

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 10/15/2024
DATE
PUBLIC SESSION: 11/12/2024
DATE**

ITEM (CHECK ONE)
 ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 4744 Dodd Road, known as case number SUP 2024-033

CASE NUMBER: SUP 2024-033

LOCATION: 4744 Dodd Road

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

OWNER/APPLICANT: Corretta Jones

REPRESENTATIVE: N/A

REQUEST: Special use permit to allow an adult day care

AREA: +/-0.87 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
 Hearing – November 12, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
09/12/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

SUP 2024-033

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 4744 DODD ROAD, KNOWN AS CASE NUMBER SUP 2024-033

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

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: SUP 2024-033

LOCATION: 4744 Dodd Road

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

OWNER/APPLICANT: Corretta Jones

REPRESENTATIVE: N/A

REQUEST: Special use permit to allow an adult daycare

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

AREA: +/-0.87 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 8-0 on the consent agenda.

Respectfully,



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

Cc: Committee Members
File

SUP 2024-033

CONDITIONS

1. A Class III Buffer shall be provided along property lines abutting residential uses.
2. Any driveway improvements shall be subject to the review and approval of City Engineering and the Division of Planning and Development.

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 4744 DODD ROAD, KNOWN AS CASE NUMBER SUP 2024-033

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, Corretta Jones filed an application with the Memphis and Shelby County Division of Planning and Development to allow an adult daycare; 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 September 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 Class III Buffer shall be provided along property lines abutting residential uses.
2. Any driveway improvements shall be subject to the review and approval of City Engineering and the Division of Planning and Development.

ATTEST:

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

AGENDA ITEM: 24 **L.U.C.B. MEETING:** September 12, 2024
CASE NUMBER: SUP 2024-033
LOCATION: 4744 Dodd Road
COUNCIL DISTRICT: District 6 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Corretta Jones
REPRESENTATIVE: N/A
REQUEST: Special use permit to allow an adult day care
EXISTING ZONING: Residential Single-Family – 6 (R-6)

CONCLUSIONS

1. The request is a special use permit to allow an adult day care in a residential area.
2. The proposed site plan indicates a Class II Buffer along property lines adjacent to residential uses as well as access to the site through a shared drive on Ellen Lane, however staff will require a Class III Buffer as stipulated in UDC Item 2.6.2B(b).
3. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

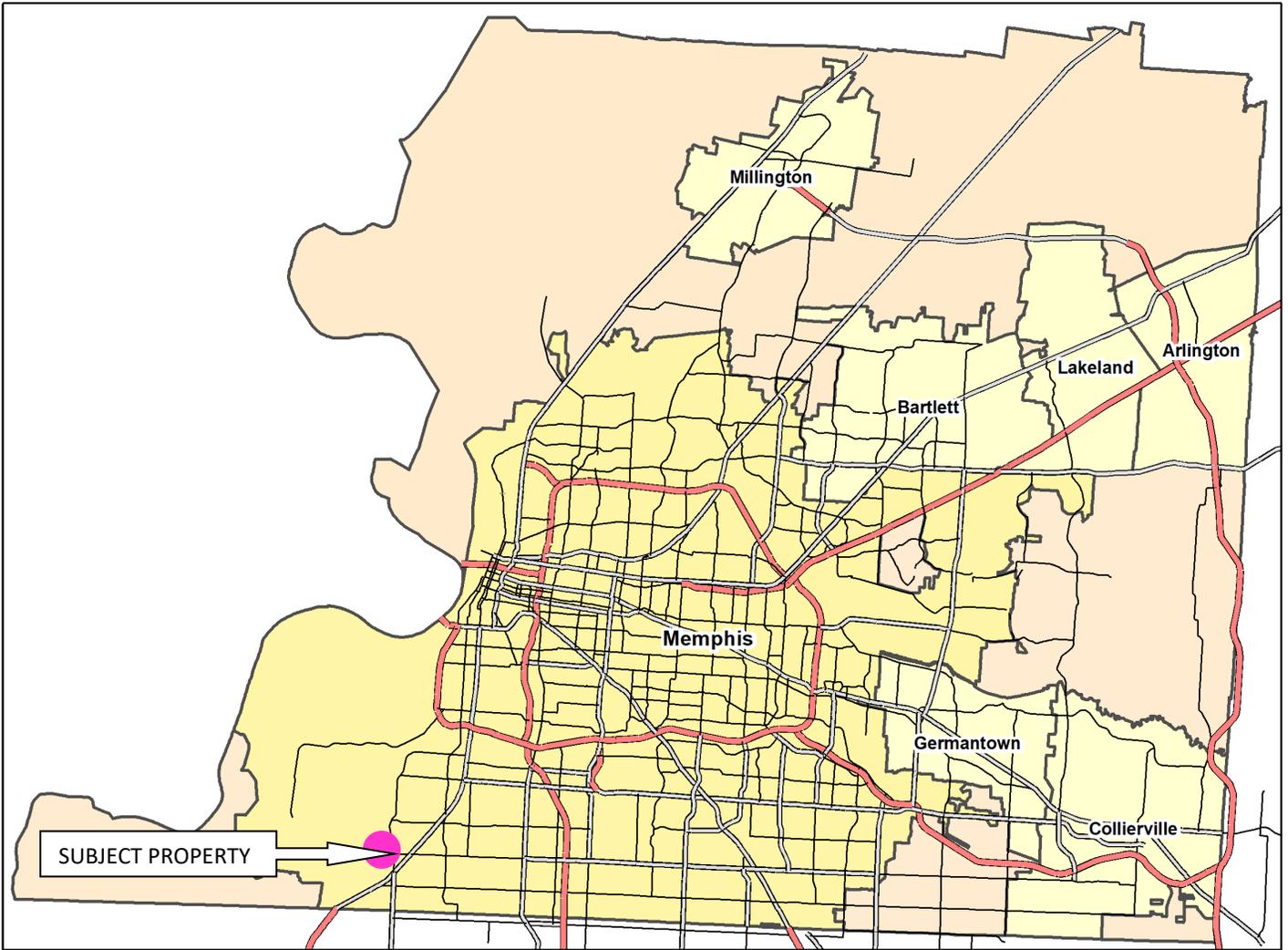
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 18-20 of this report.

RECOMMENDATION:

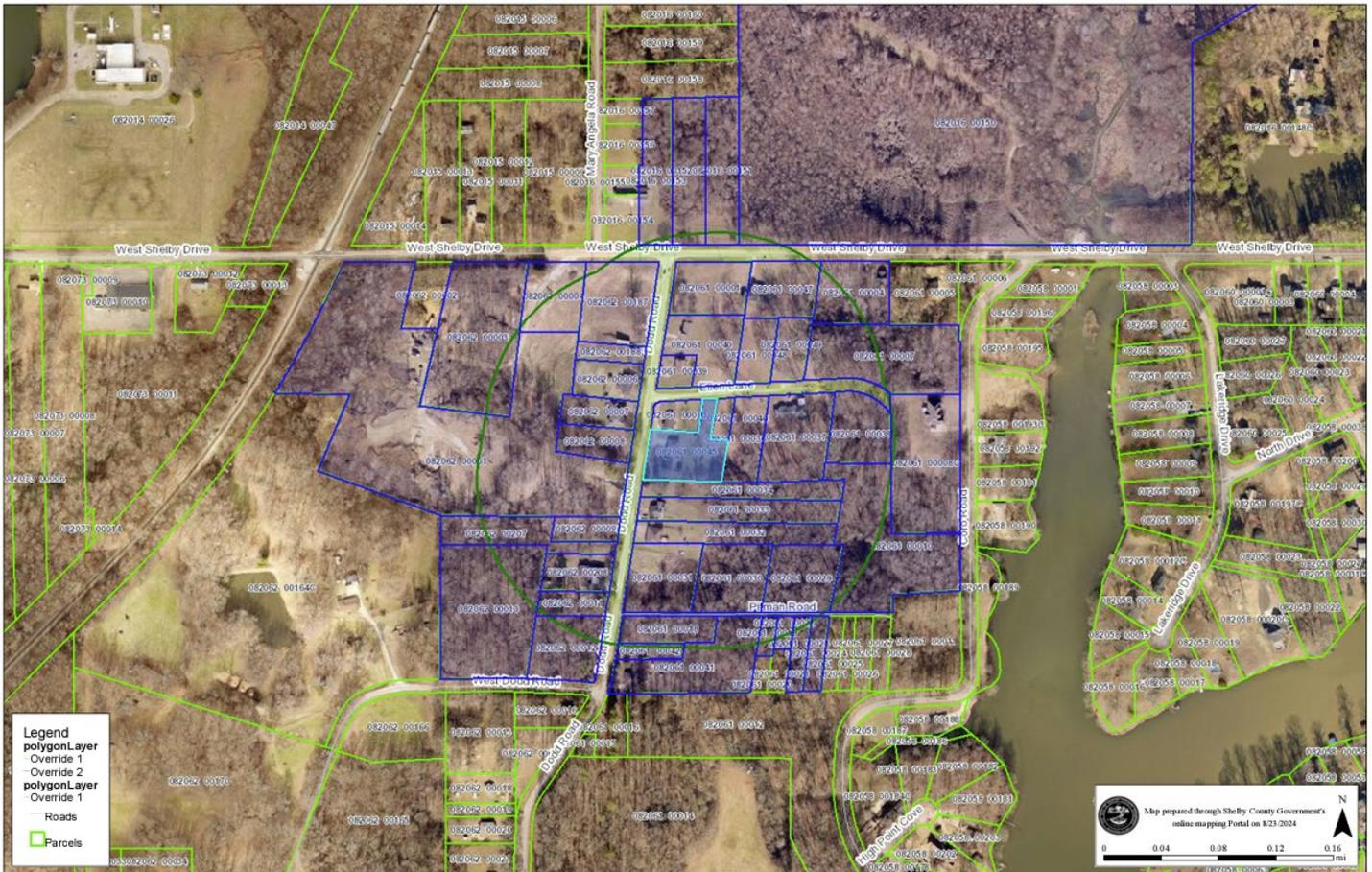
Approval with conditions

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in electric blue.

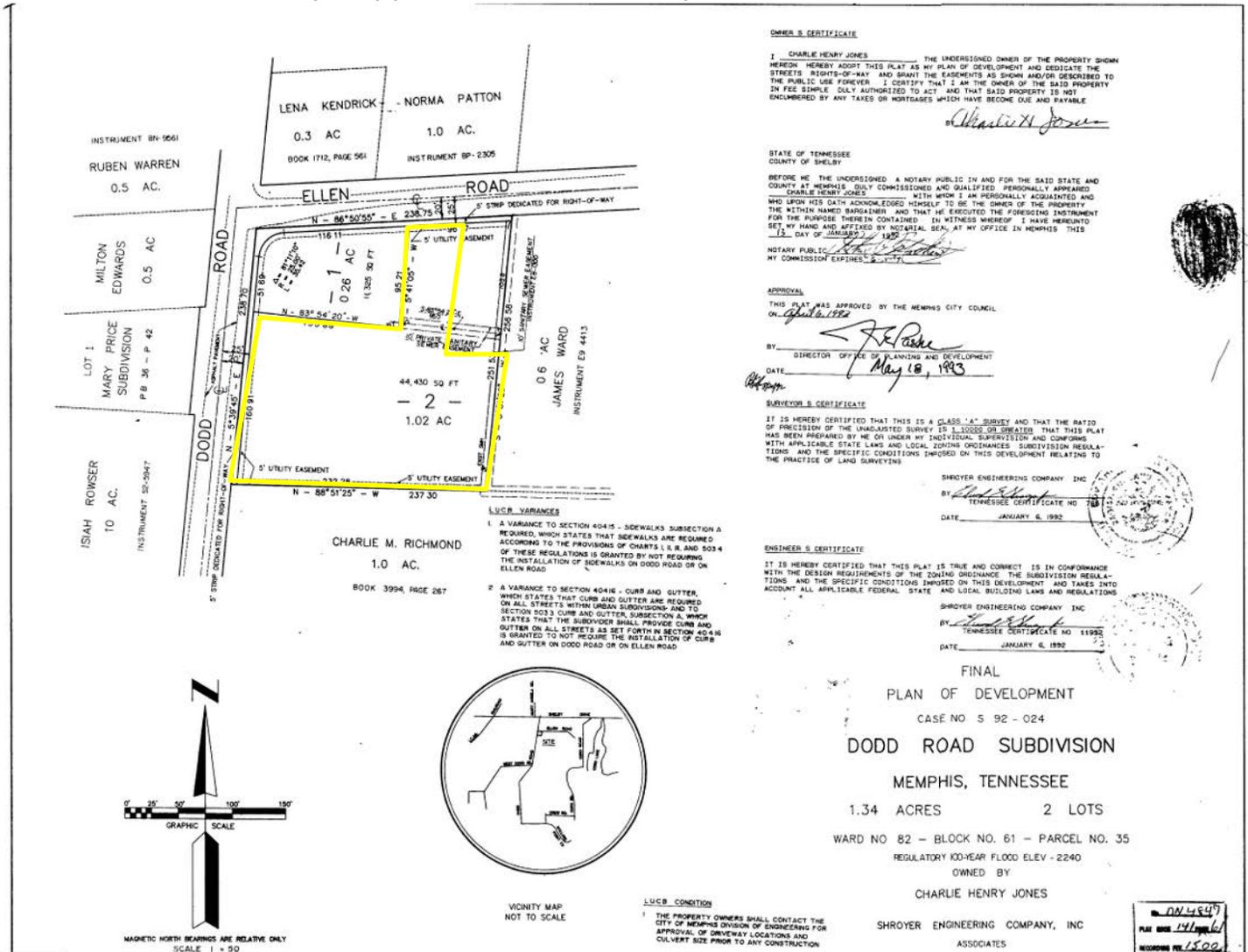
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 47 notices were mailed on August 19, 2024, see page 21 of this report for a copy of said notice. Additionally, one sign was 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 6:30 PM on August 28, 2024, at 4744 Dodd Road.

DODD ROAD SUBDIVISION (1992) (PLAT BOOK 141 PAGE 61)



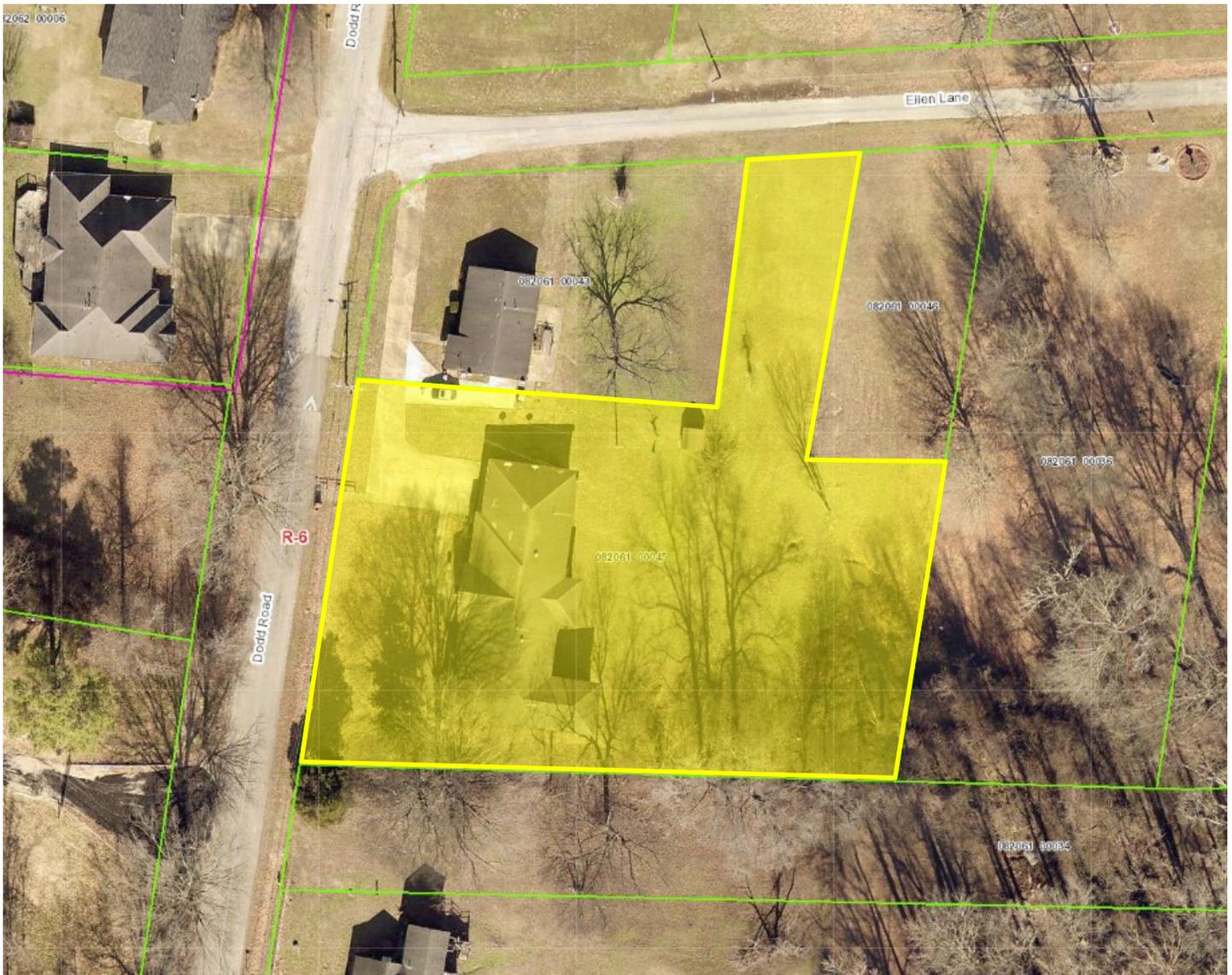
Subject property highlighted in yellow, portion of Lot 2

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Dodd Road.



View of shared access drive from the corner of Dodd and Ellen Road.



Rear view of subject property from Ellen Lane looking south.



Secondary view of subject property from Ellen Lane.

CASE REVIEW

Request

The request is a special use permit to allow an adult day care.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:
4744 Dodd Road

Parcel ID:
082061 00045

Area:
+/- 0.87 acres

Description:

The subject property is known as Lot 2 of Dodd Road Subdivision and zoned Residential Single-family – 6 (R-6). Per the Assessor’s website, the principal structure on the site was built in 1992 and is a one-story single-family home with a ground floor area of 3,276 square feet. The surrounding land uses are also single-family. Additionally, the lot has one street frontage on Dodd Road and one street frontage on Ellen Lane.

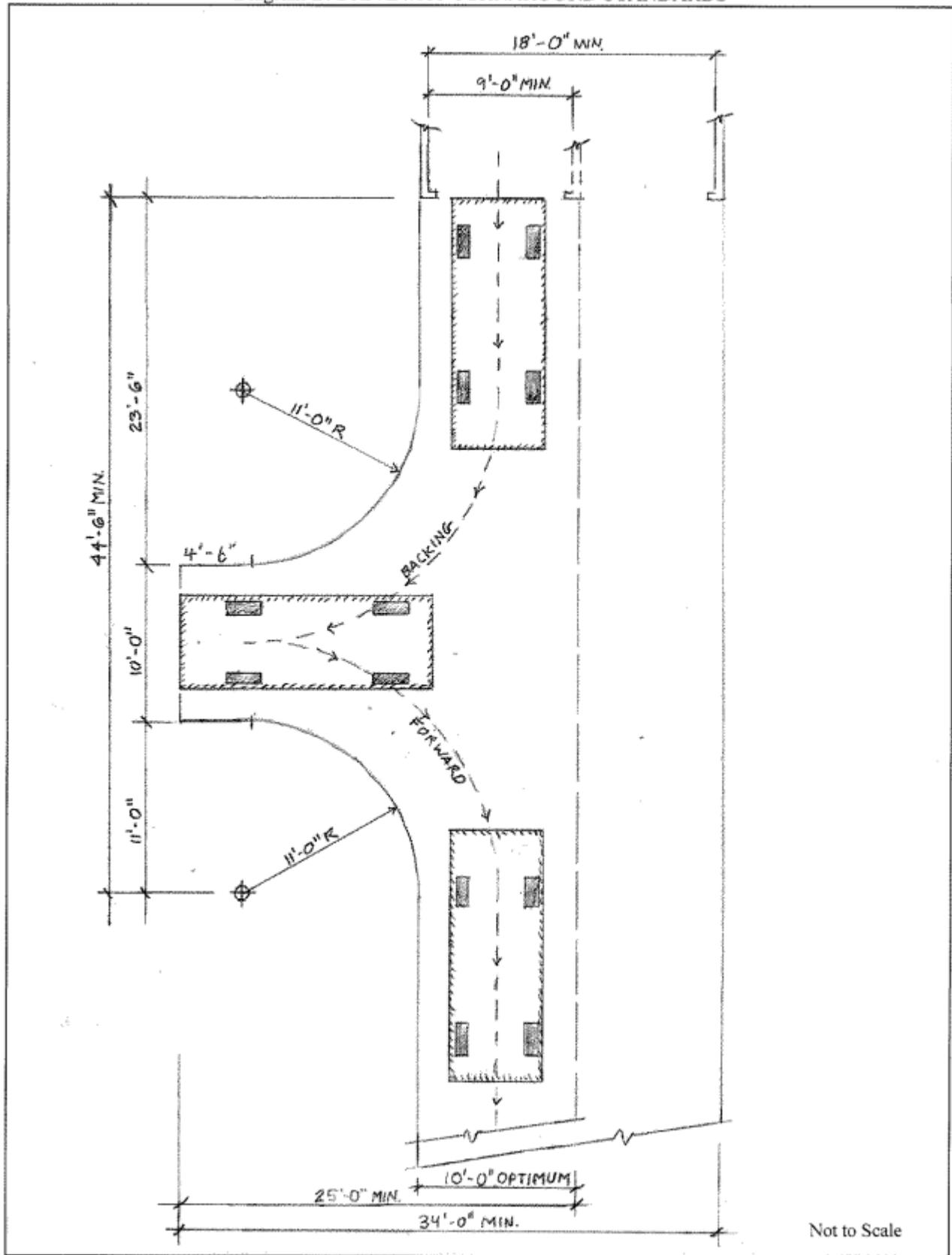
Site Plan Review and Analysis

The site plan indicates two parcels, both of which are owned by the applicant. A Class II Type B Buffer is indicated across all property lines adjacent to residential uses, however the Unified Development Code requires that a Class III Buffer is provided. Regarding other landscaping, a modified S-13 streetscape plate is proposed for the road frontage along Dodd Road.

There is a shared concrete drive accessible through Ellen Road which grants vehicular access to the subject property via a 22-foot parking drive. Although this arrangement as-is may provide decent access to the site, staff would suggest providing a turn-around drive on the subject property to enable cars to exit head-first as seen in the diagram on page 13.

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.

Diagram B: DRIVEWAY TURNAROUND STANDARDS



RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. A Class III Buffer shall be provided along property lines abutting residential uses.
2. Any driveway improvements shall be subject to the review and approval of City Engineering and the Division of Planning and Development.

DEPARTMENTAL COMMENTS

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

City Engineer:

CASE 15: SUP-24-033

NAME: 4744 Dodd Rd.

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

Sewers:

2. The sewer capacity is available to serve this development.
3. If the water meter size is upgraded, a sewer development fee is required.

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

General Notes:

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

City Fire Division:



DIVISION OF FIRE SERVICES ❖ FIRE PREVENTION BUREAU

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

Case Number: SUP 2024-033

Date Reviewed: 9/5/24

Reviewed by: J. Stinson

Address or Site Reference: 4744 Dodd

- **A sprinkler system may be required For I-4 occupancy per IFC 903.2.6**
- Approval subject to detailed plans review and field inspection conducted by the Memphis Fire Prevention Bureau. 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:
Consistency**

Comprehensive Planning Review of Memphis 3.0

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-033: WESTWOOD

Site Address/Location: 4744 Dodd Rd.

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

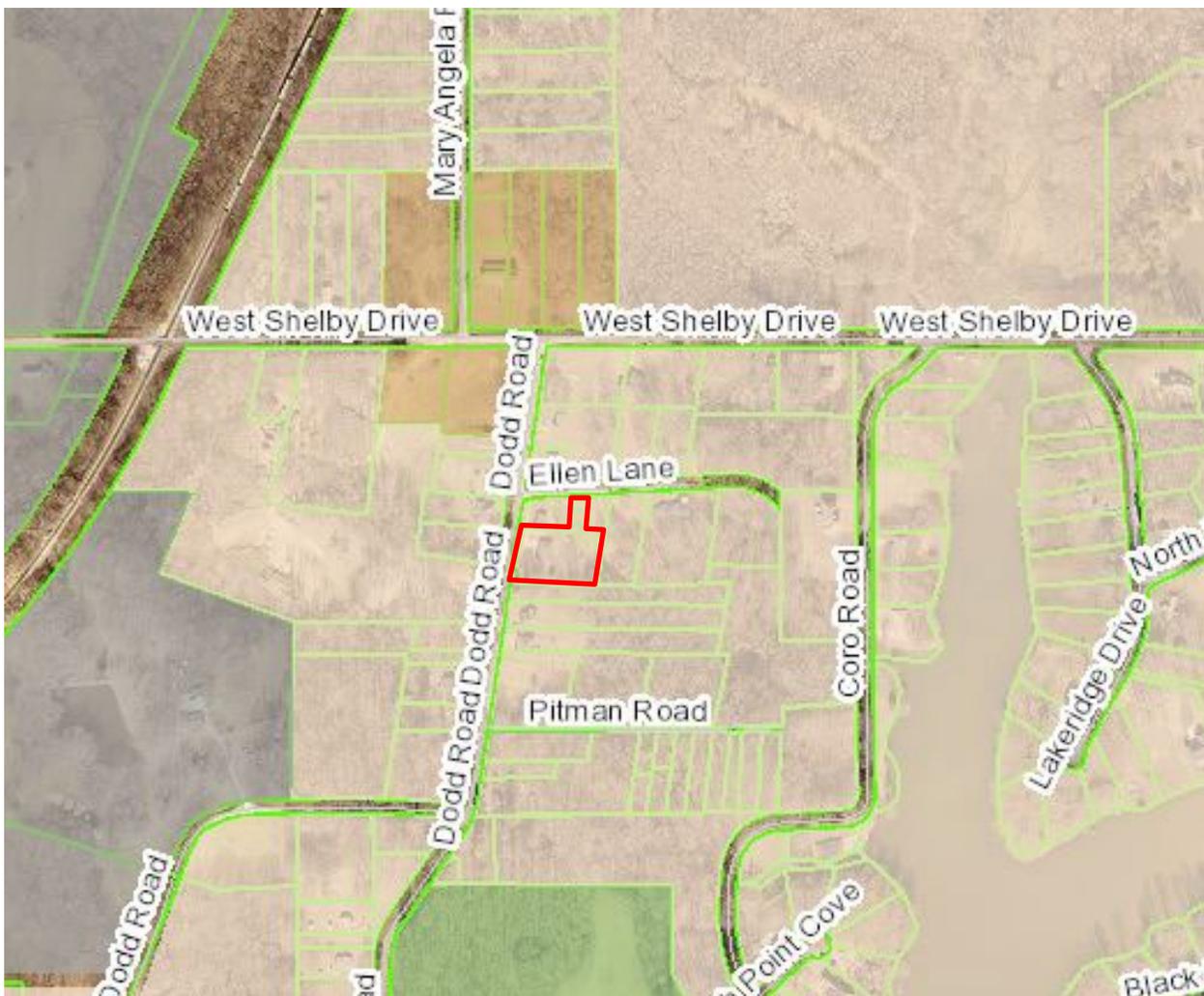
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: N/A

The applicant is requesting a special use permit to allow an adult day care program.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.



“NS” Form & Location Characteristics

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

“NS” Zoning Notes

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

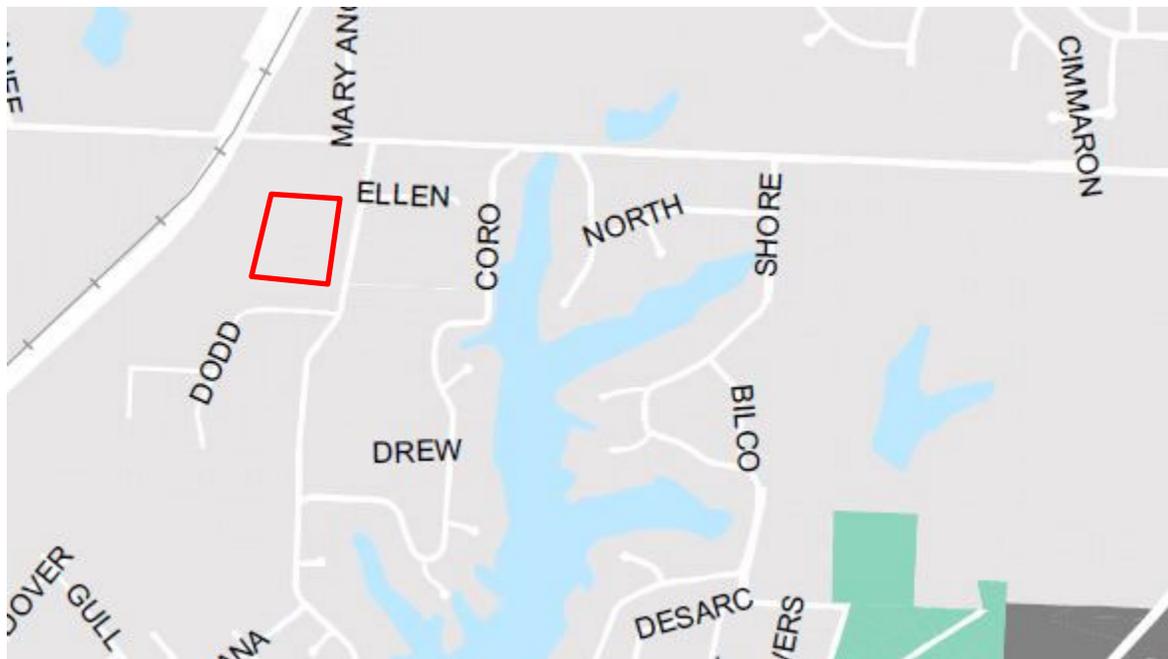
Existing, Adjacent Land Use and Zoning

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

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

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

Degree of Change Map



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

3. Degree of Change Description

N/A

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

N/A

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

N/A

Consistency Analysis Summary

The applicant is requesting a special use permit to allow an adult day care program.

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

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

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: SUP 2024-033
ADDRESS: 4744 Dodd Road
REQUEST: Special use permit to allow an adult daycare program
APPLICANT: Corretta Jones

Meeting Details

Location: Council Chambers
City Hall 1st Floor
125 N Main St.
Time: 9:00 AM
Date: Thursday, Sept. 12

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



VICINITY MAP



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



47 Notices Mailed 8/19/2024

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Corretta Jones, being duly sworn, depose and say that at 10:00 am/pm on the 27 day of August, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. SUP 2024-033 at 4744 Dodd Road Nphs. TN 38109 providing notice of a Public Hearing before the (check one):

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

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

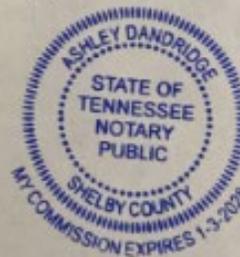
Corretta Jones
Owner, Applicant or Representative

8/27/24
Date

Subscribed and sworn to before me this 27th day of August, 2024.

Ashley Dandridge
Notary Public

My commission expires: 1-03-28



APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134

Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: August 9, 2024

Record Number: SUP 2024-033

Expiration Date:

Record Name: Centre of Pioneer Day Services

Description of Work: This project is to provide adult day services to those that are unable to be left alone and to give them an opportunity to get out of the house and receive both mental and social stimulation and continued care. This gives the family an opportunity to rest and focus on selfcare. This will provide socialization in a group setting while receiving health care. It also reassures the family that their loved ones are ok while they continue to work, shop, take care of bills etc...

Parent Record Number:

Address:

4744 DODD RD, MEMPHIS 38109

Owner Information

Primary Owner Name

Y JONES KENNY L & CORRETTA

Owner Address

5188 SUNNY AUTUMN LN, MEMPHIS, TN 38125

Owner Phone

9012196914

Parcel Information

082061 00045

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Cloe Christian

Date of Meeting

07/15/2024

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

-

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, it will not.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations Yes, it will.

UDC Sub-Section 9.6.9C Yes, it will.

UDC Sub-Section 9.6.9D No, it will not

UDC Sub-Section 9.6.9E Yes, it does.

UDC Sub-Section 9.6.9F NO, it will not.

GIS INFORMATION

Case Layer -

Central Business Improvement District No

Class R

Downtown Fire District No

Historic District -

Land Use SINGLE-FAMILY

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning R-6

State Route -

Lot 2

Subdivision DODD RD

Planned Development District -

Wellhead Protection Overlay District Yes

Contact Information

Name
CORRETTA JONES

Contact Type
APPLICANT

Address

Phone
(901)219-8914

Name
CORRETTA JONES

Contact Type
PROPERTY OWNER OF
RECORD

Address

Phone
(901)219-8914

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1584841	Child Care Center (8-12 Children)	1	100.00	INVOICED	0.00	08/09/2024
1584799	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	08/09/2024

Total Fee Invoiced: \$100.00

Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment
\$100.00 Check

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Corretta Jones (Print Name) Corretta Jones (Sign Name), state that I have read the definition of

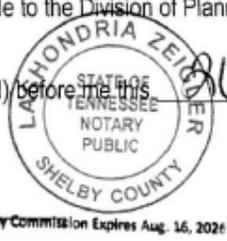
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

of the property located at 4744 Dodd Road Memphis, TN. 38109
and further identified by Assessor's Parcel Number 0820610000450
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 16th day of July in the year of 2024.

[Signature]
Signature of Notary Public



Aug. 16 2024
My Commission Expires

LETTER OF INTENT

LETTER OF INTENT

Corretta Jones
4744 Dodd Road
Memphis, TN. 38109

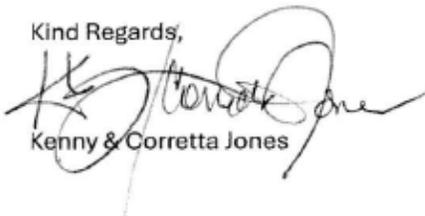
To whom it may concern,

Kenny & Corretta Jones, want to open an adult day service for those in the community and surrounding area. Our family grew up in this area. It was the pioneers that helped shape the lives of those near and far.

This service will provide a place for working caregivers who have loved ones that need additional assistance. This will also give those that feel isolated or lonely an opportunity to get out of the house as they receive mental and social stimulation and continued care. It is imperative that the caregiver rest and care for themselves. This service allows the caregiver to have balance as they care for their loved one and themselves.

We embrace this opportunity to give back to the community by providing this service. We are willing to go above and beyond to ensure that our Pioneers are remembered and appreciated for their labor in training us and being productive citizens.

Kind Regards,



Kenny & Corretta Jones

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

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Expiration Date:

Record Name: Centre of Pioneer Day Services

Description of Work: This project is to provide adult day services to those that are unable to be left alone and to give them an opportunity to get out of the house and receive both mental and social stimulation and continued care. This gives the family an opportunity to rest and focus on selfcare. This will provide socialization in a group setting while receiving health care. It also reassures the family that their loved ones are ok while they continue to work, shop, take care of bills etc...

Parent Record Number:

Address:

4744 DODD RD, MEMPHIS 38109

Owner Information

Primary Owner Name

Y JONES KENNY L & CORRETTA

Owner Address

5188 SUNNY AUTUMN LN, MEMPHIS, TN 38125

Owner Phone

9012196914

Parcel Information

082061 00045

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Cloe Christian

Date of Meeting

07/15/2024

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

-

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, it will not.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations Yes, it will.

UDC Sub-Section 9.6.9C Yes, it will.

UDC Sub-Section 9.6.9D No, it will not

UDC Sub-Section 9.6.9E Yes, it does.

UDC Sub-Section 9.6.9F NO, it will not.

