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

ONE ORIGINAL Planning & Development | ONLY STAPLED | **DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE:** 12/2/2025 DATE **PUBLIC SESSION:** 12/16/2025 **DATE** ITEM (CHECK ONE) X RESOLUTION REQUEST FOR PUBLIC HEARING **ORDINANCE** 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 577 East Raines Road, known as case number SUP 2025-024 **CASE NUMBER:** SUP 2025-024 LOCATION: 577 East Raines Road **COUNCIL DISTRICTS:** District 6 and Super District 8 – Positions 1, 2, and 3 OWNER/APPLICANT: Damian Wallace, Bright Star Learning Academy REPRESENTATIVE: N/A **REQUEST:** Special use permit to allow a childcare center AREA: +/-15,289 square feet The Division of Planning and Development recommended Approval with conditions **RECOMMENDATION:** The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Public hearing – December 16, 2025 PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 11/13/2025 **DATE** (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** 11/21/2025 PLANNER II **DEPUTY ADMINISTRATOR** 11/21/2025 **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) **COMPTROLLER** FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

**COMMITTEE CHAIRMAN** 



# Memphis City Council Summary Sheet

#### SUP 2025-024

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 577 EAST RAINES, KNOWN AS CASE NUMBER SUP 2025-024

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

#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, November 13, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2025-024

**LOCATION:** 577 East Raines

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

OWNER/APPLICANT: Damion Wallace, Bright Start Learning Academy

**REPRESENTATIVE:** N/A

**REQUEST:** Special use permit to allow a childcare center

**EXISTING ZONING:** Residential Single-Family – 10 (R-10)

AREA: +/-15,290 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 7-0 on the consent agenda.

Respectfully,

**Chloe Christion** 

Planner II

Land Use and Development Services Division of Planning and Development

Chloe Christian

Cc: Committee Members

File

# SUP 2025-024 CONDITIONS

1. The applicant shall submit an updated site and landscape plan subject to the review and approval of the Division of Planning and Development.

#### SITE PLAN E RAINES RD GRAPHIC SCALE (IN FEET) 1" = 20" SURVEY LINE LEGEND ADDRESS: 577 E RAINES RD MEMPHIS TN 28128 SUBJECT PROPERTY LINE ADJACENT PROPERTY LINE 6" CURB PARCEL ID: EXISTING CHAIN LINK FENCE 076050 00002 PARCEL AREA: EXISTING BUILDING 0.343 ACRES ZONING: BUILDING OVERHANG COMMERCIAL SUBDIVISION: LOT 25 EXISTING BUILDING SECTION"A" RAINES TERRACE SUBDIVISION EXISTING BUILDING OWNER: PATRICE WILLIAMS PAPER SIZE & SCALE PROPOSED PLAYGROUND 11"X17": 1"=20" ... LOT IN HAMES TERRACE OF A RECE MANNEY AND MEMORIT. TO INCOME DWG DATE: 08/15/05 PUTTINE WILLIAMS SURVEY CLASS SURVIDATE: 116/23/2 CHRISTOPHER SHEA SKEEN, PE. PS. REF. MATL : NORTH REF. Skeen Engineering PLAT OF SO PAGE 18 ONS NORTH WS WEST ONES WAL BY GOOD PITK NETWORK Civil Engineering | Land Surveying P.O. Box 590 - Hernando, MS 38632 PROJ NUM 7-1/4 (662) 721-2772 | skeenengineering.com

# 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 577 EAST RAINES, KNOWN AS CASE NUMBER SUP 2025-024

**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**, Damion Wallace filed an application with the Memphis and Shelby County Division of Planning and Development to allow a childcare center; 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 November 13, 2025, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

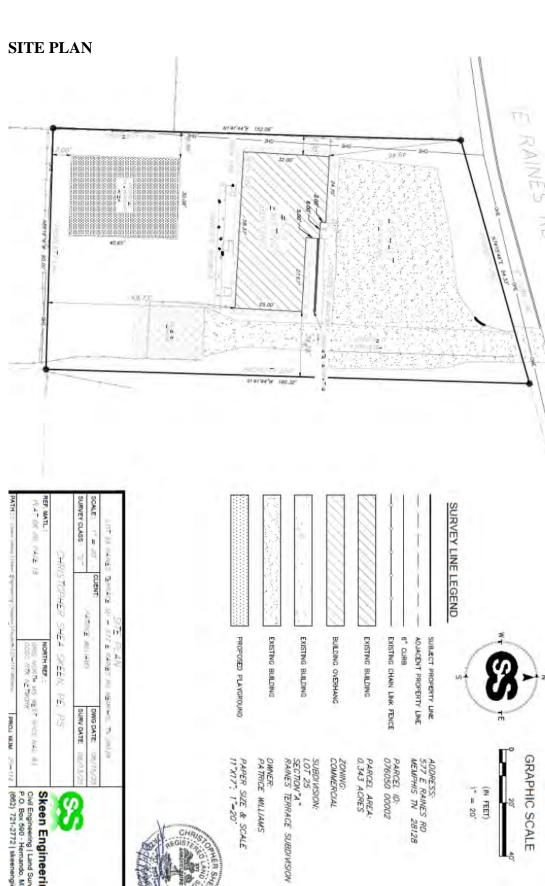
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

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

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

# **CONDITIONS**

1.	The applicant shall submit an updated site and landscape plan subject to the review and approval of the Division of Planning and Development.





Skeen Engineering
Civil Engineering | Land Surveying
P.O. Box 590 - Hemando, MS 38632
P.O. Box 590 - Hemando, MS 38632

ATTEST:

Division of Planning and Development

– Land Use and Development Services

– Office of Construction Enforcement



AGENDA ITEM: 2 L.U.C.B. MEETING: November 13, 2025

CASE NUMBER: SUP 2025-024

**LOCATION:** 577 East Raines Road

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

**OWNER/APPLICANT:** Damion Wallace

**REPRESENTATIVE:** N/A

**REQUEST:** Special use permit to allow a childcare center

**EXISTING ZONING:** Residential Single-family – 10 (R-10)

#### **CONCLUSIONS**

- 1. On October 22, 2025, the Memphis and Shelby County Board of Adjustment approved a variance from Items 2.6.2B(3)(a) and 2.6.2B(3)(b) of the Memphis and Shelby County Unified Development Code to allow a childcare center on a lot less than 20,000 square feet and located in a residential district within 1,320 feet of another childcare center. See enclosed Notice of Disposition on pages 19-20.
- 2. The site plan proposed minimal changes to the existing nature of the site with the exception of a playground area to the rear of the principal structure. The principal structure on the property and covered parking area are proposed to remain.
- 3. In terms of the use itself, staff finds a childcare center is an appropriate use at the subject property. The property's unique history as a pre-existing office space in a residentially zoned area, and surrounded by a mix of non-residential uses including places of worship, a tire shop, and restaurants.
- 4. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

#### **CONSISTENCY WITH MEMPHIS 3.0**

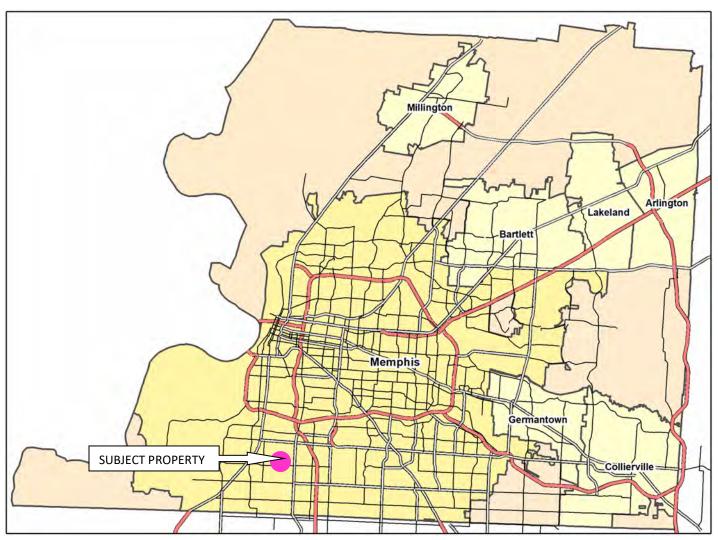
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 15-17 of this report.

#### **RECOMMENDATION:**

Approval with conditions

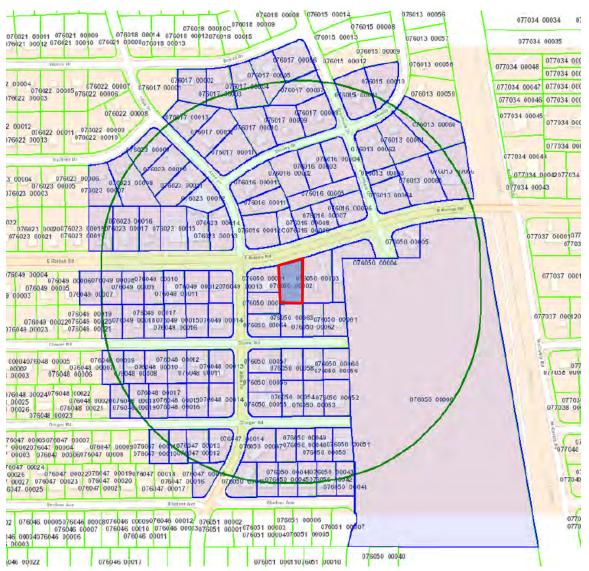
Staff Writer: Chloe Christion E-mail: chloe.christion@memphistn.gov

# **LOCATION MAP**



Subject property located within the pink circle

#### **PUBLIC NOTICE VICINITY MAP**



Subject property outlined in red

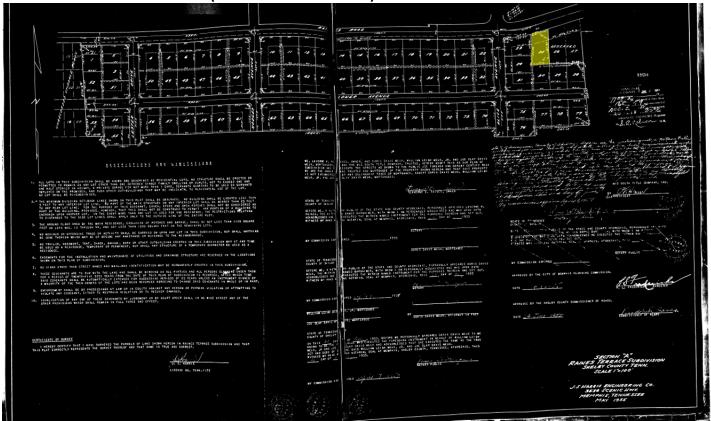
#### **PUBLIC NOTICE DETAILS**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 97 notices were mailed on August 22, 2025, see page 18 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 19 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

The meeting was held at 5:30 PM on Monday, September 1 at 577 East Raines Road.

**RAINES TERRACE SUBDIVISION (PLAT BOOK 20 PAGE 18)** 



Subject property highlighted in yellow, Lot 25

# **AERIAL**



Subject property outlined in yellow, imagery from 2023

# **ZONING MAP**



Subject property highlighted in yellow

#### **LAND USE MAP**



Subject property indicated by a pink star

#### **SITE PHOTOS**

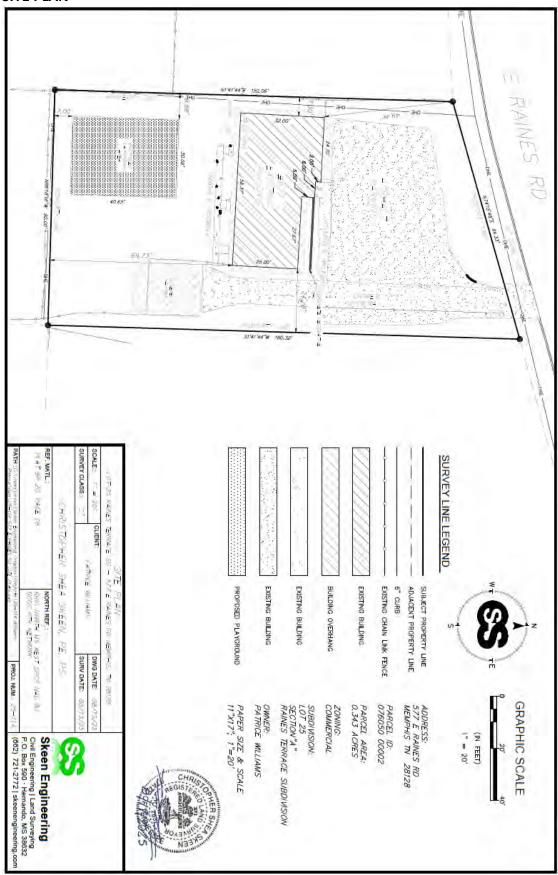


View of subject property from East Raines Road facing south.

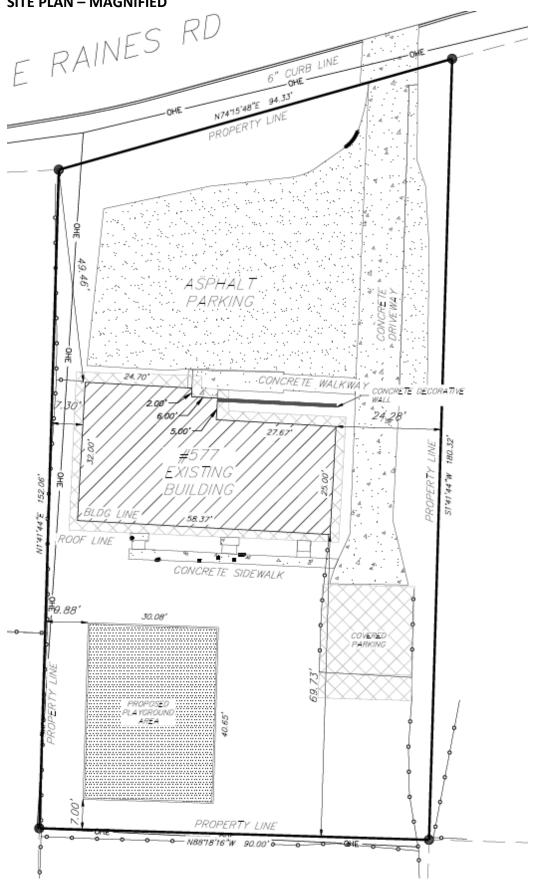


Magnified view of subject property from East Raines Road.

#### **SITE PLAN**



#### **SITE PLAN – MAGNIFIED**



#### **CASE REVIEW**

#### **Request**

The request is a special use permit to allow a childcare center.

#### **Approval Criteria**

Staff agrees the approval criteria in regard to 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:

The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters
affecting the public health, safety, and general welfare.
The project will be constructed, arranged and operated so as to be compatible with the
immediate vicinity and not interfere with the development and use of adjacent property in
accordance with the applicable district regulations.
The 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.
The project will not result in the destruction, loss or damage of any feature determined by the

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:

577 East Raines Street

Parcel ID: 076050 00002

Area:

+/-15,290 square feet

#### Description:

The subject property is known as Lot 25 of Raines Terrace Subdivision and is zoned Residential Single-family 10 (R-10). Per the Assessor's website, the principal structure on the lot was built in 1954 as a one-story residence with a ground floor area of 1,708 square feet. The building has been in use as a dentist office according to Google Streetview. The surrounding land uses are a mixture of single-family residential, commercial, and institutional. This lot has one street frontage on East Raines Road.

#### **Site Zoning History**

On October 22, 2025, the Memphis and Shelby County Board of Adjustment approved a variance from Items 2.6.2B(3)(a) and 2.6.2B(3)(b) of the Memphis and Shelby County Unified Development Code to allow a childcare center on a lot less than 20,000 square feet and located in a residential district within 1,320 feet of another childcare center. See enclosed Notice of Disposition on pages X.

#### **Site Plan Review and Analysis**

The site plan proposed minimal changes to the existing nature of the site with the exception of a playground area to the rear of the principal structure. The principal structure on the property and covered parking area are proposed to remain.

The proposed site plan lacks detail in terms of landscaping and designated pick-up and drop off location for children. Staff has conditions that the applicant submit an updated plan showing the required Class II landscape buffer along property lines abutting residential uses as well as a designated pick up and drop off location on site near the building entrance.

In terms of the use itself, staff finds a childcare center is an appropriate use at the subject property. The property's unique history as a pre-existing office space in a residentially zoned area, and surrounded by a mix of non-residential uses including places of worship, a tire shop, and restaurants.

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

#### **RECOMMENDATION**

Staff recommends approval with conditions.

#### **Conditions**

1. The applicant shall submit an updated site and landscape plan subject to the review and approval of the Division of Planning and Development.

#### **DEPARTMENTAL COMMENTS**

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

**City Engineer:** No comments received.

**City Fire Division:** See page 14.

**City Real Estate:** No comments received.

**County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

**Office of Comprehensive Planning:** See pages 15-17.



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

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

Case Number: SUP 2025-024 Date Reviewed: 11/7/25 Reviewed by: J. Stinson

Address or Site Reference: 577 E Raines

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

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2025-024: Westwood

Site Address/Location: 577 E Raines Rd.

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

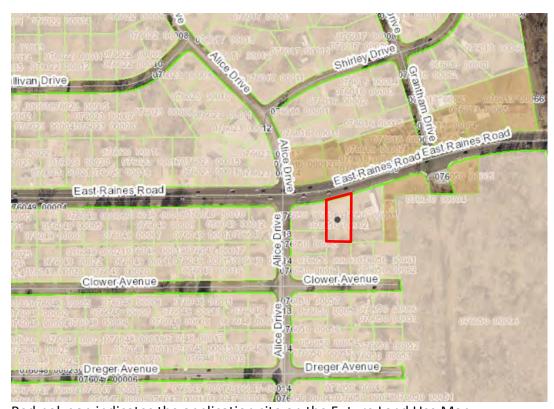
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: Parkway

The applicant is requesting a special use permit to allow a childcare center in the Residential Single-Family -10 (R-10) district.

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

#### 1. Future Land Use Planning Map



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

#### 2. Land Use Description/Intent

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



#### "NS" Form & Location Characteristics

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

### "NS" Zoning Notes

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

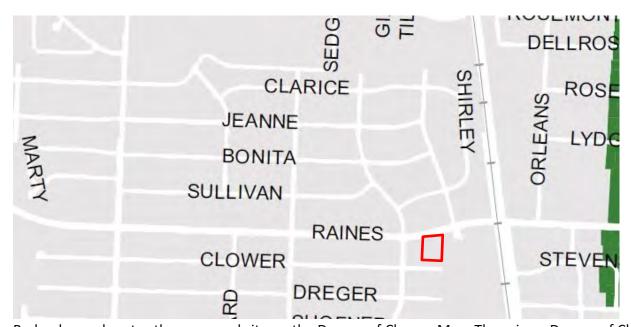
#### **Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Office; R-10

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

**Overall Compatibility:** This requested use is compatible with the future land use description/intent, form and location characteristics, zoning notes, and surrounding land uses as a proposed childcare center in the Residential Single-Family district. To further enhance compatibility, the site should incorporate appropriate landscaping and pedestrian safety features to create a safe and welcoming environment for children and families.

#### **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

Staff Report SUP 2025-024 November 13, 2025 Page 17

N/A

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

N/A

#### **Consistency Analysis Summary**

The applicant is requesting a special use permit to allow a childcare center in the residential single family-10 (R-10) district.

This requested use is compatible with the future land use description/intent, form and location characteristics, zoning notes, and surrounding land uses as a proposed childcare center in the Residential Single-Family district. To further enhance compatibility, the site should incorporate appropriate landscaping and pedestrian safety features to create a safe and welcoming environment for children and families.

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

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

VICINITY MAP

#### **MAILED PUBLIC NOTICE**

# NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Wednesday, September 3, 2025 at 8 AM.

CASE NUMBER: SUP 2025-024

ADDRESS: 577 East Raines Road

REQUEST: Special use permit to allow a childcare center

Damion Wallace APPLICANT:

**Meeting Details** 

Location: Council Chambers

City Hall 1st Floor

125 N Main St.

Time: 9:00 AM

Thursday, Sept. 11 2025 Date:

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



#### **Staff Planner Contact:**

Chloe Christion

☐ chloe.christion@memphistn.gov

(901) 636-7494

#### **BOA 2025-0100 NOTICE OF DISPOSITION**



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

#### BOARD OF ADJUSTMENT NOTICE OF DISPOSITION

TO: Damion Wallace Self-Tucker Architects

Sent via electronic mail to: Damioncwallace@gmail.com

DATE: October 27, 2025 DOCKET: BOA 2025-0100 577 Barton Street

On October 22, 2025, the Memphis and Shelby County Board of Adjustment <u>approved</u> your application requesting variance from Items 2.6.2B(3)(a) and 2.6.2B(3)(b) of the Memphis and Shelby County Unified Development Code to allow a childcare center on a lot less than 20,000 square feet and located in a residential district within 1,320 feet of another childcare center, subject to the following conditions:

- Should no special use permit for a childcare center be approved my October 22, 2026, this variance shall be rendered null and void.
- Any change or deviation from the site plan or elevations upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

All appeals and applications granted are expressly conditioned upon the applicant obtaining the permit requested or other order within two years from the date of the decision of the Board of Adjustment, unless the Board explicitly provided a different time frame in its approval.

