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

**Planning & Development ONE ORIGINAL** DIVISION ONLY STAPLED Planning & Zoning COMMITTEE: 8/20/2024 TO DOCUMENTS DATE **PUBLIC SESSION:** 9/10/2024 DATE ITEM (CHECK ONE) REQUEST FOR PUBLIC HEARING X RESOLUTION ORDINANCE Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving **ITEM DESCRIPTION:** a planned development at the subject property located at 2899 Lamar Avenue, known as case number PD 2024-004 PD 2024 - 004 CASE NUMBER: Self-Storage Lamar Crossing Planned Development **DEVELOPMENT:** 2899 Lamar Avenue LOCATION: District 4 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS: OWNER/APPLICANT:** Lamar, Inc. Delinor Smith, Smith Building Design **REPRESENTATIVE:** Amendment to Lamar Crossing Planned Development to allow a mini storage **REQUEST:** +/- 1.81 acres **AREA:** The Division of Planning and Development recommended rejection **RECOMMENDATION:** The Land Use Control Board recommended rejection **RECOMMENDED COUNCIL ACTION:** Public Hearing Not Required Hearing - September 10, 2024 \_\_\_\_\_ **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED (1)06/13/2024 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: **REQUIRES CITY EXPENDITURE - (1) YES (2) NO** (2)AMOUNT OF EXPENDITURE **REVENUE TO BE RECEIVED** SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: DATE **POSITION** 8 12 24 PLANNER I Britt Regadale DEPUTY ADMINISTRATOR 8 2 24 ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY \_\_\_\_\_ CHIEF ADMINISTRATIVE OFFICER **COMMITTEE CHAIRMAN** 



Memphis City Council Summary Sheet

# PD 2024 - 004

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2899 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2024 – 004

- This item is a resolution with conditions to allow a planned development amendment to allow self-storage at the Lamar Crossing Planned Development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

# LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	PD 2024 – 004	
LOCATION:	2899 Lamar Avenue	
COUNCIL DISTRICT(S):	District 4, Super District 8 – Positions 1, 2, and 3	
OWNER/APPLICANT:	Lamar, Inc.	
REPRESENTATIVE:	Delinor Smith, Smith Building Design	
REQUEST:	Amendment to Planned Development to allow a mini storage	
EXISTING ZONING:	Governed by PD 06 – 313, Area B Commercial Mixed Use – 2 permitted uses	
AREA:	1.81 acres	

#### The following spoke in support of the application: Delinor Smith

# The following spoke in opposition of the application: None

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

The motion failed by a unanimous vote of 8-0-1 on the regular agenda.

Respectfully,

Alexis Longsteet

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

Cc: Committee Members File

# PD 2024 – 004 CONDITIONS

### **Outline Plan Conditions – Revisions**

Proposed language is indicated in **bold, underline**; deletions are indicated in **bold strikethrough** 

Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
  - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
  - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.

# C. <u>Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2</u> (CMU-2) and the following use shall be permitted:

a. Mini storage

Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

### 11. Bulk Regulations:

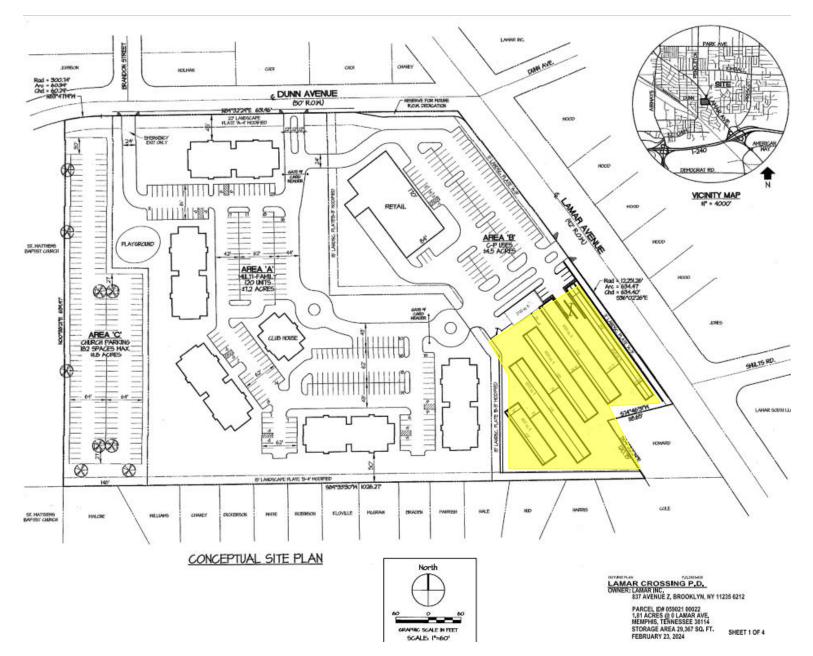
- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (I) tree for every twenty (20) parking spaces.
- D. <u>Area 'B-1': The bulk regulations of the CMU-2 District shall apply.</u>

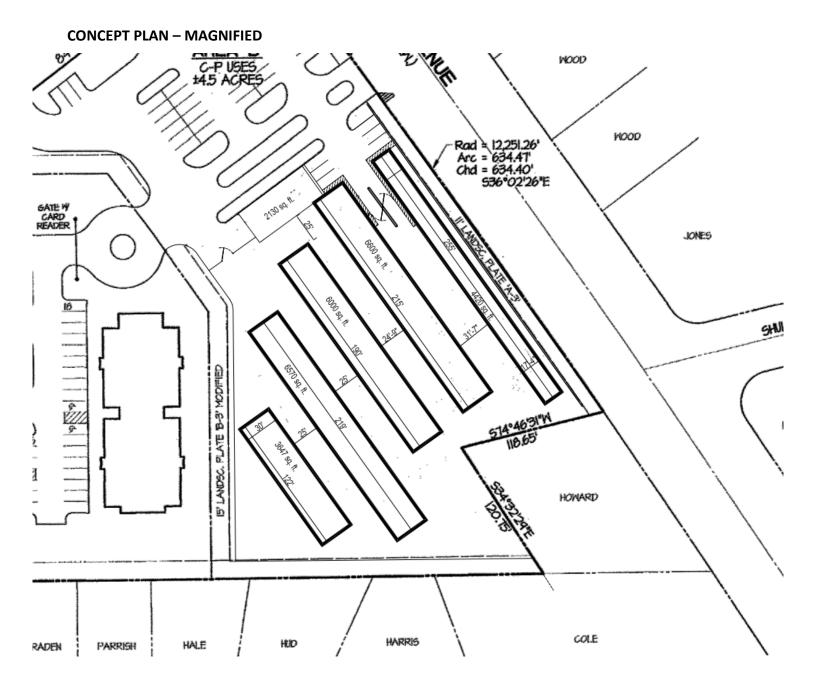
- III. Access, Circulation and Parking:
  - A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
  - B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 18) and improve in accordance with Subdivision Regulations.
  - C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
    - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
    - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
  - D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
  - E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - F. Adequate maneuvering room shall be provided between the right-of-way and the aate/auardhouse/card reader for vehicles to exit bu forward
- IV. Landscaping:
  - A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
  - B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be Illustrated on the Concept/Landscape Plan.
  - C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
  - D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
  - E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (I) shade tree per every twenty (20) parking spaces.
  - F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
  - G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
  - H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

- V. Signs:
  - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments. Area's 'B' and 'B-1'
  - B. Area B+ Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
  - C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking. Area's 'B', 'B-1' and 'C'
  - D. Areas A, B, C: Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.
- VI. Drainage:
  - A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
  - B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
  - C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
  - D. All drainage plans shall be submitted to the City Engineer for review.
  - E. All drainage emanating on-site shall be private, easements shall not be accepted.
- VII. Design and Other:
  - A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
  - B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (IO) 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 Memphis City Council.

- 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. Any final plan shall include the following:
  - A. All final plans shall generally conform with the Concept/Landscape Plan and 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 buildings or buildable area, parking areas, drives and required landscaping.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easements.
  - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
  - The one-hundred (100) year flood elevation.
  - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
  - 1. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/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.

#### **CONCEPT PLAN**





## RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2899 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2024 – 004

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

**WHEREAS**, the Lamar, Inc. filed an application with the Memphis and Shelby County Division of Planning and Development for an amendment to allow self-storage within the Lamar Crossing 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 June 13, 2024 and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

### **OUTLINE PLAN CONDITIONS - REVISED**

Proposed language is indicated in **bold**, **underline**; deletions are indicated in **bold strikethrough** 

Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
  - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
  - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. <u>Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use</u> <u>-2 (CMU-2) and the following use shall be permitted:</u> a. Mini storage
- <u>D</u>
- Area 'C': Church Parking Lot A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.
- Bulk Regulations:
  - A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
  - B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
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PARTY CONTRACTOR OF THE PARTY OF

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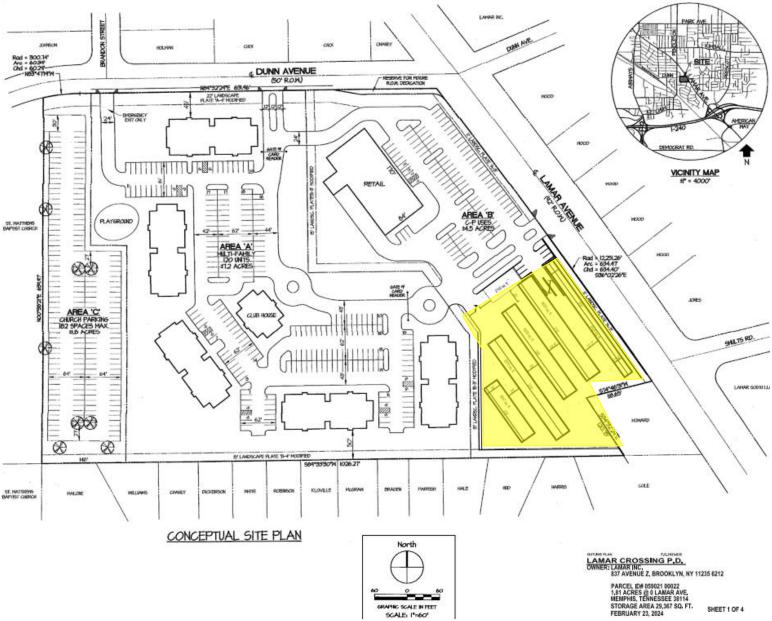
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  - B. Area B. Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
  - C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking. <u>Area's 'B', 'B-1' and 'C'</u>
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# **CONCEPT PLAN**



SHEET 1 OF 4

**ATTEST:** 

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

dpd MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT
AGENDA ITEM:	16	L.U.C.B. MEETING:	June 13, 2024
CASE NUMBER:	PD 2024 – 004		
DEVELOPMENT:	Self Storage at Lamar Crossing PD		
LOCATION:	2899 Lamar Avenue		
COUNCIL DISTRICT:	District 4 and Super District 8 – Pos	itions 1, 2, and 3	
OWNER/APPLICANT:	Lamar, Inc.		
REPRESENTATIVE:	Delinor Smith, Smith Building Desig	n	

**REQUEST:** Amendment to Planned Development to allow a mini storage

**EXISTING ZONING:** Governed by PD 06 – 313, Area B Commercial Mixed Use – 2 permitted uses.

# CONCLUSIONS

- 1. The subject property is located within the Lamar Crossing Planned Development (PD 06 313) and designated as "Area B" which permits any Commercial Mixed Use 2 uses.
- The applicants proposed use of Mini-storage is allowed by the Special Use Permit (SUP) within the CMU 2 zoning districts.
- 3. The applicants proposed use of Mini-storage is a special permitted use within the CMU 2 zoning districts.
- 4. The project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

# CONSISTENCY WITH MEMPHIS 3.0

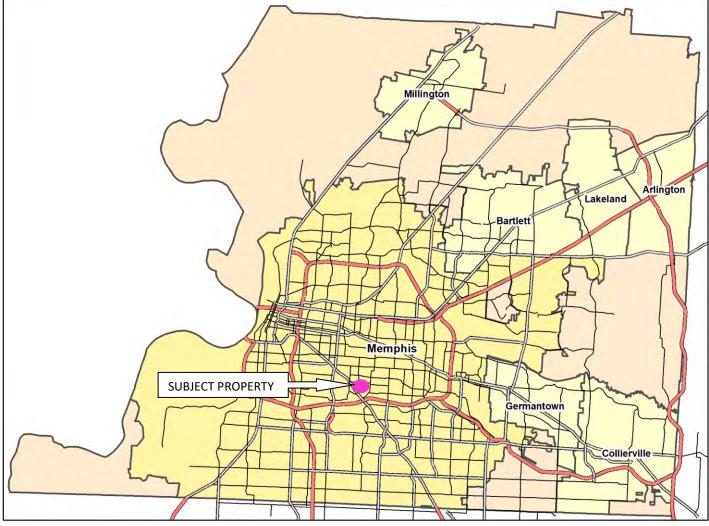
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 22 – 24 of this report.

# **RECOMMENDATION:**

Rejection

June 13, 2024 Page 2

# LOCATION MAP



Subject property located within the pink circle.

#### PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

#### **PUBLIC NOTICE DETAILS**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 57 notices were mailed on May 17, 2024, see pages 24 – 25 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 26 of this report for a copy of the sign affidavit.

### **NEIGHBORHOOD MEETING**

The meeting was held at 4:30 PM on Friday, May 31, 2024, at the Cherokee Library, 3300 Sharpe Avenue.

## AERIAL



Subject property outlined in yellow, imagery from 2022

# ZONING MAP

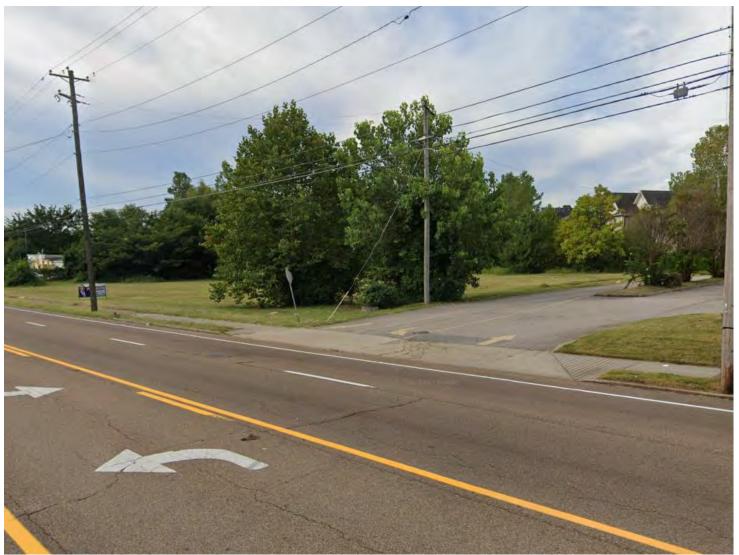


Subject property highlighted in yellow.



Subject property indicated by a pink star

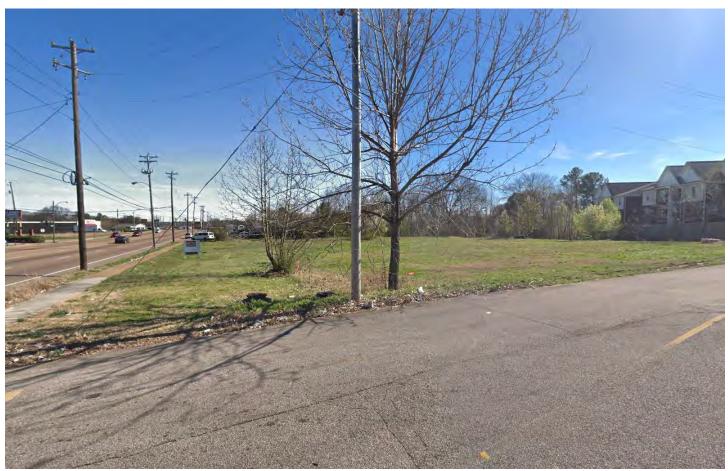
# SITE PHOTOS



View of subject property from Lamar Avenue looking South.



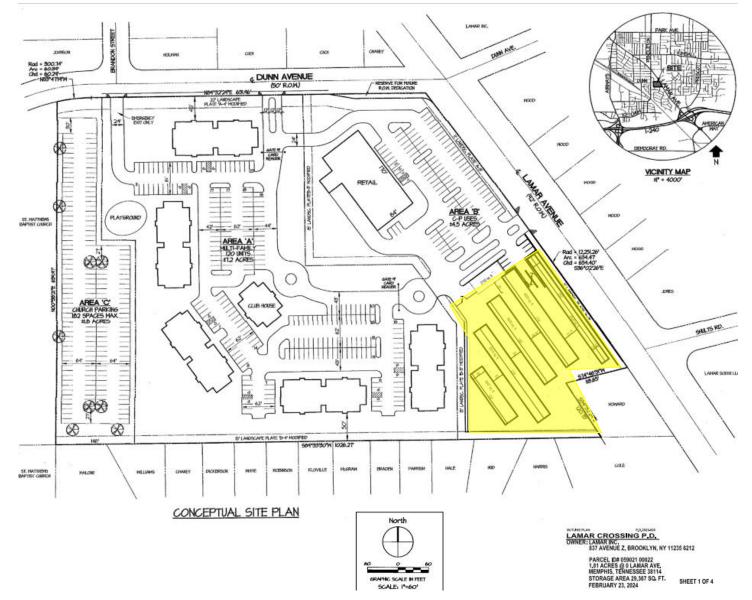
View of subject property from Lamar.

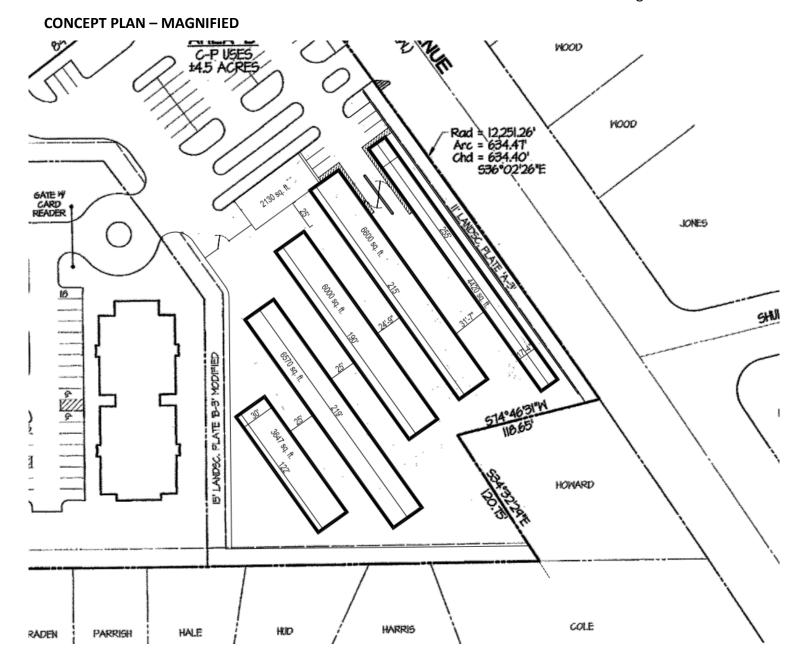


View of subject property from entrance point of abutting property.

June 13, 2024 Page 10

# CONCEPT PLAN





#### CASE REVIEW

#### <u>Request</u>

The request is an amendment to the Lamar Crossing Planned Development to allow mini-storage.

#### **Applicability**

Staff does not agree the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

### 4.10.2 Applicability

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

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

### **General Provisions**

Staff does not agree the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

### 4.10.3 General Provisions

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

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

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

# **Commercial or Industrial Criteria**

Staff does not agree 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 does not agree 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.

<u>Site Details</u> Address: 2899 Lamar Avenue

Parcel ID: 059021 00051

Area: +/- 1.81 acres

# Description:

The subject property is known as Area B of Lamar Crossing Planned Development (PD 06 - 313) with an underlying zoning of Commercial Mixed Use -1 (CMU-1) for any regulation not stated within the PD.

## Site Zoning History

On October 03, 2006, the Council of the City of Memphis approved Planned Development to allow +/- 35,000 square feet of retail space and one-hundred twenty (120) multi-family apartments in accordance with the Outline Plan and Conditions.

On September 1, 2020, the Council of the City of Memphis adopted Ordinance Number 5757 which approved the downzoning of several properties including the subject property from Commercial Mixed Use -3 to Commercial Mixed Use -1. Since the subject property is a part of the Lamar Crossing Planned Development, this downzoning does not supersede the designating zoning outlined in the approved planned conditions. The subject property is governed by Area B Commercial Mixed Use -2 zoning uses.

### **Concept Plan Review**

The applicant is proposing five (5) mini storage units ranging from +/- 3,647 square feet to +/- 6,570 square feet. The structure located along Lamar Avenue does not meet the CMU – 2 setback building requirements set out in subsection 3.10.2B of the Unified Development Code.

The development will utilize the existing curb cut along Lamar Avenue.

The development will have controlled access that will serve as main egress and ingress and one (1) proposed exit gate southwest of the main entrance.

The proposed landscaping plan is in keeping with the previously approved outline plan conditions.

### <u>Analysis</u>

The proposed use of the subject property is in keeping with the previously projected use for Area B of the Lamar Crossing PD. The subject property currently has a vacant land use designation and Low Intensity Commercial future land use designation. The property is surrounded by commercial, institutional, and residential land use designations. The proposed amendment to allow mini storage density is not in keeping with the future land use designation as mini storage is not a permitted use in the CSL future land designation. Therefore, staff recommends rejection of the proposed amendment.

The proposed amendment was considered inconsistent with Memphis 3.0 based on the not being compatible with future land use and intensity. The Lamar Crossing Planned Development is near a proposed Safety Intersection Project boundary which encompasses Lamar/Kimball/Pendleton up to Dunn Avenue which is located at the beginning of the existing Planned Development.

June 13, 2024 Page 15

June 13, 2024 Page 16

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

#### RECOMMENDATION

Staff recommends rejection; however, if approved, staff recommends the following revisions to the outline plan conditions:

Note: The subject property used for mini storage will be Area B – 1 and indicated on the outline plan and final plat.

#### **Outline Plan Conditions – Revisions**

Proposed language is indicated in **bold, underline**; deletions are indicated in **bold strikethrough** 

Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
  - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
  - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. <u>Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use 2 (CMU-2) and the following use shall be permitted:</u>
  - a. Mini-storage

D

Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided. С

- 11. Bulk Regulations:
  - A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
  - B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
  - C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (I) tree for every twenty (20) parking spaces.

#### D. Area 'B-1': The bulk regulations of the CMU-2 District shall apply.

- III. Access, Circulation and Parking:
  - A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and Improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
  - B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 18) and improve in accordance with Subdivision Regulations.
  - C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
    - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
    - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
  - D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
  - E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

June 13, 2024 Page 18

- IV. Landscaping:
  - A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
  - B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be Illustrated on the Concept/Landscape Plan.
  - C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
  - D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as Illustrated on the Concept/Landscape Plan.
  - E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (I) shade tree per every twenty (20) parking spaces.
  - F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
  - G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
  - H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

- V. Signs:
  - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
  - Area's 'B' and 'B-1'
  - B. Area BL. Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
  - C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking. <u>Area's 'B', 'B-1' and 'C'</u>
  - D. Areas A, B, & C: Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.
- VI. Drainage:
  - A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
  - B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
  - C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
  - D. All drainage plans shall be submitted to the City Engineer for review.
  - E. All drainage emanating on-site shall be private, easements shall not be accepted.
- VII. Design and Other:
  - A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
  - B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (IO) 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 Memphis City Council.

- 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. Any final plan shall include the following:
  - A. All final plans shall generally conform with the Concept/Landscape Plan and 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 buildings or buildable area, parking areas, drives and required landscaping.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easements.
  - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
  - G. The one-hundred (100) year flood elevation.
  - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
  - 1. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

#### **DEPARTMENTAL COMMENTS**

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

## **City/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.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards. Traffic Control Provisions:

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

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

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

Curb Cuts/Access:

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

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

10. Will require engineering ASPR.

Drainage:

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

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

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

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

detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

## **City/County Fire Division:**

 $\cdot$  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.

 $\cdot$  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.

 $\cdot$  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.

 $\cdot$  A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

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

# Office of Comprehensive Planning: Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>PD 2024-004: Lamar</u>

Site Address/Location: 2899 LAMAR AVE

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone Future Land Use Designation: Low Intensity Commercial and Services (CSL) Street Type: Parkway

The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage. The following information about the land use designation can be found on pages 76 - 122:

#### 1. Future Land Use Planning Map



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

## 2. Land Use Description/Intent

Low Intensity Commercial and Service (CSL) areas are typically not associated with anchors. These areas may include neighborhood supporting commercial uses such as retail sales and services, offices, restaurants, funeral services, small-scale recreation, social service institutions, and occasional upper-story residential. Graphic portrayal of CSL is to the right.



#### "CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

#### "CSL" Zoning Notes

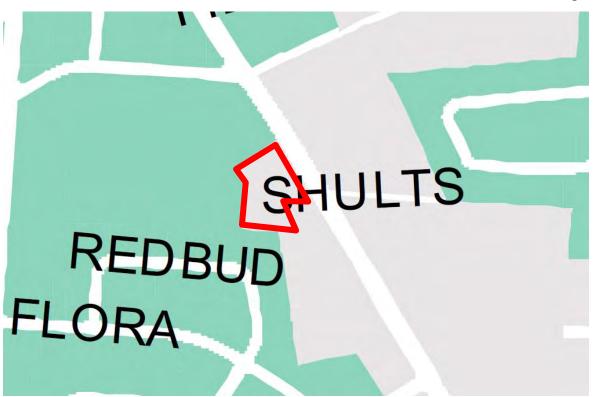
Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

#### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

Adjacent Land Use and Zoning: Single-family, Commercial, and Vacant Land; CMU-1, RU-3 and EMP **Overall Compatibility:** *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.* 

3. Degree of Change Map



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

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

#### **Consistency Analysis Summary**

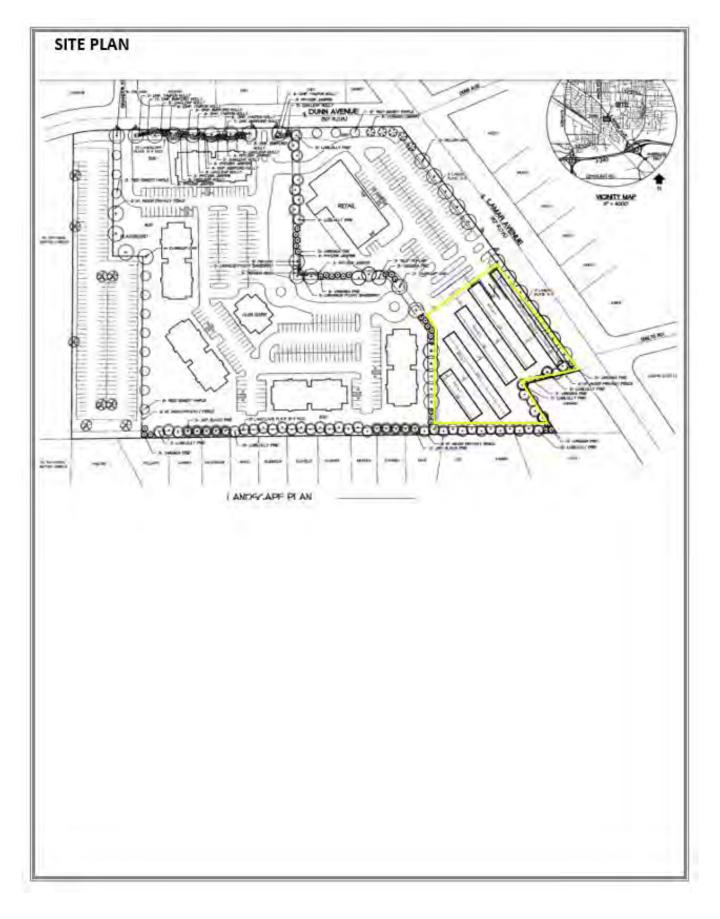
The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

# MAILED PUBLIC NOTICE

		_
	57 Notices Mailed on 05/17/202	24_
ME	MPHIS AND DIVISION OF PLANNIN	JC
SHEL	MPHIS AND DIVISION OF PLANNIN BY COUNTY AND DEVELOPMENT	
SUFFE		
	City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103	
	NOTICE OF PUBLIC HEARING	
with the Division	d this notice because you own or reside on a property that is near the site of a land use application of Planning and Development. The <b>MEMPHIS &amp; SHELBY COUNTY LAND USE CONTROL BOARD</b> will h n the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Ur de:	hold
CASE NUMBER:	PD 2024-004	
LOCATION:	2899 Lamar Avenue	
	(SEE SITE PLAN ON REVERSE SIDE)	
APPLICANT:	Delinor Smith	
REQUEST:	Amendment to the Lamar Crossing PD to allow mini-storage	
DATE: TIME:		
LOCAT		
During the public Board meeting.	hearing, the Board may approve or reject this item or hold the item for a public hearing at a subsec	quer
meeting. No indiv	Board may place this item on the <u>Consent Agenda</u> , which is considered at the beginning of the B ridual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a me staff or Board requests that the item be removed from the Consent Agenda.	
application. You n	ired to attend this hearing, although you are welcome to do so if you wish to speak for or agains nay also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn al and/or to submit a letter of support or opposition no later than Wednesday, June 5, 2024, at 8 A	mor



#### **SIGN AFFIDAVIT**

#### AFFIDAVIT

Shelby County State of Tennessee

 I. DELNOR SMITH
 being duly sworn, depose and say that at 2:00 PM am/pm on the 30 day of MAY
 being duly sworn, depose and say that at 2:00 PM am/pm pertaining to Case No. PD 2024-004

 Pertaining to Case No. PD 2024-004
 at 2899 LAMAR AVE.

providing notice of a Public Hearing before the (check one):

X Land Use Control Board

\_\_\_\_Board of Adjustment

X 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.

Date

Owner, Applicant of Representative

Subscribed and sworn to before me this 30th day of May , 20 34.

Notary Public

My Commission Explose June 28, 2027

My commission expires:



#### APPLICATION

June 13, 2024 Page 28



# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

# **Record Summary for Planned Development**

Record Detail Information

Record Type: Planned Development

Record Status: Processing Opened Date: April 7, 2024

Record Number: PD 2024-004

Expiration Date.

Record Name: SELF STORAGE - JUNE LUCB

Description of Work: THE CONSTRUCTION OF SELF STORAGE UNITES WITH AN ESTIMATED OF 29,367 SQ. FT. OF STORAGE AREAS AND A SMALL OFFICE.

Parent Record Number:

Address:

2899 LAMAR AVE, MEMPHIS 38114

**Owner Information** 

Primary Owner Name Y LAMAR INC

Owner Address

837 AVENUE Z. BROOKLYN, NY 11235

#### Parcel Information

059021 00051

#### Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION

Planned Development Type Previous Docket / Case Number Medical Overlay / Uptown ALEXIS LONGSTREET 11/01/2023 Phone

Amendment to Existing PD PD 06-313 No

28

Owner Phone

#### GENERAL PROJECT INFORMATION

If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County) Is this application in response to a citation, stop work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

#### GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

 B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common SEE ATTACHED PDF FILE OF THE APPLICATION - THE TRACT IS NOT LOCATED IN UNINCORPORATED SHELBY COUNTY

No

SEE ATTACHED PDF FILE OF THE APPLICATION

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ff Report 2024 – 00	)4					June 13, 20 Page 30
GENERAL	PROVISIONS					
	of record are created with the nned development final plan	recording	SEE ATTACI APPLICATIO	HED PDF FILE	OF THE	
Case La	iyer Business Improvement Distric		No			
Class	business improvement Distric	a,	NO			
1.000	wn Fire District		No			
Historic			100			
Land Us			124 I			
Municipa	ality		- é - 1			
Overlay/	Special Purpose District		8			
Zoning			~			
State Ro	oute		~			
Lot			- 2			
Subdivis			- 6			
the second se	Development District		÷			
	d Protection Overlay District		No			
Contact li	nformation					
Name DELINOR DE	ELINOR SMITH				Conta APPLIC	ct Type
Address					- CONTRACT	
Phone (190)169-039	14					
Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Baiance	Date Assessed
1653561	Credit Card Use Fee (.026 x fee)	=1)	39.00	INVOICED	0,00	04/07/2024
1553561	Planned Development - 5 acres or less	4	1,500.00	INVOICED	0.00	04/07/2024
		Total Fee Inv	oiced: \$1,539.00	Total Ba	alance: \$0.	00
Payment	Information					
Payment Am	ount Method of P					
\$1 530 00	Cradit Car	0				

\$1,539.00

Credit Card

PD 2024-004

**OWNER AFFIDAVIT** 

June 13, 2024 Page 31

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY 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.

1. MUHPMMAD U. NAWID. , state that I have read the definition of LAMAR INC

(Print Name)

e) (Sign Name) the Mamphie and Shellow County Unified Development Code Section 12.3 Land

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

I where one 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 mortgage or vendee in possession; or I have a freehold or lesser estate in the premises

I charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at

and further identified by Assessor's Parcel Number

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

Subscribed and sworn to (or affirmed) before me this <u>oBth</u> day of <u>April</u> in the year of <u>2024</u>

Janmer A. Cla

Signature of Notary Public

My Commission Expires 05/31/2027

TANWEER AHMED KHAN NOTARY PUBLIC-STATE OF NEW YORK No. 01KH6242057 Ouelflied in Kings County My Commission Expires 05-31-2027

#### LETTER OF INTENT

Dear Zoning Department,

I am writing to express my intent to open a self-storage facility at 2899 Lamar Ave, Memphis TN 38114. The proposed development is aimed at providing secure and convenient storage solutions for individuals and businesses in the local area.

The facility will consist of units of varying sizes to accommodate the diverse storage needs of our customers. The location of the facility is strategically chosen to serve the surrounding neighborhoods and businesses, with easy access to major highways and thoroughfares.

The proposed self-storage facility will offer 24/7 access and state-of-the-art security measures, including surveillance cameras, individual unit alarms, and secure gate access. Our goal is to provide a safe and secure storage environment for our customers' peace of mind.

We believe that the self-storage market in the local area is ripe for growth, with a growing population and booming economy creating a high demand for storage solutions. Furthermore, the ongoing trend of remote work and e-commerce is driving up the need for additional storage space, making our proposed facility an attractive option for potential customers.

We are committed to working closely with the division of planning and development to ensure that our proposed development meets all local zoning and building regulations. Our aim is to create a facility that is not only beneficial to our customers but also enhances the community in which it is located.

Thank you for your consideration of this letter of intent. If you require any further information or have any questions, please do not hesitate to contact me.

Sincerely,

Muhammad U Nawid

# LETTERS RECEIVED

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

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

# **Record Summary for Planned Development**

**Record Detail Information** 

**Record Type:** Planned Development

Record Status: Assignment Opened Date: November 9, 2023

Record Number: PD 2023-028

Record Name: SELF STORAGE

Description of Work: DRIVE UP SELF STORAGE OR MINI STORAGE

Parent Record Number: MJR 2023-037

**Expiration Date:** 

#### Address:

2899 LAMAR AVE, MEMPHIS 38114

#### **Owner Information**

**Owner Name** Primary Υ LAMAR INC

**Owner Address** 837 AVENUE Z, BROOKLYN, NY 11235

# Parcel Information

059021 00051

#### **Data Fields**

PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type **GENERAL PROJECT INFORMATION** 

Planned Development Type

LUCAS SKINNER 09/08/2022 Phone

New Planned Development (PD)

**Owner Phone** 

PD 2023-028

#### **GENERAL PROJECT INFORMATION**

Previous Docket / Case Number No Medical Overlay / Uptown SEE APPLICATION If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County) Is this application in response to a citation, stop 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 SEE APPLICATION UDC Sub-Section 9.6.9A UDC Sub-Section 9.6.9B SEE APPLICATION UDC Sub-Section 9.6.9C SEE APPLICATION SEE APPLICATION UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E SEE APPLICATION UDC Sub-Section 9.6.9F SEE APPLICATION **GENERAL PROVISIONS** UDC Sub-Section 4.10.3A SEE APPLICATION B) An approved water supply, community waste SEE APPLICATION 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 APPLICATION 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 SEE APPLICATION 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 SEE APPLICATION E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements SEE APPLICATION F) Lots of record are created with the recording of a planned development final plan GIS INFORMATION No Central Business Improvement District

#### **GIS INFORMATION**

Case Layer	-
Class	С
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	CMU-3
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

#### **Contact Information**

#### Name

MUHAMMAD U NAWID

Address

#### Phone

(917)690-8686

Contact Type APPLICANT Dear Zoning Department,

I am writing to express my intent to open a self-storage facility at 2899 Lamar Ave, Memphis TN 38114. The proposed development is aimed at providing secure and convenient storage solutions for individuals and businesses in the local area.

The facility will consist of units of varying sizes to accommodate the diverse storage needs of our customers. The location of the facility is strategically chosen to serve the surrounding neighborhoods and businesses, with easy access to major highways and thoroughfares.

The proposed self-storage facility will offer 24/7 access and state-of-the-art security measures, including surveillance cameras, individual unit alarms, and secure gate access. Our goal is to provide a safe and secure storage environment for our customers' peace of mind.

We believe that the self-storage market in the local area is ripe for growth, with a growing population and booming economy creating a high demand for storage solutions. Furthermore, the ongoing trend of remote work and e-commerce is driving up the need for additional storage space, making our proposed facility an attractive option for potential customers.

We are committed to working closely with the division of planning and development to ensure that our proposed development meets all local zoning and building regulations. Our aim is to create a facility that is not only beneficial to our customers but also enhances the community in which it is located.

Thank you for your consideration of this letter of intent. If you require any further information or have any questions, please do not hesitate to contact me.

Sincerely,

Muhammad U Nawid



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, full Development Code Section 12.3.1.

l,				I have read the definition of
	(Print Name)	(Sign Name)		
"Own	er" as outlined in the Memphis ar	nd Shelby County Unified E	evelopment Code Section	12.3.1 and hereby state
that (	select applicable box):			
	I am the owner of record as sho	wn on the current tax rolls	of the county Assessor of	Property; the mortgage
	holder of record as shown in the	mortgage records of the c	ounty Register of Deeds;	purchaser under a land
	contract; a mortgagee or vendee	e in possession; or I have a	rfreehold or lesser estate	in the premises
	I have charge, care or control of	the premises as trustee, a	gent, executor, administra	tor, assignee, receiver,
	guardian or lessee (and have in	cluded documentation with	this affidavit)	
of the	property located at			
and f	urther identified by Assessor's Pa	arcel Number		1
for w	nich an application is being made	to the Division of Planning	and Development.	
Subs	cribed and sworn to (or affirmed)	before me this	day of	in the year of

			35' Dri	ve										
25' Drive	65x840x10	25' Drive	65x870x10	25' Drive	65x870x10	25' Drive	65x810x10	25' Drive	65x740x10	25' Drive	65x680x10	25' Drive	65x620x10	25' Drive

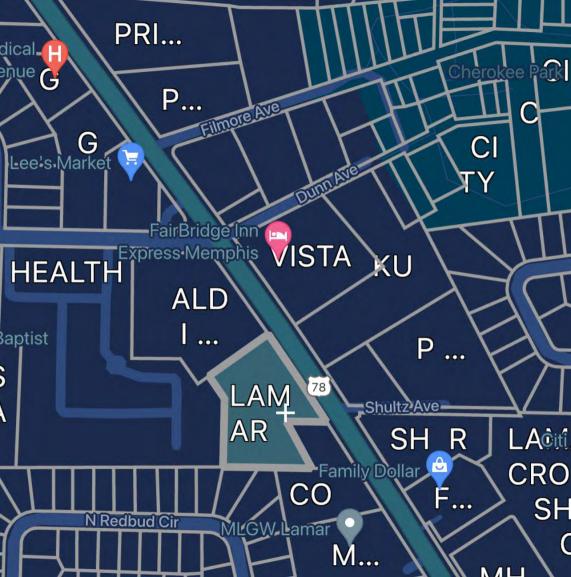
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			35' Dri	ve										
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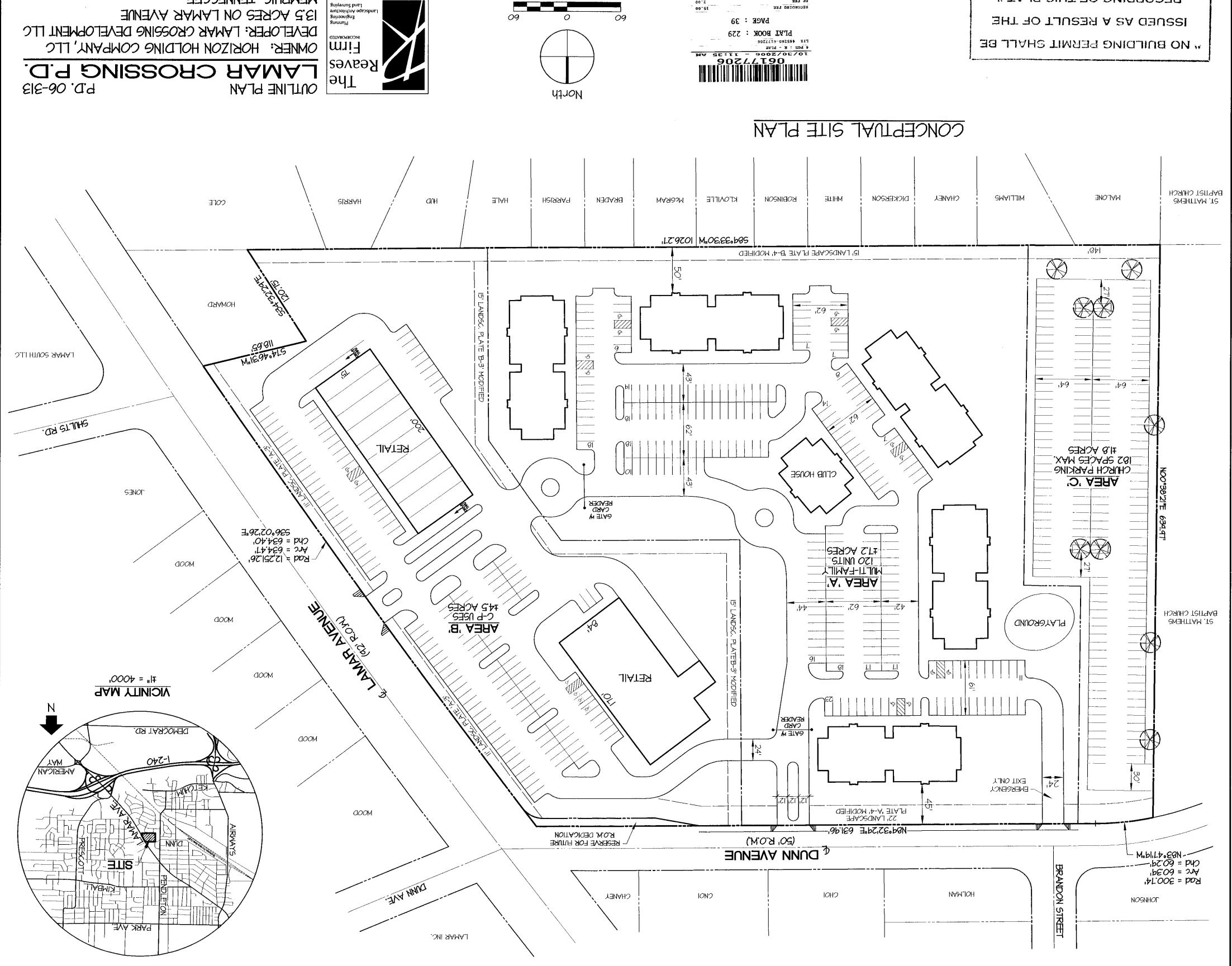
# Tom Leatherwood

Shelby County Register

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10/30/2006	-	11:35 AM
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PLAT BOOK	:	229
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RECORDING FEE		15.00
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160 N. Main St., Suite 519 ~ Memphis, Tennessee 38103 ~ (901) 545-4366 http://register.aneiby.thius



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GRAPHIC SCALE IN FEET

OCTOBER, 2006

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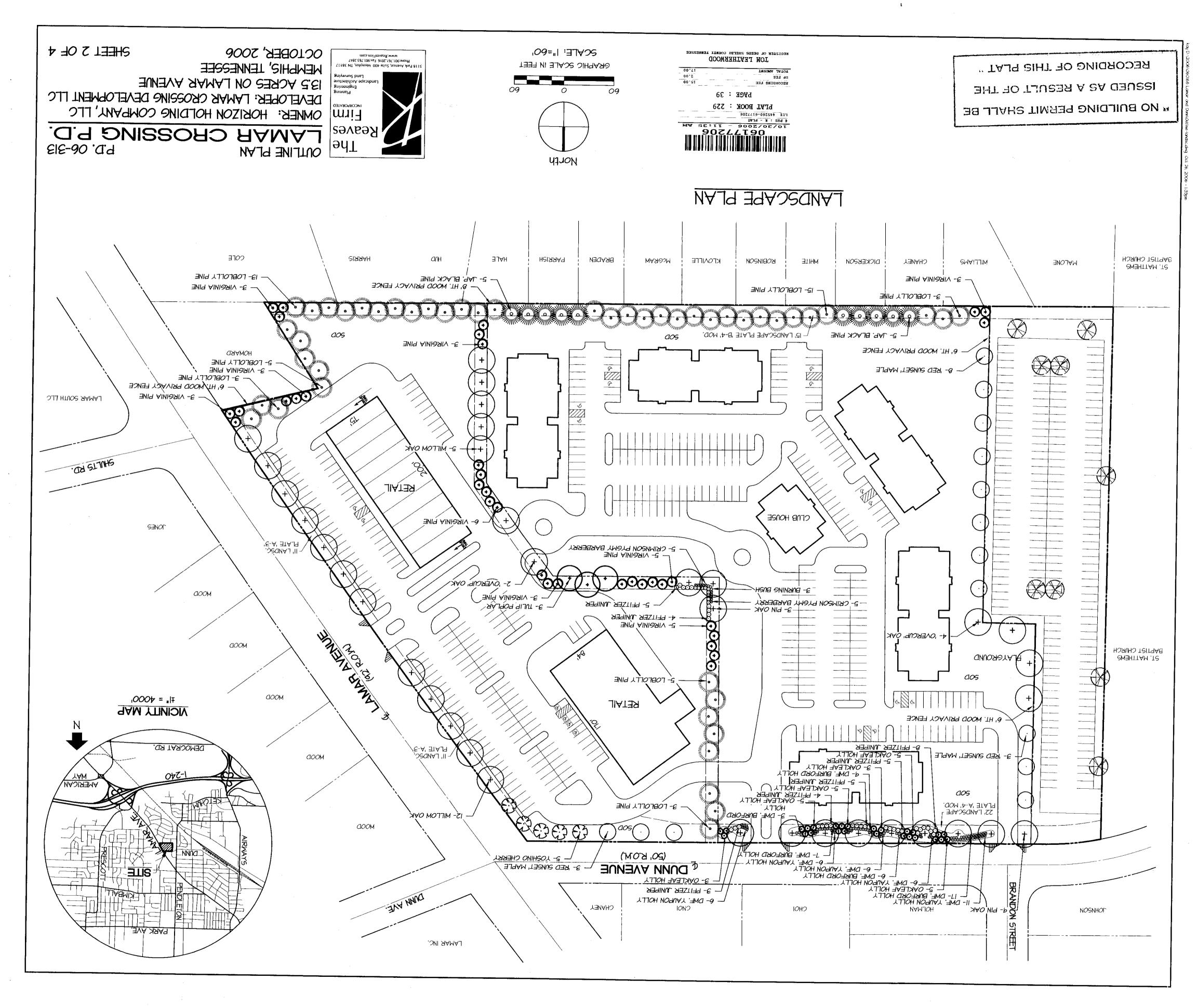
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RECORDING OF THIS PLAT "



Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
  - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playarounds.
  - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
  - Area 'C': Church Parking Lot A maximum of 182 parking spaces С. shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.
- II. Bulk Regulations:
  - A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
  - B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
  - C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.
- III. Access, Circulation and Parking:
  - Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a Α. distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
  - B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
  - C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
    - I. One (I) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
    - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
  - All private and rear service drives shall be constructed to meet pavement D. requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22) feet, exclusive of curb and gutter.
  - E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - Adequate maneuvering room shall be provided between the right-of-way F. and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- IV. Landscaping:
  - A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
  - B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
  - C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
  - D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
  - E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
  - Commercial developments shall provide perimeter landscaping and F. landscaping flowering beds as illustrated on the Concept/Landscape Plan.
  - Equivalent landscaping may be substituted for that required above, subject G. to review and approval by the Office of Planning and Development.
  - Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

" NO BUILDING PERMIT SHALL BE

ISSUED AS A RESULT OF THE

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- V. Signs:
  - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
  - B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
  - C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
  - D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.
- VI. Drainage:
  - A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
  - Drainage data for assessment of on-site detention requirements shall be В. submitted to and approved by the City Engineer.
  - Design of the storm water conveyance and management facilities for this С. project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
  - All drainage plans shall be submitted to the City Engineer for review. D.
  - All drainage emanating on-site shall be private, easements shall not be accepted.
- VII. Design and Other:
  - A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
  - The Land Use Control Board may modify the bulk, access, parking, В. landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) 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 Memphis City Council.
- 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. Any final plan shall include the following:
  - A. All final plans shall generally conform with the Concept/Landscape Plan and 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 buildings or buildable area, parking areas, drives and required landscaping.
  - The number of parking spaces. D.
  - E. The location and ownership, whether public or private, of any easements.
  - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
  - The one-hundred (100) year flood elevation. G.
  - The location, diameter and species name of all existing trees over eight (8) Н. inches in diameter and differentiation between those trees to be preserved and those to be removed.
  - The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities. The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/County Engineer's Office. Such maintenance shall include, but not be Ilmited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.



