CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 06/24/2025

| ONE ORIGINAL |

| ONLY STAPLED |

TO DOCUMENTS

DATEPUBLIC SESSION:07/08/2025DATE

TTEM (CHECK ONE)	DAIE					
ITEM (CHECK ONE) ORDINANCE	X_RESOLUTION REQUEST FOR PUBLIC HEARING					
ITEM DESCRIPTION:			emphis and Shelby County Unified Development Code approving ocated at 1609 Corning Avenue known as case number SUP 2025-			
CASE NUMBER:	SUP 2025-008					
LOCATION:	1609 Corning Ave	enue				
COUNCIL DISTRICTS:	District 7 and Sup	er District 8 – Positions 1,	2, and 3			
OWNER/APPLICANT:	Jerry Grantham/Lo	ouis Katzerman				
REPRESENTATIVE:	Craig Royal, Tow	er Ventures				
REQUEST:	150-foot Monopole Communications (CMCS) Tower					
AREA:	+/-1.52 acres					
RECOMMENDATION:	The Division of Planning and Development recommended <i>Approval with conditions</i> The Land Use Control Board recommended <i>Approval with conditions</i>					
RECOMMENDED COUN	CIL ACTION: Pu	blic Hearing Not Require	ed			
PRIOR ACTION ON ITEM (1)	[: 	APPROVAL - (1) AP	PROVED (2) DENIED			
08/08/2025		DATE				
(1) Land Use Control Board		ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE				
FUNDING: (2) \$ \$ SOURCE AND AMOUNT (\$		REQUIRES CITY EX AMOUNT OF EXPEN REVENUE TO BE RI OPERATING BUDGI	ECEIVED			
<u>\$</u>						
ADMINISTRATIVE APPR		<u>DATE</u> 05/20/2025	<u>POSITION</u>			
Travian Smith		05/29/2025	PLANNER			
Britt Ryadole		6/16/25	DEPUTY ADMINISTRATOR			
		0/10/20	_ ADMINISTRATOR			
			DIRECTOR (JOINT APPROVAL)			
			COMPTROLLER			
			FINANCE DIRECTOR			
			_ CITY ATTORNEY			
			CHIEF ADMINISTRATIVE OFFICER			
			_ COMMITTEE CHAIRMAN			



Memphis City Council Summary Sheet

SUP 2025-008

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 1609 CORNING AVENUE, KNOWN AS CASE NUMBER SUP 2025-008.

- This item is a resolution with conditions for a special use permit to allow a 150foot Monopole Communications (CMCS) Tower; and
- The Planning & Development staff is supportive of the Communication Tower, and are recommending approval with the following conditions:
 - The site shall preserve and maintain as much of the existing mature trees as coverage to this location to meet the landscaping requirements.
 - The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The compound gates will be wooden as well.
 - The maximum tower height shall be one-hundred fifty (150) feet Monopole Communications (CMCS) tower.
 - The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
 - The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
 - Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, May 8, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2025-008
LOCATION:	1609 Corning Avenue
COUNCIL DISTRICT(S):	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Jerry Grantham/ Louis Katzerman
REPRESENTATIVE:	Craig Royal, Tower Ventures
REQUEST:	150-foot Monopole Communications (CMCS) Tower
EXISTING ZONING:	Residential Single-Family – 6 (R6)
AREA:	+/-1.52 acres

The following spoke in support: None

The following spoke in opposition: John Levendoski, Loretta Miller

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 7-3 on the regular agenda.

Respectfully, Travian Smith Planner I Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

SUP 2025-008 CONDITIONS

- 1. The site shall preserve and maintain as much of the existing mature trees as coverage to this location to meet the landscaping requirements.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The compound gates will be wooden as well.
- 3. The maximum tower height shall be one-hundred fifty (150) feet Monopole Communications (CMCS) tower.
- 4. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

SITE PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 1609 CORNING AVENUE, KNOWN AS CASE NUMBER SUP 2025-008.

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, Tower Ventures filed an application with the Memphis and Shelby County Division of Planning and Development to develop a 150-foot Monopole Communications (CMCS) Tower; 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 May 8, 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 site shall preserve and maintain as much of the existing mature trees as coverage to this location to meet the landscaping requirements.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The compound gates will be wooden as well.
- 3. The maximum tower height shall be one-hundred fifty (150) feet Monopole Communications (CMCS) tower.
- 4. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.



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

ded STAFF REPORT

AGENDA ITEM:	14	L.U.C.B. MEETING:
CASE NUMBER:	SUP 2025-008	
LOCATION:	1609 Corning Ave	
COUNCIL DISTRICT:	District 7 and Super District 8 – Position	is 1, 2, and 3
OWNER/APPLICANT:	Jerry Grantham/ Louis Katzerman	
REPRESENTATIVE:	Craig Royal, Tower Ventures	
REQUEST:	150-foot Monopole Communications (C	CMCS) Tower
EXISTING ZONING:	Residential Single-Family – 6 (R6)	

CONCLUSIONS

- The request is for a 150-foot Monopole Communications (CMCS) tower within a Residential Single-Family - 6 (R-6) zoning district.
- 2. Staff agrees the approval criteria regarding special use permits as set out in the Unified Development Code, Section 9.6.9 are met.
- 3. Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code, Paragraph 2.6.2I(1) are met.
- 4. This application was originally approved as SUP 2021-36 on February 1st, 2022.
- 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

The Memphis 3.0 General Plan does not provide recommendations related to cell towers.

RECOMMENDATION:

Approval with conditions

May 8, 2025

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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 89 notices were mailed on April 8, 2025, see page 20 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 21 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Thursday, April 24, 2025, at the Temple of Praise Ministries, 1738 Winston Drive.



Subject property outlined in yellow, imagery from 2025

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

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SITE PHOTOS



View of subject property from Corning Ave looking south



View of subject property from Corning Ave looking southwest



View of subject property from Corning Ave looking southeast



View of subject property from Circle Avenue looking southeast

SITE PLAN



PROPOSED GROUND LEASE AREA



150' MONOPOLE ELEVATION



COVERAGE SUMMARY

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NAMEM00421A-Coverage

September 13th, 2021

Summary:

- Predictions were run on site NAMEM00421A located at Lat: 35.224150 and long: -90.00930
- Site covers a total of 21,105 Pops on Low Band and 4,574 Pops on Mid band

Pops Count- Best Server Site Level:



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Description of a Proposed 50.0' x 50.0' Ground Lease Area on part of the Jerry L. Grantham property recorded in Instrument No. 19046774 located in Memphis, Shelby County, Tennessee:

Commencing at found chisel mark at the intersection of the south line of Corning Ave (60° R.O.W.) and the west line of the David Lee Dorsett property recorded in Instrument No. CC-2268; thence south 04 degrees 15 minutes 22 seconds west with the west line of said property recorded in Instrument No. CC-2268, 340.44 feet; thence north 85 degrees 44 minutes 38 seconds west across the Jerry L. Grantham property recorded in Instrument No. 19046774, 45.96 feet to a set 1/2" rebar with plastic cap and the Point of Beginning; thence continuing across said property recorded in Instrument No. 19046774 the following calls: south 04 degrees 15 minutes 22 seconds west, 50.00 feet to a set 1/2" rebar with plastic cap; north 85 degrees 44 minutes 38 seconds west, 50.00 feet to a set 1/2" rebar with plastic cap; north 04 degrees 15 minutes 22 seconds east, 50.00 feet; south 85 degrees 44 minutes 38 seconds west, 50.00 feet to the point of beginning and containing 2,500 square feet of land.

Description of a Proposed 30.0' Wide Ingress/Egress and Utility Easement across part of the Jerry L. Grantham property recorded in Instrument No. 19046774 located in Memphis, Shelby County, Tennessee:

Commencing at found chisel mark at the intersection of the south line of Corning Ave (60' R.O.W.) and the west line of the David Lee Dorsett property recorded in Instrument No. CC-2268; thence north 86 degrees 49 minutes 46 seconds west with the south line of said Corning Ave, 18.91 feet to the Point of Beginning; thence southwardly across the Jerry L. Grantham property recorded in Instrument No. 19046774 the following calls: south 01 degrees 31 minutes 37 seconds east, 158.81 feet to a point of curvature; along a curve to the right having a radius of 90.00 feet, a delta angle of 20 degrees 53 minutes 58 seconds, a chord bearing of south 08 degrees 55 minutes 22 seconds west, a chord distance of 32.65 feet and an arc distance of 32.83 feet to a point of tangency; south 19 degrees 22 minutes 21 seconds west, 154.91 feet to a set 1/2" rebar with plastic cap located at the northeast corner of the above described Proposed 50.0' x 50.0' Ground Lease Area; thence north 85 degrees 44 minutes 38 seconds west with north line of said above described Proposed 50.0' x 50.0' Ground Lease Area, 31.08 feet; thence northwardly across said property recorded in Instrument No.

19046774 the following calls: north 19 degrees 22 minutes 21 seconds east, 163.01 feet to a point of curvature; along a curve to the left having a radius of 60.00 feet, a delta angle of 20 degrees 53 minutes 58 seconds, a chord distance of 21.76 feet and an arc distance of 21.89 feet to a point of tangency; north 01 degrees 31 minutes 37 seconds west, 161.27 feet to a point in the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning Ave, 30.10 feet to the point of beginning and containing 10,391 square feet or 0.239 acres of land.

Description of a Proposed 15.0' Wide Utility Easement across part of the Jerry L. Grantham property recorded in Instrument No. 19046774 located in Memphis, Shelby County, Tennessee:

Beginning at found chisel mark at the intersection of the south line of Corning Ave (60' R.O.W.) and the west line of the David Lee Dorsett property recorded in Instrument No. CC-2268; thence south 17 degrees 34 minutes 00 seconds west across the Jerry L. Grantham property recorded in Instrument No. 19046774, 349.84 feet to a point in the north line of the above described Proposed 50.0' x 50.0' Ground Lease Area; thence north 85 degrees 44 minutes 38 seconds west with the north line of said the above described Proposed 50.0' x 50.0' Ground Lease Area, 15.41 feet to a set 1/2" rebar with plastic cap in the northwest corner the said above described Proposed 50.0' x 50.0' Ground Lease Area; thence north 17 degrees 34 minutes 00 seconds east across said property recorded in Instrument No. 19046774, 349.54 feet to a point in the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning 5,245 square feet or 0.120 acres of land.

CASE REVIEW

<u>Request</u>

The request is for a 150-foot Monopole Communications (CMCS) Tower in a Residential, R-6 zoning district. The applicant proposes to install the tower in a 50'x50' lease area enclosed by a 6-foot wooden privacy fence around the lease area to conceal the ground equipment. The compound gates will also be wooden.

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.