Respectfully,

Chloe Christion

Planner II

Land Use and Development Services

Chloe Christian

Division of Planning and Development

Cc: Chris Simmons – Zoning Enforcement
Antwone Smith – Zoning Enforcement

File

Encl: Approved plan(s)

# SITE PLAN



Page 2 of 2

# **SIGN AFFIDAVIT**

AFFIDAV	VIT.
Shelby County State of Tennessee	
on the 31 day of OCTOBET , 20 pertaining to Case No. SUP 2025-029 at 5 providing notice of a Public Hearing before the Land Use Control Board Board of Adjustment Memphis City Council Shelby County Board of Commissioners for consideration of a proposed land use act attached hereon and a copy of the sign purchareto.	25, I posted 1 Public Notice Sign(s)  TERAINES RA Menahis, TN 38/09  (check one):  ion, a photograph of said sign(s) being
Owner, Applicant or Representative  Subscribed and sworn to before me this 3	Date  day of October 2025
Notary Public  My commission expires: 03/15/2028	STATE OF TENNESSEE NOTARY PUBLIC ONTY OF SNE SO

#### **APPLICATION**



# Memphis and Shelby County Division of Planning and Development

East Service Center; 8465 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: July 31, 2025

Record Number: SUP 2025-024 Expiration Date:

Record Name: Daycare eenter

Description of Work: Opening a daycare center

Parent Record Number:

Address:

577 E RAINES RD, MEMPHIS 38109

Owner Information

Primary Owner Name

Y Mason Real Estate Holdings LLC

Owner Address Owner Phone

577 E RAINES RD, MEMPHIS, TN 38109

Parcel Information

076050 00002

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Damion Wallace

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

work order, or zoning letter

NA

No

Page 1 of 3 SUP 2025-024

CENERAL PROGEST IN CHINATION	
If yes, please provide a copy of the citation, stop	
work order, and/or zoning letter along with any	

other relevant information

CENERAL DROJECT INFORMATION

14

NA

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

Yes ie

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 9.6.9D UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F Yes Yes Yes Correct

GIS INFORMATION

Case Layer Central Business Improvement District No
Class C
Downtown Fire District No
Historic District -

Land Use OFFICE
Municipality MEMPHIS

 Overlay/Special Purpose District

 Zoning
 R-10

 State Route

 Lot
 0.25

Lot 0 25
Subdivision RAINES TERRACE RE

Planned Development District Wellhead Protection Overlay District No
County Commission District City Council District City Council Super District -

Contact Information

Page 2 of 3 SUP 2025-024

Name DAMION WA	LLACE				Contact Type  APPLICANT		
Address							
Phone (901)907-999	95						
Name DAMION WA	LLACE				Contact Type PROPERTY OWNER OF		
Address						RECORD	
Phone (901)907-999	95						
Fee Inform	nation	1.00				7	
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	
1667420	Special Use Permit Fee -	1	500.00	INVOICED	0.00	07/31/2025	

1

1

Total Fee Invoiced: \$769.50 Total Balance: \$0.00

INVOICED

INVOICED

0.00

07/31/2025

0.00 07/31/2025

250.00

19.50

Payment Information

Payment Amount \$769.50 Method of Payment

Credit Card

5 acres or less (Base Fee)

1667420 Child Care Center (13+

children) 1667420 Credit Card Use Fee (.026

x fee)

Page 3 of 3 SUP 2025-024

#### **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 Section 12.3.1. amion Wallace state that I have read the definition of (Sign Name) "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver. guardian or lessee (and have included documentation with this affidavit) E Rames Rd memphis, TN 38109 of the property located at and further identified by Assessor's Parcel Number 0 /60 for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me this Signature of Notary Public

#### LETTER OF INTENT



#### Letter of Intent to Open Daycare Center

Damion Wallace
Bright Start Learning Academy No. 4, Inc
577 East Raines Road, Memphis, TN 38109
Email: BSLAMemphis@yahoo.com
Phone: 901-907-9995

Date: July 30, 2025

To Whom It May Concern,

I am writing to formally express my intent to open a licensed childcare facility under the name Bright Start Learning Academy No. 4, Inc, located at 577 East Raines Road, Memphis, Tennessee 38109.

With over 20 years of experience in early childhood education, our team brings a strong foundation of knowledge, care, and quality programming. We currently operate Bright Start Learning Academy No. 3 in Southaven, Mississippi, and two additional daycare locations in Illinois. Our mission is to expand this same high standard of care and education to families in the Whitehaven area of Memphis.

The center will serve children ages 6 weeks to 6 years, offering a high-quality, developmentally appropriate program with a focus on early learning, kindergarten readiness, and whole-child development. Services will include full-day childcare, curriculum-based instruction, meals prepared on site, and video-monitored classrooms in a clean, safe, and nurturing environment.

We anticipate opening in Fall 2025, pending approval of all local and state licensing requirements, building inspections, and necessary permits. The facility will operate Monday through Friday, from 6:30 AM to 5:00 PM.

The mission of BSLA Memphis is to support working families by providing safe, structured, and enriching care that supports children's growth across all domains, cognitive, language, physical, social-emotional, and creative development. Our program will follow the Tennessee Early Learning Developmental Standards (TN-ELDS) and operate in compliance with all Department of Human Services (DHS) childcare regulations.

I appreciate your time and consideration of this notice and look forward to working collaboratively with the appropriate agencies to bring this essential service to the Whitehaven community.

Please do not hesitate to reach out if any further documentation is required.

Sincerely, Damion Wallace Damion Wallace Owner/Director

# **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: July 31, 2025

Record Number: SUP 2025-024 Expiration Date:

Record Name: Daycare eenter

Description of Work: Opening a daycare center

Parent Record Number:

Address:

577 E RAINES RD, MEMPHIS 38109

**Owner Information** 

Primary Owner Name

Y Mason Real Estate Holdings LLC

Owner Address Owner Phone

577 E RAINES RD, MEMPHIS, TN 38109

**Parcel Information** 

076050 00002

#### **Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner Damion Wallace

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

work order, or zoning letter

No

NA

Page 1 of 3 SUP 2025-024

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

NA

#### **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

Yes

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

Yes Yes Yes Correct

#### **GIS INFORMATION**

Municipality

Case Layer Central Business Improvement District No C Class Downtown Fire District No **Historic District** Land Use

**OFFICE MEMPHIS** 

Overlay/Special Purpose District R-10 Zoning State Route Lot 0.25

Subdivision RAINES TERRACE RE

Planned Development District Wellhead Protection Overlay District **County Commission District** City Council District City Council Super District

No

#### **Contact Information**

SUP 2025-024 Page 2 of 3

Name DAMION WALLACE

**Contact Type APPLICANT** 

#### **Address**

**Phone** (901)907-9995

Name DAMION WALLACE **Contact Type** 

PROPERTY OWNER OF

**RECORD** 

**Address** 

**Phone** (901)907-9995

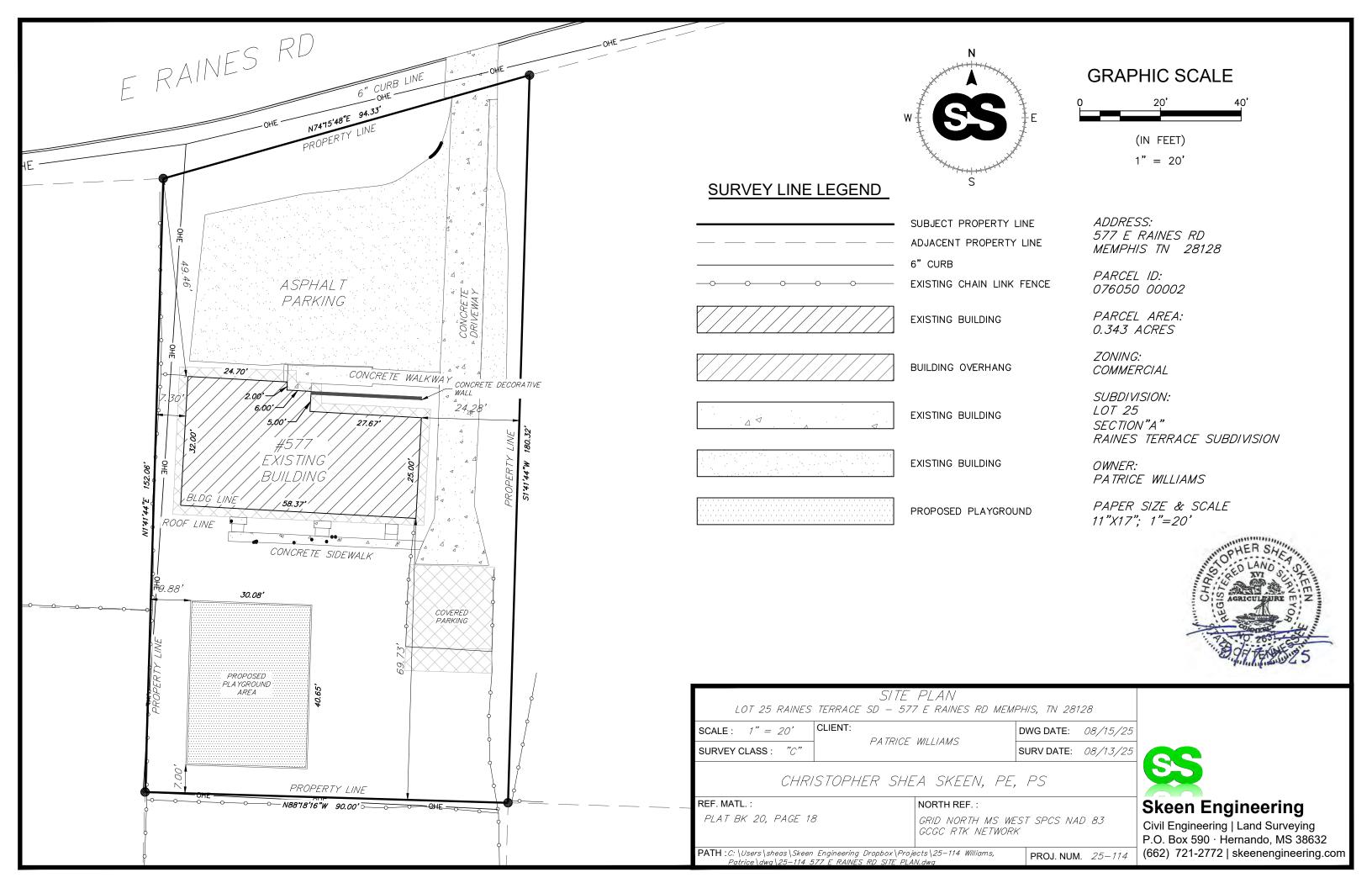
Fee Information						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1667420	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	07/31/2025
1667420	Child Care Center (13+ children)	1	250.00	INVOICED	0.00	07/31/2025
1667420	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	07/31/2025

Total Fee Invoiced: \$769.50 Total Balance: \$0.00

**Payment Information** 

**Method of Payment Payment Amount** \$769.50 Credit Card

SUP 2025-024 Page 3 of 3



This instrument prepared by and Return to:

OMEGA TITLE AND ESCROW SERVICES LLC. 8134 Country Village Drive Ste. 103 Cordova, TN 38016 901-547-7739(Phone) 901-547-7741(Fax)

# WARRANTY DEED

HIS INDENTURE made and entered into this 18th day of June 2025, by and between Joyce F. Freshwater (Grantor) party of the first part, and Mason Real Estate Holdings LLC (Grantee) party of the second part.

WITNESS: That for and in consideration of ten and no/100 Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, said party of the first part has bargained and sold and does hereby bargain, sell, convey, and confirm unto said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee, to wit:

Lot 25, Section "A", Raines Terrace Subdivision, as shown on plat of record in plat Book 20, Page 18, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said Lot.

Being the same property conveyed to Grantor(s) herein as shown in Warranty Deed of record at instrument number FH-2799 in said Register's Office.

\*This is not the homestead property for the Grantor's\*

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

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that same is unencumbered, except for: 2025 Shelby County property taxes being a lien not yet due and 2025 City Taxes payable, Subdivision Restrictions, Building Lines and Easements of record in Plat Book 20 page 18 in the Register's Office of Shelby County, Tennessee.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

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

Joyce F. Freshwater

STATE OF TN

**COUNTY OF Shelby** 

Before me the undersigned Notary Public of the State and County aforesaid, personally appeared **Joyce F. Freshwater** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the person(s) within Bargainor, for as such being authorized to do so, executed the foregoing instrument by as Grantor(s).

Property Owner: Mason Real Estate Holdings LLC 577 East Raines Road Memphis, TN 38109

Property Address: 577 East Raines Road Memphis, TN 38109

Tax Parcel No: 07605000002

Mail Tax Bill T0: Mason Real Estate Holdings LLC 577 E Raines Rd. Memphis, TN 38109

State of Tennessee County of Shelby

I, or we, hereby swear or affirm that to the best of Affiant's knowledge, information and belief the actual consideration for this transfer of value of the property transferred, whichever is greater is \$120,000.00 amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

AFFIANT

SUBSCRIBED AND SWORN TO before me this 2

day of dune

2025.



# Division of Planning & Development Department of Construction Enforcement

6465 Mullins Station Rd, Memphis, TN 38134 www.develop901.com

#### HOMEOWNER'S AFFIDAVIT FOR BUILDING PERMITS

Notice: This is to make you aware of the practice of unlicensed contractors requiring the homeowner to obtain a building permit in order to circumvent the licensing law and from being liable for any injuries on the jobsite, nonpayment (which may result in liens), and local code requirements. Licensed contractors must provide proof of insurance, financial solvency and pass exams.

Pursuant T.C.A. 62-6-103, an owner of property may construct a single residence once every two (2) years, for their own use, and not for resale, lease, or rent. Anyone hired by the homeowner would be considered a prime contractor or a construction manager, and they are not exempt from the license requirements. To ensure they are properly licensed with the correct classification and monetary limit, please check with the Contractor's Board at: 1-800-544-7693 or License Search at: https://verify.tn.gov.

Please	Initial and Sign:				
DW	I have not applied for a homeowners permit within the last two (2) years				
DO	I will perform all the work for which the building permit was issued except where otherwise noted, and those hired				
	must show proof of license				
D00	If I hire a construction manager to oversee the project, the construction manager will be properly licensed.				
DO	Should I cease to act as the homeowner-builder of the project and hire a contractor to complete the project, I will				
	request the permit be voided and the contractor will apply for a new permit				
DW	I am responsible for any required worker compensation & general liability insurance				
DW	1 understand that all electrical, plumbing, and mechanical/gas work must be performed by contractors who				
	licensed and registered with the Division in their respective trades, and that all such work shall be conducted under				
	separate permits.				
I, D	amion wallace (print name), certify reading the above statements and understanding uirements and responsibilities that accompany a Homeowner Permit. Mason Real Estate Holding				
Propert	y Owner(s): Bright Statt learning Academy No 4, Du wner's Signature: Date: 7/3/25				
Homeo	where s signature.				
Subscri	ibed and sworn to (or affirmed) before me this 31 day of 0 which in the year of 20 25				
k Qi	india Rust in AVERE March 15, 2028				
Signatu	re of Notary Public  STATE  M. Commission Expires  OF  TENNESSEE  NOTARY				



### **Letter of Intent to Open Daycare Center**

Damion Wallace Bright Start Learning Academy No. 4, Inc 577 East Raines Road , Memphis, TN 38109

Email: BSLAMemphis@yahoo.com

Phone: 901-907-9995

Date: July 30, 2025

To Whom It May Concern,

I am writing to formally express my intent to open a licensed childcare facility under the name Bright Start Learning Academy No. 4, Inc, located at 577 East Raines Road, Memphis, Tennessee 38109.

With over 20 years of experience in early childhood education, our team brings a strong foundation of knowledge, care, and quality programming. We currently operate Bright Start Learning Academy No. 3 in Southaven, Mississippi, and two additional daycare locations in Illinois. Our mission is to expand this same high standard of care and education to families in the Whitehaven area of Memphis.

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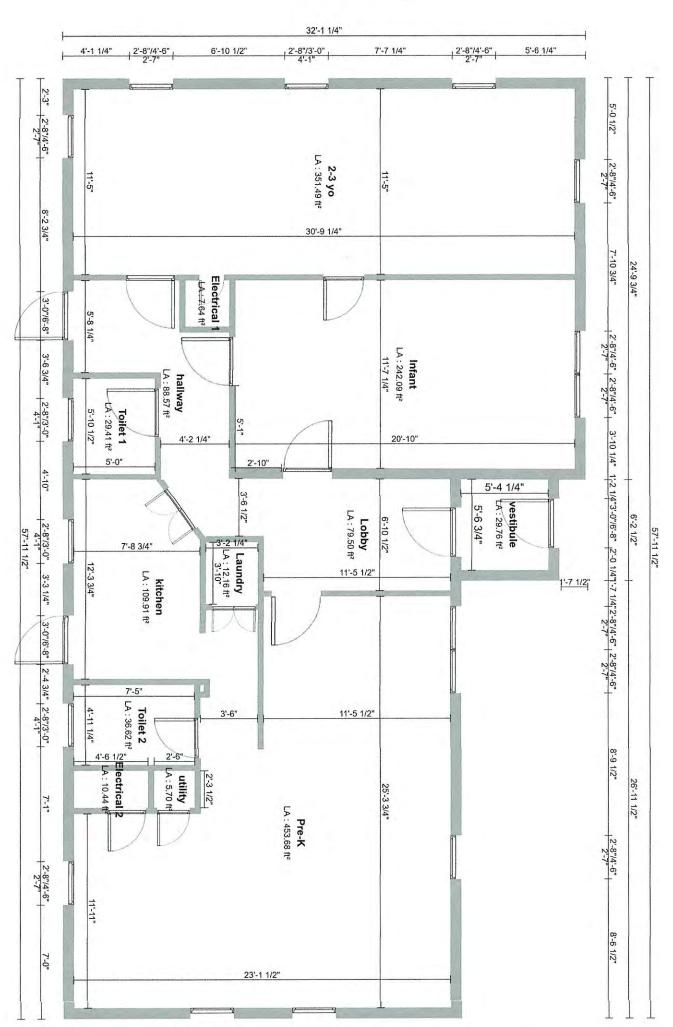
Please do not hesitate to reach out if any further documentation is required.

Sincerely,

Damion Wallace

Damion Wallace

Owner/Director





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

November 13, 2025 Bright Start Learning Academy 577 E Raines Road Memphis, TN 38109

Sent via electronic mail to: <a href="mailto:BSLAMemphis@yahoo.com">BSLAMemphis@yahoo.com</a>

Case Number: SUP 2025-024

LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, November 13, 2025, the Memphis and Shelby County Land Use Control Board recommended *approval* of your special use permit application to allow a childcare center at 577 East Raines Road, subject to the following conditions:

1. The applicant shall submit an updated site and landscape plan subject to the review and approval of the Division of Planning and Development.

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

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

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

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

Letter to Applicant SUP 2025-024

Respectfully,

Chloe Christion

Planner II

Land Use and Development Services Division of Planning and Development

Chloe Christian

Cc: Damion Wallace

File

# CITY OF MEMPHIS

COUNCIL AGENDA CHECK OFF SHEET Planning & Development ONE ORIGINAL DIVISION ONLY STAPLED 12/02/2025 Planning & Zoning COMMITTEE: TO DOCUMENTS DATEPUBLIC SESSION: 12/16/2025 DATE ITEM (CHECK ONE) REQUEST FOR PUBLIC HEARING X RESOLUTION **ORDINANCE** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving ITEM DESCRIPTION: a planned development at the subject property located at 7913 Dexter Road, known as case number PD 2025-014 PD 25-14 CASE NUMBER: Dexter-Candle Ridge Planned Development DEVELOPMENT: LOCATION: 7913 Dexter Road District 2 and Super District 9 COUNCIL DISTRICTS: OWNER/APPLICANT: Providence Private Equity Group LLC David Gean Bray, The Bray Firm REPRESENTATIVE: 28-lot residential development REQUEST: +/-6 acres AREA: The Division of Planning and Development recommended Approval with outline plan conditions RECOMMENDATION: The Land Use Control Board recommended Approval with outline plan conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED DATE 11/13/2025 ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: POSITION DATE PLANNER II DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



# Memphis City Council Summary Sheet

#### PD 25-14

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 7913 DEXTER ROAD, KNOWN AS CASE NUMBER PD 25-14

- This item is a resolution with conditions to allow a 28-lot residential development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, November 13, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 25-14

**DEVELOPMENT:** Dexter-Candle Ridge Planned Development

**LOCATION:** 7913 Dexter Rd

**COUNCIL DISTRICT(S):** District 2 and Super District 9

**OWNER/APPLICANT:** Providence Private Equity Group LLC

**REPRESENTATIVE:** David Gean Bray, The Bray Firm

**REQUEST:** 28-lot residential development

**EXISTING ZONING:** Conservation Agriculture (CA)

AREA: +/-6 acres

The following spoke in support: David Gean Bray

The following spoke in opposition: Blondell Phillips, Margaret Williams

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 unanimous vote of 7-0 on the regular agenda.

Respectfully,
Nabanita Nira
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

#### PD 25-14 CONDITIONS

#### **Outline Plan Conditions**

**DEXTER - CANDLE RIDGE PLANNED DEVELOPMENT** 

I. USES PERMITTED

28 SINGLE FAMILY LOTS

#### II. BULK REGULATIONS

- A. MINIMUM LOT AREA SHALL BE 6000 S.F.
- B. MINIMUM LOT WIDTH SHALL BE 40 FEET
- C. MINIMUM SETBACKS

FRONT: 40 FEET
 REAR: 20 FEET

3. SIDE: 5 FEET

#### III. ACCESS AND CIRCULATION

DEXTER ROAD SHALL BE DEDICATED AND IMPROVED 57 FEET FROM CENTERLINE

#### IV. LANDSCAPING AND SCREENING

- A. EVERGREEN SHRUBS SHALL BE PROVIDED ALONG THE FRONTAGE OF DEXTER ROAD IN LIEU OF STREET TREES (DUE TO OHE)
- B. EACH LOT SHALL HAVE A MINIMUM OF ONE STREET TREE PLANTED BY THE BUILDING PERMIT HOLDER.