GIS INFORMATION

Case Layer -

Central Business Improvement District No

Class R

Downtown Fire District No

Historic District -

Land Use SINGLE-FAMILY

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning R-6

State Route -

Lot 2

Subdivision DODD RD

Planned Development District -

Wellhead Protection Overlay District Yes

Contact Information

Name
CORRETTA JONES

Contact Type
APPLICANT

Address

Phone
(901)219-6914

Name
CORRETTA JONES

Contact Type
PROPERTY OWNER OF
RECORD

Address

Phone
(901)219-6914

Fee Information

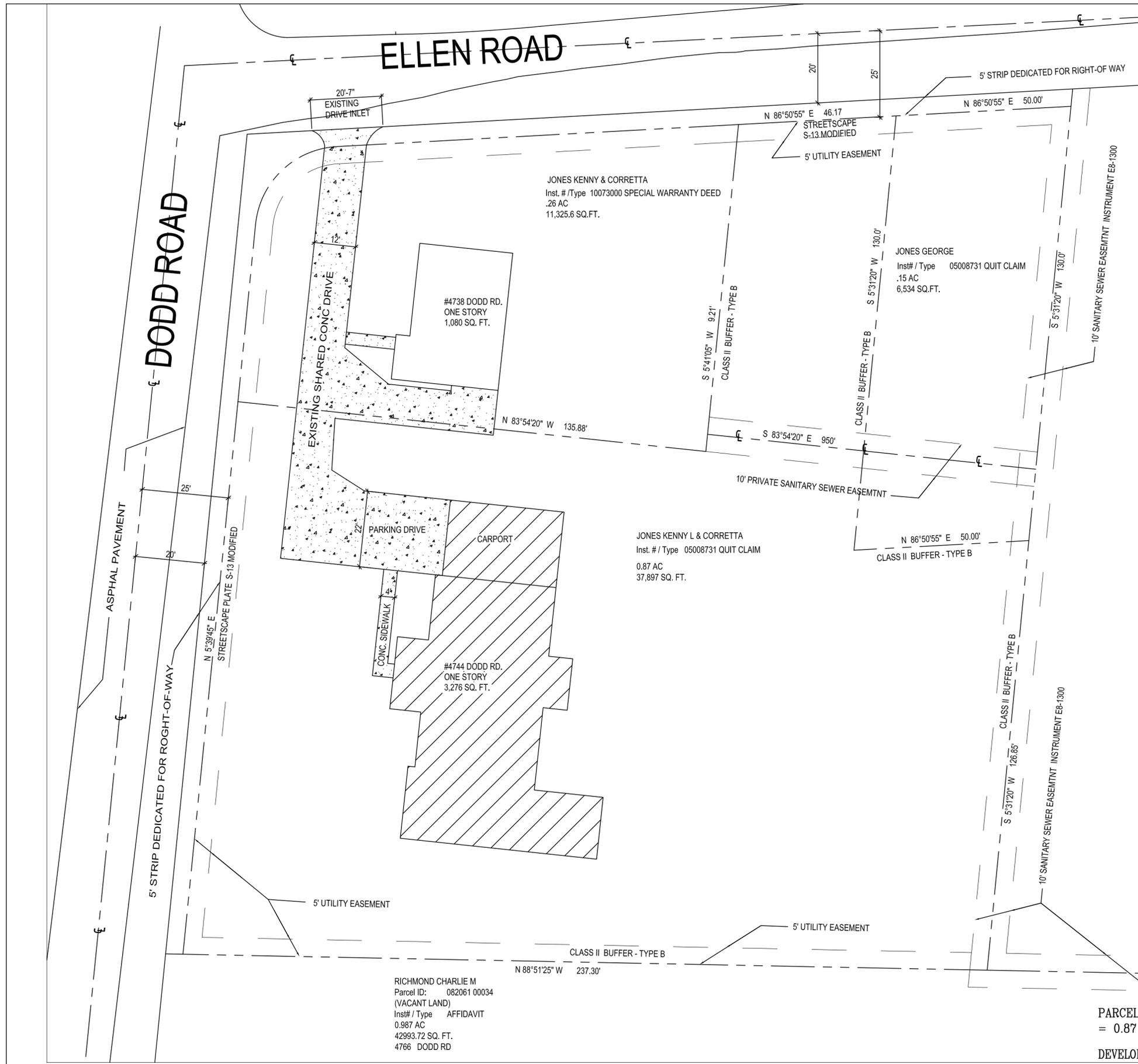
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1584841	Child Care Center (8-12 Children)	1	100.00	INVOICED	0.00	08/09/2024
1584799	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	08/09/2024

Total Fee Invoiced: \$100.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$100.00	Check



JONES KENNY & CORRETTA
 Inst. # / Type 10073000 SPECIAL WARRANTY DEED
 .26 AC
 11,325.6 SQ. FT.

JONES GEORGE
 Inst# / Type 05008731 QUIT CLAIM
 .15 AC
 6,534 SQ. FT.

JONES KENNY L & CORRETTA
 Inst. # / Type 05008731 QUIT CLAIM
 0.87 AC
 37,897 SQ. FT.

RICHMOND CHARLIE M
 Parcel ID: 082061 00034
 (VACANT LAND)
 Inst# / Type AFFIDAVIT
 0.987 AC
 42993.72 SQ. FT.
 4766 DODD RD



SITE PLAN

3C VICINITY MAP
 NTS



SITE PLAN

ZONING DISTRICT: R-8
 CENTER OF PIONEER DAY SERVICEW

4744 DODD ROAD
 SHELBY COUNTY, TENNESSEE

PARCEL AREA = 37,897 SF
 = 0.87 ACRES TOTAL
 PARCEL 1D# 082061 00045
 ZONE DISTRICT - R-6

DEVELOPER: MR. KENNY & CORRETTA JONES
 4744 DODD ROAD
 MEMPHIS TN 38109

1A SITE PLAN
 1" = 20'



LETTER OF INTENT

Corretta Jones
4744 Dodd Road
Memphis, TN. 38109

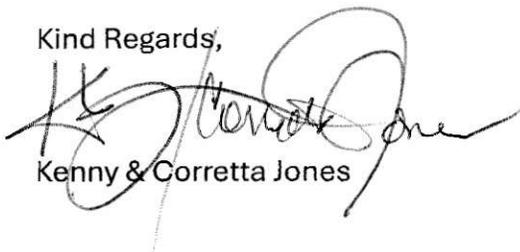
To whom it may concern,

Kenny & Corretta Jones, want to open an adult day service for those in the community and surrounding area. Our family grew up in this area. It was the pioneers that helped shape the lives of those near and far.

This service will provide a place for working caregivers who have loved ones that need additional assistance. This will also give those that feel isolated or lonely an opportunity to get out of the house as they receive mental and social stimulation and continued care. It is imperative that the caregiver rest and care for themselves. This service allows the caregiver to have balance as they care for their loved one and themselves.

We embrace this opportunity to give back to the community by providing this service. We are willing to go above and beyond to ensure that our Pioneers are remembered and appreciated for their labor in training us and being productive citizens.

Kind Regards,


Kenny & Corretta Jones

Centre of Pioneer Day Services
Corretta Jones
4744 Dodd Road
Memphis, TN.38109

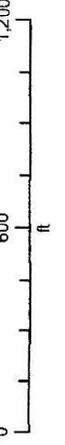
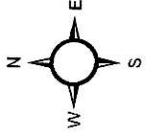
To Whom It May Concern,

I am requesting a wavier for the survey at 4744 Dodd Road. This is an existing home that does not need any renovations.

Sincerely,

A handwritten signature in cursive script that reads "Corretta Jones". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Corretta Jones



**MELVIN BURGESS, ASSESSOR
SHELBY COUNTY, TENNESSEE**

DISCLAIMER: THIS MAP IS FOR PROPERTY ASSESSMENT PURPOSES ONLY. IT IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP AND THEREFORE, SHOULD NOT BE RELIED UPON AS A REPRESENTATION OF ANY PROPERTY FOR ANY PURPOSE.

MAP DATE: July 25, 2024



DIVINE TRINITY CHRISTIAN CHURCH AND
4670 MARY ANGELA RD #
MEMPHIS TN 38109

MOORE LUGENE & JAMIKA
4793 DODD RD #
MEMPHIS TN 38109

DOWNER MERRY
1805 WINDYCREST #
SPRINGFIELD IL 62704

PAYNE KITA R AND WARNER GOOLSBY (RS)
4715 DODD RD #
MEMPHIS TN 38109

SHELBY COUNTY TAX SALE 0405 EXH #14467
PO BOX 2751 #
MEMPHIS TN 38101

WALKER DORA L AND DEBORAH A JONES AND
1555 ELLEN LN #
MEMPHIS TN 38109

PAYNE STACIE
7533 WILSFORD CV #
MEMPHIS TN 38125

WALKER DORA L AND BROOKE M JONES
11608 SPINNING AVE #
HAWTHORNE CA 90250

JONES JOHNNY E SR
1555 ELLEN LN #
MEMPHIS TN 38109

DOWNEY HOLDINGS LLC
12223 MARBEL AVE #
DOWNEY CA 90242

HARRIS SHIRLEY A AND DELMON K CARGO
66 CLUB GROUNDS NORTH DR #
FLORISSANT MO 63033

JONES GEORGE
463 HARRISON CT #
VERNON HILLS IL 60061

JONES KENNY & CORRETTA
5188 SUNNY AUTUMN LN #
MEMPHIS TN 38125

GOOLSBY WARNER AND KITA R PAYNE (RS)
4715 DODD RD #
MEMPHIS TN 38109

JONES KENNY L & CORRETTA
5188 SUNNY AUTUMN LN #
MEMPHIS TN 38125

RICE TIFFANY AND CLIFFORD RICE JR
PO BOX 333 #
MILLINGTON TN 38083

ARNOLD WILLIE J AND EDDIE V DURHAM
1849 MEADOWHILL ST #
MEMPHIS TN 38106

JACKSON ED JR AND LESSIE M FLEMING AND
1833 BEACON RD #
MEMPHIS TN 38109

RICHMOND CHARLIE M
4766 DODD RD #
MEMPHIS TN 38109

ARNOLD WILLIE J AND EDDIE V DURHAM
1849 MEADOWHILL #
MEMPHIS TN 38106

MOORE LUGENE & JAMIKA
4793 DODD RD #
MEMPHIS TN 38109

DODSON ALBERTA AND MARY F BOYLAND AND
5287 AIRVIEW RD #
MEMPHIS TN 38109

DANDRIDGE LARRY
4700 DODD RD #
MEMPHIS TN 38109

WATKIN ABRAHAM
38 E FAIRMOUNT AVE #
PONTIAC MI 48340

DUDCZAK KARLY L
3878 155TH AVE #
PARRISH FL 34219

WARREN RUBEN
4727 DODD RD #
MEMPHIS TN 38109

JACKSON CHARLIE & CORA L
3797 SEWANEE RD #
MEMPHIS TN 38109

ROBERTSON ODELL (1/3) INT AND SAMELLA
8224 S YATES BLVD #
CHICAGO IL 60617

JACKSON ED L AND LESSIE M FLEMING AND
1833 BEACON #
MEMPHIS TN 38109

SILVER DISCOUNT PROPERTIES LLC
PO BOX 48708 #
LOS ANGELES CA 90048



Tom Leatherwood
Shelby County Register

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

	
05008731	
01/14/2005 - 12:29 PM	
1 PGS : R - QUIT CLAIM	
KATHY 286024-5008731	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	5.00
TOTAL AMOUNT	17.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This instrument prepared by Othie L. Jones

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Othie Lee Jones, widow, on this the 14 day of January, 2005 for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, renounce, quit claim and convey unto Kenny L. Jones and spouse, Corretta Jones all the right, title and interest in and to the following described real estate, to wit: Beginning at an iron pipe located at the point where the east line of Dodd Road (40.0 feet wide), intersects the north line of Elle Road (40.0 feet wide); thence, a distance of 239.56 feet to an iron pipe located in the centerline of a 10-foot easement; thence, south 90 degrees and 30 minutes west and running with the centerline of a 10-foot easement, a distance of 257.15 feet to an iron pipe; thence, north 87 degrees and 29 minutes west and running with a meandering fence line, a distance of 237.7 feet to a point in the east line of Dodd Road, said point being monumented by a two-inch iron pipe located 4.2 feet off the line to the east; thence north 09 degrees and 40 minutes east and running with the east line of Dodd Road, a distance of 238.70 feet to the point of beginning, containing 58,355.41 square feet or 1.34 acres. ~~Last Deed affecting record was P10147~~

Being a part of the property described in Warranty Deed of Record in Book 399, page 267, said Register's Office of Shelby County, Tennessee. IN TESTIMONY WHEREOF I have hereunto set my/our hand(s) this 14 day of January 2005

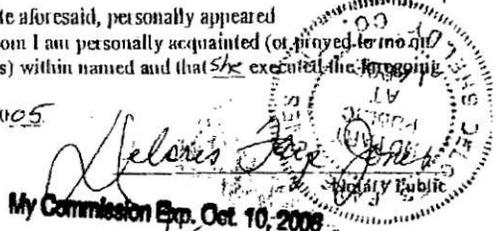
Othie Lee Jones
Othie Lee Jones

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared OTHEL LEE JONES with whom I am personally acquainted (or, prayed to me and (the basis of satisfactory evidence), and who acknowledged to be person(s) within named and that ~~she~~ executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal this 14 day of JANUARY, 2005

My commission expires:



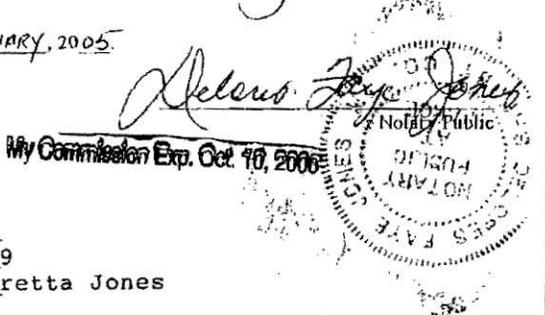
I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ 10.00

Corretta Jones
Affiant

STATE OF TENNESSEE
COUNTY OF Shelby

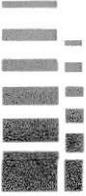
Subscribed and sworn before me this the 14 day of JANUARY, 2005.

My commission expires:



The following information is not a part of this Deed:

Property Address: 4744 Dodd Road
Memphis, TN 38109
Owner's Name and Address: Kenny L. and Corretta Jones
4744 Dodd Road
Memphis, TN 38109
Parcel Number: 08206100000450
Mail Tax Bills to: Kenny L. and Corretta Jones
4744 Dodd Road
Memphis, TN 38109

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Corretta Jones (Print Name) Corretta Jones (Sign Name), state that I have read the definition of

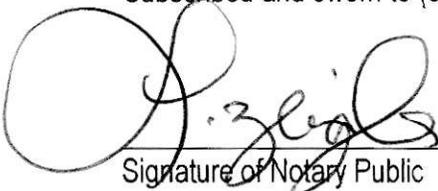
“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

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

of the property located at 4744 Dodd Road Memphis, TN. 38109
and further identified by Assessor's Parcel Number 0820610000450
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 16th day of July in the year of 2024.


Signature of Notary Public



Aug. 16 2024
My Commission Expires



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

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

September 12, 2024

Corretta Jones
4744 Dodd Road
Memphis, TN 38109

Sent via electronic mail to: correttajones2004@yahoo.com

Case Number: SUP 2024-033
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, September 12, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow an adult daycare at 4744 Dodd Road subject to the following conditions:

1. A Class III Buffer shall be provided along property lines abutting residential uses.
2. Any driveway improvements shall be subject to the review and approval of City Engineering and the Division of Planning and 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) 636-6619 or via email at chloe.christion@memphistn.gov.

Respectfully,

Letter to Applicant
SUP 2024-033

Chloe Christion

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

Cc:
File

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

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

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/06/2024
DATE
PUBLIC SESSION: 08/20/2024
DATE

ITEM (CHECK ONE)
_____ ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 4701 Boeingshire Dr, known as case number PD 2023-029.

CASE NUMBER: PD 2023-029

DEVELOPMENT: Summers Planned Development

LOCATION: 4701 Boeingshire Dr

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

OWNER/APPLICANT: Dolphin Construction INC

REPRESENTATIVE: The Bray Firm

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

AREA: +/-1.951 acres

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

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

PRIOR ACTION ON ITEM:

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

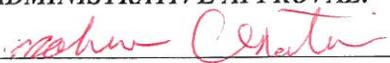
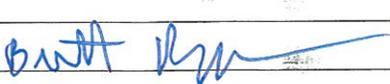
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

PD 2023-029

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 4701 BOEINGSHIRE DR, KNOWN AS CASE NUMBER PD 2023-029.

- This item is a resolution with conditions to allow a Planned development amendment for 11 residential lots in Area II-B of the previously entitled Summers Planned Development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: PD 2023-029

DEVELOPMENT: Summers Planned Development

LOCATION: 4701 Boeingshire Dr

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

OWNER/APPLICANT: Dolphin Construction INC

REPRESENTATIVE: The Bray Firm

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

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

AREA: +/-1.951 acres

The following spoke in support of the application: David Bray

The following spoke in opposition the application: Lorece Coleman

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

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

Respectfully,

Mahsan Ostadnia

Planner II
Land Use & Development Services

Cc: Committee Members
File

**PD 2023-029
CONDITIONS**

I. Uses Permitted

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

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

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

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

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

- B. The following uses shall also be permitted:

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

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

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

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

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

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

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

F. Area II-B

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

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

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

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

II. Bulk Regulations

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

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

III. Access and Circulation

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

C. Curb cuts permitted along Shelby Drive:

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

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

IV. Drainage

- A. All drainage plans shall be submitted to the City Engineering Office for review.
- B. A pro-rata fee for major drainage improvements through this site may be required for phased development.
- C. Drainage improvements, including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et. seq.).

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

VI. Landscaping and Screening

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

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

VII. Signs

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

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

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

VIII. Other

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

- i. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineering Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 4701 BOEINGSHIRE DR, KNOWN AS CASE NUMBER PD 2023-029.

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

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

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 11, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

OUTLINE PLAN CONDITIONS

I. Uses Permitted

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

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

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

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

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

- B. The following uses shall also be permitted:

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

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

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

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

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

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

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

F. Area II-B

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

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

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

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

II. Bulk Regulations

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

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

III. Access and Circulation

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

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

C. Curb cuts permitted along Shelby Drive:

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

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

IV. Drainage

- A. All drainage plans shall be submitted to the City Engineering Office for review.
- B. A pro-rata fee for major drainage improvements through this site may be required for phased development.
- C. Drainage improvements, including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et. seq.).

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

VI. Landscaping and Screening

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

- D. Plate A-3 or equivalent shall be provided along Shelby Drive and along Boeingshire Drive for Areas I-A and II-A.
- E. Existing trees shall be preserved and supplemented where necessary to provide a minimum 25 foot wide screen, Plate B-5 or equivalent, along the property boundaries as follows:
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 - ~~south and west boundaries of Area II-B~~
- F. Within Area I-B, east of Boeingshire Drive, existing growth which extends along the drainage creek shall be preserved. This screen area shall extend at least 20 feet on both sides of the drainage creek and shall be supplemented with trees and shrubs where necessary.
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- H. All required landscaping and screening shall not conflict with any easements including overhead wires.
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- L. All loading facilities shall be screened from view of the public roads and adjacent properties to the south and east.
- M. The cellular tower compound shall have in addition to any landscaping required above, a row of Privet Hedge with the plants spaced every 5 feet on center around the perimeter of the chain link fence that encloses the site. This shall be illustrated on the final plat and include Plate B-5 required in Condition VI.E including any existing trees to be removed or used as part of the landscaping requirement.

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- C. Signage along Shelby Drive shall be consistent with the C-P District.

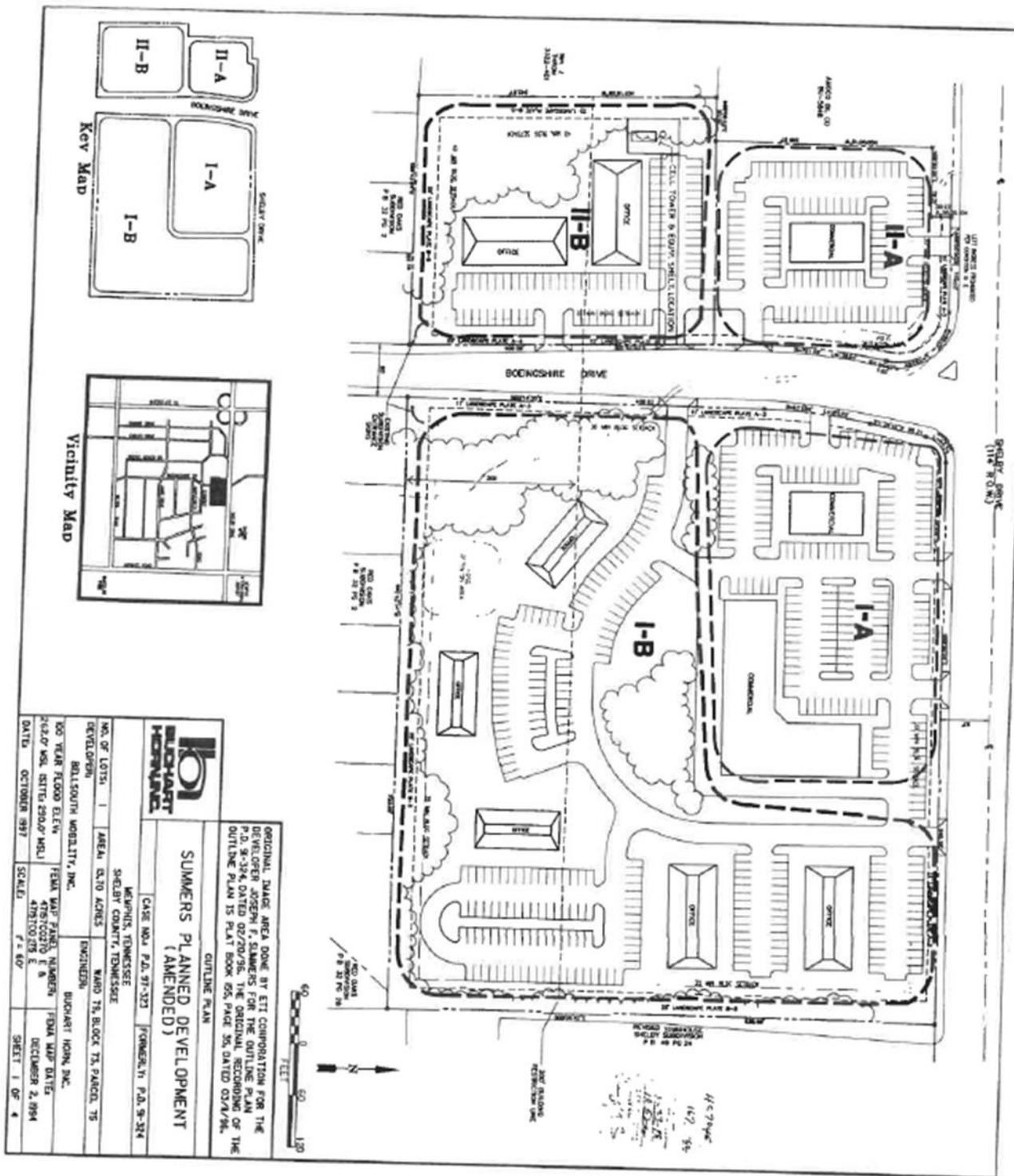
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- IX. A final plan shall be filed within five years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
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 - E. The location of trees and groups of trees to be preserved within the yard spaces and required landscape/screening areas;
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 - G. If applicable, a statement conveying all common facilities and areas to a homeowner's association or other entity, for ownership and maintenance purposes;
 - H. Building and sign illustrations as required by Conditions VII-E and VIII-A and C.

1. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineering Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures.

CURRENTLY RECORDED OUTLINE PLAN GRAPHIC



		SUMMERS PLANNED DEVELOPMENT (AMENDED)	
CASE NO. P.A. 97-323 / CONGR. P.A. 98-324		ORIGINAL: PLANNED DEVELOPMENT FOR THE DEVELOPMENT OF SUMMERS FOR THE OUTLINE PLAN P.A. 98-324, DATED 02/20/98. THE ORIGINAL RECORDING OF THE OUTLINE PLAN IS PLAT BOOK 658, PAGE 50, DATED 03/14/98.	
MUNICIPALITY: MEMPHIS, TENNESSEE COUNTY: SHELBY COUNTY, TENNESSEE		OUTLINE PLAN	
NO. OF LOTS: 1	AREA: 63.10 ACRES	ENGINEER: RICHARD HORN, INC.	FROM MAP DATE: DECEMBER 2, 1994
DEVELOPER: BOLLING MOBILITY, INC.	WARD: 7th, BLOCK 7th, PARCEL 75	ARCHITECT: RICHARD HORN, INC.	SHEET 1 OF 4
100 YEAR FLOOD ELEV.: 475.00' MSL.	FLOOD MAP PANEL NUMBER: 475/100/075 E & S	DATE: OCTOBER 1997	SCALE: 1" = 60'

ATTEST:

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

AGENDA ITEM: 2

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

DEVELOPMENT: Summers Planned Development

LOCATION: 4701 Boeingshire Dr

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

OWNER/APPLICANT: Dolphin Construction INC

REPRESENTATIVE: The Bray Firm

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

AREA: +/-1.951 acres

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

CONCLUSIONS

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

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Boeingshire Dr +/-340.77 linear feet

Zoning Atlas Page: 2430

Parcel ID: 079073 00095

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

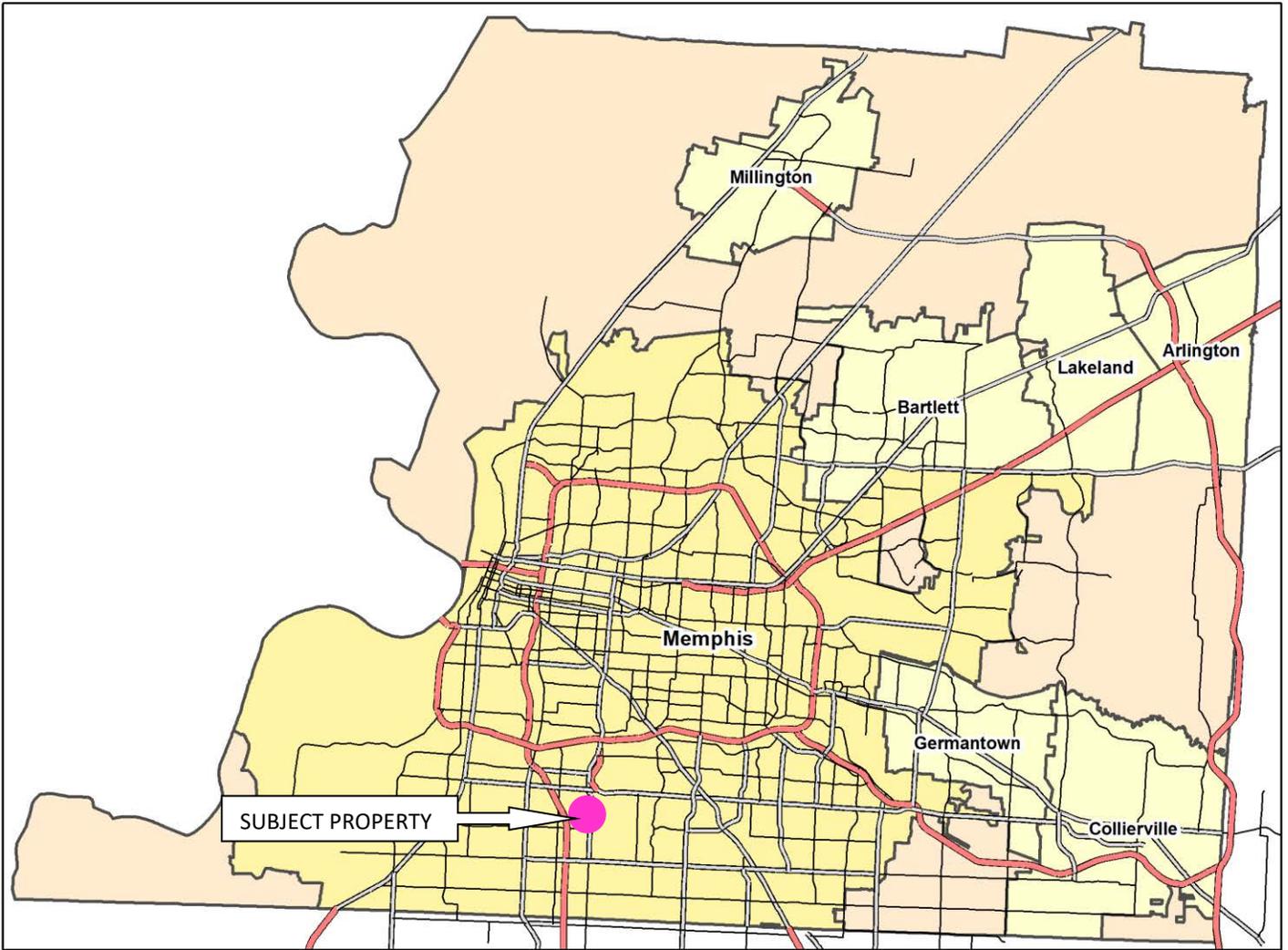
NEIGHBORHOOD MEETING

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

PUBLIC NOTICE

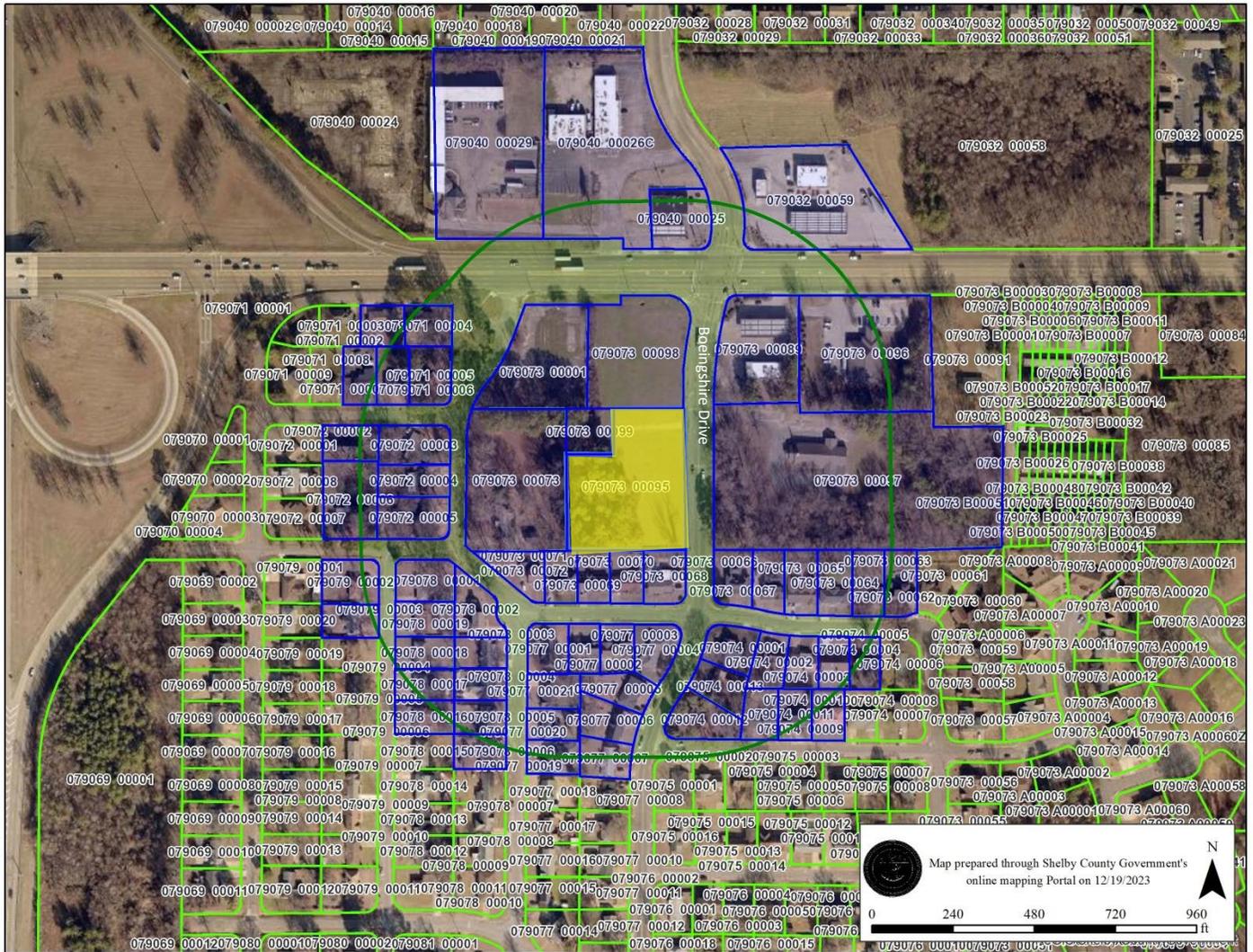
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 65 notices were mailed on December 19, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



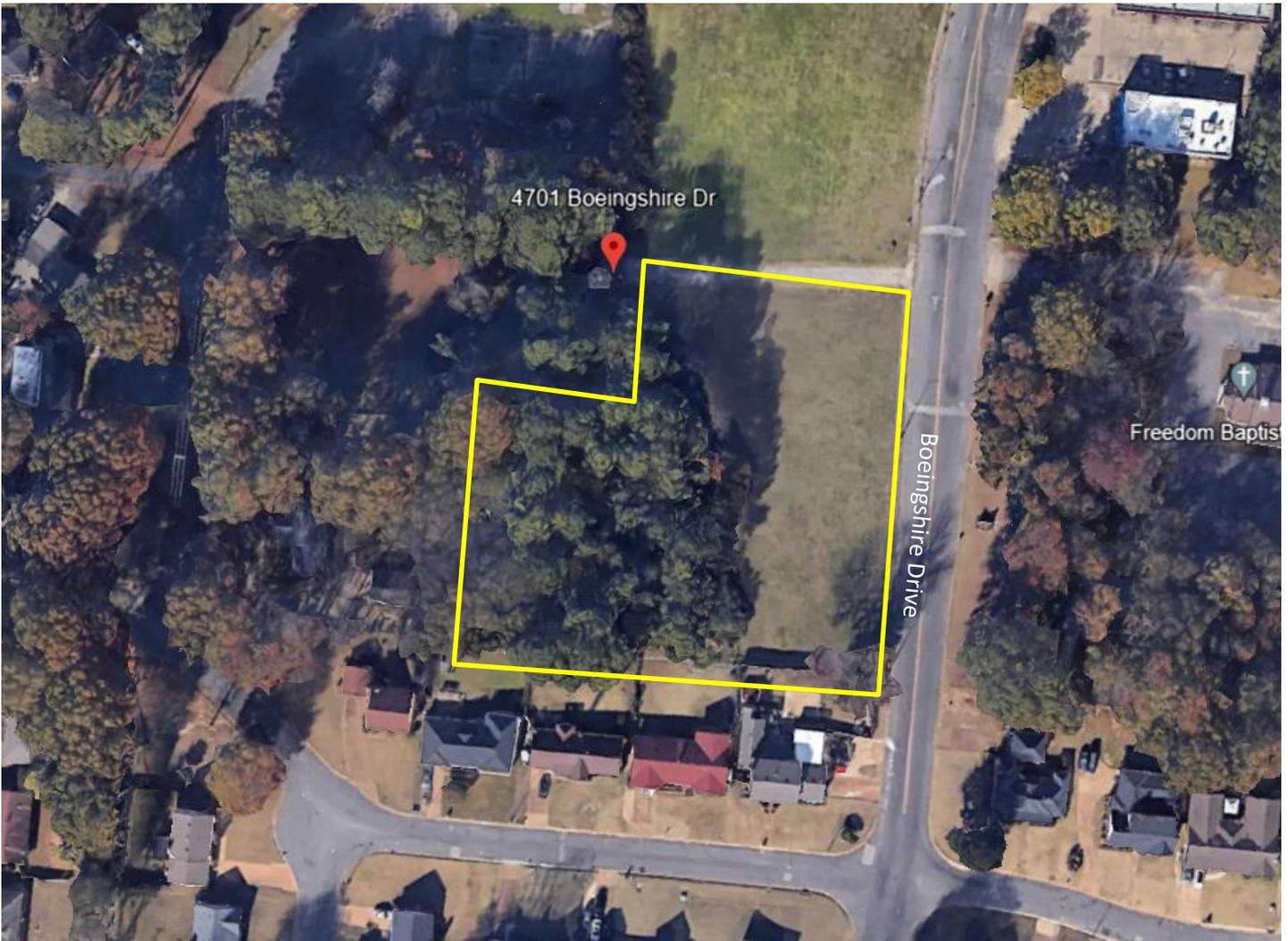
Subject property located within the pink circle.

