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

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



Memphis City Council Summary Sheet

## PD 2024-013

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

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

## LAND USE CONTROL BOARD RECOMMENDATION

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

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

The following spoke in support of the application: None

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

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

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

Respectfully,

Alexis Longstreet

Planner Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

## PD 2024-013 CONDITIONS

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

I. USES PERMITTED:

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

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

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

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

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

## III. ACCESS AND CIRCULATION:

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

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

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

## IV. LANDSCAPING, SCREENING, AND LIGHTING:

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

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

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

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

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

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

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

## V. Site Plan Review:

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

A. The Site plan shall include:

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

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

lots.

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

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

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

1. Conformance with the Outline Plan Conditions.

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

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

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

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

VII. Any final plan shall include the following:

A. The Outline Plan conditions.

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

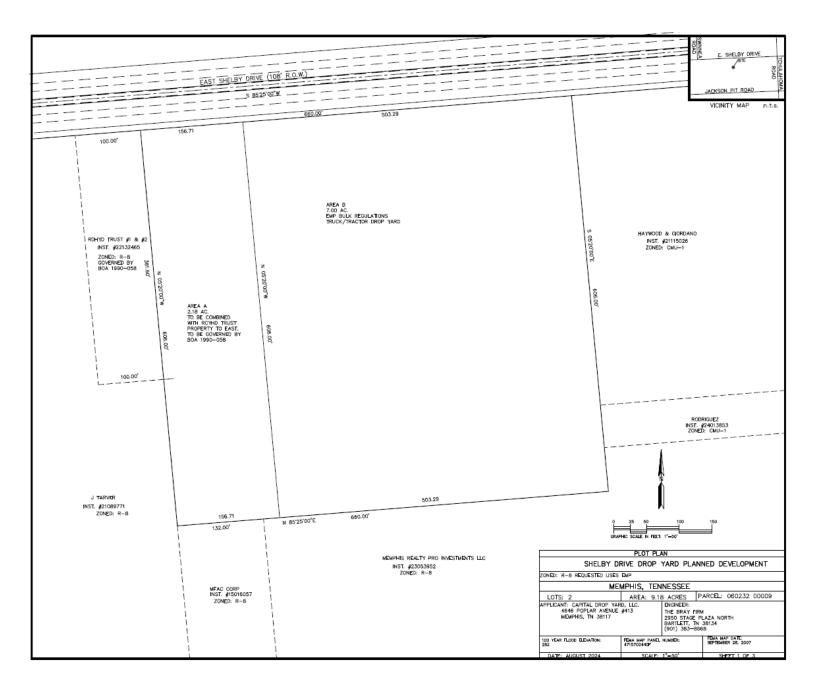
C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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

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

## **CONCEPT PLAN**



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

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

**WHEREAS**, the Stephen Christides, Capital Drop Yard, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a drop yard; and

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

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

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

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

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

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

## **OUTLINE PLAN CONDITIONS**

#### I. USES PERMITTED:

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

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

## **II. BULK REGULATIONS:**

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

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

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

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

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

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

## IV. LANDSCAPING, SCREENING, AND LIGHTING:

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

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

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

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

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

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

#### V. SITE PLAN REVIEW:

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

A. The Site plan shall include:

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

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

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

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

arrangement of uses.

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

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

## VII. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:

A. The Outline Plan conditions.

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

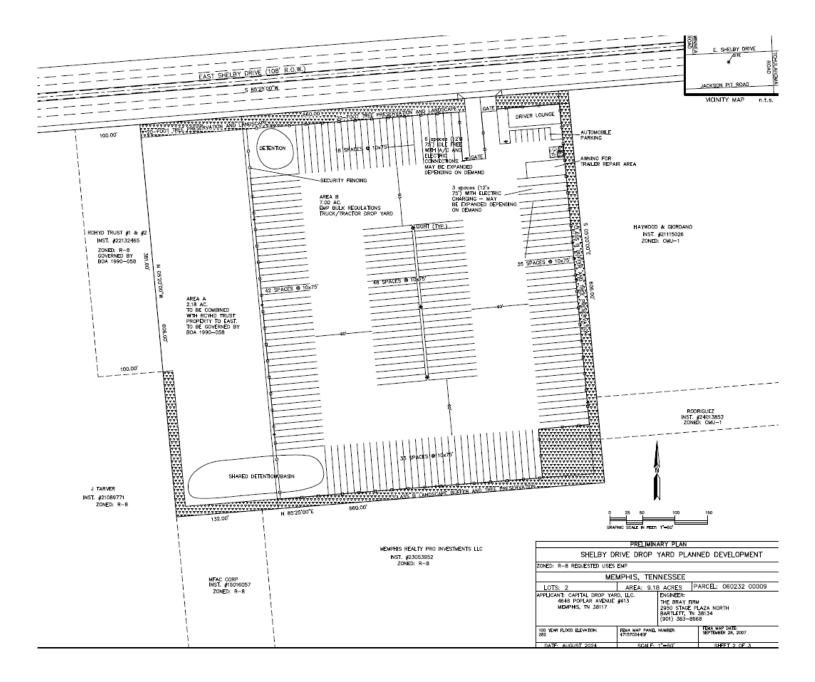
C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

D. The number of parking spaces

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

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

## **CONCEPT PLAN**



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

# dod STAFF REPORT

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

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

## CONCLUSIONS

AGENDA ITEM:

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

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

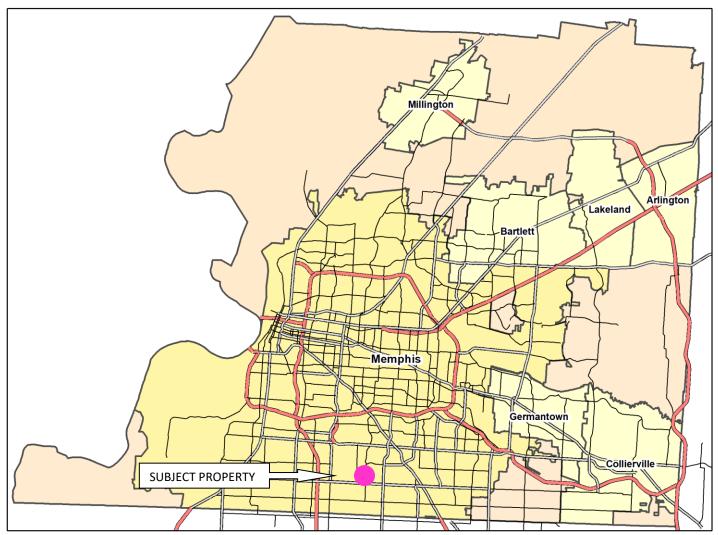
## **CONSISTENCY WITH MEMPHIS 3.0**

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

## **RECOMMENDATION:**

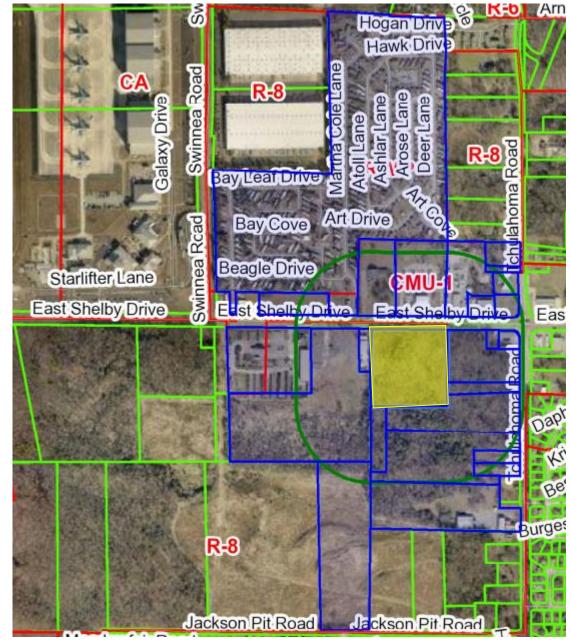
Rejection; however, if approved, staff recommends outline plan conditions

## LOCATION MAP



Subject property located within the pink circle

#### PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

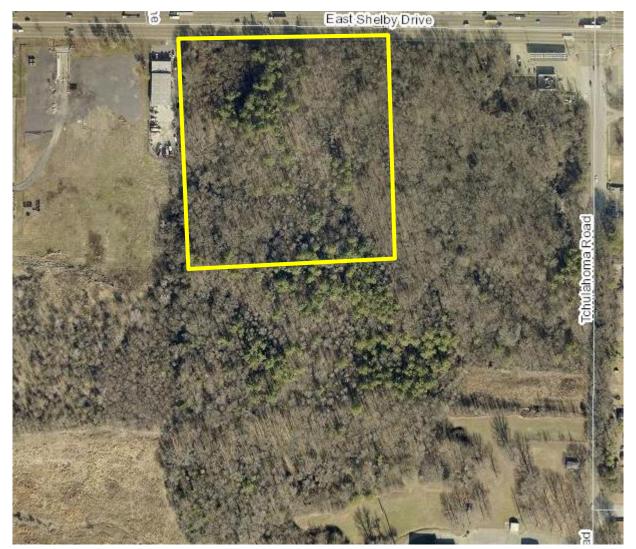
#### PUBLIC NOTICE DETAILS

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

#### **NEIGHBORHOOD MEETING**

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

## AERIAL



Subject property outlined in yellow

## ZONING MAP



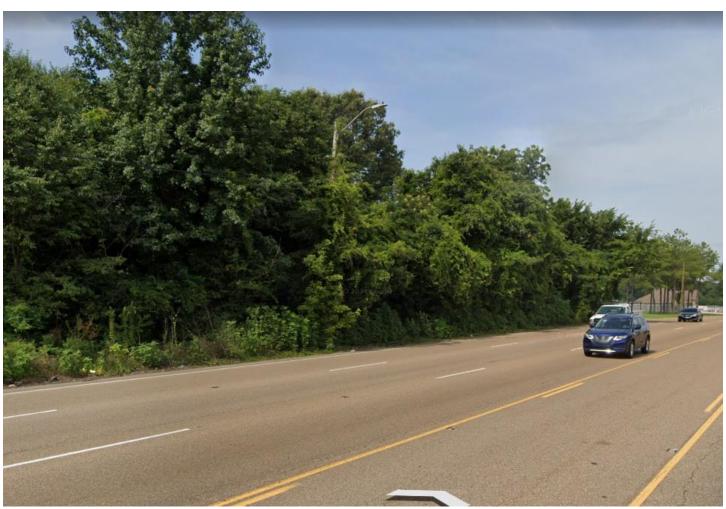
Subject property highlighted in yellow



Subject property indicated by a pink star

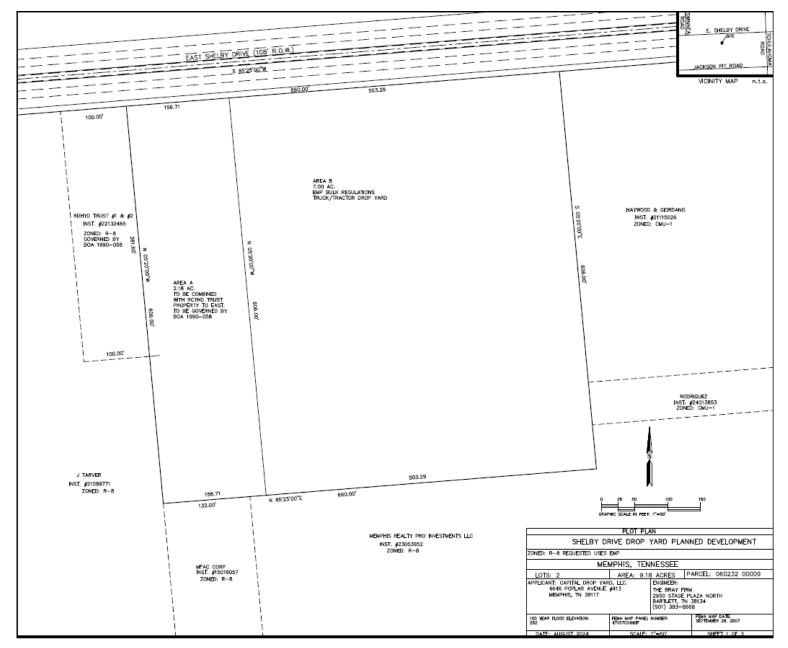


View of subject property from East Shelby Drive looking north.

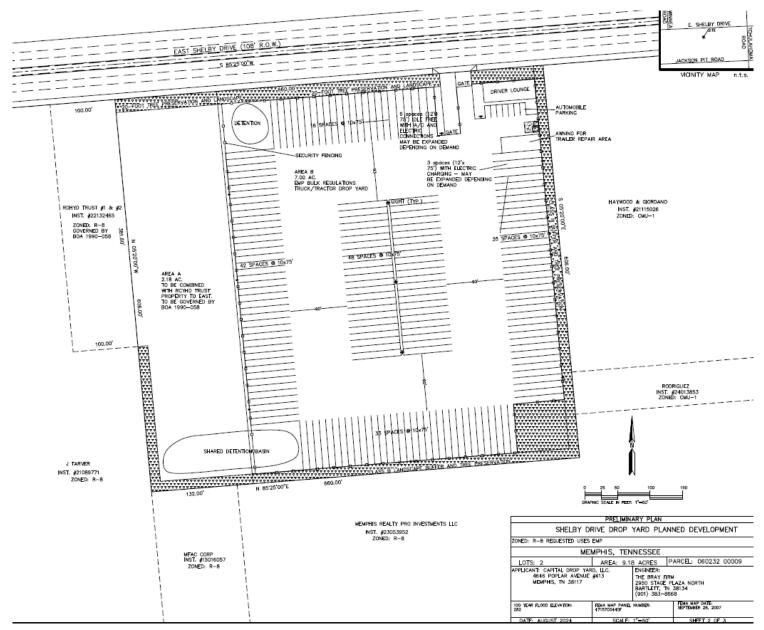


View of subject property from East Shelby Drive looking south.

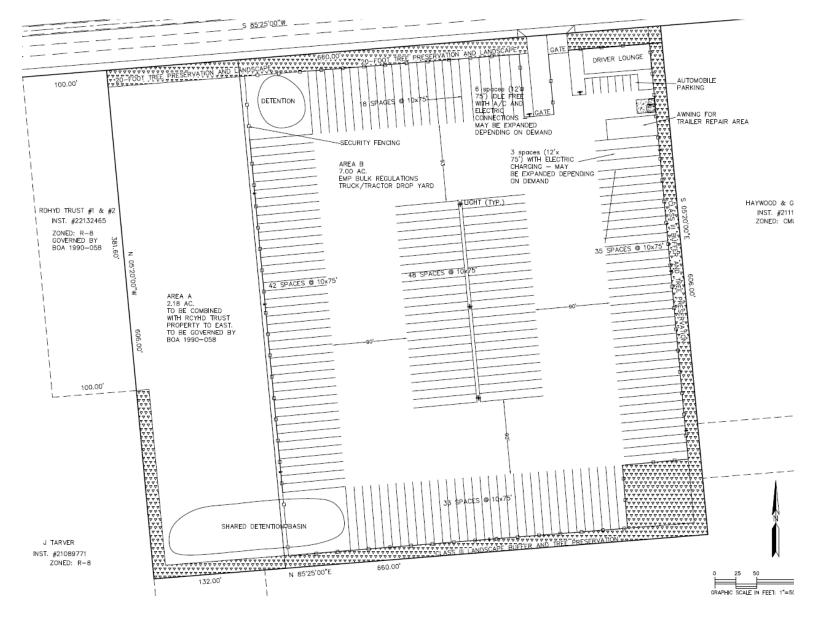
#### **PLOT PLAN**



## CONCEPT PLAN



#### **CONCEPT PLAN – MAGNIFIED**



#### **CASE REVIEW**

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

## **Applicability**

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

## 4.10.2 Applicability

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

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

## **Commercial or Industrial Criteria**

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

#### 4.10.5 Planned Commercial or Industrial Developments

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

## A. Screening

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

B. Display of Merchandise

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

C. Accessibility

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

D. Landscaping

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

## Approval Criteria

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

## 9.6.9 Approval Criteria

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

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

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

#### Site Details

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

Parcel ID: 060232 00009

Area: +/-9.18 acres

Description:

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

#### Site Zoning History

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

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

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

## Concept Plan Review

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

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

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

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

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

#### RECOMMENDATION

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

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

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

I. USES PERMITTED:

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

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

#### II. BULK REGULATIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Site Plan Review:

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

A. The Site plan shall include:

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

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

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

1. Conformance with the Outline Plan Conditions.

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

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

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

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

VII. Any final plan shall include the following:

A. The Outline Plan conditions.

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

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

D. The number of parking spaces

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

F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention located in these areas, except for those parts located in a public drainage easement, shall be

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

#### **DEPARTMENTAL COMMENTS**

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

## **City/County Engineer:**

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

## Sewers:

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

## Roads:

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

## **Traffic Control Provisions:**

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

## Curb Cuts/Access:

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

September 12, 2024 Page 19

## Drainage:

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

## **General Notes:**

- 18. Development is greater than 1 acre and requires detention.
- 19. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 20. All connections to the sewer shall be at manholes only.
- 21. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
- 22. Required landscaping shall not be placed on sewer or drainage easements.