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Site Details

Address: 1609 Corning Ave

Parcel ID: 070053 00002

Area: +/-66,211 square feet (1.52 acres)

Description:

The subject property is known is +/- 66,211 sq. feet, located along Corning Avenue, which is less than two miles from US Highway 51. The property is located within the Residential Single-Family – 6 (R-6) zoning district. Per the Shelby County Register of Deeds, the site is classified as residential with the use classified as vacant land.

Relevant Unified Development Code Clauses

Item 2.6.2I(2)(a) Towers reviewed under the Special Use Permit Process

- A site plan drawn showing the property boundaries, tower, guy wire anchors (if any), existing structures, proposed transmission buildings and/or other accessory uses, access, parking, fences, a landscaping plan and existing abutting land uses around the site.
- The applicant shall obtain written approval from Memphis Light, Gas & Water; Electric Distribution Engineering Division for construction of any tower located within a distance equal to the tower height plus the height of antenna elements from any transmission lines.
- Written statements that the proposed tower will comply with regulations administered by the Federal Aviation Administration, Federal Communications Commission, and all applicable governmental bodies or that the tower is exempt from those regulations.
- A letter of intent committing the tower owner and his or her successors to allow shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge of shared use, the potential use is technically compatible and the future applicant is in good standing.

Item 2.6.2I(2)(c) Co-Location

- Any proposed CMCS tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennas, if at least 100 feet in height, at least five additional CMCS sectorized antennas if at least 150 feet in height, at least six additional CMCS sectorized antennas if at least 170 feet in height. Colocated CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.
- 2. Nothing in these rules and regulations shall obligate the owner of an existing CMCS tower to colocate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility

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Site Plan Review

Screening and Landscaping

- This site includes a 6' wooden fenced constructed around the lease area to conceal the ground equipment.
- The compound gates are also made of wood.

Cell Tower Details

• Monopole Height: 150' (proposed)

<u>Analysis</u>

- The request is for a 150-foot Monopole Communications (CMCS) tower within a Residential Single-Family - 6 (R-6) zoning district.
- Staff agrees the approval criteria regarding special use permits as set out in the Unified Development Code, Section 9.6.9 are met.
- Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code, Paragraph 2.6.2I(1) are met.
- 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 site shall preserve and maintain as much of the existing mature trees as coverage to this location to meet the landscaping requirements.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The compound gates will be wooden as well.
- 3. The maximum tower height shall be one-hundred fifty (150) feet Monopole Communications (CMCS) tower.
- 4. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

<u>Drainage:</u>

- 10. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 11. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 12. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 13. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a

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

- 14. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
- 15. Required landscaping shall not be placed on sewer or drainage easements.

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

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING	MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY
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, April 30, 2025 at 8 AM.	VICINITY MAP
CASE NUMBER:SUP 2025-008ADDRESS:1609 Corning AveREQUEST:150-foot Monopole Communications (CMCS) TowerAPPLICANT:Louis Bernard Katzerman	Winston Dr. Winsto
Meeting Details Location: Council Chambers Time: 9:00 AM City Hall 1st Floor 125 N Main St. Date: Thursday, May 8, 2025	
Staff Planner Contact: Travian Smith ☑ Travian.Smith@memphistn.gov ✔ (901) 636-6621	To learn more about this proposal, contact the staff planner or use the QR code to view the full application.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

I, <u>Crig</u> foyal, being duly sworn, depose and say that at <u>&</u> <u>amform</u> on the <u>22</u> day of <u>April</u>, 2025, I posted <u>I</u> Public Notice Sign(s) pertaining to Case NoS 25-D Sat 1611 Corrige Averver Cell 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. 4/22/25 Date Owner, Applicant or Representative Subscribed and sworn to before me this 22 day of Apri LABETH TA Notary Public STATE OF TENNESSEE NOTARY My commission expires: 2 PUBLIC WITY OF SHE



APPLICATION

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Memphis and Shelby County Division of Planning and Development

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

Expiration Date:

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending Opened Date: March 28, 2025

Record Number: SUP 2025-008

Record Name: TN 1033 Winston Drive CMCS Tower Description of Work: 150 FT CMCS Tower

1) One Hundred Fifty -foot (150') "Monopole" CMCS Designed for Four (4) set of Full Antenna Arrays

- 2) Six-foot (6') wooden site-proof Fence.
- 3) Six -foot (6') wooden gates.
- 4) A 50 ft x 50 ft Tower Lease Area.
- 5) The site parcel contains natural cover on all four sides of the proposed compound.
- 6) Landscaping screens will be built on the North, West and South sides of the tower compound.
- 7) The proposed site is 346 ft from Corning Drive. Set meets all applicable Setbacks.
- 8) Access will run north at an angle, back to Corning Ave.

Parent Record Number:

Address:

1609 CORNING AVE, MEMPHIS 38127

Owner Information

 Primary
 Owner Name

 Y
 GRANTHAM JERRY L

 Owner Address
 Owner Phone

 3354 SCENIC HIGHWAY TER, MEMPHIS, TN 38128
 9012676369

SUP 2025-008

Parcel Information

070053 00002

Data Fields

PREAPPLICATION MEETING

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

Application Type

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

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

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

APPROVAL CRITERIA

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

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

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GIS INFORMATION

Case Layer Central Business Improvement District Chip Saliba 12/01/2021 In Person

New Special Use Permit (SUP) SUP 21-36. Original approval on 02/01/2022

No

Proposed Site is located on an 1.53 acre tract. Property is bounded by existing natural tree cover. Site carefully chosen to minimize the impact to the neighborhood. The tower will serve the public heath and well being by providing reliable coverage to this area.

Proposed site is located on large, heavily wooded lot with mature trees. Tower will serve growing and busy area.

With over 450,000 daily 911 calls coming form wireless users in America, the proposed site with function as public safety asset. No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction. Yes, site will kindly comply with all local, state and Federal Cell Tower Requirements and regulations. As noted above, site will comply with UDC Section 2.6.2.1.2.

No, does not appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

-No

SUP 2025-008

Contact Type APPLICANT

GIS INFORMATION

Downtown Fire District	No
LUCK A DIALA	
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	2
Zoning	-
State Route	-
Lot	-
Subdivision	
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	2
City Council District	-
City Council Super District	-

Data Tables

AREA INFORMATION

Name:	Grantham
Size (Acres):	1.52
Existing Use of Property:	Vacant
Requested Use of	CMCS Tower
Property:	

Contact Information

Name LOUIS BERNARD KATZERMAN

Address

Phone (901)239-3892

lan	1.	2.38	-30	192

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1636107	Special Use Permit Fee -	1	500.00	INVOICED	0.00	03/28/2025
	5 acres or less (Base Fee)					
1636 <mark>1</mark> 07	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	03/28/2025
	Тс	tal Fee Invo	iced: \$513.00	Total Ba	lance: \$0.0	00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

1

OWNER AFFIDAVIT



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.

I, W, Ilimu E, Ovger, state that I have read the definition of (Sign Name)

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

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a 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 1609 Corwing Are	
and further identified by Assessor's Parcel Number 070053 00	2002
for which an application is being made to the Division of Planning and Development.	
Subscribed and sworn to (or affirmed) before me this 37d day of Apri	in the year of 25
Signature of Notary Public Signature of Notary Public Si	7,2027 ion Expires

TVT III, LLC - Tower Ventures

Phone: 901 244-4017 495 Tennessee Street Suite: 152 Memphis, TN 38103

March 28th, 2025

Memphis and Shelby County Dept. of Planning and Development Memphis City Hall C/O Mr. Chip Saliba Suite # 468 125 North Mid-American Mall Memphis, TN 38103-2084

RE: Site Name: TN 1033; Winston Drive: <u>Letter of Intent</u> for a One Hundred Fifty Foot (150') Monopole Communications ("CMCS") Tower at 1609 Corning Ave, Memphis, TN 38127 (Parcel ID # 070053 00002)

Dear Mr. Saliba:

**** Site Prevouisly Approved as SUP 21-36 by Memphis City Council on 02/01/2022****

TVT III, LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred fifty Foot (150') CMCS tower at 1609 Corning Ave (Parcel ID #070053 0002) Memphis, TN 38127. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support four (4) antenna arrays. The tower will be equipped with a climbing apparatus.

Site equipment will be placed in a Lease area of 50' x 50'. A 6' (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will also be wooden. The site will be concealed from view. Due to the extensive existing mature tree coverage that the parcel at 1609 offers, we are not proposing any additional landscaping. In turn, we plan to preserve as much existing vegetation as possible in lieu of a landscape screen.

There is a need for improved cellular coverage in this area of Memphis. Our client, Dish Network, has provided detailed before and after coverage maps that clearly demonstrate this need. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT III, LLC - Tower Ventures, appreciates the Memphis and Shelby County Dept. of Planning and Development's consideration of this application. Please contact me at (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,

r

Lou Katzerman Sr. Site Acquisition and Zoning Manager TVT II, LLC - Tower Ventures Office: 901-244-4017 lou@towerventures.com

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 Status: Pending Opened Date: March 28, 2025

Record Number: SUP 2025-008

Expiration Date:

Record Name: TN 1033 Winston Drive CMCS Tower Description of Work: 150 FT CMCS Tower

- 1) One Hundred Fifty -foot (150') "Monopole" CMCS Designed for Four (4) set of Full Antenna Arrays
- 2) Six-foot (6') wooden site-proof Fence.
- 3) Six -foot (6') wooden gates.
- 4) A 50 ft x 50 ft Tower Lease Area.
- 5) The site parcel contains natural cover on all four sides of the proposed compound.
- 6) Landscaping screens will be built on the North, West and South sides of the tower compound.
- 7) The proposed site is 346 ft from Corning Drive. Set meets all applicable Setbacks.
- 8) Access will run north at an angle, back to Corning Ave.

Parent Record Number:

Address:

1609 CORNING AVE, MEMPHIS 38127

Owner Information

Primary Owner Name Y GRANTHAM JERRY L

Owner Address

3354 SCENIC HIGHWAY TER, MEMPHIS, TN 38128

Owner Phone 9012676369

Parcel Information

070053 00002

Data Fields

PREAPPLICATION MEETING

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

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

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

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

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UDC Sub-Section 9.6.9C

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UDC Sub-Section 9.6.9E

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New Special Use Permit (SUP) SUP 21-36. Original approval on 02/01/2022

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No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction.

Yes, site will kindly comply with all local, state and Federal Cell Tower Requirements and regulations. As noted above, site will comply with UDC Section 2.6.2.1.2.