VICINITY MAP



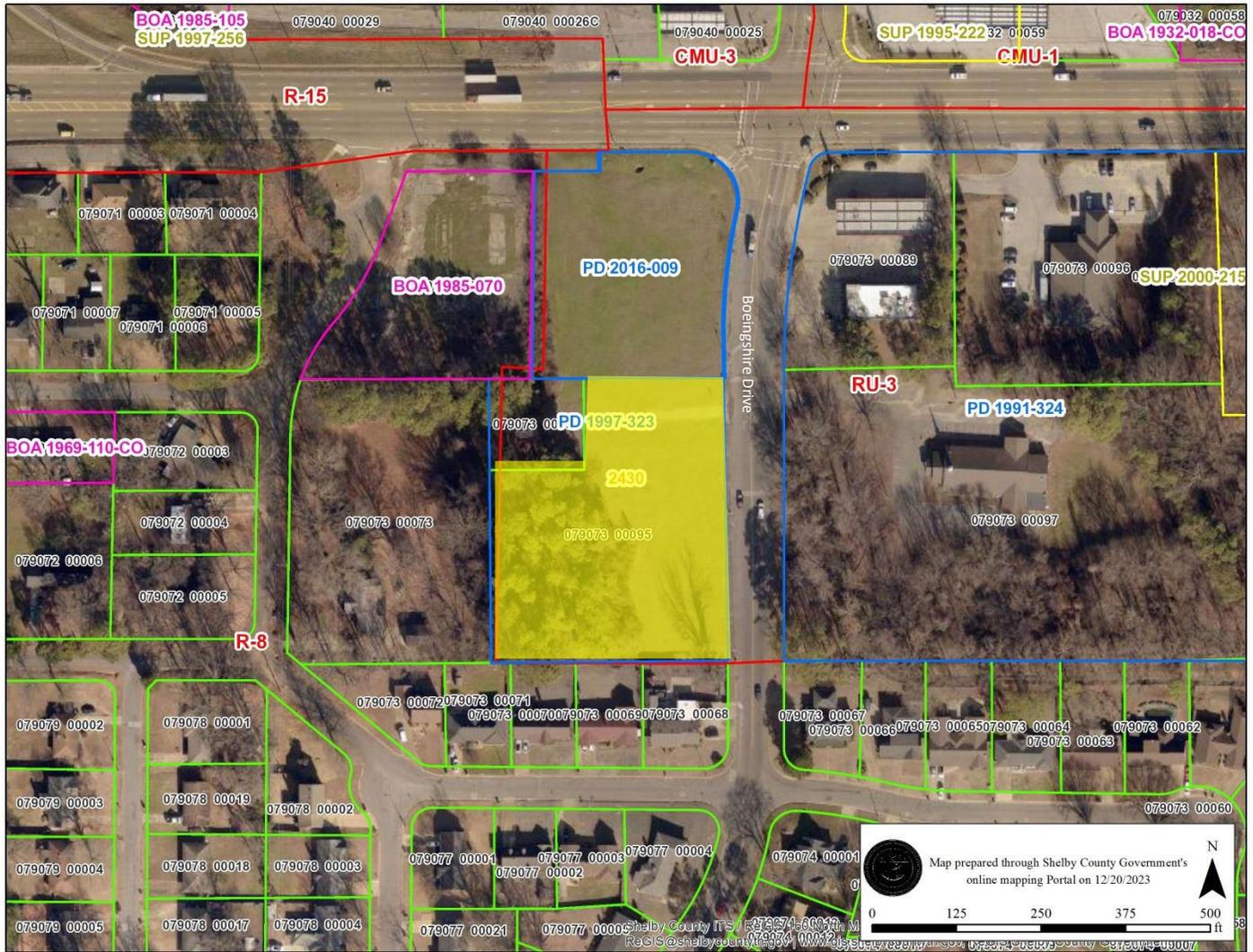
Subject property highlighted in yellow.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

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

Surrounding Zoning

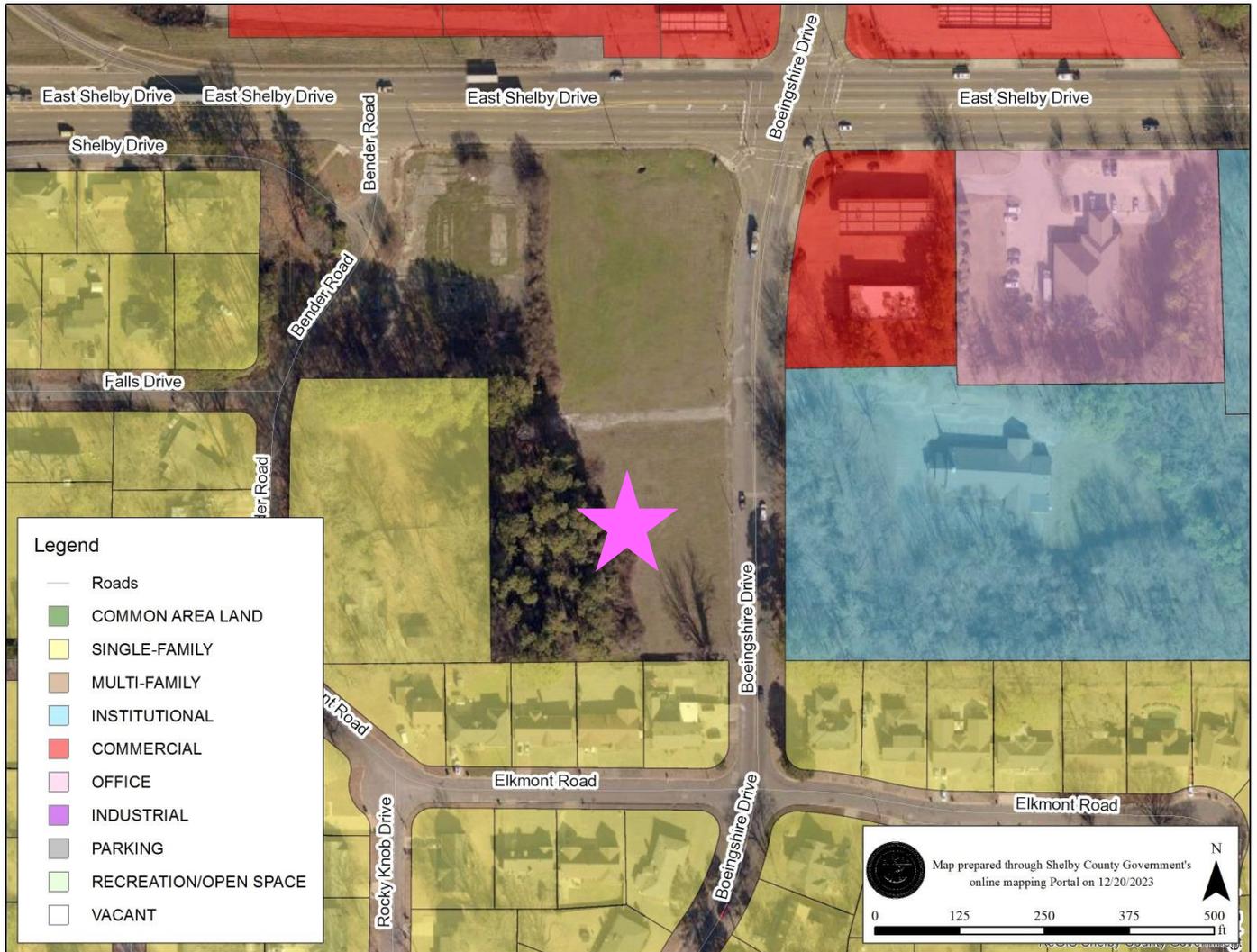
North: RU-3, CMU-3, BOA 1985-070

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

South: R-8

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

LAND USE MAP



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

SITE PHOTOS



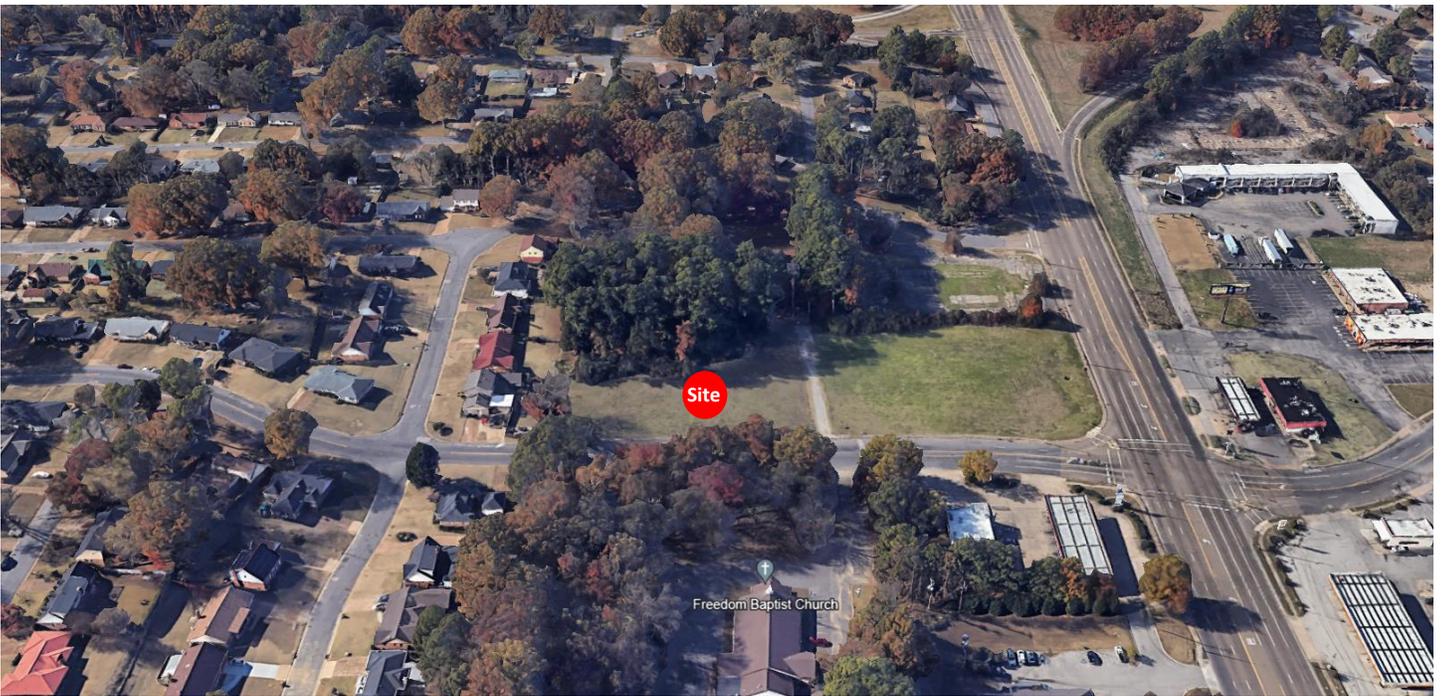
View of the center of the subject property from Boeingshire Dr (Front).



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

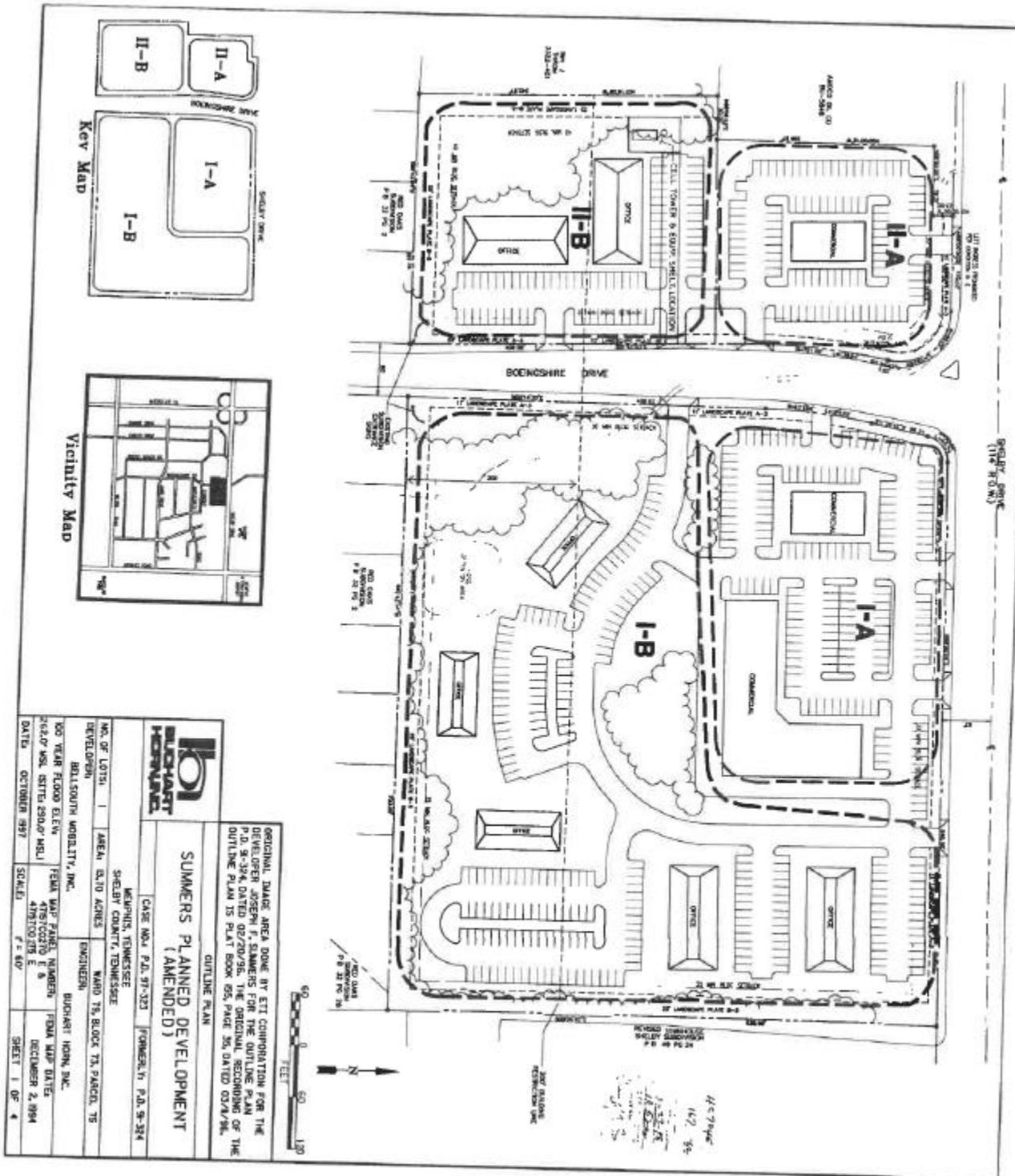


View of the center of the subject property from Boeingshire Dr (West).



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

CURRENTLY RECORDED OUTLINE PLAN GRAPHIC



Case Review

Request

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

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

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

contained in this Chapter.

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

Residential Criteria

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

4.10.4 Planned Residential Developments

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

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

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

F. Distance Requirements

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is currently part of the Summers Planned Development, a mixed-use planned development recorded in the Plat Book 167, Page 62 at the Shelby County Register's Office.

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

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

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

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

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

Site Zoning History

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

Concept Plan Review

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

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

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

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

Analysis

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

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

Finally, the existing homes along Bing Shire Drive south of Elkmont Road are on a curved portion of Boeingshire Drive, making any visual transition in a streetscape appearance by the new development more subtle. The proposed development will not unduly injure or damage the use, value, and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

RECOMMENDATION

Staff recommends approval with outline plan conditions that reflect Area II-B now being regulated for residential use only.

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

I. Uses Permitted

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

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

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

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

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

- B. The following uses shall also be permitted:

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

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

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

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

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

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

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

F. Area II-B

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

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

II. Bulk Regulations

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

III. Access and Circulation

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

C. Curb cuts permitted along Shelby Drive:

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

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

IV. Drainage

- A. All drainage plans shall be submitted to the City Engineering Office for review.
- B. A pro-rata fee for major drainage improvements through this site may be required for phased development.
- C. Drainage improvements, including possible on-site detention to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et. seq.).

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

VI. Landscaping and Screening

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

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

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

VII. Signs

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

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

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

VIII. Other

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

I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineering Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

1. City sanitary sewers are available to serve this development.

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

9. Will require engineering ASPR.

Drainage:

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

Site Plan Notes:

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

City Fire Division:

- Fire apparatus access shall comply with section 503.
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except

when approved alternate methods of protection are provided.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning:

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

Site Address/Location: 4701 Boeingshire Dr

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

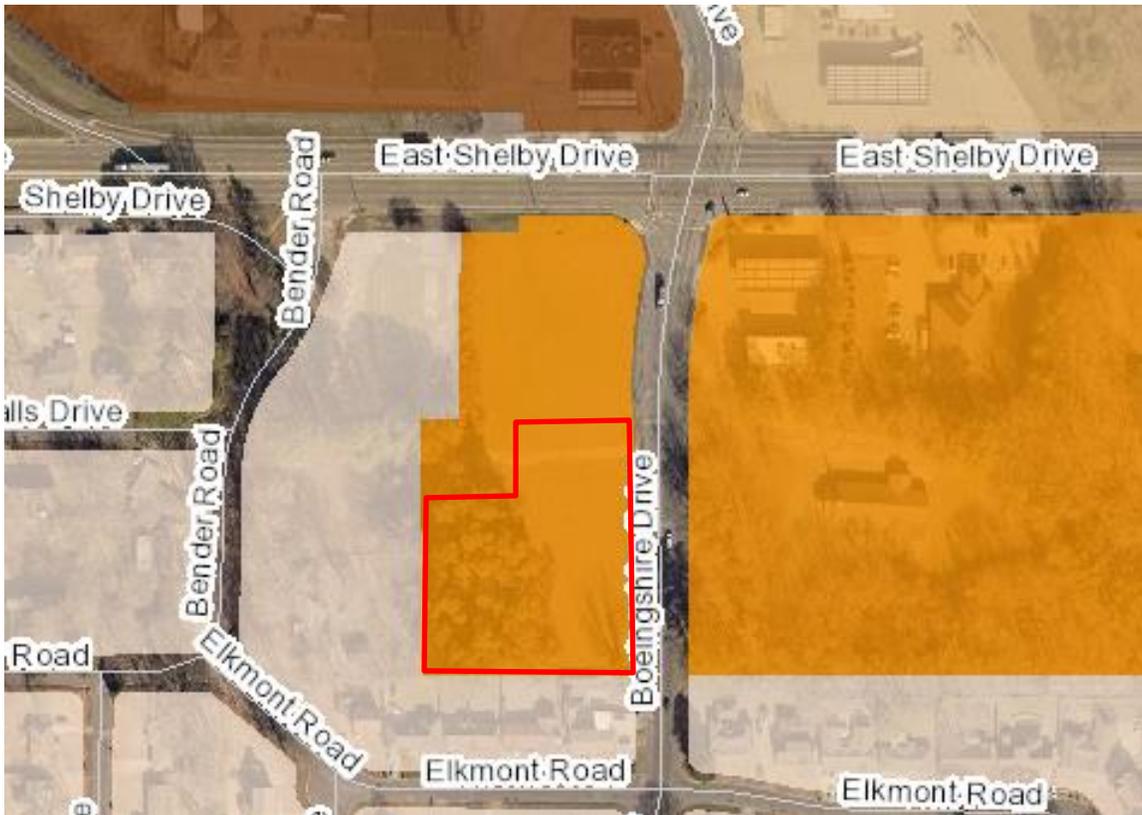
Future Land Use Designation: Primarily Multifamily Neighborhood (NM)

Street Type: N/A

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

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“NM” Form & Location Characteristics

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

“NM” Zoning Notes

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

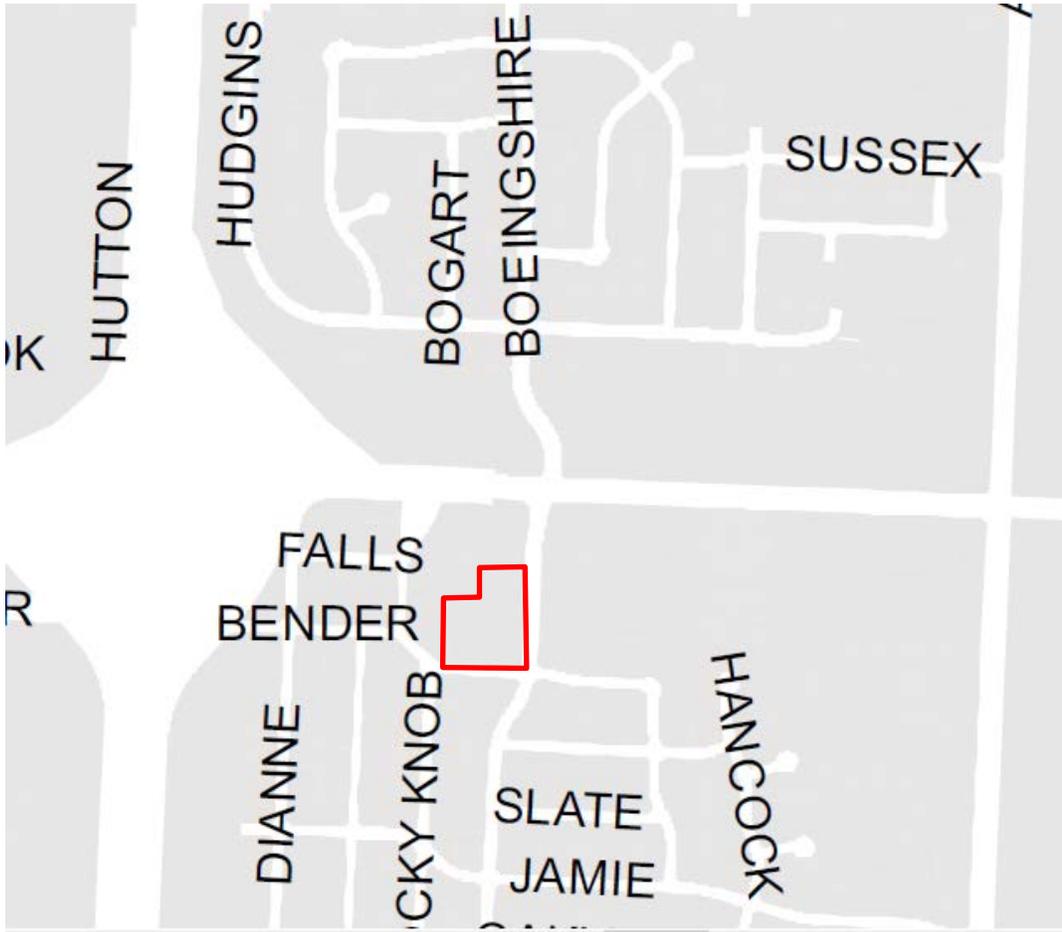
Existing, Adjacent Land Use and Zoning

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

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

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

3. Degree of Change Map



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

4. Degree of Change Description: N/A

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

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

Consistency Analysis Summary

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

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

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

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: December 8, 2023

Record Number: PD 2023-029

Expiration Date:

Record Name: Summers Planned Development Amended

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

Parent Record Number:

Address:

4701 BOEINGSHIRE DR, MEMPHIS 38116

Owner Information

Primary Owner Name

Y DOLPHIN CONSTRUCTION INC

Owner Address

5190 WOODS LANDING, MEMPHIS, TN 38125

Owner Phone

Parcel Information

079073 00095

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

09/11/2023

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	PD 91-324
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	n/a
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	n/a

APPROVAL CRITERIA

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

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	This development will be compatible with surrounding uses. All utilities are adjacent to the existing site.
B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development	
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	This development will be compatible with surrounding uses.
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and	Agreed

GENERAL PROVISIONS

the amenities incorporated therein, and are not inconsistent with the public interest

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

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

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

Agreed

GIS INFORMATION

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

Contact Information

Name	Contact Type
DOLPHIN CONSTRUCTION INC	APPLICANT
Address	
Phone	
-	

Fee Information

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

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

Payment Information

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

LETTER OF INTENT

The Bray Firm

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

December 7, 2023

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

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

Mr. Ragsdale:

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

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

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

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

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

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

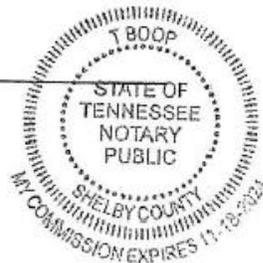
[Signature]
Owner, Applicant or Representative

1-25-2024
Date

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

[Signature]
Notary Public

My commission expires: _____





LETTERS RECEIVED

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



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: December 8, 2023

Record Number: PD 2023-029

Expiration Date:

Record Name: Summers Planned Development Amended

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

Parent Record Number:

Address:

4701 BOEINGSHIRE DR, MEMPHIS 38116

Owner Information

Primary Owner Name

Y DOLPHIN CONSTRUCTION INC

Owner Address

5190 WOODS LANDING, MEMPHIS, TN 38125

Owner Phone

Parcel Information

079073 00095

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

09/11/2023

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	PD 91-324
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)	n/a
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	n/a

APPROVAL CRITERIA

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

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	This development will be compatible with surrounding uses. All utilities are adjacent to the existing site.
B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development	
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	This development will be compatible with surrounding uses.
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and	Agreed

GENERAL PROVISIONS

the amenities incorporated therein, and are not inconsistent with the public interest

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

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

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

Agreed

GIS INFORMATION

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

Contact Information

Name	Contact Type
DOLPHIN CONSTRUCTION INC	APPLICANT

Address

Phone

-

Fee Information

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

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

Payment Information

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

The Bray Firm

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

December 7, 2023

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

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

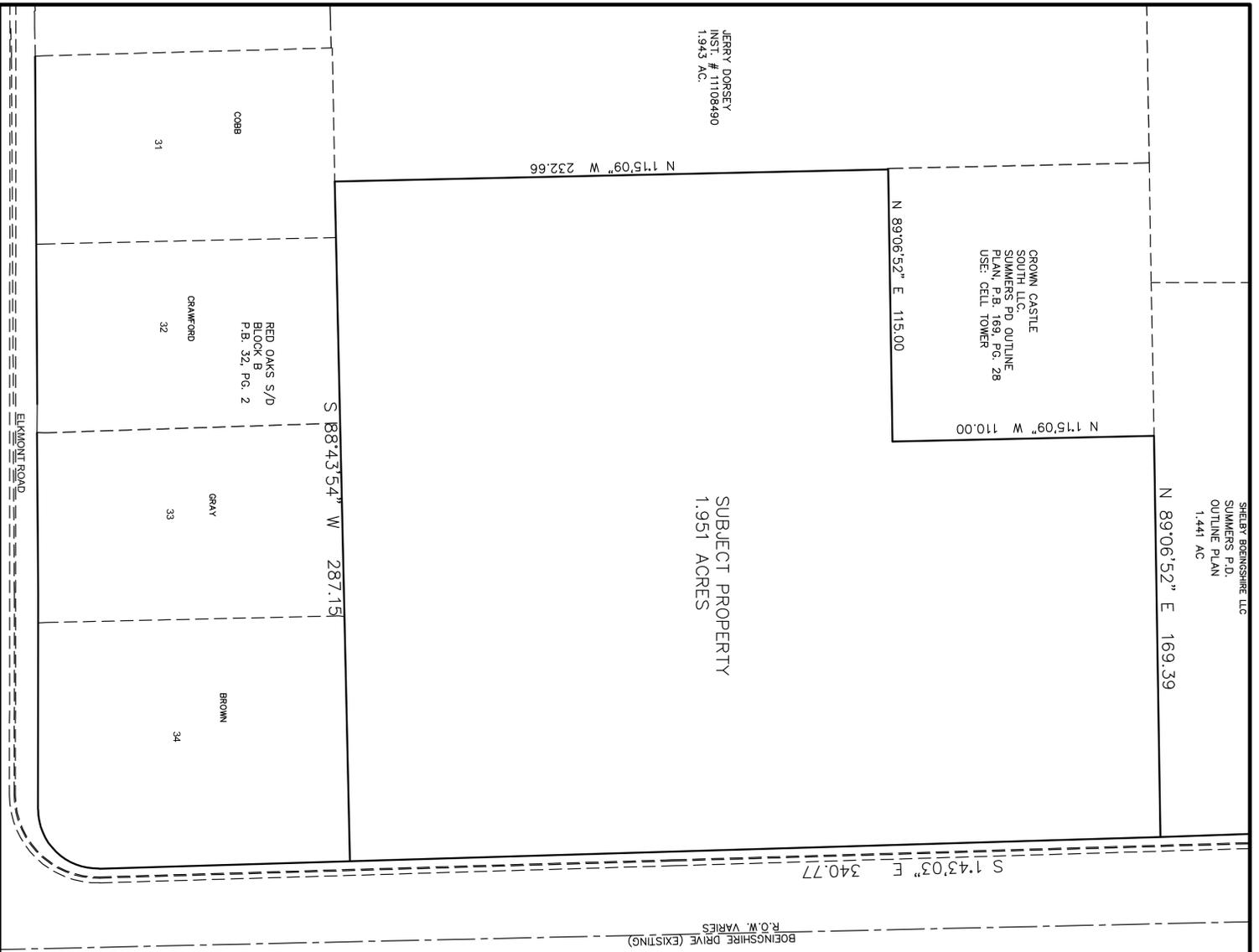
Mr. Ragsdale:

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

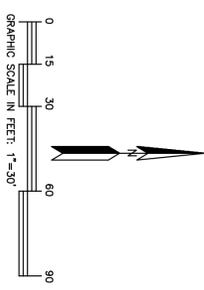
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

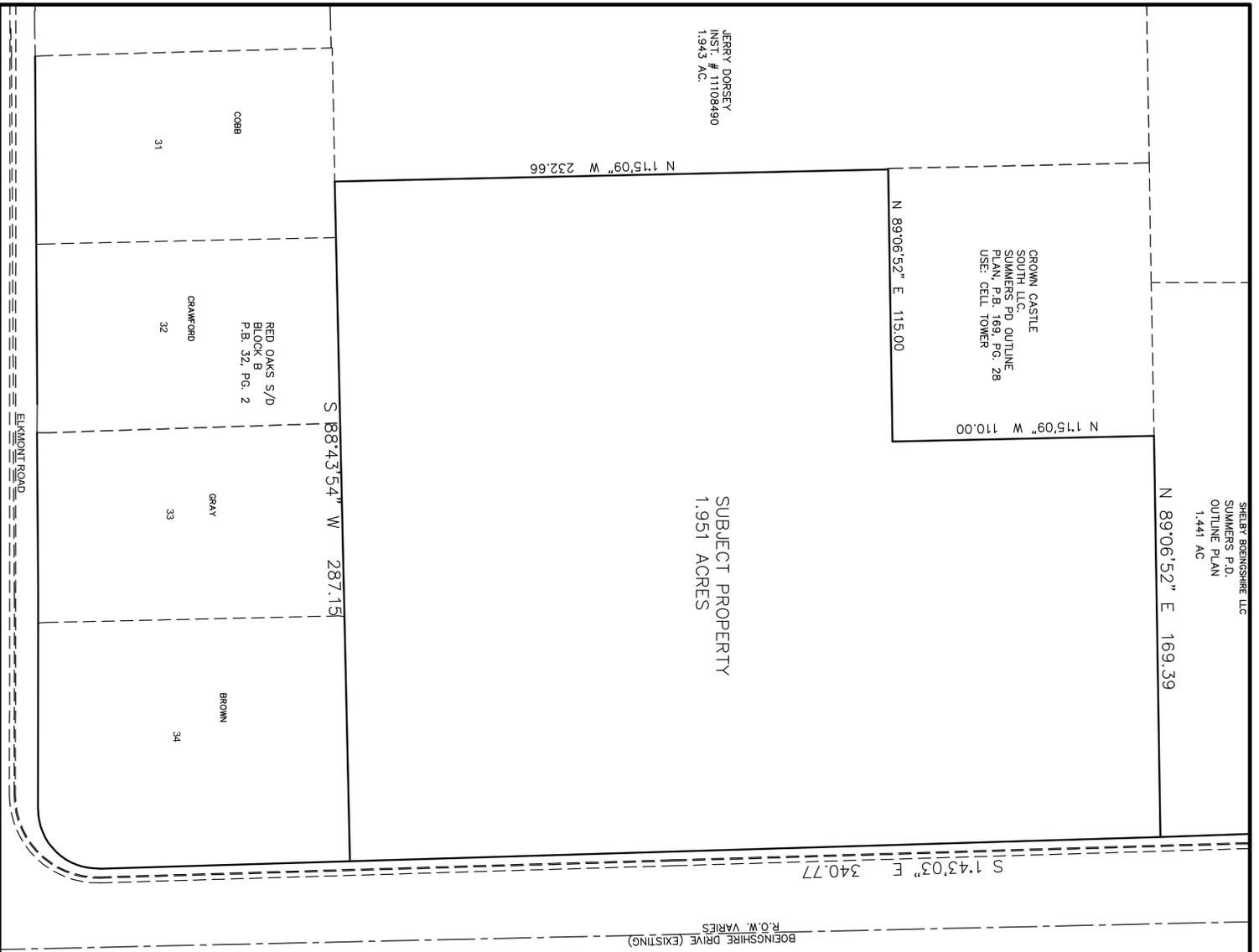
David Gean Bray, P.E.



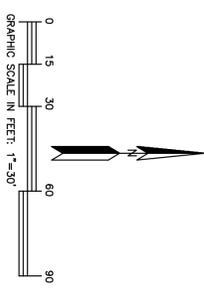
FREDON A B CHURCH
 SUMMERS P.D.
 AMENDMENT PHASE 11
 P.B. 215, PG. 45



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



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



PLOT PLAN	
SUMMERS PLANNED DEVELOPMENT AMENDED	
EXISTING ZONING: RU-3	PARCEL ID: 079073 00095
MEMPHIS, TENNESSEE	
OWNER/DEVELOPER: DOLPHIN CONSTRUCTION INC. 5190 WOODS LANDING RD. MEMPHIS, TN 38125	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8868
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SCALE: 1"=30'	SHEET 1 OF 1

The Bray Firm

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

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

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

Minimum lot width of all lots shall be 32 feet.

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

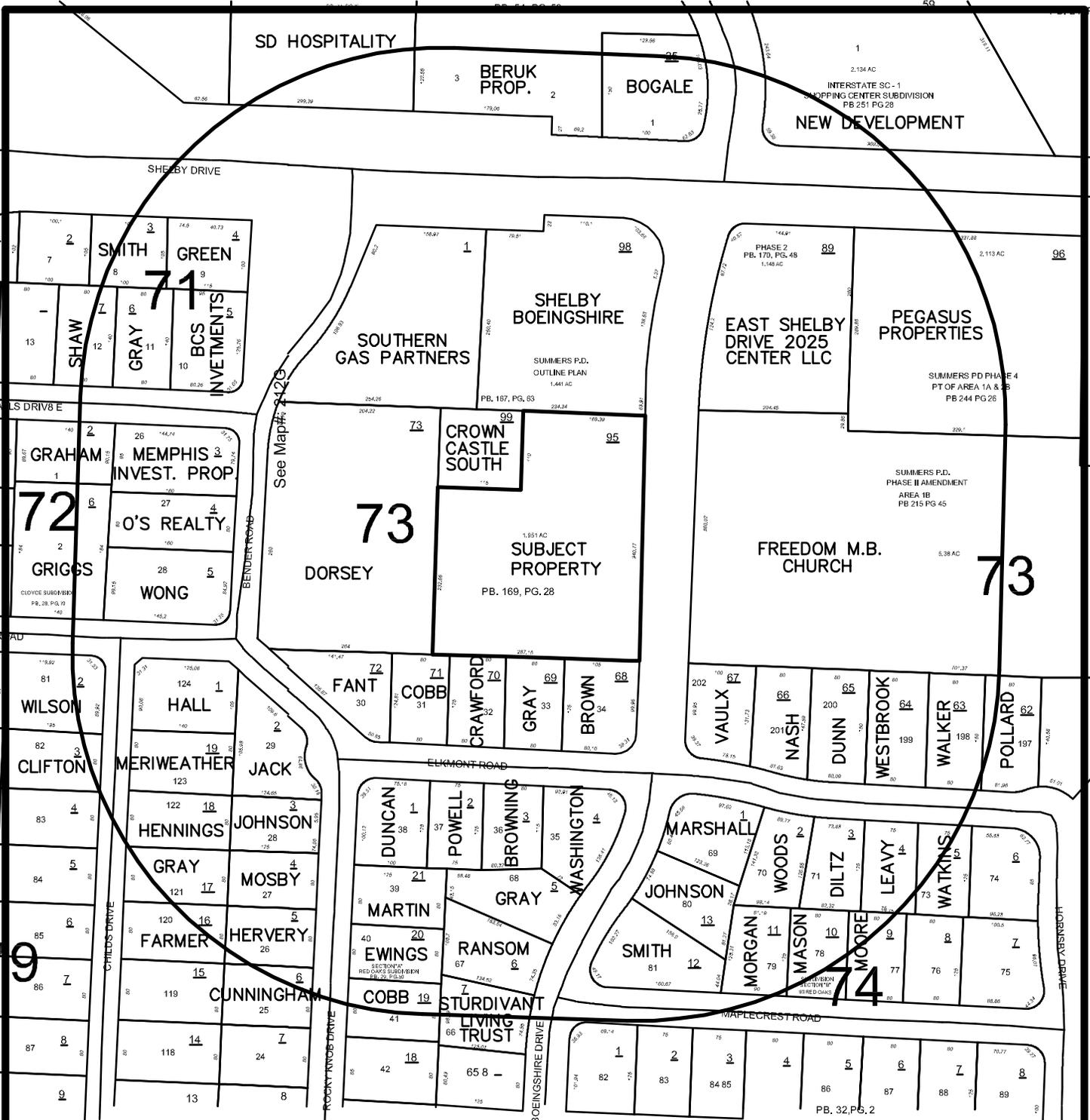
The front setback to the internal cul-de-sac shall be 15 feet.

The rear setback from the alleys shall by 10 feet.

All other rear setbacks shall be 20 feet.

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

No drive access to Boeingshire Drive shall be permitted.



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

PREPARED BY THE BRAY FIRM

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

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

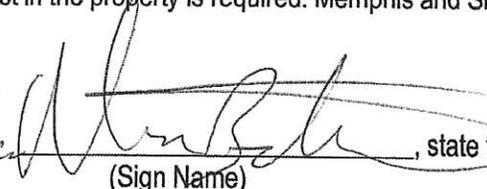
**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

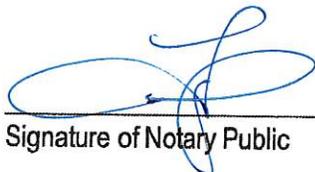
I, Marques Batchelor (Print Name),  (Sign Name), state that I have read the definition of

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

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

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

Subscribed and sworn to (or affirmed) before me this 8 day of Dec in the year of 2023.