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

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

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

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>PD 2024-013 Parkway Village</u>

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

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

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



1. Future Land Use Planning Map

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

## 2. Land Use Description/Intent

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



## "AN-S" Form & Location Characteristics NURTURE

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

## "AN-S" Zoning Notes

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

## Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-8

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

## 3. Degree of Change Map



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

## 4. Degree of Change Description

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

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

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

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

#### **Consistency Analysis Summary**

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

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

Summary Compiled by: Nick Wiggins, Comprehensive Planning.

September 12, 2024 Page 24

#### MAILED PUBLIC NOTICE

## NOTICE OF PUBLIC HEARING

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

Wednesday, September 4, 2024 at 8 AM.

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

**Meeting Details** 

Location: Council Chambers City Hall 1st Floor 125 N Main St.

Time: 9:00 AM Thursday, Sept. 12 Date:

#### Staff Planner Contact:

**Alexis Longstreet** ☑ alexis.longstreet@memphistn.gov (901) 636-7120

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY VICINITY MAP

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



AFFIDAVIT

Shelby County State of Tennessee

ISTERIEN CHICISTIDES being duly swithe 294h day of DulousT 202	om, depose and say that at <u>12:41</u> ampro on
to Case No. PD 2.024 - 013 at PDCCCL providing notice of a Public Hearing before the City Council,Shelby County Board of Con Land Use Action (Planned Development, District Map Amendment,Street and/or Alle attached hereon and a copy of the sign purchase re-	Land Use Control Board,Memphis nmissioners for consideration of a proposed Special Use Permit,Zoning v Closure), a photograph of said sign(s) being
Stophen Christodes	8-29-24
Owner, Applicant or Representative	Date
Subscribed and swom to before me this 29th day Notary Public	of <u>Aligust</u> 2024.
My commission expires: 10 21 24	MISSISS Y PUBLIC
DaTRISHA MIC	Fenters / /
	00

#### Staff Report PD 2024 - 013

#### APPLICATION

September 12, 2024 Page 26



## Memphis and Shelby County Division of Planning and Development

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

Owner Phone

website: www.develop901.com

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

Record Detail Information

Record Type: Planned Development

Record Number: PD 2024-013

Record Status: Processing Opened Date: August 9, 2024

Expiration Date:

Record Name: Shelby Drive Drop Yard Planned Development

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

Parent Record Number:

Address:

38118

#### Owner Information

Primary Owner Name
Y WILLIAMS STEVIE AND NATHANIEL PARTEE
Owner Address

4651 SUNSET RD, NESBITT, MS 38651

#### Parcel Information

060232 00009

#### Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Lucas Skinner
Date of Meeting	06/10/2024
Pre-application Meeting Type	Email
GENERAL PROJECT INFORMATION	
Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	n/a
Medical Overlay / Uptown	No
If this development is located in unincorporated	n/a
Shelby County, is the tract at least three acres?	
(Note a tract of less than three acres is not	

Page 1 of 3

PD 2024-013

#### GENERAL PROJECT INFORMATION

eligible for a planned development in unincorporated Shelby County) Is this application in response to a citation, stop work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA UDC Sub-Section 9.6.9A UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS UDC Sub-Section 4.10.3A

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

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

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

Case Layer

Page 2 of 3

No

n/a

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

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

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

agreed

A property owners association will maintain the common detention basin.

Agreed

Z02-102, Z05-122, Z07-107

PD 2024-013

Payment In Payment Amo	nformation	Total Fee Invo	oiced: \$2,052.00	Total Ba	lance: \$0.0	0
		Total Fee Invo	oiced: \$2,052.00	Total Ba	lance: \$0.0	0
1584854	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	08/09/2024
1584854	Credit Card Use Fee (.026 x fee)	1	52.00	INVOICED	0.00	08/09/2024
	each additional or fractional acres above 5					
1584854	Planned Development -	5	500.00	INVOICED	0.00	08/09/2024
nvoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
Fee Inform	nation					
Phone (901)487-2425	5					
	PLAZA NORTH,					
Address					ARCHITE	CT / ENGINEER /
Name THE BRAY FI	RM				Contac	
Phone						
Address					APPLICA	NT
Name STEPHEN CH	RISTIDES				Contac	
Contact In	formation					
	Protection Overlay District		No			
	Development District		-			
Subdivisi			-			
Lot			-			
State Ro	ute	1				
Zoning	Special Purpose District		- R-8			
Municipal			-			
Land Use			VACANT			
Historic D	District		-			
Downtow	n Fire District		No			
Class	daness improvement bistin		R			
Central B	Business Improvement Distri	ct	No			

\$2,052.00

Credit Card

PD 2024-013

#### **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.



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

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

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

of the property located at 0 SHELBY DRIVE MEMPHIS, TN

and further identified by Assessor's Parcel Number 060232022229,

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

day of <u>CUUJUET</u> in the year of <u>2024</u>. Subscribed and sworn to (or affirmed) before me ID # 158665 NE LANGSTON BE 11-1-27 anature of Notary Public My Commission Expires

#### LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

August 9, 2024

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

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

Mr. Ragsdale:

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

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

Sincerely,

David Gean Bray, P.E.



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

Staff Report PD 2024 - 013

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

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

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

Partner Vendors:

Rescue Repair Service 3441 Knight Arnold Rd Memphis, TN 38118

Perfect Choice Permitting

3865 Viscount Ave

Memphis, TN 38118

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

Universal Glass 3695 Lamar Ave Memphis, TN 38118

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



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

Stephen Christides

Capital Drop Yard LLC / Capital Logistics LLC

Online at www.capitaldropyard.com



Staff Report PD 2024 - 013

#### **LETTERS RECEIVED**

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

#### TCHULAHOMA CORRIDOR COMMENTS

August 23, 2024 Re: Case PD 2024-013

Memphis and Shelby County Division of Planning and Development

Attn: Alexis Longstreet, Staff Planner

Howdy and good day to you!

I hope all is well with you today.

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

After reviewing the application, the following comments will apply:

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

I appreciate the opportunity to submit these comments.

Have a good week. Blessings!

M. Dould

September 12, 2024 Page 37

# 1MFAC CORP., INC.

37678 NEW GETWELL ROAD + MEMPHIS, TN 38118 + 1-901/795-3110

August 28, 2024

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

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

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

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

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

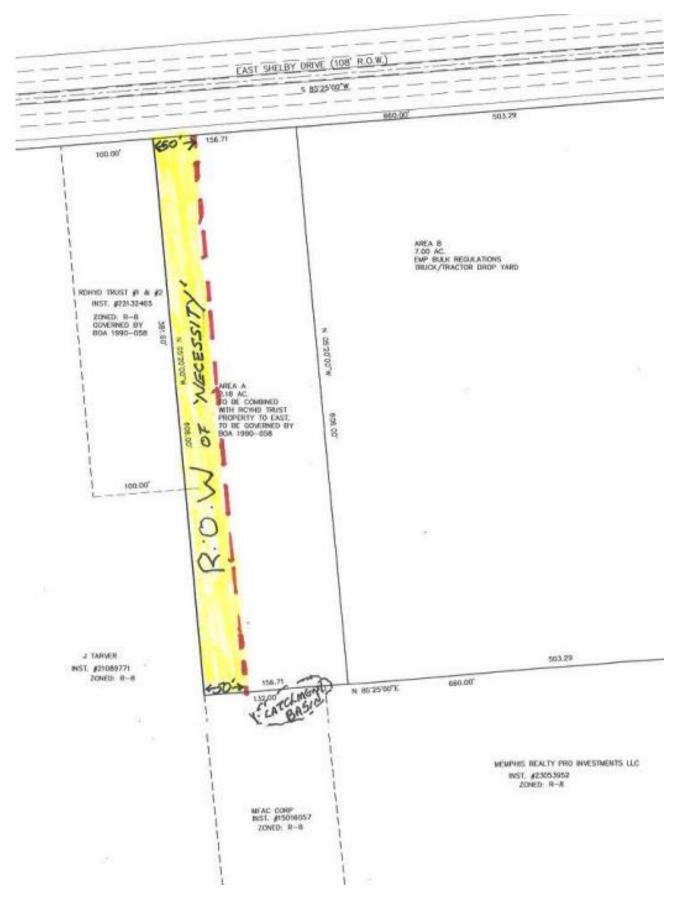
The PD 2024-013 will come before the City Council on Thursday, September 12, 2024 @ 0900 hours; with a September 4, 2024 @ 0800 hours Comment cut-off date. Your assistance is much appreciated. I can be reached at 901/795-4405. Thanks.

Respectfully Rane M. Cornish.

Property Owner.

Attach: Sketch cc:

#### September 12, 2024 Page 38





# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

# **Record Summary for Planned Development**

**Record Detail Information** 

Record Type: Planned Development

Record Status: Processing Opened Date: August 9, 2024

Record Number: PD 2024-013

Expiration Date:

Record Name: Shelby Drive Drop Yard Planned Development

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

Parent Record Number:

Lucas Skinner

06/10/2024

Email

#### Address:

38118

#### Owner Information

Primary Owner Name

Y WILLIAMS STEVIE AND NATHANIEL PARTEE

Owner Address 4651 SUNSET RD, NESBITT, MS 38651

#### Parcel Information

060232 00009

#### **Data Fields**

PREAPPLICATION MEETING

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

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

**Owner Phone** 

#### **GENERAL PROJECT INFORMATION**

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

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

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

UDC Sub-Section 4.10.3A

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

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

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

Case Layer

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

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

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

agreed

No

n/a

A property owners association will maintain the common detention basin.

Agreed

Z02-102, Z05-122, Z07-107

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

#### **Contact Information**

#### Name

STEPHEN CHRISTIDES

#### Address

#### Phone

Name THE BRAY FIRM

Address 2950 STAGE PLAZA NORTH,

#### Phone

(901)487-2425

#### Fee Information

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

#### **Payment Information**

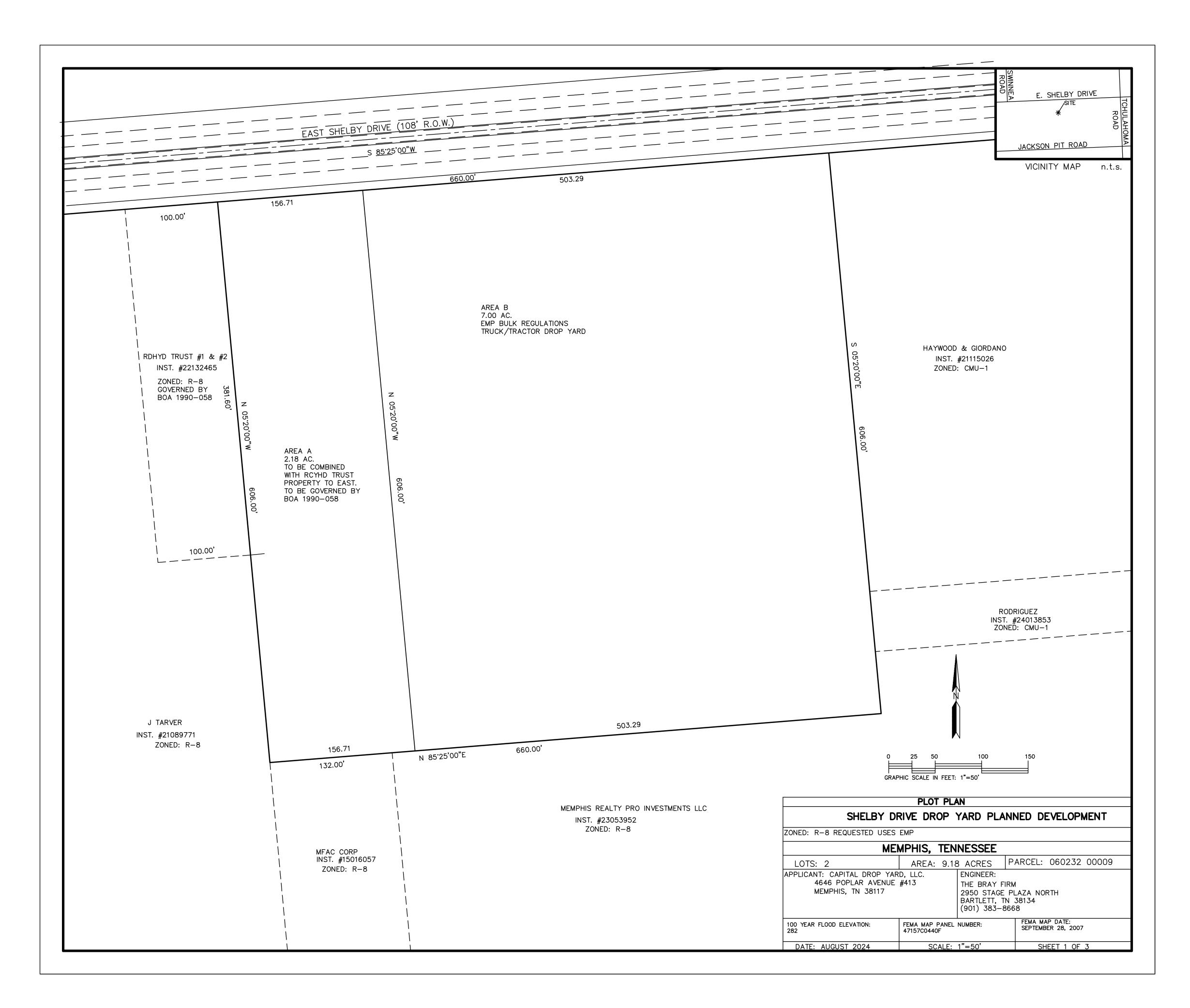
Payment Amount	Method of Payment
\$2,052.00	Credit Card