#### V. DRAINAGE

- A. ALL DRAINAGE PLANS TO BE SUBMITTED TO CITY ENGINEER(S) FOR REVIEW.
- B. AN OVERALL DRAINAGE PLAN FOR THE ENTIRE SITE SHALL BE SUBMITTED TO THE CITY ENGINEER BEFORE ANY FINAL PLAN IS RECORDED.
- C. DRAINAGE IMPROVEMENTS TO BE PROVIDED UNDER CONTRACT IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS. AND THE CITY OF MEMPHIS DRAINAGE DESIGN MANUAL.
- D. DESIGN OF THE STORM WATER CONVEYANCE AND MANAGEMENT FACILITIES FOR THIS PROJECT SHALL BE IN ACCORDANCE WITH THE "CITY OF MEMPHIS DRAINAGE DESIGN MANUAL". THE MANUAL REQUIRED ON-SITE DETENTION OF STORMWATER RUN-OFF, GENERATED FROM THIS PROJECT, WHICH EXCEEDS THE CAPACITY OF THE DOWN STREAM SYSTEM. DRAINAGE CALCULATIONS PERFORMED IN ACCORDANCE WITH THE MANUAL SHALL BE SUBMITTED VERIFYING THAT ADEQUATE NON-BUILDABLE AREAS HAVE BEEN PROVIDED FOR STORM WATER DETENTION FACILITIES. FOR INFORMATION CONCERNING THIS REQUIREMENT, PLEASE CONTACT THE CITY ENGINEER'S OFFICE.
- E. 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 STORMWATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORMWATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PART LOCATED IN A PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE

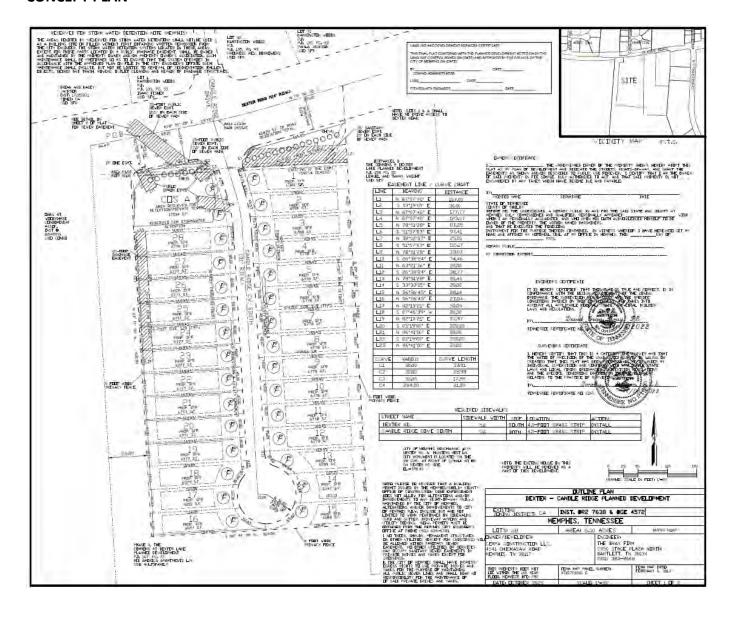
PROPERTY OWNER AND/OR PROPERTY OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY/COUNTY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NO BE LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, OUTLET CLEANING, AND REPAIR OF DRAINAGE STRUCTURES.

#### VI. SITE PLAN REVIEW

A SITE PLAN SHALL BE SUBMITTED FOR REVIEW, COMMENT AND RECOMMENDATION OF THE DIVISION OF PLANNING AND DEVELOPMENT (DPD)

- VII. THE LAND USE CONTROL BOARD MAY MODIFY THE BUILDING SETBACK, BUILDING HEIGHT, ACCESS, PARKING, LANDSCAPING AND SIGN REQUIREMENTS IF EQUIVALENT ALTERNATIVES ARE PRESENTED.
- VIII. A FINAL PLAN SHALL BE FILED WITHIN FIVE YEARS OF APPROVAL OF THE OUTLINE PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT.
  - IX. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:
    - A. THE OUTLINE PLAN CONDITIONS
    - B. A STANDARD SUBDIVISION CONTRACT AS DEFINED BY THE SUBDIVISION REGULATIONS FOR ANY NEEDED PUBLIC IMPROVEMENTS.
    - C. THE LOCATION AND OWNERSHIP, WHETHER PUBLIC OR PRIVATE, OF ANY EASEMENT.
    - D. A STATEMENT CONVEYING ALL COMMON FACILITIES AND AREAS TO A PROPERTY OWNER'S ASSOCIATION, OR OTHER ENTITY, FOR OWNERSHIP AND MAINTENANCE PURPOSES.
    - E. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAT OF ANY DEVELOPMENT REQUIRING ON-SITE STORMWATER DETENTION FACILITIES. THE AREAS DENOTED BY "RESERVED FOR STORMWATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORMWATER 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 PROPERSTY OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE4 CITY / COUNTY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, OUTLET CLEANING AND REPAIR OF DRAINAGE STRUCTURES.

#### **CONCEPT PLAN**



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 7913 DEXTER ROAD, KNOWN AS CASE NUMBER PD 25-14

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

**WHEREAS**, the Providence Private Equity Group LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a 28-lot residential single-family planned development; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on November 13, 2025, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

#### **OUTLINE PLAN CONDITIONS**

#### DEXTER - CANDLE RIDGE PLANNED DEVELOPMENT

- I. USES PERMITTED
  28 SINGLE FAMILY LOTS
- II. BULK REGULATIONS
  - A. MINIMUM LOT AREA SHALL BE 6000 S.F.
  - B. MINIMUM LOT WIDTH SHALL BE 40 FEET
  - C. MINIMUM SETBACKS
    - 1. FRONT: 40 FEET
    - 2. REAR: 20 FEET
    - 3. SIDE: 5 FEET
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DEXTER ROAD SHALL BE DEDICATED AND IMPROVED 57 FEET FROM CENTERLINE

- IV. LANDSCAPING AND SCREENING
  - A. EVERGREEN SHRUBS SHALL BE PROVIDED ALONG THE FRONTAGE OF DEXTER ROAD IN LIEU OF STREET TREES (DUE TO OHE)
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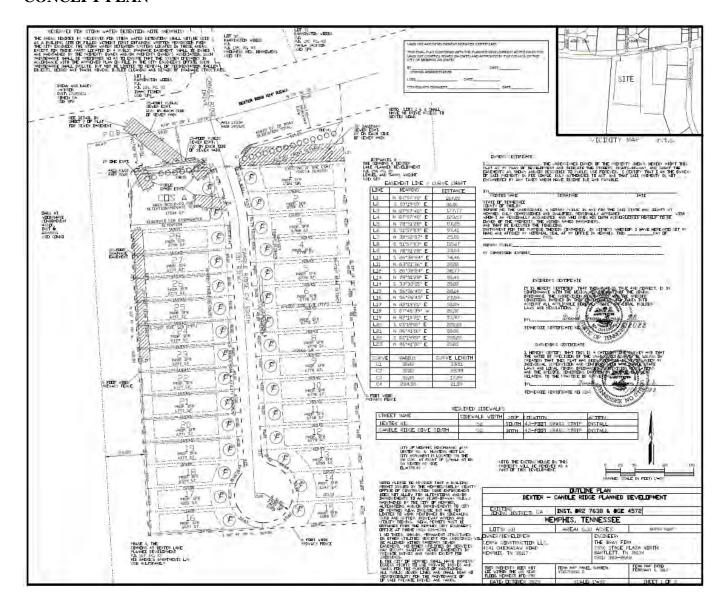
#### V. DRAINAGE

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FILE IN THE CITY/COUNTY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NO BE LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, OUTLET CLEANING, AND REPAIR OF DRAINAGE STRUCTURES.

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  - A SITE PLAN SHALL BE SUBMITTED FOR REVIEW, COMMENT AND RECOMMENDATION OF THE DIVISION OF PLANNING AND DEVELOPMENT (DPD)
- VII. THE LAND USE CONTROL BOARD MAY MODIFY THE BUILDING SETBACK, BUILDING HEIGHT, ACCESS, PARKING, LANDSCAPING AND SIGN REQUIREMENTS IF EQUIVALENT ALTERNATIVES ARE PRESENTED.
- VIII. A FINAL PLAN SHALL BE FILED WITHIN FIVE YEARS OF APPROVAL OF THE OUTLINE PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT.
  - IX. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:
    - A. THE OUTLINE PLAN CONDITIONS
    - B. A STANDARD SUBDIVISION CONTRACT AS DEFINED BY THE SUBDIVISION REGULATIONS FOR ANY NEEDED PUBLIC IMPROVEMENTS.
    - C. THE LOCATION AND OWNERSHIP, WHETHER PUBLIC OR PRIVATE, OF ANY EASEMENT.
    - D. A STATEMENT CONVEYING ALL COMMON FACILITIES AND AREAS TO A PROPERTY OWNER'S ASSOCIATION, OR OTHER ENTITY, FOR OWNERSHIP AND MAINTENANCE PURPOSES.
    - E. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAT OF ANY DEVELOPMENT REQUIRING ON-SITE STORMWATER DETENTION FACILITIES. THE AREAS DENOTED BY "RESERVED FOR STORMWATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORMWATER 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 PROPERSTY OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE4 CITY / COUNTY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, OUTLET CLEANING AND REPAIR OF DRAINAGE STRUCTURES.

#### CONCEPT PLAN



ATTEST:

Division of Planning and Development

– Land Use and Development Services

– Office of Construction Enforcement CC:

# dpd STAFF REPORT

AGENDA ITEM: 12 L.U.C.B. MEETING: November 13, 2025

CASE NUMBER: PD 2025-014

**DEVELOPMENT:** Dexter-Candle Ridge Planned Development

**LOCATION:** 7913 Dexter Rd

**COUNCIL DISTRICT:** District 2 and Super District 9

**OWNER/APPLICANT:** Providence Private Equity Group LLC

**REPRESENTATIVE:** David Gean Bray, The Bray Firm

**REQUEST:** 28-lot residential development

**EXISTING ZONING:** Conservation Agriculture (CA)

#### **CONCLUSIONS**

- 1. The applicant is requesting for approval of a +/-6.0-acre residential planned development consisting of 28 single family residential lot. Previously the application was approved as part of a major modification to the existing The Commons at Dexter Lake PD (known as MJR 21-038). It was later determined that the subject parcel was not included in the PD boundaries.
- 2. The proposed development will consist of 28 lots of minimum 6,000 sq ft. There will be one access street called Candle Ridge Cove South from Dexter Rd to the development. Each lot will have a front setback of 40 ft, side setback of 5 ft and rear setback of 20 ft.
- 3. Planned developments are intended as a tool to allow creative and imaginative design that will promote amenities beyond those expected in conventional developments. The proposed planned development is in alignment with the intent of the Unified Development Code in accordance with Section 4.10.1 as it will allow creative and coordinated land use development.
- 4. 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.

#### **CONSISTENCY WITH MEMPHIS 3.0**

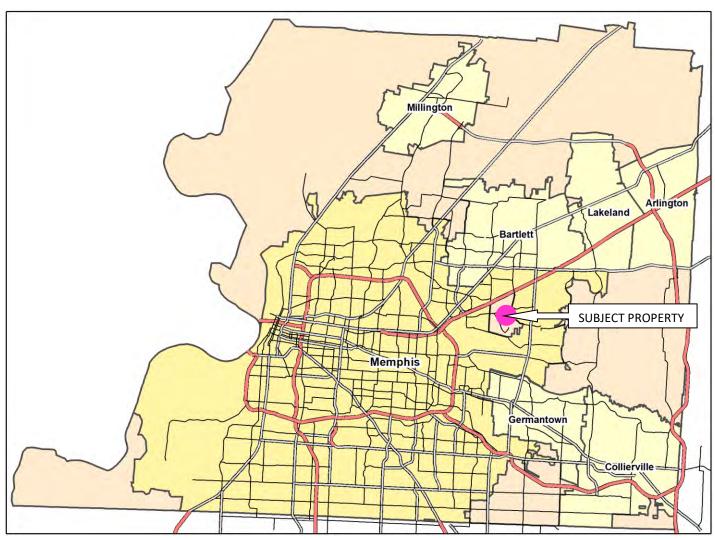
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 20-23 of this report.

#### **RECOMMENDATION:**

Approval with conditions

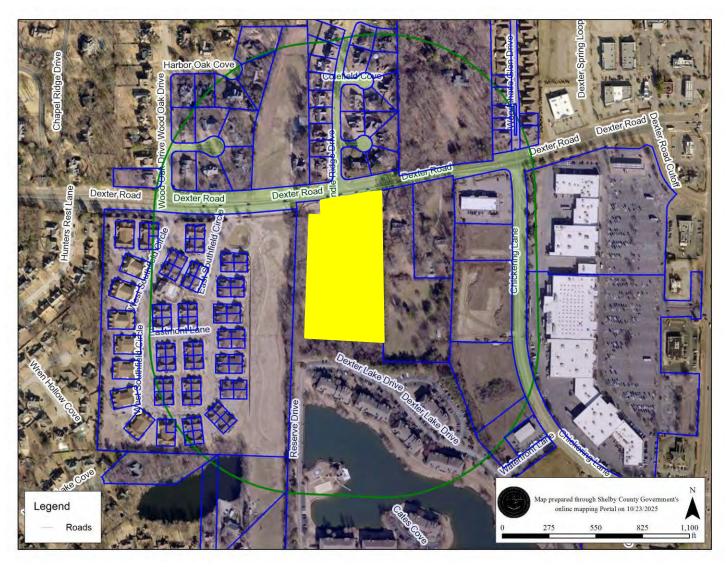
Staff Writer: Nabanita Nira E-mail: nabanita.nira@memphistn.gov

### **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 129 notices were mailed on October 23, 2025, see page 24 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see pages 25-26 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

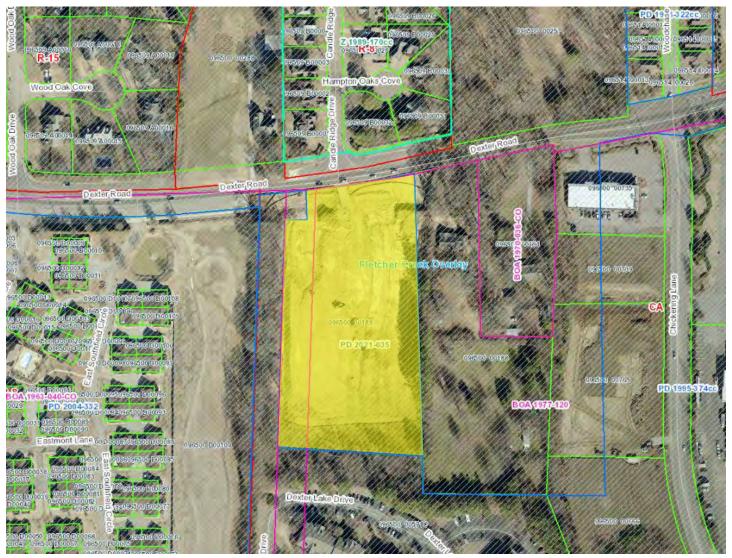
The meeting was held at 6:00 PM on Thursday October 30, 2025, at the Cordova Library, 8457 Trinity Road.

## **AERIAL**



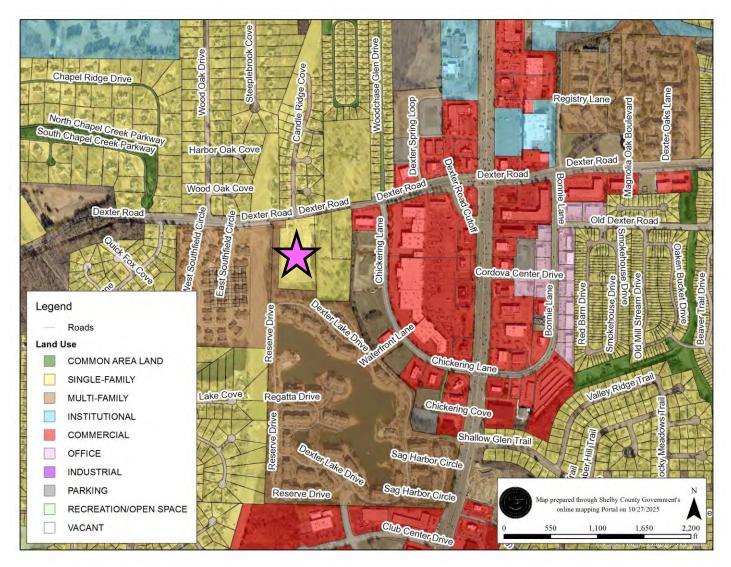
Subject property outlined in yellow, imagery from 2023

## **ZONING MAP**



Subject property highlighted in yellow

#### **LAND USE MAP**



Subject property indicated by a pink star

#### **SITE PHOTOS**

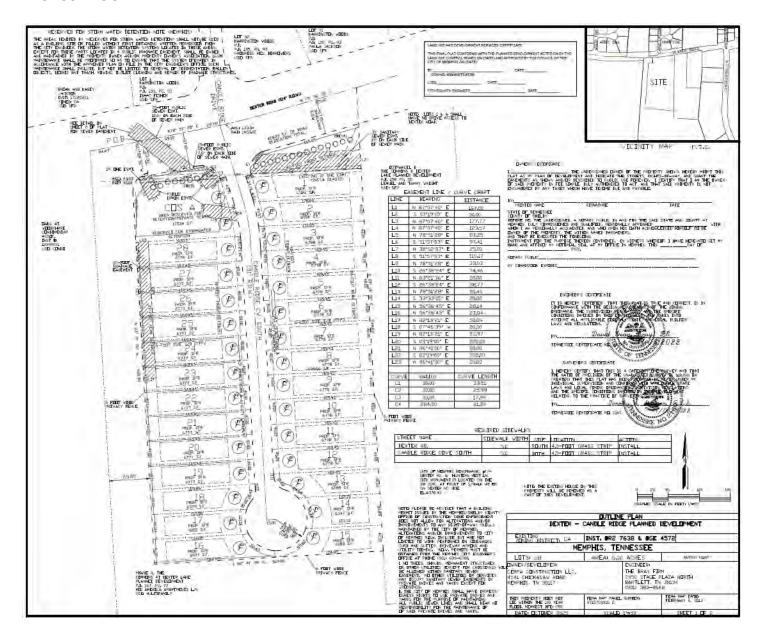


View of subject property from Dexter Road looking southeast

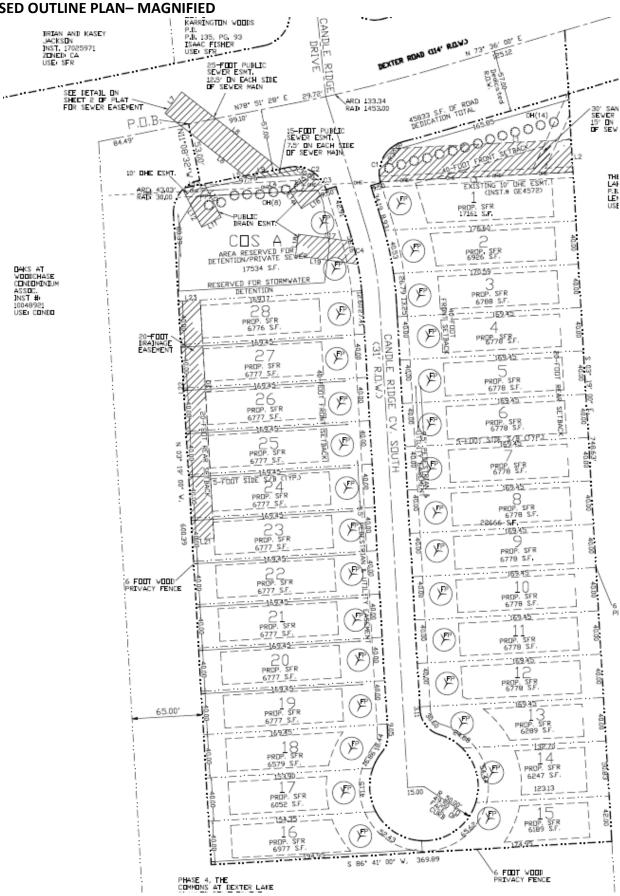


View of subject property from Dexter Road looking southwest

#### PROPOSED OUTLINE PLAN



#### PROPOSED OUTLINE PLAN- MAGNIFIED



#### **CASE REVIEW**

#### **Request**

The request is a 28-lot residential development.

#### **Applicability**

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

#### 4.10.2 Applicability

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

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

#### **General Provisions**

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

#### 4.10.3 General Provisions

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

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

current development policies and plans of the City and County.

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

#### **Residential Criteria**

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

#### 4.10.4 Planned Residential Developments

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

#### A. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

#### B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

#### C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

#### D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

#### E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural

foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

#### F. Distance Requirements

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

#### **Approval Criteria**

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

#### 9.6.9 Approval Criteria

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

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

#### **Site Details**

Address:

7913 Dexter Rd

Parcel ID: 096500 00189

Area:

+/-6 acres

Description:

The subject property is known as Outparcel C of The Commons at Dexter Lake PD (PD 95-374 CC) with an underlying zoning of Conservation Agriculture (CA) for any regulation not stated within the PD. Per the Assessor's website the subject property is vacant, and the previous house was demolished in 2021 (known as DEM-21-000296). The lot has one street frontage from Dexter Road.

#### **Site Zoning History**

On August 3, 1977, the Board of Adjustment rejected an application to allow the extraction and processing of sand and gravel Docket BOA 1977-120 on a tract that include a portion of the subject property.