No, does not appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

GIS INFORMATION

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	-

Data Tables

AREA INFORMATION

Name:	Grantham
Size (Acres):	1.52
Existing Use of Property:	Vacant
Requested Use of	CMCS Tower
Property:	

Contact Information

Name LOUIS BERNARD KATZERMAN

Address

Phone

(901)239-3892

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1636107	Special Use Permit Fee -	1	500.00	INVOICED	0.00	03/28/2025
	5 acres or less (Base Fee)					
1636107	Credit Card Use Fee (.026	1	13.00	INVOICED	0.00	03/28/2025
	x fee)					
	Тс	otal Fee Invoi	ced: \$513.00	Total Bala	ance: \$0.(00

Payment Information

Payment Amount \$513.00

Method of Payment Credit Card

Contact Type APPLICANT

<u>TVT III, LLC - Tower Ventures</u>

Phone: 901 244-4017 495 Tennessee Street Suite: 152 Memphis, TN 38103

March 28th, 2025

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There is a need for improved cellular coverage in this area of Memphis. Our client, Dish Network, has provided detailed before and after coverage maps that clearly demonstrate this need. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT III, LLC - Tower Ventures, appreciates the Memphis and Shelby County Dept. of Planning and Development's consideration of this application. Please contact me at (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,

Lou Katzerman Sr. Site Acquisition and Zoning Manager TVT II, LLC - Tower Ventures Office: 901-244-4017 <u>lou@towerventures.com</u>

STAFF

REPORT

AGENDA ITEM: 12

CASE NUMBER:	SUP 21-36	L.U.C.B. MEETING:	January 13, 2022
LOCATION:	1609 Corning Ave.		
COUNCIL DISTRICT:	District 7 and Super District 8 – 1	Positions 1, 2, and 3	
OWNER/APPLICANT:	Jerry L. Grantham/TVT II, LLC	– Towers Ventures	
REPRESENTATIVE:	Lou Katzerman, Zoning Manager	r	
REQUEST:	150-foot Monopole Communicat	ions (CMCS) Tower	
AREA:	+/-1.52 acres in total		
EXISTING ZONING:	Residential Single-Family – 6 (R	-6)	

CONCLUSIONS

- 1. The request is for a 150-foot Monopole Communications (CMCS) tower within a Residential Single-Family 6 (R-6) zoning district.
- 2. Staff agrees the approval criteria in regard to special use permits as set out in the Unified Development Code Section 9.6.9 are met.
- 3. Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(1) are met.
- 4. The proposal will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, and other matters affecting the safety, and general welfare of the community.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 Plan does not provide recommendations related to cell towers.

RECOMMENDATION

Approval with conditions

Staff Writer: Teresa Shelton

E-mail: teresa.shelton@memphistn.gov

January 13, 2022 Page 2

GENERAL INFORMATION

Street Frontage:	Corning Avenue	+/-150.7 curvilinear feet
Zoning Atlas Page:	1730	
Parcel ID:	070053 00002	
Existing Zoning:	Residential Single-Family – 6 (R-6)

NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM to 6:30 PM on Monday, January 3, 2022, at the Temple of Praise Ministries, located at 1738 Winston Dr., Memphis, TN 38127.

There were no attendees present

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 98 notices were mailed on December 29, 2021, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.



Sign Affidavit for S.U.P. Case Number: 21-036

County of Shelby State of Tennessee

I, <u>Louis B. Katzerman</u>, being duly sworn, depose and say that at approximately <u>09.30 am on the 31st^h day of December 2021</u> I posted one (1) Public Notice Sign pertaining to Case No. SUP 21-036 at 1609 Corning Ave Memphis, TN 38127 (Parcel ID #07000053 00002), providing notice of a Public Hearing before the Land Use Control Board (Hearing on January 13th, 2022) for consideration of a proposed SUP/CMCS Tower Request and one (1) photograph of said sign.

h 4 TVT II, LLC (Tower Ventures), Applicant Louis Katzerman, Sr. Zoning Manager

12/31/2021 Date

Subscribed and sworn to before me this 31st day of December 2021

Notary Public

My Commission Expires:

10/20/24

LOCATION MAP



Subject property located within the pink circle

VICINITY MAP



Site highlighted in yellow

AERIAL



Subject property outlined in orange

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Residential Single-Family – 6 (R-6)

Surrounding Zoning

North:	R-10
East:	R-6
South:	R-6
West:	R-6, RW

January 13, 2022 Page 7

LAND USE MAP



LandUse





Subject property indicated by a pink star

January 13, 2022 Page 8

SITE PHOTOS



View of proposed site looking north



View of proposed site looking northwest



View of proposed site location up-close

DETAILED SITE LAYOUT



PROPOSED GROUND LEASE AREA





January 13, 2022 Page 13

COVERAGE SUMMARY



NAMEM00421A-Coverage

September 13th, 2021



- Predictions were run on site NAMEM00421A located at Lat: 35.224150 and long: -90.00930
- Site covers a total of 21,105 Pops on Low Band and 4,574 Pops on Mid band

Pops Count- Best Se	rver Site Level:	
Best Server for Site	Low Band (n71)	Mid Band (n66)
MEM00421A	Traffic Counts (Subscribers)	Traffic Counts (Subscribers)
NAMEM00421A	21,104.81	4,573.78
n71- Low Banc		60 e11e 100 e100 101 e100 101 e100

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Description of a Proposed 50.0' x 50.0' Ground Lease Area on part of the Jerry L. Grantham property recorded in Instrument No. 19046774 located in Memphis, Shelby County, Tennessee:

Commencing at found chisel mark at the intersection of the south line of Corning Ave (60' R.O.W.) and the west line of the David Lee Dorsett property recorded in Instrument No. CC-2268; thence south 04 degrees 15 minutes 22 seconds west with the west line of said property recorded in Instrument No. CC-2268, 340.44 feet; thence north 85 degrees 44 minutes 38 seconds west across the Jerry L. Grantham property recorded in Instrument No. 19046774, 45.96 feet to a set 1/2" rebar with plastic cap and the Point of Beginning; thence continuing across said property recorded in Instrument No. 19046774 the following calls: south 04 degrees 15 minutes 22 seconds west, 50.00 feet to a set 1/2" rebar with plastic cap; north 85 degrees 44 minutes 38 seconds west, 50.00 feet to a set 1/2" rebar with plastic cap; north 85 degrees 15 minutes 38 seconds west, 50.00 feet to a set 1/2" rebar with plastic cap; north 04 degrees 15 minutes 22 seconds east, 50.00 feet; south 85 degrees 44 minutes 38 seconds east, 50.00 feet to the point of beginning and containing 2,500 square feet of land.

Description of a Proposed 30.0' Wide Ingress/Egress and Utility Easement across part of the Jerry L. Grantham property recorded in Instrument No. 19046774 located in Memphis, Shelby County, Tennessee:

Commencing at found chisel mark at the intersection of the south line of Corning Ave (60' R.O.W.) and the west line of the David Lee Dorsett property recorded in Instrument No. CC-2268; thence north 86 degrees 49 minutes 46 seconds west with the south line of said Corning Ave, 18.91 feet to the Point of Beginning; thence southwardly across the Jerry L. Grantham property recorded in Instrument No. 19046774 the following calls: south 01 degrees 31 minutes 37 seconds east, 158.81 feet to a point of curvature; along a curve to the right having a radius of 90.00 feet, a delta angle of 20 degrees 53 minutes 58 seconds, a chord bearing of south 08 degrees 55 minutes 22 seconds west, a chord distance of 32.65 feet and an arc distance of 32.83 feet to a point of tangency; south 19 degrees 22 minutes 21 seconds west, 154.91 feet to a set 1/2" rebar with plastic cap located at the northeast corner of the above described Proposed 50.0' x 50.0' Ground Lease Area; thence north 85 degrees 44 minutes 38 seconds west with north line of said above described Proposed 50.0' x 50.0' Ground Lease Area, 31.08 feet; thence northwardly across said property recorded in Instrument No.

19046774 the following calls: north 19 degrees 22 minutes 21 seconds east, 163.01 feet to a point of curvature; along a curve to the left having a radius of 60.00 feet, a delta angle of 20 degrees 53 minutes 58 seconds, a chord distance of 21.76 feet and an arc distance of 21.89 feet to a point of tangency; north 01 degrees 31 minutes 37 seconds west, 161.27 feet to a point in the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning Ave, 30.10 feet to the point of beginning and containing 10,391 square feet or 0.239 acres of land.

Description of a Proposed 15.0' Wide Utility Easement across part of the Jerry L. Grantham property recorded in Instrument No. 19046774 located in Memphis, Shelby County, Tennessee:

Beginning at found chisel mark at the intersection of the south line of Corning Ave (60' R.O.W.) and the west line of the David Lee Dorsett property recorded in Instrument No. CC-2268; thence south 17 degrees 34 minutes 00 seconds west across the Jerry L. Grantham property recorded in Instrument No. 19046774, 349.84 feet to a point in the north line of the above described Proposed 50.0' x 50.0' Ground Lease Area; thence north 85 degrees 44 minutes 38 seconds west with the north line of said the above described Proposed 50.0' x 50.0' Ground Lease Area, 15.41 feet to a set 1/2" rebar with plastic cap in the northwest corner the said above described Proposed 50.0' x 50.0' Ground Lease Area; thence north 17 degrees 34 minutes 00 seconds east across said property recorded in Instrument No. 19046774, 349.54 feet to a point in the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning Ave; 15.49 feet to the point of beginning and containing 5,245 square feet or 0.120 acres of land.

STAFF ANALYSIS

<u>Request</u>

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

The request is for a 150-foot Monopole Communications (CMCS) Tower in a Residential -6 (R-6) zoning district. The applicant proposes to install a 150-foot Monopole Communications (CMCS) Tower in a 50'x50' lease area enclosed by a 6-foot wooden privacy fence around the lease area to conceal the ground equipment. The compound gates will also be wooden.

<u>Approval Criteria</u>

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:

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

Additional Approval Criteria for CMCS Towers

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I (2) are met.

Item 2.6.2I(2)(b) General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

January 13, 2022 Page 16

- 1. The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
- 2. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.
- 3. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.
- 4. Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.

Item 2.6.2I(2)(d) Co-Location – CMCS Towers Only

1. Any proposed CMCS tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennas, if at least 100 feet in height, at least five additional CMCS sectorized antennas if at least 150 feet in height, at least six additional CMCS sectorized antennas if at least 170 feet in height. Co-located CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.

2. Nothing in these rules and regulations shall obligate the owner of an existing CMCS tower to co-locate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

The Memphis 3.0 Plan does not provide recommendations related to cell towers.

Conclusions

The request is for a 150-foot Monopole Communications (CMCS) tower within a Residential Single-Family - 6 (R-6) zoning district.

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

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(1) are met.

The proposal will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, and other matters affecting the safety, and general welfare of the community.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. The site shall preserve and maintain as much of the existing mature trees as coverage to this location to meet the landscaping requirements.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy around the lease area to conceal the ground equipment. The compound gates will be wooden as well.
- 3. The maximum tower height shall be one-hundred fifty (150) feet Monopole Communications (CMCS) tower.
- 4. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

DEPARTMENTAL COMMENTS

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

City/County Engineer:	DATE: 12/21/2021
CASE: SUP-21-036	NAME: Cell Tower

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

Sewers:

- 2. City sanitary sewers are available to serve this development.
- **3**. All sewer connections must be designed and installed by the developer. This service is no longeroffered by the Public Works Division.

