

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

Planning & Zoning COMMITTEE: 09/26/2023

DATE

PUBLIC SESSION: 09/26/2023

DATE

ITEM (CHECK ONE)

ORDINANCE

RESOLUTION

REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION:

Resolution approving the appeal of Robert Gordon on behalf of MidtownMemphis.org seeking to overturn the action of the Memphis and Shelby County Land Use Control Board Special exception to Section 8.4.9 to allow four (4) stories in height at the subject property located on 34, 40, 42, and 48 S. McLean Blvd, known as case number SE 2023-001

CASE NUMBER:

SE 2023-001

DEVELOPMENT:

McLean Blvd Four Stories Height

LOCATION:

34, 40, 42, and 48 S. McLean Blvd

COUNCIL DISTRICTS:

District 6 and Super District 8 – Positions 1, 2, and 3

APPELLANT:

Robert Gordon

REQUEST:

Overturn a decision of the Land Use Control Board

AREA:

1.07 acres – 46,747.5 Sq.-Ft

RECOMMENDATION:

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

RECOMMENDED COUNCIL ACTION:

**Public Hearing Required**

Add to consent agenda requesting public hearing – September 12, 2023  
Public hearing – September 26, 2023

PRIOR ACTION ON ITEM:

(1) \_\_\_\_\_  
06/8/2023 \_\_\_\_\_  
(1) Land Use Control Board \_\_\_\_\_

APPROVAL - (1) APPROVED (2) DENIED  
DATE  
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:

Kendra Cobles

DATE

9/5/23

POSITION

PRINCIPAL PLANNER

DEPUTY ADMINISTRATOR

Brett Regalado

09/05/2023

ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



## Memphis City Council Summary Sheet

### SE 2023-001

RESOLUTION APPROVING THE APPEAL OF ROBERT GORDON ON BEHALF OF MIDTOWN MEMPHIS.ORG SEEKING TO OVERTURN THE ACTION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVING SPECIAL EXCEPTION TO SECTION 8.4.9 TO ALLOW FOUR (4) STORIES IN HEIGHT AT THE SUBJECT PROPERTY LOCATED ON 34, 40, 42, AND 48 S. MCLEAN BLVD, KNOWN AS CASE NUMBER SE 2023-001.

- This item is a resolution to appeal the Land Use Control Board's approval of Special exception to Section 8.4.9 to allow four (4) stories in height; and
- The Land Use Control Board held a public hearing on June 8, 2023, and approved the aforementioned request subject to four (4) site plan conditions; and
- An appeal of the Land Use Control Board decision was filed on June 12, 2023, by Robert Gordon on behalf of MidtownMemphis.org requesting the Memphis City Council overturn the action of the Land Use Control Board; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, June 8, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SE 2023-001

**LOCATION:** 34, 40, 42, and 48 S. McLean Blvd

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

**OWNER/APPLICANT:** McLean Partners, LLC

**REPRESENTATIVE:** Cindy Reaves

**REQUEST:** Special exception to Section 8.4.9 to allow four (4) stories in height

**EXISTING ZONING:** Residential Urban – 4 (RU-4) with Medical District Overlay

**AREA:** 1.07 acres – 46,747.5 Sq.-Ft

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**The following spoke in support of the application:** Josh Whitehead

**The following spoke in regards to the application:** Robert Gordon, Mark Fleischer, Earlice Taylor Charle, Linda Williams, Michael Berry, Cathy Winterburn and Termaria Tyszka

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

**The motion passed by a vote of 5-2 on the regular agenda.**

Respectfully,  
*Brett Ragsdale*

Brett Ragsdale, AIA  
Zoning Administrator  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

**SE 2023-001**  
**CONDITIONS**

Site Conditions

1. The project shall meet the requirements of Sub-Section 8.4.8E Shopfront frontage, with the following exception: the ground floor elevation is not required to be 18 inches above the adjacent sidewalk.
2. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
3. Elevations with exterior finishes shall be submitted for review and approval by the Division of Planning and Development (DPD).
4. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.

**RESOLUTION APPROVING THE APPEAL OF ROBERT GORDON ON BEHALF OF MIDTOWN MEMPHIS.ORG SEEKING TO OVERTURN THE ACTION OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD APPROVING SPECIAL EXCEPTION TO SECTION 8.4.9 TO ALLOW FOUR (4) STORIES IN HEIGHT AT THE SUBJECT PROPERTY LOCATED ON 34, 40, 42, AND 48 S. MCLEAN BLVD, KNOWN AS CASE NUMBER SE 2023-001**

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**WHEREAS**, McLean Partners, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow four (4) stories in height; and

**WHEREAS**, the Memphis and Shelby County Division of Planning and Development reviewed the application in accordance with the standards and regulations of Memphis and Shelby County Unified Development Code and submitted its findings and recommendation 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 June 8, 2023, and said Board approved the request of the applicant subject to four (4) site plan conditions.

**WHEREAS**, Robert Gordon, filed an appeal on June 12, 2023, on behalf of MidtownMemphis.org with the Memphis and Shelby County Division of Planning and Development requesting that the Council of the City of Memphis overturn the action of the Memphis and Shelby County Land Use Control Board; and

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

**WHEREAS**, upon evidence presented at this public hearing by the appellant, the City Council of the City of Memphis, concludes the appeal herein should be granted.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that the appeal of the appellant, Robert Gordon on behalf of the MidtownMemphis.org, is granted and the action of the Memphis and Shelby County Land Use Control Board on June 8, 2023, is hereby overturned.

**BE IT FURTHER RESOLVED** that this resolution shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the passage thereof by the Council of the City of Memphis.

***ATTEST:***

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

**AGENDA ITEM:** 4

**CASE NUMBER:** SE 2023-001 **L.U.C.B. MEETING:** June 8, 2023

**LOCATION:** 34, 40, 42, and 48 S. McLean Blvd.

**OWNER:** McLean Partners, LLC

**APPLICANT:** McLean Partners, LLC

**REPRESENTATIVE:** Cindy Reaves

**REQUEST:** Special exception to Section 8.4.9 to allow four (4) stories in height

**AREA:** 1.07 acres – 46,747.5 Sq.-Ft.

**EXISTING ZONING:** Residential Urban – 4 (RU-4) with Medical District Overlay

## CONCLUSIONS

1. McLean Partners, LLC has requested a special exception to Section 8.4.9 of the Unified Development Code (UDC) to allow four (4) stories in height. The subject property is permitted three (3) stories by right and additional stories may be permitted through the special exception process.
2. The Land Use Control Board is authorized to grant exceptions to Midtown Overlay District height requirements per Sub-Section 8.4.6C of the UDC.
3. Considering the context, including adjacent land use, and height of adjacent structures, staff believes the proposed increase to four (4) stories is appropriate and that this request meets the special exception approval criteria, see page 11 of this report for said criteria.

## CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 Comprehensive Plan is inapplicable to this request as it does not concern a use.

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage:** S. McLean Blvd. 258 Linear Feet

**Zoning Atlas Page:** 2030

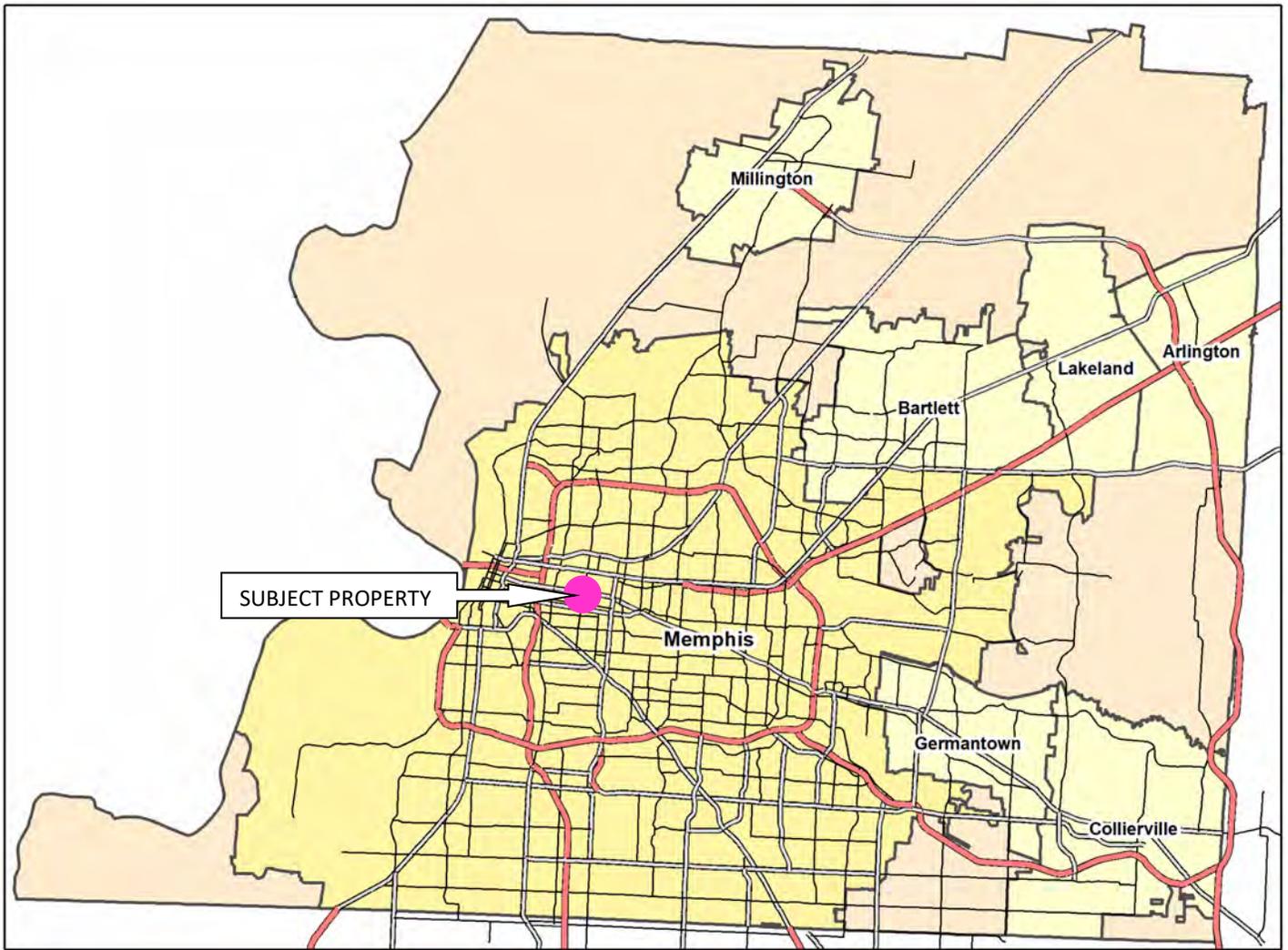
**Parcel ID:** 017053 00026, 017053 00025, 017053 00024, and 017053 00023

**Existing Zoning:** Residential Urban – 4 (RU-4) with Midtown Overlay

**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 19 notices were mailed on April 27, 2023, and one sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**

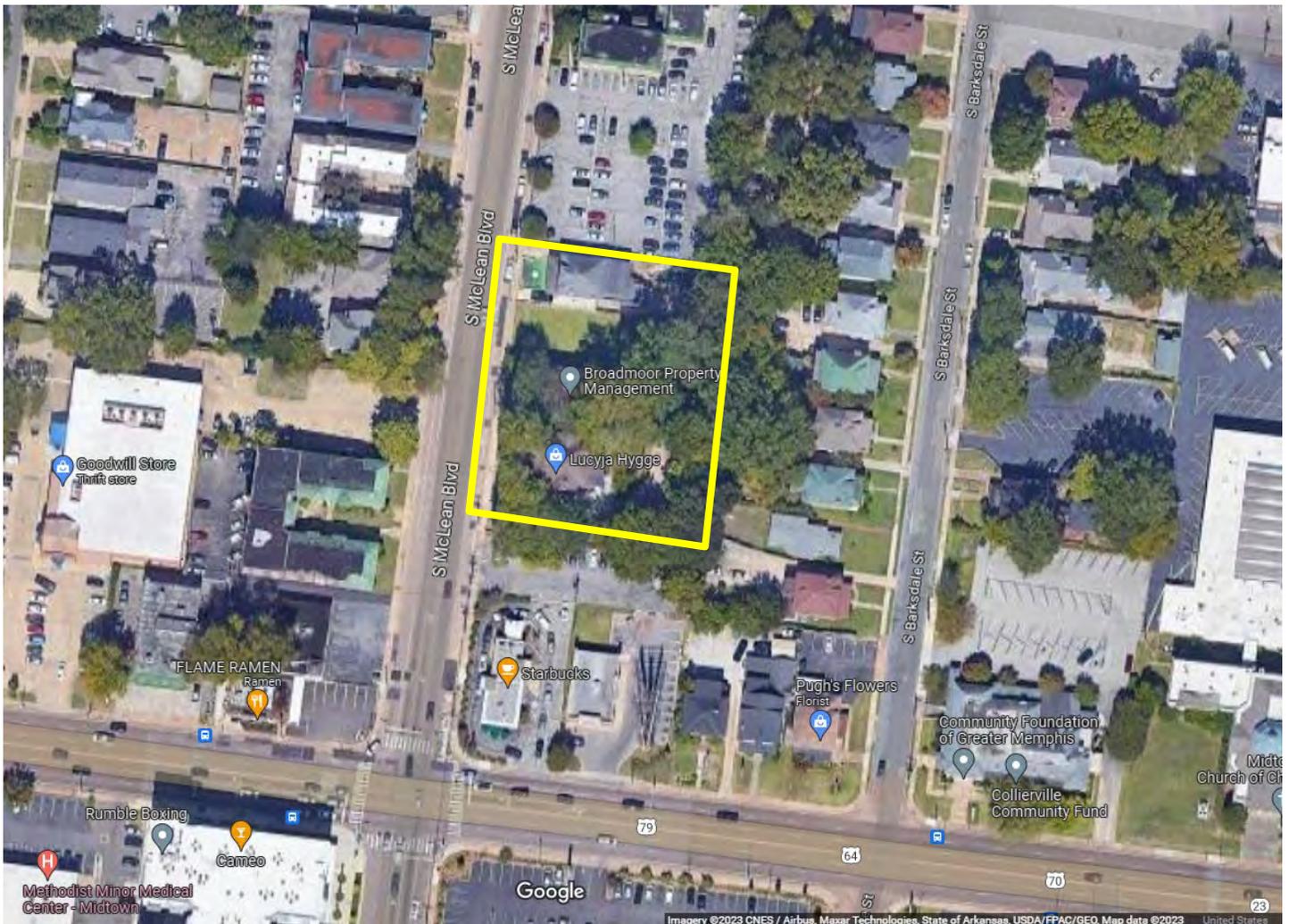


Subject property located in Midtown, indicated by pink circle

VICINITY MAP

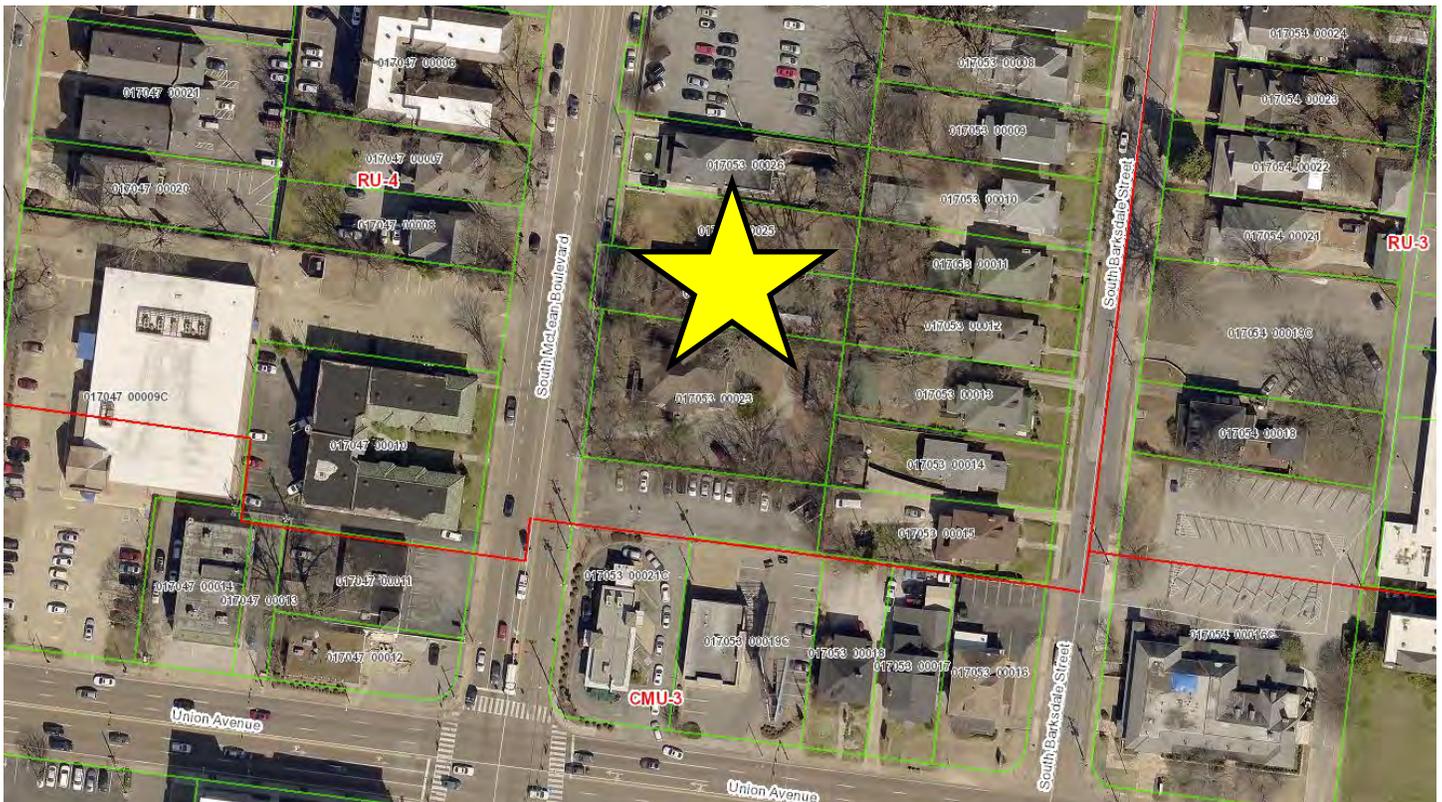


**AERIAL**



Subject Property outlined in yellow.

**ZONING MAP**



**Existing Zoning:** Residential Urban – 4 (RU-4) with Midtown Overlay

**Surrounding Zoning**

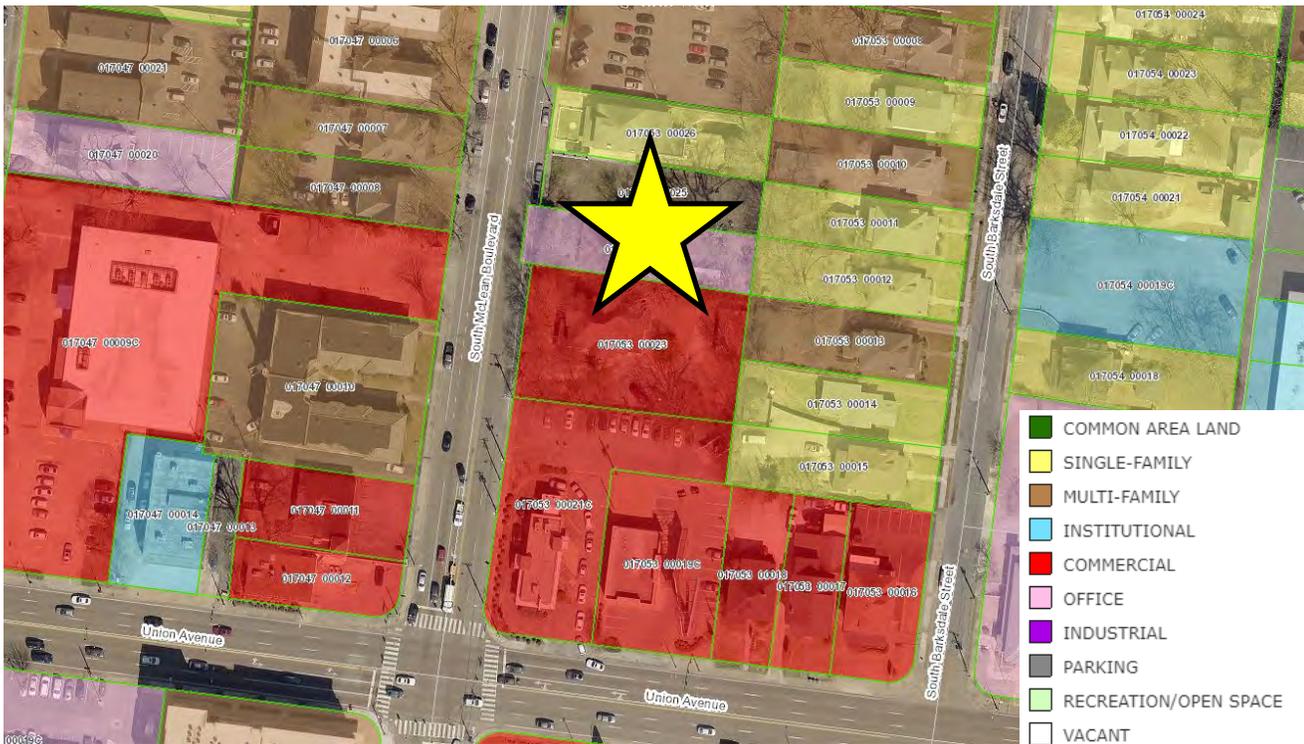
**North:** Commercial Mixed Use – 3 (CMU-3) with Midtown Overlay

**East:** Residential Urban – 3 (RU-3) with Midtown Overlay

**South:** Commercial Mixed Use – 3 (CMU-3) with Midtown Overlay

**West:** Residential Urban – 4 (RU-4) with Midtown Overlay

LAND USE MAP

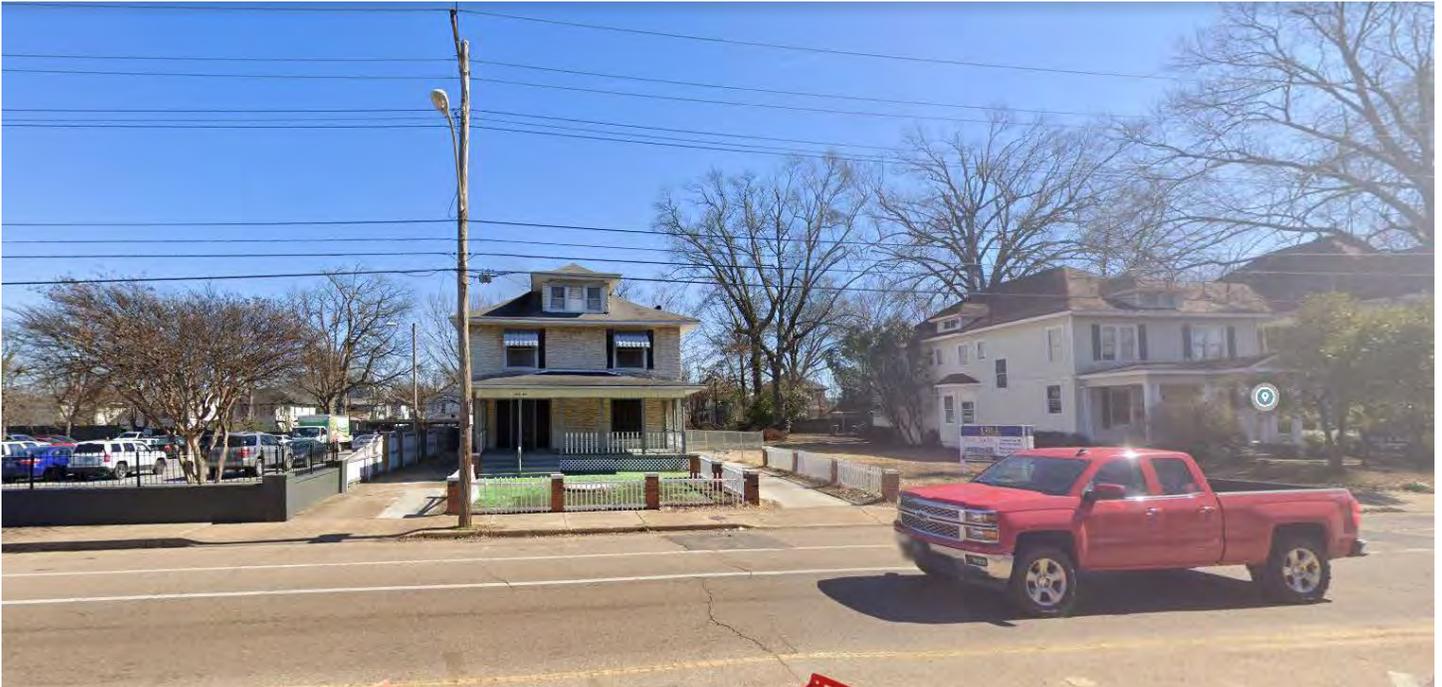


Subject property indicated by the yellow star.

The Current Land Uses of the property are:

- |                     |                           |
|---------------------|---------------------------|
| Parcel 017053 00026 | Single-family residential |
| Parcel 017053 00025 | Vacant                    |
| Parcel 017053 00024 | Office                    |
| Parcel 017053 00023 | Commercial                |

**SITE PHOTOS**



View of 38 South McLean Boulevard, from South McLean Boulevard facing east (February 2022)



View of 40 South Mclean Boulevard, from South McLean Boulevard facing east (February 2022)

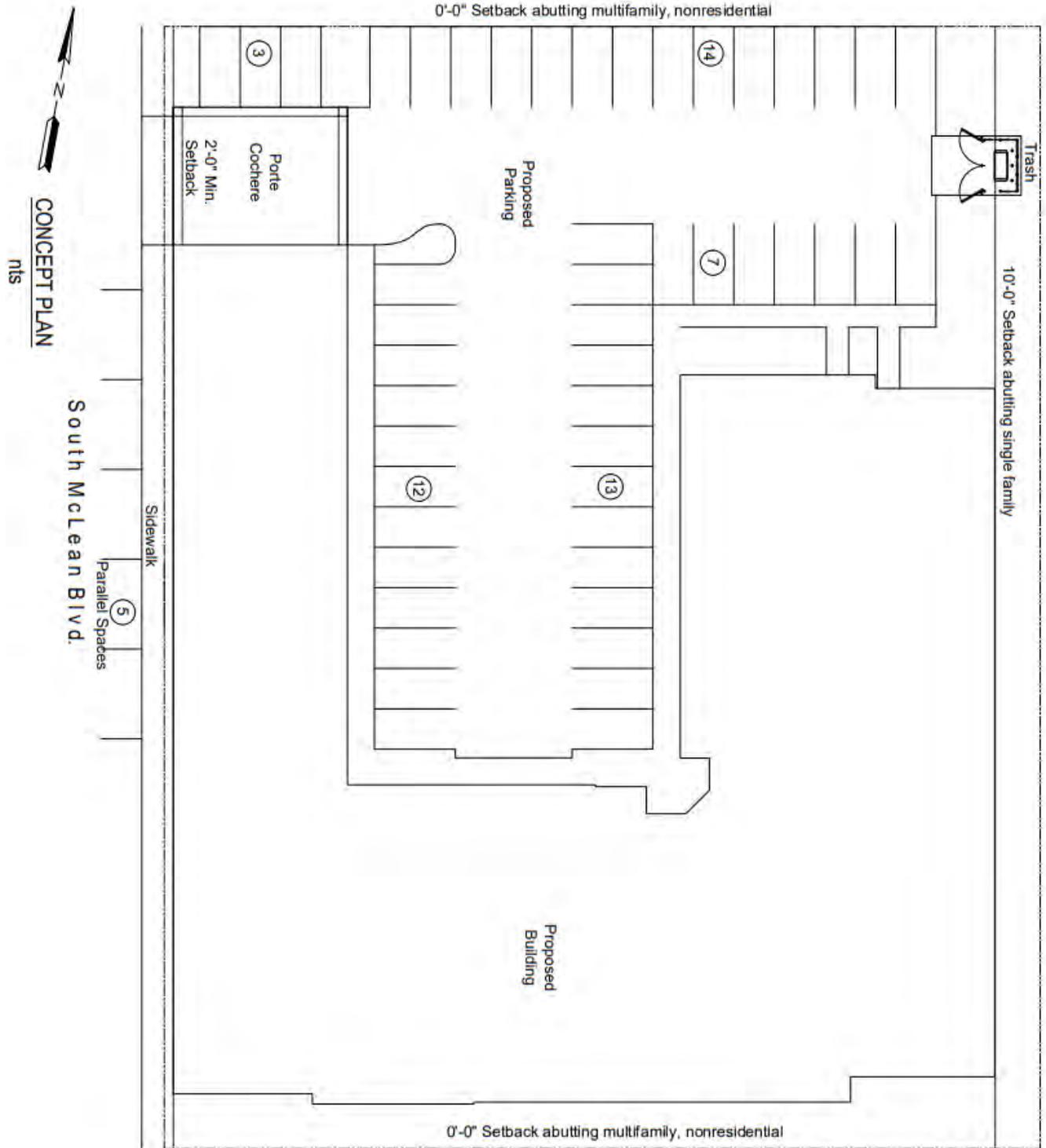


View of 42 South McLean Boulevard, from South McLean Boulevard facing east (February 2022)



View of 48 South McLean Boulevard, from South McLean Boulevard facing east (February 2022)

CONCEPT PLAN



CONCEPT ELEVATION



## STAFF ANALYSIS

### **Request**

The request is for a special exception to Height Map 8.4.9 to permit four stories where 3 stories are allowed.

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

### **Approval Criteria**

Staff **agrees** the approval criteria in regard to special exceptions as set out in Unified Development Code Section 9.14.6 are met.

#### *9.14.6 Approval Criteria*

*To approve a special exception, the Land Use Control Board shall make an affirmative finding that all of the following criteria are met:*

- A. The request will not adversely affect any plans to be considered (see Chapter 1.9).*
- B. A special exception does not injure or damage the use, value or enjoyment of surrounding property or hinder or prevent the development of surrounding property.*
- C. A special exception does not have an adverse impact on land use compatibility.*
- D. A special exception does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed use.*
- E. When approving a special exception, the Land Use Control Board shall give special consideration to building and site improvements that enhance the level of pedestrian amenities.*

### **Site Description**

The project area consists of four adjacent parcels on the east side of South McLean Boulevard. To the immediate north of the site is a parking lot that serves a three-story apartment building, which is adjacent to an eight-story apartment building. To the immediate south of the site is a parking lot that serves the Starbucks on Union Avenue. One of the three parcels is a vacant lot. Parcel 017053 00026 has a two-story house on its lot. Parcel 017053 00024 has a two-story house that operates as an office. Parcel 017053 0023 has a two-story house that operates as mixed residential/commercial. There are two-story single-family homes to the east of the site, on the same block. There are two-story multi-family homes and commercial lots to the west, across South McLean Boulevard.

### **Zoning History**

In 2017, the Board of Adjustment approved a use variance, BOA 17-97, for the property located at 48 S. McLean to legitimize the continuation of office and office accessory uses on the ground floor of a principal structure.

### **Conclusions**

1. McLean Partners, LLC has requested a special exception to Section 8.4.9 of the Unified Development Code (UDC) to allow four (4) stories in height. The subject property is permitted three (3) stories permitted by right and additional stories may be permitted through the special exception process.
2. The Land Use Control Board is authorized to grant exceptions to Midtown Overlay District height requirements per Sub-Section 8.4.6C of the UDC.
3. Considering the context, including adjacent land use, and height of adjacent structures, staff believes the proposed increase to four (4) stories is appropriate and that this request meets the special exception approval criteria, see page 11 of this report for said criteria.

### **RECOMMENDATION**

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

1. The project shall meet the requirements of Sub-Section 8.4.8E Shopfront frontage, **with the following exception: the ground floor elevation is not required to be 18 inches above the adjacent sidewalk.**
2. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
3. Elevations with exterior finishes shall be submitted for review and approval by the Division of Planning and Development (DPD).
4. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.

**DEPARTMENTAL COMMENTS**

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

- |   |                       |
|---|-----------------------|
| <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



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, Ed Apple [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 34, 40, 42 & 48 S. McLean Blvd.  
and further identified by Assessor's Parcel Number 017053 00023-26  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 30<sup>th</sup> day of March in the year of 2023

[Signature]  
Signature of Notary Public

9/29/23  
My Commission Expires

**LETTER OF INTENT**



Date: March 30, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: S. McLean Blvd.

**LETTER OF INTENT**

We are submitting a Special Exception application for property at 34, 40, 42, and 48 S. McLean Blvd. The property is in the Midtown District Overlay. We are requesting a special exception to allow 4 stories.

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

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

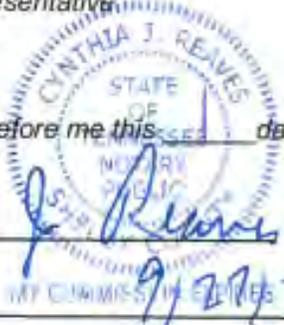
I, Kristin Reaves, being duly sworn, depose and say that at 9:36 am on the 28th day of April, 2023 I posted one Public Notice Sign pertaining to Case No. SE 23-001 in front of the property located on South McLean providing notice of a Public Hearing before the May 11, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Special Exception), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Kristin Reaves  
\_\_\_\_\_  
Owner, Applicant or Representative

05/01/2023  
\_\_\_\_\_  
Date

Subscribed and sworn to before me this 1 day of May, 2023

Cynthia J. Reaves  
\_\_\_\_\_  
Notary Public  
My commission expires: 9/27/23





# TECHPLUS

CREATIVE PRODUCTS FOR  
CREATIVE PEOPLE



**TECHPLUS, INC.**  
2085 Hillshire Circle  
Memphis, TN 38133

## INVOICE

DATE	NUMBER	PG
04.21.23	299165	

Customer Telephone: 901-373-0380 I

(901) 386-2083 • 1-800-933-0015 • FAX (901) 386-2062

Due Date: 05.21.23  
PLEASE REMIT TO:  
P.O. BOX 514  
JACKSON, TN 38302

**S**  
**O** TO  
**L**  
**D** SR CONSULTING, LLC  
5909 SHELBY OAKS DR.  
SUITE 200  
MEMPHIS, TN

**S**  
**H** TO  
**I**  
**P**

38134

ORDER NUMBER	ORDER DATE	CUSTOMER NO.	SLSM. NO.	PURCHASE ORDER NUMBER	SHIP VIA	SHIP DATE	TERMS
		195781	8				NET 30
QUANTITY I.O.	QUANTITY ORDERED	QUANTITY TO SHIP	ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE	EXTENDED PRICE	
	3.00	3.00	COLOSE-OUTDRS	OUTDOOR SIGNS-ECONOMY	38.500	115.50	
	3.00	3.00	COLHW-HARDWAR	COLOR HARDWARE	27.500	82.50	

All claims and returned goods must be accompanied by this bill. A service charge of 1 1/2% per month (18% per annum) will be charged on all accounts over 30 days. The customer agrees to pay all court costs and attorney fees if suit is necessary.

The undersigned represents that the reproduction of the above described material does not violate any copyright laws and the undersigned agrees to indemnify and hold TechPlus, Inc. harmless against all claims for an alleged copyright infringement. TechPlus, Inc. is not responsible for consequential damages.

Purchaser agrees that title to the above merchandise is reserved by and remains vested in seller until the purchase price is paid in full, if purchaser fails to pay, seller may take possession of said merchandise without notice or liability to purchaser.

AMOUNT OF SALE	198.00
MISC. CHARGES	
SALES TAX	19.30
FREIGHT	
<b>TOTAL</b>	<b>217.30</b>

Received by \_\_\_\_\_

**LETTERS RECEIVED**

Fifty-five (55) letters of opposition were received at the time of completion of this report and have subsequently been attached.

**SE-23-01: Midtown**

Beth Hoffberg <beth.hoffberg@gmail.com>

Wed 5/3/2023 1:48 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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

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Hello Mr. Harris,

My name is Beth Hoffberg and I am a Memphis resident. I am writing to request that no special exception be made at 34, 40, 42, and 48 S McClean and that those building not be torn down and replaced with a four story complex.

First of all, the land these building are on now was once a sacred ground used by the native people of the land for ceremonies. It should be treated with respect and honored.

The building at 48 S McClean was constructed 111 years ago in 1912 and should be a historical landmark. The history of this part of Midtown should not be lost simply due to a desire for profit by the owner of the land.

There is a thriving Black-woman-owned business building community at Lucyja Hygge located in 48 S McClean. This business brings me to this area of Midtown and provides the community with safe evening events, which we all need.

Please do not allow this to move forward.

Thank you,  
Beth Hoffberg  
717 S Riverside Drive  
Memphis, TN 38103

## Please don't tear down McClellan 42-48

Kalyna Hanover <kalyna.hanover@gmail.com>

Wed 5/3/2023 7:49 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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

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This is a neighborhood gem. Find another piece to build.