Signature of Notary Public



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

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Jerry Dorsey
1953 Bender Dr.
Memphis, TN 38116

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

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

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

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

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

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

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

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

Mulualem Bogale
1094 Sugar Lane
Collierville, TN 38017-6855

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

John Green
1953 Goodhaven Dr.
Memphis, TN 38116

Resident
1941 E Shelby Dr.
Memphis, TN 38116

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

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

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

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

Resident
1944 Falls Dr.
Memphis, TN 38116

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

Resident
1943 Falls Dr.
Memphis, TN 38116

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

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

Resident
1940 Bender Rd.
Memphis, TN 38116

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

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

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

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

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

Rhonda Meriweather
4752 Childs Dr.
Memphis, TN 38116

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

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

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

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

Euna Hervery
4779 Rocky Knob Dr.
Memphis, TN 38116

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

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

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

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

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

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

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

Cedric Brown
2002 Elkmont Rd.
Memphis, TN 38116

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

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

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

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

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

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

Shirley Marshall
4758 Boeingshire
Memphis, TN 38116

Stancie Woods
2029 Elkmont Rd.
Memphis, TN 38116

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

David & Patricia Leavy
2043 Elkmont Rd.
Memphis, TN

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

Resident
2049 Elkmont Rd.
Memphis, TN 38116

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Marion Gray
4775 Boeingshire Dr.
Memphis TN 38116-8191

Prepared By:

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

WARRANTY DEED

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

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

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

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

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

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

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

First Thessalonians M. B. Church

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

BY: Mitchell Henderson
Mitchell Henderson, Deacon

**STATE OF TENNESSEE
COUNTY OF SHELBY**

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

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

Andrea Hood-Carr
Notary Public

My Commission Expires: _____



Owner Name and Address:

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

Send Tax Bills To:

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

Property Address:

0 Boeingshire Drive
Memphis, TN 38116

Tax Parcel ID No.:

079073 00095

Valuation Affidavit:

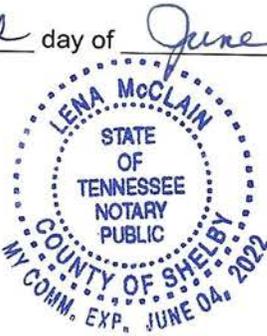
I hereby swear or affirm that to the best of my knowledge, information and belief, that the actual consideration for the transfer or the value of the property transferred, whichever is greater, is \$36,000.00, which amount is equal to or greater than the amount which the property transferred would command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

Joe Pett
Affiant

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

Lena McClain
Notary Public

My Commission Expires: _____



Return To:

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

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

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

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

RECOMMENDATIONS:

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

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

NOW, THEREFORE, you will take notice that on Tuesday, August 20, 2024, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

THIS THE 25th DAY OF JULY,2024

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

TO BE PUBLISHED:

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/20/2024
DATE
PUBLIC SESSION: 09/10/2024
DATE

ITEM (CHECK ONE)
ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 3230 Commercial Parkway, known as case number SUP 2024 – 019

CASE NUMBER: SUP 2024 – 019

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugaa

REPRESENTATIVE: David Bray, The Bray Firm

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

AREA: +/- 3.78 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
07/11/2024 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

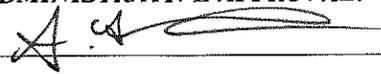
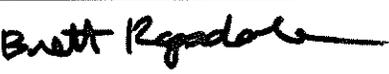
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

SUP 2024 – 019

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3230 COMMERCIAL PARKWAY, KNOWN AS CASE NUMBER SUP 2024 – 019

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024 – 019

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugaa

REPRESENTATIVE: David Bray, The Bray Firm

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

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

AREA: +/- 3.78 acres

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

The following spoke in opposition the application: None

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

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

Respectfully,



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

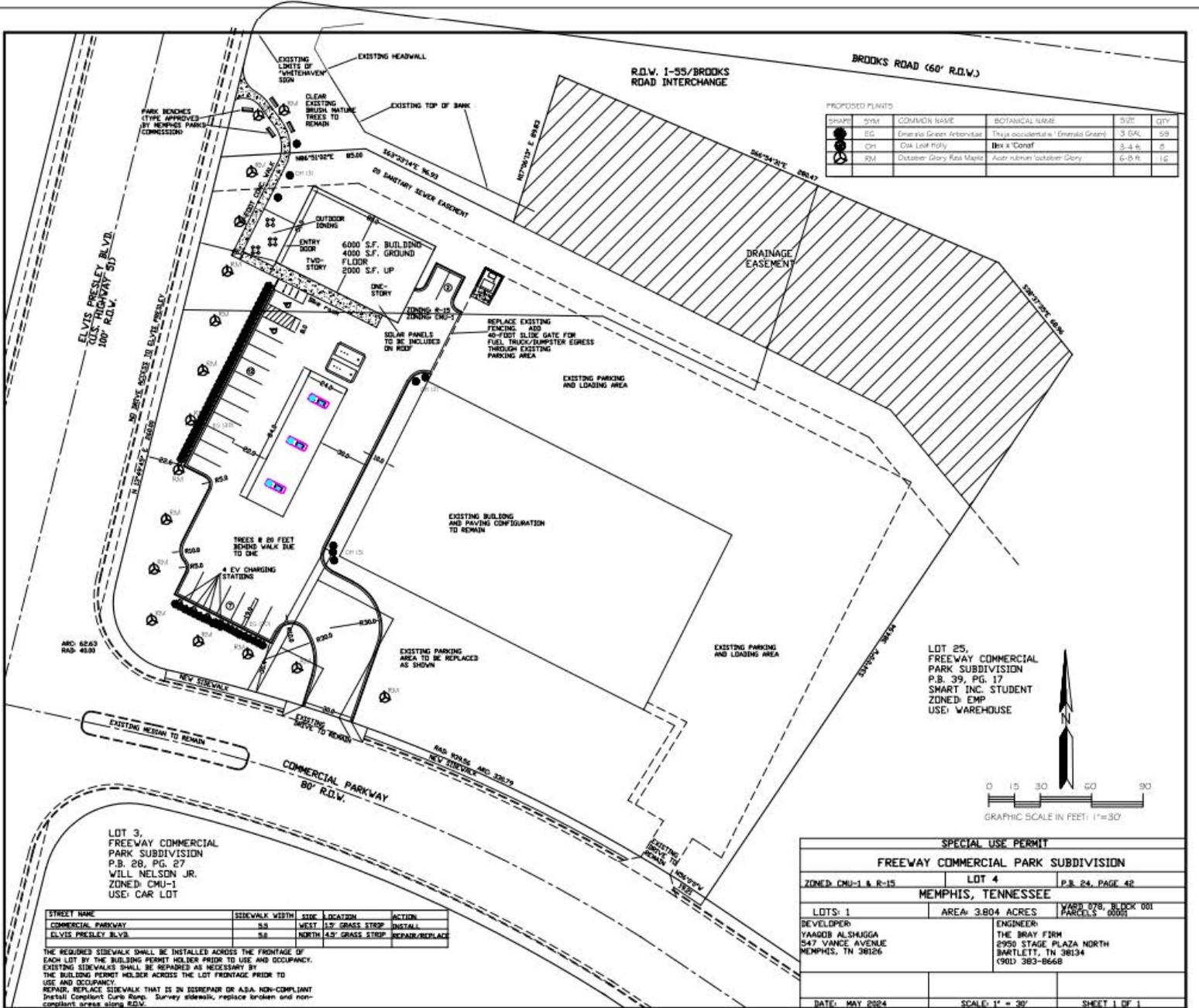
Cc: Committee Members
File

SUP 2024 – 019

CONDITIONS

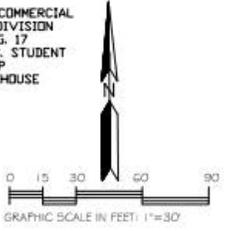
1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any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

SITE PLAN



SYMBOL	SYM	COMMON NAME	BOTANICAL NAME	SIZE	QTY
●	EG	Emerald Green Arborvitae	Thuja occidentalis 'Emerald Green'	3 GAL	50
○	CH	Oak Leaf Holly	Ilex x 'Convex'	3-4 ft.	5
○	RM	October Glory Rose Maple	Acer rubrum 'October Glory'	6-8 ft.	15

LOT 25,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 39, PG. 17
 SMART INC. STUDENT
 ZONED: EMP
 USE: WAREHOUSE



LOT 3,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 28, PG. 27
 WILL NELSON JR.
 ZONED: CMU-1
 USE: CAR LOT

STREET NAME	SIDEWALK WIDTH	DIR.	LOCATION	ACTION
COMMERCIAL PARKWAY	5.5	WEST	S.S. GRASS STRIP	INSTALL
ELVIS PRESLEY BLVD.	5.8	NORTH	4.5' GRASS STRIP	REPAIR/REPLACE

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY.
 REPAIR/REPLACE SIDEWALK THAT IS IN DISREPAIR OR A.S.A. NON-COMPLIANT. Install Compliant Curb Ramp. Survey sidewalk, replace broken and non-compliant areas along R.O.W.

SPECIAL USE PERMIT		
FREEWAY COMMERCIAL PARK SUBDIVISION		
ZONED: CMU-1 & R-15	LOT 4	P.B. 24, PAGE 42
MEMPHIS, TENNESSEE		
LOTS: 1	AREA: 3.804 ACRES	WARD 37B, BLOCK 001
DEVELOPER: YAAGOB ALSHUGGA 547 VANCE AVENUE MEMPHIS, TN 38126	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668	PARCELS: 0001
DATE: MAY 2024	SCALE: 1" = 30'	SHEET 1 OF 1

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3230 COMMERCIAL PARKWAY, KNOWN AS CASE NUMBER SUP 2024 – 019

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

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

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 11, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

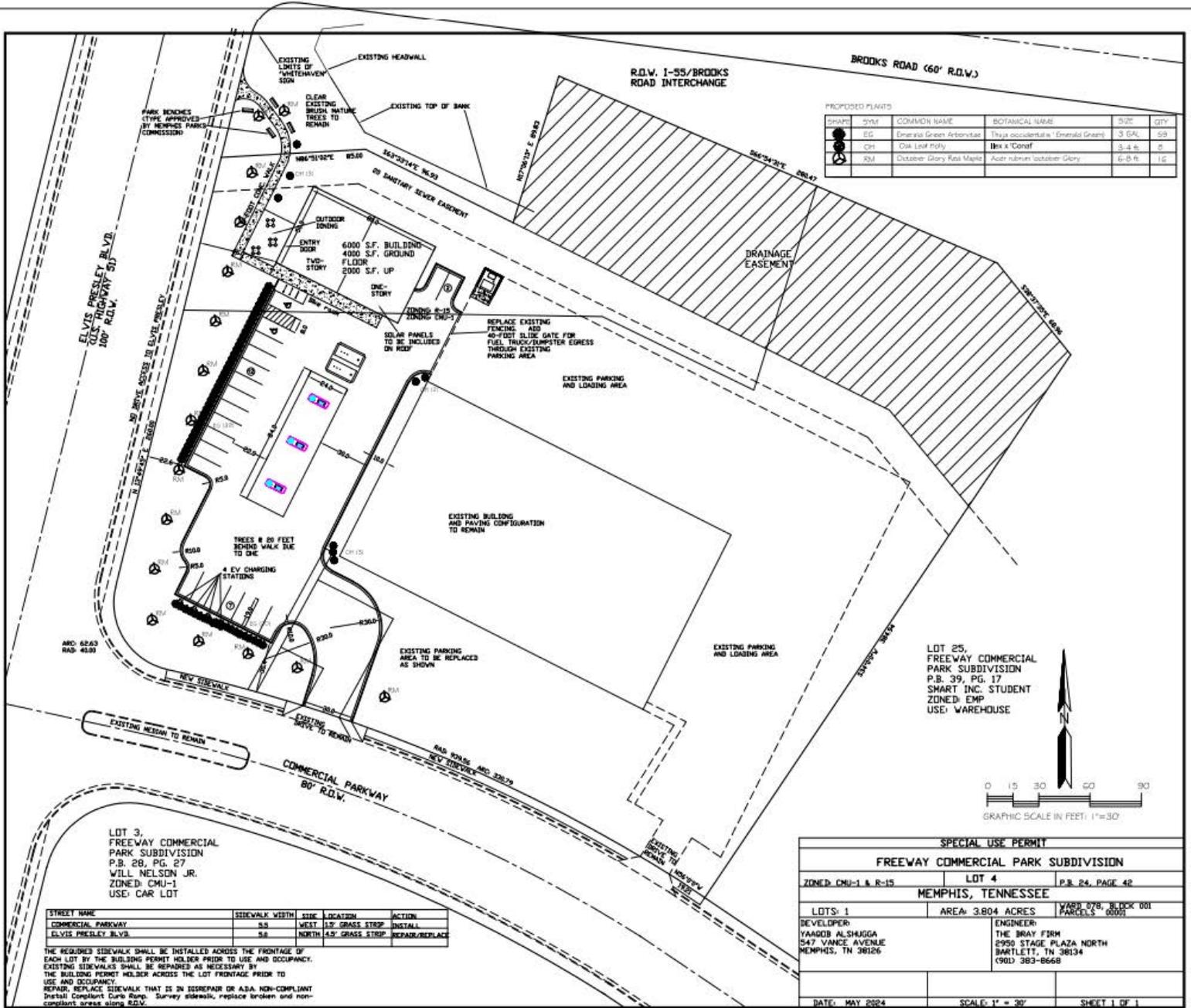
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

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

CONDITIONS

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

SITE PLAN



ATTEST:

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

AGENDA ITEM: 12 **L.U.C.B. MEETING:** July 11, 2024
CASE NUMBER: SUP 2024 – 019
LOCATION: 3230 Commercial Parkway
COUNCIL DISTRICT: District 3
OWNER/APPLICANT: Yaaqob Al Shugaa
REPRESENTATIVE: David Bray, The Bray Firm
REQUEST: Special use permit to allow a convenience store with gas pumps.
EXISTING ZONING: Commercial Mixed Use – 1, Residential Single – Family – 15

CONCLUSIONS

1. The applicant is requesting a stand-alone convenience store with gas sales and a two-story structure with an outdoor dining area.
2. The subject property is split zoned Commercial Mixed Use – 1 (CMU-1) and the northwest portion of the parcel is zoned Residential Single – Family – 15 (R-15).
3. The applicant is requesting a zoning change of the portion zoned R-15 to CMU-1 (see case # Z 2024 -006).
4. In May 2019, a variance (BOA 19-32) was granted by the Board of Adjustment to allow an established warehouse to continue operations at the same location as the proposed convenience store.
5. In May 2019, a special use permit (SUP 2019 – 06) was recommended for rejection by the Land Use Control Board to allow a convenience store with gasoline sales at the intersection of an arterial street and a local street. This application was subsequently withdrawn by the applicant.
6. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

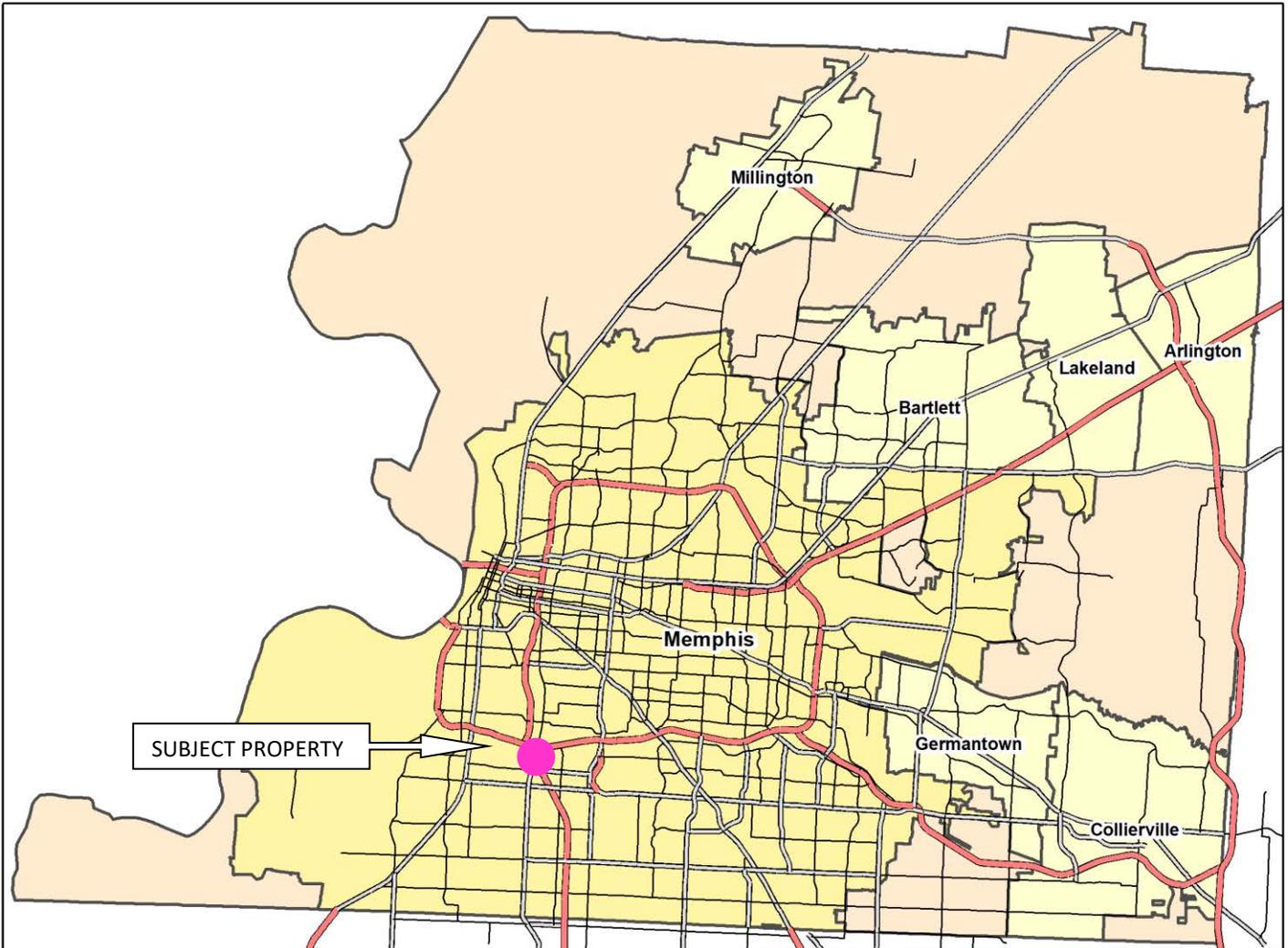
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 28 notices were mailed on May 13, 2024, see pages 25 - 26 of this report for a copy of said notice. Additionally, xx sign was posted at the subject property, see page xx of this report for a copy of the sign affidavit (awaiting copy of sign affidavit from property owner).

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Thursday, July 1, 2024, at Southbrook Mall, 1254 East Shelby Drive.

AERIAL



Subject property outlined in yellow

ZONING MAP



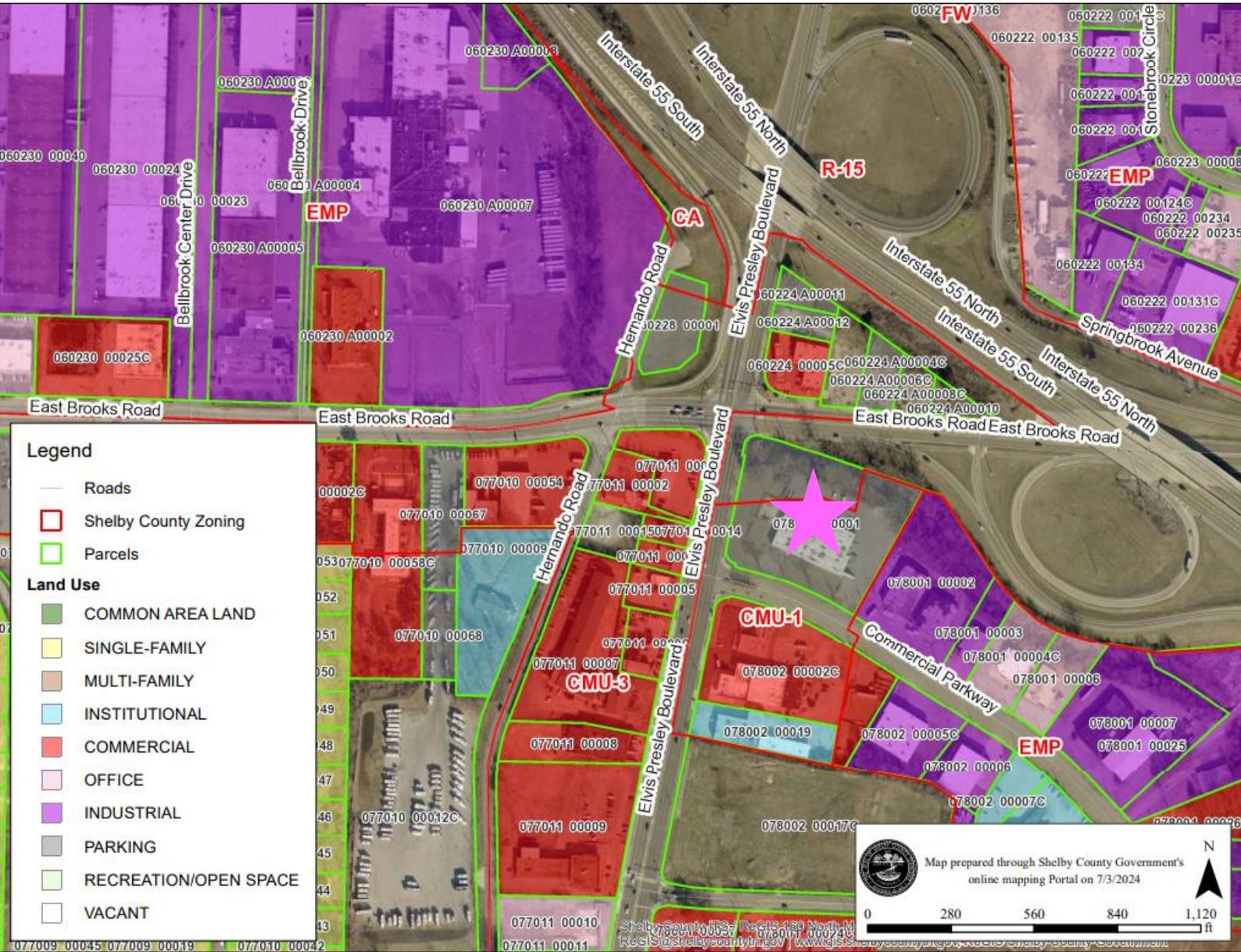
Subject property highlighted in yellow.

FEMA MAP



Subject property outlined in yellow.

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS

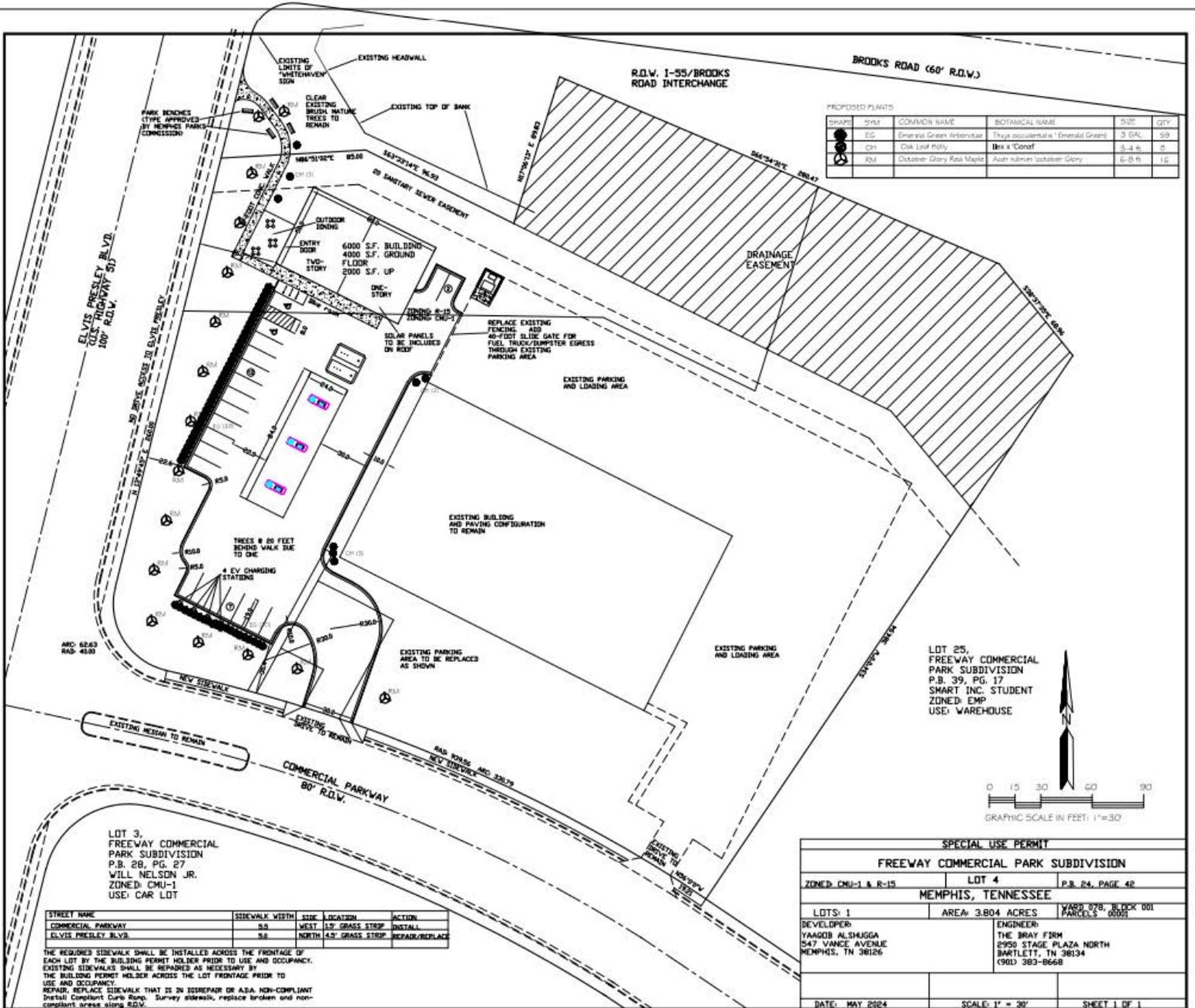


View of subject property from Elvis Presley.

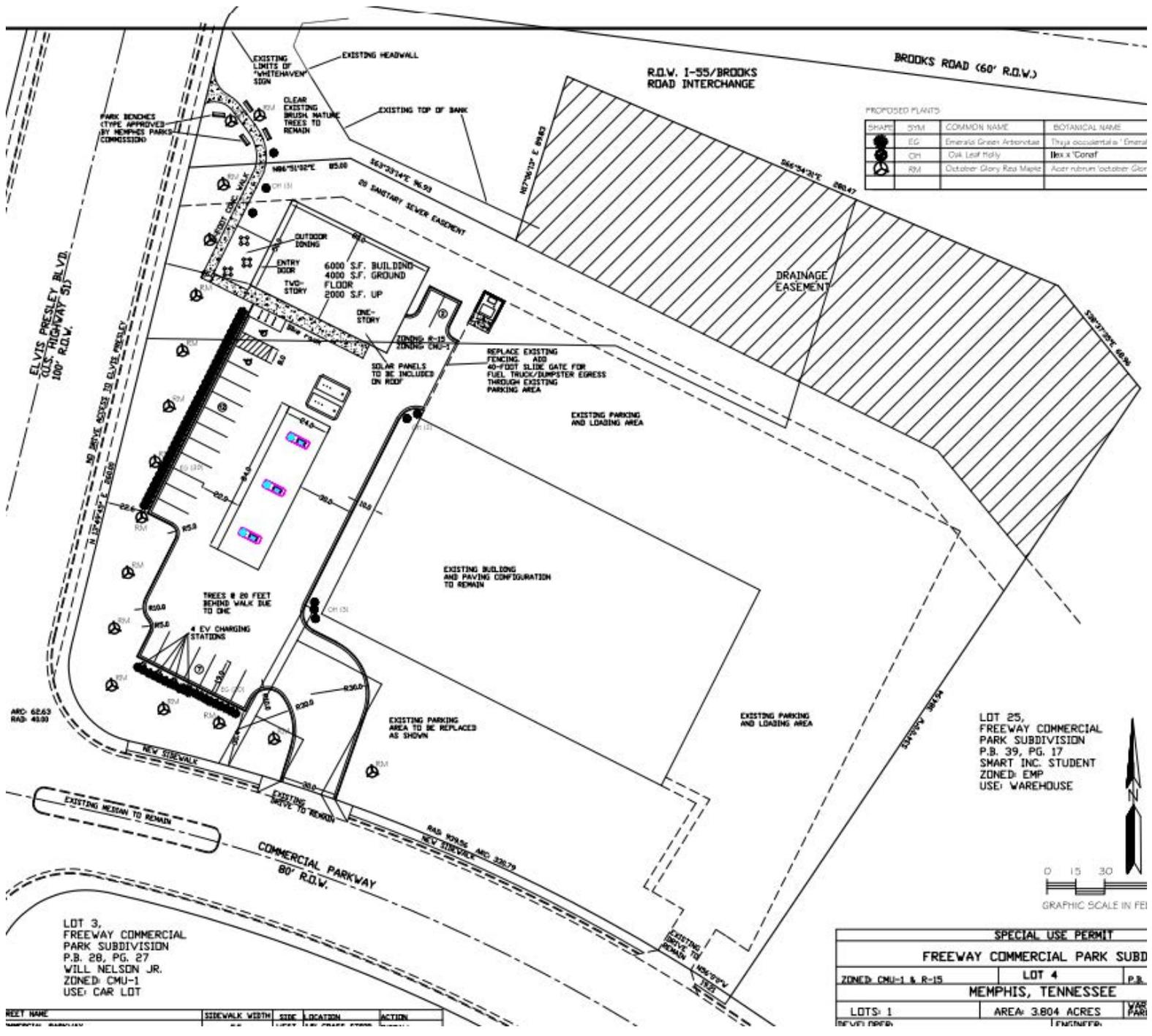


View of subject property from Commercial Parkway looking North.

SITE PLAN



SITE PLAN – MAGNIFIED



CASE REVIEW

Request

The request is a special use permit to allow a convenience store with gas pumps.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:
3230 Commercial Parkway

Parcel ID:
078001 00001

Area:
+/- 3.78 acres

Description:

The subject property is located along Elvis Presley and located within the Whitehaven neighborhood. The property is split zoned CMU-1 and R-15. There is currently a warehouse located on the property that would remain. Per the Assessor’s website, the principal structure on the site was built circa 1961 with a building area of +/- 8,000 square feet. The surrounding land uses are a mixture of commercial, industrial, institutional, and single-family and vacant lots. Additionally, this lot has two street frontages: one along Elvis Presley Boulevard and one along Commercial Parkway.

Relevant Unified Development Code Clauses

Sub-Section 2.6.3J

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

1. General Standards

a. The primary building shall conform to all building envelope standards. It shall be sheathed with some form of masonry material on all facades of the building.

b. Gasoline pumps, tanks, vents, EV chargers and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.

c. No sign of any type or any gasoline pump, tank, or EV charger shall be located within 20 feet of any residential district. Furthermore, no gasoline pump, tank or tank vent pipe located at gasoline stations constructed on or after August 21, 2012, or at those gasoline stations that have been vacant for more than 365 days, shall be located within 125 feet of any single-family residential district. This Item shall not apply to any portion of a residential district that lies within a state, city or county right-of-way.

d. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to a residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.

e. Freestanding vents shall not be permitted.

f. CMU-3 district. Any convenience store with gas pumps or gas stations constructed in the CMU-3 district after January 28, 2013, or reactivated after one year of discontinuance, not located at the intersection of two arterials, an arterial and a collector or two collectors, according to the Functional Classification Map of the Long Range Transportation Plan, shall require the issuance of a Special Use Permit. Convenience stores with gas pumps and gas stations constructed in the CMU-3 district prior to January 28, 2013, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

g. CMU-1 district. Any convenience store with gas pumps or gas stations constructed in the CMU-1 district after January 1, 2021, reactivated after one year of discontinuance or whose convenience store is reconstructed or

relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-1 district prior to January 1, 2021, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the proposed convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

h. CMU-2 and CBD districts. Any convenience store with gas pumps or gas stations constructed in the CMU-2 and CBD districts after the effective date of this ordinance (ZTA 21-2) or reactivated after one year of discontinuance or whose convenience store is reconstructed or relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-2 and CBD districts prior to the effective date of this ordinance (ZTA 21-2), may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

i. Rope lighting subject to Paragraph 4.9.4A(10) is prohibited.

2. Fuel Canopies

a. Fuel canopies may be located within the required front yard of a lot. With the exception of those canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii), the canopy shall be located no closer than 10 feet to any side or rear property line or right-of-way. This Item shall not be construed to supersede the landscaping and streetscape provisions of Article 4.

b. The canopy shall not exceed a height of 20 feet.

c. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

d. Architectural compatibility of fuel canopies

i. Establishments permitted by right

The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be complementary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage. Examples of architecturally integrated and compatible fuel canopies are provided in Sub-Item (iv) below.

ii. Establishments that require a Special Use Permit

In addition to the requirements set forth above in Sub-Item (i), a fuel canopy associated with an establishment that requires a Special Use Permit or is eligible for a waiver from a Special Use Permit under Items 2.6.3J(1)(f), (g) or (h), shall also either:

a. Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code. See Sub-Item (v) below for a photographic representation of a rear-loaded fuel canopy; or

b. Be structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way. See Sub-Item (vi) below for photographic

representations of structurally integrated fuel canopies.

iii. Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.

iv. Examples of architecturally integrated and compatible fuel canopies.



v. Example of rear-loaded fuel canopy



vi. Examples of structural integrated fuel canopies



vii. Example of architecturally incompatible fuel canopy.



Site Plan Review

- The proposed development will utilize the existing access point along Commercial Parkway and there is no access point being proposed along Elvis Presley.
- The proposed canopy will be located with a 30-foot setback from the existing building.
- Three fuel pumps are being proposed.
- Three EV charging stations are being proposed along the southwest portion of the lot along Commercial Parkway.
- There is proper landscaping being proposed along Elvis Presley and Commercial Parkway providing proper screening to parking spaces.
- Any mature trees located near the existing 'Whitehaven' sign located on the corner of Elvis Presley and Brooks shall remain.
- The applicant is proposing to replace the existing fence on the property and add a 40-foot sliding gate for fuel truck and dumpster egress.
- The two-story structure housing the convenience store will have solar panels included on the roof.

Analysis

The proposal has been deemed inconsistent in accordance with the Memphis 3.0 Plan based on the land use intent of Low Intensity Commercial (CSL). The proposed use is also not in keeping with the land use designation noted as parking based on the Land Use Map. There is an existing warehouse facility that encompasses a

substantial portion of the parcel. The Office of Sustainability and Resilience (OSR) has deemed the proposal inconsistent with the Mid-South Regional Resilience Master Plan best practices as it discourages development within sensitive areas such as floodplains.

The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

RECOMMENDATION

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

Conditions

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

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

2. The sewer capacity will not be determined until the developer provide the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.

Drainage:

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

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

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

6. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

8. Development is greater than 1 acre and is located within a sensitive drainage basin.

9. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

10. All connections to the sewer shall be at manholes only.

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

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

City Fire Division:

1. All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.

2. Fire apparatus access shall comply with section 503.

3. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).

4. Fire protection water supplies (including fire hydrants) shall comply with section 507.

5. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.

6. IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
7. A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

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

Office of Sustainability and Resilience:
MEMORANDUM

To: Alexis Longstreet, Planner I
From: Logan Landry, Planner I
Date: June 3, 2024
Subject: OSR Comments on SUP 24-019: WHITEHAVEN

General Comments & Analysis:

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

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

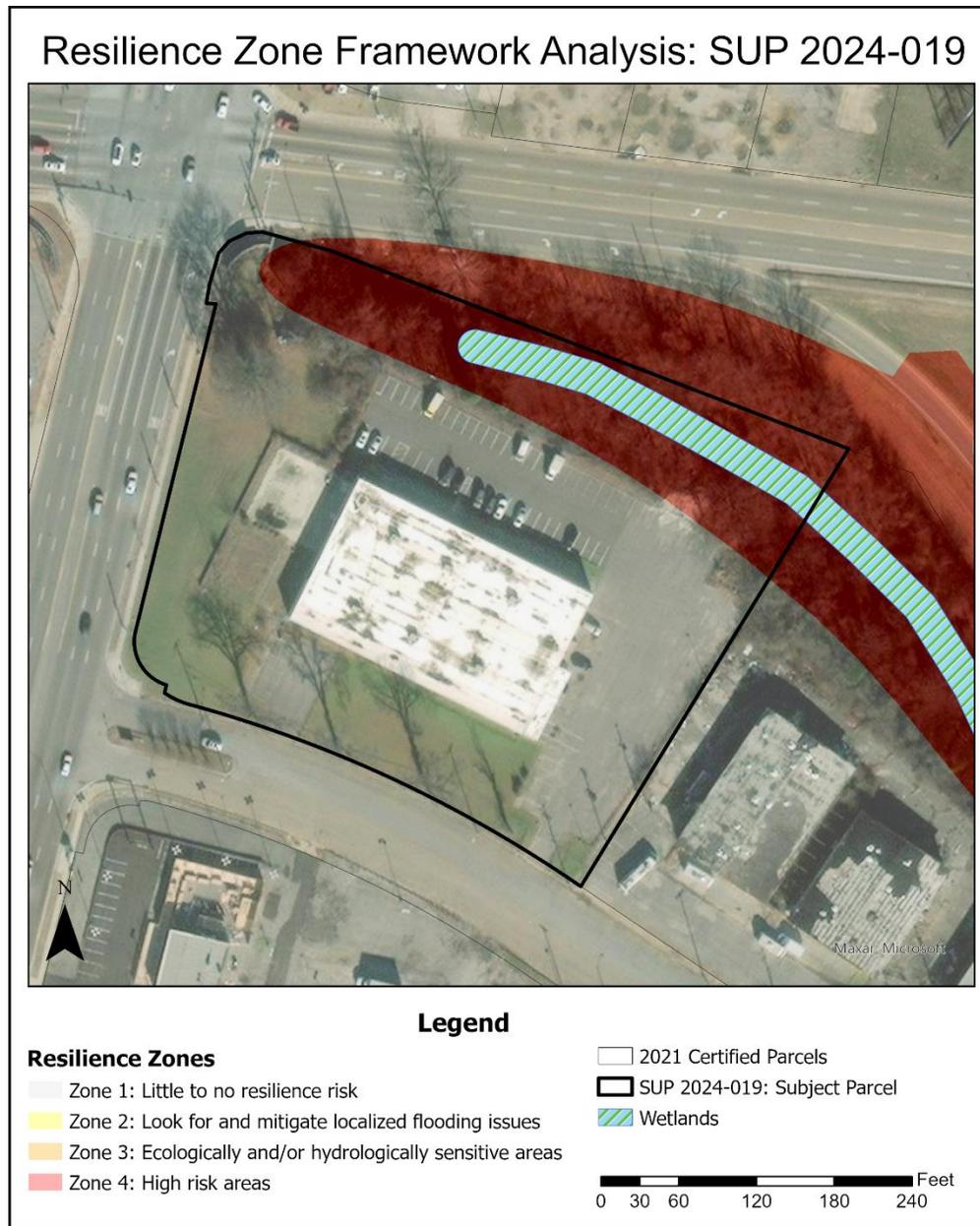
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

The site's designation in Zone 4 is due to its location within the 500-year floodplain for a wetland located in the northeast portion of the parcel.