Roads:

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

Traffic Control Provisions:

- 6. The developer shall provide a traffic control plan to the city engineer that shows the phasing foreach 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 existingright of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
- 7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, thetime needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 8. The developer's engineer shall submit a <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:

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

January 13, 2022 Page 20

Drainage:

- 11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall notbe 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/orCounty Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

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

APPLICATION

January 13, 2022 Page 21



PLICATION FOR SPECIAL USE PERMIT APPROVAL/AMENDMENT

Date: 12-03-2021

Requested Use of Property

Case #:

	PLEASE TYPE C	DR PRINT		
Property Owner of Record: Jerry L. Gran	tham		Phone #:	(901) 267-6369
Mailing Address: 3354 Senic HWY		City/State:	Memphis, TN	Zip_38128
Property Owner E-Mail Address: jrrgm	thm3012@gmail.com			
Applicant: TVT II, LLC - Tower Ventures			Phone #	(901) 794-9494
Mailing Address: 495 Tennessee Street; Ste	e: 152	City/State:		Zip 38103
Applicant E- Mail Address: lou@towerve				
Representative: Lou Katzerman, Zoning Man			Phone #:	(901) 244-4017
Mailing Address: 495 Tennessee Street; Ste	City/State:	Memphis, TN	Zip _38103	
Representative E-Mail Address: lou@to				
Engineer/Surveyor: Hardy Engineering, INC			Phone #(2	05) 655-1427
Mailing Address: 209 Linden Street	City/State:	Trussville, AL	Zip 35173	
Engineer/Surveyor E-Mail Address:	m@hardy-engineering.com			
Street Address Location: 1609 Coming Av				
Distance to nearest intersecting street:	+/- 2075 ft east, to North Wate	ins		
	Parcel 1	Parcel 2	Pa	arcel 3
Area in Acres:	1.52			
Existing Zoning:	R-6			
Existing Use of Property	Vacant Land			

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16. Yes No V

CMCS

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: NA Bedrooms: NA

Expected Appraised Value per Unit: NA or Total Project: NA

Variances: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We) owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record Date Applicant 10/21/202)

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on:	11	291	2 with	M6	TOVOSA	Sheltow	

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood M	feeting	Requirement Met:	Yes	
		(If yes	documentation n	mn

nt Met: Yes Not yet (If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

9.6.9 Special Use Permit Approval Criteria

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

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

 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 (UDC sub-section 9.6.9A).

Proposed Site is located on an 1.53 acre tract. Property is bounded by existing natural tree cover. Site carefully chosen to minimize the impact to the neighborhood. The tower will serve the public heath and well being by providing reliable coverage to this area.

The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity
and not interfere with the development and use of adjacent property in accordance with the applicable district
regulations (UDC sub-section 9.6.9B).

Proposed site is located on large, heavily wooded lot with mature trees. Tower will serve growing and busy area.

 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 (UDC sub-section 9.6.9C).

With over 400,000 daily 911 calls coming form wireless users in America, the proposed site with function as public safety asset.

 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 (UDC sub-section 9.6.9D).

No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction.

 The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

Yes, site will kindly comply with all local, state and Federal Cell Tower Requirements and regulations. As noted above, site will comply with UDC Section 2.6.2.1.2.

 The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

No, does not appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

LETTER OF INTENT

TVT II, LLC - Tower Ventures

Phone: 901 244-4017 495 Tennessee Street Suite: 152 Memphis, TN 38103

December 2, 2021

Memphis and Shelby County Office of Planning and Development Memphis City Hall C/O Mr. Josh Whitehead Suite # 468 125 North Mid-American Mall Memphis, TN 38103-2084

RE: Site Name: TN 1033; Winston Drive: <u>Letter of Intent</u> for a One Hundred Fifty Foot (150') Monopole Communications ("CMCS") Tower at 1609 Corning Ave, Memphis, TN 38127 (Parcel ID # 070053 00002)

Dear Mr. Whitehead:

TVT II, LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred fifty Foot (150') CMCS tower at 1609 Corning Ave (Parcel ID #070053 0002) Memphis, TN 38127. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support four (4) antenna arrays. The tower will be equipped with a climbing apparatus.

Site equipment will be placed in a Lease area of 50' x 50'. A 6' (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will also be wooden. The site will be concealed from view. Due to the extensive existing mature tree coverage that the parcel at 1609 offers, we are not proposing any additional landscaping. In turn, we plan to preserve as much existing vegetation as possible in lieu of a landscape screen.

There is a need for improved cellular coverage in this area of Memphis. Our client, Dish Network, has provided detailed before and after coverage maps that clearly demonstrate this need. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensecs can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT II, LLC - Tower Ventures, appreciates the Memphis and Shelby County Office of Planning and Development's consideration of this application. Please contact me at (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,

Lou Katzerman Sr. Site Acquisition and Zoning Manager TVT II, LLC - Tower Ventures Office: 901-244-4017 lou@towerventures.com

January 13, 2022 Page 25

SIGN AFFIDAVIT

Sign Affidavit for S.U.P. Case Number: 21-036

County of Shelby State of Tennessee

I, Louis B. Katzerman, being duly sworn, depose and say that at approximately 09.30 am on the 31st^h day of December 2021 I posted one (1) Public Notice Sign pertaining to Case No. SUP 21-036 at 1609 Corning Ave Memphis, TN 38127 (Parcel ID #07000053 00002), providing notice of a Public Hearing before the Land Use Control Board (Hearing on January 13th, 2022) for consideration of a proposed SUP/CMCS Tower Request and one (1) photograph of said sign.

4

TVT II, LLC (Tower Ventures), Applicant Louis Katzerman, Sr. Zoning Manager

12/31/2021 Date

Subscribed and sworn to before me this 31st day of December 2021

foldly Notary Public

My Commission Expires:

10/20/24



LETTERS RECEIVED

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

January 13, 2022 Page 26

Aeronautical Study No. 2021-ASO-41681-OE



Mail Processing Center Federal Aviation Administration Southwest Regional Office Obstruction Evaluation Group 10101 Hillwood Parkway Fort Worth, TX 76177

Issued Date: 06/08/2023

Craig B Royal TVT II, LLC 495 Tennessee Street, Suite 152 Memphis, TN 38103

** Extension **

A Determination was issued by the Federal Aviation Administration (FAA) concerning:

ton Drive
E)
el (AGL)
level (AMSL)
E

In response to your request for an extension of the effective period of the determination, the FAA has reviewed the aeronautical study in light of current aeronautical operations in the area of the structure and finds that no significant aeronautical changes have occurred which would alter the determination issued for this structure.

Accordingly, pursuant to the authority delegated to me, the effective period of the determination issued under the above cited aeronautical study number is hereby extended and will expire on 12/08/2024 unless otherwise extended, revised, or terminated by this office. You must adhere to all conditions identified in the original determination.

This extension issued in accordance with 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerns the effect of the structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this extension will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (206) 231-2993, or lynnette.farrell@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-ASO-41681-OE.

Signature Control No: 499259162-589591062

Lynnette Farrell Technician

Attachment(s) Map(s)

cc: FCC

Verified Map for ASN 2021-ASO-41681-OE





CERTIFICATION:

To TVT II, LLC, Burch Porter and Johnson, PLLC, and Chicago Title Insurance Company:

I hereby certify that this is a Category I Survey and that the ratio of precision of the unadjusted survey is 1:10,000 or greater.





degrees 34 minutes 00 seconds east across said property recorded in Instrument No. 19046774, 349.54 feet to a point in the south line of said Corning Ave; thence south 86 degrees 49 minutes 46 seconds east with the south line of said Corning Ave, 15.49 feet to the point of beginning and containing 5,245 square feet or 0.120 acres of land.





CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 07/08/2025

ONE ORIGINAL

ONLY STAPLED

TO DOCUMENTS

DATE **PUBLIC SESSION:** 07/22/2025

	DATE
ITEM (CHECK ONE)ORDINANCE	X RESOLUTION REQUEST FOR PUBLIC HEARING
ITEM DESCRIPTION:	Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 60 North Second Street, known as case number SUP 2024-040
CASE NUMBER:	SUP 2024-040
LOCATION:	60 North Second Street
COUNCIL DISTRICTS:	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Adam Airman, Safebox Storage, LLC
REPRESENTATIVE:	Adam Airman, Safebox Storage, LLC
REQUEST:	Special use permit to allow a commercial parking lot
AREA:	+/-27,168 square feet
RECOMMENDATION:	The Division of Planning and Development recommended <i>Rejection</i> The Land Use Control Board recommended <i>Approval with conditions</i>
RECOMMENDED COUNC	CIL ACTION: Public Hearing Not Required Hearing – July 22, 2025
PRIOR ACTION ON ITEM: (1) 12/12/2024 (1) Land Use Control Board FUNDING: (2) 5 5 5 5 5 5 5 5 6 6 6 6 6 6 6 6 6 6 6 7 7 8 8 8 8 8 8 8 8 8 8 8 8 8	$ \begin{array}{c c c c c c c c c c c c c c c c c c c $
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	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-040

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 60 NORTH SECOND STREET, KNOWN AS CASE NUMBER SUP 2024-040

- This item is a resolution with conditions for a special use permit to allow a commercial surface parking lot; and
- The item may require future public improvement contracts.
LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SUP 2024-040
LOCATION:	60 North Second Street
COUNCIL DISTRICT(S):	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Adam Airman, Safebox Storage, LLC
REPRESENTATIVE:	Adam Airman, Safebox Storage, LLC
REQUEST:	To allow a commercial surface parking lot
EXISTING ZONING:	Central Business District (CBD)
AREA:	+/- 27, 168 square feet

The following spoke in support: Adam Airman, David Harris, and Josh Lawhead

The following spoke in opposition: None

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

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

Respectfully,

Alexis Longstreet

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

Cc: Committee Members File

SUP 2024-040 CONDITIONS

1. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.

2. A landscaping and screening plan shall be provided that provides a streetscape along North Second Street and interior landscaped parking lot islands. The parking lot shall follow the design standards in UDC Section 4.5.5.

3. Any access control device such as a gate, card reader or guardhouse shall follow the design requirements in UDC Section 4.4.8.

4. This approval shall expire and become void on December 12, 2029, at which time the applicant may return to the Land Use Control Board for a time extension or another proposal.

SITE PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 60 NORTH SECOND STREET, KNOWN AS CASE NUMBER SUP 2024-040

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, Adam Airman, Safebox Storage, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a commercial surface parking lot; and

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

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

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

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

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

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

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

CONDITIONS

1. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.

2. A landscaping and screening plan shall be provided that provides a streetscape along North Second Street and interior landscaped parking lot islands. The parking lot shall follow the design standards in UDC Section 4.5.5.