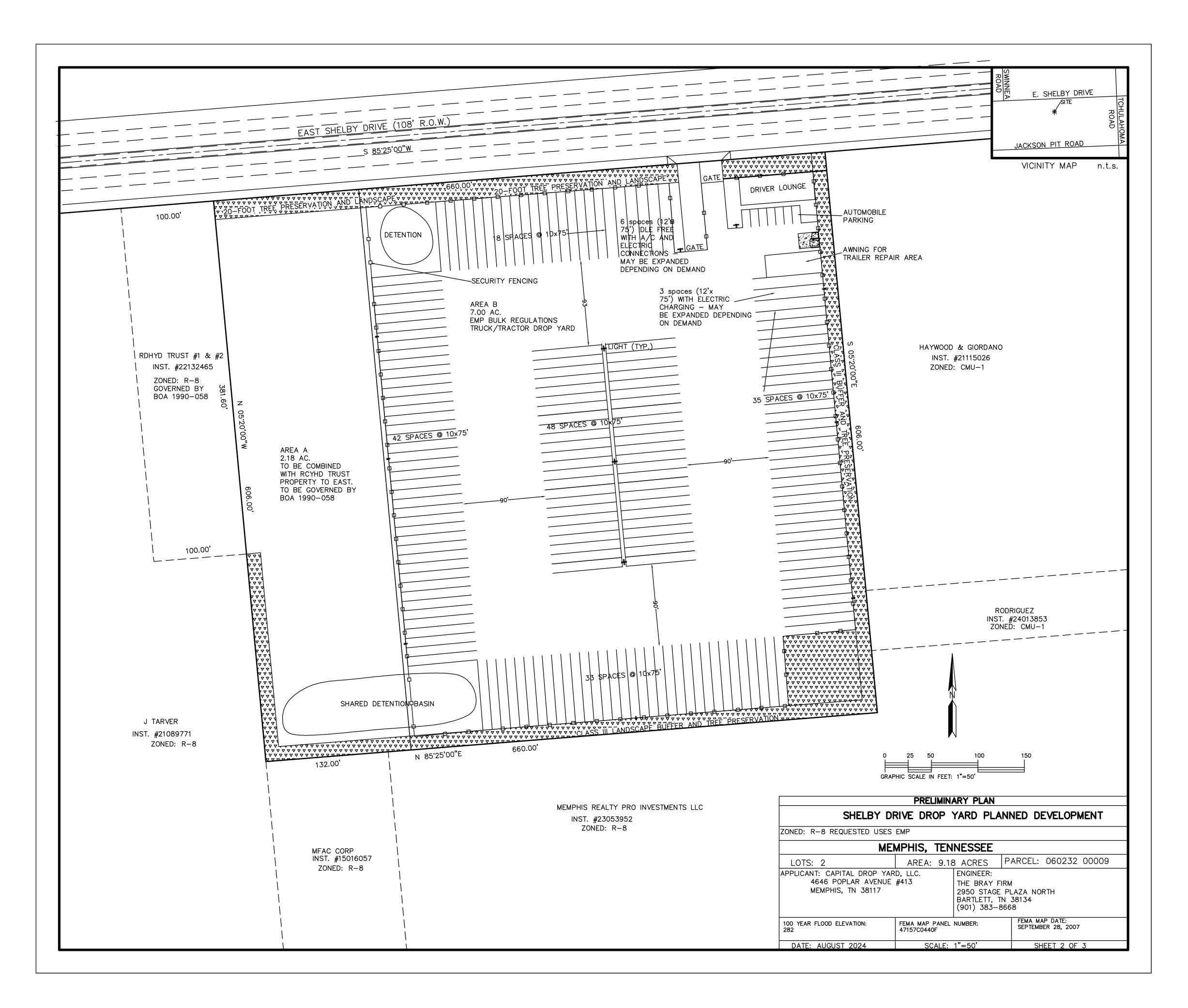
Contact Type ARCHITECT / ENGINEER /

Contact Type

APPLICANT

SURVEYOR





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

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

III. ACCESS AND CIRCULATION:

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

IV. LANDSCAPING, SCREENING, AND LIGHTING:

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

### V. Site Plan Review:

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

A. The Site plan shall include:

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

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

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

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

VII. Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

SHELBY C	RIVE DROP YARD
ZONED: R-8 REQUESTED USES	S EMP
ME	EMPHIS, TENNESS
LOTS: 2	AREA: 9.18 ACR
APPLICANT: CAPITAL DROP YA 4646 POPLAR AVENUE MEMPHIS, TN 38117	
100 YEAR FLOOD ELEVATION: 282	FEMA MAP PANEL NUMBER 47157C0440F
DATE: AUGUST 2024	SCALE: NONE

PRELIMINARY	PLAN			
DROP YAR	D PLANN	NED DE	EVELOP	IENT
IS, TENNES	SSEE			
REA: 9.18 AC	CRES P/	ARCEL:	060232	00009
C. ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668				
MAP PANEL NUMB 7C0440F	ER:	FEMA MA SEPTEMB	AP DATE: ER 28, 2007	

SHEET 3 OF 3

#### I. USES PERMITTED:

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

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- A. AREA A To be governed by approval conditions of BOA 1990-058
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- F. All light poles shall be limited to a maximum of 35 feet in height.

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Telephone 901-383-8668

THE BRAY FIRM

2950 Stage Plaza North Bartlett, Tennessee 38134

August 9, 2024

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

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

Mr. Ragsdale:

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

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

Sincerely,

David Gean Bray, P.E.

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

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

of the property located at 0 SHELBY DRIVE MEMPHIS, TN

and further identified by Assessor's Parcel Number 060232022229,

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

day of <u>())) and the year of 2024</u>. Subscribed and sworn to (or affirmed) before r

11-1-27 My Commission Expires



Shelby County Tennessee

# Shelandra Y Ford

Shelby County Register

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



22069418

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

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

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

#### PARCEL ID NUMBER: 06002320009

#### QUIT CLAIM DEED

-THIS DEED PREPARED WITHOUT BENEFIT OF TITLE SEARCH-

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

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

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

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

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

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

0 SHELBY DR Page 1 of 2

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

OWNER

HAYWOOD & GIORDANO 7731 HWY 301 WALLS, MS 38680

RESIDENT 3271 SHELBY DR MEMPHIS, TN 38118

MFAC CORP 4791 TCHULAHOMA RD MEMPHIS, TN 38118

RESIDENT 4833 TCHULAHOMA RD MEMPHIS, TN 38118

RESIDENT 1376 JACKSON PIT RD MEMPHIS, TN 38118

RESIDENT 3135 SHELBY DR MEMPHIS, TN 38118

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

Engineer

MAPCO PETROLEUM INC 2424 RIDGE RD ROCKWALL, TX 75087

PEDRO & MAGDELENA RODRIGUEZ 4757 TCHULAHOMA RD MEMPHIS, TN 38118

EASTHAVEN CHURCH OF CHRIST 4833 TCHULAHOMA RD MEMPHIS, TN 38118

INDEPENDENT POLE BEARERS 4819 TCHULAHOMA RD MEMPHIS, TN 38118

J. TARVER 3021 SHELBY DR MEMPIS, TN 38118

JOHN & KIRK TARVER 2100 WOODCREEK DR GERMANTOWN, TN 38138

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

APPLICANT

QCSI FOUR LLC 2424 RIDGE RD ROCKWALL, TX 75087

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

MFAC CORP 3767 NEW GETWELL RD MEMPHIS, TN 38118

SHELBY COUNTY 160 N. MAIN ST MEMPHIS, TN 38103

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

RESIDENT 3021 SHELBY DR MEMPHIS, TN 38118

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

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

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

RESIDENT 4635 TCHULAHOMA RD MEMPHIS, TN 38118

DARRELL THOMAS 4597 TCHULAHOMA RD MEMPHIS, TN 38118

RONALD & PATRICIA SOLBERG PO BOX 751510 MEMPHIS, TN 38175

RESIDENT 3315 SHELBY DR MEMPHIS, TN 38118

RESIDENT 4730 TCHULAHOMA RD MEMPHIS, TN 38118

STANLEY & SCOTTY BROWNLEE 3305 DAPHNE CV MEMPHIS, TN 38118

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

RESIDENT 3250 SHELBY DR MEMPHIS, TN 38118

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

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

RESIDENT 3285 SHELBY DR MEMPHIS, TN 38118

TAYLOR'ED GYMNASTICS 4906 STIRRUP DR MEMPHIS, TN 38125

MICHAEL WILLIAMS 3300 DAPHNE CV MEMPHIS, TN 38118

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

SHARHAN MUTAHAR 2271 KHUSH BOO CV SOUTHAVEN, MS 38671

MELISSA & LORENZO MYRICK 4609 TCHULAHOMA RD MEMPHIS, TN 38118

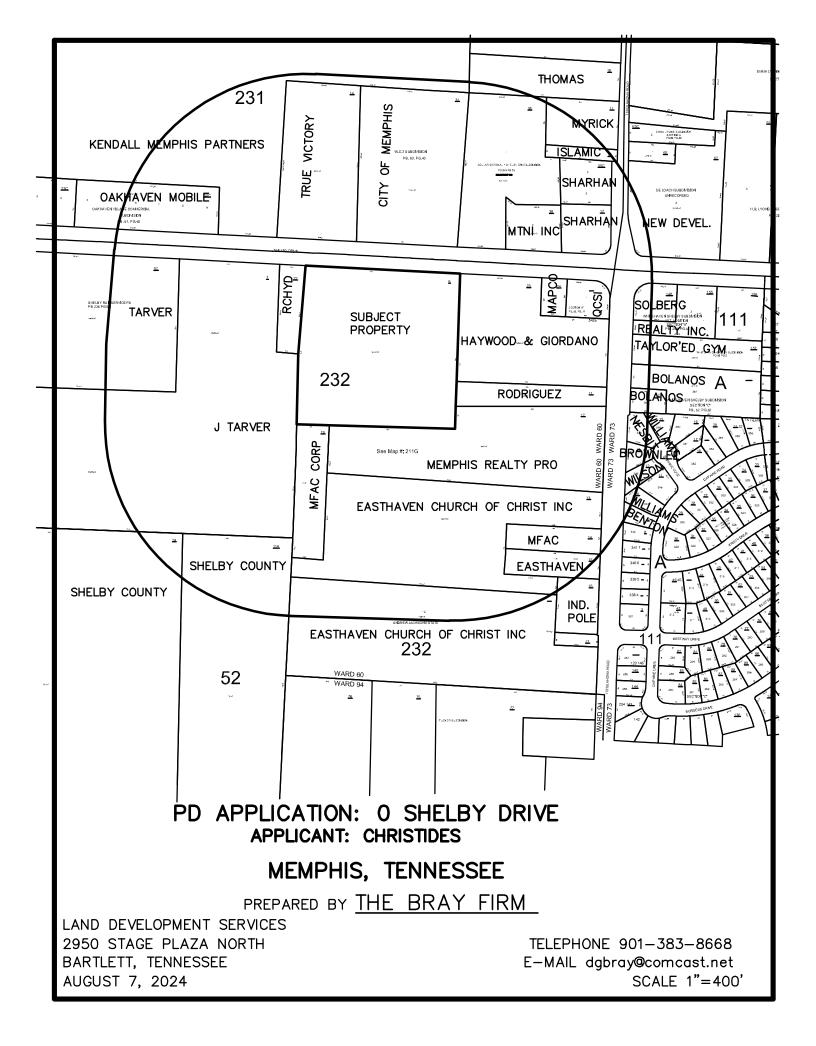
RESIDENT 3292 SHELBY DR MEMPHIS, TN 38118

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

JOSE BOLANOS 3003 SUMMER AVE MEMPHIS, TN 38112

SANDRA NESBIT 3301 DAPHNE CV MEMPHIS, TN 38118

CAROLYN WILLIAMS 4787 DAPHNE RD MEMPHIS, TN 38118





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

November 14, 2024

Stephen Christides, Capital Drop Yard, LLC

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

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

Dear applicant,

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

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

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

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

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

Respectfully,

Alexis Longstreet

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

### Letter to Applicant PD 2024-013

Cc: David Bray, The Bray Firm File

#### Letter to Applicant PD 2024-013

#### **Outline Plan Conditions**

#### I. USES PERMITTED:

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

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

#### II. BULK REGULATIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

#### V. Site Plan Review:

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

A. The Site plan shall include:

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

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

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

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

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

1. Conformance with the Outline Plan Conditions.

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

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

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

VII. Any final plan shall include the following:

A. The Outline Plan conditions.

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

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

D. The number of parking spaces

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

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

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

**Planning & Development ONE ORIGINAL** DIVISION **ONLY STAPLED** 03/18/2025 Planning & Zoning COMMITTEE: **TO DOCUMENTS** DATE **PUBLIC SESSION:** 03/25/2025 DATE **ITEM (CHECK ONE)** \_\_ REQUEST FOR PUBLIC HEARING X RESOLUTION ORDINANCE Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving **ITEM DESCRIPTION:** a special use permit at the subject property located at the southeast corner of S Mendenhall Road and Fox Plaza Drive known as case number SUP 2024-039 SUP 2024-039 **CASE NUMBER:** 2730 S Mendenhall Road (SE corner of Mendenhall and Fox Plaza) LOCATION: **District 4 and Super District 8 COUNCIL DISTRICTS: Beruk** Construction **OWNER/APPLICANT: REPRESENTATIVE:** N/A Special Use Permit to allow a convenience store with gas pumps **REQUEST:** +/-1.005 acres **AREA:** The Division of Planning and Development recommended Rejection **RECOMMENDATION:** The Land Use Control Board recommended Rejection **RECOMMENDED COUNCIL ACTION:** Public Hearing Not Required Hearing - March 25, 2025 **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED 12/12/2024 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE **REVENUE TO BE RECEIVED** SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET CIP PROJECT #** FEDERAL/STATE/OTHER **JRATIVE APPROVAL:** DATE **POSITION** ADMINIS PLANNER II DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY \_\_\_\_\_ **CHIEF ADMINISTRATIVE OFFICER COMMITTEE CHAIRMAN** 

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Memphis City Council Summary Sheet

### SUP 2024-039

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 THE SOUTHEAST CORNER OF S MENDENHALL ROAD AND FOX PLAZA DRIVE, KNOWN AS CASE NUMBER SUP 2024-039

- This item is a resolution with conditions for a special use permit to allow a convenience store with gasoline sales.
- This item was heard at the December 2024 meeting of the Land Use Control Board. Between this meeting and the present (March 2025), the applicant has worked with DPD staff to improve the site design. The improved site design is included in the attached resolution.
- Nevertheless, DPD staff recommends *rejection* for three major reasons:
  - $\circ\,$  Inconsistency with the intent of the UDC's design standards for gas stations.
  - $\circ~$  Ecological concerns related to the site's location in an aquifer recharge zone.
  - Inconsistency with the Memphis 3.0 Comprehensive Plan
- The Land Use Control Board also voted to recommend *rejection* at its December 2024 meeting.
- 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 2024-039
LOCATION:	2730 S Mendenhall Rd.
COUNCIL DISTRICT(S):	District 4 and Super District 8
OWNER/APPLICANT:	Beruk Construction
REPRESENTATIVE:	N/A
REQUEST:	Special Use Permit to allow a convenience store with gasoline sales.
EXISTING ZONING:	Commercial Mixed Use – 1 (CMU-1)
AREA:	+/-1.005 acres

The following spoke in support of the application: Aaron Robinson

#### The following spoke in opposition the application: Asad Sojwani

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

#### The motion failed by a vote of 0-9 on the regular agenda.

Respectfully,

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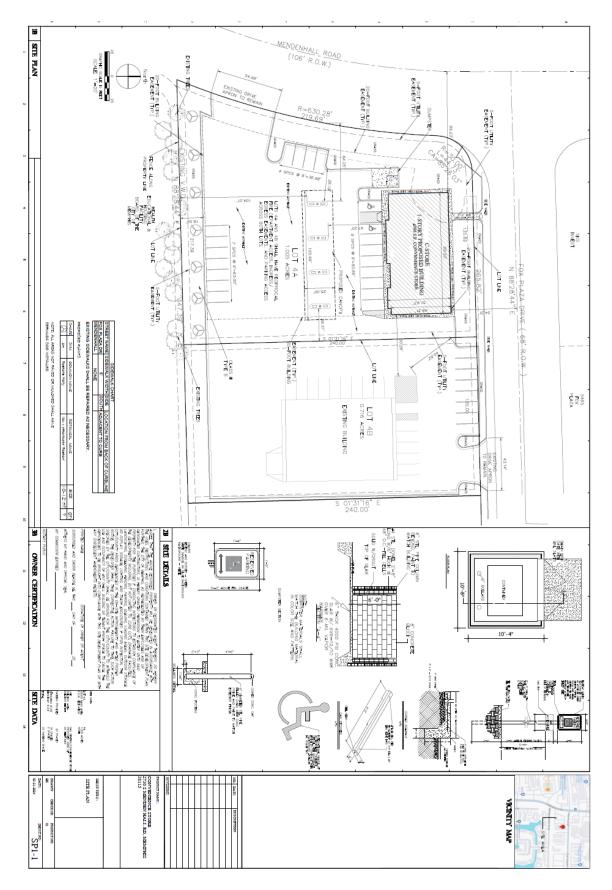
Nicholas Wardroup Planner II Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

#### SUP 2024-039 CONDITIONS

While the Board recommends *rejection*, it recommends the following conditions if approved:

- 1. The applicant shall submit a revised site plan and elevations to the Zoning Administrator for administrative review and approval prior to the granting of any building permits. The granting of this Special Use Permit shall not be construed to waive any requirements of the UDC related to landscaping, bicycle or vehicular parking, or any other standard.
- 2. At least 3 electric vehicle (EV) charging stations shall be provided. The applicant may eliminate vehicular parking spaces as necessary to meet this requirement.
- 3. The principal structure shall feature at least 30% transparency on its western façade. The Zoning Administrator may, at their discretion, reduce this requirement after the submission of elevations. No window graphics or window signs shall be permitted on the western façade.