The applicant is requesting a special use permit to allow a convenience store with gasoline sales in a parcel currently zoned as Commercial Mixed Use – 1 (CMU-1). Additionally, the applicant is planning on constructing a two-story restaurant space which will include a patio, a new sidewalk, park benches, landscaping, and solar panels on the roof.

According to the submitted site plan, the applicant plans to increase the amount of impervious surface by expanding existing parking areas. The expanded parking area will host three new EV charging stations.

The applicant plans to clear the existing brush in the northwest corner of the parcel and leave the existing mature trees. The landscaping plans include the addition of eighty-three new plants, according to the submitted site plan.



Consistent with the Mid-South Regional Resilience Master Plan best practices: No

Section 4.1 – Resilient Sites of the Mid-South Regional Resilience Master Plan discourages development within sensitive areas such as floodplains, so this request for a special use permit is generally inconsistent with the Plan.

The proposed installation of solar panels is encouraged in Section 3.5 – Green Building Retrofits as it increases the building’s energy performance and promotes sustainable energy use.

Consistent with the Memphis Area Climate Action Plan best practices: Yes

The proposed site plan is generally consistent with the Memphis Area Climate Action Plan. The proposed addition of three new electric vehicle charging stations aligns with Action T.5: Encourage Electric Vehicle Adoption and the Development of Charging Infrastructure.

Recommendations: None

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024 - 019 Whitehaven

Site Address/Location: 3230 Commercial Pkwy
Overlay District/Historic District/Flood Zone: Not in an Overlay District or Historic District
Future Land Use Designation: Low Intensity Commercial and Services (CSL)
Street Type: Parkway

The applicant is requesting a special use permit to build a convenience store with gas pumps.
The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height.

“CSL” Zoning Notes

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

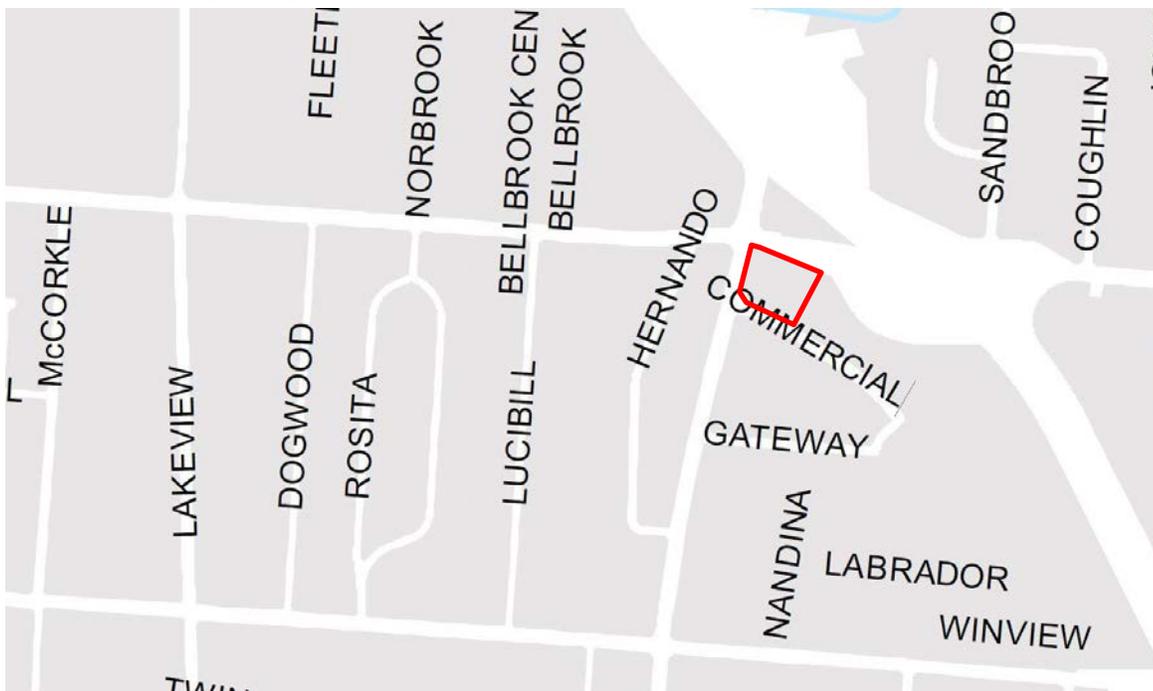
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Parking, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Industrial, and Institution; CMU-1

Overall Compatibility: *This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed gas station is too intense for low-intensity commercial and incompatible with the Whitehaven district priorities. As this node is the gateway to enter the Whitehaven neighborhood with Memphis Visitor Center located across the street from the requested property, the proposal would be detrimental to increasing multi-modal accessibility and safety along this node.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

N/A

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

The parcel is located in the Whitehaven Planning District and the requested use is inconsistent with Whitehaven priorities – “Improve pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors” and “Repurpose vacant lots and parking for public recreation and park development initiatives.”

Consistency Analysis Summary

The applicant is requesting a special use permit to build a convenience store with gas pumps.

This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed gas station is too intense for low-intensity commercial and incompatible with the Whitehaven district priorities. As this node is the gateway to enter the Whitehaven neighborhood with Memphis Visitor Center located across the street from the requested property, the proposal would be detrimental to increasing multi-modal accessibility and safety along this node.

The parcel is located in the Whitehaven Planning District and the requested use is inconsistent with Whitehaven priorities – “Improve pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors” and “Repurpose vacant lots and parking for public recreation and park development initiatives.”

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

MAILED PUBLIC NOTICE

28 Notices Mailed on 05/13/2024.



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

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: SUP 2024 – 019 and Z 2024 – 006
LOCATION: 3230 Commercial Parkway
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: ~~Shugga~~ Yaaqob
REQUEST: Special use permit to allow a convenience store with gas pumps

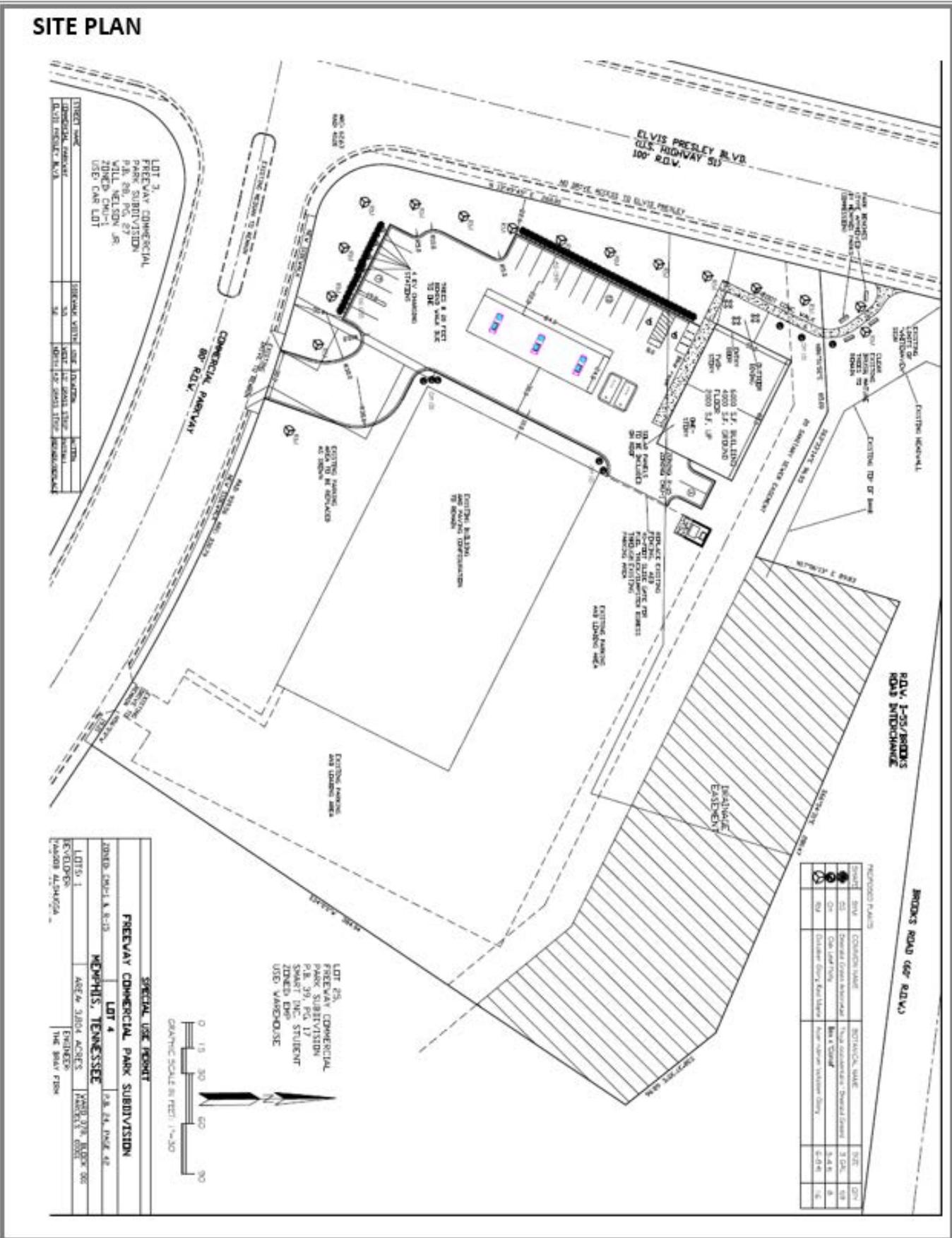
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, July 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 19, 2024, at 8 AM**



APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134

Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: May 10, 2024

Record Number: SUP 2024-019

Expiration Date:

Record Name: Freeway Commercial Park Subdivision, Lot 4

Description of Work: SUP request for convenience store with gasoline sales.

Parent Record Number:

Address:

3230 COMMERCIAL PKWY, MEMPHIS 38116

Owner Information

Primary Owner Name

Y SHUGAA YAAQOB A

Owner Address

547 VANCE AVE, MEMPHIS, TN 38126

Owner Phone

Parcel Information

078001 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Chip Saliba

Date of Meeting 02/27/2024

Pre-application Meeting Type Email

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case n/a

Number(s) related to previous applications on this site

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

GENERAL PROJECT INFORMATION

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

n/a

APPROVAL CRITERIA

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

This project will be compatible with surrounding developments in the CMU-1 zoning district.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

This project will not impact surrounding properties in a negative fashion.

UDC Sub-Section 9.6.9C

All existing facilities and utilities are currently in place.

UDC Sub-Section 9.6.9D

Agreed

UDC Sub-Section 9.6.9E

Agreed.

UDC Sub-Section 9.6.9F

Agreed.

GIS INFORMATION

Case Layer	SUP19-006
Central Business Improvement District	No
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-1
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name
 SHUGAA YAAQOB A

Contact Type
 APPLICANT

Address
 547 VANCE AVE, MEMPHIS, TN, MEMPHIS, TN, 38126

Phone
 -

Name
 THE BRAY FIRM

Contact Type
 ARCHITECT / ENGINEER /
 SURVEYOR

Address
 2950 STAGE PLAZA NORTH,

Phone
 (901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563617	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	05/10/2024
1563617	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	05/10/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

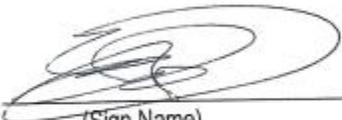
OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Yaagob shugaa , state that I have read the definition of
(Print Name) (Sign Name)

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

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

of the property located at 3230 Elvis Presley
and further identified by Assessor's Parcel Number 07800100001
for which an application is being made to the Division of Planning and Development.

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

Signature of Notary Public

My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

May 9, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision
3230 Elvis Presley Blvd.
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached a Special Use Permit application for the above captioned property. The subject property is located at the intersection of Elvis Presley and Commercial Avenue. This site was the subject of a previous application with a similar request in 2019 but the proposed configuration has changed significantly. After meeting with elected representatives from the area, the owners are proposing a two story structure located closer to Elvis Presley that will include a restaurant space. Additionally, a patio for outdoor dining will be added and a new sidewalk, park benches, and landscaping will be provided to provide pedestrian connectivity to Elvis Presley and the proposed business location. Finally, no drive access to Elvis Presley Boulevard is proposed.

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

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Y SHUGAA YAAQOB A

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547 VANCE AVE, MEMPHIS, TN 38126

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Name of DPD Planner Chip Saliba

Date of Meeting 02/27/2024

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Application Type New Special Use Permit (SUP)

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Number(s) related to previous applications on this site

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UDC Sub-Section 9.6.9C All existing facilities and utilities are currently in place.

UDC Sub-Section 9.6.9D Agreed

UDC Sub-Section 9.6.9E Agreed.

UDC Sub-Section 9.6.9F Agreed.

GIS INFORMATION

Case Layer SUP19-006

Central Business Improvement District No

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

Contact Information

Name
SHUGAA YAAQOB A

Contact Type
APPLICANT

Address
547 VANCE AVE, MEMPHIS, TN, MEMPHIS, TN, 38126

Phone
-

Name
THE BRAY FIRM

Contact Type
ARCHITECT / ENGINEER /
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**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

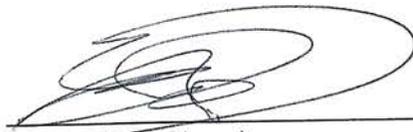
City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

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I, Yaagob shugaa
(Print Name)


(Sign Name)

, state that I have read the definition of

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

of the property located at 3230 Elvis Presley
and further identified by Assessor's Parcel Number 07800100001
for which an application is being made to the Division of Planning and Development.

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

Signature of Notary Public

My Commission Expires



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

May 9, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision
3230 Elvis Presley Blvd.
Memphis, Tennessee**

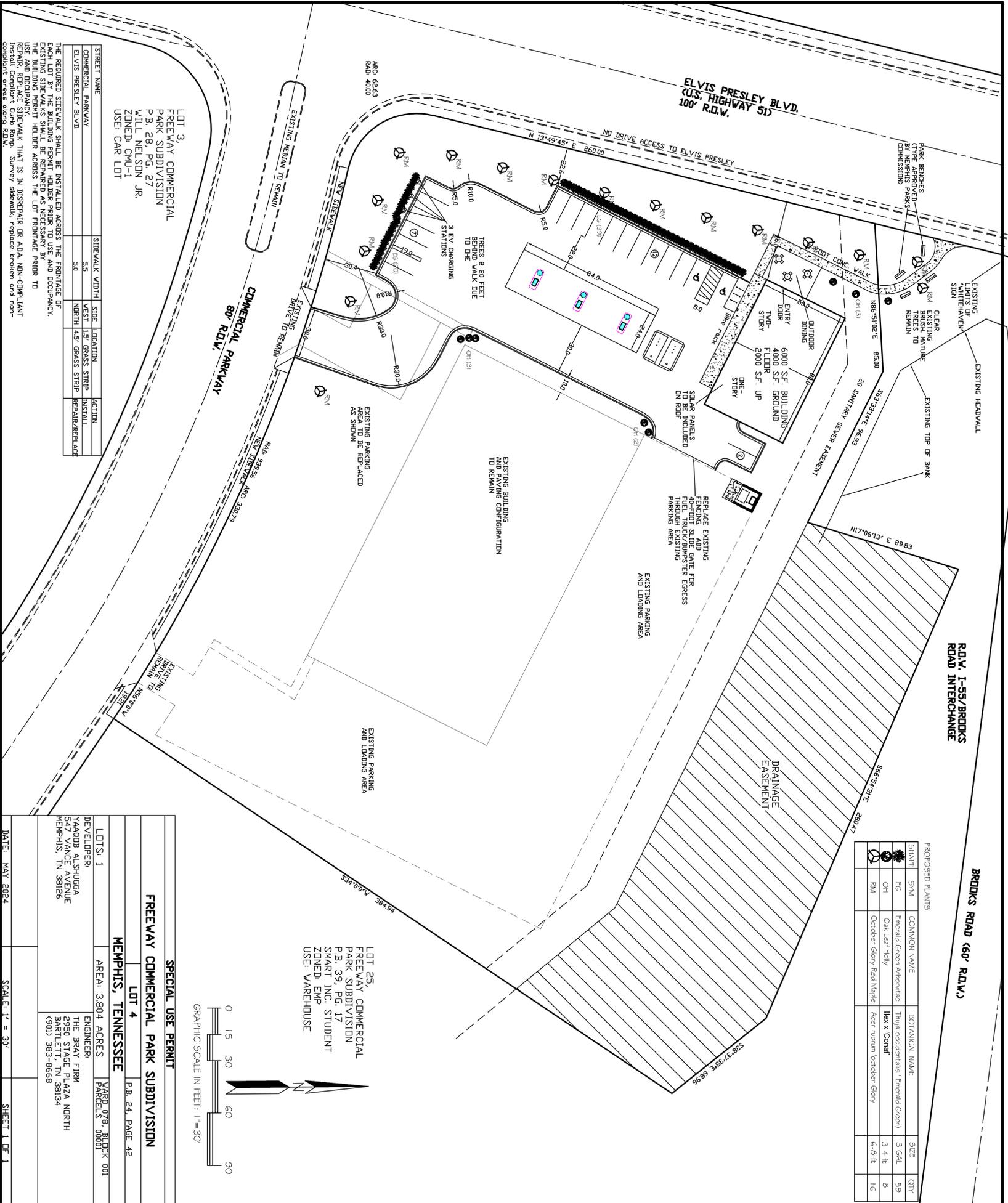
Mr. Ragsdale:

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Sincerely,

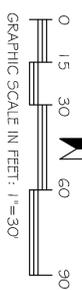
David Gean Bray, P.E.



PROPOSED PLANTS

SHAPE	SYM	COMMON NAME	BOTANICAL NAME	SIZE	QTY
	EG	Emerald Green Arborvitae	Thuja occidentalis 'Emerald Green'	3 GAL	39
	OH	Oak Leaf Holly	Ilex x Cornif	3-4 ft	6
	RM	October Glory Red Maple	Acer rubrum 'October Glory'	6-8 ft	16

LOT 25,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 39, PG. 17
 SMART INC. STUDENT
 ZONED: EMP
 USE: WAREHOUSE



LOT 3,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 28, PG. 27
 WILL NELSON JR.
 ZONED: CMU-1
 USE: CAR LOT

STREET NAME	SIDEWALK WIDTH	LOCATION	ACTION
COMMERCIAL PARKWAY	5.5	WEST	INSTALL
ELVIS PRESLEY BLVD.	5.0	NORTH	REPAIR/REPLACE

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY. REPAIR, REPLACE SIDEWALK THAT IS IN DISREPAIR OR ALA NON-COMPLIANT CONDITION ALONG R.O.W. Survey sidewalk, reduce broken and non-

SPECIAL USE PERMIT

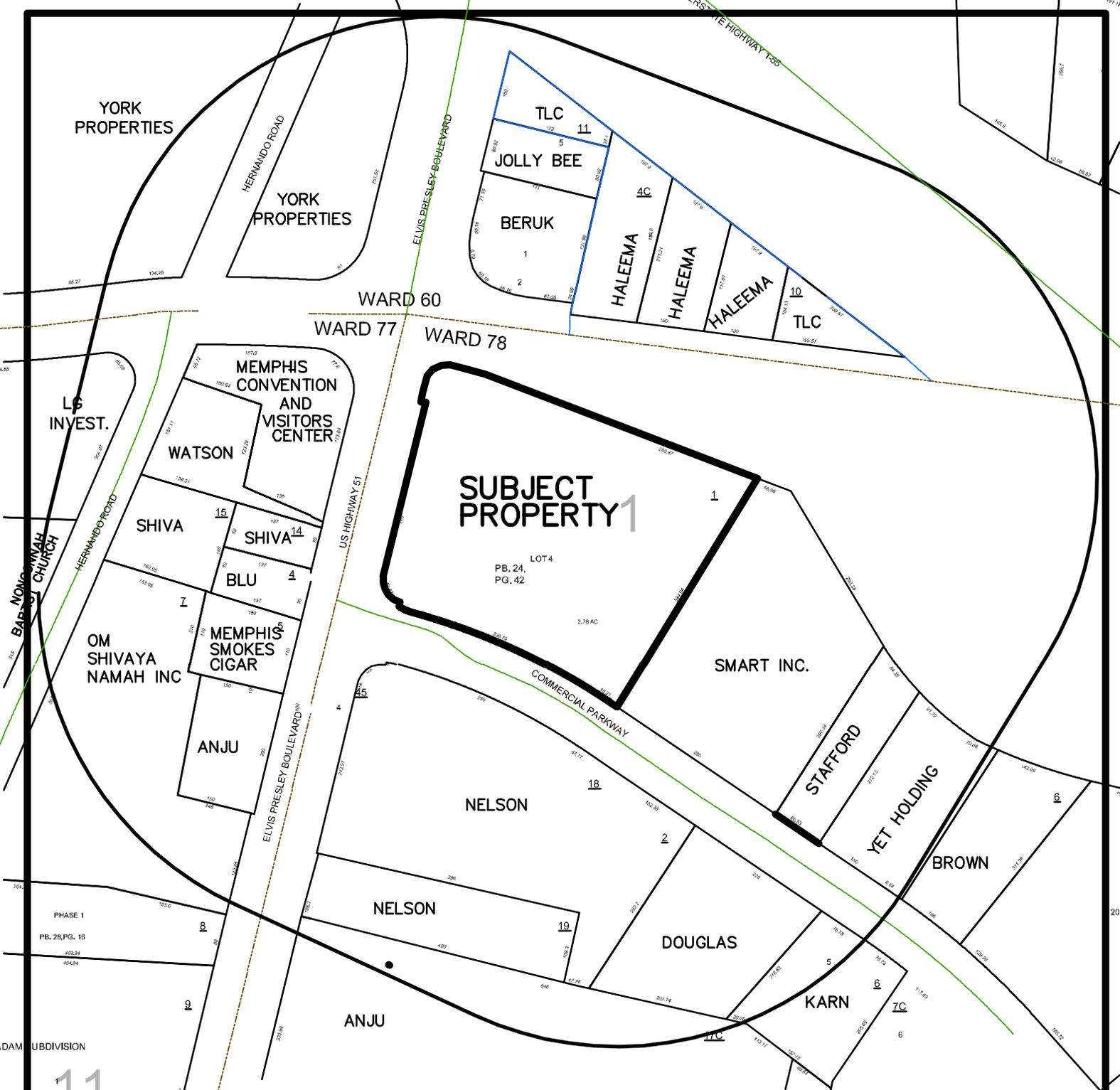
FREEWAY COMMERCIAL PARK SUBDIVISION

LOT 4 P.B. 24, PAGE 42

MEMPHIS, TENNESSEE

LOTS: 1	AREA: 3,804 ACRES	WARD: 078, BLOCK: 001
DEVELOPER: YAADB ALSHUGA 547 VANCE AVENUE MEMPHIS, TN 38126	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668	

DATE: MAY 2024 SCALE: 1" = 30' SHEET: 1 OF 1



**LUCB APPLICATION – 3230 ELVIS PRESLEY
 LOT 4, FREEWAY COMMERCIAL PARK S/D
 APPLICANT: YAAQOB SHUGAA
 MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 MAY 9, 2024

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

Applicant/Owner

Engineer/Surveyor

Yasqob El Shubba
547 Vance Ave.
Memphis, TN 38116

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Smart Inc. Student Making
A Rewarded
3242 Commerical Pkwy.
Memphis, TN 38116

Dell Stafford &
Edwin Stafford
3262 Commercial Pkwy.
Memphis, TN 38116

Yet Holding LLC
4920 Raleigh LaGrange
Ste. 9
Memphis, TN 38128

James Karn Jr.
3271 Commercial Parkway
Memphis, TN 38116

Paul Douglas &
George Douglas
3261 Commercial Pkwy.
Memphis, TN 38116

Will Nelson, Sr.
465 Tennesseeed
Memphis, TN 38103

Willie & Hattie Nelson
3360 Fontaine Rd.
Memphis, TN 38116

Anju Hotels LLC
8720 Somerset Ln.
Germantown, TN 38138

Om Shvaya Namah Inc.
3265 Elvis Presley
Memphis, TN 38116

Memphis Smokes Cigar Lounge
LLC
5341 Bradley Ridge Ln
Memphis, TN 38125-4141

BLU River LLC
119 So. Main
Ste. 500
Memphis, TN 38103

Kenneth Watson
8909 Georgia Dr.
Austin, TX 79753

Memphis Convention &
Visitors Bureau
47 Union Ave.
Memphis, TN 38103

LG Investmetns LLC
407 Saintt Tammany St.
Madisonville, LA 70447-9713

Nonconnah Baptist
Church Trust
3257 Hernando
Memphis, TN 38116

York Properties LLC
3100 Bellbrook Dr.
Memphis, TN 38116-1702

Artie Brown Revocable Living Trust
8585 Edenfield Cv.
Germantown, TN 38138

TLC Properties Inc.
1600 Century Center
Bartlett, TN 38134

Set No. 1
El Shugga
Page 2 of 2

Jolly Bee LLC
P.O. Box 400
Wheatley, AR 72392-0400

Beruk Properties
3264 W Sarazens CL
Memphis, TN 38125-0808

Cheryl Forbes
Whitehaven Development Corp.
P.O. Box 16005
Memphis, TN 38186

Shiva Properties
8720 Somerset Ln.
Germantown, TN 38138



Tom Leatherwood
Shelby County Register / Archives

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

	
17103589	
10/06/2017	03:21 PM
2 PGS	
CHRISTINAM	1857071-17103589
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This Instrument prepared by: Ronny Porter -- Quick Refund 3258 Commercial Freeway
Memphis Tenn, 38116

QUIT CLAIM DEED David K. Kemp

KNOW ALL MEN BY THESE PRESENTS, that _____ on this the 5 day of OCTOBER, 2017, for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, remise, quit claim and convey unto (Student Making (A) ReWarded Today) 3242 Commercial ParkWay_Memphis TN. 38116 (County Of Shelby. For the amount of \$10.00 dollars and service perform by ICA/ Student Making A's Rewarded Today. _____ all _____ right, title and interest in and to the following described real estate, to wit: 3230 HWY. 51. SOUTH. Memphis TN. 38116 (County Of Shelby TN.) Property Details as following RE:

1. Office Building, Subdivision :Freeway Comm. Park SEC B (home size: 0.65 Acres, lot size: 3.78 Acres, built in 1961:Parcel number 07800100001:County Shelby:Census:3, Tract:22023, Lot:4,Zoning:C-L

Being the same property Conveyed to grantor by 06106565

IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 5 day of October, 2017.

Neil Shreat
Mr. Shreat

STATE OF TENNESSEE

COUNTY OF Shelby

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared David K. Kemp with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged to be person(s) within named and that _____ executed the foregoing instrument for the purpose therein contained.

for _____ witness my hand and seal this 5 day of October, 2017.

Mable Louise Williams
Notary Public
STATE OF TENNESSEE
NOTARY PUBLIC
SHELBY COUNTY

My commission expires:

~~I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ 425,000.00 four hundred twenty-five thousand dollars Credit for service. Per David K. Kemp perform. (by ICA/ Student Making A'S Reward Today)~~

David K. Kemp
Affiant

STATE OF TENNESSEE
COUNTY OF SHELBY M L W

Subscribed and sworn before me this the 5 day of October, 2017

Mable Louise Williams
Notary Public
STATE OF TENNESSEE
NOTARY PUBLIC
MABLE LOUISE WILLIAMS

The following information is not a part of this Deed:

Property Address:

3230 Highway 51 South
Memphis Tenn 38116

Owner's Name and Address

Student Making A's Reward Today
3242 Commerical Parkway
Memphis Tenn 38116

Parcel Number

78-1-1

Mail Tax Bills to:

3242 Commerical Parkway
Memphis Tenn 38116

Student Making A's Reward Today

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



Affiant

Subscribed and sworn to before
me this the 6th day of October
20 17

TOM LEATHERWOOD, REGISTER

by  D.R.



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

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

July 24, 2024

Yaaqob Shugaa
547 Vance Avenue
Memphis, TN 38126

Sent via electronic mail to: dqbray@comcast.net, Mustafashujaa2003@yahoo.com

Case Number: SUP 2024 – 019
LUCB Recommendation: Rejection

Dear applicant,

On Thursday, July 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your special use permit application to allow a convenience store with gas pumps, **however, if approved, the Board recommends the following conditions:**

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

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

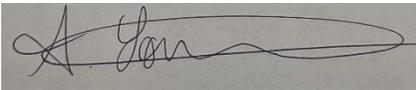
Letter to Applicant
SUP 2024 – 019

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

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

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

Respectfully,

A handwritten signature in black ink, appearing to read "A. Longstreet", is written over a light gray rectangular background.

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

Cc: David Bray, The Bray Firm
File

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 10/15/2024
DATE
PUBLIC SESSION: 11/12/2024
DATE

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the east side of Waring Road south of Sam Cooper Blvd. by taking the land out of the Residential Single-Family – 6 (R-6), Residential Single-Family – 15 (R-15), and Employment (EMP) Use Districts and including it in the Residential Urban – 1 (RU-1) Use District, known as case number Z 2024-005.

CASE NUMBER: Z 2024-005

LOCATION: East side of Waring Rd south of Sam Cooper Blvd.

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

OWNER/APPLICANT: James & Karen Street Revocable Living Trust

REPRESENTATIVES: Cindy Reaves, SR Consulting

REQUEST: Rezoning of +/-2.02 acres from the Residential Single-Family – 6 (R-6), Residential Single-Family – 15 (R-15), and Employment (EMP) to Residential Urban – 1 (RU-1)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – October 1, 2024
Second reading – October 15, 2024 Third
reading – November 12, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
08/08/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

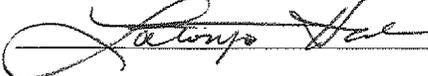
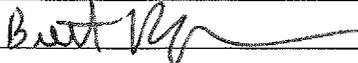
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

_____	<u>DATE</u>	<u>POSITION</u>
	<u>9/23/24</u>	PLANNER II
_____	_____	DEPUTY ADMINISTRATOR
	<u>9/23/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2024-005

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EAST SIDE OF WARING ROAD SOUTH OF SAM COOPER BLVD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6), RESIDENTIAL SINGLE-FAMILY – 15 (R-15), AND EMPLOYMENT (EMP) USE DISTRICTS AND INCLUDING IT IN THE RESIDENTIAL URBAN – 1 (RU-1) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-005

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: Z 2024-005

LOCATION: East side of Waring Road south of Sam Cooper Blvd.

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

OWNER/APPLICANT: James & Karen Street Revocable Living Trust

REPRESENTATIVE: Cindy Reaves, SR Consulting

REQUEST: Rezoning of +/-2.02 acres from the Residential Single-Family – 6 (R-6), Residential Single-Family – 15 (R-15), and Employment (EMP) to Residential Urban – 1 (RU-1)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

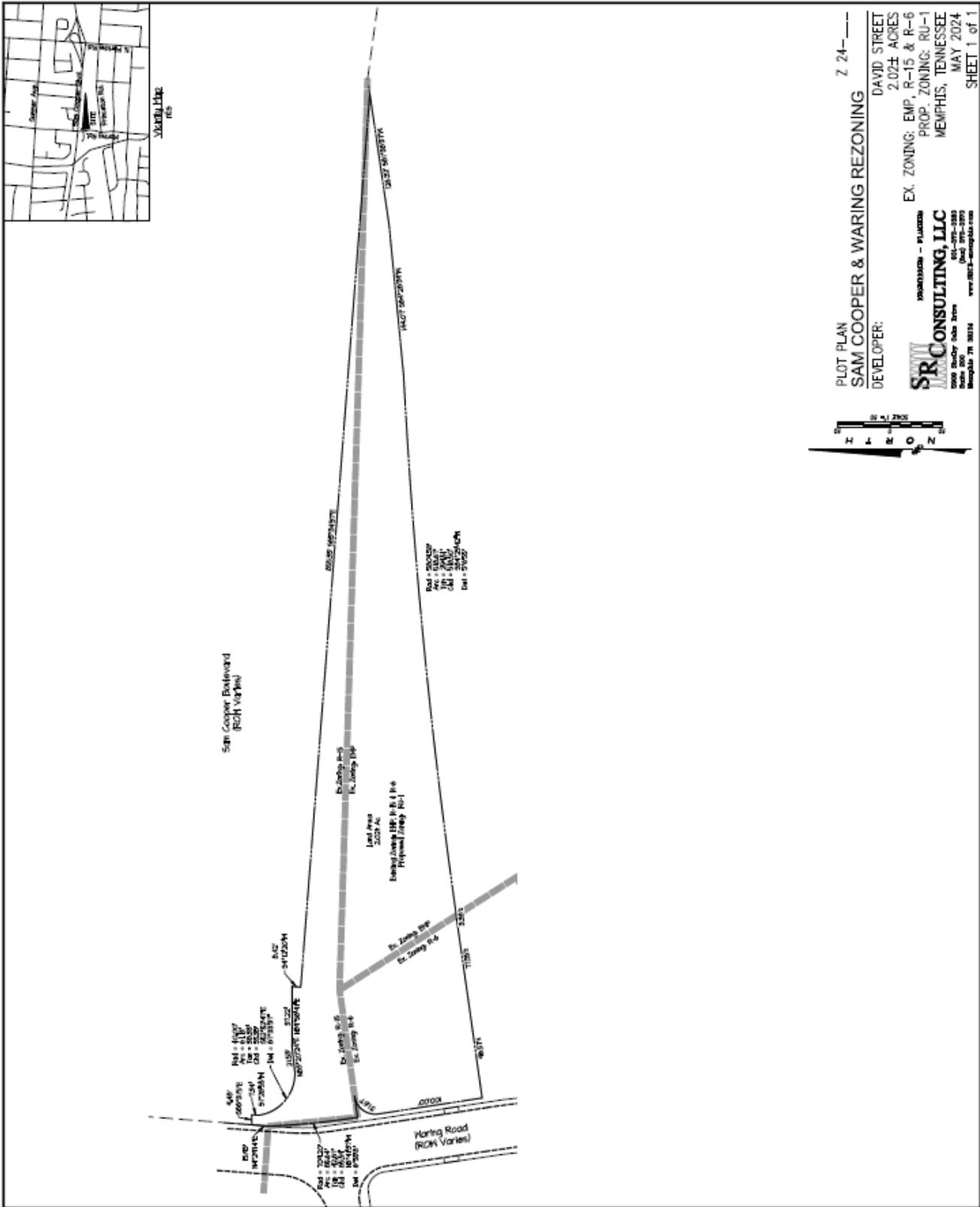
Respectfully,



LaTonya Hull
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



PLOT PLAN
 SAM COOPER & WARING REZONING Z 24-
 DEVELOPER: DAVID STREET
 2.02± ACRES
 EX. ZONING: EMP, R-15 & R-6
 PROP. ZONING: RU-1
 MEMPHIS, TENNESSEE
 MAY 2024
 SHEET 1 of 1



MEMPHIS - PLUMMER
SR CONSULTING, LLC
 1000 Poplar Avenue
 Suite 800
 Memphis TN 38114
 Tel: 901-521-1000
 Fax: 901-521-1001
 www.srcllc.com

Plot = 2.02± ACRES
 100' = 30.48 M
 1" = 100' = 30.48 M
 Date = 5/15/24

San Cooper Boulevard
 (RON Varies)

100' = 30.48 M
 1" = 100' = 30.48 M
 Proposed (2024) 100' = 30.48 M

100' = 30.48 M
 1" = 100' = 30.48 M

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ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EAST SIDE OF WARING ROAD SOUTH OF SAM COOPER BLVD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6), RESIDENTIAL SINGLE-FAMILY – 15 (R-15), AND EMPLOYMENT (EMP) USE DISTRICTS AND INCLUDING IT IN THE RESIDENTIAL URBAN – 1 (RU-1) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-005

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2024-005**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6), RESIDENTIAL SINGLE-FAMILY – 15 (R-15), AND EMPLOYMENT (EMP) USE DISTRICTS AND INCLUDING IT IN THE RESIDENTIAL URBAN – 1 (RU-1) USE DISTRICT.