3. Any access control device such as a gate, card reader or guardhouse shall follow the design requirements in UDC Section 4.4.8.

4. This approval shall expire and become void on December 12, 2029, at which time the applicant may return to the Land Use Control Board for a time extension or another proposal.

SITE PLAN



ATTEST:

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

ded STAFF REPORT

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

AGENDA ITEM:	7 L.U.C.B. MEETI
CASE NUMBER:	SUP 2024-040
LOCATION:	60 North Second Street
COUNCIL DISTRICT:	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Adam Airman, Safebox Storage, LLC
REPRESENTATIVE:	Adam Airman, Safebox Storage, LLC
REQUEST:	Special use permit to allow a commercial parking lot
EXISTING ZONING:	Central Business District (CBD)

CONCLUSIONS

- 1. The subject property is currently vacant.
- 2. The proposed commercial parking lot will be subscription based.
- 3. The lot is located within the downtown area adjacent from Court Square.
- 4. CBD Zoning is intended to promote vertical mixed use (residential/nonresidential) projects that contain active ground-floor uses. A surface commercial parking lot is contrary to this.
- 5. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

Rejection

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 75 notices were mailed on October 22, 2024, see page 19 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 20 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 12:00 PM on Thursday, October 23, 2024, at 60 North 2nd Street.

JEFFERSON AVENUE SUBDIVISION (2020) (PLAT BOOK 287 PAGE 35)





Subject property highlighted in yellow



Subject property outlined in yellow

v ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS

December 12, 2024 Page 8



View of subject property from North Second Street looking northwest.



View of subject property from North Second Street looking southeast

SURVEY



SITE PLAN



December 12, 2024 Page 11

CASE REVIEW

<u>Request</u>

The request is a special use permit to allow a commercial parking lot.

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: 60 North Second Street

Parcel ID: 002024 00014C

Area: +/-27,168 square feet

Description:

The subject property is currently vacant and has a commercial land designation per the Assessor's page. The lot has two street frontages: North Second Street and Maggie H. Isabel Street.

Site Plan Review

- There are 90 parking spaces being proposed.
- There is one (1) 20-foot curb cut located +/- 132 feet south of North Second Street.
- There aren't any landscaping or fencing details provided.
- There aren't any lighting details or elements provided.

<u>Analysis</u>

The subject property has a vacant land use designation and is surrounded by a mix of office and commercial land uses. The proposed motor vehicle parking lot is located within proximity of the historic Court Square. On street paid parking is available located on the west side of North Second street directly across from the subject property. There are a total of three parking structures located within 0.2 miles of the subject property.

The approval of the proposed parking structure would contribute to an oversaturation of parking lots/structures within the area. The District Intent Statement for the CBD Zoning District found in UDC Sub-Section 2.2.2C stated, in part, that the district is intended to accommodate high-intensity office, employment and residential uses within downtown. The district promotes vertical mixed use (residential/nonresidential) projects that contain active ground-floor uses. A surface commercial parking lot is contrary to this and should not be supported.

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

RECOMMENDATION

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

Conditions

1. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning

December 12, 2024 Page 14

and Development.

- 2. A landscaping and screening plan shall be provided that provides a streetscape along North Second Street and interior landscaped parking lot islands. The parking lot shall follow the design standards in UDC Section 4.5.5.
- 3. Any access control device such as a gate, card reader or guardhouse shall follow the design requirements in UDC Section 4.4.8.

DEPARTMENTAL COMMENTS

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

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

December 12, 2024 Page 15

Drainage:

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

City Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	See pages 16 -18.

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 2040-040 Core City</u>

Site Address/Location: 60 N Second St Overlay District/Historic District/Flood Zone: The property is located in the Central Business Improvement District. The property is not in a flood zone or in an historic district Future Land Use Designation: Urban Core/Downtown (A-DT) Street Type: Avenue

The applicant is requesting a special use permit to create a designated self-parking and or valet parking for the surrounding buildings.

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

Urban Core/Downtown (A-DT) is the walkable anchor for the City of Memphis. It is characterized by multi-story buildings with a vertical mix of uses and civic and institutional buildings that attract people from the entire region. Graphic portrayal of A-DT is to the right.



December 12, 2024 Page 17

"A-DT" Form & Location Characteristics ACCELERATE

Buildings primarily attached, Block-scale buildings, Mix of uses, High-rise, Multiple blocks of extent

"A-DT" Zoning Notes

Generally compatible with the following zone districts CBD and SE in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CBD

Adjacent Land Use and Zoning: Office, Recreation/open Space, Commercial, institutional, CBD

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 does not meet the criteria in form, scale, or use in the CBD Zoning District.

3. Degree of Change Map



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

4. Degree of Change Description

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

The proposed application is a private investment and does not promote pedestrian-oriented infill development or attract retail and service uses that cater to larger-scale markets. The proposed use would de-intensify the existing pattern of buildings.

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

The requested use is not consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.9 – Improve walkability and multimodal access within and around community and Citywide anchors to

promote local economies and connect neighborhood residents and local businesses. The proposed use of a parking lot is dependent upon automobiles and does not promote walkability or multimodal access of the Citywide anchor.

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

The Anchor- Urban Core/ Downtown Land Use Recommends Primarily attached Block-scale high-rise Buildings. A parking lot would interupt future land use.

Consistency Analysis Summary

The applicant is requesting a special use permit to create a designated self-parking and or valet parking for the surrounding buildings.

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 does not meet the criteria in form, scale, or use in the CBD Zoning District.

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

The proposed application is a private investment and does not promote pedestrian-oriented infill development or attract retail and service uses that cater to larger-scale markets. The proposed use would de-intensify the existing pattern of buildings.

The requested use is not consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.9 – Improve walkability and multimodal access within and around community and Citywide anchors to promote local economies and connect neighborhood residents and local businesses. The proposed use of a parking lot is dependent upon automobiles and does not promote walkability or multimodal access of the Citywide anchor.

The Anchor- Urban Core/ Downtown Land Use Recommends Primarily attached Block-scale high-rise Buildings. A parking lot would interupt future land use.

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

Summary Compiled by: Christina Edingbourgh, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, November 6, 2024 at 8 AM.**

CASE NUMBER:	SUP 2024-0040
ADDRESS:	60 North 2nd Street
REQUEST:	Special Use Permit: Allow commercial parking lot
APPLICANT:	Adam Airman, Safebox Storage, LLC

Meeting Details

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

Staff Planner Contact:

☑ alexis.longstreet@memphistn.gov

Alexis Longstreet

(901) 636-7120

Time: 9:00 AM Date: Thursday, Nov. 14, 2024







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



75 Notices Mailed 10/22/2024

AFFIDAVIT

Shelby County State of Tennessee

I. Adam Ajomm, being duly sworn, depose and say that at @: 00 ampm on the 19 day of October, 202, I posted / Public Notice Sign(s) pertaining to Case No. SUP 2024-04 & No. 2nd St. Memphis 38103 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.

Owner, Applicant or Representative

Date Date 20/20/24 Subscribed and sworn to defere me this _19_day of _Och STATE OF Miken. Notary Public My commission expires My Commission Expires May 31, 2028

APPLICATION

December 12, 2024 Page 21



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information				
Record Type: Special Use Permit	Record Status: Pending			
	Opened Date: August 25, 2024			
Record Number: SUP 2024-040	Expiration Date:			
Record Name: Park it here				
Description of Work: Create a designated self parking an	nd or valet parking for the surrounding budlings.			
1	Parent Record Number:			
Address:				
60 N SECOND ST, Memphis 38103				
Owner Information				
Primary Owner Name				
Y SAFEBOX STORAGE LLC				
Owner Address	Owner Phone			
PO BOX 3021, MEMPHIS, TN 38173	9016793818			
Parcel Information				
002024 00014C				
PREAPPLICATION MEETING				
Name of DPD Planner	ALexis Longstreet			
Date of Meeting	08/22/2024			
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	N/A			
this site	No			
Is this application in response to a citation, stop work order, or zoning letter	No			

SUP 2024-040

GENERAL PROJECT INFORMATION		
If yes, please provide a copy work order, and/or zoning let other relevant information APPROVAL CRITERIA		None
A) The project will not have a undue adverse effect upon a character of the neighborhood parking, utility facilities and o affecting the public health, sa welfare	djacent property, the od, traffic conditions, ther matters	no affect
B) The project will be constru- operated so as to be compati immediate vicinity and not in development and use of adjation accordance with the applications	ible with the terfere with the acent property in	yes.
UDC Sub-Section 9.6.9C		project will utilize all available public facilities as required.
UDC Sub-Section 9.6.9D		agree.
UDC Sub-Section 9.6.9E		yes.
UDC Sub-Section 9.6.9F GIS INFORMATION		no affects on adjacent properties.
Case Layer		
Central Business Improvement	ent District	No
Class		
Downtown Fire District		No
Historic District		
Land Use		
Municipality Overlay/Special Purpose Dis	trict	-
Zoning	uice	
State Route		-
Lot		
Subdivision		
Planned Development Distric	ot	
Wellhead Protection Overlay	District	No
County Commission District		
City Council District		-
City Council Super District Data Tables		-
AREA INFORMATION Name:	PARK IT HERE	

 Size (Acres):
 0.6237

 Existing Use of Property:
 VACANT LAND

 Requested Use of
 SURFACE PARKING

 Property:
 VACANT LAND

Page 2 of 3

SUP 2024-040

Manua	C	t Turne					
Name ADAM AIRMAN					2000	Contact Type APPLICANT	
Address 0 PO BOX 3021, MEMPHIS, TN, MEMPHIS, TN, 38103							
Phone (901)679-381	8						
Name ADAM AIRMAN						Contact Type	
Address	021, MEMPHIS, TN, MEMPHIS, TN, 381	103			RECORD	RECORD	
	8						
Phone (901)679-381 Fee Inform							
(901)679-381 Fee Inform		Quantity	Fees	Status	Balance	Date Assessed	
(901)679-381 Fee Inforr Invoice #	nation	Quantity 1	Fees 500.00	Status INVOICED	Balance 0.00	Date Assessed 10/06/2024	
(901)679-381 Fee Inforr Invoice #	nation Fee Item		A STOCK MARKED	and the product of the second	and the second s		
(901)679-381 Fee Inform Invoice # 1597642	nation Fee Item Special Use Permit Fee -		A STOCK MARKED	and the product of the second	and the second s	10/06/2024	
(901)679-381	nation Fee Item Special Use Permit Fee - 5 acres or less (Base Fee) Credit Card Use Fee (.026 x fee)	1	500.00	INVOICED	0.00	10/06/2024 10/06/2024	
(901)679-381 Fee Inform Invoice # 1597642 1597642	nation Fee Item Special Use Permit Fee - 5 acres or less (Base Fee) Credit Card Use Fee (.026 x fee)	1	500.00 13.00	INVOICED	0.00	10/06/2024 10/06/2024	
(901)679-381 Fee Inform Invoice # 1597642 1597642	nation Fee Item Special Use Permit Fee - 5 acres or less (Base Fee) Credit Card Use Fee (.026 x fee) To Information	1 1 otal Fee Invo	500.00 13.00	INVOICED	0.00	10/06/2024 10/06/2024	

SUP 2024-040

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.

