

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 8/20/2024
DATE
PUBLIC SESSION: 9/10/2024
DATE

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

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 2899 Lamar Avenue, known as case number PD 2024-004

CASE NUMBER: PD 2024 – 004

DEVELOPMENT: Self-Storage Lamar Crossing Planned Development

LOCATION: 2899 Lamar Avenue

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Lamar, Inc.

REPRESENTATIVE: Delinor Smith, Smith Building Design

REQUEST: Amendment to Lamar Crossing Planned Development to allow a mini storage

AREA: +/- 1.81 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
06/13/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

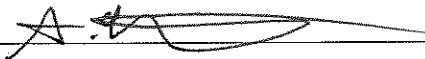

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
	<u>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

PD 2024 – 004

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

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

LAND USE CONTROL BOARD RECOMMENDATION

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

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

The following spoke in support of the application:
Delinor Smith

The following spoke in opposition of the application: None

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

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

Respectfully,



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

Cc: Committee Members
File

PD 2024 – 004
CONDITIONS

Outline Plan Conditions – Revisions

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

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

I. Uses Permitted:

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

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

- a. **Mini storage**

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

II. Bulk Regulations:

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

III. Access, Circulation and Parking:

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

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.

Area's 'B' and 'B-1'

- B. ~~Area 'B'~~ Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.

- C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking.

Area's 'B', 'B-1' and 'C'

- D. ~~Areas 'A, B, & C'~~ Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

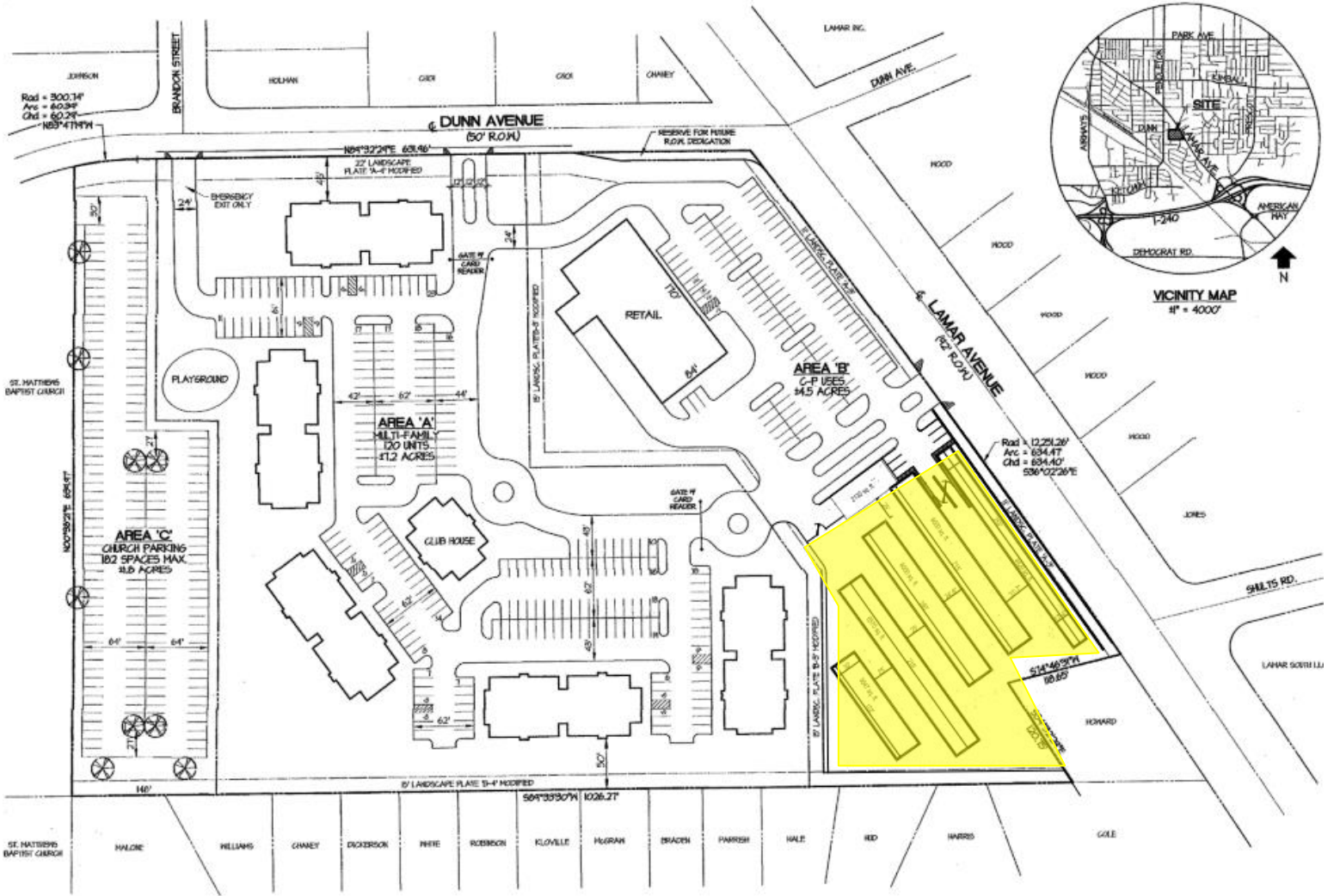
- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

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

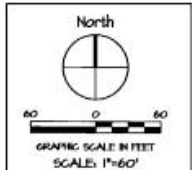
IX. Any final plan shall include the following:

- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CONCEPT PLAN

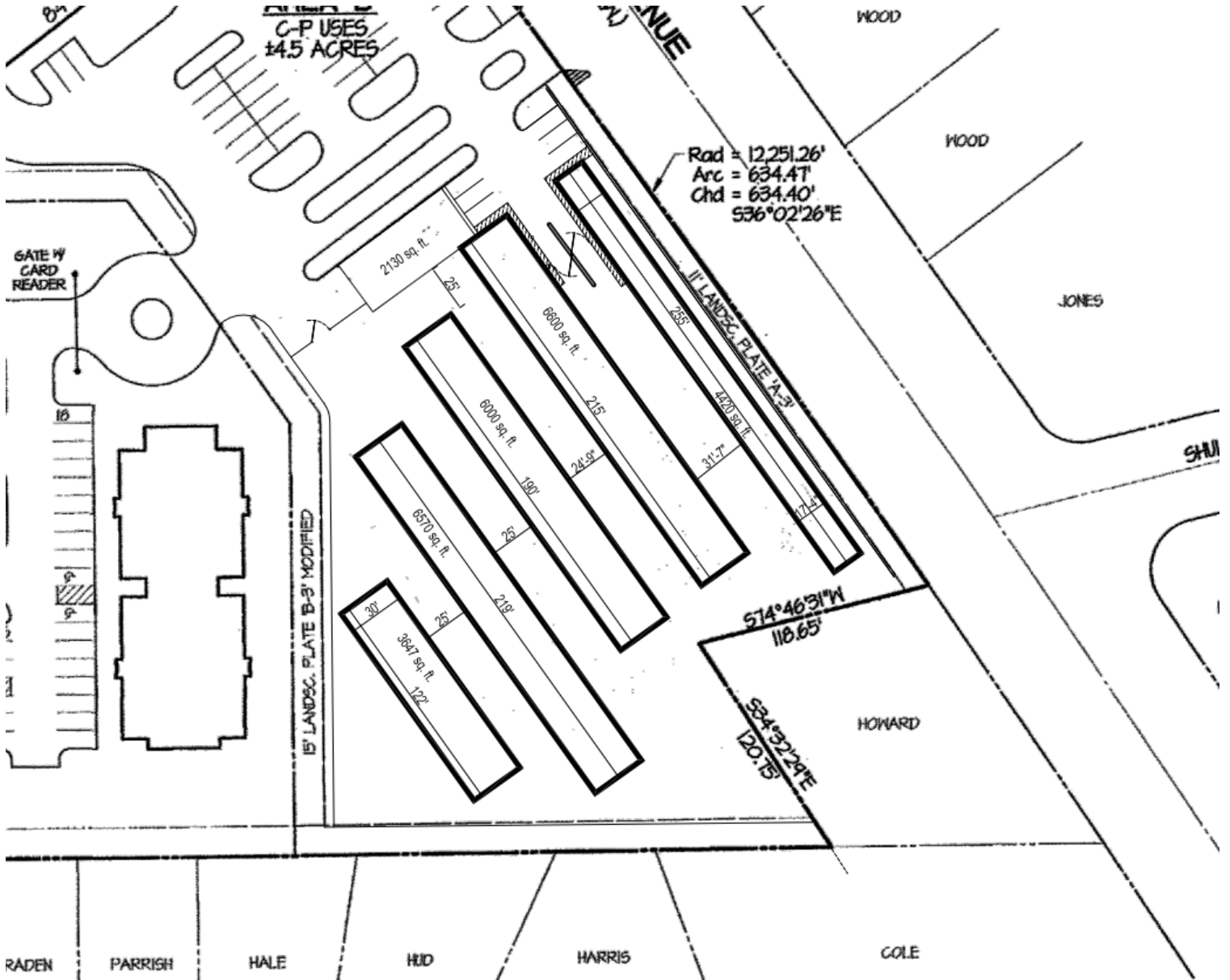


CONCEPTUAL SITE PLAN



OUTLINE PLAN
LAMAR CROSSING P.D.
 OWNER: LAMAR INC.
 837 AVENUE Z, BROOKLYN, NY 11235 6212
 PARCEL ID# 059021 00022
 1.81 ACRES @ 0 LAMAR AVE,
 MEMPHIS, TENNESSEE 38114
 STORAGE AREA 29,367 SQ. FT.
 FEBRUARY 23, 2024

CONCEPT PLAN - MAGNIFIED



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

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

WHEREAS, the Lamar, Inc. filed an application with the Memphis and Shelby County Division of Planning and Development for an amendment to allow self-storage within the Lamar Crossing planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 13, 2024 and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

OUTLINE PLAN CONDITIONS - REVISED

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

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

I. Uses Permitted:

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

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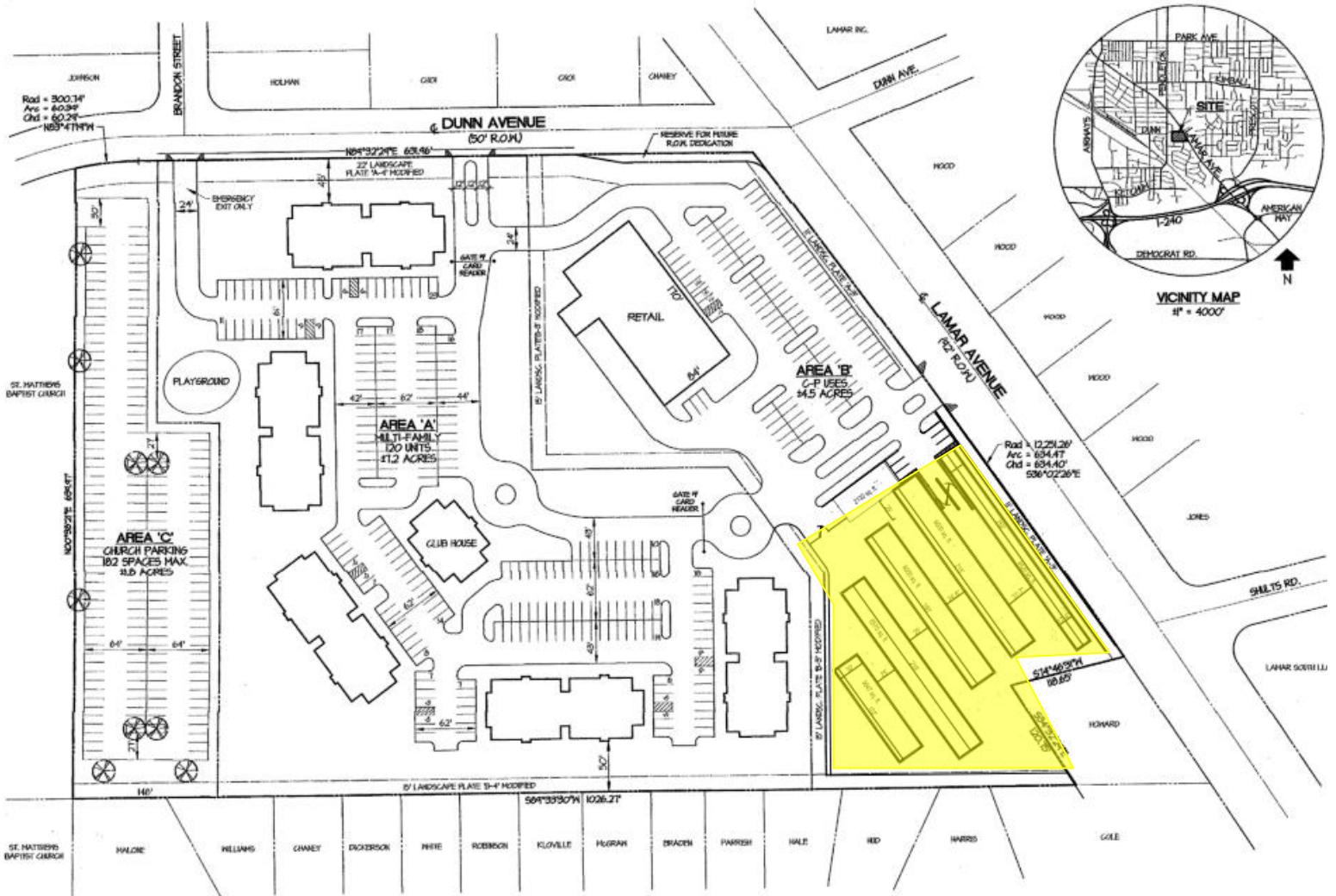
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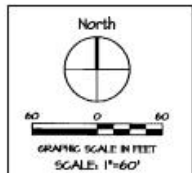
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CONCEPT PLAN



CONCEPTUAL SITE PLAN



OUTLINE PLAN P23100420
LAMAR CROSSING P.D.
 OWNER: LAMAR INC.
 837 AVENUE Z, BROOKLYN, NY 11235 6212
 PARCEL ID# 059021 00022
 1.81 ACRES @ 0 LAMAR AVE,
 MEMPHIS, TENNESSEE 38114
 STORAGE AREA 29,367 SQ. FT.
 FEBRUARY 23, 2024

ATTEST:

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

AGENDA ITEM: 16 **L.U.C.B. MEETING:** June 13, 2024

CASE NUMBER: PD 2024 – 004

DEVELOPMENT: Self Storage at Lamar Crossing PD

LOCATION: 2899 Lamar Avenue

COUNCIL DISTRICT: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Lamar, Inc.

REPRESENTATIVE: Delinor Smith, Smith Building Design

REQUEST: Amendment to Planned Development to allow a mini storage

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

CONCLUSIONS

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

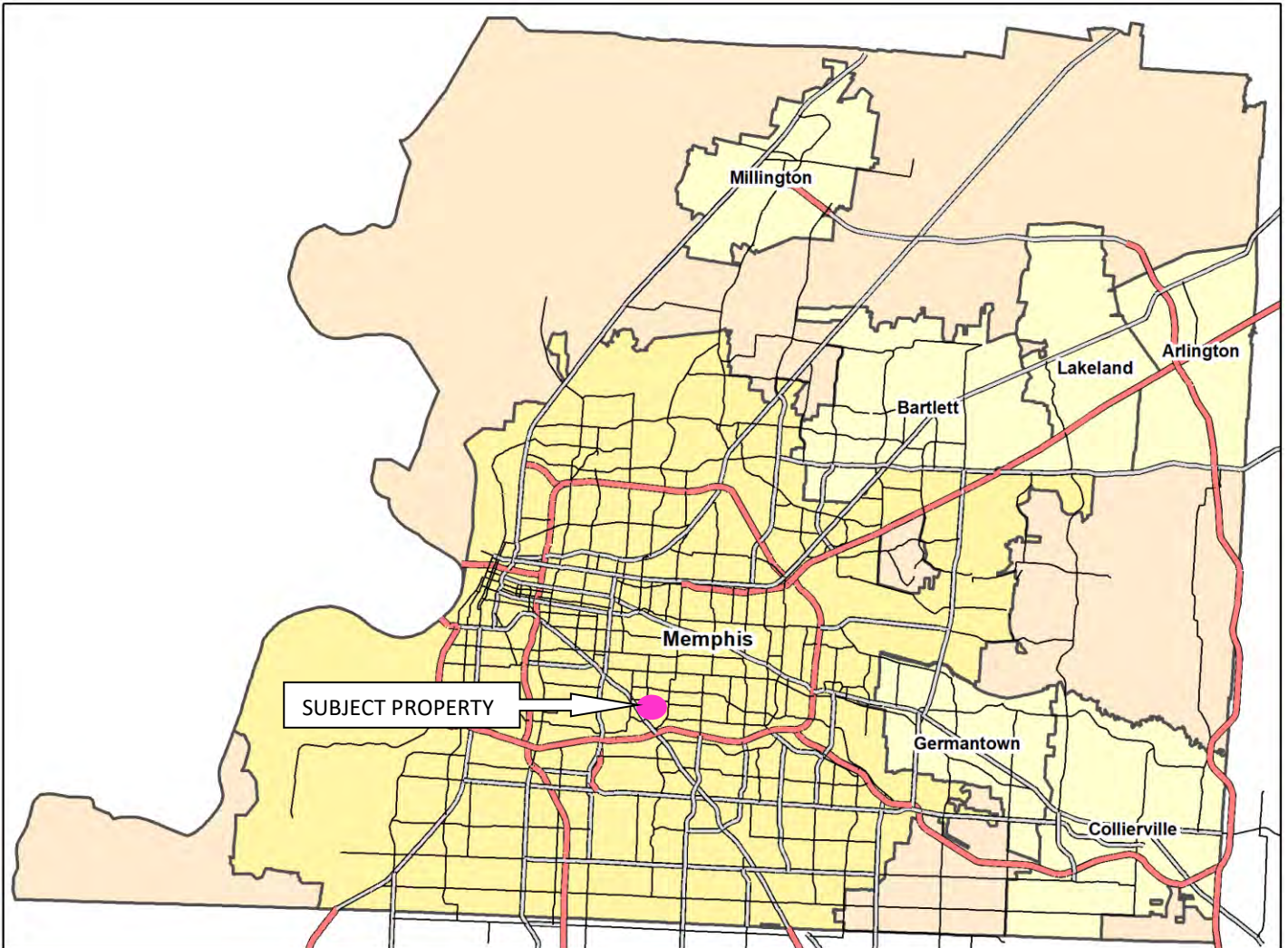
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

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

NEIGHBORHOOD MEETING

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

AERIAL



Subject property outlined in yellow, imagery from 2022

ZONING MAP



Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Lamar Avenue looking South.

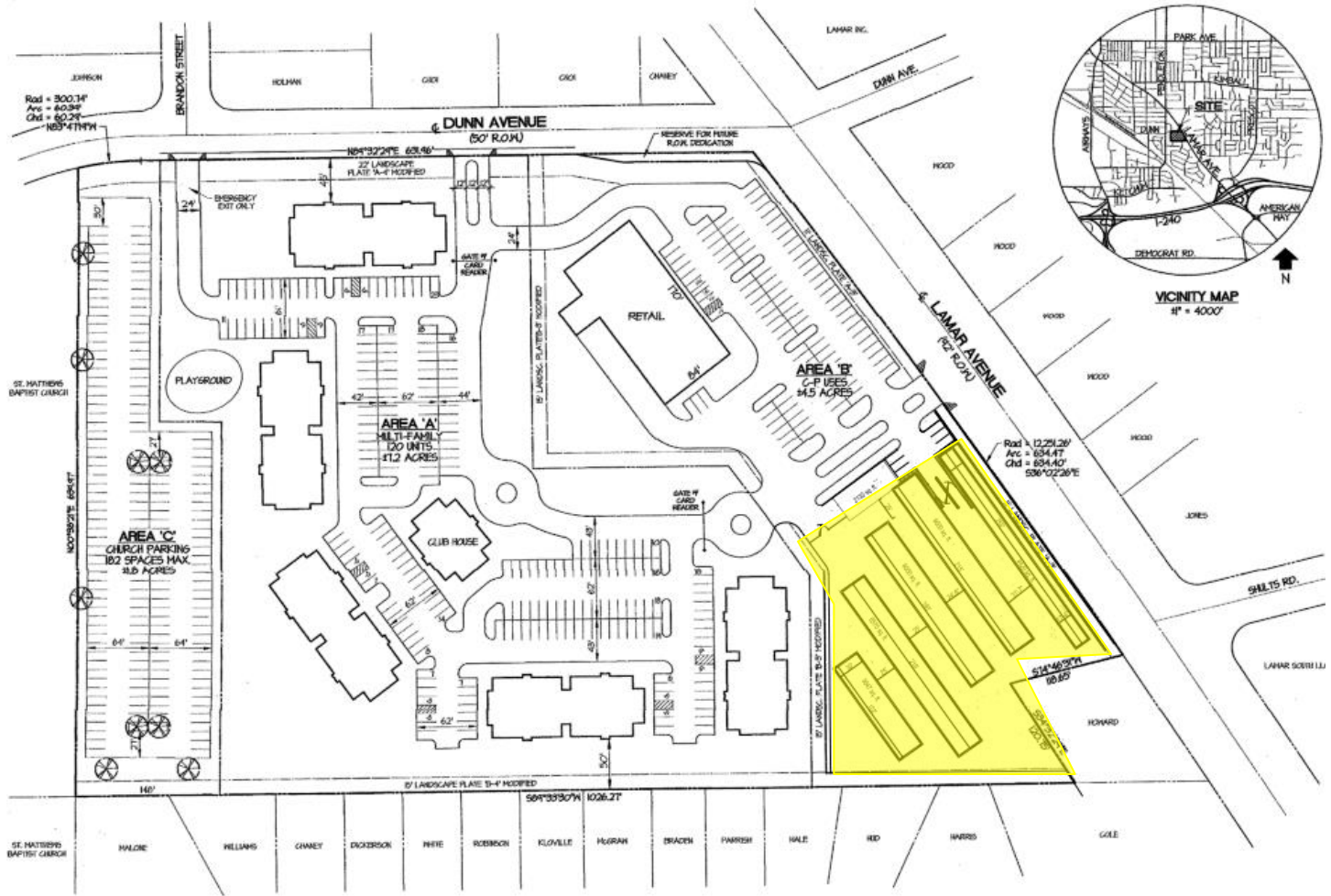


View of subject property from Lamar.

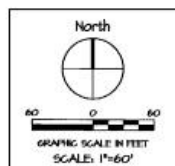


View of subject property from entrance point of abutting property.