Sent from my iPhone

## 42 and 48 S Mclean

Rebecca Dunfrey <itsbeccad5056@gmail.com>

Wed 5/3/2023 8:13 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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Good morning,

It has recently come to my attention the city of Memphis has plans to tear down the house located at 42 and 48 s Mclean.

I strongly disagree with this motion.

Lucyja Hygge is bastion of light. It is a beautiful store.

Filled with beautiful people.

The work they do is extremely important.

To tear their house down would be tear apart their livelihood. It would negatively impact myself as well as countless others.

Please, I implore you to leave those houses standing. For the good of the community.

## 42 and 48 S Mclean

Ashli Scott <lunarcryalline@gmail.com>

Wed 5/3/2023 8:16 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good morning Mr. Harris

I'm writing you this morning to express my concern about a possible plan to tear down 42 and 48 S McLean.

Lucyja Hygge is one of these buildings. This place is a safe haven to the community. It has changed my life and the lives of so many others who walk through its doors. It is a place of healing, of inspiring the local residents of the Memphis area to help create security and balance. I have seen it change many lives and create unity. It's built on historical land and sacred ground which only adds to its potency in a way that can be felt at such a deep level to try and articulate its significance is very difficult. I am writing this as a plea for your support and help. There are talks of putting a nursing home here and it is just devastating because the impact it would have on the residents of the community would be felt tremendously. So many people look to this place as a lighthouse in a world that is becoming increasingly dark. I appreciate you taking the time to read this and hope that it helps to open your heart and mind. I invite you to even come down and experience the love of this place yourself. Hope you are having a good day and sending care to you

-Ashli Scott

Sent from my iPhone

## Concerns About Houses 42, 58 S. Mclean

Imaru Haru <imaruharru@gmail.com>

Wed 5/3/2023 8:23 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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

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Hello, Robert Harris

I, and many others, believe you should NOT turn this beautiful place into more apartment complexes and/or nursing homes. There are plenty of other plots of land that would be suitable for your wishes. This place shouldn't be a victim of gentrification, as it is a historical sit in Memphis.

Please, if you value the thoughts of the people of Memphis, hear our pleas. Protect our historical buildings and prevent gentrification.

Much love,  
Brianna Anderson

## Lucyja Hygge Shop 48 S. McLean

Dawnetria Edwards <dawn.edwardsj19@yahoo.com>

Wed 5/3/2023 8:49 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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To whom this may concern,

My name is Dawn Lowe and I've been visiting 48 S. Cleveland to be greeted and accompanied by wonderful energies and safe open arms, from group yoga, healing practices or simply shopping I've always known this shop to be so distinct from any other businesses in the city of Memphis. It was very disheartening and shocking for it to be revealed that the city is choosing to replace such a historical landmark for greed and modernization. It would be a complete eyesore to witness such destruction take place. Ms.Hygge's metaphysical shop belongs on that land as is- NOT high end establishment(s). She is a wonderful HEALER AND TEACHER of her crafts. The youth in Memphis isn't getting any safer, it should be there to help reform ,guide, and heal those who choose to visit.

## 42 and 48 S. McLean BLVD

sarcdc <sarcdc@proton.me>

Wed 5/3/2023 8:51 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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---

Good Morning,

I am emailing expressing why the houses at 42 and 48 S. McLean Blvd. should not be torn down to be replaced with a high end nursing home.

Lucyja Hygge provides much for our community,

and it should be considered a historical site in Memphis due to it being there over 112 years and built on sacred ground. I have attended many inspiring and thoughtful classes. I urge you not to follow through with this plan as we have more than enough buildings that are not at capacity.

Thank you, and I hope you reconsider,

S

## 42 & 48 S. McLean

Kate Kornegay <kornegaykate@gmail.com>

Wed 5/3/2023 9:06 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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Not only are these houses a beautiful and historic part of midtown, that's a terrible spot for a nursing home (speaking as someone who has a master's degree in dementia).

## Lucyja Hygge petition

osean bailey <oseantbailey@yahoo.com>

Wed 5/3/2023 9:09 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good morning Mr. Harris,

My name is Osean Bailey-Cole and I am reaching out in hopes to keep Lucyja Hygge in business and to save the historical homes that are located at 42 and 48 S. Mclean as they are landmarks. Myself and the community consider these homes to be a historical site in Memphis due to it being there over 112 years and built on sacred ground. Please consider preserving these homes.

Thank you so much!

Osean T. Bailey-Cole

## Lucyja Hygge

Andrew Travis <atravis80@gmail.com>

Wed 5/3/2023 9:15 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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I personally would like to express why the houses at 42 and 48 S. Mclean should not be torn down to be replaced with a high end nursing home.

My experience at Lucyja Hygge has been phenomenal and has helped me through my emotional and spiritual dis-eases. The sitting area outside has brought me much peace and i love the energy of Maria and the staff. The land that Lucyja Hygge sit on should be considered a historical site in Memphis due to it being there over 112 years and built on sacred ground. This land should be honored and conserved, not repurposed.

Thank you for your time

Andrew Travis

--

Andrew Travis

## The properties at 42 and 48 S McLean Ave

Debbie Ledford <debbieledford22@yahoo.com>

Wed 5/3/2023 9:18 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Sir,

I am a frequent patron of the business at 48 S McLean Ave, the business known as Lucyja Hygge, and I am a lover of historic properties.

I understand there is a petition to demolish these two buildings to replace them with "new buildings, either more apartments or a nursing home", which does not foster any sense of architecture or history. Since this is what Midtown Memphis is known for and what draws people to this area, this seems counter productive to the community and the locals best interests. Plus, it displaces two small businesses which could force them from the community.

The two buildings at 42 & 48 S McLean Ave are integral parts of the historical value of Midtown Memphis, not only for their architecture but also the history of the land they rest upon. When I enter these buildings there is a sense of peace, welcome, a come in and be at home feeling, it's safe here comfort which is highly needed after recent events. This is something very rare in our business world today, even in small businesses, and I believe this sense comes from the type of business within the walls of these buildings as well as from the buildings themselves, which is something to be preserved. Almost a perfect blend.

I moved from the Bartlett community to Midtown in January of this year so that I could live in the historic area. I wanted be to able to enjoy the ambience of the area, to experience the small businesses as well as to support the changes coming as our community rebirths from recent tragedies.

In closing, I petition the buildings at 42 & 48 S McLean remain as they currently stand, with the opportunity for the small businesses in them to flourish in their current locations, thus taking one more step in preserving Midtown Memphis.

Respectfully,

Deborah (Debbie) Ledford  
1855 Manila Ave  
Memphis, TN 38124  
731-445-5034  
debbieledford22@yahoo.com

## 42 and 48 mclean

Brittany Collier <brittany.collier@creativecoop.com>

Wed 5/3/2023 9:36 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Hi Robert-

I hope this email finds you well. I wanted to reach out to express my concerns for rebuilding over at 42 and 48 Mclean Blvd. What Memphis needs more of is a community where everyone can be seen, heard, and provides a deep feeling of safety. Maria, the owner of Lucyja Hygge provides just that right in the heart of Midtown. I have seen her welcome so many people into her space exuding love and respect and sprinkling good throughout Memphis. It would be a disservice to our community to have this taken away from us. I highly encourage you to reconsider the deconstruction and also take into consideration the sacred grounds that its built on- former Native American grounds. The last thing we need is more apartments and high end nursing homes that no one will appreciate. Thank you for your time!

Thanks,

Brittany Collier

## Do Not Tear Down Lucyja Hygge

Hannah Berthelson <berthelsonh\_ec@scsk12.org>

Wed 5/3/2023 9:42 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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Good morning,

I hope this email finds you well. I am writing to beseech you in considering the age and history of the properties on 42 and 48 S. Mclean in Midtown. Lucyja Hygge dwells in a 112-year-old house that is built on sacred ground. That statement alone simply radiates with meaning and heart, and is proof enough that these properties should be considered a historical site in Memphis, TN. Please keep that rare history and culture intact and refrain from erecting a new building in its place. The people of Midtown, and Memphis as a whole, cherish its architectural history. It is rare to have buildings with such character, detail, and historical value still whole and in use. We don't need, or want, another nursing home or apartment complex. We crave community. We desire to feel in touch with our story, our history, our home. Please consider the future of our city, and the value that tangible history adds to it. Thank you for your time, and take care.

Kindly,  
Hannah Berthelson, M.A., CCC-SLP

## Houses on S. Mclean? Memphis TN

Mark Edgar Stuart <markedgarstuart@gmail.com>

Wed 5/3/2023 9:52 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Are you guys really gonna tear down those historical old houses? It's about all that's left over there that's not a corporate chain housed in ugly concrete cubes. I get it, profit. Anyway to save 'em? Locals would love ya. My 2 cents, longtime midtowner.

Sincerely,

--

**MARK EDGAR STUART**  
**Memphis, TN via Pine Bluff, AR**  
[www.markedgarstuart.com](http://www.markedgarstuart.com)

*"Can't wait to hear his new album!" - GARDEN & GUN MAGAZINE*

*"His acerbic wit is reminiscent of John Prine & Randy Newman..." - NO DEPRESSION*

*"His wry cutting view of the world makes something old new again..." - PASTE MAGAZINE*

*"Album of The Year" - THE MEMPHIS FLYER*

*"Literate & Intelligent..." - ELMORE MAGAZINE*

*"His songwriting is smart as it is sincere..." - POP MATTERS*

*"Damn fine songwriter..." - ARKANSAS TIMES*

## The Houses at 42 and 48 S. McLean

Bailey Bigger <bailey\_bigger@yahoo.com>

Wed 5/3/2023 10:04 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Mr. Harris,

My name is Bailey Bigger and I am a local Memphis folk artist and singer/songwriter. I am also someone who loves and cherishes Memphis history and our community, especially our spiritual community. The houses at 42 and 48 S. McLean are not only historical properties that are over 112 years old, but they are also built on sacred ground. Lucyja Hygge is a place that creates space for this sacredness to continue on. It is a space where the indigenous people who worshiped on this land, where their spirits can rest here safely. The owners of Lucyja Hygge have been such a light in the spiritual community in Memphis just in the short amount of time they have occupied this home. The energy in their store is beautiful and light and full of love. All things that my home city is in desperate need of, now more than ever. Please do not tear down these shops to build more high rises. Please choose to keep the uniqueness and history intact in midtown. Please keep this place here to continue to spread light and joy through our city that is hurting. There are many more places and empty plots we could build nursing homes on, which we do need. But please, do not tear down a beautiful thing to do so. Please keep our favorite shop in this home. Please keep history alive.

Thank you for your time and consideration.

With peace,  
Bailey Bigger

## Lucyjahygge

Mary McCadden Farris <marymfarris@gmail.com>

Wed 5/3/2023 10:20 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Robert,

My name is Mary McMullin and I have been a local Memphian most of my life. In the past year I have visited with the owners of Lucyjahygge extensively as well as shopped at their store and experienced some of the beautiful services they offer to our community.

I am deeply disturbed to hear about the possibility of tearing down this establishment to build more high rises. To know the history of this place and the love that has been poured in recently I feel strongly that this shouldn't happen. Please hear our pleas to NOT tear this place down. Memphis loves this sacred space and I and many others feel what it brings to our city is more valuable than any high rise could be.

Our city needs community and places like Lucyjahygge now more than ever. Please hear us. Thank you for your time.

Sincerely,  
Mary McMullin

## Lucyia Hygges Historic Landmark

Ashton Knight <ashtonknight88@gmail.com>

Wed 5/3/2023 10:27 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good Morning Mr. Harris, I am emailing you in hopes of stopping the demolition of the house on 48 S McLean Blvd. This business and its beloved owners are a gem to the community of midtown and surrounding areas. Please hear all of us out in trying to stop this project from happening over this sacred ground. Lucyia Hygge's shop has been a safe space and outlet for a community in suffering and need. My personal testimonies will not be enough to express my urgency in halting this demolition. Midtown/Memphis needs this business to keep the historic district alive and save whatever history there is left in Memphis. Once a church to our lost Native Americans, we want their legacy and land to forever be protected. I am pleading that you may do anything you can to help our citizens in this beautiful city to keep one of our treasures alive. Thank you for your time. best regards. Ashton.

Lucyja Hygge - 42 and 48 S. Mclean

Tawanda Knight <tawanda.knight@aimbridge.com>

Wed 5/3/2023 10:38 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Dear Mr. Harris,

I am writing on behalf of the above referenced business. I would like to go on record by offering my petition to save the business and home at the above location. Lucyja Hygge has been a true asset to the community and to my life personally. The wellness goods and services that they provide are so essential to the growth and development of the mind, body and soul. My family have benefited from the Maria and Lucyja Hygge through the offering, education, meditation, yoga and wide variety of customized herbal teas, and essential oils that provide tranquility and wholistic remedies that fit every facet of day-to-day life. After Covid, my 16-year grandson participated in one of her meditation sessions, and it truly helped him overcome the anxiety that he developed during at home learning for over a year. He has adapted her practices and uses them at home to help him navigate the mental and emotional challenges of teen years.

The community really needs this place as it provides wellness services, tools and activities that promote spiritual and mental focus, especially given the current state of our world and city. Please do not remove this business from our area as it is a vital organ that breathes life into midtown and Memphis one breath at a time.

Sincerely,

**Tawanda Knight**

General Manager

Hampton Inn & Suites Memphis - Shady Grove

962 S. Shady Grove Rd.

Memphis, TN. 38120

901-762-0056 ext. 7701

tawanda.knight@hilton.com

tawanda.knight@aimhosp.com

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## Lucyja Hygge

Jacobia Anderson <jacobia2007@gmail.com>

Wed 5/3/2023 11:02 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Greetings,

My name is Jacobia Anderson. I want to share my experience with Lucyja Hygge. It is my safe haven. Mrs. Maria is God sent. This should be considered a historical site in Memphis due to it being there for 112 years being built on sacred ground. I pray you hear my request because it truly helps the community out.

Sent from my iPhone

## I love Lucyja Hygge !!!!!!!

Dayla Rhodes <daylarhodes02@gmail.com>

Wed 5/3/2023 11:33 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Sent from my iPhone

## I NEED LUCYJA HYGGE

Dayla Rhodes <daylarhodes02@gmail.com>

Wed 5/3/2023 11:40 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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I pray that y'all can find another location to have your nursing home I know Ms Maria worked hard to have that location for her shop n it's helped me so much on my spiritual journal and dealing with life overall and it ain't been easy. I know it's the only place I can come to just to feel ok when too much is going on in my life. I could also feel the stress from a small business perspective of her having to relocate when It's easier for a company like you to find a location for a nursery home. Please consider the people like me that actually rely on Ms. Maria and her husband to make their day when they walk into their shop. Thank you

Sent from my iPhone

## Please Preserve the Houses at 42 and 48 South Mclean Blvd

Kimberly S <kim7818silva@gmail.com>

Wed 5/3/2023 11:50 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Dear Mr. Harris,

I am writing to you today to express my deep concerns about the fate of the two houses at 42 and 48 South Mclean Blvd. As a developer, I understand the importance of progress and development, but as a member of this community, I also understand the importance of preserving our history and heritage.

These two houses have been standing for over 112 years and hold significant historical and cultural value. They were built on sacred Indian ceremonial grounds and have witnessed the growth and changes of our community. They are a testament to our past and should be preserved for future generations to appreciate and learn from.

Additionally, I would like to bring to your attention the impact of Lucyja Hygge in our community. Lucyja Hygge is a peaceful place that helps people heal from trauma or recharge themselves thanks to their services to continue with everyday life. As someone who has personally benefitted from their services, I can attest to the transformative power of their work. My mom was going through depression after my stepdad died. But thanks to Lucyja Hygge, they helped my mom get over it and be in peace with it. And now she's living life thanks to them.

As a developer, you have the power to make a difference in our community. By preserving these houses, you will not only honor our history but also support organizations like Lucyja Hygge that contribute to our community's well-being. I implore you to reconsider your plans and work with us to find a better solution that benefits everyone.

Thank you for your time and consideration.

Sincerely,

Kimberly Silva

## Construction

Empress aly <perezalya52@gmail.com>

Wed 5/3/2023 12:16 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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I wanted to be nice but I will just be passionate.

LUCYJAHYGGGE is saving lives. Is HEALING THE CITY. You white people who think you can just tear down, gentrify, and white flight everything is what is killing OUR CITY.

I know you don't understand because of your small world of privilege you live in.

But this sanctuary is a safe haven for lost soul, new souls, old souls, and people needing guidance when they haven't gotten the answers they want.

LUCYJAHYGGGE is more than just a "spiritual" "woohoo" "crystal store". It is peace in the community. It provides the knowledge, guidance, and resources for those who want PEACE FOR THERE SOUL.

STOP gentrifying everything and anything. Please stop doing these things for MONEY. IT IS SICKENING.

The reason why Memphis is Memphis is because of its community. By tearing down LUCYJAHYGGGE you are taking apart of very IMPACTFUL piece of our community. A safe HAVEN for black, brown, white, Hispanic, and all races. She has brought people together.

We need less gentrification more refurbishing. While you are trying to build a new whatever. There are roads still unpaved, families homeless, pimps running the streets,

## Important: 42 and 48 S McLean

Jennifer Nicole <jen.orbik@gmail.com>

Wed 5/3/2023 12:58 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good afternoon,

I am emailing in regards to the decision to tear down 42 and 48 S McLean. These houses have been here for over 112 years and should be considered historical landmarks. Not only this, but Lucyja Hygge is a small Black owned business that creates community in Memphis. Lucyja Hygge is also on sacred burial ground and if you tear these places down you will be destroying history.

Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

If this happens please know that you will be destroying history and sacred ground. I know that I could not live with that on my conscience, can you?

Kindly,

Jennifer Orbik

A concerned Midtown resident and Lucyja Hygge regular customer

## Request to Preserve a Historical Site on Sacred Ground

Christy Gilles <christyg3273@gmail.com>

Wed 5/3/2023 1:10 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Dear Robert Harris,

I am writing to you with deep concern about your plans to tear down the houses at 42 and 48 South Mclean Boulevard. As a member of the local community and a passionate advocate for the preservation of our cultural heritage, I strongly believe that this property should be considered a historical site and preserved for future generations to come.

This site holds a great deal of significance for our community. Specifically, it was once an Indian ceremonial sacred ground, and during the 1800s, a church was placed on the land forcing the Indigenous People off. Although the church was later moved in 1890, the site still holds a deep historical and cultural significance for the local community.

In 1912, the house that currently stands on the site was built. Today, this house is home to the welcoming shop, Lucyja Hygge (pronounced lucy-ya hoo-gah). Lucyja not only serves as a sanctuary for those seeking healing and comfort but also honors the sacred ground on which it stands. The shop's spiritual offerings and practices, such as energy healing, Healing Meditation, and personal Oracle Readings, pay homage to the Indigenous practices that took place on this land for centuries. The shop has become a vital part of the community's connection to the sacred land and the spirituality that it represents.

I would also like to add that Lucyja Hygge has been instrumental in my healing process and that of many others in the community. Losing my mom to cancer recently has been a difficult and painful experience, and having a space like Lucyja's to turn to has been invaluable. It's a place where we can find comfort, share our stories, and feel a sense of community during an incredibly isolating time.

In addition to offering a welcoming space, Lucyja Hygge also offers a variety of services that have helped me on my grief journey. The workshops, events, and meets they host have given me new tools to cope with my loss and have allowed me to connect with others who are going through similar experiences and have brought us so much comfort and solace.

I would like to invite you to visit Lucyja's for yourself to truly experience being in the heart of Midtown and to recognize and understand the rich history of this site - even down to the four trees that were planted long before everything was built. I know you would be welcomed with open arms and given a great amount of knowledge as to why Memphis needs these houses to be protected for future generations to come.

Given the historical and cultural significance of the site, as well as its importance to the local community, I urge you to consider alternative development plans that would not result in the

destruction of this property. I understand that your project may have specific requirements, but I believe that we can work together to find a solution that respects the legacy of this House and land while also meeting your needs.

Perhaps you could consider working with the community so we can work with you to find a way to protect the site while still achieving your goals.

I implore you to recognize the importance of preserving this site and the legacy it represents. Together, we can find a way to balance development needs with the preservation of our cultural heritage.

Thank you for your time and consideration.

Blessing and Best regards,

Christiana Gilles  
901-319-2343  
[christyg3272@gmail.com](mailto:christyg3272@gmail.com)

## SE 23-001 - Opposition to Application for Special Exception - 42 and 48 S. McLean Street

Jennifer Hinds <jennifer.hinds@gmail.com>

Wed 5/3/2023 1:36 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good afternoon, Mr. Harris -

I hope that this e-mail finds you well. I have received notice that a special exception to the zoning laws has been made to the planning commission to allow for the building of a multi-unit nursing home on the lots which include 42 and 48 S. McLean, Memphis, Tennessee. I would like to register my opposition to the same for the following reasons.

First, the sites are zoned for single residential use, with a carve-out for a small home business on the ground floor of the business. The expansion of the use of the land to multi-unit residential would cause an increased use of the city water and sewer services that the existing infrastructure is not likely suited to handle. The power grid will also be strained with the increased need for electricity, making outages more likely especially when storms hit.

Second, S. McLean itself is not constructed to handle the increased traffic that would be brought on by the comings and goings of the residents, their families, and their caregivers. It is a three-lane street (one Northbound, one Southbound, and one turn lane) with no existing left turn arrow where it meets Union to the south. To widen it further would encroach on historic apartments on the other side of the street and would take out two or three old-growth trees associated with the land. The businesses that currently occupy these sites are not known for having comings and goings of multiple people at all hours of the night, nor are they known to have cars parking on the street for any length of time.

Third, the character of the neighborhood would be completely changed. These two houses are approximately 100 years old and match the houses behind it on Tucker. This city block was all part of one piece of land originally according to the tax assessor's records. If I recall correctly, the land has been single residential/farming in nature since the turn of the century, and professionals from the 1930s on (including a former Tennessee State legislator who promoted the use of seatbelts in the state) have lived and worked in this area. Adding a nursing home or an apartment complex will lead to increased traffic and a different building style to the rest of the neighborhood along with (likely) an open-air parking lot where there used to be vegetation and trees.

Fourth, a nursing home or apartment complex will have deliveries made to it and shift personnel coming in overnight. The noise levels and the hours for delivering needed supplies and maintenance will disturb the peaceful enjoyment of the properties that would be on the other side of the fence to the east.

In conclusion, these are not abandoned properties, nor is it property that has no value without a special exception being granted to the owner. To grant the exception would put a burden on the city and its power grid, would require road work to improve the street to avoid traffic flow issues, and would cause hardship to the neighbors who own residential homes behind the proposed development and those across the street. I ask that you please keep these factors in mind as you evaluate the request in SE-23-001.

Thank you for your kind attention to these matters; it is appreciated. I am sorry that I may not be able to attend next week's meeting on the 11th, but I hope that this e-mail will serve to show some of the concerns among the community with regard to granting this exception to the zoning laws.

Sincerely,

Jennifer Collins  
(901) 409-6389

## 42 and 48 S. Mclean

Danielle Billingsley <dani.billingsley@gmail.com>

Wed 5/3/2023 1:37 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Robert,

I am a former Memphian who has been made aware that you, as well as some others, are planning on destroying the beautiful houses that are at 42 S. Mclean and 48 S. Mclean. This is very upsetting to me. As someone who has family and friends still in Memphis, I visit often. Memphis is where I grew up. One of my favorite things is looking at houses like those at 42 and 48 S. Mclean. They are gorgeous houses that are on historical land. The current area that I live in is constantly destroying housing that is wonderful just to build overpriced homes. This is not okay. What need is there for a high end nursing home? Memphis is already a place where most of its citizens suffer from poverty. So why a high end nursing home when most of the people in the area can't even imagine affording something like that? Lucyja Hygge is a business that is in one of the houses. This business is so amazing. I have experienced so much love and joy just by walking into the establishment and talking to the owner and employees. Taking the building that this business is on and replacing the historical land is something that shouldn't be thought of. This business provides jobs. It provides things that people need. I highly discourage you moving forward with this project.

Thank you for your time,

Danielle Billingsley, former Memphian, forever fond of Midtown

--

Danielle Billingsley

## Urgent: 42 and 48 S. McLean

emily.budde18 <emily.budde18@gmail.com>

Wed 5/3/2023 1:51 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good afternoon,

I am emailing in regards to the decision to tear down 42 and 48 S McLean. These houses have been here for over 112 years and should be considered historical landmarks. Not only this, but Lucyja Hygge is a small Black owned business that creates community in Memphis. Lucyja Hygge is also on sacred ground and if you tear these places down you will be destroying history. This home has created a place for every soul and being. This home now holds so much more than history but a community being built and growing fast.

Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

If this happens please know that you will be destroying history and sacred ground. I know that I could not live with that on my conscience, can you?

Sincerley,  
Emily

## In Regards to Lucyja Hygge

Taylor Herron <taylor\_herron@yahoo.com>

Wed 5/3/2023 2:35 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

Cc: Taylor Herron <tlherron.92@gmail.com>



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

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Good day,

I am emailing you in regards to the very disturbing and very saddening news that I received today. To my understanding, Lucyja Hygge (along with other properties along the row), will be demolished for the purposes of placing a luxury nursing home on its' grounds. My heart aches. This metaphysical shop has literally saved my life. I'm unable to frequent often due to my proximity to the location, however, taking the trip to get there is always worth it and leaves me feeling more at peace than before I arrived. I WISH I could properly articulate how wrong this is; not only in the manner of reasoning behind this call to demolish, but in the manner of timing the city (and all officials involved with this matter) are allowing the patrons to respond. It's cruel and it's unfair. I get it, we are existing in a capitalistic environment and I can imagine how great of a business venture it would be for the company desiring to build on these sacred grounds. That will never negate how wrong it is. People like me find ways to keep living because of places like this. It was word of mouth that brought me to this place, and I pray it's word of mouth that help to keep it here. I would ask that you truly reconsider the offer that is on the table to strip so many Memphians (and those abroad) from a spiritual safe haven. I would beg that you consider the people who are literally relying on this place to stay alive. Upon visiting Lucyja's today, my heart was weeping as their store associate Maria helped me find the proper herbs to help cleanse my body that is plagued by sickness. There is a level of service at this metaphysical shop that is unmatched, and it is truly the reason why I support this business. You can never replace an experience in person that not only feeds your spirit, provides you with the product and services you desire, but still keeps your budget in mind. That experience can not be replicated through a digital platform, nor can it be fully replaced by forcing the owners to uproot decades of business rapport for the sake of finding a new building to continue their spiritual service through. I am afraid that in me stating that, that you won't truly FEEL what I am saying. I pray you do. I pray the voices you hear while you're reading the numerous emails in your inbox help you to feel not only what I'm saying but what the communities are saying. It's wrong to put this business venture over the spiritual health and well being of the patrons of Lucyja Hygge. My name is Taylor Herron, I can be reached at 901-800-6933. If a phone call would help plant a seed of discernment in you or anyone else involved, I will gladly give it. Otherwise, I pray this email has found you in a well space and an open mind. Please reconsider. I thank you for your time.

Taylor L. Herron

**Urgent: 42 and 48 S. McLean**

Termaria Tyszka <otyliaprimarycare@gmail.com>

Wed 5/3/2023 3:44 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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

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Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

If this happens please know that you will be destroying history and sacred ground. I know that I could not live with that on my conscience, can you?

Sincerely,

Termaria Tyszka  
Sent from [Mail](#) for Windows

**Urgent: 42 and 48 S. McLean**

Arion Cage <arion.cage@icloud.com>

Wed 5/3/2023 4:02 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good afternoon,

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Sincerley,

## Urgent: 42 and 48 S. McLean

Tracey Brown <t.brownmegagate@gmail.com>

Wed 5/3/2023 5:10 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good afternoon,

I am emailing in regards to the decision to tear down 42 and 48 S McLean. These houses have been here for over 112 years and should be considered historical landmarks. Not only this, but Lucyja Hygge is a small Black owned business that creates community in Memphis. Lucyja Hygge is also on sacred ground and if you tear these places down you will be destroying history.

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Sincerley,

## Urgent: 42 and 48 S. McLean

Tracey Brown <jazzyspeaks1@gmail.com>

Wed 5/3/2023 5:12 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



The CoM Email Security System finds this email suspicious! We know Tracey Brown by name, but the email was sent from an unfamiliar address jazzyspeaks1@gmail.com | [Know this sender?](#)

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Good afternoon,

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While I believe history should be preserved, I also believe the business that now occupies the house at 48 S McLean. Lucyja Hygge has become a safe place that my friends and I can go to purchase our tools and herbs for continued spiritual growth, maintenance and healing. The shop owner provides, yoga, meditation, and a host of additional products and services that are essential to us and many others. It has become a second home where all can feel welcome. I attribute some of that to the fact that this was once a ceremonial burial ground centuries ago. I feel compelled to implore our city to consider that in the decision to make this property a historical landmark, as Memphis has lost quite a few of our other landmarks including the destruction of the original Stax Recording Studio on McClemore, and much of the reconstructed Beale Street.

Sincerley,

Tracey Brown

**Urgent: 42 and 48 S. McLean**

roshonbarlow@gmail.com <roshonbarlow@gmail.com>

Wed 5/3/2023 6:00 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good afternoon,

I am emailing in regards to the decision to tear down 42 and 48 S McLean. These houses have been here for over 112 years and should be considered historical landmarks. Not only this, but Lucyja Hygge is a small Black owned business that creates community in Memphis. Lucyja Hygge is also on sacred ground and if you tear these places down you will be destroying history.

Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

If this happens please know that you will be destroying history and sacred ground. I know that I could not live with that on my conscience, can you?

Sincerley,

Sent from my iPhone

## Urgent action needed to save historic building 48 S. McLean

VaShaunna Dixon <mrvashaunnadixson@gmail.com>

Wed 5/3/2023 6:17 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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I am writing to you with great concern for the future of Lucyja Hygge at 48 S. McLean, a historic building that is currently being considered for demolition. As a member of the community, I urge you to take immediate action to prevent the destruction of this valuable piece of local history.

48 S. McLean has long been an important part of our community, having been built in 1912 and serving as a home to many important events over the years. It is a cultural and historical landmark that serves as a reminder of our town's rich heritage, and is an important symbol of our collective identity.

I urge you to take this matter seriously and reconsider the decision to demolish Lucyja Hygge.

Sincerely,

VaShaunna Dixon

## Lucyja Hygge

Steph Clinton <stephanie.clinton2000@gmail.com>

Wed 5/3/2023 6:34 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender stephanie.clinton2000@gmail.com

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Hello,

I am a concerned Tennessean living in Memphis and a recent graduate of Rhodes College and I've recently heard the devastating potential news that the historic buildings at 42 and 48 South McLean are being torn down? Building an expensive nursing home is not necessary and will be tearing down historic buildings on sacred grounds. I am appalled the government and elected officials would even consider pushing through with these plans and allow such a beloved and historically significant piece of Memphis down. Memphis is built by community, and the community loves Lucyja Hygge. Please, I urge you to stop the building plans for this nursing home. Thank you.

**Urgent: 42 and 48 S. McLean**

Abigail Latture <abbylatture@gmail.com>

Wed 5/3/2023 6:37 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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

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Good afternoon,

I am emailing in regards to the decision to tear down 42 and 48 S McLean. These houses have been here for over 112 years and should be considered historical landmarks. Not only this, but Lucyja Hygge is a small Black owned business that creates community in Memphis. Lucyja Hygge is also on sacred ground and if you tear these places down you will be destroying history.

Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

If this happens please know that you will be destroying history and sacred ground. I know that I could not live with that on my conscience, can you?

Sincerley,

Sent from my iPhone

## Urgent: 42 and 48 S. McLean

DJ Alpha Whiskey <djalpawhiskey88@gmail.com>

Wed 5/3/2023 7:16 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

**The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender djalpawhiskey88@gmail.com**

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Dear Robert Harris,

I am writing to express my deep concern about the construction of a retirement apartment complex on Indian Ceremonial Ground in Memphis, Tennessee. As you may be aware, this land is of immense cultural and historical significance to the indigenous people of this region.

The Indian Ceremonial Ground has been used for thousands of years for sacred ceremonies, cultural events, and as a burial ground for Native Americans. It is a sacred site that holds deep spiritual meaning and significance to the Native American community and Lucyja Hygge serves it morally and respectfully. Building an apartment complex on this site would be disrespectful and dishonorable to the indigenous people of this region.

I urge you to reconsider your plans and halt the construction of this apartment complex. Instead, I implore you to work with the Native American community and the City of Memphis to preserve this site and find a more suitable location for your project.

Preserving cultural heritage is not only a moral obligation but also a legal requirement. The construction of the apartment complex on Indian Ceremonial Ground could potentially violate several federal and state laws, including the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.

I urge you to act responsibly and with respect towards the Native American community and their cultural heritage. Thank you for your consideration.

Sincerely, Alpha Whiskey International LLC

**Urgent: 42 and 48 S. McLean**

Mary Le <maryle100@gmail.com>

Wed 5/3/2023 11:40 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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---

Good afternoon,

I am emailing in regards to the decision to tear down 42 and 48 S McLean. These houses have been here for over 112 years and should be considered historical landmarks. Not only this, but Lucyja Hygge is a small Black owned business that creates community in Memphis. Lucyja Hygge is also on sacred ground and if you tear these places down you will be destroying history.

Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

If this happens please know that you will be destroying history and sacred ground. I know that I could not live with that on my conscience, can you?

Sincerely,  
Mary Le

**Lucyja Hygge**

Turquoise Majesty <turquoisemajesty@gmail.com>

Thu 5/4/2023 7:36 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Hi!

Lucyja Hygge is a beautiful addition to the community where it is located and should not be replaced with a high-end elder care home.

Best Regards,

A tax paying citizen 😊

## 42 & 48 S. Mclean

Hannah Fort <hannahfort285@gmail.com>

Thu 5/4/2023 10:08 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



**The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender hannahfort285@gmail.com**

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Hello Robert,

I am emailing in regards to the houses located at 42 and 48 S. Mclean Blvd. These houses have provided a valuable addition to our community, as they have been around for 112 years and are situated on a sacred burial ground. As stated, these homes are on a burial ground, making them protected under the Tennessee Government mandate, 46-8-101. I will provide a link below. This location should be considered as a historical site in this city, as well as a valuable economical addition to the community, as it holds a fully operating store at 48 S. Mclean. I ask you to reconsider your decision to demolish these buildings, as they hold important value to the city at large. Thank you for your consideration.

[https://www.tn.gov/content/dam/tn/environment/archaeology/documents/TCA\\_Cemeteries.pdf](https://www.tn.gov/content/dam/tn/environment/archaeology/documents/TCA_Cemeteries.pdf)

Best,  
Hannah Fort

## Please help: 42 and 48 S. Mclean historical sites

olivia campo <oliviacampo@gmail.com>

Thu 5/4/2023 11:00 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Hello Mr. Harris,

I moved to Memphis from New Jersey with my family in 2005. One of the reasons I moved, raised my three children, attended the University of Memphis, and opened two businesses is all due to the richness of the culture, community, and history of the city. I watched the growth and expansion of the city with joy and hopes of containing the city's values and uniqueness without allowing the negative effects of capitalism to ruin the people, places, and things that truly set Memphis apart from any other city.

I am writing to ask you to help save a healing staple in the community and acknowledge a historical site currently unrecognized. Lucyja Hygge and a neighboring house located at 42 and 48 S. McLean has a property owner that's planning to replace them with a high-end nursing home. These homes should not be torn down and replaced. Both homes were built over 112 years and built on sacred ground.

Please go to both homes and save these staples of history. You would do an injustice if you didn't walk inside Lucyja's and feel why it's a house of love and healing that this city so needs.

I appreciate your time, support, and understanding.

Thank you  
Olivia Campo  
901-500-6419

This light is contagious, go tell your neighbors; just reach out and pass it on!  
- Emeli Sande'

## Lucyja Hygge

Abby Waite <abigail.l.waite@gmail.com>

Thu 5/4/2023 12:19 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Hello Robert,

I am emailing in regards to the houses located at 42 and 48 S. Mclean Blvd. These houses have provided a valuable addition to our community, as they have been around for 112 years and are situated on a sacred burial ground. This location should be considered as a historical site in this city, as well as a valuable economical addition to the community, as it holds a fully operating store at 48 S. Mclean. I ask you to reconsider your decision to demolish these buildings, as they hold important value to the city at large.

Secondly, the owners of Lucyja Hygge are by far the kindest people I have ever encountered in my life and they have created a space that is so deeply important to the kind of city I know Memphis can become. It would be a mistake to displace this community for that reason alone. They've worked incredibly hard to keep this space open through the pandemic and the following chaos and it would set the city back to create a precedent that shows that community leaders and the progress of the city as a whole is not valued at the government level.

Thank you,  
Abigail Waite

## Urgent: 42 and 48 S. McLean

Avant Avant <briana.avant1@gmail.com>

Thu 5/4/2023 1:18 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Good afternoon,

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Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

If this happens please know that you will be destroying history and sacred ground. I know that I could not live with that on my conscience, can you?

Sincerley,

Sent from my iPhone

## Urgent: 42 and 48 S. McLean

Brian Word <briantwordsr@gmail.com>

Thu 5/4/2023 4:33 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Sincerley,

Sent from my iPhone

**URGENT MATTER: 42 and 48 S. McLean**

Emily Schwartz <emilyannaschwartz@gmail.com>

Thu 5/4/2023 6:47 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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Hello Mr. Harris,

As a concerned Memphian, I am writing to urge you to reconsider the decision to tear down 42 and 48 S McLean. I made the conscious decision to make Memphis my home several years ago after falling in love with the grit, the soul, and the resilience of the city. Unfortunately, over the past few years, as urban development has progressed, the city I fell in love with has begun to become unrecognizable.