The Outline Plan for The Commons at Dexter Lake P.D. known as PD 95-374 CC (formerly PD 87-379 CC) was recorded in 1996 where the subject property is designated as Outparcel C. However, the subject property was not part of the approved planned development.

On October 14, 2021, the Land Use Control Board approved a major modification application known as MJR 21-038 (CORRES PD 95-374 CC) formerly known as PD 2021-035 to allow 28-lot single family residential subdivision on the subject property. It was later determined that the subject parcel was not included in the PD boundaries, therefore, this case is seeking to complete the approval process.

#### **Outline Plan Review**

- The proposed outline plan shows 28 lots of minimum 6,000 sq ft.
- 40 ft front setback, 5 ft side setback and 20 ft rear setback.
- 17,534 sq ft COS A reserved for detention / private sewer.
- One access street called Candle Ridge Cove South from Dexter Rd.

#### **Analysis**

The applicant is requesting for approval of a +/-6.0-acre residential planned development consisting of 28 single family residential lot. Previously the application was approved as part of a major modification to the existing The Commons at Dexter Lake PD (known as MJR 21-038). It was later determined that the subject parcel was not included in the PD boundaries.

The proposed development will consist of 28 lots of minimum 6,000 sq ft. There will be one access street called Candle Ridge Cove South from Dexter Rd to the development. Each lot will have a front setback of 40 ft, side setback of 5 ft and rear setback of 20 ft.

Planned developments are intended as a tool to allow creative and imaginative design that will promote amenities beyond those expected in conventional developments. The proposed planned development is in alignment with the intent of the Unified Development Code in accordance with Section 4.10.1 as it will allow creative and coordinated land use development. Also, this proposal is consistent with the Memphis 3.0 General Plan.

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.

#### RECOMMENDATION

Staff recommends approval with outline plan conditions.

#### **Outline Plan Conditions**

#### **DEXTER - CANDLE RIDGE PLANNED DEVELOPMENT**

I. USES PERMITTED
28 SINGLE FAMILY LOTS

#### II. BULK REGULATIONS

- A. MINIMUM LOT AREA SHALL BE 6000 S.F.
- B. MINIMUM LOT WIDTH SHALL BE 40 FEET
- C. MINIMUM SETBACKS
  - 1. FRONT: 40 FEET
  - 2. REAR: 20 FEET
  - 3. SIDE: 5 FEET

#### III. ACCESS AND CIRCULATION

DEXTER ROAD SHALL BE DEDICATED AND IMPROVED 57 FEET FROM CENTERLINE

#### IV. LANDSCAPING AND SCREENING

- A. EVERGREEN SHRUBS SHALL BE PROVIDED ALONG THE FRONTAGE OF DEXTER ROAD IN LIEU OF STREET TREES (DUE TO OHE)
- B. EACH LOT SHALL HAVE A MINIMUM OF ONE STREET TREE PLANTED BY THE BUILDING PERMIT HOLDER.

#### V. DRAINAGE

- A. ALL DRAINAGE PLANS TO BE SUBMITTED TO CITY ENGINEER(S) FOR REVIEW.
- B. AN OVERALL DRAINAGE PLAN FOR THE ENTIRE SITE SHALL BE SUBMITTED TO THE CITY ENGINEER BEFORE ANY FINAL PLAN IS RECORDED.
- C. DRAINAGE IMPROVEMENTS TO BE PROVIDED UNDER CONTRACT IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS, AND THE CITY OF MEMPHIS DRAINAGE DESIGN MANUAL.
- D. DESIGN OF THE STORM WATER CONVEYANCE AND MANAGEMENT FACILITIES FOR THIS PROJECT SHALL BE IN ACCORDANCE WITH THE "CITY OF MEMPHIS DRAINAGE DESIGN MANUAL". THE MANUAL REQUIRED ON-SITE DETENTION OF STORMWATER RUN-OFF, GENERATED FROM THIS PROJECT, WHICH EXCEEDS THE CAPACITY OF THE DOWN STREAM SYSTEM. DRAINAGE CALCULATIONS PERFORMED IN ACCORDANCE WITH THE MANUAL SHALL BE SUBMITTED VERIFYING THAT ADEQUATE NON-BUILDABLE AREAS HAVE BEEN PROVIDED FOR STORM WATER DETENTION FACILITIES. FOR INFORMATION CONCERNING THIS REQUIREMENT, PLEASE CONTACT THE CITY ENGINEER'S OFFICE.
- E. 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 STORMWATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORMWATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PART LOCATED IN A PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY

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#### VI. SITE PLAN REVIEW

A SITE PLAN SHALL BE SUBMITTED FOR REVIEW, COMMENT AND RECOMMENDATION OF THE DIVISION OF PLANNING AND DEVELOPMENT (DPD)

- VII. THE LAND USE CONTROL BOARD MAY MODIFY THE BUILDING SETBACK, BUILDING HEIGHT, ACCESS, PARKING, LANDSCAPING AND SIGN REQUIREMENTS IF EQUIVALENT ALTERNATIVES ARE PRESENTED.
- VIII. A FINAL PLAN SHALL BE FILED WITHIN FIVE YEARS OF APPROVAL OF THE OUTLINE PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT.
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      PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORMWATER 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 PROPERSTY
      OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE
      SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE4 CITY / COUNTY
      ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVAL OF
      SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, OUTLET CLEANING AND REPAIR OF
      DRAINAGE STRUCTURES.

November 13, 2025 Page 16

#### **DEPARTMENTAL COMMENTS**

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

**City Engineer:** See pages 17-18 of this report.

**City Fire Division:** See page 19 of this report.

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 20-23 of this report.

#### CITY ENGINEER COMMENTS

CITY ENGINEERING COMMENTS TRC: 30 Oct & LUCB: 13 Nov 2025 DATE: 28 Oct 2025

CASE 9: PD 2025-014; 28-lot res development

NAME: 7913 Dexter Rd; 096500 00189; 4 Conditions requested

Basin/Lot/CD: Fletcher Creek, 12-A /6.188AC/2

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

#### Sewers:

- The Subdivision is approved to connect to the sewer system per the conditions stated in the sewer letter, issued 21 July 2021.
- Per the letter, the developer should provide on-site storage tank with off-peak discharge due to the sanitary sewer capacity restriction downstream of this parcel.

#### Roads:

- 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.
- CONDITION: All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall apply for a permit in order to reconstruct or repair any necessary sidewalks and curb openings to meet City standards.
  - ADA Ramps needed across frontage of the property.

#### Traffic Control Provisions:

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

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

#### CITY ENGINEERING COMMENTS TRC: 30 Oct & LUCB: 13 Nov 2025 DATE: 28 Oct 2025

- CONDITION: Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
  - a. Sidewalks, curbs & gutter needed across frontage of the property.
  - Dexter Road shall be dedicated and improved 57 feet from the centerline of the road.
- CONDITION: Will require engineering ASPR.

#### Drainage:

- 12. 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.
- 13. 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.
- CONDITION: Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 15. 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.
- 16. 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.
- 17. Development is greater than 1 acre and is located within a sensitive drainage basin.
- 18. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 19. All connections to the sewer shall be at manholes only.
- 20. 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.
- Required landscaping shall not be placed on sewer or drainage easements.

#### CITY FIRE DIVISION COMMENTS



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

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

Case Number: PD 2025 014

Date Reviewed: 11/7/25

Reviewed by: J. Stinson

Address or Site Reference: Dexter / Chickering

- 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.

# OFFICE OF COMPREHENSIVE PLANNING COMMENTS Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: **PD 2025-014** 

Site Address/Location: 7913 Dexter Road

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

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

Street Type: Avenue

Applicant is filing a new PD to develop a new single-family cul-de-sac subdivision.

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

#### 1. Future Land Use Planning Map



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

#### 2. Land Use Description/Intent

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



#### "AN-M" Form & Location Characteristics

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

ACCELERATE: Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

#### "AN-M" Zoning Notes

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

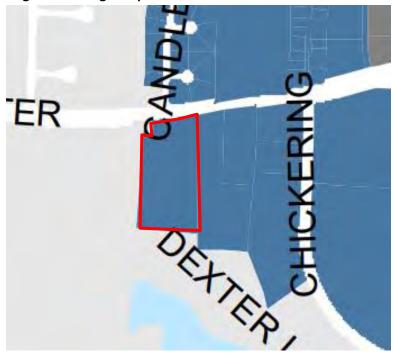
#### **Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Single-Family Residential; CA

Adjacent Land Use and Zoning: Single-family, Multi-family, Commercial, Vacant; CA, R-8, CMU-2.

**Overall Compatibility:** The requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use; but is not compatible with existing zoning. Current CA Zoning does not allow for Single-Family subdivisions, but the surrounding uses are similar to the requested development. Although, Anchor Neighborhoods and cul-de-sacs are inherently incompatible due to the disconnection between cul-desacs and surrounding uses. While the form of the building types are consistent, the overall development pattern is not compatible.

#### 3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. There Degree of Change is **Sustain**.

#### 4. Degree of Change Description

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place.

The proposed development is a private investment that is contextually compatible with the surrounding suburban development types.

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

The requested use is consistent with <u>Objective 1.1</u> - Focus future growth and density in and around Community and Citywide Anchors <u>Action 1.1.31</u> - Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation <u>AND Action 1.5.1</u> - Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density. The location of a new residential subdivision to an anchor helps to increase density near a mix of uses and supports the existing commercial development nearby.

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

The proposed development is inconsistent with <u>Objective 4.2</u> - Promote safe movement of people and vehicles across <u>all</u> modes of travel <u>Action 4.2.3</u> - Consider multimodal level of service when designing streets for pedestrian and bicycle use. Cul-de-sacs do not support multi-modal travel and instead support auo-oriented travel by way of separating and funneling traffic through a single-entrance on a roadway. This increases car traffic in the

development's one connection to a major road which makes bike and pedestrian travel more dangerous. More effort should be placed towards connecting the development to the nearby anchor area in a way that supports multi-modal and active transit.

#### **Consistency Analysis Summary**

Applicant is filing a new PD to develop a new single-family cul-de-sac subdivision.

The requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use; but is not compatible with existing zoning. Current CA Zoning does not allow for Single-Family subdivisions, but the surrounding uses are similar to the requested development. Although, Anchor Neighborhoods and cul-de-sacs are inherently incompatible due to the disconnection between cul-de-sacs and surrounding uses. While the form of the building types are consistent, the overall development pattern is not compatible.

The proposed development is a private investment that is contextually compatible with the surrounding suburban development types.

The requested use is consistent with <u>Objective 1.1</u> - Focus future growth and density in and around Community and Citywide Anchors <u>Action 1.1.31</u> - Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation <u>AND Action 1.5.1</u> - Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density.

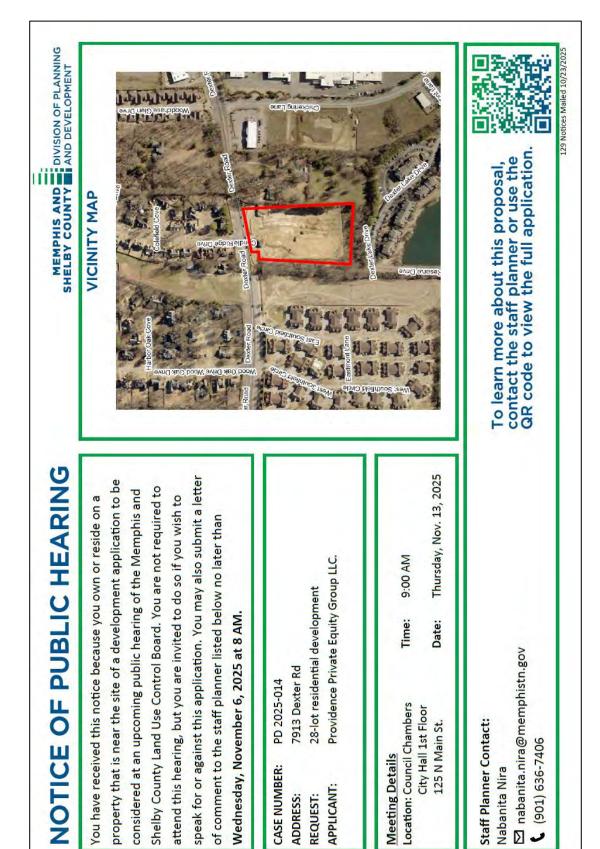
The proposed development is inconsistent with <u>Objective 4.2</u> - Promote safe movement of people and vehicles across <u>all</u> modes of travel <u>Action 4.2.3</u> - Consider multimodal level of service when designing streets for pedestrian and bicycle use.

While the proposed use *is* consistent with Memphis 3.0, the form of the development does not support better connectivity for *all* modes of transportation. If possible, more consideration should be given to better connecting the development to the nearby anchor. Still, the development type is consistent with the more suburban form of nearby development and helps to *sustain* the current activity within the Dexter Road and Germantown Pkwy anchor.

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

Summary Compiled by: Grayson Vincent, Comprehensive Planning.

#### **MAILED PUBLIC NOTICE**



#### **SIGN AFFIDAVIT**

## **AFFIDAVIT**

State of Tennessee				
/, Brian Hatley	, being duly sw	orn, depose a	nd say that a	1 3:00pm am/pm
on the 23rd day of Oc	tober	20 <sup>25</sup> I post	ed 1 Publ	
pertaining to Case No.	D 2025-014 at 79	913 Dexter Road		
providing notice of a Pu	blic Hearing before ti	he (check one)	12	
X Land Use Contro	ol Board			
Board of Adjustr	nent			
Memphis City C	ouncil			
Shelby County E	Board of Commission	ers		
for consideration of a	proposed land use	action, a phot	ograph of sa	id sign(s) being
attached hereon and a	copy of the sign pi	urchase receip	ot or rental c	ontract attached
hereto.				
En AA			10.3	31.25
Owner, Applicant or Rep	presentative		Date	
		et !	n	
Subscribed and sworn t	o before me this 3	day of &	1010800	20,25
Kelest & Bran			Tax	
Notary Public		-67	ab: (%)	
Acres 1 contracts	) )	1 200	(=)	
My commission expires.	5/17/2026	1 30	= //	
at an in a supply of the	1 - 11		3	
			//-	



#### **APPLICATION**



## Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

#### Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development Record Status: Pending

Opened Date: October 14, 2025

Record Number: PD 2025-014 Expiration Date:

Record Name: Dexter-Candle Ridge Planned Development

Description of Work: 28 single family lots in the CA zoning district.

Parent Record Number:

Address:

7913 DEXTER RD, Cordova 38016

Owner Information

Primary Owner Name

Y PROVIDENCE PRIVATE EQUITY GROUP LLC

Owner Address Owner Phone

6744 STRNAWAY DR, MEMPHIS, TN 38119

Parcel Information

096500 00189

#### **Data Fields**

PREAPPLICATION MEETING Name of DPD Planner

Date of Meeting
Pre-application Meeting Type
GENERAL PROJECT INFORMATION

Planned Development Type Previous Docket / Case Number

Medical Overlay / Uptown

If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not Brett Ragsdale 10/10/2025 Phone

New Planned Development (PD)

No yes

Page 1 of 3 PD 2025-014

#### GENERAL PROJECT INFORMATION

eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop

work order, or zoning letter

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

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

UDC Sub-Section 9.6.9F

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

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

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

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

GIS INFORMATION

Case Layer

Central Business Improvement District Class

Downtown Fire District

No

n/a

The project was previously approved erroneously as an amendment to an existing PD. The proposed uses are compatible with surrounding uses This project is compatible with surrounding uses.

Yes Agreed Agreed Agreed

> Agreed Agreed

> > Agreed

Agreed

Agreed

Agreed

BOA1977-120, BOA1963-040-CO

No R No

Page 2 of 3 PD 2025-014

November 13, 2025 Page 29

GIS INFORMATION

Historic District -

Land Use VACANT
Municipality MEMPHIS

Overlay/Special Purpose District Fletcher Creek Overlay

Zoning CA State Route -Lot -

Subdivision PT COMMON AT DEXTER LAKE PD OUTLINE

PLAN

Planned Development District Wellhead Protection Overlay District No
County Commission District City Council District City Council Super District -

Contact Information

Name
PROVIDENCE PRIVATE EQUITY GROUP LLC

APPLICANT

Address

6744 STRNAWAY DR, MEMPHIS, TN, MEMPHIS, TN, 38119

Phone

Name
THE BRAY FIRM

Contact Type

ARCHITECT / ENGINEER /

Address

Address 2950 STAGE PLAZA NORTH,

Phone (901)487-2425

Fee Information

 Invoice #
 Fee Item
 Quantity
 Fees
 Status
 Balance
 Date Assessed

 1684494
 Credit Card Use Fee (.026
 1
 0.00
 INVOICED
 0.00
 10/14/2025

x fee)

Total Fee Invoiced: \$0.00 Total Balance: \$0.00

Page 3 of 3 PD 2025-014

#### **OWNER AFFIDAVIT**



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

OF TENNESSEE NOTARY

My Commission Expires November 29, 2027

#### **LETTER OF INTENT**

## The Bray Firm

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

October 14, 2025

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

RE: Dexter-Candle Ridge Planned Development 6.00 acres Cordova, Tennessee

Mr. Ragsdale;

Please find attached the above referenced application for approval of a 6.0 acre planned development consisting of 28 single family residences. This application was previously approved as part of an amendment to the existing Commons at Dexter Lake PD but that amendment was erroneously processed. This application seeks to make this development a new planned development.

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

Sincerely,

David Gean Bray, P.E.

#### LETTERS RECEIVED

One letter was received at the time of completion of this report and have subsequently been attached.



#### PD 2025-14

From Burk Renner < tnhusker08@comcast.net>

Date Mon 10/27/2025 1:24 PM

To Nira, Nabanita < Nabanita. Nira@memphistn.gov>

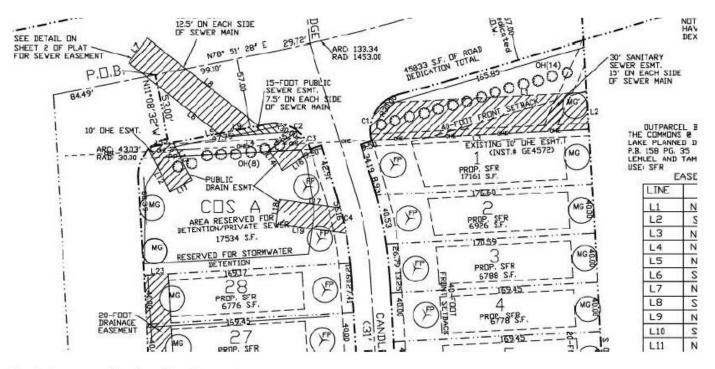
CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

#### Nira:

I have the following review comments with regard to the submittal of PD 2025-014:

Since this is a resubmittal I assume that what we see in this application is what was originally approved.

- 1) It appears to me that some of the proposed holly plantings along Dexter Road are intended to be located within the sewer easements: Lot 1 the 30 foot sewer easement the west half of the proposed trees are within the easement:
- 2) On COS A which is reserved for stormwater and the private sewer easement 2 hollies are partially located within the drain easements and 5 hollies are located under the OHEV easement. They should be relocated south to the are 5 feet north of Lot 28 which has the word "DETENTION" within it. It is unclear from just reading it whether this 5 foot strip is also intended to be allocated to the detention area. I would recommend that the word be relocated to within the designated area.
- 3) Two (2) Magnolia trees (Magnolia grandiflora 'Alta') are located within the stormwater detention area. Alta Southern Magnolias cannot within stand periodic inundation of water, even for short time periods. I would recommend that these be changed to Sweetbay Magnolia (Magnolia virginiana australis) which is an evergreen form.
- 4) It would appear that the rear of Lots 16-28 have a 5 foot utility easement along their west line. Please check to verify if there is a similar easement along the 65 foot accessway of Phase 4 to Dexter Road. I don't know if this has been constructed. In any case if these are 2 opposing utility easement, the placement of a maturing Alta Southern Magnolia (Magnolia grandiflora) upwards of 35' in height is a negative for the trees since that is the height of the poles set by MLGW. I would recommend that a smaller growing cultivar Teddy Bear Southern Magnolia (Magnolia grandiflora 'Southern Charm') be placed at this location at triple density (11 ft on center) since they will only mature to 20 feet or so. It does not appear that Lots 1-15 have a rear utility easement so this should not be a problem here.
- 5) With a 40 foot front yard building setback it would be inappropriate to plant a Tree "C" (Forest Pansy Redbud) on Lots 1-28. A Tree "A" or "B" would be a more appropriate choice. Redbuds can be expected to have a very short life span of less than 50 years (tops). If a columnar tree is chosen (Tree "A" or "B") a Maidenhair tree (Ginkgo bioloba 'Princeton Sentry') would be more appropriate. These tree specie is known to exceed 200 years with some trees exceeding 500 years.
- 6) Please make it a condition that Lot 1 fencing should not be closer than the 40 foot front yard setback. Any repairs to set fencing to be at owners expense if city public work occurs within the 30 ft wide sewer easement.
- 7) Finally, houses placed on Lot 1 & 28 should face inward to the cul-de-sac and not face Dexter Road. Likewise, no separate driveway access from Dexter Road should be permitted to these lots.



Thanks for your consideration of the above matters.

## Burk Renner



## Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

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**Owner Information** 

Primary Owner Name

Y PROVIDENCE PRIVATE EQUITY GROUP LLC

Owner Address Owner Phone

6744 STRNAWAY DR, MEMPHIS, TN 38119

**Parcel Information** 

096500 00189

#### **Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner

Date of Meeting

Pre-application Meeting Type

Brett Ragsdale
10/10/2025
Phone

GENERAL PROJECT INFORMATION
Planned Development Type

Previous Docket / Case Number
Medical Overlay / Uptown

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

New Planned Development (PD)

No yes

Page 1 of 3 PD 2025-014

#### **GENERAL PROJECT INFORMATION**

eligible for a planned development in unincorporated Shelby County)

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work order, or zoning letter

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

other relevant information

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

The project was previously approved erroneously as an amendment to an existing PD. The proposed uses are compatible with surrounding uses

This project is compatible with surrounding uses.