#### 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 THE SOUTHEAST CORNER OF S MENDENHALL ROAD AND FOX PLAZA DRIVE, KNOWN AS CASE NUMBER SUP 2024-039

**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**, Beruk Construction filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience store with gasoline 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.

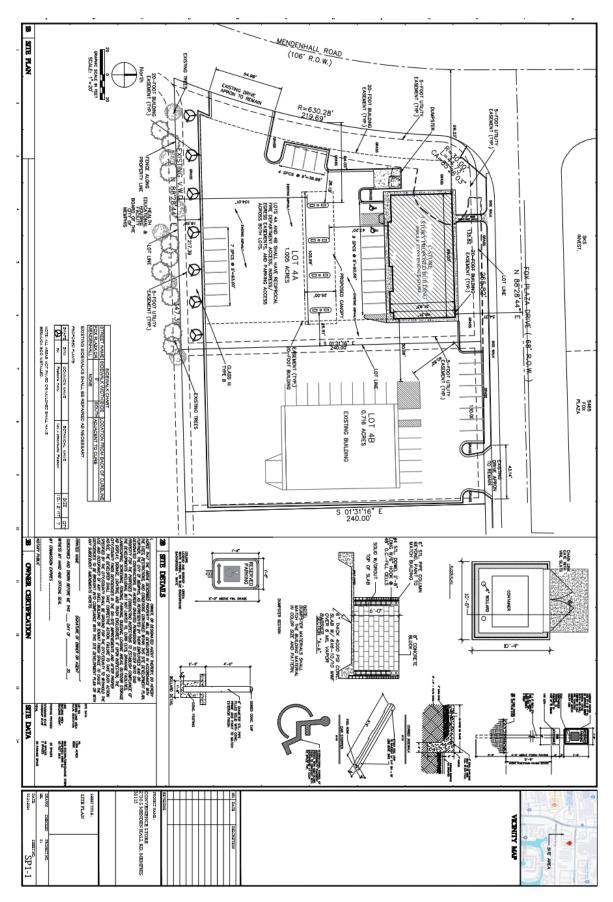
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

**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. The applicant shall submit a revised site plan and elevations to the Zoning Administrator for administrative review and approval prior to the granting of any building permits. The granting of this Special Use Permit shall not be construed to waive any requirements of the UDC related to landscaping, bicycle or vehicular parking, or any other standard.
- 2. At least 3 electric vehicle (EV) charging stations shall be provided. The applicant may eliminate vehicular parking spaces as necessary to meet this requirement.
- 3. The principal structure shall feature at least 30% transparency on its western façade. The Zoning Administrator may, at their discretion, reduce this requirement after the submission of elevations. No window graphics or window signs shall be permitted on the western façade.



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

C DC MEMPHIS AND SHELBY COUNTY	STAFF	REP	ORT
AGENDA ITEM:	14	L.U.C.B. MEETING:	December 12, 2024
CASE NUMBER:	SUP 2024-0039		
LOCATION:	2730 S. Mendenhall Road		
COUNCIL DISTRICT:	District 4 and Super District 8		
OWNER/APPLICANT	: Beruk Construction (Fasil Kabede)	)	

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

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

# CONCLUSIONS

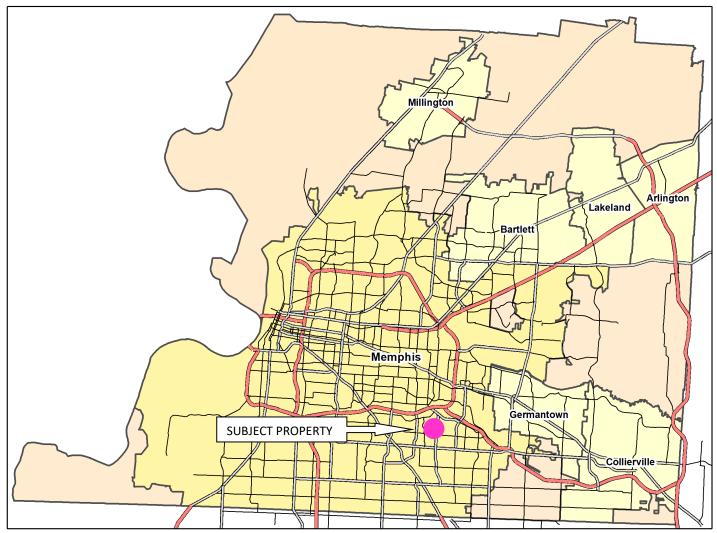
- 1. The applicant proposes to construct a new convenience store and associated 4-pump canopy on a property which served as a parking lot for a Hertz car rental until 2022.
- 2. Staff recommends *rejection* of the application for three major reasons:
  - a. Inconsistency with the UDC's design standards for gas stations, which are intended to encourage more urban and pedestrian-oriented site designs, particularly important on sites (such as the subject property) in close proximity to multifamily housing.
  - b. Ecological concerns related to the site's location in an aquifer recharge zone and subsequent inconsistency with the Mid-South Region Resilience Master plan.
  - c. Inconsistency with the Memphis 3.0 Comprehensive Plan.
- 3. 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 20-23 of this report.

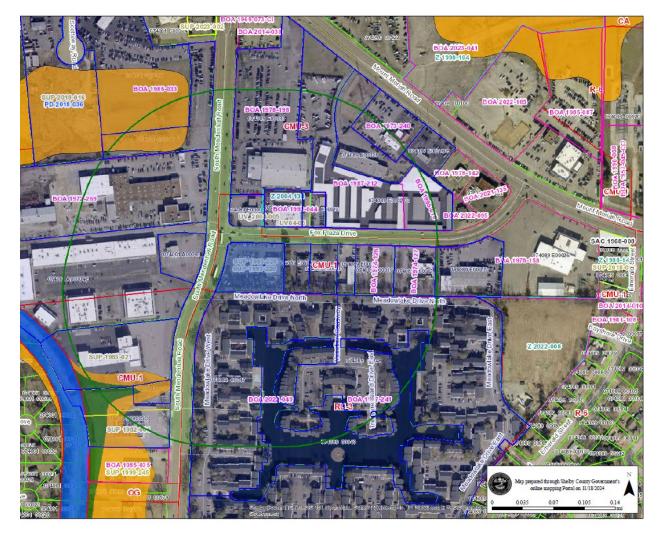
## **RECOMMENDATION:**

Rejection



Subject property located within the pink circle

#### PUBLIC NOTICE VICINITY MAP

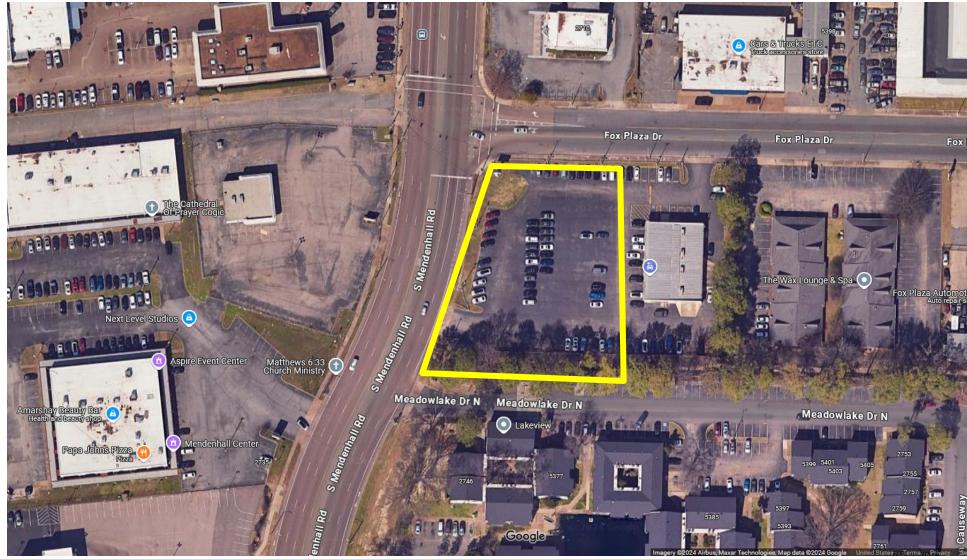


In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 27 notices were mailed on November 19, 2024, see page 24 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 25 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Tuesday, November 26, 2024, at 2734 S Mendenhall Rd, Memphis, TN 38115.