CONCEPT PLAN



CONCEPTUAL SITE PLAN

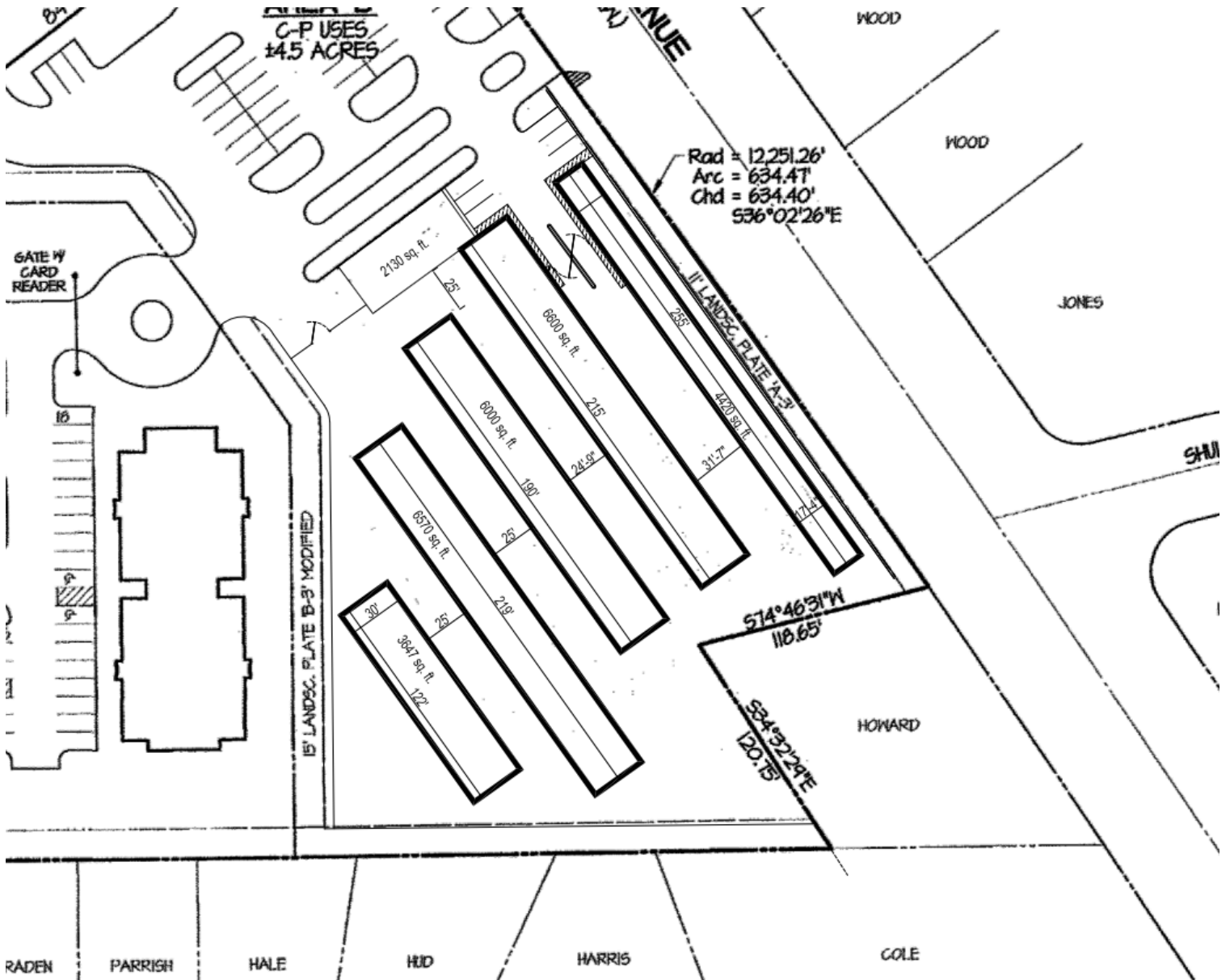


OUTLINE PLAN P.L. 2024-04
LAMAR CROSSING P.D.
 OWNER: LAMAR INC.
 837 AVENUE Z, BROOKLYN, NY 11235 6212

PARCEL ID# 059021 00022
 1.81 ACRES @ 0 LAMAR AVE,
 MEMPHIS, TENNESSEE 38114
 STORAGE AREA 29,367 SQ. FT.
 FEBRUARY 23, 2024

SHEET 1 OF 4

CONCEPT PLAN - MAGNIFIED



CASE REVIEW

Request

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

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

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

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

Commercial or Industrial Criteria

Staff does not agree the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

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

- A. Screening*

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

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

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

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

Approval Criteria

Staff does not agree the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

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

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

Site Details

Address:
2899 Lamar Avenue

Parcel ID:
059021 00051

Area:
+/- 1.81 acres

Description:

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

Site Zoning History

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

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

Concept Plan Review

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

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

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

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

Analysis

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

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

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

RECOMMENDATION

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

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

Outline Plan Conditions – Revisions

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

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

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

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

C

II. Bulk Regulations:

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

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

III. Access, Circulation and Parking:

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

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- Area's 'B' and 'B-1'**
- B. ~~Area 'B'~~ Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- Area's 'B', 'B-1' and 'C'**
- D. ~~Areas 'A, B, & C'~~ Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

- VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan.
The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easements.
 - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
 - G. The one-hundred (100) year flood elevation.
 - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
 - I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

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

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

Traffic Control Provisions:

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

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

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

Curb Cuts/Access:

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

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

10. Will require engineering ASPR.

Drainage:

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

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

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

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

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

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

City/County Fire Division:

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503.
- Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

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

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [PD 2024-004: Lamar](#)

Site Address/Location: 2899 LAMAR AVE
Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone
Future Land Use Designation: Low Intensity Commercial and Services (CSL)
Street Type: Parkway

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

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

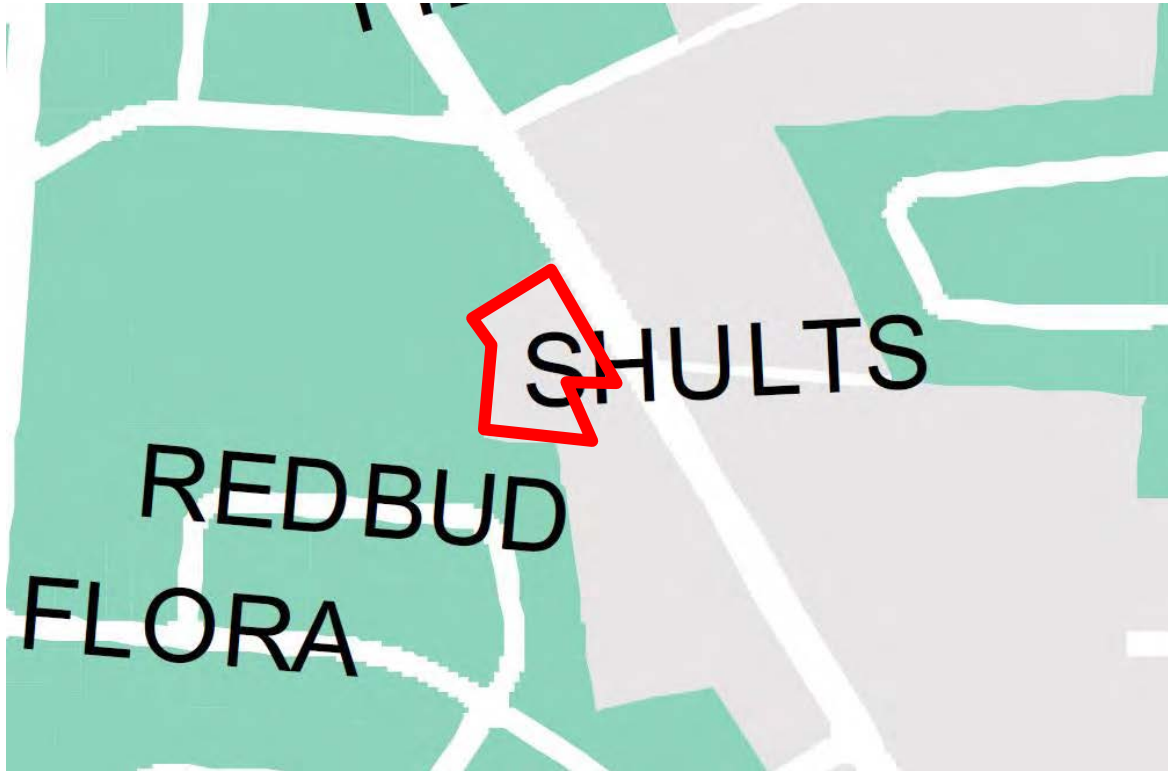
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

Adjacent Land Use and Zoning: Single-family, Commercial, and Vacant Land; CMU-1, RU-3 and EMP

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

3. Degree of Change Map



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

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

Consistency Analysis Summary

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

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

57 Notices Mailed on 05/17/2024.



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: PD 2024-004
LOCATION: 2899 Lamar Avenue
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Dejior Smith
REQUEST: Amendment to the Lamar Crossing PD to allow mini-storage

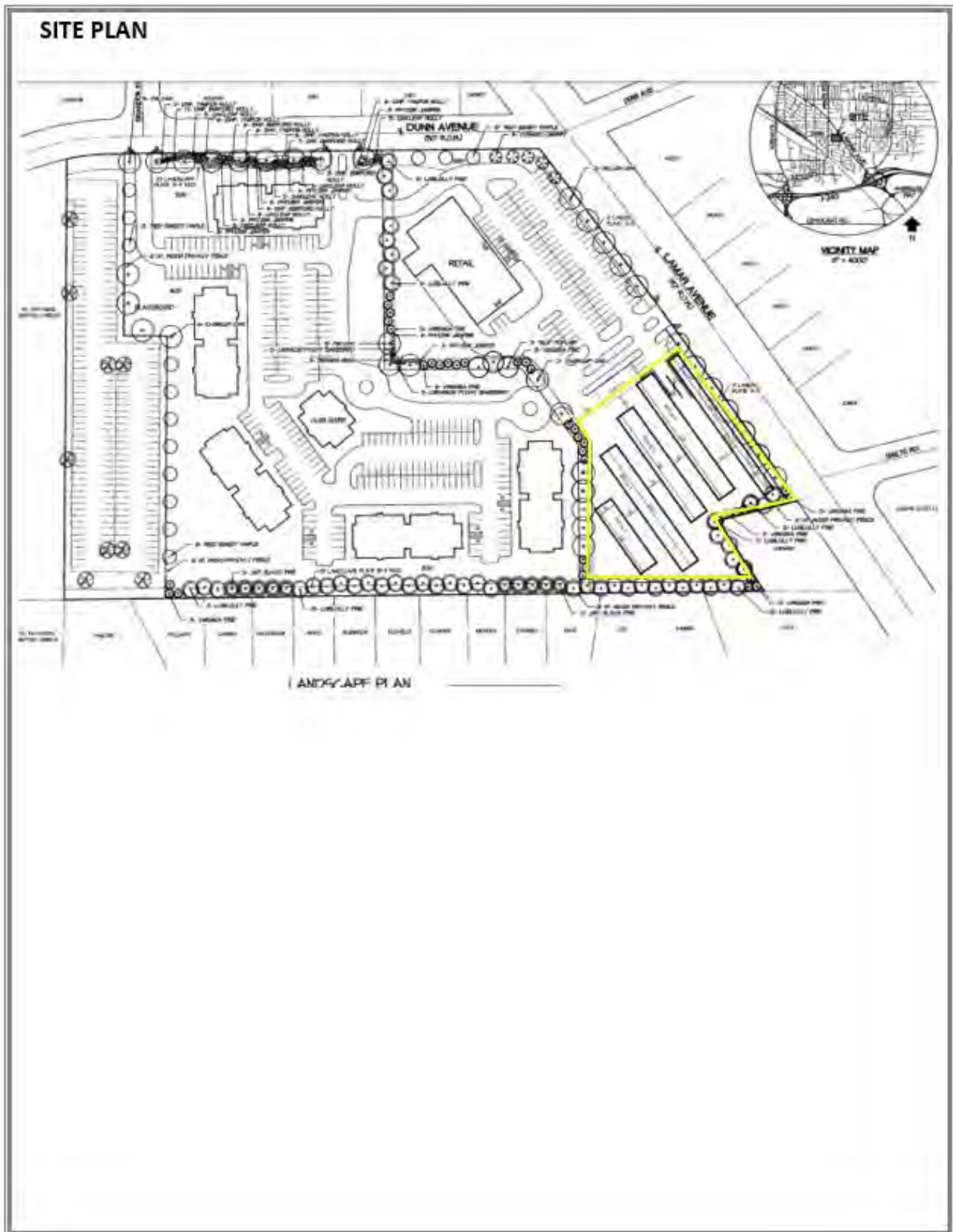
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, June 13, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

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

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 5, 2024, at 8 AM**.



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, DELNOR SMITH, being duly sworn, depose and say that at 2:00 PM am/pm on the 30 day of MAY, 2024, I posted 2 Public Notice Sign(s) pertaining to Case No. PD 2024-004 at 2899 LAMAR AVE.

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

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

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

Delnor Smith
Owner, Applicant or Representative

5-30-24
Date

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

Wendy Mosley
Notary Public

My Commission Expires **June 28, 2027**

My commission expires: _____



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 Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: April 7, 2024

Record Number: PD 2024-004

Expiration Date:

Record Name: SELF STORAGE - JUNE LUCB

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

Parent Record Number:

Address:

2899 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary Owner Name
Y LAMAR INC

Owner Address
837 AVENUE Z, BROOKLYN, NY 11235

Owner Phone:

Parcel Information

059021 00051

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner: ALEXIS LONGSTREET
Date of Meeting: 11/01/2023
Pre-application Meeting Type: Phone

GENERAL PROJECT INFORMATION

Planned Development Type: Amendment to Existing PD
Previous Docket / Case Number: PD 06-313
Medical Overlay / Uptown: No

GENERAL PROJECT INFORMATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION - THE TRACT IS NOT LOCATED IN UNINCORPORATED SHELBY COUNTY

Is this application in response to a citation, stop work order, or zoning letter

No

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

SEE ATTACHED PDF FILE OF THE APPLICATION

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9B

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9C

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9D

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9E

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9F

SEE ATTACHED PDF FILE OF THE APPLICATION

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

SEE ATTACHED PDF FILE OF THE APPLICATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION

GENERAL PROVISIONS

elements

F) Lots of record are created with the recording of a planned development final plan SEE ATTACHED PDF FILE OF THE APPLICATION

GIS INFORMATION

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

Contact Information

Name

DELINOR DELINOR, SMITH

Contact Type

APPLICANT

Address

Phone

(190)169-0394

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1553561	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	04/07/2024
1553561	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	04/07/2024

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$1,539.00

Method of Payment

Credit Card

OWNER AFFIDAVIT

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, MUHAMMAD U. NAWID, MUN, state that I have read the definition of LAMAR INC
(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 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 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 08th day of April in the year of 2024.

Tanweer A. Khan
Signature of Notary Public

My Commission Expires
05/31/2027

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

LETTER OF INTENT

Dear Zoning Department,

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

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

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

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

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

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

Sincerely,

Muhammad U Nawid

LETTERS RECEIVED

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



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: November 9, 2023

Record Number: PD 2023-028

Expiration Date:

Record Name: SELF STORAGE

Description of Work: DRIVE UP SELF STORAGE OR MINI STORAGE

Parent Record Number: MJR 2023-037

Address:

2899 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary Owner Name

Y LAMAR INC

Owner Address

837 AVENUE Z, BROOKLYN, NY 11235

Owner Phone

Parcel Information

059021 00051

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

LUCAS SKINNER

Date of Meeting

09/08/2022

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A SEE APPLICATION
UDC Sub-Section 9.6.9B SEE APPLICATION
UDC Sub-Section 9.6.9C SEE APPLICATION
UDC Sub-Section 9.6.9D SEE APPLICATION
UDC Sub-Section 9.6.9E SEE APPLICATION
UDC Sub-Section 9.6.9F SEE APPLICATION

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A SEE APPLICATION
B) An approved water supply, community waste 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 SEE APPLICATION
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 SEE APPLICATION
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest SEE APPLICATION
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements SEE APPLICATION
F) Lots of record are created with the recording of a planned development final plan SEE APPLICATION

GIS INFORMATION

Central Business Improvement District No

GIS INFORMATION

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

Contact Information

Name

MUHAMMAD U NAWID

Contact Type

APPLICANT

Address

Phone

(917)690-8686

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Sincerely,

Muhammad U Nawid

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

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

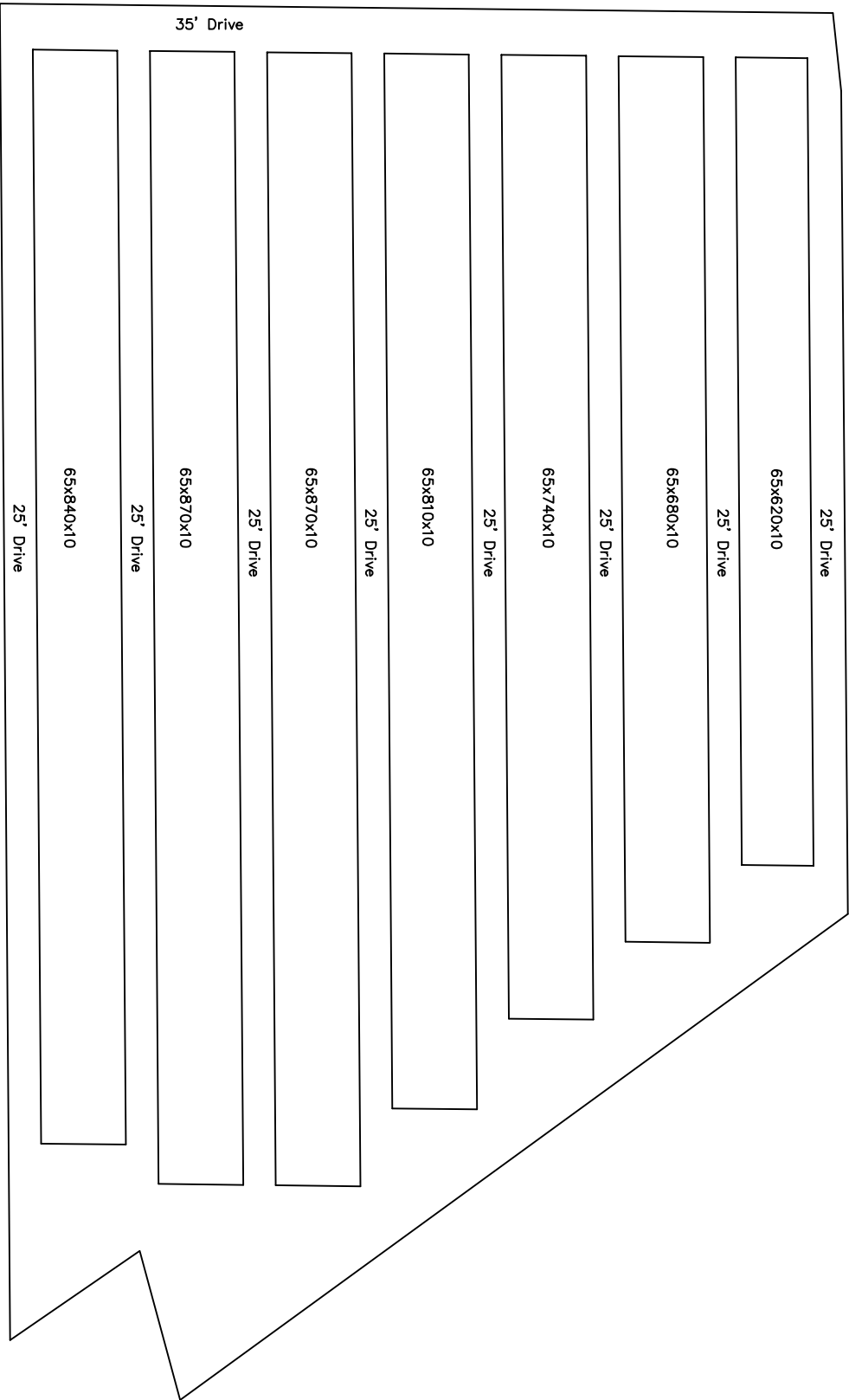
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate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

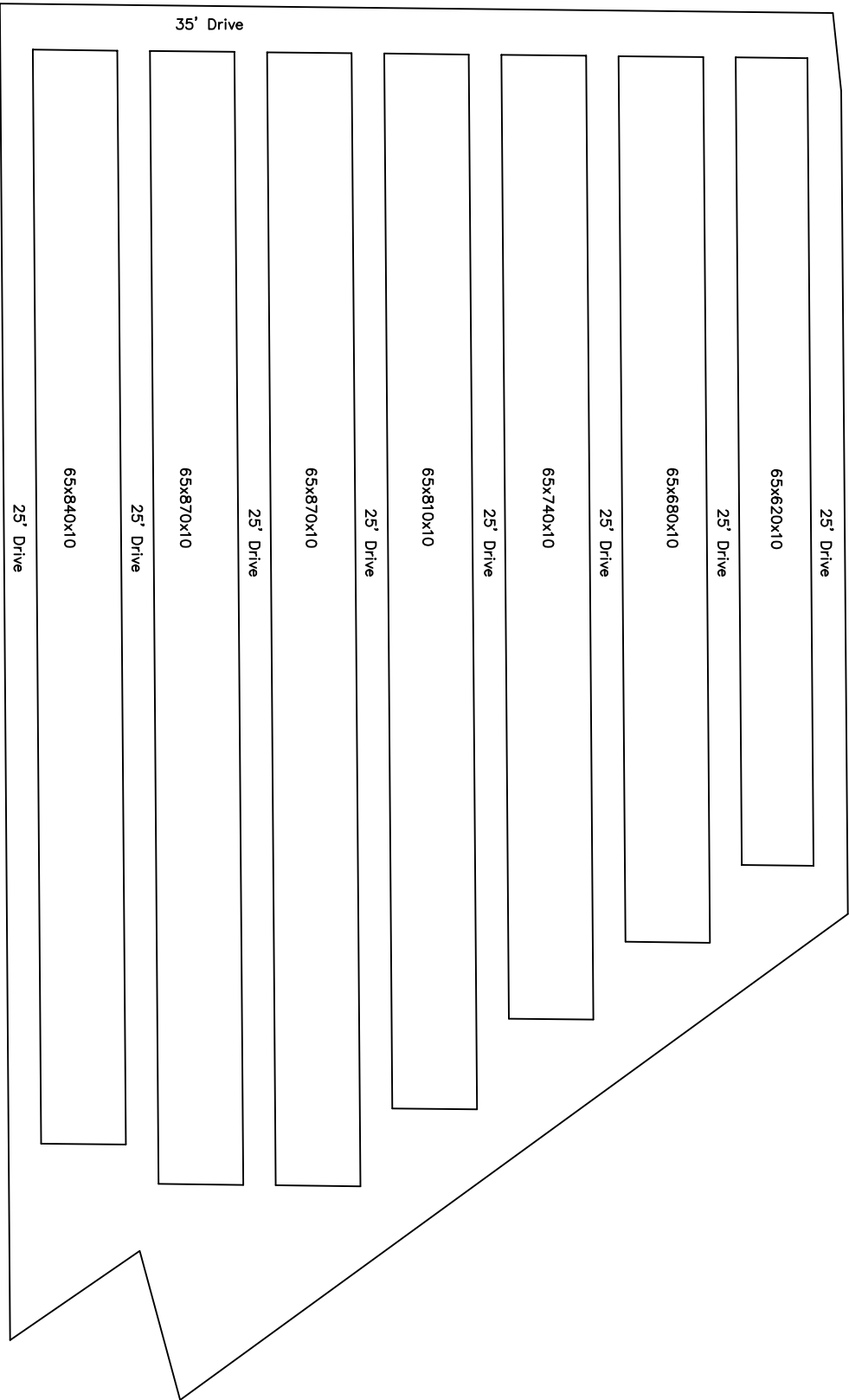
of the property located at _____
and further identified by Assessor's Parcel Number _____,
for which an application is being made to the Division of Planning and Development.

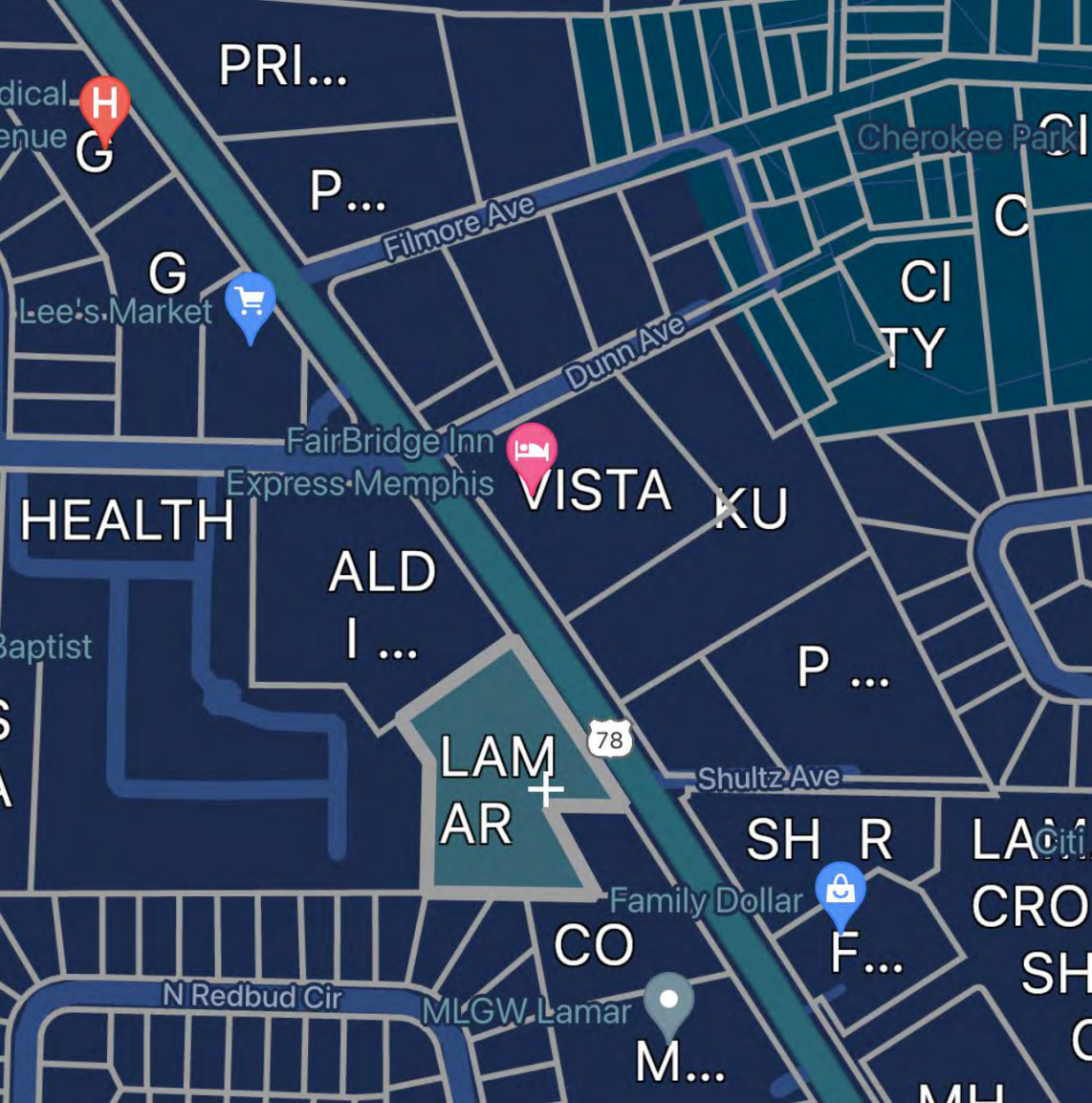
Subscribed and sworn to (or affirmed) before me this _____ day of _____ in the year of _____.