Adam Airman BMA, state that I have read the definition of (Print Name) (Sign Name)

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

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

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

of the property located at 60 NL 2nd St. Memphis, 38103 and further identified by Assessor's Parcel Number 002024 00014C for which an application is being made to the Division of Planning and Development.

24th day or September in the year of 2094 Subscribed and sworn to (or affirmed) before me this ____ REHONDA FOUNC My Commission Expires April 4, 2027 Signature of Notary Public My Commission Expires SHELBY COUNT

LETTER OF INTENT

Letter of Intent for Special Use Permit

September 30rd, 2024

Division of Planning and land Development Department City of Memphis, TN.

RE: Special Use Permit to allow for vehicle parking on North 2nd street vacant land.

To Whom It May Concern:

As the Managing Director of Safebox Storage, LLC DBA Park it Here, I am submitting this letter of intent for a Special Use Permit to allow the use of my company owned land located at 60 N. 2nd St. Memphis, 38103 as a designated parking lot to support the surrounding buildings parking needs.

Thank you for your support,

Adampiman

Adam Airman Safebox Storage, LLC, DBA Park it Here PO Box 3021, Memphis, TN 38173 901.679.3818 safeboxstoragellc@gmail.com

LETTERS RECEIVED

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

SUP 2024-040

From Virginia McLean <vmclean2@comcast.net> Date Wed 10/16/2024 5:17 PM To Longstreet, Alexis <Alexis.Longstreet@memphistn.gov>

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

Alexis -

As a long-time supporter of downtown and historic preservation, I was discouraged to see the request for a special use permit to allow a commercial parking lot at 60 N. Second Street. There would appear to be more than enough parking lots in the area, and another one, especially adjacent to Court Square in a historic district, would I suspect have a negative impact on all the ongoing efforts to encourage good development in the core of downtown. As you know, parking lots, although sometimes necessary, are not attractive and inviting additions in urban areas.

I hope you will carefully consider and reject this proposal. Sincerely, Virginia McLean



December 2, 2024

RE: SUP 2024 - 040 (new parking lot at 60 N Second St.)

To members of the Memphis & Shelby County Land Use Control Board,

The Downtown Memphis Commission (DMC) opposes the application for a Special Use Permit (SUP 2024-040) that would allow a commercial parking lot to be located at 60 N Second Street. The DMC believes the proposed new surface parking lot would be detrimental to the continued development of downtown Memphis, and that approval of a special use permit in this case would engrain a land use that is incompatible with the future land use goals set forth in the Memphis 3.0 comprehensive plan.

Downtown Memphis is the city's urban core, with some of the highest density of development and most walkable neighborhoods in the region. The Downtown Core is experiencing a renaissance of large-scale redevelopment projects with Tom Lee Park recently completed and other projects like 100 N Main and the Memphis Art Museum set to break ground in the next year. The success of these developments hinges on Memphis' ability to continue building compact critical mass within the urban core. This will not be accomplished by supporting the development of surface lot parking that monopolizes the limited amount of urban space for a highly inefficient use. The DMC recognizes the importance of parking to the continued success of our Downtown; The 100 N Main redevelopment plans. It vital to supply new parking, as needed, by incorporating it within existing development plans rather than as a standalone land use. Highly walkable downtowns are possible when people, not the storage of vehicles, are placed first.

The proposed parking lot use also does not conform to the Memphis 3.0 Comprehensive Plan, which designates the parcel at 60 N Second Street as an Anchor – Urban Core/Downtown and an Accelerate anchor. The Urban Core/Downtown future land has the goals of supporting continued reinvestment and intensification of the Downtown core, housing choice and economic development. If approved, this application would entrench a low intensity use, detracting from the overall walkability of the area. The Land Use Control Board, as one of the adopters of this plan, should not support this application.

In conclusion, we urge the Land Use Control Board to deny this application, as it would hamstring the future development of the neighborhood and contribute to a less walkable city. If Memphis truly intends to build up, not out, nowhere is that mandate more necessary than downtown.

Regards,

Brott Rola

Brett Roler, AICP, LPM, CDP Chief Operating Officer, Downtown Memphis Commission (901) 575-0574 direct roler@downtownmemphis.com

DOWNTOWN MEMPHIS COMMISSION 114 N. MAIN STREET, MEMPHIS, TN 38103



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

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending Opened Date: August 25, 2024

Record Number: SUP 2024-040

Expiration Date:

Record Name: Park it here

Description of Work: Create a designated self parking and or valet parking for the surrounding budlings.

Parent Record Number:

Address:

60 N SECOND ST, Memphis 38103

Owner Information

Primarv **Owner Name** Υ SAFEBOX STORAGE LLC

Owner Address

PO BOX 3021, MEMPHIS, TN 38173

Parcel Information

002024 00014C

Data Fields PREAPPLICATION MEETING Name of DPD Planner **ALexis Longstreet** 08/22/2024 Date of Meeting Pre-application Meeting Type In Person **GENERAL PROJECT INFORMATION** New Special Use Permit (SUP) Application Type List any relevant former Docket / Case N/A Number(s) related to previous applications on this site Is this application in response to a citation, stop No work order, or zoning letter

Owner Phone 9016793818

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	None
A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare	no affect
B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations	yes.
UDC Sub-Section 9.6.9C	project will utilize all available public facilities as required.
UDC Sub-Section 9.6.9D	agree.
UDC Sub-Section 9.6.9E	yes.
UDC Sub-Section 9.6.9F GIS INFORMATION	no affects on adjacent properties.
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	-
Data Tables	

AREA INFORMATION

Name:	PARK IT HERE
Size (Acres):	0.6237
Existing Use of Property:	VACANT LAND
Requested Use of	SURFACE PARKING
Property:	

Name ADAM AIRM	AN				<u>Contac</u> APPLICA			
Address 0 PO BOX 30	021, MEMPHIS, TN, MEMPHIS, TN, 38 [,]	103						
Phone (901)679-38 ²	8							
Name ADAM AIRM		Contact Type PROPERTY OWNER OF						
Address 0 PO BOX 30)21, MEMPHIS, TN, MEMPHIS, TN, 38 [,]	103			RECORD	RECORD		
Phone (901)679-381	8							
Fee Inforr	nation							
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed		
1597642	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	10/06/2024		
1597642	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	10/06/2024		
	Т	otal Fee Invo	iced: \$513.00	Total Ba	lance: \$0.0	00		
	nformation							
Payment	mormation							
Payment Payment Am		yment						


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 Unified Development Code, full Development Code Section 12.3.1.

1, Adam Airman	BMA	, state that I have read the definition of
(Print Name)	(Sign Name)	

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

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

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

of the property located at <u>60 N. 2nd 8t. Memphis, 38103</u> and further identified by Assessor's Parcel Number <u>00202400014C</u>, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me	this <u>214</u> day	or September in the year of 2024.
Signature of Notary Public	STATE OF TENNESSEE NOTARY PUBLIC	My Commission Expires April 4, 2027 My Commission Expires

SHELBY COUNT

Letter of Intent for Special Use Permit

September 30rd, 2024

Division of Planning and land Development Department City of Memphis, TN.

RE: Special Use Permit to allow for vehicle parking on North 2nd street vacant land.

To Whom It May Concern:

As the Managing Director of Safebox Storage, LLC DBA Park it Here, I am submitting this letter of intent for a Special Use Permit to allow the use of my company owned land located at 60 N. 2nd St. Memphis, 38103 as a designated parking lot to support the surrounding buildings parking needs.

Thank you for your support,

AdomAiman

Adam Airman Safebox Storage, LLC, DBA Park it Here PO Box 3021, Memphis, TN 38173 901.679.3818 safeboxstoragellc@gmail.com



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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.



22135068

- - - -

12/16/2022 - 12:17:52 PM

2 PGS	
ANGELA 2527947 - 22135068	
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

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

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that **CITY CENTER SERVICES, INC., a Tennessee corporation,** "Grantor", for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS, the receipt and sufficiency of which is hereby acknowledged, does hereby bargain, sell, remise, release, quit claim and convey unto **SAFEBOX STORAGE, LLC., a Tennessee limited liability company,** "Grantee", all right, title and interest in and to that certain real estate located in the County of Shelby, State of Tennessee, which is more particularly described as follows, to-wit:

Lots 344, 345 and 346, JEFFERSON AVENUE SUBDIVISION, as shown on plat of record in Plat Book 287, Page 35, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Grantor by Quit Claim Deeds recorded at Instrument Nos. 11021995, 11021996, 11021997 in the Register's Office of Shelby County, Tennessee.

This Quit Claim Deed is prepared with information provided by the parties and without the benefit of a title search or examination pursuant to the parties request.

IN TESTIMONY WHEREOF, the undersigned has executed this instrument as Grantor this the 15 day of December, 2022.

CITY CENTER SERVICES, INC. a Tennessee corporation

resident wan **BASIL AIRMAN, President**

STATE OF TENNESSEE) COUNTY OF SHELBY)

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared BASIL AIRMAN, with whom I am personally acquainted, and who, upon oath, acknowledged herself to be the President for CITY CENTER SERVICES, INC., a Tennessee corporation, the within named bargainor, a corporation, and that he as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by himself as such President.

WITNESS my hand and Notarial Seal at office this l^2 day of December, 2022.

My Commission expires: 6/15/25

0 N Second St Memphis, Tennessee 38103

Property Address:

Tax Parcel Nos.: 002-024-00014C

Mail Tax Bills to and name and address of New Property Owner:

Safebox Storage, LLC P.O. Box 3021 Memphis, Tennessee 38173

Notary Public

STATE OF TENNESSEE) COUNTY OF SHELBY)

I hereby swear or affirm that the actual consideration for this transfer is \$0.00.

Notary Public

wann AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this ______ day of December, 2022.

My commission expires: 6/15/24

Prepared By and Return To:

GRIFFIN, CLIFT, EVERTON & MASCHMEYER, PLLC
Attn: William N Griffin, Jr.
6489 Quail Hollow, Suite 100
Memphis, Tennessee 38120-1305

File No. FF-11474



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

December 30, 2024

Sent via electronic mail to:

Case Number: SUP 2024-040 LUCB Recommendation: Approval with conditions as amended

Dear applicant,

On Thursday, December 12, 2024, the Memphis and Shelby County Land Use Control Board recommended *approval* of your special use permit application to allow a commercial parking lot subject to the following conditions:

- 1. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
- 2. A landscaping and screening plan shall be provided that provides a streetscape along North Second Street and interior landscaped parking lot islands. The parking lot shall follow the design standards in UDC Section 4.5.5.
- 3. Any access control device such as a gate, card reader or guardhouse shall follow the design requirements in UDC Section 4.4.8.
- 4. This approval shall expire and become void on December 12, 2029, at which time the applicant may return to the Land Use Control Board for a time extension or another proposal.