As I am sure you have read from your emails, 42 and 48 S McLean hold a history that provides Midtown with the charm, character, and community that are distinctive of this neighborhood. Yet, the Midtown neighborhood is becoming a land of gentrified complexes and structures that are disintegrating this neighborhood into a cold, urban district. I urge you not only to consider the over 112 years of history these homes hold, but also the sacred ground they are built upon.

American land, in essence, is not our land. This land is sacred land to the natives. However, we continue to build, rebuild, gentrify, and capitalize on land that was never ours to begin with. The Black-owned small business Lucyja Hygge is located in one of these homes. However, Lucyja Hygge is beyond a business, it is a community and home to all who have entered its doors. Lucyja's has cultivated a safe and sacred space for the Memphis community to reconnect with themselves and their spirituality. In a world where we cannot escape colonialism as a part of our history, Lucyja's has established a space that is beginning to reclaim that, and that honors the ancestors of whom this land belongs to.

Surely, there are many more locations in the city suited for the development of a nursing home that would not entail the destruction of history and community.

I urge you to consider that the destruction of these homes is a destruction of history. I urge you to consider that the destruction of these homes is destruction of sacred ground. I urge you to consider the destruction of these homes contributes to the malicious colonized narrative of this country. And finally, I urge you to consider, ***if these homes housed a church, would we be having the same conversation?***

Lucyja's cultivation of a warm and supportive spiritual community is similar to that of which many find in the churches throughout our city. Please additionally take that into consideration. I am hopeful you have the empathy and understanding to recognize what the demolishing of these homes holds for many--it is a demolishing of their "home away from home," and their spirit.

**Again, I am calling for action to be taken to stop the destruction of these homes, this community, this sacred ground.**

Your distressed citizen,  
Emily

**Emily Schwartz, MA, RDT** (she/her)  
Drama Therapist  
[emilyannaschwartz@gmail.com](mailto:emilyannaschwartz@gmail.com)  
407.619.7233

42 and 48 N Mclean

Joy Murray <joyzmailbox@gmail.com>

Thu 5/4/2023 7:05 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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Dear Mr. Harris,

I live at 50 N McLean Blvd and am dismayed to hear of the plans to tear down 42 and 48 N Mclean. They are the type of properties that make this area of midtown so enjoyable. They are lovely old buildings with lots of history, and the properties have a few of the awe inspiring old trees now left on that stretch of Mclean.

I am a wheelchair user and pass by there often, and it's always a nice break from the traffic and commercial buildings around it. They provide a little breathing space for the many pedestrians in this area.

The owners of Lucyja Hygge have been particularly nice to me. Their business isn't wheelchair accessible, but they've reached out to me, and helped me enjoy their store, even delivering products I've wanted to my house for free.

This area of Midtown has been gentrified enough. There needs to be spaces where small businesses can get a start, and where people who live nearby can enjoy the city's past architectural styles.

I understand there are plans to build a luxury senior citizens/nursing home there, but I don't think any business like that will be as friendly and enjoyable to this senior citizen, who has lived in the neighborhood for almost 40 years.

It may seem like a small area to you, but it's a vitalbit of beauty on the street. There are still areas of Midtown that have vacant lots that could be a better fit for the new development.

If you'd like, please read my blog post about my first encounter with the owner of Lucyja Hygge: <https://joymurray.com/2022/02/19/wonderful-world/>

An island of friendliness in a busy city is a contribution in big and small ways for the health of its citizens of all ages.

With respect,

Joy Murray

--

Joy Murray

<http://joymurray.com>

*"Love art. Of all lies, it is the least untrue." Gustave Flaubert*

*If you'd like to support my art, check out my Patreon page:*

<https://www.patreon.com/user>

34, 40, 42, & 48 S McLean Blvd

Kayla Trent <ktrent71216@gmail.com>

Thu 5/4/2023 8:27 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender ktrent71216@gmail.com

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Hello Mr. Harris,

I'm writing to ask you please not allow a special exception be made at 34, 40, 42, and 48 S McLean Blvd.

48 S McLean Blvd is the location of a thriving Black woman-owned business called Lucyja Hygge. The services provided at this location bring revenue to Midtown from beyond the city limits and state line.

I travel from Mississippi to Midtown for her services, always purchase a meal nearby, and often venture to other businesses in the area. I bring friends and family along who also purchase meals, merchandise, and other services while in the area. I also know of a man who travels from Arkansas every weekend for the healing provided at 48 S McLean Blvd.

Please honor the sacred land, these historic homes, and the cultural & financial contributions to Memphis which are provided through 34, 40, 42, and 48 S McLean Blvd by not permitting the special exception.

Sincerely,  
Kayla Trent

## Saving the historic houses on McLean Blvd

Zachary Provines <zachprovines@gmail.com>

Thu 5/4/2023 9:32 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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

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---

Good evening,

I wanted to email you over the plans regarding the demolition of the older houses on McLean Blvd to have a retirement home built on top of them. I don't feel that the decision would be wise, considering the locations are site to quite a lot of substantial history!

I recently learned the building that the store Lucyga Hyyge is located at has tunnels underneath that slaves historically used to escape their situations, on top of that the building itself used to act as a church and a doctors place of practice. Please look into these and consider this before following through the demolition process.

Thanks!

## Urgent: 42 and 48 S. McLean

Jacqueline Oselen <jeoselen1@gmail.com>

Thu 5/4/2023 10:02 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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---

Good afternoon,

I am emailing in regards to the decision to tear down 42 and 48 S McLean. These houses have been here for over 112 years and should be considered historical landmarks. Not only this, but Lucyja Hygge is a small Black owned business that creates community in Memphis. Lucyja Hygge is also on sacred ground and if you tear these places down you will be destroying history.

Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

If this happens please know that you will be destroying history and sacred ground. I know that I could not live with that on my conscience, can you?

Sincerley,  
Jacqueline E. Oselen

--

**Jackie O!** Holistic Life Coach

Equipping You to **THRIVE** in Spirit, Mind & Body

*Health & Wellness Coach*

*Certified Yoga Teacher*

*Essential Oils Educator*

*Holistic Health Practitioner*

**901.281.7585**

## lucyja hygge

Sarah Hennan <sarahhennan@aol.com>

Thu 5/4/2023 10:19 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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---

hello, my name is sarah hennan and i'm sending this email because of what i've heard. the houses at 42 and 48 s.mclean st should NOT be torn down and removed, they have a special piece of memphis in them. todays world has just gone absolutely down hill to a point where people need some good. every corner in memphis there's a shooting after a robbery after a car jacking etc.. and you don't know how many lives it would affect if these houses stayed there. memphis has so many apartments and nursing homes it's outrageous and from my personal experience with one nursing homes... they really aren't much to brag about. my grandmother was placed in the nursing home on mclean and it was an absolute nightmare. no one would change her or clean her and everyone there just didn't care. my sister and i had to go in every day to take proper care of our grandmother which is what the nurses get paid to do but didn't... right? the reason for this email is about lucyja hygge.. this place sits so dear not only in my heart but in the people of memphis hearts as well. i hit a very very low point in my life in 2021.. i was at work one day and a girl came through my line and i complimented her bracelet and she told me she got it from her work which is right behind starbucks and to come after work... so i did. the moment i walked in i was welcomed in like they had known me for years. they helped me get back on the path that i needed to be on. they helped ease my mind and find my peace. they have supported me through everything and for the possibility of my safe place and the people i hold close to my heart to be taken away like that is terrifying to think about. they pulled me out of my darkest place.. and not just me, other people in the community. these buildings have so much history behind them and if they get torn down it will be devastating.

thank you for your time  
-sarah hennan

Sent from my iPhone

## Urgent: 42 and 48 S. McLean

Lisa Moore <lisa@dancingwaterusa.com>

Thu 5/4/2023 10:55 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>



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

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---

Good afternoon,

I am emailing in regards to the decision to tear down 42 and 48 S McLean. These houses have been here for over 112 years and should be considered historical landmarks. Not only this, but Lucyja Hygge is a small Black owned business that creates community in Memphis. Lucyja Hygge is also on sacred ground and if you tear these places down you will be destroying history.

Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

When I travel the world I am in awe of the age of buildings in the cities. My awe is increased by the beauty of how the old is maintained and honored in the midst of modern progress. Please keep the beautiful buildings that remain on McLean

Sincerely,

Lisa Moore

Sent from my iPhone  
Please forgive any typos

**Urgent: 42 and 48 S. McLean**

Tieranee Lawson <ltieranee@yahoo.com>

Thu 5/4/2023 11:33 PM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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

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

---

Good afternoon,

I am emailing in regards to the decision to tear down 42 and 48 S McLean. These houses have been here for over 112 years and should be considered historical landmarks. Not only this, but Lucyja Hygge is a small Black owned business that creates community in Memphis. Lucyja Hygge is also on sacred ground and if you tear these places down you will be destroying history.

Please do not tear these places down to build high end nursing homes, there are so many other locations that can be used for such a place.

If this happens please know that you will be destroying history and sacred ground. I know that I could not live with that on my conscience, can you?

Sincerley,

Sent from my iPhone

**48 S McLean Blvd**

obohatch@gmail.com <obohatch@gmail.com>

Fri 5/5/2023 7:09 AM

To: Harris, Robert <Robert.Harris@memphistn.gov>

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

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---

Hello Mr. Harris,

Please do not grant the special exception requests to allow 4 stories where not permitted by Section 8.4.9 at 34, 40, 42, and 48 S McLean Blvd. Built in 1910, this beautiful structure is part of Memphis history. Please do not let that small piece be erased.

Thank you,  
Ona Bohatch

TO: Land Use Control Board  
Re: SE 23-01  
Attn: [Robert.Harris@memphistn.gov](mailto:Robert.Harris@memphistn.gov)



Board of Adjustment:

Neighborhood representatives from across Midtown discussed SE 23-01 at our monthly meeting last night. There are two major comments:

1) As the city embarks on its Innovation Corridor, with a stop literally at this address's front door, why would the city not want to build something here that would support that effort? Transit oriented development requires density, not a health care facility. Adults who have lost their faculties are unlikely to be heavy users of public transportation. We urge the Board of Approval to support Memphis's expansion of public transport and REJECT this application.

2) Should the Board support this proposal, we ask that the board also support the city's efforts toward sustainable housing and require that these two perfectly good buildings, both in-use or recently occupied, be moved to another location and re-established. Demolishing the old housing stock that defines this part of Memphis is creating a characterless locale with no definition. Further there are vacant lots and other areas ripe for development that are further from busy street corners and thus safer for those who will occupy this proposed facility.

The opposition is much larger than us.

There are nearing 1000 signatures on a Change.org petition that is against this petition; that number has probably gone up. That is a loud and firm voice from the community. View here:

[https://www.change.org/p/save-the-historical-house-located-at-48-s-mclean-blvd-memphis-tn-38104?source\\_location=search](https://www.change.org/p/save-the-historical-house-located-at-48-s-mclean-blvd-memphis-tn-38104?source_location=search)

We support the need for facilities like what's proposed, but we also support the community that will surround this proposed facility. The community would prefer to maintain character not lose character; the community would prefer to support the city's efforts to become denser, cleaner, less chaotic.

We ask the Board of Adjustment to also support the community and to support the city by REJECTING this proposal.

Thank you,

*Emily Bishop*

Emily Bishop  
MM.org President

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

Robert Gordon  
P&D Cmte Chair

---

EXECUTIVE COMMITTEE

Emily Bishop

Porsche Stevens

Karen Lebovitz

Karen Edwards

Sterling Owens

---

BOARD OF DIRECTORS

Kerri Campbell

Chip Clay

J.De DeHart

Robert Gordon

Trace Hallowell

Andy Kitsinger

Jackie Nichols

Linda Sowell

Natasha Strong

---

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

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

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



## Record Summary for Special Exception

### Record Detail Information

Record Type: Special Exception

Record Status: Assignment

Opened Date: April 6, 2023

Record Number: SE 2023-001

Expiration Date:

Record Name: 34-48 S. McLean

Description of Work: Special Exception to allow 4 stories

Parent Record Number:

### Address:

34 S MCLEAN BLVD, MEMPHIS 38104

### Owner Information

Primary Owner Name

Y MCLEAN PARTNERS LLC

Owner Address

3025 GARDENS WAY, MEMPHIS, TN 38111

Owner Phone

### Parcel Information

017053 00026

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

#### GENERAL INFORMATION

Requested Special Exception -

**GENERAL INFORMATION**

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

If yes, please provide additional information -

**RELATED CASE INFORMATION**

Primary Case Number -

Associated Case Numbers -

**APPROVAL CRITERIA**

The request will not adversely affect any plans to be considered (see Chapter 1.9) The request is consistent with adjacent properties

A special exception does not injure or damage the use, value or enjoyment of surrounding property or hinder or prevent the development of surrounding property. The request is consistent with adjacent properties

A special exception does not have an adverse impact on land use compatibility. No affect to land use compatibility

A special exception does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed use. No affect to uses of adjacent properties.

When approving a special exception, the Land Use Control Board shall give special consideration to building and site improvements that enhance the level of pedestrian amenities. The request does not affect pedestrian amenities.

**GIS INFORMATION**

Case Layer BOA1978-219

Central Business Improvement District No

Class R

Downtown Fire District No

Historic District -

Land Use SINGLE-FAMILY

Municipality MEMPHIS

Overlay/Special Purpose District Midtown Overlay

Zoning RU-4

State Route -

Lot 0 9

Subdivision M C WELLFORD BLK 1

Planned Development District -

Wellhead Protection Overlay District -

**Data Tables**

**ADDRESS AND PARCEL LIST**

Property Address: 34 S. McLean Blvd.

Property Parcel Number: 01705300026

---

Property Address: 40 S. McLean Blvd.

Property Parcel Number: 017053 00025

---

Property Address: 42 S. McLean Blvd.  
Property Parcel Number: 017053 00024

---

Property Address: 48 S. McLean Blvd.  
Property Parcel Number: 017053 00023

---

### Contact Information

Name	Contact Type
EDDIE KIRCHER	APPLICANT

Address

Phone

-

---

### Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1459910	Special Exception (5 acres or less)	1	750.00	INVOICED	0.00	04/06/2023
1459910	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	04/06/2023

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

---

### Payment Information

Payment Amount	Method of Payment
\$769.50	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, Ed Apple [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 34, 40, 42 & 48 S. McLean Blvd.

and further identified by Assessor's Parcel Number 017053 00023-26

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 30<sup>th</sup> day of March in the year of 2023

Cynthia J. Reeves  
Signature of Notary Public

9/27/23  
My Commission Expires



ENGINEERING • PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel: 901-373-0380  
Fax: 901-373-0370  
[www.SRCE-memphis.com](http://www.SRCE-memphis.com)

Date: March 30, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: S. McLean Blvd.

### **LETTER OF INTENT**

We are submitting a Special Exception application for property at 34, 40, 42, and 48 S. McLean Blvd. The property is in the Midtown District Overlay. We are requesting a special exception to allow 4 stories.

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

KIRCHER, LLC

**Snapshot Market Assessment**  
**Memphis, Tennessee**  
**July, 2022**

Study Conducted By

**ProMatura**

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## Independent Living Demand

### Methodology

Exhibit 5.1 provides estimates of market opportunity developed using the ProMatura Demand Model for independent living apartments for the target markets within the primary market area. Demand is projected for the years 2022 and 2027 using estimates for households headed by someone 75+ years with an annual income of \$35,000+ and \$50,000+.

**Line A: Total Qualified Market:** Claritas, Inc. projects the total number of households headed by someone 75+ years with an annual income of \$35,000+ and \$50,000+. These totals are not cumulative because the number of 75+ households with \$35,000+ annual income includes households with income of \$50,000+.

**Line B: Total Demand from Within the Market:** Using the ProMatura Demand Model, independent living demand is from 75+ households with incomes of \$35,000+ and \$50,000+ in the PMA.

**Line C: Percent of Demand from Outside the PMA:** The ProMatura Demand Model projects an increase in demand to account for the demand created by households not currently living in the PMA. Depending on the economic characteristics of the geographical area in which the subject property is located, a percentage of the demand may come from households not living in the PMA. It is here, also, that the adult child market is recognized.

**Line D: Households Drawn from Outside the PMA:** The demand from Line B is divided by the percent of demand assumed to come from within the PMA (determined from Line C) to give the total estimated demand. The demand from within the PMA is subtracted from this total and the net difference is assumed to come from outside the PMA.

**Line E: Total Estimated Demand:** The total estimated demand for independent living in the PMA, based on census estimates for the years 2022 and 2027 (the sum of Lines B and D), is projected among households headed by someone 75+ with annual income of \$35,000+ and \$50,000+.

**Line F: Competitive Units in the Market Area:** The number of independent living units currently serving the market that have been deemed to be in direct competition with the units in or proposed for the subject property.

**Line G: Competitive Units Vacated (12 months):** The number of units listed on Line F that will turn over each year based on the type of property.

**Line H: Competitive Units Under Construction:** The number of independent living units in development that are likely to be completed and compete with the subject property.

**Line I: Number of Independent Living Units to be Filled:** The sum of Line G and Line H.

**Line J: Estimated Market Opportunity for after Planned Units are Developed:** Using household estimates for the years 2022 and 2027, and assuming the appropriate draw from outside the market area, the ProMatura Demand Model projects the independent living market opportunity, or demand in excess of current supply, among households 75+ with an annual income of \$35,000+ and \$50,000+ living in the PMA.

Exhibit 5.1. Estimated Annual Market Opportunity for Independent Living in the 5-Mile PMA					
	Income Segment:	\$35,000+ Annual Income		\$50,000+ Annual Income	
	Year:	2022	2027	2022	2027
A.	Total Qualified Market (75+ Households)	3,650	4,578	2,476	3,183
B.	Total Demand within the Market	138	177	90	119
C.	Percent of Demand from Outside PMA	30%		30%	
D.	Households Drawn from Outside the PMA	59	76	39	51
<b>E.</b>	<b>Total Estimated Demand (B+D)</b>	<b>197</b>	<b>253</b>	<b>129</b>	<b>171</b>
F.	Competitive Units in Market Area	379	379	379	379
G.	Competitive Units Vacated in 12 months	113	113	113	113
H.	Competitive Units Under Construction	0	0	0	0
I.	Number of Independent Living Units to be Filled (G+H)	113	113	113	113
<b>J.</b>	<b>Estimated Market Opportunity for Additional Units (E-I)</b>	<b>84</b>	<b>140</b>	<b>16</b>	<b>58</b>

## Assisted Living Demand

### Methodology

Exhibit 5.2 provides estimates of market opportunity developed using the ProMatura Demand Model for assisted living apartments for the target market in the primary market area. Demand is projected for the years 2022 and 2027 using estimates for households headed by someone 75+ years of age with annual income of \$35,000+ and \$50,000+.

**Line A: Total Qualified Market:** Claritas, Inc. projects the total number of households headed by someone 75+ years of age with annual income of \$35,000+ and \$50,000+. These totals are not cumulative because the number of 75+ households with \$35,000+ in annual income includes households with income of \$50,000+.

**Line B: Total Demand from Within the Market:** Using the ProMatura Demand Model, assisted living demand is from 75+ households with incomes of \$35,000+ and \$50,000+ in the PMA.

**Line C: Placed by Family Member:** The ProMatura Demand Model was built on decisions made by 60+ households and does not take into account decisions of children to move their parents to an assisted living residence. A separate research study of 1,023 residents in 178 communities across the United States shows that of the residents, 32.8 % move to an assisted living residence as a result of the decision of someone other than themselves. To accurately project assisted living demand, the demand figures are increased by 32.8 %. Many of the 32.8% moved to the community to be closer to their adult children.

**Line D: Percent of Demand from Outside the PMA:** The ProMatura Demand Model projects an increase in demand to account for the demand created by households not currently living in the PMA. Depending on the economic characteristics of the geographical area in which the subject site is, or is going to be located, a percentage of the demand may come from households not living in the PMA. It is here also, that the “adult child” market is recognized.

**Line E: Households Drawn from Outside the PMA:** The total demand from Lines B and C is divided by the percent of demand assumed to come from within the PMA (determined in Line D) to give the total estimated demand. The demand from within the PMA is subtracted from this total and the net difference is assumed to come from outside the PMA.

**Line F: Total Estimated Demand:** The total estimated demand for assisted living in the PMA, based on census estimates for the years 2022 and 2027 (the sum of Lines B, C and E), is projected among households headed by someone 75+ with annual income of \$35,000+ and \$50,000+.

**Line G: Competitive Units in the Market Area:** The number of assisted living units currently serving the market that have been deemed to be in direct competition with the units in or proposed for the subject property.

**Line H: Annual Turnover of Competitive Units:** The number of units listed on Line G that will turn over each year based on the type of property.

**Line I: Units under Construction:** Number of competitive units actively being developed.

**Line J: Number of Assisted Living Units to be Filled:** The sum of Line H and Line I.

**Line K: Estimated Market Opportunity For Additional Units:** Using household estimates for the years 2022 and 2027, and assuming the appropriate draw from outside the market area, the ProMatura Demand Model projects the assisted living market opportunity, or demand in excess of current supply, among households 75+ with annual income of \$35,000+ and \$50,000+ living in the PMA, after planned units are developed.

Exhibit 5.2. Estimated Annual Market Opportunity for Assisted Living in the 5-Mile PMA

	Income Segment:		\$35,000+ Annual Income		\$50,000+ Annual Income	
	Year:	2022	2027	2022	2027	2027
A. Total Qualified Market (75+ Households)		3,650	4,578	2,476		3,183
B. Total Demand within the Market		159	194	88		112
C. Placed by Family Members (32.8%)		52	64	29		37
D. Percent of Demand from Outside PMA		30%		30%		
E. Households Drawn from Outside the PMA		68	83	38		48
<b>F. TOTAL ESTIMATED DEMAND (B+C+E)</b>		<b>279</b>	<b>341</b>	<b>155</b>		<b>196</b>
G. Competitive Units in Market Area		92	92	92		92
H. Annual Turnover in Competitive Units (57.8%)		48	48	48		48
I. Units under Construction		0	0	0		0
J. Number of Assisted Living Units to be Filled (H+I)		48	48	48		48
<b>K. ESTIMATED MARKET OPPORTUNITY FOR ADDITIONAL UNITS (F-J)</b>		<b>231</b>	<b>293</b>	<b>107</b>		<b>148</b>

### Methodology

Demand projections for individuals with mild-to-moderate Alzheimer's symptoms among households 65+ with \$35,000+ and \$50,000+ income for the years 2022 and 2027. Need is projected using prevalence rates of Alzheimer's disease from the National Institute on Aging as presented in the *Archives of Neurology*. Each line item in Exhibit 5.3 – 5.6 is described below:

**Line A: Total Qualified Market:** Claritas, Inc. projects the number of individuals 65+ years of age with annual income of \$35,000+ and \$50,000+ in the PMA for year studied.

**Line B: Alzheimer's Prevalence Rate:** The percent of the population believed to have Alzheimer's disease or some form of dementia (Prevalence Rate) is shown for three age cohorts (65 to 74, 75 to 84 and 85+).

**Line C: Income Qualified Population with Alzheimer's Symptoms:** In the PMA, the estimated numbers of individuals 65+ years of age with annual incomes of \$35,000+ and \$50,000+ who have Alzheimer's disease (Line A x Line B).

**Line D: Percent of Alzheimer's Patients Cared for Outside the Home:** The Alzheimer's Association estimates that 30% of those with Alzheimer's disease are cared for outside the home.

**Line E: Number of Alzheimer's Patients Cared for Outside the Home:** Total number of individuals in the PMA who are estimated to have Alzheimer's disease or a related disorder requiring care outside the home.

**Line F: Percent of Population with Alzheimer's Disease who are Classified as "Severe":** Estimates from *Archives of Neurology* show the percent by age segment of those with Alzheimer's disease whose symptoms are classified as "severe." An individual with severe Alzheimer's symptoms generally requires skilled nursing care and cannot be cared for in an assisted living Alzheimer's setting. Those who have "severe" Alzheimer's disease will likely be cared for outside the home.

**Line G: Number with "Severe" Alzheimer's:** The total number of individuals with Alzheimer's disease who have symptoms that are classified as "severe" (Line C x Line F).

**Line H: Number of Individuals in the PMA with Mild-to-Moderate Alzheimer's Disease Cared for Outside the Home:** The estimated number of individuals 65+, with annual incomes of \$35,000+ and \$50,000+ in the PMA, who have mild-to-moderate Alzheimer's symptoms and need care outside the home (Line E – Line G).

**Line I: Demand from Outside the PMA:** Based on economic conditions and the size of the PMA, the proportion of demand/need that will come from households not currently living in the PMA.

**Line J: Total Need for Alzheimer's Care in Assisted Living:** The number of individuals who will need Alzheimer's care provided by the subject property at the designated location.

**Line K: Number of Alzheimer's Units in the Primary Market Area:** The total number of directly competitive units currently serving the PMA.

**Line L: Annual Turnover:** According to the American Seniors Housing Association, the annual turnover in memory care units is 52.2%.

**Line M: Number of Alzheimer's Units Under Construction:** Using the McGraw Hill/NIC MAP construction report, any memory care units in properties identified by ProMatura as under construction within the PMA are included in Line M. ProMatura notes that these projects are in early stages of development and there is no way to guarantee that they will come to fruition. Also, it is important to note that ProMatura does not have a way to ascertain information regarding properties under construction that are not in the formal planning stages and, therefore, it is possible that there are developments under construction that are not included below.

**Line N: Total Estimated Units to be Filled** (Line L + Line M)

**Line O: Assisted Living Alzheimer's Need:** The total need for additional memory care units in an assisted living setting in the PMA.

Exhibit 5.3. Estimated Annual Need in the 5-Mile PMA for Memory Care \$35,000+ (2022)

	65 to 74	75 to 84	85+	Total
A. Total Qualified Market ( <b>\$35,000+</b> )	11,203	3,726	1,159	16,087
B. Prevalence Rate of Alzheimer's Disease	1.6%	19.5%	43.2%	
C. Income Qualified Population with Alzheimer's Disease	179	726	501	1,406
D. Percent of Alzheimer's Patients Cared for Outside Home		30%		
E. Number of Alzheimer's Patients Cared for Outside Home	54	218	150	422
F. Percent with Severe Alzheimer's Disease	17.0%	20.0%	28.0%	
G. Number with Severe Alzheimer's Disease (Line C x Line F)	30	145	140	316
H. Number of Persons with Mild-to-Moderate Alzheimer's Cared for Outside the Home (Line E - Line G)	23	73	10	106
I. Demand from Outside the PMA (+30%)	10	31	4	45
<b>J. Total Need for Alzheimer's Care in Assisted Living</b>				<b>151</b>
K. Number of Alzheimer's Units in the PMA				27
L. Annual Turnover				17
M. Number of Alzheimer's units under construction				0
N. Total Estimated Units to Fill (Line L + Line M)				17
<b>O. Assisted Living Alzheimer's Need</b>				<b>135</b>

Exhibit 5.4. Estimated Annual Need in the 5-Mile PMA for Memory Care \$50,000+ (2022)

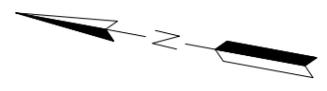
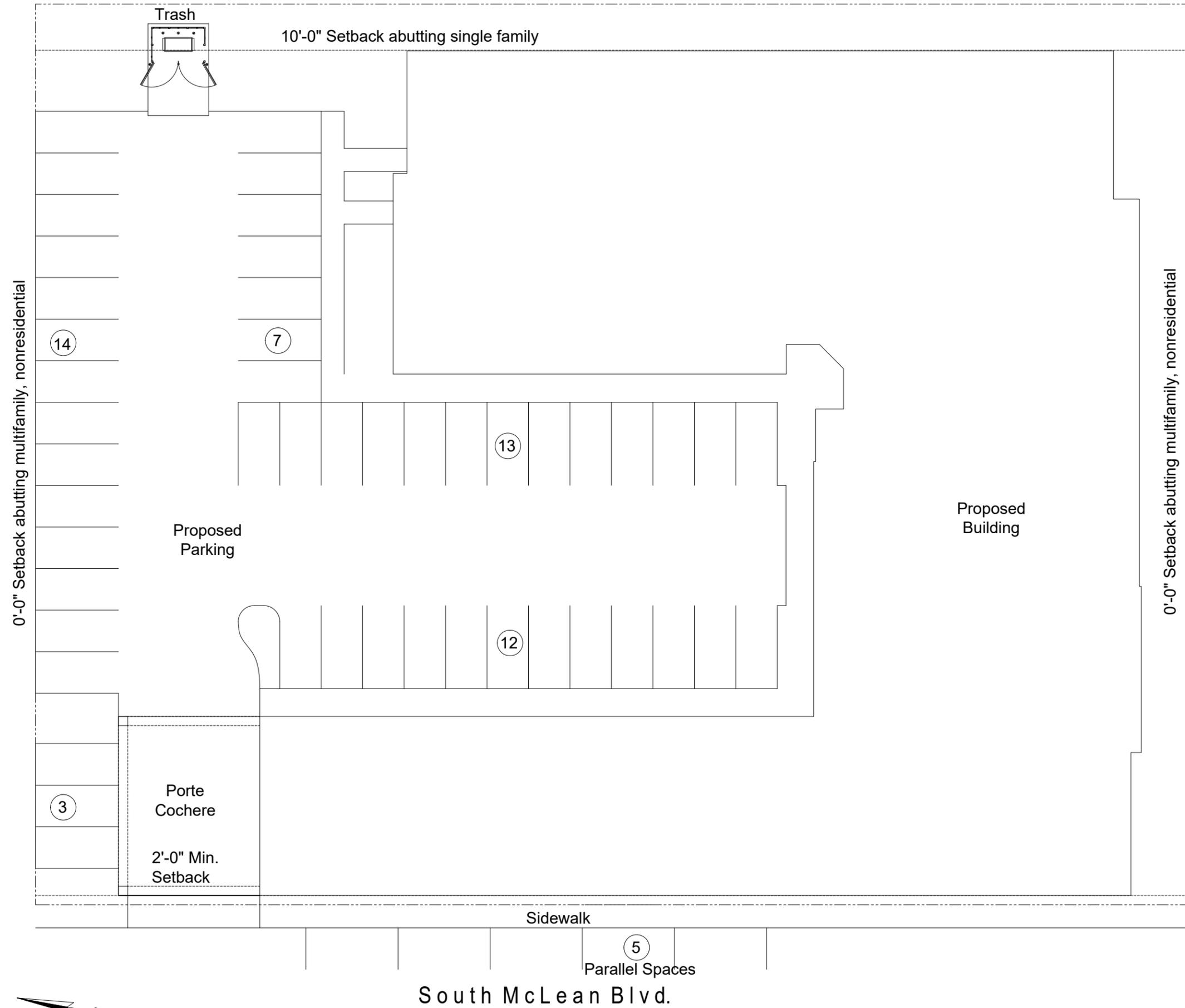
	65 to 74	75 to 84	85+	Total
A. Total Qualified Market ( <b>\$50,000+</b> )	8,847	2,577	735	12,159
B. Prevalence Rate of Alzheimer’s Disease	1.6%	19.5%	43.2%	
C. Income Qualified Population with Alzheimer’s Disease	142	503	318	962
D. Percent of Alzheimer’s Patients Cared for Outside Home		30%		
E. Number of Alzheimer’s Patients Cared for Outside Home	42	151	95	288
F. Percent with Severe Alzheimer's Disease	17.0%	20.0%	28.0%	
G. Number with Severe Alzheimer’s Disease (Line C x Line F)	24	101	89	213
H. Number of Persons with Mild-to-Moderate Alzheimer’s Cared for Outside the Home (Line E - Line G)	18	50	6	75
I. Demand from Outside the PMA (+30%)	8	22	3	32
<b>J. Total Need for Alzheimer’s Care in Assisted Living</b>				<b>107</b>
K. Number of Alzheimer’s Units in the PMA				27
L. Annual Turnover				17
M. Number of Alzheimer’s units under construction				0
N. Total Estimated Units to Fill (Line L + Line M)				17
<b>O. Assisted Living Alzheimer’s Need</b>				<b>90</b>

Exhibit 5.5. Estimated Annual Need in the 5-Mile PMA for Memory Care \$35,000+ (2027)

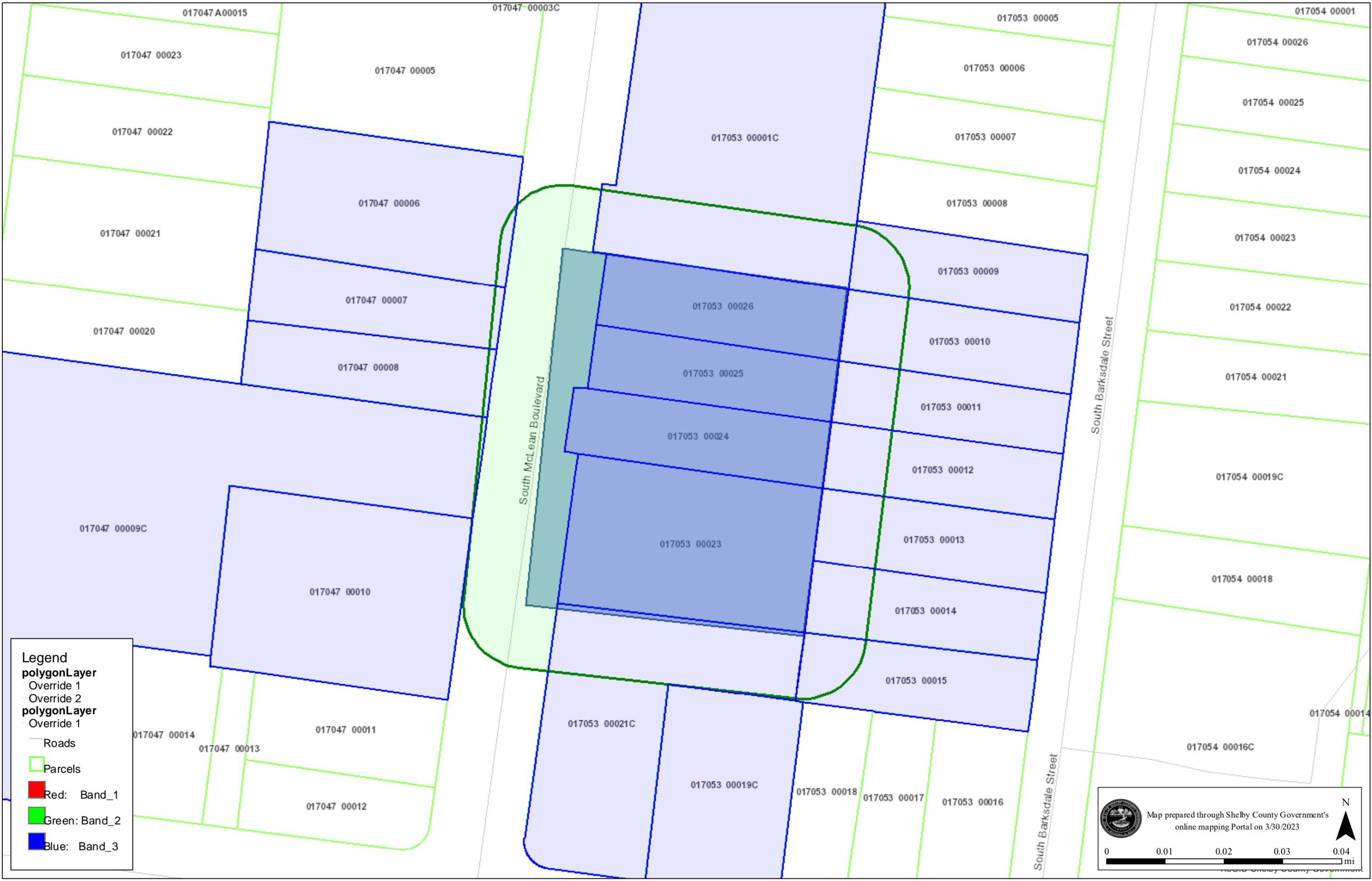
	65 to 74	75 to 84	85+	Total
A. Total Qualified Market ( <b>\$35,000+</b> )	13,441	4,796	1,327	19,564
B. Prevalence Rate of Alzheimer's Disease	1.6%	19.5%	43.2%	
C. Income Qualified Population with Alzheimer's Disease	215	935	573	1,724
D. Percent of Alzheimer's Patients Cared for Outside Home		30%		
E. Number of Alzheimer's Patients Cared for Outside Home	65	281	172	517
F. Percent with Severe Alzheimer's Disease	17.0%	20.0%	28.0%	
G. Number with Severe Alzheimer's Disease (Line C x Line F)	37	187	161	384
H. Number of Persons with Mild-to-Moderate Alzheimer's Cared for Outside the Home (Line E - Line G)	28	94	11	133
I. Demand from Outside the PMA (+30%)	12	40	5	57
<b>J. Total Need for Alzheimer's Care in Assisted Living</b>				<b>190</b>
K. Number of Alzheimer's Units in the PMA				27
L. Annual Turnover				17
M. Number of Alzheimer's units under construction				0
N. Total Estimated Units to Fill (Line L + Line M)				17
<b>O. Assisted Living Alzheimer's Need</b>				<b>173</b>

Exhibit 5.6. Estimated Annual Need in the 5-Mile PMA for Memory Care \$50,000+ (2027)

	65 to 74	75 to 84	85+	Total
A. Total Qualified Market (\$50,000+)	10,864	3,408	848	15,120
B. Prevalence Rate of Alzheimer's Disease	1.6%	19.5%	43.2%	
C. Income Qualified Population with Alzheimer's Disease	174	664	366	1,205
D. Percent of Alzheimer's Patients Cared for Outside Home		30%		
E. Number of Alzheimer's Patients Cared for Outside Home	52	199	110	361
F. Percent with Severe Alzheimer's Disease	17.0%	20.0%	28.0%	
G. Number with Severe Alzheimer's Disease (Line C x Line F)	30	133	103	265
H. Number of Persons with Mild-to-Moderate Alzheimer's Cared for Outside the Home (Line E - Line G)	23	66	7	96
I. Demand from Outside the PMA (+30%)	10	28	3	41
<b>J. Total Need for Alzheimer's Care in Assisted Living</b>				<b>138</b>
K. Number of Alzheimer's Units in the PMA				27
L. Annual Turnover				17
M. Number of Alzheimer's units under construction				0
N. Total Estimated Units to Fill (Line L + Line M)				17
<b>O. Assisted Living Alzheimer's Need</b>				<b>121</b>



**CONCEPT PLAN**  
nts



**Legend**

**polygonLayer**

- Override 1
- Override 2

**polygonLayer**

- Override 1

Roads

Parcels

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



Map prepared through Shelby County Government's  
online mapping Portal on 3/30/2023

0 0.01 0.02 0.03 0.04  
mi

N

017053 00024 - BRODE ROBERT M AND WILLIAMS H BRODE  
017047 00010 - RIVER CITY APARTMENTS LLC  
017053 00015 - BEHAVIORAL HEALTH INITIATIVES  
017047 00006 - SEVENTEEN NINETY TWO AVENUE CORP  
017053 00009 - KAPPA PSI HOUSING CORP  
017047 00007 - BOUTWELL INVESTMENTS LLC  
017053 00010 - COAN MARK A  
017047 00008 - BOUTWELL INVESTMENTS LLC  
017053 00025 - CITY BUILDERS LLC  
017053 00011 - ZUMBRO BRYAN  
017053 00012 - DEWOLFE CHEYNE Z  
017053 00023 - HOOVER DANIEL E AND SUSAN E HOOVER  
017053 00013 - HOLMAN LESTER C JR  
017053 00014 - SMALL TRAKELA AND THOMAS R BOWIE (RS)  
017053 00001C - GILMORE ASSOCIATES  
017053 00021C - SAWYER NANCY H  
017053 00026 - CITY BUILDERS LLC  
017047 00009C - ANDREW PARTNERSHIP  
017053 00019C - GREGORY REALTY GP

BRODE ROBERT M AND WILLIAMS H BRODE  
42 S MCLEAN BLVD #  
MEMPHIS TN 38104

DEWOLFE CHEYNE Z  
43 S BARKSDALE ST #  
MEMPHIS TN 38104

RIVER CITY APARTMENTS LLC  
1005 JARRELL RD #  
MC KENZIE TN 38201

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

BEHAVIORAL HEALTH INITIATIVES  
2430 POPLAR AVE #  
MEMPHIS TN 38112

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

SEVENTEEN NINETY TWO AVENUE CORP  
PO BOX 38914 #  
GERMANTOWN TN 38183

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

KAPPA PSI HOUSING CORP  
31 S BARKSDALE ST #  
MEMPHIS TN 38104

GILMORE ASSOCIATES  
65 UNION AVE #1200  
MEMPHIS TN 38103

BOUTWELL INVESTMENTS LLC  
9020 FOREST HILL IRENE CV #  
GERMANTOWN TN 38139

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

COAN MARK A  
35 S BARKSDALE ST #  
MEMPHIS TN 38104

CITY BUILDERS LLC  
3025 GARDENS WAY  
MEMPHIS TN 38111

BOUTWELL INVESTMENTS LLC  
9020 FOREST HILL IRENE CV #  
GERMANTOWN TN 38139

ANDREW PARTNERSHIP  
1055 SAINT CHARLES AVE #701  
NEW ORLEANS LA 70130

CITY BUILDERS LLC  
PO BOX 11736 #  
MEMPHIS TN 38111

GREGORY REALTY GP  
PO BOX 382366  
GERMANTOWN TN 38183

ZUMBRO BRYAN  
19 S BARKSDALE ST #  
MEMPHIS TN 38104

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

McLean Partners LLC  
3025 Gardens Way  
Memphis, TN 38111

McLean Partners LLC  
3025 Gardens Way  
Memphis, TN 38111

McLean Partners LLC  
3025 Gardens Way  
Memphis, TN 38111

McLean Partners LLC  
3025 Gardens Way  
Memphis, TN 38111

McLean Partners LLC  
3025 Gardens Way  
Memphis, TN 38111



# Shelby County Tennessee

## *Willie F. Brooks Jr*

Shelby County Register

---

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



23022904

03/23/2023 - 12:00:55 PM

4 PGS	
EVELYN 2556077 - 23022904	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	22.00

WILLIE F. BROOKS JR  
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared by and Return to:  
**Commercial Title Group, LLC**  
**6389 Quail Hollow**  
**Suite 201**  
**Memphis, TN 38120**

**QUIT CLAIM DEED**

To the property located in Shelby County, Tennessee.