Signature of Notary Public

My Commission Expires







PRI...

Medical
avenue
G

P...

Filmore Ave

Cherokee Park

G

Lee's Market



Dunn Ave

CITY

FairBridge Inn
Express-Memphis



VISTA KU

HEALTH

ALD

Baptist

P...

78

LAM
AR

Shultz Ave

SH R

LA

Family Dollar



F...

CRO

SH

N Redbud Cir

MLGW Lamar

CO


M...

MH



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.

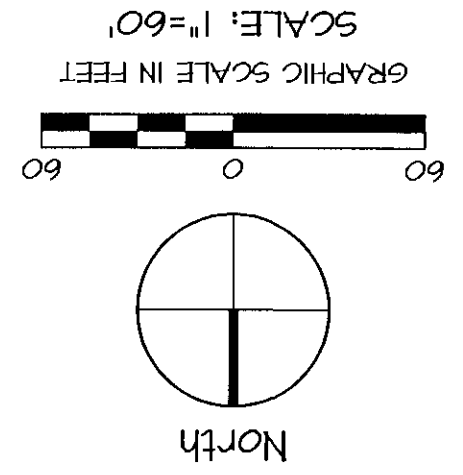
	
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LIZ 445260-6177206	
PLAT BOOK : 229	
PAGE : 39	
RECORDING FEE	15.00
DP FEE	2.00
TOTAL AMOUNT	17.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

OUTLINE PLAN
P.D. 06-313
LAMAR CROSSING P.D.
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
13.5 ACRES ON LAMAR AVENUE
MEMPHIS, TENNESSEE
OCTOBER, 2006

The Firm
Reaves
INCORPORATED

Planning
Engineering
Landscape Architecture
Land Surveying

5118 Park Avenue, Suite 400 Memphis, TN 38117
Phone: 901.761.2016 Fax: 901.761.2047
www.reavesfirm.com



REGISTER OF DEEDS, SHARPE COUNTY, TENNESSEE

TOM LEATHERWOOD

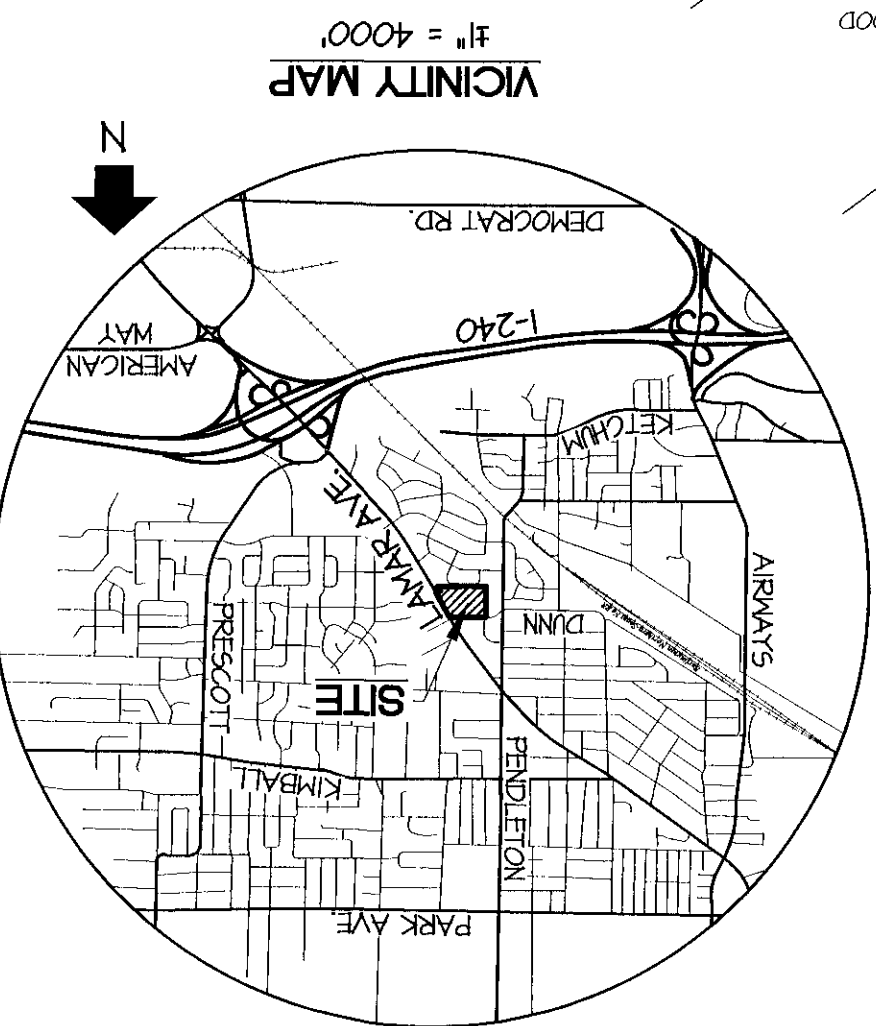
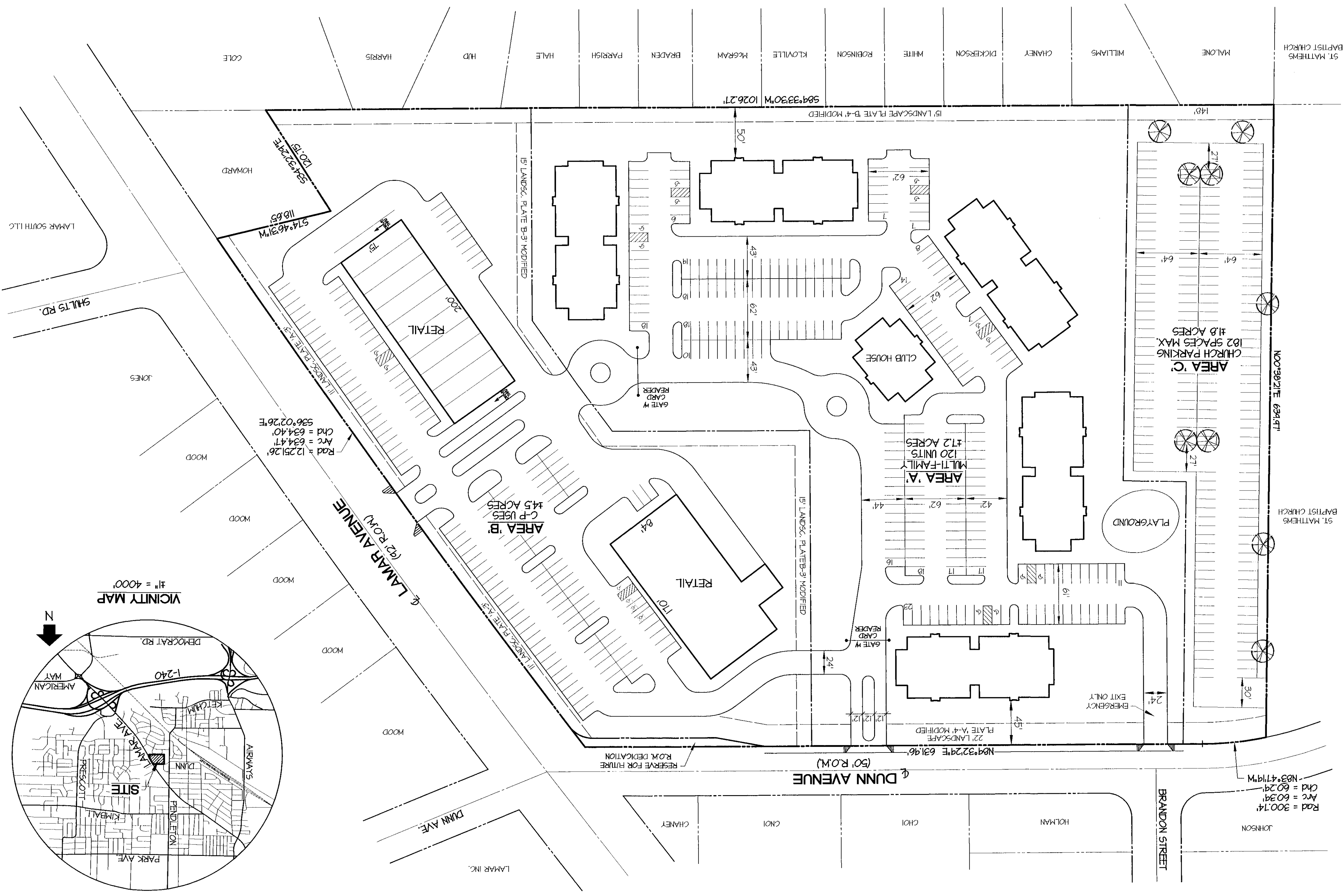
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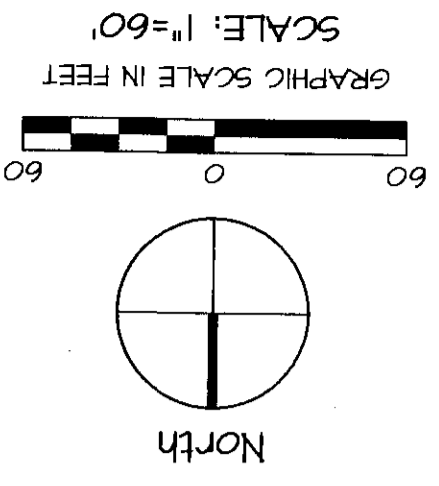
"NO BUILDING PERMIT SHALL BE ISSUED AS A RESULT OF THE RECORDING OF THIS PLAT"

CONCEPTUAL SITE PLAN



NO BUILDING PERMIT SHALL BE ISSUED AS A RESULT OF THE RECORDING OF THIS PLAT

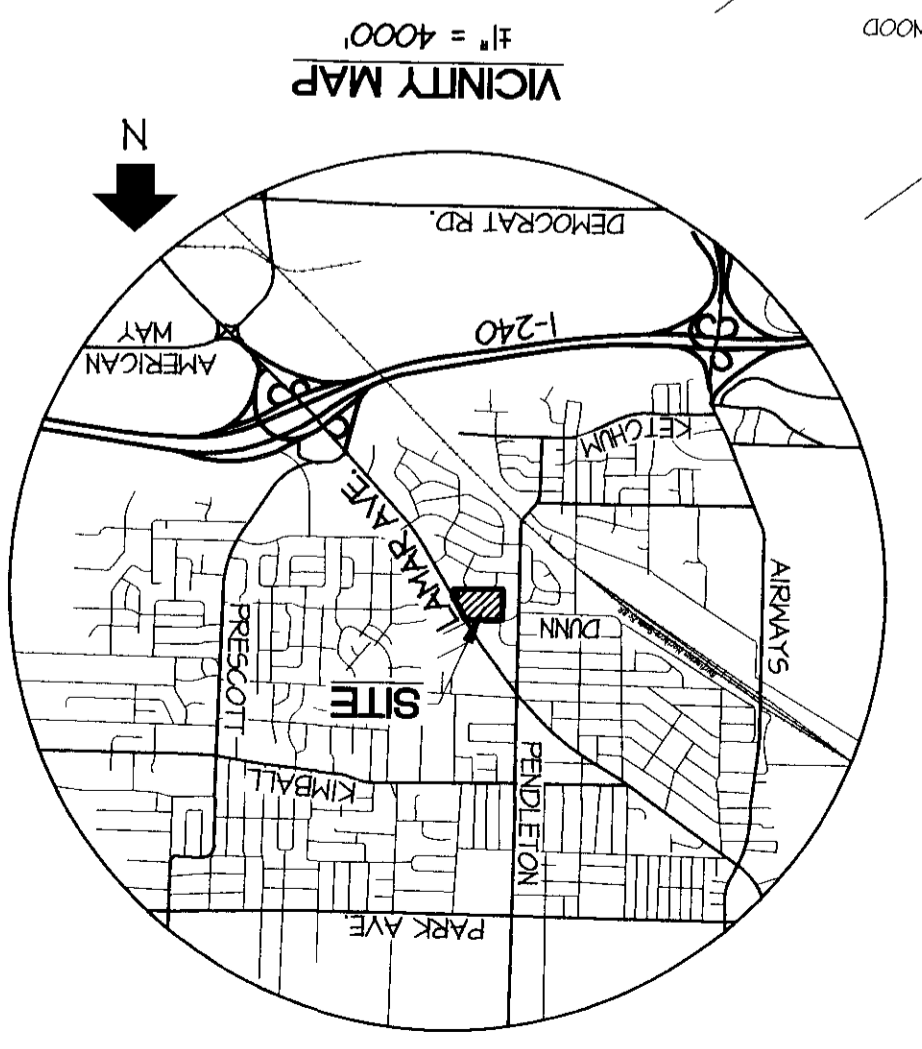
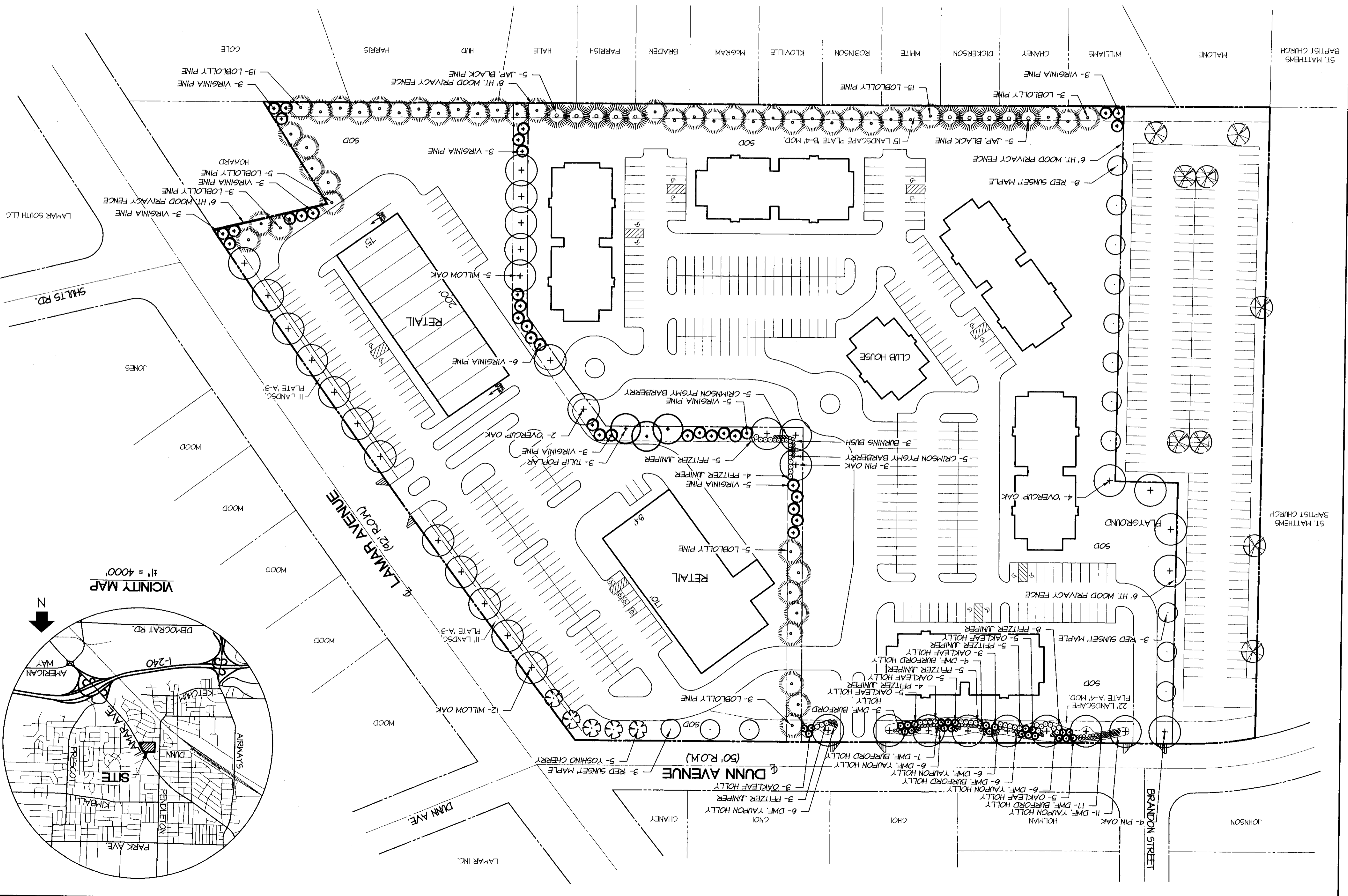
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 REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
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The Reaves Firm
 INCORPORATED
 Planning
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OUTLINE PLAN
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 13.5 ACRES ON LAMAR AVENUE
 MEMPHIS, TENNESSEE
 OCTOBER, 2006
 SHEET 2 OF 4

LANDSCAPE PLAN



I. Uses Permitted:

- A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
- B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

II. Bulk Regulations:

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

III. Access, Circulation and Parking:

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

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A'. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8) feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

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

IX. Any final plan shall include the following:

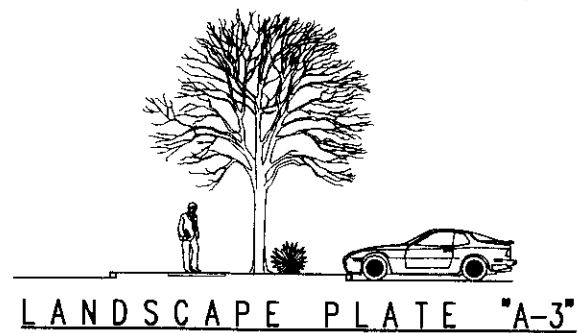
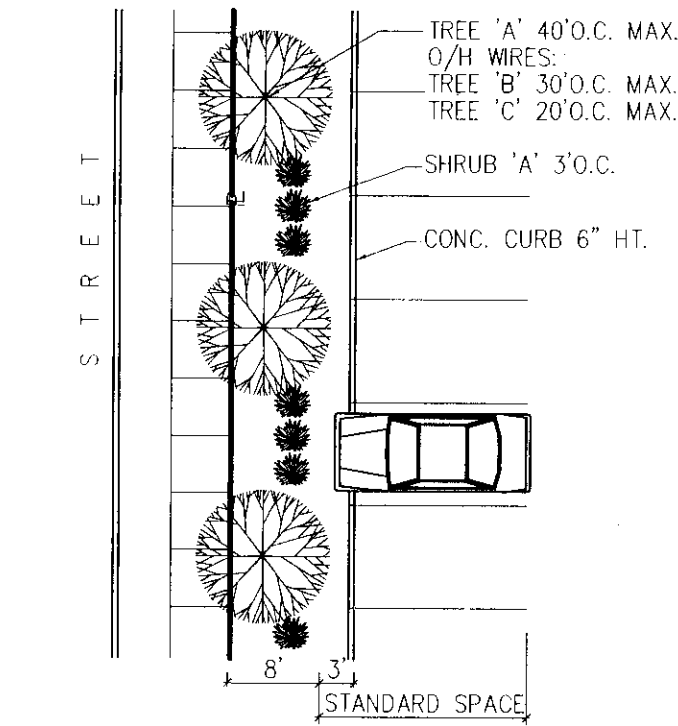
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

" NO BUILDING PERMIT SHALL BE
ISSUED AS A RESULT OF THE
RECORDING OF THIS PLAT "

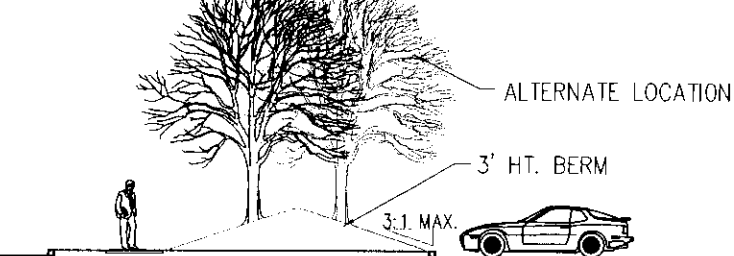
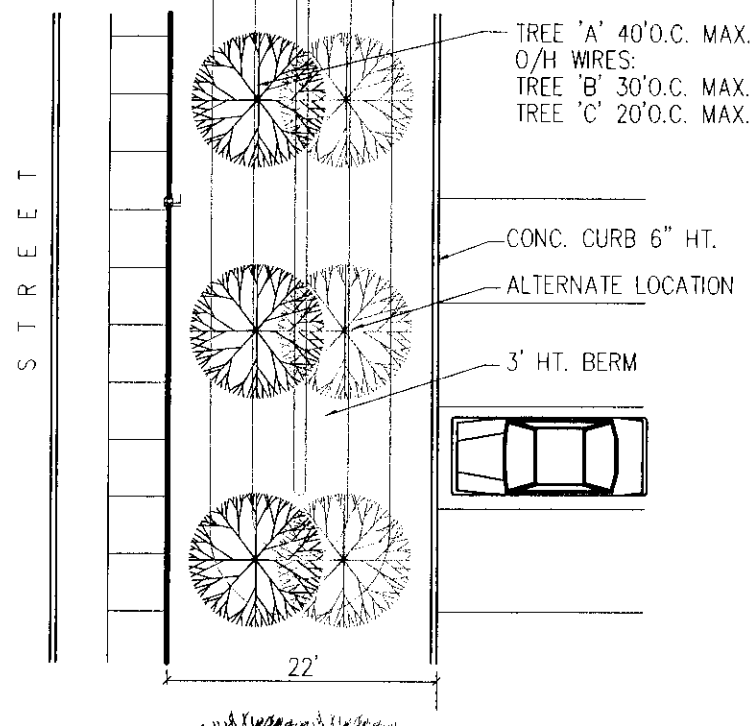
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TOM LEATHERWOOD
REGISTER OF DEEDS SHREVEPORT, TENNESSEE