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

Beginning at a right-of-way monument found at the intersection of the south line of Interstate 40 with the east line of Waring Road (right-of-way varies); thence northwestwardly along a curve to the right having a radius of 709.20 feet with the east line of Waring Road a distance of 85.64 feet (chord = North 05 degrees 41 minutes 37 seconds West, 85.59 feet, delta = 6 degrees 55 minutes 08 seconds) to a right-of-

way monument found in the east line of Waring Road; thence North 04 degrees 29 minutes 14 seconds East with the east line of Waring Road a distance of 15.93 feet to a 1/2" iron pin set; thence South 88 degrees 31 minutes 05 seconds East a distance of 9.48 feet to a point in the toe of slope; thence generally with the toe of slope the following calls:

South 01 degrees 28 minutes 55 seconds West 7.34 feet to a point of curvature; thence southeastwardly along a curve to the left having a radius of 40.00 feet a distance of 61.13 feet (chord = South 52 degrees 52 minutes 47 seconds East, 55.35 feet, delta = 87 degrees 33 minutes 37 seconds) to a point; thence North 83 degrees 20 minutes 24 seconds East a distance of 21.53 feet to a point; thence North 89 degrees 58 minutes 41 seconds East a distance of 57.22 feet to a 1/2" iron pin set in the northerly projection of the east line of Lot 29, Gram Park Subdivision as recorded in Plat Book 14 Page 75; thence South 04 degrees 12 minutes 20 seconds West with said projection line a distance of 8.42 feet to an iron pin set 105.7 feet south of the centerline of Sam Cooper Blvd.(50 feet south of the white strip); thence South 85 degrees 34 minutes 57 seconds East parallel with the white stripe a distance of 855.35 feet to an iron pin set in the south line of Sam Cooper Blvd. (102.1 feet south of centerline) and the north line of the said Shelby County Government property; thence South 81 degrees 38 minutes 37 seconds West a distance of 126.32 feet to right-of-way monument found at an angle point; thence South 84 degrees 28 minutes 39 seconds West a distance of 144.07 feet to a point on a curve; thence southwestwardly along a non-tangent curve to the left having a radius of 5809.58 feet a distance of 518.67 feet (chord = South 84 degrees 25 minutes 42 seconds West, 518.50 feet, delta = 5 degrees 06 minutes 55 seconds) right-of-way monument found; thence South 81 degrees 58 minutes 33 seconds West with said north line a distance of 175.90 feet to the east line of Waring Road; thence North 08 degrees 45 minutes 13 seconds West with the east line of Waring Road a distance of 99.98 feet to a point of curvature; thence northeastwardly along a curve to the right having a radius of 20.00 feet a distance of 31.67 feet (chord = North 36 degrees 36 minutes 22 seconds East 28.46 feet, delta = 90 degrees 43 minutes 09 seconds) to a point; thence South 81 degrees 57 minutes 56 seconds West a distance of 20.32 feet to the point of beginning and containing 87,826 square feet or 2.02 acres more or less.

SECTION 2:

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

SECTION 3:

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

ATTEST:

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

AGENDA ITEM: 6 **L.U.C.B. MEETING:** August 8, 2024

CASE NUMBER: Z 2024-005

LOCATION: East side of Waring Rd south of Sam Cooper Blvd

COUNCIL DISTRICT: District 5 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: James & Karen Street Revocable Living Trust

REPRESENTATIVE: Cindy Reaves, SR Consulting

REQUEST: Rezoning from R-6, R-15, and Employment (EMP) to Residential Urban – 1 (RU-1)

CONCLUSIONS

1. The applicant is requesting a rezoning of the subject property consisting of three parcels owned by the applicant totaling +/- 2.02 acres from R-6, R-15, and EMP to Residential Urban-1 (RU-1).
2. Parcel (054043 00002) directly abutting Waring Road contains the single-family residence of the applicant. The remaining parcels are located to the rear of the home between Sam Cooper Boulevard and the Shelby Farms Green Line, of which +/- 1.44 acres were recently purchased by the applicant from the Tennessee Department of Transportation and have not yet been assigned a parcel number or included in the county GIS mapping system.
3. The applicant's intent is that the subject property will be redeveloped as single-family housing. It should be noted that once rezoned, the following housing types are permitted by right: Single-Family Detached which includes a conventional home, side yard house, and cottage, and Single-Family Attached which includes Semi-Attached, Two-Family, and Townhouse dwellings.
4. The surrounding land uses are single-family residential. The rezoning request is consistent with the development pattern in the surrounding vicinity.

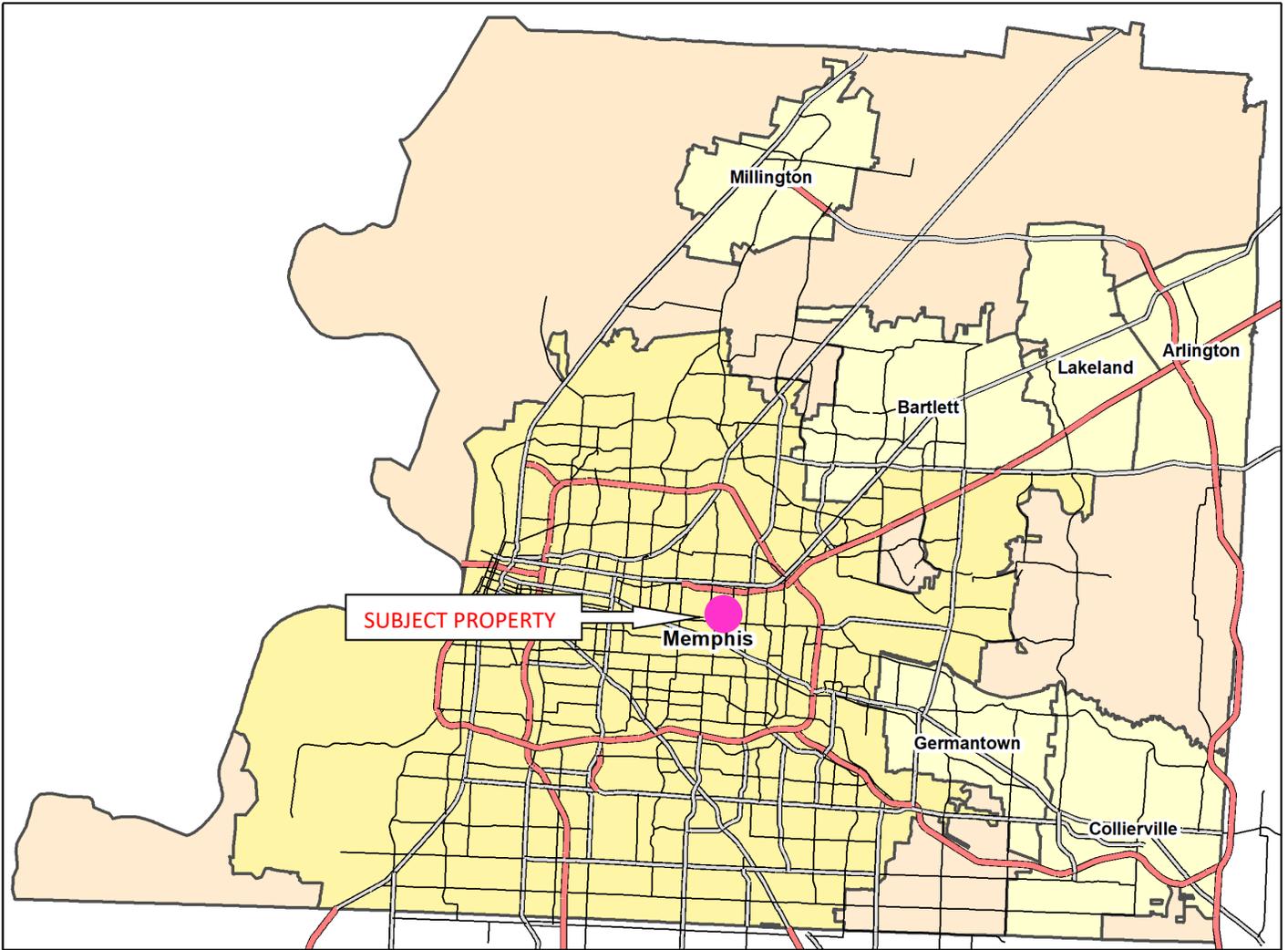
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 17 of this report.

RECOMMENDATION:

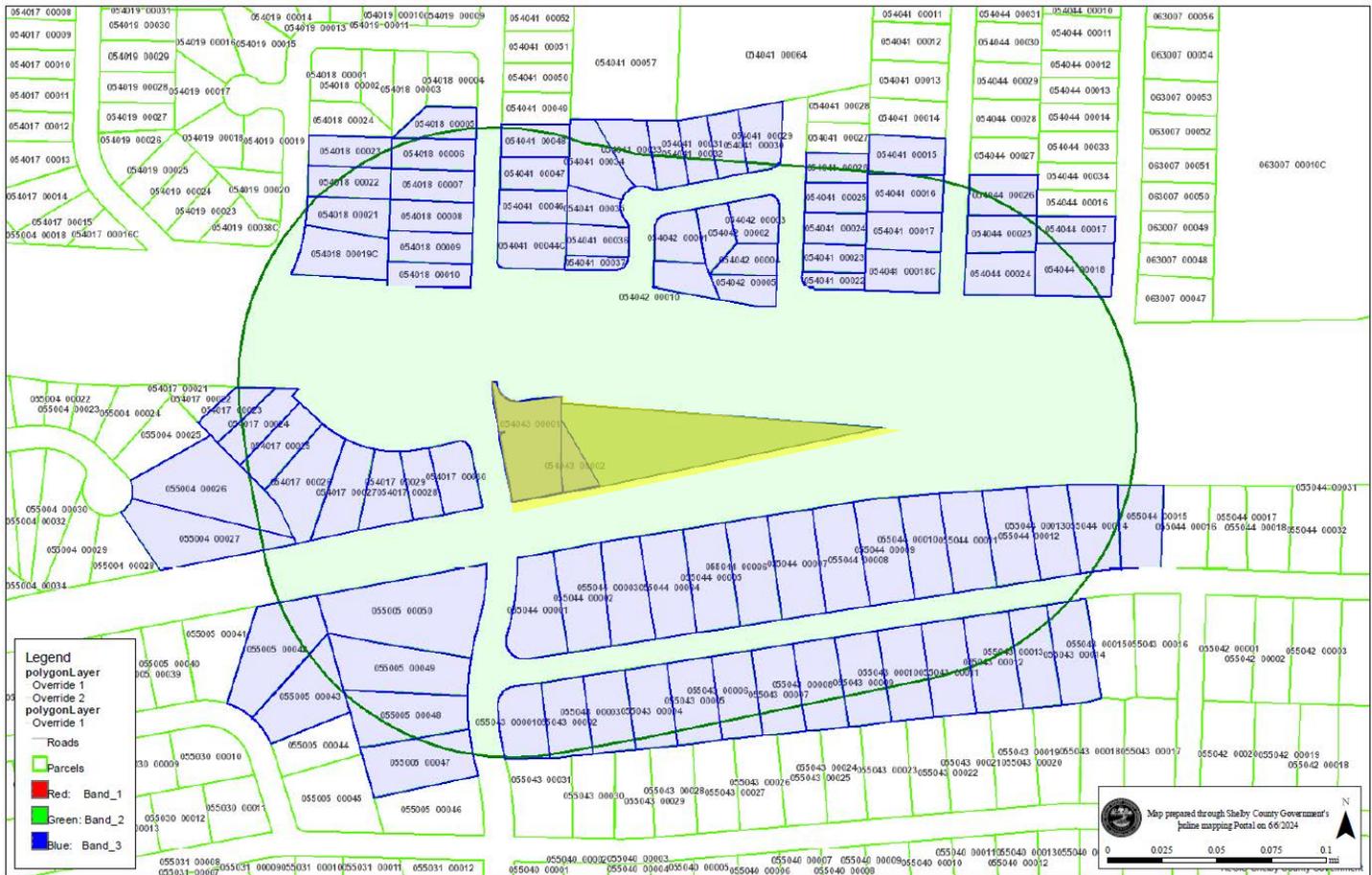
Approval

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

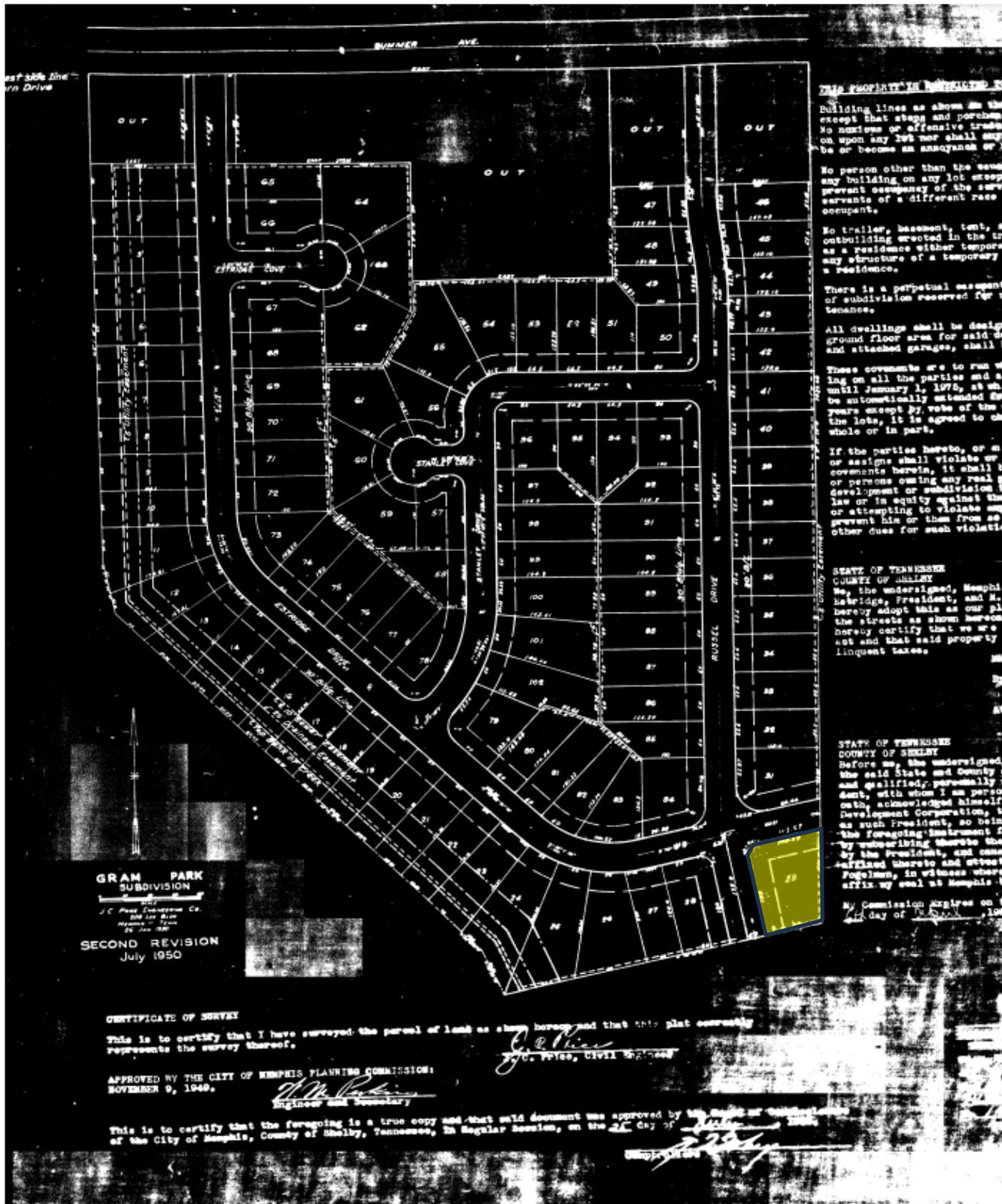
PUBLIC NOTICE DETAILS

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 90 notices were mailed on June 14, 2024, see pages 20-21 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 22 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

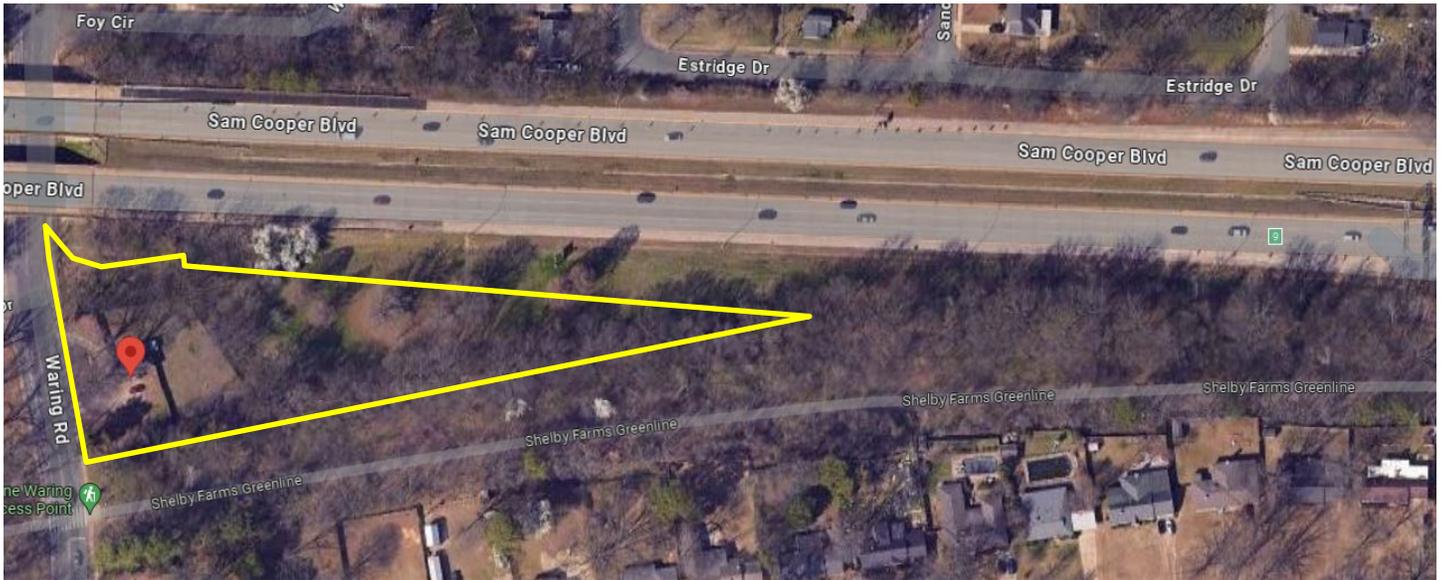
The meeting was held at 5:30 PM on Monday, June 27, 2024, at 496 Waring Road.

Gram Park Subdivision (1919) (PLAT BOOK 14 PAGE 75)



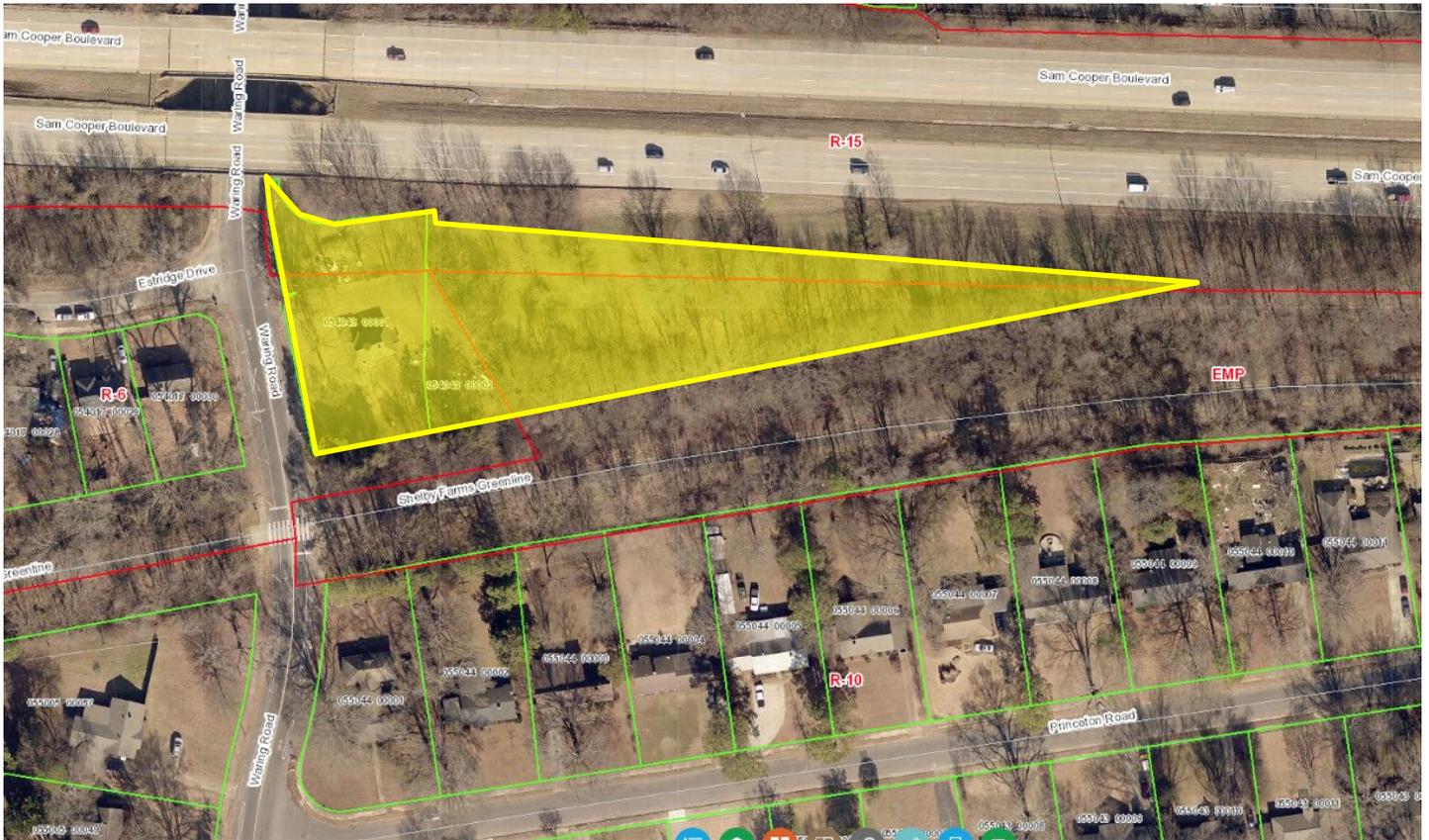
Subject property highlighted in yellow, Lot 29

AERIAL



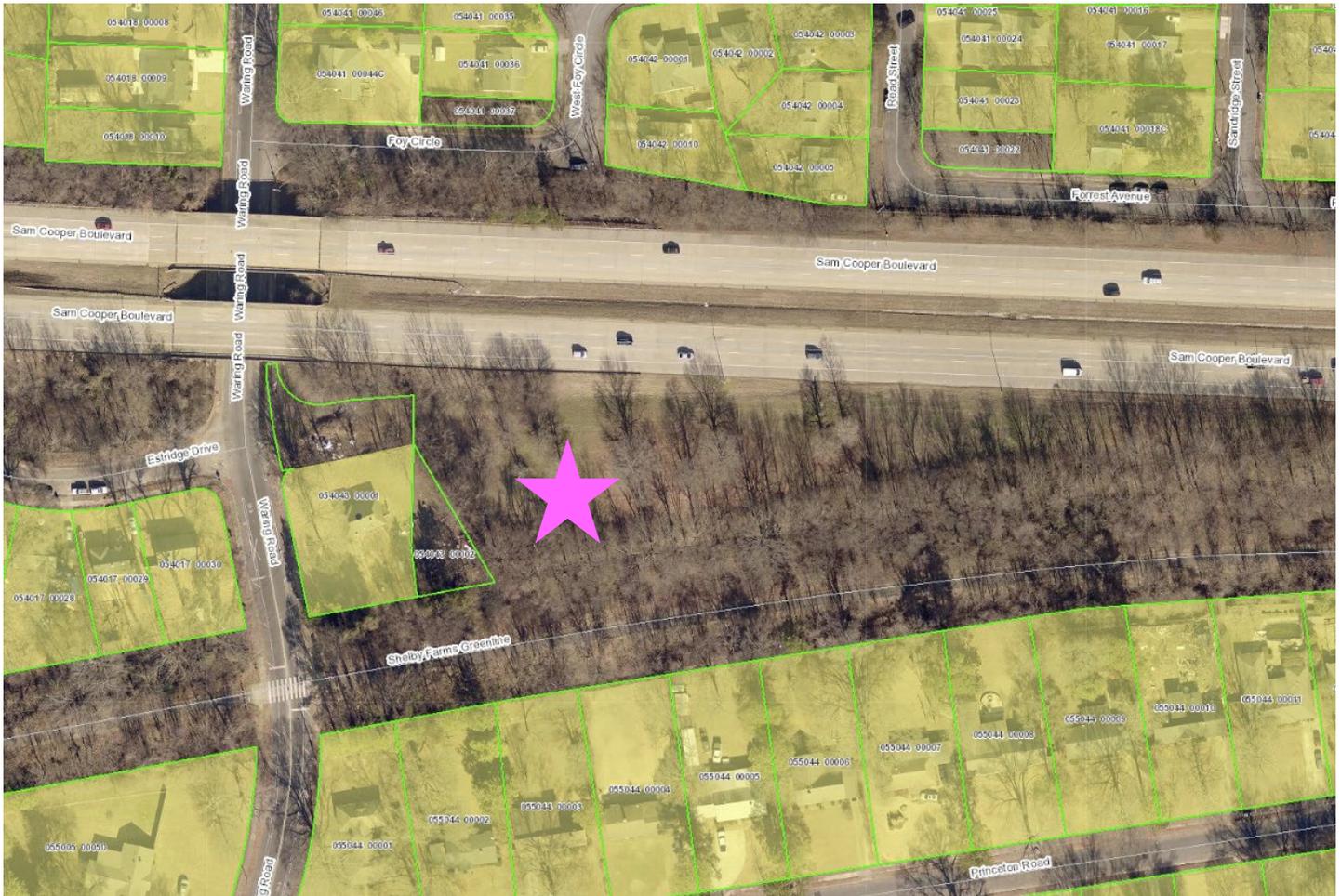
Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Waring Road looking north toward Sam Cooper Blvd.



View of subject property from Waring Road looking East

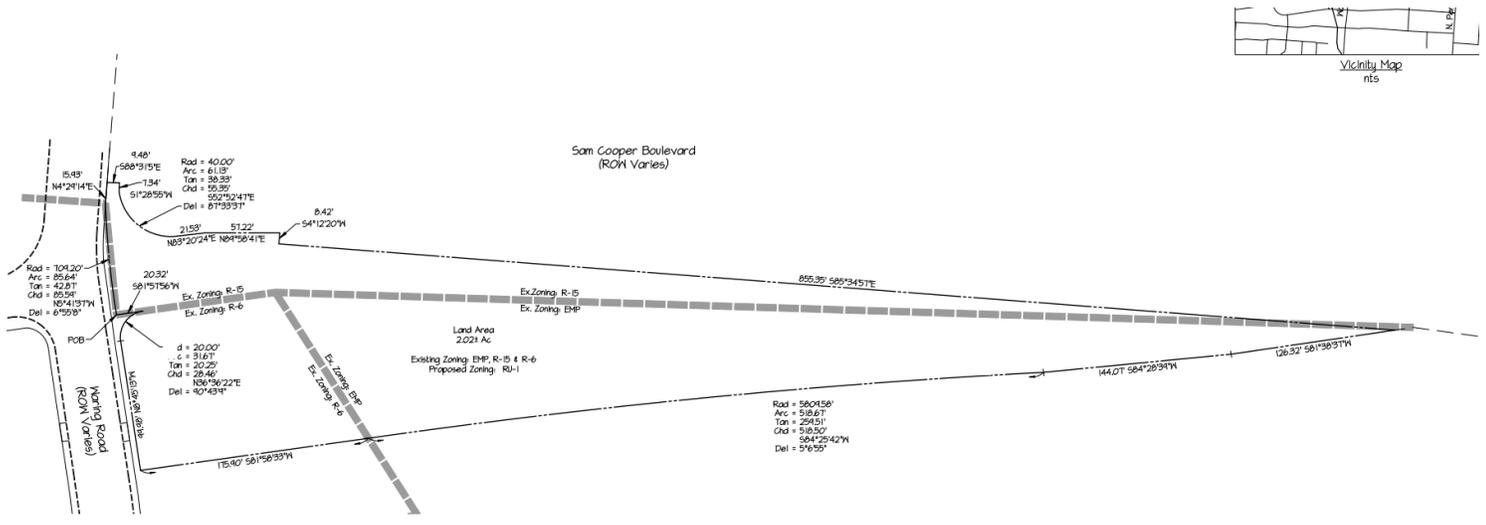


View of subject property from Shelby Farms Greenline looking west towards Waring Road



View of subject property from Sam Cooper Blvd. looking South

PLOT PLAN



LEGAL DESCRIPTION

Property description of Jeremy and Christy Street property as described in Instrument 21149191, the James D. Street and Karen B. Street, Trustees property as described in Instrument 24024647 and part Lot 29, Gram Park Subdivision as recorded in Plat Book 14 Page 75 in Memphis, Shelby County, Tennessee:

Beginning at a right-of-way monument found at the intersection of the south line of Interstate 40 with the east line of Waring Road (right-of-way varies); thence northwestwardly along a curve to the right having a radius of 709.20 feet with the east line of Waring Road a distance of 85.64 feet (chord = North 05 degrees 41 minutes 37 seconds West, 85.59 feet, delta = 6 degrees 55 minutes 08 seconds) to a right-of-way monument found in the east line of Waring Road; thence North 04 degrees 29 minutes 14 seconds East with the east line of Waring Road a distance of 15.93 feet to a 1/2" iron pin set; thence South 88 degrees 31 minutes 05 seconds East a distance of 9.48 feet to a point in the toe of slope; thence generally with the toe of slope the following calls:

South 01 degrees 28 minutes 55 seconds West 7.34 feet to a point of curvature; thence southeastwardly along a curve to the left having a radius of 40.00 feet a distance of 61.13 feet (chord = South 52 degrees 52 minutes 47 seconds East, 55.35 feet, delta = 87 degrees 33 minutes 37 seconds) to a point; thence North 83 degrees 20 minutes 24 seconds East a distance of 21.53 feet to a point; thence North 89 degrees 58 minutes 41 seconds East a distance of 57.22 feet to a 1/2" iron pin set in the northerly projection of the east line of Lot 29, Gram Park Subdivision as recorded in Plat Book 14 Page 75; thence South 04 degrees 12 minutes 20 seconds West with said projection line a distance of 8.42 feet to an iron pin set 105.7 feet south of the centerline of Sam Cooper Blvd. (50 feet south of the white strip); thence South 85 degrees 34 minutes 57 seconds East parallel with the white stripe a distance of 855.35 feet to an iron pin set in the south line of Sam Cooper Blvd. (102.1 feet south of centerline) and the north line of the said Shelby County Government property; thence South 81 degrees 38 minutes 37 seconds West a distance of 126.32 feet to right-of-way monument found at an angle point; thence South 84 degrees 28 minutes 39 seconds West a distance of 144.07 feet to a point on a curve; thence southwestwardly along a non-tangent curve to the left having a radius of 5809.58 feet a distance of 518.67 feet (chord = South 84 degrees 25 minutes 42 seconds West, 518.50 feet, delta = 5 degrees 06 minutes 55 seconds) right-of-way monument found; thence South 81 degrees 58 minutes 33 seconds West with said north line a distance of 175.90 feet to the east line of Waring Road; thence North 08 degrees 45 minutes 13 seconds West with the east line of Waring Road a distance of 99.98 feet to a point of curvature; thence northeastwardly along a curve to the right having a radius of 20.00 feet a distance of 31.67 feet (chord = North 36 degrees 36 minutes 22 seconds East 28.46 feet, delta = 90 degrees 43 minutes 09 seconds) to a point; thence South 81 degrees 57 minutes 56 seconds West a distance of 20.32 feet to the point of beginning and containing 87,826 square feet or 2.02 acres more or less.

Description based on records and subject to survey.

CASE REVIEW

Request

The request is a Rezoning of +/-2.028 acres from Residential Single-Family-6 (R-6), Residential Single-Family-15 (R-15), and Employment (EMP) to Residential Urban-1 (RU-1).

Review Criteria

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

9.5.7B Review Criteria

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

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Site Details

Address:

4353 Estridge, 0 Estridge Drive, and East side of Waring Rd south of Sam Cooper Blvd and north of Shelby Farms Greenline

Parcel ID:

054043 00002, 054043 0001, and Property conveyed via instrument 24024647. Currently, no Parcel ID assigned

Area:

+/-2.02 acres

Description:

The subject properties are known as Lot 1-9 of the First Addition of Gram Park Subdivision and 29 of the Gram Park Subdivision. The underlying zoning of parcels 054043 00002 and 054043 0001 is Residential Single-Family – 6 (R-6). Per the Assessor’s website, the principal structure on parcel 054043 00002 was built in 1952 and currently is a single-story structure with a ground floor area of 940 square feet. The remaining land is zoned Residential Single-Family-15 (R-15) and was part of Interstate 40 (Sam Cooper Blvd.) right of way. Parcel 054043 00001 and the remainder of the site is vacant. The surrounding land uses are vacant and single-family residential.

Analysis

The applicant is requesting a rezoning of the subject property from R-6, R-15, and EMP to Residential Urban-1 (RU-1). The subject property consists of three parcels owned by the applicant. Parcel (054043 00002) directly abutting Waring Road contains the single-family residence of the applicant and is zoned R-6. The other two parcels are vacant land located to the rear of the home between Sam Cooper Boulevard and Shelby Farms Green

Line. Parcel (054043 00001) is vacant and is also zoned R-6. The remaining parcel is a +/-1.44-acre portion of vacant land zoned R-15 that was a portion of the right-of-way of Interstate 40 (Sam Cooper Blvd.) at Waring Road. The applicant recently purchased this parcel from the Tennessee Department of Transportation. It has not yet been assigned a parcel number or included in the county GIS mapping system.

The applicant intends that the property will be redeveloped as single-family housing. It should be noted that once rezoned, the following housing types are permitted by right: Single-Family Detached which includes a conventional home, side yard house, and cottage, and Single-Family Attached which includes Semi-Attached, Two-Family, and Townhouse dwellings.

This rezoning request is consistent with the development pattern in the immediate vicinity of the site.

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. A sewer extension will be required to serve this development.

3. The sewer capacity will not be determined until the developer provide the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.

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:

General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The Applicant is requesting a rezoning from Employment to Residential Urban – 1. The parcel is not located in a sensitive resilience zone, conservation priority area, or aquifer recharge area.

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

This application is consistent with the Mid-South Regional Resilience Master Plan. The site is located within Zone 1, where development is encouraged, which is consistent with Section 4.1 – Resilient Sites. Encouraging compact development and urban infill in areas with low-risk of flooding is consistent with Section 4.2 – Smart Growth.

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

Recommendations: Staff recommends approval. Staff suggests the incorporation of Low-Impact Development practices (See below) in the future design of the site. Some examples include vegetated strips such as linear/ultra-urban bioretention areas, residential rain gardens, and permeable pavement.



Linear/Ultra-Urban Bioretention

Small vegetated areas that collect runoff through local inlets and drains. May be depressed areas in sidewalks and plazas.



Residential Rain Gardens

Small-scale basins designed to capture a target amount of water from the site. The water is treated through chemical and biophysical processes by vegetation and engineered media.



Permeable Pavement

Porous paving (such as porous concrete or gravel) or unit pavers set with permeable joints and on a permeable setting bed that allow water to infiltrate through to the subsoil, rather than run-off.

Mid-South Regional Resilience Master Plan: Section 2.3 Low Impact Development

**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: Z 2024-005 University

Site Address/Location: Sam Cooper Blvd and Waring Road, Memphis, TN 38122
Overlay District/Historic District/Flood Zone: N/A
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)
Street Type: N/A

The applicant is requesting a rezoning of a parcel from EMP to RU-1.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent



Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.

“NS” Form & Location Characteristics

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

“NS” Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, EMP

Adjacent Land Use and Zoning: Single-Family, Park/Open Space; R-6, R-10

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.*

Degree of Change Map



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

3. **Degree of Change Description**

N/A

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

The requested use is consistent with Objective 1.3 Action 1.3.2 – Assess vacant land throughout anchors and communities for strategic land assembly and re-use.

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

N/A

Consistency Analysis Summary

The applicant is requesting a rezoning of a parcel from EMP to RU-1.

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

The requested use is consistent with Objective 1.3 Action 1.3.2 – Assess vacant land throughout anchors and communities for strategic land assembly and re-use.

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

Summary Compiled by: Nick Wiggins, Comprehensive Planning.

