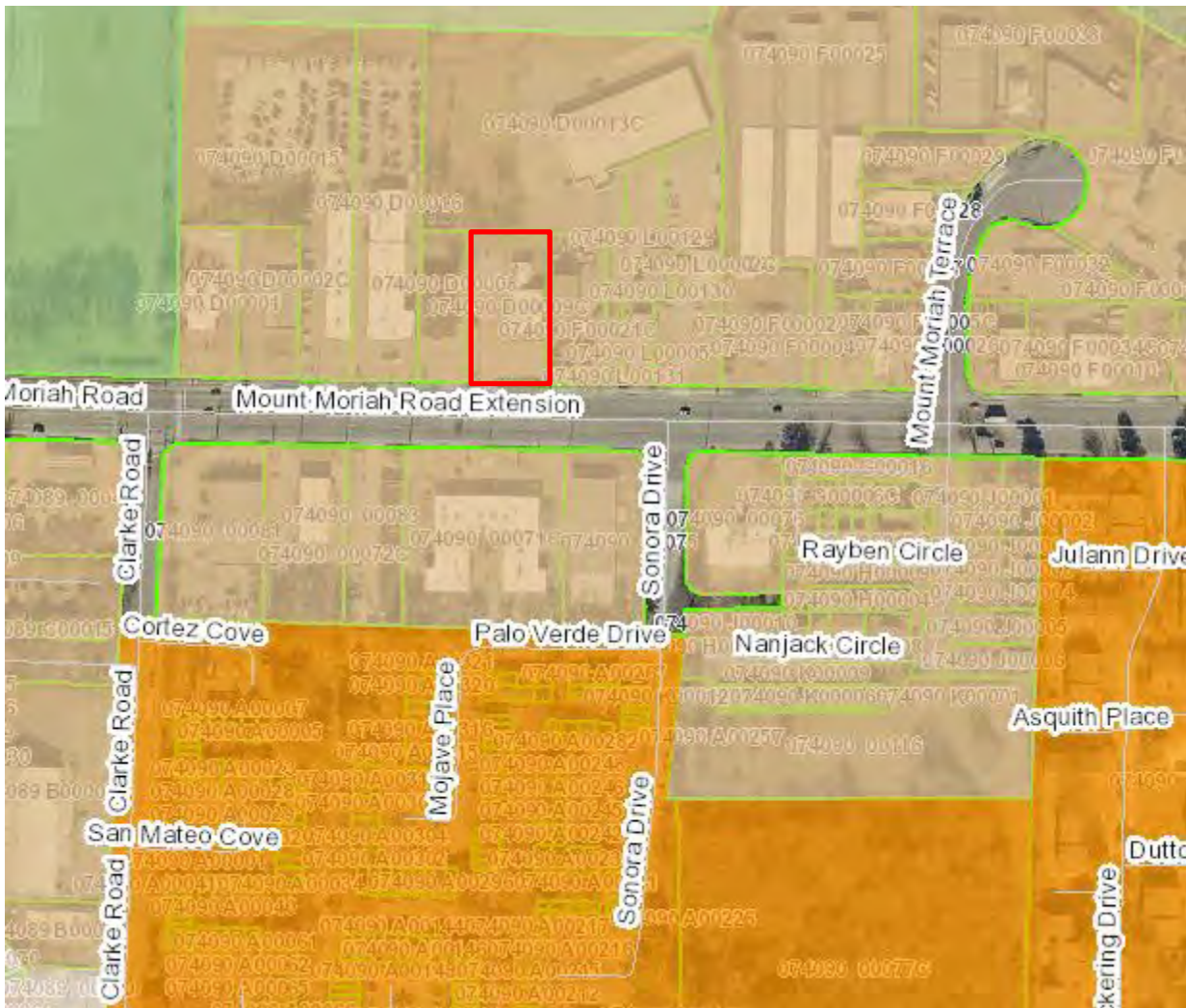
Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

*The applicant is requesting a special use permit to allow motor vehicle sales.*

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.

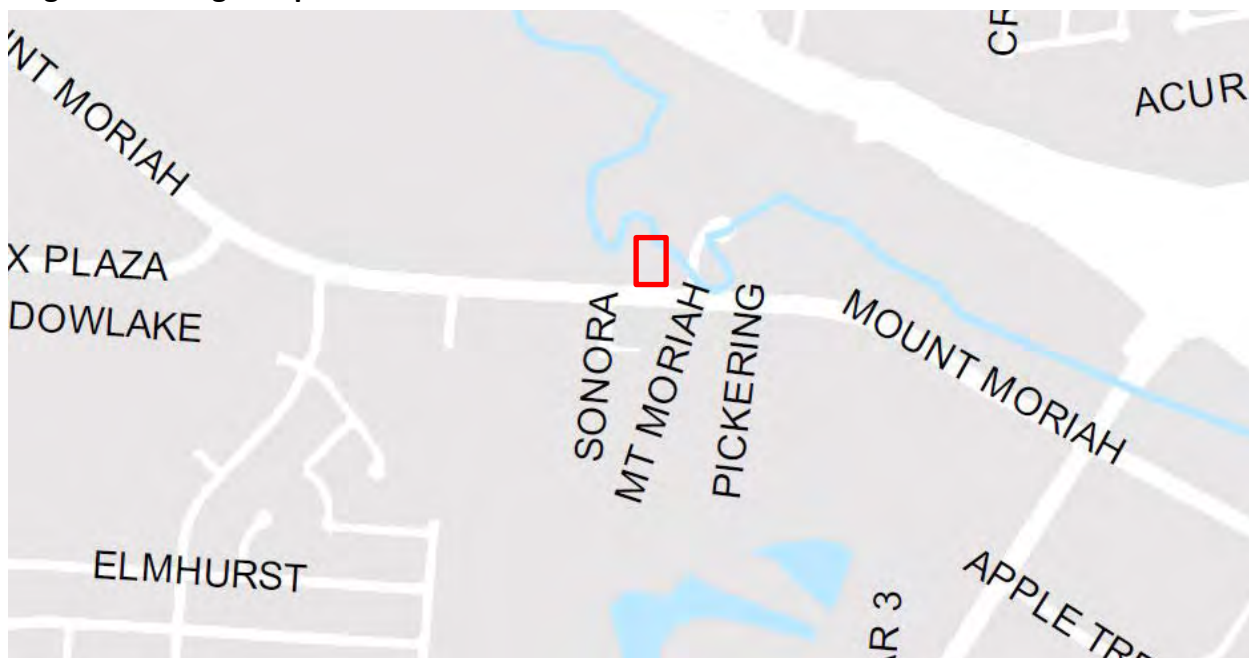
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Industrial, and Institutional; CMU-1, R-6, R-8, and OG.