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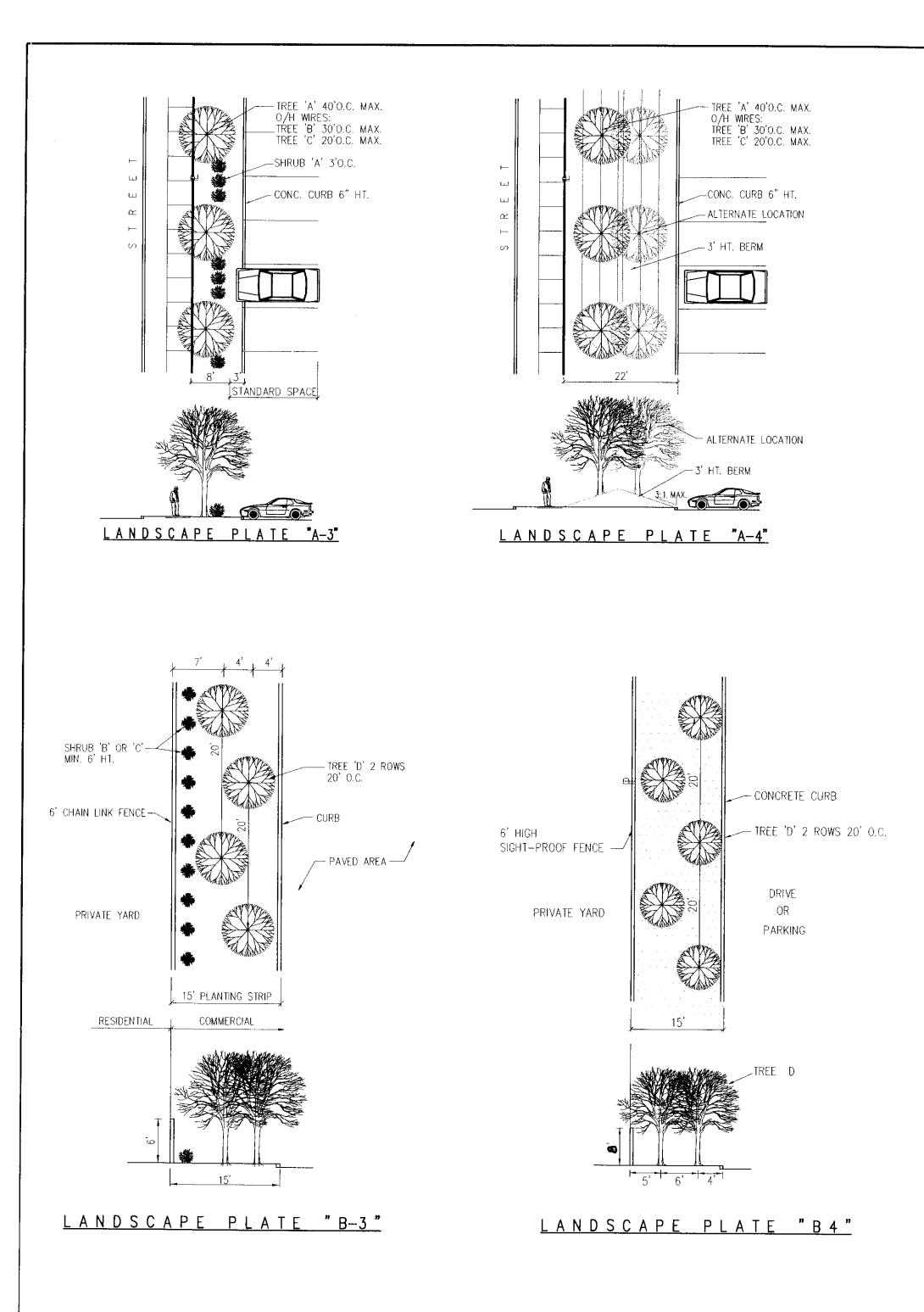
PLAT BOOK : 229 **PAGE : 39** 15.00

2.00 17.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TEXNESSE



LAMAR CROSSING P.D. OWNER: HORIZON HOLDING COMPANY, LLC DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC 13.5 ACRES ON LAMAR AVENUE MEMPHIS, TENNESSEE **OCTOBER, 2006** SHEET 3 OF 4

P.D. 06-313



OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

This outline plan conforms with the planned development acted on by the Memphis and Shelby County Land Use Control Board on <u>August 10, 2006</u>. Approved by the Memphis City Council on <u>October 3, 2006</u>.



# OWNER'S CERTIFICATE

#We, <u>Horizon Holding Company</u>, When undersigned owner [s] of the property shown, hereby adopt this plat as my/our plan of development. Whe certify that #We and are the owner [s] of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

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Signature

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NOTARY'S CERTIFICATE

State of Tennessee County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, Duly commissioned and qualified, personally appeared **PRESTON BYRD** with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be <u>CHIEF MANAGER</u> of the HORIZON HOUNG COMPANY LLG the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and diffixed my notarial seal at my office in Memphis, this <u>301</u> day of <u>OCTOBER</u>

1 Ball Notary Public Harry Les Dad MY COMMISSION WERE WAN 20 2000 My Commission Expires

ENGINEER'S CERTIFICATE

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions Res into baccount all applicable federal, state and local imposed on this development, and building laws and regulations

606 By: \_\_\_\_\_ Tennessee Certificate No

0617 0/30/2006 4 PGS : R - PLAT LIZ 445260-6177206 PLAT BOOK : 229 PAGE : 39 RECORDING FEE DP FEE 15.00 TOTAL AMOUNT 2.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE 7.00

OUTLINE PLAN P.D. 06-313 The LAMAR CROSSING P.D. Reaves Firm OWNER: HORIZON HOLDING COMPANY, LLC INCORPORATE DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC Planning Engineering Landscape Architecture Land Surveying 13.5 ACRES ON LAMAR AVENUE MEMPHIS, TENNESSEE **OCTOBER, 2006** SHEET 4 OF 4

Date: 10/30/06





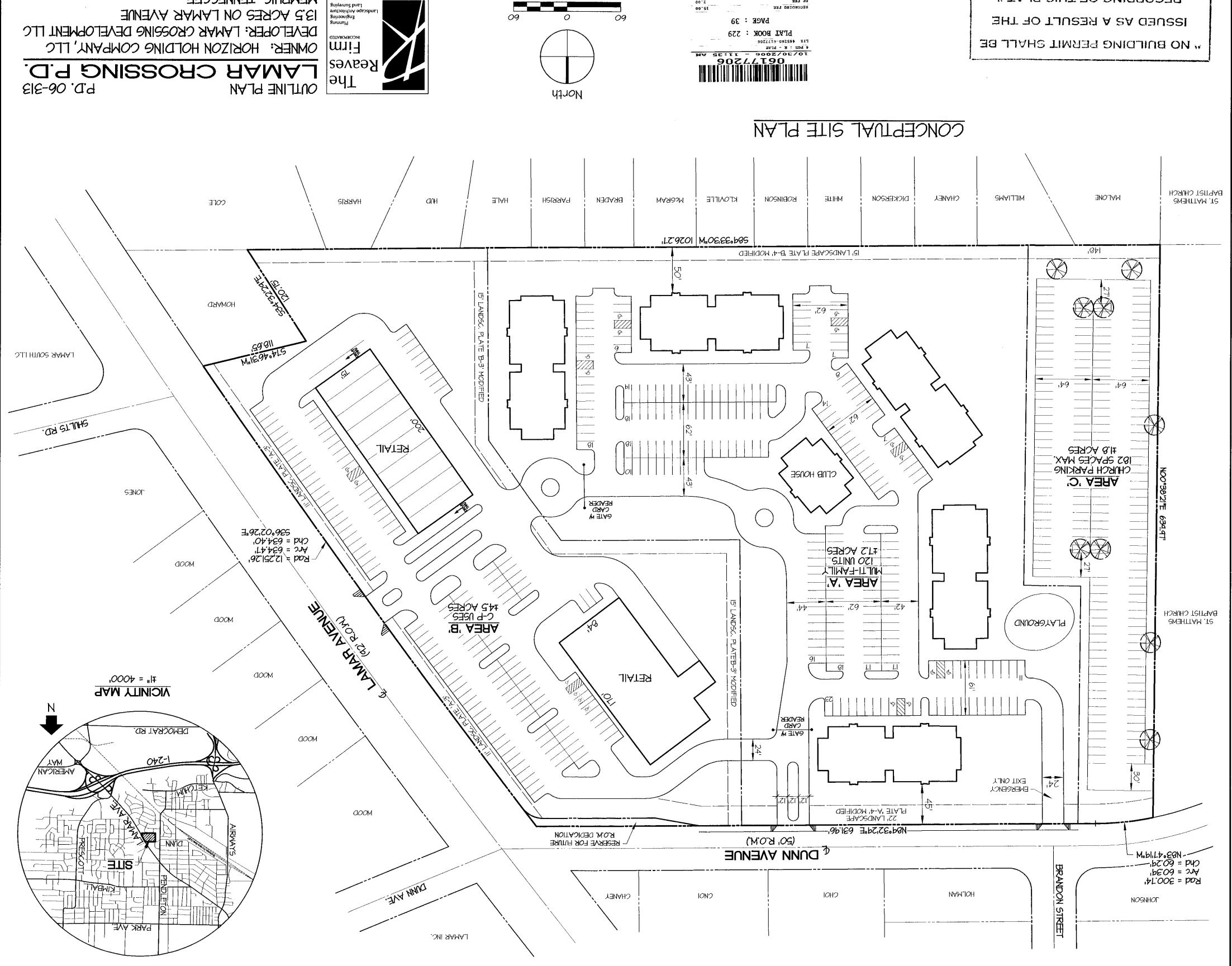
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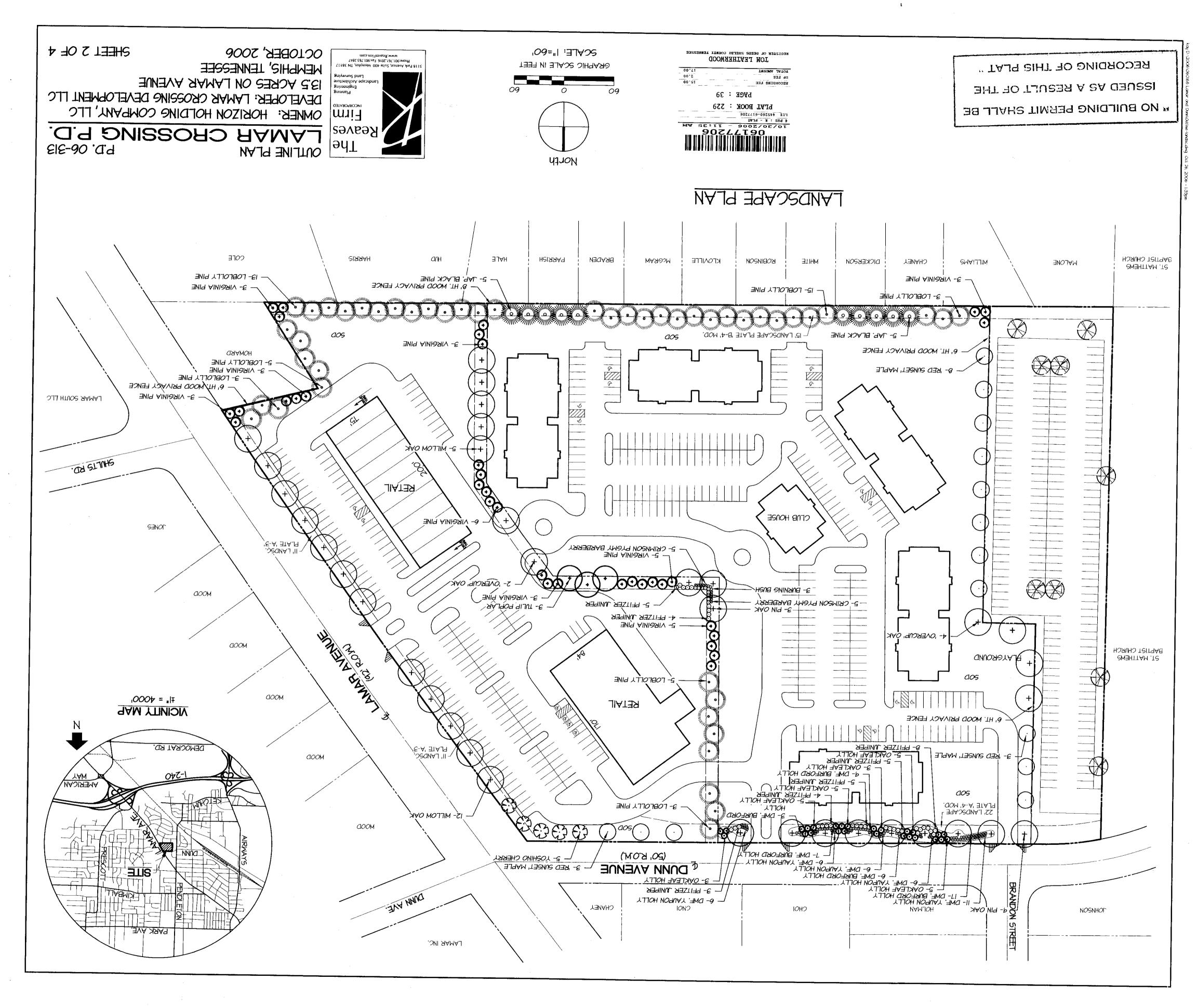
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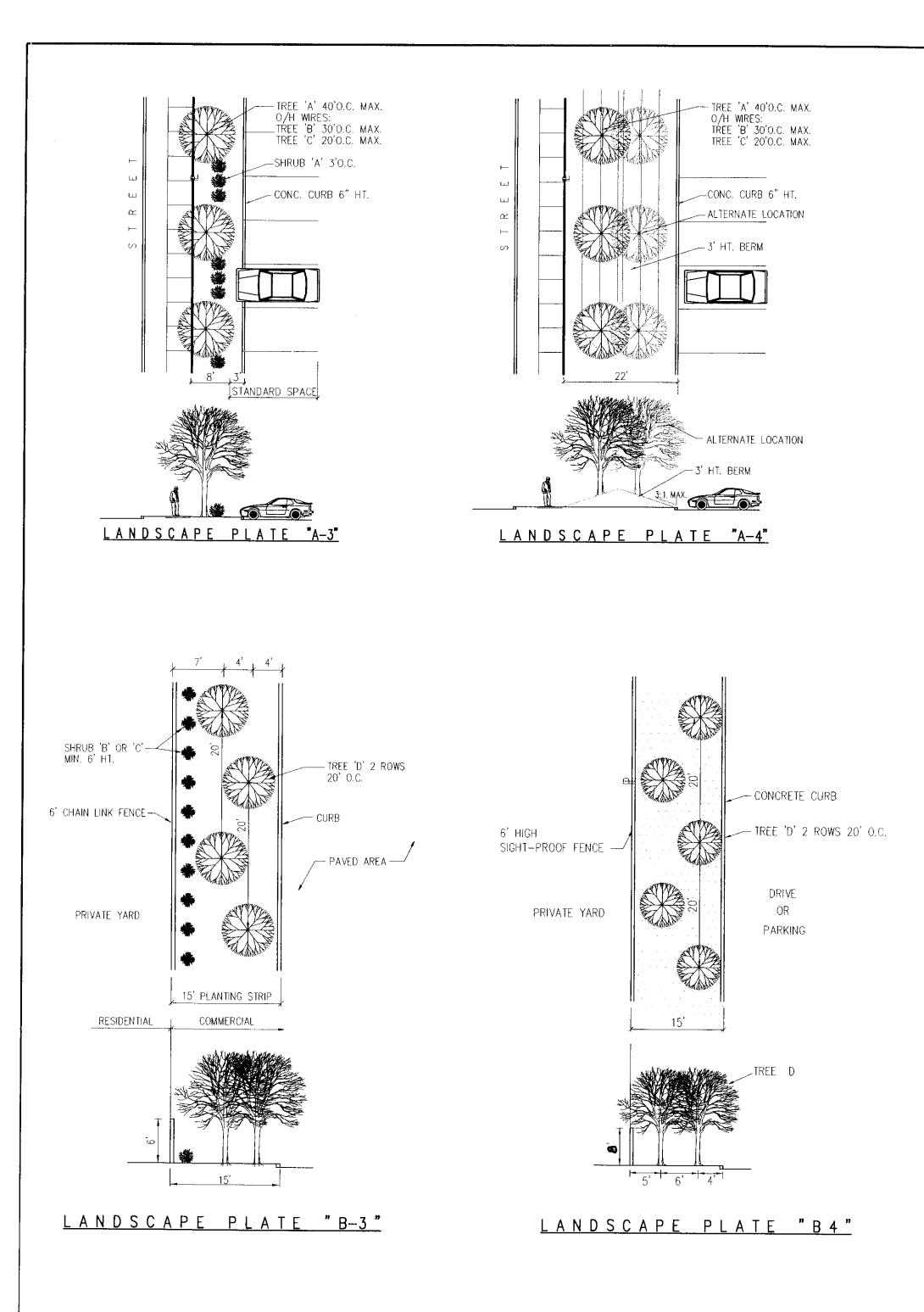
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P.D. 06-313



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# OWNER'S CERTIFICATE

#We, <u>Horizon Holding Company</u>, When undersigned owner [s] of the property shown, hereby adopt this plat as my/our plan of development. Whe certify that #We and are the owner [s] of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

٦.

Signature

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NOTARY'S CERTIFICATE

State of Tennessee County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, Duly commissioned and qualified, personally appeared **PRESTON BYRD** with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be <u>CHIEF MANAGER</u> of the HORIZON HOUNG COMPANY LLG the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and diffixed my notarial seal at my office in Memphis, this <u>301</u> day of <u>OCTOBER</u>

1 Ball Notary Public Harry Les Dad MY COMMISSION WERE WAN 20 2000 My Commission Expires

ENGINEER'S CERTIFICATE

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions Res into baccount all applicable federal, state and local imposed on this development, and building laws and regulations

606 By: \_\_\_\_\_ Tennessee Certificate No

0617 0/30/2006 4 PGS : R - PLAT LIZ 445260-6177206 PLAT BOOK : 229 PAGE : 39 RECORDING FEE DP FEE 15.00 TOTAL AMOUNT 2.00 TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE 7.00

OUTLINE PLAN P.D. 06-313 The LAMAR CROSSING P.D. Reaves Firm OWNER: HORIZON HOLDING COMPANY, LLC INCORPORATE DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC Planning Engineering Landscape Architecture Land Surveying 13.5 ACRES ON LAMAR AVENUE MEMPHIS, TENNESSEE **OCTOBER, 2006** SHEET 4 OF 4

Date: 10/30/06





Shelby County Tennessee Shelandra Y Ford

Shelby County Register

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

3 PGS	
LACY 1992319-20026259	
VALUE	140000.00
MORTGAGE TAX	0.00
TRANSFER TAX	518.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	538.00
SHELANDRA Y FOR	2D

20026259 03/11/2020 - 09:30:30 AM

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov PREPARED BY: Home Surety Title & Escrow, LLC, 5583 Murray Road, Suite 120, Memphis, TN 38119, (901) 737-2100, File No.: 201281

# WARRANTY DEED

THIS INDENTURE, made and entered as of this the 28th day of February, 2020 by and between:

Sherman Cole and Thomas L. Cole, an undivided 1/2 interest each as tenants in common, party of the first part, and

Lamar Inc., a Tennessee corporation, party of the second part,

For and in consideration of One Hundred Forty Thousand and 00/100 Dollars (\$140,000.00), cash in hand paid by the party of the second part, hereinafter called GRANTEES, and other good and valuable considerations, the receipt of which is hereby acknowledged, the party of the first part, hereinafter called the GRANTORS, have bargained and sold, and by these presents do transfer and convey unto the GRANTEES, their heirs and assigns, a certain tract or parcel of land of Shelby County State of Tennessee, described as follows, to-wit:

COMMENCING AT A SET 1/2" REBAR (WITH ID CAP STAMPED "REAVES FIRM" AND TYPICAL OF ALL REBAR REFERRED TO HEREIN AS SET) AT INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DUNN AVENUE (50' PUBLIC R.O.W.) AND LAMAR AVENUE (US HIGHWAY 78) (92' PUBLIC R.O.W); THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 12,251.26 FEET AND AN ARC LENGTH OF 302.00 FEET (CHORD S36 DEGREES 49'04" E - 301.99 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 12,251.26 FEET AND AN ARC LENGTH OF 332.47 FEET (CHORD S35 DEGREES 20'03"E - 332.46 FEET) TO A FOUND CHISEL MARK AT THE NORTHEAST CORNER OF THE JAMES E. AND MARTHA HOWARD PROPERTY (INSTRUMENT NUMBER T9-1366); THENCE WITH THE NORTH LINE OF SAID HOWARD PROPERTY, S74 DEGREES 46'31" W A DISTANCE OF 118.65 FEET TO A FOUND IRON PIN; THENCE WITH THE WEST LINE OF SAID HOWARD PROPERTY, S34 DEGREES 32'29" E A DISTANCE OF 120.75 FEET TO A SET 1/2" REBAR IN THE NORTH LINE OF THE SHERMAN E. AND WILLIE JOE COLE PROPERTY (INSTRUMENT NUMBER JZ-7035); THENCE WITH THE NORTH LINE OF SAID COLE PROPERTY AND THE NORTH LINE OF SECTION "B" OF FAIRLAWN SUBDIVISION (PLAT BOOK 17, PAGE 15) S89 DEGREES 33'30"W A DISTANCE OF 271.10 FEET TO A POINT; THENCE N 0 DEGREES 27'31"W LEAVING SAID NORTH LINE A DISTANCE OF 212.59 FEET TO A POINT; THENCE N36 DEGREES 06'42"W A DISTANCE OF 80.00 FEET TO A POINT ON THE SOUTH LINE OF THE ALDI INC. (TENNESSEE) PROPERTY (INSTRUMENT 06177789); THENCE N53 DEGREES 53'18"E ALONG SAID SOUTH LINE A DISTANCE OF 215.00 FEET TO THE POINT OF BEGINNING,

Being the same property conveyed to Sherman Cole and Thomas L Cole, an undivided one half interest each as tenants in common herein by Warranty Deed filed for record November 20, 2014 at Instrument Number 14118269 as shown in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to:

2020 City of Memphis and 2020 Shelby County taxes, liens, not yet due and payable.

Subdivision Restrictions, Building Lines and Easements of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 24; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

Easements recorded at Instruments E6 6980, T2 1290, 07010137, 12057432 and 15024820; and Book 2031, Page 191; Book 3027, Page 37; Book 3783, Page 633; Book 3799, Page 592; Book 3799, Page 594; and Book 5084, Page 100 as shown in the Register's Office of Shelby County, Tennessee.

Outline Plan of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 34; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

This document was prepared from information furnished by the parties herein for which the preparer assumes no responsibility.

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 the signature of the party of the first part the day and year first above written.

Menn

Sherman Cole

Thomas L. Cole

State of Tennessee

County of Shelby

Personally appeared before me, the undersigned Notary Public in and for said State and County, Sherman Cole and Thomas L. Cole, the within bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

28th day of February, 2020. WITNESS my hand and seal-this DEFEVYL, Notary Public KEL, My Commission Expires: TENNESSEE NOTARY UBLIC YELBY CON Commission Expires State of: Tennessee County of: Shelby

I, or we, hereby swear or affirm that, to the best of Affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$140,000.00, which amount if equal to or greater than the amount which the property would command at a fair and voluntary sale.

n Δ Affiant

Subscribed and sworn to before me this the <u>3</u> day of February 2020. Muloly Qare Notary Public My Commission Expires: My Commission Expires: Mark State of Notary PUBLIC My Count in the state of State of Notary PUBLIC

> Property Owner & Address: & Mail Tax Bills To: Lamar Inc. 837 Avenue Z Brooklyn, NY 11235

Tax ID No.: 059021 00051 Property Address 0 Lamar Ave. AKA 2899 Lamar Memphis, TN 38114

After recording, return to:

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

J. Seth Waddell

State of Tennessee

County of Shelby

Personally appeared before me, Melody D. Asplund, a notary public for this county and state, J. Seth Waddell, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.

Vhiloly Qaplup Notary's Signature



GARCIA JOSE A 2903 MONTAGUE AVE # MEMPHIS TN 38114

ROBINSON LINDA 2832 N REDBUD CIR # MEMPHIS TN 38114

WILLIAMS JANICE 2826 N REDBUD CIR # MEMPHIS TN 38114

WHITE GWENDOLYN Y 2820 N REDBUD CIR # MEMPHIS TN 38114

HANEY JAMES C 3617 PHILSDALE AVE # MEMPHIS TN 38111

ALDI INC PO BOX 460049 # HOUSTON TX 77056

LAMAR INC 837 AVENUE Z # BROOKLYN NY 11235

HEALTH EDUCATIONAL AND HOUSING FACILITY WILLIAMS EVERLINA 65 UNION AVE # MEMPHIS TN 38103

THOMAS JUANDA J 2821 REDBUD CL # MEMPHIS TN 38114

MYERS MATTIE 5075 ROYSTON LN # MEMPHIS TN 38125

EVANS LILLIE G 2833 REDBUD CL # MEMPHIS TN 38114

FUNDERBURG WILLIAM B & ZOLA C TAO JENKANG 2839 REDBUD CL # MEMPHIS TN 38114

CLARK AND LANGE LLC 4745 POPLAR AVE #

THOMAS WILLIE E AND MARY THOMAS (RS) HIATT HAROLD & TAMMY 2851 N REDBUD CIR # MEMPHIS TN 38114

MAYS JOHNNIE (LE) AND SHEILA MAYS AND BROAD ST LLC 2857 N REDBUD CIR # MEMPHIS TN 38114

2865 REDBUD CIR # MEMPHIS TN 38114

REALTY INCOME PROPERTIES 30 LLC PRUITT DORIS H 11995 EL CAMINO REAL # 2067 REDBUD CIR # SAN DIEGO CA 92130

MEMPHIS CITY OF L G & W 220 S MAIN ST # MEMPHIS TN 38103

MEMPHIS TN 38114

MOSS HERBERT W & PATRICIA T 2073 REDBUD ST # MEMPHIS TN 38114

SHELBY COUNTY TAX SALE 17.02 PO BOX 2751 # MEMPHIS TN 38101

JAMERSON CLARA 2854 FLORA AVE # MEMPHIS TN 38114

PAYNE HORTON R & FLORA E 2718 KIMBALL AVE # MEMPHIS TN 38114

22 CHESTNUT PL # **BROOKLINE MA 2445** 

HIATT HAROLD AND TAMMY HIATT 385 KNOCO CV # EADS TN 38028

385 KNOCO CV # EADS TN 38028

2595 BROAD AVE # MEMPHIS TN 38112



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

June 13, 2024

Delinor Smith, Smith Building Design

Sent via electronic mail to: dsmith920@comcast.net

Lamar Crossing Planned Development Amendment – Self Storage Case Number: PD 2024-004 LUCB Recommendation: Rejection

Dear applicant,

On Thursday, June 13, 2024, the Memphis and Shelby County Land Use Control Board recommended *rejection* of your planned development amendment application for the Lamar Crossing Planned Development.

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-7120 or via email at alexis.longstreet@memphistn.gov.

Respectfully,

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

#### Letter to Applicant PD 24-004

Cc:

File

#### Letter to Applicant PD 24-004

#### **Outline Plan Conditions – Revisions**

Proposed language is indicated in **bold, underline**; deletions are indicated in **bold strikethrough** 

Lamar Crossing Planned Development P.D. 06-313 Outline Plan Conditions

- I. Uses Permitted:
  - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
  - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.

## C. Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2 (CMU-2) and the following use shall be permitted: a. Mini storage



Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

- 11. Bulk Regulations:
  - A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
  - B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
  - C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (I) tree for every twenty (20) parking spaces.
  - D. Area 'B-1': The bulk regulations of the CMU-2 District shall apply.

- III. Access, Circulation and Parking:
  - A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and Improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
  - B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
  - C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
    - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
    - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
  - D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
  - E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
  - F. 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. Landscaping:
  - A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
  - B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
  - C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
  - D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (B') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
  - E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (I) shade tree per every twenty (20) parking spaces.
  - F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
  - G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
  - H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

- V. Signs:
  - A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
  - B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
  - C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking.
  - D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.
- VI. Drainage:
  - A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
  - B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
  - C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
  - D. All drainage plans shall be submitted to the City Engineer for review.
  - E. All drainage emanating on-site shall be private, easements shall not be accepted.
- VII. Design and Other:
  - A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
  - B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (IO) 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 Memphis City Council.

- 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. Any final plan shall include the following:
  - A. All final plans shall generally conform with the Concept/Landscape Plan and 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 buildings or buildable area, parking areas, drives and required landscaping.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easements.
  - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
  - G. The one-hundred (100) year flood elevation.
  - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
  - 1. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

**Planning & Development ONE ORIGINAL** DIVISION ONLY STAPLED TO DOCUMENTS Planning & Zoning COMMITTEE: 12/17/2024 DATE **PUBLIC SESSION:** <u>01/07/2025</u> DATE ITEM (CHECK ONE) \_\_\_\_ REQUEST FOR PUBLIC HEARING **ORDINANCE** X RESOLUTION \_\_\_\_\_ Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving **ITEM DESCRIPTION:** a planned development at the subject property located at East Shelby Drive, +/- 700 feet west of Tchulahoma Road, known as case number PD 2024-013 PD 2024-013 CASE NUMBER: Shelby Drive Drop Yard Planned Development **DEVELOPMENT:** East Shelby Drive, +/- 700 feet west of Tchulahoma Road **LOCATION:** District 3 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS:** Stephen Christides, Capital Drop Yard, LLC **OWNER/APPLICANT:** David Bray, The Bray Firm **REPRESENTATIVE:** New Planned Development to allow a drop yard **REQUEST: AREA:** +/-9.18 acres The Division of Planning and Development recommended Rejection **RECOMMENDATION:** The Land Use Control Board recommended Rejection **RECOMMENDED COUNCIL ACTION:** Public Hearing Not Required Hearing - January 07, 2025 **PRIOR ACTION ON ITEM:** (2) APPROVAL - (1) APPROVED (2) DENIED DATE 11/14/2024 (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE \_\_\_\_\_ **FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO** (2)AMOUNT OF EXPENDITURE \$ **REVENUE TO BE RECEIVED** \$ SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** \$ **CIP PROJECT #** s FEDERAL/STATE/OTHER \$ \_\_\_\_\_ ADMINISTRATIVE APPROVAL: DATE **POSITION** 24 PLANNER DEPUTY ADMINISTRATOR DMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER **COMMITTEE CHAIRMAN** 



## PD 2024-013

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 EAST SHELBY DRIVE, +/- 700 FEET WEST OF TCHULAHOMA ROAD, KNOWN AS CASE NUMBER PD 2024-013

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

## LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, November 14, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2024-013
DEVELOPMENT:	Shelby Drive Drop Yard Planned Development
LOCATION:	East Shelby Drive, +/- 700 feet west of Tchulahoma Road
COUNCIL DISTRICT(S):	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Stephen Christides, Capital Drop Yard, LLC
REPRESENTATIVE:	David Bray, The Bray Firm
REQUEST:	New Planned Development to allow a drop yard
EXISTING ZONING:	Residential Single-Family – 8 (R-8)
AREA:	+/-9.18 acres

The following spoke in support of the application: None

#### The following spoke in opposition the application: Mary Donald

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

The motion failed by a vote of 4-6-0 on the consent agenda.

Respectfully,

Alexis Longstreet

Planner Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

## PD 2024-013 CONDITIONS

#### **Outline/General Plan Conditions**

I. USES PERMITTED:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - Truck/tractor drop yard and accessory uses

#### **II. BULK REGULATIONS:**

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - The bulk regulations of the EMP zoning district shall apply.

#### III. ACCESS AND CIRCULATION:

A. The City / County Engineer shall approve the design, number and location of curb cuts.

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

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

#### IV. LANDSCAPING, SCREENING, AND LIGHTING:

A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.

B. Any dumpster or accessory buildings shall be compatible with the main building.

C. Any HVAC equipment or utility meters shall be screened **through the use of** <u>using</u> fencing or landscaping. If roof mounted, the equipment shall be screened **through the use of** <u>using</u> an architectural feature such as a parapet.

D. The required landscaping shall be exclusive of and in addition to any required easements.

E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

F. All light poles shall be limited to a maximum of 35 feet in height.

G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

#### V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

1. The exact location and dimensions including height of all buildings.

2. The number, location, and dimensions of parking spaces within proposed structures /

lots.

3. A detailed landscaping plan including the species and diameter of any new plants.

4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.

4. Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

VII. 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.

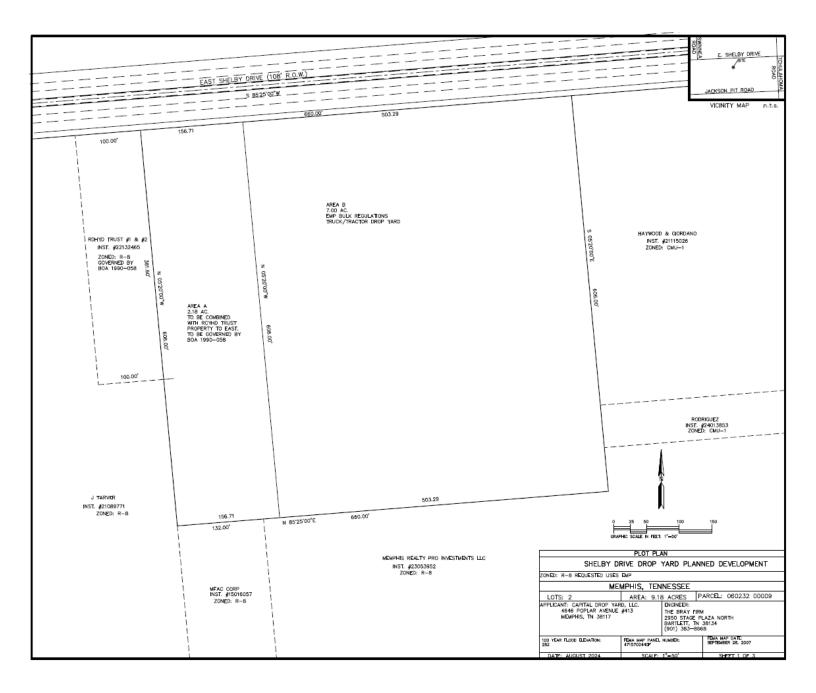
C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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

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 Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed **so as to to** ensure the system operates in accordance with the approved plan on file in the City 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.

#### **CONCEPT PLAN**



#### RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT EAST SHELBY DRIVE, +/- 700 FEET WEST OF TCHULAHOMA ROAD, KNOWN AS CASE NUMBER PD 2024-013

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 Stephen Christides, Capital Drop Yard, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a drop yard; 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 November 14, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

#### **OUTLINE PLAN CONDITIONS**

#### I. USES PERMITTED:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - Truck/tractor drop yard and accessory uses

#### **II. BULK REGULATIONS:**

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - The bulk regulations of the EMP zoning district shall apply.

#### **III. ACCESS AND CIRCULATION:**

A. The City / County Engineer shall approve the design, number and location of curb cuts.

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

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

#### IV. LANDSCAPING, SCREENING, AND LIGHTING:

A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter. B. Any dumpster or accessory buildings shall be compatible with the main building.

C. Any HVAC equipment or utility meters shall be screened through the use of using fencing or landscaping. If roof mounted, the equipment shall be screened through the use of using an architectural feature such as a parapet.

D. The required landscaping shall be exclusive of and in addition to any required easements.

E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

F. All light poles shall be limited to a maximum of 35 feet in height.

G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

#### V. SITE PLAN REVIEW:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

- 1. The exact location and dimensions including height of all buildings.
- 2. The number, location, and dimensions of parking spaces within proposed structures / lots.
- 3. A detailed landscaping plan including the species and diameter of any new plants.

4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

#### B. The site plan shall be reviewed based on the following criteria:

- 1. Conformance with the Outline Plan Conditions.
- 2. Compatibility with existing properties surrounding the site as well as a compatible internal

arrangement of uses.

Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

#### VII. 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.

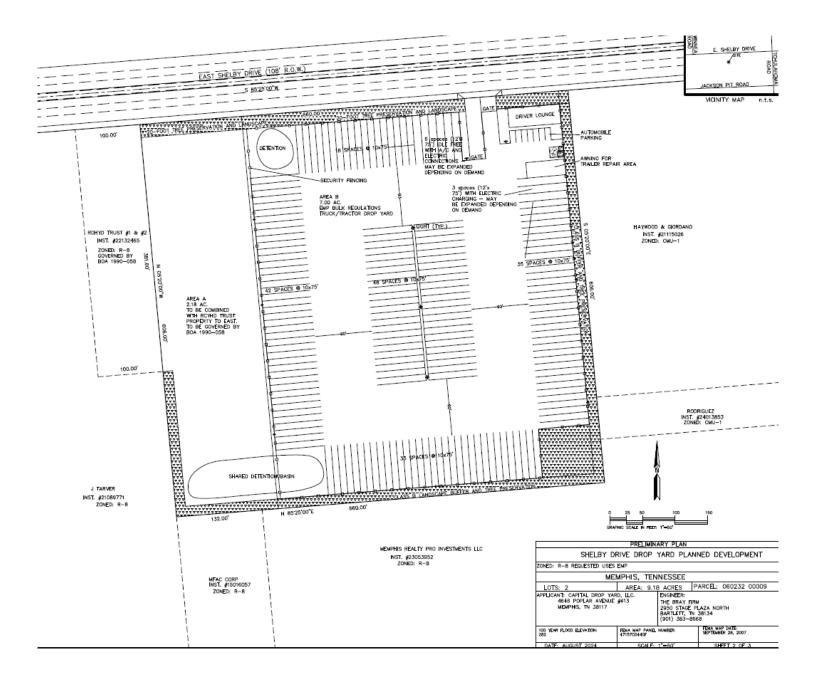
C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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

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 Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed so as to to ensure the system operates in accordance with the approved plan on file in the City 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.

#### **CONCEPT PLAN**



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

# dod STAFF REPORT

L.U.C.B. MEETING: November 14, 2024

AGENDATIEN	
CASE NUMBER:	PD 2024 – 013
DEVELOPMENT:	Shelby Drive Drop Yard Planned Development
LOCATION:	East Shelby Drive, +/- 700 feet west of Tchulahoma Road (Parcel Tax ID: 060232 00009)
COUNCIL DISTRICT:	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Stephen Christides, Capital Drop Yard, LLC
REPRESENTATIVE:	David Bray, The Bray Firm
REQUEST:	New Planned Development to allow a drop yard
EXISTING ZONING:	Residential Single – Family – 8 (R-8)

## CONCLUSIONS

AGENDA ITEM:

- 1. On October 16, 1990, City Council approved a Planned Development (PD 1990-349) to allow uses permitted in the Light Industrial zoning district. Staff was unable to locate the original staff report to include further details.
- 2. On April 11, 2002, Memphis and Shelby County Land Use Control Board recommended approval of Zoning application (Z 2002-102) that proposal rezoning of the subject property to split zone the western portion light industrial and the eastern portion office general. Final disposition from City Council ruling was not found.
- 3. The applicant is proposing to subdivide the subject property into two areas, 'Area A' and 'Area B'. Proposed area 'B' will be regulated by Employment (EMP) zoning uses. Area 'A' will be governed by BOA 1990-058 along with the neighboring property located west.
- 4. The applicant is not proposing fueling services.

3

- 5. The proposed drop yard will be located within area 'B'.
- 6. The project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

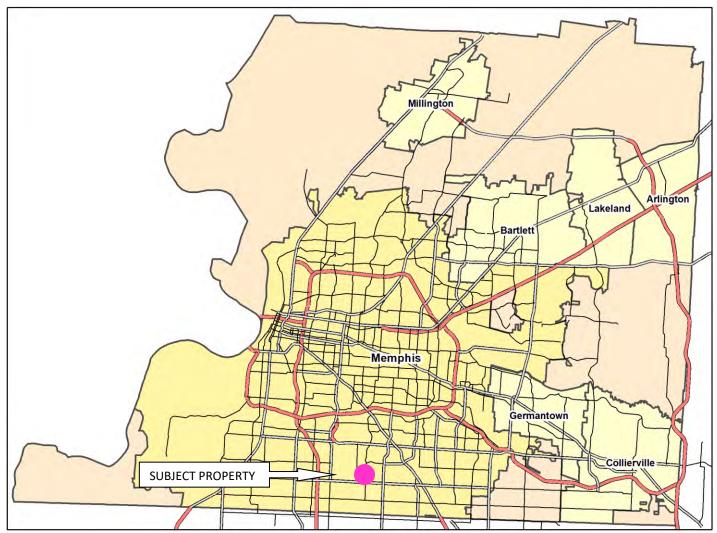
## **CONSISTENCY WITH MEMPHIS 3.0**

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 21 – 23 of this report.

## **RECOMMENDATION:**

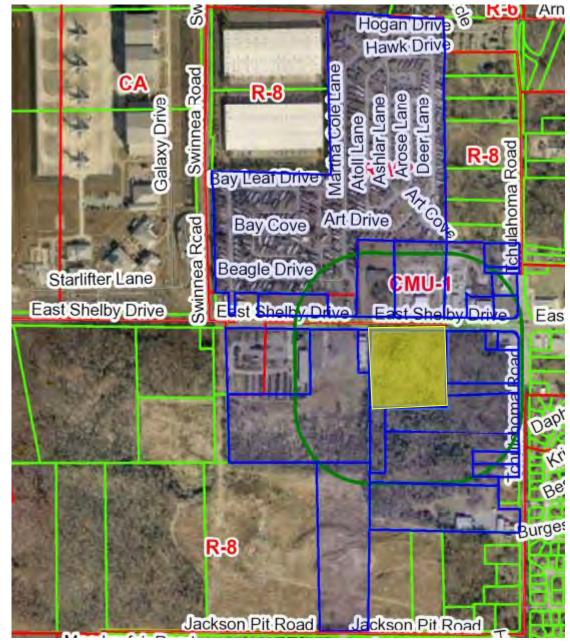
Rejection; however, if approved, staff recommends outline plan conditions

## LOCATION MAP



Subject property located within the pink circle

#### PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

#### PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 25 notices were mailed on August 16, 2024, see page 22 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 23 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

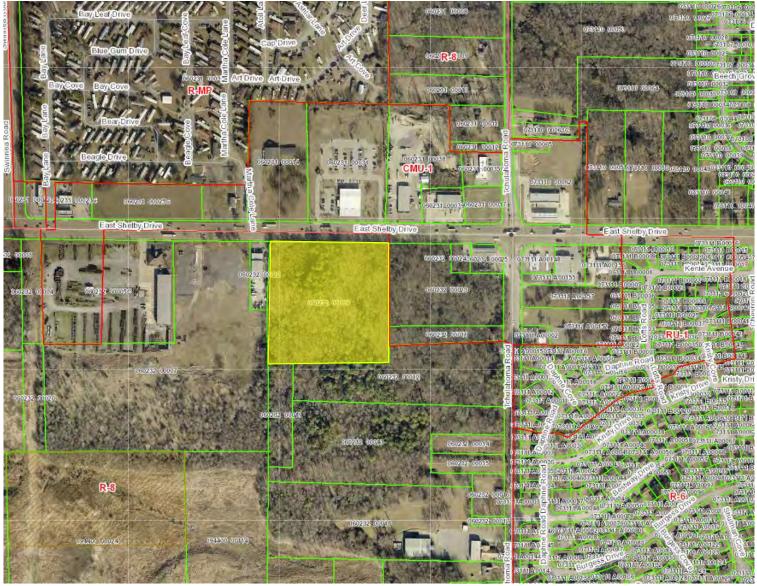
The meeting was held on Tuesday, August 27, 2024.

## AERIAL



Subject property outlined in yellow

## ZONING MAP



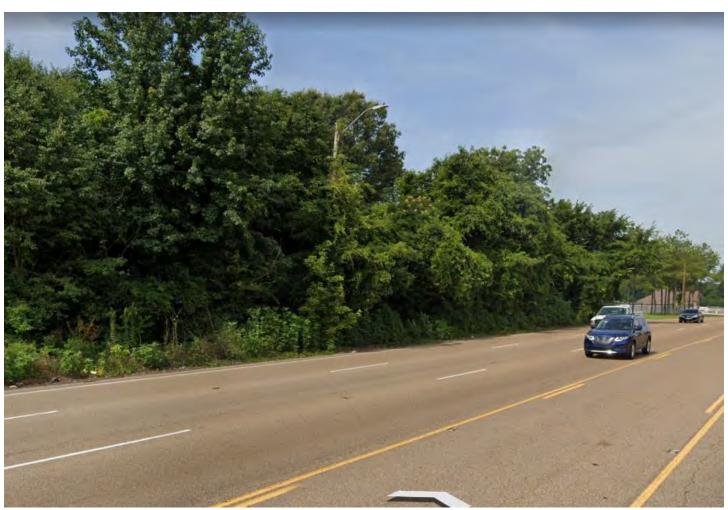
Subject property highlighted in yellow



Subject property indicated by a pink star

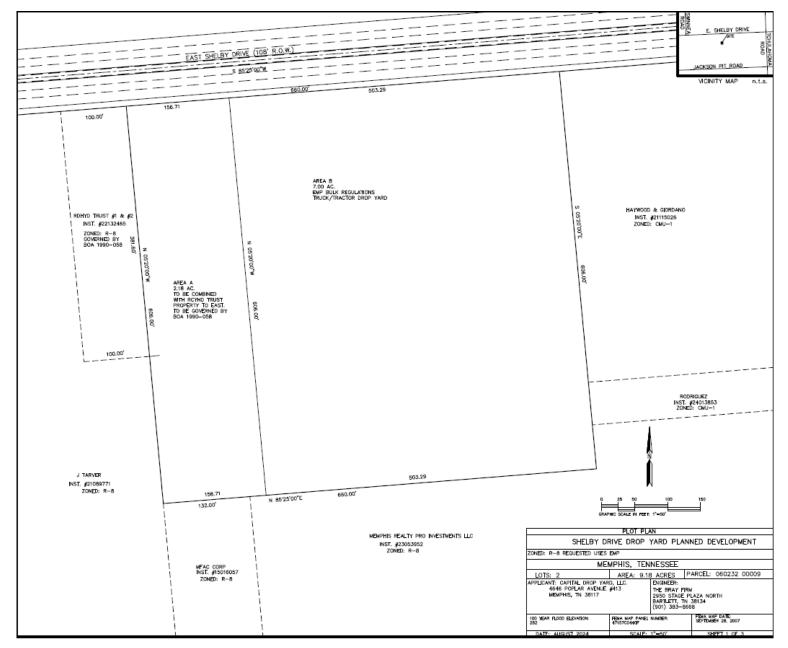


View of subject property from East Shelby Drive looking north.