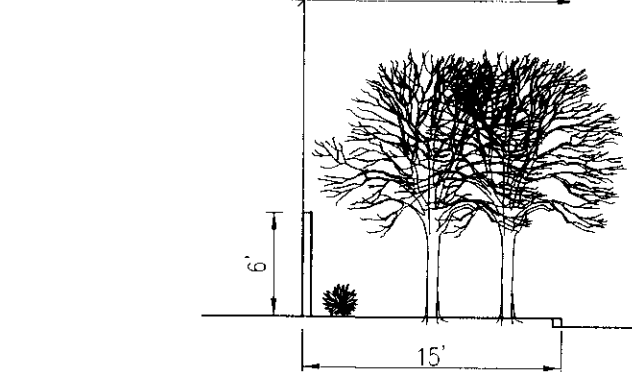
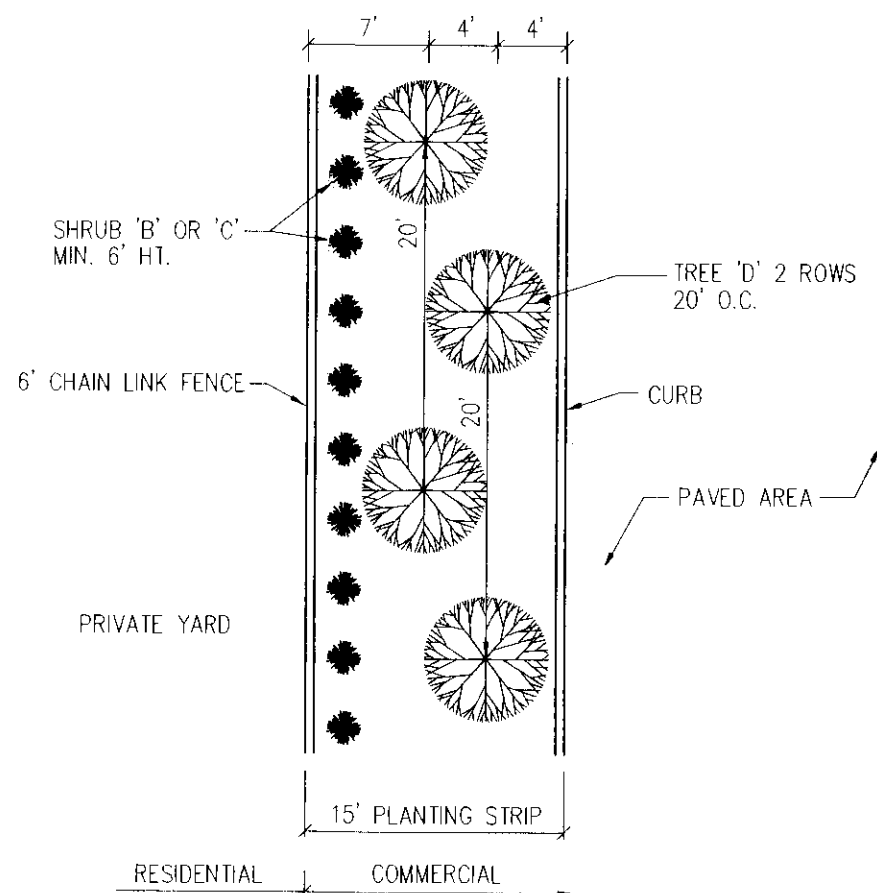
OUTLINE PLAN P.D. 06-313
LAMAR CROSSING P.D.
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
13.5 ACRES ON LAMAR AVENUE
MEMPHIS, TENNESSEE
OCTOBER, 2006 SHEET 3 OF 4



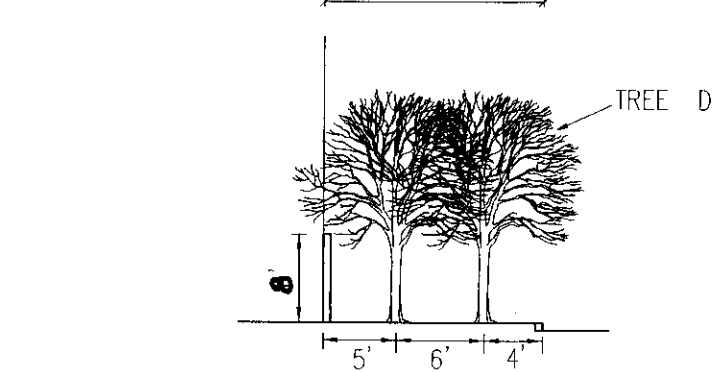
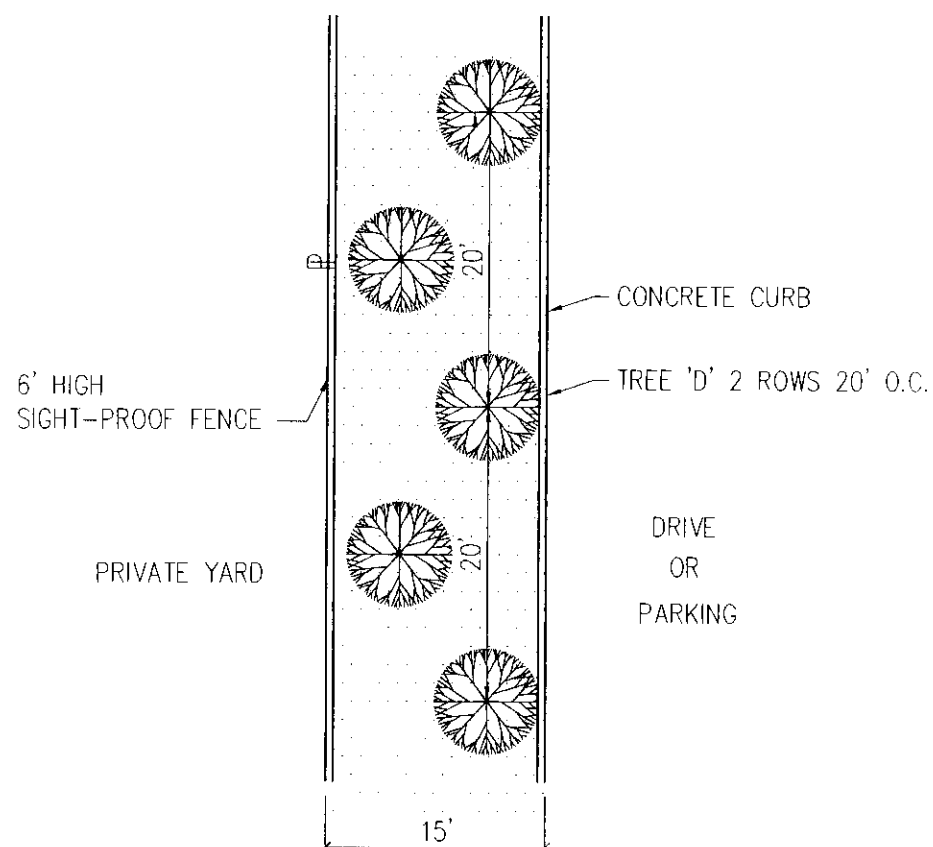
LANDSCAPE PLATE "A-3"



LANDSCAPE PLATE "A-4"



LANDSCAPE PLATE "B-3"



LANDSCAPE PLATE "B-4"

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

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

By: Mary D. Baker Date: 10/30/06
Director, Office of Planning and Development

OWNER'S CERTIFICATE

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

[Signature]
Signature

NOTARY'S CERTIFICATE

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared PRESTON BYRD with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be CHIEF MANAGER of the HORIZON HOLDING COMPANY LLC the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 30th day of OCTOBER, 2006.

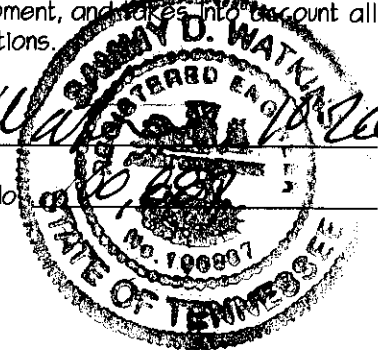
Notary Public [Signature]
My Commission Expires NOV 01 2008



ENGINEER'S CERTIFICATE

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

By: [Signature]
Tennessee Certificate No. 06177206



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10/30/2006 11:35 AM
PLAT BOOK : 229
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OF FEE 2.00
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REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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MEMPHIS, TENNESSEE
OCTOBER, 2006 SHEET 4 OF 4

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Tom Leatherwood
Shelby County Register

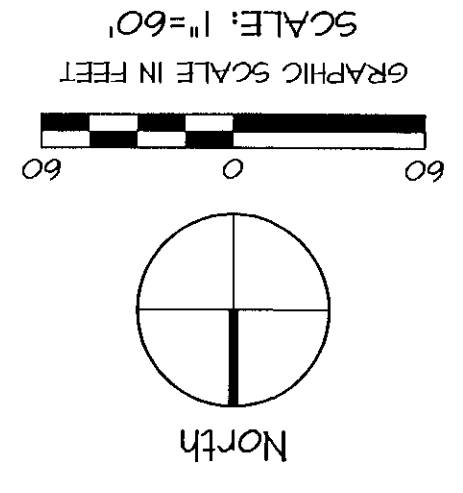
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The Firm
 Reaves
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5118 Park Avenue, Suite 400 Memphis, TN 38117
 Phone: 901.751.2016 Fax: 901.751.2047
 www.reavesfirm.com



TOM LEATHERWOOD
 REGISTER OF DEEDS SHALY COUNTY TENNESSEE

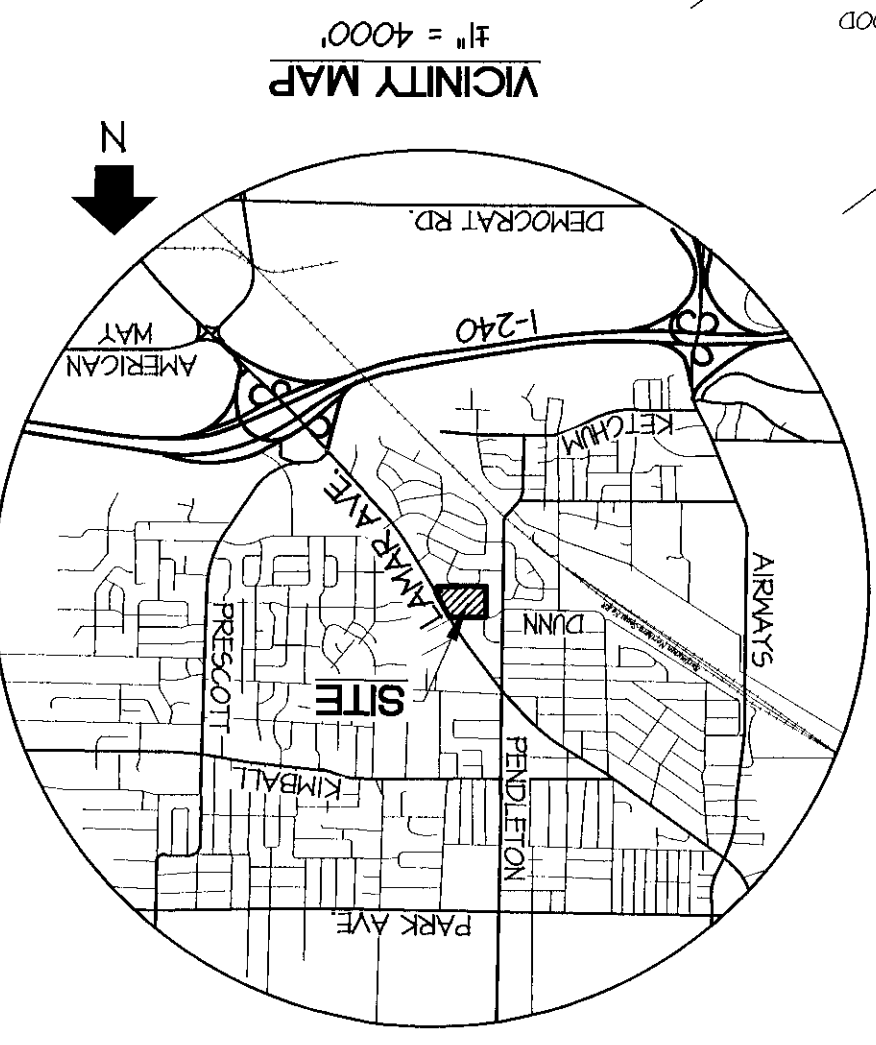
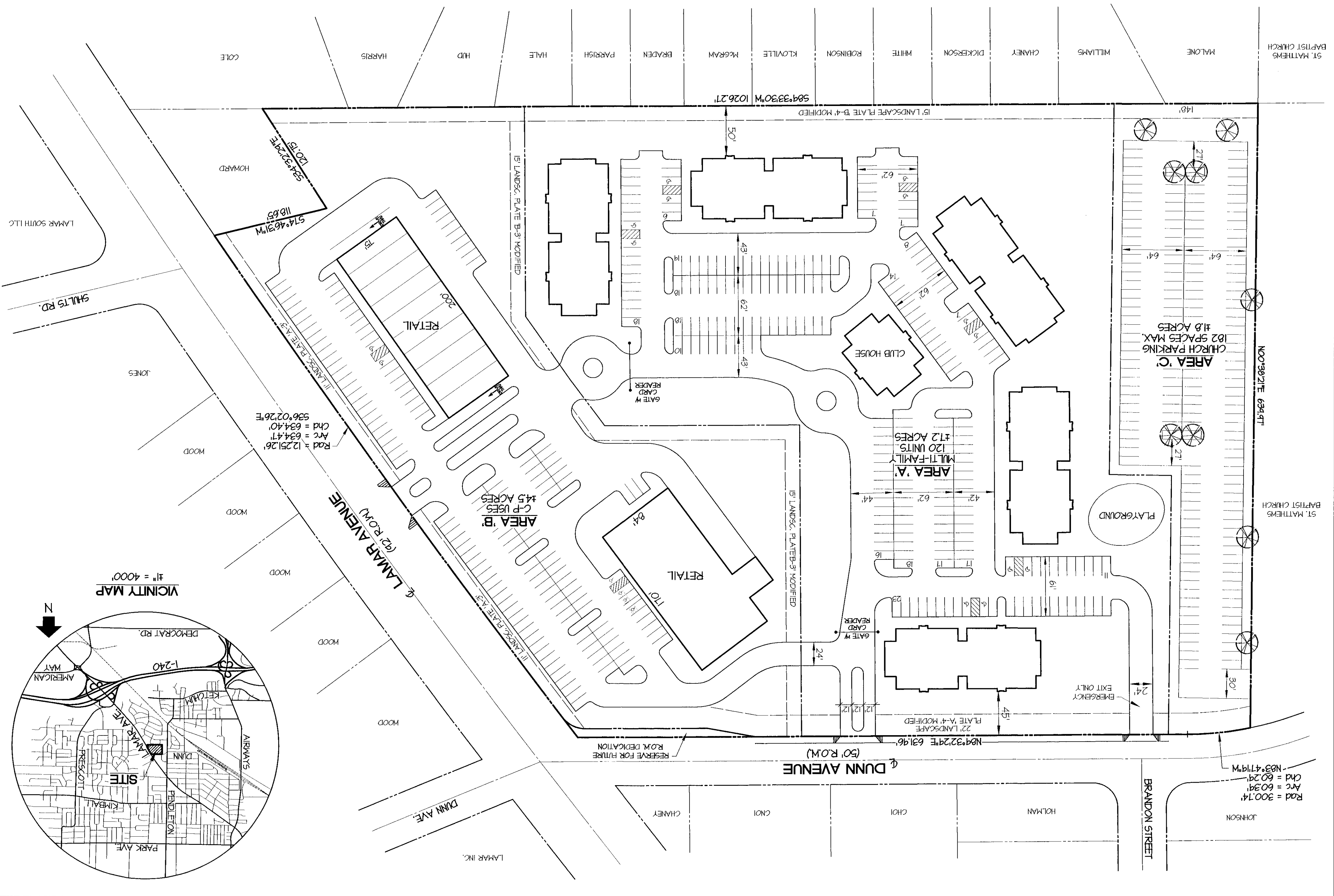
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"NO BUILDING PERMIT SHALL BE
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CONCEPTUAL SITE PLAN



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- A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
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- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.

III. Access, Circulation and Parking:

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

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A'. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8) feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

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

IX. Any final plan shall include the following:

- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

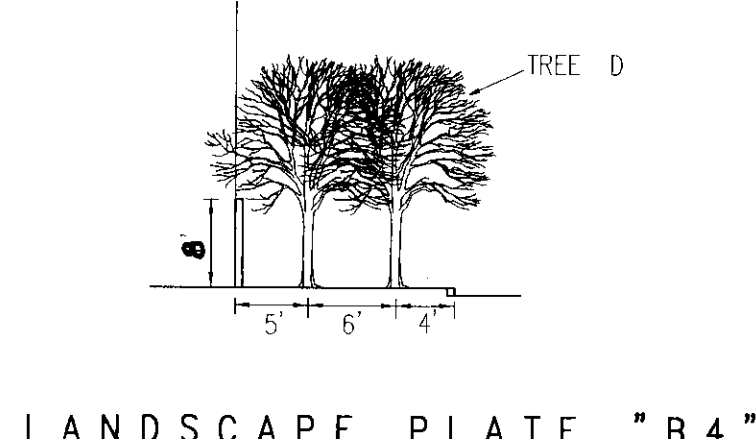
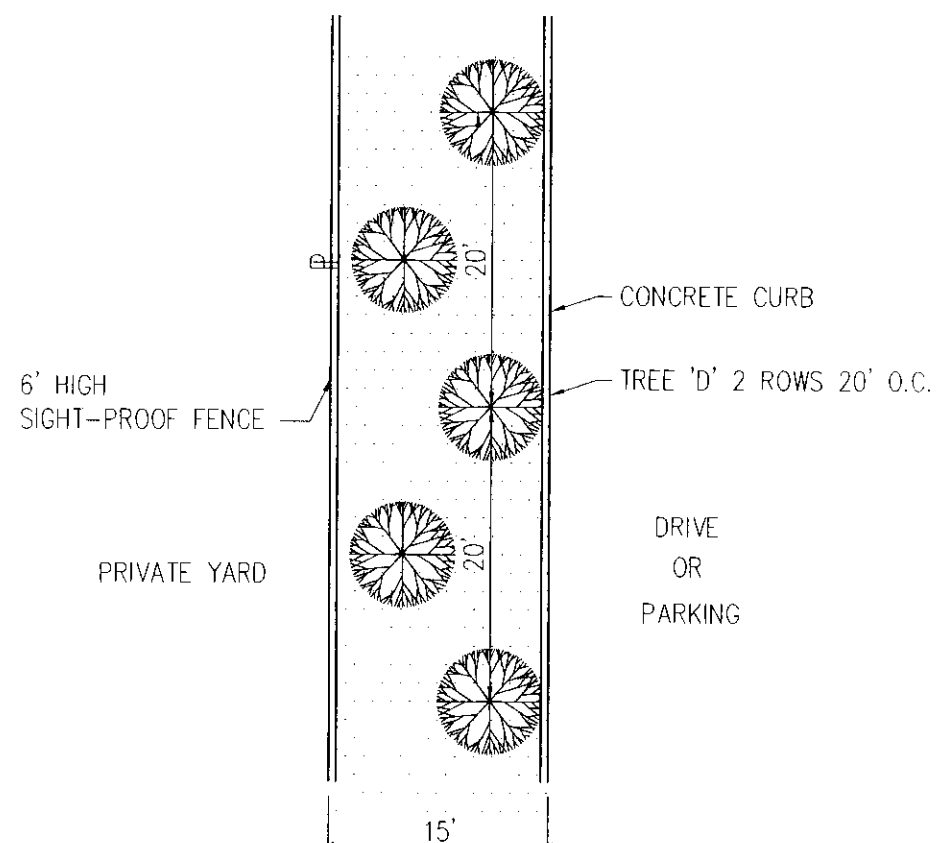
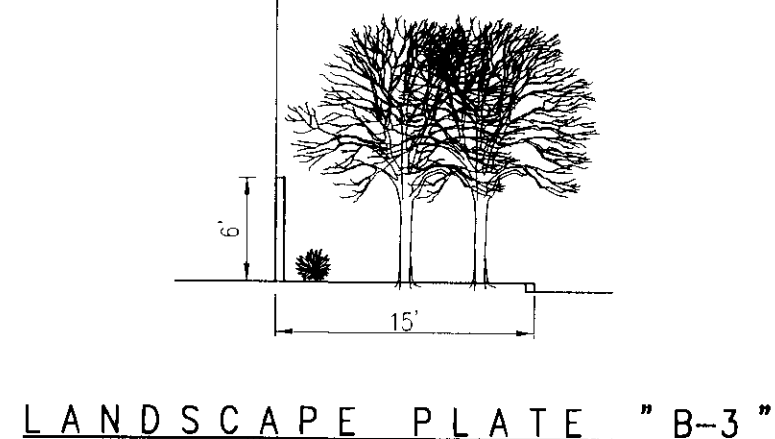
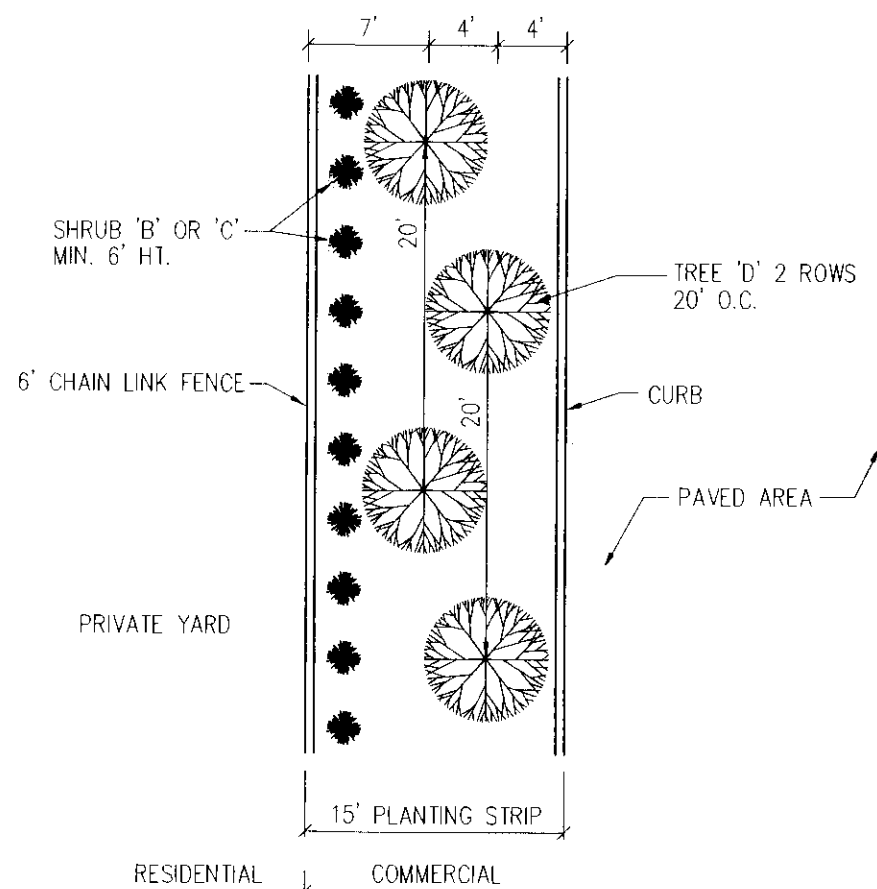
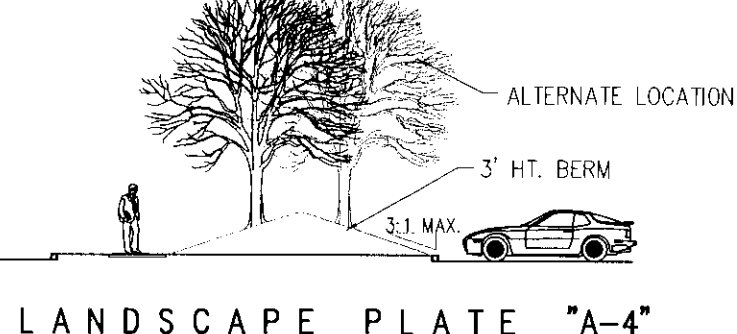
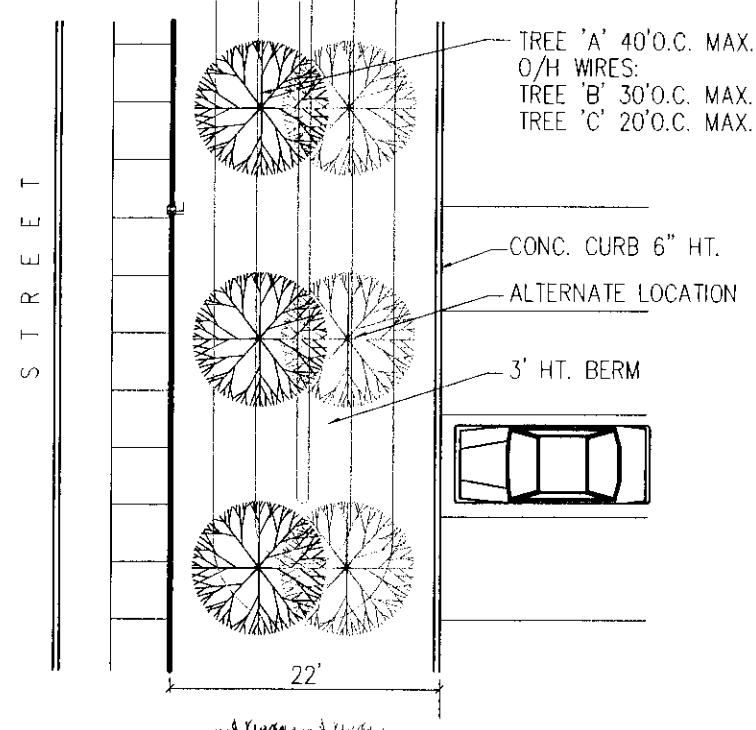
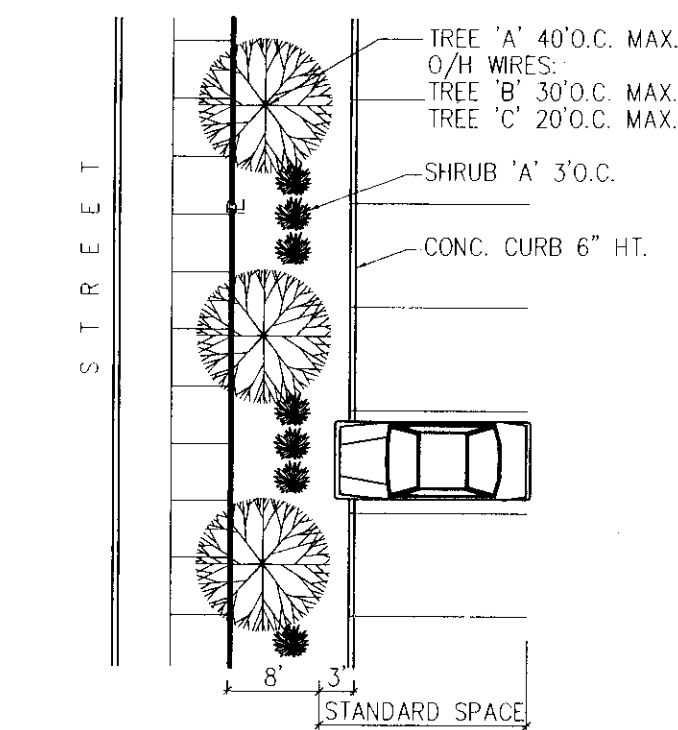
" NO BUILDING PERMIT SHALL BE
ISSUED AS A RESULT OF THE
RECORDING OF THIS PLAT "

06177206
10/30/2006 - 11:35 AM
4 PGS : R - PLAT
LIS 445260-6177206
PLAT BOOK : 229
PAGE : 39
RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHREVEPORT, TENNESSEE



OUTLINE PLAN P.D. 06-313
LAMAR CROSSING P.D.