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.

Letter to Applicant SUP 2024-040

Respectfully, Alexis Longstreet

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

Cc: File











SITE PLAN SCALE: 1:10 = 1'-0" NORTH SECOND STREET





CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 07/08/2025 DATE PUBLIC SESSION: 07/22/2025

	DATE		
ITEM (CHECK ONE)ORDINANCE	X_RESOLUTION REQUEST FOR PUBLIC HEARING		
ITEM DESCRIPTION:	Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 5536 Summer Avenue, known as case number SUP 2025-010		
CASE NUMBER:	SUP 2025-010		
LOCATION:	5536 Summer Avenue		
COUNCIL DISTRICTS:	District 1 and Super District 9 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Jairo Lopez-Amigos Auto Sales LLC		
REPRESENTATIVE:	Jessenia Rivas		
REQUEST:	To allow used vehicle sales		
AREA:	+/-41,164 square feet		
RECOMMENDATION:	The Division of Planning and Development recommended <i>Approval with conditions</i> The Land Use Control Board Recommended <i>Approval with conditions</i>		
RECOMMENDED COUN	CIL ACTION: Public Hearing Not Required		
PRIOR ACTION ON ITEM (1) 06/12/2025 (1) Land Use Control Board	APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE		
FUNDING: (2) \$ \$	REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED		
SOURCE AND AMOUNT (\$ \$ \$ \$	OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER		
ADMINISTRATIVE APPR	OVAL: <u>DATE</u> <u>POSITION</u>		
makson Ostadin	June 16,2-25 STAFF PLANNER		

16

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Britt	

ONE ORIGINAL

| ONLY STAPLED | |TO DOCUMENTS|

FINANCE DIRECTOR
CITY ATTORNEY
CHIEF ADMINISTRATIVE OFFICER
COMMITTEE CHAIRMAN

DEPUTY ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

ADMINISTRATOR

COMPTROLLER



Memphis City Council Summary Sheet

SUP 2025-010

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 5536 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2025-10.

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

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 5536 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2025-010

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, Jairo Lopez-Amigos Auto Sales LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow used vehicle sales; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 12, 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. Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Summer Avenue.
- 2. Any proposed fencing and gating shall meet the locational and material requirements of the Unified Development Code. No razor wire or barbed wire is permitted.
- 3. Lighting for outdoor vehicle sales shall be arranged/positioned to prevent direct glare onto any public right-of-way or private property.
- 4. All parking spaces shall be painted with striping.
- 5. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to Article 4 of the Unified Development Code.

SITE PLAN



SITE PLAN-MAGNIFIED



LANDSCAPE PLAN



LANDSCAPE PLAN-MAGNIFIED



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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, June 12, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2025-010
LOCATION:	5536 Summer Avenue
COUNCIL DISTRICT(S):	District 1 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Jairo Lopez-Amigos Auto Sales LLC
REPRESENTATIVE:	Jessenia Rivas
REQUEST:	To allow a used vehicle sales
EXISTING ZONING:	Commercial Mixed Use-3 (CMU-3), Fletcher Creek Overlay
AREA:	+/-41,164 square feet

The following spoke in support: None

The following spoke in opposition: None

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

The motion passed by a vote of 8-0-0 on the consent agenda.

Respectfully,

Mahsan Ostadnia

Planner II Land Use & Development Services

Cc: Committee Members File

SUP 2025-010 CONDITIONS

- 1. Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Summer Avenue.
- 2. Any proposed fencing and gating shall meet the locational and material requirements of the Unified Development Code. No razor wire or barbed wire is permitted.
- 3. Lighting for outdoor vehicle sales shall be arranged/positioned to prevent direct glare onto any public right-of-way or private property.
- 4. All parking spaces shall be painted with striping.
- 5. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to Article 4 of the Unified Development Code.



3



LANDSCAPE PLAN



LANDSCAPE PLAN-MAGNIFIED



dpd MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT
AGENDA ITEM:	7	L.U.C.B. MEETING:	June 12, 2025
CASE NUMBER:	SUP 2025-010		
LOCATION:	5536 Summer Avenue		
COUNCIL DISTRICT:	District 1 and Super District 9 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Jairo Lopez-Amigos Auto Sales LLC		
REPRESENTATIVE:	Jessenia Rivas		
REQUEST:	Special use permit to allow used	vehicle sales	
EXISTING ZONING:	Commercial Mixed Use-3 (CMU-3	3), Fletcher Creek Overlay	

CONCLUSIONS

- The applicant is requesting a special use permit to allow used vehicle sales on the subject property, known as the K Williamson subdivision. The site encompasses approximately 41,164 square feet and is zoned Commercial Mixed Use-3 (CMU-3) within the Fletcher Creek Overlay District. The existing principal structure on the property was built in 1950 and totals 1,848 square feet. Surrounding land uses include a mix of office, commercial, and vacant lots, consistent with the diverse character of the area.
- 2. The property features approximately 185 feet of frontage on Summer Avenue, with side lot lengths of about 216 feet to the west, 209 feet to the east, and a rear boundary near 185 feet. Vehicular ingress and egress are provided via a single curb cut on Summer Avenue to facilitate site access.
- 3. The site includes about 35 parking spaces, one of which is ADA-accessible and located near the main entrance. Parking is primarily situated along the front and side of the building and finished with asphalt surfacing. To comply with zoning and overlay guidelines, the property incorporates fencing and landscaping buffers, including Type B and Type C buffers with privacy fencing and plantings. Street frontage landscaping follows S-10 overlay standards with Crepe Myrtles and a planted strip, while Wax Myrtles along the side property lines provide consistent evergreen coverage and help visually separate the site from adjacent uses.
- 4. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 20-22 of this report.

RECOMMENDATION:

Approval with conditions

Staff Report SUP 2025-010

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 28 notices were mailed on May 13, 2025, see page 23 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see pages 24-25 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 4:00 PM on Friday, May 30, 2025, at 5536 Summer Ave, Memphis TN 38134.

Staff Report SUP 2025-010



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

Staff Report SUP 2025-010

LAND USE MAP



Subject property indicated by a dark red star.

SITE PHOTOS



View of subject property from Summer Avenue.



View of subject property from Summer Avenue (Looking East).



View of subject property from above.



View of subject property from above.

Staff Report SUP 2025-010






SITE PLAN – MAGNIFIED



LANDSCAPE PLAN



LANDSCAPE PLAN-MAGNIFIED



CASE REVIEW

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

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: 5536 Summer Avenue

Parcel ID: 088067 00018

Area: +/-41,164 square feet

Description:

June 12, 2025 Page 16

The subject property is known as K Williamson subdivision with a zoning of Commercial Mixed Use-3 (CMU-3) which is also located in Fletcher Creek overlay district. Per the Assessor's website, the principal structure on the site was built in 1950 with a total area of 1,848 square feet and the surrounding land uses are a mixture of office, commercial, and vacant lots. Additionally, this lot has one street frontage.

Site Plan Review

The property has direct frontage on Summer Avenue, a commercial corridor with access to existing public utilities such as gas, water, and sewer.

The site offers 185 feet of frontage along Summer Avenue, with side property lines measuring approximately 216 feet to the west and 209 feet to the east. The rear property line is approximately 185 feet.

The site provides approximately 35 parking spaces, including one ADA-accessible space located close to the main entrance. Parking areas are located at the front and side of the building and surfaced with asphalt. A single curb cut along Summer Avenue provides direct vehicle access, with internal circulation designed for easy navigation and turning.

The site utilizes various landscaping and fencing elements to meet zoning and streetscape requirements. A Type B buffer, comprised of trees and a sight-proof fence, is provided along the rear to ensure privacy. The eastern boundary features a Type C buffer with additional trees, shrubs, and a sight-proof fence to enhance screening from adjacent properties. An existing chain-link fence encloses a small vehicle storage area in the northwest corner of the site. Along Summer Avenue, the site complies with S-10 overlay standards by incorporating Crepe Myrtles and a landscaped strip. Wax Myrtles are planted along the sides to provide continuous evergreen coverage.

<u>Analysis</u>

The applicant is requesting a special use permit to allow used vehicle sales on the subject property, known as the K Williamson subdivision. The site encompasses approximately 41,164 square feet and is zoned Commercial Mixed Use-3 (CMU-3) within the Fletcher Creek Overlay District. The existing principal structure on the property was built in 1950 and totals 1,848 square feet. Surrounding land uses include a mix of office, commercial, and vacant lots, consistent with the diverse character of the area.

The property features approximately 185 feet of frontage on Summer Avenue, with side lot lengths of about 216 feet to the west, 209 feet to the east, and a rear boundary near 185 feet. Vehicular ingress and egress are provided via a single curb cut on Summer Avenue to facilitate site access.

The site includes about 35 parking spaces, one of which is ADA-accessible and located near the main entrance. Parking is primarily situated along the front and side of the building and finished with asphalt surfacing. To comply with zoning and overlay guidelines, the property incorporates fencing and landscaping buffers, including Type B and Type C buffers with privacy fencing and plantings. Street frontage landscaping follows S-10 overlay standards with Crepe Myrtles and a planted strip, while Wax Myrtles along the side property lines provide consistent evergreen coverage and help visually separate the site from adjacent uses.

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. Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Summer Avenue.
- 2. Any proposed fencing and gating shall meet the locational and material requirements of the Unified Development Code. No razor wire or barbed wire is permitted.
- 3. Lighting for outdoor vehicle sales shall be arranged/positioned to prevent direct glare onto any public right-of-way or private property.
- 4. All parking spaces shall be painted with striping.
- 5. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to Article 4 of the Unified Development Code.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

10. Will require engineering ASPR.

Drainage:

- 11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
- 16. Development is located within a sensitive drainage basin.
- 17. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 18. All connections to the sewer shall be at manholes only.
- 19. 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.
- 20. Required landscaping shall not be placed on sewer or drainage easements.

City 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.
- 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:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2025-010

Site Address/Location: 5536 SUMMER AVE, MEMPHIS 38134 Overlay District/Historic District/Flood Zone: Fletcher Creek Overlay Future Land Use Designation: High Intensity Commercial & Services (CSH) Street Type: Parkway

The applicant is seeking a special use permit to allow a used car dealership.

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

High Intensity Commercial and Service areas typically not associated with anchors. These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, lodging, indoor recreation, and social service institutions. Graphic portrayal of CSH is to the right.