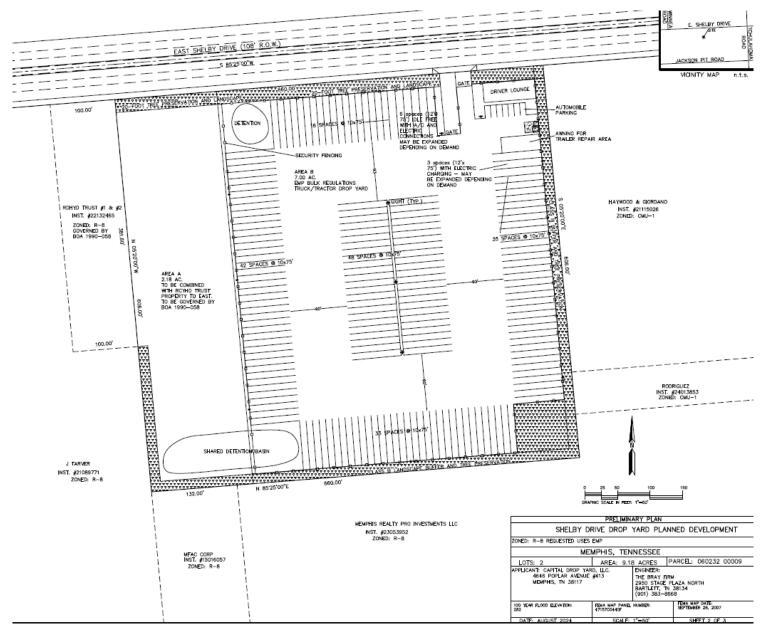


View of subject property from East Shelby Drive looking south.

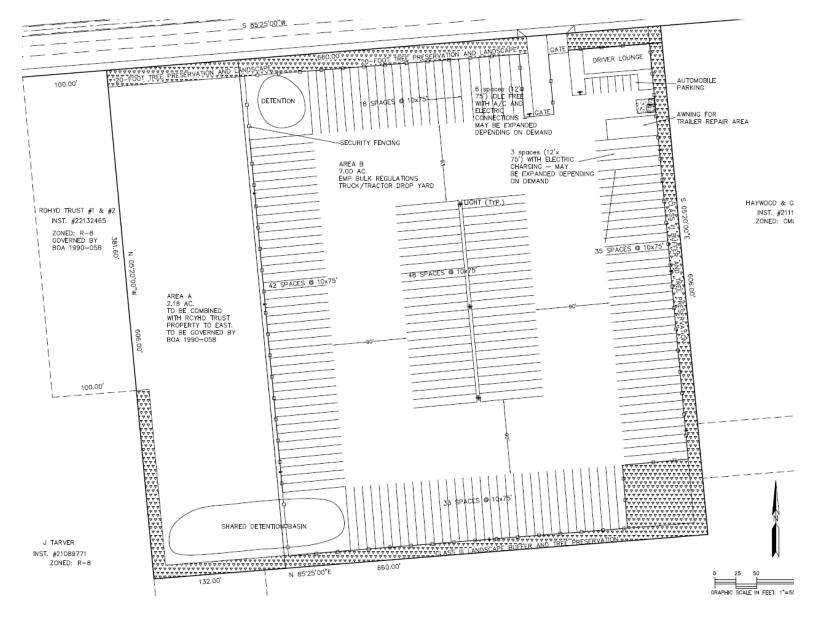
#### **PLOT PLAN**



#### CONCEPT PLAN



#### **CONCEPT PLAN – MAGNIFIED**



#### **CASE REVIEW**

The request is a new planned development to allow a drop yard.

#### **Applicability**

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

#### 4.10.2 Applicability

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

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

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

#### 9.6.9 Approval Criteria

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

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

*Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.* 

#### Site Details

Address: East Shelby Drive, +/- 700 feet west of Tchulahoma Road

Parcel ID: 060232 00009

Area: +/-9.18 acres

Description:

The subject property is located on the south side of East Shelby Drive, +/- 700 feet west of Tchulahoma Road. The property is currently vacant and encompassed with matured landscaping. The lot has +/- 645.8 feet of frontage along East Shelby Drive. This property is currently zoned Residential Single – Family – 8 with a vacant designated land use. The surrounding properties are a mix of residential (single-family and multi-family), industrial, institutional (place of worship) and vacant designated land uses.

#### Site Zoning History

On October 16, 1990, City Council approved a Planned Development (PD 1990-349) to allow uses permitted in the Light Industrial zoning district. Staff was unable to locate the original staff report to include further details.

On April 11, 2002, Memphis and Shelby County Land Use Control Board recommended approval of Zoning application (Z 2002-102) that proposal rezoning of the subject property to split zone the western portion light industrial and the eastern portion office general.

On September 03, 2002, City Council rejected approval of Z 2002-102.

#### **Concept Plan Review**

- There will be a total of 200 spaces on the lot.
  - 6 spaces (12' x 75') idle free with A/C and electric connections. (May be expanded based on demand)
  - 7 spaces will be for automobile parking.
  - 3 spaces (12' x 75') electric charging. (May be expanded based on demand)
- There is a proposed curb cut located north east of the lot along East Shelby Drive.
  - Proposed entrance gate
- There is designated 20-foot tree preservation and landscaping buffering along East Shelby Drive.
- Class III buffers and tree preservation along the eastern and southern property lines.
- Security fencing along the western property line separating proposed Area 'A' and Area 'B'.
- Designated detention located at the northwest portion of the proposed boundary of Area 'B'.
- Designated shared detention basin located in the southwest portion of proposed of Area 'B' that will encompasses majority of the southern portion of Area 'A' stretching from east to west.
- Awning provided for trailer repair area along the northeast area of area 'B'.

September 12, 2024 Page 15

#### <u>Analysis</u>

East Shelby Drive is a prominent area for a lot of freight traffic. The applicant is proposing to utilize +/-7.00 acres for the idle-free drop yard development in which truckers will be able to park, rest and utilize the driver lounge. The applicant has identified three (3) major infrastructure challenges that the proposed development will address, see page 31 - 36 for their findings. The remaining +/-2.18 acres will be combined with the neighboring property located west and governed by BOA 1990-058. Unlike the previously proposed and approved planned development, the current plan proposes adequate space to accomplish the goal of alleviating traffic and congestion of the other truck stops within the area.

This proposal was deemed inconsistent with Memphis 3.0. The proposed use does not align with the Oakhaven/Parkway Village Planning District priority to "preserve and protect residential neighborhoods from industrial uses with natural barriers. See page 21 – 23 for said analysis.

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

#### RECOMMENDATION

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

#### **Outline Plan Conditions – Revisions**

Proposed language is indicated in **bold, underline**; deletions are indicated in **bold strikethrough** 

I. USES PERMITTED:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - Truck/tractor drop yard and accessory uses

#### II. BULK REGULATIONS:

A. AREA A - To be governed by approval conditions of BOA 1990-058 B. AREA B - The bulk regulations of the EMP zoning district shall apply.

#### **III. ACCESS AND CIRCULATION:**

A. The City / County Engineer shall approve the design, number and location of curb cuts.

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

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

#### IV. LANDSCAPING, SCREENING, AND LIGHTING:

A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.

B. Any dumpster or accessory buildings shall be compatible with the main building.

C. Any HVAC equipment or utility meters shall be screened **through the use of using** fencing or landscaping. If roof mounted, the equipment shall be screened **through the use of using** an architectural feature such as a parapet.

D. The required landscaping shall be exclusive of and in addition to any required easements.

E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

F. All light poles shall be limited to a maximum of 35 feet in height.

G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

- 1. The exact location and dimensions including height of all buildings.
- 2. The number, location, and dimensions of parking spaces within proposed structures / lots.
- 3. A detailed landscaping plan including the species and diameter of any new plants.

4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.

4. Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

VII. 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 buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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

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 Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed **so as to to** ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

#### **DEPARTMENTAL COMMENTS**

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

#### **City/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. The availability of City sanitary sewer is unknown at this time.
- 3. The developer's engineer needs to submit a sewer availability request to the Sewer Design Dept. for sewer system capacity.
- 4. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

#### Roads:

- 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.

#### **Traffic Control Provisions:**

- 7. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
- 8. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 9. The developer's engineer shall submit a <u>Trip Generation Report</u> 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:

- 10. The City Engineer shall approve the design, number, and location of curb cuts.
- 11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- 12. Will require engineering ASPR.

September 12, 2024 Page 19

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

#### **General Notes:**

- 18. Development is greater than 1 acre and requires detention.
- 19. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 20. All connections to the sewer shall be at manholes only.
- 21. 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.
- 22. 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.

Staff Report PD 2024 - 013

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	

### Staff Report PD 2024 - 013

# **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: <u>PD 2024-013 Parkway Village</u>

Site Address/Location: 0 Shelby Drive Overlay District/Historic District/Flood Zone: N/A Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S) Street Type: N/A

Applicant is seeking a Planned Development to develop an industrial truck drop yard.

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-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



# "AN-S" Form & Location Characteristics NURTURE

Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor. Height: 1-2 stories. Scale: house-scale.

### "AN-S" Zoning Notes

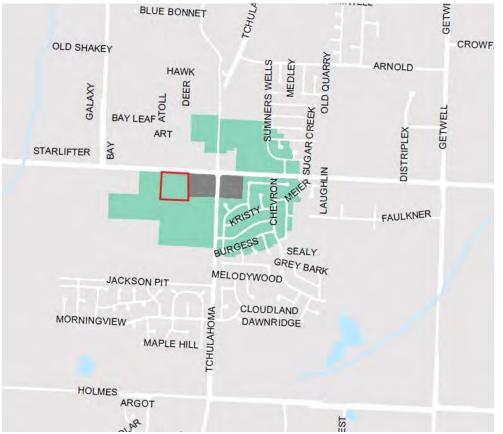
Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed above.

# Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-8

Adjacent Land Use and Zoning: Single-Family, Multi-Family, Commercial; RU-1, R-MP, CMU-1 **Overall Compatibility:** This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not compatible with future land use designation. This area is designated Anchor Neighborhood – Primarily Single Unit.

# 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

Nuture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed use is a private investment and not compatible with stabilization of existing land use patterns.* 

Staff Report PD 2024 - 013

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

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

The parcel is located in the Oakhaven/Parkway Village Planning District and the requested use is not consistent with Oakhaven/Parkway Village Planning District Priority – "Preserve and protect residential neighborhoods from industrial uses with natural barriers."

### **Consistency Analysis Summary**

Applicant is seeking a Planned Development to develop an industrial truck drop yard. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not compatible with future land use designation. This area is designated Anchor Neighborhood – Primarily Single Unit. The proposed use is a private investment and not compatible with stabilization of existing land use patterns. The parcel is located in the Oakhaven/Parkway Village Planning District and the requested use is not consistent with Oakhaven/Parkway Village Planning District Priority – "Preserve and protect residential neighborhoods from industrial uses with natural barriers."

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

Summary Compiled by: Nick Wiggins, Comprehensive Planning.

September 12, 2024 Page 24

### MAILED PUBLIC NOTICE

# NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, September 4, 2024 at 8 AM.** 

CASE NUMBER:	PD 2024-013
ADDRESS:	South side of East Shelby Drive, +/- 700 feet west of Tchulahoma
REQUEST:	Planned Development: Allow a drop yard
APPLICANT:	Stephen Christides, Capital Drop Yard, LLC

**Meeting Details** 

Location: Council Chambers City Hall 1st Floor 125 N Main St. Time: 9:00 AM

Date: Thursday, Sept. 12

### Staff Planner Contact:

Alexis Longstreet ☑ alexis.longstreet@memphistn.gov ᢏ (901) 636-7120 MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT

VICINITY MAP

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



24

SIGN AFFIDAVIT

### AFFIDAVIT

Shelby County State of Tennessee

to Case No. PD 2.024-013 al PINCCUL	CloC232C727229     Lond Use Control Board. Memphis     mmissioners for consideration of a proposed
	8-29-24
Stephen Christides	Date
Subscribed and swom to before me this <u>29th</u> de Notary Public	vor August 2024
DATRISHA MIC	MISS Y PUELC 2 249593 TO RELLE THOMAS
Commission Oct. 21	2024

### Staff Report PD 2024 - 013

### APPLICATION

September 12, 2024 Page 26



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

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

Expiration Date:

**Owner Phone** 

website: www.develop901.com

### **Record Summary for Planned Development**

**Record Detail Information** 

Record Type: Planned Development

Record Status: Processing Opened Date: August 9, 2024

Record Number: PD 2024-013

Record Name: Shelby Drive Drop Yard Planned Development

Description of Work: New planned development on the south side of Shelby Drive

Parent Record Number:

Address:

38118

### **Owner Information**

Primary **Owner Name** Y WILLIAMS STEVIE AND NATHANIEL PARTEE Owner Address

4651 SUNSET RD, NESBITT, MS 38651

### Parcel Information

060232 00009

### **Data Fields** PREAPPLICATION MEETING

Name of DPD Planner	Lucas Skinner
Date of Meeting	06/10/2024
Pre-application Meeting Type GENERAL PROJECT INFORMATION	Email
Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	n/a
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	

Page 1 of 3

PD 2024-013

GENERAL PROJECT INFORMATION

eligible for a planned development in unincorporated Shelby County) Is this application in response to a citation, stop work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA

n/a

No

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

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

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

Case Layer

Page 2 of 3

This project is consistent with development patterns along this portion of Shelby Drive Type III landscape buffers are included along adjacent residentially zoned property. All public utilities and services are available to this site. Shelby Drive is fully developed along the subject property. agreed agreed agreed

This project will be compatible with existing uses along this portion of Shelby Drive. All public utilities are available to this site. Detention will be installed at the southwest corner of the site and along the north property line at the connection to existing storm sewer.

Proposed landscaping meets the UDC standards along street frontage and perimeter property lines. Lighting will be directed inward and will meet the foot candle standards of the UDC.

agreed

A property owners association will maintain the common detention basin.

Agreed

Z02-102, Z05-122, Z07-107

PD 2024-013

Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/09/2024
Credit Card Use Fee (.026 x fee)	1	52.00	INVOICED	0.00	08/09/2024
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Planned Development -	5	500.00	INVOICED	0.00	08/09/2024
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\$2,052.00

Credit Card

Page 3 of 3

PD 2024-013

### 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.

1. STEPHEN CHRISTIDES Stephen Christel, state that I have read the definition of (Print Name) (Sign Name)

"Owner" as outlined in the Memphis and Shelby County Unlifed 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 mortgage or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 0 SHELBY DRIVE MEMPHIS, TN

and further identified by Assessor's Parcel Number 060232022229,

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

in the year of 2024 Subscribed and swom to (or affirmed) before m day of ELANGSTON ( Man Signature of Notary Public My Commission Expires

### LETTER OF INTENT

THE BRAY FIRM

Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

August 9, 2024

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

RE: Shelby Drive Drop Yard Planned Development Parcel 060232 00009 Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a new planned development on the south side of Shelby Drive between Airways and Tchulahoma. The site is immediately adjacent to the River City Hydraulics facility located at 3135 E. Shelby Drive. That site operates under a BOA approval from 1990. At this time, RCH is seeking to expand their facilities and will be utilizing the western 2.18 acres (Area A) of the planned development. Expansion of their operations would be governed by the existing BOA conditions of approval. The remaining 7 acres of the parent tract (Area B) would be utilized for a truck/trailer drop yard. As you are aware, truck parking is underserved in our metro area creating an ongoing problem of illegal parking from shopping centers to residential streets to vacant properties. The developers are seeking to bring a high quality drop yard with amenities not found at similar facilities. The site is conveniently located along a major corridor and is less than one mile form the airport and less than 2.5 miles to the interstate. In addition to traditional parking facilities the site will include the following: driver lounge, at least six (6) spaces with air conditioning and electrical connections to allow occupied trucks to not be in idle mode (thus reducing pollution), at least three spaces for EV charging as new electric trucks enter our market, and an area for trailer repair by an independent contractor. Both the non-idle spaces and EV charging stations may be expanded depending on demand. The site will be well lit internally with LED lighting but will be designed to not impact surrounding properties. Security fencing will be installed around the site but will be internal to the landscaping (20 foot landscape plate along Shelby Drive frontage and 15 foot Class III buffer along east and south property lines). Existing trees within the landscape areas will be preserved where possible.

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

Sincerely,

David Gean Bray, P.E.



Memphis is North America's Logistics Capital because of its access to runway, rail, road, and port. We are one of the few inland ports in the country with 5 Class I railroads (BNSF, CN, CSX, NS and UP). A few miles away, the Memphis International Airport (MEM) is the busiest cargo airport in North America and the second-

busiest in the world. The vast majority of this logistics is in district 3 in or near the Lamar Avenue Corridor.

Our market analysis underscores a critical shortfall in the availability of environmentally sustainable truck parking in the Memphis area. The U.S. Department of Transportation reported last year [2023] that for the roughly 3.5 million truck drivers in the U.S., there are only about 313,000 truck parking spaces (that's one spot for every 11 trucks). Until this year Memphis had just two major truck stops (Pilot Travel Center & Loves on Lamar Ave) to service driver's needs for things like diesel fuel, food, showers and overnight parking. Last year one of those 2 truck stops (Pilot Travel Center) was demolished leaving just one major truck stop to serve 20,000 truckers that come to or through Memphis on a daily basis. Drivers are legally required to rest 10 hours for every 11 on the road, so they rotate in and out of the parking spaces at different times as spots come available. However, due to the parking shortage you often see these trucks parked along Interstate exit and entry ramps, in vacant lots and other unsafe locations, particularly at night.

Capital Drop Yard LLC has applied for rezoning and approval from the City of Memphis to develop 7 acres of land on East Shelby Drive - Parcel ID: 060232022229 (4 miles west of the Lamar Corridor) into an environmentally friendly, highly secured, completely fenced and gated, lighted and monitored, full service semi truck parking facility. This 200-space facility will be the only facility in the country to offer truckers truly idle-free solutions enabling them to turn their trucks off and still have the comforts of electric and HVAC in their sleeper cabs. We have identified 3 critical areas of Memphis' logistics infrastructure that we feel that our parking facility can significantly improve.

### Challenge #1: Idling Trucks create Harmful Emissions & Noise Pollution in our Communities

Drive through any truck stop with your window down and you will hear almost every truck engine is idling. On any given day thousands of truckers that deliver to Memphis shippers and receivers are parked and idling their engines as they take their 10-hour break, await appointment times or their next dispatch. In addition to the noise pollution, each idling truck consumes about 1 gallon of diesel fuel per hour which emits 18 - 25 pounds of carbon dioxide (CO2) and countless cancer causing air pollutants into the air. Diesel truck idling is among the worst sources of pollution for our community and the atmosphere. The EPA estimates that a typical 100-space travel plaza, with an average 66% occupancy rate, generates over 2,500 tons of emissions at that location each year from idling, burning over 240,000 gallons of diesel fuel.

At this time there is no truck parking facility that offers drivers of diesel powered trucks idle free parking solutions; not in Memphis and not in the country! Some truck stops offer electric hookups for trucks (TSE) however electricity alone does not provide essential air conditioning or heating to the driver's cab since virtually all diesel powered semi trucks on the road today require that their engines be running in order to provide air or heat to the driver's cab.

Studies show that people are disproportionately impacted by air pollution, including those who live in low-income communities. The EPA has reported that people living near sources of air pollution including major roadways, ports, rail yards, and industrial facilities [such as those facilities concentrated in District 3] are at higher risk of falling victim to health effects like asthma, reduced lung function, cardiovascular disease, and premature death.

<u>Our Solution:</u> Capital Drop Yard will provide diesel powered truckers with the only truly idle-free truck parking facility in the country. Our easy to use proprietary HVAC & Power stations will allow truck drivers to park in our safe and secure yard, turn off their diesel engines and connect the window mounted control module to the passenger window. The control module provides the driver with 120-volt electrical outlets, a thermostat, carbon monoxide / smoke detector and a fresh air vent. The driver simply sets the desired temperature on the control module and the system pumps fresh / filtered air conditioning or heat through the hose so that the driver can remain comfortable with their engine turned off.

Our HVAC system is a 15,000 BTU closed filtered system that draws air from inside the cab and filters it about once a minute. The filtered air is then cooled or heated and treated with ultraviolet light to kill bacteria, viruses, and spores. Use of the system will greatly diminish both air and noise pollution and increase fuel conservation and will therefore have beneficial effects not only for the environment, but also for neighborhood residents and drivers. Truck drivers save money and get better sleep without the engine noise, vibration, and exhaust fumes from idling. Better rest for drivers will make for safer drivers. Electric hookups for refrigerated trailers will be phased in as well.

Together, we can save millions of tons of dangerous emissions from polluting our environment and contributing to climate change.

### Challenge #2: Cargo Theft and Crime in the Lamar Avenue Corridor

Truck stops such as Loves and Pilot provide a lifeline of essential resources for hard working truckers, particularly for long haul truckers that live in their cabs while over the road. Due to the severe shortage of overnight parking in the Memphis area many of these truckers are forced to park illegally and in unsecured areas that are not designated for trucks. The very few truckers that are fortunate to find an overnight parking spot at the Loves Truck Stop on Lamar Ave often find themselves victims of cargo theft and crimes against drivers due to the unsecured nature of these truck stops.

While filling a valuable void, truck stops lack the fencing / gates, electric fencing, adequate lighting necessary to safely secure the valuable cargo that is parked on their lots. Data Hub reports that in the past year Love's Truck Stop on Lamar was the site of 137 police reports, dozens of which were related to semi trailer break-ins. These thefts are often tied to highly sophisticated organized crime operations, some even located in other countries. Memphis is in the top 10 cities in the country for cargo theft according to FBI statistics. Countless shooting deaths and serious injuries take place at the Lamar Ave Loves on a regular basis. This year alone shooting deaths were reported at the truck stop on March 17 and July 2.



<u>Our Solution</u>: Our plan is to provide truckers with a safer and more secure alternative to parking at truck stops which lack necessary deterrents and barriers to keep thieves out. Capital Drop Yard will have 8ft high chain link fencing with razor wire, 7,000 volt electric fencing, gated entrance and exits, bright LED lighting, perimeter motion sensors and state-of-the-art CCTV camera systems which feature AI for intruder detection and 60 day backup footage. About half of the parking spots will have backup bumpers that prevent thieves from opening the doors on loaded trailers.

### Challenge #3: Congestion in Lamar Avenue Corridor & Lack of Semi Truck Parking

Congestion in and around the I-55 at I-40 connection ranked No. 42 on the American Transportation Research Institute's list of top 100 worst bottlenecks in the country for 2022. The congestion and parking shortage is particularly acute along the heavily trafficked 5 mile stretch of Lamar Ave in the Lamar Avenue Corridor. To address the severe congestion in the area, The Lamar Avenue Corridor project was recently funded in part by a \$71.1 million grant from The U.S. Department of Transportation to alleviate congestion and improve the flow of commerce through our "logistics corridor." The U.S. Department of Transportation reported in 2023 that for the roughly 3.5 million truck drivers in the U.S., there are only about 313,000 truck parking spaces (that's one spot for every 11 trucks). For this reason truck drivers give up an average of 56 minutes of their available 11 hour drive time per day parking early rather than risking not being able to find parking down the road. The time spent looking for available truck parking costs the average driver about \$5,500 annually in lost compensation and thousands of dollars in overnight parking fees charged by truck stops, according to American Trucking Associations. The shortage of safe and environmentally sustainable idle-free parking and resources for these drivers is occurring in the context of a burgeoning freight transportation sector which is set to intensify the demand for additional parking solutions. Last year [2023] the Arkansas Department of Transportation opened an 84-space commercial truck park in West Memphis. The \$6 million facility provides a rest area for the more than 20,000 commercial trucks that pass through West Memphis each day.

On any given day there can be hundreds of truckers that are contracted to provide time sensitive ad hoc freight services to Fedex or UPS. These drivers are required to be in close proximity to the Memphis Airport to provide immediate service for shipments that cannot be shipped by air. Due to the time sensitive nature of these shipments truckers generally sit at or around the Loves on Lamar idling their engines awaiting dispatch from FedEx / UPS, further exacerbating the congestion in the area.

<u>Our Solution:</u> Capital Drop Yard, if approved by the City of Memphis, will be conveniently located 4 miles west of the congested Lamar Corridor yet in close proximity to the Memphis Airport. We will provide a full-service drop yard facility that leverages many years of relationships with local vendors to provide on-site services to truckers. The full service nature(see below) of the parking facility means drivers will be on local roads less, resulting in greater driver efficiencies and considerably less congestion in and around the Lamar Corridor. The site location sits less than 1/8 of a mile from the Memphis International Airport, this will serve as a perfect location for Fedex and UPS ad hoc drivers.

### Drop Yard Services Available to Truckers (onsite):

- DOT Inspections -- Rescue Repair Service
- Tire Pressure Management
- Truck and Trailer Wash -- Rescue Repair Service
- On-site Cross Dock & Freight Storage (in rental trailers)
- Windshield Repair / Replacement -- Universal Glass Repair
- Brake & Tire Service for trucks and trailers -- Rescue Repair Service
- Full Service Trailer Shop (partner / vendor on site) -- Rescue Repair Service
- Pre & Post-Trip Inspections (trucks and trailers) Rescue Repair Service
- Safety & Compliance Services Thompson DOT Safety & Compliance
- Permitting / Tag / Fuel Tax Services available to carriers -- Perfect Choice Permitting
- Insurance -- MidSouth Truckers Group / Lipscomb & Pitts Insurance
- Dispatch / Load Planning Services to maximize driver efficiencies
- Regular peer group meetings with guest experts / leaders from the industry to discuss best
  practices for small trucking business 90% of small trucking companies fail
- Partnership with The Transformation Doctor to help educate drivers on diet & fitness

I-55 RAMP	2.4 miles
BNSF RAILROAD	1.8 miles
FEDEX WORLD HUB	2.8 miles
UPS AIR HUB	1.6 miles
DHL EXPRESS HUB	2.6 miles
MEMPHIS AIRPORT	0.2 mile

Our onsite Driver lounge will be available to all drivers that pay to park with us:

- Free Private Showers
- Free Laundry
- Restrooms
- Conference Room / Business Center / Free Wifi
- Fitness / workout room
- Kitchen meal prep recipes and healthy eating classes for drivers

Almost all of our partner vendors are local business that we have developed relationships with over many years. All except for one below are located in District 3.

Partner Vendors:

Rescue Repair Service 3441 Knight Arnold Rd Memphis, TN 38118

Perfect Choice Permitting 3865 Viscount Ave Memphis, TN 38118

Thompson DOT Safety & Compliance 3131 Farrisview Road Memphis, TN 38118

Universal Glass 3695 Lamar Ave Memphis, TN 38118

Lipscomb & Pitts Insurance 2670 Union Ave Ste 100 Memphis, TN 38112



If you have any questions or would like to discuss this with me further I can be reached on my cell phone at 901-305-1456 or by email at capitallogisticsgroup@yahoo.com

Stephen Christides

Capital Drop Yard LLC / Capital Logistics LLC

Online at www.capitaldropyard.com



Staff Report PD 2024 - 013

### **LETTERS RECEIVED**

Two letters of opposition were received at the time of completion of this report and have subsequently been attached.

### TCHULAHOMA CORRIDOR COMMENTS

August 23, 2024 Re: Case PD 2024-013

Memphis and Shelby County Division of Planning and Development

Attn: Alexis Longstreet, Staff Planner

Howdy and good day to you!

I hope all is well with you today.

I am Mary Donald; my address 3183 Blue Bonnet Rd., 38118. The purpose of this writing is to submit my comments in reference to the aforementioned case.

After reviewing the application, the following comments will apply:

- Location 700 ft. West of Tchulahoma Rd. (East side of Shelby Dr.)
  - The nearby intersection (Shelby Dr. and Tchulahoma Rd.) is currently being reconfigured under the Memphis 3.0 plan.
  - The location will be too close to the Oakhaven residential area.
  - The location could be used for commercial entities that are sorely needed and would better serve the Oakhaven community (groceries, clothing, etc.).
  - Adding a drop yard in an area with an overabundance of 18-wheeler/tractor trailer vehicles would create more unneeded traffic and create additional safety issues.

I appreciate the opportunity to submit these comments.

Have a good week. Blessings!

M. Dould

September 12, 2024 Page 37

# 1MFAC CORP., INC.

97678 NEW GETWELL ROAD + MEMPHIS TN 38119 + 1-901/796-9110

August 28, 2024

Mrs. Pearl Walker, City Council Member, Dist. 3. Memphis City Council, 125 North Main Street, Room 514, Memphis, TN 38103. RE: PD 2024-013-Drop Yard --- LOT#060-232-00019 LANDLOCKED... Request for help... Council Member Walker:

As City Council Member representing District 3, I hereby request your assistance.

I am the owner of property. Ward/Parcel No 060-232-00019, (Lot #19 hereafter) located in the SW Quadrant of Shelby Drive and Tchulahoma Road, at the south corner of the subject (PD) property Ward/Parcel/ID #060-232-00009 (Lot#9 hereafter) which froms on to Shelby Drive. My property, Lot #19, is Landlocked. Allowing the Planned Development (PD hereafter) will reinforce landlocked status of Lot #19. There will be no ingress/egress for Lot#19.

By letter dated August 23, 2024 addressed to Messrs Brett Ragsdale and John Zeanah. Memphis and Shelby County, Division of Planning and Development, Attention Ms. Alexis Longstreet: I gave Notice of the Landlocked status of my property. Lot #19, and that therefor the PD is OBJECTED to; that if it is to be approved, a Right-of-Way (R.O.W) [of *necessity*] to eliminate the Landlocked status of my Lot #19 be incorporated, *or* condition of Approval.

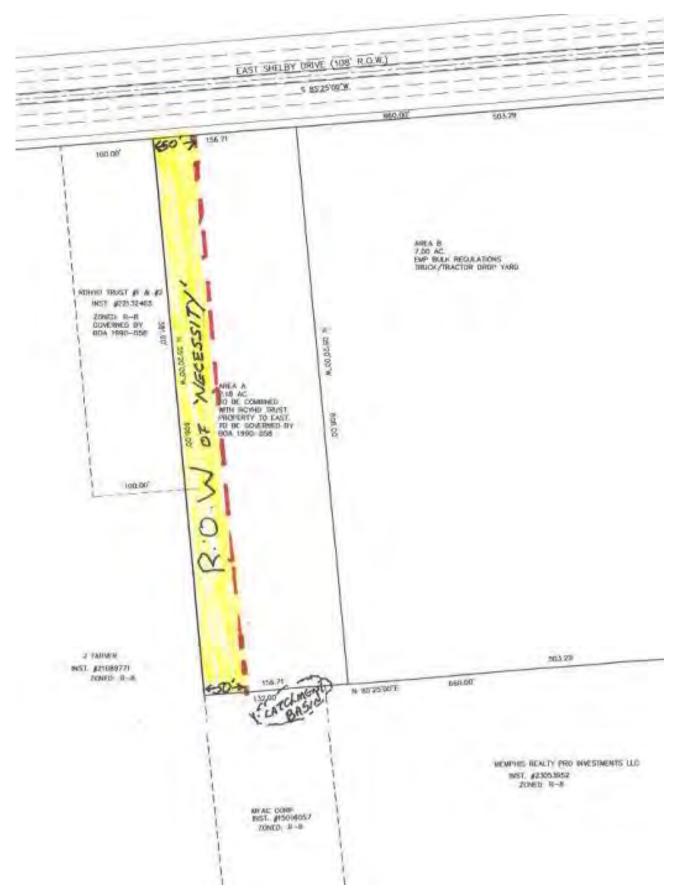
Specifically, I am asking your help in getting a proper (50') Right-of-Way of 'Necessity', incorporated, so that I may have ingress/egress to my Lot#19 property. To be sure, attached hereto is a sketch of the of hatched *ROW* being sought. The need for this ROW easement is absolutely <u>necessary</u> to have access to ingress/egress to the only City Street, Shelby Drive.

The PD 2024-013 will come before the City Council on Thursday, September 12, 2024 (a) 0900 hours; with a September 4, 2024 (a) 0800 hours Comment cut-off date. Your assistance is much appreciated. I can be reached at 901/795-4405. Thanks.

Respectfully Rane M. Cornish.

Property Owner.

Attach: Sketch





# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

# **Record Summary for Planned Development**

**Record Detail Information** 

Record Type: Planned Development

Record Status: Processing Opened Date: August 9, 2024

Record Number: PD 2024-013

Expiration Date:

Record Name: Shelby Drive Drop Yard Planned Development

Description of Work: New planned development on the south side of Shelby Drive

Parent Record Number:

Lucas Skinner

06/10/2024

Email

### Address:

38118

### Owner Information

Primary Owner Name

Y WILLIAMS STEVIE AND NATHANIEL PARTEE

Owner Address 4651 SUNSET RD, NESBITT, MS 38651

### **Parcel Information**

060232 00009

### **Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION

Planned Development TypeNew Planned Development (PD)Previous Docket / Case Numbern/aMedical Overlay / UptownNoIf this development is located in unincorporatedn/aShelby County, is the tract at least three acres?n/a

**Owner Phone** 

### **GENERAL PROJECT INFORMATION**

eligible for a planned development in unincorporated Shelby County) Is this application in response to a citation, stop work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest E) Homeowners' associations or some other

responsible party shall be required to maintain any and all common open space and/or common elements

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

Case Layer

This project is consistent with development patterns along this portion of Shelby Drive Type III landscape buffers are included along adjacent residentially zoned property. All public utilities and services are available to this site. Shelby Drive is fully developed along the subject property. agreed agreed agreed

This project will be compatible with existing uses along this portion of Shelby Drive. All public utilities are available to this site. Detention will be installed at the southwest corner of the site and along the north property line at the connection to existing storm sewer.

Proposed landscaping meets the UDC standards along street frontage and perimeter property lines. Lighting will be directed inward and will meet the foot candle standards of the UDC.

agreed

No

n/a

A property owners association will maintain the common detention basin.

Agreed

Z02-102, Z05-122, Z07-107

GIS INFORMATION	
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-8
State Route	1
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

### **Contact Information**

### Name

STEPHEN CHRISTIDES

### Address

### Phone

Name THE BRAY FIRM

Address 2950 STAGE PLAZA NORTH,

### Phone

(901)487-2425

### Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1584854	Planned Development - each additional or fractional acres above 5	5	500.00	INVOICED	0.00	08/09/2024
1584854	Credit Card Use Fee (.026 x fee)	1	52.00	INVOICED	0.00	08/09/2024
1584854	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/09/2024
	Та	otal Fee Invo	biced: \$2,052.00	Total Ba	ance: \$0.0	00

### **Payment Information**

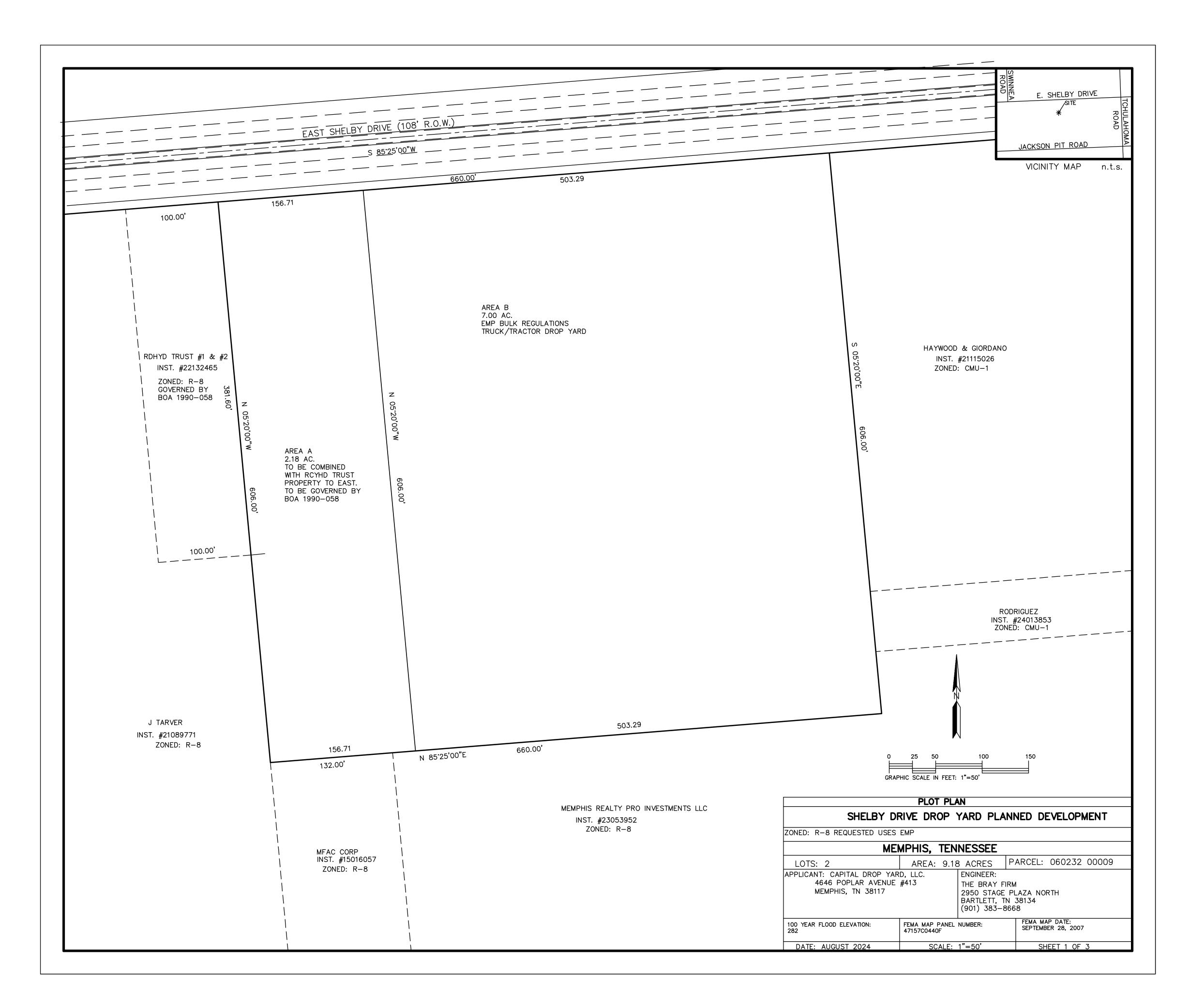
Payment Amount	Method of Payment
\$2,052.00	Credit Card

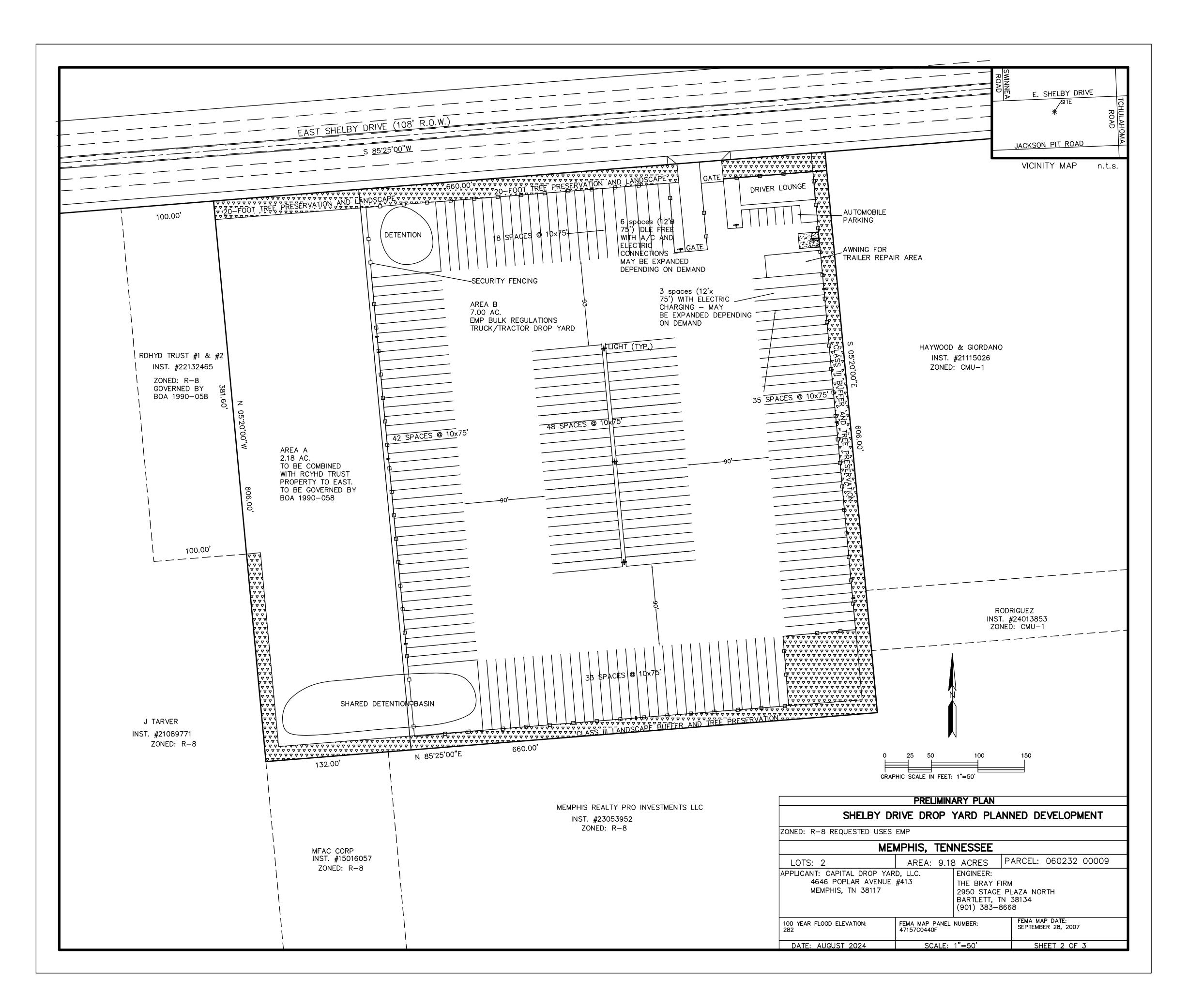
Contact Type ARCHITECT / ENGINEER /

Contact Type

APPLICANT

SURVEYOR





### OUTLINE PLAN CONDITIONS SHELBY DRIVE DROP YARD PLANNED DEVELOPMENT

- I. USES PERMITTED:
- A. AREA A To be governed by approval conditions of BOA 1990-058
- B. AREA B Truck/tractor drop yard and accessory uses
- II. BULK REGULATIONS:
- A. AREA A To be governed by approval conditions of BOA 1990-058
- B. AREA B The bulk regulations of the EMP zoning district shall apply.

III. ACCESS AND CIRCULATION:

- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. Any dumpster or accessory buildings shall be compatible with the main building.
- C. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- D. The required landscaping shall be exclusive of and in addition to any required easements. E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of
- Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD. F. All light poles shall be limited to a maximum of 35 feet in height.
- G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

- A. The Site plan shall include:
- 1. The exact location and dimensions including height of all buildings.
- 2. The number, location, and dimensions of parking spaces within proposed structures / lots.
- 3. A detailed landscaping plan including the species and diameter of any new plants.
- 4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

- B. The site plan shall be reviewed based on the following criteria:
- 1. Conformance with the Outline Plan Conditions.
- 2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
- 3. Elements of design such as building orientation, building mass and height, building materials,
- setback, access, parking and internal circulation, landscaping, and lighting.
- 4. Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

VII. 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 buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- 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 Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City 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.

SHELBY D	RIVE DROP YARD
ZONED: R-8 REQUESTED USES	5 EMP
ME	MPHIS, TENNES
LOTS: 2	AREA: 9.18 ACF
APPLICANT: CAPITAL DROP YA 4646 POPLAR AVENUE MEMPHIS, TN 38117	· ·
100 YEAR FLOOD ELEVATION: 282	FEMA MAP PANEL NUMBER 47157C0440F
DATE: AUGUST 2024	SCALE: NONE

PRELIMINARY PLAN				
PRELIMINA	ART PLAN			
DROP 1	ARD PLAN	NED DEVELOPMENT		
IS, TEN	NESSEE			
REA: 9.18	ACRES	PARCEL: 060232 00009		
C.	ENGINEER: THE BRAY FIF 2950 STAGE BARTLETT, TN (901) 383-86	PLAZA NORTH 38134		
MAP PANEL I 7C0440F	NUMBER:	FEMA MAP DATE: SEPTEMBER 28, 2007		

SHEET 3 OF 3

### I. USES PERMITTED:

- A. AREA A To be governed by approval conditions of BOA 1990-058
- B. AREA B Truck/tractor drop yard and accessory uses

### II. BULK REGULATIONS:

- A. AREA A To be governed by approval conditions of BOA 1990-058
- B. AREA B The bulk regulations of the EMP zoning district shall apply.

### III. ACCESS AND CIRCULATION:

- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter and sidewalk.
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   Planning and Development at least 10 days prior to the removal of any tree that
   is 10 inches or greater in diameter.
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- C. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- D. The required landscaping shall be exclusive of and in addition to any required easements.
- E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- F. All light poles shall be limited to a maximum of 35 feet in height.

- G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.
- V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

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3. A detailed landscaping plan including the species and diameter of any new plants.

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Telephone 901-383-8668

THE BRAY FIRM

2950 Stage Plaza North Bartlett, Tennessee 38134

August 9, 2024

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

### RE: Shelby Drive Drop Yard Planned Development Parcel 060232 00009 Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a new planned development on the south side of Shelby Drive between Airways and Tchulahoma. The site is immediately adjacent to the River City Hydraulics facility located at 3135 E. Shelby Drive. That site operates under a BOA approval from 1990. At this time, RCH is seeking to expand their facilities and will be utilizing the western 2.18 acres (Area A) of the planned development. Expansion of their operations would be governed by the existing BOA conditions of approval. The remaining 7 acres of the parent tract (Area B) would be utilized for a truck/trailer drop yard. As you are aware, truck parking is underserved in our metro area creating an ongoing problem of illegal parking from shopping centers to residential streets to vacant properties. The developers are seeking to bring a high quality drop yard with amenities not found at similar facilities. The site is conveniently located along a major corridor and is less than one mile form the airport and less than 2.5 miles to the interstate. In addition to traditional parking facilities the site will include the following: driver lounge, at least six (6) spaces with air conditioning and electrical connections to allow occupied trucks to not be in idle mode (thus reducing pollution), at least three spaces for EV charging as new electric trucks enter our market, and an area for trailer repair by an independent contractor. Both the non-idle spaces and EV charging stations may be expanded depending on demand. The site will be well lit internally with LED lighting but will be designed to not impact surrounding properties. Security fencing will be installed around the site but will be internal to the landscaping (20 foot landscape plate along Shelby Drive frontage and 15 foot Class III buffer along east and south property lines). Existing trees within the landscape areas will be preserved where possible.