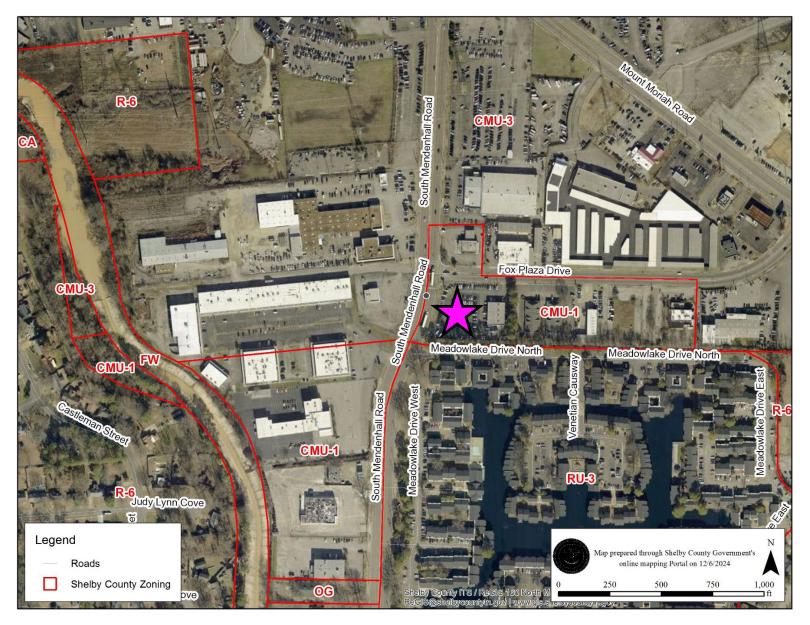
#### AERIAL



Subject property outlined in yellow, imagery via Google, 2024

#### **ZONING MAP**

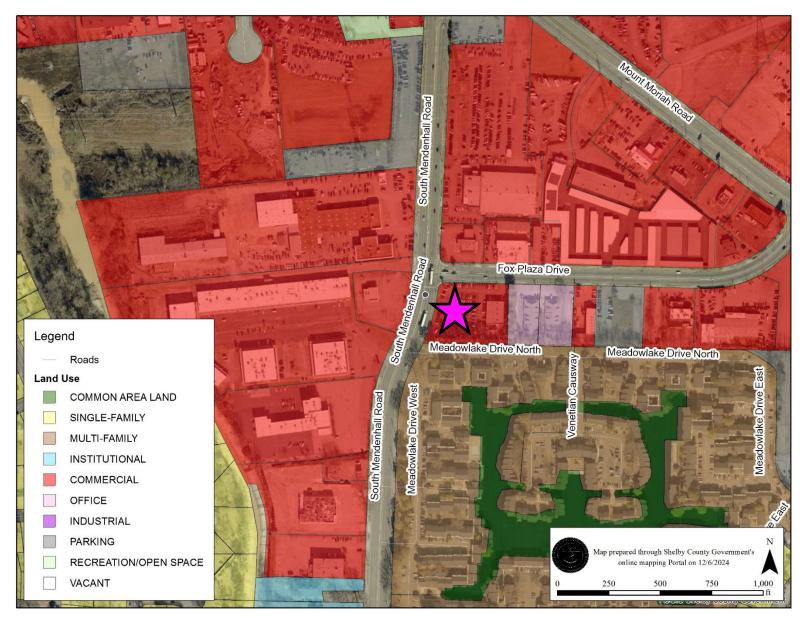
December 12, 2024 Page 5



Subject property indicated by pink star

#### LAND USE MAP

December 12, 2024 Page 6



Subject property indicated by a pink star

December 12, 2024 Page 7

#### SITE PHOTOS



View of subject property from Fox Plaza looking west



View of subject property from S Mendenhall and looking west

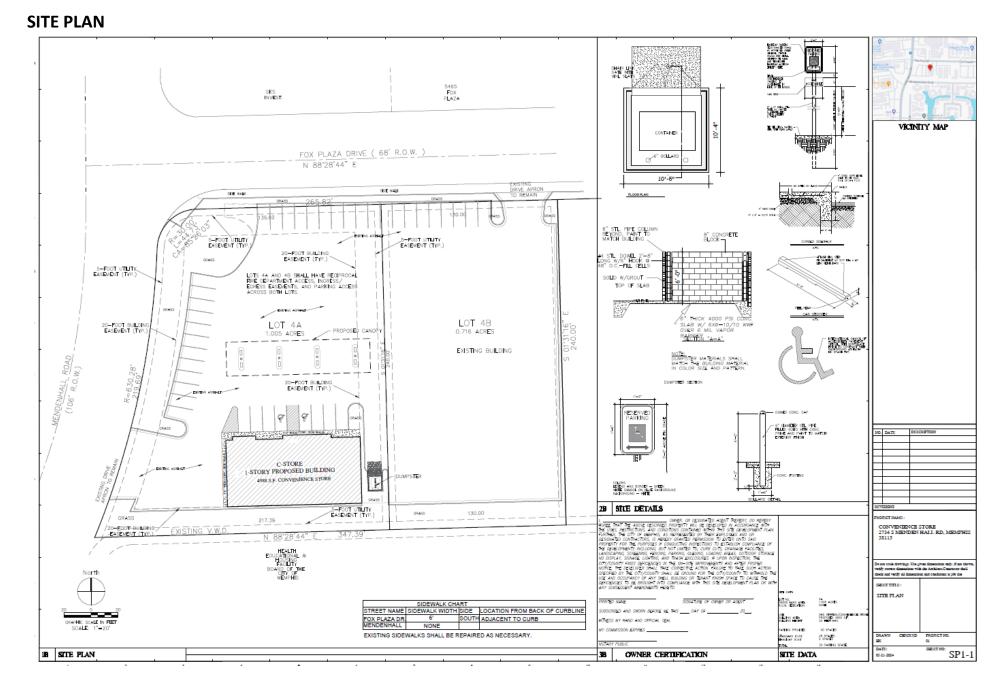


View of subject property from S Mendenhall looking North

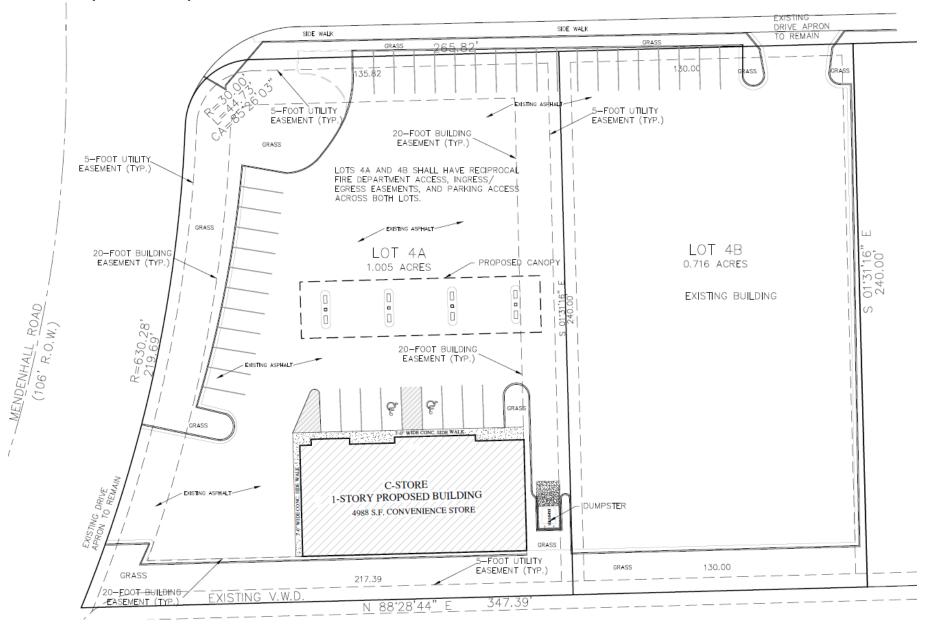


View of subject property from S Mendenhall looking Southeast

#### December 12, 2024 Page 9

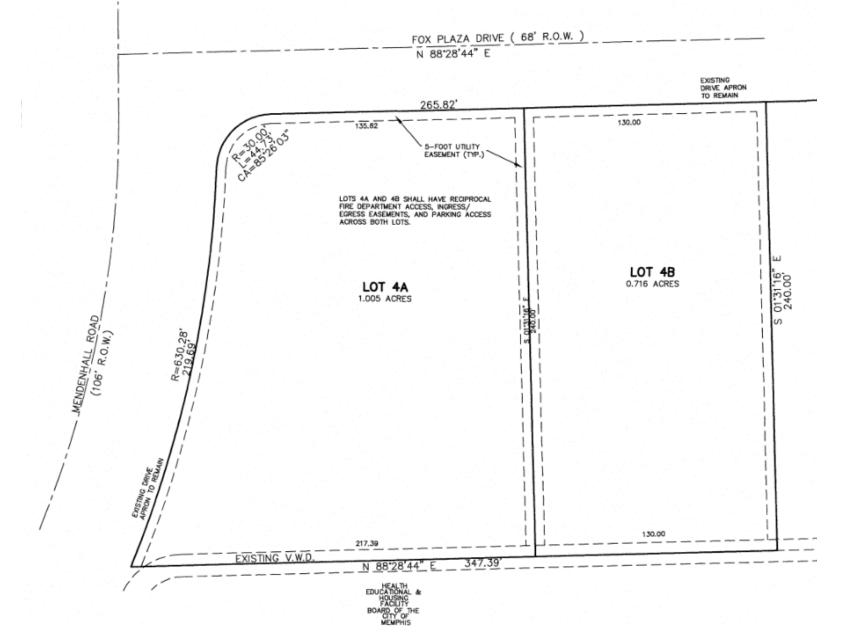


#### SITE PLAN (MAGNIFIED)



December 12, 2024 Page 11

# FOX GATE PLAZA SUBDIVISION (2024, Plat Book 306, Pg. 34)



#### **CASE REVIEW**

#### **Request**

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

# <u>Site Details</u>

Address: 2730 S. Mendenhall

Parcel ID: 074089 E00006

Area: +/1.005 acres

#### Description:

The subject property is known as Lot 4A of the 2024 Fox Gate Plaza subdivision and hosts a vacant parking lot. It is a distinct lot from that of the commercial structure to the east (Lot 4B). The site occupies the entire block width between Fox Plaza Dr. and Meadowlake Dr. at their intersection with S Mendenhall Rd. It is served by one curb cut on S Mendenhall at the southern extreme of the property. The recorded plat also grants shared use of the curb cut on lot 4B along Fox Plaza Dr.

#### Site Zoning History

A 1993 special use permit (SUP 1993-220) approved vehicle sales at this site, which has hosted a Hertz car rental facility as recently as 2022 (the UDC considers vehicle sales and rental to be the same use). Documents from that SUP application indicate that the site had been used as a restaurant prior to the vehicle sales approval. In 2023, the site was subdivided, with the principal structure and the parking lot being separated into distinct lots (see plat page 11). The subject property is lot 4A, the former Hertz parking lot.

#### Site Plan Review

The applicant proposes to construct a +/- 4,988 sq. ft. convenience store along the southern edge of the property, as well as a canopy with four gasoline pumps to the north. The proposed site design does not meet the standards for an SUP waiver under UDC Sub-Item 2.6.3J(2)(d)(ii), necessitating the subject SUP application.

#### **Analysis**

Staff recommends *rejection* of this application for three major reasons: 1) its inconsistency with the intent of the UDC's design standards for gas stations, 2) ecological concerns related to the site's location in an aquifer recharge zone, and 3) its inconsistency with the Memphis 3.0 comprehensive plan.

Sub-section 2.6.3J of the UDC establishes design standards for gas stations intended to encourage more pedestrian-friendly urban design. In short, these standards exempt proposed gas stations from the SUP requirement if they place the pumps to the rear or side of the building and provide an architecturally compatible or physically integrated canopy. Given the site's proximity to a multifamily neighborhood, staff finds it appropriate to strictly enforce these standards in this case.

We also note the proposal's inconsistency with the Mid-South Regional Resilience Master Plan and the Memphis 3.0 Comprehensive Plan. More information regarding these determinations can be found on pages 19-20 and 21-23, respectively.

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. The applicant shall submit a revised site plan and elevations to the Zoning Administrator for administrative review and approval prior to the granting of any building permits. The granting of this Special Use Permit shall not be construed to waive any requirements of the UDC related to landscaping, bicycle or vehicular parking, or any other standard.
- 2. At least 3 electric vehicle (EV) charging stations shall be provided. The applicant may eliminate vehicular parking spaces as necessary to meet this requirement.
- 3. The principal structure shall feature at least 30% transparency on its western façade. The Zoning Administrator may, at their discretion, reduce this requirement after the submission of elevations. No window graphics or window signs shall be permitted on the western façade.

#### **DEPARTMENTAL COMMENTS**

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

City Engineering:	See Next Page
City Fire:	See page 18.
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:	See pages 19-20.
Office of Comprehensive Planning:	See pages 21-23

#### **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. City sanitary sewers are available to serve this development.

3. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.

4. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.

5. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.

Roads:

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

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

Traffic Control Provisions:

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

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

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

Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

December 12, 2024 Page 17

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

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

13. Will require engineering ASPR.

Drainage:

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

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

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

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

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



DIVISION OF FIRE SERVICES **\*** FIRE PREVENTION BUREAU

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

Case Number: SUP 2024-039 Date Reviewed: 12/6/24 Reviewed by: J. Stinson Address or Site Reference: 2730 S Mendenhall

- 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.

#### **OFFICE OF SUSTAINABILITY AND RESILLIENCE COMMENTS**

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

Logan Landry Planner I Office of Sustainability and Resilience 125 N. Main St., Memphis, TN 38103 Logan.Landry@memphistn.gov

#### MEMORANDUM

To: Latonya Hull, Planner I

From: Logan Landry, Planner I

Date: November 4, 2024

Subject: OSR Comments on SUP 24-039: PARKWAY VILLAGE

#### **General Comments & Analysis:**

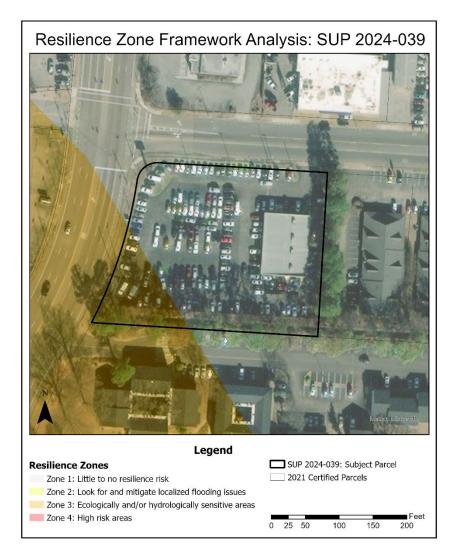
Located in Zones 1 and 3 of the Resilience Zone Framework:

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

Zone 3 areas contain resilience assets that could be compromised by certain kinds of development. These assets include wetlands, forests, meadows, and aquifer recharge areas. The loss of these assets makes the entire region less resilient. Context sensitive development could still occur in these areas to minimize its impact. Consider strategic investment in ecological assets through revitalization and preservation as well as the impacts on local and regional hydrology and methods to mitigate drainage impacts.

The Zone 3 designation is due to the aquifer recharge zone located in the southwest portion of the parcel.

The applicant is requesting a special use permit to construct a convenience store with gas sales on the subject parcel.



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

Section 4.1 – Resilient Sites of the Mid-South Regional Resilience Master Plan discourages development within ecologically sensitive areas, making this application inconsistent with the goals of the Plan. Additionally, the proposed development in the aquifer recharge zone contradicts section 2.2.2 – Aquifer Conservation and Recharge. The nature of the proposed development would increase the hazard of contaminants generated at gas stations to seep into and contaminate the aquifer's water supply.

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

Recommendations: Staff recommends rejection.

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>SUP 2024-039</u>

Site Address/Location: 2730 S Mendenhall Rd, Memphis 38155 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: Avenue & Parkway

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

1. Future Land Use Planning Map



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

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 below.

#### "CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

#### "CSL" Zoning Notes

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

#### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial; CMU-1

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

**Overall Compatibility:** The requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. While a convenience store is compatible with land use intent, the expectation of gas pumps will lead to a more intense usage that is more appropriate for CSH. The requested use is not compatible with existing, adjacent land use and zoning. The intended use of gas pumps is too intense for adjacent multi-family homes zoned as RU-3.

Degree of Change Map



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

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

#### **Consistency Analysis Summary**

The applicant is requesting a special use permit to create a convenience store with gas sales. The requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. While a convenience store is compatible with land use intent, the expectation of gas pumps will lead to a more intense usage that is more appropriate for CSH. The requested use is not compatible with existing, adjacent land use and zoning. The intended use of gas pumps is too intense for adjacent multi-family homes zoned as RU-3.

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

Summary Compiled by: Isaac Bacon, Comprehensive Planning.

# MAILED PUBLIC NOTICE

NOTICE	OF PORL	IC HEARING	MEMPHIS AND DIVISION OF PLANNIN SHELBY COUNTY AND DEVELOPMENT
property that is considered at ar Shelby County L	near the site of nupcoming put and Use Contro	ecause you own or reside on a f a development application to be plic hearing of the Memphis and ol Board. You are not required to e invited to do so if you wish to	
	the staff planne	ation. You may also submit a letter er listed below no later than <b>4 at 8 AM.</b>	
ADDRESS: REQUEST: APPLICANT:	2730 S. Mende	rmit to allow a connivence store with	
Meeting Details Location: Council City Hal 125 N M	Chambers I 1st Floor	<b>Time:</b> 9:00 AM <b>Date:</b> Thursday, Dec. 12, 2024	
Staff Planner Co LaTonya Hull ☑ latonya.hull 〔 (901) 636-7:	@memphistn.g	ον	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

#### **SIGN AFFIDAVIT**

#### AFFIDAVIT

Shelby County State of Tennessee

STATE

COMMISSION EXPIRES

attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

AND DESCRIPTION OF

day of white ver ber, 2024.

Owner, Applicant or Representative

Subscribed and sworn to before me this 18

Notary Public

My commission expires: 1-3-200

#### APPLICATION

MEMPHIS AND SHELBY COUNTY	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 Summar	y for Special Use Permit		
Record Detail Information			
Record Type: Special Use Permit	Record Status: Pending Opened Date: September 16, 2024		
Record Number: SUP 2024-039	Expiration Date:		
Record Name: 2730 S MENDENHALL RD, Memphis 3 Description of Work: C-Store with Gas sales	8115		
	Parent Record Number:		
Primary Owner Name Y BERUK PROPERTIES INC Owner Address 3264 W SARAZENS CIR, MEMPHIS, TN 38125	Owner Phone		
Parcel Information 074089 E00006			
Data Fields			
Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION	Lucas Skinner - -		
Application Type List any relevant former Docket / Case Number(s) related to previous applications on this site	New Special Use Permit (SUP) -		
Is this application in response to a citation, stop work order, or zoning letter	No		

hone 01)327-5800		
ddress		
ame ISIL KEBEDE		Contact Type APPLICANT
ontact Information		
City Council Super District	-	
City Council District		
County Commission District	-	
Wellhead Protection Overlay District	No	
Planned Development District	-	
Subdivision	-	
Lot	-	
State Route	-	
Zoning	-	
Overlay/Special Purpose District	-	
Municipality	-	
Land Use	-	
Historic District	-	
Downtown Fire District	No	
Class	-	
Central Business Improvement District	No	
Case Layer		
GIS INFORMATION	,	
UDC Sub-Section 9.6.9F	yes	
UDC Sub-Section 9.6.9E	yes	
UDC Sub-Section 9.6.9D	yes	
UDC Sub-Section 9.6.9C	yes	
regulations		
accordance with the applicable district		
development and use of adjacent property in		
immediate vicinity and not interfere with the		
operated so as to be compatible with the	,	
B) The project will be constructed, arranged and	yes	
welfare		
affecting the public health, safety, and general		
parking, utility facilities and other matters		
character of the neighborhood, traffic conditions,		
<ul> <li>A) The project will not have a substantial or undue adverse effect upon adjacent property, the</li> </ul>	yes	
	100	
other relevant information		
work order, and/or zoning letter along with any		

mation Fee Item	Quantity	Fees	Status	Balance	Date Assessed
		0.00	INVOICED		
	Total Fee Invo	otal Fee Invoiced: \$0.00 Total Balance: \$0.00		00	
					SUP 2024-03
	Fee Item Credit Card Use Fee (.026 x fee)	Fee Item Quantity Credit Card Use Fee (.026 1 x fee)	Fee Item Quantity Fees Credit Card Use Fee (.026 1 0.00	Fee Item         Quantity         Fees         Status           Credit Card Use Fee (.026         1         0.00         INVOICED           x fee)	Fee Item         Quantity         Fees         Status         Balance           Credit Card Use Fee (.026         1         0.00         INVOICED         0.00           x fee)

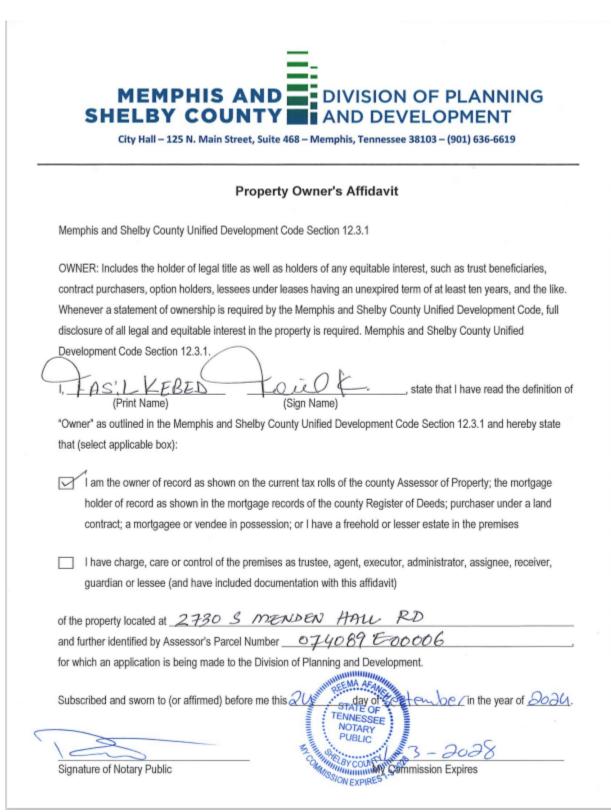
December 12, 2024 Page 29

# Sign Postings





#### **OWNER AFFIDAVIT**



#### LETTER OF INTENT



### LETTERS RECEIVED

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



# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

# **Record Summary for Special Use Permit**

**Record Detail Information** 

Record Type: Special Use Permit

Record Number: SUP 2024-039

Record Name: 2730 S MENDENHALL RD, Memphis 38115 Description of Work: C-Store with Gas sales

Parent Record Number:

**Record Status:** Pending

Opened Date: September 16, 2024

**Expiration Date:** 

**Owner Phone** 

#### Address:

2730 S MENDENHALL RD, Memphis 38115

#### **Owner Information**

Primary Owner Name

Y BERUK PROPERTIES INC

Owner Address

3264 W SARAZENS CIR, MEMPHIS, TN 38125

#### **Parcel Information**

074089 E00006

Data Fields	
PREAPPLICATION MEETING	
Name of DPD Planner	Lucas Skinner
Date of Meeting	-
Pre-application Meeting Type	-
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	No
work order, or zoning letter	

GENERAL PROJECT INFORMATION
If yes, please provide a copy of the citation, stop
work order, and/or zoning letter along with any
other relevant information
APPROVAL CRITERIA
A) The project will not have a substantial or

undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare B) The project will be constructed, arranged and yes 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 yes

yes

UDC Sub-Section 9.6.9D yes UDC Sub-Section 9.6.9E yes UDC Sub-Section 9.6.9F yes **GIS INFORMATION** 

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

#### **Contact Information**

Name FASIL KEBEDE

#### Address

Phone (901)327-5800 Contact Type

APPLICANT

Fee Information						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1594920	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	09/24/2024

Total Fee Invoiced: \$0.00

Total Balance: \$0.00



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.