FOR AND IN CONSIDERATION of the sum of Ten Dollars and no/100 (\$10.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the undersigned, **CITY BUILDERS, LLC, A Tennessee limited liability company** ("Grantor"), hereby sells, remises, releases, conveys, and quit claims unto **MCLEAN PARTNERS, LLC, a Tennessee limited liability company** ("Grantee"), all of its right, title, and interest in the following described real property, to wit:

**See Exhibit "A" attached hereto and made a part hereof by reference.**

This document was prepared without the benefit of title examination at the request of the parties hereto.

IN TESTIMONY WHEREOF I have executed this instrument this the 15<sup>th</sup> day of March, 2023.

**CITY BUILDERS, LLC**  
**a Tennessee limited liability company**

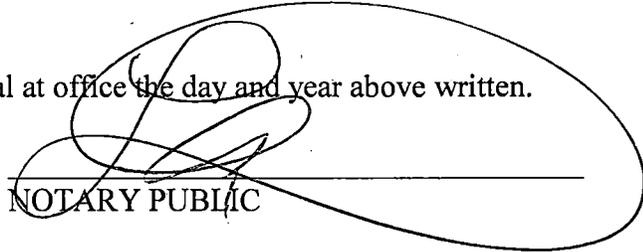
By: \_\_\_\_\_

**Ed Apple, Chief Manager**

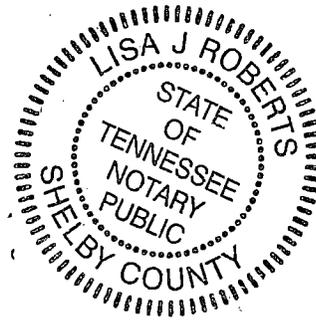
STATE OF TENNESSEE  
COUNTY OF SHELBY

On this 15<sup>th</sup> day of March, 2023, before me, the undersigned Notary Public in the State and County aforesaid, personally appeared **Ed Apple**, with whom I am personally acquainted and who, upon oath, acknowledged that he is the **Chief Manager** of **City Builders, LLC**, the within named bargainor, a Tennessee Limited Liability Company and that he as such **Chief Manager** being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Limited Liability Company by himself as **Chief Manager**.

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

  
\_\_\_\_\_  
NOTARY PUBLIC

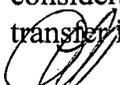
My Commission Expires:  
7/14/26



For recording information only:

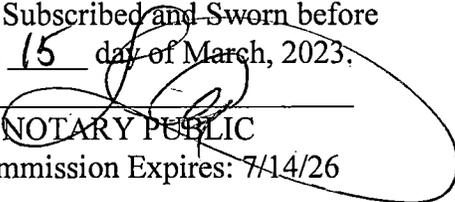
Property Owner and Address:  
McLean Partners, LLC  
3025 GARDENS WAY  
MEMPHIS, TN 38111

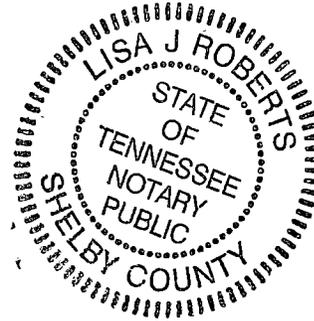
I, or we, hereby swear  
or affirm that to  
the best of affiants  
knowledge, information,  
and belief, the actual  
consideration for this  
transfer is \$ 10.00

  
\_\_\_\_\_  
Affiant

Please mail tax notices to:  
McLean Partners, LLC  
3025 GARDENS WAY  
MEMPHIS, TN 38111

Subscribed and Sworn before  
me this 15 day of March, 2023.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 7/14/26



**EXHIBIT "A"**

**Parcel I:**

Lot 9, Block 1, Mary C. Wellford Subdivision, as shown on plat of record in Plat Book 6, Page 70, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lot.

Being the same property conveyed to City Builders, LLC, by virtue of Warranty Deed of record at Instrument No. 21083746 in the Register's Office of Shelby County, Tennessee.

Property Address: 34 South McLean Blvd., Memphis, TN 38111

Parcel No: 01705300000260

**Parcel II:**

The following described real estate in Shelby County, Tennessee, to-wit

Lot 10, Block 1, Mary C. Wellford Subdivision of Lots 1 and 2, McLean Subdivision as shown on plat of record in Plat Book 6, Page 70, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the east line of South McLean Boulevard a distance of 347.37 feet north of the north line of Union Avenue, said point being 364.87 feet north of the north line of Union Avenue as formerly laid out; thence North with said east line of South McLean Boulevard a distance of 50 feet; thence east parallel with Union Avenue a distance of 200 feet; thence south a distance of 50 feet; thence west 200 feet to the point of beginning. LESS AND EXCEPT that portion of the above described property taken for the purpose of widening McLean Boulevard.

Being the same property conveyed to City Builders, LLC, a Tennessee limited liability company by virtue of Special Warranty Deed of record at Instrument No. 20083383 in the Register's Office of Shelby County, Tennessee.

Property Address: 40 South McLean, Memphis, TN 38111

Parcel No: 0170530000025



# Shelby County Tennessee

## *Willie F. Brooks Jr*

Shelby County Register

---

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



23022903

03/23/2023 - 12:00:55 PM

3 PGS	
EVELYN 2556077 - 23022903	
VALUE	10.00
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

This Instrument Prepared by and Return to:  
**Commercial Title Group, LLC**  
**6389 Quail Hollow**  
**Suite 201**  
**Memphis, TN 38120**

**QUIT CLAIM DEED**

To the property located in Shelby County, Tennessee.

FOR AND IN CONSIDERATION of the sum of Ten Dollars and no/100 (\$10.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the undersigned, **APPLE PARTNERS, LLC, A Tennessee limited liability company** ("Grantor"), hereby sells, remises, releases, conveys, and quit claims unto **MCLEAN PARTNERS, LLC, a Tennessee limited liability company** ("Grantee"), all of its right, title, and interest in the following described real property, to wit:

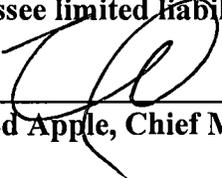
**Lot 11, Block 1, Mary C. Wellford Subdivision of Lots 1 and 2, McLean Subdivision, as shown on plat of record in Plat 6, Page 70, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lot.**

This document was prepared without the benefit of title examination at the request of the parties hereto.

IN TESTIMONY WHEREOF I have executed this instrument this the 15<sup>th</sup> day of March, 2023.

**APPLE PARTNERS, LLC**  
**a Tennessee limited liability company**

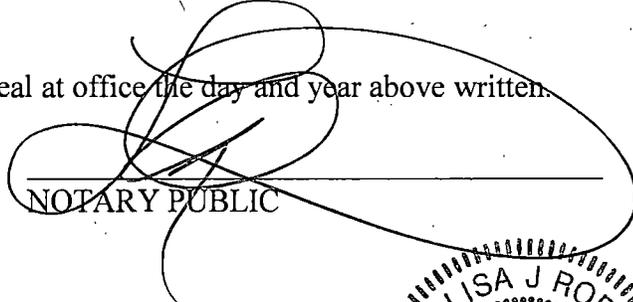
By: \_\_\_\_\_

  
**Ed Apple, Chief Manager**

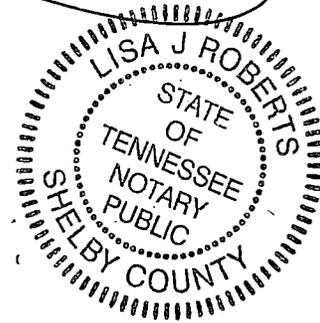
STATE OF TENNESSEE  
COUNTY OF SHELBY

On this 15<sup>th</sup> day of March, 2023, before me, the undersigned Notary Public in the State and County aforesaid, personally appeared **Ed Apple**, with whom I am personally acquainted and who, upon oath, acknowledged that he is the **Chief Manager of Apple Partners, LLC**, the within named bargainor, a Tennessee Limited Liability Company and that he as such **Chief Manager** being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Limited Liability Company by himself as **Chief Manager**.

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

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
7/14/26



For recording information only:

Property Owner and Address:  
McLean Partners, LLC  
3025 GARDENS WAY  
MEMPHIS, TN 38111

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

Please mail tax notices to:  
McLean Partners, LLC  
3025 GARDENS WAY  
MEMPHIS, TN 38111

\_\_\_\_\_  
Subscribed and Sworn before  
me this 31<sup>st</sup> day of December, 2022.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 7/14/26

Property Address:  
42 South McLean  
Memphis, TN 38111

Parcel No: 01705300024





# 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.



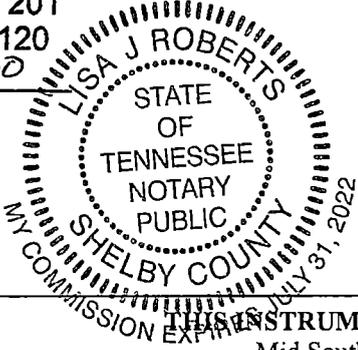
22069837

06/23/2022 - 12:01:33 PM

4 PGS	
LINDA 2449186 - 22069837	
VALUE	650000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2405.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	2428.00

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

<p><b>Return To:</b> <b>WARRANTY DEED</b>  <b>Commercial Title Group, LLC</b>  <b>6389 Quail Hollow, Suite 201</b>  <b>Memphis, Tennessee 38120</b>                  File No. <u>CTG2260</u></p>	<p style="text-align: center;"><b>STATE OF TENNESSEE</b>  <b>COUNTY OF SHELBY</b></p> <p>THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS <u>650,000.00</u></p> <p style="text-align: right;">Affiant  </p> <p>SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE <u>10</u> DAY OF <u>June</u>, 2022.</p> <p style="text-align: right;">Notary Public  </p> <p>MY COMMISSION EXPIRES: _____                  (AFFIX SEAL)</p>	
<p><b>THIS INSTRUMENT WAS PREPARED BY</b>                  Mid South Title Services, LLC                  O. Douglas Shipman, Attorney                  1715 Aaron Brenner Drive, Suite 401                  Memphis, Tennessee 38120</p>		
<p>ADDRESS NEW OWNER(S) AS FOLLOWS:</p> <p><b>McLean Partners, LLC</b>                  (NAME)                  3025 Gardens Way                  (ADDRESS)                  Memphis TN 38111                  (CITY) (STATE) (ZIP)</p>	<p>SEND TAX BILLS TO:</p> <p><b>McLean Partners, LLC</b>                  (NAME)                  3025 Gardens Way                  (ADDRESS)                  Memphis TN 38111                  (CITY) (STATE) (ZIP)</p>	<p>MAP-PARCEL NUMBERS</p> <p style="text-align: center;">088 030 00169</p>



FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, **DANIEL EDMONSON HOOVER** and **SUSAN ELIZABETH HOOVER COOK**, HEREINNAFTER CALLED THE GRANTORS, HAVE BARGANED AND SOLD, AND BY THESE PRESENTS DOES TRANSFER AND CONVEY UNTO McLean Partners, LLC, \*, HEREINAFTER CALLED THE GRANTEE, HIS HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN **SHELBY COUNTY**, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

\*a Tennessee limited liability company

Reference is hereby made to Exhibit "A" which is incorporated herein by reference and made a part hereof.

Being all and the same property conveyed to Daniel Edmonson Hoover and Susan Elizabeth Hoover Cook by Executor's Deed of record at Instrument Number 03069920 and Warranty Deeds of record at Instrument Numbers 05061495, 05072462 and 06089839 in the Register's Office of Shelby County, Tennessee..

The above described property is subject to Subdivision Restriction, Building Lines and Easements of record in Plat Book 6, Pages 69-70; Deed Restrictions of record in Book 6155, Page 115; Easements of record at Instrument Number HB 0323 and other Restrictions of record in Book 364, Page 83, Book 470, Page 394 and Book 470, Page 391 in said Register's Office and except for 2022 Memphis City taxes and 2022 Shelby County taxes, not yet due and payable which Grantee herein assumes and agrees to pay.

unimproved   
 This is improved  property, known as

48 South McLean Street, Memphis, TN 38104  
 (House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns forever; and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS my hand this 2 day of June, 2022.

*Daniel Edmonson Hoover*

Daniel Edmonson Hoover

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

On this 2<sup>nd</sup> day of June, 2022, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared, DANIEL EDMONSON HOOVER, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he executed the foregoing instrument for the purpose therein contained.

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

Commission expires:

1-21-26



*Kaitlyn Ewer*

Notary Public

**~~Return To:~~**

Mid South Title Services, LLC  
1715 Aaron Brenner Dr., Suite 401  
Memphis, TN 38120

MST# 2022050450 LM

WITNESS by hand this 2<sup>nd</sup> day of June, 2022.

Susan Elizabeth Hoover Cook  
[Susan Elizabeth Hoover Cook]

STATE OF TENNESSEE  
COUNTY OF WILLIAMSON

On this 2<sup>nd</sup> day of June, 2022, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared, **SUSAN ELIZABETH HOOVER COOK**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath, acknowledged to be the person within named and that she executed the foregoing instrument for the purpose therein contained.

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

Commission expires:  
1-21-26



Kaitlyn Ewer  
Notary Public

~~Return to:~~

Mid South Title Services, LLC  
1715 Aaron Brenner Dr., Suite 401  
Memphis TN 38120

MST# 2022050450 LM

EXHIBIT "A"

The following described real estate, situated in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

Lots 12 and 13, Block 1, Mary C. Wellford Subdivision, and more particularly described as follows:

Beginning at a point in the east line of South McLean Boulevard 197.37 feet northwardly from the north line of Union Avenue; thence northwardly with said east line of South McLean Boulevard 100 feet to a point in the south line of Lot 11; thence eastwardly with said south line and parallel with Union Avenue 195 feet to a point; thence southwardly parallel with South McLean Boulevard 100 feet to a point; thence westwardly 195 feet to the point of beginning.

LESS AND EXCEPT:

1. To convey to the City of Memphis by Warranty Deed in fee simple the following described parcel of real estate to-wit:

Part of that property as described in Deed of record in Book 2551, Page 149 in the Office of the Register of Shelby County, Tennessee, being more particularly described as follows: BEGINNING at a point in the present east line of McLean Street 197.37 feet northwardly from the north line of Union Avenue; running thence northwardly along the present east line of McLean Street 100 feet to a point; thence eastwardly 15.15 feet to a point in the proposed east line of McLean Street; thence southwardly along the said proposed east line 100 feet, more or less, to a point; thence westwardly 14.07 feet to the beginning.

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

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

June 27, 2023

Josh Whitehead, AICP  
Burch, Porter & Johnson, PLLC  
130 North Court Avenue | Memphis, TN 38103

Sent via electronic mail to: Josh Whitehead [jwhitehead@BPJLAW.COM](mailto:jwhitehead@BPJLAW.COM)

Case Number: SE 23-01  
LUCB Decision: Approval with conditions

Dear applicant,

On Thursday, June 8, 2023, the Memphis and Shelby County Land Use Control Board **approved** your application for a special exception to Section 8.4.9 of the Unified Development Code to allow 4 stories where 3 stories are permitted, subject to the following conditions:

1. The project shall meet the requirements of Sub-Section 8.4.8E Shopfront frontage, with the following exception: the ground floor elevation is not required to be 18 inches above the adjacent sidewalk.
2. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
3. Elevations with exterior finishes shall be submitted for review and approval by the Division of Planning and Development (DPD).
4. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [brett.ragsdale@memphistn.gov](mailto:brett.ragsdale@memphistn.gov).

Respectfully,

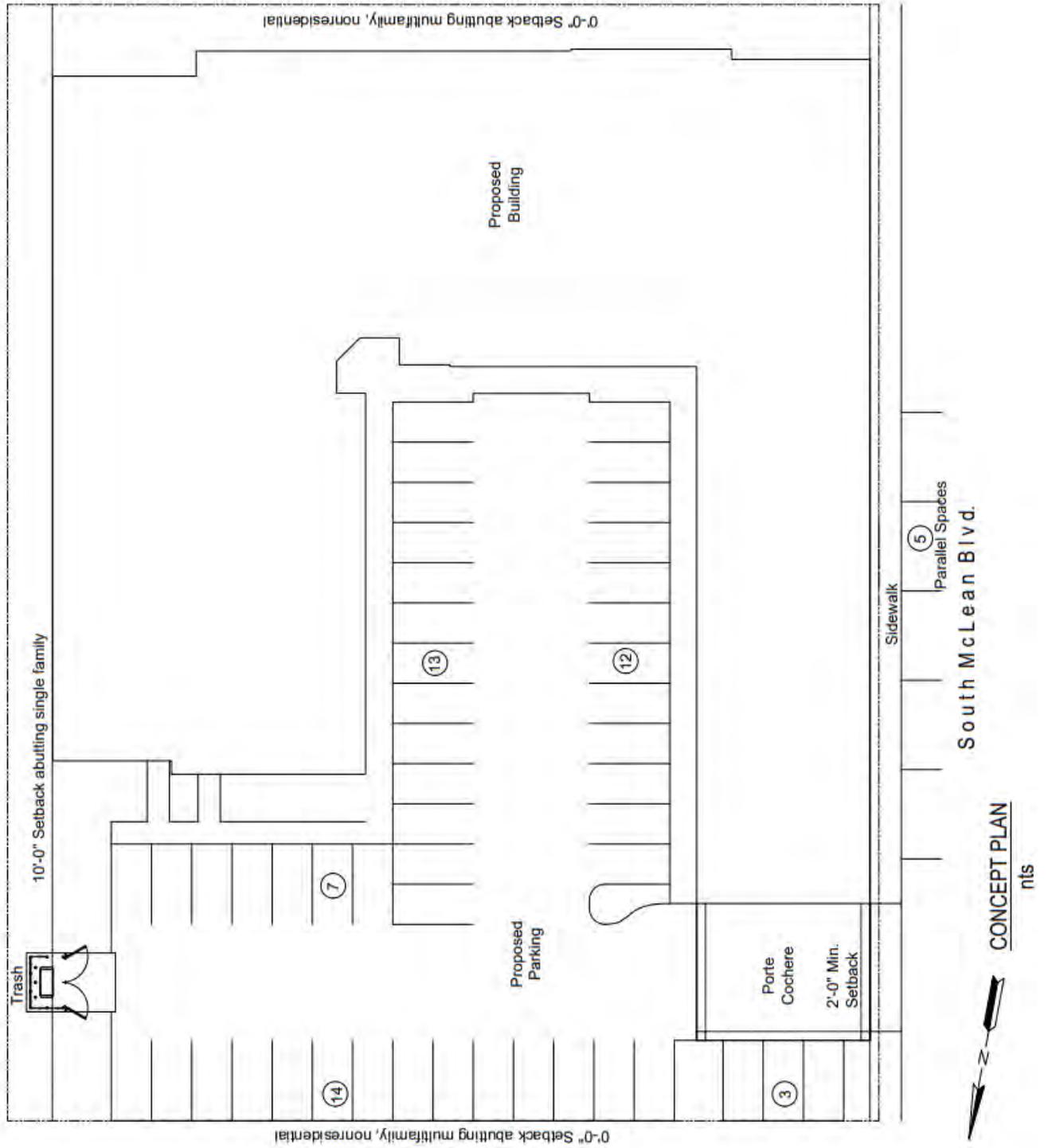


Brett Ragsdale  
Zoning Administrator  
Land Use and Development Services  
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC  
File

Encl: Site Plan & Elevation

# SITE PLAN



# ELEVATION



1 Front Elevation

Scale: 1/8" = 1'-0"

## Cobbs, Kendra

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**From:** Robert Gordon <bguh@bellsouth.net>  
**Sent:** Monday, June 12, 2023 1:37 PM  
**To:** Jones, Martavius; Ragsdale, Brett  
**Subject:** Re: LUCB appeal to City Council

**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.

Kindly advise to whom the check should be made.  
And if email will suffice, please also take this as formal notice of appeal of LUCB SE 23-01.  
Thank you,  
Robert Gordon  
MidtownMemphis.org

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

On Monday, June 12, 2023, 11:03:24 AM CDT, Ragsdale, Brett <brett.ragsdale@memphistn.gov> wrote:

you can confirm via email that you wish to appeal. Then pay the fee by cash, check, or money order at the DPD service center, City Hall 4<sup>th</sup> floor Ste. 468.

we are not forwarding any cases to council that have opposition during budget discussions so the earliest we would forward it would be in July.

Brett Ragsdale, AIA

Zoning Administrator

Division of Planning and Development

125 N. Main, Ste. 468 Memphis, TN 38103

Phone: 901-636-6619

Email: [brett.ragsdale@memphistn.gov](mailto:brett.ragsdale@memphistn.gov)



**NOTICE TO INTERESTED OWNERS OF PROPERTY  
(APPEAL OF LAND USE CONTROL BOARD ACTION)**

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, \_\_\_\_\_ at 3:30 P.M., in the matter of granting an application for an appeal of decision made by the Memphis and Shelby County Land Use Control Board, as follows:

- CASE NUMBER:** SE 2023-001
- LOCATION:** 34, 40, 42, and 48 S. McLean Blvd
- COUNCIL DISTRICTS:** District 6 and Super District 8 – Positions 1, 2, and 3
- APPEALANT:** Robert Gordon
- EXISTING ZONING:** Residential Urban – 4 (RU-4) with Medical District Overlay
- REQUEST:** Overturn a decision of the Land Use Control Board (LUCB)  
(The LUCB approved a special exception to Section 8.4.9 to allow four (4) stories in height)
- AREA:** +/-1.07 acres

**RECOMMENDATIONS:**

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

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

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

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

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

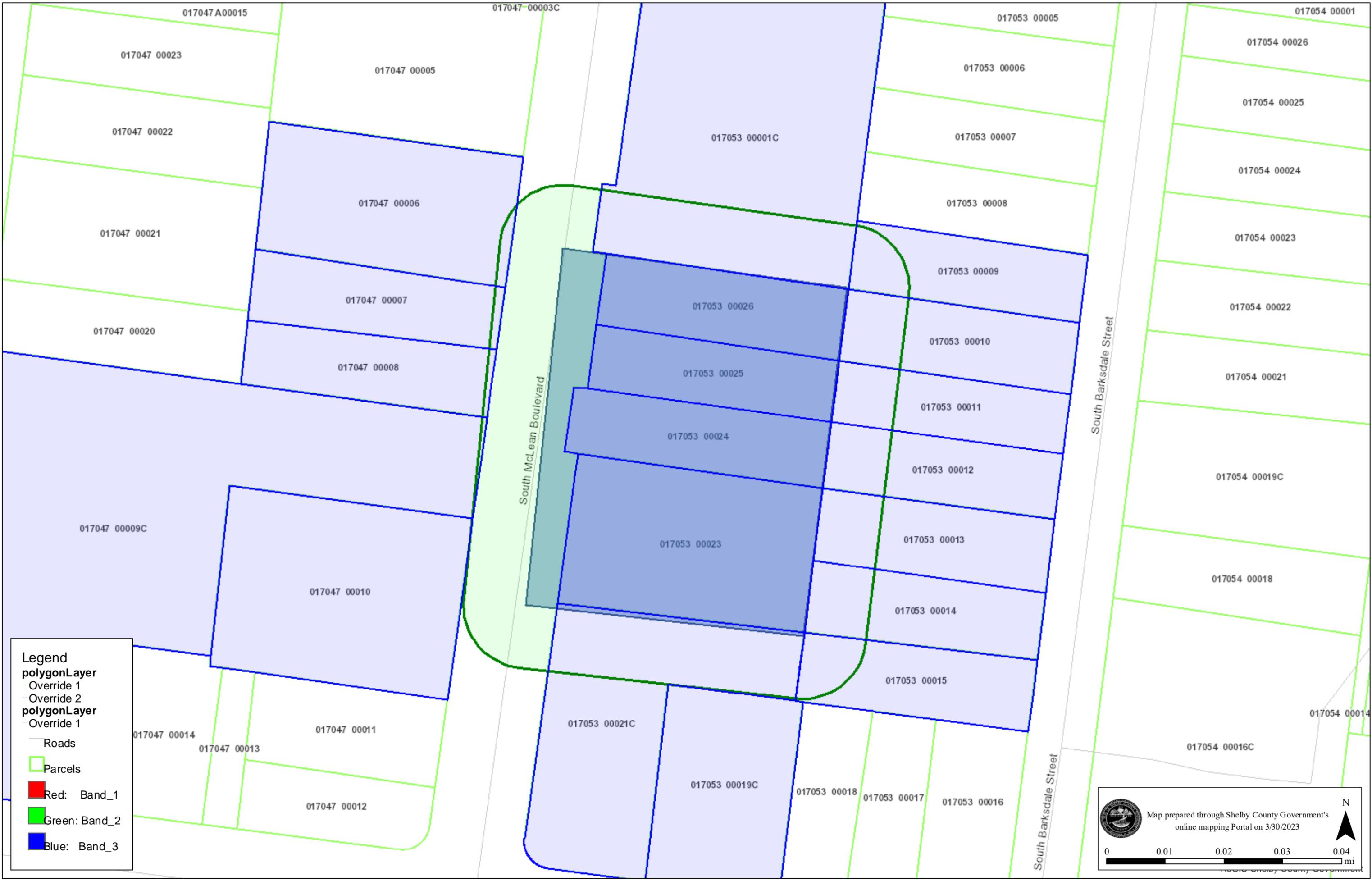
**MARTAVIUS JONES**  
***CHAIRMAN OF COUNCIL***

**ATTEST:**

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

---

**TO BE PUBLISHED:**



**Legend**

**polygonLayer**

- Override 1
- Override 2

**polygonLayer**

- Override 1

Roads

Parcels

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



Map prepared through Shelby County Government's  
online mapping Portal on 3/30/2023

0 0.01 0.02 0.03 0.04  
mi

N

BRODE ROBERT M AND WILLIAMS H BRODE  
42 S MCLEAN BLVD #  
MEMPHIS TN 38104

DEWOLFE CHEYNE Z  
43 S BARKSDALE ST #  
MEMPHIS TN 38104

RIVER CITY APARTMENTS LLC  
1005 JARRELL RD #  
MC KENZIE TN 38201

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

BEHAVIORAL HEALTH INITIATIVES  
2430 POPLAR AVE #  
MEMPHIS TN 38112

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

SEVENTEEN NINETY TWO AVENUE CORP  
PO BOX 38914 #  
GERMANTOWN TN 38183

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

KAPPA PSI HOUSING CORP  
31 S BARKSDALE ST #  
MEMPHIS TN 38104

GILMORE ASSOCIATES  
65 UNION AVE #1200  
MEMPHIS TN 38103

BOUTWELL INVESTMENTS LLC  
9020 FOREST HILL IRENE CV #  
GERMANTOWN TN 38139

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

COAN MARK A  
35 S BARKSDALE ST #  
MEMPHIS TN 38104

CITY BUILDERS LLC  
3025 GARDENS WAY  
MEMPHIS TN 38111

BOUTWELL INVESTMENTS LLC  
9020 FOREST HILL IRENE CV #  
GERMANTOWN TN 38139

ANDREW PARTNERSHIP  
1055 SAINT CHARLES AVE #701  
NEW ORLEANS LA 70130

CITY BUILDERS LLC  
PO BOX 11736 #  
MEMPHIS TN 38111

GREGORY REALTY GP  
PO BOX 382366  
GERMANTOWN TN 38183

ZUMBRO BRYAN  
19 S BARKSDALE ST #  
MEMPHIS TN 38104

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 09/26/2023.**

*DATE*

**PUBLIC SESSION: 09/26/2023**

*DATE*

**ITEM (CHECK ONE)**

       ORDINANCE      X   RESOLUTION           REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 4409 South Third Street, known as case number PD 223-007.

**CASE NUMBER:** PD 2023-007

**LOCATION:** 4409 South Third Street

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

**OWNER/APPLICANT:** Kirby carter

**REPRESENTATIVE:** Delinor Smith

**REQUEST:** To allow the uses of a food truck, enclosed seating area, and a shipping container in the Commercial Mixed-Use 3 (CMU-3) zoning district and the continued use of a billboard as the principal use

**AREA:** +/-1.59 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:**

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>09/14/2013</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

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

**SOURCE AND AMOUNT OF FUNDS**

<u>\$</u>	OPERATING BUDGET
<u>\$</u>	CIP PROJECT # _____
<u>\$</u>	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
<u>  Mahsan Ostadnia  </u>	<u>14 Sep 2023</u>	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

**PD 2023-007**

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 4409 SOUTH THIRD STREET, KNOWN AS CASE NUMBER PD 2023-007.

- This item is a resolution with conditions to allow the uses of a food truck, enclosed seating area, and a shipping container in the Commercial Mixed-Use 3 (CMU-3) zoning district and the continued use of a billboard as the principal use; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, September 14, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

<b>CASE NUMBER:</b>	PD 2023-007
<b>LOCATION:</b>	4409 South Third Street
<b>COUNCIL DISTRICT(S):</b>	District 26 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Kirby Carter
<b>REPRESENTATIVE:</b>	Delinor Smith
<b>REQUEST:</b>	To allow the uses of a food truck, enclosed seating area, and a shipping container in the Commercial Mixed-Use 3 (CMU-3) zoning district and the continued use of a billboard as the principal use
<b>EXISTING ZONING:</b>	Commercial Mixed-Use- 3 (CMU-3)
<b>AREA:</b>	+/-1.59 acres

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

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

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

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

Respectfully,

*Mahsan Ostadnia*

Planner II  
Land Use & Development Services

Cc: Committee Members  
File

**PD 2023-007  
CONDITIONS**

**Outline/General Plan Conditions**

- I. Use Permitted
  - A. Any use permitted by right in the Commercial Mixed Use-3 (CMU-3) District including the following specifically permitted uses.
    - 1. Restaurant, drive-in or Drive Thru, take-out, fast-food.
    - 2. Associated office
    - 3. Deck patio for outdoor seating of dining
    - 4. Off-street parking
    - 5. Electric vehicle Charging unit.
    - 6. Container storage
    - 7. Existing Billboard (temporary) to be removed once the lease agreement expires.
  - B. The following uses are strictly prohibited.
    - 1. Restaurant with sale of alcoholic beverages, brew pub
    - 2. Outdoor advertising sign
    - 3. Parking commercials
    - 4. All Vehicle Repairs
    - 5. Manufactured housing
    - 6. Microbrewery and micro distillery
    - 7. Payday loans, title loans and flexible loan plan establishments
    - 8. Pawn shop
    - 9. Tattoo, Palmist, Psychic or Medium
    - 10. Vapor shop
    - 11. Heliport
    - 12. Off-premises advertising signs boat rental, sales, or storage.
    - 13. Tavern, cocktail lounge, or night club
- II. Bulk Regulations
  - A. The development shall comply with the bulk requirements of the Commercial Mixed Use-3(CMU-3) District.
- III. Access, Parking and Circulation
  - 1. One curb cut is permitted on South Third Street.
  - 2. The design and location of the curb cut shall be approved by the City Engineer.
  - 3. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
  - 4. All required parking shall be as Illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
  - 5. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
  - 6. Adequate maneuvering room shall be provided between the right-of-way and the

gate/guardhouse/card reader for vehicles to exit by forward motion.

#### IV. Drainage

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

#### V. Landscaping

- 1. Landscaping shall be provided as illustrated on the Outline Plan.
- 2. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- 3. As illustrated on the Outline Plan, existing trees shall be preserved where indicated and included in landscape treatments wherever possible.
- 4. Lighting shall be directed so as to not glare onto residential property or onto traffic on South Third Street.

#### VI. Signs

- A. Signage shall be in conformance with the Commercial Mixed Use-3 (CMU-3) District regulations.

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

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

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

- X. Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easement.
  - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
  - G. The 100-year flood elevation.
  - H. Fire hydrants in accordance with the requirements of the Memphis Fire Department.