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

Sincerely,

David Gean Bray, P.E.

# **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, full Development Code Section 12.3.1.

"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 mortgage 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 <u>0 SHELBY DRIVE MEMPHIS</u>, TN and further identified by Assessor's Parcel Number <u>060232022229</u>, for which an application is being made to the Division of Planning and Development.

\_ in the year of 2024. Subscribed and sworn to (or affirmed) before a

ature of Notary

My Commission Expires



Shelby County Tennessee

# Shelandra Y Ford

Shelby County Register

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



22069418

06/22/2022 - 04:12:39 PM

1 PGS	
BRIAN 2448940 - 22069418	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov This instrument prepared by and return to: **Thomas Branch, Attorney at Law** 22 North Front Street, Suite 790 Memphis, Tennessee 38103 (901) 525-3450

### PARCEL ID NUMBER: 06002320009

### QUIT CLAIM DEED

-THIS DEED PREPARED WITHOUT BENEFIT OF TITLE SEARCH-

Know all men by these presents, that MATTHEW WILLIAMS, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, do hereby bargain, sell, remise, release, quit claim and convey unto NATHANIEL PARTEE, all right, title and interest in and to the following described real estate located in the City of Memphis, County of Shelby, State of Tennessee, to wit:

A PART of the Charley Jackson Estate in Section B, Township one (1), Range 7 in the Second Civil District of Shelby County, Tennessee, being more particularly described as follows:

Beginning at a point in Whitehaven- Capleville Road, said point being the north line of said Section 8 and 660 feet westwardly from the northeast corner of said Section 8; thence south 5 degrees 25 minutes west and parallel with the north line of said Section 660 feet to an iron pin; thence north 5 degrees 20 minutes west 660 feet to a point in Whitehaven- Capleville Road, said point being in the north line of said Section 8; thence south 5 degrees 20 minutes west 660 feet to a point in Whitehaven- Capleville Road, said point being in the north line of said Section 8; thence north 5 degrees 20 minutes west 660 feet to a point in Whitehaven- Capleville Road, said point being in the north line of said Section 8; thence north 85 degrees 25 minutes east along said road 660 feet to the point of beginning, containing 10.0 acres of land, more or less, LESS AND EXCEPT that portion taken by City of Memphis in Circuit Court Judgment of record as instrument No. W-9 7973, in the Register's Office of Shelby County, Tennessee, and being the same property described in and conveyed by Warranty Deed of record as Instrument No. 01002676, in said Register's Office, LESS AND EXCEPT that portion taken by City of Memphis of record as instrument No. W9-7973, in said Register's Office.

Grantor Matthew Williams was determined to be the legal heir of R. D. Williams, a/k/a Ricky D. Williams by decree discharging Administrator and closing estate and other relief, dated December 20, 2012 in Cause No. 16-CV-1782 in the Chancery Court of DeSoto County, Mississippi

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

In Testimony Whereof, I have executed the instrument this 2022. GMS MATTHEW WILLIAMS State of County of 4 Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally STATE OF MISSISS appeared MATTHEW WILLIAMS to me known to be the person described herein and who WILLIE POWER executed the same as HIS free act and deed. Witness my hand and Notarial Seal at office this dav o NOTARY PUBLIC ID No. 291644 n Commission Expires Notary Public - My Commission Expires: June 24, 2025 Property known as: VACANT LOT, WHITEVILLE- CAPLEVILLE RD., MEMPHIS, TN / (PARCEL ID NUMBER:06002320009) SOTOCOUN NØD Mail tax notice to: (OWNERS) NATHANIEL PARTEE 4651 SUNSET RD., NESBIT, MISSISSIPPI OF MISSISSIA TATE I, or we, hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this POWERS MILLE transfer is ZERO Dollars (\$0). NOTARY PUBLIC ID No. 291644 Affiant Subscribed and Commission Expires 20 2 sworn to before me this the June 24, 2025 Notary Public - My Commission Expires: OE SOTO CO

0 SHELBY DR Page 1 of 2

STEVIE WILLIAMS & NATHANIEL PARTEE 4651 SUNSET RD NESBIT, MS 38651

OWNER

HAYWOOD & GIORDANO 7731 HWY 301 WALLS, MS 38680

RESIDENT 3271 SHELBY DR MEMPHIS, TN 38118

MFAC CORP 4791 TCHULAHOMA RD MEMPHIS, TN 38118

RESIDENT 4833 TCHULAHOMA RD MEMPHIS, TN 38118

RESIDENT 1376 JACKSON PIT RD MEMPHIS, TN 38118

RESIDENT 3135 SHELBY DR MEMPHIS, TN 38118

OAKHAVEN MOBILE HOME PARK 3080 SHELBY DR MEMPHIS, TN 38118 The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Engineer

MAPCO PETROLEUM INC 2424 RIDGE RD ROCKWALL, TX 75087

PEDRO & MAGDELENA RODRIGUEZ 4757 TCHULAHOMA RD MEMPHIS, TN 38118

EASTHAVEN CHURCH OF CHRIST 4833 TCHULAHOMA RD MEMPHIS, TN 38118

INDEPENDENT POLE BEARERS 4819 TCHULAHOMA RD MEMPHIS, TN 38118

J. TARVER 3021 SHELBY DR MEMPIS, TN 38118

JOHN & KIRK TARVER 2100 WOODCREEK DR GERMANTOWN, TN 38138

KENDALL MEMPHIS PARTNERS 17300 RED HILL AVE STE 280 IRVINE, CA 92614 CAPITAL DROP YARD, LLC. 4646 Poplar Avenue #413 Memphis, TN 38117

APPLICANT

QCSI FOUR LLC 2424 RIDGE RD ROCKWALL, TX 75087

MEMPHIS REALTY PRO INVESTMENTS LLC 3746 BONNER DR OLIVE BRANH, MS 38654

MFAC CORP 3767 NEW GETWELL RD MEMPHIS, TN 38118

SHELBY COUNTY 160 N. MAIN ST MEMPHIS, TN 38103

RCHYD TRUST #1 & #2 2025 MADISON LAYNE CT SHERWOOD, AR 72120

RESIDENT 3021 SHELBY DR MEMPHIS, TN 38118

TRUE VICTORY CHURCH 3150 SHELBY DR MEMPHIS, TN 3818 0 SHELBY DR Page 2 of 2

CITY OF MEMPHIS 125 N. MAIN ST MEMPHIS, TN 38103

MTNI INC 4505 WASATCH BLVD #350 SALT LAKE CITY, UT 84124

RESIDENT 4635 TCHULAHOMA RD MEMPHIS, TN 38118

DARRELL THOMAS 4597 TCHULAHOMA RD MEMPHIS, TN 38118

RONALD & PATRICIA SOLBERG PO BOX 751510 MEMPHIS, TN 38175

RESIDENT 3315 SHELBY DR MEMPHIS, TN 38118

RESIDENT 4730 TCHULAHOMA RD MEMPHIS, TN 38118

STANLEY & SCOTTY BROWNLEE 3305 DAPHNE CV MEMPHIS, TN 38118

RICHARD & ROBYN BENTON 4793 DAPHNE RD MEMPHIS, TN 38118 RESIDENT 3200 SHELBY DR MEMPHIS, TN 38118

RESIDENT 3250 SHELBY DR MEMPHIS, TN 38118

ASSOC. OF ISLAMIC CHARITABLE PROJECTS 4609 TCHULAHOMA RD MEMPHIS, TN 38118

NEW DEVELOPMENT LLC 3264 W. SARAZENS CIR MEMPHIS, TN 38125

RESIDENT 3285 SHELBY DR MEMPHIS, TN 38118

TAYLOR'ED GYMNASTICS 4906 STIRRUP DR MEMPHIS, TN 38125

MICHAEL WILLIAMS 3300 DAPHNE CV MEMPHIS, TN 38118

PAULA WILSON 3309 DAPHNE CV MEMPHIS, TN 38118 ENLIGHTMENT INC 3220 SHELBY DR MEMPHIS, TN 38118

SHARHAN MUTAHAR 2271 KHUSH BOO CV SOUTHAVEN, MS 38671

MELISSA & LORENZO MYRICK 4609 TCHULAHOMA RD MEMPHIS, TN 38118

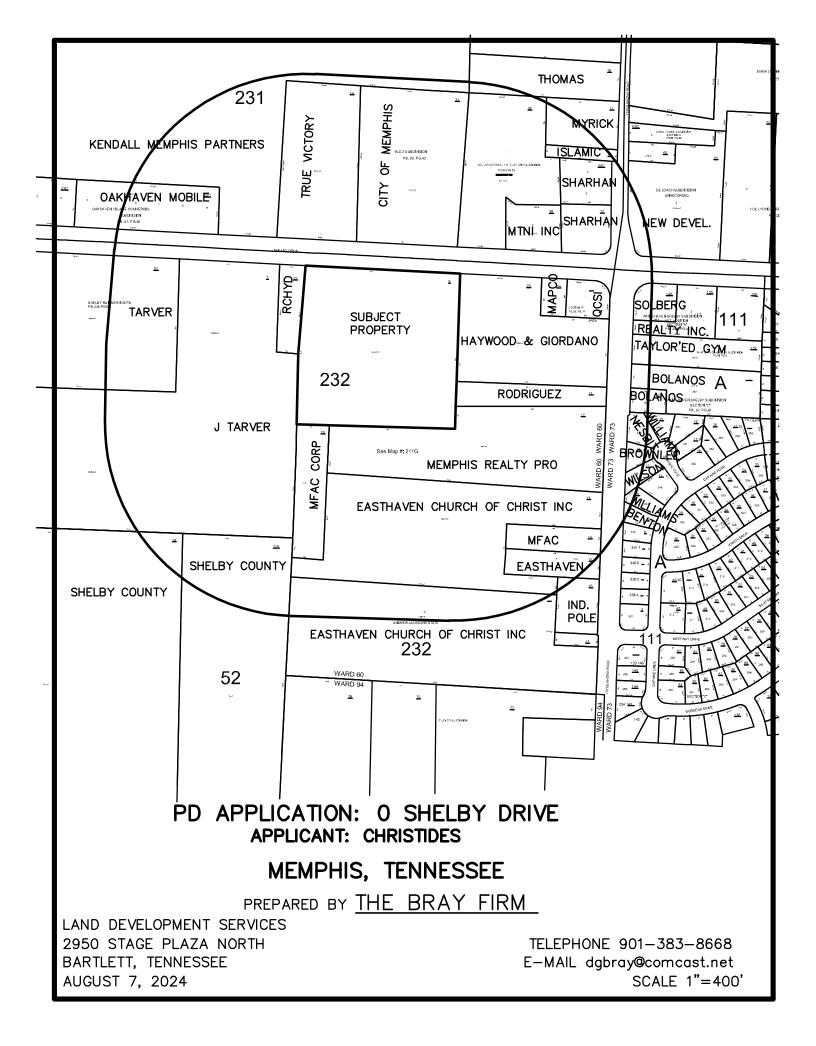
RESIDENT 3292 SHELBY DR MEMPHIS, TN 38118

REALTY INCOME PROPERTIES 17 LLC 500 VOLVO PKWY CHESAPEAKE, VA 23320

JOSE BOLANOS 3003 SUMMER AVE MEMPHIS, TN 38112

SANDRA NESBIT 3301 DAPHNE CV MEMPHIS, TN 38118

CAROLYN WILLIAMS 4787 DAPHNE RD MEMPHIS, TN 38118





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

November 14, 2024

Stephen Christides, Capital Drop Yard, LLC

Sent via electronic mail to: capitallogisticsgroup@yahoo.com, dqbray@comcast.net

Shelby Drive Drop Yard Planned Development Case Number: PD 2024-013 LUCB Recommendation: Rejection

Dear applicant,

On Thursday, November 14, 2024, the Memphis and Shelby County Land Use Control Board recommended *rejection* of your planned development application for the Shelby Drive Drop Yard Planned Development, subject to the attached outline plan conditions.

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at alexis.longstreet@memphistn.gov.

Respectfully,

Alexis Longstreet

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

# Letter to Applicant PD 2024-013

Cc: David Bray, The Bray Firm File

### Letter to Applicant PD 2024-013

### **Outline Plan Conditions**

### I. USES PERMITTED:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - Truck/tractor drop yard and accessory uses

### II. BULK REGULATIONS:

A. AREA A - To be governed by approval conditions of BOA 1990-058

B. AREA B - The bulk regulations of the EMP zoning district shall apply.

### **III. ACCESS AND CIRCULATION:**

A. The City / County Engineer shall approve the design, number and location of curb cuts.

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

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

### IV. LANDSCAPING, SCREENING, AND LIGHTING:

A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.

B. Any dumpster or accessory buildings shall be compatible with the main building.

C. Any HVAC equipment or utility meters shall be screened **through the use of <u>using</u>** fencing or landscaping. If roof mounted, the equipment shall be screened **through the use of <u>using</u>** an architectural feature such as a parapet.

D. The required landscaping shall be exclusive of and in addition to any required easements. E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

F. All light poles shall be limited to a maximum of 35 feet in height.

G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

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1. The exact location and dimensions including height of all buildings.

2. The number, location, and dimensions of parking spaces within proposed structures / lots.

3. A detailed landscaping plan including the species and diameter of any new plants.

4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 Adequate access shall be provided to the site as determined by the City Engineer.

VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

VII. 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 buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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

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 Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed **so as to to** ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to<del>:</del> removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

		COUNC	CITY OF MEMI TL AGENDA CHEC		n
ONE ORIGINAL		000110			Planning & Development
ONLY STAPLED	Planning &		ing COMMITTEE:	01/07/2025	DIVISION
TO DOCUMENTS				DATE	
		P	UBLIC SESSION:	01/21/2025 DATE	
ITEM (CHECK ONE)ORDINANCE	X RESOLUT	TION _	REQUEST FOR P		G
ITEM DESCRIPTION:					County Unified Development Code approving r Avenue., known as case number SUP 2024-
CASE NUMBER:	SUP 2024-045	5			
LOCATION:	2401 Harbor A	Ave.			
COUNCIL DISTRICTS:	District 6 and	Super Dis	trict 8		
<b>OWNER/APPLICANT:</b>	First Harbor P	roperty L	LC		
<b>REPRESENTATIVE:</b>	Roy Lamica, I	EFI Globa	1		
<b>REQUEST:</b>	To allow a gre	ease recycl	ing facility in the Heav	y Industrial (IH)	zoning district
AREA:	+/-5.92 acres				
<b>RECOMMENDATION:</b>			g and Development rec Board recommended Ap		
RECOMMENDED COUN					
PRIOR ACTION ON ITEM	1:	A D 0	PPROVAL - (1) APPR ATE RGANIZATION - (1)	OVED (2) DENI	ED IISSION
		(2	) GOV'T. ENTITY (3)	COUNCIL COM	
FUNDING:         (2)         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$         \$	OF FUNDS	A R O	EQUIRES CITY EXPH MOUNT OF EXPEND EVENUE TO BE REC PERATING BUDGET IP PROJECT #	DITURE EIVED	YES (2) NO
\$			EDERAL/STATE/OTH	IER	
ADMINISTRATIVE APPR	OVAL:		<u>DATE</u>	<b>POSITION</b>	
Matral V	mo		12-20-2	4 PLANNER II	
/	0			DEPUTY ADM	IINISTRATOR
But R	$\sim$		12/20/2	4 ADMINISTRA	TOR
			1/1/		DINT APPROVAL)
				COMPTROLLI	,
				FINANCE DIR	
				CITY ATTORN	NEY
				CHIEF ADMI	VISTRATIVE OFFICER
				COMMITTEE	CHAIRMAN



Memphis City Council Summary Sheet

# SUP 2024-045

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 2401 HARBOR AVENUE, KNOWN AS CASE NUMBER SUP 2024-045

- This item is a resolution with conditions for a special use permit to allow grease recycling facility.
- The applicant intends to use an existing warehouse structure/site for grease recycling and proposes no site changes/improvements. Should this application be approved, any future site changes would remain subject to any relevant provisions of the UDC.
- This site is located on President's Island and is surrounded by other heavy industrial uses.
- Both DPD staff and the Land Use Control Board recommend *approval with conditions* of this item.
- This item may require future public improvement contracts.

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 14, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2024-045
LOCATION:	2401 Harbor Avenue
COUNCIL DISTRICT(S):	District 6 and Super District 8
OWNER/APPLICANT:	First Harbor Property LLC
REPRESENTATIVE:	Roy Lamica, EFI Global
REQUEST:	To allow a grease recycling facility
EXISTING ZONING:	Heavy Industrial (IH)
AREA:	+/-5.92 acres

The following spoke in support of the application: None

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

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

## The motion passed by a vote of 9-0 on the consent agenda.

Respectfully,

ichden Walnut

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

Cc: Committee Members File

# SUP 2024-045 CONDITIONS

1. The approval of this special use permit authorizes the use of the property for recycling in its current condition. It shall not be construed to authorize, nor bind the applicant to, any particular site plan. Future site modifications/improvements associated with the recycling use shall be reviewed as administrative site plan reviews (ASPRs) and not require modifications to this special use permit.

### RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 2401 HARBOR AVENUE, KNOWN AS CASE NUMBER SUP 2024-045

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**, First Harbor Property LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a grease recycling facility in the Heavy Industrial (IH) zoning district; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 14, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

# CONDITIONS

1. The approval of this special use permit authorizes the use of the property for recycling in its current condition. It shall not be construed to authorize, nor bind the applicant to, any particular site plan. Future site modifications/improvements associated with the recycling use shall be reviewed as administrative site plan reviews (ASPRs) and not require modifications to this special use permit.

**ATTEST:** 

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

dpd MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT
AGENDA ITEM:	16	L.U.C.B. MEETING:	December 12, 2024
CASE NUMBER:	SUP 2024-045		
LOCATION:	2401 Harbor Ave.		
COUNCIL DISTRICT:	District 6 and Super District 8		
OWNER/APPLICANT:	First Harbor Property LLC		
<b>REPRESENTATIVE:</b>	Roy Lamica, EFI Global		
REQUEST:	Request for Special Use Permit fo	r a recycling facility.	

Heavy Industrial (IH)

# CONCLUSIONS

**EXISTING ZONING:** 

- 1. The applicant proposes to use a former lumber facility for grease recycling. They intend to use the property as-is and propose no site modifications/improvements.
- 2. The site is located on President's Island and is surrounded by industrial uses. Nearby uses include metal recycling, asphalt manufacturing, and several warehouse/distribution uses.
- 3. If approved, any future changes to the site would continue to be subject to the relevant provisions of the UDC. This special use permit would authorize only the use itself.
- 4. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

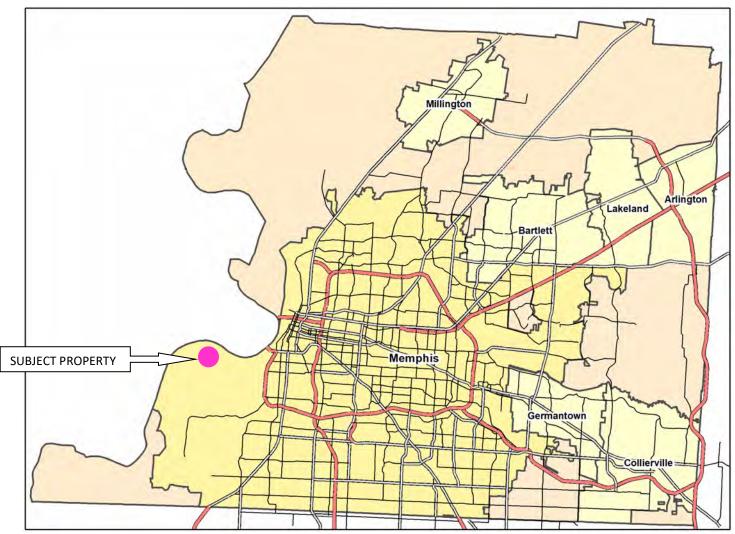
# CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 15-16 of this report.

# **RECOMMENDATION:**

# Approval with conditions

# Staff Report SUP 2024-045 LOCATION MAP



Subject property located within the pink circle

# Staff Report SUP 2024-045 **PUBLIC NOTICE VICINITY MAP**



Subject property highlighted in yellow

## **PUBLIC NOTICE DETAILS**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 27 notices were mailed on November 11, 2024, see page 17 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 18 of this report for a copy of the sign affidavit.

### **NEIGHBORHOOD MEETING**

The applicant held the required neighborhood meeting at the subject property at 11:00 AM on Tuesday, November 26, 2024.

Staff Report SUP 2024-045 **AERIAL** 



Subject property outlined in yellow, imagery from 2023

# Staff Report SUP 2024-045 **ZONING MAP**



Subject property highlighted in yellow

## Staff Report SUP 2024-045 LAND USE MAP



Subject property indicated by a pink star

## Staff Report SUP 2024-045 SITE PHOTOS



View of subject property from Harbor Ave looking Northeast



View of subject property from Harbor Ave looking Southeast

# Staff Report SUP 2024-045 **SITE PLAN**

Property Details	
Owner Name:	FIRST HARBOR PROPERTY LLC
Property Address:	2401 HARBOR AVE
Parcel ID:	050116 00016C
Appraisal:	\$761,400
Tax District:	MEMPHIS
Tax Map:	162
Year Built:	
Lot Number:	
Subdivision:	MEMPHIS & SHELBY CNTY PORT COMM IND
Plat Book & Page :	UNKNOWN
Dimensions:	5.92AC 500X516
Total Acres:	5.922
Owner Address:	1111 MCKENZIE DR RUSSELLVILLE AR 72802 7977
Class:	INDUSTRIAL
Use:	- LUMBER SHED
Longitude:	
Latitude:	
Appraisal Info	
Memphis Tax Info	
County Tax Info	
Google View	
Search Most Recent Pro	operty Records
Inst# / Type	24043552 SPECIAL WARRANTY DEED
Sales Date/Price	05/24/2024 \$1,455,000
Inst# / Type	EP5438 WARRANTY DEED
Sales Date/Price	08/19/1994 \$248,667
Inst# / Tyne	DH4282 WARRANTY DEED



SITE PLAN

# Staff Report SUP 2024-045 **EXISTING SITE CONDITIONS**



Lot Size: 5.92 AC Zoning: IH Parcel #: 050116 00016C

#	Property Type	Construction	SF	Clear Height	Year Built	Sprinkler
1	Office building	Wood-frame	1,920	N/A	1969	No
2	Storage warehouse	Pre-eng. steel	26,660	32'	1995	Yes
3	Storage building	Pre-eng. steel	1,230	14'	2004	No
4	Dry kiln	Masonry	4,592	26'	1995/1996	No
5	Storage building	Pre-eng. steel	448	12'	1995	No
6	Open-air shed	Pre-eng. steel	3,330	23'	1995	No
7	Storage warehouse	Pre-eng. steel	6,804	23'	1969	No
8	Storage warehouse	Pre-eng. steel	12,820	27'	2009	No
9	Storage warehouse	Pre-eng. steel	14,300	21'	1996	No

### **Request**

New Special Use Permit to allow a recycling facility.

### Approval Criteria

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

### 9.6.9 Approval Criteria

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

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

Staff Report SUP 2024-045 <u>Site Details</u> Address: 2401 Harbor Ave

Parcel ID:	050116 00016C
Area:	-/+ 5.92 acres

### Description:

The subject property is an existing industrial development zoned Heavy Industrial – IH and located on President's Island. Per the Assessor's website, the principal structure on the site was built in 1969 and currently consists of 5.92 acres with nine buildings which total approximately 70,000 square feet. The surrounding land uses are primarily Heavy Industrial. Additionally, this lot has one street frontage and overhead power lines along the front (west) property line.

### Site Plan Review

The applicant proposes to use the site as-is with no site changes. Any future changes to the site would remain subject to any relevant provisions of the UDC.

### <u>Analysis</u>

The applicant proposes to reuse a former lumber facility for grease recycling. The subject property is located on President's Island and surrounded by industrial uses including metal recycling, asphalt manufacturing, and warehouse/distribution uses. Due to the presence of these heavy industrial and lack of residential uses in the vicinity, staff finds this use to be appropriate and that this request satisfies the UDC's criteria for Special Use Permits. We therefore recommend *approval with conditions*.

Staff would also like to note that the applicant does not propose any site modifications and intends to use the property as-is. Any future changes to the site would remain subject to the relevant provisions of the UDC and would likely require Administrative Site Plan Review (ASPR).

The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

### RECOMMENDATION

Staff recommends approval with conditions.

## **Conditions**

1. The approval of this special use permit authorizes the use of the property for recycling in its current condition. It shall not be construed to authorize, nor bind the applicant to, any particular site plan. Future site modifications/improvements associated with the recycling use shall be reviewed as administrative site plan reviews (ASPRs) and not require modifications to this special use permit.

# Staff Report SUP 2024-045 DEPARTMENTAL COMMENTS

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

City/County Engineer:	See next page.
City/County Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	See pages 15-16

# Staff Report SUP 2024-045

### **CITY ENGINEERING COMMENTS**

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

### Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

### Roads:

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

## Traffic Control Provisions:

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

## Curb Cuts/Access:

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

## Drainage:

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

Staff Report SUP 2024-045

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>SUP 2024-045</u>: South

Site Address/Location: 2401 HARBOR. Overlay District/Historic District/Flood Zone: Not in any Overlay District, History District or Flood Zone Future Land Use Designation: Industrial (I) Street Type: N/A

The applicant is seeking Special Use Permit to build a recycling facility in an industrial zone. 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

Higher intensity industrial areas. Graphic portrayal of I is to the right.

# "I" Form & Location Characteristics

Industrial, 1-10 stories.

# "I" Zoning Notes

Generally compatible with the following zone districts: IH in accordance with Form and characteristics listed



# Staff Report

below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings, as appropriate, at the time of a small area plan to limit the use of this district specifically to noxious and/or incompatible high-intensity industrial uses.

# Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Industrial, IH

Adjacent Land Use and Zoning: Industrial, Commercial and vacant, IH

**Overall Compatibility:** This requested use is compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed building is an Industrial facility in a primarily Industrial zoning district.

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. There is no Degree of Change.

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

# **Consistency Analysis Summary**

The applicant is seeking Special Use Permit to build a recycling facility in an Industrial zone.

This requested use is compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed building is an Industrial facility in a primarily Industrial zoning district.

Based on the information provided, the proposal is <u>CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

# Staff Report SUP 2024-045 MAILED PUBLIC NOTICE

NOTICE OF PUBL	IC HEARING	SHELBY COUNTY AND DEVELOPMENT
property that is near the site o considered at an upcoming pu Shelby County Land Use Contr attend this hearing, but you ar	and the second	VICINITY MAP
CASE NUMBER: SUP 2024-045 ADDRESS: 2401 Harbor S REQUEST: Special use pe APPLICANT: First Harbor P	treet rmit to allow a recycling facility	
Meeting Details	Time: 9:00 AM	
City Hall 1st Floor 125 N Main St.	Date: Thursday, Dec. 12, 2024	

December 12, 2024 Page 18

### AFFIDAVIT

# Shelby County State of Tennessee

 I, \_\_\_\_\_Roy Lamica
 , being duly sworn, depose and say that at \_\_\_\_\_\_3:00 \_\_\_\_ am[pm]

 on the 18th \_\_\_\_\_\_ day of November
 , 20 24 \_\_\_\_\_\_, I posted \_\_\_\_\_\_ Public Notice Sign(s)

 pertaining to Case No. \_\_\_\_\_\_ SUP 2024-045 \_\_\_\_\_\_ at 2401 Harbor Avenue
 2401 Harbor Avenue

providing notice of a Public Hearing before the (check one):

x 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.

Owner, Applicant or Representative

Date

Subscribed and sworn to before me this 22 day of November

Notary Public

My commission expires: June 28, 2027



	Memphis and Shelby County Division of
	Planning and Development
C MEMERAND TY	East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134 Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103
	website: www.develop901.com
Record Summary	for Special Use Permit
Record Detail Information	
Record Type: Special Use Permit	Record Status: Pending
	Opened Date: November 7, 2024
Record Number: SUP 2024-045	Expiration Date:
Record Name: Mid-South Renewals Recycling Facility	
Description of Work: Request a Special Use Permit for a	recycling facility.
and the set of the set	Parent Record Number:
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name	
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC	Owner Phone
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address	Owner Phone
	Owner Phone
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address 1111 MCKENZIE DR, RUSSELLVILLE, AR 72802 Parcel Information	Owner Phone
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2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address 1111 MCKENZIE DR, RUSSELLVILLE, AR 72802	Owner Phone
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address 1111 MCKENZIE DR, RUSSELLVILLE, AR 72802 Parcel Information 050116 00016C Data Fields	Owner Phone
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address 1111 MCKENZIE DR, RUSSELLVILLE, AR 72802 Parcel Information D50116 00016C Data Fields PREAPPLICATION MEETING	
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address 1111 MCKENZIE DR, RUSSELLVILLE, AR 72802 Parcel Information 050116 00016C Data Fields PREAPPLICATION MEETING Name of DPD Planner	Jeffrey Penzes
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address 1111 MCKENZIE DR, RUSSELLVILLE, AR 72802 Parcel Information 050116 00016C Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type	Jeffrey Penzes 11/04/2024
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address 1111 MCKENZIE DR, RUSSELLVILLE, AR 72802 Parcel Information 050116 00016C Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION Application Type List any relevant former Docket / Case	Jeffrey Penzes 11/04/2024 Email
2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address 1111 MCKENZIE DR, RUSSELLVILLE, AR 72802 Parcel Information 050116 00016C Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION Application Type List any relevant former Docket / Case Number(s) related to previous applications on	Jeffrey Penzes 11/04/2024 Email New Special Use Permit (SUP)
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2401 HARBOR AVE, Memphis 38113 Owner Information Primary Owner Name Y FIRST HARBOR PROPERTY LLC Owner Address 1111 MCKENZIE DR, RUSSELLVILLE, AR 72802 Parcel Information 050116 00016C Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION Application Type List any relevant former Docket / Case Number(s) related to previous applications on this site Is this application in response to a citation, stop	Jeffrey Penzes 11/04/2024 Email New Special Use Permit (SUP)

#### GENERAL PROJECT INFORMATION

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

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

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

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GIS INFORMATION
Case Layer
Central Business Improvement District
Class
Downtown Fire District
Historic District
Land Use
Municipality
Overlay/Special Purpose District
Zoning
State Route
Lot
Subdivision
Planned Development District
Wellhead Protection Overlay District
County Commission District
City Council District
City Council Super District

#### **Data Tables**

Page 2 of 3

This property is located in a Heavy Industrial area and will not have a substantial or undue adverse effect upon the adjacent properties, character of the neighborhood, traffic, parking, or utilities. The intent would be to use the existing building and site as is.

The intent is to use the existing buildings and site, so the project would be compatible with the immediate vicinity and would not interfere with any adjacent development.

This property is an existing development with access to streets, parking, drainage, and utilities. This project will not result in the destruction, loss, or damage of any feature as described above. The property is currently developed and the intent is to use the existing facility as is.

This projects complies will all additional standards imposed.

The request will not adversely affect any plans to be considered, or violate the character of existing standards for development of the adjacent properties. Existing facility will be used as is.

No I No -INDUSTRIAL MEMPHIS -IH -MEMPHIS & SHELBY CNTY PORT COMM IND -No -

SUP 2024-045

# Staff Report SUP 2024-045

AREA INFOR	MATION						
Name:		Area A					
Size (Acres): Existing Use of Property: Requested Use of Property:		5.92					
		Industrial/Lumber Shed					
		Recycling Facility					
Contact I	nformation	000					
Name ROY LAMIC/	A					Conta APPLIC	Ct Type
Address							
	17						
901)355-134			-		_	-	
901)355-134 Fee Inform	mation Fee Item		Quantity	Fees	Status	Balance	Date Assessed
901)355-134 Fee Inform	nation Feeltem Special Use Perm		Quantity 1	Fees 500.00	Status INVOICED	Balance 0.00	Date Assessed 11/08/2024
901)355-134 Fee Inform Invoice # 1605230	mation Fee Item	ase Fee) hit Fee pre or	Quantity 1		a second as a s		
(901)355-134 Fee Inform Invoice # 1605230 1605230	mation Fee Item Special Use Perm 5 acres or less (Ba Special Use Perm Per Acre (each ac fraction thereof ov	ase Fee) hit Fee ore or ver 5	Quantity 1 1	500.00	INVOICED	0.00	11/08/2024
901)355-134 Fee Inform Invoice M 1605230 1605230	mation Fee Item Special Use Perm 5 acres or less (Ba Special Use Perm Per Acre (each ac fraction thereof ov acre) Credit Card Use F	ase Fee) hit Fee ore or ver 5 Fee (.026	t t	500.00 50.00	INVOICED	0.00	11/08/2024 11/08/2024 11/08/2024
Phone (901)355-134 Fee Inform Invoice # 1605230 1605230 1605230	mation Fee Item Special Use Perm 5 acres or less (Ba Special Use Perm Per Acre (each ac fraction thereof ov acre) Credit Card Use F	ase Fee) hit Fee ore or ver 5 Fee (.026	t t	500.00 50.00 14.30	INVOICED	0.00 0.00 0.00	11/08/2024 11/08/2024 11/08/2024

Page 3 of 3

SUP 2024-045

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

City Hall - 125 N. Main Street, Suite 458 Memphis, Termesser 18103 - (901) 458-6618

### **Property Owner's Affidavit**

Memphis and Shelby County United 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 lesses having an unexpired term of at least len years, and the like. Wherever a statement of ownership is required by the Memphis and Sneiby County Unified Development Code. Lift disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified. Development Code Section 12.3.1

Belz Investment Company LP (Print Name)

, state that I have read the definition of

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

I am the owner of record as shown on the current tax rolls of the county Assessor of Property, the mortgage holder of record as shown in the mortgage records of the county Register of Deeds, purchaser under a land contract, a montgaces or vendee in possession, or I have a freehold of lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, quardian or lessee (and have included documentation with this affidavit)

of the property located at Appling Farms Pikwy

and lunger denoted by Assessor's Parcel Number 092011 00015

for relighter any better is being made to the Division of Planning and Dovelopment.

Subscribbel and subcrimento (or affirmed) before me this HY DO MAN ROSE M EXPIRES

Signifiane of Notary Public:

NIR R

in the year of 10,75.

day of

### Staff Report SUP 2024-045 LETTER OF INTENT

0

7975 Stage Hills Boulevard, Suite 1 Memphis, Tennessee 38133 Tel (901) 377 - 9984 efigiobal.com



November 8, 2024

Planning Director Division of Planning and Development 125 N. Main Street, Suite 477 Memphis, TN 38103

Subject:

Letter of Intent 2401 Harbor Avenue Recycling Facility – Special Use Permit Memphis, TN

Dear Planning Staff:

The Applicant has a desire to re-use the existing industrial development located at 2401 Harbor Avenue for a new grease recycling facility. The property is located on President's Island, on the north side of Harbor Avenue. The parcel ID is 050116 00016C. This parcel consists of 5.92 acres and is currently developed with nine buildings which total approximately 70,000 square feet. Mid-South Renewals intends to use the existing buildings and site as it currently exists today. Minor repairs of the existing buildings would be needed, but no new development. The recycling processes would be contained within the existing structures and would not negatively impact the surrounding properties. We believe that this special use will complement the existing uses in the area and will be a great addition.

Please let us know if you have any questions regarding the intent of this project.

Sincerely.

Roy D Jamica

Roy D. Lamica, P.E. EFI Global

Page 1 of 1

### Staff Report SUP 2024-045 LETTERS RECEIVED

One letter of opposition was received prior to this report's completion, see below.

From: Bruce Young < <u>rbruce3180@gmail.com</u>> Sent: Tuesday, December 3, 2024 6:50:15 PM To: Hull, LaTonya <<u>LaTonya.Hull@memphistn.gov</u>> Subject: Hi LaTonya: First Harbor Property, Llc

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

Hi LaTonya

Couldn't find on line anything about First Harbor Property IIc that is planning a recycling operation on President's Island. I'm out of town Dec 12th. Can't make the meeting

How do I find out more about First?

Definitely opposed to garbage recycling. Do you know what they plan to recycle or have a phone # for me to call.

Thanks Bruce Young 2408 Channel 901.619.4707



# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

# **Record Summary for Special Use Permit**

**Record Detail Information** 

Record Type: Special Use Permit

Record Status: Pending Opened Date: November 7, 2024

Record Number: SUP 2024-045

**Expiration Date:** 

**Owner Phone** 

Record Name: Mid-South Renewals Recycling Facility

Description of Work: Request a Special Use Permit for a recycling facility.

Parent Record Number:

### Address:

2401 HARBOR AVE, Memphis 38113

### **Owner Information**

Primary Owner Name

Y FIRST HARBOR PROPERTY LLC

Owner Address

1111 MCKENZIE DR, RUSSELLVILLE, AR 72802

### Parcel Information

050116 00016C

#### **Data Fields** PREAPPLICATION MEETING **Jeffrey Penzes** Name of DPD Planner 11/04/2024 Date of Meeting Pre-application Meeting Type Email **GENERAL PROJECT INFORMATION** New Special Use Permit (SUP) Application Type List any relevant former Docket / Case Number(s) related to previous applications on this site Is this application in response to a citation, stop No work order, or zoning letter

### **GENERAL PROJECT INFORMATION**

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

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

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

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

#### GIS INFORMATION

Case Layer	-
Central Business Improvement District	No
Class	1
Downtown Fire District	No
Historic District	-
Land Use	INDUSTRIAL
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	IH
State Route	-
Lot	-
Subdivision	MEMPHIS & SHELBY CNTY PORT COMM IND
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

### **Data Tables**

This property is located in a Heavy Industrial area and will not have a substantial or undue adverse effect upon the adjacent properties, character of the neighborhood, traffic, parking, or utilities. The intent would be to use the existing building and site as is.

The intent is to use the existing buildings and site, so the project would be compatible with the immediate vicinity and would not interfere with any adjacent development.

This property is an existing development with access to streets, parking, drainage, and utilities. This project will not result in the destruction, loss, or damage of any feature as described above. The property is currently developed and the intent is to use the existing facility as is.

This projects complies will all additional standards imposed.

The request will not adversely affect any plans to be considered, or violate the character of existing standards for development of the adjacent properties. Existing facility will be used as is.

#### AREA INFORMATION

Name:	Area A
Size (Acres):	5.92
Existing Use of Property:	Industrial/Lumber Shed
Requested Use of	Recycling Facility
Property:	

#### **Contact Information**

## Name ROY LAMICA

#### Address

**Phone** (901)355-1347

Fee Information						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1605230	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	11/08/2024
1605230	Special Use Permit Fee Per Acre (each acre or fraction thereof over 5 acre)	1	50.00	INVOICED	0.00	11/08/2024
1605230	Credit Card Use Fee (.026 x fee)	1	14.30	INVOICED	0.00	11/08/2024
	То	otal Fee Invoice	ed: \$564.30	Total Bala	nce: \$0.0	00

#### **Payment Information**

Payment Amount	Method of Payment
\$564.30	Credit Card

Contact Type APPLICANT



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, full Development Code Section 12.3.1.

, Michael LJones	2	, 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 \_\_\_\_\_2401 Harbor Avenue and further identified by Assessor's Parcel Number \_\_\_\_050116 00016C \_\_\_\_\_\_, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before m	ne this OPHER M. Solay of November in the year of 2024.
Chitade M. Shap	STATE OF TENNESSEE NOTARY PUBLIC
Signature of Notary Public	My Commission Expires

7975 Stage Hills Boulevard, Suite 1 Memphis, Tennessee 38133 Tel (901) 377 - 9984 efiglobal.com



November 8, 2024

Planning Director Division of Planning and Development 125 N. Main Street, Suite 477 Memphis, TN 38103

#### Subject: Letter of Intent 2401 Harbor Avenue Recycling Facility – Special Use Permit Memphis, TN

#### Dear Planning Staff:

The Applicant has a desire to re-use the existing industrial development located at 2401 Harbor Avenue for a new grease recycling facility. The property is located on President's Island, on the north side of Harbor Avenue. The parcel ID is 050116 00016C. This parcel consists of 5.92 acres and is currently developed with nine buildings which total approximately 70,000 square feet. Mid-South Renewals intends to use the existing buildings and site as it currently exists today. Minor repairs of the existing buildings would be needed, but no new development. The recycling processes would be contained within the existing structures and would not negatively impact the surrounding properties. We believe that this special use will complement the existing uses in the area and will be a great addition.

Please let us know if you have any questions regarding the intent of this project.

Sincerely,

Roy D Jamica

Roy D. Lamica, P.E. EFI Global

Search Details	Layers
Property Details	
Owner Name:	FIRST HARBOR PROPERTY LLC
Property Address:	2401 HARBOR AVE
Parcel ID:	050116 00016C
Appraisal:	\$761,400
Tax District:	MEMPHIS
Тах Мар:	<u>162</u>
Year Built:	
Lot Number:	
Subdivision:	MEMPHIS & SHELBY CNTY PORT COMM IND
Plat Book & Page :	UNKNOWN
Dimensions:	5.92AC 500X516
Total Acres:	5.922
Owner Address:	1111 MCKENZIE DR RUSSELLVILLE AR 72802 7977
Class:	INDUSTRIAL
Use:	- LUMBER SHED
Longitude:	
Latitude:	
Appraisal Info	
Memphis Tax Info	
County Tax Info	
Google View	
Search Most Recent Pro	<u>operty Records</u>
Inst# / Type	24043552 SPECIAL WARRANTY DEED
Sales Date/Price	05/24/2024 \$1,455,000
Inst# / Type	EP5438 WARRANTY DEED
Sales Date/Price	08/19/1994 \$248,667

Inst# / Type

08/19/1994 \$248,667



SITE PLAN

# For Sale or Lease



Lot Size: 5.92 AC Zoning: IH Parcel #: 050116 00016C

#	Property Type	Construction	SF	Clear Height	Year Built	Sprinkler
1	Office building	Wood-frame	1,920	N/A	1969	No
2	Storage warehouse	Pre-eng. steel	26,660	32′	1995	Yes
3	Storage building	Pre-eng. steel	1,230	14′	2004	No
4	Dry kiln	Masonry	4,592	26′	1995/1996	No
5	Storage building	Pre-eng. steel	448	12′	1995	No
6	Open-air shed	Pre-eng. steel	3,330	23′	1995	No
7	Storage warehouse	Pre-eng. steel	6,804	23′	1969	No
8	Storage warehouse	Pre-eng. steel	12,820	27′	2009	No
9	Storage warehouse	Pre-eng. steel	14,300	21′	1996	No

7975 Stage Hills Boulevard, Suite 1 Memphis, Tennessee 38133 Tel (901) 377 - 9984 efiglobal.com



November 8, 2024

Planning Director Division of Planning and Development 125 N. Main Street, Suite 477 Memphis, TN 38103

Subject: Survey Exemption 2401 Harbor Avenue Recycling Facility – Special Use Permit Memphis, TN

Dear Planning Staff:

We are requesting an exemption from the survey requirement since this is an existing facility.

Please let us know if you have any questions regarding the intent of this project.

Sincerely,

Roy D Jamica

Roy D. Lamica, P.E. EFI Global



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.



24043552

05/28/2024 - 02:29:52 PM

5 PGS	
ALLYSON 2705904 - 24043552	
VALUE	1455000.00
MORTGAGE TAX	0.00
TRANSFER TAX	5383.50
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	5411.50

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100

Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov

	2401 Harbor Avenue	First Harbor	050116 00016C
a			020110 000100
	Memphis, TN 38113	Property, LLC	
11 McKenzie Drive		1111 McKenzie Drive	
ussellville, AR 72802		Russellville, AR 72802	
· ·			
	1 McKenzie Drive	1 McKenzie Drive	1 McKenzie Drive 1111 McKenzie Drive

#### SPECIAL WARRANTY DEED

THIS INDENTURE is made and entered into effective as of this 24 day of May, 2024, by and between WALTER M. FIELDS LUMBER CO., INC., a Tennessee corporation (collectively, "<u>Grantor</u>"), and FIRST HARBOR PROPERTY, LLC, an Arkansas limited liability company ("<u>Grantee</u>").

#### WITNESSETH:

THAT for and in consideration of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the said Grantee the following described real estate situated and being in Shelby County, Tennessee to, wit:

All of that certain real estate described on <u>Exhibit A</u> attached hereto and incorporated herein by this reference (the "<u>Real Estate</u>").

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

Subject to the permitted exceptions set out on <u>Exhibit B</u> hereto, Grantor will warrant and forever defend title to the Real Estate against the lawful claims of all persons claiming by, through or under Grantor, but not further or otherwise.

As used herein, pronouns shall be construed according to their gender and number according to the context thereof.

This Special Warranty Deed may be executed in one or more counterparts.

[Signature Page Follows]

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

WALTER M. FIELDS LUMBER CO., INC.

Name: Walter M. Eields, III Title: President and Secretary

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, Kristing W. Keno, a Notary Public in and for the State and County aforesaid, personally appeared Walter M Fields, III, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the President and Secretary of WALTER M. FIELDS LUMBER CO., INC., the within named bargainor, a Tennessee corporation, and that he as such President and Secretary, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such President and Secretary.

WITNESS my hand and seal at office this  $\underline{33}$  day of May, 2024.

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



#### **AFFIDAVIT OF VALUE**

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 One Million Four Hundred Fifty-Five Thousand Dollars (\$1,455,000.00), which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

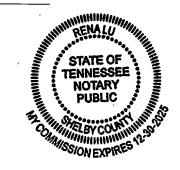
Grantor/Affiant

Subscribed and sworn to before me this  $24^{7h}$  day of May, 2024.

Nena Lu

Notary Public

My Commission Expires:



#### **EXHIBIT A** TO SPECIAL WARRANTY DEED

#### Legal Description

#### LAND SITUATED IN SHELBY COUNTY, TENNESSEE:

Lots 349, 350, 351, 352 and 353, Resubdivision of Lot "A", Second Addition, Memphis and Shelby County Port Commission Industrial Subdivision, as shown on plat of record in Plat Book 25, Page 56, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said Land.

Being the same property conveyed to Walter M. Fields Lumber Co., Inc. by Warranty Deed of record at Instrument No. EP-5438, dated August 19, 1994 and recorded August 19,1994, in the Register's Office of Shelby County, Tennessee.

#### **EXHIBIT B** TO SPECIAL WARRANTY DEED

#### Permitted Exceptions

- 1. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Real Estate.
- 2. Taxes or special assessments which are not shown as existing liens by the public records.
- 3. City of Memphis and Shelby County taxes for the year 2024 and thereafter, liens, not yet due or payable.
- 4. Subdivision restrictions, building lines and easements of record in Plat Book 25, Page 56, in the Register's Office of Shelby County, Tennessee.
- 5. Easement(s) of record at Instrument Nos. F2-4905 and F2-4906, in the aforesaid Register's Office.
- 6. Railroad Lead Lines of record at Instrument No. J3-5046, in the aforesaid Register's Office.
- 7. Subject to easements or rights associated with any railroad adjoining the Real Estate, including any right to expand the right-of-way to the full extent of any charter or as set out in T.C.A. 65-6-109 or similar statute.
- 8. Lawsuit at Docket No. CH-23-1335 filed in the Chancery Court of Shelby County, Tennessee.