**Overall Compatibility:** *Although the requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning, it is compatible with the surrounding land uses.*

## 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 allow motor vehicle sales.*

*Although the requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning, it is compatible with the surrounding land uses.*

**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

45 Notices Mailed on 7/11/2024



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 2024-023  
LOCATION: 5700 Mount Moriah Rd  
(SEE SITE PLAN ON REVERSE SIDE)  
APPLICANT: Wuingli Cepeda Ochoa  
REQUEST: Special Use Permit to allow motor vehicle sales

**THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:**

DATE: Thursday, August 8, 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.christian@memphistn.gov](mailto:chloe.christian@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, July 31, 2024, at 8 AM.**

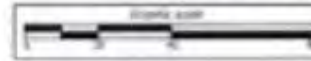
**SITE PLAN**

**SITE PLAN**

5700 Mt Moriah Rd  
Memphis, TN 38115  
Parcel ID: 074-090- -D-00009-C  
Lot area: 0.77 Acres  
Paper Size: 11"x17"



scale 1"=30'



**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

Manuela Cepeda being duly sworn, depose and say that at 5:03 am/pm  
on the 24 day of July, 2024, I posted Public Notice Sign(s)  
pertaining to Case No. SUP 2024-023 at 5700 Mt Hemlock Memphis TN 38115  
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] \_\_\_\_\_ 7-24-24  
Owner, Applicant or Representative Date

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

[Signature]  
Notary Public

My commission expires: 9-23-26



**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](http://www.develop901.com)

**Record Summary for Special Use Permit**

**Record Detail Information**

Record Type: Special Use Permit

Record Status: Processing

Opened Date: June 17, 2024

Record Number: SUP 2024-023

Expiration Date:

Record Name: LATIN AMERICA AUTO SALES LLC

Description of Work: VEHICLE USED CAR SALES

Parent Record Number:

**Address:**

5700 MT MORIAH RD, MEMPHIS, TN 38115

**Owner Information**

Primary	Owner Name
Y	GOLDSTAR HOMES LLC

Owner Address	Owner Phone
5700 MT MORIAH RD, MEMPHIS, TN 38118	9016496598

**Parcel Information**

074090 D00009C

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner	WUINGLI CEPEDA
Date of Meeting	06/11/2024
Pre-application Meeting Type	In Person

**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 NO

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 NO

UDC Sub-Section 9.6.9C YES

UDC Sub-Section 9.6.9D NO

UDC Sub-Section 9.6.9E YES

UDC Sub-Section 9.6.9F NO

**GIS INFORMATION**

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

**Contact Information**

**Name**  
 WUINGLI M CEPEDA OCHOA

**Contact Type**  
 APPLICANT

**Address**  
 MEMPHIS, TN, 38111

**Phone**  
 (901)567-8383

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1571811	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	06/17/2024
1571811	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	06/17/2024
			Total Fee Invoiced: \$513.00	Total Balance: \$0.00		

---

**Payment Information**

Payment Amount	Method of Payment
\$513.00	Credit Card

**OWNER AFFIDAVIT**



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, WUINGLI CEPEDA \_\_\_\_\_, 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 5700 MT MORIAH MEMPHIS TN 38115

and further identified by Assessor's Parcel Number 074090 D00009C  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this June day of 24 in the year of 24

Marian Miller  
Signature of Notary Public



9-23-26  
My Commission Expires

**LETTER OF INTENT**

LATIN AMERICA AUTO SALES & REPAIR LLC  
5700 MT. MORIAH RD.  
MEMPHIS TN. 38115

06/04/2024

Dear all members of the board:

We are writing this letter of intent for the improvement of commercial property and permission to gain a SUP for the location at 5700 Mt. Moriah Rd. to be used as a Used car dealer. We will keep up the maintenance on the site. Also, we will have affordable vehicles for customers throughout the surrounding area.

Respectfully,

Latin America Auto Sales & Repair LLC.

**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: June 17, 2024

Record Number: SUP 2024-023

Expiration Date:

Record Name: LATIN AMERICA AUTO SALES LLC

Description of Work: VEHICLE USED CAR SALES

Parent Record Number:

### Address:

5700 MT MORIAH RD, MEMPHIS, TN 38115

### Owner Information

Primary Owner Name

Y GOLDSTAR HOMES LLC

Owner Address

5700 MT MORIAH RD, MEMPHIS, TN 38118

Owner Phone

9016496598

### Parcel Information

074090 D00009C

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

WUINGLI CEPEDA

Date of Meeting

06/11/2024

Pre-application Meeting Type

In Person

#### 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 NO

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 NO

UDC Sub-Section 9.6.9C YES  
UDC Sub-Section 9.6.9D NO  
UDC Sub-Section 9.6.9E YES  
UDC Sub-Section 9.6.9F NO

**GIS INFORMATION**

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

**Contact Information**

**Name**  
WUINGLI M CEPEDA OCHOA

**Contact Type**  
APPLICANT

**Address**  
MEMPHIS, TN, 38111

**Phone**  
(901)567-6363

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1571811	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	06/17/2024
1571811	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	06/17/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

---

**Payment Information**

Payment Amount	Method of Payment
\$513.00	Credit Card



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


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

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, WUINGLI CEPEDA  
(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)

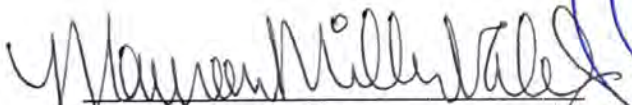
of the property located at 5700 MT MORIAH MEMPHIS TN 38115

and further identified by Assessor's Parcel Number 074090 D00009C

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this June day of 24 in the year of 24



  
Signature of Notary Public

9-23-26  
My Commission Expires

LATIN AMERICA AUTO SALES & REPAIR LLC

5700 MT. MORIAH RD.

MEMPHIS TN. 38115

06/04/2024

Dear all members of the board:

We are writing this letter of intent for the improvement of commercial property and permission to gain a SUP for the location at 5700 Mt. Moriah Rd. to be used as a Used car dealer. We will keep up the maintenance on the site. Also, we will have affordable vehicles for customers throughout the surrounding area.

Respectfully,

Latin America Auto Sales & Repair LLC.