Such the definition of AS'L-KEBED (Print 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 2730 S MENDEN HALL RD and further identified by Assessor's Parcel Number 074089 E00006 for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me this 200 day of ende (in the year of 2024. Signature of Notary Public Commission Expires



# Letter of Intent

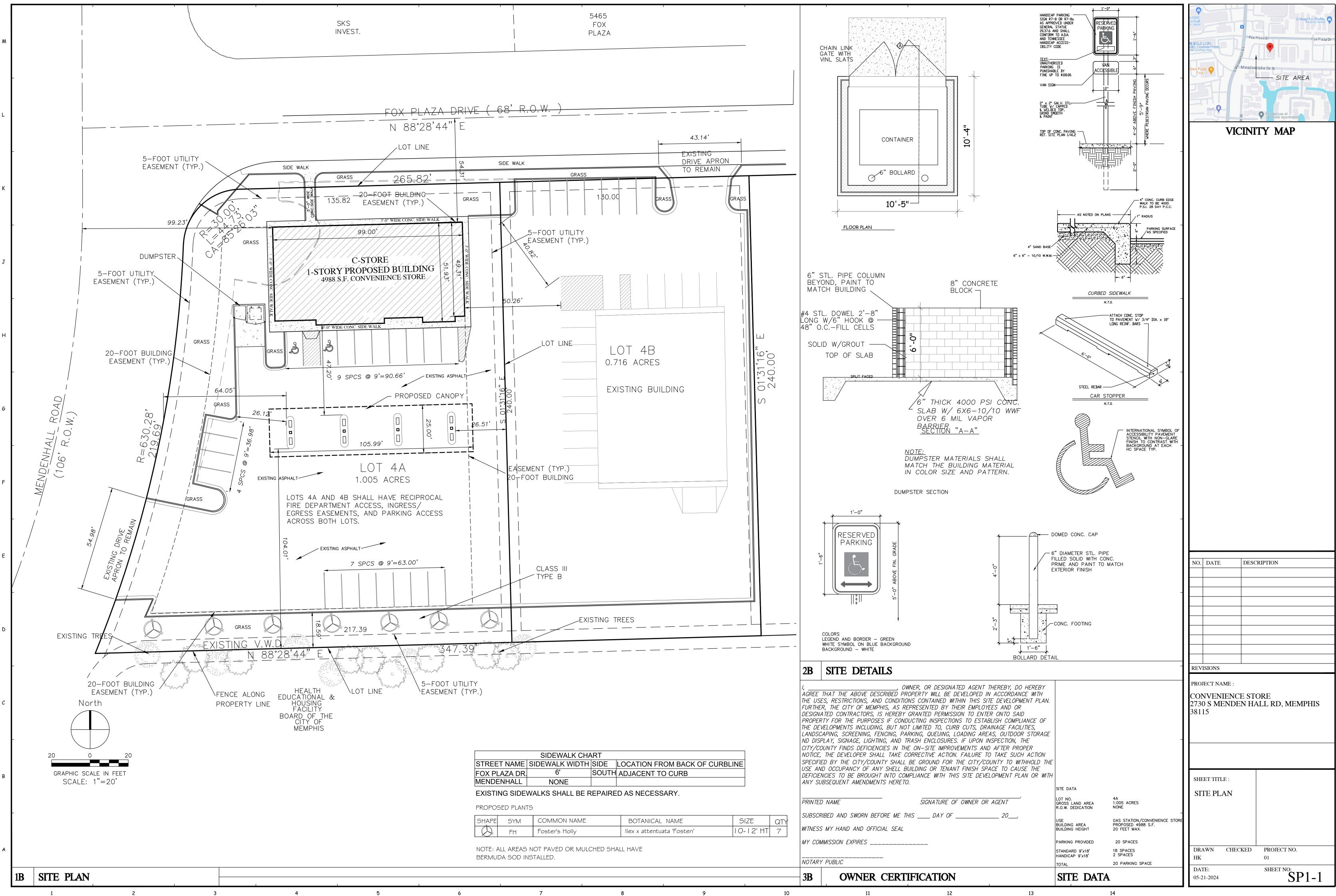
Re: 2730 S Mendenhall RD, Memphis 38115

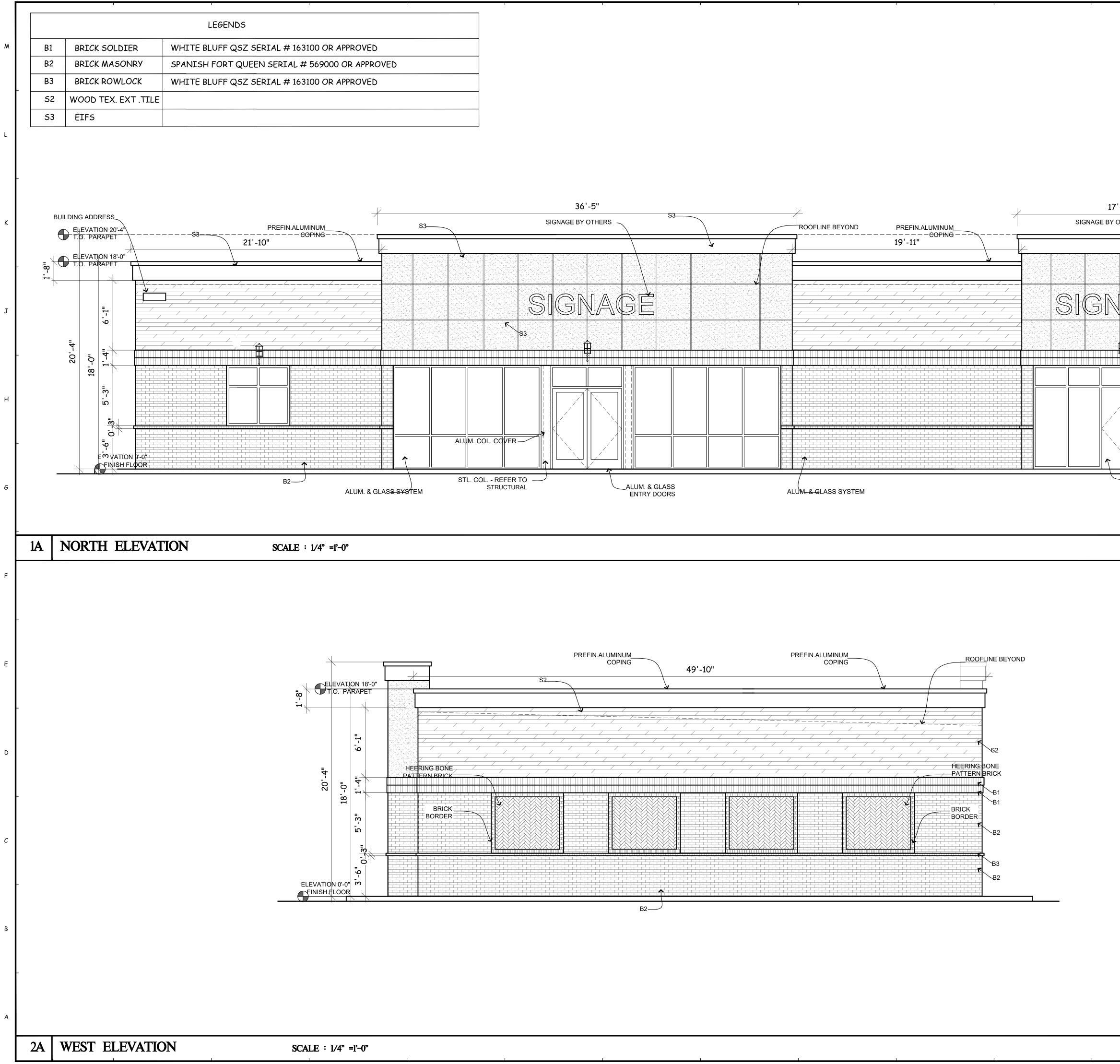
Beruk Construction Inc is intending to construct a 4,988 Sq.ft Convenience store with gas sales on 2730 S Mendenhall RD, Memphis 38115

If you have additional questions, please feel free to contact us at 901-327-5800.

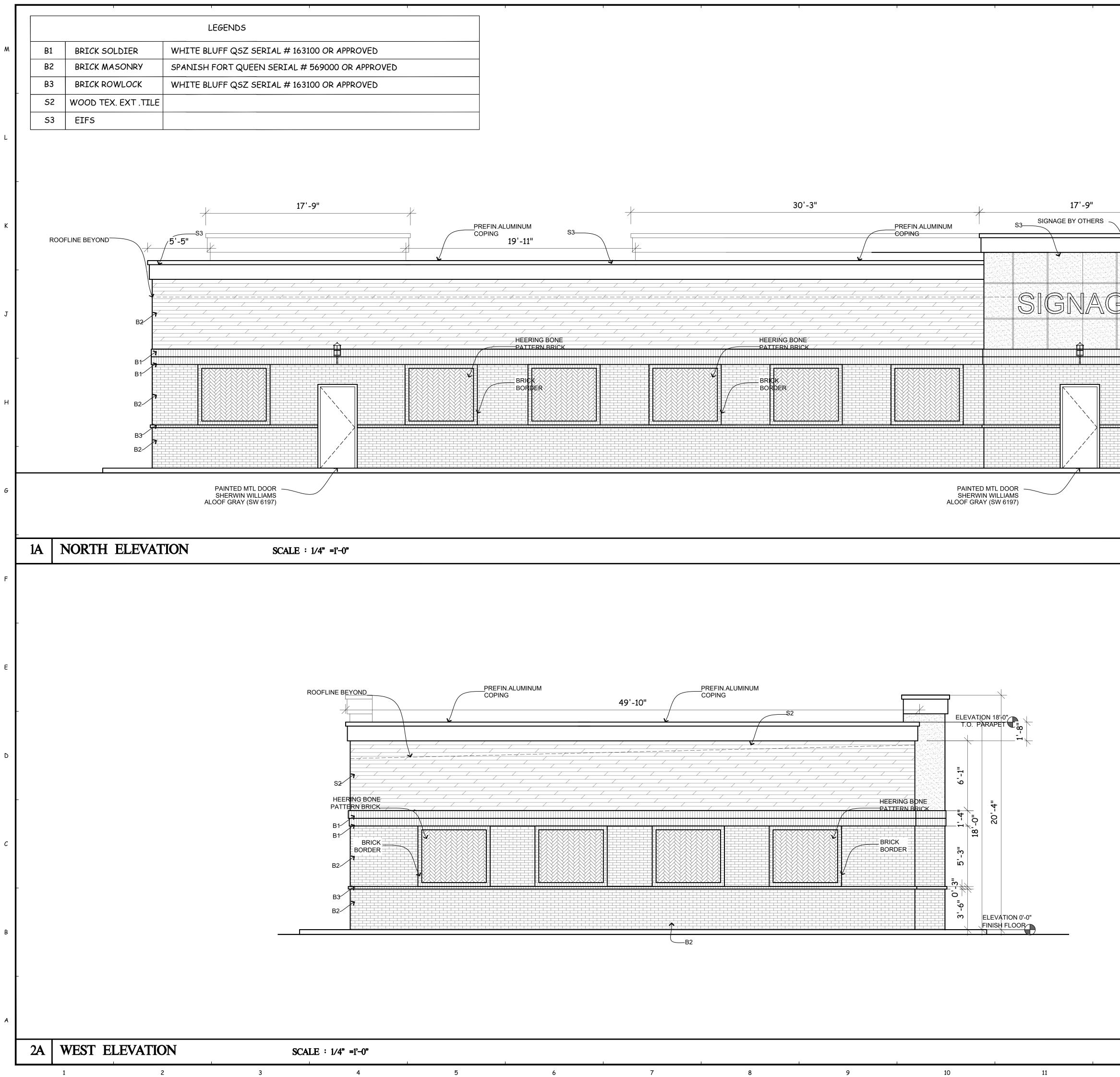
cil Kelode. Signed By

Fasil Kebede, President Beruk Construction Inc

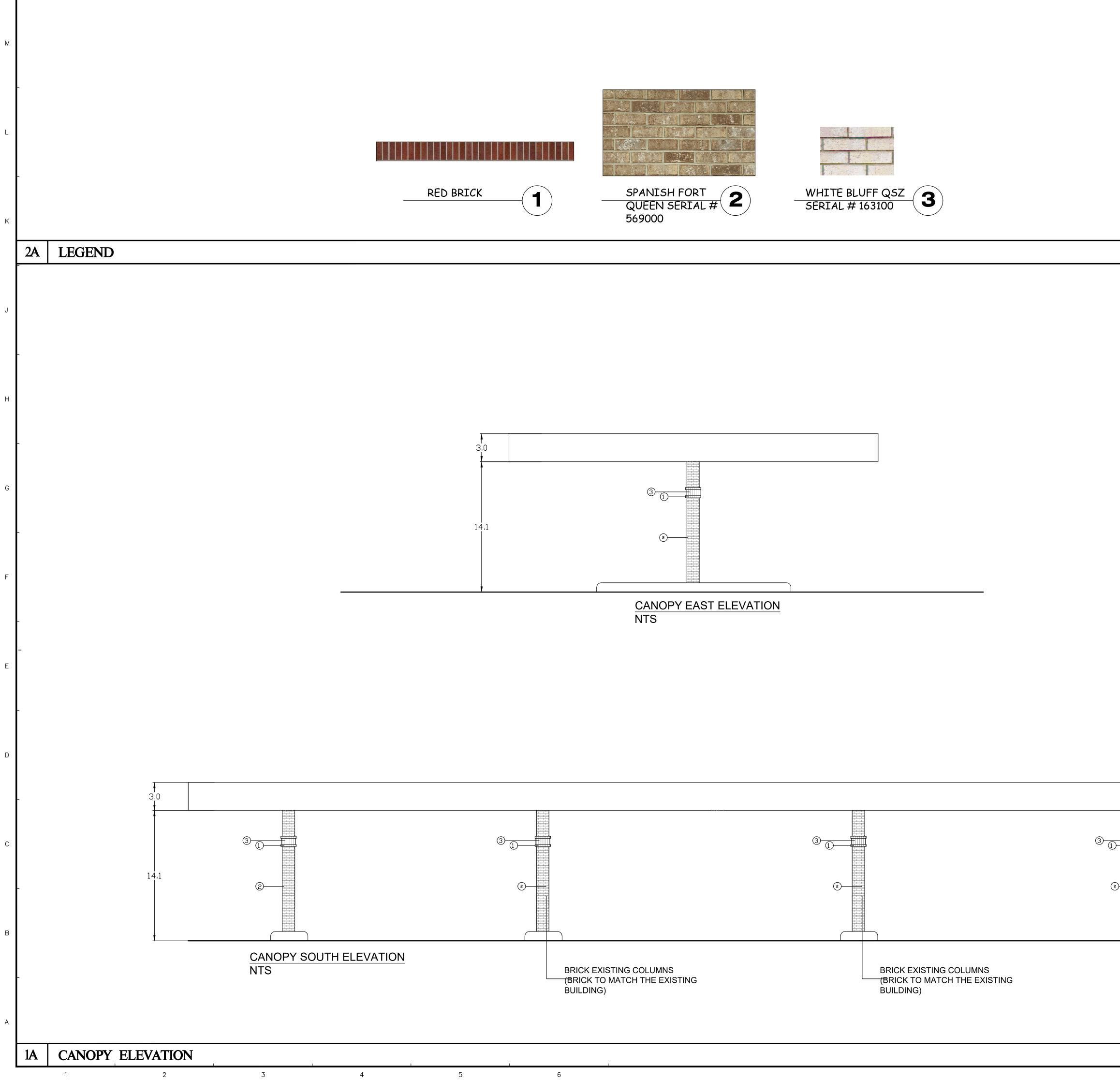




-9"	
ALUM. & GLASS ENTRY DOORS	
	NO. DATE DESCRIPTION
	PROJECT NAME : CONVENIENCE STORE 2730 S MENDEN HALL RD MEMPHIS 38115 Do not scale drawings. Use given dimensions only. if not shown, verify correct dimensions with the Architect.Contractor shall check and verify all dimensions and conditions at job site SHEET TITLE : ELEVATION
12 13 14	DRAWN CHECKED PROJECT NO. HK 01 DATE: SHEET NO: 08-28-2024 A-5



ELEV I.I.,9 I	VATION 20'4" O. PARAPET O. PARAPET 0'-0" 0'-0" 0'-0"			
		38115 Do not scale drawin verify correct dimer check and verify all SHEET TITLE : ELEVATION -	ENCE S NDEN	RIPTION



	NO. DATE DESCRIPTION
	REVISIONS PROJECT NAME :
	CONVENIENCE STORE 2730 S MENDENHALL RD, Memphis 38113
2	Do not scale drawings. Use given dimensions only. if not shown, verify correct dimensions with the Architect.Contractor shall
	check and verify all dimensions and conditions at job site SHEET TITLE : CANOPY DESIGN
BRICK EXISTING COLUMNS (BRICK TO MATCH THE EXISTING BUILDING)	
	DRAWN CHECKED PROJECT NO. HK 23011
	DATE: SHEET NO: <b>SP-2</b>



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.