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

Planning & Development DIVISION

#### Planning & Zoning COMMITTEE: 01/7/2025

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

	DATE
PUBLIC SESSION:	<u>01/21/2025</u>
	DATE

				DATE		
ITEM (CHECK ONE) ORDINANCE	X RESOLUT	ΓΙΟΝ	REQUEST FOR	PUBLIC HEARING		
ITEM DESCRIPTION:	Resolution pu a special use p	Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 4055 and 4025 Poplar Avenue and 4007 and 3950 Central Avenue, known as case number SUP 2024-046				
CASE NUMBER:	SUP 2024-046					
LOCATION:	4055 and 4025 Poplar Avenue and 4007 and 3950 Central Avenue					
<b>COUNCIL DISTRICTS:</b>	District 5 and	Super Dist	rict 9 – Positions 1, 2	2, and 3		
<b>OWNER/APPLICANT:</b>	Second Presbyterian Church					
<b>REPRESENTATIVE:</b>	Ron Hickman					
<b>REQUEST:</b>	To allow a seminary as an additional principal use					
AREA:	+/-18.12 acres					
<b>RECOMMENDATION:</b>				ecommended Approval with conditions Approval with conditions		
RECOMMENDED COUNC				<mark>d</mark>		
PRIOR ACTION ON ITEM: (1)		AI		PROVED (2) DENIED		
12/12/2024			DATE			
(1) Land Use Control Board			ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE			
FUNDING: (2) \$ \$ SOURCE AND AMOUNT O \$		AN	EQUIRES CITY EX MOUNT OF EXPEN EVENUE TO BE RE PERATING BUDGE	ECEIVED		
\$		CI	CIP PROJECT #			
<u>\$</u>		FE	DERAL/STATE/O	THER		
ADMINISTRATIVE APPRO	OVAL:		<u>DATE</u>	POSITION		
				PLANNER I		
				DEPUTY ADMINISTRATOR		
				ADMINISTRATOR		
				DIRECTOR (JOINT APPROVAL)		
				COMPTROLLER		
				FINANCE DIRECTOR		
				_ CITY ATTORNEY		
				CHIEF ADMINISTRATIVE OFFICER		
				COMMITTEE CHAIRMAN		



Memphis City Council Summary Sheet

#### SUP 2024-046

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 4055 AND 4025 POPLAR AVENUE AND 4007 AND 3950 CENTRAL AVENUE KNOWN AS CASE NUMBER SUP 2024-046

- This item is a resolution with conditions for a special use permit to allow a seminary as an additional principal use; and
- The item may require future public improvement contracts.

## LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 12, 2024* the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2024-046		
LOCATION:	4055 and 4025 Poplar Avenue and 4007 and 3950 Central Avenue		
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Second Presbyterian Church		
REPRESENTATIVE:	Ron Hickman		
REQUEST:	To allow a seminary as an additional principal use		
EXISTING ZONING:	Residential Single-Family – 10 (R-10) and Residential Corridor Overlay (-RC)		
AREA:	+/- 18.12 acres		

The following spoke in support of the application: None

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

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

#### The motion passed by a vote of 9-0 on the consent agenda.

Respectfully,

Chloe Christion

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

Cc: Committee Members File

#### SUP 2024-046 CONDITIONS

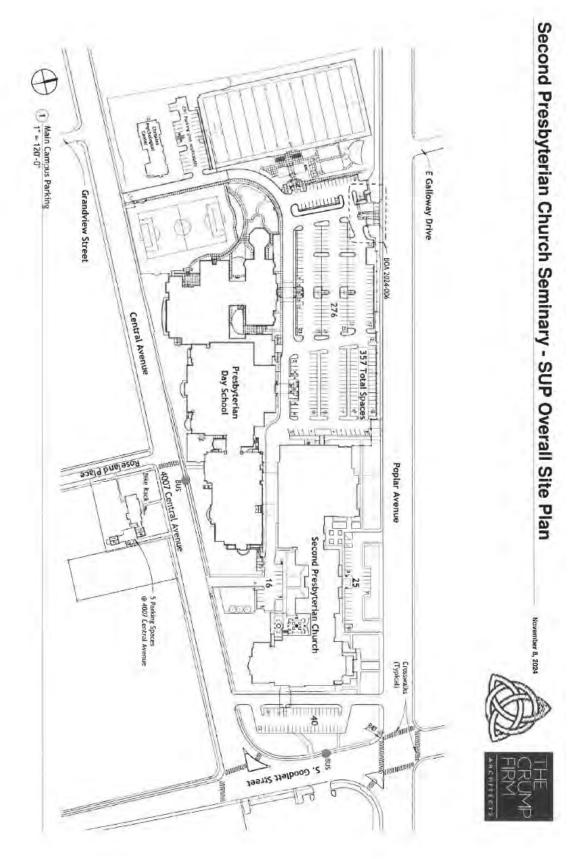
#### 1. Parcel #044113 00087C (4025 and 4055 Poplar Avenue and 3950 Central Avenue)

- a. Any minimum parking requirement for a seminary use on this parcel may be met using the existing parking spaces shown on the final site plan based on the shared parking analysis provided by the applicant.
- b. Any signage is subject to the requirements of UDC Chapter 4.9, except no LED or other forms of electronic messaging are permitted.

#### 2. Parcel #046047 00018 (4007 Central Avenue)

- a. A minimum of five parking spaces shall be shown on the final site plan including how parking credits/reductions were used per the requirements of the Unified Development code.
- b. A portion of the floor area of the facility shall include instructional space.
- c. The facility shall maintain its residential appearance and character.
- d. Any signage is subject to the requirements of UDC Chapter 4.9 except no LED or other forms of electronic messaging are permitted. No attached or detached signage is permitted along Roseland Place.
- e. A Class 1 Type C Buffer shall be installed along the south property line or an equivalent alternative including existing vegetation subject to the approval of the Division of Planning and Development.

SITE PLAN



3

#### RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 4055 AND 4025 POPLAR AVENUE AND 4007 AND 3950 CENTRAL AVENUE, KNOWN AS CASE NUMBER SUP 2024-046

**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**, Second Presbyterian Church filed an application with the Memphis and Shelby County Division of Planning and Development to allow a seminary as an additional principal use and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 12, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

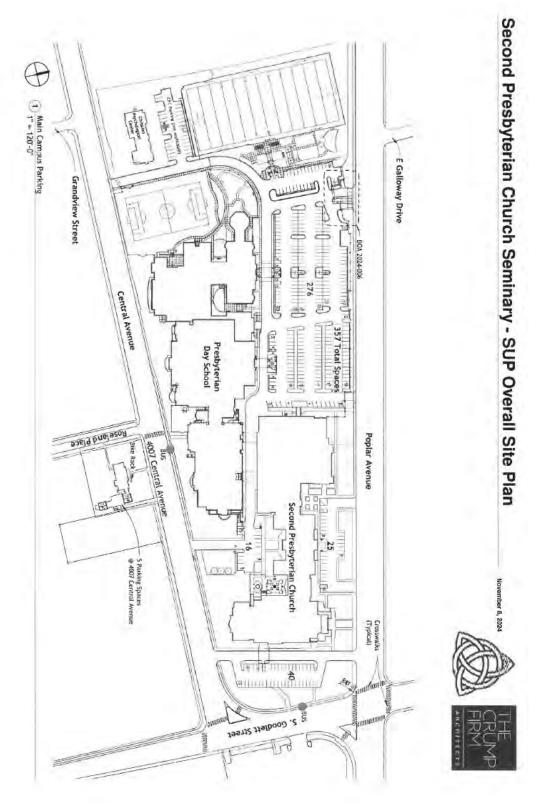
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

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

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

#### CONDITIONS

- 1. Parcel #044113 00087C (4025 and 4055 Poplar Avenue and 3950 Central Avenue)
  - a. Any minimum parking requirement for a seminary use on this parcel may be met using the existing parking spaces shown on the final site plan based on the shared parking analysis provided by the applicant.
  - b. Any signage is subject to the requirements of UDC Chapter 4.9, except no LED or other forms of electronic messaging are permitted.
- 2. Parcel #046047 00018 (4007 Central Avenue)
  - a. A minimum of five parking spaces shall be shown on the final site plan including how parking credits/reductions were used per the requirements of the Unified Development code.
  - b. A portion of the floor area of the facility shall include instructional space.
  - c. The facility shall maintain its residential appearance and character.
  - d. Any signage is subject to the requirements of UDC Chapter 4.9 except no LED or other forms of electronic messaging are permitted. No attached or detached signage is permitted along Roseland Place.
  - e. A Class 1 Type C Buffer shall be installed along the south property line or an equivalent alternative including existing vegetation subject to the approval of the Division of Planning and Development.



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

# dpd STAFF REPORT

L.U.C.B. MEETING: December 12, 2024

AGENDA ITEMI.	
CASE NUMBER:	SUP 2024-046
LOCATION:	4055 Poplar Avenue and 4007 Central Avenue
COUNCIL DISTRICT:	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Second Presbyterian Church of Memphis
REPRESENTATIVE:	J. Ronald Hickman
REQUEST:	Special use permit to allow a seminary as an additional principal use
EXISTING ZONING:	Residential Single-Family – 10 (R-10) and Residential Corridor Overlay (-RC)

### CONCLUSIONS

AGENDA ITEM:

17

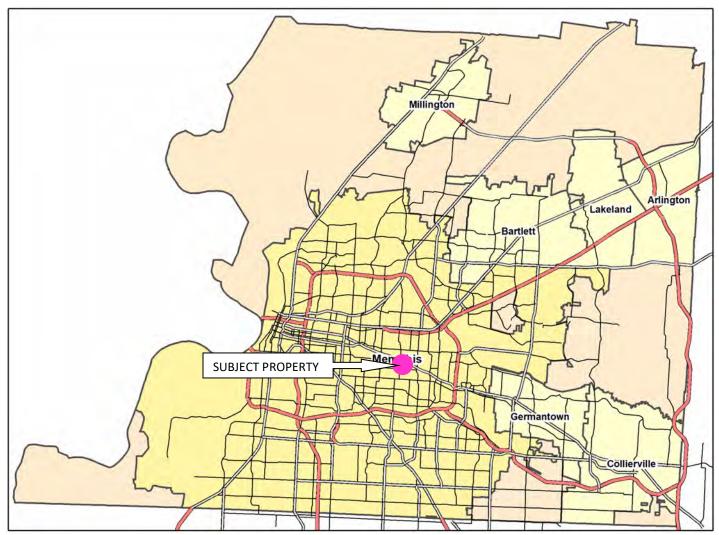
- 1. If approved, this Special Use Permit would allow for Second Presbyterian Church and Memphis City Seminary to operate as joint principal uses on the main campus parcel #044113 00087C and allow the church's property at parcel #046047 00018 to be utilized as instructional and office space for Memphis City Seminary.
- 2. Memphis City Seminary currently uses office and classroom space on the main campus. The main campus includes addresses 4055 and 4025 Poplar and 3950 Central Avenue. The second parcel is 4007 Central Avenue at the corner of Rosewood Place and Central Avenue and is directly to the south of the main campus.
- 3. Per Section 8.5.2 of the Unified Development Code, civic uses may be permitted by right or through the special use permit process within a designated Residential Corridor Overlay. A seminary is considered an "Educational Facility," as a Civic Use category, thus requiring a Special Use Permit in R-10 zoning.
- 4. Regarding parking, the provided alternative parking plan utilizes existing parking on the main campus of the church as well as parking provided to the rear of the proposed instructional building at 4007 Central Avenue for seminary use. A bike rack is also provided at the proposed instructional building.
- 5. 4007 Central Avenue contains an existing single-family home with 2,074 square feet of floor area. Not including the existing garage space, a net floor area of 1,623 square feet is provided. A parking requirement of one space per 300 square feet of floor area yields a minimum requirement of six spaces. The applicant has chosen to add a bike rack which reduces the minimum parking requirement to 5 spaces. Thus, since there are five spaces provided, there is no need to construct new parking spaces on the site.
- 6. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

#### CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 20-25 of this report.

#### **RECOMMENDATION:**

#### Approval with conditions



Subject property located within the pink circle

#### PUBLIC NOTICE VICINITY MAP



Subject properties outlined in red.

#### **PUBLIC NOTICE DETAILS**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 221 notices were mailed on November 21, 2024, and 221 corrected notices were mailed December 2, 2024, see pages 26-27 of this report for a copy of said notices. Additionally, three signs were posted at the subject property, see page 28 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on Tuesday, November 26, 2024, at Second Presbyterian Church, 4055 Poplar Avenue.

#### AERIAL



Subject properties outlined in yellow, imagery from 2023

#### ZONING MAP



Subject properties highlighted in yellow

#### LAND USE MAP



Subject properties indicated by pink stars

#### SITE PHOTOS



View of 4007 Central Avenue from Central Avenue facing south.



View of 4007 Central Avenue from the corner of Roseland Place and Central Avenue.



View of 4055 Poplar Avenue from rear exit-only drive on Central Avenue facing north.

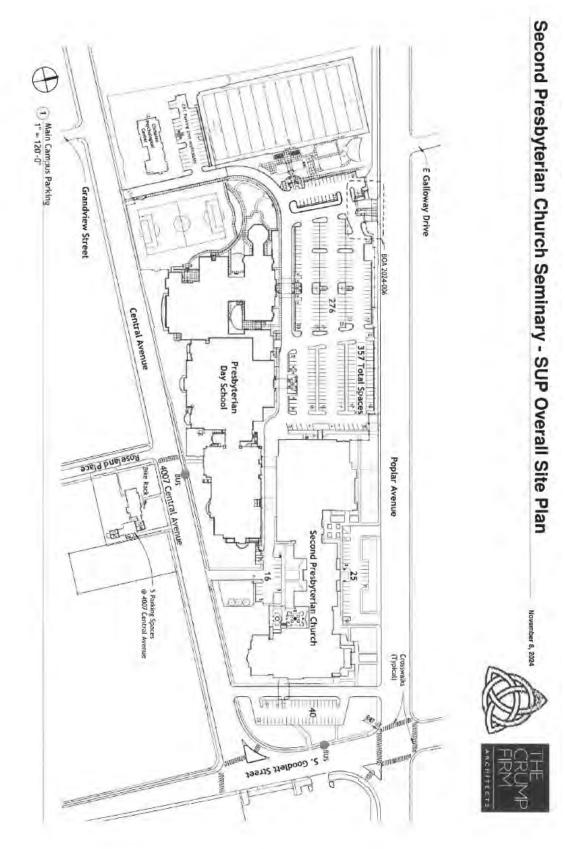


View of main entrance of Second Presbyterian Church at 4055 Poplar Avenue form the corner of Poplar Avenue and Goodlett Street.

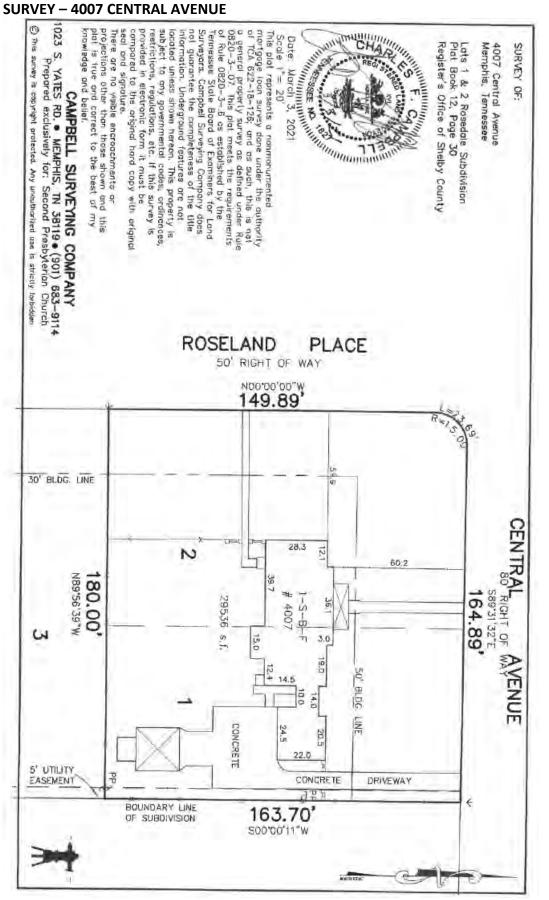


Additional view of 4055 Poplar Avenue from Poplar Avenue.

#### SITE PLAN



#### SURVEY - 4007 CENTRAL AVENUE



#### ALTERNATIVE PARKING PLAN



Second Presbyterian Church SPECIAL USE PERMIT – SEMINARY USE ALTERNATIVE PARKING PLAN 11/8/24

#### INTRODUCTION

The purpose of this report is to present an Alternative Parking Plan for weekday utilization at the existing Second Presbyterian Church main campus (2PC), which also includes Presbyterian Day School - Pre-K through 6 (PDS), at the intersections of Poplar Avenue, Goodlett St., and Central Avenue. The study is undertaken to demonstrate sufficient parking facilities to accommodate the church, and school uses (focusing on weekday periods).

#### UTILIZATION

- Both 2PC and PDS have functioned on this site together since 1949
- Normal hours of operation are 8:00 AM to 6:00 PM for church; 8:00 AM to 3:30 PM for school
- Both institutions have planning and scheduling systems in place to optimize use and avoid conflicts
- The nature of PDS activities on campus is very constant through the week.
- The nature of church activities on campus is that they vary throughout the week occurring in highly multi-use spaces. They are staggered from other similar events, typically on different days from each other. The activities typically have short durations (usually 1 to 2 hours) allowing for flexibility and parking turnover throughout the day.

This alternative plan addresses **weekday uses** on the main campus. As such, many important uses for the church and the school occur outside of this time frame and thus do not have concurrent parking needs. These "off-hours" uses may be excluded from the weekday parking demand, and are as follows:

#### OFF-HOUR USES

CHURCH USES - OFF-HOURS (ample parking is available for these uses)

- MAIN WORSHIP SERVICES ON SUNDAYS existing capacity exceeds UDC requirement and is non-concurrent with other activities.
- WEDNESDAY NIGHT CHURCH SERVCES and gatherings occur after normal working hours.
- LARGE BIBLE CLASS occurs between 6 AM and 8 AM, non-concurrent with other weekday uses.
- SEMINARY CLASSES AND MEETINGS: weekend and after-hour activities are non-concurrent with other uses. Weekday classes (3 classes with 18 students each) are held between 4 and 6:30 PM, after peak school and church times.
- BOY SCOUTS (40 boys): meets at 5 PM, after normal hours.
- MOTHERS' DAY OUT childcare: this is a drop-off care arrangement, so the parking demand is limited to church staff, and parents drop off children in a drive-up que arrangement.

SCHOOL USES - OFF-HOURS

- Special all-school assemblies with families: these occur twice per year with special scheduling and parking logistics and are not concurrent with other planned campus activities.
- Team games: these are seasonal but occur after school hours, and they have limited bleacher capacity with minimal and non-concurrent parking demand.

#### WEEKDAY UTILIZATION

PDS SCHOOL USE: School periods are highly consistent through the week with faculty and staff at a consistent 120 parking space utilization. PDS parking is zoned at the west end of the main parking lot fronting Poplar. After school is dismissed, between 3 PM and 4 PM, the school portion of the lot becomes fully available.

School drop-off and pick up durations are 7:15 AM to 8:15 AM, and 2:45 PM to 3:30 PM. This process is facilitated by security guards and staff and does not conflict with any peak church parking needs.

#### SECOND PRESBYTERIAN CHURCH - WEEKDAY PEAK

2PC ministers and staff have different/staggered work schedules and are often off-campus. As a result, parking needs are approximately 70% of the staff count, or 52 spaces. As mentioned, 2PC hosts a wide variety of meetings, classes, and activities. Most are small gatherings, and carefully scheduled through a calendar management system to avoid conflicts (eSpace).

The alternative parking plan for weekday church use on campus will therefore be based upon a peak demand assessment recognizing both the staff requirement as well as the diversity factors for meetings mentioned above. There are two high parking demands for weekday activities: occasional funeral services in the Chapel (factored demand of 160 parking spaces); and Women's Bible Study on Tuesday, 9-11 AM (factored demand of net 180 spaces). Since the Bible Study meeting governs, the 2PC parking demand is 52 staff spaces plus 180 meeting spaces = 232 church spaces total.

#### CONCLUSION

Again, no other 2PC activities will be scheduled concurrently with these peak period church events. From a school standpoint, weekday school parking is essentially static with no peak weekday demand.

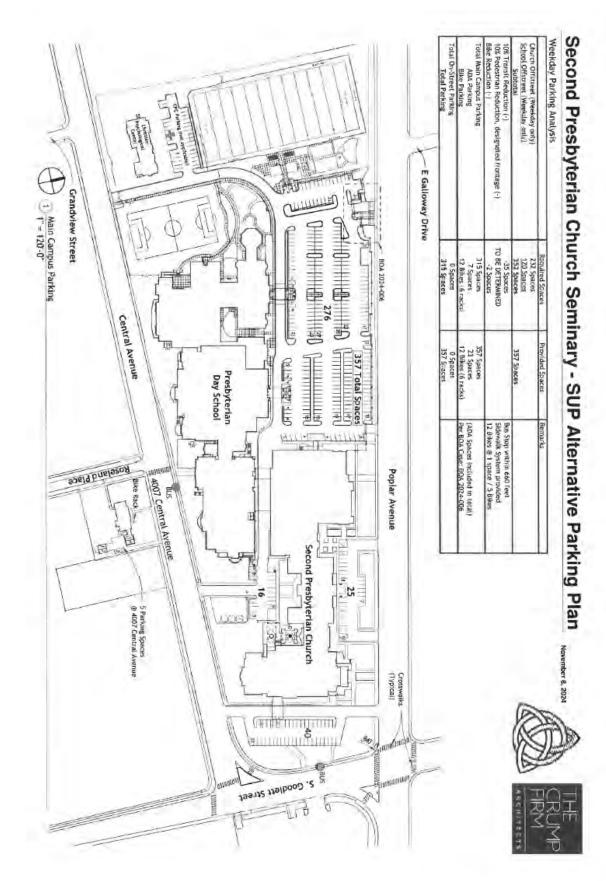
The campus design also promotes alternative transportation, through bicycle racks (for 12), access to bus stops on 2 of the 3 street frontages, and promoting pedestrian access from neighboring residential areas with 14 separate pedestrian access points into the campus. Consequently, there are required parking credits for bike spaces and for transit access.

Sincerely,

1/d A fleel

Walt Reed, AIA Vice President – Architecture The Crump Firm, Inc. Architects | Planners | Designers

81 MONROE AVE | SUITE 100 | MEMPHIS, TN 38103 | CRUMPFIRM.COM | 901.525.7744



#### **CASE REVIEW**

#### **Request**

The request is a special use permit to allow a seminary as an additional principal use.

#### Approval Criteria

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

#### 9.6.9 Approval Criteria

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

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

#### Site Details

Addresses: 4055 Poplar Avenue & 4007 Central Avenue

Parcel IDs: 044113 00087C and 046047 00018

Area: +/-18.12 acres

December 12, 2024 Page 16

#### Description:

The subject properties are 4055 Poplar Avenue, a +/- 17 acre site home to Second Presbyterian Church main campus, and 4007 Central Avenue a +/- 29,010 square foot site containing a one-story single-family residence under ownership of the church. The main campus has three street frontages on Poplar Avenue, Central Avenue, and South Goodlett Street. The secondary site is on a corner lot with two street frontages on Central Avenue and Rosewood Street.

#### Site Plan Review

There are no proposed changes to the existing physical nature of the site.

### <u>Analysis</u>

If approved, this Special Use Permit would allow for Second Presbyterian Church and Memphis City Seminary to operate as joint principal uses on the main campus parcel #044113 00087C and allow the church's property at parcel #046047 00018 to be utilized as instructional and office space for Memphis City Seminary.

Memphis City Seminary currently uses office and classroom space on the main campus. The main campus includes addresses 4055 and 4025 Poplar and 3950 Central Avenue. The second parcel is 4007 Central Avenue at the corner of Rosewood Place and Central Avenue and is directly to the south of the main campus.

Per Section 8.5.2 of the Unified Development Code, civic uses may be permitted by right or through the special use permit process within a designated Residential Corridor Overlay. A seminary is considered an "Educational Facility," as a Civic Use category, thus requiring a Special Use Permit in R-10 zoning.

Regarding parking, the provided alternative parking plan utilizes existing parking on the main campus of the church as well as parking provided to the rear of the proposed instructional building at 4007 Central Avenue for seminary use. A bike rack is also provided at the proposed instructional building.

4007 Central Avenue contains an existing single-family home with 2,074 square feet of floor area. Not including the existing garage space, a net floor area of 1,623 square feet is provided. A parking requirement of one space per 300 square feet of floor area yields a minimum requirement of six spaces. The applicant has chosen to add a bike rack which reduces the minimum parking requirement to 5 spaces. Thus, since there are five spaces provided, there is no need to construct new parking spaces on the site.

The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

#### RECOMMENDATION

Staff recommends approval with the following conditions.

#### **Conditions:**

## 1. Parcel #044113 00087C (4025 and 4055 Poplar Avenue and 3950 Central Avenue)

- a. Any minimum parking requirement for a seminary use on this parcel may be met using the existing parking spaces shown on the final site plan based on the shared parking analysis provided by the applicant.
- b. Any signage is subject to the requirements of UDC Chapter 4.9, except no LED or other forms of electronic messaging are permitted.

### 2. Parcel #046047 00018 (4007 Central Avenue)

- a. A minimum of five parking spaces shall be shown on the final site plan including how parking credits/reductions were used per the requirements of the Unified Development code.
- b. A portion of the floor area of the facility shall include instructional space.
- c. The facility shall maintain its residential appearance and character.
- d. Any signage is subject to the requirements of UDC Chapter 4.9 except no LED or other forms of electronic messaging are permitted. No attached or detached signage is permitted along Roseland Place.
- e. A Class 1 Type C Buffer shall be installed along the south property line or an equivalent alternative including existing vegetation subject to the approval of the Division of Planning and Development.

#### **DEPARTMENTAL COMMENTS**

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

#### **City Engineer:**

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

#### Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

#### Roads:

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

#### **Traffic Control Provisions:**

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

#### Curb Cuts/Access:

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

December 12, 2024 Page 19

## Drainage:

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

City Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.

#### **Office of Comprehensive Planning:**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-046 University. The analysis is divided into two separate sections for 4055 Poplar (Parcel 044113 00087C) and 4007 Central (Parcel 046047 00018) below.

# Site Address/Location: 4055 Poplar (Parcel 044113 00087C)

Overlay District/Historic District/Flood Zone: It is located in a Residential Corridor, but not in a Historic District, or Flood Zone Future Land Use Designation: Public & Quasi-Public Buildings & Uses (PQP) Street Type: local

The applicant is requesting a special use permit to approve Memphis City Seminary as a Principal Use on the Property of Second Presbyterian Church.

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

Civic buildings, schools, religious institutions, community facilities, plazas and other gathering spaces. Graphic portrayal of PQP is to the right.



# "PQP" Form & Location Characteristics

Recreational and Institutional uses. Redevelopment where PQP is applied on the Future Land Use Map should consider initially development consistent with the surrounding land use type.

# "PQP" Zoning Notes

Generally compatible with the following zone districts: CIV, CBD (compatible only in the greater downtown area) in accordance with form and characteristics listed above.

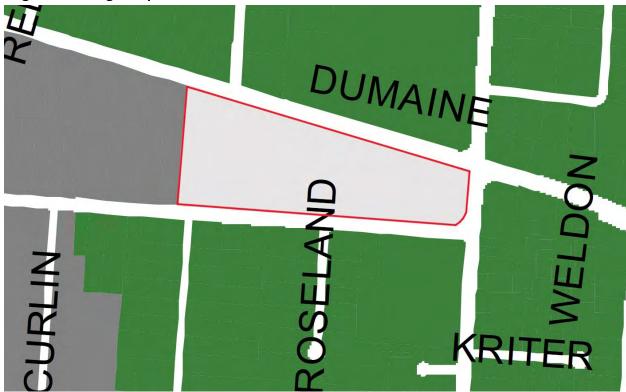
# Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Institutional, R-10

Adjacent Land Use and Zoning: Single-Family, R-8, R-10,

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

3. Degree of Change Map



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

4. Degree of Change Description

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

N/A

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

It is consistant with the goals and objectives of the Public & Quazi-Public Buildings & Uses Future Land Use category. "Civic buildings, schools, religious insitutions, community facilities... contributing to anchors, anchor neighborhoods and residential communities."

### **Consistency Analysis Summary**

The applicant is requesting a special use permit to approve Memphis City Seminary as a Principal Use on the Property of Second Presbyterian Church.

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

It is consistant with the goals and objectives of the Public & Quazi-Public Buildings & Uses Future Land Use category. "Civic buildings, schools, religious insitutions, community facilities... contributing to anchors, anchor neighborhoods and residential communities."

This application is considering two parcels this review is only for parcel 044113 00087C

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

Summary Compiled by: Christina Edingbourgh, Comprehensive Planning.

Staff Report	December 12, 2024
SUP 2024-046	Page 23

#### Site Address/Location: 4007 Central (Parcel 046047 00018)

Overlay District/Historic District/Flood Zone: It is located in a Residential Corridor, but not in a Historic District, or Flood Zone Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S) Street Type: local

The applicant is requesting a special use permit to approve Memphis City Seminary as a Principal Use on the Property of Second Presbyterian Church.

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-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



## "AN-S" Form & Location Characteristics

### ACCELERATE

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

#### "AN-S" Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed above.

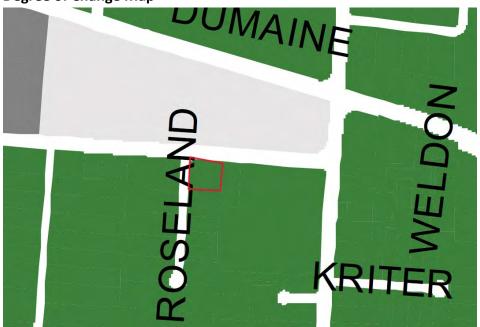
### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, R-10

Adjacent Land Use and Zoning: Institution Single-Family, R-8, R-10,

**Overall Compatibility:** This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes. However, it is consistent with the existing, adjacent land use particularly 3993 Central which is an institutional use with parking in a single-family residential building.

### 3. Degree of Change Map



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

# 4. Degree of Change Description

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

NA

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

NA

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

NA

December 12, 2024 Page 25

#### **Consistency Analysis Summary**

The applicant is requesting a special use permit to approve Memphis City Seminary as a Principal Use on the Property of Second Presbyterian Church.

This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes. However, it is consistent with the existing, adjacent land use particularly 3993 Central which is an institutional use with parking in a single-family residential building.

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

This application is considering two parcels this review is only for parcel 046047 00018

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

Summary Compiled by: Christina Edingbourgh, Comprehensive Planning.

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property that considered at Shelby County attend this hea speak for or ag of comment to	is near the site an upcoming pu Land Use Cont aring, but you a gainst this appli	of a development application to be ublic hearing of the Memphis and rol Board. You are not required to re invited to do so if you wish to cation. You may also submit a letter ner listed below no later than	
CASE NUMBER: ADDRESS: REQUEST: APPLICANT:	4055 Poplar Special Use P principal use	- Ave & 4007 Central Ave 'ermit to allow a seminary as an additional	
	A CONTRACT OF A	Time: 9:00 AM Date: Thursday, Dec. 13, 2024	
Staff Planner ( Chloe Christion ☑ chloe.chris ᢏ (901) 636-	n tion@memphis	stn.gov	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

# CORRECTED PUBLIC NOTICE

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weanesday, De	cember 4, 2024 at 8 AM.		COR.	
CASE NUMBER:	SUP 2024-046	. 10.		Carrier Contra
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APPLICANT:	principal use Second Presbyterian Church of M	/emphis		
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Location: Council	Chambers <b>Time:</b> 9:00	19.		Robinsoci Cove
Meeting Details Location: Council City Hal 125 N M	Chambers Time: 9:00	rsday Dec. 12 , 2024	white the million	P. Brennwest Core
Location: Council City Hal	Chambers Time: 9:00	rsday Dec. 12, 2024	La Land	
Location: Council City Hal 125 N M Staff Planner Co	Chambers Time: 9:00 1 st Floor Iain St. Date: Thur		un more about this as	
Location: Council City Hal 125 N M Staff Planner Co Chloe Christion	Chambers Time: 9:00 1 st Floor Iain St. Date: Thur	To lea	arn more about this pr ct the staff planner or	oposal, use the

#### **SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County State of Tennessee

I, J. Ronald Hickman , being duly sworn, depose and say that at 3.00 pm am/pm on the 2nd day of December , 2024 , I posted 3 Public Notice Sign(s) pertaining to Case No. SUP 2024-046 at 4025 & 4055 Poplar and 4007 Central

providing notice of a Public Hearing before the (check one):

X 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 horeto.

Owner, Applicant or Representative Subscribed and sworm to before me this 3 day of December (2024)

Notary Public

My commission expires: 12-20-25



#### APPLICATION



# Memphis and Shelby County Division of Planning and Development

East Service Center, 6465 Mullins Station Rd, Memphis, Tennessee 35134 Downtown Service Center, 125 N, Main Street, Memphis, Tennessee 36103

website' www.develop901.com

#### **Record Summary for Special Use Permit**

Record Detail Information

Record Type: Special Use Permit.

Record Status: Assignment Opened Date: November 8, 2024

Record Number: SUP 2024-046

Expiration Date:

Record Name: SECOND PRESBYTERIAN CHRICH OF MEMPHIS, TN

Description of Work: REQUESTING A SPECIAL USE PERMIT TO APPROVE MCS AS A PRINCIPAL USE ON THE PROPERTY OF SECOND PRESBYTERIAN CHURCH. TWO PRINCIPAL USE SITES ARE REQUESTED; ONE ON PARCEL #044113 00087C AND ON ON PARCEL #046047 00018. THESE TWO PARCELS INCLUDE 4055 POPLAR, 4025 POPLAR, AND 3950 CENTRAL IN THE FIRST PARCEL, AND 4007 CENTRAL IN THE SECOND PARCEL

Parent Record Number:

#### Address;

4055 POPLAR AVE, MEMPHIS 38111

#### **Owner Information**

Primary Owner Name

Y SECOND PRESBYTERIAN CHURCH OF MEMPHIS

Owner Address

4055 POPLAE AVE, MEMPHIS, TN 38111

Parcel Information

044113 00087C

#### Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION

Application Type List any relevant former Docket / Case NORMAN SALIBA 11/08/2024 In Person

New Special Use Permit (SUP)

Page 1 of 3

SUP 2024-046

Owner Phone

GENERAL PROJECT INFORMATION	
Number(s) related to previous applications on this site	
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA	-
A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare	NO NEW BUILDING, BUILDING ADDITION, OR NEW PARKING IS BEING CONSTRUCTED.
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	THE EXISTING STRUCTURES ON THE PARCELS WILL REMAIN UNCHANGED
regulations UDC Sub-Section 9.6.9C	ANY MINUMUM PARKING REQUIREMENTS FOR
000 300-360101 9.6.90	THE SEMINARY USE MAY BE MET BY USING EXISTING PARKING SHOWN ON THE SITE PLAN AND SURVEY FOR BOTH PARCELS.
UDC Sub-Section 9.6.9D	NO EXISTING FEATURES AS DESCRIBED WILL BE ALTERED OR REMOVED.
UDC Sub-Section 9.6.9E	SUCH CONDITIONS INCLUDE THE USE OF 4007 CENTRAL AVE. FOR CLASSROOMS AND OFFICES; ITS PARKING IS SHOWN ON THE ATTACHED SURVEY. THE RESIDENT APPEARANCE AND CHARACTER WILL BE UNCHANGED SUBJECT TO UDC 4.9. LANDSCAPING ON THE SOUTH LINE OF 4007 CENTRAL EXCEEDS THE CLASS 1 - BUFFER TYPE.
UDC Sub-Section 9.6.9F	THERE WILL BE NO CHANGES TO THE EXTERIOR OF 4007 CENTRAL OR TO BUILDING ON 4055 POPLAR IN CONNECTION WITH THE SEMINARY'S PRINCIPAL USE TO BE PERMITTED ON THE SITE. EVERY INTENT IS TO PRESERVE EXISTING CONDITIONS.
GIS INFORMATION	
Case Layer	BOA1985-061, BOA1957-114-CI
Central Business Improvement District	No
Class Downtown Fire District	E No
Historic District	-

SUP 2024-046

Phone (901)483-651						
Address					REPRES	ENTATIVE
Name RON HICKM	AN				Contac	
Phone (901)289-337	5					
Address						
Name 50B COLEMAN					Contac APPLICA	
Contact In	Normation	====				
City Cou	ncil Super District		-			
	ncil District		Yes			
	d Protection Overlay District Commission District					
	Development District					
Lot			DUBOSE S/D			
		182				
State Ro	ute		1			
Municipality Overlay/Special Purpose District Zoning		R-10				
Land Use		INSTITUTIONAL				

SUP 2024-046

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY 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.

bet Colema (Print Name

(Sign Name) "Owner" as outlined in the Memphis and Shelpy 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 \_4007 and further identified by Assessor's Parcel Number 04604 700018

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

Subscribed and sworn to (or affirmed) before me this

Signature of Notary Public

STATE OF TENNESSEE

fate that I have read the definition of

My Commission Expires

day of November in the year of 2024

LETTER OF INTENT

#### Second Presbyterian Church Memphis. TN

November 4, 2024

Division of Planning and Development 125 N. Main, Suite 468 Memphis, TN 38103

Subject: Letter of Intent Special Use Permit Application Memphis City Seminary

Memphis City Seminary was established in 2019 under the authority of Second Presbyterian Church. It was assumed that a seminary would be an accessory use to the existing principal church use until recently informed by the Division of Planning and Development in doing due diligence for seminary use of church property at 4007 Central Avenue that the Unified Development Code requires that a seminary on a church site be regulated as a separate principal use approved by a Special Use Permit. This letter, then, is to cover an application requesting a SUP for Memphis City Seminary to be approved as a permitted principal use on 2PC property comprised of parcels # 04411300087C and # 04604700018. These two parcels include 4055 Poplar, 4025 Poplar and 3950 Central in the first parcel and 4007 Central, the second parcel.

The current permitted uses of the church property include Second Presbyterian Church, Presbyterian Day School and the Christian Psychological Center. In addition to certain affirmations and conditions included in the formal Application, this is to clarify two additional matters. First, the seminary currently uses office and classroom space in the buildings on Second's main campus—the growth of the seminary necessitates additional classroom/meeting space as well as office space, both to be provided in the house at 4007 Central. MCS classes meet in various rooms over the campus but now need additional space. Second, the larger campus and the parcel on Central provide more than adequate parking for all the activities occurring on campus. The larger demands for parking do not overlap—the church's worship services on Sunday and the school's student attendance do not conflict. Lesser attended activities for both the church and school are scattered over the week so there is ample available parking for all in attendance. The Christian Psychological Center has its own dedicated parking Parking required by the SUP for the 4007 property will be provided on its site, as shown on the application's attachments. With a abundance of shared parking nearby (note the Recreation Fields parking lot just east of 4007), the seminary will be well served for its needs, as well as compliant with the parking credit provisions of Section 4.5.3E of the Unified Development Code.

We offer the following proposed conditions for each parcel:

Parcel #04411300087C (consisting of addresses 4025 Poplar Avenue, 4055 PoplarAvenue, and 3950 Central Avenue):

- Any minimum parking requirement for a seminary use on this parcel may be met using the existing parking spaces shown on the final site plan based on the shared parking analysis provided by the applicant.
- Any signage is subject to the requirements of UDC Chapter 4.9, except no LED or other forms of electronic messaging are permitted.

Parcel #04604700018 (consisting of 4007 Central Avenue):

- A minimum of parking spaces shall be shown on the final site plan including how parking credits/reductions were used per the requirements of the Unified Development Code.
- 2. A portion of the floor area of the facility shall include instructional space.
- 3. The facility shall maintain its residential appearance and character.
- Any signage is subject to the requirements of UDC Chapter 4.9, except no LED or other forms of electronic messaging are permitted. No attached or detached signage is permitted along Roseland Place.
- A Class 1 Type C Buffer shall be installed along the south property line. Any existing vegetation can be credited to meeting this requirement subject to the approval of the Division of Planning and Development.

We look forward to completing the process of this permit application and to answering any questions that may arise. Thanks to all involved for the excellent assistance we have received in pulling all this together.

Sincerely,

J. Ronald Hickman On behalf of Second Presbyterian Church and Memphis City Seminary Contact information:

Ron Hickman 851 Club Tower Cove Memphis, TN 38111 jrhmphs@gmail.com 901/573-5015

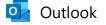
Second Presbyterian Church 4055 Poplar Memphis, TN 38111 <u>info@2pc.org</u> 901/454-0034

### LETTERS RECEIVED

Page 36

December 12, 2024

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



#### RE : sup 2024-46 - Second Presbyterian Church

From M. Ford Creech <mfcreech@bellsouth.net>

Date Tue 12/3/2024 7:59 PM

To Christion, Chloe <Chloe.Christion@memphistn.gov>

**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.

This letter in in protest to the permit to allow a seminary as an additional principal use at Second Presbyterian Church.

Many residents of this area moved here when it was primarily a high end residential area, with a church - all of which we wished to preserve.

However the church has now added a school, with highly increased traffic - enough that those us bordering on Goodlett cannot use the outside spaces due to the noise at certain times due to the school traffic.

In addition the University of Memphis has encroached on this once high end residential area with lesser housing, and not only increased the traffic, but the safety factor. This had been exhibited by the greatly increased crime rate at the university, and several nearby shootings, also related to the university. The introduction of yet another school, even as a seminary, would further increase the traffic, and with the traffic even more security issues.

Further - and possibly most importantly - the addition would change the balance of what we moved into believing to be a stable high end residential area to a more commercial type area, with a decreased home valuation, security and comfort level.

Therefore I am speaking out against this addition to Second Presbyterian Church, both now and in the future.

Best regards, Millicent Creech 4078 Baronne Way Memphis TN 38117



# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

# **Record Summary for Special Use Permit**

**Record Detail Information** 

Record Type: Special Use Permit

Record Status: Assignment Opened Date: November 8, 2024

Record Number: SUP 2024-046

Expiration Date:

Record Name: SECOND PRESBYTERIAN CHRICH OF MEMPHIS, TN

Description of Work: REQUESTING A SPECIAL USE PERMIT TO APPROVE MCS AS A PRINCIPAL USE ON THE PROPERTY OF SECOND PRESBYTERIAN CHURCH. TWO PRINCIPAL USE SITES ARE REQUESTED; ONE ON PARCEL #044113 00087C AND ON ON PARCEL #046047 00018. THESE TWO PARCELS INCLUDE 4055 POPLAR, 4025 POPLAR, AND 3950 CENTRAIL IN THE FIRST PARCEL, AND 4007 CENTRAL IN THE SECOND PARCEL.

Parent Record Number:

#### Address:

4055 POPLAR AVE, MEMPHIS 38111

#### **Owner Information**

Primary Owner Name

Y SECOND PRESBYTERIAN CHURCH OF MEMPHIS

Owner Address

4055 POPLAE AVE, MEMPHIS, TN 38111

#### **Parcel Information**

044113 00087C

#### Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION

Application Type List any relevant former Docket / Case NORMAN SALIBA 11/08/2024 In Person

New Special Use Permit (SUP)

-

**Owner Phone** 

**GENERAL PROJECT INFORMATION** Number(s) related to previous applications on this site 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 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 UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

#### **GIS INFORMATION**

Case Layer Central Business Improvement District Class Downtown Fire District Historic District NO NEW BUILDING, BUILDING ADDITION, OR NEW PARKING IS BEING CONSTRUCTED.

THE EXISTING STRUCTURES ON THE PARCELS WILL REMAIN UNCHANGED

ANY MINUMUM PARKING REQUIREMENTS FOR THE SEMINARY USE MAY BE MET BY USING EXISTING PARKING SHOWN ON THE SITE PLAN AND SURVEY FOR BOTH PARCELS. NO EXISTING FEATURES AS DESCRIBED WILL BE ALTERED OR REMOVED. SUCH CONDITIONS INCLUDE THE USE OF 4007 CENTRAL AVE. FOR CLASSROOMS AND OFFICES: ITS PARKING IS SHOWN ON THE ATTACHED SURVEY. THE RESIDENT APPEARANCE AND CHARACTER WILL BE UNCHANGED SUBJECT TO UDC 4.9. LANDSCAPING ON THE SOUTH LINE OF 4007 **CENTRAL EXCEEDS THE CLASS 1 - BUFFER** TYPE. THERE WILL BE NO CHANGES TO THE EXTERIOR OF 4007 CENTRAL OR TO BUILDING ON 4055 POPLAR IN CONNECTION WITH THE

SEMINARY'S PRINCIPAL USE TO BE PERMITTED ON THE SITE. EVERY INTENT IS TO PRESERVE EXISTING CONDITIONS.

BOA1985-061, BOA1957-114-CI No E No

GIS INFOR	MATION					
Land Use			INSTITUTIONAL			
Municipality Overlay/Special Purpose District Zoning State Route			MEMPHIS			
			-			
			R-10			
			1	1		
Lot Subdivision		1 & 2				
			DUBOSE S/E	)		
	Development District		- Yes			
	d Protection Overlay District					
•	Commission District		-			
•	ncil District		-	-		
-	ncil Super District		-			
Contact Ir	nformation					
Name BOB COLEM	AN				<u>Contac</u>	
Address TN,					APPLICA	IN I
Phone (901)289-337	5					
Name RON HICKM	AN				Contac REPRES	entative
Address TN,						
<b>Phone</b> (901)483-651	2					
Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1605253	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	11/08/2024
1605253	Special Use Permit Fee Per Acre (each acre or fraction thereof over 5 acre)	14	700.00	INVOICED	0.00	11/08/2024
		Total Fee Invo	iced: \$1,200.00	Total Ba	lance: \$0.0	00
Payment I	nformation					
Payment Amo	ount Method of I	Payment				
\$1,200.00	Check					

# MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT

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

#### LAND USE CONTROL BOARD SPECIAL USE PERMIT APPLICATION TO FILE ONLINE USE THE <u>DEVELOP 901 CITIZEN PORTAL</u>

Date: November 4, 2024

E

Previous Case/Docket #:

PLEASE TYPE OR PRINT		
Property Owner of Record: Second Presbyterian Church of Me	mphis, TNPhone #: 90	14540034
Mailing Address, 4055 Poplar Avenue	Citu/State. Memphis, TN	Zip: 38111
Property Owner Email Address: Second Presbyterian Church of	Memphis, TN	
Applicant: Bob Coleman	Phone #:	12893375
Mailing Address: 4055 Poplar Avenue	City/State: Memphis, TN	Zip: 38111
Applicant Email Address: bob.coleman@2pc.org		
Representative: Ron Hickman	Phone #: 90	15735015
Mailing Address: 4055 Poplar Avenue	City/State: Memphis, TN	
Representative Email Address: jrhmphs@gmail.com		
Architect/Engineer/Surveyor: Walt Reed	Phone #: 90	14836512
Mailing Address: 81 Monroe Ave, Suite 100	City/State:Memphis, TN	Zip: <u>38103</u>
Architect/Engineer/Surveyor Email Address: wreed@crumpfirm.co	om	
PREMISES LOCATION (Describe by street address & directional location	on description, e.g. 200 Johnsor	
of Johnson Street, 100 feet east of Brown Street): 4055 Poplar Ave	e, 4025 Poplar Ave, 3950 C	entral Ave,
and 4007 Central Ave		
Parcel ID: Parcel # 04411300087C (4055 Poplar, 4025 Poplar, 3950	Central) Parcel #04604700018	(4007 Central)
Project Name: Memphis City Seminary		
Project Description: Requesting a Special Use Permit to appre		
property of Second Presbyterian Church. Two principal us	e sites are requested; one	on Parcel
#04411300087C and one on Parcel #04604700018. Thes	e two parcels include 4055	Poplar,
4025 Poplar, and 3950 Central in the first parcel, and 4007	Central in the second pare	cel.