# SITE PLAN

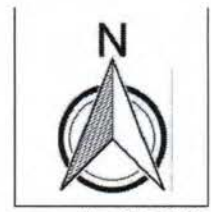
5700 Mt Moriah Rd

Memphis, TN 38115

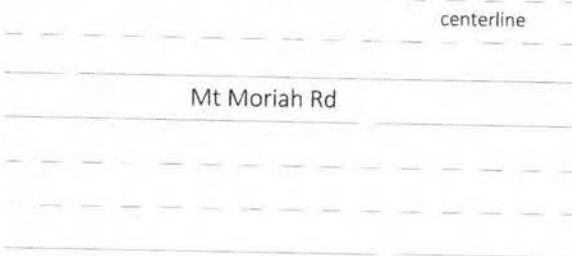
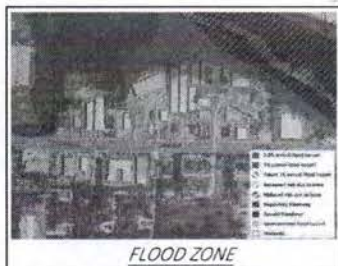
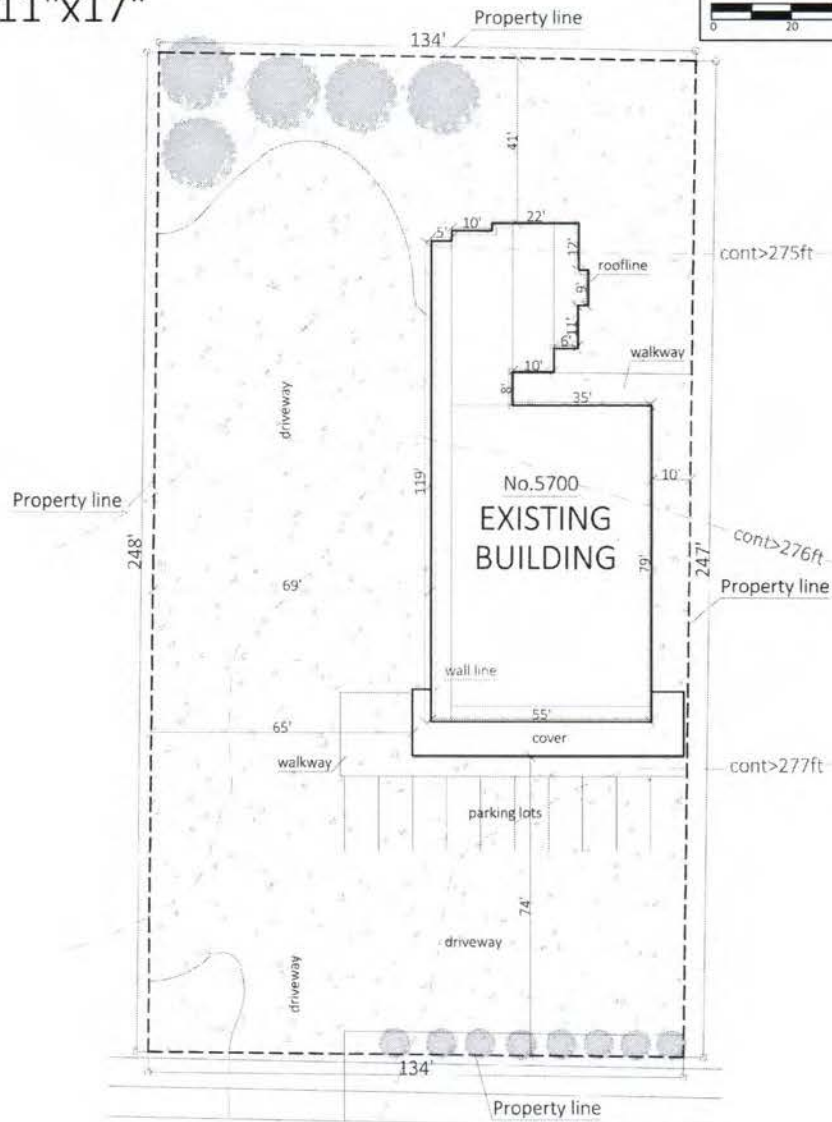
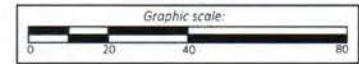
Parcel ID: 074-090- -D-00009-C

Lot area: 0.77 Acres

Paper Size: 11"x17"



scale 1"=30'



### Calculating Building and Lot Coverage Percentages

Lot area: 33,715 sq.ft.

Total building coverage (gross floor area): 6,490 sq.ft.

Building Coverage Percentage:  $6,490 \text{ sq.ft} / 33,715 \text{ sq.ft} = 0.19249 = 19.2\%$

Total Lot Coverage: 26,128 sq.ft.

Lot Coverage Percentage:  $26,128 \text{ sq.ft} / 33,715 \text{ sq.ft} = 0.77496 = 77.4\%$

\*Total landscane areas:

# SITE PLAN

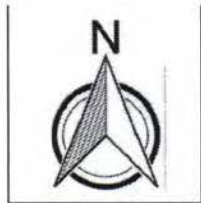
5700 Mt Moriah Rd

Memphis, TN 38115

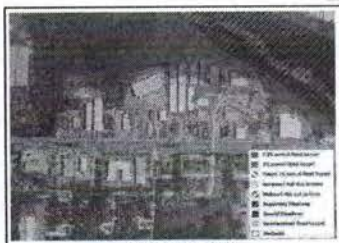
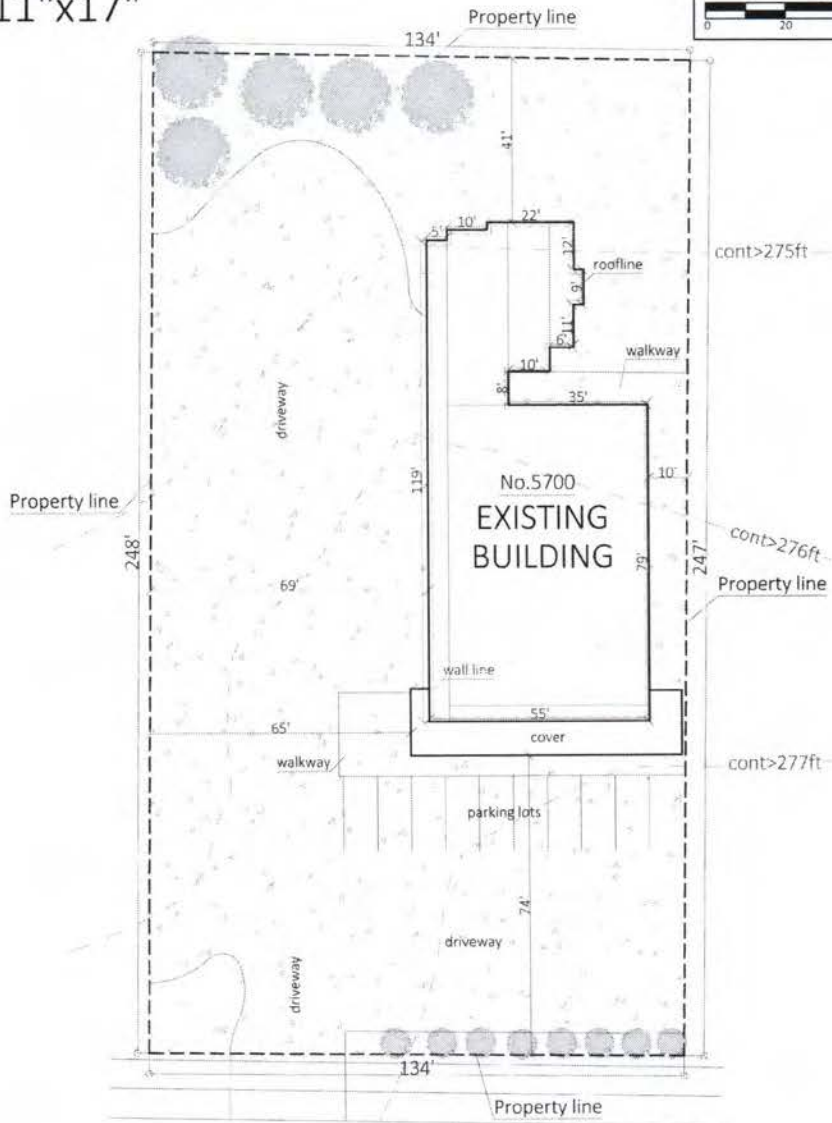
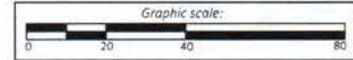
Parcel ID: 074-090- -D-00009-C

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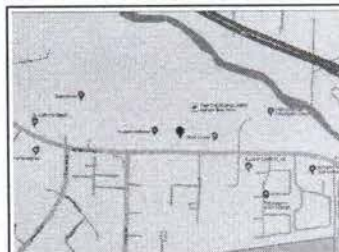
Paper Size: 11"x17"



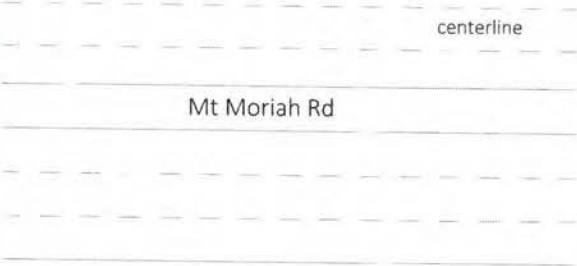
scale 1"=30'



FLOOD ZONE



VICINITY MAP



### Calculating Building and Lot Coverage Percentages

Lot area: 33,715 sq.ft.

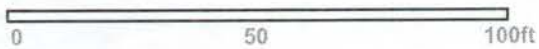
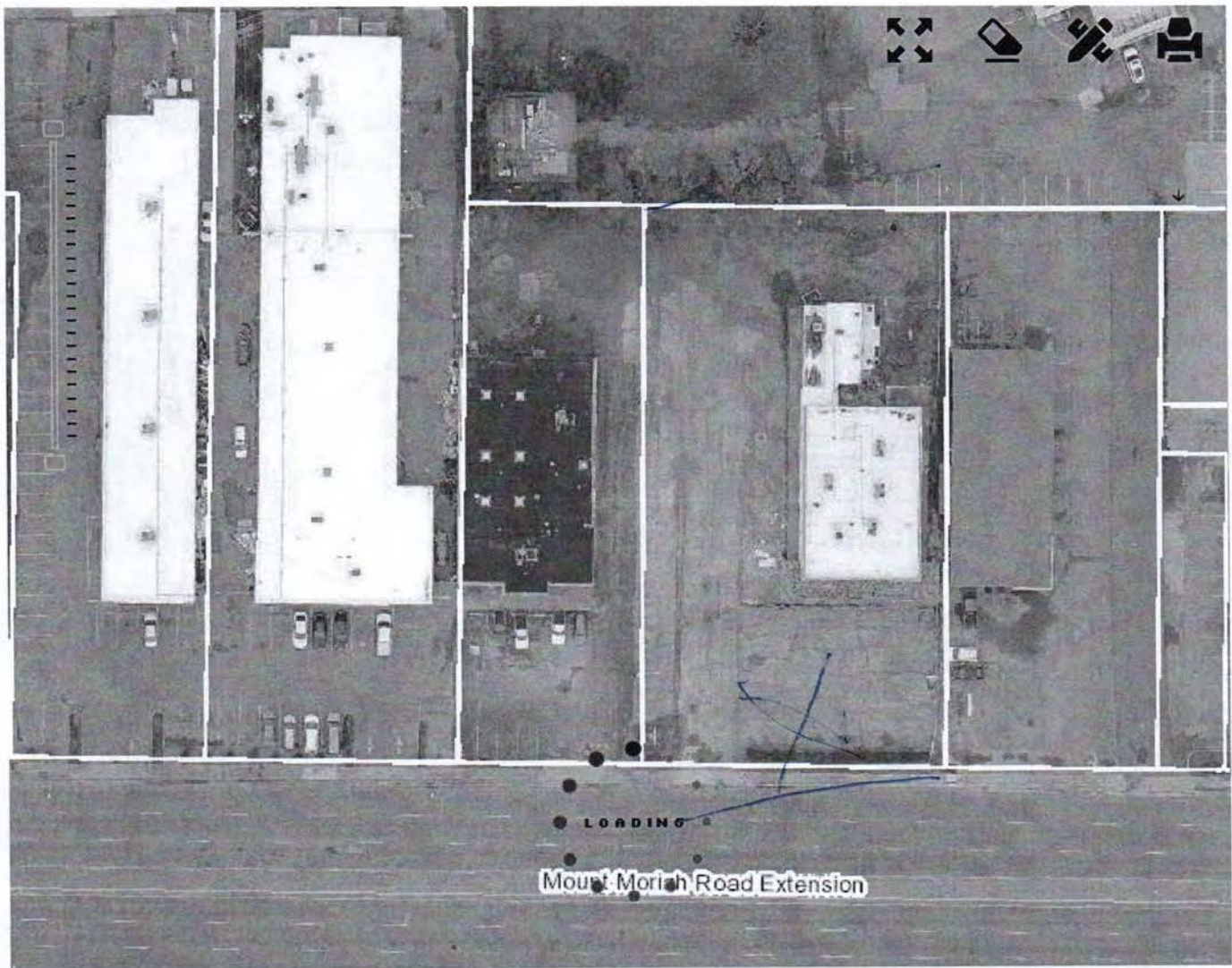
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Lot Coverage Percentage:  $26,128 \text{ sq.ft.} / 33,715 \text{ sq.ft.} = 0.77496 = 77.4\%$