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

Ves

UDC Sub-Section 9.6.9D

Agreed

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

Agreed

**GENERAL PROVISIONS** 

UDC Sub-Section 4.10.3A

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

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Case Layer
Central Business Improvement District
Class

Downtown Fire District

Agreed Agreed

No

n/a

Agreed

Agreed

Agreed

Agreed

BOA1977-120, BOA1963-040-CO

No R No

Page 2 of 3 PD 2025-014

**GIS INFORMATION** 

Historic District

Land Use VACANT Municipality MEMPHIS

Overlay/Special Purpose District Fletcher Creek Overlay

Zoning CA
State Route Lot -

Subdivision PT COMMON AT DEXTER LAKE PD OUTLINE

**PLAN** 

Planned Development District Wellhead Protection Overlay District No
County Commission District City Council District City Council Super District -

**Contact Information** 

Name
PROVIDENCE PRIVATE EQUITY GROUP LLC

APPLICANT

Address

6744 STRNAWAY DR, MEMPHIS, TN, MEMPHIS, TN, 38119

Phone

Name <u>Contact Type</u>

THE BRAY FIRM

ARCHITECT / ENGINEER /

**Address** Surveyor

2950 STAGE PLAZA NORTH,

**Phone** (901)487-2425

Fee Information

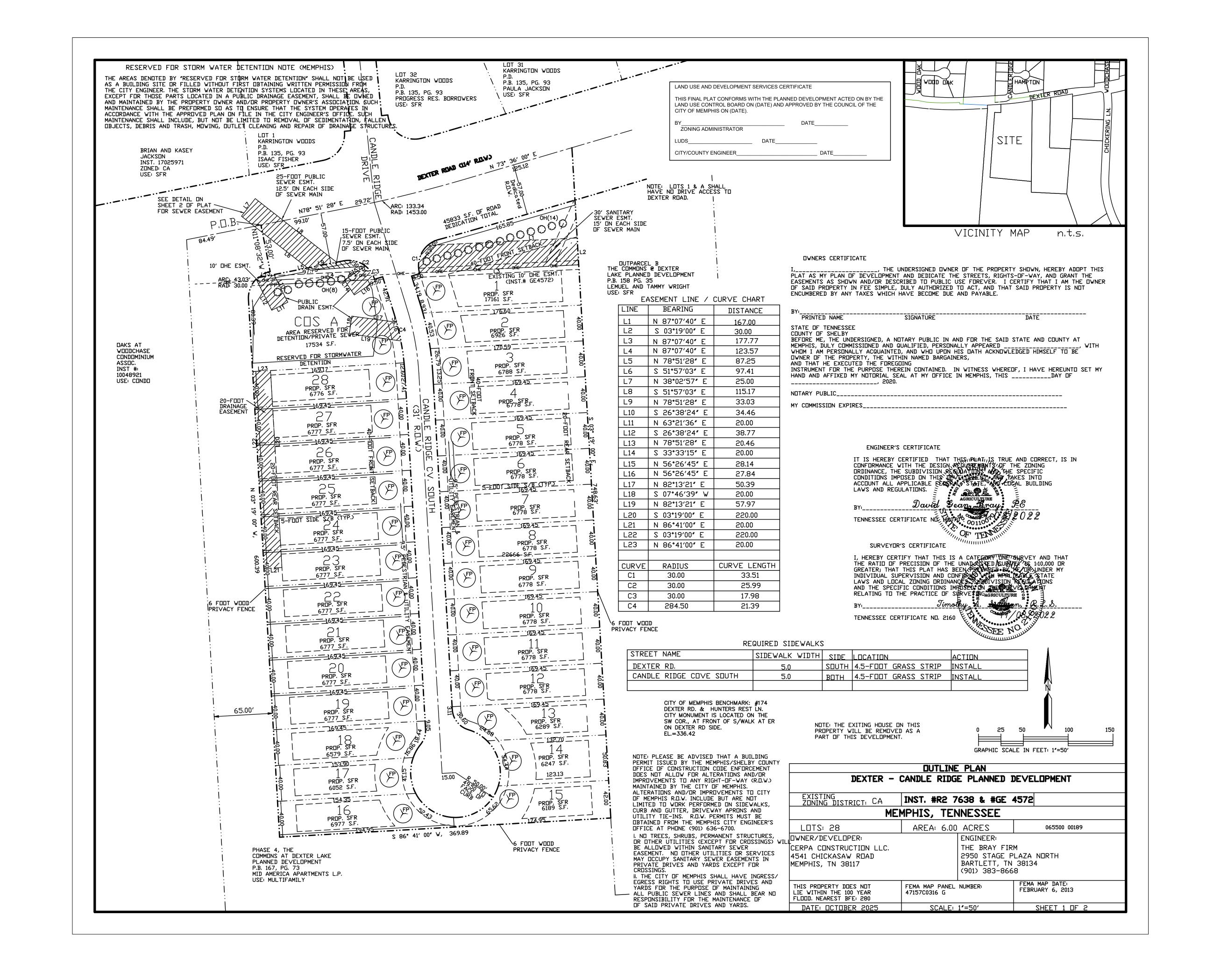
Invoice # Fee Item Quantity Fees Status Balance Date Assessed

1684494 Credit Card Use Fee (.026 1 0.00 INVOICED 0.00 10/14/2025

x fee)

Total Fee Invoiced: \$0.00 Total Balance: \$0.00

Page 3 of 3 PD 2025-014



#### DEXTER - CANDLE RIDGE PLANNED DEVELOPMENT I. USES PERMITTED 28 SINGLE FAMILY LOTS II. BULK REGULATIONS A. MINIMUM LOT AREA SHALL BE 6000 S.F. B. MINIMUM LOT WIDTH SHALL BE 40 FEET C. MINIMUM SETBACKS 1. FRONT: 40 FEET 2. REAR: 20 FEET 3. SIDE: 5 FEET III. ACCESS AND CIRCULATION DEXTER ROAD SHALL BE DEDICATED AND IMPROVED 57 FEET FROM CENTERLINE IV. LANDSCAPING AND SCREENING 1. EVERGREEN SHRUBS SHALL BE PROVIDED ALONG THE FRONTAGE OF DEXTER ROAD IN LIEU OF STREET TREES (DUE TO OHE) 2. EACH LOT SHALL HAVE ONE STREET TREE PLANTED BY THE BUILDING PERMIT HOLDER. 3. EACH LOT SHALL HAVE ONE REAR YARD TREE PLANTED BY THE BUILDING PERMIT HOLDER. A. ALL DRAINAGE PLANS TO BE SUBMITTED TO CITY ENGINEER(S) FOR REVIEW. B. AN OVERALL DRAINAGE PLAN FOR THE ENTIRE SITE SHALL BE SUBMITTED TO THE CITY ENGINEER BEFORE ANY FINAL PLAN IS RECORDED. C. DRAINAGE IMPROVEMENTS TO BE PROVIDED UNDER CONTRACT IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS, AND THE CITY OF MEMPHIS DRAINAGE DESIGN MANUAL. D. DESIGN OF THE STORM WATER CONVEYANCE AND MANAGEMENT FACILITIES FOR THIS PROJECT SHALL BE IN ACCORDANCE WITH THE "CITY OF MEMPHIS DRAINAGE DESIGN MANUAL". THE MANUAL REQUIRED ON-SITE DETENTION OF STORMWATER RUN-OFF, GENERATED FROM THIS PROJECT, WHICH EXCEEDS THE CAPACITY OF THE DOWN STREAM SYSTEM. DRAINAGE CALCULATIONS PERFORMED IN ACCORDANCE WITH THE MANUAL SHALL BE SUBMITTED VERIFYING THAT ADEQUATE NON-BUILDABLE AREAS HAVE BEEN PROVIDED FOR STORM WATER DETENTION FACILITIES. FOR INFORMATION CONCERNING THIS REQUIREMENT, PLEASE CONTACT THE CITY ENGINEER'S OFFICE. E. 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 STORMWATER" DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORMWATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PART LOCATED IN A PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY/COUNTY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NO BE LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, OUTLET CLEANING, AND REPAIR OF DRAINAGE STRUCTURES.

A SITE PLAN NEVIEW

A SITE PLAN SHALL BE SUBMITTED FOR REVIEW, COMMENT AND RECOMMENDATION OF THE OFFICE OF PLANNING AND DEVELOPMENT (OPD)

VIII. THE LAND USE CONTROL BOARD MAY MODIFY THE BUILDING SETBACK, BUILDING HEIGHT, ACCESS, PARKING, LANDSCAPING AND SIGN REQUIREMENTS IF EQUIVALENT ALTERNATIVES ARE PRESENTED.

IX. A FINAL PLAN SHALL BE FILED WITHIN FIVE YEARS OF APPROVAL OF THE OUTLINE PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT.

## X. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING: A. THE OUTLINE PLAN CONDITIONS

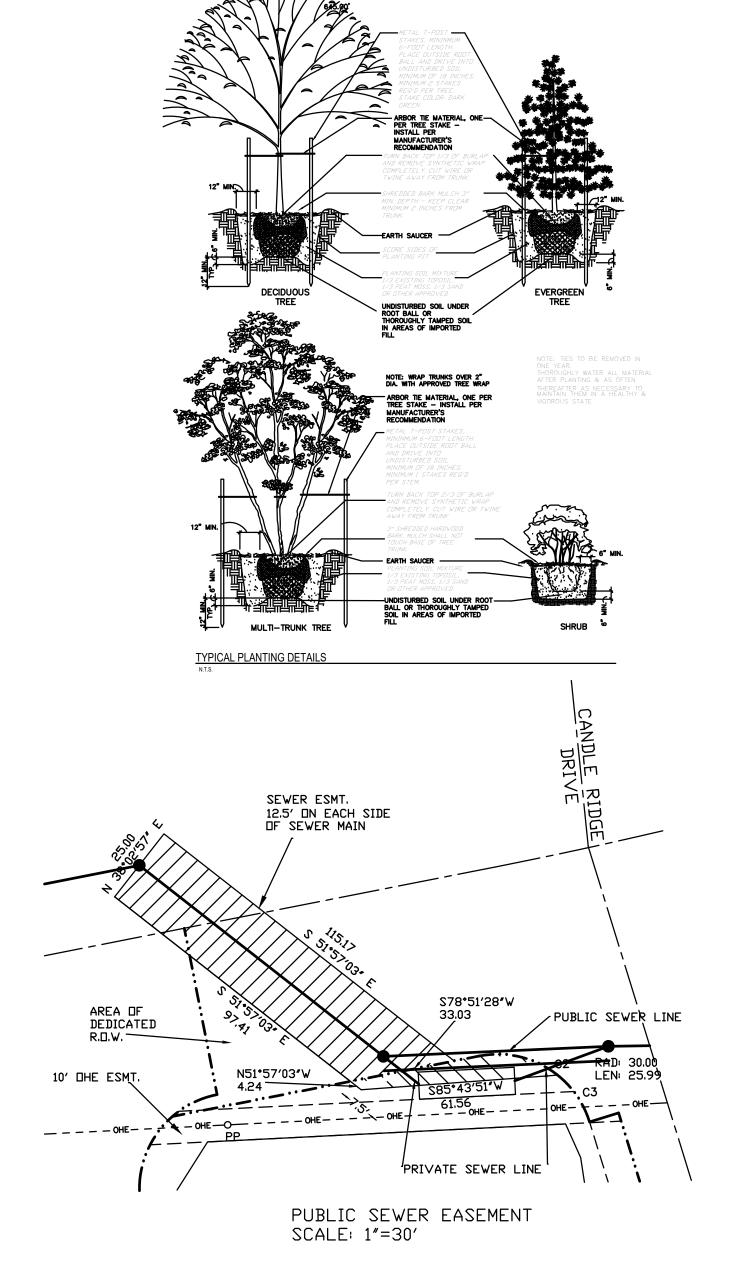
B. A STANDARD SUBDIVISION CONTRACT AS DEFINED BY THE SUBDIVISION REGULATIONS FOR ANY NEEDED PUBLIC IMPROVEMENTS.

C. THE LOCATION AND OWNERSHIP, WHETHER PUBLIC OR PRIVATE, OF ANY EASEMENT.

D. A STATEMENT CONVEYING ALL COMMON FACILITIES AND AREAS TO A PROPERTY OWNER'S ASSOCIATION, OR OTHER ENTITY, FOR OWNERSHIP AND MAINTENANCE PURPOSES.

E. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAT OF ANY DEVELOPMENT REQUIRING ON-SITE STORMWATER DETENTION FACILITIES. THE AREAS DENOTED BY "RESERVED FOR STORMWATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORMWATER 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 PROPERSTY OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE4 CITY / COUNTY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, OUTLET CLEANING AND REPAIR OF DRAINAGE STRUCTURES.

SYM	QTY	Common Name	Botanical Name	Sıze	Spacing	Remarks
		Trees				
FP	30	Forest Pansy Redbud	Cercis canadensis 'Forest Pansy'	2" Cal.	n/a	Uniform
		Shrubs				
OΗ	22	Oakleaf Holly	llex x 'Conaf'	5-6' H	12'00	Full to aroun



DEXTER - CANDLE RIDGE PLANNED DEVELOPMENT			
EXISTING ZONING DISTRICT: CA	INST. #R2 7	638 & #GE	4572
MEMPHIS, TENNESSEE			
LOTS: 28	AREA: 6.00	ACRES	WARD 065 BLOCK 500 PARCEL 00189
OWNER/DEVELOPER: CERPA CONSTRUCTION LLC. 4541 CHICKASAW ROAD MEMPHIS, TN 38117		ENGINEER: THE BRAY FIR 2950 STAGE P BARTLETT, TN (901) 383-866	PLAZA NORTH 38134
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD, NEAREST BFE: 280	FEMA MAP PANEL 47157C0316 G	NUMBER:	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: OCTOBER 2025	SCALE:	1"=50'	SHEET 2 DF 2

## The Bray Firm

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

October 14, 2025

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

RE: Dexter-Candle Ridge Planned Development 6.00 acres Cordova, Tennessee

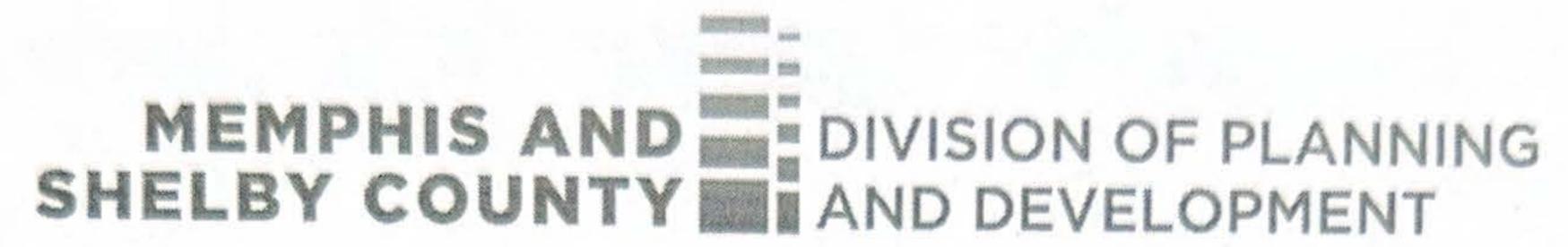
Mr. Ragsdale;

Please find attached the above referenced application for approval of a 6.0 acre planned development consisting of 28 single family residences. This application was previously approved as part of an amendment to the existing Commons at Dexter Lake PD but that amendment was erroneously processed. This application seeks to make this development a new planned development.

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

Sincerely,

David Gean Bray, P.E.



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (<u>901</u>).

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

Memphis and Shelby County Unified Development Code Section 12.3	17
1, Henry Rodgers 1/4/8//	, state that I have read the
definition of (Drint Name)	
(Print Name) (Sign Name)	
"Owner" as outlined in the Memphis and Shelby County Unified Deve hereby state that (select applicable box):	lopment Code Section 12.3.1 and
I he owner of record as shown on the current tax rolls of the mortgage holder of record as shown in the mortgage records of the purchaser under a land contract; a mortgagee or vendee in posses estate in the premises	ne county Register of Deeds:
I live charge, care or control of the premises as trustee, agent, exredeiver, guardian or lessee (and have included documentation with	recutor, administrator, assignee, ith this affidavit)
7913 Oexter Rd. Cordoua, TN. 380 and further identified by Assessor's Parcel Number 09650000189	
for which an application is being made to the Division of Planning and	Development.
Subscribed and sworn to (or affirmed) before me this	y of Other in the year of
Ushunto Beck	
Signature of Notary Public	My Commission Expires



My Commission Expires November 29, 2027

GE 4572

This Instrument Prepared Without the Benefit of a Title Search.

This Instrument Prepared By & Return To: O. Douglas Shipman, Esq. 5384 Poplar Avenue, Suite 400 Memphis, Tennessee 38119

8

#### QUIT CLAIM DRED

KNOW ALL MEN BY THESE PRESENTS, that JOHN B. MAXWELL, JR., TRUSTEE, under written Trust Agreement dated September 13, 1995, for and in consideration of Ten (\$10) Dollars cash in hand paid does hereby bargain, sell, remise, release, quit claim and convey unto JESSIE T. VEST and wife, CATHERINE S. VEST, the following described real estate located in the County of Shelby, State of Tennessee, to-wit:

Beginning at a found one-quarter inch iron rod at the southwest corner of the Jessie T. Vest and wife Catherine S. Vest property recorded in Instrument No. R2-7638; thence north 86 degrees 38 minutes 10 seconds east with the south line of said property recorded in Instrument No. R2-7638, 369.96 feet to a point in the east line of said property recorded in Instrument No. R2-7638; thence south 03 degrees 25 minutes 37 seconds east with the southward projection of the east line of said property recorded in Instrument No. R2-7638 and with the west line of the C. Creston Farrow, Jr. and wife Esther J. Farrow property recorded in Instrument No. U7-2074, 40.00 feet to a set one-half inch rebar with plastic cap; thence south 86 degrees 38 minutes 10 seconds west across said property recorded in Instrument No. FH-7158, Parcel III and with a line that is 40° south of and parallel to the south line of said property recorded in Instrument No. R2-7638, 370.00 feet to a set one-half inch rebar with plastic cap in the southward projection of the west line of said property recorded in Instrument No. R2-7638; thence north 03 degrees 21 minutes 47 seconds west with the southward projection of the west line of said property recorded in Instrument No. R2-7638, 40.00 feet to the point of beginning and containing 14,799 square feet or 0.340 acres of land.

Being a part of the same property conveyed to the Grantor herein by Quit Claim Deed of record under Instrument No. FR 7158 in said Register's Office.

of Octobs 1996.	ed this instrument this the 14 day
JOHN B. MA	Marwad & Tratu EXHELL, JR. / TRUSTEE
**************************************	******
Before me, a Notary Public in a commissioned and qualified, personally a to me known (or proved to me on the basi person described in and who executed the that he executed the same as his free ac	s of satisfactory evidence) to be the foregoing instrument, and acknowledged
, 1996. Sace	of the Angles of October
My Commission Expires: 2-23-2000	olic Mana
**********	********
Property Address: Vacant Land	I, hereby swear or affirm that to the
Vacant Land	best of affiants knowledge, information, and belief, the actual consid-
	eration for this transaction is \$10
Tax Parcel No:	and other good and valuable consideration.
A part of D02 008 0091	eration. Catherin J. Vest
	dere I Ved
	Affiant
Mail tax bills to Owner:	Subscribed and sworn to before me
	this the $28$ day of $184$
Jessie T. Vest	1996.
7913 Dexter Road	Samuel W anthony
Cordova, Tennessee 38018	Notary Public
COLUCYU/ ICMNESSEC 30010	My Commission Expires:
	My Commission Expires Apr. 28, 1998
	103

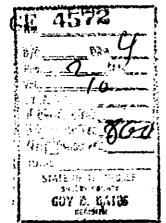
Tom Leatherwood, Shelby County Register of Deeds: Instr #GE4572

Please Return to: GE 4572

> HOMER R. PRANAN, III ONE COMMENCE SQUARE = 2000 (Schurtlis, TN 38103

GE4572

SHELBY COUNTY REGISTER OF DEEDS 96 NOV -1 AH 11: 22



Jaris Machans



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

November 14, 2025

David Gean Bray The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Sent via electronic mail to: dqbray@comcast.net & ac@cerpaconstruction.com

Dexter-Candle Ridge Planned Development

Case Number: PD 2025-014

LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, November 13, 2025, the Memphis and Shelby County Land Use Control Board recommended *approval* of your planned development application for the Dexter-Candle Ridge Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,
Nabanita Nira
Planner II
Land Use and Development Services
Division of Planning and Development

File

# Letter to Applicant PD 2025-014

#### **Outline Plan Conditions**

#### **DEXTER - CANDLE RIDGE PLANNED DEVELOPMENT**

I. USES PERMITTED

28 SINGLE FAMILY LOTS

#### II. BULK REGULATIONS

- A. MINIMUM LOT AREA SHALL BE 6000 S.F.
- B. MINIMUM LOT WIDTH SHALL BE 40 FEET
- C. MINIMUM SETBACKS
  - 1. FRONT: 40 FEET
  - 2. REAR: 20 FEET
  - 3. SIDE: 5 FEET

#### III. ACCESS AND CIRCULATION

DEXTER ROAD SHALL BE DEDICATED AND IMPROVED 57 FEET FROM CENTERLINE

#### IV. LANDSCAPING AND SCREENING

- A. EVERGREEN SHRUBS SHALL BE PROVIDED ALONG THE FRONTAGE OF DEXTER ROAD IN LIEU OF STREET TREES (DUE TO OHE)
- B. EACH LOT SHALL HAVE A MINIMUM OF ONE STREET TREE PLANTED BY THE BUILDING PERMIT HOLDER.