MAILED PUBLIC NOTICE

90 Notices Mailed on 06/14/2024



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

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: Z 2024-005
LOCATION: 0 Estridge Drive (east side of Waring Rd south of Sam Cooper Blvd)
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: James & Karen Street Revocable Living Trust
REQUEST: Rezoning from Employment (EMP) to Residential Urban – 1 (RU-1)

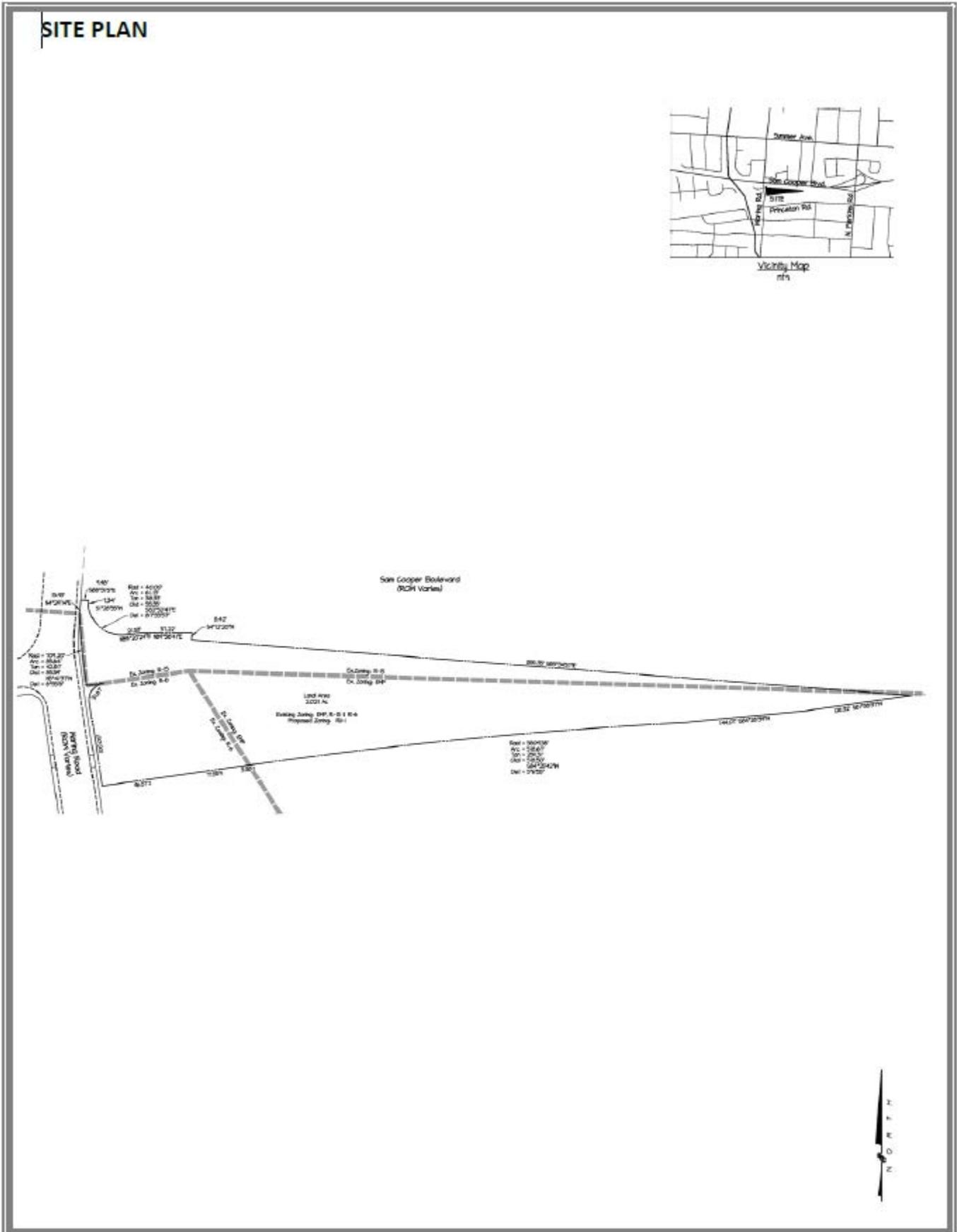
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, July 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact LaTonya Hull at Latonya.hull@memphistn.gov or (901) 636-7179 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, July 3, 2024, at 8 AM.**



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 5:24 pm am/pm on the 27th day of June, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. Z 2024-005 at 496 Waring Road providing notice of a Public Hearing before the (check one):

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

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

Kristin Reaves
Owner, Applicant or Representative

7/1/24
Date

Subscribed and sworn to before me this 1 day of July, 2024.

Cynthia J. Reaves
Notary Public



My commission expires: 9/26/27

APPLICATION



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

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: June 6, 2024

Record Number: Z 2024-005

Expiration Date:

Record Name: Sam Cooper at Waring Rezoning

Description of Work: Rezoning from EMP to RU-1

Parent Record Number:

Address:

, MEMPHIS 38122

Owner Information

Primary Owner Name

Y James & Karen Street Revocable Living Trust

Owner Address

PO Box 187, Watauga, TN 37694

Owner Phone

Parcel Information

054043 00002

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Alexis Longstreet

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Have you held a neighborhood meeting? No

Is this application in response to a citation from No

Construction Code Enforcement or Zoning
Letter?

If yes, please provide additional information -

GIS INFORMATION

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	0 1
Subdivision	GRAM PARK FIRST ADDN
Planned Development District	-
Wellhead Protection Overlay District	Yes

Contact Information

Name DAVID STREET	<u>Contact Type</u> APPLICANT
Address	
Phone -	

Name CINDY REAVES	<u>Contact Type</u> REPRESENTATIVE
Address	
Phone (901)870-7003	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1569573	Residential Rezoning - 5 acres or less	1	750.00	INVOICED	0.00	06/06/2024
1569573	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	06/06/2024
			Total Fee Invoiced: \$769.50	Total Balance: \$0.00		

Payment Information

Payment Amount \$769.50	Method of Payment Credit Card
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OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, James David Street James David Street, 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 Sam Cooper Blvd.

and further identified by Assessor's Parcel Number N/A

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

Subscribed and sworn to (or affirmed) before me this 31 day of May in the year of 2024.

Kimberly D. Hensley
Signature of Notary Public



10.1.2025
My Commission Expires

LETTER OF INTENT



Date: May 23, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: Sam Cooper Blvd. & Waring Rd. Rezoning

LETTER OF INTENT

We are submitting a rezoning application for property at Sam Cooper Boulevard east of Waring Road. The property is within the EMP zoning district. We are requesting a rezoning to RU-1.

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

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: June 6, 2024

Record Number: Z 2024-005

Expiration Date:

Record Name: Sam Cooper at Waring Rezoning

Description of Work: Rezoning from EMP to RU-1

Parent Record Number:

Address:

, MEMPHIS 38122

Owner Information

Primary Owner Name

Y James & Karen Street Revocable Living Trust

Owner Address

PO Box 187, Watauga, TN 37694

Owner Phone

Parcel Information

054043 00002

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Alexis Longstreet

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Have you held a neighborhood meeting? No

Is this application in response to a citation from No

Construction Code Enforcement or Zoning Letter?

If yes, please provide additional information -

GIS INFORMATION

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	0 1
Subdivision	GRAM PARK FIRST ADDN
Planned Development District	-
Wellhead Protection Overlay District	Yes

Contact Information

Name DAVID STREET	Contact Type APPLICANT
-----------------------------	----------------------------------

Address

Phone
-

Name CINDY REAVES	Contact Type REPRESENTATIVE
-----------------------------	---------------------------------------

Address

Phone
(901)870-7003

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1569573	Residential Rezoning - 5 acres or less	1	750.00	INVOICED	0.00	06/06/2024
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Total Fee Invoiced: \$769.50

Total Balance: \$0.00

Payment Information

Payment Amount \$769.50	Method of Payment Credit Card
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DAVIS STEPHEN R
4939 BRIARCLIFF AVE #
MEMPHIS TN 38117

WEST BARBARA C
4470 PRINCETON RD #
MEMPHIS TN 38117

ALGER KEVIN
4445 PRINCETON RD #
MEMPHIS TN 38117

MUSSO SAMANTHA L
552 STANLEY DR #
MEMPHIS TN 38122

BOSWELL EMERY J REVOCABLE LIVING TRUST
4460 PRINCETON RD #
MEMPHIS TN 38117

PENDER JOHN V JR & KATHLEEN TR
6125 E SHADY GROVE RD #
MEMPHIS TN 38120

CLEVELAND MICAH
583 N FOY CIR #
MEMPHIS TN 38122

O'MALLEY PETER & HOLLY OBOIKOVITZ
4444 PRINCETON RD #
MEMPHIS TN 38117

RIGG GREGORY L & AMANDA G
4377 PRINCETON RD #
MEMPHIS TN 38117

NUTH RADY AND SOPHA KEO (RS)
4494 PRINCETON RD #
MEMPHIS TN 38117

WULFF KURT S & KRISTIN L
469 WARING RD #
MEMPHIS TN 38117

HENRY BLAKE AND EMETERIO ALVAREZ AND
4963 ESSEXSHIRE AVE #
MEMPHIS TN 38117

HARAH ABDULKHALEK
544 SANDRIDGE ST #
MEMPHIS TN 38122

COWGILL PAUL & JEANETTE
4485 PRINCETON RD #
MEMPHIS TN 38117

STALLINGS JOE W JR
3685 NW DEER OAK DR #
JENSEN BEACH FL 34957

DEEP BAY PROPERTIES TN LLC
3441 W 31ST AVE #
DENVER CO 80211

HARDER CHRISTOPHER H
4332 HILLDALE AVE #
MEMPHIS TN 38117

STALLINGS JOE W JR
3685 NW DEER OAK DR #
JENSEN BEACH FL 34957

NUTH RADY
4494 PRINCETON RD #
MEMPHIS TN 38117

SMITH BLOUNT D
457 WARING RD #
MEMPHIS TN 38117

KEO KELLY & SOPHA
4348 SUMMER AVE #
MEMPHIS TN 38122

MYERS RUBY D AND MARIE H JOWERS (RS)
533 READ #
MEMPHIS TN 38122

COUCH THEO (ESTATE OF)
4475 PRINCETON RD #
MEMPHIS TN 38117

KEO KELLY T & SOPHA
4348 SUMMER AVE #
MEMPHIS TN 38122

NOOR LLC
974 NATIONAL ST #
MEMPHIS TN 38122

LIKLEY STEPHEN G
4465 PRINCETON RD #
MEMPHIS TN 38117

MOORE TROY
PO BOX 770373 #
MEMPHIS TN 38177

LOPEZ FRANCES L
535 ESTRIDGE DR #
MEMPHIS TN 38122

GEORGE ASHISH AND KATARZYNA BIELANSKA
3815 N MONTCLAIR DR #
MEMPHIS TN 38111

CARPENTER RICHARD F & MARY B
561 WARING RD #
MEMPHIS TN 38122

AMNL ASSET CO 3 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

SNOATES AND CO LLC
4323 CHICKASAW CV #
MEMPHIS TN 38117

BONDS RANDELL L
538 W FOY CIR #
MEMPHIS TN 38122

ERWIN DAVID O & LORETTA B
4480 PRINCETON RD #
MEMPHIS TN 38117

ZUBER JEFFREY K & SYLVIA
548 READ ST #
MEMPHIS TN 38122

SAKAAN ABBY J
540 SANDRIDGE ST #
MEMPHIS TN 38122

BREWI JONATHAN W
553 WARING RD #
MEMPHIS TN 38122

CHIOZZA MARIO
541 WARING RD #
MEMPHIS TN 38122

DEEP BAY PROPERTIES TN LLC
3441 W 31ST AVE #
DENVER CO 80211

JOHNSON DON W AND DONELLE M J MORRISON
560 READ ST #
MEMPHIS TN 38122

HAIR REVA M
543 W FOY CIR #
MEMPHIS TN 38122

MEMPHIS INVESTMENT PROPERTIES IV LLC
4701 SUMMER AVE #
MEMPHIS TN 38122

TROUT I RAY AND SANDRA K SHAPPLEY (RS)
555 SANDRIDGE ST #
MEMPHIS TN 38122

BOSIN SLAVA
PO BOX 771496 #
MEMPHIS TN 38177

ERWIN DAVID O & LORETTA B
4480 PRINCETON RD #
MEMPHIS TN 38117

LE HUY V
2471 LAMAR AVE #
MEMPHIS TN 38114

QUALITY PROPERTIES LLC
299 S WALNUT BND #100
CORDOVA TN 38018

SHORT NATHAN T
4474 PRINCETON RD #
MEMPHIS TN 38117

BARNETT MARK T SR & BRENDA J
554 SANDRIDGE ST #
MEMPHIS TN 38122

PRIME RENTAL LLC
3707 MACON RD #
MEMPHIS TN 38122

GUERRERO JORGE
4486 PRINCETON RD #
MEMPHIS TN 38117

JAROTO LLC
4337 CHICKASAW CV #
MEMPHIS TN 38117

DIANO-ANGLIN MARIA S
535 WARING RD #
MEMPHIS TN 38122

HEATH RICHARD J & LAURA S
4464 PRINCETON RD #
MEMPHIS TN 38117

CHIOZZA EUGENE M & MARY A
547 WARING RD #
MEMPHIS TN 38122

DEAN PHOEBE
667 GLANKLER ST #
MEMPHIS TN 38112

HOWELL CAMERON & DUNCAN
3816 NORTHWOOD DR #
MEMPHIS TN 38111

BACOPULOS DIONYSIA S
567 N FOY CIR #
MEMPHIS TN 38122

BANES BERNICE L TRUST A REVOCABLE LIVING
205 S YATES RD #
MEMPHIS TN 38120

HAYS KENNY F & AMELIA A
4434 PRINCETON RD #
MEMPHIS TN 38117

CARRINGTON KENNETH R & MARILYN A
4418 PRINCETON RD #
MEMPHIS TN 38117

FOSTER ROLANNE L
4401 PRINCETON RD #
MEMPHIS TN 38117

PARKER LUTHER
139 HARBOR RIDGE LN #
MEMPHIS TN 38103

BURESS JAMES O
4408 PRINCETON RD #
MEMPHIS TN 38117

BURTON KERRIE B
4391 PRINCETON RD #
MEMPHIS TN 38117

JAROTO LLC
715 CHANEY CV #
COLLIERVILLE TN 38017

ATKEISON PETER
4400 PRINCETON RD #
MEMPHIS TN 38117

SIMPSON BRENDA G
4383 PRINCETON RD #
MEMPHIS TN 38117

WOLF GARY & EDIT ALFARO
2583 KRISTINA DR #
HERNANDO MS 38632

DEFRANK PHILIP M
4390 PRINCETON RD #
MEMPHIS TN 38117

HARDEE WILLIAM D & RACHAEL A
449 WARING RD #
MEMPHIS TN 38117

KELLY PATRICK D
580 N FOY CIR #
MEMPHIS TN 38122

DAVIS ELLEN B
4380 PRINCETON RD #
MEMPHIS TN 38117

UTECH RAYMOND & RAMYA
441 WARING RD #
MEMPHIS TN 38117

MCKINNEY MICHAEL
8893 N VALLEY CREEK DR #
ARLINGTON TN 38002

WHEELER JERRY L & DIANE R
4328 HILLDALE AVE #
MEMPHIS TN 38117

HANSEL RUSTY W
539 ESTRIDGE DR #
MEMPHIS TN 38122

BURRESS JAMES D
568 N FOY CIR #
MEMPHIS TN 38122

GESKE GREGORY J & HAYLIE L
4461 PRINCETON AVE #
MEMPHIS TN 38117

CARPENTER FAYE M AND RICHARD F CARPENTER
544 WARING RD #
MEMPHIS TN 38122

ALEJEAL RHAMY E & ELIZABETH M
PO BOX 342950 #
BARTLETT TN 38135

LOBIANCO THOMAS J
4433 PRINCETON RD #
MEMPHIS TN 38117

WOODRUFF FRANK L & MICHELLE G
4280 EASTERN CV #
MEMPHIS TN 38122

STREET JEREMY
4353 ESTRIDGE DR #
MEMPHIS TN 38122

COLTURI HOMES INC
939 LINDEN AVE #
MEMPHIS TN 38104

ASHWORTH DANNY R
547 ESTRIDGE DR #
MEMPHIS TN 38122

STREET JAMES AND KAREN STREET REVOCABLE
PO BOX 187 #
WATAUGA TN 37694

FILIBERTO DINA AND PATRICK IMLAY TRUST
4409 PRINCETON RD #
MEMPHIS TN 38117

BAKER JOHN D & MAXINE H
543 ESTRIDGE DR #
MEMPHIS TN 38122

GILBERT DANIEL A & LORI C
554 N FOY CIR #
MEMPHIS TN 38122



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.



22087668

08/04/2022 - 12:07:50 PM

3 PGS	
EVELYN 2465794 - 22087668	
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

This transfer is exempt from the payment of any transfer tax as provided in T.C.A. § 67-4-409(a)(3)(f).

This instrument was prepared by:

AmeriEstate Legal Plan, Inc.
3525 Hyland Ave. Suite 150
Costa Mesa, CA 92626

Address New Owner as Follows:

THE JAMES AND KAREN
STREET TRUST
P.O. BOX 187
WATAUGA, TN 37694

Send Tax Bill to:

JAMES D. STREET AND
KAREN B. STREET
Trustee(s) of
THE JAMES AND KAREN
STREET TRUST
P.O. BOX 187
WATAUGA, TN 37694

Map Parcel Number:

054-043-00002

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that JAMES D. STREET who acquired title as DAVID STREET and KAREN STREET, husband and wife, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00), cash in hand paid, the receipt of which is hereby acknowledged, and do hereby remise, release and forever quitclaim unto JAMES D. STREET AND KAREN B. STREET Trustee(s) respectively, and his/her/their successors in a Revocable Living Trust for the benefit of JAMES D. STREET AND KAREN B. STREET, under the terms of THE JAMES AND KAREN STREET TRUST Dated June 29, 2022, its successors and assigns, his/her entire right title and interest in and to a certain tract or parcel of land in **SHELBY County, Tennessee**, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

BEING the same land conveyed to the Grantors by D. LEE DUNN, A MARRIED MAN to JAMES D. STREET who acquired title as DAVID STREET and KAREN STREET, husband and wife, by Deed of record as Instrument 16130037 on 12/22/2016 in the Register's Office for SHELBY County, Tennessee.

Description contained herein was taken from a prior deed and without benefit of an updated survey. Preparer makes no representation as to the accuracy of said description.

This improved property is known as: 0 ESTRIDGE DRIVE, MEMPHIS, TN

This instrument and the interest hereby released and quitclaimed are subject to such limitations, restrictions and encumbrances as may affect the premises.

WITNESS my hand this 29th day of June, 20 22

James D. Street
JAMES D. STREET

Karen B. Street
KAREN STREET

**STATE OF TENNESSEE
COUNTY OF CARTER, ss.**

On this 29th day of June, 20 22, before me, the undersigned officer, personally appeared JAMES D. STREET and KAREN STREET, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that they executed the same for the uses and purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

David G. Hohl
Notary Public
My commission expires on 2/20/23

AFFIDAVIT OF VALUE

The actual consideration for this transfer is \$-0-

James D. Street
Affiant



STATE OF TENNESSEE

COUNTY OF Carter

Subscribed and sworn to before me this day of June 29, 20 22.

David G. Hohl
Notary Public

My Commission Expires: 2/20/23



THIS INSTRUMENT HAS BEEN PREPARED SOLELY FROM INFORMATION GIVEN BY THE PARTIES HERETO. DESCRIPTION CONTAINED HEREIN WAS TAKEN FROM A PRIOR DEED AND WITHOUT BENEFIT OF AN UPDATED SURVEY. PREPARER MAKES NO REPRESENTATION AS TO THE ACCURACY OF SAID DESCRIPTION.

EXHIBIT "A"

Map Parcel Number:

054-043-00002

Part of Lot 1, First Addition to Gram Park Subdivision, as shown on plat of record in Plat Book 16, Page 36, in the Register's Office of Shelby County, Tennessee, said part being more particularly described as follows: Beginning at a point in the south line of Estridge Drive 123.59 feet east of the east line of Waring Road said point of beginning being the northeast corner of Lot #29, Second Revision, Gram Subdivision as shown in Plat Book 14, Page 75 in said Register's Office; said point of beginning being also the northwest corner of the land conveyed to State of Tennessee for interstate highway Route I-40; thence along the west line of the land conveyed to the State of Tennessee for Interstate highway Route -40 south 32 degrees 48 minutes 30 seconds east a distance of 132 feet to a point in the east of Lot 1 said subdivision 30 feet north of the southeast corner of said Lot 1; thence westwardly a distance of 7.37 feet; thence south 81 degrees 48 minutes 43 seconds west a distance of 77.55 feet to a point in the west line of Lot 29 of Gram Park Subdivision, Second Revision as shown in Plat Book 14, Page 75 said Register's Office; thence along east line of said Lot 29 a distance of 123.10 feet to the point of beginning.

This being the same property conveyed to Grantor herein by Warranty Deed of record at Instrument Number E6-0882, in the aforesaid Register's Office.

This conveyance is made subject to subdivision restrictions, building lines and easements of record at Plat Book 16, Page 36, in the aforesaid Register's Office; and the 2017 City of Memphis taxes and the 2017 Shelby County taxes, which the party of the second part agrees to assume and pay.

unimproved

This is improved property, known as

0 Estridge Drive, Memphis, TN
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

HS 9690

HT 5063 2

3

PREPARED BY:
Fred M. McDonald, IV
1709 Kirby Parkway
Memphis, Tennessee 38120

WARRANTY DEED

THIS INDENTURE is made and entered into this **28th** day of **August, 1998** between **MARGIE R. WARFIELD, UNMARRIED**, GRANTOR, and **JEREMY STREET, UNMARRIED**, GRANTEE.

WITNESSETH: That 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 GRANTEES, all of GRANTOR'S right, title and interest in the following described property lying in City of **MEMPHIS,, County of Shelby, State of Tennessee, more particularly described as follows:**

Part of Lot 29, Second Revision to GRAM PARK Subdivision, as recorded in Shelby County Register's Office, Plat Book 14, Page 75 and being more particularly described as follows:

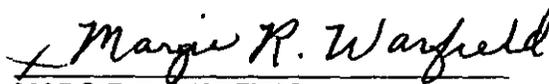
BEGINNING at a point in the east line of Waring Road, said point being 20 feet southwardly from the south line of Estridge Drive (Interstate I-40); thence southwardly along said east line a distance of 100.0 feet to a point; thence eastwardly a distance of 96.57 feet to a point in the northwest line of Lot 1, First Addition to Gram Park Subdivision; thence northeastwardly along said northwest line a distance of 123.09 feet to a point in the south line of Estridge Drive (Interstate I-40); thence westwardly along said south line a distance of 103.59 feet to a point of curvature; thence on a curve to the left having a radius of 20 feet a distance of 31.42 feet to the point of beginning.

Being the same property conveyed to grantor by Warranty Deed Book 3685, Page 3 of record in Register's Office of Shelby County, Tennessee and the death of Curtiss G. Warfield on or about 2/15/88.

This conveyance is made subject to 1999 City and 1998 County Taxes, not yet due and payable; Subdivision Restrictions, Building Lines and Easements of record in Plat Book 14, Page 75 as amended at Book 2705, Page 399 and Deed Restrictions at Book 6232, Page 122, in said Register's Office of Shelby County, Tennessee.

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.



MARGIE R. WARFIELD

Signature of Seller

This document being re-recorded to correct legal description.

HS 9690

HT 5063

INDIVIDUAL
STATE OF TENNESSEE)
COUNTY OF SHELBY)

Personally appeared before me, a Notary Public of said County and State, **MARGIE R. WARFIELD, UNMARRIED**, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he/she executed the within instrument for the purposes therein contained.

Witness my hand and seal, this **28th** day of **August, 1998**.

[Signature]
Notary Public



My Commission Expires: September 06, 1998

Name and Address of Property Owner:

**JEREMY STREET
4353 ESTRIDGE DRIVE
MEMPHIS, TENNESSEE 38122**

Property Address:

**4353 ESTRIDGE DRIVE
MEMPHIS, TENNESSEE 38122**

Person Responsible for Taxes:

**UNION PLANTERS BANK, NA
P O BOX 3137
MEMPHIS, TENNESSEE 38173**

Parcel #: 054-043-001

AFFIDAVIT OF VALUE

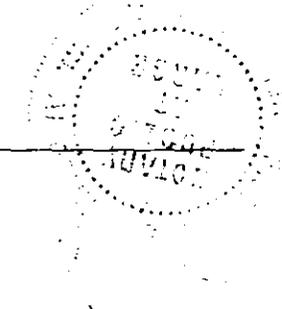
STATE OF TENNESSEE
COUNTY OF SHELBY

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 **\$49,000.00** 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.

[Signature: Margie R. Warfield]
Affiant

Sworn to and subscribed before me, a Notary Public, this **28th** day of **August, 1998**.

[Signature]
Notary Public



My Commission Expires: ~~September 06, 1998~~

RETURN TO:
Fred M. McDonald, IV
1709 Kirby Parkway
Memphis, Tennessee 38120

HS 9690	
Doc #	6
Vol	2
Pr	49,000
Ad	181.30
St	1.00
Gr	8.00
Pr	2.50
Gr	192.30
STATE OF TENNESSEE SHELBY COUNTY GUY B. BAYES REGISTER	

HS 9690

SHELBY COUNTY
REGISTER OF DEEDS
98 SEP -1 PM 12:40

HT 5063

Pre-Recording

No.	HT 5063
D/C	DR # 15
Pgs.	3 Itm.
Val	
STATE TAX	
REGISTER'S FEE	
RECORDING FEE	12.00
D.P. FEE	21.00
WT <input type="checkbox"/> MISC FEE	
TOTAL	24.00
STATE OF TENNESSEE	
SHELBY COUNTY	
GUY B. BATES	
REGISTER	

HT5063

SHELBY COUNTY
REGISTER OF DEEDS
98 SEP -9 PM 3: 55



ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: May 23, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: Sam Cooper Blvd. & Waring Rd. Rezoning

LETTER OF INTENT

We are submitting a rezoning application for property at Sam Cooper Boulevard east of Waring Road. The property is within the EMP zoning district. We are requesting a rezoning to RU-1.

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

055044 00006 - DAVIS STEPHEN R
054018 00021 - MUSSO SAMANTHA L
054042 00003 - CLEVELAND MICAH
054042 00002 - NUTH RADY AND SOPHA KEO (RS)
054044 00025 - HARAH ABDULKHALEK
054041 00023 - DEEP BAY PROPERTIES TN LLC
054041 00018C - NUTH RADY
054042 00005 - MYERS RUBY D AND MARIE H JOWERS (RS)
054017 00030 - NOOOR LLC
054017 00028 - LOPEZ FRANCES L
055044 00012 - WEST BARBARA C
055044 00010 - BOSWELL EMERY J REVOCABLE LIVING TRUST
055044 00008 - O'MALLEY PETER & HOLLY OBOIKOVITZ
055005 00050 - WULFF KURT S & KRISTIN L
055043 00014 - COWGILL PAUL & JEANETTE
055005 00043 - HARDER CHRISTOPHER H
055005 00049 - SMITH BLOUNT D
055043 00013 - COUCH THEO (ESTATE OF)
055043 00012 - LIKLEY STEPHEN G
055043 00010 - GEORGE ASHISH AND KATARZYNA BIELANSKA
055043 00009 - ALGER KEVIN
055043 00006 - PENDER JOHN V JR & KATHLEEN TR
055043 00001 - RIGG GREGORY L & AMANDA G
055004 00026 - HENRY BLAKE AND EMETERIO ALVAREZ AND
054017 00023 - STALLINGS JOE W JR

054017 00024 - STALLINGS JOE W JR
054018 00005 - KEO KELLY & SOPHA
054041 00048 - KEO KELLY T & SOPHA
054018 00023 - MOORE TROY
054018 00006 - CARPENTER RICHARD F & MARY B
054041 00015 - AMNL ASSET CO 3 LLC
054018 00022 - ERWIN DAVID O & LORETTA B
054018 00007 - BREWI JONATHAN W
054041 00026 - JOHNSON DON W AND DONELLE M J MORRISON
054041 00016 - TROUT I RAY AND SANDRA K SHAPPLEY (RS)
054041 00046 - LE HUY V
054044 00026 - BARNETT MARK T SR & BRENDA J
054041 00025 - JAROTO LLC
054018 00008 - CHIOZZA EUGENE M & MARY A
054042 00001 - BACOPULOS DIONYSIA S
054018 00019C - SNOATES AND CO LLC
054041 00024 - ZUBER JEFFREY K & SYLVIA
054018 00009 - CHIOZZA MARIO
054041 00036 - HAIR REVA M
054041 00017 - BOSIN SLAVA
054044 00017 - QUALITY PROPERTIES LLC
054042 00004 - PRIME RENTAL LLC
054018 00010 - DIANO-ANGLIN MARIA S
054041 00037 - DEAN PHOEBE
054044 00018 - BANES BERNICE L TRUST A REVOCABLE LIVING

054042 00010 - BONDS RANDELL L
054044 00024 - SAKAAN ABBY J
054041 00022 - DEEP BAY PROPERTIES TN LLC
054017 00029 - MEMPHIS INVESTMENT PROPERTIES IV LLC
055044 00014 - ERWIN DAVID O & LORETTA B
055044 00013 - SHORT NATHAN T
055044 00015 - GUERRERO JORGE
055044 00011 - HEATH RICHARD J & LAURA S
055044 00009 - HOWELL CAMERON & DUNCAN
055044 00007 - HAYS KENNY F & AMELIA A
055044 00005 - CARRINGTON KENNETH R & MARILYN A
055044 00004 - BURESS JAMES O
055044 00003 - ATKEISON PETER
055044 00002 - DEFRANK PHILIP M
055044 00001 - DAVIS ELLEN B
055005 00042 - WHEELER JERRY L & DIANE R
055043 00011 - GESKE GREGORY J & HAYLIE L
055043 00008 - LOBIANCO THOMAS J
055043 00007 - COLTURI HOMES INC
055043 00005 - FILIBERTO DINA AND PATRICK IMLAY TRUST
055043 00004 - FOSTER ROLANNE L
055043 00003 - BURTON KERRIE B
055043 00002 - SIMPSON BRENDA G
055005 00048 - HARDEE WILLIAM D & RACHAEL A
055005 00047 - UTECH RAYMOND & RAMYA

054017 00027 - HANSEL RUSTY W
054041 00044C - CARPENTER FAYE M AND RICHARD F CARPENTER
055004 00027 - WOODRUFF FRANK L & MICHELLE G
054017 00025 - ASHWORTH DANNY R
054017 00026 - BAKER JOHN D & MAXINE H
054041 00033 - PARKER LUTHER
054041 00035 - JAROTO LLC
054041 00029 - WOLF GARY & EDIT ALFARO
054041 00030 - KELLY PATRICK D
054041 00031 - MCKINNEY MICHAEL
054041 00032 - BURRESS JAMES D
054041 00047 - ALEJEAL RHAMY E & ELIZABETH M
054043 00001 - STREET JEREMY
054043 00002 - STREET JAMES AND KAREN STREET REVOCABLE
054041 00034 - GILBERT DANIEL A & LORI C

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

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Memphis TN 38134

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Memphis TN 38134

James & Karen Street Revocable Living
Trust
P.O. Box 187
Watauga, TN 37694-0187

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Trust
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Watauga, TN 37694-0187

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, James David Street (Print Name) James David Street (Sign Name), state that I have read the definition of

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

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

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

of the property located at Sam Cooper Blvd.
and further identified by Assessor's Parcel Number N/A,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 31 day of May in the year of 2024.

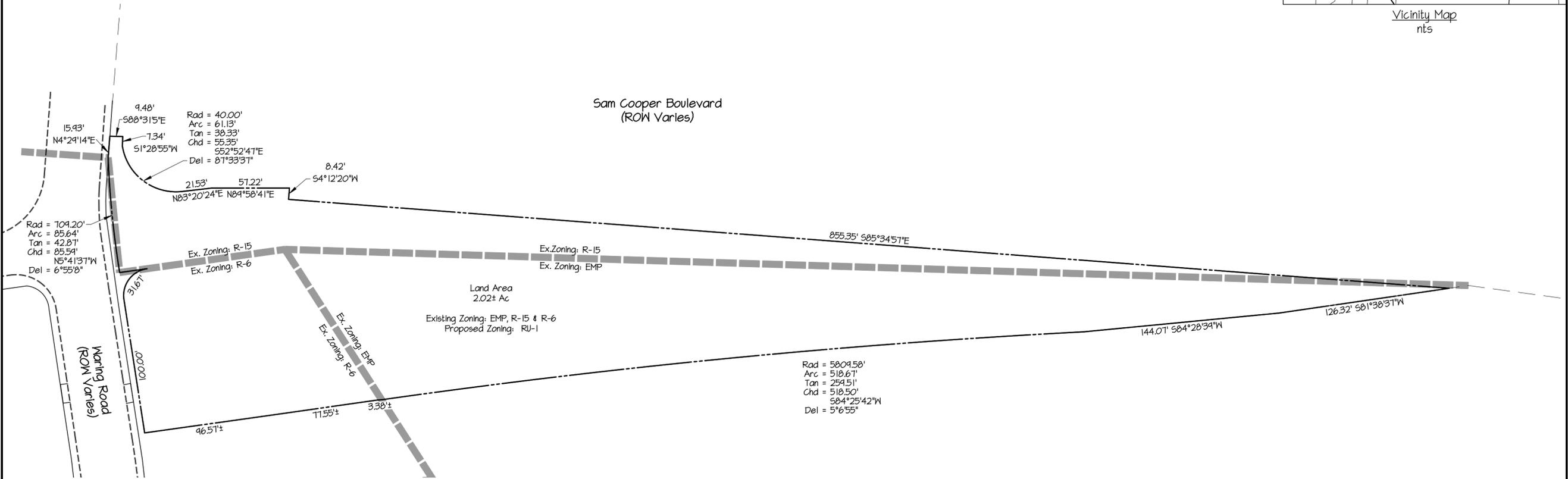
Kimberly D. Hensley
Signature of Notary Public



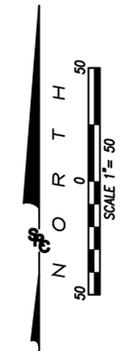
10.1.2025
My Commission Expires



Vicinity Map
nts



File No. 912240204-2025 Waring & Sam Cooper Rezoning File No. 076811.dwg, Jan 04, 2024 - 10:58am



PLOT PLAN
SAM COOPER & WARING REZONING

Z 24-____

DEVELOPER:

DAVID STREET
2.02± ACRES

EX. ZONING: EMP, R-15 & R-6
PROP. ZONING: RU-1
MEMPHIS, TENNESSEE



ENGINEERING - PLANNING

5909 Shelby Oaks Drive Suite 200 Memphis TN 38134
901-373-0380 (fax) 373-0370
www.SRCE-memphis.com

MAY 2024
SHEET 1 of 1

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

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

August 9, 2024

James & Karen Street Revocable Living Trust
PO Box 187
Watauga, TN 37694

Sent via electronic mail to: cindy.reaves@srce-memphis.com

Case Number: Z 2024-005
LUCB Recommendation: Approval

Dear applicant,

On Thursday, August 8, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located on the east side of Waring Road south of Sam Cooper Blvd. be included in the Residential Urban – 1 (RU-1) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-7179 or via email at Latonya.hull@memphistn.gov.