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



OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

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

By: Mary D. Baker Date: 10/30/06
Director, Office of Planning and Development

OWNER'S CERTIFICATE

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

Signature

NOTARY'S CERTIFICATE

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared PRESTON BYRD with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be CHIEF MANAGER of the HORIZON HOLDING COMPANY LLC, the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 30th day of OCTOBER, 2006.

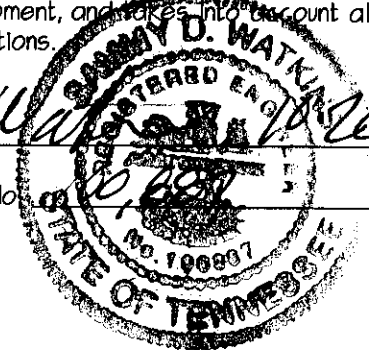
Notary Public Harry Lee Dool
My Commission Expires NOV 01 2008



ENGINEER'S CERTIFICATE

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

By: Sammy D. Watkins
Tennessee Certificate No. 06177206



06177206
10/30/2006 11:35 AM
PLAT BOOK : 229
PAGE : 39
RECORDING FEE 15.00
OF FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

The Reaves Firm INCORPORATED
Planning Engineering Landscape Architecture Land Surveying
5118 Park Avenue, Suite 400 Memphis, TN 38117
Phone: 901.761.2016 Fax: 901.763.2847
www.ReavesFirm.com

OUTLINE PLAN P.D. 06-313
LAMAR CROSSING P.D.
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
13.5 ACRES ON LAMAR AVENUE
MEMPHIS, TENNESSEE
OCTOBER, 2006
SHEET 4 OF 4



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.

20026259

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

3 PGS

LACY 1992319-20026259

VALUE	140000.00
MORTGAGE TAX	0.00
TRANSFER TAX	518.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	538.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

PREPARED BY: Home Surety Title & Escrow, LLC, 5583 Murray Road, Suite 120, Memphis, TN 38119, (901) 737-2100, File No.: 201281

WARRANTY DEED

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

Sherman Cole and Thomas L. Cole, an undivided 1/2 interest each as tenants in common, party of the first part, and Lamar Inc., a Tennessee corporation, party of the second part,

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

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

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

This conveyance is made subject to:

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

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

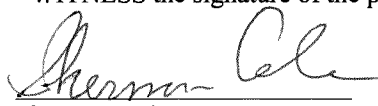
Easements recorded at Instruments E6 6980, T2 1290, 07010137, 12057432 and 15024820; and Book 2031, Page 191; Book 3027, Page 37; Book 3783, Page 633; Book 3799, Page 592; Book 3799, Page 594; and Book 5084, Page 100 as shown in the Register's Office of Shelby County, Tennessee.

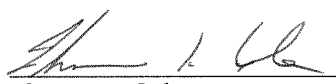
Outline Plan of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 34; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

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

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

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


Sherman Cole


Thomas L. Cole

20-00073

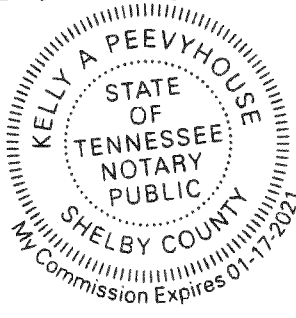
State of Tennessee

County of Shelby

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

WITNESS my hand and seal this 28th day of February, 2020.

Kelly A. Peevyhouse
Notary Public
My Commission Expires:



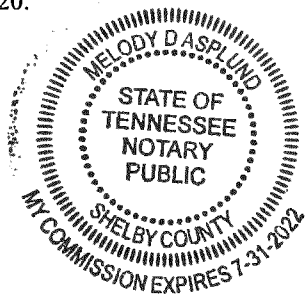
State of: Tennessee
County of: Shelby

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

Debra L. Keen
Affiant

Subscribed and sworn to before me this the 3 day of March ~~February~~ 2020.

Melody Dasplund
Notary Public
My Commission Expires:

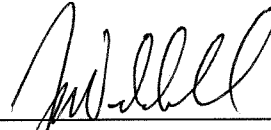


Property Owner & Address:
& Mail Tax Bills To:
Lamar Inc.
837 Avenue Z
Brooklyn, NY 11235

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

After recording, return to:

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

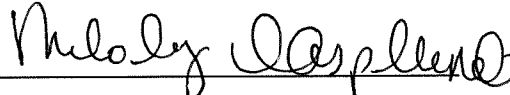


J. Seth Waddell

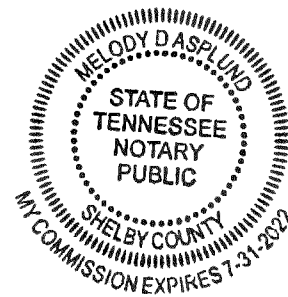
State of Tennessee

County of Shelby

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



Notary's Signature



GARCIA JOSE A
2903 MONTAGUE AVE #
MEMPHIS TN 38114

THOMAS JUANDA J
2821 REDBUD CL #
MEMPHIS TN 38114

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

ROBINSON LINDA
2832 N REDBUD CIR #
MEMPHIS TN 38114

MYERS MATTIE
5075 ROYSTON LN #
MEMPHIS TN 38125

JAMERSON CLARA
2854 FLORA AVE #
MEMPHIS TN 38114

WILLIAMS JANICE
2826 N REDBUD CIR #
MEMPHIS TN 38114

EVANS LILLIE G
2833 REDBUD CL #
MEMPHIS TN 38114

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

WHITE GWENDOLYN Y
2820 N REDBUD CIR #
MEMPHIS TN 38114

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

TAO JENKANG
22 CHESTNUT PL #
BROOKLINE MA 2445

HANEY JAMES C
3617 PHILSDALE AVE #
MEMPHIS TN 38111

CLARK AND LANGE LLC
4745 POPLAR AVE #
MEMPHIS TN 38117

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

ALDI INC
PO BOX 460049 #
HOUSTON TX 77056

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

HIATT HAROLD & TAMMY
385 KNOCO CV #
EADS TN 38028

LAMAR INC
837 AVENUE Z #
BROOKLYN NY 11235

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

BROAD ST LLC
2595 BROAD AVE #
MEMPHIS TN 38112

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

WILLIAMS EVERLINA
2865 REDBUD CIR #
MEMPHIS TN 38114

REALTY INCOME PROPERTIES 30 LLC
11995 EL CAMINO REAL #
SAN DIEGO CA 92130

PRUITT DORIS H
2067 REDBUD CIR #
MEMPHIS TN 38114

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

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

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

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

June 13, 2024

Delinor Smith, Smith Building Design

Sent via electronic mail to: dsmith920@comcast.net

Lamar Crossing Planned Development Amendment – Self Storage

Case Number: PD 2024-004

LUCB Recommendation: Rejection

Dear applicant,

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

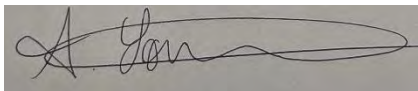
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Alexis Longstreet

Planner I

Land Use and Development Services

Division of Planning and Development

Letter to Applicant
PD 24-004

Cc:

File

Letter to Applicant

PD 24-004

Outline Plan Conditions – Revisions

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

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

I. Uses Permitted:

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

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

II. Bulk Regulations:

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

Letter to Applicant
PD 24-004

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
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Letter to Applicant
PD 24-004

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- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

Letter to Applicant
PD 24-004

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

IX. Any final plan shall include the following:

- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 01/07/2025
DATE**

**PUBLIC SESSION: 01/21/2025
DATE**

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 2401 Harbor Avenue., known as case number SUP 2024-045

CASE NUMBER: SUP 2024-045

LOCATION: 2401 Harbor Ave.

COUNCIL DISTRICTS: District 6 and Super District 8

OWNER/APPLICANT: First Harbor Property LLC

REPRESENTATIVE: Roy Lamica, EFI Global

REQUEST: To allow a grease recycling facility in the Heavy Industrial (IH) zoning district

AREA: +/-5.92 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 – January 21, 2025

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
12/14/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

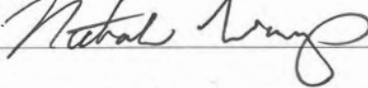
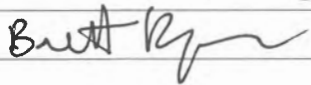
FUNDING:

(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>
	12-20-24	PLANNER II
		DEPUTY ADMINISTRATOR
	12/20/24	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-045

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

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024-045

LOCATION: 2401 Harbor Avenue

COUNCIL DISTRICT(S): District 6 and Super District 8

OWNER/APPLICANT: First Harbor Property LLC

REPRESENTATIVE: Roy Lamica, EFI Global

REQUEST: To allow a grease recycling facility

EXISTING ZONING: Heavy Industrial (IH)

AREA: +/-5.92 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,



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

Cc: Committee Members
File

SUP 2024-045

CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS

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

ATTEST:

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

AGENDA ITEM: 16 **L.U.C.B. MEETING:** December 12, 2024
CASE NUMBER: SUP 2024-045
LOCATION: 2401 Harbor Ave.
COUNCIL DISTRICT: District 6 and Super District 8
OWNER/APPLICANT: First Harbor Property LLC
REPRESENTATIVE: Roy Lamica, EFI Global
REQUEST: Request for Special Use Permit for a recycling facility.
EXISTING ZONING: Heavy Industrial (IH)

CONCLUSIONS

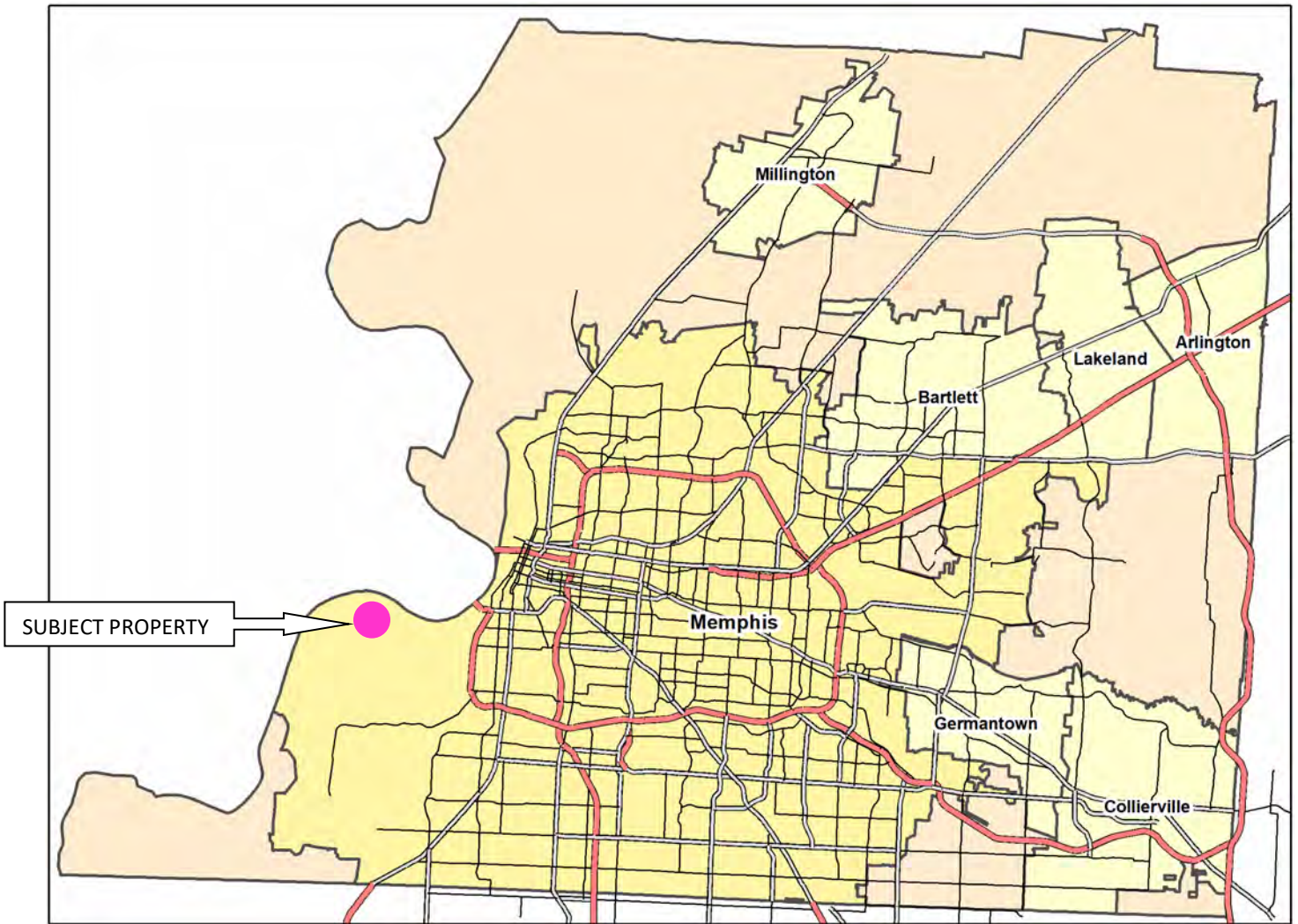
1. The applicant proposes to use a former lumber facility for grease recycling. They intend to use the property as-is and propose no site modifications/improvements.
2. The site is located on President's Island and is surrounded by industrial uses. Nearby uses include metal recycling, asphalt manufacturing,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

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

Approval with conditions



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 27 notices were mailed on November 11, 2024, see page 17 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 18 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

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



Subject property outlined in yellow, imagery from 2023



Subject property highlighted in yellow



Subject property indicated by a pink star



View of subject property from Harbor Ave looking Northeast



View of subject property from Harbor Ave looking Southeast


Search Details Layers

Property Details

Owner Name: FIRST HARBOR PROPERTY LLC
Property Address: 2401 HARBOR AVE
Parcel ID: 050116 00016C
Appraisal: \$761,400
Tax District: MEMPHIS
Tax Map: [162](#)
Year Built:
Lot Number:
Subdivision: MEMPHIS & SHELBY CNTY PORT COMM IND
Plat Book & Page : [UNKNOWN](#)
Dimensions: 5.92AC 500X516
Total Acres: 5.922
Owner Address: 1111 MCKENZIE DR
RUSSELLVILLE AR 72802 7977
Class: INDUSTRIAL
Use: - LUMBER SHED
Longitude:
Latitude:

[Appraisal Info](#)
[Memphis Tax Info](#)
[County Tax Info](#)
[Google View](#)
[Search Most Recent Property Records](#)

Inst# / Type [24043552](#) SPECIAL WARRANTY DEED
Sales Date/Price 05/24/2024 \$1,455,000
Inst# / Type [EP5438](#) WARRANTY DEED
Sales Date/Price 08/19/1994 \$248,667
Inst# / Type [DH4282](#) WARRANTY DEED



SITE PLAN

EXISTING SITE CONDITIONS



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

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

Request

New Special Use Permit to allow a recycling facility.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:
2401 Harbor Ave

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

Description:

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

Site Plan Review

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

Analysis

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

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

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

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

DEPARTMENTAL COMMENTS

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

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

CITY ENGINEERING COMMENTS

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

Drainage:

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

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

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 2024-045: South

Site Address/Location: 2401 HARBOR.

Overlay District/Historic District/Flood Zone: Not in any Overlay District, History District or Flood Zone

Future Land Use Designation: Industrial (I)

Street Type: N/A

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

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“I” Form & Location Characteristics

Industrial, 1-10 stories.

“I” Zoning Notes

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

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

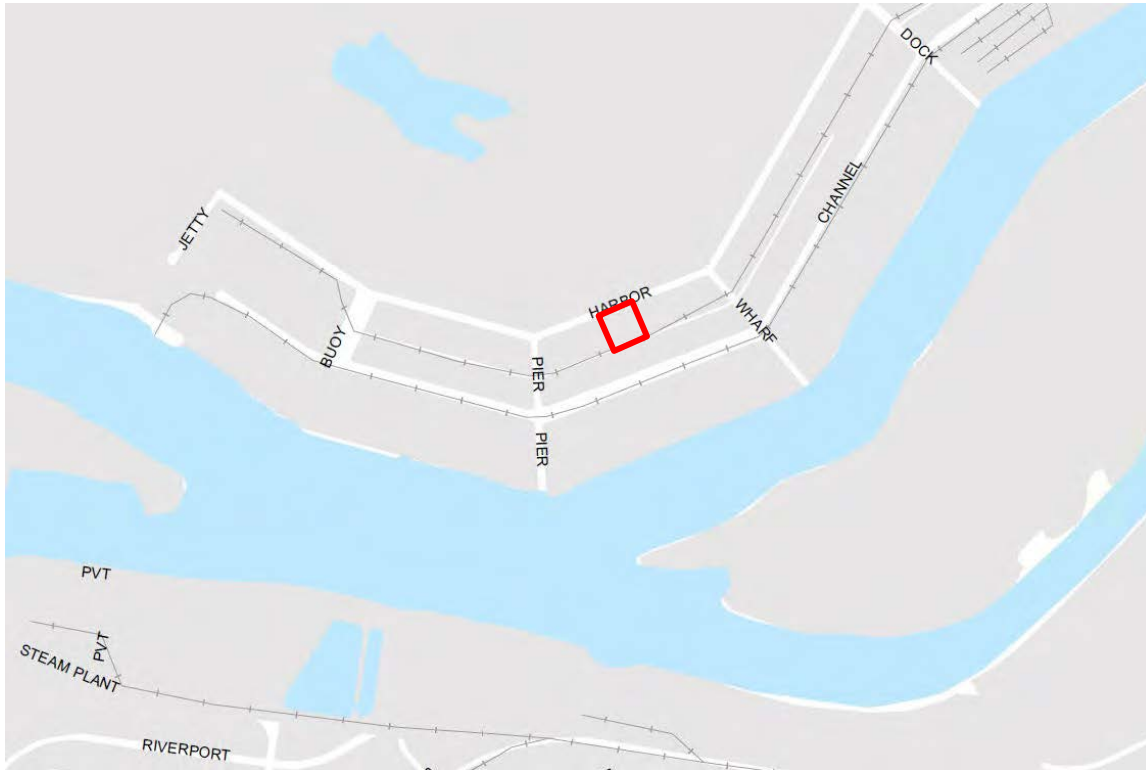
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Industrial, IH

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

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

3. Degree of Change Map



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

4. Degree of Change Description: NA

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

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

Consistency Analysis Summary

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

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

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

Summary Compiled by: Romana Haque Suravi, 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, December 4, 2024 at 8 AM.**

CASE NUMBER: SUP 2024-045
ADDRESS: 2401 Harbor Street
REQUEST: Special use permit to allow a recycling facility
APPLICANT: First Harbor Property LLC

Meeting Details

Location: Council Chambers City Hall 1st Floor 125 N Main St.	Time: 9:00 AM Date: Thursday, Dec. 12, 2024
--	--

Staff Planner Contact:
LaTonya Hull
✉ LaTonya.hull@memphistn.gov
☎ (901) 636-7179

VICINITY MAP



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



27 Notices Mailed 11/19/2024

AFFIDAVIT

Shelby County
State of Tennessee

I, Roy Lamica, being duly sworn, depose and say that at 3:00 am/pm on the 18th day of November, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. SUP 2024-045 at 2401 Harbor Avenue 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.

Roy Lamica
Owner, Applicant or Representative

11-22-24
Date

Subscribed and sworn to before me this 22nd day of November, 2024.

Lisa W. Turner
Notary Public

My commission expires: June 28, 2027





Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: November 7, 2024

Record Number: SUP 2024-045

Expiration Date:

Record Name: Mid-South Renewals Recycling Facility

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

Parent Record Number:

Address:

2401 HARBOR AVE, Memphis 38113

Owner Information

Primary Owner Name

Y FIRST HARBOR PROPERTY LLC

Owner Address

1111 MCKENZIE DR, RUSSELLVILLE, AR 72802

Owner Phone

Parcel Information

050116 00016C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Jeffrey Penzes

Date of Meeting

11/04/2024

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

-

Number(s) related to previous applications on
this site

Is this application in response to a citation, stop
work order, or zoning letter

No

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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

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

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

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

UDC Sub-Section 9.6.9C

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

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

This projects complies will all additional standards imposed.

UDC Sub-Section 9.6.9F

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

GIS INFORMATION

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

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

Data Tables

AREA INFORMATION

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

Contact Information

Name ROY LAMICA	Contact Type APPLICANT
Address	
Phone (901)355-1347	

Fee Information

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

Payment Information

Payment Amount \$564.30	Method of Payment Credit Card
-----------------------------------	---



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, Belz Investment Company LP Ronald A. Belz 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 Applying Farms Pkwy
and further identified by Assessor's Parcel Number 082011 00015
for which an application is being made to the Division of Planning and Development

Subscribed and sworn to (or affirmed) before me this 26th day of September in the year of 2023

MY COMMISSION EXPIRES

[Signature]
Signature of Notary Public

9/27/23
My Commission Expires

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



November 8, 2024

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

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

Dear Planning Staff:

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

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

Sincerely,

A handwritten signature in black ink that reads "Roy D. Lamica".

Roy D. Lamica, P.E.
EFI Global

LETTERS RECEIVED

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

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

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

Hi LaTonya

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

How do I find out more about First?

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

Thanks
Bruce Young
2408 Channel
901.619.4707



Memphis and Shelby County Division of Planning and Development

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

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: November 7, 2024

Record Number: SUP 2024-045

Expiration Date:

Record Name: Mid-South Renewals Recycling Facility

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

Parent Record Number:

Address:

2401 HARBOR AVE, Memphis 38113

Owner Information

Primary Owner Name

Y FIRST HARBOR PROPERTY LLC

Owner Address

1111 MCKENZIE DR, RUSSELLVILLE, AR 72802

Owner Phone

Parcel Information

050116 00016C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Jeffrey Penzes
Date of Meeting	11/04/2024
Pre-application Meeting Type	Email

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	-
Is this application in response to a citation, stop work order, or zoning letter	No

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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

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

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

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

UDC Sub-Section 9.6.9C

This property is an existing development with access to streets, parking, drainage, and utilities.

UDC Sub-Section 9.6.9D

This project will not result in the destruction, loss, or damage of any feature as described above. The property is currently developed and the intent is to use the existing facility as is.