\*Total landscape areas:



-89.873, 35.075

[Search](#)   [Details](#)   [Layers](#)

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### Property Details

---

Owner      GOLDSTAR HOMES LLC  
Name:

---

Property    5700 MT MORIAH RD  
Address:

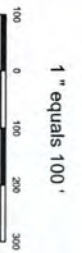
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Parcel ID:   074090 D00009C

---



**MELVIN BURGESS,  
ASSESSOR  
SHELBY COUNTY,  
TENNESSEE**



- 1 PARCEL NUMBER
- 2 DEED ACREAGE
- 3 CALCULATED ACREAGE
- 4 DEED PLAT DIMENSION
- 5 SCALED DIMENSION
- 6 SUBDIVISION NAME

- 7 SUBDIVISION LOT NUMBER
- 8 SUBDIVISION ALPHA
- 9 BLOCK NUMBER
- 10 PARCEL LINE
- 11 PALM ROAD R.O.W.
- 12 CEMETARY
- 13 CORPORATE LIMIT
- 14 WARD/DISTRICT
- 15 BLOCK
- 16 SUBDY. ALPHA BOUNDARY
- 17 WATER BODIES

167M	168P	168D
180D	179A	179B
180E	179H	179G

SCALE: 1" = 100'	DATE OF MAP: April 1, 2023	MAP NO <b>179A</b>
PHOTO DATE: March 2022	TN STATE PLANNING	
COMPILED: JUNE 2021	MADE BY: JUNE 2021	
WARRANTY: 7/4	CITY: Memphis	

Disclaimer: This map is for property tax assessment purposes only. It is not a legal document and should not be relied upon for any other purpose. The assessor is not responsible for any errors or omissions on this map. The assessor is not a lawyer and is not providing legal advice. The assessor is not responsible for any errors or omissions on this map. The assessor is not a lawyer and is not providing legal advice.

Zoning Cases - Label

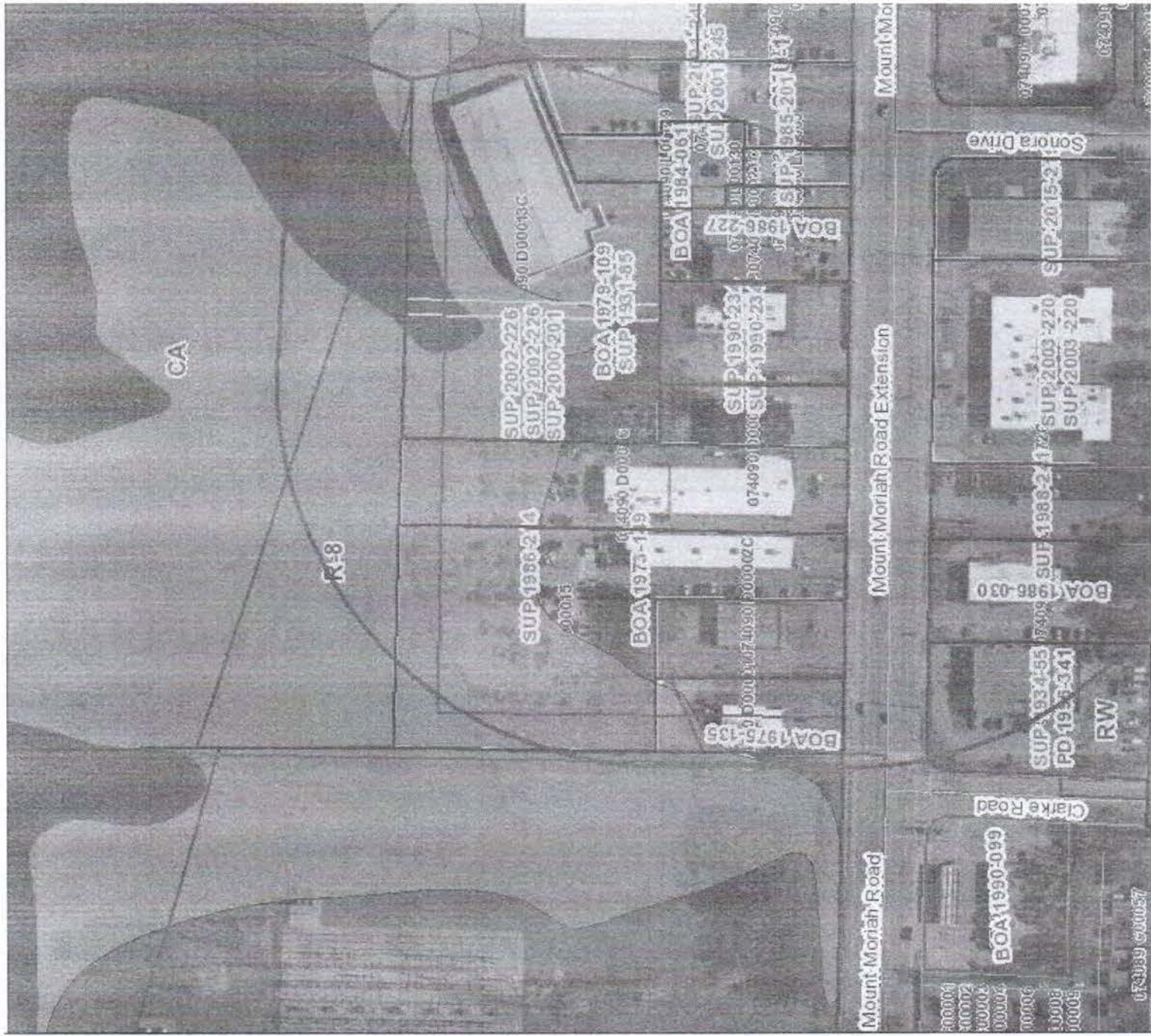
- Zoning Cases
- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning

**Overlay Districts**

- Central Business Improvement District
- Downtown Fire District
- Fletcher Creek Overlay
- Medical District Overlay
- Midtown Overlay
- Transit Overlay District Overlay
- University District Overlay
- Residential Corridors
- Moratorium Zones
- Brown Field Properties