#### V. DRAINAGE

- A. ALL DRAINAGE PLANS TO BE SUBMITTED TO CITY ENGINEER(S) FOR REVIEW.
- B. AN OVERALL DRAINAGE PLAN FOR THE ENTIRE SITE SHALL BE SUBMITTED TO THE CITY ENGINEER BEFORE ANY FINAL PLAN IS RECORDED.
- C. DRAINAGE IMPROVEMENTS TO BE PROVIDED UNDER CONTRACT IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS, AND THE CITY OF MEMPHIS DRAINAGE DESIGN MANUAL.
- D. DESIGN OF THE STORM WATER CONVEYANCE AND MANAGEMENT FACILITIES FOR THIS PROJECT SHALL BE IN ACCORDANCE WITH THE "CITY OF MEMPHIS DRAINAGE DESIGN MANUAL". THE MANUAL REQUIRED ON-SITE DETENTION OF STORMWATER RUN-OFF, GENERATED FROM THIS PROJECT, WHICH EXCEEDS THE CAPACITY OF THE DOWN STREAM SYSTEM. DRAINAGE CALCULATIONS PERFORMED IN ACCORDANCE WITH THE MANUAL SHALL BE SUBMITTED VERIFYING THAT ADEQUATE NON-BUILDABLE AREAS HAVE BEEN PROVIDED FOR STORM WATER DETENTION FACILITIES. FOR INFORMATION CONCERNING THIS REQUIREMENT, PLEASE CONTACT THE CITY ENGINEER'S OFFICE.
- E. 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 STORMWATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORMWATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PART 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

# Letter to Applicant PD 2025-014

OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY/COUNTY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NO BE LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, OUTLET CLEANING, AND REPAIR OF DRAINAGE STRUCTURES.

#### VI. SITE PLAN REVIEW

A SITE PLAN SHALL BE SUBMITTED FOR REVIEW, COMMENT AND RECOMMENDATION OF THE DIVISION OF PLANNING AND DEVELOPMENT (DPD)

- VII. THE LAND USE CONTROL BOARD MAY MODIFY THE BUILDING SETBACK, BUILDING HEIGHT, ACCESS, PARKING, LANDSCAPING AND SIGN REQUIREMENTS IF EQUIVALENT ALTERNATIVES ARE PRESENTED.
- VIII. A FINAL PLAN SHALL BE FILED WITHIN FIVE YEARS OF APPROVAL OF THE OUTLINE PLAN. THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS AT THE REQUEST OF THE APPLICANT.
  - IX. ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING:
    - A. THE OUTLINE PLAN CONDITIONS
    - B. A STANDARD SUBDIVISION CONTRACT AS DEFINED BY THE SUBDIVISION REGULATIONS FOR ANY NEEDED PUBLIC IMPROVEMENTS.
    - C. THE LOCATION AND OWNERSHIP, WHETHER PUBLIC OR PRIVATE, OF ANY EASEMENT.
    - D. A STATEMENT CONVEYING ALL COMMON FACILITIES AND AREAS TO A PROPERTY OWNER'S ASSOCIATION, OR OTHER ENTITY, FOR OWNERSHIP AND MAINTENANCE PURPOSES.
    - E. THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAT OF ANY DEVELOPMENT REQUIRING ON-SITE STORMWATER DETENTION FACILITIES. THE AREAS DENOTED BY "RESERVED FOR STORMWATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY OR COUNTY ENGINEER, AS APPLICABLE. THE STORMWATER 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 PROPERSTY OWNERS' ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE4 CITY / COUNTY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH, MOWING, OUTLET CLEANING AND REPAIR OF DRAINAGE STRUCTURES.

## CITY OF MEMPHIS

COUNCIL AGENDA CHECK OFF SHEET Planning & Development ONE ORIGINAL DIVISION ONLY STAPLED TO DOCUMENTS Planning & Zoning COMMITTEE: 12/02/2025 DATE PUBLIC SESSION: 12/16/2025 DATE ITEM (CHECK ONE) X RESOLUTION \_\_\_\_ REQUEST FOR PUBLIC HEARING **ORDINANCE** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving ITEM DESCRIPTION: a special use permit at the subject property located at 5133 Park Avenue, known as case number SUP 2025-032 SUP 2025-032 CASE NUMBER: 5133 Park Avenue LOCATION: COUNCIL DISTRICTS: District 2 and Super District 9 - Positions 1, 2, and 3 Blooming Ventures LLC OWNER/APPLICANT: Brenda Basar, Solomito Land Planning REPRESENTATIVE: To allow an expansion of an existing c-store with gas pumps REQUEST: +/-1 acre AREA: The Division of Planning and Development recommended Approval with conditions RECOMMENDATION: The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 11/13/2025 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: DATE **POSITION** Novis, 7-25 STAFF PLANNER DEPUTY ADMINISTRATOR **ADMINISTRATOR** 

DIRECTOR (JOINT APPROVAL)

CHIEF ADMINISTRATIVE OFFICER

COMPTROLLER

CITY ATTORNEY

FINANCE DIRECTOR

**COMMITTEE CHAIRMAN** 



## Memphis City Council Summary Sheet

#### SUP 2025-032

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 5133 PARK AVENUE, KNOWN AS CASE NUMBER SUP 2025-032

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

#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, November 13, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2025-032

**LOCATION:** 5133 Park Avenue

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

OWNER/APPLICANT: Blooming Ventures LLC

**REPRESENTATIVE:** Brenda Basar, Solomito Land Planning

**REQUEST:** Special use permit to allow an expansion of an existing c-store with

gas pumps

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

AREA: +/-1 acre

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 7-0-0 on the consent agenda.

Respectfully,

Planner II

Land Use & Development Services

Cc: Committee Members

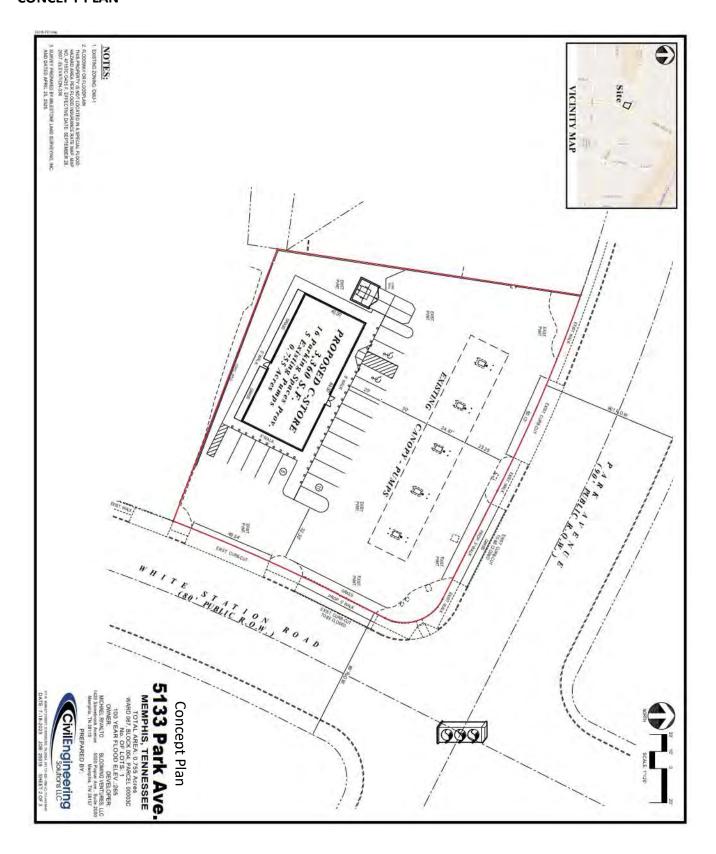
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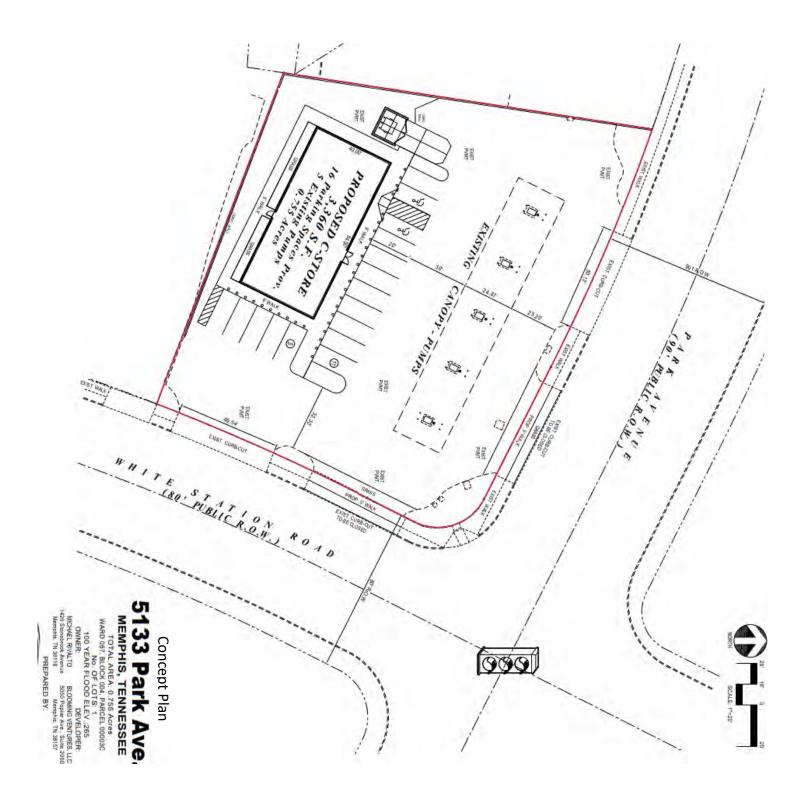
# SUP 2025-032 CONDITIONS

- 1. A maximum of one curb cut shall be permitted to South White Station Road and one to Park Avenue.
- 2. The existing curb cuts in South White Station Road and Park Avenue closest to the intersection shall be closed with curb, gutter, and sidewalk.
- 3. Streetscape Plate Type S-10 modified visa shrubs, and at least 8 feet in width shall be provided behind the sidewalks adjacent to South White Station Road and Park Avenue.
- 4. The dumpster location and screening shall meet the requirements of UDC Sub Section 4.6.8B.
- 5. The convenience store building facing South White Station Road and Park Avenue shall be a minimum of 60% transparency.
- 6. Support columns for the fuel canopy shall be sheathed in the same masonry used on the principal building.
- 7. An Administrative Site Plan Review (ASPR) shall be submitted and approved by the Division of Planning and Development following final approval by the Memphis City Council and prior to the issuance of any building permits or certificates of occupancy.

#### **CONCEPT PLAN**



#### SITE PLAN - MAGNIFIED



# 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 5133 PARK AVENUE, KNOWN AS CASE NUMBER SUP 2025-032

**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**, Blooming Ventures LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow an expansion of an existing c-store with gas pumps; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on November 13, 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.

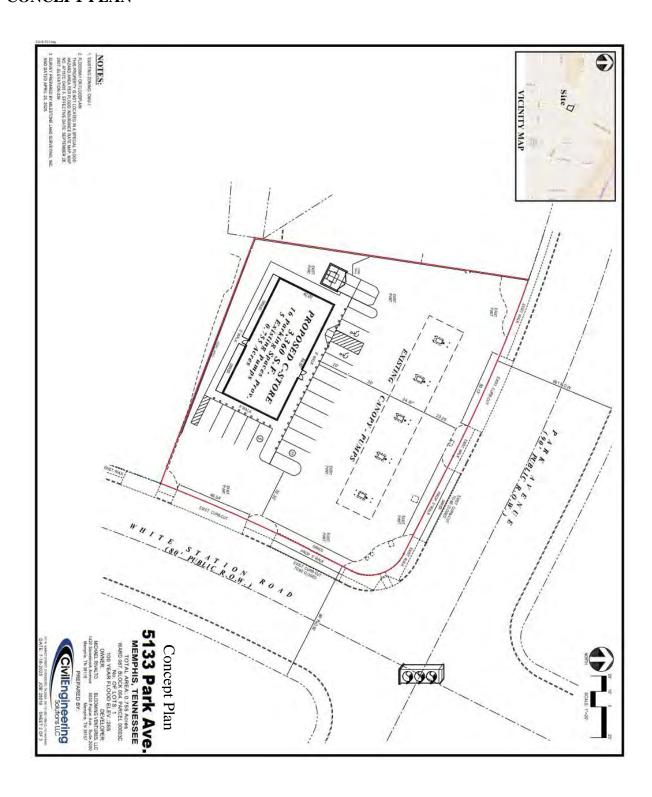
**BE IT FURTHER RESOLVED,** that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed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

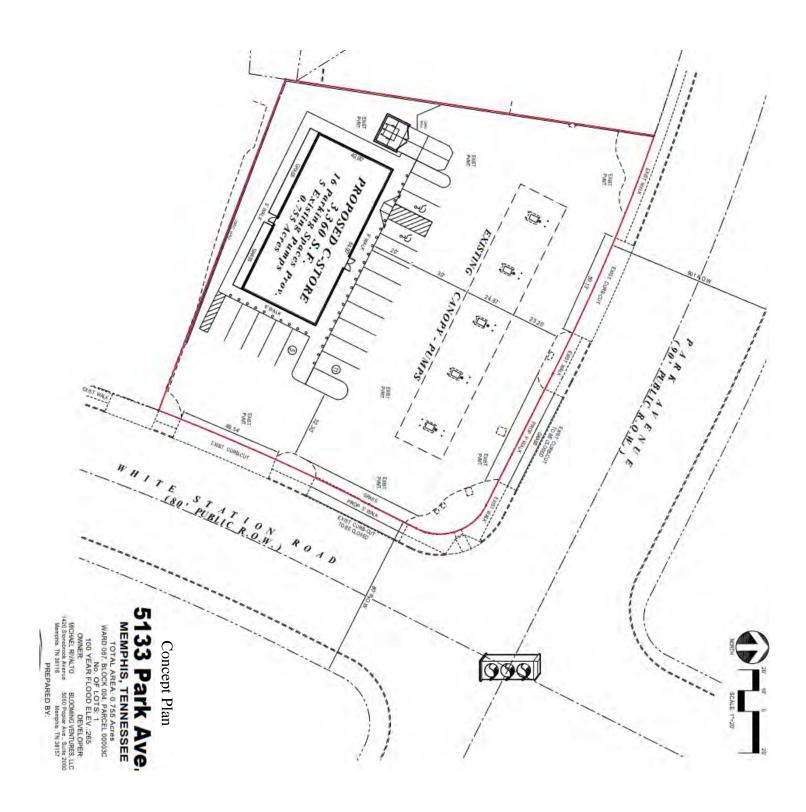
#### **CONDITIONS**

- 1. A maximum of one curb cut shall be permitted to South White Station Road and one to Park Avenue.
- 2. The existing curb cuts in South White Station Road and Park Avenue closest to the intersection shall be closed with curb, gutter, and sidewalk.
- 3. Streetscape Plate Type S-10 modified visa shrubs, and at least 8 feet in width shall be provided behind the sidewalks adjacent to South White Station Road and Park Avenue.
- 4. The dumpster location and screening shall meet the requirements of UDC Sub Section 4.6.8B.
- 5. The convenience store building facing South White Station Road and Park Avenue shall be a minimum of 60% transparency.
- 6. Support columns for the fuel canopy shall be sheathed in the same masonry used on the principal building.
- 7. An Administrative Site Plan Review (ASPR) shall be submitted and approved by the Division of Planning and Development following final approval by the Memphis City Council and prior to the issuance of any building permits or certificates of occupancy.

# **CONCEPT PLAN**



#### **CONCEPT PLAN – MAGNIFIED**



ATTEST:

Division of Planning and Development

- Land Use and Development Services

- Office of Construction Enforcement

AGENDA ITEM: 10 L.U.C.B. MEETING: November 13, 2025

CASE NUMBER: SUP 2025-032

**LOCATION:** 5133 Park Avenue

**COUNCIL DISTRICT:** District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Blooming Ventures LLC

**REPRESENTATIVE:** Brenda Basar, Solomito Land Planning

**REQUEST:** Special use permit to allow an expansion of an existing c-store with gas pumps

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

#### **CONCLUSIONS**

- The store has operated as a gasoline service station and/or convenience store with fuel sales since 1972.
   The current convenience store structure, which was built in 2003, has a ground floor area of 718 square feet. The proposed site plan includes demolishing the existing car wash and convenience store (vending machine) and constructing a new, 3,360 square foot convenience store, while maintaining the existing fuel canopy and pumps.
- 2. The 0.755-acre site will have only two access points as they will be closing two of the existing four curb cuts—from White Station Road and Park Avenue—and is surrounded by a mix of commercial, office, and residential uses. The plan includes 16 parking spaces, including two ADA-compliant spaces, along with pedestrian-friendly features such as an 8-foot-wide sidewalk in front of the building and a 6-foot walk along the eastern side. Landscaping improvements include green buffer areas and planting islands near ADA spaces, and an enclosed dumpster is proposed in the southwest corner of the property.
- 3. On September 24, 2025, the Board of Adjustment approved Docket BOA 2025-0089, granting a variance from Sub-Items 2.6.3J(2)(d)(i) and 2.6.3J(2)(d)(ii) to allow the reconstruction and/or relocation of a convenience store that does not meet the design requirements. As the property is within the CMU-1 zoning district, any expansion or addition after January 1, 2021, requires a special use permit under UDC Section 2.6.3J(1)(g). Although the store is a legal nonconforming use, changes proposed after the regulation's effective date necessitated the applicant obtaining a special use permit for the redevelopment.
- 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**

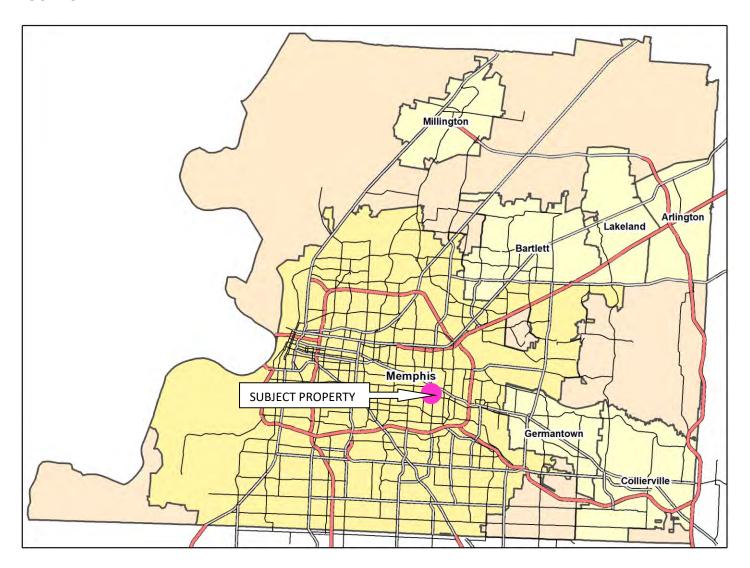
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 23-25 of this report.

#### **RECOMMENDATION:**

Approval with conditions

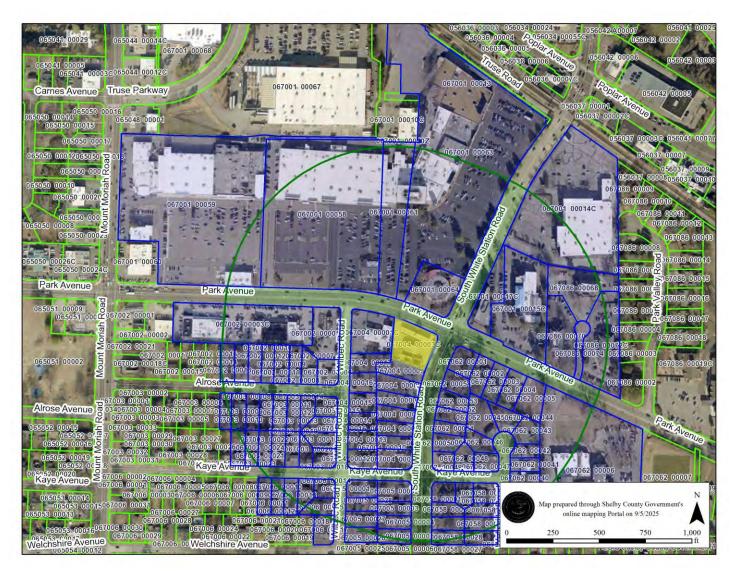
Staff Writer: Mahsan Ostadnia E-mail: mahsan.ostadnia@memphistn.gov

#### **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 93 notices were mailed on October 16, 2025, see page 27 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see pages 30-31 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

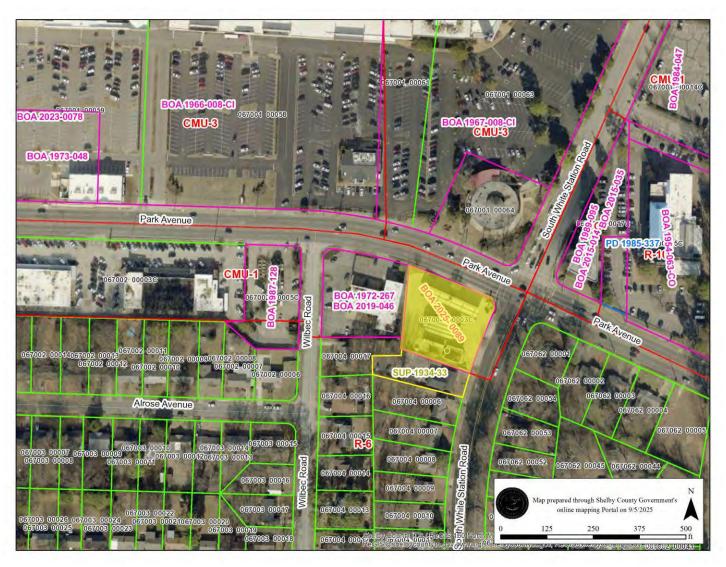
The meeting was held at 6:00 PM on Tuesday, October 28, 2025, 5112 Park Avenue, Memphis, TN 38117. See pages 28-29 of this report for a copy of the neighborhood meeting summary.