UDC Sub-Section 9.6.9E

This projects complies will all additional standards imposed.

UDC Sub-Section 9.6.9F

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

GIS INFORMATION

Case Layer

-

Central Business Improvement District

No

Class

I

Downtown Fire District

No

Historic District

-

Land Use

INDUSTRIAL

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

IH

State Route

-

Lot

-

Subdivision

MEMPHIS & SHELBY CNTY PORT COMM IND

Planned Development District

-

Wellhead Protection Overlay District

No

County Commission District

-

City Council District

-

City Council Super District

-

Data Tables

AREA INFORMATION

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

Contact Information

Name
ROY LAMICA

Contact Type
APPLICANT

Address

Phone
(901)355-1347

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Fee Invoiced: \$564.30

Total Balance: \$0.00

Payment Information

Payment Amount: \$564.30
Method of Payment: Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

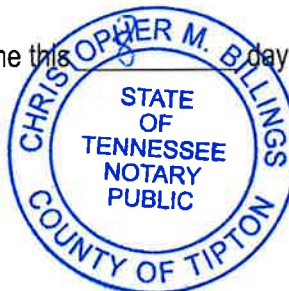
“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- 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 2401 Harbor Avenue
and further identified by Assessor's Parcel Number 050116 00016C
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 8 day of November in the year of 2024.


Signature of Notary Public



6-18-25
My Commission Expires

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



November 8, 2024

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

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

Dear Planning Staff:

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

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

Sincerely,

A handwritten signature in black ink that reads "Roy D. Lamica".

Roy D. Lamica, P.E.
EFI Global

Search **Details** Layers

Property Details

Owner Name:	FIRST HARBOR PROPERTY LLC
Property Address:	2401 HARBOR AVE
Parcel ID:	050116 00016C
Appraisal:	\$761,400
Tax District:	MEMPHIS
Tax Map:	162
Year Built:	
Lot Number:	
Subdivision:	MEMPHIS & SHELBY CNTY PORT COMM IND
Plat Book & Page :	UNKNOWN
Dimensions:	5.92AC 500X516
Total Acres:	5.922
Owner Address:	1111 MCKENZIE DR RUSSELLVILLE AR 72802 7977
Class:	INDUSTRIAL
Use:	- LUMBER SHED
Longitude:	
Latitude:	

- [Appraisal Info](#)
- [Memphis Tax Info](#)
- [County Tax Info](#)
- [Google View](#)
- [Search Most Recent Property Records](#)

Inst# / Type	24043552 SPECIAL WARRANTY DEED
Sales Date/Price	05/24/2024 \$1,455,000
Inst# / Type	EP5438 WARRANTY DEED
Sales Date/Price	08/19/1994 \$248,667
Inst# / Type	DH4282 WARRANTY DEED



SITE PLAN

For Sale or Lease



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

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

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



November 8, 2024

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

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

Dear Planning Staff:

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

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

Sincerely,

A handwritten signature in black ink that reads "Roy D. Lamica".

Roy D. Lamica, P.E.
EFI Global



Shelby County Tennessee

Willie F. Brooks Jr

Shelby County Register

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



24043552

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

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

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by and Return to: Jason Strain Baker Donelson 6060 Poplar Ave, Suite 440 Memphis, TN 38119	Property Owner: First Harbor Property, LLC 1111 McKenzie Drive Russellville, AR 72802	Property Address: 2401 Harbor Avenue Memphis, TN 38113	Mail Tax Bills To: First Harbor Property, LLC 1111 McKenzie Drive Russellville, AR 72802	Tax Parcel No.: 050116 00016C
---	---	---	--	---

SPECIAL WARRANTY DEED

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

WITNESSETH:

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

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

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

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

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

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

[Signature Page Follows]

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

WALTER M. FIELDS LUMBER CO., INC.

By: [Signature]
Name: Walter M. Fields, III
Title: President and Secretary

STATE OF TENNESSEE
COUNTY OF SHELBY

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

WITNESS my hand and seal at office this 23 day of May, 2024.

[Signature]
Notary Public



AFFIDAVIT OF VALUE

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is One Million Four Hundred Fifty-Five Thousand Dollars (\$1,455,000.00), which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Josua Zillman
Grantor/Affiant

Subscribed and sworn to before me this 24th day of May, 2024.

Anna Lu
Notary Public

My Commission Expires: _____

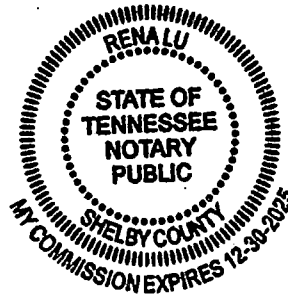


EXHIBIT A
TO SPECIAL WARRANTY DEED

Legal Description

LAND SITUATED IN SHELBY COUNTY, TENNESSEE:

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

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

EXHIBIT B
TO SPECIAL WARRANTY DEED

Permitted Exceptions

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

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 01/07/2025
DATE
PUBLIC SESSION: 01/21/2025
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 1344 E Shelby Drive, known as case number SUP 2024-044.

CASE NUMBER: SUP 2024-044

LOCATION: 1344 E Shelby Drive

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

OWNER/APPLICANT: Bassam Ginem/ Kaylon Johnson

REPRESENTATIVE: David Baker

REQUEST: Special use permit to allow vehicle sales

AREA: +/-1.04 acres

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

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

PRIOR ACTION ON ITEM:

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


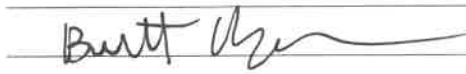
FUNDING:

(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>
	12/19/2024	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	12/20/24	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-044

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 1344 E Shelby Drive, KNOWN AS CASE NUMBER SUP 2024-044.

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024-044

LOCATION: 1344 E Shelby Drive

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

OWNER/APPLICANT: Bassam Ginem/ Kaylon Johnson

REPRESENTATIVE: David Baker

REQUEST: Special use permit to allow vehicle sales

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

AREA: +/-1.04 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion failed by a vote of 8-2-0 on the regular agenda.

Respectfully,

Mahsan Ostadnia

Planner II
Land Use & Development Services
Cc: Committee Members
File

SUP 2024-044

CONDITIONS

1. A type S-10 Streetscape Plate shall be installed along the Shelby Drive and Faronia Road frontages. Any approved fencing along both streets shall be located behind the streetscape plate.
2. All existing non-conforming curb cuts shall be modified to meet current City Standards if allowed to remain subject to City Engineering. The southern most curb cut on Faronia Road, and the westernmost curb cut on Shelby Drive shall be closed with curb, gutter, and sidewalk.
3. Any dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
4. No vehicle repair is permitted.
5. Where easements conflict with the planting of required trees along the street frontages, such required trees shall be planted elsewhere on the site subject to the Division of Planning and Development.
6. No inoperable vehicles (SEE UDC definition in Section 12.3.1) are permitted on the site. In addition, no salvage operations or impound lots are permitted.
7. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development and approved in accordance with UDC Chapter 4.1 and any conditions imposed by the City Council.
8. Any fencing to be provided must comply with UDC Section 4.6.7.

SITE PLAN

PLAN DATA

TOTAL AREA.....0.99 ACRES
 BUILDING SIZE.....2,000 S.F.
 AUTO SALES.....1,500 S.F.
 RETAIL.....1,500 S.F.

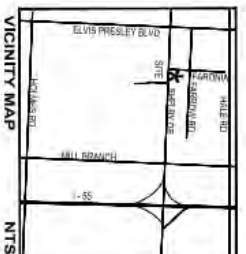
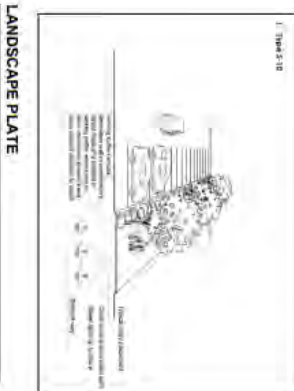
DENSITY/F.A.R.....0.08 F.A.R.

PARKING REQUIRED.....8 SPACES
 AUTO SALES (1,500 S.F.).....4 SPACES
 RETAIL (1,100 S.F.).....2 SPACES

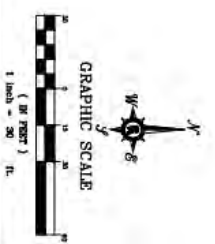
PARKING PROVIDED.....55 SPACES
 AUTO SALES.....5 SPACES
 DISPLAY.....33 SPACES
 RETAIL.....17 SPACES

3 & S 1200 SHELBY DR PARTNERS
 12388 AGNES
 CIVIL ENGINEERING
 600 DOWNSIDE SQ-1 STD

E SHELBY DRIVE
114' R.O.W.



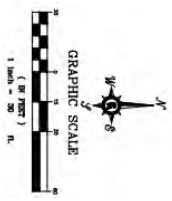
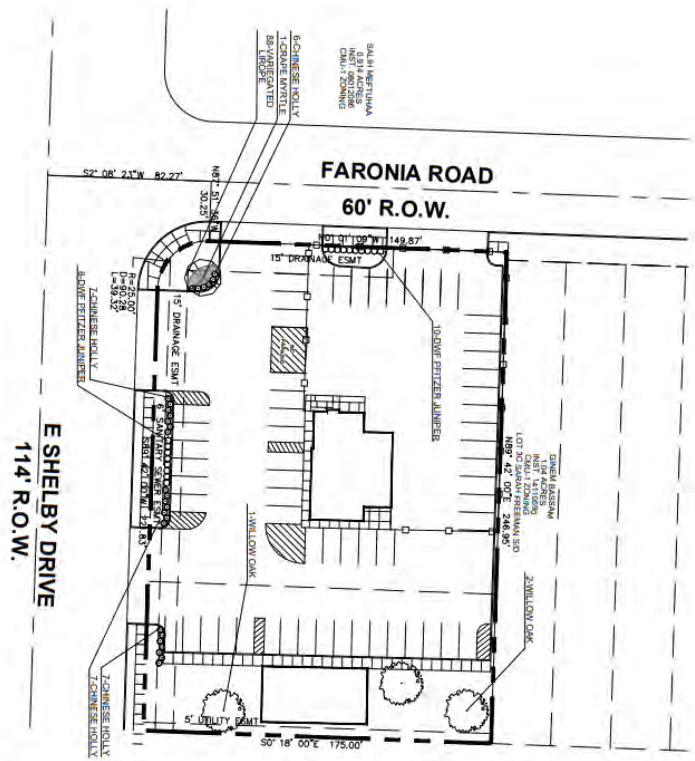
SPECIAL USE PERMIT	
LOT 1 SARAH P FREEMAN SUBDIVISION	
CAR SENSE AUTO SALES, INC.	
CASE NO.: SUP-24	FORMER CASE NUMBERS: B04 1980-056
NUMBER OF LOTS: 1	ACREAGE: 0.99 AC.
DEVELOPER: JIM SONG 7886 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125	ENGINEER: FISHER & ANTON D. INC. 9100 CHRISTMAN HILLTOP MEMPHIS, TN 38125
100-YEAR FLOOD ELEVATION: ELEV. N/A	FEAM MAP PANEL NUMBER: FEAM MAP DATE SEPTEMBER 20, 2007
DATE: NOVEMBER 2024	SCALE: 1" = 30'
	SHEET 1 OF 1



LANDSCAPE PLAN

PLANT LIST	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	HEIGHT	COND.	REMARKS
1	3	SCOUT WHITE	LADENUS INCISSA NOVA CHECKER	6 FT	8 FT	BAH	TREE FORM
2	1	WALTON OAK	QUERUS BELLOX	2 1/2 IN	8 FT	BAH	FL. BLOSSOMING
SHRUBS							
3	1	CHINESE HOLLY	ILEX CORNUTA	3 GAL	3 FT	CONIT	
4	1	DOVE PRINCE ANEMONE	ANEMONE XIPHILOIDES	3 GAL	3 FT	CONIT	
GROUND COVER							
5	1	LIBRIDE	LIBRIDE MARSCHEI	1 GAL			

S & S TRNG SHELBY DR PARTNERS
 1851 1/2 W. 25TH ST
 GOLDEN, CO 80202



LANDSCAPE PLAN	
LOT 1 SARAH P FREEMAN SUBDIVISION	
CAR SENSE AUTO SALES, INC.	
CASE NO. SUB 24	FORMER CASE NUMBERS: 1004, 1100066
NUMBER OF LOTS: 1	ACRES: 0.19 AC
DEVELOPER: AHS COS	DISTRICT: WARD 7, BLOCK 46
7866 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125	ENGINEER: FRISER & HANCOCK INC 9180 CHRISTYVALE DR MEMPHIS, TN 38125
100 YEAR FLOOD ELEVATION: 10.00 FT	TEAM MAP NUMBER: TEAM MAP DATE: SHEET NO. OF 2
DATE: NOVEMBER 2024	SCALE: 1" = 30'

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 1344 E SHELBY DRIVE, KNOWN AS CASE NUMBER SUP 2024-044

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

WHEREAS, Kaylon Johnson filed an application with the Memphis and Shelby County Division of Planning and Development to allow vehicle sales; and

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

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

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

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

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

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

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

CONDITIONS

1. A type S-10 Streetscape Plate shall be installed along the Shelby Drive and Faronia Road frontages. Any approved fencing along both streets shall be located behind the streetscape plate.
2. All existing non-conforming curb cuts shall be modified to meet current City Standards if allowed to remain subject to City Engineering. The southern most curb cut on Faronia Road, and the westernmost curb cut on Shelby Drive shall be closed with curb, gutter, and sidewalk.
3. Any dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
4. No vehicle repair is permitted.
5. Where easements conflict with the planting of required trees along the street frontages, such required trees shall be planted elsewhere on the site subject to the Division of Planning and Development.
6. No inoperable vehicles (SEE UDC definition in Section 12.3.1) are permitted on the site. In addition, no salvage operations or impound lots are permitted.
7. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development and approved in accordance with UDC Chapter 4.1 and any conditions imposed by the City Council.
8. Any fencing to be provided must comply with UDC Section 4.6.7.

SITE PLAN

PLAN DATA

TOTAL AREA.....0.99 ACRES

BUILDING SIZE.....2,000 S.F.

RETAIL SALES.....3,800 S.F.

RETAIL.....1,800 S.F.

DENSITY/F.A.R.....0.09 F.A.R.

PARKING REQUIRED.....6 SPACES

AUTO SALES (1/500 S.F.).....4 SPACES

RETAIL (1/1,000 S.F.).....2 SPACES

PARKING PROVIDED.....55 SPACES

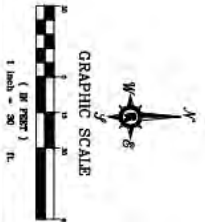
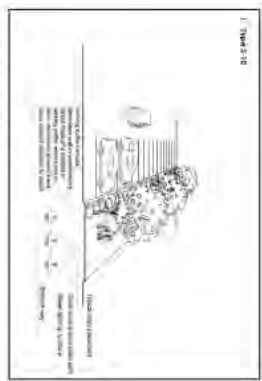
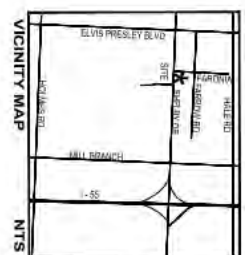
AUTO SALES.....33 SPACES

RETAIL.....17 SPACES



3 & S 1200 SHELBY DR PARTNERS
 INST 2001250
 CHAL ZONING
 2001250/199 2001 310

K/F PARTNERS
 INST 2001250
 CHAL ZONING
 2001250/199 2001 310



SPECIAL USE PERMIT

LOT 1 SARAH P FREEMAN SUBDIVISION

CAR SENSE AUTO SALES, INC.

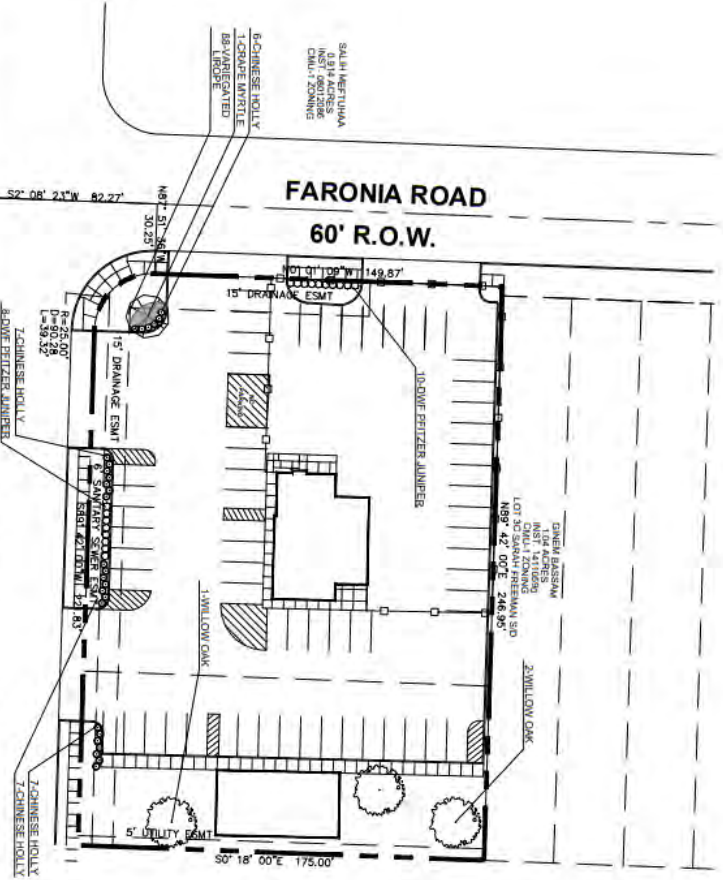
DEVELOPER: JIM SONG	7886 WINCHESTER RD SUITE 201	MEMPHIS TN 38128
ENGINEER: FISHER & HAROLD, INC.	9168 CHRISTINA HILLSDR	MEMPHIS TN 38128
100-YEAR FLOOD ELEVATION: 47.00' OADR	FEAM MAP PANEL NUMBER: PEAM MAP DATE: SEPTEMBER 29, 2007	SCALE: 1"=30'
ELEV. N/A	DATE: NOVEMBER 2024	SHEET 1 OF 1

LANDSCAPE PLAN

TREES	PLANT LIST					
CITY	COMMON NAME	SCIENTIFIC NAME	SIZE	HEIGHT	COND.	REMARKS
1	GRAPE VERTILE	LAGERSTROMIA BIRDA CHIRONOE	6'F		BAR	TREE CAN
3	WILLOW OAK	QUERCUA BHELLOS	2 1/2" CAL.	10'	BAR	FILL BRACKING
SHRUBS						
27	CHINESE HOLLY	ILEX CORNUTA NOTUNDA	1 GAL		CONT.	
18	POW PRITZER JUNIPER	JUNIPERUS XYPRATERINNA	1 GAL		CONT.	
GROUND COVER						
88	LIRIOPE	LIRIOPE MUSCARI	1 GAL			

S 4.81 AC TRACT SHELBY PARTNERS
 INST. 7-20-2016
 12.266 ACRES
 GOLF DRUMHS SEC. 1 SD.

E SHELBY DRIVE
 114' R.O.W.



LANDSCAPE PLAN	
LOT 1 SARAH P FREEMAN SUBDIVISION	
CAR SENSE AUTO SALES, INC.	
CASE NO.: S4P-24	FORMER CASE NUMBERS: BDA 1980-066
NUMBER OF LOTS: 1	ADDRESS: 0199 AC
DISTRICT: WARD 79	ELECT 50
DESIGNER: JIM SONG	ENGINEER: FINER & RANDOLPH INC.
100 YEAR FLOOD ELEVATION: MEMPHIS, TN 38124	100 YEAR FLOOD ELEVATION: MEMPHIS, TN 38124
FEAK MAP PANEL NUMBER: 47151C OAKRF	FEAK MAP DATE: SEPTEMBER 28, 2007
DATE: NOVEMBER 2024	SCALE: 1" = 30'
SHEET 1 OF 1	

ATTEST:

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

AGENDA ITEM: 15 **L.U.C.B. MEETING:** December 12, 2024
CASE NUMBER: SUP 2024-044
LOCATION: 1344 E Shelby Drive
COUNCIL DISTRICT: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Bassam Ginem/ Kaylon Johnson
REPRESENTATIVE: David Baker
REQUEST: Special use permit to allow vehicle sales
EXISTING ZONING: Commercial Mixed Use-1 (CMU-1)

CONCLUSIONS

1. The applicant is seeking a Special use Permit to allow vehicle sales in the CMU-1 zone. This requested use is not compatible with the future land use description/intent, form & location characteristics, existing, adjacent land use and zoning. It is located in an area that the Memphis 3.0 Comprehensive Plan designates for future development types to promote pedestrian-oriented infill development.
2. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

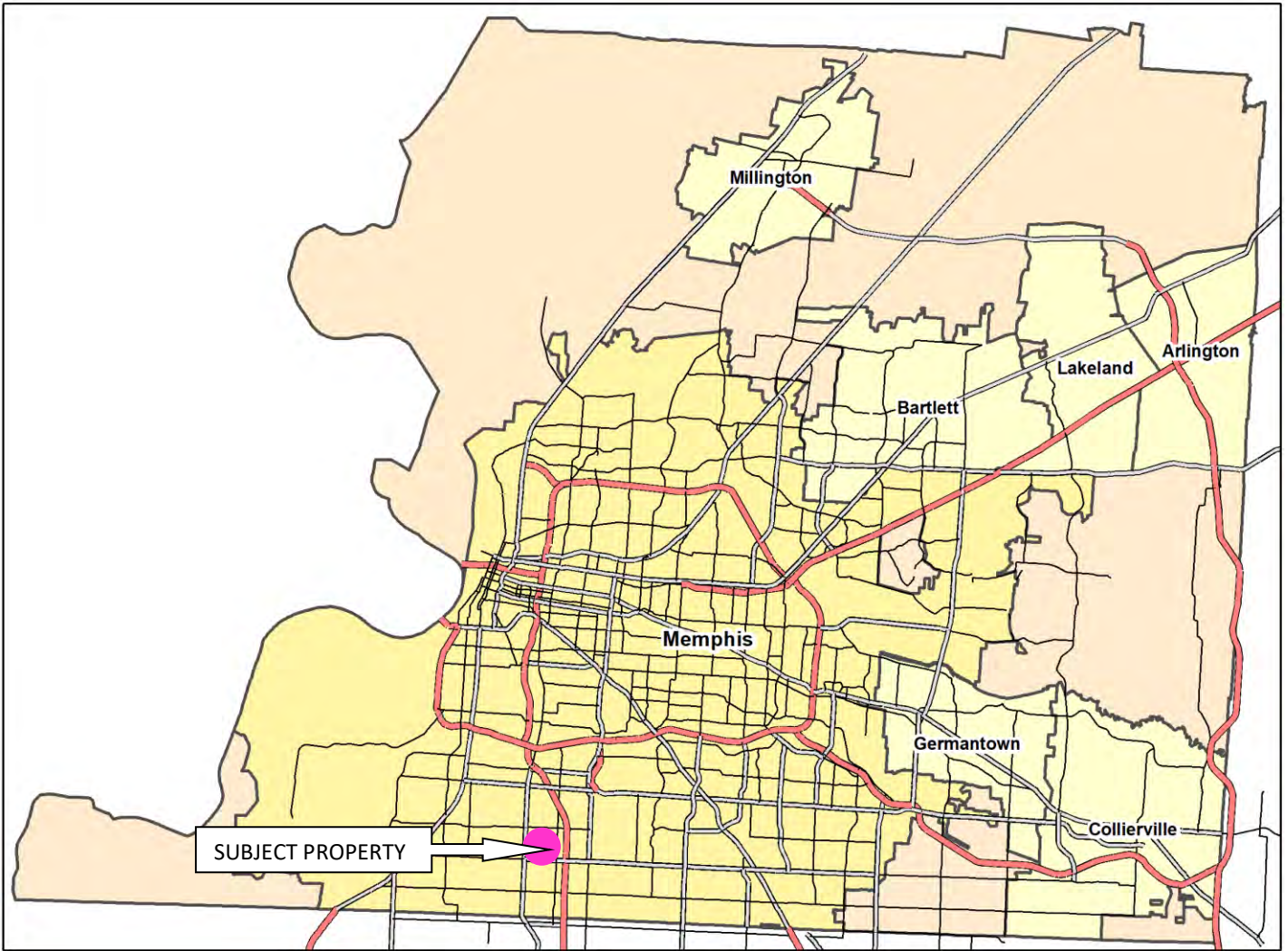
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-18 of this report.