**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 4409 SOUTH THIRD STREET, KNOWN AS CASE NUMBER PD 2023-007.**

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

**WHEREAS**, Kirby Carter filed an application with the Memphis and Shelby County Division of Planning and Development to allow the uses of a food truck, enclosed seating area, and a shipping container in the Commercial Mixed-Use 3 (CMU-3) zoning district and the continued use of a billboard as the principal use; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 14, 2023, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

***ATTEST:***

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

## Outline/General Plan Conditions

### I. Use Permitted

A. Any use permitted by right in the Commercial Mixed Use-3 (CMU-3) District including the following specifically permitted uses.

1. Restaurant, drive-in or Drive Thru, take-out, fast-food.
2. Associated office
3. Deck patio for outdoor seating of dining
4. Off-street parking
5. Electric vehicle Charging unit.
6. Container storage
7. Existing Billboard (temporary) to be removed once the lease agreement expires.

B. The following uses are strictly prohibited.

1. Restaurant with sale of alcoholic beverages, brew pub
2. Outdoor advertising sign
3. Parking commercials
4. All Vehicle Repairs
5. Manufactured housing
6. Microbrewery and micro distillery
7. Payday loans, title loans and flexible loan plan establishments
8. Pawn shop
9. Tattoo, Palmist, Psychic or Medium
10. Vapor shop
11. Heliport
12. Off-premises advertising signs boat rental, sales, or storage.
13. Tavern, cocktail lounge, or night club

### II. Bulk Regulations

A. The development shall comply with the bulk requirements of the Commercial Mixed Use-3(CMU-3) District.

### III. Access, Parking and Circulation

1. One curb cut is permitted on South Third Street.
2. The design and location of the curb cut shall be approved by the City Engineer.
3. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
4. All required parking shall be as Illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
5. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
6. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

### IV. Drainage

A. Drainage improvements, including possible on-site detention, to be provided under contract in

accordance with the City of Memphis Drainage Design Manual.

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

## V. Landscaping

- 1. Landscaping shall be provided as illustrated on the Outline Plan.
- 2. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- 3. As illustrated on the Outline Plan, existing trees shall be preserved where indicated and included in landscape treatments wherever possible.
- 4. Lighting shall be directed so as to not glare onto residential property or onto traffic on South Third Street.

## VI. Signs

- A. Signage shall be in conformance with the Commercial Mixed Use-3 (CMU-3) District regulations.

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

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

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

X. Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. Fire hydrants in accordance with the requirements of the Memphis Fire Department.



**AGENDA ITEM:** 12

**CASE NUMBER:** PD 2023-007

**L.U.C.B. MEETING:** September 14, 2023

**LOCATION:** 4409 South Third Street

**COUNCIL DISTRICT:** District 6 and Super District 8

**OWNER/APPLICANT:** Kirby Carter

**REPRESENTATIVE:** Delinor Smith

**REQUEST:** To allow the uses of a food truck, enclosed seating area, and a shipping container in the Commercial Mixed-Use 3 (CMU-3) zoning district and the continued use of a billboard as the principal use

**AREA:** +/-1.59 acres

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

## CONCLUSIONS

1. The applicant is requesting site plan approval as required by the outline plan conditions.
2. The applicant will modify any elevations or materials that will be compatible with the applicable district regulations.
3. The applicant is requesting a permit for food truck, enclosed seating area, and a shipping container.
4. Site plan and Landscaping plan will be submitted for approval.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is inapplicable with the Memphis 3.0 General Plan per the land use decision criteria.

## RECOMMENDATION

***Approval with two (2) Conditions.***

**GENERAL INFORMATION**

**Street Frontage:** South Third Street +/-168.98 linear feet

**Zoning Atlas Page:** 2425

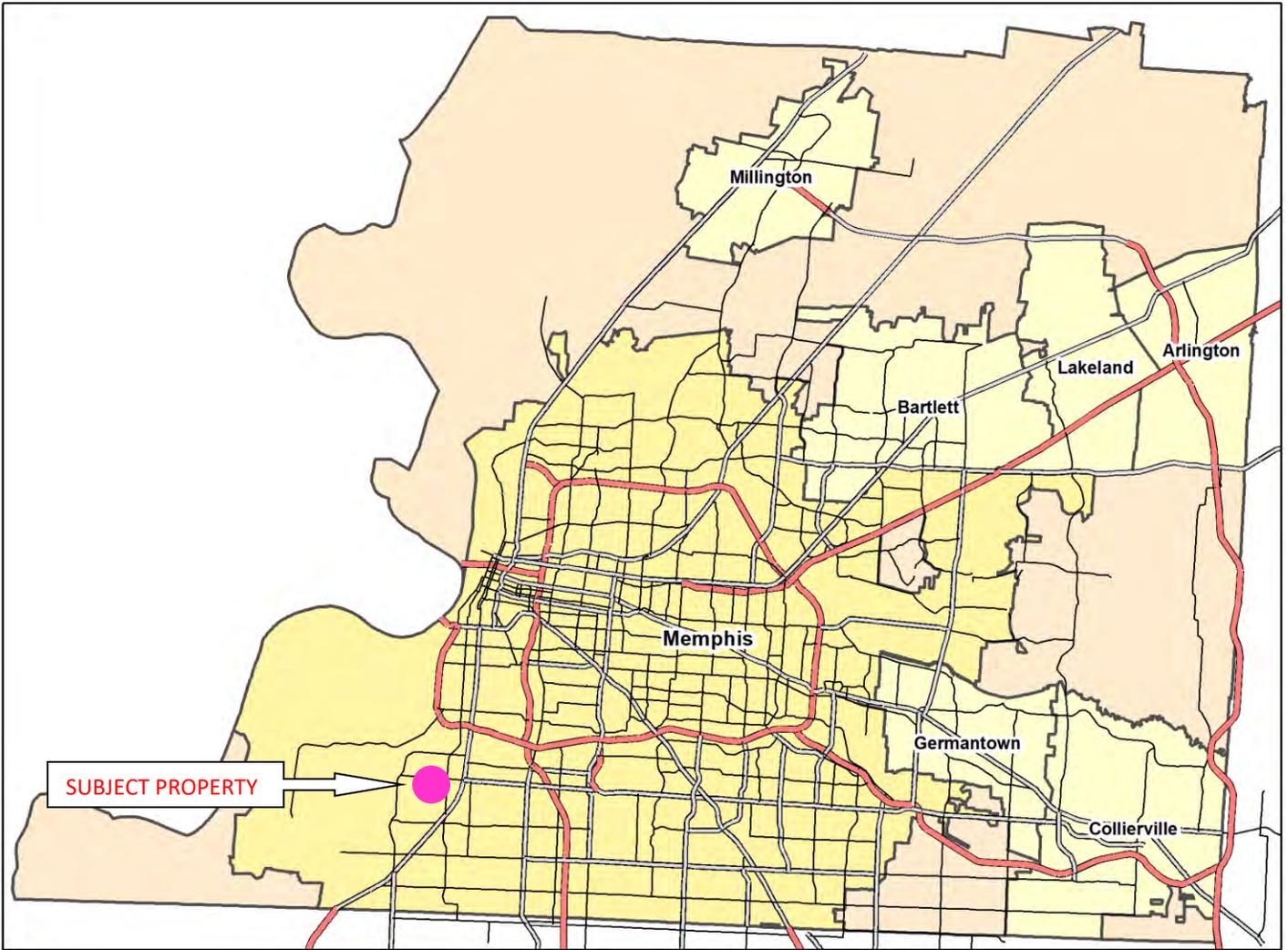
**Parcel ID:** 075147 00011

**Existing Zoning:** Commercial Mixed-use- 3 (CMU-3)

**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 67 notices were mailed on July 18, 2017, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle

VICINITY MAP



Subject property highlighted in yellow

**AERIAL**



Subject property is in yellow, imagery from July 17, 2023

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** CMU-3

**Surrounding Zoning**

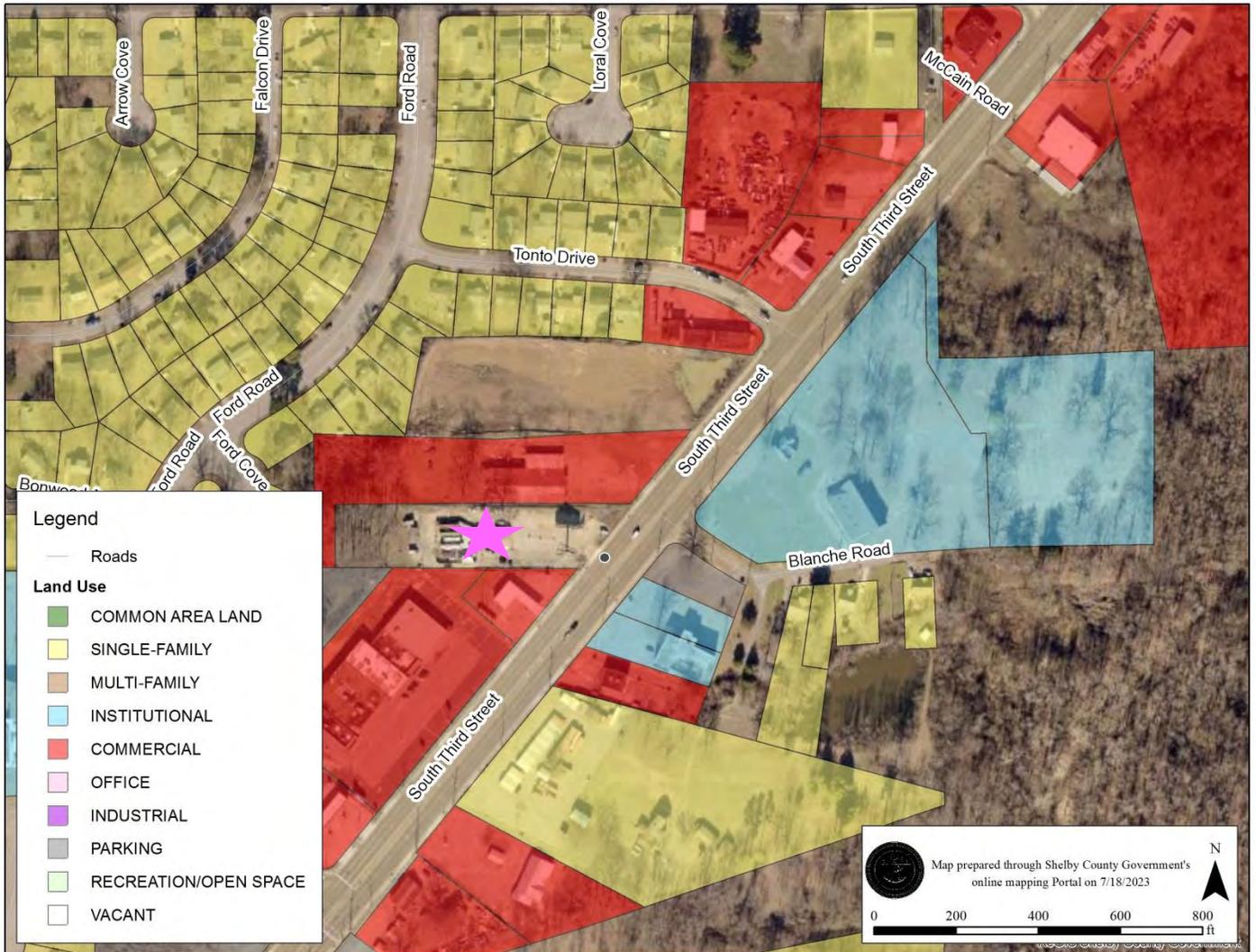
**North:** CMU-3, R-6

**East:** R-6, RU-3

**South:** CMU-1

**West:** R-6

**LAND USE MAP**



Subject property indicated by a pink star

**SITE PHOTOS**



View of the subject property from South Third St (East)

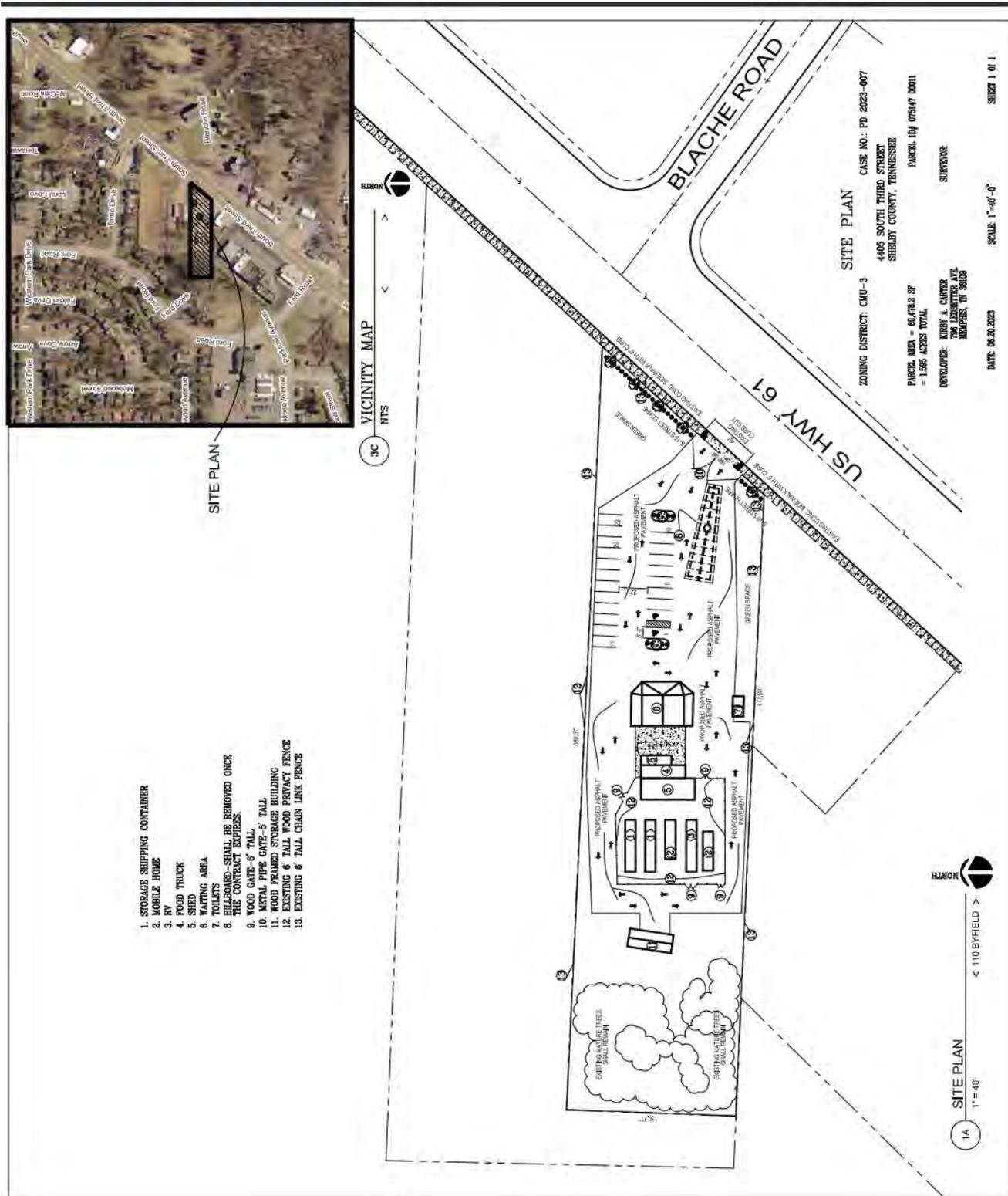


View of the subject property from South Third St (South-east)



View of the subject property from South Third St (North-east)

CONCEPT PLAN



## STAFF ANALYSIS

### Request

Planned Development to allow the uses of a food truck, enclosed seating area and a shipping container where not permitted in the CMU-3 Zoning District and the continued use of a Billboard as the principal structure.

### Applicability

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

#### 4.10.2 Applicability

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

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

### General Provisions

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

#### 4.10.3 General Provisions

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

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

#### **Commercial or Industrial Criteria**

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

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

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

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

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

### **Approval Criteria**

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

#### *9.6.9 Approval Criteria*

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

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

### **Site Description**

The subject property is +/-1.59 acres located on the south third street. 4409 S 3rd St, Memphis, TN 38109 is located in the Westwood neighborhood of Memphis, Tennessee.

The address is in the southern part of Memphis, near the Mississippi border. It is approximately 6 miles south of downtown Memphis, making it easily accessible from the city center.

The surrounding area of 4409 S 3rd St primarily consists of a mix of residential and commercial properties. There are single-family homes, townhouses, and apartment complexes in the vicinity, providing housing options for various lifestyles and preferences.

### **Site Zoning History**

The current zoning for the subject property is CMU-3, which is commercial mixed use.

### **Site Plan Review**

- The zoning is CMU-3, which is a mixed-use commercial.
- The total area is 1.595 acres (69,478.2 SQF).
- The Billboard will be removed when the contract expires in approximately 7 years.
- The site will include the following items: storage shipping container, mobile home, RV, food truck, shed, waiting area, toilets, wood framed storage building.
- The gate would be a metal pipe gate which is +/- 5 feet tall.
- There is an existing wood privacy fence which is +/- 6 feet tall.
- There is an existing chain link fence which is +/- 6 feet tall.
- The existing mature trees will remain.
- The existing curb cut is +/- 40 feet.

### **Conclusions**

1. The applicant is requesting site plan approval as required by the outline plan conditions.
2. The applicant will modify any elevations or materials that will be compatible with the applicable district regulations.
3. The applicant is requesting a permit for food truck, enclosed seating area, and a shipping container.
4. Site plan and Landscaping plan will be submitted for approval.

### **RECOMMENDATION**

Staff recommends approval with conditions.

### **Site Conditions**

1. The billboard shall be removed after the contract expires in approximately 7 years.
2. The approval shall be valid for a period of seven years after which the applicant may apply for an extension, for a period of three years.

**Outline Plan Conditions**

I. Use Permitted

A. Any use permitted by right in the Commercial Mixed Use-3 (CMU-3) District including the following specifically permitted uses.

1. Restaurant, drive-in or Drive Thru, take-out, fast-food.
2. Associated office
3. Deck patio for outdoor seating of dining
4. Off-street parking
5. Electric vehicle Charging unit.
6. Container storage
7. Existing Billboard (temporary) to be removed once the lease agreement expires.

B. The following uses are strictly prohibited.

1. Restaurant with sale of alcoholic beverages, brew pub
2. Outdoor advertising sign
3. Parking commercials
4. All Vehicle Repairs
5. Manufactured housing
6. Microbrewery and micro distillery
7. Payday loans, title loans and flexible loan plan establishments
8. Pawn shop
9. Tattoo, Palmist, Psychic or Medium
10. Vapor shop
11. Heliport
12. Off-premises advertising signs boat rental, sales, or storage.
13. Tavern, cocktail lounge, or night club

II. Bulk Regulations

A. The development shall comply with the bulk requirements of the Commercial Mixed Use-3(CMU-3) District.

III. Access, Parking and Circulation

1. One curb cut is permitted on South Third Street.
2. The design and location of the curb cut shall be approved by the City Engineer.
3. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
4. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
5. Adequate queuing spaces in accordance with the Unified Development Code shall be provided between any gate/guardhouse/card reader for vehicles to exit by forward motion.
6. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Drainage

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

V. Landscaping

1. Landscaping shall be provided as illustrated on the Outline Plan.
2. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
3. As illustrated on the Outline Plan, existing trees shall be preserved where indicated and included in landscape treatments wherever possible.
4. Lighting shall be directed so as to not glare onto residential property or onto traffic on South Third Street.

## VI. Signs

A. Signage shall be in conformance with the Commercial Mixed Use-3 (CMU-3) District regulations.

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

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

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

X. Any final plan shall include the following:

A. The outline plan conditions.

B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.

D. The number of parking spaces.

E. The location and ownership, whether public or private, of any easement.

F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.

G. The 100-year flood elevation.

H. Fire hydrants in accordance with the requirements of the Memphis Fire Department.

**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 Planned Development**

**Record Detail Information**

**Record Type:** Planned Development

**Record Status:** Public Notice Processing

**Opened Date:** February 22, 2023

**Record Number:** PD 2023-007

**Expiration Date:**

**Record Name:** 3rd Street Billboard Planned Development

**Description of Work:** Planned Development to allow the uses of a food truck, enclosed seating area and a shipping container where not permitted in the CMU-3 Zoning District and the continued use of a Billboard as the principal structure.

**Parent Record Number:**

---

**Address:**

4405 THIRD ST, MEMPHIS 38109

**Owner Information**

**Primary**      **Owner Name**

Y              CARTER KIRBY A

**Owner Address**

796 LEDBETTER AVE, MEMPHIS, TN 38109

**Owner Phone**

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**Parcel Information**

075147 00011

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**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner

Seth Thomas

Date of Meeting

02/21/2023

Pre-application Meeting Type

Phone

**GENERAL PROJECT INFORMATION**

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	-
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	Yes
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	SEE ATTACHMENT

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A	NO
UDC Sub-Section 9.6.9B	The applicant will modify any elevations or materials that will be compatible with the applicable district regulations.
UDC Sub-Section 9.6.9C	Yes, such services will be provided to meet code requirements
UDC Sub-Section 9.6.9D	No it will not
UDC Sub-Section 9.6.9E	No. However, the owner will apply for any permit to meet the current building codes for these uses.
UDC Sub-Section 9.6.9F	This will not adversely affect any plans or violate the character of existing standards for development of the adjacent properties.

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A	No it will not
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	Will be provided concurrent with the development.
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	Site plan and Landscaping plan will be submitted for approval
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	Outline plan conditions will be provided
E) Homeowners' associations or some other	N/A

**GENERAL PROVISIONS**

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

This consists of two lots: Lot 2 & 3 and will be included in the planned development final plan.

**GIS INFORMATION**

Central Business Improvement District	No
Case Layer	-
Class	C
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-3
State Route	1
Lot	2 & 3
Subdivision	HILDERBRAND
Planned Development District	-
Wellhead Protection Overlay District	Yes

**Data Tables**

**AREA INFORMATION**

Name: Area A  
 Existing Use of Property: Billboard  
 Requested Use of Property: Billboard

Name: Area B  
 Existing Use of Property: Food Truck, Seating Area, & Storage Container

**Contact Information**

<b>Name</b>	<b>Contact Type</b>
CARTER KIRBY	APPLICANT
<b>Address</b>	
796 LEDBETTER AVE, MEMPHIS, TN, 38109	
<b>Phone</b>	
-	

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**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1450679	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	02/22/2023
1450679	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	02/22/2023

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

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**Payment Information**

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

**LETTER OF INTENT**

9/22/2023

Mr. Brett Ragsdale  
Zoning Administrator  
Division of Planning and Development  
125 N. Main St., Ste. 477  
Memphis, TN 38103

RE: 4409 3<sup>rd</sup> Street

Dear Brett:

On behalf of the applicant, Mr. Kirby Carter we are requesting a Planned Development in a Commercial Mixed Use – 3 (CMU-3) zoning district to allow the uses of a food truck, enclosed seating area and a shipping container where not permitted in the CMU-3 Zoning District and the continued use of a Billboard as the principal structure.

We do not feel that this will impair nor will have a detrimental effect on the surrounding neighborhood, and we are asking that you please consider this letter of intent as our formal request for a planned development of this property.

Thank you,



Delinor Smith, Smith Building Design and Associates

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, DELINOR D. SMITH, being duly sworn, depose and say that at 8:22 PM am/pm on the 22nd day of JUNE, 2023, I posted a Public Notice Sign(s) pertaining to Case No. PD 2023-007 at 4409 SOUTH THIRD STREET (address) providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council,        Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development,        Special Use Permit,        Use Variance, Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

*Delinor D. Smith*  
Owner, Applicant or Representative

7-14-2023  
Date

Subscribed and sworn to before me this 14 day of July, 2023

*Kelsey Lucia*  
Notary Public

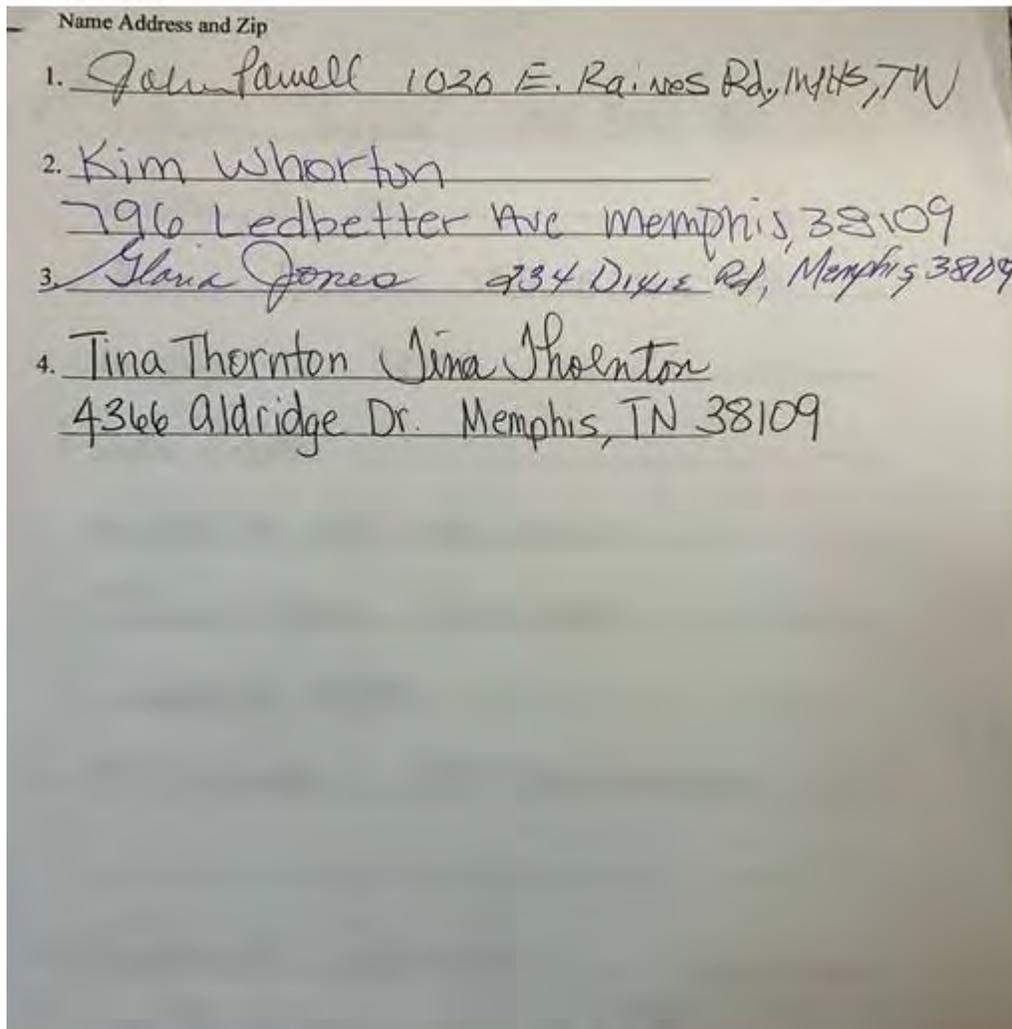
My commission expires: \_\_\_\_\_

MY COMMISSION EXPIRES FEBRUARY 2, 2026



**LETTERS RECEIVED**

Attached are the received letters.



12. Carvont Parker

3037 Lyndale Ave

13. Clarence Jones

3395 Carroll dr Horn Lake, MS

14. Tekeria Smith

~~Kirby A Carter~~

15. Kirby A Carter

796 Hedbetter Av. 38109

16. Kathy Wade

167 Berwind Memphis, TN

17. Chelsea Bragg

Biscayne, Austin, TX

18. Fletcher R. Cleaves

8423 Wood Shadows LN, 38018

- 19. Michael Hale 38654  
6867 Terry Chase Olive Branch, MS
- 20. Anita Brown  
1286 Longcrest Rd. Memphis TN, 38109
- 21. DeAndrea Brown 38109  
4076 Maumee St Memphis TN
- 22. Alexis Brown 38109  
348 Bonnell Ave. Memphis TN
- 23. ~~Margaret Brown~~  
6273 Kirby Downs Dr  
Memphis Tenn. 38115
- 24. Tyler Anderson  
1715 Pisgah rd 38016
- 25. India Hines  
2284 N Forest Hill Lane Rd 38016

- 19. Charles Brown  
1286 Longcrest Rd.
- 20. Lisa Smith  
110 Kennedy Dr. IHA Bena Ms.
- 21. Willie Johnson  
745 Kirby Estate Robinson VL, Ms. 38664
- 22. Donald Dotson 2795 W. Battle Creek CV 3813
  
- 23. Khairana Ayetimi  
6820 Kamal. Ave Cordova, TN 38018
- 24. Jermisa Blue  
1242 Dyer Trail Ln Memphis TN 38107
- 25. Charles Wright 2037 ~~St~~ Benton St. 38106  
(901) 336-7479

19. Bruce Phillip  
3915 Dearborn
20. Victoria Trezewant  
5155 Ford Rd.
21. David Lewis  
951 Ruby Creek place memphis 38109
22. 6800 Hay 161 Odis Davis
23. Edward Rudo  
1043 Cordova Ridge Pl Cordova TN
24. Jamesica Jones  
3318 Walloon St
25. DALY BORTERS  
94 INTERFAITH PL 38109

19. Monique Pruitt HOA

9402 Caldwell Cordova, TN 38016

20. Tasha Jones

662 Cradle Cv Cordova TN 38016

21. Stephens Smith

4861 East Shore Dr. Memphis TN 38109

22. Stephane Smith

7738 Wisteria OB 38654

23. Reginald Lomax

785 Delta Rd

24. Jasmine Lomax

785 Delta Rd

25. \_\_\_\_\_

19. Isqiah Isom

4904 Blanding Ave

20. Shontavion Waters

4750 Diannc dr

21. Alexis Holt

5374 Ross Rd

22. Christopher Conley

5508 Scottsdale Av

23. Jaden Jones

4245 Glenbrooks

24. BRIAN CLINTON

6858 Ravenwood Cove

25. Dontae Coleman

72304 West Memphis

19. Tamara Bayland  
2585 Arlington  
Mem 38114
20. Terrian Jefferson  
600 Monteagle Dr. Memphis, TN 38109
21. Melanie Milton  
1240 Dorshire Rd Apt 59C
22. Carlos Tate  
1958 Caver Ave Apt 4
23. Sharonda Hooper  
3921 Hickory farm dr Apt 6
24. Ondra Robinson  
4849 Burkbank dr.
25. Sierra Ward  
9013 Billy Pat Dr

19. BRINSON DRIVER (B-15)  
3981 Knoxville Rd. 38118
20. Curtis Gouldin (C-15)  
5711 Neely Rd. 38109
21. Andrew Eastallman 38115 meadowlake dr south
22. Rodney Johnson  
1310 Mary Jane Ave 38116
23. James Hines  
1565 Cih Cr Memphis 38111
24. Gregory Webster  
5701 Scottsdale Ave
25. Kenedie Fossett  
5701 Scottsdale Ave

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: September 26, 2023**

*DATE*

**PUBLIC SESSION: September 26, 2023**

*DATE*

**ITEM (CHECK ONE)**

       ORDINANCE      X   RESOLUTION           REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for a bar at 1607 Getwell Rd., known as case number SUP 2023-018

**CASE NUMBER:** SUP 2023-018

**LOCATION:** 1607 Getwell Rd.

**COUNCIL DISTRICTS:** District 4 and Super District 9

**OWNER:** OnCall HVAC, LLC

**APPLICANT:** Adriana Parra

**REPRESENTATIVE:** David Bray of the Bray Firm

**REQUEST:** Special use permit for a bar

**AREA:** +/-0.7 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 26, 2023

**PRIOR ACTION ON ITEM:**

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>September 14, 2023</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

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

**SOURCE AND AMOUNT OF FUNDS**

<u>\$</u>	OPERATING BUDGET
<u>\$</u>	CIP PROJECT # _____
<u>\$</u>	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

**DATE                      POSITION**

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

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

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



## Memphis City Council Summary Sheet

### **SUP 2023-018**

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY  
UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A BAR AT 1607  
GETWELL RD., KNOWN AS CASE NUMBER SUP 2023-018

- This item is a resolution with one condition for a special use permit for a bar at 1607 Getwell Rd.
- See the staff report for additional analysis.

## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, September 14, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** SUP 2023-018  
**LOCATION:** 1607 Getwell Rd.  
**COUNCIL DISTRICTS:** District 4 and Super District 9  
**OWNER:** OnCall HVAC, LLC  
**APPLICANT:** Adriana Parra  
**REPRESENTATIVE:** David Bray of the Bray Firm  
**REQUEST:** Special use permit for a bar  
**AREA:** +/-0.7 acres  
**ZONING:** Commercial Mixed Use – 1

**The following spoke in support of the application:** No one

**The following spoke in opposition to the application:** No one

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

1. This special use permit shall expire two years following the approval of a certificate of occupancy. The applicant may request a time extension or permanent special use approval, subject to additional conditions, from the Land Use Control Board beginning 18 months following the approval of said certificate of occupancy.

**The motion passed unanimously on the consent agenda.**

**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A BAR AT 1607 GETWELL RD., KNOWN AS CASE NUMBER SUP 2023-018**

---

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

**WHEREAS**, Adriana Parra filed an application with the Memphis and Shelby County Division of Planning and Development for a bar at 1607 Getwell Rd.; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 14, 2023, and said Board has submitted its recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

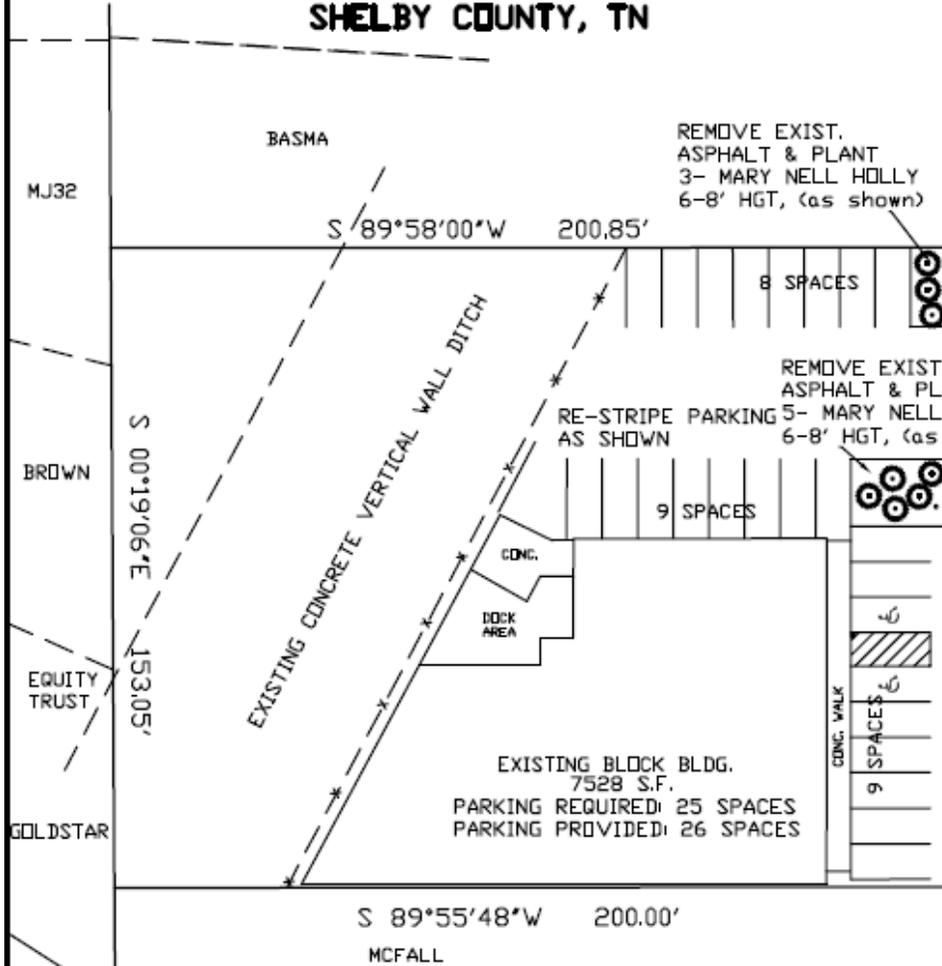
**NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS**, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for a bar in accordance with the attached condition.

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

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

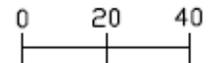
SITE PLAN

**SITE PLAN FOR SUP APPLICATION  
PART OF LOTS 57 & 58  
EAST MEMPHIS PARK SUBDIVISION  
AS RECORDED AT THE  
SHELBY COUNTY REGISTER'S OFFICE**  
INST. #19043941  
SHELBY COUNTY, TN



GETWELL ROAD (80' R.O.W.)

N 00°00'00"E



DATE: 08.02.23  
SCALE: 1"=40'

PREPARED FOR:  
ADRIANA PATRICIA

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

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0435 F DATED SEPTEMBER 28, 2007.

## **CONDITION**

1. This special use permit shall expire two years following the approval of a certificate of occupancy. The applicant may request a time extension or permanent special use approval, subject to additional conditions, from the Land Use Control Board beginning 18 months following the approval of said certificate of occupancy.