# **AERIAL**



Subject property outlined in yellow.

#### **ZONING MAP**



Subject property highlighted in yellow.

#### **LAND USE MAP**



Subject property indicated by a pink star.

# **SITE PHOTOS**



View of subject property from Park Avenue.



View of subject property from S White Station Road.

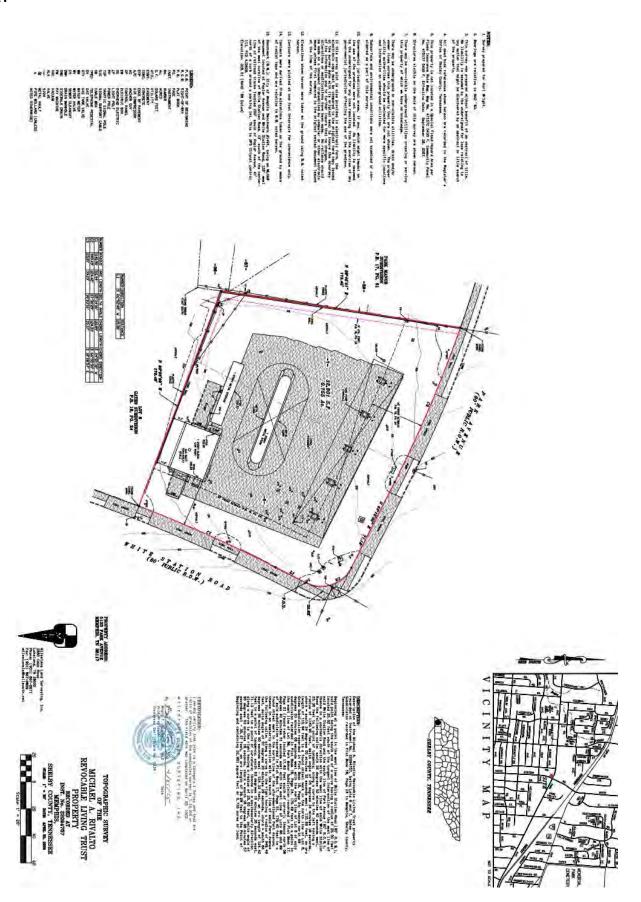


View of subject property from above.



View of subject property from above.

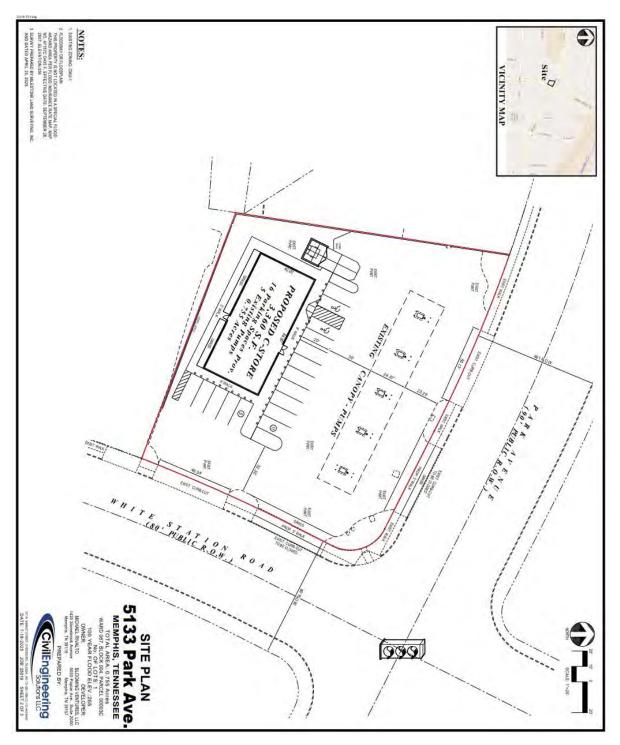
#### **SURVEY**



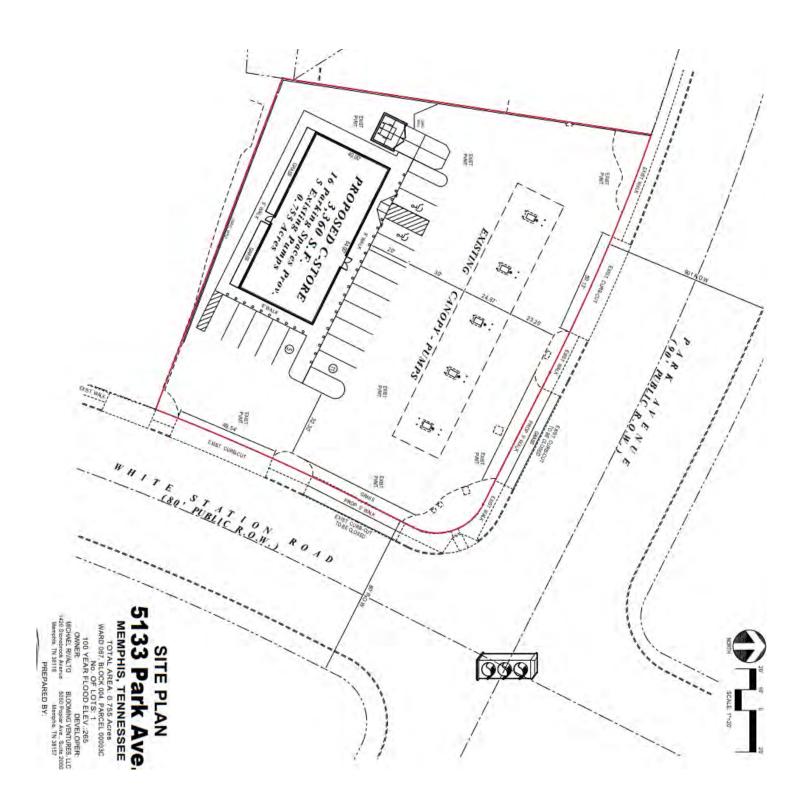
# **PLOT PLAN**



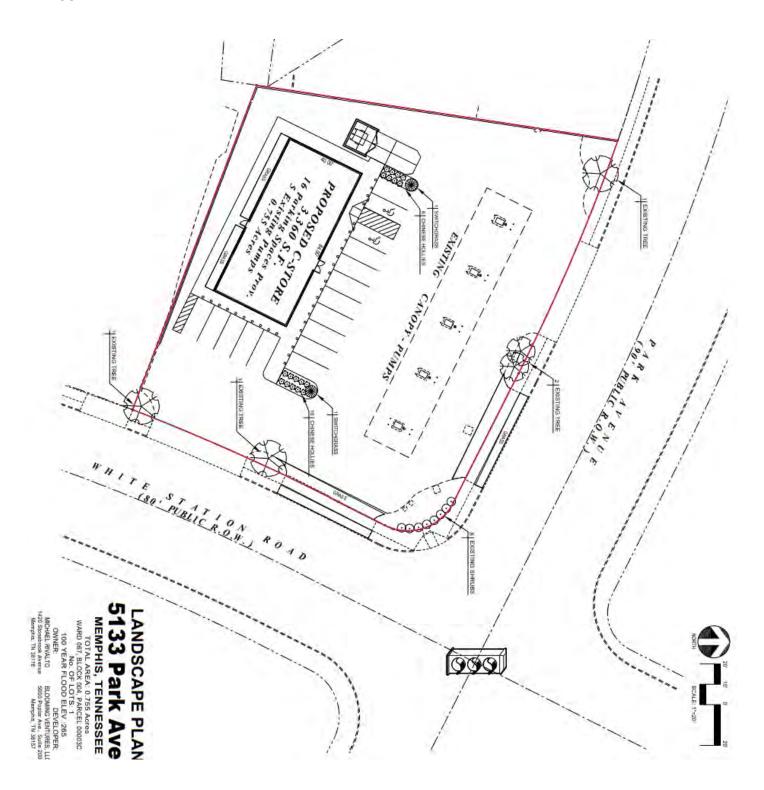
# **SITE PLAN**



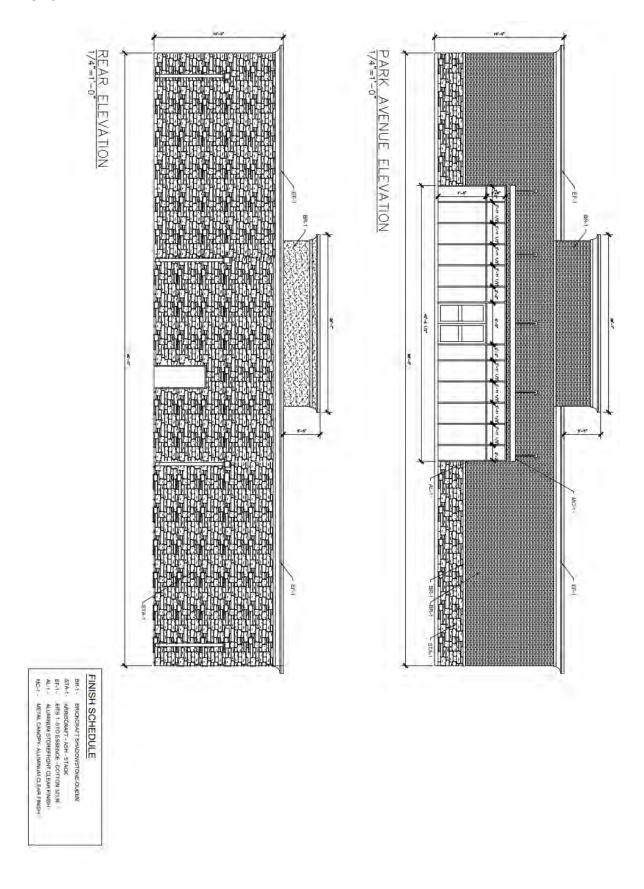
#### **SITE PLAN – MAGNIFIED**

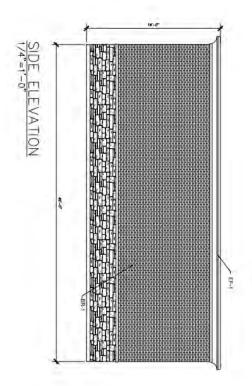


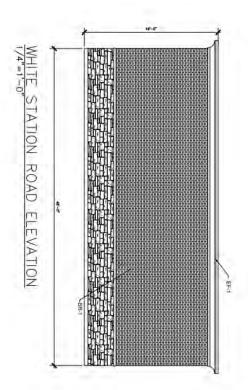
# LANDSCAPE PLAN



# **ELEVATIONS**









#### **CASE REVIEW**

#### **Request**

The request is a special use permit to allow an expansion of an existing c-store with gas pumps.

#### **Approval Criteria**

Staff **agrees** the approval criteria in regard to 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:

5133 Park Avenue

Parcel ID:

067004 00003C

Area:

+/-43,560 square feet

Staff Report SUP 2025-032 November 13, 2025 Page 17

#### Description:

The subject property is known as Lot 6 and 7 of Gates Subdivision with a zoning of Commercial Mixed Use-1 (CMU-1). Per the Assessor's website, the convenience store was built in 2003 with a ground floor area of 1,707 square feet. The surrounding land uses a mixture of commercial, office space, and residential lots. Additionally, this lot has two street frontages.

#### **Site Zoning History**

The subject property is currently zoned Commercial Mixed Use -1 (CMU-1). It has continuously operated as a gasoline service station and/or convenience store with fuel sales since 1972.

At the time of the 1980, Park Avenue – Sea Isle Development Overview Study, the site was zoned C-2. The property is now zoned CMU-1, making its long-standing use classified as a legal nonconforming use under the current zoning regulations.

In 2002, the property owner obtained a demolition permit (Permit No. B0888540), as well as a building permit (Permit No. B0840391) issued on July 25, 2002. Following completion of the permitted work, the owner received a Certificate of Occupancy for the operation of a vending machine/convenience store on the subject property. See page 23 for a copy of the approved Certificate of Occupancy.

On September 24, 2025, the Board of Adjustment approved Docket BOA 2025-0089 from Sub-Items 2.6.3J(2)(d)(i) and 2.6.3J(2)(d)(ii) to allow a reconstructed and/or relocated convenience store that does not meet the design requirements, see page 26 of this report for said notice of disposition.

#### **Site Plan Review**

- The site plan proposes the elimination of the existing car wash structure on site and the construction of a new 3,360 square foot convenience store (C-Store). The existing fuel canopy and pump area will remain in its current configuration and size. The overall site area is 0.755 acres. The newly proposed C-Store will be constructed near the center of the site, facing the parking area.
- Upon reviewing the site plan, the landscape plan does not meet the minimum street tree requirements outlined by the Unified Development Code (UDC). With approximately 370 feet of frontage, the site needs Type A trees every 40 feet on center or Type B trees every 30 feet on center. Type C trees would only be permitted if there are overhead power lines, but based on Google Streetview, there do not appear to be power lines along the property frontage, so Type C trees are not desirable given their short height.
- The site plan does not depict the existing vinyl fence along the southern and western property boundaries. If the fence is to remain, it should be clearly shown and labeled on the updated plan. On the southern boundary specifically, the fence must remain in place, as its removal would increase the site's non-conformity with the required buffer adjacent to a single-family residential zoning district.
- The existing fuel canopy will remain in place. It is located approximately 28 feet from both public rights-of-way (White Station Road and Park Avenue) and has a height of just over 20 feet.
- The site features two access points: one from White Station Road (north side) and one from Park Avenue

(east side).

- A total of 16 parking spaces including 2 ADA-accessible spaces are provided on the proposed site plan.
- An 8' wide sidewalk runs along the front of the building, with a 6' walk along the eastern side on site.
- Landscaping includes two islands near the ADA parking spaces on the north side of the building, along with green buffer areas at the corners and around the property boundaries.
- An enclosed dumpster is located in the southwest corner of the site.

#### **Analysis**

The store has operated as a gasoline service station and/or convenience store with fuel sales since 1972. The current convenience store structure, which was built in 2003, has a ground floor area of 718 square feet. The proposed site plan includes demolishing the existing car wash and convenience store (vending machine) and constructing a new, 3,360 square foot convenience store, while maintaining the existing fuel canopy and pumps.

The 0.755-acre site will have only two access points as they will be closing two of the existing four curb cuts—from White Station Road and Park Avenue—and is surrounded by a mix of commercial, office, and residential uses. The plan includes 16 parking spaces, including two ADA-compliant spaces, along with pedestrian-friendly features such as an 8-foot-wide sidewalk in front of the building and a 6-foot walk along the eastern side. Landscaping improvements include green buffer areas and planting islands near ADA spaces, and an enclosed dumpster is proposed in the southwest corner of the property.

On September 24, 2025, the Board of Adjustment approved Docket BOA 2025-0089, granting a variance from Sub-Items 2.6.3J(2)(d)(i) and 2.6.3J(2)(d)(ii) to allow the reconstruction and/or relocation of a convenience store that does not meet the design requirements. As the property is within the CMU-1 zoning district, any expansion or addition after January 1, 2021, requires a special use permit under UDC Section 2.6.3J(1)(g). Although the store is a legal nonconforming use, changes proposed after the regulation's effective date necessitated the applicant obtaining a special use permit for the redevelopment.

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. A maximum of one curb cut shall be permitted to South White Station Road and one to Park Avenue.

- 2. The existing curb cuts in South White Station Road and Park Avenue closest to the intersection shall be closed with curb, gutter, and sidewalk.
- 3. Streetscape Plate Type S-10 modified visa shrubs, and at least 8 feet in width shall be provided behind the sidewalks adjacent to South White Station Road and Park Avenue.
- 4. The dumpster location and screening shall meet the requirements of UDC Sub Section 4.6.8B.
- 5. The convenience store building facing South White Station Road and Park Avenue shall be a minimum of 60% transparency.
- 6. Support columns for the fuel canopy shall be sheathed in the same masonry used on the principal building.
- 7. An Administrative Site Plan Review (ASPR) shall be submitted and approved by the Division of Planning and Development following final approval by the Memphis City Council and prior to the issuance of any building permits or certificates of occupancy.

#### **DEPARTMENTAL COMMENTS**

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

**City/County Engineer:** See pages 21-22.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

**County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

**Office of Comprehensive Planning:** See pages 23-25.

#### **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. 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. <u>CONDITION:</u> 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.
  - a. ADA Ramp non-conforming (no landing)

#### **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. <u>CONDITION:</u> Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
  - a. Sidewalk needs to be brought to conformance ~100LF
  - b. 3 Drive Aprons need to be repaired

#### **Drainage:**

10. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval

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

#### **General Notes:**

Development is located within a sensitive drainage basin and requires engineering review of any onsite grading and drainage.

#### 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:

Site Address/Location: 5133 Park Ave

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

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Avenue & Parkway

The applicant is requesting to allow expansion of an existing convenience store with gas pumps.

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

#### 1. Future Land Use Planning Map



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

#### 2. Land Use Description/Intent

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



#### "CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

#### "CSL" Zoning Notes

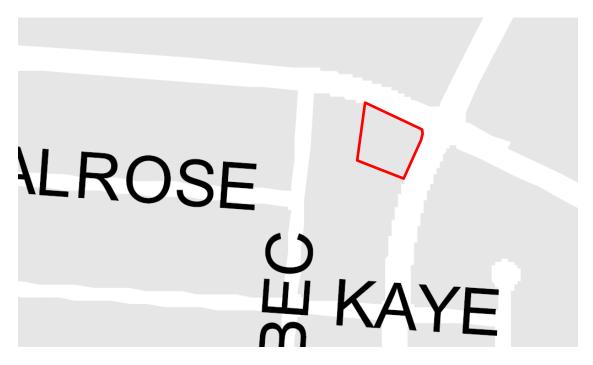
Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

#### **Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Commercial; CMU-1

Adjacent Land Use and Zoning: Commercial, Single-Family; R-6, OG, 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 to allow an expansion of an existing convenience store with gas pumps



#### **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**. Objective 6.4: Support growth and exapnsion of local minority-owned businesses.

### **Consistency Analysis Summary**

The applicant is requesting to allow expansion of an existing convenience store with gas pumps.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use to allow an expansion of an existing convenience store with gas pumps

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

#### **NOTIC OF DISPOSITION (BOA 2025-0089)**



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

## BOARD OF ADJUSTMENT NOTICE OF DISPOSITION

TO: Blooming Ventures LLC

DATE: September 25, 2025 DOCKET: BOA 2025-0089 5133 Park Avenue

Sent via electronic mail to: umlani@gmail.com

On September 24, 2025, the Memphis and Shelby County Board of Adjustment <u>approved</u> your application requesting variance from Sub-Items 2.6.3J(2)(d)(i) and 2.6.3J(2)(d)(ii) of the Memphis and Shelby County Unified Development Code to allow a reconstructed and/or relocated convenience store that does not meet the design requirements, subject to the following conditions:

- Should no special use permit be approved by the Memphis City Council by September 24, 2026, this
  variance shall be rendered null and void.
- 2. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building.
- Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

All appeals and applications granted are expressly conditioned upon the applicant obtaining the permit requested or other order within two years from the date of the decision of the Board of Adjustment, unless the Board explicitly provided a different time frame in its approval.

#### Respectfully,

Cc: Chris Simmons – Zoning Enforcement Antwone Smith – Zoning Enforcement

Note that there are no approved drawings or plans enclosed as the applicant must provide all of the required drawings and plans to the Land Use and Development Services Department of the Division of Planning and Development for administrative review and approval in compliance with the approved conditions.

#### **MAILED PUBLIC NOTICE**

Staff Planner Contact:

Location: Council Chambers

Time: 9:00 AM

City Hall 1st Floor 125 N Main St.

Date: Thursday, November 13, 2025

Meeting Details

Mahsan Ostadnia

(901) 636-7181

# 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, 2025 at 8 AM.** 

CASE NUMBER: SUP 2025-032
ADDRESS: 5133 Park Ave

REQUEST:

APPLICANT:

Expansion of an existing c-store with gas pumps Hussein Umlani

93 Notices (Mailed 10/15/2025

VICINITY MAP

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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



# **NEIGHBORHOOD MEETING SUMMARY**

NEIGHBORHOOD MEETING SUMMAR	RY
Case Number: SUP 2025-032	dpd
Meeting Information	MEMPHIS AND SHELBY COUNTY
Location: PERKINS RESTAURANT	Date: 10/28/25
Address: 5112 Park Ave Memphis, TN 38117	Time: 18:00
Attendance	
Attended on behalf of the applicant:	Role (Applicant, Engineer, Architect, etc.)
Brenda Solomito Basar	Representative
Number of Invitations Mailed: 55  Approx  Proceedings  Please provide a brief summary of the meeting. Identify the	x. Neighborhood Attendees: 2
if applicable, describe any application changes planned in a	response to resident feedback.
I began the meeting at 6:05 PM . I welcomed David and	Freda Fox, who reside at 975
South White Station Road. I presented the site plan and	building elevations describing the
proposed building materials. Additionally, I explained the	at the car wash was being removed.
After a little discussion, teh Foxes stated they were in su	pport of the application and were
happy to help. We had dinner and left the restaurant ar	ound 7:15 PM

Page 1 of 2

# **NEIGHBORHOOD MEETING SUMMARY**

Case Number: SUP 2025-032	dod
Attachments	MEMPHIS AND SHELBY COUNTY
Also included in this submission are the following:	
✓ Mailed Invitation	Handouts Provided
Invitation Mailing List	Sign-in Sheet(s)
Applicant's Presentation	Photographs of Meeting
Other:	
Note: while these attachments will not be included in relevant, they will be part of the public record and av	
Attestation	
This meeting was: Required under Section	on 9.3.2 of the UDC
Optional/Additional	
I hereby attest that I attended the subject neighbor attached information is, to the best of my knowledge, of the relevant proceedings. If this was a required not meeting, to the best of my knowledge, fulfilled the result of the community members, businesses, and/or a presentation regarding the development.	correct and represents an accurate account eighborhood meeting, I also attest that the equirements outlined in Section 9.3.2 of the t least the required fifteen (15) minutes were
Brenda Solomito Basar	
Print Name	
Brenda Solomito Basar Digitally signed by Brenda Solomi Date: 2025.11.03 10:46:51 -06'00	11/03/25
Signature	Date

Please submit to staff planner, alongside the indicated attachments, via email as soon as possible after the meeting.