**Street Frontage Overlay District**

- Shopfront
- Pedestrian
- Urban
- Transitional
- Commercial
- Contextual Infill



Invitation to Neighborhood Meeting

Meeting Date: Monday, June 10, 2024

Meeting Time: 4 pm – 5 pm

Meeting Location: 5700 Mt Moriah Rd Memphis, TN 38115

Date & Location of Land Use Control Board Public Hearing

Meeting Date: July 11, 2024

Meeting Time: 9 am

Meeting Location: City Council Chambers, 1st Floor, 125 N Main St., Memphis, TN 38103

To our interested Neighbors,

This letter is to notify you of the Special Use Permit application, Case Number

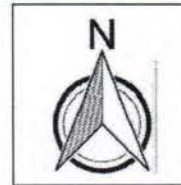
We will host a meeting for the building's neighboring owners & businesses, to come learn about & discuss the project. The meeting will be at the date, time, & location noted above. The project building is located at 5700 Mt. Moriah Rd Memphis TN 38115 The project is seeking Special Use permit as a Used Car Dealership

There will be a Public Hearing on 07/11/2024, as also indicated above.

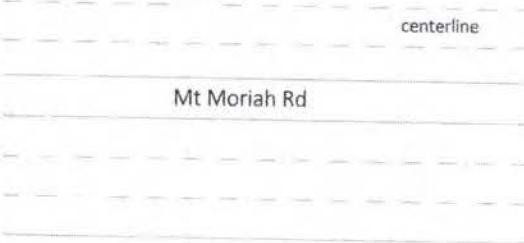
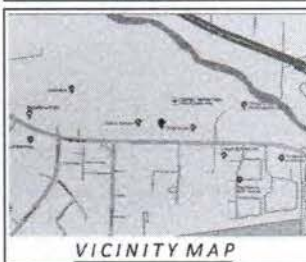
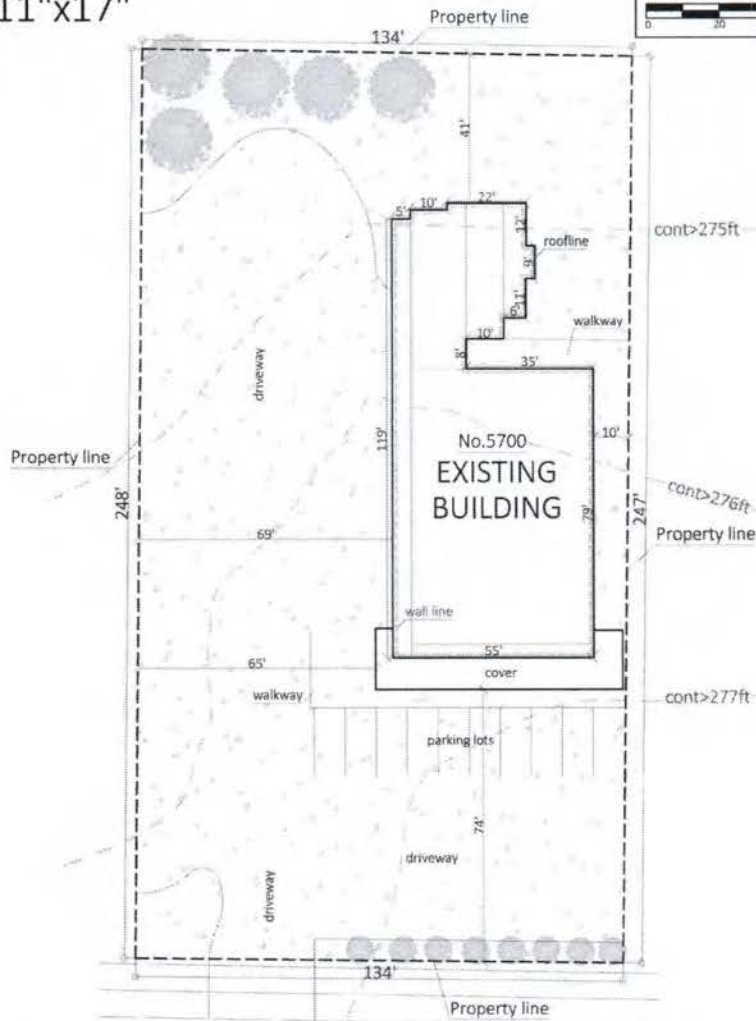
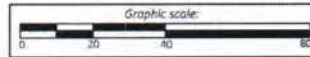


# SITE PLAN

5700 Mt Moriah Rd  
 Memphis, TN 38115  
 Parcel ID: 074-090- -D-00009-C  
 Lot area: 0.77 Acres  
 Paper Size: 11"x17"



scale 1"=30'



**Calculating Building and Lot Coverage Percentages**  
 Lot area: 33,715 sq.ft.  
 Total building coverage (gross floor area): 6,490 sq.ft.  
 Building Coverage Percentage:  $6,490 \text{ sq.ft.} / 33,715 \text{ sq.ft.} = 0.19249 = 19.2\%$   
 Total Lot Coverage: 26,128 sq.ft.  
 Lot Coverage Percentage:  $26,128 \text{ sq.ft.} / 33,715 \text{ sq.ft.} = 0.77496 = 77.4\%$   
 \*Total landscape areas:

074090 D00008 - DISTRIBUTORS INVESTMENT CO  
074090 F00027 - HAYZON LLC  
074090 00071C - KOSTEN ALAN L AND M SUSAN KOSTEN LIVING  
074090 00075 - BARTON GST TRUST FBO FRANK G BARTON III  
074090 A00270 - BRUNSON PHILLIP  
074090 A00274 - MEMPHIS PASSIVE 6 LLC  
074090 A00267 - SHORES LAMAR H & ALMEDIA  
074090 A00320 - DAVIS CRYSTAL C  
074090 H00009 - MT MORIAH OFFICE PROJECT ASSOCIATION INC  
074090 A00001 - COUNCIL OF CO OWNERS OF  
074090 00066 - TENNGREEN LAND CONSERVANCY  
074090 D00015 - CHURCHILL CHRIS  
074090 D00016 - CHURCHILL CHRIS  
074090 D00001 - ALLIANCE SALES ASSOCIATES LLC  
074090 D00002C - CRISLER REVOCABLE LIVING TRUST  
074090 D00009C - GOLDSTAR HOMES LLC  
074090 F00002 - REESE LARRY T & JENNIE L  
074090 F00004 - CHASE PROPERTIES LLC  
074090 L00005 - BILLY CHARLES BLAKE LIVING TRUST  
074090 00081 - ROOZBEH LLC  
074090 00083 - PARKWAY PROPERTIES LLC  
074090 00072C - ASH HOLDINGS GP  
074090 00076 - ISLAND HOME LLC  
074090 G00016 - BAUM PHILLIP  
074090 G00009 - SAXONY LIVING TRUST