# Did you have a pre-application meeting with the Division of Planning and Development (DPD)? Planner: Chip Saliba Date of Meeting: 9/30/2024

Type of Special Use Permit (SUP) (check one)? 🔳 New SUP 🗌 Amendment to Existing SUP

	Area A	Area B	Area C
Acres:	17.44(#04411300087C)	.68(#04604700018)	
Existing Use of Property:	church	church	
Requested Use of Property:	seminary	seminary	
Is this application in response to a	citation, stop work order, o	or zoning letter? <b>no</b>	(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 special use permit 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: No new building, building addition, or new parking is being constructed.

- B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations: The existing structures on the parcels will remain unchanged.
- 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: Any minimum parking requirements for the seminary use may be met by using existing parking shown on the site plan and survey for both parcels.

- 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: <u>No existing features as described will be</u> altered or removed.
- E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use: Such conditions include the use of 4007 Central Ave for classrooms and offices;
   its parking is shown on the attached survey, the residential appearance and character
   will be unchanged subject to UDC 4.9, landscaping on the south line of 4007 Central
   exceeds the Class 1- Type C buffer required.
- 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: There will be no changes to the exterior of 4007 Central or to buildings on 4055 Poplar in connection with the seminary's principal use to be permitted on the site. Every intent is to preserve existing conditions.

#### LAND USE CONTROL BOARD SPECIAL USE PERMIT APPLICATION GUIDE

To file online use the Develop 901 Citizen Portal: www.aca-prod.accela.com/SHELBYCO/Default

#### **GENERAL INFORMATION**

#### UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR SPECIAL USE PERMITS:

- a) Special Use Permit UDC Chapter 9.6
- b) Special Use Permit Amendment UDC Sub-Section 9.6.12A

**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 <u>Unified Development</u> <u>Code</u> for additional information. To schedule a pre-application meeting please call Land Use and Development Services at (901) 636-6619.

**APPLICATION REVIEW PROCESS** – <u>Click here</u> to view a flowchart that explains the review process by application type, as well as the expected review time for each.

**NEIGHBOORHOOD 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 <u>Unified Development Code</u> 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' <u>webpage</u>.

APPLICATION ASSISTANCE – <u>Click here</u> to view a list of firms and individuals who frequently provide assistance with the Revised 10.09.2023

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 <u>Unified Development</u> <u>Code</u> for specific requirements. If posted notice is required, the sign <u>affidavit</u> and a photograph of each sign on the subject property are also mandatory. <u>Download</u> templates of the sign in a PowerPoint document. <u>Click here</u> 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.

**SITE 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 type and location of proposed landscaping; 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.

**SURVEY** – A stamped and sealed survey by a registered Land Surveyor or licensed Engineer of the subject property. For requests that do not involve new construction, the requirement for submitting a survey may be waived by the Division of Planning and Development.

**VICINITY MAP** – Map showing the subject property (boldly outlined) and all adjacent parcel owners. Refer to Sub-Section 9.3.4A of the <u>Unified Development Code</u> for specific notification requirements. <u>Public Notice Tool User Guide</u>.

**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. <u>Public Notice Tool</u> <u>User Guide</u>.

**DEED(S)** – Most recent deed(s) on file with <u>Shelby County Register of Deeds</u>.

#### **OWNER AFFIDAVIT** – <u>Affidavit of ownership or owner designee</u>.

#### 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.

**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.



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, full Development Code Section 12.3.1.

(Print Name) state that I have read the definition of (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 \_ 4007 Central Avenue and further identified by Assessor's Parcel Number 04604 700018 5 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_\_ day of \_\_\_\_\_\_\_

Signature of Notary Public

My Commission Expires

# Second Presbyterian Church Memphis. TN

November 4, 2024

Division of Planning and Development 125 N. Main, Suite 468 Memphis, TN 38103

Subject: Letter of Intent Special Use Permit Application Memphis City Seminary

Memphis City Seminary was established in 2019 under the authority of Second Presbyterian Church. It was assumed that a seminary would be an accessory use to the existing principal church use until recently informed by the Division of Planning and Development in doing due diligence for seminary use of church property at 4007 Central Avenue that the Unified Development Code requires that a seminary on a church site be regulated as a separate principal use approved by a Special Use Permit. This letter, then, is to cover an application requesting a SUP for Memphis City Seminary to be approved as a permitted principal use on 2PC property comprised of parcels # 04411300087C and # 04604700018. These two parcels include 4055 Poplar, 4025 Poplar and 3950 Central in the first parcel and 4007 Central, the second parcel.

The current permitted uses of the church property include Second Presbyterian Church, Presbyterian Day School and the Christian Psychological Center. In addition to certain affirmations and conditions included in the formal Application, this is to clarify two additional matters. First, the seminary currently uses office and classroom space in the buildings on Second's main campus—the growth of the seminary necessitates additional classroom/meeting space as well as office space, both to be provided in the house at 4007 Central. MCS classes meet in various rooms over the campus but now need additional space. Second, the larger campus and the parcel on Central provide more than adequate parking for all the activities occurring on campus. The larger demands for parking do not overlap—the church's worship services on Sunday and the school's student attendance do not conflict. Lesser attended activities for both the church and school are scattered over the week so there is ample available parking for all in attendance. The Christian Psychological Center has its own dedicated parking Parking required by the SUP for the 4007 property will be provided on its site, as shown on the application's attachments. With a abundance of shared parking nearby (note the Recreation Fields parking lot just east of 4007), the seminary will be well served for its needs, as well as compliant with the parking credit provisions of Section 4.5.3E of the Unified Development Code.

We offer the following proposed conditions for each parcel:

**Parcel #04411300087C** (consisting of addresses 4025 Poplar Avenue, 4055 PoplarAvenue, and 3950 Central Avenue):

- 1. Any minimum parking requirement for a seminary use on this parcel may be met using the existing parking spaces shown on the final site plan based on the shared parking analysis provided by the applicant.
- 2. Any signage is subject to the requirements of UDC Chapter 4.9, except no LED or other forms of electronic messaging are permitted.

Parcel #04604700018 (consisting of 4007 Central Avenue):

- 1. A minimum of parking spaces shall be shown on the final site plan including how parking credits/reductions were used per the requirements of the Unified Development Code.
- 2. A portion of the floor area of the facility shall include instructional space.
- 3. The facility shall maintain its residential appearance and character.
- 4. Any signage is subject to the requirements of UDC Chapter 4.9, except no LED or other forms of electronic messaging are permitted. No attached or detached signage is permitted along Roseland Place.
- 5. A Class 1 Type C Buffer shall be installed along the south property line. Any existing vegetation can be credited to meeting this requirement subject to the approval of the Division of Planning and Development.

We look forward to completing the process of this permit application and to answering any questions that may arise. Thanks to all involved for the excellent assistance we have received in pulling all this together.

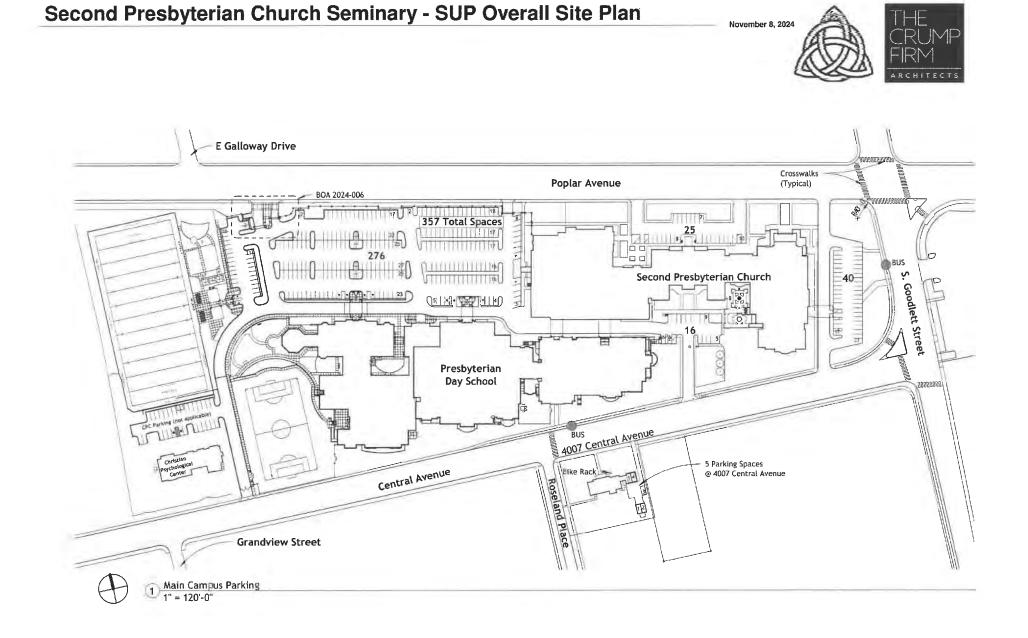
Sincerely,

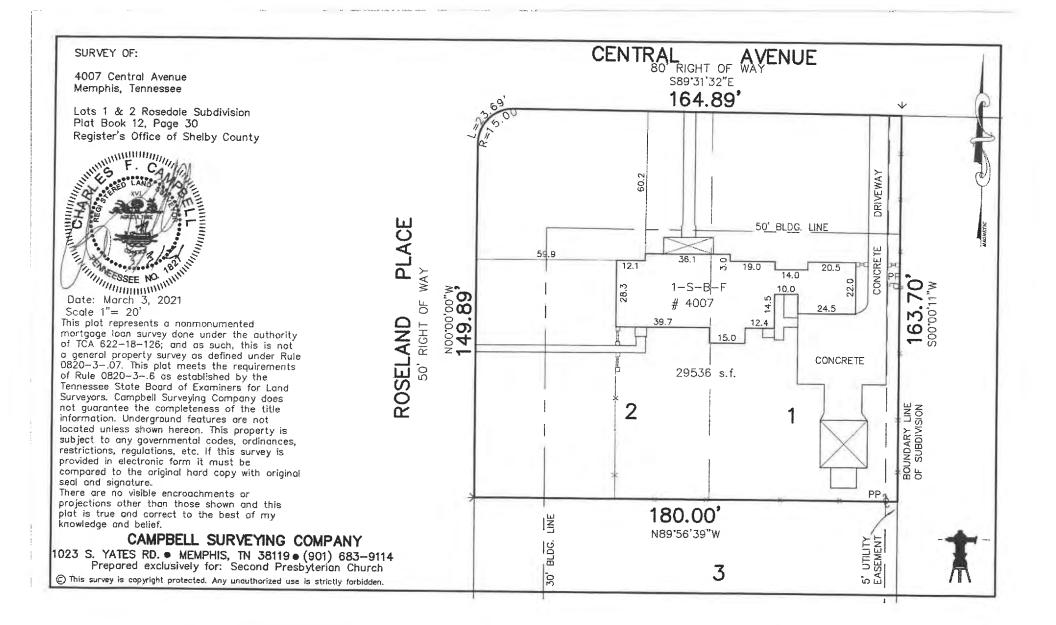
J. Ronald Hickman On behalf of Second Presbyterian Church and Memphis City Seminary

Contact information:

Ron Hickman 851 Club Tower Cove Memphis, TN 38111 jrhmphs@gmail.com 901/573-5015

Second Presbyterian Church 4055 Poplar Memphis, TN 38111 <u>info@2pc.org</u> 901/454-0034





Second Presbyterian Church SPECIAL USE PERMIT – SEMINARY USE ALTERNATIVE PARKING PLAN 11/8/24



#### INTRODUCTION

The purpose of this report is to present an Alternative Parking Plan for weekday utilization at the existing Second Presbyterian Church main campus (2PC), which also includes Presbyterian Day School - Pre-K through 6 (PDS), at the intersections of Poplar Avenue, Goodlett St., and Central Avenue. The study is undertaken to demonstrate sufficient parking facilities to accommodate the church, and school uses (focusing on weekday periods).

#### UTILIZATION

- Both 2PC and PDS have functioned on this site together since 1949
- Normal hours of operation are 8:00 AM to 6:00 PM for church; 8:00 AM to 3:30 PM for school
- Both institutions have planning and scheduling systems in place to optimize use and avoid conflicts
- The nature of PDS activities on campus is very constant through the week.
- The nature of church activities on campus is that they vary throughout the week occurring in highly multi-use spaces. They are staggered from other similar events, typically on different days from each other. The activities typically have short durations (usually 1 to 2 hours) allowing for flexibility and parking turnover throughout the day.

This alternative plan addresses **weekday uses** on the main campus. As such, many important uses for the church and the school occur outside of this time frame and thus do not have concurrent parking needs. These "off-hours" uses may be excluded from the weekday parking demand, and are as follows:

#### **OFF-HOUR USES**

CHURCH USES - OFF-HOURS (ample parking is available for these uses)

- MAIN WORSHIP SERVICES ON SUNDAYS existing capacity exceeds UDC requirement and is non-concurrent with other activities.
- WEDNESDAY NIGHT CHURCH SERVCES and gatherings occur after normal working hours.
- LARGE BIBLE CLASS occurs between 6 AM and 8 AM, non-concurrent with other weekday uses.
- SEMINARY CLASSES AND MEETINGS: weekend and after-hour activities are non-concurrent with other uses. Weekday classes (3 classes with 18 students each) are held between 4 and 6:30 PM, after peak school and church times.
- BOY SCOUTS (40 boys): meets at 5 PM, after normal hours.
- MOTHERS' DAY OUT childcare: this is a drop-off care arrangement, so the parking demand is limited to church staff, and parents drop off children in a drive-up que arrangement.

SCHOOL USES - OFF-HOURS

- Special all-school assemblies with families: these occur twice per year with special scheduling and parking logistics and are not concurrent with other planned campus activities.
- Team games: these are seasonal but occur after school hours, and they have limited bleacher capacity with minimal and non-concurrent parking demand.

### WEEKDAY UTILIZATION

PDS SCHOOL USE: School periods are highly consistent through the week with faculty and staff at a consistent 120 parking space utilization. PDS parking is zoned at the west end of the main parking lot fronting Poplar. After school is dismissed, between 3 PM and 4 PM, the school portion of the lot becomes fully available.

School drop-off and pick up durations are 7:15 AM to 8:15 AM, and 2:45 PM to 3:30 PM. This process is facilitated by security guards and staff and does not conflict with any peak church parking needs.

SECOND PRESBYTERIAN CHURCH – WEEKDAY PEAK

2PC ministers and staff have different/staggered work schedules and are often off-campus. As a result, parking needs are approximately 70% of the staff count, or 52 spaces. As mentioned, 2PC hosts a wide variety of meetings, classes, and activities. Most are small gatherings, and carefully scheduled through a calendar management system to avoid conflicts (eSpace).

The alternative parking plan for weekday church use on campus will therefore be based upon a peak demand assessment recognizing both the staff requirement as well as the diversity factors for meetings mentioned above. There are two high parking demands for weekday activities: occasional funeral services in the Chapel (factored demand of 160 parking spaces); and Women's Bible Study on Tuesday, 9-11 AM (factored demand of net 180 spaces). Since the Bible Study meeting governs, the 2PC parking demand is 52 staff spaces plus 180 meeting spaces = 232 church spaces total.

### CONCLUSION

Again, no other 2PC activities will be scheduled concurrently with these peak period church events. From a school standpoint, weekday school parking is essentially static with no peak weekday demand.

The campus design also promotes alternative transportation, through bicycle racks (for 12), access to bus stops on 2 of the 3 street frontages, and promoting pedestrian access from neighboring residential areas with 14 separate pedestrian access points into the campus. Consequently, there are required parking credits for bike spaces and for transit access.

Sincerely,

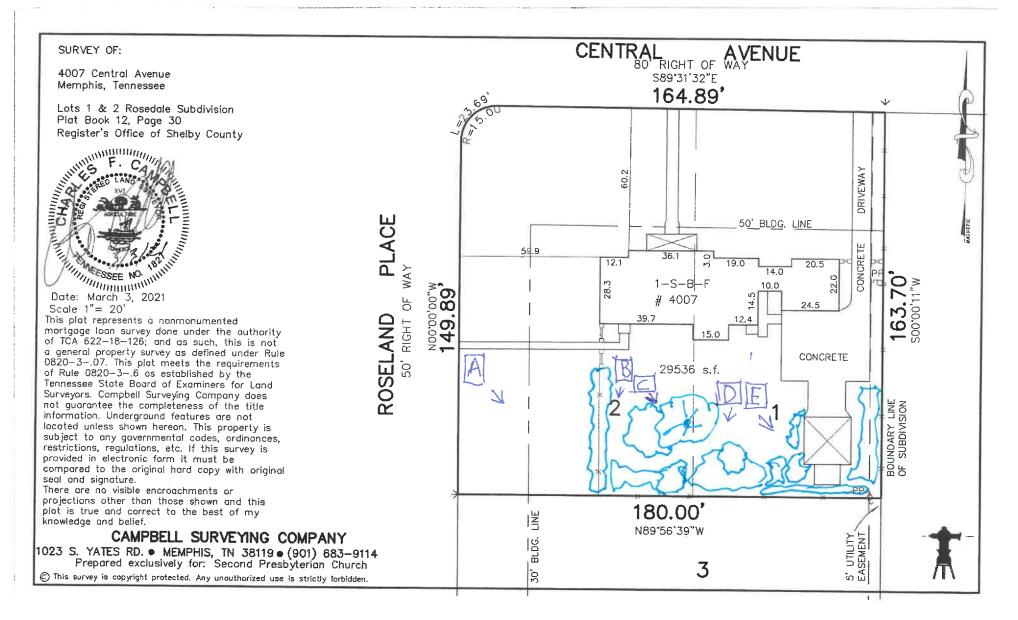
Walt Reed, AIA Vice President – Architecture The Crump Firm, Inc. Architects | Planners | Designers

#### Second Presbyterian Church Seminary - SUP Alternative Parking Plan November 8, 2024 Weekday Parking Analysis Required Spaces Provided Spaces Remarks Church Offstreet (Weekday only) **Z32 Spaces** School Offstreet (Weekday only) 120 Spaces ARCHITECTS Subtotal 352 Spaces 357 Spaces Bus Stop within 660 feet 10% Transit Reduction (-) -35 Spaces TO BE DETERMINED Sidewalk System provided 10% Pedestrian Reduction, designated frontage (-) -Z Spaces 12 Bikes @ 1 space / 5 Bikes Bike Reduction (-) Total Main Campus Parking 315 Spaces 357 Spaces ADA Parking 7 Spaces 23 Spaces (ADA Spaces included in total) 12 Bikes (6 racks) 12 Bikes (6 racks) Bike Parking Per BOA Case: BOA 2024-006 0 Spaces Total On-Street Parking 0 Spaces 357 Spaces Total Parking 315 Spaces E Galloway Drive 600000 0 000000 1000030000 1800030080 Crosswalks Poplar Avenue (Typical) BOA 2024-006 1000000000 14 de la 357 Total Spaces 25 Tic UEITITITI 17 Ē 👛 BUS Ŷ Second Presbyterian Church 40 . Goodlett Street 21 CATT UPU 20 0 1 16 23 Presbyterian 000000 Day School 000000000 king (not applicable) 1 nuin 4007 Central Avenue **5** Parking Spaces Central Avenue Bike Rack @ 4007 Central Avenue Roseland Place Grandview Street Main Campus Parking 1 1" = 120'-0"

# CLASS I RUFFER PEQUINEMENT (4.6.5c)

# 11/8/24

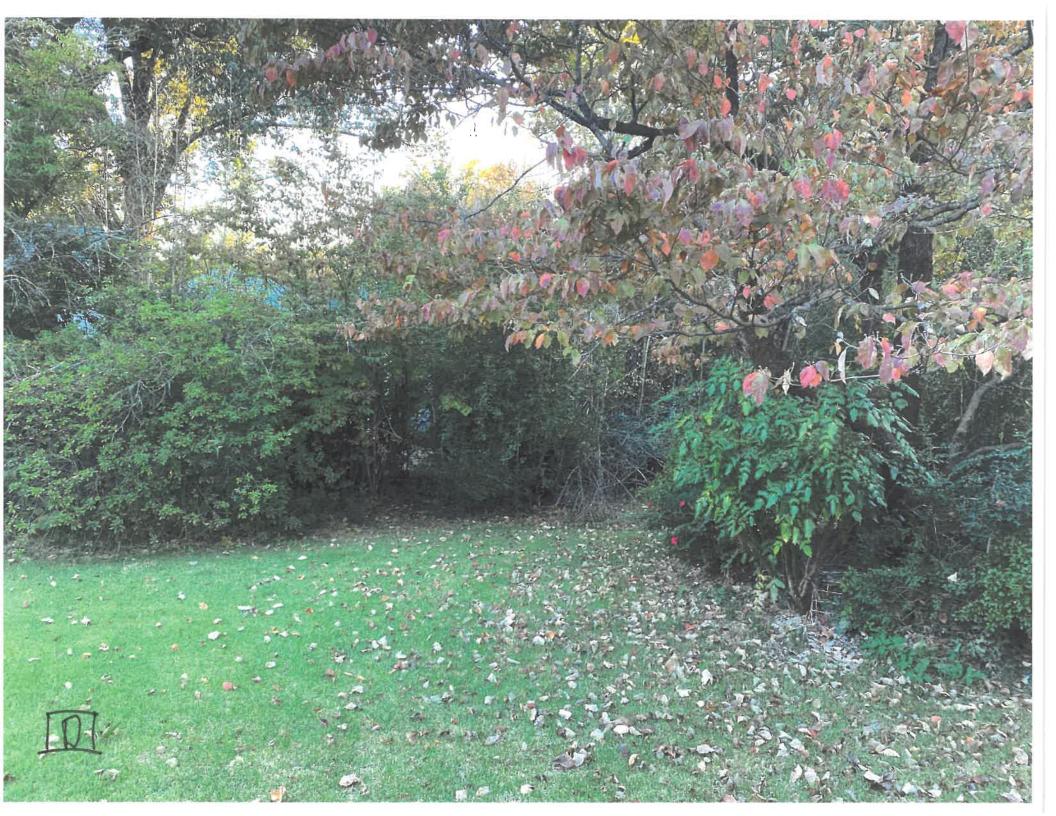
- APPLICANT SUBMITS THAT BXISTING LANDSCAAING EXCERSIS MINIMUM REQUIRED.



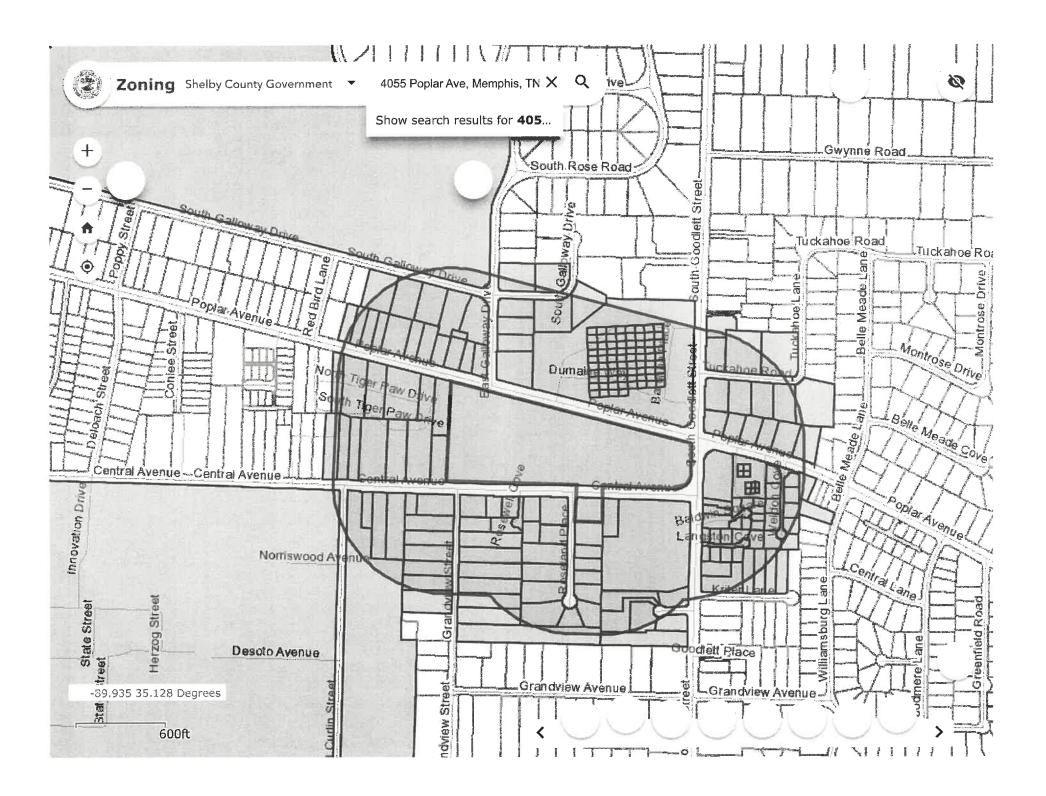














# Shelby County Tennessee Shelandra Y Ford

Shelby County Register

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

	04/08/2021 - 11:53:	30 AM
3 PGS		
HERTHA	2201685-21040520	
VALUE		375000.00
MORTGAGE	TAX	0.00
TRANSFER	TAX	1387.50
RECORDIN	G FEE	15.00
DP FEE		2.00
REGISTER'S FEE		1.00
EFILE FEE		2.00
TOTAL AMOUNT		1407.50

### 21040520

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov PREPARED BY: Memphis Title Company 7518 Enterprise Avenue Germantown, TN 38138 File No. 2020120214

### WARRANTY DEED

THIS INDENTURE is made and entered into this 26<sup>th</sup> day of March, 2021, between Cary Clifton Pappas, as Trustee of the Annerose H. Pappas Revocable Trust dated August 1, 2002, GRANTOR(s), and Second Presbyterian Church, GRANTEE(s).

For and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby bargain, sell, transfer and convey unto the Grantee, all of Grantor's right, title and interest in the following described property located in the city of Memphis, County of Shelby, State of Tennessee, more particularly described as follows:

Lots Nos. 1 and 2 of Rosedale Subdivision, as recorded in Plat Book 12, Page 30 in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the south line of Central Avenue 15.11 feet eastwardly from the P.I. of the curve at the southeast corner of Central Avenue and Rosedale Place and running eastwardly with the south line of Central Avenue 164.89 feet to the northeast corner of the subdivision, thence southwardly with the east line of the subdivision and parallel with Rosedale Place 163.70 feet to the northeast corner of Lot 3, thence westwardly with the north line of Lot 3 and perpendicular to Rosedale Place 180 feet to a point in the east line of Rosedale Place, thence northwardly with said east line 149.89 feet to the beginning of a curve; thence with said curve to the right whose radius is 15 feet, a distance of 23.67 feet as measured along the arc of said curve to the point of beginning in the south line of Central Avenue.

Being the same property conveyed to Annerose H. Pappas trustee, or successor trustee of the Annerose H. Pappas Revocable Trust Dated August 1, 2002 by Special Warranty Deed of record at Instrument No. 02129452, dated 08/01/2002 and recorded 08/06/2002, in the Register's Office of Shelby, Tennessee. Annerose H. Pappas having died on or about April 13, 2019. Cary Clifton Pappas having been appointed Successor Trustee pursuant to the terms of said Trust.

The Grantor(s) does hereby covenant with the Grantee(s) that the Grantor(s) is lawfully seized in fee of the aforedescribed real estate; that Grantor(s) has good right to sell and convey the same; that the same is unencumbered, except for any and all Subdivision Restrictions, Building Lines and Easements of record in said Register's Office including without limitation, those of record in Plat Book 12 Page 30, in the Register's Office of Shelby County, Tennessee; Amendment to Subdivision Restrictions of record at Instrument No. 06207935, in the aforesaid Register's Office; Assessments levied by The Homeowners Association, if any, all in the above referenced Register's Office, and except for 2021 Shelby County taxes and 2021 City of Memphis taxes, not yet due and payable.

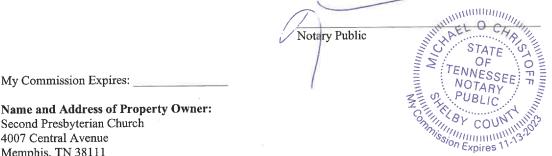
TO HAVE AND TO HOLD said land with the appurtenances, hereditaments, estate, title and interest unto Grantee, Grantee's heirs, successors and assigns forever. The Grantor does covenant and agree with the said Grantee that Grantor is lawfully seized and possessed of the said real estate and that Grantor has a good and lawful right to sell the same. The Grantor further covenants that the same is unencumbered except as otherwise set forth herein, and that the title and quiet possession thereto Grantor will forever warrant and defend against the lawful claims of all persons whomsoever. WITNESS my hand on the day and year first above written.

Cary Clifton Pappas, Trustee of the Annerose H. Pappas Revocable Trust dated August 1, 2002

BY: Trustee

STATE OF TENNESSEE COUNTY OF SHELBY

On this 26th day of March, 2021, before me, a Notary Public of said State and County aforesaid, personally appeared Cary Clifton Pappas with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be Trustee of the Annerose H. Pappas Revocable Trust dated August 1, 2002, the within named bargainor, a Trust, and that he as such Trustee, executed the foregoing instrument for the purpose therein contained, by signing the name of the Trust by himself as Trustee.



My Commission Expires:

Second Presbyterian Church 4007 Central Avenue Memphis, TN 38111

**Property Address:** 4007 Central Avenue Memphis, TN 38111

Person Responsible for Taxes: Second presbytarian Church 4055 Poplar AVP Parcel # 046-047-00018

### **AFFIDAVIT OF VALUE**

STATE OF TENNESSEE COUNTY OF SHELBY

I hereby swear or affirm that the actual consideration for this transfer, or value of the property or interest in property transferred, whichever is greater is \$375,000.00 which amount is equal to, or greater than, the amount which the property, or interest in property transferred, would command at a fair and voluntary sale.

1. OF TENM Affiant Sworn to and subscribed before me, a Notary Public, this 26th day of March, 2021. Notary Public My Commission Expires: mm LBY CC Contraction Expires

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

Kaelin Jobe

State of **TENNESSEE** 

County of SHELBY

Personally appeared before me, a notary public for this county and state, Kaelin Jobe who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.

Notary's Signature

MY COMMISSION EXPIRES: July 3, 2021



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

December 18, 2024

Ron Hickman 851 Club Tower Cove Memphis, TN 38111

Sent via electronic mail to: jrhmphs@qmail.com

Case Number: SUP 2024-046 LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, December 12, 2024, the Memphis and Shelby County Land Use Control Board recommended *approval* of your special use permit application to allow a seminary as an additional principal use located at 4055 Poplar Avenue and 4007 Central Avenue, subject to the following conditions:

### **Conditions:**

## 1. Parcel #044113 00087C (4025 and 4055 Poplar Avenue and 3950 Central Avenue)

- a. Any minimum parking requirement for a seminary use on this parcel may be met using the existing parking spaces shown on the final site plan based on the shared parking analysis provided by the applicant.
- b. Any signage is subject to the requirements of UDC Chapter 4.9, except no LED or other forms of electronic messaging are permitted.

## 2. Parcel #046047 00018 (4007 Central Avenue)

- a. A minimum of five parking spaces shall be shown on the final site plan including how parking credits/reductions were used per the requirements of the Unified Development code.
- b. A portion of the floor area of the facility shall include instructional space.
- c. The facility shall maintain its residential appearance and character.
- d. Any signage is subject to the requirements of UDC Chapter 4.9 except no LED or other forms of electronic messaging are permitted. No attached or detached signage is permitted along Roseland Place.
- e. A Class 1 Type C Buffer shall be installed along the south property line or an equivalent alternative including existing vegetation subject to the approval of the Division of Planning and Development.

# Letter to Applicant SUP 2024-046

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at chloe.christion@memphistn.gov.

Respectfully,

Chloe Christion

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

Cc: <u>info@2pc.org</u> File

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

Planning & Development DIVISION

<u>Planning & Zoning</u> COMMITTEE: 01/07/2025 DATE **PUBLIC SESSION:** 

ONE ORIGINAL

ONLY STAPLED

**TO DOCUMENTS** 

01/21/2025 DATE

ITEM (CHECK ONE)	RESOLUTION X REQUEST FOR PUBLIC HEARING		
<b>ITEM DESCRIPTION:</b>	An ordinance approving a residential corridor overlay deletion		
CASE NUMBER:	RC 2024-002		
LOCATION:	At and around 621 S. White Station Road		
<b>COUNCIL DISTRICTS:</b>	District 5 and Super District 9		
<b>OWNER/APPLICANT:</b>	David Lewis, RCM DEVCO, LLC		
<b>REPRESENTATIVE:</b>	Josh Whitehead, Whitehead Law		
<b>REQUEST:</b>	Residential corridor deletion at Parcel ID 056033 00174, 056033 00071C, and 056034 00008		
AREA:	+/-2.15 acres		
<b>RECOMMENDATION:</b>	The Division of Planning and Development recommended <i>Approval</i> The Land Use Control Board recommended <i>Approval</i>		
RECOMMENDED COUNC	<b>CIL ACTION:</b> Public Hearing Required First reading and add to consent agenda requesting public hearing – <u>December 17, 2024</u> Second reading – <u>January 7, 2025</u> Third reading / Public hearing – <u>January 21, 2025</u>		
PRIOR ACTION ON ITEM: (1) 09/12/2024 (1) Land Use Control Board	APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE		
FUNDING: (2) \$ \$ \$ SOURCE AND AMOUNT OF \$ \$ \$ \$	REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED F FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER		
ADMINISTRATIVE APPRO	VAL: <u>DATE POSITION</u>		
futhoh	12-9-24 PLANNER II		
	DEPUTY ADMINISTRATOR		
Broth Vyr	$- \frac{12/2}{24}$ ADMINISTRATOR		
V	DIRECTOR (JOINT APPROVAL)		
	COMPTROLLER		
	FINANCE DIRECTOR		
*****	CITY ATTORNEY		
	CHIEF ADMINISTRATIVE OFFICER		
	COMMITTEE CHAIRMAN		



Memphis City Council Summary Sheet

# RC 2024-002

AN ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO DELETE A SECTION OF THE WHITE STATION RESIDENTIAL CORRIDOR OVERLAY, KNOWN AS CASE NUMBER RC 2024-02

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

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, September 12, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	RC 2024-002	
LOCATION:	At and around 621 S. White Station Road	
COUNCIL DISTRICT(S):	District 5 and Super District 9	
OWNER/APPLICANT:	David Lewis, RCM DEVCO, LLC	
REPRESENTATIVE:	Josh Whitehead, Whitehead Law	
REQUEST:	Residential corridor deletion at Parcel ID 056033 00174, 056033 00071C, and 056034 00008	
EXISTING ZONING: AREA:	Residential Single Family-10 (R-10), Residential Corridor Overlay +/-2.15 acres	

The following spoke in support of the application: None

# The following spoke in opposition of the application: None

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

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

Respectfully,

ichden Walnut

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

Cc: Committee Members File

## ORDINANCE NO:

# AN ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO DELETE A SECTION OF THE WHITE STATION RESIDENTIAL CORRIDOR OVERLAY, KNOWN AS CASE NUMBER RC 2024-02

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as Case Number: RC 2024-02; and

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

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

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

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

### **SECTION 1:**

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

# BY TAKING THE FOLLOWING PROPERTY OUT OF THE WHITE STATION RESIDENTIAL CORRIDOR DESIGNATION

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

Part of the Wheelis 10.02 Acres, being part of Lot 38, Eppy White Subdivision in Memphis, Tennessee; described as follows:

Beginning at an iron pin in the west line of the White Station Road (60 feet wide), said point being in the south line of the Wheelis 10.02 Acres and said point being 219.83 feet southwardly from the south line of Wheelis Drive; thence westwardly with the south line of the Wheelis 10.02 Acres 282.89 feet; thence northwardly parallel to the west line of the White Station Road 219.83 feet to the south line of Wheelis Drive; thence eastwardly with the south line of

Wheelis Drive 282.89 feet to the west line of the White Station Road; thence southwardly with the west line of said White Station Road 219.83 feet to the point of beginning.

The approximate location of this Residential Corridor Overlay Deletion is reflected in the shaded area of the map attached below as Exhibit "A."

# **SECTION 2:**

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

## **SECTION 3:**

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

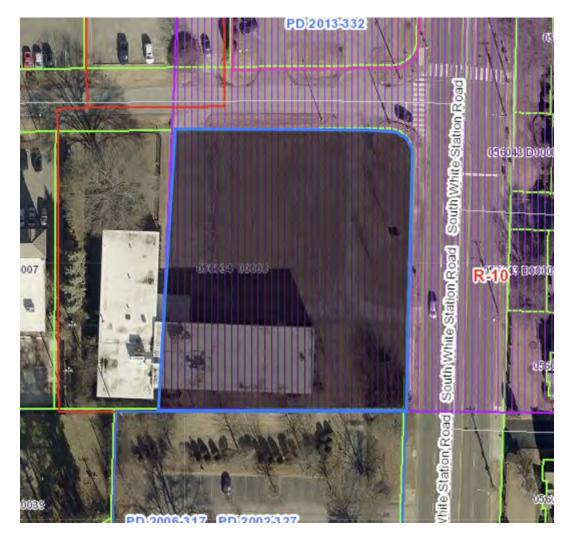
# **ATTEST:**

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

//: ATTACHMENTS

# Exhibit A

Map of approximate location of deleted section of the White Station Residential Corridor Overlay, indicated as the shaded area



# AGENDA ITEM:18L.U.C.B. MEETING: September 12, 2024CASE NUMBER:RC 2024-002LOCATION:At and around 621 S. White Station RoadCOUNCIL DISTRICT:District 5 and Super District 9

 OWNER/APPLICANT:
 David Lewis, RCM DEVCO, LLC

 REPRESENTATIVE:
 Josh Whitehead, Whitehead Law

 REQUEST:
 Residential corridor deletion at Parcel ID 056033 00174, 056033 00071C, and 056034 00008

**EXISTING ZONING:** Residential Single Family-10 (R-10), Residential Corridor Overlay

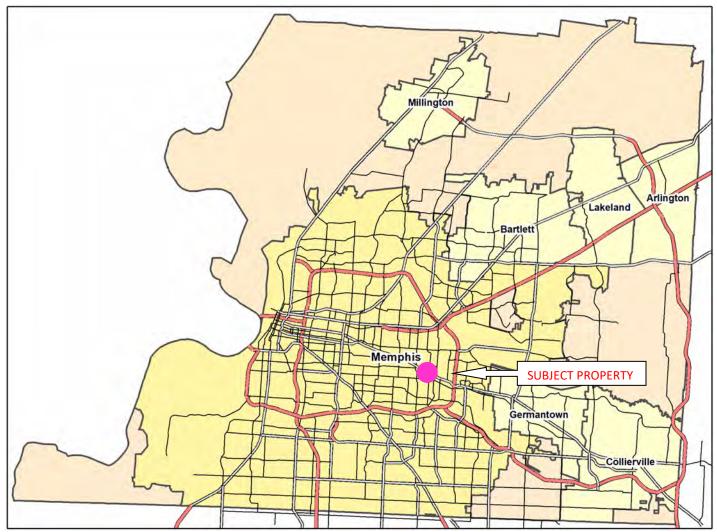
# CONCLUSIONS

- The applicant if requesting the deletion of a portion of the residential corridor along South White Station Road that covers parcels 056033 00174 and 056034 00008 in their entirety, and a portion of parcel 056033 00071C.
- 2. The applicant had filed a companion case known as PD 2024-014 which requests revisions to PD 2023-021 approved by the Land Use Control Board in 2023, which includes commercial mixed uses. The revisions requested to expand the land area of the PD to include the subject properties of this case, which are covered by the residential corridor overlay being deleted. Note: The PD case must be deferred until the residential corridor deletion has been approved by City Council.
- 3. The residential corridor serves as an additional layer of land use control which prohibits the approval of nonresidential developments within 200 feet on either side of a designated residential roadway.
- 4. Ordinance No. 3077 was adopted on October 28, 1980, by the Council of the City of Memphis to establish the Residential Corridor Overlay on twenty-three specific segments of certain major roads within city limits. This overlay repealed, deleted, and replaced Ordinance No. 2070, adopted in July of 1974, which had established scenic drive designations on the same twenty-three specific segments of certain major roads within city limits.
- 5. Staff finds that this residential corridor overlay deletion request is consistent with Sub-Section 8.5.5B of the Unified Development Code.

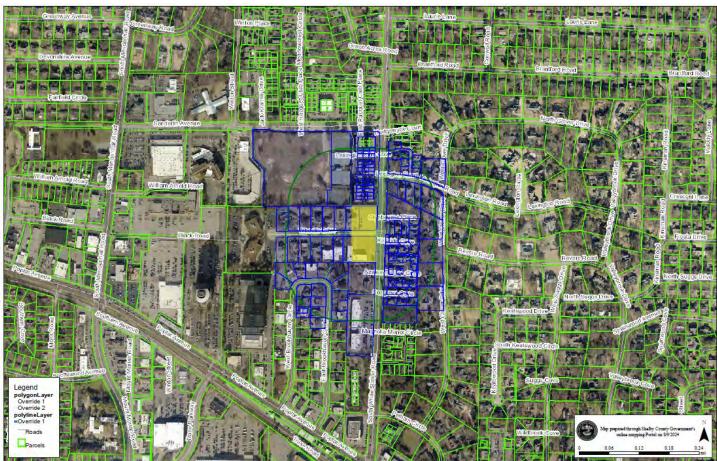
# RECOMMENDATION

Approval

Staff Writer: LaTonya Hull



Subject property located within the pink circle



Subject property highlighted in yellow

### PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 128 notices were mailed on August 19, 2024, see page 14 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 15 of this report for a copy of the sign affidavit.

### **NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Tuesday, August 27, 2024, at the DoubleTree by Hilton at 5069 Sanderlin Avenue.

# **OVERLAY MAP**



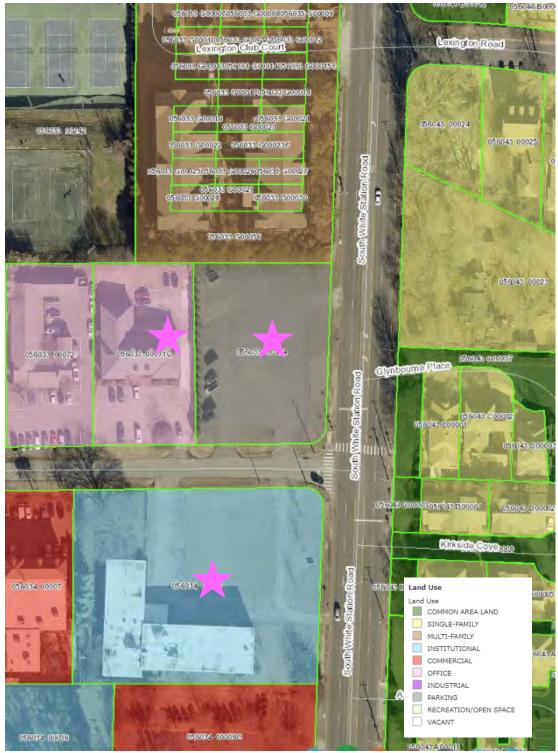
Subject property outlined in orange

# ZONING MAP



Subject property highlighted in yellow

# LAND USE MAP



Subject property indicated by a pink star

### SITE PHOTOS



View of subject property from South White Station Road looking north



View of subject property looking west from the intersection of S. White Station Road and Wheelis Road



View of subject property from South White Station Road looking southeastwardly

### **LEGAL DESCRIPTION**

September 12, 2024 Page 9

BEING A SURVEY OF LOT 13 AND PART OF LOT 14 OF THE GORDON-MEDARIS SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 24, ALSO BEING THE DAVID SEWALL WADDELL PROPERTY AS RECORDED IN INSTRUMENTS 19101241 AND 19101242, ALL OF RECORD AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE TANGENT INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF WHITE STATION ROAD (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS WIDENED) WITH THE NORTH RIGHTOF-WAY LINE OF WHEELIS DRIVE (50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N88°18'42"W A DISTANCE OF 19.12 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 307531.00 - EAST 805881.62; THENCE N88°18'42"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID WHEELIS DRIVE A DISTANCE OF 243.22 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF THE SAID GORDON-MEDARIS SUBDIVISION (PLAT BOOK 13, PAGE 24); THENCE N01°30'50"E ALONG THE EAST LINE OF SAID LOT 12 A MEASURED DISTANCE OF 212.07 FEET (CALL 211.84 FEET) TO A POINT ON THE SOUTH LINE OF LOT 1 OF THE LEXINGTON II SUBDIVISION AS RECORDED IN PLAT BOOK 286, PAGE 16; THENCE S88°22'56" E ALONG THE SOUTH LINE OF LOT 1 OF THE SAID LEXINGTON II SUBDIVISION AND ALONG THE SOUTH LINE OF THE PROPERTY SHOWN ON THE OUTLINE/FINAL PLAN FOR THE RACQUET CLUB CONDOMINIUM P.D. AS RECORDED IN PLAT BOOK 221, PAGE 23 A DISTANCE OF 272.52 FEET TO THE SOUTHEAST CORNER OF THE SAID RACQUET CLUB CONDOMINIUM P.D., SAID POINT LIES ON THE WEST RIGHT-OF-WAY LINE OF SAID WHITE STATION ROAD; THENCE S04°15'30"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WHITE STATION ROAD A DISTANCE OF 193.49 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A 20.00 FOOT RADIUS, AN ARC LENGTH OF 30.52 FEET (CHORD S47°58'24"W – 27.64 FEET) TO THE POINT OF BEGINNING AND CONTAINING 56,680 SQUARE FEET OR 1.301 ACRES.

### **CASE REVIEW**

### Request

Residential corridor deletion located at Parcel ID 056033 00174, 056033 00071C, and 056034 00008.

## Site Details

Address: At and around 621 S. White Station Road

Parcel ID: 056033 00174, 056033 00071C, and 056034 00008

Area: +/-2.15 acres

## **Description**

The subject property consists of three parcels, two of which are lots 14 and part of lot 13 of the Gordon-Medaris Subdivision. Parcel 056033 00174 is a .73 acre. Parcel 056034 00008 has a religious institution built in 1980 with a building square foot of 24,800, while parcel 056033 00071C is 24,128 square feet with a 5243 square foot office building built in 1999. The subject property is bordered to the north by multifamily, south by commercial, and to the east by single-family residential uses.

## <u>Analysis</u>

The applicant is requesting the deletion of a portion of the residential corridor along South White Station Road that covers parcels 056033 00174 and 056034 00008 in their entirety, and a portion of parcel 056033 00071C.

The applicant has filed a companion case known as PD 2024-014 which requests an amendment to PD 2023-021 approved by the Land Use Control Board in 2023. The revisions requested expand the land area of the PD to include the subject properties of this case, which are covered by the residential corridor overlay.

Ordinance No. 3077 was adopted on October 28, 1980, by the Council of the City of Memphis to establish the Residential Corridor Overlay on twenty-three specific segments of certain major roads within city limits. This overlay repealed, deleted, and replaced Ordinance No. 2070, adopted in July of 1974, which had established scenic drive designations on the same twenty-three specific segments of certain major roads within city limits.