RECOMMENDATION:

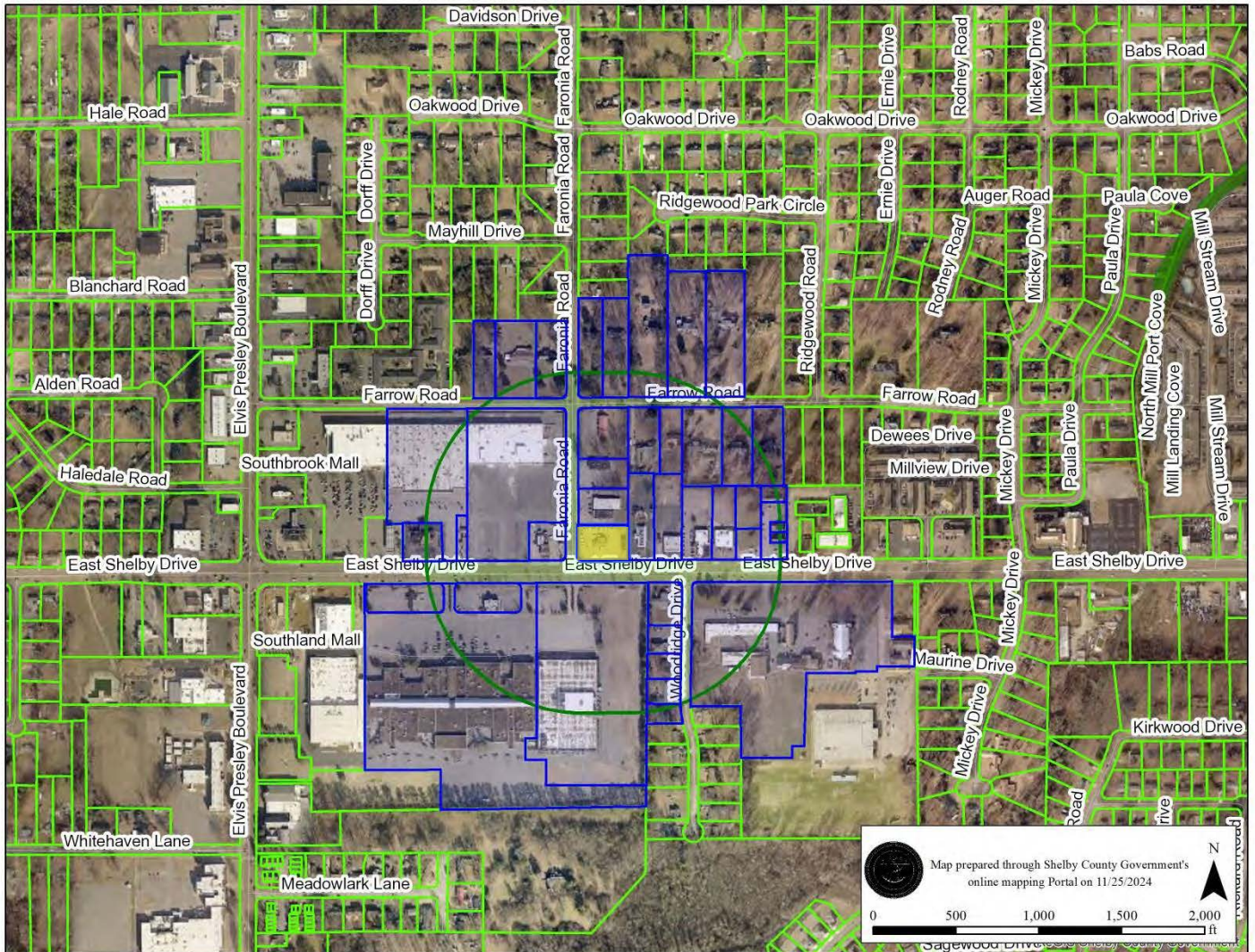
Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

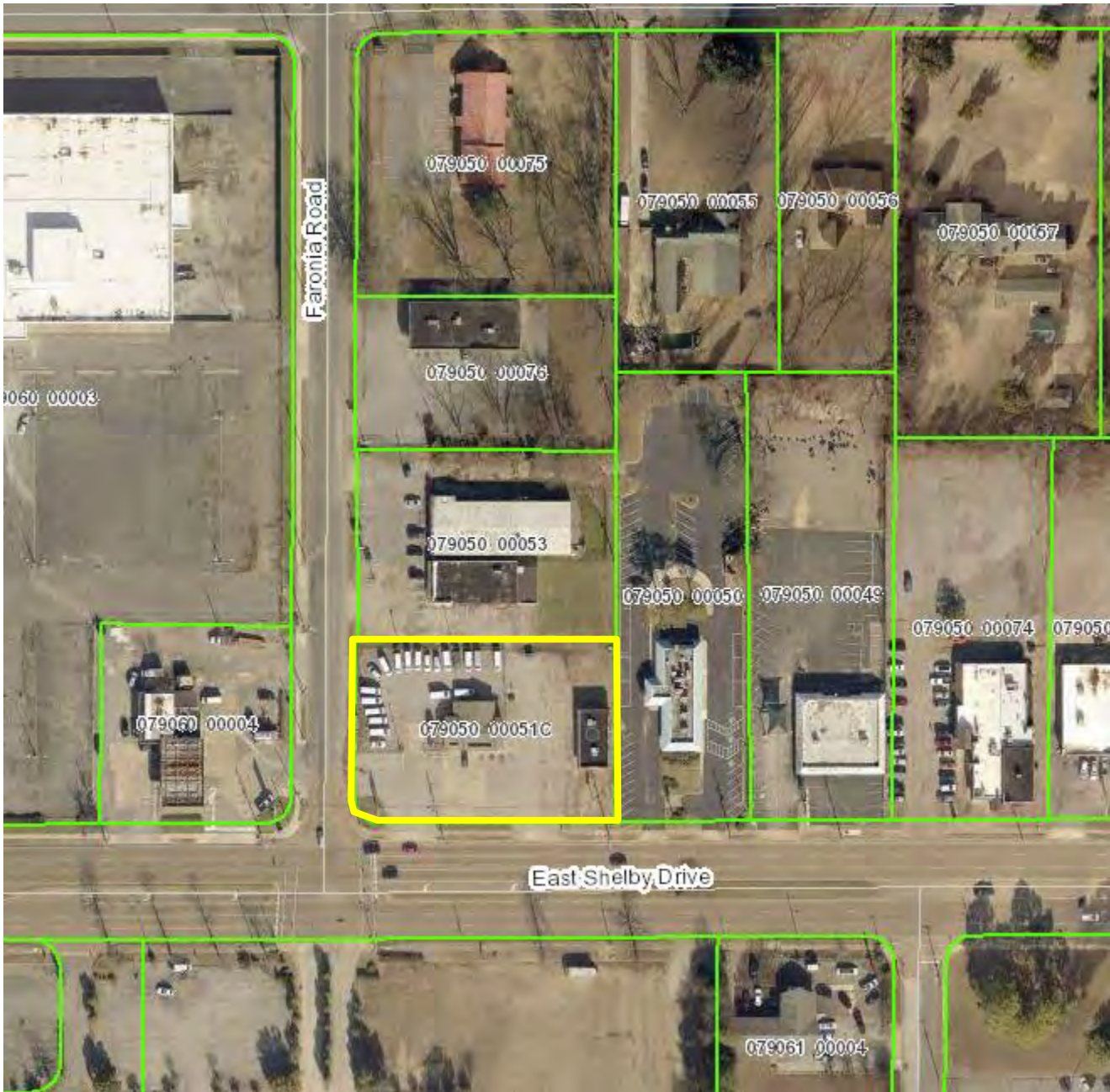
PUBLIC NOTICE DETAILS

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 35 notices were mailed on November 20, 2024, see page 19 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see page 22 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

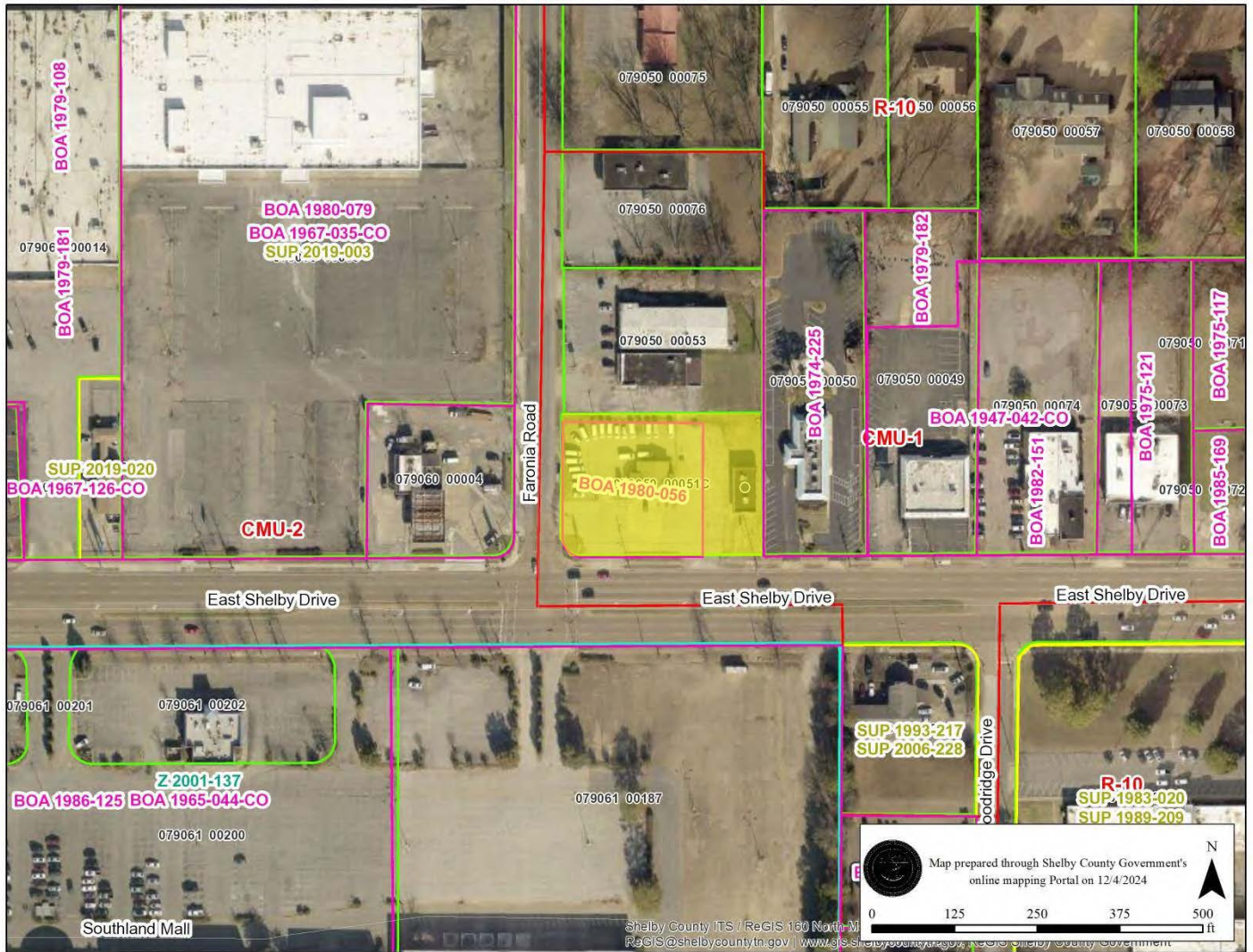
The meeting was held at 5:30 PM on Wednesday, November 20, 2024, at the car sense auto sales, inc. 1344 e Shelby Drive, suite a101, Memphis, TN 38116.

AERIAL



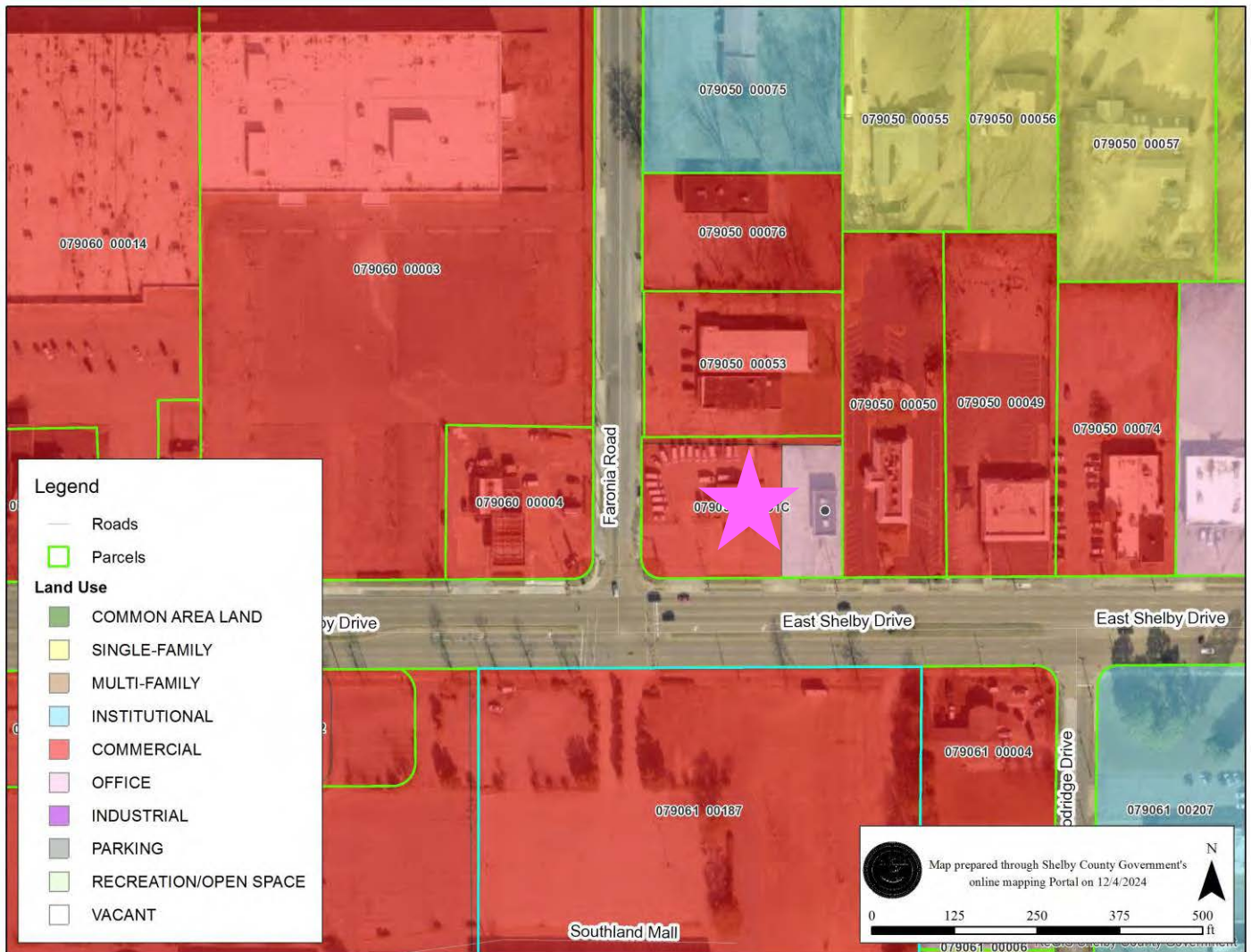
Subject property outlined in yellow.

ZONING MAP



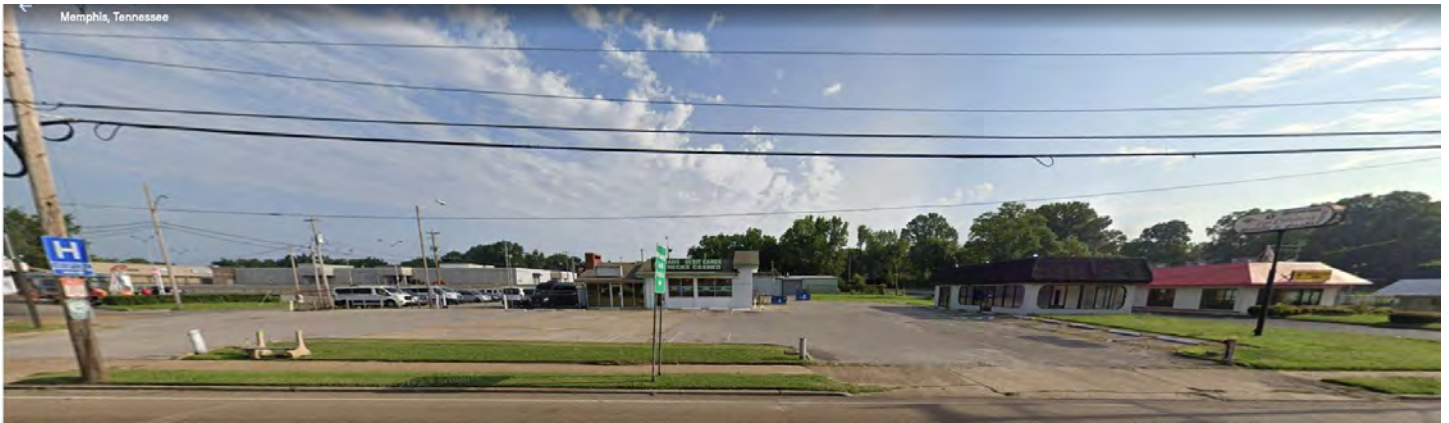
Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star.

SITE PHOTOS



View of subject property from East Shelby Drive.



View of subject property from East Shelby Drive (east).



View of subject property from above.



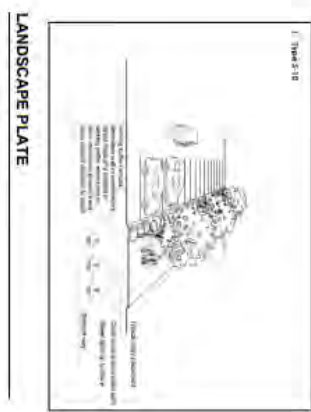
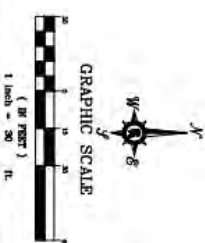
View of subject property from above.

SITE PLAN

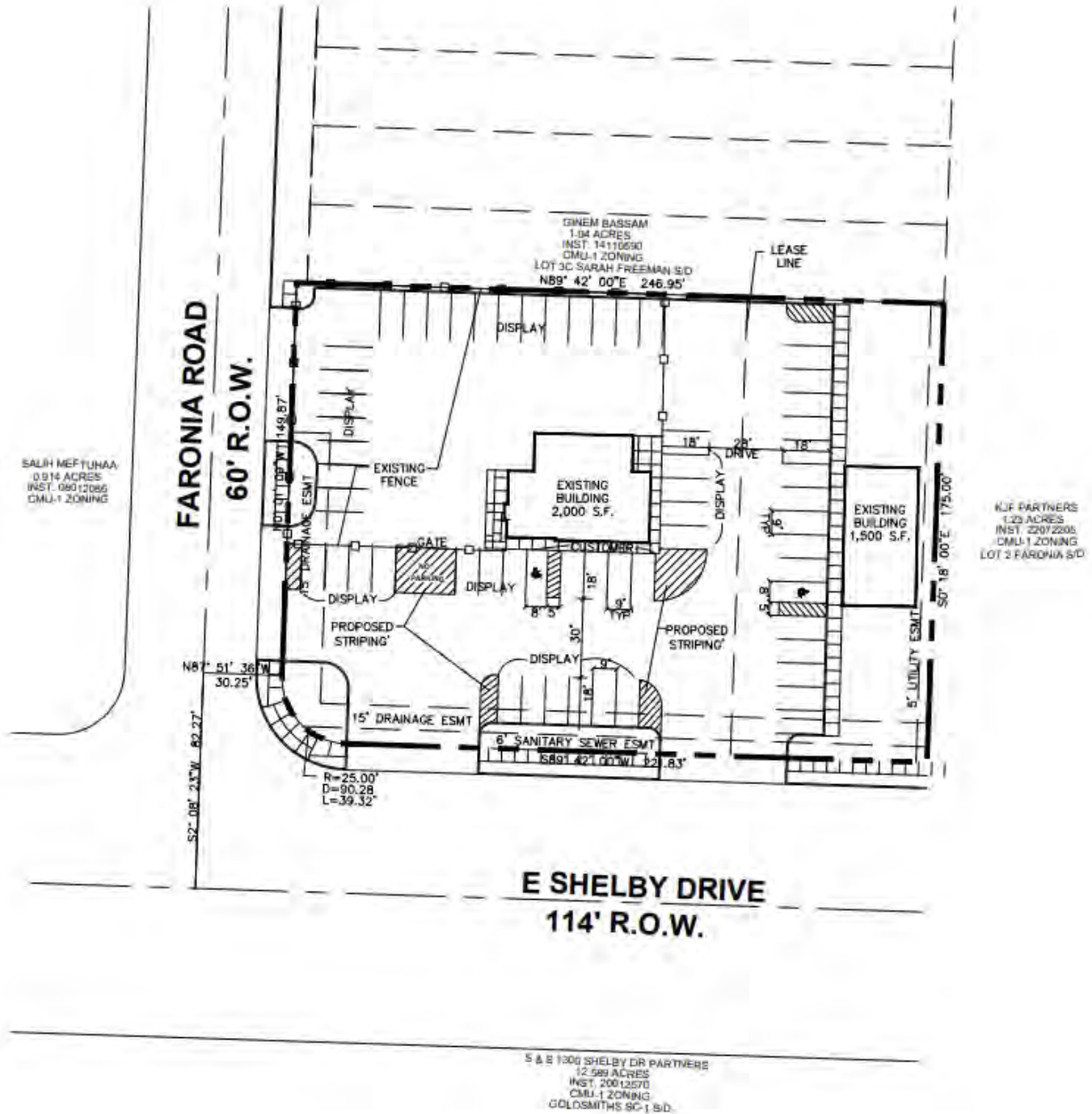
PLAN DATA
 TOTAL AREA..... 0.99 ACRES
 BUILDING SIZE..... 2,000 S.F.
 AUTO SALES..... 1,500 S.F.
 RETAIL..... 1,500 S.F.
 DENSITY/F.A.R..... 0.08 F.A.R.
 PARKING REQUIRED..... 4 SPACES
 AUTO SALES (1,500 S.F.)..... 2 SPACES
 RETAIL (1,1,000 S.F.)..... 6 SPACES
 PARKING PROVIDED..... 56 SPACES
 AUTO SALES..... 33 SPACES
 RETAIL..... 17 SPACES



SPECIAL USE PERMIT	
LOT 1 SARAH P FREEMAN SUBDIVISION	
CAR SENSE AUTO SALES, INC.	
CASE NO.: SUP 24	FORMER CASE NUMBERS: BDA 1780-096
NUMBER OF LOTS: 1	ACREAGE: 0.99 AC.
DEVELOPER: JIM SONG 7860 WINCHESTER RD. SUITE 201 MEMPHIS, TN 38125	ENGINEER: FISHER & ARNO D. INC. 9180 CHRISTY HALLS TOR MEMPHIS, TN 38125
100 YEAR FLOOD ELEVATION: ELEV. N/A	FEAM MAP PANEL NUMBER: 4710VC 140F
DATE: NOVEMBER 2024	SCALE: 1"=30'
	FEAM MAP DATE: SEPTEMBER 28, 2007
	SHEET: 1 OF 1