074090 G00010 - SIEGFRIED RUSSELL  
074090 A00321 - REED HOLDINGS LLC  
074090 A00278 - COLEMAN THOMAS  
074090 A00275 - DAVID AND REBECCA CORPORATION  
074090 A00271 - BROWN HELEN C  
074090 A00266 - KUYKENDALL GLAUD R AND ELIZABETH M  
074090 J00010 - BAUM PHILLIP  
074090 K00009 - SIMMONS FIRST NATIONAL BK OF PINE BLUFF  
074090 00120 - CITY OF MEMPHIS LG&W DIV  
074090 F00025 - STORAGE PORTFOLIO II SUBSIDIARY LLC  
074090 L00130 - MESSICK GRANVILLE E & EUGENIA L  
074090 L00129 - TPB REAL ESTATE LLC  
074090 L00002C - TPB REAL ESTATE LLC  
074090 F00021C - 5 LIFT VENTURES GP  
074090 D00013C - HENDERSON ENTERPRISES MEMPHIS LLC  
074090 L00131 - BILLY CHARLES BLAKE LIVING TRUST  
074090 G00006C - ELLIOTT ROMEO

DISTRIBUTORS INVESTMENT CO  
60 S FRONT ST #201  
MEMPHIS TN 38103

TENNGREEN LAND CONSERVANCY  
1213A 16TH AVE #  
NASHVILLE TN 37212

PARKWAY PROPERTIES LLC  
6399 STAGE RD #  
BARTLETT TN 38134

HAYZON LLC  
230 E CHERRY CIR #  
MEMPHIS TN 38117

CHURCHILL CHRIS  
2830 HALLE PKWY #  
COLLIERVILLE TN 38017

ASH HOLDINGS GP  
2966 ELEMORE PARK RD #341637  
MEMPHIS TN 38184

KOSTEN ALAN L AND M SUSAN KOSTEN LIVING  
2025 MILLER FARMS RD #  
GERMANTOWN TN 38138

CHURCHILL CHRIS  
2830 HALLE PKWY #  
COLLIERVILLE TN 38017

ISLAND HOME LLC  
PO BOX 508 #  
MOSCOW TN 38057

BARTON GST TRUST FBO FRANK G BARTON III  
116 ALTA VISTA DR #  
MARION AR 72364

ALLIANCE SALES ASSOCIATES LLC  
5650 MOUNT MARIAH RD #  
MEMPHIS TN 38115

BAUM PHILLIP  
336 WINTER OAK LN #  
MEMPHIS TN 38120

BRUNSON PHILLIP  
35 TALFORD CV #  
EADS TN 38028

CRISLER REVOCABLE LIVING TRUST  
5660 MOUNT MORIAH RD #  
MEMPHIS TN 38115

SAXONY LIVING TRUST  
1819 SAXONY CV #  
CORDOVA TN 38016

MEMPHIS PASSIVE 6 LLC  
1850 POPLAR CREST CV #202  
MEMPHIS TN 38119

GOLDSTAR HOMES LLC  
3840 WINCHESTR RD #  
MEMPHIS TN 38111

SIEGFRIED RUSSELL  
5764 RAYBEN CIR #  
MEMPHIS TN 38115

SHORES LAMAR H & ALMEDIA  
7626 SAND CROSSING CV #  
MEMPHIS TN 38125

REESE LARRY T & JENNIE L  
1292 BRAYSHORE DR #  
COLLIERVILLE TN 38017

REED HOLDINGS LLC  
PO BOX 751164 #  
MEMPHIS TN 38175

DAVIS CRYSTAL C  
1225 MINOR ST #  
MEMPHIS TN 38111

CHASE PROPERTIES LLC  
PO BOX 159 #  
COLLIERVILLE TN 38027

COLEMAN THOMAS  
1046 CHURCH RD #106  
SOUTHAVEN MS 38671

MT MORIAH OFFICE PROJECT ASSOCIATION INC  
5744 RAYBEN CIR #  
MEMPHIS TN 38115

BILLY CHARLES BLAKE LIVING TRUST  
5724 MOUNT MORIAH RD #  
MEMPHIS TN 38115

DAVID AND REBECCA CORPORATION  
5384 POPLAR AVE #105  
MEMPHIS TN 38119

COUNCIL OF CO OWNERS OF  
PO BOX 387 #  
MEMPHIS TN 38147

ROOZBEH LLC  
6211 RANDI AVE #  
WOODLAND HILLS CA 91367

BROWN HELEN C  
3755 DEER FOREST DR #  
MEMPHIS TN 38115

KUYKENDALL GLAUD R AND ELIZABETH M  
19592 CARLTON AVE #  
CASTRO VALLEY CA 94546

BILLY CHARLES BLAKE LIVING TRUST  
PO BOX 1600 #  
MEMPHIS TN 38101

BAUM PHILLIP  
5744 RAYBEN CIR #  
MEMPHIS TN 38115

ELLIOTT ROMEO  
5774 RAYBEN CIR #  
MEMPHIS TN 38115

SIMMONS FIRST NATIONAL BK OF PINE BLUFF  
320 N CAPITOL AVE #  
LITTLE ROCK AR 72201

CITY OF MEMPHIS LG&W DIV  
220 S MAIN ST #  
MEMPHIS TN 38103

STORAGE PORTFOLIO II SUBSIDIARY LLC  
PO BOX 71870 #  
SALT LAKE CITY UT 84171

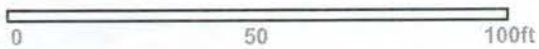
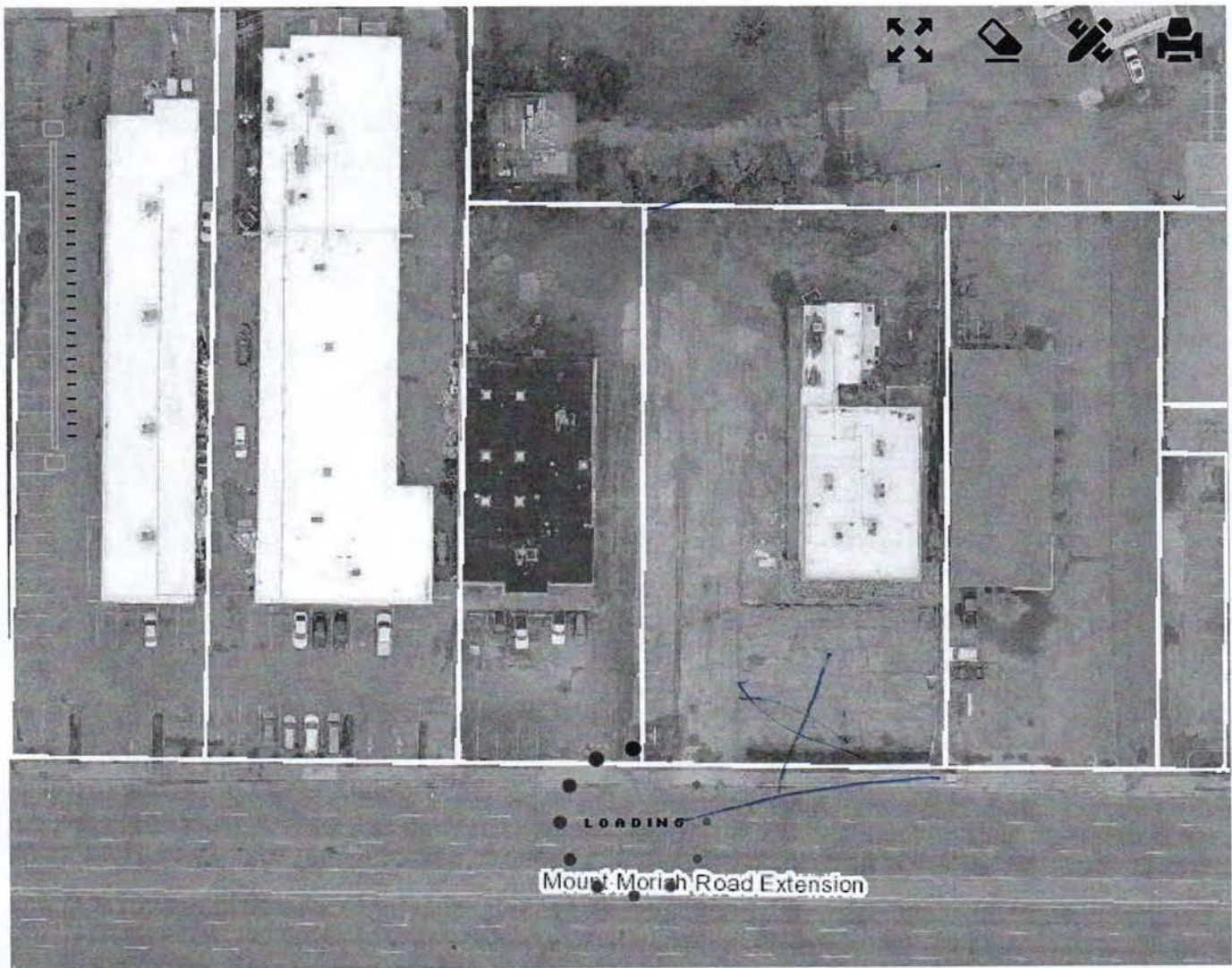
MESSICK GRANVILLE E & EUGENIA L  
5720 MOUNT MORIAH RD #  
MEMPHIS TN 38115

TPB REAL ESTATE LLC  
5840 FAIRWOOD LN #  
MEMPHIS TN 38120

TPB REAL ESTATE LLC  
5840 FAIRWOOD LN #  