The residential corridor serves as an additional layer of land use control which prohibits the approval of nonresidential developments within 200 feet on either side of a designated residential roadway, thus necessitating this request as the revised PD includes commercial mixed-use development. Sections of the White Station Residential Corridor south of the current request have previously been deleted, but not followed with incremental rezoning changes but rather by planned development applications as is this one with companion case # PD 2024-014.

Staff finds that this residential corridor overlay deletion request is consistent with Sub-Section 8.5.5B of the Unified Development Code.

# RECOMMENDATION

Staff recommends approval.

# **DEPARTMENTAL COMMENTS**

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

# **City Engineer:**

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

Sewers:

2. The developer's engineer needs to submit a sewer availability request to the Sewer Design Dept. for sewer system capacity.

3. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

4. If approved, needed changes to existing sanitary sewers, drainage facilities, sidewalk repairs, and other utilities will be relocated/removed at developer's expense.

Roads:

1. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

2. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any construction, reconstruction, or repair necessary to meet City standards.

Traffic Control Provisions:

3. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. 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.

# September 12, 2024 Page 12

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

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

Curb Cuts/Access:

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

7. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed

with curb, gutter, and sidewalk.

8. Will require engineering ASPR.

Drainage:

9. 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.

10. 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.

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

12. 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.

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

General Notes:

14. Development is greater than 1 acre and is located within a sensitive drainage basin.

15. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

16. All connections to the sewer shall be at manholes only.

17. 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.

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

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

NOTICI	E OF PUBLIC HEARING	MEMPHIS AND SHELBY COUNTY AND DEVELOPMENT
You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than <b>Wednesday, September 4, 2024 at 8 AM.</b>		
CASE NUMBER: ADDRESS: REQUEST: APPLICANT:	RC 2024-002 621 S. White Station Road Deletion of Residential Corridor Overlay David Lewis	
Meeting Details Location: Council City Hal 125 N M	Chambers Time: 9:00 AM I 1st Floor	
Staff Planner Co LaTonya Hull ☑ latonya.hull ᢏ (901) 636-73	@memphistn.gov	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

**SIGN AFFIDAVIT** 

## AFFIDAVIT

Shelby County State of Tennessee

I, David Lewis		, being duly s	sworn,	depose and	say	that at 2	am/om
on the 15th	day of August	the second se		, I posted		Public Notice	-
pertaining to	Case No. RC 202			at White Station		-	- 3- 1-7

providing notice of a Public Hearing before the (check one):

X 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.

Owner, Applicant or Representative

Date

Subscribed and sworn to before me this 15th day of August, 2024.

Notary Public

My commission expires: 0-5-2025



#### APPLICATION

September 12, 2024 Page 16



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

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

Expiration Date:

website: www.develop901.com

## **Record Summary for Residential Corridor Revocation**

**Record Detail Information** 

Record Type: Residential Corridor Revocation

Record Status: Processing Opened Date: August 9, 2024

Record Number: RC 2024-002

Record Name: Mid-City Memphis

Description of Work: This application for residential corridor deletion will facilitate the development of the Mid-City Memphis PD. See attached Letter of Intent.

Parent Record Number:

#### Address:

621 S WHITE STATION RD, MEMPHIS 38117

#### **Owner Information**

Primary **Owner Name** 

Y RCM DEVCO LLC

**Owner Address** 

1 Dr MLK Jr Ave Suite 130, Memphis, TN 38103

Parcel Information

056034 00008

#### **Data Fields**

PREAPPLICATION MEETING	
Name of DPD Planner	Brett Ragsdale
Date of Meeting	08/06/2024
Pre-application Meeting Type GENERAL INFORMATION	In Person
What is the name of the Street, Alley or Right-of-Way?	South White Station Rd
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	÷

Page 1 of 3

RC 2024-002

9014947154

**Owner Phone** 

GENERAL	INFORMATION
OLIVE	

work order, and/or zoning letter along with any other relevant information GIS INFORMATION	У
Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	- P. P
Land Use	121
Municipality	4
Overlay/Special Purpose District	-
Zoning	
State Route	-
Lot	
Subdivision	÷.
Planned Development District	-
Wellhead Protection Overlay District	No

## Data Tables

#### ADDRESS AND PARCEL LIST

Property Address:	621 S White Station Rd	
Property Parcel Number:	056034 00008	
Property Address:	599 S White Station Rd	
Property Parcel Number:	056033 00174	
Property Address:	5188 Wheelis Dr	
Property Parcel Number:	056033 00071C	

#### AREA INFORMATION

Name:	Area C	
Size (Acres):	0.5	
Existing Use of Property:	Office	
Requested Use of Property:	Office	
Name:	Area D	
Size (Acres):	0.8	
Existing Use of Property:	Parking	
Requested Use of Property:	Parking	
Name:	Area E	
Size (Acres):	1.4	
Existing Use of Property:	Church	

Page 2 of 3

RC 2024-002

Contact I	nformation					
Name DAVID LEWI Address	S				Conta APPLIC/	<u>ct Type</u> ant
Phone (901)494-718	54					
Fee Infor	nation					
	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
Invoice #		4	400.00	INVOICED	0.00	08/09/2024
	Plat of Record Revocation	1	400.00	INVOICED	0.00	
1584891	Plat of Record Revocation Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	08/09/2024
Invoice # 1584891 1584891	Credit Card Use Fee (.026 x fee)	1		INVOICED		
1584891 1584891	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	
1584891 1584891	Credit Card Use Fee (.026 x fee) Tr Information	1 otal Fee Invoi	10.40	INVOICED	0.00	

## MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY 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.

havely Culs (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 morigage 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 properties located at 5188 Wheelis Dr. 0 Wheelis Dr. 621 S White Station Rd, and 736 E Brookhaven Circle and further identified by Assessor's Parcel Numbers 056033 00071C, 056033 00174, 056034 00008, and 056034 00039.

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

Subscribed and sworn to (or all day of HUGUST in the year of ENNESSEE ature of Notar

My Commission

state that I have read the definition of

## LETTER OF INTENT

September 12, 2024 Page 20



Josh Whitehead Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com

August 9, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development Memphis City Hall 125 N. Main St. Ste. 468 Memphis, TN 38103

RE: Application for a Residential Corridor Deletion

Mr. Ragsdale,

On behalf of RCM Devco, LLC and Carlisle Development Group, I am pleased to submit this application for a residential corridor deletion for the properties at the northwest and southwest corners of White Station Road and Wheelis Cove.

This application will facilitate the development of the Mid-City Memphis PD, which has been filed as a companion application to this request. As seen in Exhibit A, attached to this letter, the White Station Residential Corridor has, over time, been removed from all properties on the west side of White Station Road south of the subject sites. When the Residential Corridor was originally established, it occupied both sides of White Station Road from Pelham Circle north to Interstate 240.

We believe the Mid-City Memphis PD will not only be in keeping with this development trend but that those portions of the development fronting White Station Road will be compatible with land uses on both sides of the roadway.

Thank you for your time and consideration of this request.

Sincerely,

Josh Whitehead

## LETTERS RECEIVED

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

September 12, 2024 Page 21



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

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

website: www.develop901.com

## **Record Summary for Residential Corridor Revocation**

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Record Name: Mid-City Memphis

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Parent Record Number:

#### Address:

621 S WHITE STATION RD, MEMPHIS 38117

## **Owner Information**

Primary **Owner Name** 

Υ RCM DEVCO LLC

#### Owner Address

1 Dr MLK Jr Ave Suite 130, Memphis, TN 38103

## **Parcel Information**

056034 00008

## **Data Fields**

PREAPPLICATION MEETING	
Name of DPD Planner	Brett Ragsdale
Date of Meeting	08/06/2024
Pre-application Meeting Type GENERAL INFORMATION	In Person
What is the name of the Street, Alley or Right-of-Way?	South White Station Rd
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	-

**Owner Phone** 

9014947154

## GENERAL INFORMATION

work order, and/or zoning letter along with any other relevant information GIS INFORMATION Central Business Improvement District

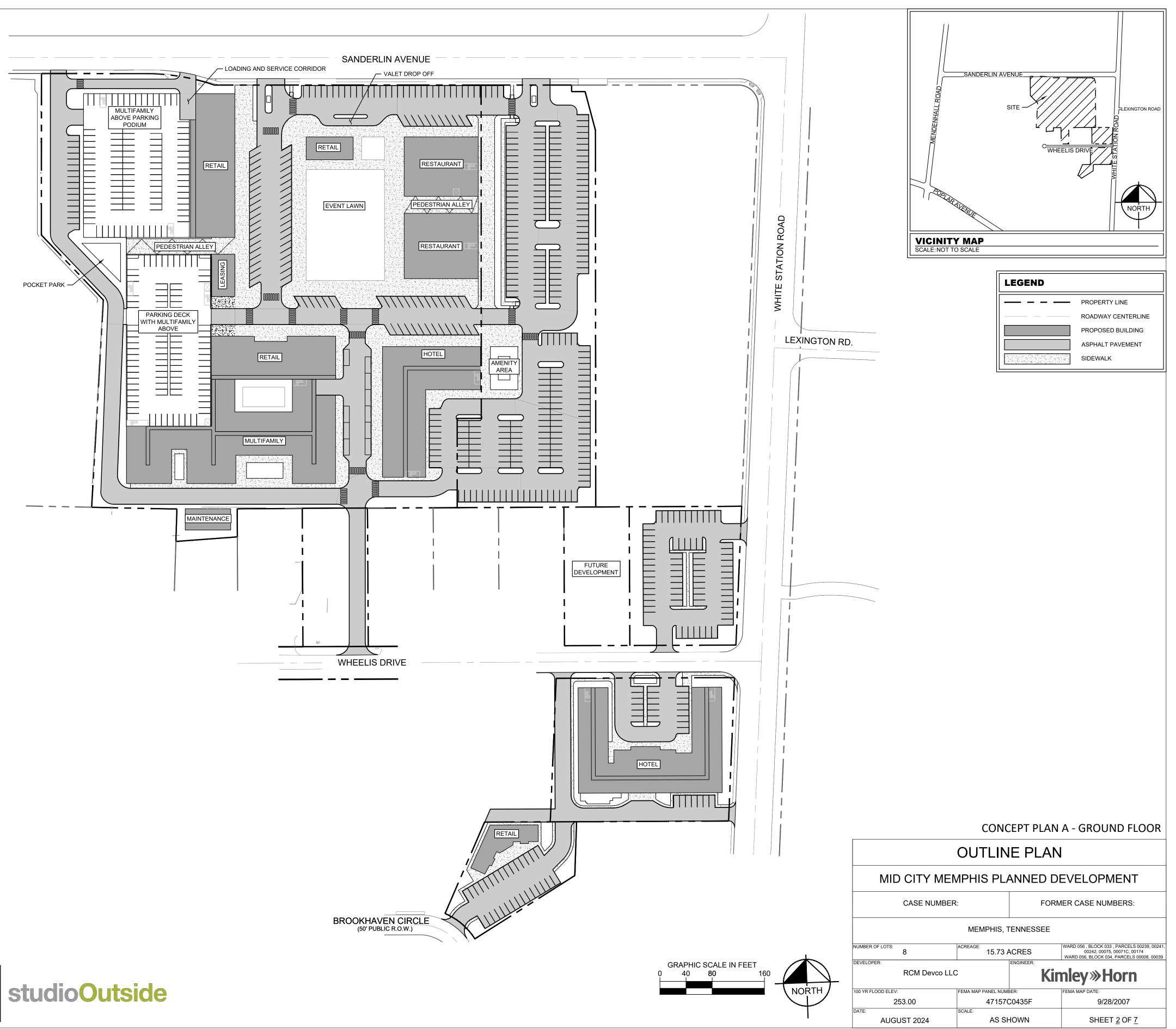
Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

## Data Tables

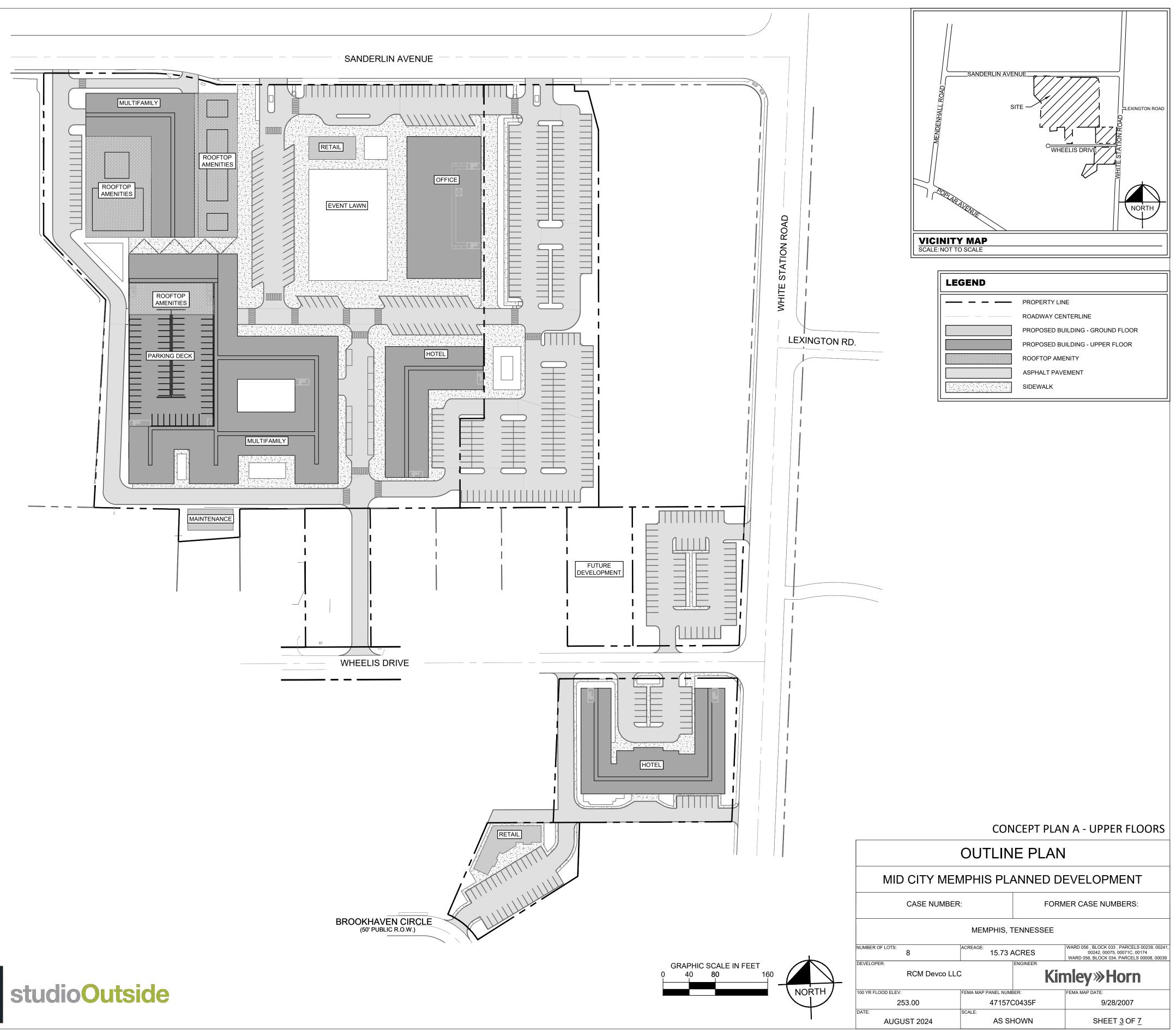
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Property Address:	599 S White Station Rd
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Property Address:	5188 Wheelis Dr
Property Parcel Number:	056033 00071C
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Name:	Area C
Size (Acres):	0.5
Existing Use of Property:	Office
Requested Use of Property:	Office
Name:	Area D
Size (Acres):	0.8
Existing Use of Property:	Parking
Requested Use of Property:	Parking
Name:	Area E
Size (Acres):	1.4
Existing Use of Property:	Church

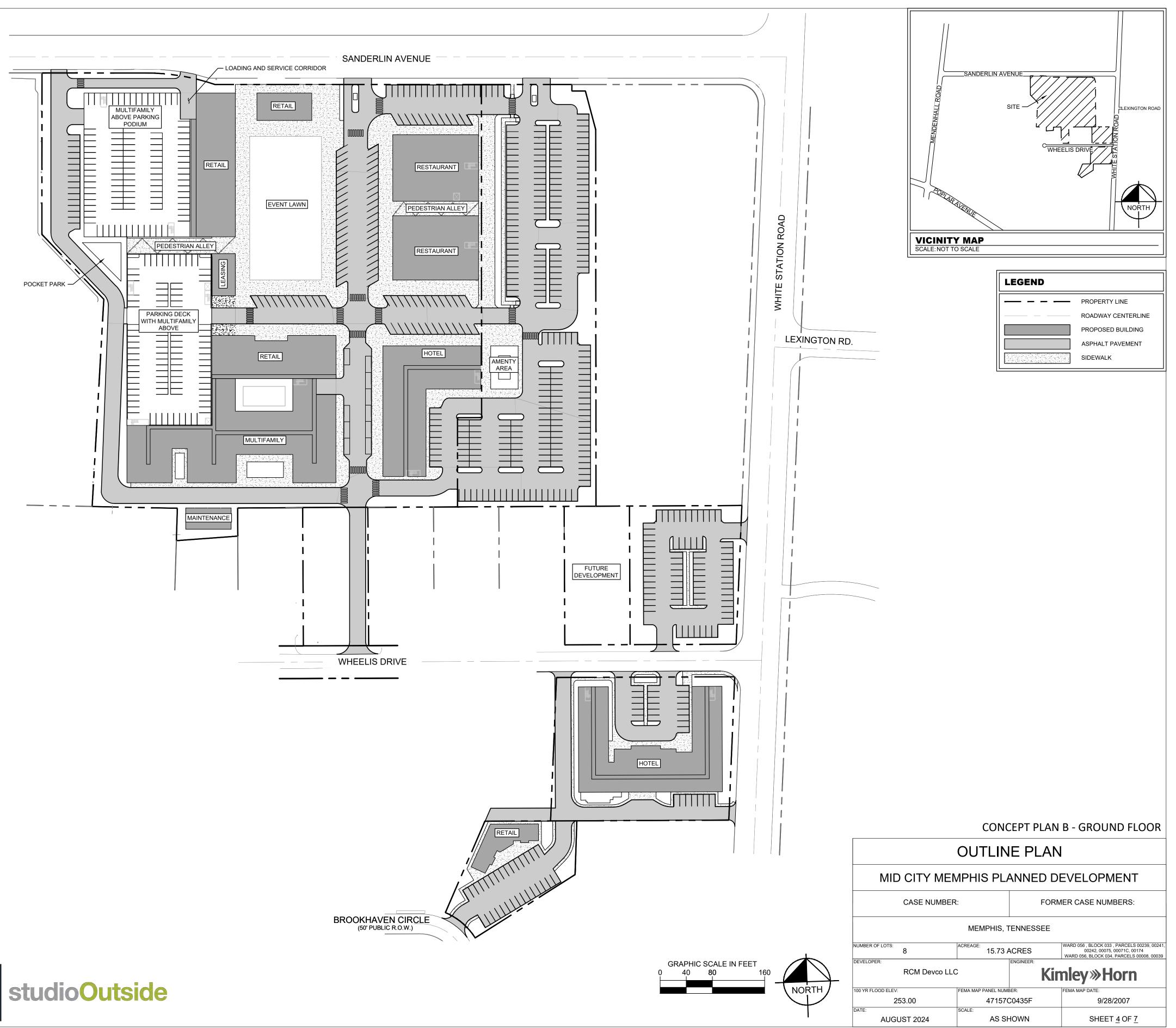
Requested Use of Hotel Property:		Hotel					
Contact Information							
Name DAVID LEWIS						Contact Type APPLICANT	
Address							
<b>Phone</b> (901)494-715	54						
Fee Inforr	nation						
nvoice #	Fee Item		Quantity	Fees	Status	Balance	Date Assessed
1584891	Plat of Record F	Revocation	1	400.00	INVOICED	0.00	08/09/2024
1584891	Credit Card Use x fee)	e Fee (.026	1	10.40	INVOICED	0.00	08/09/2024
		Tota	al Fee Invo	iced: \$410.40	Total Ba	lance: \$0.0	00
Payment	Information						
Payment Am	ount	Method of Payn	nent				
\$410.40 Credit C							



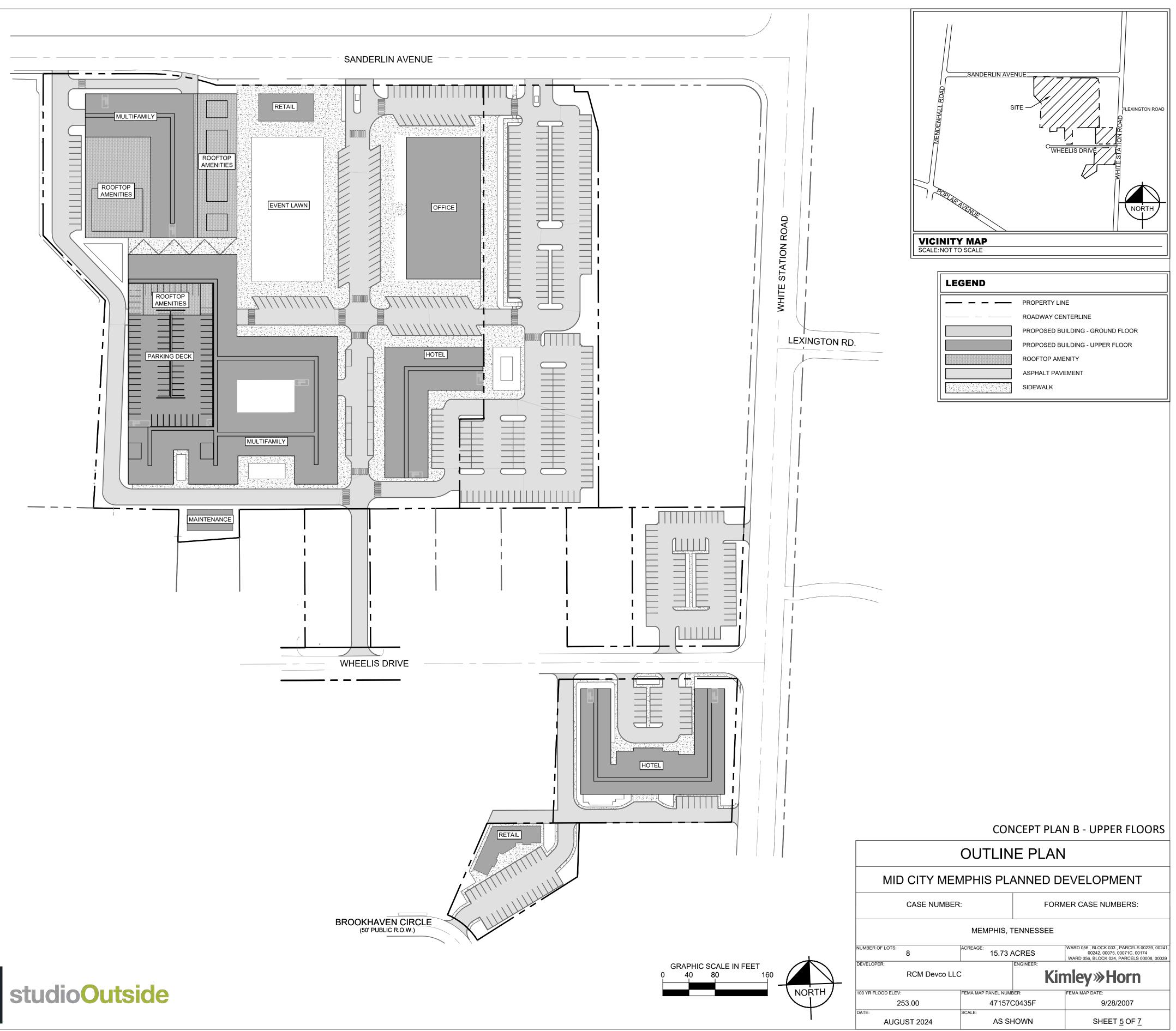
LRK



LRK studioOutside



LRK



LRK studioOutside



Josh Whitehead

Managing Partner (901) 810-5789 josh@joshwhiteheadlaw.com

August 9, 2024

Bre Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County
Division of Planning and Development
Memphis City Hall
125 N. Main St. Ste. 468
Memphis, TN 38103

RE: Applica on for a Residen al Corridor Dele on

Mr. Ragsdale,

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This applica on will facilitate the development of the Mid-City Memphis PD, which has been

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Thank you for your me and considera on of this request.

Sincerely,

Josh Whitehead

## Exhibit A

Excerpt from the Memphis and Shelby County Zoning Atlas re c ng the dele on of the White Sta on Residen al Corridor, indicated in purple, from pr es south of the subject sites, indicated with yellow "stars."





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.



23058656

07/17/2023 - 10:55:44 AM

5 PGS	
ABRIA 2599242 - 23058656	
VALUE	1900000.00
MORTGAGE TAX	0.00
TRANSFER TAX	7030.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	7058.00

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov

#### THIS INSTRUMENT PREPARED BY:

Butler Snow LLP Reed T. Nunnelee, Esq. 1020 Highland Colony Parkway; Suite 1400 Ridgeland, Mississippi 39157 (601) 948-5711

## **SPECIAL WARRANTY DEED**

Address of New Owner:	Send Tax Bills To:	Map/Parcel Number:
RCM Devco LLC	RCM Devco LLC	Shelby County Parcel ID
c/o Carlisle LLC	c/o Carlisle LLC	056034 00008
1 Dr. ML King Jr. Ave. Suite 130	1 Dr. ML King Jr. Ave. Suite 130	
Memphis, TN 38103	Memphis, TN 38103	

FOR AND IN CONSIDERATION OF the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **MISSIO DEI CHURCH MEMPHIS, INC.**, a Tennessee non-profit corporation, formerly known as White Station Baptist Church, Inc., a Tennessee non-profit corporation, (the "<u>Grantor</u>"), has bargained and sold, and hereby transfers and conveys, to **RCM DEVCO LLC**, a Tennessee limited liability company (the "<u>Grantee</u>"), certain real property in Shelby County, Tennessee, more particularly described on <u>Exhibit A</u> attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD said property, together with the appurtenances, hereditaments, estate, title and interest thereto belonging, to Grantee, forever.

This is improved property known as 621 South White Station Road, Memphis, TN 38117.

Said property is conveyed subject to those matters more particularly described on <u>Exhibit</u> <u>B</u> attached hereto and incorporated herein by reference (the "<u>Permitted Encumbrances</u>").

Grantor covenants and binds itself and its successors to warrant specially and defend to Grantee forever the title to said property against the lawful claims of all persons claiming by, through or under Grantor (excluding claims arising out of the Permitted Encumbrances), but not further or otherwise.

[Signature Page Follows]

<u>.</u>...

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument or has caused same to be executed as of the  $14^{11}$  day of July, 2023.

#### GRANTOR:

Missio Dei Church Memphis, Inc. a Tennessee non-profit corporation

Name: Shaun Payne Title: Pastor

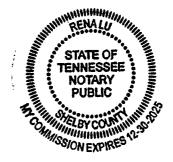
STATE OF TENNESSEE

#### COUNTY OF SHELBY

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, Shaun Payne, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the within instrument for the purposes therein contained, and who further acknowledged that such person is the Pastor of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

WITNESS MY HAND, at office, this  $147^{\prime\prime}$  day of July, 2023.

Notary Public



My Commission Expires:

## STATE OF TENNESSEE

#### COUNTY OF SHELBY

80792998.v1

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 \$1,900,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

> Missio Dei Church Memphis, Inc. a Tennessee non-profit corporation

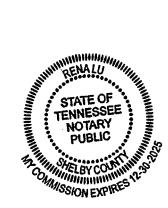
By:

Name: Shaun Payne Title: Pastor 14th day of July, 2023.

Sworn to and subscribed before me this

<u>Notary Public</u>

My Commission Expires:



## EXHIBIT A

## Legal Description of Property

Land situated in Shelby County, Tennessee:

Part of the Wheelis 10.02 Acres, being part of Lot 38, Eppy White Subdivision in Memphis, Tennessee; described as follows:

Beginning at an iron pin in the west line of the White Station Road (60 feet wide), said point being in the south line of the Wheelis 10.02 Acres and said point being 219.83 feet southwardly from the south line of Wheelis Drive; thence westwardly with the south line of the Wheelis 10.02 Acres 282.89 feet; thence northwardly parallel to the west line of the White Station Road 219.83 feet to the south line of Wheelis Drive; thence eastwardly with the south line of Wheelis Drive 282.89 feet to the west line of the White Station Road; thence southwardly with the west line of said White Station Road 219.83 feet to the point of beginning.

## EXHIBIT B

## Permitted Encumbrances

- 1. City of Memphis and Shelby County taxes for the year 2023, liens not yet due or payable
- 2. Easement Contract of record in Book 2501, Page 395, in the Register's Office of Shelby County, Tennessee
- 3. Easement Contract of record in Book 4092, Page 119, in the aforesaid Register's Office

,



Shelby County Tennessee Shelandra Y Ford

Shelby County Register

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



19101241

09/30/2019 - 10:47:07 AM

\_\_\_\_

3 PGS	
BRANDON 1925830 - 19101241	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100

Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov

This Instrument Prepared By: Amy J. Amundsen, Attorney RICE AMUNDSEN CAPERTON, PLLC 275 Jefferson Ave. Memphis, TN, 38103

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#### **QUIT CLAIM DEED**

## KNOW ALL MEN BY THESE PRESENTS, that STACIE NICOLE MARTIN

WADDELL, for and in consideration of the FINAL DECREE OF DIVORCE entered into

between the parties, does hereby bargain, sell, release, remise, quit claim, and convey unto DAVID

**SEWALL WADDELL**, title and interest in and to the following described real estate, to wit:

Part of Lot 14 of Gordon-Medaris Subdivision located in Memphis, Tennessee, being more particularly described as follows:

Beginning at a point in the northerly line of Wheelis Avenue 147.98 feet westwardly from the tangent intersection of the northerly line of Wheelis Avenue with the westerly line of White Station Road, as measured along said northerly line of Wheelis Avenue; said point being 15.0 feet eastwardly from the southeasterly corner of Lot 13; thence northwardly parallel with the easterly line of Lot 13 - 211.84 feet to a point in the northerly line of said subdivision; then eastwardly along the northerly line of said subdivision 157.52 feet to a point in the westerly line of White Station Road; thence southwardly along the westerly line of White Station Road 192.93 feet to a point, the beginning of a curve of 20 foot radius; thence southwardly and westwardly along said curve 30.52 feet to a point in said northerly line of Wheelis Avenue, end of said curve; thence westwardly along the northerly line of Wheelis Avenue 128.87 feet to the point of beginning.

This being the same property transferred to David Waddell by Warranty Deed as recorded by instrument number 14030844 as recorded in the office of the Shelby County Register.

NO OPINION S TO TITLE REQUESTED OR GIVEN.

IN TESTIMONY	WHEREOF I have	hereunto set my	hand and seal	this _//	day of
<u>Sep.</u> ,20	19.				
				1	/
	$\subset$	STA	CIE-NICOLE	MARTIN W	ADDELL

## STATE OF TENNESSEE COUNTY OF SHELBY

4 7

> Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared STACIE NICOLE MARTIN WADDELL, 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

My commission expires: ZQ 71

Parcel No: 056033 00174

#### **Property Owners**

David Sewall Waddell 5188 Wheelis Drive Memphis, TN 38117

#### **Property Known as:**

594-599 S. White Station Road Memphis, Tn 38117

#### Mail Tax Notice to:

David Sewall Waddell 5188 Wheelis Drive Memphis, Tn 38117

#### **New Property Owner**

David Sewall Waddell 5188 Wheelis Drive Memphis, TN 38117

day of NO' AMUNO STA PUB ٩Q "Addamanhanhalina

## STATE OF TENNESSEE COUNTY OF SHELBY

I hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce, and is therefore exempt under Tenn. Code Ann. 67-4-409(a)(3)(E).

SWORN TO AND SUBSCRIBED before me this the  $11^{\text{m}}$  day of <u>Suptember</u>, 2019.

Reurs L. NOTARY PUBLIC

My commission expires: 8 14 2022





Shelby County Tennessee

# Shelandra Y Ford

Shelby County Register

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



19101242

09/30/2019 - 10:47:07 AM

3 PGS	
BRANDON 1925830 - 19101242	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100

Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov

Shelandra Y Ford Shelby County Register of Deeds: Instrument# 19101242 Page 1 of 3

This Instrument Prepared By: Amy J. Amundsen, Attorney RICE AMUNDSEN CAPERTON, PLLC 275 Jefferson Ave. Memphis, TN, 38103

#### **QUIT CLAIM DEED**

## KNOW ALL MEN BY THESE PRESENTS, that STACIE NICOLE MARTIN

WADDELL, for and in consideration of the FINAL DECREE OF DIVORCE entered into

between the parties, does hereby bargain, sell, release, remise, quit claim, and convey unto DAVID

SEWALL WADDELL, title and interest in and to the following described real estate, to wit:

Lot 13 and the West 15 feet of Lot 14, Gordon-Medaris Subdivision, as shown in plat of record in Plat Book 13, Page 24 and being more particularly described as follows:

Beginning at a point in the north line of Wheelis Drive a distance of 147.5 feet westwardly from the west line of South White Station Road, said point being 15 feet east of the southwest corner of Lot 14 and the southeast corner of Lot 13 and being in the west line of the Trustees for the White Station Baptist Church Property as described in Instrument PI 3931; thence, westwardly with the north line of Wheelis Drive a distance of 115.0 feet to the southeast corner of Lot 12; thence northwardly with the east line of Lot 12 a distance of 211.84 feet to a point in the north line of said subdivision; thence, eastwardly and parallel to the north line of Wheelis Drive a distance of 115.0 feet to a point 15 feet east of the north west corner of Lot 14; thence, southwardly parallel to and 15 feet eastwardly from the west line of Lot 14 a distance of 211.84 feet to the point of beginning.

This being the same property transferred to David S. Waddell by Warranty Deed as recorded by instrument number 15040055 as recorded in the office of the Shelby County Register.

NO OPINION AS TO TITLE REQUESTED OR GIVEN.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this day of <u>Sep.</u>, 2019.

STACIE NICOLE MARTIN WADDELL

## STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared STACIE NICOLE MARTIN WADDELL, 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.

2019.

Witness my hand and seal, this

My commission expires: Z0 Z0

Parcel No:

056033 00071C

## **Property Owners**

David Sewall Waddell 5188 Wheelis Drive Memphis, TN 38117

## Property Known as:

5188 Wheelis Drive Memphis, TN 38117

## Mail Tax Notice to:

David Sewall Waddell 5188 Wheelis Drive Memphis, Tn 38117

## New Property Owner

David Sewall Waddell 5188 Wheelis Drive Memphis, TN 38117

AMM MILLING STATE THINN WINN OF TENNESSEE NOTARY PURI IC (()))))))(I))

## STATE OF TENNESSEE COUNTY OF SHELBY

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I hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to the Final Decree of Divorce, and is therefore exempt under Tenn. Code Ann. 67-4-409(a)(3)(E).

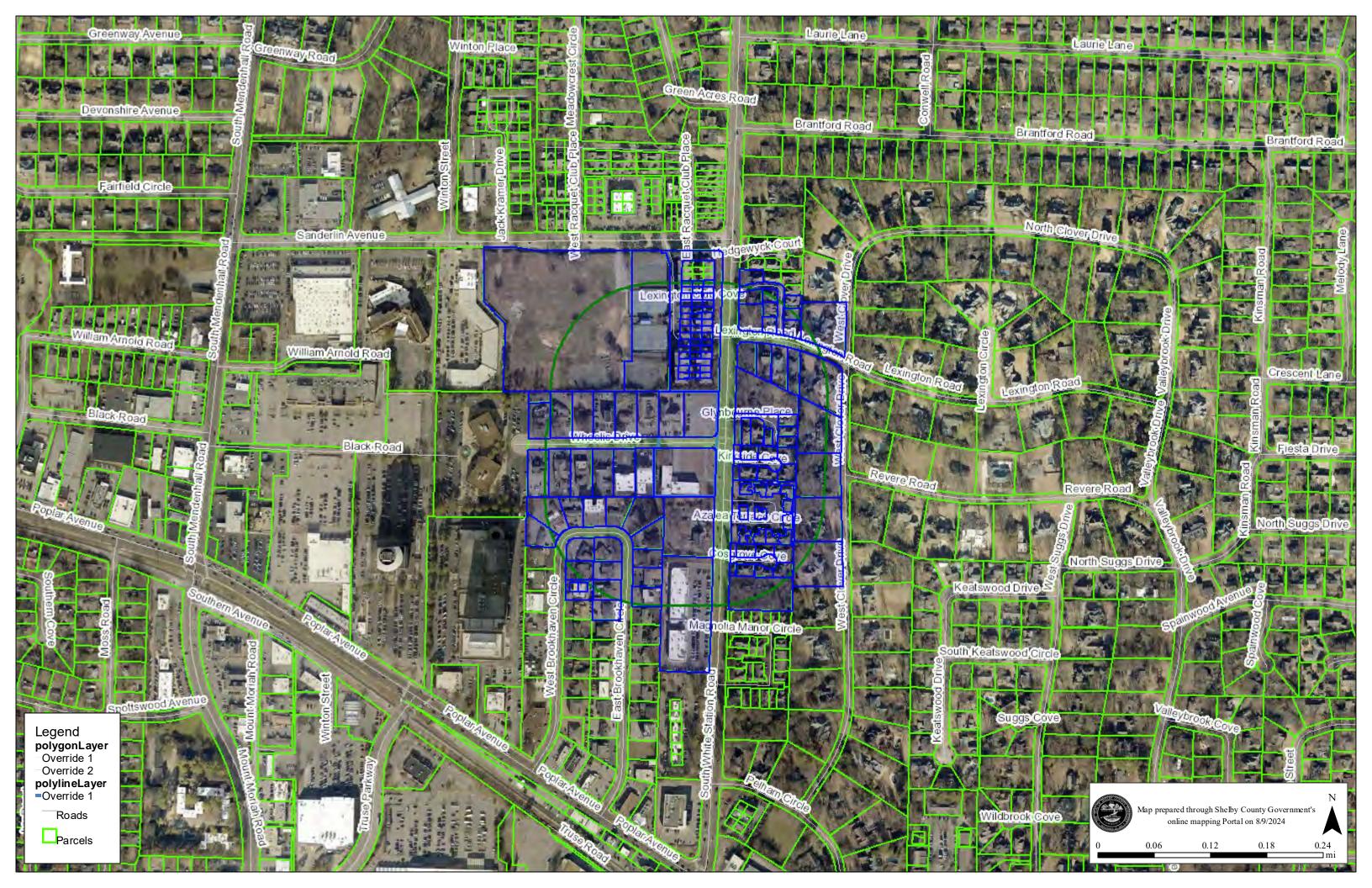
AFFIANT

SWORN TO AND SUBSCRIBED before me this the 1<sup>th</sup> day of <u>Suptember</u>, 2019.

Janei k NOTARY PUBLIC S

My commission expires:  $\frac{8|14|2022}{2022}$ 







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, full Development Code Section 12.3.1.

(Print Name)

(Sign Name)

, state that I have read the definition of

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

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the properties located at <u>5188 Wheelis Dr</u>, <u>0 Wheelis Dr</u>, <u>621 S White Station Rd</u>, and <u>736 E Brookhaven Circle</u> and further identified by Assessor's Parcel Numbers <u>056033 00071C</u>, <u>056033 00174</u>, <u>056034 00008</u>, and <u>056034</u> <u>00039</u>,

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

Subscribed and sworn to (or a figured) before mothes \_\_\_\_\_ day of August\_\_\_\_ in the year of \_\_\_\_\_\_

#### PROPERTY DESCRIPTION

LAND SITUATED IN SHELBY COUNTY, TENNESSEE:

PART OF THE WHEELIS 10.02 ACRES, BEING PART OF LOT 38, EPPY WHITE SUBDIVISION IN MEMPILIS, TENNESSEE: DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN IN THE WEST LINE OF THE WHITE STATION ROAD (60 FEET WDE), SAID POINT BEING IN THE SOUTH LINE OF THE WHEELIS 10.02 ACRES AND SAID POINT BEING 219,83 FEET SOUTHWARDLY FROM THE SOUTH LINE OF WHEELIS DRIVE; THENCE WESTWARDLY WITH THE SOUTH LINE OF THE WHEELIS 10.02 ACRES 282.89 FEET; THENCE NORTHWARDLY PARALLEL TO THE WEST LINE OF THE WHITE STATION ROAD 219,83 FEET TO THE SOUTH LINE OF WHEELIS DRIVE; THENCE EASTWARDLY WITH THE SOUTH LINE OF WHEELIS DRIVE 282.89 FLET TO THE SOUTH LINE OF WHEELIS DRIVE; THENCE EASTWARDLY WITH THE SOUTH LINE OF WHEELIS DRIVE 282.89 FLET TO THE WEST LINE OF THE WHITE STATION ROAD; THENCE SOUTHWARDLY WITH THE WEST LINE OF SAID WHITE STATION ROAD 219.83 FEET TO THE POINT OF BEGINNING.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE FIDELITY NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT ORDER NO. 11103004 WITH AN EFFECTIVE DATE OF 04/25/2023.

#### PROPERTY DESCRIPTION

BEING A SURVEY OF LOT 13 AND PART OF LOT 14 OF THE GORDON-MEDARIS SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 24, ALSO BEING THE DAVID SEWALL WADDELL PROPERTY AS RECORDED IN INSTRUMENTS 19101241 AND 19101242, ALL OF RECORD AT THE SHELBY COUNTY REGISTER'S OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE TANGENT INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF WHITE STATION ROAD (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS WIDENED) WITH THE NORTH RIGHT-OF-WAY LINE OF WHEELIS DRIVE (50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N88°18'42"W A DISTANCE OF 19.12 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 307531.00 – EAST 805881.62; THENCE N88°18'42"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID WHEELIS DRIVE A DISTANCE OF 243.22 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF THE SAID GORDON-MEDARIS SUBDIVISION (PLAT BOOK 13, PAGE 24); THENCE N01°30'50"E ALONG THE EAST LINE OF SAID LOT 12 A MEASURED DISTANCE OF 212.07 FEET (CALL 211.84 FEET) TO A POINT ON THE SOUTH LINE OF LOT 1 OF THE LEXINGTON II SUBDIVISION AS RECORDED IN PLAT BOOK 286, PAGE 16; THENCE S88°22'56"E ALONG THE SOUTH LINE OF LOT 1 OF THE SAID LEXINGTON II SUBDIVISION AND ALONG THE SOUTH LINE OF THE PROPERTY SHOWN ON THE OUTLINE/FINAL PLAN FOR THE RACQUET CLUB CONDOMINIUM P.D. AS RECORDED IN PLAT BOOK 221, PAGE 23 A DISTANCE OF 272.52 FEET TO THE SOUTHEAST CORNER OF THE SAID RACQUET CLUB CONDOMINIUM P.D., SAID POINT LIES ON THE WEST RIGHT-OF-WAY LINE OF SAID WHITE STATION ROAD; THENCE S04°15'30"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WHITE STATION ROAD A DISTANCE OF 193.49 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A 20.00 FOOT RADIUS. AN ARC LENGTH OF 30.52 FEET (CHORD S47°58'24"W – 27.64 FEET) TO THE POINT OF BEGINNING AND CONTAINING 56,680 SOUARE FEET OR 1.301 ACRES.