23101579

12/01/2023 - 02:47:04 PM

2 PGS	
CEPEDRA 2646193 - 23101579	
VALUE	585000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2164.50
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	2177.50

WILLIE F. BROOKS JR REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

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

Willie F. Brooks Jr Shelby County Register of Deeds: Instrument# 23101579 Page 1 of 2

#### WARRANTY DEED

dav of C

2023 by and between

THIS INDENTURE made and entered into this SOUTHBAY PROPERTIES LLC, a Tennessee limited liability company, party of the first part, and BERUK PROPERTIES, INC., a **Tennessee corporation**, party(ies) of the second part.

WITNESSETH: That for and in consideration of \$10.00, cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee.

LOT 4, FOX GATE PLAZA SUBDIVISION, as shown on plat of record in Plat Book 56, Page 50, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Parcel No. 074-089E-00006

Property known as: 2734 S. Mendenhall Road, Memphis, TN 38115

Being the same property conveyed in Quit Claim Deed to Southbay Properties, LLC, a Tennessee limited liability company, from Andrews Properties, LLC, a Tennessee limited liability company recorded in the Shelby County, Tennessee Register's Office in Instrument No. 04107679.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, their heirs and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said parties of the second part that it is lawfully seized in fee of the above described real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for Plat Book 56, page 50,; Plat Book 54, Page 38; Book 5769, Page 338; Instrument Nos. HZ 7994 and E2 6893 and all other subdivision restrictions, covenants, conditions, restrictions, building lines, and easements and all other matters of record in the Register's Office of Shelby County Tennessee, and 2024 City of Memphis and Shelby County real estate taxes not yet due and payable; and that the title and quiet possession thereto it will warrant and defend against the lawful claims of all persons.

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

PROPERTIES Bart Thomas

General Manager

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, a Notary Public of the state and county aforesaid, personally appeared BART THOMAS, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the General Manager of Southbay Properties.

LLC, the within named bargainor, and that he as such General Manager, being authorized so to do, executed the foregoing for the purpose therein contained, by signing the name of Southbay Properties, LLC by himself as its General Manager.

WITNESS my hand an Official Seal this day of 2023. NOŢÁŔÝ ΡΰΒLΙC OF ENNESSFE NOTARY STATE OF TENNESSEE COUNTY OF SHELBY

I 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 \$585,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

feloole\_\_\_\_\_ AFFIANT MARK 2023. Subscribed and sworr his the to be 2Ο VO) AP1 My Comm. Exp. 5-17-2026 NOTARY

Property Address:

2734 S. Mendenhall Road Memphis, TN 38115

New Owner and Mail Tax Bills to:

Beruk Properties, Inc.

<u>3264 W Sarazens Circle</u>

Memphis, TN 38125

This instrument prepared by: CRISLIP, PHILIP & ROYAL James A. Crislip, Jr. 5170 Sanderlin Ave., Ste. 201 Memphis, TN 38117 (901) 525-2427

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

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 02/04/2025

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

# DATEPUBLIC SESSION:02/18/2025DATE

				DATE	
ITEM (CHECK ONE)ORDINANCE	X_RESOLUTION	R	EQUEST FOR F	UBLIC 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 0 Hawkins Mill Road, east of Overton Crossing Street, known as case number SUP 2024-048				
CASE NUMBER:	SUP 2024-048				
LOCATION:	0 Hawkins Mill Roa	d, east of	Overton Crossing	g Street	
COUNCIL DISTRICTS:	District 7 and Super	District 8	– Positions 1, 2,	and 3	
<b>OWNER/APPLICANT:</b>	J.C. McKinnon – Fa	st Tn Hon	ne Offer		
<b>REPRESENTATIVE:</b>	J.C. McKinnon				
<b>REQUEST:</b>	To allow a multifam	ily (4-plex	x) use		
AREA:	+/-18,164 sq. ft. (0.4	1 acre)			
<b>RECOMMENDATION:</b>				ommended <i>Approval with conditions</i> proval with conditions	
RECOMMENDED COUN					
PRIOR ACTION ON ITEM         (1)         01/09/2025         (1) Land Use Control Board         FUNDING:         (2)         \$	DF FUNDS	DATE ORGAN (2) GOV REQUI AMOU REVEN OPERA CIP PRO	NIZATION - (1) V'T. ENTITY (3)	EIVED	
ADMINISTRATIVE APPR	OVAL:		<u>DATE</u>	<u>POSITION</u>	
<u>Lucas Skinner</u>				MANAGER DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY	
				CHIEF ADMINISTRATIVE OFFICER COMMITTEE CHAIRMAN	



Memphis City Council Summary Sheet

#### SUP 2024-048

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 0 HAWKINS MILL ROAD, EAST OF OVERTON CROSSING STREET, KNOWN AS CASE NUMBER SUP 2024-048

- This item is a resolution with conditions for a special use permit to allow a multifamily four-plex use in CMU-1 zoning;
- CMU-1 zoning only allows multifamily uses by-right in situations where the residential component is in tandem with commercial uses, usually on the ground floor of the structure;
- The proposed structure has two units on the ground floor and two units on the second floor, with an access drive and parking in the rear. Staff believes that the unique shape and depth of the property make this site an excellent candidate for residential infill, as there are single family residential uses to the east and a fire station to the west. Staff is of the opinion that this site would be very difficult to develop commercially, so this relatively low-density multifamily use facing Hawkins Mill Road seems to be an ideal fit. Also, the added depth of the property gives somewhat of a "backyard" to the residents of this site, which helps the site to complement the surrounding single-family density and nature;
- 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; and
- The item may require future public improvement contracts.

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, January 9, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2024-048
LOCATION:	0 Hawkins Mill Road, east of Overton Crossing Street
COUNCIL DISTRICT(S):	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	J.C. McKinnon – Fast TN Home Offer
REPRESENTATIVE:	J.C. McKinnon
REQUEST:	To allow a multifamily four-plex use
EXISTING ZONING:	Commercial Mixed Use – 1 (CMU-1)
AREA:	+/-0.41 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 7-0-1 on the consent agenda.

Respectfully,

Lucas Shin.

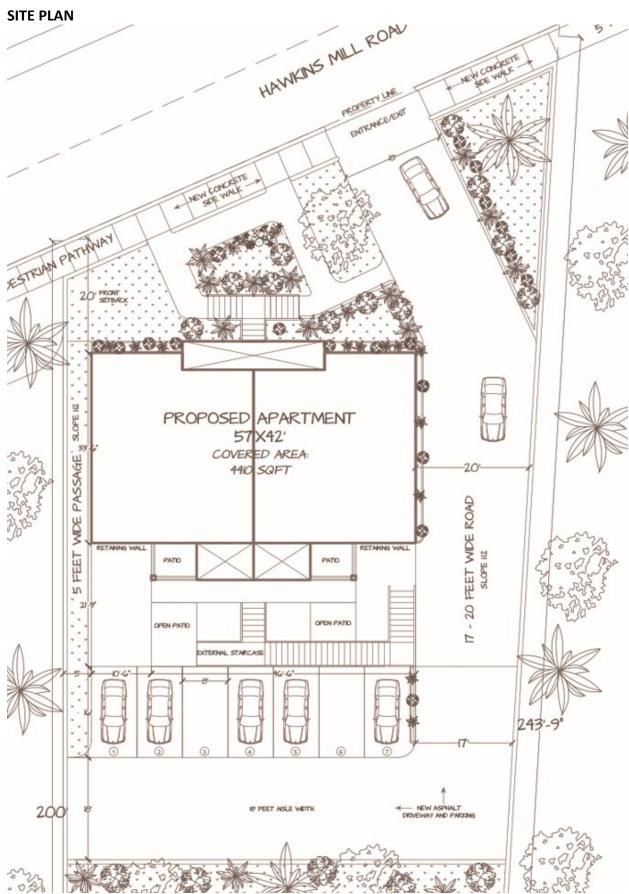
Lucas Skinner Manager Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

#### SUP 2024-048 CONDITIONS

1. The applicant shall provide a landscaping plan to the Division of Planning and Development for review and administrative approval prior to the issuance of building permits.





#### 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 0 HAWKINS MILL, EAST OF OVERTON CROSSING STREET, KNOWN AS CASE NUMBER SUP 2024-048

**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**, J.C. McKinnon filed an application with the Memphis and Shelby County Division of Planning and Development to allow a multifamily four-plex use; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on January 9, 2025, 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.

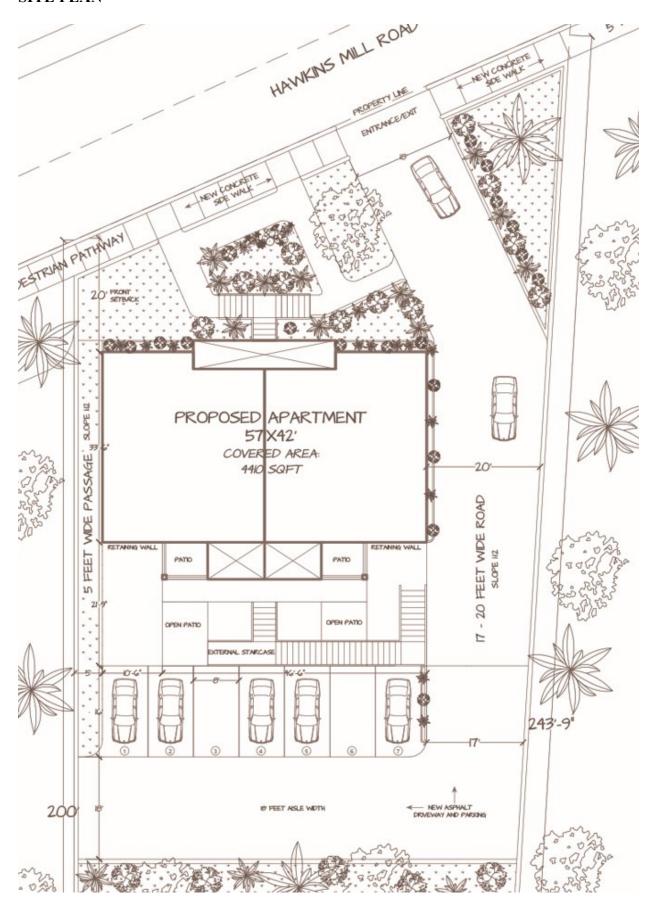
**BE IT FURTHER RESOLVED,** that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed 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 applicant shall provide a landscaping plan to the Division of Planning and Development for review and administrative approval prior to the issuance of building permits.

#### SITE PLAN



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

# ded STAFF REPORT

AGENDA HEIVI:	12 L.U.C.B. WIEETI
CASE NUMBER:	SUP 2024-048
LOCATION:	0 Hawkins Mill Road, east of Overton Crossing St
COUNCIL DISTRICT:	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	J.C. McKinnon – Fast TN Home Offer
<b>REPRESENTATIVE:</b>	J.C. McKinnon
REQUEST:	Special Use Permit to allow a large home (4-plex)
EXISTING ZONING:	Commercial Mixed Use – 1 (CMU-1)

1 2

# CONCLUSIONS

ACCNIDA ITCAA.

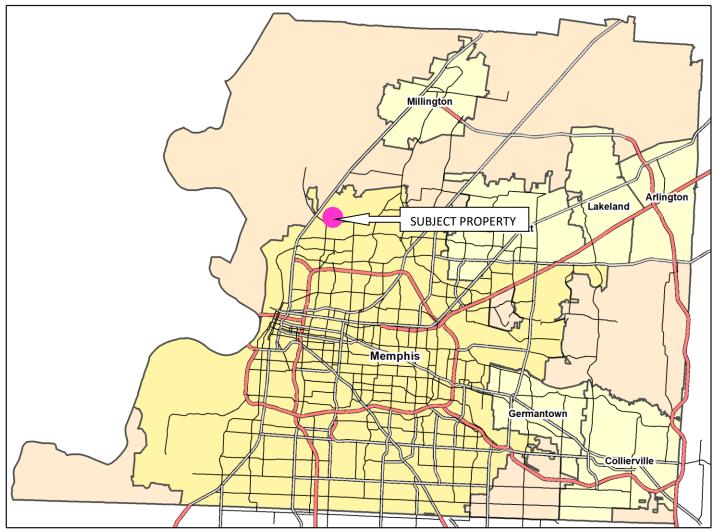
- The requested Special Use Permit is to allow a large home (4-unit) multifamily structure in CMU-1 zoning. CMU-1 zoning does not allow multifamily uses by-right.
- 2. This lot exhibits several exceptional features including a downward slope from front to rear as well as a thinness that tapers inward from front to rear. Given these features, staff feels this site lends itself to be much better suited for residential infill development, rather than commercial development.
- 3. With the building pushed up to the street and a single access drive leading to parking at the rear of the structure, vehicular nuisance will be minimized.
- 4. Also, with surrounding uses including single family houses and a fire station, staff feels this low-density multifamily use will be a compliment to the area providing a denser housing model in a residential area without a large footprint.
- 5. 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 14-16 of this report.

# **RECOMMENDATION:**

Approval with conditions



Subject property located within the pink circle

January 9, 2025 Page 3

#### 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 110 notices were mailed on December 17, 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**

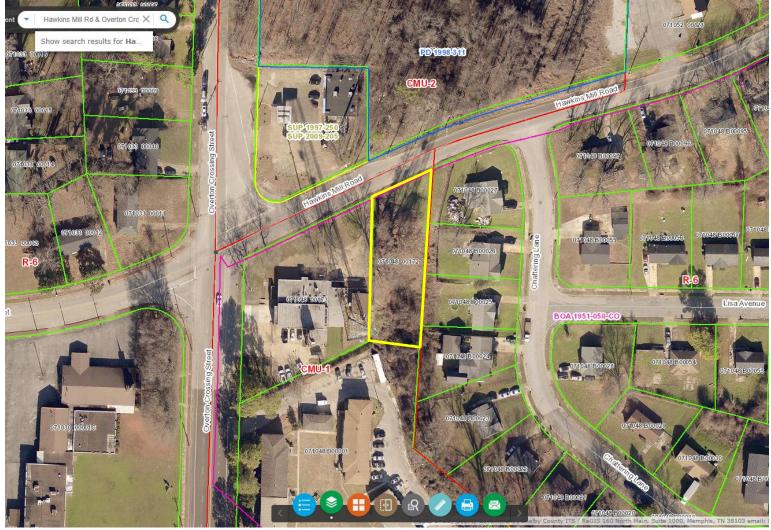
The meeting was held at 12:30 PM on Monday, December 30, 2024, at the Memphis Fire Station 31, 4258 Overton Crossing St.