***ATTEST:***

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

**AGENDA ITEM:** 23

**CASE NUMBER:** SUP 2023-018

**L.U.C.B. MEETING:** September 14, 2023

**LOCATION:** 1607 Getwell Rd.

**COUNCIL DISTRICT:** District 4 and Super District 9

**APPLICANT:** OnCall HVAC, LLC

**APPLICANT:** Adriana Parra

**REPRESENTATIVE:** David Bray of the Bray Firm

**REQUEST:** Special use permit for a bar

**AREA:** 0.7 acres

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

## CONCLUSIONS

1. Adriana Parra has requested a special use permit for a bar at 1607 Getwell Rd., one of two commercial bays within the subject structure.
2. Staff finds that this request is consistent with its context and meets the special use permit criteria. A concretized bayou separates the use from adjacent residential parcels.
3. The structure is within both the Black Bayou flood plain and stream buffer, and thus is a nonconforming structure that may not be expanded.
4. The applicant has proposed restriping the existing parking area to accommodate more vehicles, as well as the construction of two landscape islands. This restriping does not activate Article 3 minimum parking setback standards.

## CONSISTENCY WITH MEMPHIS 3.0

This request is *consistent* with the Memphis 3.0 Comprehensive Plan, according to the Office of Comprehensive Planning.

## RECOMMENDATION

*Approval with one condition*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	Getwell Rd.	(Minor Arterial)	153'
<b>Zoning Atlas Page:</b>	2240		
<b>Parcel ID:</b>	058082 00006C		

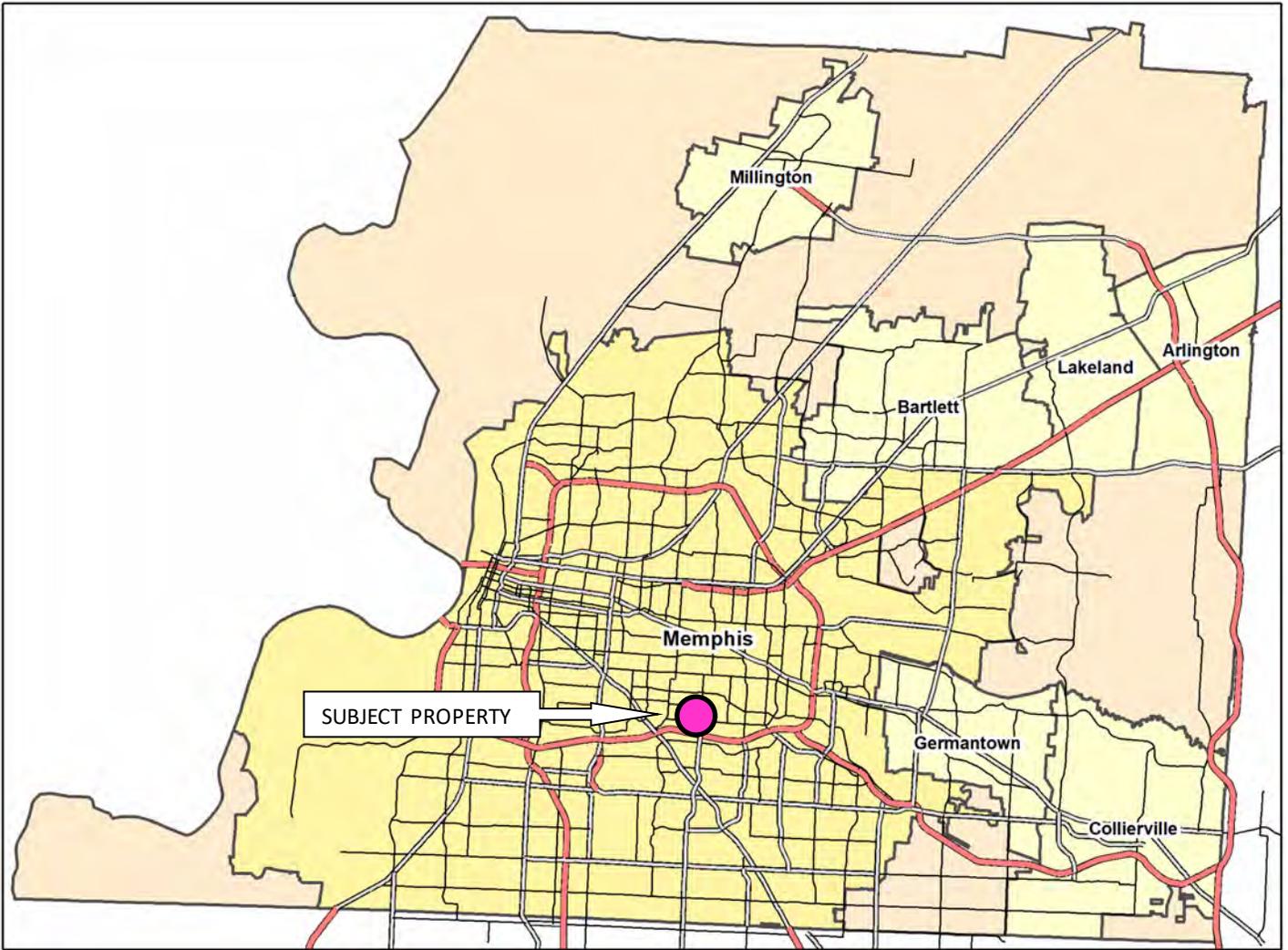
**NEIGHBORHOOD MEETING**

The required neighborhood meeting was held on site at 7 p.m. on Monday, August 28, 2023.

**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 78 letters were mailed on August 31, 2023, and one sign posted at the subject property. The sign affidavit has been included in this report.

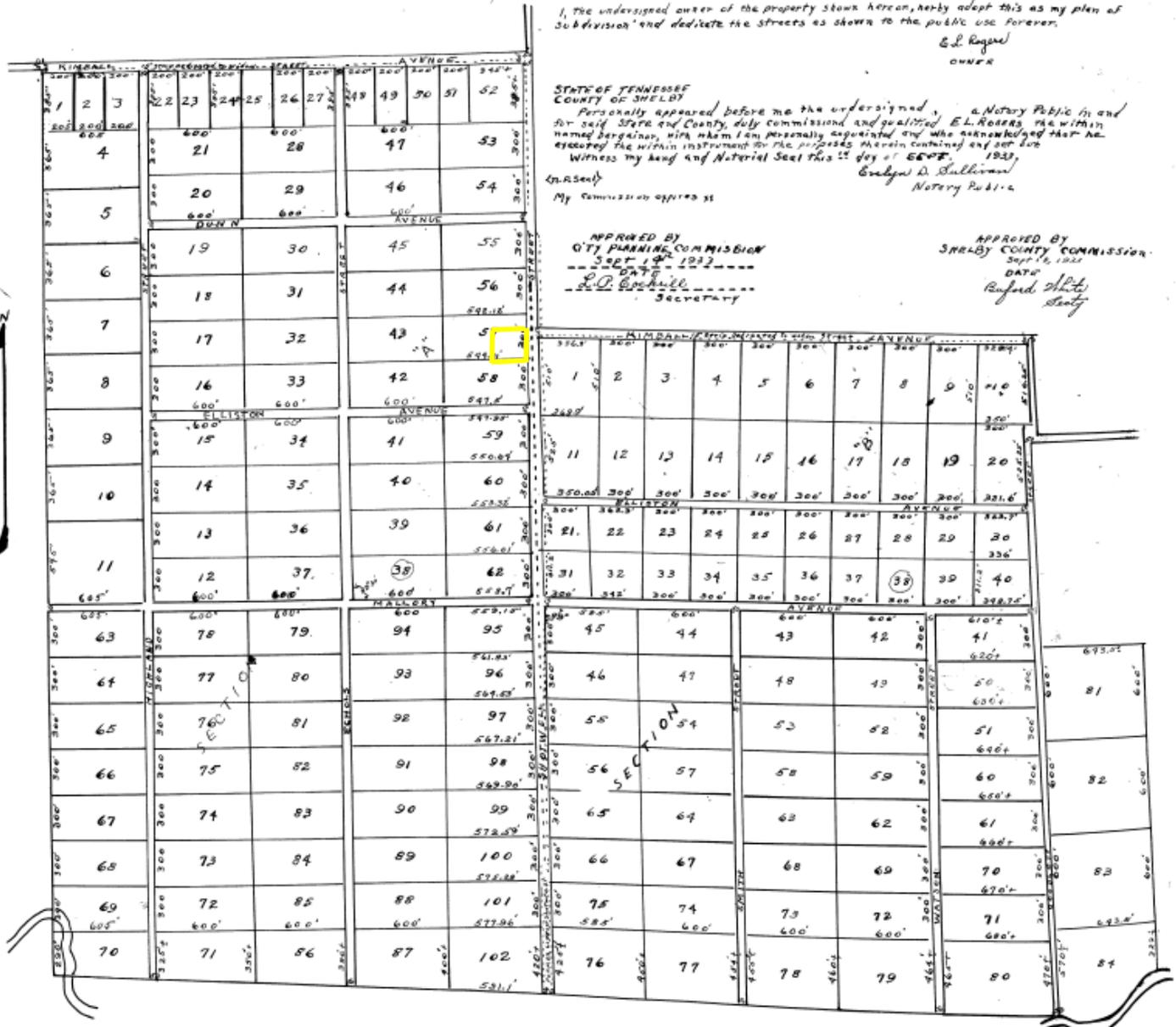
**LOCATION MAP**



Subject property located within East Memphis

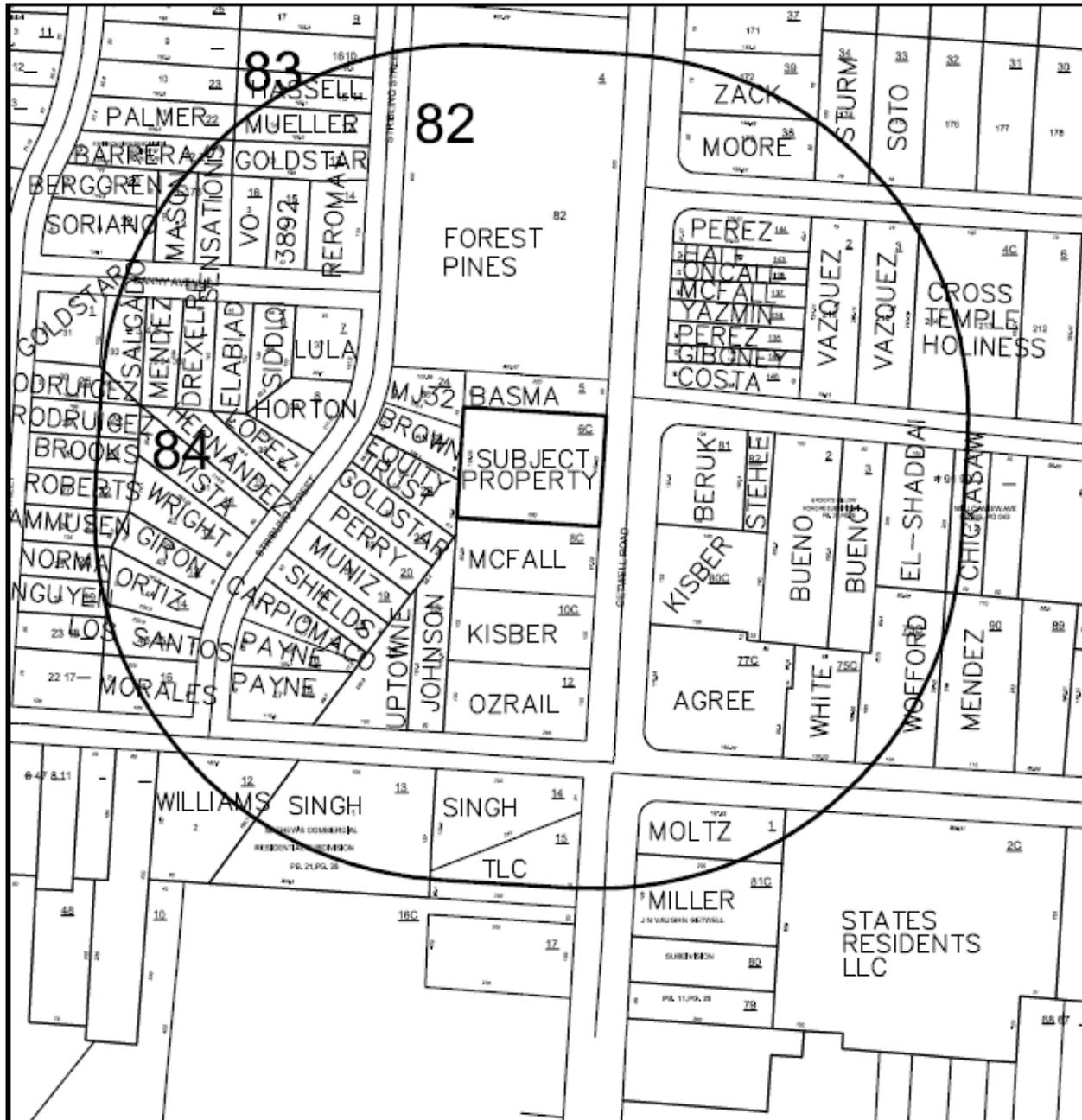
E. L. ROGERS' EAST MEMPHIS PARK SUBDIVISION (1933)

E. L. ROGERS'  
 EAST MEMPHIS PARK SUBDIVISION  
 SCALE 1 IN. = 400 FT



Subject property, approximately outlined in yellow, comprises parts of Lots 57 and 58 of Section A. It is exempt from the subdivision requirement by recorded deed.

**VICINITY MAP**



**SUP APPLICATION FOR 1607 GETWELL  
APPLICANT: ADRIANA PATRICIA**

**MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES  
2950 STAGE PLAZA NORTH  
BARTLETT, TENNESSEE  
JULY 21, 2023

TELEPHONE 901-383-8668  
E-MAIL [dgbray@comcast.net](mailto:dgbray@comcast.net)  
SCALE 1"=200'

**FLOOD MAP**



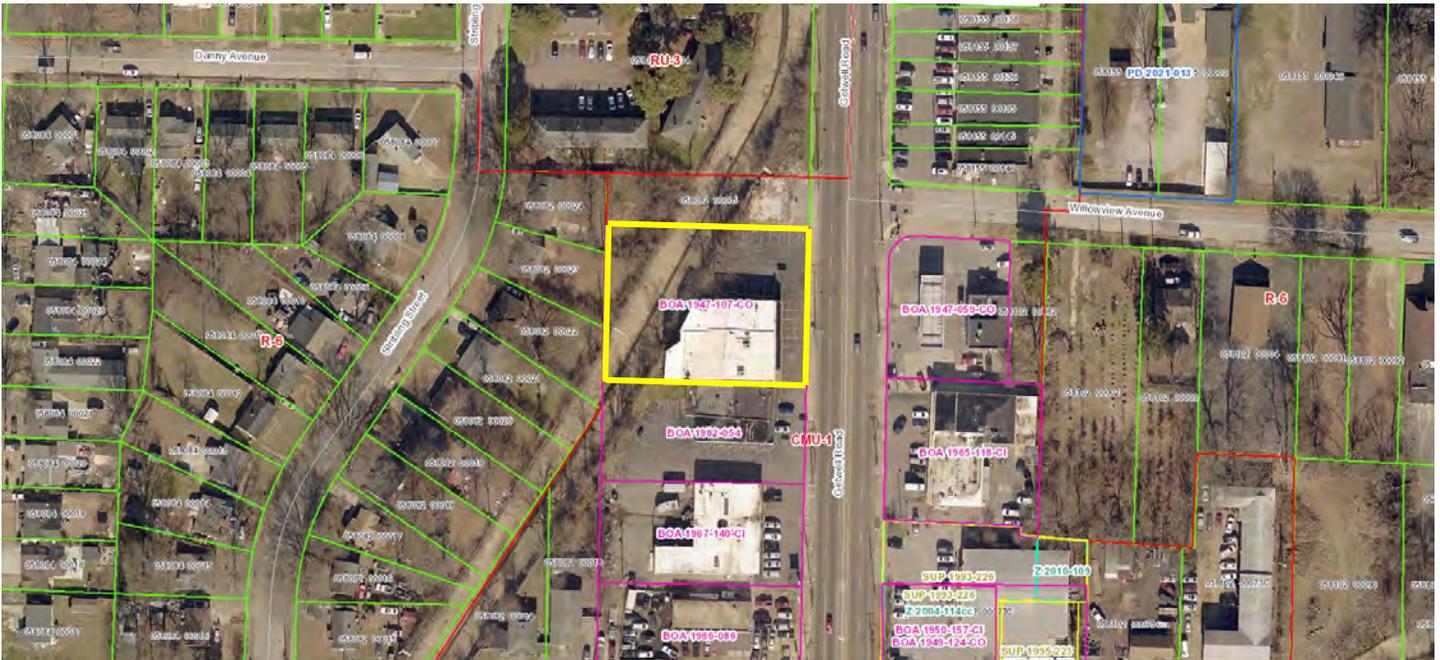
- Area of Minimal Flood Hazard
- Area with Reduced Flood Risk Due to Levee
- 0.2 % Annual Chance Flood Hazard
- Floodplain
- Floodway

The subject property includes part of the Black Bayou. Part of the existing structure is within the 100-year flood zone, and another part is within the 500-year flood zone.

The building is also partially within the Black Bayou stream buffer, as required by the UDC, making it a nonconforming structure.

Additionally, the entire parcel is within the Black Bayou sensitive drainage basin.

**ZONING MAP**



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

**Surrounding Zoning**

**North:** Commercial Mixed Use – 1

**East:** Commercial Mixed Use – 1

**South:** Commercial Mixed Use – 1

**West:** Residential Single-Family – 6

LAND USE MAP



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

**SITE PHOTOS**



View west down Getwell. Note front parking, as well as wall signage



Side parking area



Portion of Black Bayou within site



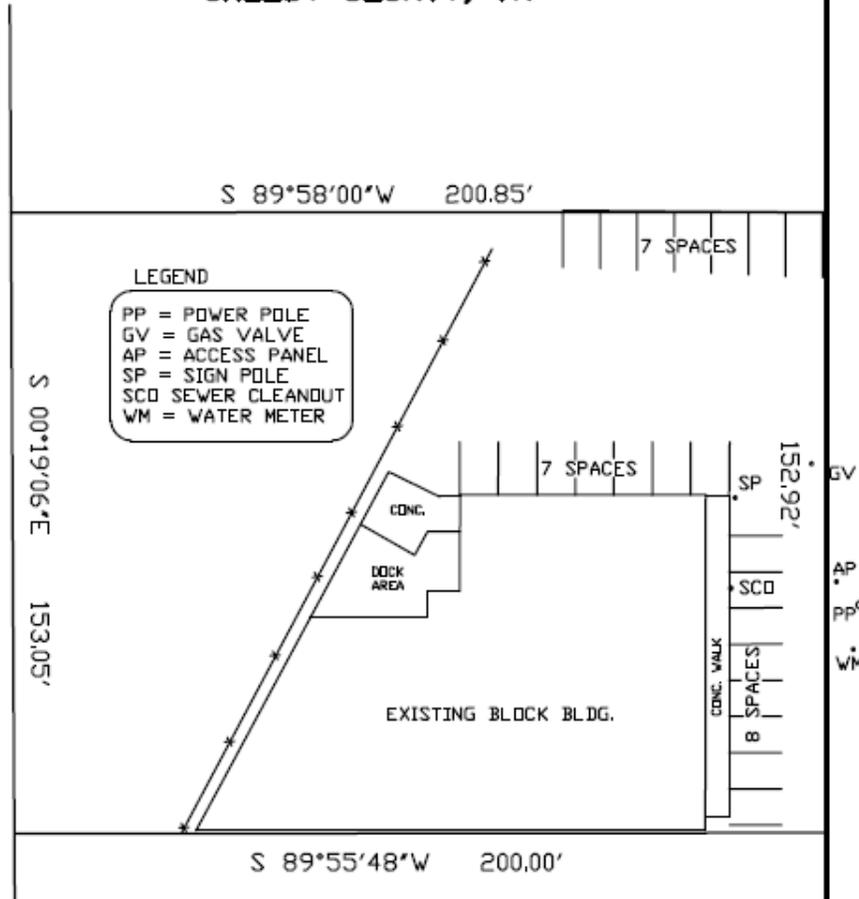
Rear loading area



Interior of proposed bar

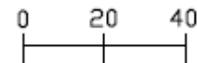
**SURVEY**

**LOT SURVEY  
PART OF LOTS 57 & 58  
EAST MEMPHIS PARK SUBDIVISION  
AS RECORDED AT THE  
SHELBY COUNTY REGISTER'S OFFICE  
INST. #19043941  
SHELBY COUNTY, TN**



GETWELL ROAD (80' R.O.W.)

N 00°00'00"E



DATE: 7/25/23  
SCALE: 1"=40'

PREPARED FOR:  
LEONARD KISBER

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

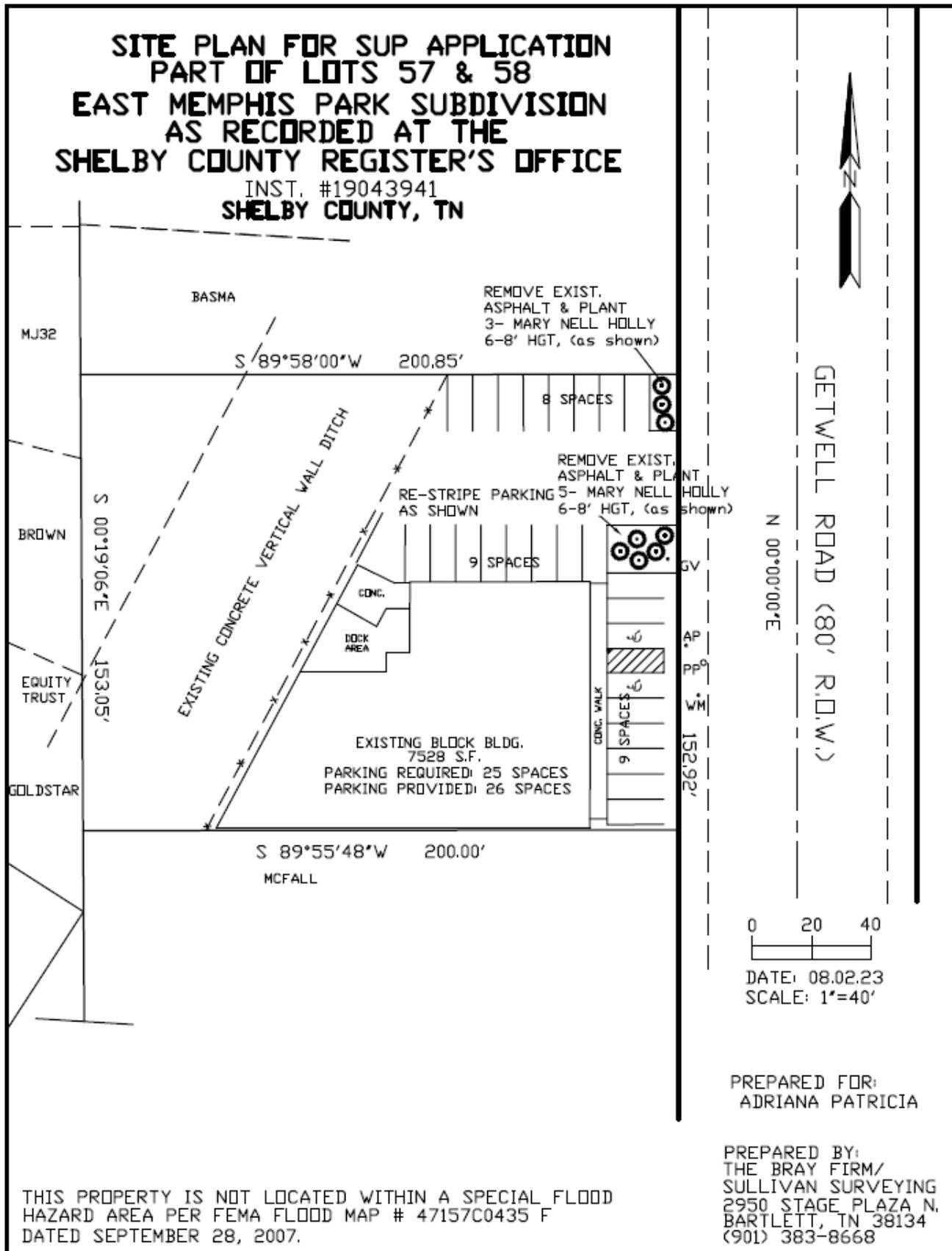
I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

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

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0435 F DATED SEPTEMBER 28, 2007.

PROPOSED SITE PLAN



THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0435 F DATED SEPTEMBER 28, 2007.

## STAFF ANALYSIS

### Request

The request is for a special use permit for a bar.

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

### Approval Criteria

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

#### *9.6.9 Approval Criteria*

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

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

**Conclusions**

Adriana Parra has requested a special use permit for a bar at 1607 Getwell Rd., one of two commercial bays within the subject structure.

Staff finds that this request is consistent with its context and meets the special use permit criteria. A concretized bayou separates the use from adjacent residential parcels.

The structure is within both the Black Bayou flood plain and stream buffer, and thus is a nonconforming structure that may not be expanded.

The applicant has proposed restriping the existing parking area to accommodate more vehicles, as well as the construction of two landscape islands. This restriping does not activate Article 3 minimum parking setback standards.

**RECOMMENDATION**

Staff recommends approval with one condition:

1. This special use permit shall expire two years following the approval of a certificate of occupancy. The applicant may request a time extension or permanent special use approval, subject to additional conditions, from the Land Use Control Board beginning 18 months following the approval of said certificate of occupancy.

## DEPARTMENTAL COMMENTS

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

### 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 Case 23-018: East Memphis

Site Address/Location: 1607 Getwell Road

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

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

Street Type: Parkway

*The applicant is seeking a special use permit to allow a bar/tavern within a commercial Mixed Use – 1 (CMU-1) zoning district.*

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.

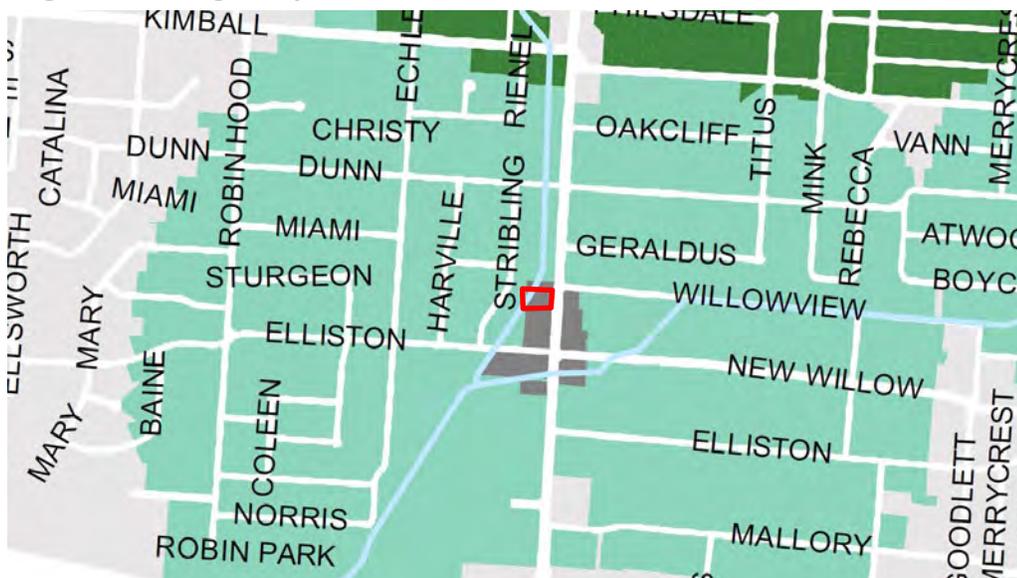
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial; CMU-1

Adjacent Land Use and Zoning: Commercial, Parking, Single-Family, Multi-Family; CMU-1, RU-3

**Overall Compatibility:** *This requested use to allow a restaurant/bar/tavern is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is within the allowable scale and will serve as a node of activity for the neighborhood. However, as the future land use category calls for creating walkable or bikeable destinations where community members can meet multiple daily needs in a single trip, the staff’s recommendation is to reduce the number of parking spaces abutting the sidewalk, seen in the site plan provided by the applicant. Additionally, it should be noted that, the site plan has provided more parking spaces than what is required for this proposal.*

## 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**

Nature areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed application is a private investment. The remodeling to the facility and update to the use will promote activities that will stimulate market activity.*

##### **Consistency Analysis Summary**

*The applicant is seeking a special use permit to allow a bar/tavern within a commercial Mixed Use – 1 (CMU-1) zoning district.*

*This requested use to allow a restaurant/bar/tavern is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is within the allowable scale and will serve as a node of activity for the neighborhood. However, as the future land use category calls for creating walkable or bikeable destinations where community members can meet multiple daily needs in a single trip, the staff's recommendation is to reduce the number of parking spaces abutting the sidewalk, seen in the site plan provided by the applicant. Additionally, it should be noted that, the site plan has provided more parking spaces than what is required for this proposal.*

Nature areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed application is a private investment. The remodeling to the facility and update to the use will promote activities that will stimulate market activity.*

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.



**DIVISION OF FIRE SERVICES ❖ FIRE PREVENTION BUREAU**

2668 Avery Avenue · Memphis · Tennessee · 38112  
(901) 636-5401 Fax (901) 320-5425

Reviewed by: J. Stinson

Address or Site Reference: 1607 Getwell

- 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.



Robin Richardson  
Planner II  
Office of Sustainability and Resilience  
125 N. Main St., Memphis, TN 38103  
Dorothy.Richardson@memphistn.gov

## MEMORANDUM

To: Brett Davis, Planner II  
From: Robin Richardson, Planner II  
Date: August 25, 2023  
Subject: OSR Comments on SUP 23-18: EAST MEMPHIS

### General Comments & Analysis:

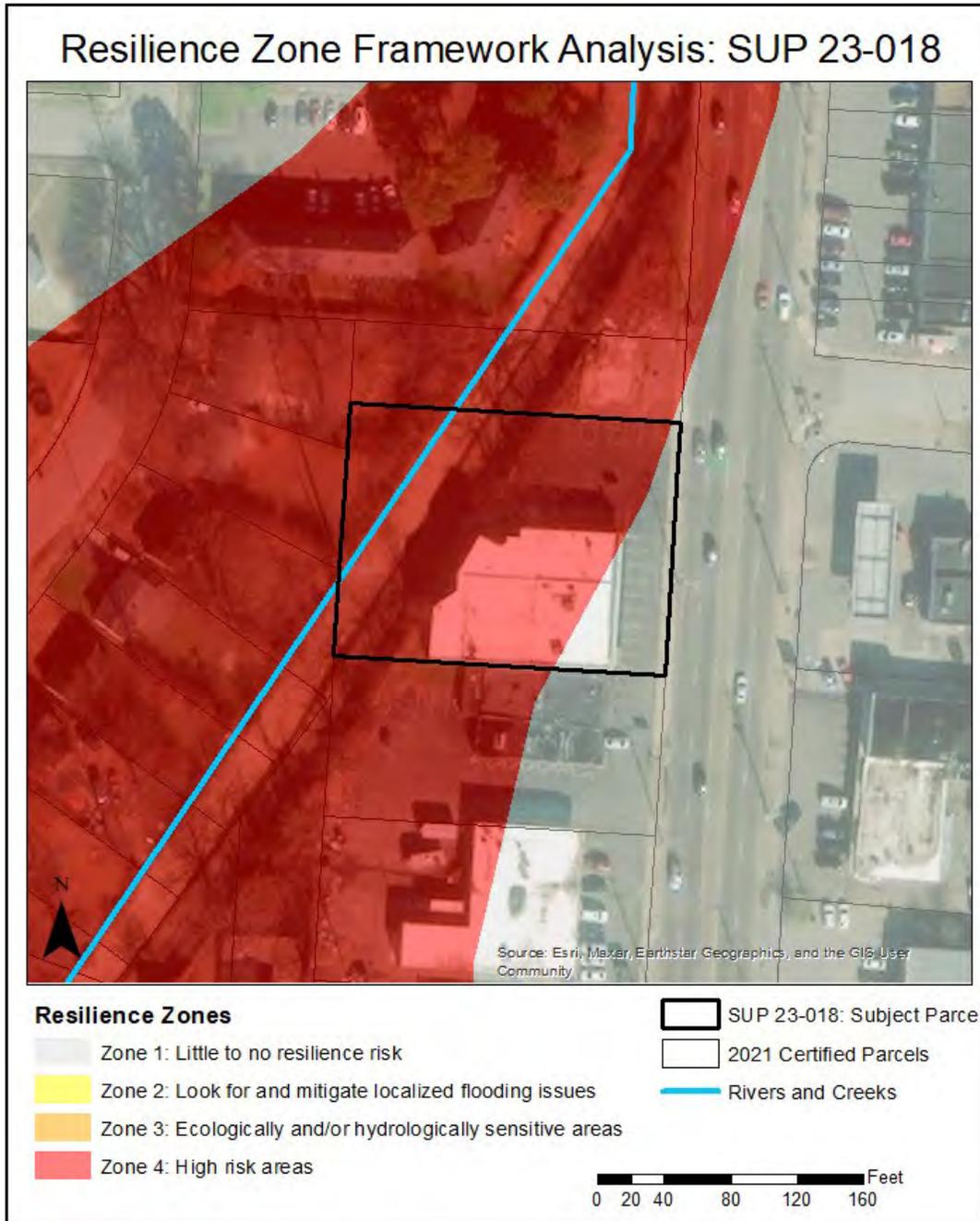
Located in Zones 1 and 4 of the Resilience Zone Framework:

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 parcel's designation in Zone 4 is due to its location within the 100-year and 500-year floodplains for Black Bayou, a tributary of Nonconnah Creek. Most of this stream has been channelized. The parcel is also located in the Black Bayou drainage basin, which has been designated as a high sensitivity drainage basin.

The applicant is requesting a special use permit to allow a bar/tavern use in the existing CMU-1 zoning. The site plan calls for the reuse of the existing building and a slight increase in permeable surfaces on the site, with the addition of two planting areas along Getwell Road.



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

This request for a special use permit is generally consistent with the Mid-South Regional Resilience Master Plan. Though Section 4.1 – Resilient Sites does not recommend development in the floodplain, the applicant is not constructing a new building within the floodplain and does not propose any significant changes to the outside of the existing structure. The addition of the new planting areas is consistent with Section 2.3 – Low-Impact Development, as it increases the amount of permeable surfaces on the site, which will mitigate some stormwater runoff.

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

**Recommendations:** Staff recommends the following conditions:

- The applicant shall submit a corrected site plan showing the boundaries of the floodplain.
- Existing vegetation along Black Bayou shall be preserved as much as possible.

**APPLICATION FORM**



**Record Summary for Special Use Permit**

**Record Detail Information**

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: August 3, 2023

Record Number: SUP 2023-018

Expiration Date:

Record Name: SUP for 1607 Getwell, Part of lots 57/58 East Memphis Park S/D

Description of Work: SUP to allow bar/tavern in CMU-1 zoning

Parent Record Number:

---

**Address:**

1607 GETWELL RD, MEMPHIS 38111

**Owner Information**

Primary Owner Name

Y ONCALL HVAC LLC

Owner Address

4169 CATAWBA AVE, CARROLLTON, TX 75010

Owner Phone

---

**Parcel Information**

058082 00006C

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of OPD Planner

help desk

Date of Meeting

07/05/2023

Pre-application Meeting Type

In Person

**GENERAL PROJECT INFORMATION**

Application Type

New Special Use Permit (SUP)

**GENERAL PROJECT INFORMATION**

List any relevant former Docket / Case Number(s) related to previous applications on this site n/a

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

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

**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 is located along a commercial corridor and will be compatible with surrounding uses.

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 is the re-use of an existing building and is compatible with surrounding development patterns.

UDC Sub-Section 9.6.9C This an existing building served by existing parking lot and existing utilities

UDC Sub-Section 9.6.9D No exterior changes to the existing site are proposed.

UDC Sub-Section 9.6.9E Agreed

UDC Sub-Section 9.6.9F Agreed

**GIS INFORMATION**

Case Layer BOA1947-107-CO

Central Business Improvement District No

Class C

Downtown Fire District No

Historic District -

Land Use COMMERCIAL

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot PT5,57-5

Subdivision EAST MEMPHIS PARK SEC A

Planned Development District -

Wellhead Protection Overlay District Yes

**Contact Information**

Name ADRIANA PATRICIA Contact Type APPLICANT

Address

Phone

-

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1491484	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	08/03/2023
1491484	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	08/03/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

---

**Payment Information**

Payment Amount	Method of Payment
\$513.00	Credit Card

**LETTER OF INTENT**

## The Bray Firm

---

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

August 2, 2023

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

**RE: Special Use Permit to allow Bar/Tavern in CMU-1 zoning district  
1607 Getwell  
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application for to allow a bar/tavern in the CMU-1 zoning district for the above captioned property. The property was previously improved with building and parking as shown on the attached site plan. The applicant is currently remodeling the building to convert it from its most recent use as a Cash Advance establishment to a restaurant. However, the applicant would also like the flexibility to operate the establishment as a bar/tavern. The subject property is located along a commercial stretch of Getwell Road. Although residential zoning abuts the property to the west, the building is separated from the residential uses by an existing concrete vertical wall ditch that is 50 feet wide.