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, January 21, 2025 at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER:	RC 2024-002
LOCATION:	At and around 621 S. White Station Road
<b>COUNCIL DISTRICTS:</b>	District 5 and Super District 9
<b>OWNER/APPLICANT:</b>	Residential Single Family-10 (R-10), Residential Corridor Overlay
<b>REPRESENTATIVE:</b>	Josh Whitehead, Whitehead Law
<b>REQUEST:</b>	Residential corridor overlay deletion
AREA:	+/-2.15 acres

## **RECOMMENDATIONS:**

Memphis and Shelby County Division of Planning and Development: Approval

Memphis and Shelby County Land Use Control Board: Approval

NOW, THEREFORE, you will take notice that on Tuesday, <u>January 21, 2024</u>, 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 at an earlier meeting, with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

## THIS THE FIRST DAY OF JANUARY, 2025

J. FORD CANALE CHAIRMAN OF COUNCIL

ATTEST:

## KAMETRIS WYATT CITY COMPTROLLER

TO BE PUBLISHED: Friday January 10, 2025

#### H M HECKLE & CO INC 5140 WHEELIS DR # MEMPHIS TN 38117

PIACENTI PERRY & JANNA 2340 MONT ALBAN CV # GERMANTOWN TN 38139

CRUMBY SUSAN M LIVING TRUST 5242 GLYNBOURNE PL # MEMPHIS TN 38117

FRANKLIN HOMES INC 3800 NEW GETWELL RD # MEMPHIS TN 38118

FRITZ KAREN E 371 CARAWAY CV # MEMPHIS TN 38117

FRANKLIN HOMES INC 3800 NEW GETWELL RD # MEMPHIS TN 38118

PARKER KEITH D & ALLISON AND 5241 KIRKSIDE CV # MEMPHIS TN 38117

KATZ DANIEL 5231 KIRKSIDE CV # MEMPHIS TN 38117

MARIENCHECK WILLIAM I & ANNETTE 626 AZALEA TERRACE CIR # MEMPHIS TN 38117

DETRAZ NICOLE A AND DURSUN PEKSEN (RS) 630 AZALEA TERRACE CIR # MEMPHIS TN 38117 WATTS DONALD P LIVING TRUST 634 AZALEA TERRACE CIR # MEMPHIS TN 38117

SCHEINFELD JOAN L REVOCABLE LIVING TRUST 651 AZALEA TERRACE CIR # MEMPHIS TN 38117

OATES SHERRYL AND CHARLES OATES LIVING 546 THORN RIDGE CV # MEMPHIS TN 38117

KING ROBERT S & BARBARA C 650 AZALEA TERRACE CIR # MEMPHIS TN 38117

MOORE TRACY R & RUTH A 646 AZALEA TERRACE CIR # MEMPHIS TN 38117

THIS LAND IS OUR LAND LLC 743 E BROOKHAVEN CIR # MEMPHIS TN 38117

SCOTT ALAN J 5238 COSGROVE CV # MEMPHIS TN 38117

WILSON SHEILA Z 219 N ROSE # MEMPHIS TN 38117

ROLL ON DOWN LLC 500 S GOODLETT ST # MEMPHIS TN 38117

721 HOLDINGS LLC 2780 KEASLER CIR # GERMANTOWN TN 38139 PASCHAL DANA H 670 S WHITE STATION RD # MEMPHIS TN 38117

WADDELL DAVID S 5188 WHEELIS DR # MEMPHIS TN 38117

WALLER ROBERT R REVOCABLE TRUST 5201 LEXINGTON CLUB CV #401 MEMPHIS TN 38117

SALTZ DAVID E 580 S WHITE STATION RD # MEMPHIS TN 38117

RCM DEVCO LLC 1 DR ML KING JR #130 MEMPHIS TN 38103

LAWRENCE AND OLIVER HOLDINGS LLC 5178 WHEELIS DR # MEMPHIS TN 38117

WADDELL DAVID S 5188 WHEELIS DR # MEMPHIS TN 38117

CONTEMPORARY HOMES INC 4990 POPLAR AVE # MEMPHIS TN 38117

CRUZ DINIA C LIVING TRUST 5225 GLYNBOURNE PL # MEMPHIS TN 38117

VICZOREK ROBERT E 5231 GLYNBOURNE PL # MEMPHIS TN 38117 MCDOWELL RHONDA G 5237 GLYNBOURNE PL # MEMPHIS TN 38117

LYNCH CLIFFORD F AND ANNETTE LYNCH 5246 GLYNBOURNE PL # MEMPHIS TN 38117

SNOW STEVEN M 4670 SUMMER AVE # MEMPHIS TN 38122

KISH SARKIS V JR 5179 WHEELIS DR # MEMPHIS TN 38117

RCM DEVCO LLC 1 DR ML KING JR AVE #130 MEMPHIS TN 38103

MCDONALD CARLA R 5220 KIRKSIDE CV # MEMPHIS TN 38117

TALLAHABLUFF II LLC 116 COLONY WAY # BRANDON MS 39047

FRANKLIN HOMES INC 3800 NEW GETWELL RD # MEMPHIS TN 38118

STAFFORD MARGARET H 5221 KIRKSIDE CV # MEMPHIS TN 38117

AZALEA TERRACE PARTNERS LTD 665 OAKLEAF OFFICE LN # MEMPHIS TN 38117 PHAM LANG V AND LOAN MY PHAM 620 AZALEA TERRACE CIR # MEMPHIS TN 38117

SOWELL MICHAEL L & CATHY 624 AZALEA TERRACE CIR # MEMPHIS TN 38117

SNOW STEVEN M 4670 SUMMER AVE # MEMPHIS TN 38122

PRASAD M N RAMA & SUDHA R PO BOX 17962 # MEMPHIS TN 38187

KENNEDY JENNIFER G REVOCABLE TRUST 625 AZALEA TERRACE CIR # MEMPHIS TN 38117

SAMAHA HICKMAT AND ROBERT & JOANNE 638 AZALEA TERRACE CIR # MEMPHIS TN 38117

MORGAN LINDA A LIVING TRUST 648 AZALEA TERRACE CIR # MEMPHIS TN 38117

MACAULAY CYNTHIA J 642 AZALEA TERRACE CIR # MEMPHIS TN 38117

OEGEL FAMILY L P 4091 VISCOUNT AVE # MEMPHIS TN 38118

TWIN OAKS ASSOCIATION INC 5237 COSGROVE CV # MEMPHIS TN 38117 DULBERGER REID E REVOCABLE TRUST AND 5230 COSGROVE CV # MEMPHIS TN 38117

HUA JUNWEI & PEILI CHEN 5246 COSGROVE CV # MEMPHIS TN 38117

FIRST NAME LAST NAME LLC 747 E BROOKHAVEN CIR # MEMPHIS TN 38117

TWIN OAKS ASSOCIATION INC 5230 COSGROVE CV # MEMPHIS TN 38117

ARGO BOYD W 748 E BROOKHAVEN CIR # MEMPHIS TN 38117

TWIN OAKS ASSOCIATION INC 5230 COSGROVE CV # MEMPHIS TN 38117

WEST JAMES AND ANNE WEST JOINT LIVING 5229 COSGROVE CV # MEMPHIS TN 38117

SCHIFANI PAUL J AND D CATRINA SCHIFANI 5237 COSGROVE CV # MEMPHIS TN 38117

MULLIS ANN M REVOCABLE TRUST P O BOX 770179 # MEMPHIS TN 38177

HOUSTON JANE M FAMILY TRUST 5201 LEXINGTON CLUB CV #301 MEMPHIS TN 38117 GLASS MARYLON R RESIDENE TRUST II 5201 LEXINGTON CLUB CV #302 MEMPHIS TN 38117

0'LEARY PATRICK H 1779 KIRBY PKWY #1 BOX 368 **GERMANTOWN TN 38138** 

PARKER JUDITH G LIVING TRUST 5201 LEXINGTON CLUB CV #201 MEMPHIS TN 38117

DR ROB LLC 744 BROOKHAVEN CIR # MEMPHIS TN 38117

SALKY SAMUEL & ELLEN Y 5201 LEXINGTON CLUB CV #202 MEMPHIS TN 38117

GILL WHITE STATION GP 8130 MACON STATION DR # CORDOVA TN 38018

LAZAROV JOYCE B LIVING TRUST LEXINGTON CONDOMINIUM OWNERS ASSOCIATION 597 LEXINGTON CLUB CT #401 MEMPHIS TN 38117

510 S MENDENHALL #100 MEMPHIS TN 38117

FINE RICHARD E & MELANIE 597 LEXINGTON CLUB CT #403 MEMPHIS TN 38117

RCM DEVCO LLC 119 S MAIN ST #800 MEMPHIS TN 38103

GAMBRELL CYNTHIA S 597 LEXINGTON CLUB CT #302 MEMPHIS TN 38117

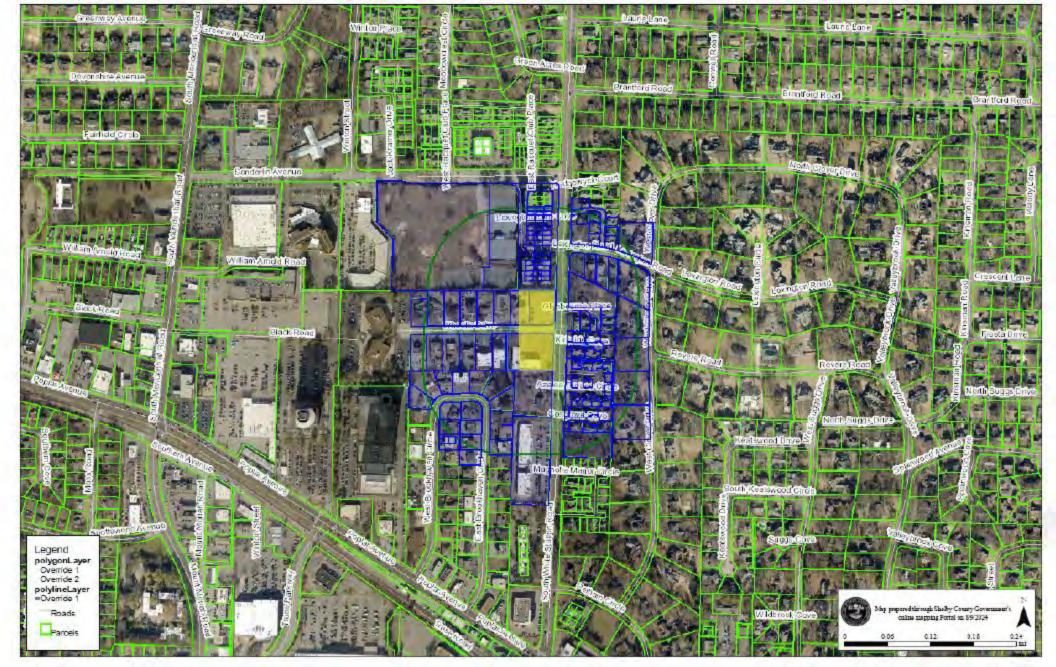
RCM DEVCO LLC 1 DR ML KING JR AVE #130 MEMPHIS TN 38103

CLAWSON KAREN K LIVING TRUST ORION FEDERAL CREDIT UNION 5250 GLYNBOURNE PL # 400 MONROE AVE # MEMPHIS TN 38117 MEMPHIS TN 38103

COUCH DAVID 9950 CENTER HILL RD # COLLIERVILLE TN 38017

MOORE MILES 725 W BROOKHAVEN CIR # MEMPHIS TN 38117

728 BROOKHAVEN PARTNERS PO BOX 771076 # MEMPHIS TN 38177



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

**Planning & Development** DIVISION

# Planning & Zoning COMMITTEE: **PUBLIC SESSION:**

DATE 01/21/2025 DATE

01/07/2025

ITEM	(CHECK ONE)	

ONE ORIGINAL

**ONLY STAPLED** 

**TO DOCUMENTS** 

X RESOLUTION \_\_\_\_\_ REQUEST FOR PUBLIC HEARING ORDINANCE Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving **ITEM DESCRIPTION:** a special use permit at the subject property located at 1344 E Shelby Drive, known as case number SUP 2024-044. SUP 2024-044 **CASE NUMBER:** LOCATION: 1344 E Shelby Drive District 3 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS: OWNER/APPLICANT:** Bassam Ginem/ Kaylon Johnson David Baker **REPRESENTATIVE:** Special use permit to allow vehicle sales **REQUEST:** +/-1.04 acres **AREA:** The Division of Planning and Development recommended Rejection **RECOMMENDATION:** The Land Use Control Board Recommended Rejection RECOMMENDED COUNCIL ACTION: Public Hearing Not Required **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED (2)12/12/2024 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO (2)AMOUNT OF EXPENDITURE \$ **REVENUE TO BE RECEIVED** S SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** \$ CIP PROJECT # \$ FED \$ ADMINISTRATIVE APPROVAL:

DERAL/STATE/OTH	ER
<u>DATE</u>	POSITION
12/19/2.24	- STAFF PLANNER
	DEPUTY ADMINISTRATOR
12/20/24	ADMINISTRATOR
· ·	DIRECTOR (JOINT APPROVAL)
	COMPTROLLER
	FINANCE DIRECTOR
	CITY ATTORNEY
	CHIEF ADMINISTRATIVE OFFICER
	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

## SUP 2024-044

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 1344 E Shelby Drive, KNOWN AS CASE NUMBER SUP 2024-044.

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

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 12, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2024-044
LOCATION:	1344 E Shelby Drive
COUNCIL DISTRICT(S):	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Bassam Ginem/ Kaylon Johnson
REPRESENTATIVE:	David Baker
REQUEST:	Special use permit to allow vehicle sales
EXISTING ZONING:	Commercial Mixed Use-1 (CMU-1)
AREA:	+/-1.04 acres

The following spoke in support of the application: None

## The following spoke in opposition the application: None

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

## The motion failed by a vote of 8-2-0 on the regular agenda.

Respectfully,

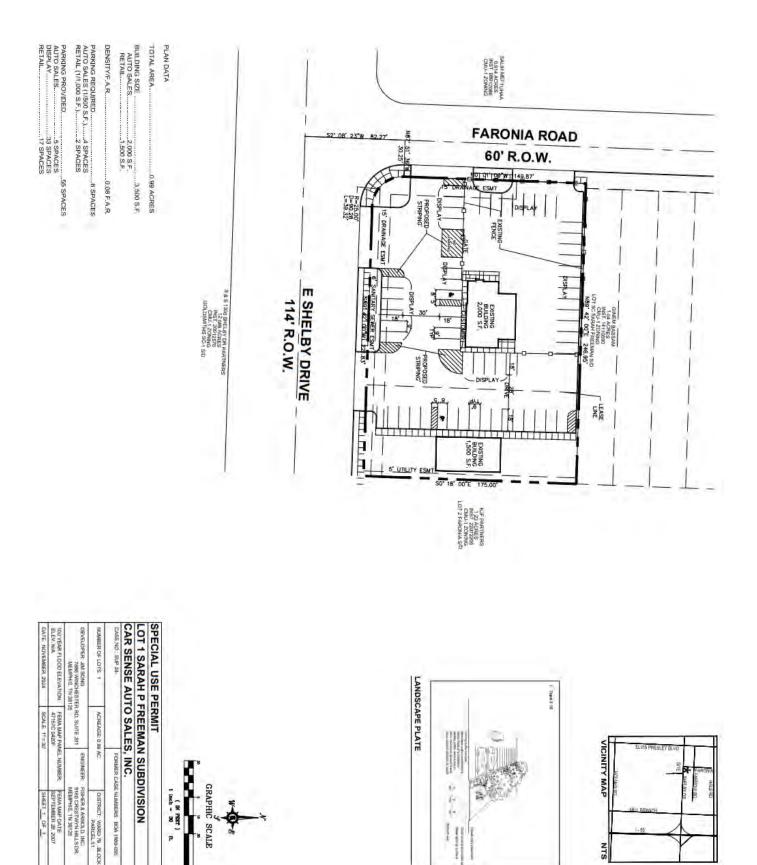
Mahsan Ostadnia

Planner II Land Use & Development Services Cc: Committee Members File

## SUP 2024-044 CONDITIONS

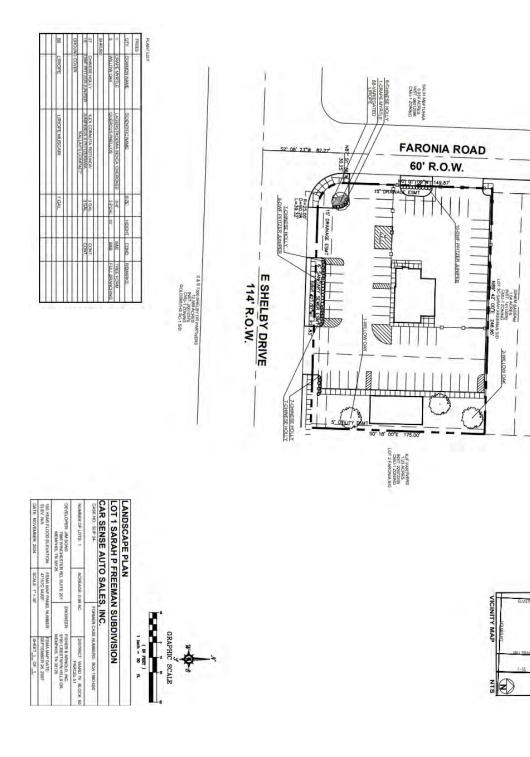
- 1. A type S-10 Streetscape Plate shall be installed along the Shelby Drive and Faronia Road frontages. Any approved fencing along both streets shall be located behind the streetscape plate.
- 2. All existing non-conforming curb cuts shall be modified to meet current City Standards if allowed to remain subject to City Engineering. The southern most curb cut on Faronia Road, and the westernmost curb cut on Shelby Drive shall be closed with curb, gutter, and sidewalk.
- 3. Any dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 4. No vehicle repair is permitted.
- 5. Where easements conflict with the planting of required trees along the street frontages, such required trees shall be planted elsewhere on the site subject to the Division of Planning and Development.
- 6. No inoperable vehicles (SEE UDC definition in Section 12.3.1) are permitted on the site. In addition, no salvage operations or impound lots are permitted.
- 7. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development and approved in accordance with UDC Chapter 4.1 and any conditions imposed by the City Council.
- 8. Any fencing to be provided must comply with UDC Section 4.6.7.

### SITE PLAN



NTS

### LANDSCAPE PLAN



### RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 1344 E SHELBY DRIVE, KNOWN AS CASE NUMBER SUP 2024-044

**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**, Kaylon Johnson filed an application with the Memphis and Shelby County Division of Planning and Development to allow vehicle sales; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 12, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

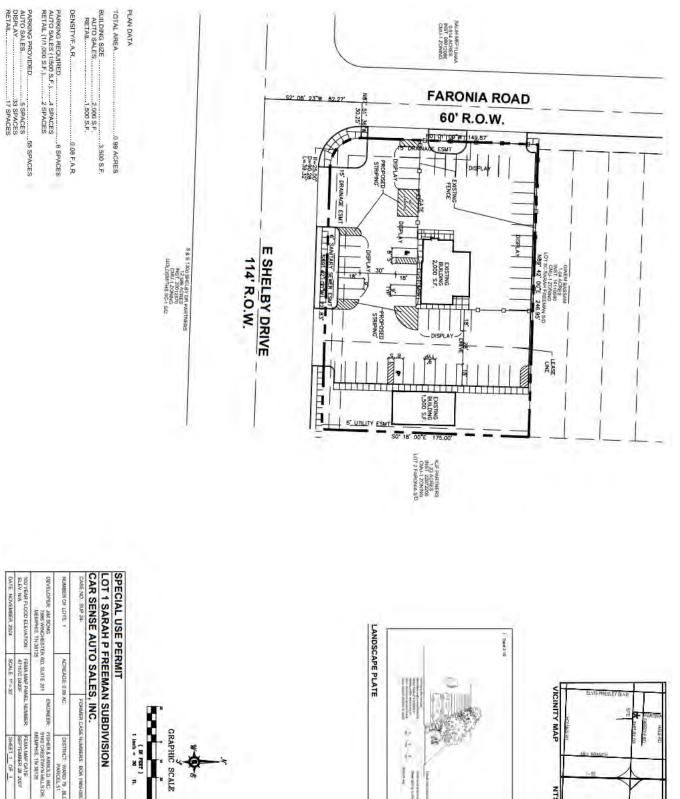
**BE IT FURTHER RESOLVED,** that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed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

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

## CONDITIONS

- 1. A type S-10 Streetscape Plate shall be installed along the Shelby Drive and Faronia Road frontages. Any approved fencing along both streets shall be located behind the streetscape plate.
- 2. All existing non-conforming curb cuts shall be modified to meet current City Standards if allowed to remain subject to City Engineering. The southern most curb cut on Faronia Road, and the westernmost curb cut on Shelby Drive shall be closed with curb, gutter, and sidewalk.
- 3. Any dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 4. No vehicle repair is permitted.
- 5. Where easements conflict with the planting of required trees along the street frontages, such required trees shall be planted elsewhere on the site subject to the Division of Planning and Development.
- 6. No inoperable vehicles (SEE UDC definition in Section 12.3.1) are permitted on the site. In addition, no salvage operations or impound lots are permitted.
- 7. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development and approved in accordance with UDC Chapter 4.1 and any conditions imposed by the City Council.
- 8. Any fencing to be provided must comply with UDC Section 4.6.7.

## **SITE PLAN**



GRAPHIC SCALE ( IN FERT ) 1 inch - 30 ft. Go

BERS

BON 1985

PARCEL 51

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LANDSCAPE PLAN
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Image: Instructure inst	International provides of the second seco
CRAPHIC SCALE CRAPHIC SCALE CRAPHI	WE PARTIES BY AND

**ATTEST:** 

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

dpd MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT
AGENDA ITEM:	15	L.U.C.B. MEETING:	December 12, 2024
CASE NUMBER:	SUP 2024-044		
LOCATION:	1344 E Shelby Drive		
COUNCIL DISTRICT:	District 3 and Super District 8 – Pos	sitions 1, 2, and 3	
OWNER/APPLICANT:	Bassam Ginem/ Kaylon Johnson		
<b>REPRESENTATIVE:</b>	David Baker		
REQUEST:	Special use permit to allow vehicle	sales	

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

# CONCLUSIONS

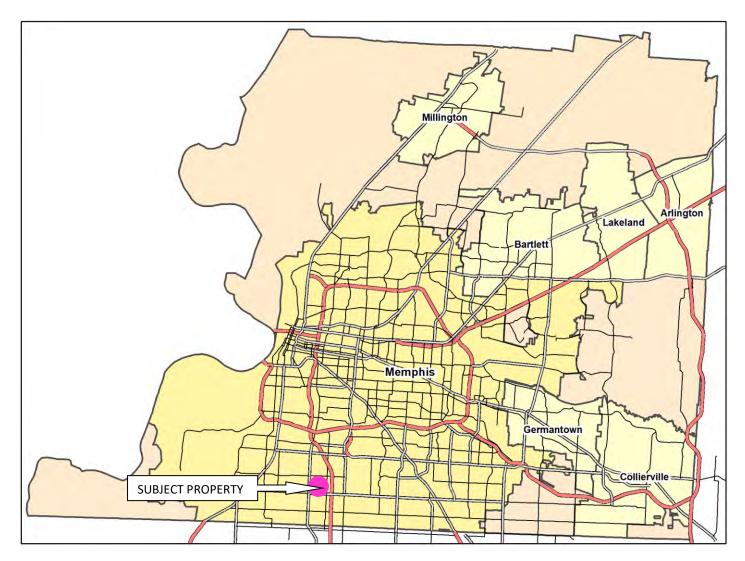
- 1. The applicant is seeking a Special use Permit to allow vehicle sales in the CMU-1 zone. This requested use is not compatible with the future land use description/intent, form & location characteristics, existing, adjacent land use and zoning. It is located in an area that the Memphis 3.0 Comprehensive Plan designates for future development types to promote pedestrian-oriented infill development.
- 2. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

# CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-18 of this report.

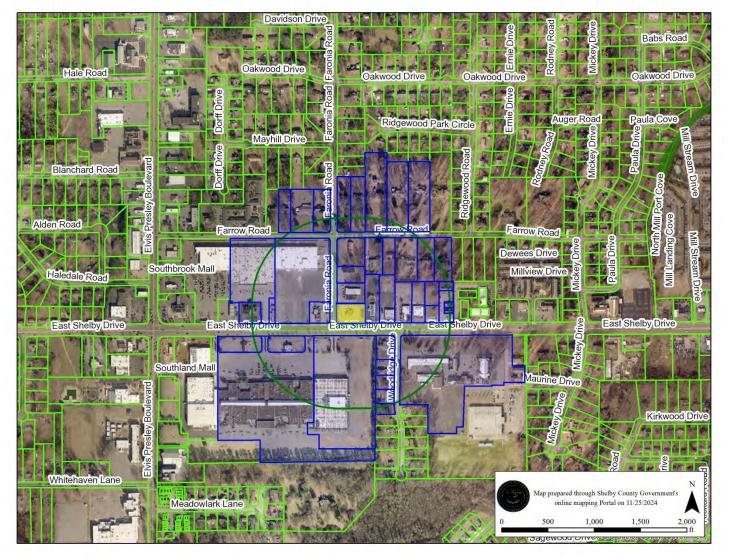
# **RECOMMENDATION:**

Rejection



Subject property located within the pink circle.

#### PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

#### **PUBLIC NOTICE DETAILS**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 35 notices were mailed on November 20, 2024, see page 19 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see page 22 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

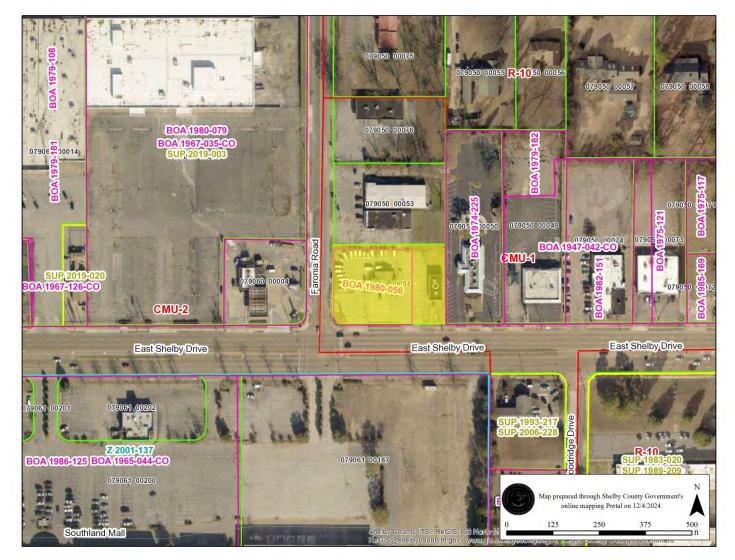
The meeting was held at 5:30 PM on Wednesday, November 20, 2024, at the car sense auto sales, inc. 1344 e Shelby Drive, suite a101, Memphis, TN 38116.

### AERIAL



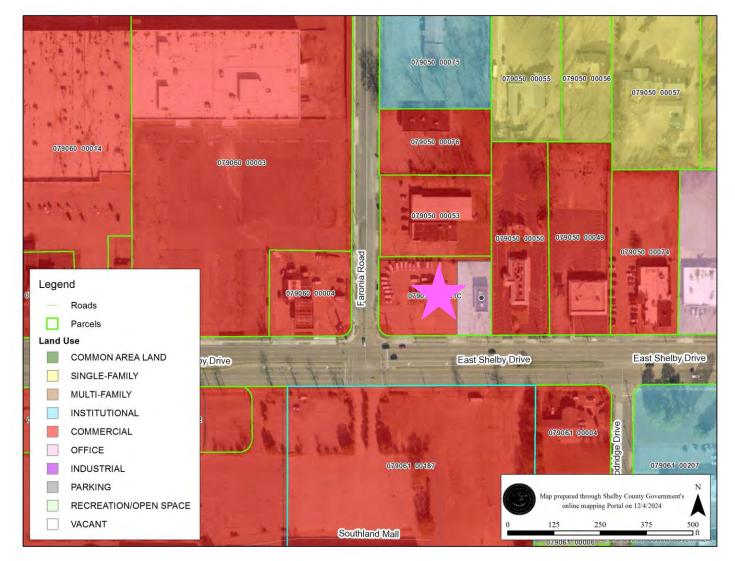
Subject property outlined in yellow.

### **ZONING MAP**



Subject property highlighted in yellow.

### LAND USE MAP



Subject property indicated by a pink star.

## SITE PHOTOS



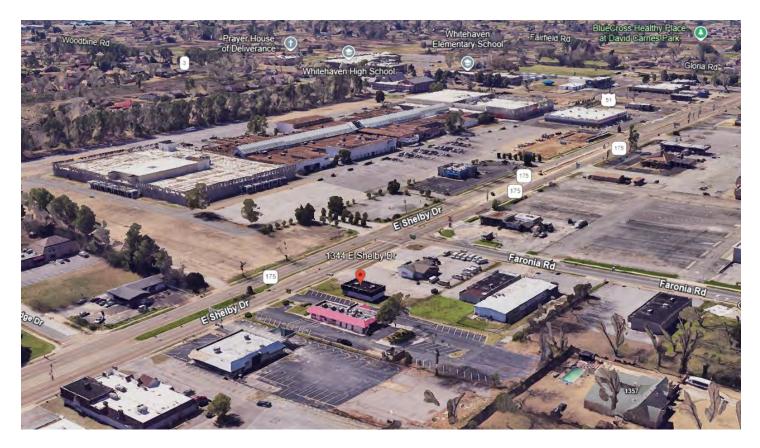
View of subject property from East Shelby Drive.



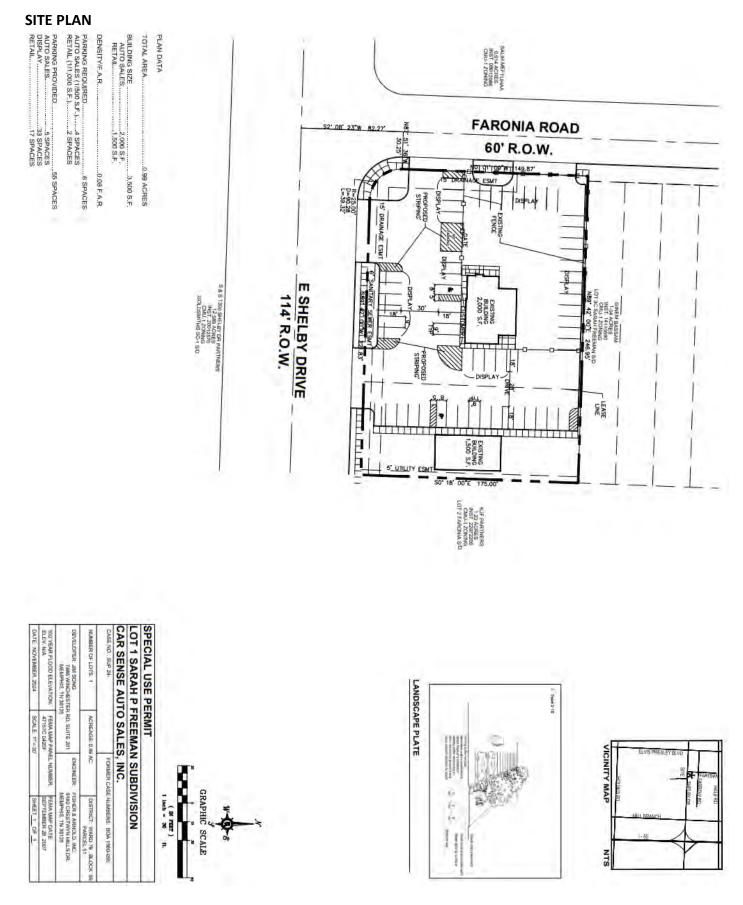
View of subject property from East Shelby Drive (east).



View of subject property from above.

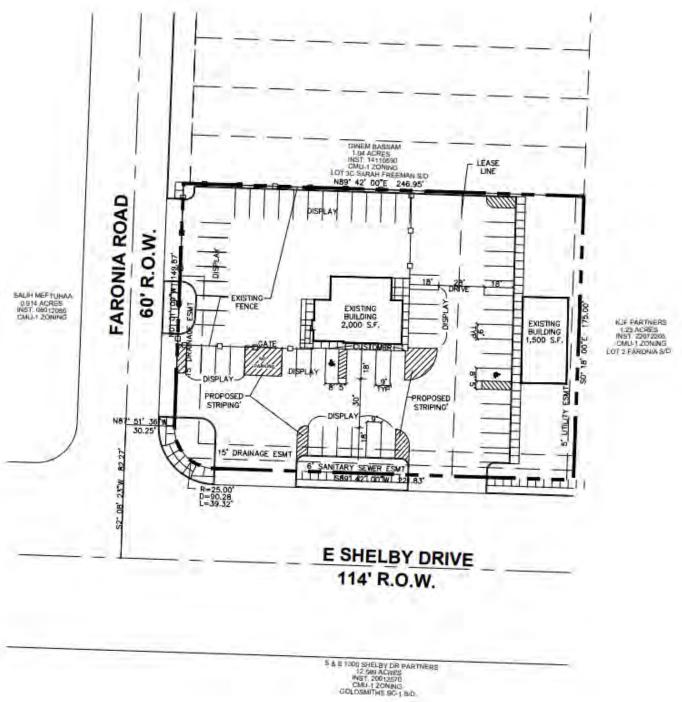


View of subject property from above.



December 12, 2024 Page 10

#### SITE PLAN – MAGNIFIED



# LANDSCAPE PLAN

WARD 79 BLOCH YN HILLS DR.

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									S & S TAD SHELPY DR DARTNERS 12.59 ACTUALS DR.T. 2000 GOLDSMITHS SC-T SD GOLDSMITHS SC-T SD		E SHELBY DRIVE 114' R.O.W.	T-CHINESE HOLLY		s there is			175.00			DAREN BASSAN Net vituda Net vituda LOT 20 SANAH FREEMAN SD NB 42 OCE 246 90 NB 42 OCE 246 90
												KK				LOT 2 FARONIA S/D				
100 VEAR FLOOD ELEVATION: ELEV. WA DATE: NOVEMBER: 2024	DEVELOPER: JIM SONG 7886 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125	NUMBER OF LOTS: 1	CASE NO SUP 24-	CAR SENSE AUTO SALES, INC.	LOT 1 SARAH P FR	LANDSCAPE PL														
FEMA MAP PANEL NUMBER: 47157C 0420F SCALE: 1" = 30"	ER RD, SUITE 201 8125	ACREAGE: 0.99 AC.	FORMER O	TO SALES, INC.	<b>1 SARAH P FREEMAN SUBDIVISION</b>	AN	R	8												
SHEET 1 OF 1	FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125	DISTRICT: WARD 79 . BLO PARCEL 51	FORMER CASE NUMBERS: BOA 1980-006		DIVISION		( DK PEST ) 1 lach - 30 fl.	GRAPHIC SCALE	, and a	-*										

December 12, 2024 Page 11



#### **CASE REVIEW**

#### **Request**

The request is a special use permit to allow vehicle sales.

#### Approval Criteria

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

#### 9.6.9 Approval Criteria

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

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

#### **Site Details**

Address: 1344 E Shelby Drive

Parcel ID: 079050 00051C

Area: +/-1.04 acres

December 12, 2024 Page 13

### Description:

The subject property is known as Sarah P Freeman Subdivision. Per the Assessor's website, the principal structure on the site was built in 1996 with a building area of 7,665 square feet. The surrounding land uses are a mixture of single-family and commercial lots. Additionally, this lot has two street frontages.

### Site Zoning History

On March 31, 1980, the Board of Adjustment approved Docket BOA 1980-056 for variations to allow the use of a retail truck and automobile leasing service in C-1 District, see pages 20-21 of this report for said notice of disposition.

### Site Plan Review

The applicant is providing 60 parking spaces in total (5 customer parking spaces, 38 display spaces, and 17 spaces unidentified for use).

The subject property has two street frontages: one facing E Shelby Drive and one facing Faronia Road.

The applicant is providing a plate S-10 streetscaping plan along both streets.

A 15-foot drainage easement setback is provided fronting E Shelby Drive and Faronia Road.

### **Analysis**

The applicant is seeking a Special Use Permit to allow vehicle sales in the CMU-1 zone. This requested use is not compatible with the future land use description/intent, form & location characteristics, existing, adjacent land use and zoning. The area within the vicinity of the site is noted by the Memphis 3.0 plan for future development that promotes pedestrian-oriented infill development.

The proposed site plan is inadequate. It proposes no closing of existing non-conforming curb cuts. Namely, the curb cuts on Shelby Drive and Faronia Road closest to the intersection of Shelby Drive and Faronia Road are too close to the intersection. It appears the applicant intends to leave all curb cuts on the site "as is". Of particular note, the applicant shows the northernmost curb cut on Faronia Road gated off and not closed with curb, gutter and sidewalk. Display spaces for cars are used in this space. At a minimum, the site plan needs to be re-worked to close the aforementioned curb cuts, only use the northernmost curb cut on Faronia Drive and the easternmost curb cut on Shelby Drive and provide landscaping along both street frontages immediately behind the sidewalk. Further, any proposed fencing would be placed behind the landscaping, not in front of it.

The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

## RECOMMENDATION

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

## **Conditions**

1. A type S-10 Streetscape Plate shall be installed along the Shelby Drive and Faronia Road frontages. Any approved fencing along both streets shall be located behind the streetscape plate.

- 2. All existing non-conforming curb cuts shall be modified to meet current City Standards if allowed to remain subject to City Engineering. The southern most curb cut on Faronia Road, and the westernmost curb cut on Shelby Drive shall be closed with curb, gutter, and sidewalk.
- 3. Any dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 4. No vehicle repair is permitted.
- 5. Where easements conflict with the planting of required trees along the street frontages, such required trees shall be planted elsewhere on the site subject to the Division of Planning and Development.
- 6. No inoperable vehicles (SEE UDC definition in Section 12.3.1) are permitted on the site. In addition, no salvage operations or impound lots are permitted.
- 7. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development and approved in accordance with UDC Chapter 4.1 and any conditions imposed by the City Council.
- 8. Any fencing to be provided must comply with UDC Section 4.6.7.

#### 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.

## Roads:

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

### **Traffic Control Provisions:**

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

## Curb Cuts/Access:

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

#### **General Notes:**

No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings. Required landscaping <u>shall not</u> be placed on sewer or drainage easements.

City/County Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.

#### **Office of Comprehensive Planning:**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>SUP 2024-044</u>: Whitehaven

Site Address/Location: 1344 E SHELBY DR

Overlay District/Historic District/Flood Zone: Not in any Overlay District, Historic District or Flood Zone Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M) Street Type: Avenue & Parkway

*The applicant is seeking a Special use Permit to allow vehicle sales in the CMU-1 zone.* The following information about the land use designation can be found on pages 76 – 122:

#### 1. Future Land Use Planning Map



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

### 2. Land Use Description/Intent

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



walkable Anchor. multi-unit

### "AN-M" Form & Location Characteristics

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

### "AN-M" Zoning Notes

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

December 12, 2024 Page 18

Staff Report SUP 2024-044

## Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Institutional and Single-Family; CMU-1, CMU-2, and R-10 **Overall Compatibility:** *This requested use is not compatible with the future land use description/intent, form & location characteristics, existing, adjacent land use and zoning.* 

3. Degree of Change Map



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

## 4. Degree of Change Description

Nuture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. The proposed application is a private investment. However, it will impede future development activity and be a barrier to promoting pedestrian-oriented infill development.

- 5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities: NA
- 6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: NA

### **Consistency Analysis Summary**

The applicant is seeking a Special use Permit to allow vehicle sales in the CMU-1 zone.

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

The proposed application is a private investment. However, it will impede future development activity and be a barrier to promoting pedestrian-oriented infill development.

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

## MAILED PUBLIC NOTICE

Staff Report

SUP 2024-044

Staff Planner Contact: Mahsan Ostadnia mahsan.ostadnia@memphistn.gov (901) 636-7181	Meeting Details Location: Council Chambers Tin City Hall 1st Floor 125 N Main St. Da	CASE NUMBER:SUP 2024-044ADDRESS:1344 E SHELBY DRREQUEST:Special use permit to allow vehicle salesAPPLICANT:Bassam Ginem	You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than <b>Wednesday, December 4, 2024 at 8 AM.</b>	NOTICE OF PUBLIC HEARING
Ϋ́Υ	Time: 9:00 AM Date: Thursday, Dec. 12, 2024	allow vehicle sales	e you own or reside on a elopment application to be aring of the Memphis and d. You are not required to ed to do so if you wish to You may also submit a letter d below no later than <b>AM.</b>	IEARING
To learn more about this proposal, contact the staff planner or use the QR code to view the full application.	35 Notices Mailed 11/20/2024			20
				DIVISION OF PLANNING AND DEVELOPMENT

## NOTICE OF DISPOSITION

	-		0	Docket No.	0.56
DATE FILED	- and a starting	-	-	Docket No. 4	0-00
ALOCAVED.		& SHELBY COU		Notices	
USD min IOD	EOARD 125 Nor	OF ADJUSTME th Main St., Room 5	17	Nouces	
MAR 31 '80	MEMPHIS	, TENNESSEE 38	3103	Disposition	
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Office Use Only					
	necessary data on sheets 8	8½ by 11 inches in si	ze. (See reverse sid	le of this sheet.)	non,
	E REQUIREMENTS O				
	NAMES	AND ADDRESSES	3		
527-8571	(Including Ru	ural Route or P.O. Bo	xNo.)		
			1935, 100	North Main B	uilding
Applicant: Herschel L.	Feibelman	Address:	Memphis, T	ennessee 38	103
				North Main B	
Owner: Sara P. Free Herschel L.	man, c/o	Address:	Memphis, 1	North Main B	uilding
Lessee: Budget Rent	a Car Corp., c	/o Address	Memphis T	ennessee 38	103
Herschel L.		40 Audress.	Hemphits,	ennegate ou	de M. S.
To the Chairman, Board of Adjustmer					
Application is hereby made f		from the requirement	nts of section 28	3-91 Zone Ordina	ince/Regulations
	(Exception )			1	use
		Laure and			researchion
inder the discretionary power vested i	n your Board by Section	28-105(h)	(2)(1);(円)	3) (b) to germit	alteration of
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				Mamah 21	1980
n accordance with the plans filed und	er application for Buildin	ig or use and occupar	icy permit dated	March 31	19.00
				100	
Describe Request: To permit	the use of a	retail truck	k and autor	nobile leasin	g service
			The second s		
in C-1 District.					
		cholber 1	Drivo		
PREMISES AFFECTED located on th	e north side	of Shelby I	DIIVE	(SINK)	C PERSON INCOMENDATION OF THE PERSON INCOMEND
XXXXX XXXXXXXX	at xox the corner fo	ormed by the interse	ction of Shell	ov Drive	
APERIANA ARDEG	in the second se			1	
and Faronia	and known as Num	nber 1330 Sh	elby Drive	Street	(Astorneody Boast
	and the second of the	and the second			
Attached hereto is copy of the decisio		ector of Public Servic	on March	1 31,	19 80
	1			Intilat	
DESCRIP	TION OF EXISTING O	R PROPOSED BUI	LDING OR STR	JCTURE	
Size of Building or Structure:					
At street level: 52	feet across front: 40	feet deep.	Height:	1 Stories 1	L4 feet high
At street level. 52	Teer across from.	reet deep.	rieight:	L Stories 4	reet nigh
Occupancy: (a) Number of Fam	ilies: (If any part is use	d as dwelling). N	/A		1
	ons Employed: (If Indus			Five	
	omobile Parking Spaces:	Three to			
Jse District:C-1		Date of I	Erection: On pe	ermit	
Character of Construction: Frame	e 🗆 Mason	v D	Solid Maspnry	D Shee	et Metal
character of construction: Pfaint	widson		oona wasani y	L 0110	e meser E
Reinforced Concrete or Protect	ed Steel Frame	Other (Spe	cify) Mason	nry Veneer	
las Any Application or Appeal Been			emises? Ye		No X
(If yes give date and docket	no. of prior application)	Date		_ Docket No	
BOA.1 (10-70)					

I inquired on March 31 19 80 from the Secretary of the Board petition pending to change the district regulations affecting the block on which these premis	I of Adjustment whether there was any
an such patition proding	es are located.
I was informed there was a such period perio	
I hereby depose and say that all the above statements and the statements contained i	n the papers submitted herewith are true.
Sworn to before me this <u>31st</u> /	
day of March 19 80 1209	11
1 DIL JEL	(Applicant to sign here.)
Notary Sign Here deg the Herschel L. Feib	elman
My Commission Expires 4/9 19.80	
STATE OF TENNESSEE	
COUNTY OF SHELBY { SS. Herschel L. Feldelman	being duly sworn, deposes
and says that he resides at ) 1935, 100 North Main Building	, in the City of
Memphis , in the County of Shelby	, in the State of Tennessee ,
that he is the owner in fee of all that certain lot, piece or parcel of land situated. lying and bein	ng in the City of Memphis County of Shelby aforesaid and
known and designated as Number 1330 Shelby Drive	and that he hereby
authorizes	to make the annexed
application in his behalf and that the statements of fact contained in said application are true.	a s s la tra anna
Sworn to before me this <u>31st</u>	-
day of March 19 80 ) H	
- 1 N,L /2	chlim
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Notary Sign Here Order Care	elman (Sign Were)
Notary Sign Here Sites and My Commission Expires 4/9 1980	elman (Sign Nere)
Notary Sign Here Order Commission Expires 4/9 1980	
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My Commission Expires 4/9 1980 ATTACHED HERETO AND MADE A PART OF THIS APPLICATION	N, I SUBMIT THE FOLLOWING:
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NOTE: All drawings and photographs submitted herewith must be 8½ inches by 11 inches in size.

December 12, 2024 Page 22

#### **SIGN AFFIDAVIT**

## PUBLIC NOTICE SIGN POSTING AFFIDAVIT

AFFIDAVIT Shelby County State of Tennessee

I. <u>David Baker</u>, being duly sworn, deposes and says that at <u>5:10 pm</u> on the <u>20th day of November</u> <u>2024</u>, he posted Public Notice Signs pertaining to <u>SUP 2024-44</u> at the following address: <u>1344 E</u> <u>Shelby Drive</u> providing notice of a Public Hearing before the ⊠ Land Use Control Board, ⊠ Memphis City Council, ⊡ Shelby County Board of Commissioners for consideration of a proposed Land Use Action ( □ Planned Development, ⊠ Special Use Permit, □ Use Variance, □ Zoning District Map Amendment), photograph of said sign being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Owner, Applicant or Representative Subscribed and sworn to before me this 215+ day of November 2024. ROGE STATE OF TENNESSEE NOTARY Notary Public PUBLIC My commission expires: 11/29/2027 LBY CON PUBLIC PUELI OTICE

Shelby Drive Frontage

Faronia Road Frontage

#### APPLICATION



December 12, 2024 Page 23

# Memphis and Shelby County Division of Planning and Development

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

**Expiration Date:** 

website: www.develop901.com

# **Record Summary for Special Use Permit**

**Record Detail Information** 

Record Type: Special Use Permit

Record Status: Pending Opened Date: October 24, 2024

Record Number: SUP 2024-044

Record Name: -

Description of Work: -

Parent Record Number:

#### Address:

1344 E SHELBY DR, MEMPHIS 38116

#### **Owner Information**

Primary Owner Name

Y GINEM BASSAM

Owner Address 2484 WASHANGER CV, MEMPHIS, TN 39139

#### Parcel Information

079050 00051C

#### **Data Fields**

PREAPPLICATION MEETING	
Name of DPD Planner	
Date of Meeting	
Pre-application Meeting Type GENERAL PROJECT INFORMATION	
Application Type	
List any relevant former Docket / Case	
Number(s) related to previous applications on this site	
Is this application in response to a citation, stop work order, or zoning letter	

Page 1 of 3

SUP 2024-044

Owner Phone

GENERAL	PROJECT	INFORMATION
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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

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 UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GIS INFORMATION

Case Layer Central Business Improvement District Class Downtown Fire District Historic District Land Use Municipality **Overlay/Special Purpose District** Zoning State Route Lot Subdivision Planned Development District Wellhead Protection Overlay District County Commission District **City Council District** City Council Super District

#### **Contact Information**

Name KAYLON JOHNSON Contact Type

Address

Phone

SUP 2024-044

BOA1980-056

COMMERCIAL

SARAH P FREEMAN

MEMPHIS

CMU-1

1 1C

No

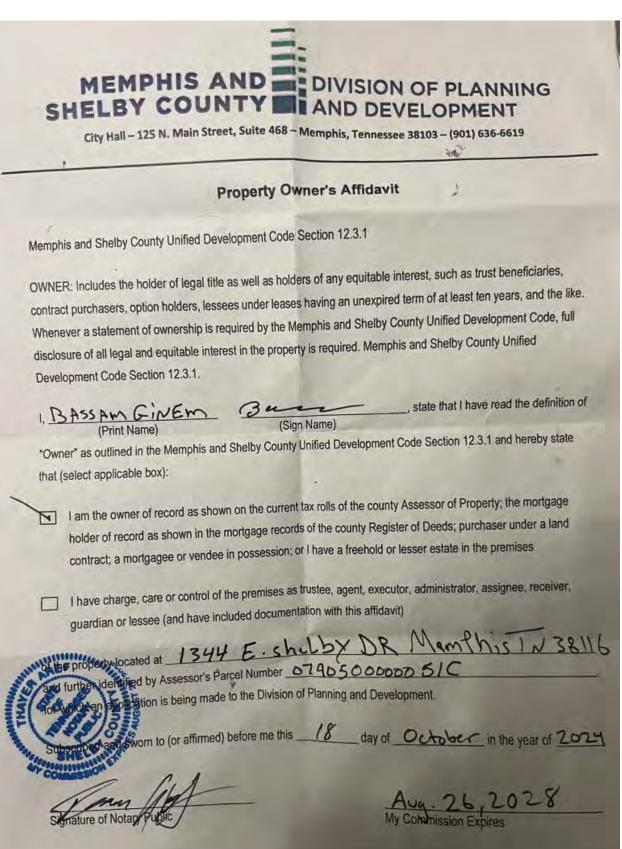
No

No

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
		Quantity		The state of the state of the		
1603893	Credit Card Use Fee (.026	1	0.00	INVOICED	0.00	11/04/2024
	x fee)					
	a constant					
	To	otal Fee Invo	iced: \$0.00	Total Balance: \$0.00		

Page 3 of 3

SUP 2024-044



December 12, 2024 Page 27

#### LETTER OF INTENT



November 8, 2024

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

#### RE: SPECIAL USE PERMIT 1344 E SHELBY DRIVE LOT 1C SARAH P FREEMAN SUBDIVISION MEMPHIS, TENNESSEE

Dear Chip:

On behalf of Mr. Kaylon Johnson, I am pleased to submit this Application for a Special Use Permit to allow automobile sales at 1344 E Shelby Drive. The subject property is located at the northeast corner of E Shelby Drive and Faronia Road. The property is in the CMU-1 Zoning District and contains 0.99 acres. A previous BOA case 1980-056 has been associated with this property.

Attached to our application is a proposed site plan that illustrates the building location, proposed landscape and screening treatments and vehicular circulation.

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

Sincerely

FISHER & ARNOLD, INC.

David Baker Department Head - Planning/Landscape Architecture

Cc: Mr. Kaylon Johnson

9180 Crestwyn Hills Drive Meiúphils, TH 38125

901.748.1811 Fax. 901.748.3115 Toll Frieg: 1,888 583,9724

www.fisheramold.com

# LETTERS RECEIVED

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

December 12, 2024 Page 28