#### AERIAL



Subject property outlined in yellow, imagery from 2024

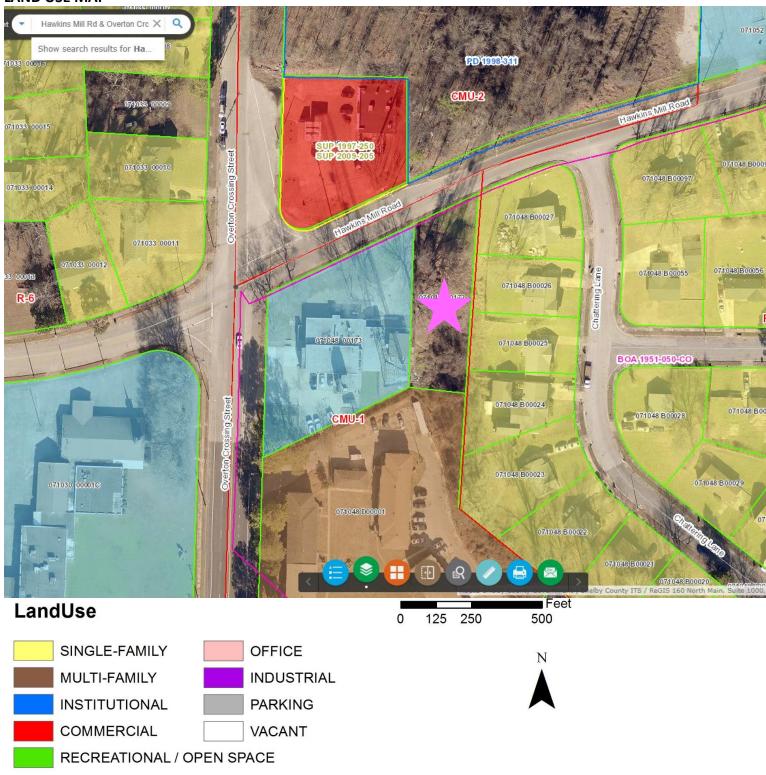
# ZONING MAP



Subject property highlighted in yellow

#### January 9, 2025 Page 6

#### LAND USE MAP



Subject property indicated by a pink star

#### SITE PHOTOS

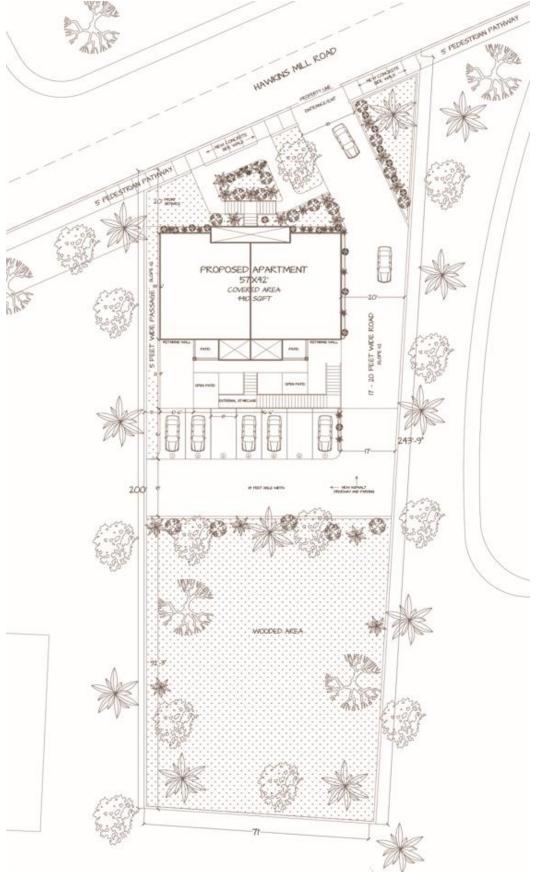


View of subject property from Hawkins Mill Road looking south

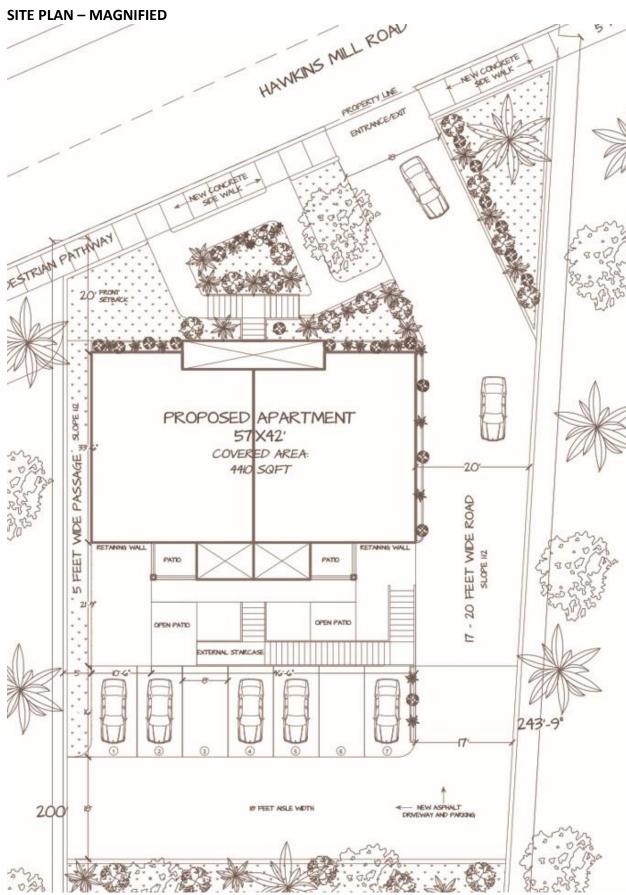


View of subject property from Hawkins Mill Road looking south

## SITE PLAN



#### SITE PLAN – MAGNIFIED



#### **CASE REVIEW**

#### **Request**

The request is a special use permit to allow a four-plex multifamily building in CMU-1 zoning.

#### 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: 0 Hawkins Mill Rd

Parcel ID: 071048 00172

Area: +/-18,164 square feet

#### Description:

January 9, 2025 Page 11

The subject property is not in any platted subdivisions or developments and has a light commercial zoning of CMU-1. The site has been vacant for many years and has a fairly steep downward slope from the front of the site to the rear. Adding to the slope, the lot is skinny and tapers inward toward the rear as well. The site is surrounded by residential and civic uses, with a fire station to the west.

#### Site Plan Review

The applicant is proposing a +/-4400 sq. ft. structure, with two units on the ground floor and two units on the second floor. The intent is to have a backwards "L" shaped drive from Hawkins Mill to supply parking in the rear of the structure. The building will shield the provided 7 parking spaces from the street view, but there is also ample room to add additional parking in the future, if needed. Side property lines will be landscaped so that the view of parking is minimized from the surrounding uses, and the unique depth of the property gives this site a substantial rear setback from the parking to anything else.

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

The requested Special Use Permit is to allow a 4-unit multifamily structure in CMU-1 zoning. CMU-1 zoning only allows multifamily uses by-right in situations where the residential component is in tandem with commercial uses, usually on the ground floor of the structure.

The proposed structure has two units on the ground floor and two units on the second floor, with an access drive and parking in the rear. Staff believes that the unique shape and depth of the property make this site an excellent candidate for residential infill, as there are single family residential uses to the east and a fire station to the west. Staff is of the opinion that this site would be very difficult to develop commercially, so this relatively low-density multifamily use facing Hawkins Mill Road seems to be an ideal fit. Also, the added depth of the property gives somewhat of a "backyard" to the residents of this site, which helps the site to complement the surrounding single-family density and nature.

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 applicant shall provide a landscaping plan to the Division of Planning and Development for review and administrative approval prior to the issuance of building permits.

#### **DEPARTMENTAL COMMENTS**

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

#### **City/County Engineer:**

#### NAME: 0 Hawkins Mill Rd Quadplex Development Basin/Lot/CD: Point Church, 8-J/.417ac / 7

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

Sewers:

2. A sewer extension of approximately 300' will be required 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.

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

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

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

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

# **City/County Fire Division:**



# DIVISION OF FIRE SERVICES **\*** FIRE PREVENTION BUREAU

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

Case Number: SUP 2024 048

Date Reviewed: 12/17/24

Reviewed by: J. Stinson

Address or Site Reference: 0 Hawkins Mill

- 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.
- 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.

mments received.
)

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received

# **Office of Comprehensive Planning:**

Site Address/Location: 0 Hawkins Mill Rd, east of Overton Crossing St. Overlay District/Historic District/Flood Zone: Not located in a Residential Corridor, Flood Zone or Historic District Future Land Use Designation: Primarily Single-Unit Neighborhood (NS) Street Type: Avenue

The applicant is requesting a variance for a quadplex on vacant commercial zoned land.

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

# 1. Future Land Use Planning Map



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

# 2. Land Use Description/Intent

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

# "NS" Form & Location Characteristics

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

#### "NS" Zoning Notes

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

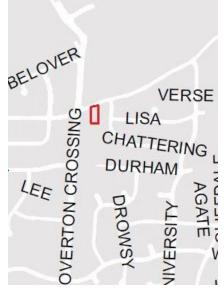
#### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant; CMU-1

Adjacent Land Use and Zoning: Single-Family, Multi-family, Institutional, Commercial, Vacant; R-6, CMU-1, CMU-2

**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.





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

# 3. Degree of Change Description

N/A

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

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

NA

# **Consistency Analysis Summary**

The applicant is requesting a variance for a quadplex on vacant commercial zoned land.

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

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

Summary Compiled by: Isaac Bacon, Comprehensive Planning.

# MAILED PUBLIC NOTICE

January 9, 2025 Page 17

# NOTICE OF PURITC 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 **Thursday, January 2, 2025 at 8 AM.** 

CASE NUMBER:	SUP 2024-048
ADDRESS:	0 Hawkins Mill Ave, east of Overton Crossing St
REQUEST:	Special Use Permit for a 4-unit apartment building
APPLICANT:	J.C. McKinnon—Fast TN Home Offer

# Meeting Details

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

Date: Thursday, January 9, 2025

# Staff Planner Contact:

Lucas Skinner ☑ lucas.skinner@memphistn.gov (901) 636-7170



VICINITY MAP



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



# SIGN AFFIDAVIT

Shelby County State of Tennessee January 9, 2025 Page 18

AFFIDAVIT

I, J. C. MC Kinnon, being duly sworn, depose and say that at 11.57 appm on the <u>231</u> day of <u>Vecember</u>, 20<u>24</u>, I posted <u>I</u> Public Notice Sign(s) pertaining to Case No. <u>Sup 2024-048</u> at <u>O Haw Kind M(1) RJ Mcmphus</u> <u>IN 39127</u>, 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. 12/23/2024 Owner, Applicant or Representative Date December, 2024. Subscribed and sworn to before me this \_2.3rd day of yetal Notary Public My Commission Expires: November 9, 2025 My commission expires: TATE SSE NOT

# **APPLICATION**

January 9, 2025 Page 19



# 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

Owner Phone

website: www.develop901.com

# **Record Summary for Special Use Permit**

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment Opened Date: December 2, 2024

Record Number: SUP 2024-048

Expiration Date:

Record Name: Hawkins Mill Quadplex Development

Description of Work: Quadplex development on vacant commercial zoned land

Parent Record Number:

Address:

38127

#### Owner Information

Primary Owner Name Y REALTY TRUST

Owner Address

9285 SPEERBERRY CIR, CORDOVA, TN 38016

Parcel Information

071048 00172

#### Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Lucas Skinner
Date of Meeting	11/22/2024
Pre-application Meeting Type GENERAL PROJECT INFORMATION	In Person
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	THE PROJECT WILL NOT HAVE ANY ADVERSE AFFECT TO THE COMMUNITY IN NO WAY.
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	CONFIRMED AND CONCUR.
UDC Sub-Section 9.6.9C	AGREED.
UDC Sub-Section 9.6.9D	AGREED.
UDC Sub-Section 9.6.9E	YES THE PROJECT COMPLIES WITH ALL
UDC Sub-Section 9.6.9F	STANDARDS WITHIN THE PROVISIONS. THE REQUEST WILL NOT ADVERSELY AFFECT ANY PLANS OR ADJACENT PROPERTIES.
GIS INFORMATION	
Case Layer	BOA1951-050-CO
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	-
Overlay/Special Purpose District	-
Zoning	CMU-1
State Route	-
Lot	-
Subdivision	-
Planned Development District	- No
Wellhead Protection Overlay District County Commission District	NO
City Council District	
City Council Super District	-
Contact Information	
Name J.C. MCKINNON	Contact Type APPLICANT
Address	

# Address

Phone (901)650-0096

Page 2 of 3

SUP 2024-048

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1610090	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	12/05/2024
1610090	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	12/05/2024
	Т	Total Fee Invoiced: \$513.00			lance: \$0.0	00
Payment I	Information					
Payment Amount Method of P		yment				
\$513.00	Credit Card	I				

SUP 2024-048

#### **OWNER AFFIDAVIT**



Fast TN Home Offer, LLC 999 Shady Grove Rd. #500 Memphis, TN 38120

December 3, 2024

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

# RE: 0 Hawkins Mill Rd. (Parcel ID: 071048 00172) Memphis, TN 38127

Mr. Ragsdale,

Please find attached application for a Special Use Permit to allow a four-unit residential property or fourplex in a CMU-1 zoned district. This site is currently unimproved and has never had any improvement erected or completed. I purchased the property with the intent to build much needed housing to support the Memphis 3.0 plan and the city of Memphis specifically the Frayser community with afford new housing goals. Currently the zoning does not allow a fourplex, however this application is to request special use permit approval that would allow such. Thank you for considering this request. If you have any questions or concerns please contact me.

Sincerely,

J.C. McKinnon

LETTER OF INTENT

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

# Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

1. J.C. Mckingan (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 mortgage or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at	0	Hawkins	Mill	Кı	Memph	is, TI	W 3	8128	
and further identified by Assess	or's P	arcel Numb	er	071	048	001	172		 
for which an application is being made to the Division of Planning and Development.									

day of December in the year of 2024 th Subscribed and sworn to (or affirmed) before me this My Commission Expires: November 9, 2025 Signature of Notary Public My Commission Expires

# LETTERS RECEIVED

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



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

January 9, 2025

J.C. McKinnon – Fast TN Home Offer

Sent via electronic mail to: offernow@fasttnhomeoffer.com

Case Number: SUP 2024-048 LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, January 09, 2025, the Memphis and Shelby County Land Use Control Board recommended *approval* of your special use permit application to allow a multifamily quadplex located at 0 Hawkins Mill Rd east of Overton Crossing St, subject to the following conditions:

1. The applicant shall provide a landscaping plan to the Division of Planning and Development for review and administrative approval prior to the issuance of building permits.

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

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at <u>lucas.skinner@memphistn.gov</u>.

Respectfully,

Lucas Skinner Manager Land Use and Development Services Division of Planning and Development



# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

# **Record Summary for Special Use Permit**

**Record Detail Information** 

Record Type: Special Use Permit

Record Status: Assignment Opened Date: December 2, 2024

Record Number: SUP 2024-048

Expiration Date:

**Owner Phone** 

Record Name: Hawkins Mill Quadplex Development

Description of Work: Quadplex development on vacant commercial zoned land

Parent Record Number:

#### Address:

38127

# Owner Information

Primary Owner Name

Y REALTY TRUST

**Owner Address** 

9285 SPEERBERRY CIR, CORDOVA, TN 38016

# **Parcel Information**

071048 00172

# Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Lucas Skinner
Date of Meeting	11/22/2024
Pre-application Meeting Type	In Person
GENERAL PROJECT INFORMATION	
Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case	-
Number(s) related to previous applications on	
this site	
Is this application in response to a citation, stop	No
work order, or zoning letter	

GENERAL PROJECT INFORMATION	
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA	-
A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare	THE PROJECT WILL NOT HAVE ANY ADVERSE AFFECT TO THE COMMUNITY IN NO WAY.
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	CONFIRMED AND CONCUR.
UDC Sub-Section 9.6.9C	AGREED.
UDC Sub-Section 9.6.9D	AGREED.
UDC Sub-Section 9.6.9E	YES THE PROJECT COMPLIES WITH ALL
	STANDARDS WITHIN THE PROVISIONS.
UDC Sub-Section 9.6.9F	THE REQUEST WILL NOT ADVERSELY AFFECT
	ANY PLANS OR ADJACENT PROPERTIES.
GIS INFORMATION	
Case Layer	BOA1951-050-CO
Central Business Improvement District	No R
Class	R No
Downtown Fire District Historic District	NO
Land Use	- VACANT
Municipality	-
Overlay/Special Purpose District	<u>-</u>
Zoning	CMU-1
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-
Contact Information	

Name J.C. MCKINNON

# Address

**Phone** (901)650-0096

Contact Type APPLICANT

Fee Inforr	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1610090	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	12/05/2024
1610090	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	12/05/2024
	Тс	otal Fee Invo	iced: \$513.00	Total Ba	lance: \$0.	00
Payment	Information					
Payment Am	ount Method of Pa	yment				

Credit Card

# Payment Amount

\$513.00