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

Sincerely,

David Gean Bray, P.E.

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, ADRIANA PARRA, being duly sworn, depose and say that at 4:00 am/pm on the 29 day of August, 2023, I posted Public Notice Sign(s) pertaining to Case No. SUP 23-18 at 1607 GERWELL 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.

ADRIANA PATRICIA ROSALEA PARRA  
Owner, Applicant or Representative

08/24/2023  
Date

Subscribed and sworn to before me this 24<sup>th</sup> day of AUGUST, 2023

Megan Harkness  
Notary Public

My commission expires: September 23, 2026



**OWNER'S AFFIDAVIT**

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

Farhad Dhanani (Print Name) [Signature] (Sign Name) state that I have read the

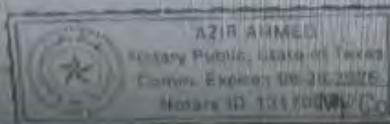
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and here that (select applicable box).

- 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 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 **1607 Getwell Rd, Memphis, TN 38111** and further identified by Assessor's Parcel Number **058082 00006C**, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 21<sup>st</sup> day of July in the year of 2023

[Signature]  
Notary Public



**LETTERS RECEIVED**

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

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 4/25/2023**

*DATE*

**PUBLIC SESSION: 4/25/2023**

*DATE*

**ITEM (CHECK ONE)**

       ORDINANCE      X   RESOLUTION           REQUEST FOR PUBLIC HEARING

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

**CASE NUMBER:** PD 22-21

**DEVELOPMENT:** Smith Family Planned Development

**LOCATION:** 4747 Getwell Road

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

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

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

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

**AREA:** +/-1.247 acres

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

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

**PRIOR ACTION ON ITEM:**

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>02/9/2023</u>	DATE
<u>(1) Land Use Control Board</u>	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

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

**SOURCE AND AMOUNT OF FUNDS**

<u>\$</u>	OPERATING BUDGET
<u>\$</u>	CIP PROJECT # _____
<u>\$</u>	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

**DATE                      POSITION**

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

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

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



## Memphis City Council Summary Sheet

### PD 22-21

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

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

## **LAND USE CONTROL BOARD RECOMMENDATION**

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

<b>CASE NUMBER:</b>	PD 22-21
<b>DEVELOPMENT:</b>	Smith Family Planned Development
<b>LOCATION:</b>	4747 Getwell Road
<b>COUNCIL DISTRICT(S):</b>	District 3 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Willie Smith Jr.
<b>REPRESENTATIVE:</b>	Brenda Solomito Basar, Solomito Land Planning
<b>REQUEST:</b>	Planned Development to allow limited number of CMU-1 uses
<b>EXISTING ZONING:</b>	Conservation Agriculture – CA
<b>AREA:</b>	+/- 1.247 acres

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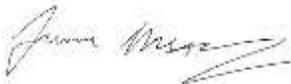
**The following spoke in support of the application:** None

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

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

**The motion passed by a unanimous vote of 8-0 on the regular agenda.**

Respectfully,



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

Cc: Committee Members  
File

**PD 22-21  
CONDITIONS**

**Outline Plan Conditions**

I. Uses Permitted

A. The following Uses are permitted

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

B. The following uses are strictly prohibited.

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

## 15. Outdoor sales

### II. Bulk Regulations

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

### III. Access, Parking and Circulation

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

### IV. Drainage

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

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

V. Landscaping

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

VI. Signs

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

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

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

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

X. Any final plan shall include the following:

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

and signs, etc...

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

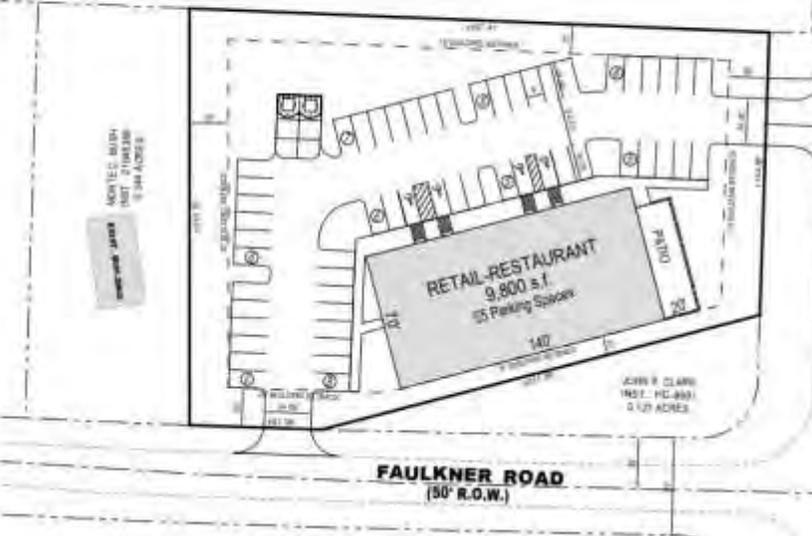
CONCEPT PLAN (REVISED AFTER FEB 9<sup>TH</sup> MEETING)





RUFENY LLC  
 21189240  
 1.28 ACRES

MONTEC BUSH  
 10000000  
 0.34 ACRES



CHRYSLER  
 INST. - HC-490  
 0.127 ACRES

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

BRISQITE UNITED  
 METHODIST CHURCH  
 100 T. - F1-4367  
 79.884 ACRES

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

48 GETWELL LLC  
 INST. - 10000000  
 0.33 ACRES

5000000000

10000000

2000000000  
 INST. - 10000000  
 0.12 ACRES



**CONCEPT PLAN**  
 CASE:  
**OUTLINE PLAN**  
**4747 GETWELL ROAD**  
**MEMPHIS, TENNESSEE**  
 TOTAL AREA: 41.247 ACRES  
 WARD 013, BLOCK 111, PARCEL 0000  
 No. OF LOTS: 1  
 100 YEAR FLOOD ELEV: 233  
 OWNER/DEVELOPER:  
 WILLE SMITH SR.  
 1822 Brookside Road,  
 Germantown, TN 38148  
 PREPARED BY:  
**SOLOMITO**  
 PROJECT NO.: 18-00000000-01-001-001-001  
 DATE: 10/10/2018 08:29:18 AM EST LIP 1

**NOTES:**  
 1. LANDMARK 20000000  
 2. FLOORPLAN AS SHOWN  
 THIS PROJECT IS NOT A SPECIAL USE  
 ZONING AND MUST BE IN CONFORMANCE WITH THE  
 CITY OF MEMPHIS ZONING ORDINANCE AND THE  
 CITY OF MEMPHIS ZONING MAP.  
 3. PREPARED FROM INFORMATION OBTAINED FROM THE  
 CITY OF MEMPHIS PL 1488

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

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

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

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

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

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

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

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

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

***ATTEST:***

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

## OUTLINE PLAN CONDITIONS

### I. USES PERMITTED

#### A. The following Uses are permitted

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

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

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

### II. BULK REGULATIONS

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

### III. ACCESS, PARKING AND CIRCULATION

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

### IV. DRAINAGE

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of

sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

## V. LANDSCAPING

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

## VI. SIGNS

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

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

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

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

Planning and Development.



AGENDA ITEM: 5

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

**DEVELOPMENT:** Smith Family Planned Development

**LOCATION:** 4747 Getwell Road

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

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

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

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

**AREA:** +/- 1.247 acres

**EXISTING ZONING:** Conservation Agriculture - CA

## CONCLUSIONS

1. The applicant is requesting a Planned Development with a limited number of CMU-1 uses as listed by the outline plan conditions.
2. A retail/restaurant as a principal use is not permitted by right under the current zoning but will be under the outline plan conditions.
3. The subject property is currently vacant, and the planned development will create more desirable infill development
4. Currently the property has been cleared of vegetation, so the proposed landscaping as seen in the outline plan is inaccurate.
5. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
6. The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities are compatible with the surrounding land uses.

## CONSISTENCY WITH MEMPHIS 3.0

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

## RECOMMENDATION

*Approval with conditions*

**GENERAL INFORMATION**

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

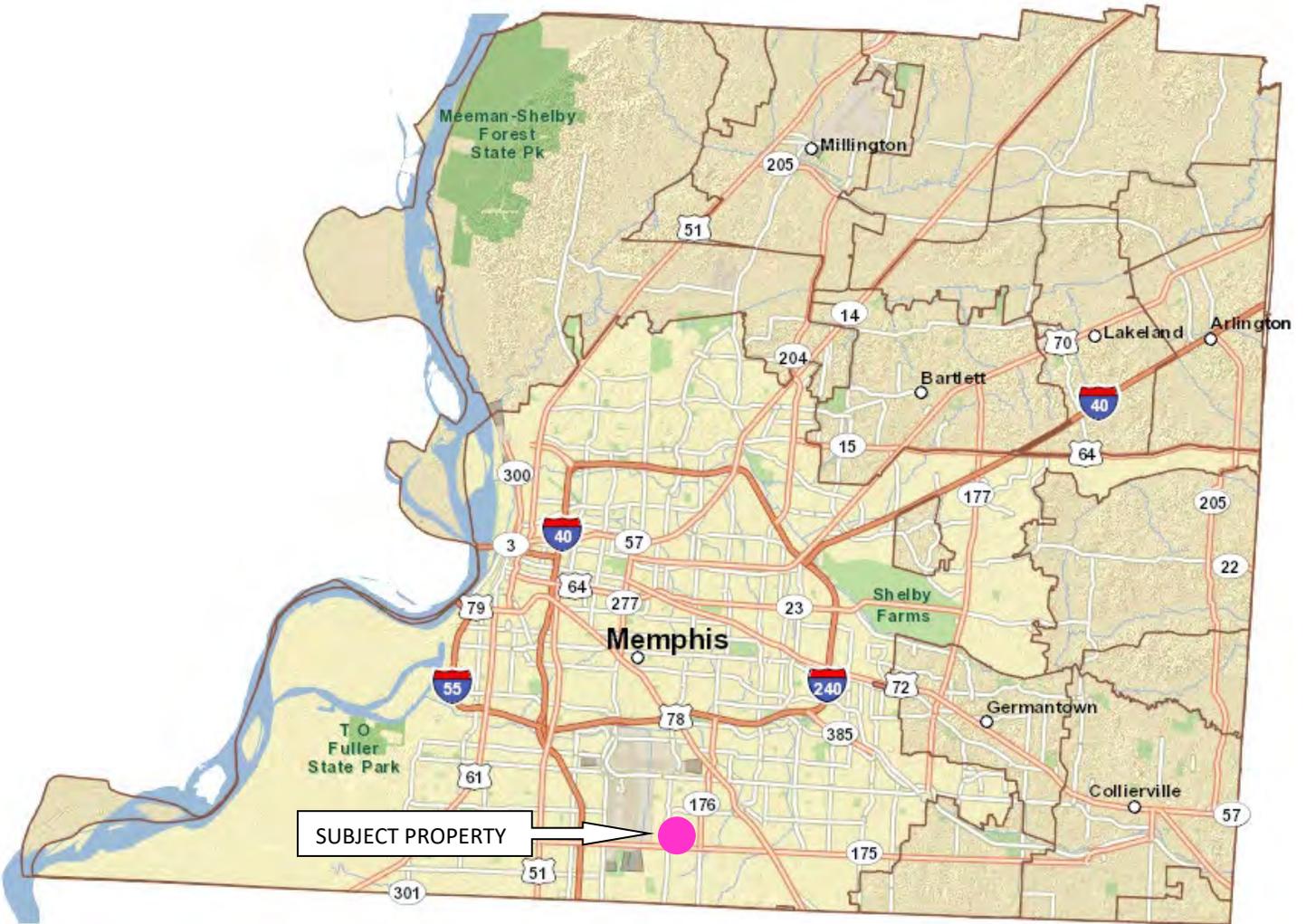
**NEIGHBORHOOD MEETING**

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

**PUBLIC NOTICE**

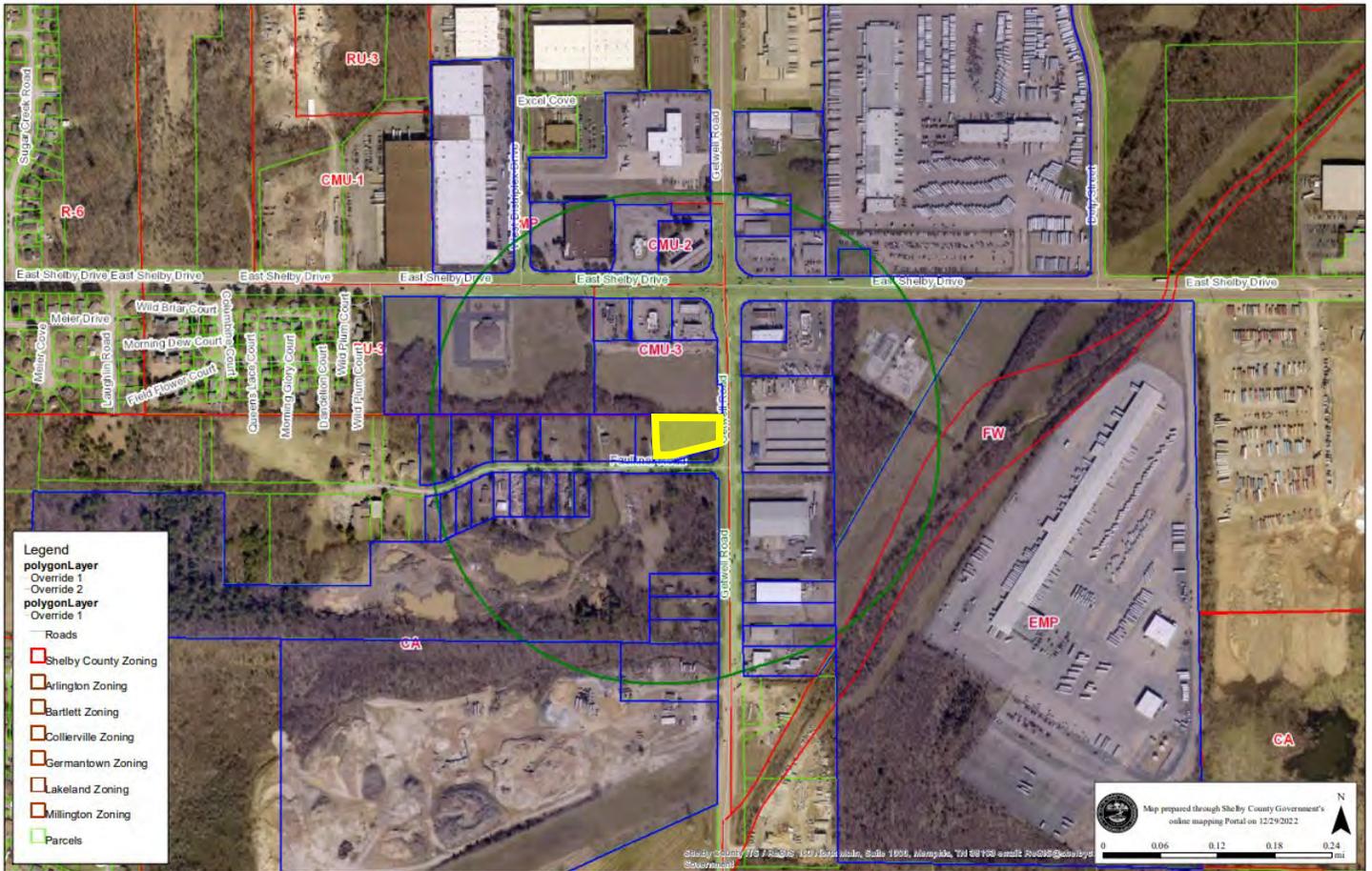
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of **53 notices** were mailed on December 29, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



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

VICINITY MAP



Subject property highlighted in yellow

**AERIAL**



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

**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Conservation Agriculture - CA

**Surrounding Zoning**

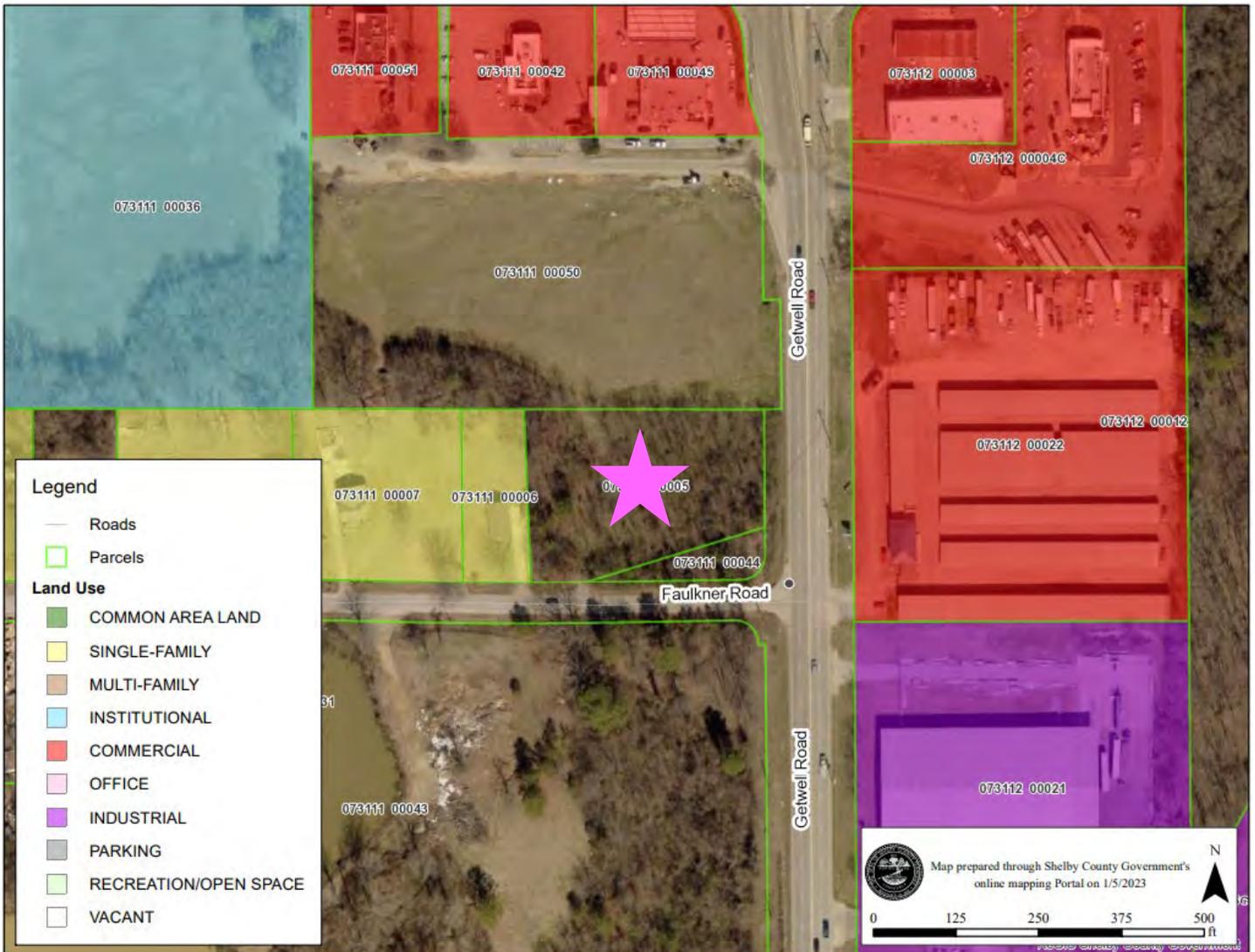
**North:** Commercial Mixed-Use -3 (CMU-3)

**East:** Employment - EMP

**South:** Conservation Agriculture - CA

**West:** Conservation Agriculture - CA

**LAND USE MAP**



Subject property indicated by a pink star

**SITE PHOTOS**



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



View of the subject property from Getwell Road looking West

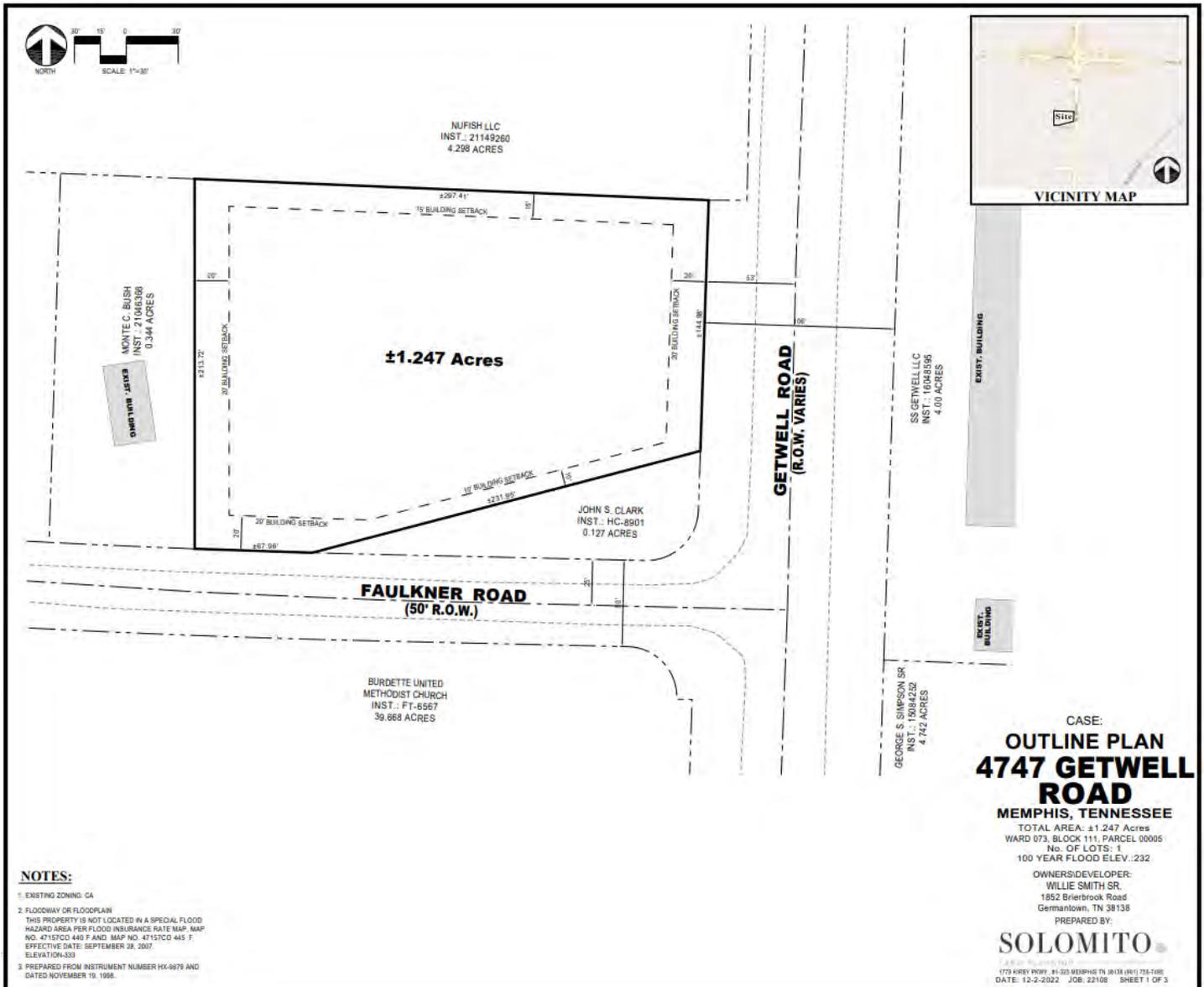


View of the subject property from the corner of Faulkner and Getwell Road looking northwest



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

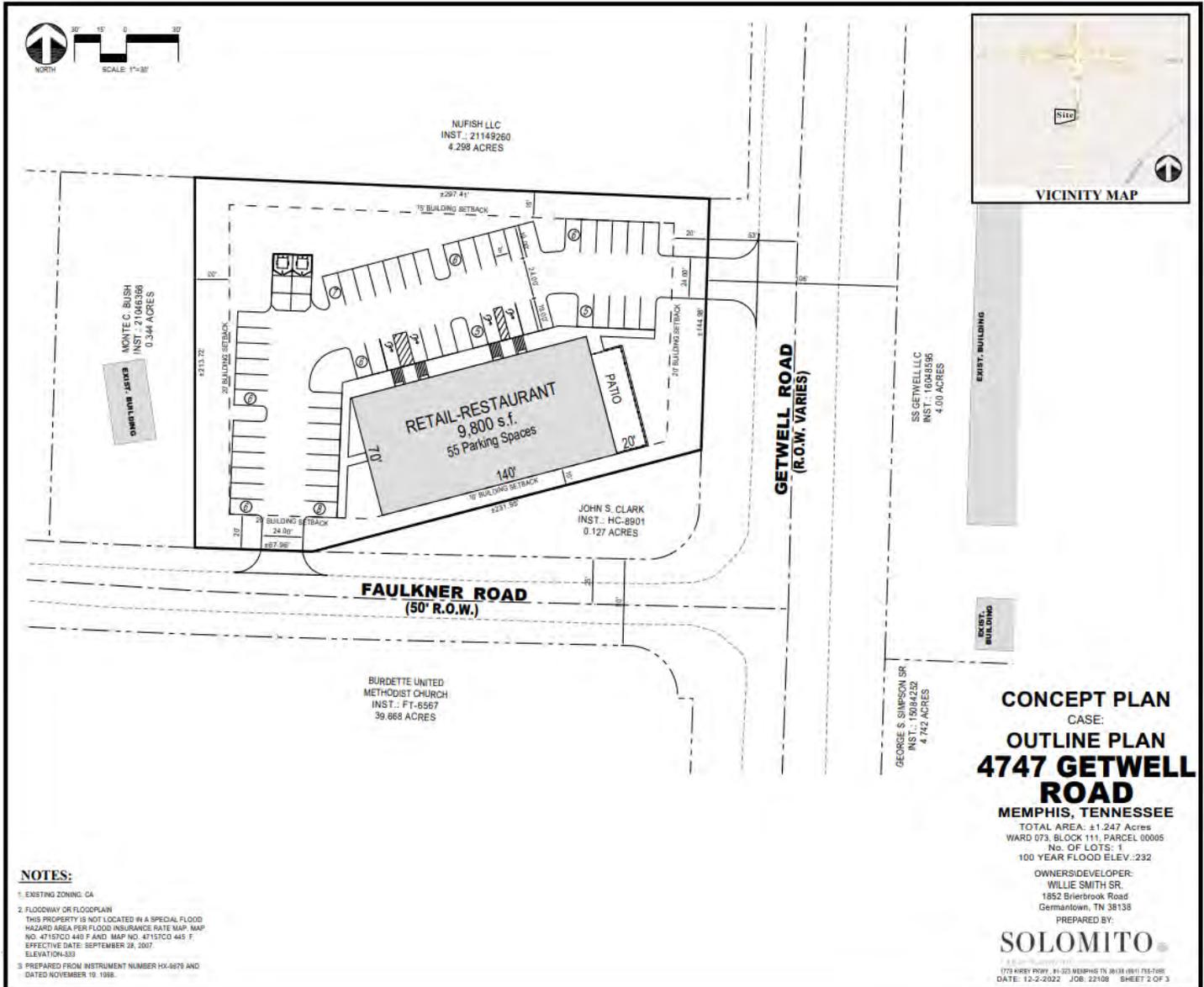
**OUTLINE PLAN**



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

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

**CONCEPT PLAN**



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

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

## STAFF ANALYSIS

### **Request**

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

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

### **Applicability**

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

#### *4.10.2 Applicability*

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

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

### **General Provisions**

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

#### *4.10.3 General Provisions*

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

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*  
By providing a limited number of CMU-1 uses and designing the site so as to not negatively impact the surrounding properties, this site will be developed in a compatible manner and ample landscaping and buffering.
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

### **Commercial or Industrial Criteria**

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

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

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

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

**D. Landscaping**

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

**Approval Criteria**

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

**9.6.9 Approval Criteria**

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

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

**Site Description**

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

**Site Plan Review**

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

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

### **Conclusions**

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

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

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

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

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

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

### **RECOMMENDATION**

Staff recommends approval with site and outline plan conditions.

### **Outline Plan Conditions**

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

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

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

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

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

B. The following uses are strictly prohibited.

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

II. Bulk Regulations

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

III. Access, Parking and Circulation

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

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

#### IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq).
- C. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- D. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- E. All commons, open areas, private streets, private sewers and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

#### V. Landscaping

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

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

VI. Signs

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

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

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

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

X. Any final plan shall include the following:

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

## **DEPARTMENTAL COMMENTS**

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

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

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

### **Sewers:**

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
4. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.

### **Roads:**

5. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
6. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
7. Improve and dedicate 54' from centerline for Getwell Rd.

### **Traffic Control Provisions:**

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

**Curb Cuts/Access:**

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

**Drainage:**

13. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
14. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
16. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
17. A pro-rata Fee for major drainage improvements may be required by a phased development.
18. All drainage emanating on-site shall be private in nature and no public easements will be accepted.
19. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

**Site Plan Notes:**

20. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
21. Residential lots with individual curb cuts to an arterial street must have a minimum 100 feet, a minimum lot depth of 150 feet, and provide an on-site turn around area permitting egress by forward motion. A note to this effect shall appear on the final plat in accordance with Section 403.4.A of the Unified Development Code.
22. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

23. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

**General Notes:**

24. The width of all existing off-street sewer easements shall be widened to meet current city standards.

25. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

26. All connections to the sewer shall be at manholes only.

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

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

**City/County Fire Division:**

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

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

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

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

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

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

**Office of Sustainability and Resilience:**

**General Comments & Analysis:**

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The parcel for which the Applicant would like to create a planned development is currently zoned Conservation Agriculture. The types, area, and intensity of land uses in this district are designed to encourage and protect agricultural uses and the conservation of undeveloped areas.

The proposed Outline Plan does show increased impervious surfaces on the lot including one building and a surrounding parking lot.

The submitted Outline Plan and existing condition maps use aerial imagery taken in 2021. These images show a highly vegetated, undeveloped parcel. Recent aerial imagery and Google Street View images from June 2022 show that all trees and leafy vegetation on the parcel have been removed. Such tree removal, if completed without filing a Notice of Intent, would be in violation of the Unified Development Code. In addition, the Applicant submitted proposed conditions stating that landscaping and existing trees to be preserved are indicated on the Outline Plan. The Outline Plan only shows the minimum buffers around the outside boundaries of the planned development.

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

This planned development request is generally consistent with the Mid-South Regional Resilience Master Plan. The parcel is not located in an area with a high risk for flooding or ecological damage. The proposed land uses are unlikely to have a negative impact on the surrounding environment.

While the Outline Plan is generally consistent, Staff remains concerned regarding the removal of the tree canopy on the site and lack of proposed landscaping conditions. Increasing the impervious area and reducing vegetative cover increases stormwater runoff quantity and velocity. Trees reduce stormwater runoff, improve air quality, improve ecological health, and help reduce the surface temperature in their immediate vicinity (Section 5.7 Trees).

**Consistent with the Memphis Area Climate Action Plan best practices: No**

The proposed planned development is generally not consistent with the Memphis Area Climate Action Plan due to the recent tree removal and lack of conditions addressing tree replacement and plantings in the new development. The Climate Action Plan calls for increasing the urban tree canopy from 37% coverage to 60% coverage countywide by 2050 (Priority Action E.7).

**Recommendations:** Staff recommends the following condition:

- Prior to final site plan approval, the Applicant shall meet or exceed the tree replacement requirements in UDC Section 6.1 Tree Removal.

As landscaping planning moves forward on this planned development, efforts should be made to ensure that the species of trees represented in the tree canopy is diverse and well-maintained. In addition, Staff urges the developer to use Low Impact Development (LID) techniques for managing stormwater runoff, such as using permeable pavers for parking spaces and designing stormwater to flow into landscaped areas.

**Office of Comprehensive Planning:**

**Comprehensive Planning Review of Memphis 3.0 Consistency**

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This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB PD 22-21: Airport Adjacent

Site Address/Location: 4747 Getwell Road

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

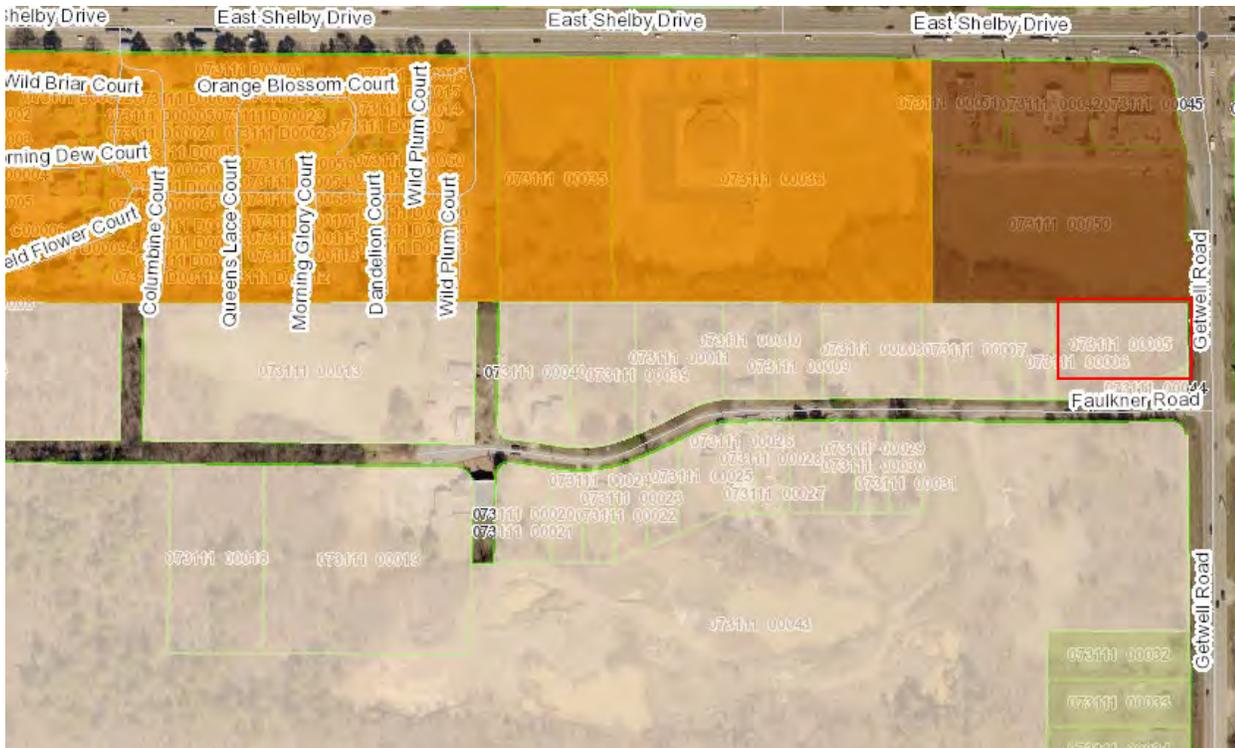
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: N/A

*The applicant is requesting a planned development to allow CMU-1 uses on the parcel. The applicant intends to develop a retail/restaurant use on the parcel.*

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

**1. Future Land Use Planning Map**



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

## 2. Land Use Description/Intent

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



not near

### “NS” Form & Location Characteristics

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

### “NS” Zoning Notes

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

### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, Conservation Agriculture

Adjacent Land Use and Zoning: Vacant, Commercial, CMU-3, RU-3

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

### Degree of Change Map



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

**3. Degree of Change Description**

N/A

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

N/A

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

N/A

**Consistency Analysis Summary**

*The applicant is requesting a planned development to allow CMU-1 uses on the parcel. The applicant intends to develop a retail/restaurant use on the parcel.*

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

*While, the planned development is not compatible with the future land use, it is consistent with adjacent land use and zoning. Additionally, it will bring infill development to a vacant parcel. Therefore, the request is consistent.*

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

APPLICATION



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

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION**  
**TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: 12/08/2022 Previous Case/Docket #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Willie Smith Sr. Phone #: 901-292-1147

Mailing Address: 1852 Brierbrook Rd City/State: Germantown, TN Zip: 38138

Property Owner Email Address: smith9181@bellsouth.net

Applicant: Same Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Applicant Email Address: \_\_\_\_\_

Representative: Brenda Solomito Basar, Solomito Land Planning Phone #: 901-569-0310

Mailing Address: 1779 Kirby Parkway #1-323 City/State: Memphis, TN Zip: 38138

Representative Email Address: brenda@solomitolandplanning.com

Architect/Engineer/Surveyor: Mark Underwood, Property Solutions Phone #: 901-230-5867

Mailing Address: 784 Dean's Creek Drive City/State: Collierville, TN Zip: 38017

Architect/Engineer/Surveyor Email Address: underwoodm@earthlink.net

**PREMISES LOCATION** (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 4747 Getwell Rd, East of Getwell, North of Faulkner Road

Parcel ID: 073111 00005

Project Name: \_\_\_\_\_

Project Description: Planned development to allow CMU-1 Uses

**Did you have a pre-application meeting with the Division of Planning and Development (DPD)?**

Planner: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

Type of Planned Development (PD) (check one)?  New PD  Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? No (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? \_\_\_\_\_ (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>1.247</u>	_____	_____
Existing Use of Property:	<u>Vacant Land</u>	_____	_____
Requested Use of Property:	<u>CMU-1</u>	_____	_____

Is this application in response to a citation, stop work order, or zoning letter? No (yes or no)

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

**APPROVAL CRITERIA** (UDC Section 9.6.9)

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

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C) The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LETTER OF INTENT

December 8, 2022

Mr. Brett Ragsdale, AIA  
Zoning Administrator  
Division of Planning and Development  
125 N. Main, Ste. 468  
Memphis, TN 38103

Re: Application for Planned Development  
4747 Getwell Rd.