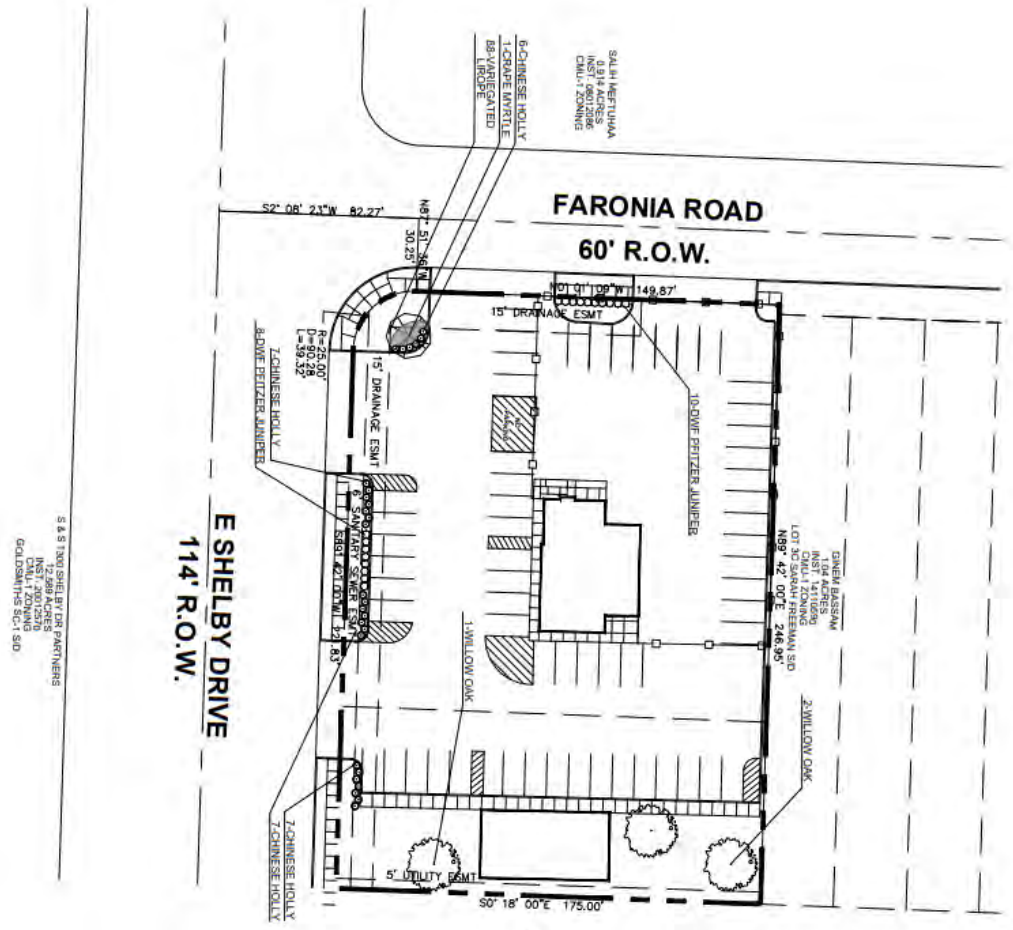


SITE PLAN – MAGNIFIED



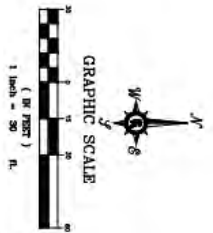
LANDSCAPE PLAN

PLANT LIST	COMMON NAME	SCIENTIFIC NAME	SIZE	HEIGHT	CONTO	REMARKS
1	COAPE IVYTRILE	LAGERSTROMIA NIOIDA	0.8' R	8' H	BAR	TRIE FORM
3	WILLOW OAK	QUERCUS BELLIDA	2.5' W x 10'	10'	BAR	FILL BRANCHING
SHRUBS						
27	CHINESE HOLLY	ILEX CORNUTA	3' GAL	3' H	CONIT	
78	POW FETTER JUNEPPER	JUNIPERUS SPARTANENSIS	3' GAL	3' H	CONIT	
GROUND COVER						
88	LIRIOPE	LIRIOPE MUSCARI	1' GAL			



S & S TWO SHELBY DR PARTNERS
181 ST 2007/2208
DUAL ZONING
60' (SHELBY) 181' (S&S)

LANDSCAPE PLAN	
LOT 1 SARAH P FREEMAN SUBDIVISION	
CAR SENSE AUTO SALES, INC.	
CASE NO.: SUP 24	FORMER CASE NUMBERS: BDA 1780-046
NUMBER OF LOTS: 1	ACREAGE: 0.99 AC
DEVELOPER: JIM SONG 1888 WINCHESTER RD, SUITE 201 MARIETTA, GA 30067	ENGINEER: FISHER & BARKOLD, INC. 3150 CHESTNUT HILLS DR. MARIETTA, GA 30067
100 YEARS FLOOD ELEVATION: 477.50' OASD	FEMA MAP PANEL NUMBER: FEMA MAP DATE: SEPTEMBER 23, 2007
DATE: NOVEMBER 2024	SCALE: 1" = 30'



CASE REVIEW

Request

The request is a special use permit to allow vehicle sales.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:

1344 E Shelby Drive

Parcel ID:

079050 00051C

Area:

+/-1.04 acres

Description:

The subject property is known as Sarah P Freeman Subdivision. Per the Assessor's website, the principal structure on the site was built in 1996 with a building area of 7,665 square feet. The surrounding land uses are a mixture of single-family and commercial lots. Additionally, this lot has two street frontages.

Site Zoning History

On March 31, 1980, the Board of Adjustment approved Docket BOA 1980-056 for variations to allow the use of a retail truck and automobile leasing service in C-1 District, see pages 20-21 of this report for said notice of disposition.

Site Plan Review

The applicant is providing 60 parking spaces in total (5 customer parking spaces, 38 display spaces, and 17 spaces unidentified for use).

The subject property has two street frontages: one facing E Shelby Drive and one facing Faronia Road.

The applicant is providing a plate S-10 streetscaping plan along both streets.

A 15-foot drainage easement setback is provided fronting E Shelby Drive and Faronia Road.

Analysis

The applicant is seeking a Special Use Permit to allow vehicle sales in the CMU-1 zone. This requested use is not compatible with the future land use description/intent, form & location characteristics, existing, adjacent land use and zoning. The area within the vicinity of the site is noted by the Memphis 3.0 plan for future development that promotes pedestrian-oriented infill development.

The proposed site plan is inadequate. It proposes no closing of existing non-conforming curb cuts. Namely, the curb cuts on Shelby Drive and Faronia Road closest to the intersection of Shelby Drive and Faronia Road are too close to the intersection. It appears the applicant intends to leave all curb cuts on the site "as is". Of particular note, the applicant shows the northernmost curb cut on Faronia Road gated off and not closed with curb, gutter and sidewalk. Display spaces for cars are used in this space. At a minimum, the site plan needs to be re-worked to close the aforementioned curb cuts, only use the northernmost curb cut on Faronia Drive and the easternmost curb cut on Shelby Drive and provide landscaping along both street frontages immediately behind the sidewalk. Further, any proposed fencing would be placed behind the landscaping, not in front of it.

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

RECOMMENDATION

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

Conditions

1. A type S-10 Streetscape Plate shall be installed along the Shelby Drive and Faronia Road frontages. Any approved fencing along both streets shall be located behind the streetscape plate.

2. All existing non-conforming curb cuts shall be modified to meet current City Standards if allowed to remain subject to City Engineering. The southern most curb cut on Faronia Road, and the westernmost curb cut on Shelby Drive shall be closed with curb, gutter, and sidewalk.
3. Any dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
4. No vehicle repair is permitted.
5. Where easements conflict with the planting of required trees along the street frontages, such required trees shall be planted elsewhere on the site subject to the Division of Planning and Development.
6. No inoperable vehicles (SEE UDC definition in Section 12.3.1) are permitted on the site. In addition, no salvage operations or impound lots are permitted.
7. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development and approved in accordance with UDC Chapter 4.1 and any conditions imposed by the City Council.
8. Any fencing to be provided must comply with UDC Section 4.6.7.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

General Notes:

No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings. Required landscaping shall not be placed on sewer or drainage easements.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-044: Whitehaven

Site Address/Location: 1344 E SHELBY DR

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

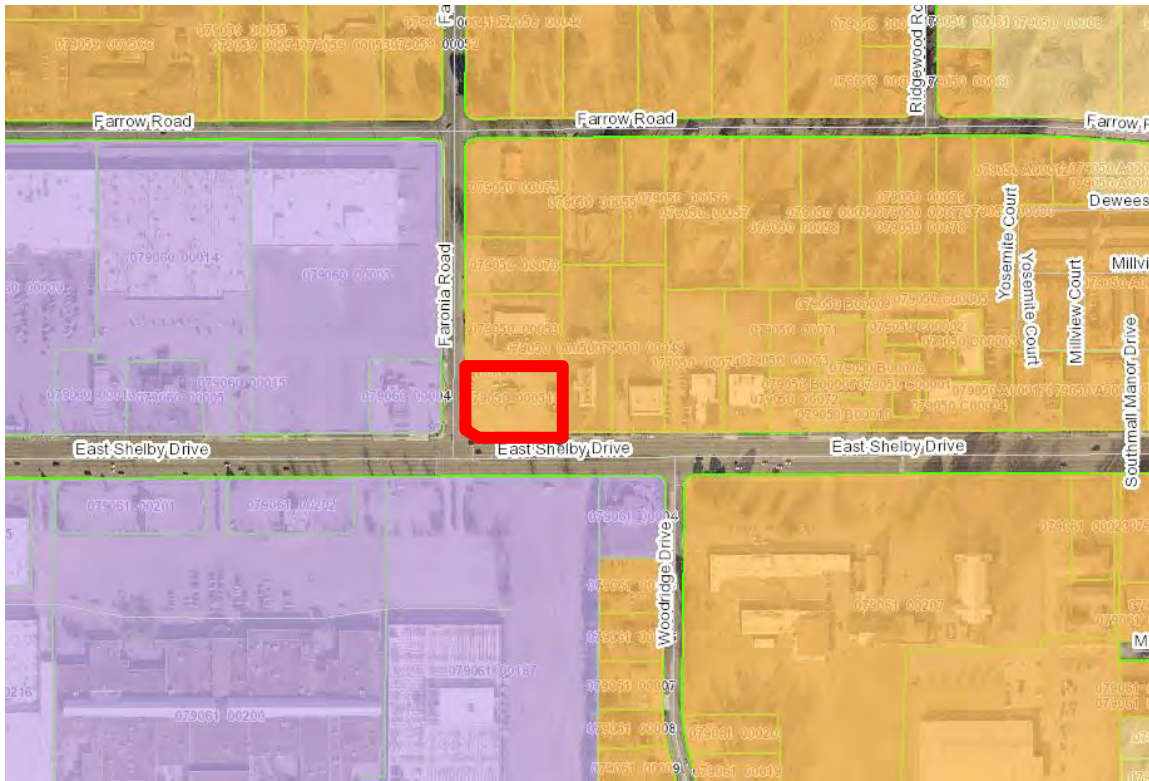
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

Street Type: Avenue & Parkway

The applicant is seeking a Special use Permit to allow vehicle sales in the CMU-1 zone.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Anchor Neighborhood-Mix of Building Types (AN-M) are neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of a mix of single-unit and multi-unit housing. Graphic portrayal of AN-M is to the right.



walkable
Anchor.
multi-unit

“AN-M” Form & Location Characteristics

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

“AN-M” Zoning Notes

Generally compatible with the following zone districts: RU-2, RU-3, RU-4, R-SD, R-R, MDR, and CMU-1 when located along avenues, boulevards, and parkways as identified in the Street Types Map, in accordance with Form and characteristics listed above.

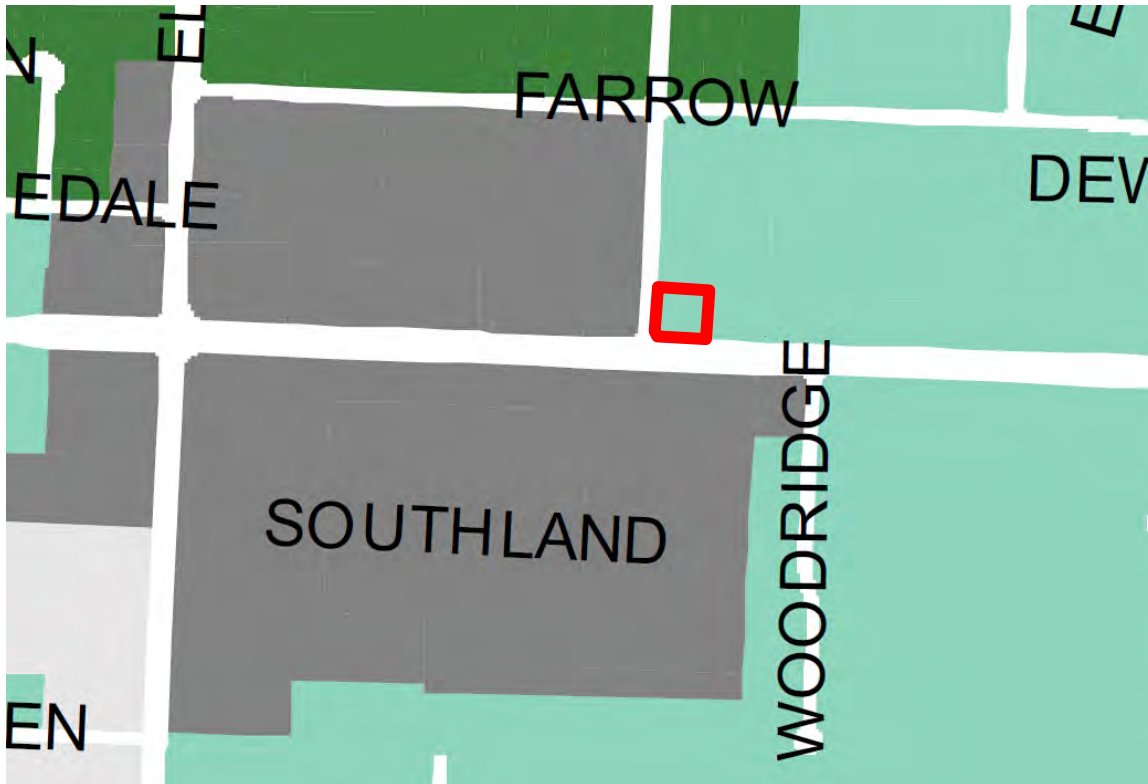
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Institutional and Single-Family; CMU-1, CMU-2, and R-10

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

3. Degree of Change Map



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

4. Degree of Change Description

Nature areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed application is a private investment. However, it will impede future development activity and be a barrier to promoting pedestrian-oriented infill development.*

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

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

Consistency Analysis Summary

The applicant is seeking a Special use Permit to allow vehicle sales in the CMU-1 zone.

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

The proposed application is a private investment. However, it will impede future development activity and be a barrier to promoting pedestrian-oriented infill development.

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

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, December 4, 2024 at 8 AM.**

CASE NUMBER: SUP 2024-044
ADDRESS: 1344 E SHELBY DR
REQUEST: Special use permit to allow vehicle sales
APPLICANT: Bassam Ginem

Meeting Details
Location: Council Chambers
City Hall 1st Floor
125 N Main St.
Time: 9:00 AM
Date: Thursday, Dec. 12, 2024

Staff Planner Contact:
Mahsan Ostadnia
✉ mahsan.ostadnia@memphishtrn.gov
☎ (901) 636-7181

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

VICINITY MAP



35 Notices Mailed 11/20/2024

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



NOTICE OF DISPOSITION

<p>DATE FILED RECEIVED MAR 31 '80 Office Use Only MEMPHIS & SHELBY COUNTY BOARD OF ADJUSTMENT</p>	<p>MEMPHIS & SHELBY COUNTY BOARD OF ADJUSTMENT 125 North Main St., Room 517 MEMPHIS, TENNESSEE 38103</p>	<p>Docket No. 80-56 Notices _____ Disposition _____ Office Use Only</p>
<p>NOTICE - This APPLICATION must be TYPEWRITTEN, and 5 copies filed within 5 days of the date of the order, or rejection, accompanied by necessary data on sheets 8½ by 11 inches in size. (See reverse side of this sheet.)</p>		
<p>APPLICATION FOR SPECIAL PERMIT / VARIATION OR EXCEPTION FROM THE REQUIREMENTS OF THE ZONE ORDINANCE / REGULATIONS</p>		
<p>NAMES AND ADDRESSES (Including Rural Route or P.O. Box No.)</p>		
<p>Applicant: <u>527-8571</u> <u>Herschel L. Feibelman</u></p>	<p>Address: <u>1935, 100 North Main Building</u> <u>Memphis, Tennessee 38103</u></p>	
<p>Owner: <u>Sara P. Freeman, c/o</u> <u>Herschel L. Feibelman</u></p>	<p>Address: <u>1935, 100 North Main Building</u> <u>Memphis, Tennessee 38103</u></p>	
<p>Lessee: <u>Budget Rent a Car Corp., c/o</u> <u>Herschel L. Feibelman</u></p>	<p>Address: <u>1935, 100 North Main Building</u> <u>Memphis, Tennessee 38103</u></p>	
<p>To the Chairman, Board of Adjustment: Application is hereby made for</p>	<p>Special Permit { Variation Exception</p>	<p>from the requirements of section <u>28-91</u> Zone Ordinance/Regulations</p>
<p>under the discretionary power vested in your Board by Section <u>28-105(h)(2)(1); (h)(3)(b)</u> to permit</p>		
<p>in accordance with the plans filed under application for Building or use and occupancy permit dated <u>March 31</u> 19<u>80</u></p>		
<p>Describe Request: <u>To permit the use of a retail truck and automobile leasing service in C-1 District.</u></p>		
<p>PREMISES AFFECTED located on the <u>north</u> side of <u>Shelby Drive</u> XXXXXXXXXXXX at xx the corner formed by the intersection of <u>Shelby Drive</u> and <u>Faronia</u> and known as Number <u>1330 Shelby Drive</u></p>		
<p>Attached hereto is copy of the decision rendered by the Director of Public Service Building Commission on <u>March 31</u>, 19<u>80</u></p>		
<p>DESCRIPTION OF EXISTING OR PROPOSED BUILDING OR STRUCTURE</p>		
<p>Size of Building or Structure: At street level: <u>52</u> feet across front: <u>40</u> feet deep. Height: <u>1</u> Stories <u>14</u> feet high</p>		
<p>Occupancy: (a) Number of Families: (If any part is used as dwelling) <u>N/A</u> (b) Number of Persons Employed: (If Industrial or Commercial) <u>Three to Five</u> (c) Number of Automobile Parking Spaces: <u>Three to Five</u></p>		
<p>Use District: <u>C-1</u> Date of Erection: <u>On permit</u></p>		
<p>Character of Construction: Frame <input type="checkbox"/> Masonry <input type="checkbox"/> Solid Masonry <input type="checkbox"/> Sheet Metal <input type="checkbox"/> Reinforced Concrete or Protected Steel Frame <input type="checkbox"/> Other (Specify) <u>Masonry Veneer</u></p>		
<p>Has Any Application or Appeal Been Heretofore Filed With This Board on These Premises? Yes _____ No <u>X</u> (If yes give date and docket no. of prior application) Date _____ Docket No. _____</p>		

I inquired on March 31 19 80 from the Secretary of the Board of Adjustment whether there was any petition pending to change the district regulations affecting the block on which these premises are located.

I was informed there was no such petition pending.
~~a petition pending to make the block~~

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Sworn to before me this 31st
day of March 19 80

Notary Sign Here [Signature]
My Commission Expires 4/9 19 80

[Signature]
(Applicant to sign here.)
Herschel L. Feibelman

AFFIDAVIT OF OWNERSHIP

STATE OF TENNESSEE }
COUNTY OF SHELBY } ss. Herschel L. Feibelman being duly sworn, deposes
and says that he resides at 1935, 100 North Main Building, in the City of
Memphis, in the County of Shelby, in the State of Tennessee,

that he is the attorney for the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the (City of Memphis / County of Shelby) aforesaid and known and designated as Number 1330 Shelby Drive and that he hereby authorizes _____ to make the annexed application in his behalf and that the statements of fact contained in said application are true.

Sworn to before me this 31st
day of March 19 80

Notary Sign Here [Signature]
My Commission Expires 4/9 19 80

[Signature]
(Sign Here)
Herschel L. Feibelman

ATTACHED HERETO AND MADE A PART OF THIS APPLICATION, I SUBMIT THE FOLLOWING:

FIVE (5) COPIES OF EACH OF THE FOLLOWING: (All must be 8½ x 11 inches in size).

1. COPY OF DECISION OR ORDER OF DEPARTMENT. (Rejection Slip), on which application is based.
2. A TYPEWRITTEN STATEMENT of the principal points on which application is based, with a description of proposed work, if any.
3. ENGINEER'S SURVEY: Five copies of a survey of recent origin, of the subject property, drawn to scale by a registered engineer, showing dimensions and the location of the existing or proposed structures and off-street parking facilities, and the front yard setbacks of adjoining properties, unless waived by the Board Secretary
4. (a) A PLOT PLAN of the subject property drawn to scale, showing dimensions and the location of existing or proposed structures and off-street parking facilities.
(b) A CLEAR FILM transparency of PLOT PLAN.
5. BUILDING PLANS:
(a) A TYPICAL FLOOR PLAN of existing or proposed structures, drawn to scale, showing all necessary measurements.
(b) A FRONT AND SIDE ELEVATION of existing or proposed structures, drawn to scale, showing building heights. (Photographs may be used of existing buildings where no structural changes are planned).
6. A full list of NAMES AND ADDRESSES of owners of all property shown on vicinity map. This list may indicate the property owned by a system of identification symbols or numbers. (List must be typewritten. Be sure this is the owner's address and show Post Office for rural addresses. All Zip Codes must be shown with address).
7. (a) A VICINITY MAP of recent origin drawn to scale, showing all property within a 500 foot radius of the subject property when located within the City of Memphis, and within 1500 foot radius when located in the unincorporated area of Shelby County, the name of the owner of each parcel and its dimensions; and the width of all streets and alleys shown thereon.
(b) A CLEAR FILM transparency of VICINITY MAP.
8. When requested by the Secretary, one (1) set of unmounted photographs showing the physical situation of subject property or surrounding vicinity. Photographs shall be marked to identify premises in question.

NOTE: All drawings and photographs submitted herewith must be 8½ inches by 11 inches in size.

SIGN AFFIDAVIT

PUBLIC NOTICE SIGN POSTING AFFIDAVIT

AFFIDAVIT
Shelby County
State of Tennessee

I, David Baker, being duly sworn, deposes and says that at 5:10 pm on the 20th day of November 2024, he posted Public Notice Signs pertaining to SUP 2024-44 at the following address: 1344 E Shelby Drive providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Use Variance, Zoning District Map Amendment), photograph of said sign being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

David Baker _____ Date 11/21/24
Owner, Applicant or Representative

Subscribed and sworn to before me this 21st day of November, 2024.

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



Shelby Drive Frontage



Faronia Road Frontage

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: Pending

Opened Date: October 24, 2024

Record Number: SUP 2024-044

Expiration Date:

Record Name: -

Description of Work: -

Parent Record Number:

Address:

1344 E SHELBY DR, MEMPHIS 38116

Owner Information

Primary	Owner Name
Y	GINEM BASSAM

Owner Address	Owner Phone
2484 WASHANGER CV, MEMPHIS, TN 39139	

Parcel Information

079050 00051C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	-
Date of Meeting	-
Pre-application Meeting Type	-

GENERAL PROJECT INFORMATION

Application Type	-
List any relevant former Docket / Case	-
Number(s) related to previous applications on this site	-
Is this application in response to a citation, stop work order, or zoning letter	-

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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

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

UDC Sub-Section 9.6.9C -

UDC Sub-Section 9.6.9D -

UDC Sub-Section 9.6.9E -

UDC Sub-Section 9.6.9F -

GIS INFORMATION

Case Layer	BOA1980-056
Central Business Improvement District	No
Class	C
Downtown Fire District	No
Historic District	-
Land Use	COMMERCIAL
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-1
State Route	1
Lot	1C
Subdivision	SARAH P FREEMAN
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name
 KAYLON JOHNSON

Contact Type
 APPLICANT

Address

Phone
 -

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1603893	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	11/04/2024

Total Fee Invoiced: \$0.00

Total Balance: \$0.00

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, BASSAM GINEM Bassam, 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 1344 E. shelby DR Memphis TN 38116
and further identified by Assessor's Parcel Number 079050000051C
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 18 day of October in the year of 2024



[Signature]
Signature of Notary Public

Aug. 26, 2028
My Commission Expires

LETTER OF INTENT



November 8, 2024

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

**RE: SPECIAL USE PERMIT 1344 E SHELBY DRIVE
LOT 1C SARAH P FREEMAN SUBDIVISION
MEMPHIS, TENNESSEE**

Dear Chip:

On behalf of Mr. Kaylon Johnson, I am pleased to submit this Application for a Special Use Permit to allow automobile sales at 1344 E Shelby Drive. The subject property is located at the northeast corner of E Shelby Drive and Faronia Road. The property is in the CMU-1 Zoning District and contains 0.99 acres. A previous BOA case 1980-056 has been associated with this property.

Attached to our application is a proposed site plan that illustrates the building location, proposed landscape and screening treatments and vehicular circulation.

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

Sincerely

FISHER & ARNOLD, INC.

David Baker
Department Head - Planning/Landscape Architecture

Cc: Mr. Kaylon Johnson

LETTERS RECEIVED

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