Respectfully,



LaTonya Hull
Planner II

Letter to Applicant
Z 2024-005

Land Use and Development Services
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC
File

**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, November 5, 2024 at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 2024-005
- LOCATION:** East side of Waring Road south of Sam Cooper Blvd.
- COUNCIL DISTRICTS:** District 5 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** James & Karen Street Revocable Living Trust
- REPRESENTATIVE:** Cindy Reaves, SR Consulting
- REQUEST:** Rezoning of +/-2.02 acres from the Residential Single-Family – 6 (R-6), Residential Single-Family – 15 (R-15), and Employment (EMP) to Residential Urban – 1 (RU-1)

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, November 5, 2024, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

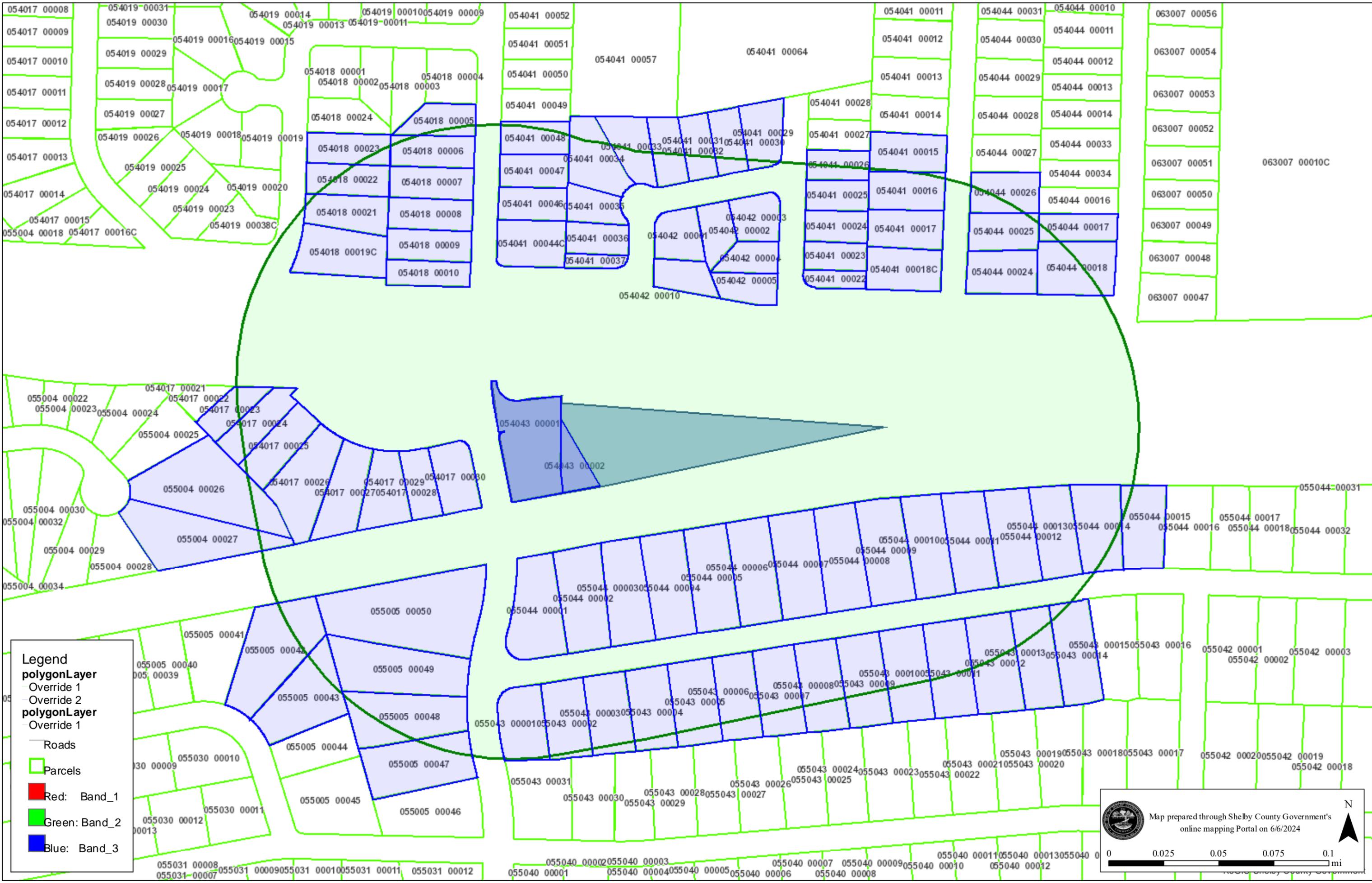
THIS THE _____, _____

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

KAMETRIS WYATT
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

polygonLayer

- Override 1
- Override 2

polygonLayer

- Override 1

— Roads

□ Parcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3



Map prepared through Shelby County Government's online mapping Portal on 6/6/2024

0 0.025 0.05 0.075 0.1 mi

North Arrow

DAVIS STEPHEN R
4939 BRIARCLIFF AVE #
MEMPHIS TN 38117

WEST BARBARA C
4470 PRINCETON RD #
MEMPHIS TN 38117

ALGER KEVIN
4445 PRINCETON RD #
MEMPHIS TN 38117

MUSSO SAMANTHA L
552 STANLEY DR #
MEMPHIS TN 38122

BOSWELL EMERY J REVOCABLE LIVING TRUST
4460 PRINCETON RD #
MEMPHIS TN 38117

PENDER JOHN V JR & KATHLEEN TR
6125 E SHADY GROVE RD #
MEMPHIS TN 38120

CLEVELAND MICAH
583 N FOY CIR #
MEMPHIS TN 38122

O'MALLEY PETER & HOLLY OBOIKOVITZ
4444 PRINCETON RD #
MEMPHIS TN 38117

RIGG GREGORY L & AMANDA G
4377 PRINCETON RD #
MEMPHIS TN 38117

NUTH RADY AND SOPHA KEO (RS)
4494 PRINCETON RD #
MEMPHIS TN 38117

WULFF KURT S & KRISTIN L
469 WARING RD #
MEMPHIS TN 38117

HENRY BLAKE AND EMETERIO ALVAREZ AND
4963 ESSEXSHIRE AVE #
MEMPHIS TN 38117

HARAH ABDULKHALEK
544 SANDRIDGE ST #
MEMPHIS TN 38122

COWGILL PAUL & JEANETTE
4485 PRINCETON RD #
MEMPHIS TN 38117

STALLINGS JOE W JR
3685 NW DEER OAK DR #
JENSEN BEACH FL 34957

DEEP BAY PROPERTIES TN LLC
3441 W 31ST AVE #
DENVER CO 80211

HARDER CHRISTOPHER H
4332 HILLDALE AVE #
MEMPHIS TN 38117

STALLINGS JOE W JR
3685 NW DEER OAK DR #
JENSEN BEACH FL 34957

NUTH RADY
4494 PRINCETON RD #
MEMPHIS TN 38117

SMITH BLOUNT D
457 WARING RD #
MEMPHIS TN 38117

KEO KELLY & SOPHA
4348 SUMMER AVE #
MEMPHIS TN 38122

MYERS RUBY D AND MARIE H JOWERS (RS)
533 READ #
MEMPHIS TN 38122

COUCH THEO (ESTATE OF)
4475 PRINCETON RD #
MEMPHIS TN 38117

KEO KELLY T & SOPHA
4348 SUMMER AVE #
MEMPHIS TN 38122

NOOR LLC
974 NATIONAL ST #
MEMPHIS TN 38122

LIKLEY STEPHEN G
4465 PRINCETON RD #
MEMPHIS TN 38117

MOORE TROY
PO BOX 770373 #
MEMPHIS TN 38177

LOPEZ FRANCES L
535 ESTRIDGE DR #
MEMPHIS TN 38122

GEORGE ASHISH AND KATARZYNA BIELANSKA
3815 N MONTCLAIR DR #
MEMPHIS TN 38111

CARPENTER RICHARD F & MARY B
561 WARING RD #
MEMPHIS TN 38122

AMNL ASSET CO 3 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

SNOATES AND CO LLC
4323 CHICKASAW CV #
MEMPHIS TN 38117

BONDS RANDELL L
538 W FOY CIR #
MEMPHIS TN 38122

ERWIN DAVID O & LORETTA B
4480 PRINCETON RD #
MEMPHIS TN 38117

ZUBER JEFFREY K & SYLVIA
548 READ ST #
MEMPHIS TN 38122

SAKAAN ABBY J
540 SANDRIDGE ST #
MEMPHIS TN 38122

BREWI JONATHAN W
553 WARING RD #
MEMPHIS TN 38122

CHIOZZA MARIO
541 WARING RD #
MEMPHIS TN 38122

DEEP BAY PROPERTIES TN LLC
3441 W 31ST AVE #
DENVER CO 80211

JOHNSON DON W AND DONELLE M J MORRISON
560 READ ST #
MEMPHIS TN 38122

HAIR REVA M
543 W FOY CIR #
MEMPHIS TN 38122

MEMPHIS INVESTMENT PROPERTIES IV LLC
4701 SUMMER AVE #
MEMPHIS TN 38122

TROUT I RAY AND SANDRA K SHAPPLEY (RS)
555 SANDRIDGE ST #
MEMPHIS TN 38122

BOSIN SLAVA
PO BOX 771496 #
MEMPHIS TN 38177

ERWIN DAVID O & LORETTA B
4480 PRINCETON RD #
MEMPHIS TN 38117

LE HUY V
2471 LAMAR AVE #
MEMPHIS TN 38114

QUALITY PROPERTIES LLC
299 S WALNUT BND #100
CORDOVA TN 38018

SHORT NATHAN T
4474 PRINCETON RD #
MEMPHIS TN 38117

BARNETT MARK T SR & BRENDA J
554 SANDRIDGE ST #
MEMPHIS TN 38122

PRIME RENTAL LLC
3707 MACON RD #
MEMPHIS TN 38122

GUERRERO JORGE
4486 PRINCETON RD #
MEMPHIS TN 38117

JAROTO LLC
4337 CHICKASAW CV #
MEMPHIS TN 38117

DIANO-ANGLIN MARIA S
535 WARING RD #
MEMPHIS TN 38122

HEATH RICHARD J & LAURA S
4464 PRINCETON RD #
MEMPHIS TN 38117

CHIOZZA EUGENE M & MARY A
547 WARING RD #
MEMPHIS TN 38122

DEAN PHOEBE
667 GLANKLER ST #
MEMPHIS TN 38112

HOWELL CAMERON & DUNCAN
3816 NORTHWOOD DR #
MEMPHIS TN 38111

BACOPULOS DIONYSIA S
567 N FOY CIR #
MEMPHIS TN 38122

BANES BERNICE L TRUST A REVOCABLE LIVING
205 S YATES RD #
MEMPHIS TN 38120

HAYS KENNY F & AMELIA A
4434 PRINCETON RD #
MEMPHIS TN 38117

CARRINGTON KENNETH R & MARILYN A
4418 PRINCETON RD #
MEMPHIS TN 38117

FOSTER ROLANNE L
4401 PRINCETON RD #
MEMPHIS TN 38117

PARKER LUTHER
139 HARBOR RIDGE LN #
MEMPHIS TN 38103

BURESS JAMES O
4408 PRINCETON RD #
MEMPHIS TN 38117

BURTON KERRIE B
4391 PRINCETON RD #
MEMPHIS TN 38117

JAROTO LLC
715 CHANEY CV #
COLLIERVILLE TN 38017

ATKEISON PETER
4400 PRINCETON RD #
MEMPHIS TN 38117

SIMPSON BRENDA G
4383 PRINCETON RD #
MEMPHIS TN 38117

WOLF GARY & EDIT ALFARO
2583 KRISTINA DR #
HERNANDO MS 38632

DEFRANK PHILIP M
4390 PRINCETON RD #
MEMPHIS TN 38117

HARDEE WILLIAM D & RACHAEL A
449 WARING RD #
MEMPHIS TN 38117

KELLY PATRICK D
580 N FOY CIR #
MEMPHIS TN 38122

DAVIS ELLEN B
4380 PRINCETON RD #
MEMPHIS TN 38117

UTECH RAYMOND & RAMYA
441 WARING RD #
MEMPHIS TN 38117

MCKINNEY MICHAEL
8893 N VALLEY CREEK DR #
ARLINGTON TN 38002

WHEELER JERRY L & DIANE R
4328 HILLDALE AVE #
MEMPHIS TN 38117

HANSEL RUSTY W
539 ESTRIDGE DR #
MEMPHIS TN 38122

BURRESS JAMES D
568 N FOY CIR #
MEMPHIS TN 38122

GESKE GREGORY J & HAYLIE L
4461 PRINCETON AVE #
MEMPHIS TN 38117

CARPENTER FAYE M AND RICHARD F CARPENTER
544 WARING RD #
MEMPHIS TN 38122

ALEJEAL RHAMY E & ELIZABETH M
PO BOX 342950 #
BARTLETT TN 38135

LOBIANCO THOMAS J
4433 PRINCETON RD #
MEMPHIS TN 38117

WOODRUFF FRANK L & MICHELLE G
4280 EASTERN CV #
MEMPHIS TN 38122

STREET JEREMY
4353 ESTRIDGE DR #
MEMPHIS TN 38122

COLTURI HOMES INC
939 LINDEN AVE #
MEMPHIS TN 38104

ASHWORTH DANNY R
547 ESTRIDGE DR #
MEMPHIS TN 38122

STREET JAMES AND KAREN STREET REVOCABLE
PO BOX 187 #
WATAUGA TN 37694

FILIBERTO DINA AND PATRICK IMLAY TRUST
4409 PRINCETON RD #
MEMPHIS TN 38117

BAKER JOHN D & MAXINE H
543 ESTRIDGE DR #
MEMPHIS TN 38122

GILBERT DANIEL A & LORI C
554 N FOY CIR #
MEMPHIS TN 38122

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Memphis TN 38134

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P.O. Box 187
Watauga, TN 37694-0187



Memphis City Council Summary Sheet

Z 2024 - 006

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3230 COMMERCIAL PARKWAY ON THE EAST SIDE OF ELVIS PRESLEY BOULEVARD, +/- 208 FEET NORTH OF COMMERCIAL PARKWAY ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 (CMU-1) DISTRICT, KNOWN AS CASE NUMBER Z 2024 – 006

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: Z 2024 – 006

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugga

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Rezoning of +/-20, 265 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1)

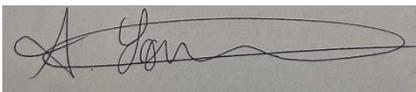
The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

Respectfully,



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

Cc: Committee Members
File

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3230 COMMERCIAL PARKWAY BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE FAMILY – 15 (R-15) TO COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-006.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2024-006**; and

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

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

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

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

SECTION 1:

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

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE FAMILY – 15 (R-15) TO COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT.

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

Commencing at the intersection of the north line of Commercial Parkway (80-foot right of-way) and the east line of Elvis Presley Boulevard (U.S. Highway 51) (100-foot right of-way); then along the

said east line of Elvis Presley North 13 degrees 49 minutes 45 seconds East a distance of 208.49 feet to the Point of Beginning; thence continuing along said east line North 13 degrees 49 minutes 45 seconds East a distance of 92.56 feet to a point; thence South 63 degrees 33 minutes 14 seconds East a distance of 263.43 feet to a point; thence south 17 degrees 9 minutes 10 seconds West a distance of 25.32 feet to a point; thence North 64 degrees 7 minutes 28 seconds West a distance of 99.05 feet to a point; thence North 89 degrees 7 minutes 42 seconds West a distance of 246.30 feet to the Point of Beginning and containing 20265 square feet of land, more or less.

SECTION 2:

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

SECTION 3:

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

ATTEST:

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

AGENDA ITEM: 16 **L.U.C.B. MEETING:** July 11, 2024
CASE NUMBER: Z 2024 – 006
LOCATION: 3230 Commercial Parkway
COUNCIL DISTRICT: District 3
OWNER/APPLICANT: Yaaqob Al Shugaa
REPRESENTATIVE: David Bray, The Bray Firm
REQUEST: Rezoning from Residential Single Family – 15 to Commercial Mixed Use – 1.
EXISTING ZONING: Commercial Mixed Use – 1, Residential Single – Family – 15

CONCLUSIONS

1. The applicant is requesting rezoning of a +/- 20, 265 square feet portion of the +/- 3.78-acre lot.
2. The subject property is split zoned Commercial Mixed Use – 1 (CMU-1) and the northwest portion of the parcel is zoned Residential Single – Family – 15 (R-15).
3. The applicant is requesting a zoning change of the portion zoned R-15 to CMU-1.

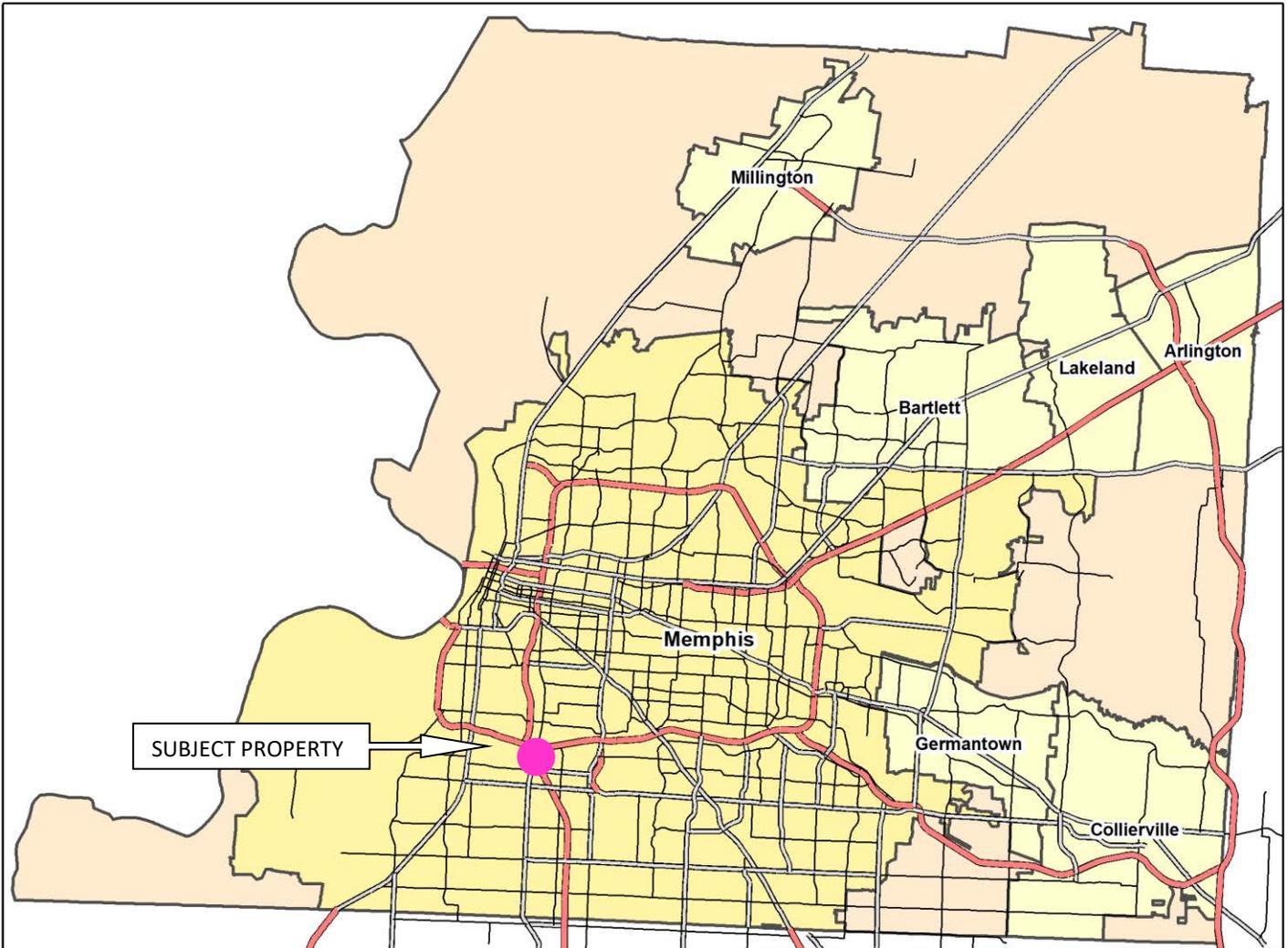
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

Approval

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 28 notices were mailed on May 13, 2024, see pages 25 - 26 of this report for a copy of said notice. Additionally, xx sign was posted at the subject property, see page xx of this report for a copy of the sign affidavit (awaiting copy of sign affidavit from property owner).

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Thursday, July 1, 2024, at Southbrook Mall, 1254 East Shelby Drive.

AERIAL



Subject property outlined in yellow. The northwest portion of this site is currently zoned R-15.

ZONING MAP



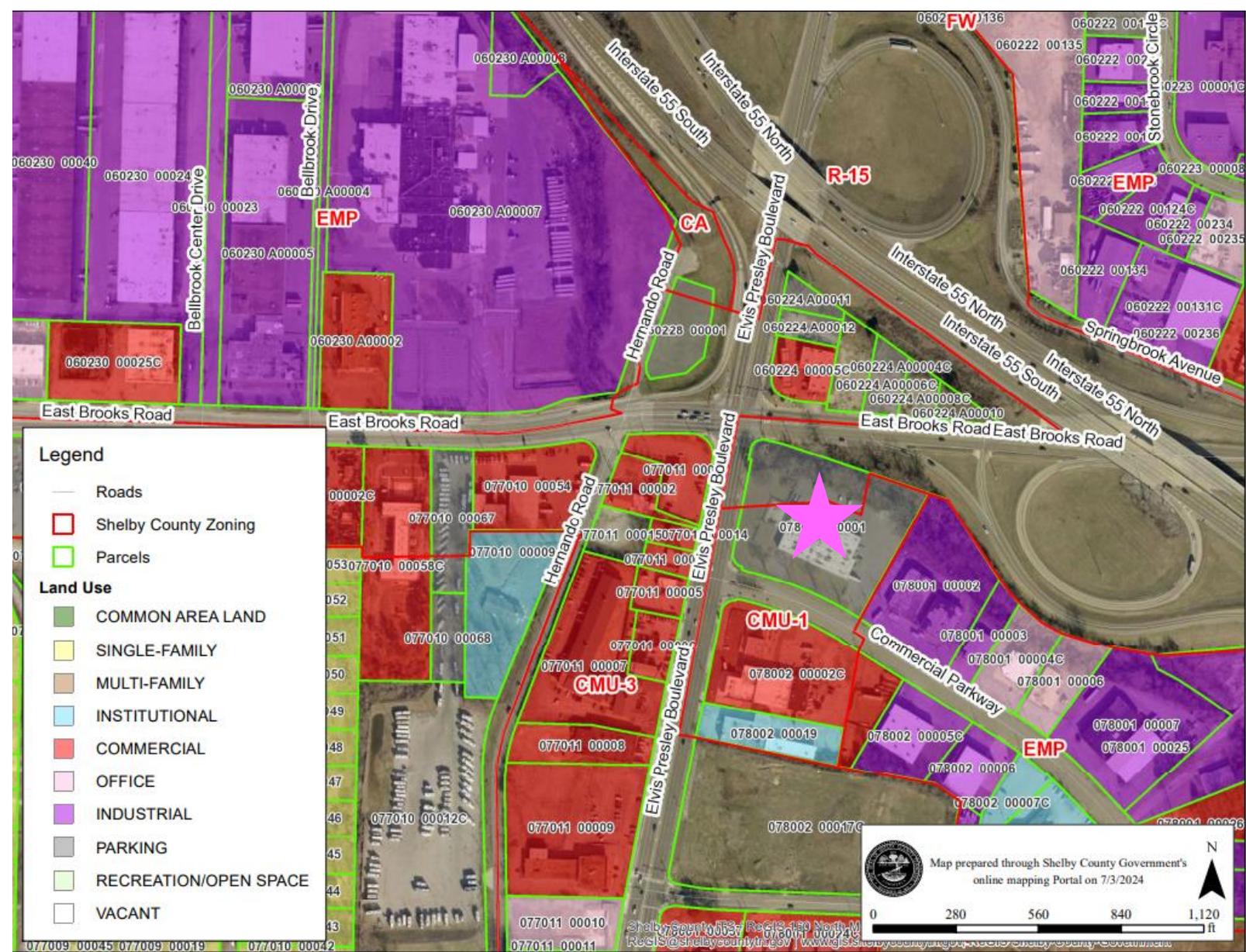
Subject area of proposed rezoning highlighted in yellow.

FEMA MAP



Subject area of proposed rezoning highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



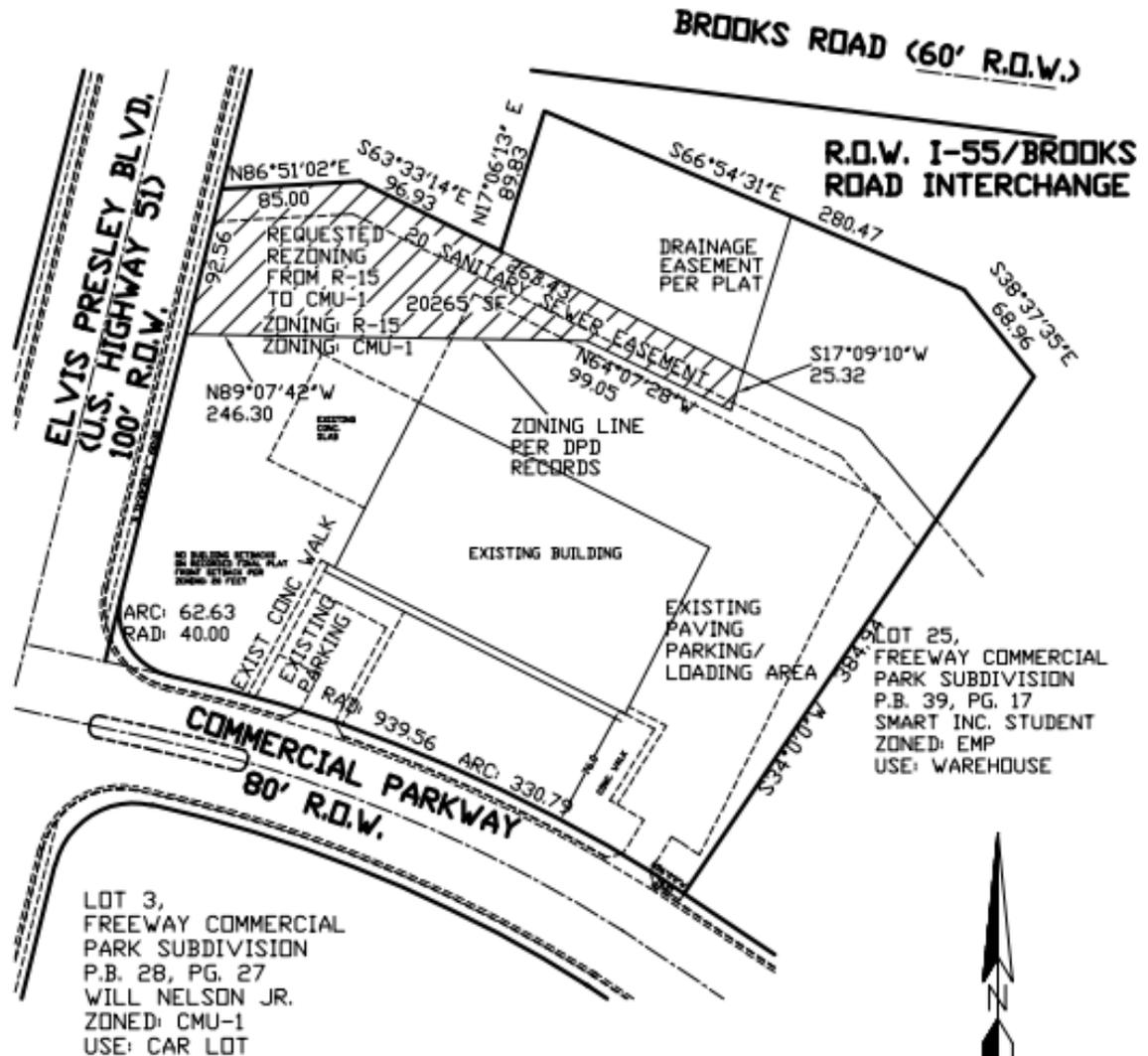
View of subject property from Elvis Presley.



View of subject property from Commercial Parkway looking North.

SURVEY

**LOT SURVEY
LOT 4
FREEWAY COMMERCIAL
PARK SUBDIVISION
PB. 24, PG 42
MEMPHIS, TN**



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREDON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.
THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.
NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024
SCALE: 1"=100'

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

LOT DESCRIPTION

*Property Line Description
of
Part of Lot 4,
Freeway Commercial Park Subdivision
as recorded by
Plat Book 24, Page 42
in the
Shelby County Registers Office;
Property located in Memphis, Shelby County, Tennessee
and being more particularly described as follows:*

Commencing at the intersection of the north line of Commercial Parkway (80-foot right-of-way) and the east line of Elvis Presley Boulevard (U.S. Highway 51) (100-foot right-of-way); then along the said east line of Elvis Presley North 13 degrees 49 minutes 45 seconds East a distance of 208.49 feet to the Point of Beginning; thence continuing along said east line North 13 degrees 49 minutes 45 seconds East a distance of 92.56 feet to a point; thence South 63 degrees 33 minutes 14 seconds East a distance of 263.43 feet to a point; thence south 17 degrees 9 minutes 10 seconds West a distance of 25.32 feet to a point; thence North 64 degrees 7 minutes 28 seconds West a distance of 99.05 feet to a point; thence North 89 degrees 7 minutes 42 seconds West a distance of 246.30 feet to the Point of Beginning and containing 20265 square feet of land, more or less.

CASE REVIEW

Request

The request is a rezoning from Residential Single Family – 15 to Commercial Mixed Use – 1.

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.

9.5.7B Review Criteria

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

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Site Details

Address:
3230 Commercial Parkway

Parcel ID:
078001 00001

Area:
+/- 3.78 acres

Description:

The subject property is located along Elvis Presley and located within the Whitehaven neighborhood. The property is split zoned CMU-1 and R-15. There is currently a warehouse located on the property that would remain. Per the Assessor’s website, the principal structure on the site was built circa 1961 with a building area of +/- 8,000 square feet. The surrounding land uses are a mixture of commercial, industrial, institutional, and single-family and vacant lots. Additionally, this lot has two street frontages: one along Elvis Presley Boulevard and one along Commercial Parkway.

Analysis

The applicant is proposing a rezoning of +/- 20,265 square feet of the subject property that is included in the Residential Single – Family – 15 zoning district to Commercial Mixed Use – 1. The surrounding areas support the rezoning proposal as majority of the surrounding areas have land designations of similar intensities.

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 sewer capacity will not be determined until the developer provide the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.

Drainage:

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

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

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

6. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

8. Development is greater than 1 acre and is located within a sensitive drainage basin.

9. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

10. All connections to the sewer shall be at manholes only.

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

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

City Fire Division:	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.

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: Z 2024-006 Whitehaven

Site Address/Location: 3230 highway 51

Overlay District/Historic District/Flood Zone: Located in a 0.2% Annual Flood Hazard Zone, but not in an Overlay District or Historic District

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

The applicant is requesting rezoning of a portion of the lot from R-15 to CMU-1.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1 and R-15

Adjacent Land Use and Zoning: Commercial, Industrial, Institutional, Office and Vacant; R-15, CMU-1 and EMP

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.*

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 rezoning of a portion of the lot from R-15 to CMU-1.

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

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

28 Notices Mailed on 05/13/2024.



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

NOTICE OF PUBLIC HEARING

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

CASE NUMBER: SUP 2024 – 019 and Z 2024 – 006
LOCATION: 3230 Commercial Parkway
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: ~~Shugga~~ Yaaqob
REQUEST: Special use permit to allow a convenience store with gas pumps

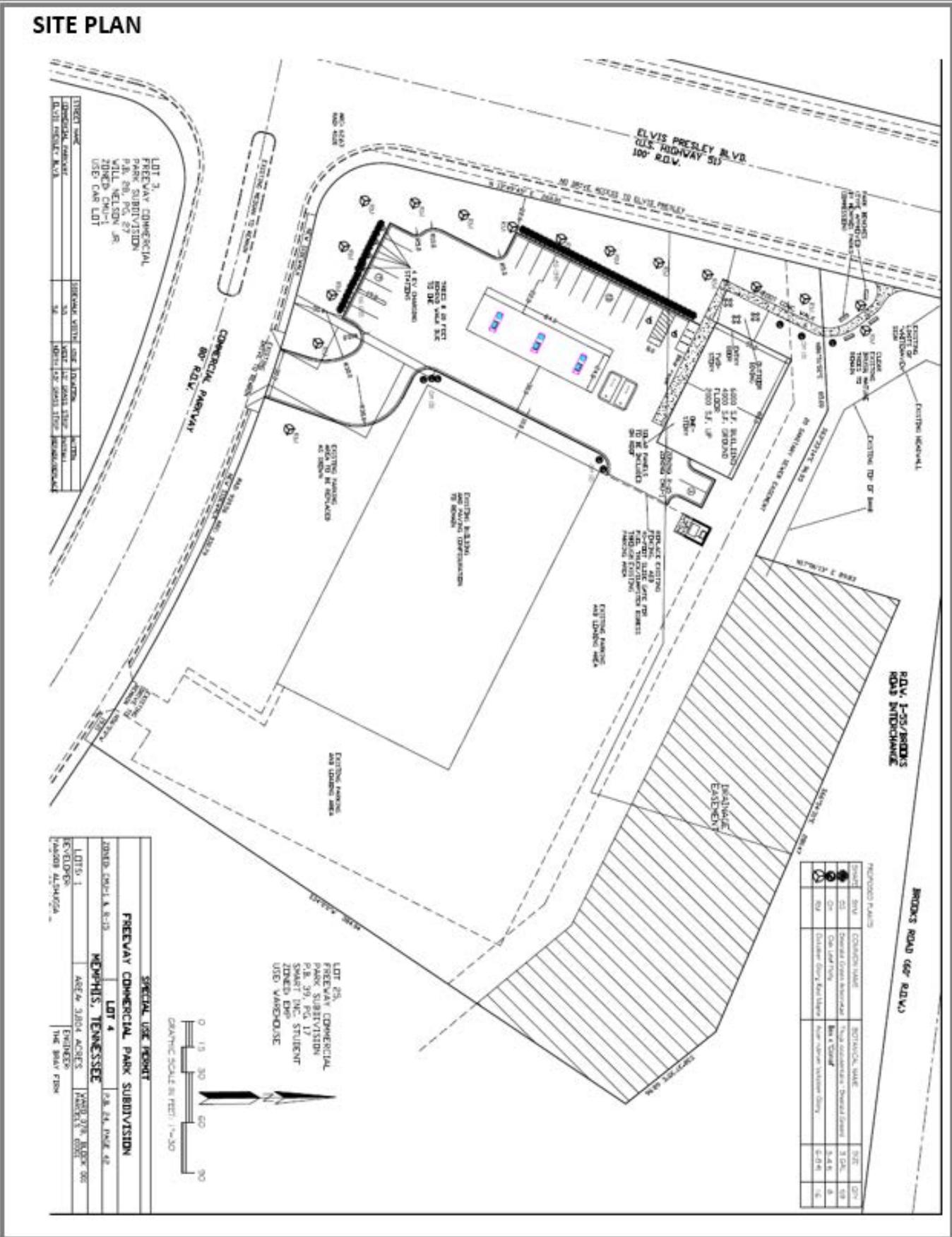
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, July 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 19, 2024, at 8 AM**



ZONING APPLICATION



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

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

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: June 7, 2024

Record Number: Z 2024-006

Expiration Date:

Record Name: Freeway Commercial Park Subdivision, Lot 4

Description of Work: Rezone request of a portion of the lot from R-15 to CMU-1

Parent Record Number:

Address:

3230 highway 51 38116

Owner Information

Primary	Owner Name
Y	SHUGAA YAAQOB A

Owner Address
, MEMPHIS, TN 38126

Owner Phone

Parcel Information

078001 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Alexis Longstreet
Date of Meeting	06/03/2024
Pre-application Meeting Type	Email

GENERAL INFORMATION

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

GIS INFORMATION

GIS INFORMATION

Central Business Improvement District	No
Case Layer	SUP19-006
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	CMU-1
State Route	-
Lot	0 4
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name
SHUGAA YAAQOB A **Contact Type**
APPLICANT

Address
MEMPHIS, TN, 38126

Phone
-

Name
THE BRAY FIRM **Contact Type**
ARCHITECT / ENGINEER /
SURVEYOR

Address
2950 STAGE PLAZA NORTH,

Phone
(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1569821	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	06/07/2024
1569925	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	06/07/2024
1569925	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	06/07/2024

Total Fee Invoiced: \$1,026.00 Total Balance: \$0.00

Payment Information

Payment Amount **Method of Payment**
\$1,026.00 Credit Card

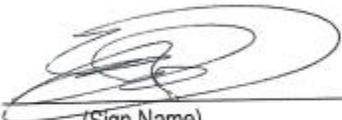
OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Yaagob shugaa , state that I have read the definition of
(Print Name) (Sign Name)

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

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

of the property located at 3230 Elvis Presley
and further identified by Assessor's Parcel Number 07800100001
for which an application is being made to the Division of Planning and Development.

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

Signature of Notary Public

My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

June 7, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision
3230 Elvis Presley Blvd.
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached an application to rezone a portion of the above captioned property from R-15 to CMU-1. The subject property is located at the intersection of Elvis Presley and Commercial Avenue. A Special Use Permit is currently under consideration for this property. It does not appear from the 1980 comprehensive rezoning that the intention was for a portion of this property (currently used as commercial) to have an area designated R-15 but the zoning map as currently drawn reflect the split zoning.

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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

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

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

July 24, 2024

Yaaqob Shugaa
547 Vance Avenue
Memphis, TN 38126

Sent via electronic mail to: dqbray@comcast.net, Mustafashujaa2003@yahoo.com

Case Number: Z 24-006
LUCB Recommendation: Approval

Dear applicant,

On Thursday, July 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application for a portion of property located on 3230 Commercial Parkway to be included in the Commercial Mixed Use – 1 Zoning District.

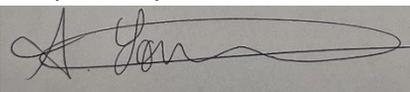
This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development
Cc: David Bray, The Bray Firm
File

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

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

- CASE NUMBER:** Z 2024 – 006
- LOCATION:** 3230 Commercial Parkway
- COUNCIL DISTRICTS:** District 3 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Yaaqob Al Shugga
- REPRESENTATIVE:** David Bray, The Bray Firm
- REQUEST:** Rezoning of +/-20, 265 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1)

RECOMMENDATIONS:

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

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

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

THIS THE _____, _____

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

-  Roads
-  Parcels



Map prepared through Shelby County Government's online mapping Portal on 7/29/2024



TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

OM SHIVAYA NAMAH INC
3265 ELVIS PRESLEY BLVD #
MEMPHIS TN 38116

MEMPHIS SMOKES CIGAR LOUNGE LLC
5341 BRADLEY RIDGE LN #
MEMPHIS TN 38125

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

STAFFORD W DELL AND EDWIN W STAFFORD
3262 COMMERCIAL PKWY #
MEMPHIS TN 38116

SHIVA PROPERTIES
8720 SOMERSET LN #
GERMANTOWN TN 38138

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

YET HOLDING LLC
4970 RALEIGH LAGRANGE RD #9
MEMPHIS TN 38128

SHUGAA YAAQOB A
547 VANCE AVE #
MEMPHIS TN 38126

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

NELSON WILL J SR
465 TENNESSEE ST #
MEMPHIS TN 38103

BERUK PROPERTIES INC
3264 W SARAZENS CL #
MEMPHIS TN 38125

ANJU HOTELS LLC
8720 SOMERSET LN #
GERMANTOWN TN 38138

DOUGLAS PAUL M AND GEORGE R DOUGLAS V
3261 COMMERCIAL PKWY #
MEMPHIS TN 38116

NONCONNAH BAPTIST CHURCH TR
3257 HERNANDO RD #
MEMPHIS TN 38116

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

NELSON WILLIE J & HATTIE
3360 FONTAINE RD #
MEMPHIS TN 38116

ANJU PROPERTIES LLC
8720 SOMERSET LN #
GERMANTOWN TN 38138

TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

KARN JAMES JR
3271 COMMERCIAL PKWY #
MEMPHIS TN 38116

YORK PROPERTIES LLC
3100 BELLBROOK DR #
MEMPHIS TN 38116

LG INVESTMENTS LLC
407 SAINTT TAMMANY ST #
MADISONVILLE LA 70447

WATSON KENNETH D
8909 GEORGIAN DR #
AUSTIN TX 78753

YORK PROPERTIES LLC
3100 BELLBROOK DR #
MEMPHIS TN 38116

SMART INC STUDENT MAKING A REWARDED
3242 COMMERCIAL PKWY #
MEMPHIS TN 38116

MEMPHIS CONVENTION AND VISTORS BUREAU
47 UNION AVE #
MEMPHIS TN 38103

BLU RIVER LLC
119 S MAIN ST #500
MEMPHIS TN 38103

SHIVA PROPERTIES
8720 SOMERSET LN #
GERMANTOWN TN 38138