Dear Brett:

We are pleased to submit an application for Planned Development on behalf of the property owner, Mr. Willie Smith. The property is located at the northwest corner of Getwell Road and Faulkner Road just south of East Shelby Drive. The property contains 1.247 acres and is currently zoned Conservation Agriculture (CA). Research of historical aerial photographs indicate the property has never been developed.

The property to the north is zoned CMU-3 and was approved for a Special Use Permit in 2018 (SUP 2018-011). Properties to the east are zoned Employment (EMP) and properties to the south and west are zoned Conservation Agriculture (CA). The small triangle property at the corner is not included in the application since ownership is unclear.

The purpose of this application is to request a Planned Development with limited CMU-1 uses. The approval of this request will provide the neighborhood with neighborhood services. As a part of our research, we consulted with the DPD Comprehensive Planning department and while the future land use for this property is Primarily Single-Unit Neighborhood (NS), CMU-1 uses would be considered.

As a result, this proposal provides for a couple of possible layouts for the property so as to not negatively impact the surrounding single family residential.

**APPROVAL CRITERIA (UDC Section 9.6.9)**

- A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare:  
*The existing character of the neighborhood is a mixture of single family residential, warehousing and distribution. The addition of a small neighborhood support center will provide a land use transition and a needed resource for the neighborhood. This proposal will not adversely impact public health, safety, and general welfare.*
  
- B) The project will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations:  
*By providing a limited number of CMU-1 uses and designing the site so as to not negatively impact the surrounding properties, this site will be developed in a compatible manner and ample landscaping and buffering.*

**SOLOMITO**

LAND PLANNING

brenda@solomitolandplanning.com | 901.755.7495

December 8, 2022  
Page 2

- C) The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water, and sewers; or that the applicant will provide adequately for such services:  
***All public services are readily available at the site.***
- D) The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance:  
***There are no significant natural, scenic, or historic features or characteristics on this site.***
- E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use:  
***This proposal complies with all applicable regulations***
- F) The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties:  
***This proposal complies with other plans to be considered.***

**GENERAL PROVISIONS (UDC Section 4.10.3)**

- A) The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County:  
***When developed, this property will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans.***
- B) An approved water supply, community wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development:  
***Adequate public facilities and services exist for this site.***
- C) The location and arrangement of the structures, parking and loading areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation:  
***As illustrated on the attached site plans, the site has options for the arrangement of parking, access, and other site features. Landscaping will be provided in excess of what is required.***
- D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest:  
***Because of the irregular shape of the property, setbacks, building locations and parking have been provided to best fit the site.***

December 8, 2022  
Page 3

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

***Duly Noted***

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

***Yes***

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

**SOLOMITO LAND PLANNING**



Brenda Solomito Basar  
Land Planner

**SIGN AFFIDAVIT**

*Wells Sisk*

AFFIDAVIT

Shelby County  
State of Tennessee

I *Shea Bon*, being duly sworn deposes and says that at *7:05* am, pm on the *29th* day of *Dece* he/she posted a Public Notice Sign(s) pertaining to case number *PD 2022-021* at (address) *4747 Crockett*, providing notice of a Public Hearing before the Land Use Control Board , Memphis City Council , Shelby County Board of Commissioners for consideration of a proposed land use action (Planned Development \_\_\_\_\_, Use Variance \_\_\_\_\_, Zoning District map Amendment \_\_\_\_\_), a photograph of said sign(s) being attached hereon and a copy of the signs purchase receipt or rental contract attaches hereto.

*Shea Bon* *12-31-22*  
Owner, Applicant or Representative Date

Subscribed and sworn to before me this *31<sup>st</sup>* day of *Dece*, 200*7* *2022*

Notary Public



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

**LETTERS RECEIVED**

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



## Record Summary for Planned Development

### Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: December 7, 2022

Record Number: PD 2022-021

Expiration Date:

Record Name: Smith Family Planned Development

Description of Work: Request for a Planned Development to permit limited CMU-1 uses.

Parent Record Number:

---

### Address:

4747 GETWELL RD, MEMPHIS 38118

### Owner Information

Primary Owner Name

Y SMITH WILLIE SR

Owner Address

1852 BRIERBROOK RD, GERMANTOWN, TN 38138

Owner Phone

---

### Parcel Information

073111 00005

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner

Jeffrey Penzes

Date of Meeting

09/22/2022

#### GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

Previous Docket / Case Number

1947-057 - CO

**GENERAL PROJECT INFORMATION**

Medical Overlay / Uptown No  
If this development is located in unincorporated N/A  
Shelby County, is the tract at least three acres?  
(Note a tract of less than three acres is not  
eligible for a planned development in  
unincorporated Shelby County)  
Is this application in response to a citation, stop No  
work order, or zoning letter  
If yes, please provide a copy of the citation, stop -  
work order, and/or zoning letter along with any  
other relevant information

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A See Attached  
UDC Sub-Section 9.6.9B See Attached  
UDC Sub-Section 9.6.9C See Attached  
UDC Sub-Section 9.6.9D See Attached  
UDC Sub-Section 9.6.9E See Attached  
UDC Sub-Section 9.6.9F See Attached

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A See Attached  
B) An approved water supply, community waste See Attached  
water treatment and disposal, and storm water  
drainage facilities that are adequate to serve the  
proposed development have been or will be  
provided concurrent with the development  
C) The location and arrangement of the See Attached  
structures, parking and loading areas, walks,  
lighting and other service facilities shall be  
compatible with the surrounding land uses, and  
any part of the proposed development not used  
for such facilities shall be landscaped or  
otherwise improved except where natural  
features are such as to justify preservation  
D) Any modification of the district standards that See Attached  
would otherwise be applicable to the site are  
warranted by the design of the outline plan and  
the amenities incorporated therein, and are not  
inconsistent with the public interest  
E) Homeowners' associations or some other Yes  
responsible party shall be required to maintain  
any and all common open space and/or common  
elements  
F) Lots of record are created with the recording Yes  
of a planned development final plan

**GIS INFORMATION**

Central Business Improvement District No  
Case Layer BOA1947-057-CO

**GIS INFORMATION**

Class R  
Downtown Fire District No  
Historic District -  
Land Use VACANT  
Municipality MEMPHIS  
Overlay/Special Purpose District -  
Zoning CA  
State Route 1  
Lot -  
Subdivision -  
Planned Development District -  
Wellhead Protection Overlay District -

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**Contact Information**

**Name** SMITH WILLIE SR **Contact Type** APPLICANT

**Address**

**Phone**

(901)292-1147

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**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1434570	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	12/07/2022
1434651	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	12/08/2022

Total Fee Invoiced: \$1,500.00

Total Balance: \$0.00

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**Payment Information**

**Payment Amount** \$1,500.00 **Method of Payment** Check



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

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

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION  
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: 12/08/2022

Previous Case/Docket #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Willie Smith Sr. Phone #: 901-292-1147

Mailing Address: 1852 Brierbrook Rd City/State: Germantown, TN Zip: 38138

Property Owner Email Address: smith9181@bellsouth.net

Applicant: Same Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Applicant Email Address: \_\_\_\_\_

Representative: Brenda Solomito Basar, Solomito Land Planning Phone #: 901-569-0310

Mailing Address: 1779 Kirby Parkway #1-323 City/State: Memphis, TN Zip: 38138

Representative Email Address: brenda@solomitolandplanning.com

Architect/Engineer/Surveyor: Mark Underwood, Property Solutions Phone #: 901-230-5867

Mailing Address: 784 Dean's Creek Drive City/State: Collierville, TN Zip: 38017

Architect/Engineer/Surveyor Email Address: underwoodm@earthlink.net

**PREMISES LOCATION** (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 4747 Getwell Rd, East of Getwell, North of Faulkner Road

Parcel ID: 073111 00005

Project Name: \_\_\_\_\_

Project Description: Planned development to allow CMU-1 Uses

**Did you have a pre-application meeting with the Division of Planning and Development (DPD)?**

Planner: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

Type of Planned Development (PD) (check one)?  New PD  Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? No (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? \_\_\_\_\_ (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>1.247</u>	_____	_____
Existing Use of Property:	<u>Vacant Land</u>	_____	_____
Requested Use of Property:	<u>CMU-1</u>	_____	_____

Is this application in response to a citation, stop work order, or zoning letter? No (yes or no)

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

**APPROVAL CRITERIA** (UDC Section 9.6.9)

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

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare: \_\_\_\_\_

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations: \_\_\_\_\_

C) The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services: \_\_\_\_\_

D) The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GENERAL PROVISIONS (UDC Section 4.10.3)**

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

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

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

- C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- E) Homeowners’ associations or some other responsible party shall be required to maintain any and all common open space and/or common elements: \_\_\_\_\_
- F) Lots of record are created with the recording of a planned development final plan: \_\_\_\_\_

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION GUIDE**

To file online use the Develop 901 Citizen Portal: [www.aca-prod.accela.com/SHELBYCO/Default](http://www.aca-prod.accela.com/SHELBYCO/Default)

**GENERAL INFORMATION**

**UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR PLANNED DEVELOPMENTS:**

- a) Planned Development – UDC Chapter 9.6 and Section 9.6.11
- b) Planned Development Amendment – UDC Paragraph 9.6.11E(1)

**PRE-APPLICATION MEETING** – This is a meeting in which the Division of Planning and Development Land Use and Development Services discusses the procedures, standards, and regulations required of a request in accordance with the Unified Development Code with the applicant(s) and/or their representative(s), see Section 9.3.1 of [Unified Development Code](#) for additional information. To schedule a pre-application meeting please call Land Use and Development Services at (901) 636-6619.

**APPLICATION REVIEW PROCESS** – [Click here](#) to view a flowchart that explains the review process by application type, as well as the expected review time for each.

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than one hundred twenty (120) days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site, see Section 9.3.2 of the [Unified Development Code](#) for additional information, procedures, standards, and requirements.

**APPLICATION DEADLINES** – A link to the Applications Deadlines Calendar can be found on the Land Use and Development Services’ [webpage](#).

**APPLICATION ASSISTANCE** – [Click here](#) to view a list of firms and individuals who frequently provide assistance with the filing of applications with the Division of Planning and Development.

**FILING FEE(S)** – See the [Fee Schedule](#). Make checks payable to “M/SC Division of Planning and Development”

**POSTED NOTICE** – Posting sign(s) may be required, refer to Sub-Sections 9.3.4A and 9.3.4C of the [Unified Development Code](#) for specific requirements. If posted notice is required, the sign [affidavit](#) and a photograph of each sign on the subject property are also mandatory. [Download](#) templates of the sign in a PowerPoint document. [Click here](#) for a list of companies that may be able to produce posted notice signs.

### **REQUIRED DOCUMENTS**

As part of the application, the following documents are required to be submitted:

**LETTER OF INTENT** – A brief narrative statement generally describing the nature, location, and extent of the development and the market it is intended to serve.

**OUTLINE PLAN** – An outline plan consists of the following documents:

- A. CONCEPT PLAN** – In general, a drawing of the subject property drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions, and arrangements of buildings on the property; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site, any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds; etc.
- B. LANDSCAPE PLAN** – A detailed diagram that includes the specific location and spacing of plant materials. All plant materials shall be identified in a planting schedule chart that indicates the symbol, quantity, common name, botanical name, and minimum size at planting—caliper and height.
- C. PROPOSED OUTLINE PLAN CONDITIONS IN WORD** – The proposed outline plan conditions must be submitted in the Microsoft Word format.

**VICINITY MAP** – Map showing the subject property (boldly outlined) and all adjacent parcel owners. Refer to Sub-Section 9.3.4A of the [Unified Development Code](#) for specific notification requirements. Note two hardcopy sets of sticky labels must be provided and shall be dropped off at Suite 477 in City Hall, 125 N Main Street, Memphis, TN 38103. [Public Notice Tool User Guide](#).

**MAILING LABELS OF NAMES AND ADDRESSES** – A complete list of names and mailing addresses, of all property owners shown on the vicinity map, typewritten, and formatted as 1" x 2 5/8" labels (Avery 5160). Additionally, include the application property owner of record, applicant, representative, and/or Architect/Engineer/Surveyor. [Public Notice Tool User Guide](#).

**DEED(S)** – Most recent deed(s) on file with [Shelby County Register of Deeds](#).

**OWNER AFFIDAVIT** – [Affidavit of ownership or owner designee](#).

**Additional documents may be required prior to approval including, but not limited, to:**

**ELEVATIONS** – Building elevations may be required upon request by the Division of Planning and Development. Factors that will be taken into consideration by the Division of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements, proximity of the requested building(s) to the public right-of-way, conditions, etc.

Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

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

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 4747 Getwell Rd and further identified by Assessor's Parcel Number 07311 00005, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 19th day of Oct in the year of 2020

Amanda P. Hood  
Signature of Notary Public



December 8, 2022

Mr. Brett Ragsdale, AIA  
Zoning Administrator  
Division of Planning and Development  
125 N. Main, Ste. 468  
Memphis, TN 38103

Re: Application for Planned Development  
4747 Getwell Rd.

Dear Brett:

We are pleased to submit an application for Planned Development on behalf of the property owner, Mr. Willie Smith. The property is located at the northwest corner of Getwell Road and Faulkner Road just south of East Shelby Drive. The property contains 1.247 acres and is currently zoned Conservation Agriculture (CA). Research of historical aerial photographs indicate the property has never been developed.

The property to the north is zoned CMU-3 and was approved for a Special Use Permit in 2018 (SUP 2018-011). Properties to the east are zoned Employment (EMP) and properties to the south and west are zoned Conservation Agriculture (CA). The small triangle property at the corner is not included in the application since ownership is unclear.

The purpose of this application is to request a Planned Development with limited CMU-1 uses. The approval of this request will provide the neighborhood with neighborhood services. As a part of our research, we consulted with the DPD Comprehensive Planning department and while the future land use for this property is Primarily Single-Unit Neighborhood (NS), CMU-1 uses would be considered.

As a result, this proposal provides for a couple of possible layouts for the property so as to not negatively impact the surrounding single family residential.

#### **APPROVAL CRITERIA (UDC Section 9.6.9)**

- A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare:

***The existing character of the neighborhood is a mixture of single family residential, warehousing and distribution. The addition of a small neighborhood support center will provide a land use transition and a needed resource for the neighborhood. This proposal will not adversely impact public health, safety, and general welfare.***

- B) The project will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations:

***By providing a limited number of CMU-1 uses and designing the site so as to not negatively impact the surrounding properties, this site will be developed in a compatible manner and ample landscaping and buffering.***

# SOLOMITO

LAND PLANNING

brenda@solomitolandplanning.com | 901.755.7495

- C) The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water, and sewers; or that the applicant will provide adequately for such services:

***All public services are readily available at the site.***

- D) The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance:

***There are no significant natural, scenic, or historic features or characteristics on this site.***

- E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

***This proposal complies with all applicable regulations***

- F) The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties:

***This proposal complies with other plans to be considered.***

#### **GENERAL PROVISIONS (UDC Section 4.10.3)**

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

***When developed, this property will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans.***

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

***Adequate public facilities and services exist for this site.***

- C) The location and arrangement of the structures, parking and loading areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation:

***As illustrated on the attached site plans, the site has options for the arrangement of parking, access, and other site features. Landscaping will be provided in excess of what is required.***

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

***Because of the irregular shape of the property, setbacks, building locations and parking have been provided to best fit the site.***

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

***Duly Noted***

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

***Yes***

Thank you for your time and consideration in this matter. Please do not hesitate to call with any questions and/or comments.

Sincerely,

**SOLOMITO LAND PLANNING**

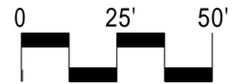


Brenda Solomito Basar  
Land Planner





NORTH



SCALE: 1"=50'



December 2, 2022  
Concept Plan  
4747 Getwell Road  
MEMPHIS, TENNESSEE

PREPARED BY:

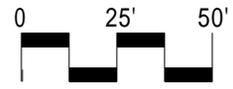
**SOLOMITO**

LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495

DWG. NAME: 22108-Outline.dwg



NORTH



SCALE: 1"=50'



±1.247 Acres

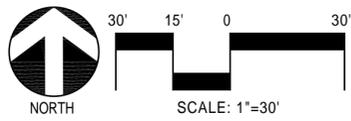
**FAULKNER ROAD**  
(50' R.O.W.)

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

December 2, 2022  
Existing Conditions  
4747 Getwell Road  
MEMPHIS, TENNESSEE

PREPARED BY:  
**SOLOMITO**  
LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495

DWG. NAME: 22108-Outline.dwg



NUFISH LLC  
INST.: 21149260  
4.298 ACRES

MONTE C. BUSH  
INST.: 21046366  
0.344 ACRES

EXIST. BUILDING



JOHN S. CLARK  
INST.: HC-8901  
0.127 ACRES

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

GETWELL ROAD  
(R.O.W. VARIES)

SS GETWELL LLC  
INST.: 16048595  
4.00 ACRES

EXIST. BUILDING

EXIST. BUILDING

GEORGE S. SIMPSON SR.  
INST.: 15084252  
4.742 ACRES

BURDETTE UNITED  
METHODIST CHURCH  
INST.: FT-6567  
39.668 ACRES



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

TOTAL AREA: ±1.247 Acres  
WARD 073, BLOCK 111, PARCEL 00005  
No. OF LOTS: 1  
100 YEAR FLOOD ELEV.:232

OWNERS/DEVELOPER:  
WILLIE SMITH SR.  
1852 Brierbrook Road  
Germantown, TN 38138

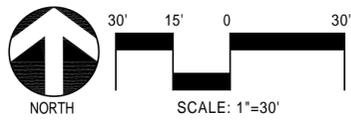
PREPARED BY:

**SOLOMITO**

LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495  
DATE: 12-5-2022 JOB: 22108 SHEET 2 OF 3

**NOTES:**

- EXISTING ZONING: CA
- FLOODWAY OR FLOODPLAIN  
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 440 F AND MAP NO. 47157CO 445 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION-333
- PREPARED FROM INSTRUMENT NUMBER HX-9879 AND DATED NOVEMBER 19, 1998.



NUFISH LLC  
INST.: 21149260  
4.298 ACRES

MONTE C. BUSH  
INST.: 21046366  
0.344 ACRES

EXIST. BUILDING



GETWELL ROAD  
(R.O.W. VARIES)

SS GETWELL LLC  
INST.: 16048595  
4.00 ACRES

EXIST. BUILDING

EXIST. BUILDING

JOHN S. CLARK  
INST.: HC-8901  
0.127 ACRES

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

BURDETTE UNITED  
METHODIST CHURCH  
INST.: FT-6567  
39.668 ACRES

GEORGE S. SIMPSON SR.  
INST.: 15084252  
4.742 ACRES

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

TOTAL AREA: ±1.247 Acres  
WARD 073, BLOCK 111, PARCEL 00005  
No. OF LOTS: 1  
100 YEAR FLOOD ELEV.:232

OWNERS/DEVELOPER:  
WILLIE SMITH SR.  
1852 Brierbrook Road  
Germantown, TN 38138

PREPARED BY:

**SOLOMITO**

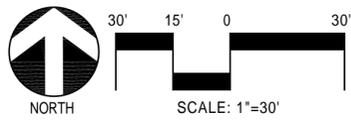
LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495  
DATE: 12-2-2022 JOB: 22108 SHEET 2 OF 3



VICINITY MAP

**NOTES:**

- EXISTING ZONING: CA
- FLOODWAY OR FLOODPLAIN  
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 440 F AND MAP NO. 47157CO 445 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION-333
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NUFISH LLC  
INST.: 21149260  
4.298 ACRES

MONTE C. BUSH  
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0.344 ACRES

EXIST. BUILDING

±1.247 Acres

JOHN S. CLARK  
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0.127 ACRES

SS GETWELL LLC  
INST.: 16048595  
4.00 ACRES

EXIST. BUILDING

EXIST. BUILDING

GEORGE S. SIMPSON SR.  
INST.: 15084252  
4.742 ACRES

BURDETTE UNITED  
METHODIST CHURCH  
INST.: FT-6567  
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FAULKNER ROAD  
(50' R.O.W.)

GETWELL ROAD  
(R.O.W. VARIES)

**NOTES:**

- EXISTING ZONING: CA
- FLOODWAY OR FLOODPLAIN  
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CASE:  
**OUTLINE PLAN**  
**4747 GETWELL**  
**ROAD**  
**MEMPHIS, TENNESSEE**

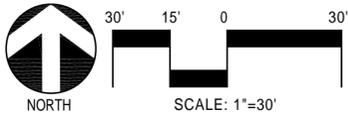
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OWNERS/DEVELOPER:  
WILLIE SMITH SR.  
1852 Brierbrook Road  
Germantown, TN 38138

PREPARED BY:

**SOLOMITO**

LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495  
DATE: 12-2-2022 JOB: 22108 SHEET 1 OF 3



NUFISH LLC  
INST.: 21149260  
4.298 ACRES

MONTE C. BUSH  
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0.344 ACRES

±1.247 Acres

JOHN S. CLARK  
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SS GETWELL LLC  
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FAULKNER ROAD  
(50' R.O.W.)

GETWELL ROAD  
(R.O.W. VARIES)

BURDETTE UNITED  
METHODIST CHURCH  
INST.: FT-6567  
39.668 ACRES

CASE:  
**PLOT PLAN**  
**4747 GETWELL**  
**ROAD**  
**MEMPHIS, TENNESSEE**

TOTAL AREA: ±1.247 Acres  
WARD 073, BLOCK 111, PARCEL 00005  
No. OF LOTS: 1  
100 YEAR FLOOD ELEV.:232

OWNERS/DEVELOPER:  
WILLIE SMITH SR.  
1852 Brierbrook Road  
Germantown, TN 38138

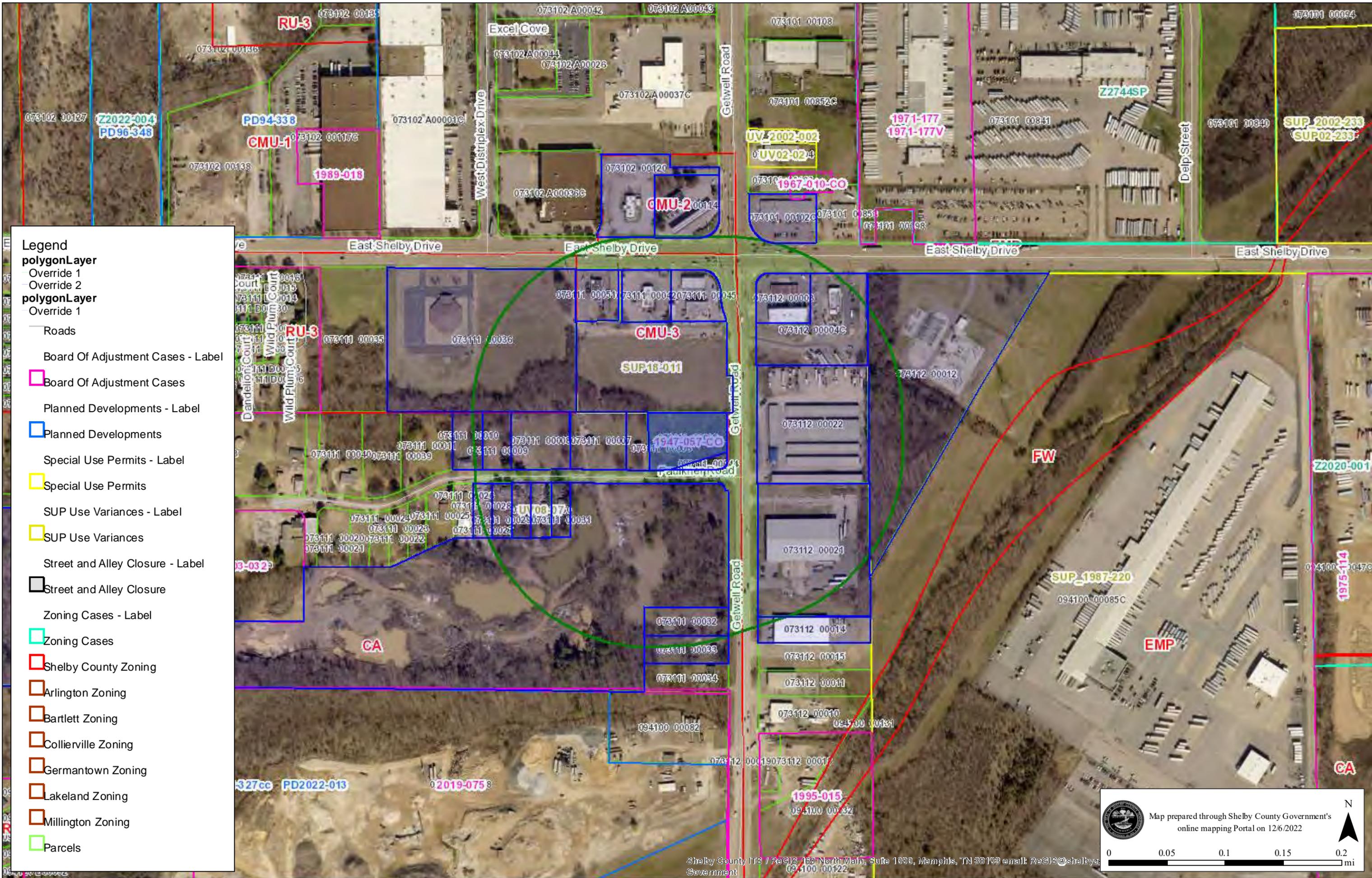
PREPARED BY:

**SOLOMITO**

LAND PLANNING  
1779 KIRBY PKWY., #1-323 MEMPHIS TN 38138 (901) 755-7495  
DATE: 12-2-2022 JOB: 22108 SHEET 1 OF 1

**NOTES:**

- EXISTING ZONING: CA
- FLOODWAY OR FLOODPLAIN  
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP, MAP NO. 47157CO 440 F AND MAP NO. 47157CO 445 F, EFFECTIVE DATE: SEPTEMBER 28, 2007. ELEVATION-333
- PREPARED FROM INSTRUMENT NUMBER HX-9879 AND DATED NOVEMBER 19, 1998.



- Legend**
- polygonLayer**
  - Override 1
  - Override 2
  - polygonLayer**
  - Override 1
  - Roads
  - Board Of Adjustment Cases - Label
  - Board Of Adjustment Cases
  - Planned Developments - Label
  - Planned Developments
  - Special Use Permits - Label
  - Special Use Permits
  - SUP Use Variances - Label
  - SUP Use Variances
  - Street and Alley Closure - Label
  - Street and Alley Closure
  - Zoning Cases - Label
  - Zoning Cases
  - Shelby County Zoning
  - Arlington Zoning
  - Bartlett Zoning
  - Collierville Zoning
  - Germantown Zoning
  - Lakeland Zoning
  - Millington Zoning
  - Parcels


 Map prepared through Shelby County Government's online mapping Portal on 12/6/2022

0      0.05      0.1      0.15      0.2  
 mi

N

073111 00051 - MEMPHIS FOODS LLC  
073111 00050 - NUFISH LLC  
073111 00045 - MOHAMED AMIN & AIDA SAMUEL  
073112 00003 - BROTHERS REAL ESTATE INC  
073112 00022 - SS GETWELL LLC  
073111 00044 - CLARK JOHN S  
073111 00030 - HAMILTON JACOB  
073111 00031 - PAYNE HERMAN III AND KORY K PAYNE  
073111 00005 - SMITH WILLIE SR  
073102 00120 - ALHALAWANI RADEH  
073102 00114 - EAST SHELBY DRIVE 3796 CENTER LLC  
073101 00102C - SOMIT LLC  
073111 00036 - CENTER CHAPEL BAPTIST CHURCH (TR)  
073111 00042 - FRAYSER QUALITY LLC  
073112 00004C - MCDONALDS CORPORATION  
073112 00012 - CITY OF MEMPHIS  
073111 00010 - PHILLIPS MARY W  
073111 00009 - DAVIS JOSEPHINE W AND HERBERT WATKINS  
073111 00008 - BRADLEY JESSIE & DIEDRA  
073111 00007 - MURDOCK ROSCOE & AUDREY S  
073111 00043 - BURDETTE UNITED METHODIST CHURCH (40%)  
073111 00027 - HAMILTON JACOB  
073111 00028 - PAYNE SADIE M AND LORA PAYNE  
073111 00029 - PAYNE SADIE M AND LORA PAYNE ODOM  
073112 00021 - SIMPSOM GEORGE W SR

073111 00032 - COLEMAN WILLIE L & CHARLOTTE

073112 00014 - B & B REALTY LLC

073111 00033 - CARTER JULIA

073111 00006 - BUSH MONTE C

MEMPHIS FOODS LLC  
139 SOUTHWEST DR #  
JONESBORO AR 72401

EAST SHELBY DRIVE 3796 CENTER LLC  
P O BOX 1565 #  
LAWRENCEVILLE GA 30046

BURDETTE UNITED METHODIST CHURCH (40%)  
4953 MALONE RD #  
MEMPHIS TN 38118

NUFISH LLC  
5858 RIDGEWAY CENTER PKWY  
MEMPHIS TN 38120

SOMIT LLC  
8196 WINDERSVILLE DR #  
BARTLETT TN 38133

HAMILTON JACOB  
3733 FAULKNER RD #  
MEMPHIS TN 38109

MOHAMED AMIN & AIDA SAMUEL  
3799 E SHELBY DR #  
MEMPHIS TN 38118

CENTER CHAPEL BAPTIST CHURCH (TR)  
PO BOX 18483 #  
MEMPHIS TN 38181

PAYNE SADIE M AND LORA PAYNE  
3725 FAULKNER RD #  
MEMPHIS TN 38118

BROTHERS REAL ESTATE INC  
3825 E SHELBY DR #  
MEMPHIS TN 38118

FRAYSER QUALITY LLC  
968 JAMES ST #  
SYRACUSE NY 13203

PAYNE SADIE M AND LORA PAYNE ODOM  
3725 FAULKNER RD #  
MEMPHIS TN 38118

SS GETWELL LLC  
PO BOX 800729 #  
DALLAS TX 75380

MCDONALDS CORPORATION  
5645 MURRAY RD #  
MEMPHIS TN 38119

SIMPSON GEORGE W SR  
4784 GETWELL RD #  
MEMPHIS TN 38118

CLARK JOHN S  
1852 BRIERBROOK RD #  
GERMANTOWN TN 38138

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

COLEMAN WILLIE L & CHARLOTTE  
5990 OLD HIGHWAY 64 #  
WHITEVILLE TN 38075

HAMILTON JACOB  
703 BRAKEBILL AVE #  
MEMPHIS TN 38116

PHILLIPS MARY W  
3704 FAULKNER RD #  
MEMPHIS TN 38118

B & B REALTY LLC  
4830 GETWELL RD #  
MEMPHIS TN 38118

PAYNE HERMAN III AND KORY K PAYNE  
3725 FAULKNER RD #  
MEMPHIS TN 38118

DAVIS JOSEPHINE W AND HERBERT WATKINS  
1328 ROBIN HILL DR #  
NORCROSS GA 30093

CARTER JULIA  
4827 GETWELL RD #  
MEMPHIS TN 38118

SMITH WILLIE SR  
1852 BRIERBROOK RD #  
GERMANTOWN TN 38138

BRADLEY JESSIE & DIEDRA  
3726 FAULKNER RD #  
MEMPHIS TN 38118

BUSH MONTE C  
3836 CARAVEL DR  
MEMPHIS TN 38118

ALHALAWANI RADEH  
3770 SHELBY DR #  
MEMPHIS TN 38118

MURDOCK ROSCOE & AUDREY S  
5041 WHITWORTH #  
MEMPHIS TN 38116

For Current Resident  
3745 SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3796 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
GETWELL RD #  
Memphis, TN 38118

For Current Resident  
GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3810 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3711 FAULKNER #  
Memphis, TN 38118

For Current Resident  
3799 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3715 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3719 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
3825 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3795 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3725 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
4740 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3845 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
4784 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
GETWELL #  
Memphis, TN 38118

For Current Resident  
3843 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
4817 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3733 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
3704 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
4830 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3739 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
FAULKNER #  
Memphis, TN 38118

For Current Resident  
4827 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
4747 GETWELL RD #  
Memphis, TN 38118

For Current Resident  
3726 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
3770 FAULKNER RD #  
Memphis, TN 38118

For Current Resident  
3770 E SHELBY DR #  
Memphis, TN 38118

For Current Resident  
3762 FAULKNER RD #  
Memphis, TN 38118

This Instrument prepared by: John Skinner Clark, 4747 Getwell Rd., Memphis TN 38118

THIS INDENTURE, made and entered into this 18th day of November, 1998

by and between John Skinner Clark  
of the first part, and Willie Smith, Sr.

HX 9879  
2

WITNESSETH: That for the consideration hereinafter expressed the said party \_\_\_\_\_, of the second part part has \_\_\_\_\_ bargained and sold and does \_\_\_\_\_ hereby bargain, sell, convey and confirm unto the said party \_\_\_\_\_ of the second part the following described real estate, situated and being in Memphis County of Shelby State of Tennessee

A part of the Northeast corner of the Faulkner 79.87 acres, as recorded in Plat Book 17, Page 74, in the Register' Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description, and being further described as follows:

BEGINNING at a point in the West line of Getwell Road 600 feet South of the center line of Whitehaven-Capleville Road; thence Westwardly along the North line of the Faulkner tract 285 feet to the Northeast corner of the lot sold to Ira Lee Stewart, recorded in Book 3481, Page 26; thence South along the Stewart East line 200 feet to the North line of Faulkner Road to the Southeast corner of the Stewart lot; thence Eastwardly along the North line of Faulkner Road 306.37 feet to the West line of Getwell Road; thence North along the said West line of Getwell Road 67.41 feet to the point of beginning, and being a part of the same property conveyed to Sidney Baker and wife, Minnie Baker, by Deed from Fannie Lee Faulkner Maxwell, recorded in Book 3187, Page 166. Said property being commonly known and referred to as 4747 Getwell Rd. Said property being the same property conveyed to Party of the first part as Instrument G2 4801.

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

And the said party \_\_\_\_\_ of the first part does \_\_\_\_\_ hereby covenant with the said part Y \_\_\_\_\_ of the second part that he is lawfully seized in fee of the aforescribed real estate; that he has a good right to sell and convey the same; that the same is unencumbered,

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

THE CONSIDERATION for this conveyance is as follows:

Ten and no/100 (\$10.00) Dollars, and other good and valuable considerations.

WITNESS the signature \_\_\_\_\_ of the said party \_\_\_\_\_ of the first part the day and year first above written.

*John Skinner Clark*  
11-19-98

STATE OF TENNESSEE,  
County of Shelby.

HX 9879

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

John Skinner Clark

with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person \_\_\_\_\_ within named and that \_\_\_\_\_ he \_\_\_\_\_ executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and seal, this 19th day of November.

*Adricia Weaver*  
Notary Public

MY COMMISSION EXPIRES MAY 14, 2002

My commission expires \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

STATE OF TENNESSEE COUNTY OF SHELBY }

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is, \$40,000, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

*Willie Smith Sr.*  
Affiant

Subscribed and sworn to before me this the 19th day of November 1998.

*Adricia Weaver*  
Notary Public

MY COMMISSION EXPIRES MAY 14, 2002

My commission expires \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

073-111-0005

Mail tax notices to: Willie Smith, Sr., 1852 Brierbrook, Germantown, TN 38138

*Owner*

**MEMPHIS TITLE**  
A DIVISION OF F&M INVESTMENTS, L.L.C.  
100 NORTH MAIN BUILDING  
POST OFFICE BOX 3073  
MEMPHIS, TENNESSEE 38103  
TELEPHONE (901) 525-4343

**WARRANTY DEED**

TO \_\_\_\_\_

State Tax ..... \$ \_\_\_\_\_

Clerk's Fee ..... \$ \_\_\_\_\_

TOTAL ..... \$ \_\_\_\_\_

Paid.....  
Deputy County Court Clerk.

MTC form 0015

The following information is not a part of this Deed.

Property Address 4747 Retwell Rd  
Memphis TN

Mail Tax Bill to \_\_\_\_\_

MT \_\_\_\_\_

No. HX 9879

D/C \_\_\_\_\_ DR# 7

Pgs. 2 Hm. \_\_\_\_\_

Vol. 40000

STATE TAX 1480

REGISTER'S FEE 100

RECORDING FEE 800

D.P. FEE 200

WT  MISC FEE \_\_\_\_\_

TOTAL 1570

STATE OF TENNESSEE  
SHELBY COUNTY  
GUY B. WOODS  
REGISTER

HX9879

SHELBY COUNTY  
REGISTER OF DEEDS

98 NOV 19 PH 3:52