MEMPHIS TN 38120

5 LIFT VENTURES GP  
2800 GARDEN LN #  
MEMPHIS TN 38111

HENDERSON ENTERPRISES MEMPHIS LLC  
PO BOX 1942 #  
OREM UT 84059



-89.873, 35.075

[Search](#)   [Details](#)   [Layers](#)

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### Property Details

---

Owner      GOLDSTAR HOMES LLC  
Name:

---

Property    5700 MT MORIAH RD  
Address:

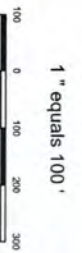
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Parcel ID:   074090 D00009C

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**MELVIN BURGESS,  
ASSESSOR  
SHELBY COUNTY,  
TENNESSEE**



- 1 PARCEL NUMBER
- 2 DEED ACREAGE
- 3 CALCULATED ACREAGE
- 4 DEED PLAT DIMENSION
- 5 SCALED DIMENSION
- 6 SUBDIVISION NAME

- 7 SUBDIVISION LOT NUMBER
- 8 SUBDIVISION ALPHA
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- 10 PARCEL LINE
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- 12 CEMETARY
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- 14 WARD/DISTRICT
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- 16 SUBDY. ALPHA BOUNDARY
- 17 WATER BODIES

167M	168P	168D
180D	179A	179B
180E	179H	179G

SCALE: 1" = 100'	DATE OF MAP: April 1, 2023	MAP NO <b>179A</b>
PHOTO DATE: March 2022	TN STATE PLANNING	
COMPILED: JUNE 2021	MADE BY: JUNE 2021	
WARRANTY: 7/4	CITY: Memphis	

See Map#: 179H



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

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

August 8, 2024

Latin American Auto Sales & Repair  
5700 Mt. Moriah Road  
Memphis, TN 38115

Sent via electronic mail to: [maureenvaldez72@gmail.com](mailto:maureenvaldez72@gmail.com)

Case Number: SUP 2024-023  
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, August 8, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow motor vehicle sales at 5700 Mount Moriah Road, subject to the following conditions:

1. Any fence erected on the site shall comply with UDC Section 4.6.7 and no uncoated chain link fence shall be permitted.
2. No vehicle repair shall be permitted on site. Vehicle service may be performed in accordance with the principle use category of Vehicle Service in UDC Sub-Section 2.9.4J.
3. The vehicle sales facility shall comply with all Use Standards provided in UDC Paragraphs 2.6.3P(1) and 2.6.3P(3).
4. A type S-10 streetscape plate or an equivalent approved by the Division of Planning and Development shall be provided along the street frontage of Mount Moriah Road. Any approved fencing along Mount Moriah Road shall be located behind the streetscape plate.
5. The existing detached pole sign at the southwestern corner shall be upgraded to meet the requirements of UDC Sub-Section 4.9.7D or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
6. The existing driveway/curb opening is subject to reconstruction or repair to meet current City Standards.
7. All existing sidewalk and curbing along Mount Moriah Road is subject to reconstruction or repair to meet current City Standards.
8. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development in accordance with UDC Chapter 4.1.

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.



**Letter to Applicant**  
**SUP 2024-023**

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [chloe.christion@memphistn.gov](mailto:chloe.christion@memphistn.gov).

Respectfully,



Chloe Christian  
Planner I  
Land Use and Development Services  
Division of Planning and Development

Cc:  
File