"CSH" Form & Location Characteristics

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-7 stories height

"CSH" Zoning Notes

Generally compatible with the following zone districts: CMU-2, CMU-3 without frontage requirements, C-G in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Office and CMU-3

Adjacent Land Use and Zoning: Office, Commercial, Industrial and Single-Family and CMU-3

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

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 $N/{\rm A}$

Consistency Analysis Summary

The applicant is seeking a special use permit to allow a used car dealership.

As the proposed use is auto-oriented commercial within the CSH future land use designation, this requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

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

MAILED PUBLIC NOTICE

Staff Report

SUP 2025-010

Meeting Details Time: 9:00 AM Location: Council Chambers Time: 9:00 AM City Hall 1st Floor Date: Thursday, June 12, 2025 125 N Main St. Date: Thursday, June 12, 2025 Staff Planner Contact: Mahsan Ostadnia To learn more about this proposal, contact the staff planner or use the QR code to view
--

AFFIDAVIT

Shelby County State of Tennessee

I. Elvira Elizabeth Avila, being duly sworn, depose and say that at <u>4:30</u> am/fm) on the <u>13</u> day of <u>May</u>, 20,25, I posted <u>1</u> Public Notice Sign(s) pertaining to Case No. <u>SUP-2025-010</u> at <u>5536</u> Summer Ave <u>Memphis</u> TN <u>38134</u>, providing notice of a Public Hearing before the (check one):

V 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.

Who E. Aviha

5 - 13 - 2025

. 20 25

Owner, Applicant or Representative

Date

Subscribed and sworn to before me this 13 day of May

Notary Public

My Commission Expires April 29, 2026 SHELBY COUNT



APPLICATION

June 12, 2025 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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information	
Record Type: Special Use Permit	Record Status: Pending
	Opened Date: April 25, 2025
Record Number: SUP 2025-010	Expiration Date:
Record Name: special used for a car used	lealer
Description of Work: special used for a car	sed dealer
	Parent Record Number:
Address:	
5536 SUMMER AVE, MEMPHIS 3813	
Owner Information	
Primary Owner Name	
Y AVILA ELIVIRA E	
Owner Address	Owner Phone
3865 OAK BRANCH CIRW, BARTLE	, TN 38135 9015034240
Parcel Information	
088067 00018	
PREAPPLICATION MEETING	
Name of DPD Planner	uknown
Date of Meeting	-
Pre-application Meeting Type	
GENERAL PROJECT INFORMATION	New Special Line Dermit (SLID)
Application Type List any relevant former Docket / Cas	New Special Use Permit (SUP)
Number(s) related to previous applic	
this site	
Is this application in response to a ci	tion, stop Yes
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	NO
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	NO
UDC Sub-Section 9.6.9C	YES
UDC Sub-Section 9.6.9D	NO
UDC Sub-Section 9.6.9E	YES
UDC Sub-Section 9.6.9F	NO
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	

Contact Information

Name JESSENIA RIVAS

Address

Phone (901)503-4240

Contact Type

APPLICANT

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1644139	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	04/25/2025
1644139	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	04/25/2025
	Т	otal Fee Invo	iced: \$5 <mark>13.00</mark>	Total Ba	lance: \$0.0	00
Payment I	Information					
Payment Amo	ount Method of Pa	yment				
\$513.00	Credit Card	1				

OWNER AFFIDAVIT

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, <u>Elvira Avika</u> (Print Name) (Sign Name), state that I have read the definition of

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

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

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

of the property located at 5536 Summer Ave Memphis TN 38134 and further identified by Assessor's Parcel Number ______ for which an application is being made to the Division of Planning and Development. day of April in the year of 2025 Subscribed and sworn to (or affirmed) before methis 04-29-2026

My Commission Expires

LETTER OF INTENT

LETTER OF INTENT FOR NEW BUSINESS

April 1, 2025

To Whom It May Concern:

I am writing this letter on behalf of AMIGOS AUTO SALES, LLC to express our intent to set up a new business, a car-used dealership.

I, Elvira Avila, owner of this land, want to open a Used Car Dealership at this address 5536 Summer Ave Memphis TN 38134.

Can you please give me permission to open this Dealership at this address please.

Thank you, Elvira Avila Elvira Avila



LETTERS RECEIVED

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

June 12, 2025 Page 31



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending Opened Date: April 25, 2025

Record Number: SUP 2025-010

Expiration Date:

Owner Phone

9015034240

Record Name: special used for a car used dealer Description of Work: special used for a car used dealer

Parent Record Number:

Address:

5536 SUMMER AVE, MEMPHIS 38134

Owner Information

Primary Owner Name

Y AVILA ELIVIRA E

Owner Address

3865 OAK BRANCH CIRW, BARTLETT, TN 38135

Parcel Information

088067 00018

Data Fields	
PREAPPLICATION MEETING	
Name of DPD Planner	uknown
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	Yes
work order, or zoning letter	
Pre-application Meeting Type GENERAL PROJECT INFORMATION Application Type List any relevant former Docket / Case Number(s) related to previous applications on this site Is this application in response to a citation, stop	-

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	NO
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	NO
UDC Sub-Section 9.6.9C	YES
UDC Sub-Section 9.6.9D	NO
UDC Sub-Section 9.6.9E	YES
UDC Sub-Section 9.6.9F	NO
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 JESSENIA RIVAS

Address

Phone (901)503-4240

Contact Type

APPLICANT

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1644139	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	04/25/2025
1644139	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	04/25/2025
		Total Fee Invo	iced: \$513.00	Total Ba	lance: \$0.	00
Payment	Information					

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

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.

Elvira Avika	Jana adila	, state that I have read the definition of
(Print Name)	(Sign Name)	

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

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

of the property located at <u>5536</u> <u>Summer Ave Memphis TN 38134</u> and further identified by Assessor's Parcel Number <u>088067 - 00018</u> for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) beig

day of April in the year of 2025.

My Commission Expires

Signature of Notary Public

LETTER OF INTENT FOR NEW BUSINESS

April 1, 2025

To Whom It May Concern:

I am writing this letter on behalf of AMIGOS AUTO SALES, LLC to express our intent to set up a new business, a car-used dealership.

I, Elvira Avila, owner of this land, want to open a Used Car Dealership at this address 5536 Summer Ave Memphis TN 38134.

Can you please give me permission to open this Dealership at this address please.

Thank you, Elvira Avila Elvira Avila



Site Plan

Pending



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.



20000531

01/03/2020 - 08:17:29 AM	
2 PGS	
MELISA 1964047 - 20000531	
VALUE	225000.00
MORTGAGE TAX	0.00
TRANSFER TAX	832.50
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	845.50

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

THE BRADLEY LAW FIRM, PLLC 3107 East Corporate Edge Drive Germantown, Tennessee 38138 (901)682-2030 / (901)624-2684 (fax)

WARRANTY DEED

FOR AND IN CONSIDERATION OF Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and legal sufficiency of all of which are hereby acknowledged,

RALPH LUNATI, married and JOE LUNATI, married ("Grantor"),

has this day bargained and sold and by these presents does bargain, sell, transfer and convey unto

ELIVIRA ELIZABETH AVILA, an unmarried woman ("Grantee")

the following described property being situated in Shelby County, Tennessee, to wit:

Part of Lots 5 and 6 of the K.K. WILLIAMSON SUBDIVISION (unrecorded), being part of the property described in Warranty Deed recorded under Register's No. H7 7566, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in the Northwesterly sideline of Summer Avenue (U.S. Highway 70) a distance of 649.60 feet Northeastwardly, as measured along said sideline from it's intersection with the present center line of Bartlett Road; thence, North 52 degrees 33 minutes 04 seconds West, along a line which is parallel to the line between Lots 5 and 6 a distance of 22.50 feet Southwest therefrom a distance of 190.00 feet to a point; thence, North 37 degrees 49 minutes 37 seconds East a distance of 85.00 feet to a point; thence, South 52 degrees 33 minutes 04 seconds East a distance of 190.00 feet to a point; thence, South 52 degrees 33 minutes 04 seconds East a distance of 190.00 feet to a point; thence, South 52 degrees 33 minutes 04 seconds East a distance of 190.00 feet to a point; thence, South 52 degrees 33 minutes 04 seconds East a distance of 190.00 feet to a point; thence, South 52 degrees 33 minutes 04 seconds East a distance of 190.00 feet to a point; thence, South 52 degrees 33 minutes 04 seconds East a distance of 190.00 feet to a point; thence, South 52 degrees 33 minutes 04 seconds East a distance of 190.00 feet to a point in the Northwesterly sideline of Summer Avenue; thence, South 37 degrees 49 minutes 37 seconds West, along said sideline a distance of 85.00 feet to a point of beginning.

Being the same property conveyed to Ralph Lunati and Joe Lunati by Personal Representative's Quit Claim Deed of record at Instrument No. <u>2000528</u>, in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate, together with all appurtenances and hereditaments thereunto appertaining unto Grantee, his/her/their heirs, successors and assigns in fee simple forever.

Grantor covenants that Grantor is lawfully seized and possessed of said real estate, has full power and lawful authority to sell and convey the same; that the title thereto is free, clear and unencumbered except as follows:

Subdivision Restrictions, Building Lines & Easements of record at:

Easements of record at: 3595-342;3745-164;JI-6472;

Declaration of Covenants, Conditions & Restrictions of record at:

and except for the following, and all subsequent years', taxes: 2020 Shelby County taxes, not yet due and payable;

and Grantor will forever warrant and defend the same against the claims of all persons whomsoever.

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Ralph Lunati Wild Girat Sibbe, attorney in Jact 5n

STATE OF TENNESSEE

COUNTY OF SHELBY

On this 20th day of December, 2019, before me personally appeared MICHELE LUNATI SILSBE, to me known (or proved to me upon the basis of satisfactory evidence) to be the person who executed the foregoing instrument in behalf of RALPH LUNATI and JOE LUNATI and acknowledged that she executed the same as the free act and deed of the said RALPH LUNATI and JOE LUNATI.

> -2021 77-8-7

Witness my hand, at office this 20th day of December, 2019.

MY COMMISSION EXPIRE

111111111111111 Votary Public

My commission expires:

TG No. 8085059

TE NPU SHELBY CONTRACTOR **Owner Name and Address:** Elvira Elizabeth Avila 3865 Oak Branch Circle West Bartlett, Tennessee 38135

Property Address:

5536 Summer Avenue Memphis, Tennessee 38134

Send Tax Bills To:

Elvira Elizabeth Avila 3865 Oak Branch Circle West Bartlett, Tennessee 38135

Tax Parcel ID Number:

08806700018

Return To:

The Bradley Law Firm, PLLC 3107 East Corporate Edge Drive Germantown, Tennessee 38138 (901) 682-2030

Valuation Affidavit:

I hereby swear or affirm that to the best of my knowledge, information and belief, the actual consideration for the transfer or the value of the property transferred, whichever is greater, is \$225,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair an voluntary sale.

quedron Affiant

Subscribed and sworn to before me this 20th day of December, 2019.

HIIIIIIII

Notary