# **SIGN AFFIDAVIT**

AFFIDAVIT	
Shelby County State of Tennessee	
~ >	
1. Here the being duly swom,	depose and say that at 7:30 mam/or
pertaining to Case No Sel 2020 at at	I posted Public Notice Sign(s
providing notice of a Public Hearing before the (c	
Land Use Control Board	meck one):
Board of Adjustment	
Memphis City Council	
Shelby County Board of Commissioners	
fur consideration of a proposed land use actic	
attached hereon and a copy of the sign purch	
hereto.	
O P	
A Dusa	31-00-2028
Owner, Applicant or Representative	Date
	6
Subscribe and swidth to before me this 3/9	day of Ochoker , 20
TENNESSEE	
SHOTAGE	
PUBLIC /A	•
Notary Fublication	
1 POFCMV	
OF SHELL	
V//m/a	
My commission expires: 5/2/24	
V//m/a	





#### **APPLICATION**



# Memphis and Shelby County Division of Planning and Development

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

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

# Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Pending

Opened Date: October 2, 2025

Record Number: SUP 2025-032 Expiration Date:

Record Name: Park and White Station SUP

Description of Work: Application for Special Use Permit to allow an existing convivence store with the sale

of gasoline.

Parent Record Number:

#### Address:

5133 PARK AVE, MEMPHIS 38117

# **Owner Information**

Primary Owner Name

Y RIVALTO MICHAEL A REVOCABLE LIVING TRUST

Owner Address Owner Phone

1420 STONEBROOK AVE, MEMPHIS, TN 38116

#### **Parcel Information**

067004 00003C

### **Data Fields**

#### PREAPPLICATION MEETING

Name of DPD Planner Masah Ostadnia
Date of Meeting 09/19/2025
Pre-application Meeting Type Email

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case BOA 2025-0089

Number(s) related to previous applications on

this site

Is this application in response to a citation, stop No

Page 1 of 3 SUP 2025-032

#### GENERAL PROJECT INFORMATION

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

SEE ATTACHED

SEE ATTACHED

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

SEE ATTACHED

UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F

SEE ATTACHED SEE ATTACHED SEE ATTACHED

GIS INFORMATION

Case Layer No Central Business Improvement District Class C Downtown Fire District No Historic District

Land Use COMMERCIAL **MEMPHIS** Municipality

Overlay/Special Purpose District

CMU-1 Zoning State Route Lot 6 & 7 Subdivision GATES

Planned Development District No Wellhead Protection Overlay District County Commission District City Council District City Council Super District

**Contact Information** 

SUP 2025-032 Page 2 of 3

Name HUSSEIN UMLANI Contact Type

APPLICANT

Address

Phone (404)786-7955

Name BRENDA SOLOMITO BASAR Contact Type REPRESENTATIVE

Address

Phone (901)569-0310

Fee Information Invoice # Quantity Status Balance Fees **Date Assessed** Special Use Permit Fee -INVOICED 1682133 1 500.00 0.00 10/02/2025 5 acres or less (Base Fee) Credit Card Use Fee (.026 1682133 13.00 INVOICED 0.00 10/02/2025 1 x fee)

Total Fee Invoiced: \$513.00 Total Balance: \$0.00

**Payment Information** 

Payment Amount Method of Payment \$513.00 Credit Card

Page 3 of 3 SUP 2025-032

#### OWNER AFFIDAVIT



#### LETTER OF INTENT



October 2, 2025

Brett Ragsdale, AIA
Zoning Administrator
Memphis & Shelby County
Division of Planning and Development
City Hall, 125 N. Main St., Ste. 468
Memphis, TN 38103

RE: Application for Special Use Permit

5133 Park Avenue

#### Dear Brett:

I am pleased to submit an application for a Special Use Permit on behalf of RIVALTO MICHAEL A REVOCABLE LIVING TRUST, owners of the property and current applicant Blooming Ventures, LLC. The property has changed hands several times over the years until the current property owner purchased the property in 2002.

The property is located at 5133 Park Avenue, the southwest corner of Park Avenue and White Station Road. According to the current Zoning Atlas, the property is zoned Commercial Mixed Use (CMU-1) and has consistently operated as a gasoline service station and/or convenience store with the sale of gasoline since 1972. Best indicators and proof of use are from the submitted aerial photographs.

On September 24, 2025, the Board of Adjustment approved our application for relief based upon there being Exceptional conditions.

This imparts upon the owner the following hardship or practical difficulty under the strict adherence to the Code: The new convenience store cannot meet the architectural compatibility requirements of Sub-Item 2.6.3J(2)(d)(i) and 2.6.3J(2)(d)(ii).

# Approval with the following Conditions

- Should no special use permit be approved by the Memphis City Council by September 24, 2026, this
  variance shall be rendered null and void.
- Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building.
- Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.



brenda@solomitolandplanning.com | 901.755.7495

# Plans to be Considered

As a Plan to be considered, The Park Avenue - Sea Isle Development Overview Study of 1980 indicated this property was zoned C-2 and did not recommend any changes to the zoning at that time. It is unclear when the property was down zoned to CMU-1. But for the zoning change, this site could be treated as a simple legal non-conforming use.



With the confirmation of this legal non-conforming use, the purpose of this application is to seek a Special Use Permit to legitimize this use and obtain approval of a new site plan. The current operation contains a self-serve convenience store, gasoline sales, car wash, and a storage building totaling almost 2,000 sf as illustrated on the survey.

# This application seeks to:

- 1. Eliminate the car wash entirely.
- 2. Construct a new 3,360 sf building and associated parking.
- The fuel canopy will remain the same size and in the same location.
- Comply with the Board of Adjustment Conditions of Approval.

Special Use Permit Approval Criteria - In conformance with the Approval Criteria established in the Unified Development Code,

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

 The subject property has continually operated as a convenience store with the sale of gasoline since 1972 without interruption. Since the 1980s, the site has maintained the same general layout as we see today. Specifically, the large underground tanks and gas pump locations are key to the use of the site. The existing non-conforming canopy will remain; however, the other structures and car wash will be removed to make way for a new building that will conform to the associated Variances as approved by the Board of Adjustment on September 24, 2025.

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:

Again, based upon the attached aerial photos, the property has maintained the same form over the
decades. With this redevelopment, the site will be improved by the elimination of the car wash and
construction of the attractive masonry building. The corner location and the surrounding uses have
supported this use since 1972. The strict application of the regulations would compound the undue
hardship when redeveloping this site.

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:

All public facilities and support services are in place.

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:

 No feature determined by the governing bodies to be of significant natural, scenic or historic importance exists on the site.

The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

 With the approval by the Board of Adjustment, this project will comply with the provisions of a granted Special Use Permit and other applicable regulations. 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:

 The Park Avenue - Sea Isle Development Overview Study of 1980 indicates the property was zoned CMU-2 and a convenience store with the sale of gasoline was permitted by right. The Overview Study did not recommend any changes in zoning for this site. A rezoning occurred after 1980 and created a legal non-conforming use on a property that has historically been zoned for this use. The applicant purchased the property in 2002, and these nonconformities existed at that time. The property is also adjacent to and near other automotive service uses in the area.

The practical difficulty for the applicant lies in the physical condition of the property and the nonconforming status. Any renovations or other improvements that expand or prolong the non-conforming use are prohibited without Special Use approval. Additionally, it is highly unlikely that the property will be used for any other purpose.

As always, thank you very much for your time and attention to this matter. Please do not hesitate to call with any questions or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda Solomito Basar

Land Planner

Staff Report SUP 2025-032 November 13, 2025 Page 40

# **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** 

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Opened Date: October 2, 2025

Record Number: SUP 2025-032 Expiration Date:

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**Parent Record Number:** 

Address:

5133 PARK AVE, MEMPHIS 38117

**Owner Information** 

Primary Owner Name

Y RIVALTO MICHAEL A REVOCABLE LIVING TRUST

Owner Address Owner Phone

1420 STONEBROOK AVE, MEMPHIS, TN 38116

**Parcel Information** 

067004 00003C

### **Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner

Date of Meeting

O9/19/2025

Pre-application Meeting Type

Masah Ostadnia

09/19/2025

Email

**GENERAL PROJECT INFORMATION** 

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case BOA 2025-0089

Number(s) related to previous applications on

this site

Is this application in response to a citation, stop No

Page 1 of 3 SUP 2025-032

#### **GENERAL PROJECT INFORMATION**

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

SEE ATTACHED

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

SEE ATTACHED

UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F

SEE ATTACHED SEE ATTACHED SEE ATTACHED SEE ATTACHED

No C

No

**GIS INFORMATION** 

Case Layer

Central Business Improvement District
Class
Downtown Fire District

Historic District

Land Use COMMERCIAL Municipality MEMPHIS

Overlay/Special Purpose District

Zoning CMU-1

State Route

Lot 6 & 7 Subdivision GATES

Planned Development District Wellhead Protection Overlay District No
County Commission District City Council District City Council Super District -

**Contact Information** 

Page 2 of 3 SUP 2025-032

Name HUSSEIN UMLANI Contact Type
APPLICANT

**Address** 

**Phone** 

(404)786-7955

Name BRENDA SOLOMITO BASAR **Contact Type** 

REPRESENTATIVE

**Address** 

**Phone** 

(901)569-0310

Fee Information						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1682133	Special Use Permit Fee -	1	500.00	INVOICED	0.00	10/02/2025
	5 acres or less (Base Fee)					
1682133	Credit Card Use Fee (.026	1	13.00	INVOICED	0.00	10/02/2025
	x fee)					

Total Fee Invoiced: \$513.00 Total Balance: \$0.00

**Payment Information** 

Payment Amount Method of Payment \$513.00 Credit Card

Page 3 of 3 SUP 2025-032





# 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.



22094757

08/23/2022 - 02:32:04 PM

ABRIA 2475692 - 22094757	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT PREPARED BY AND RETURN TO:
Mark T. Jobe, Jr.
GLANKLER BROWN, PLLC
6000 Poplar Avenue, Ste. 400
Memphis, TN 38119

# **QUIT CLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, that MICHAEL A. RIVALTO, a married person ("Grantor"), for and in consideration of Ten and 00/100 Dollars (\$10.00), the receipt and sufficiency of which are hereby acknowledged, does hereby bargain, sell, remise, release, quit claim and convey unto MICHAEL A. RIVALTO, the TRUSTEE of the MICHAEL A. RIVALTO REVOCABLE LIVING TRUST dated October 21, 2020 ("Grantee"), his interest in and to the following described real estate located in Shelby County, State of Tennessee, to-wit:

Lots 6 & 7 of Gates Subdivision in the City of Memphis, Tennessee as set forth on dedicated plat of record in Plat Book 18 Page 24 in the Register's Office of Shelby County, Tennessee.

Being the same property conveyed to Grantor pursuant to that certain Warranty Deed recorded as Instrument No. 02104950 in the Register's Office of Shelby County, Tennessee.

The above property is improved, and is municipally known as 5133 Park Avenue, Memphis, Tennessee.

This conveyance is subject to restrictive covenants, building lines and easements of record, and is further subject to any unpaid city and/or county real estate taxes, the responsibility for which the grantee herein assumes and agrees to pay by accepting delivery hereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed this the

7 day of <u>Hugust</u>, 2022.

Michael A. Rivalto

STATE OF _	Tennessee
COUNTY OF	Shelby

On this 19 day of August, 2022, before me personally appeared MICHAEL A. RIVALTO, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

My Commission Expires:

**E**AYMENT OF ANY TRANSFER TAX THIS TRANSFER IS EXEMP PURSUANT TO T.C.A. SEE

STATE OF Tennessee COUNTY OF Shelby

Subscribed and sworn before me this the 19 day of August, 2022.

Quadonle Herror

Notary Public

# TAX PARCEL IDENTIFICATION NUMBER:

067004 00003C

# OWNER AND PARTY RESPONSIBLE FOR THE PAYMENT OF TAXES:

Michael A. Rivalto, Trustee 1420 Stonebrook Memphis, TN 38116



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

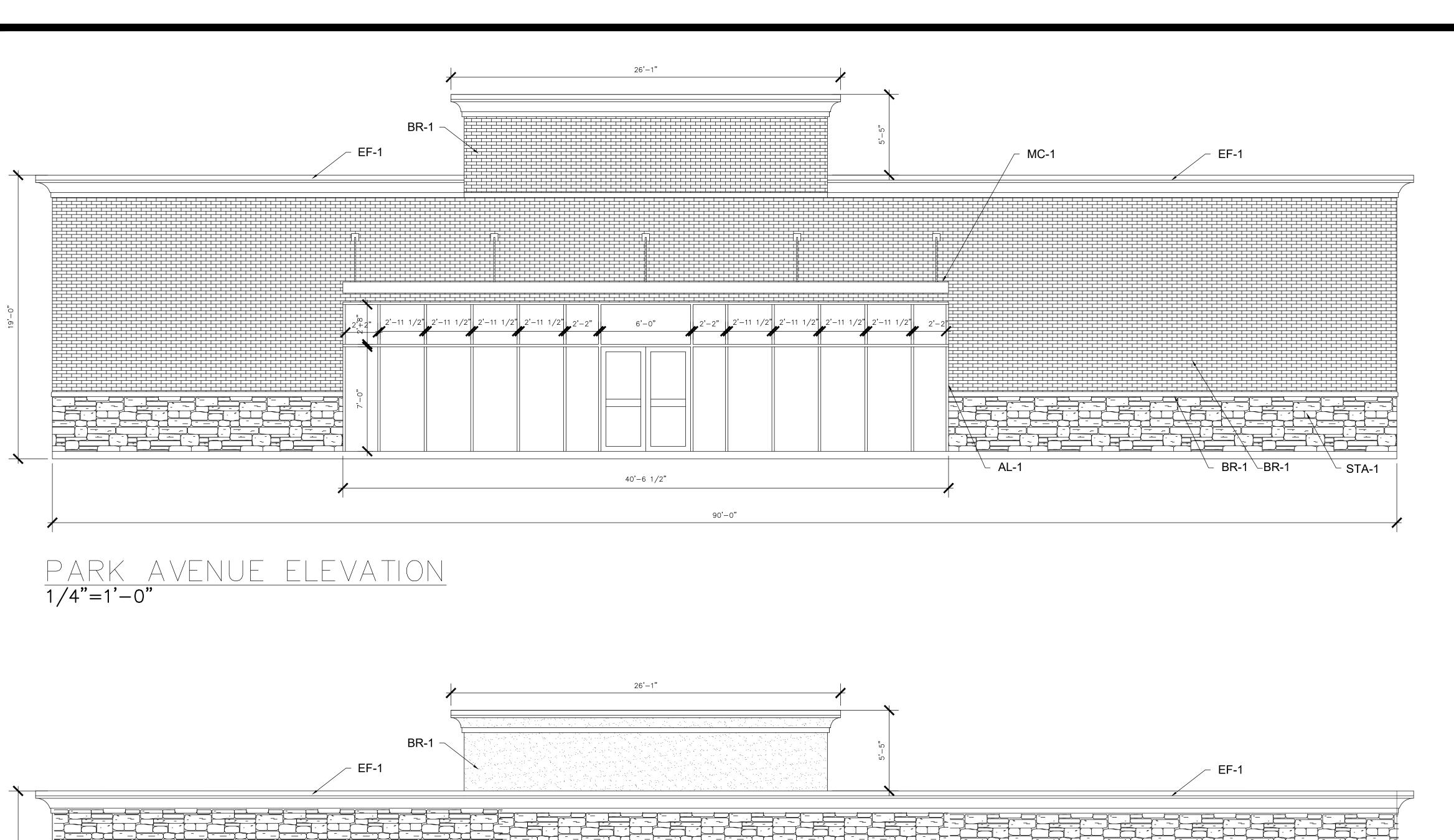
# **Property Owner's Affidavit**

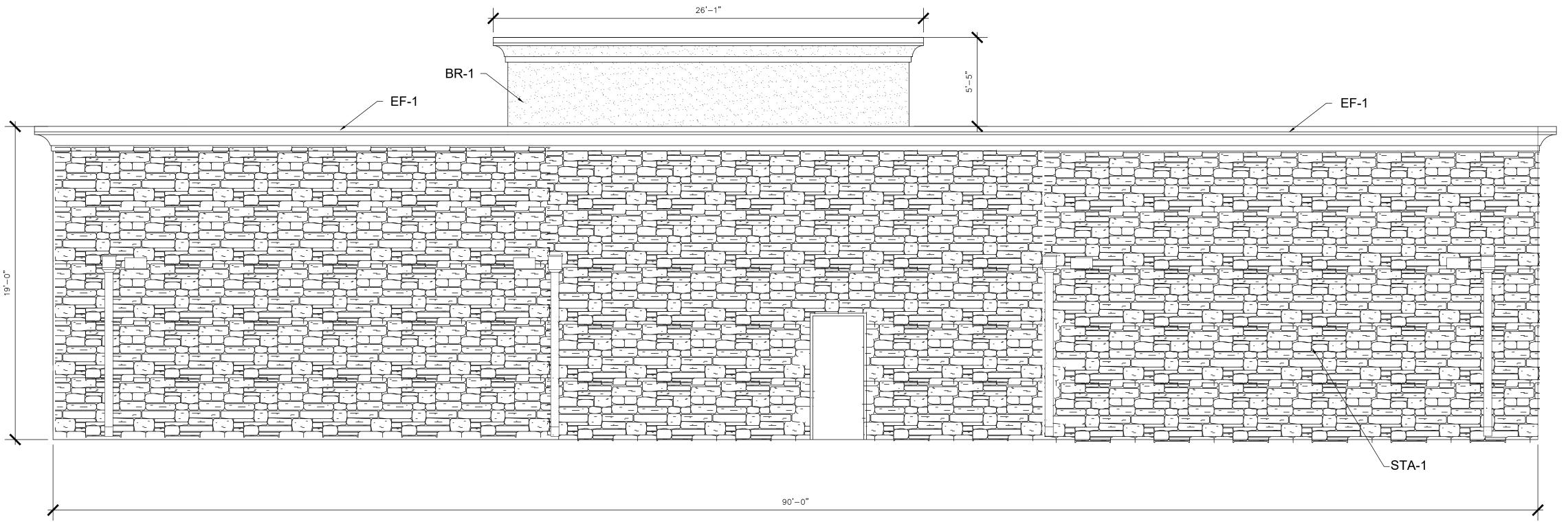
In the event the applicant is not the Owner, the following shall be signed and acknowledged by the owner.

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 last ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

		1
I, Rahim Umlani, state that I have rea	ad the definition of "Owner" as outlined in the	e Memphis and Shelby
County Unified Development Code Section 12.3.1 a	and hereby state that (select applicable box)	
I am the owner of record as shown on the curr of record as shown in the mortgage records of mortgagee or vendee in possession; or I have	the county Register of Deeds; purchaser ur	
-/-		
I have charge, care or control of the premises guardian or lessee (and have included docume		ssignee, receiver,
of the property located at 5133 Park(1)	?ne	and further
<b>A</b> .	1804 80003C	,for which an
application is being name Sore Division of Planning	g and Development.	
application is being name Sove inision of Planning		
Subscribed and swort to partirmed) before me the	is 28th day of Jul	in the
year of 2025 Country of Shift		
Dene Lord	8/25/26	
Signature of Notary Public	My Commission Expires	





REAR ELEVATION

1/4"=1'-0"

# FINISH SCHEDULE

BR-1 - BRICKCRAFT SHADOWSTONE-QUEEN

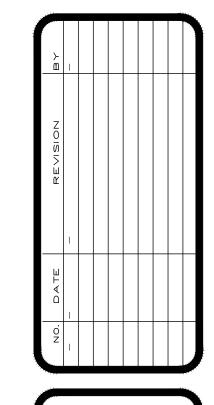
STA-1 - ARRISCRAFT - ASH - STACK

EF-1 - EIFS 1- STO ESSENCE - COTTON 32138

AL-1 - ALUMINUM STOREFRONT CLEAR FINISH

MC-1 - METAL CANOPY- ALUMINUM CLEAR FINISH

THESE DRAWINGS AND SPECIFICATIONS AR OWNED AND COPYRIGHTED BY GUY PAYNE & ASSOCIANT ARCHITECTS, P.C. AND MAY NOT BE USED, COPIED, OR DUPLICATED WITHOUT PRIOR WRITTE CONSENT. ANY UNAUTHORIZED USE OR DISCLOSURE OF THE PROPRIETARY INFORMATIO CONTAINED HEREIN MAY SUBJECT SUCH PER SONS TO CRIMINAL AND CIVIL PENALTIES AND DAMAGES.





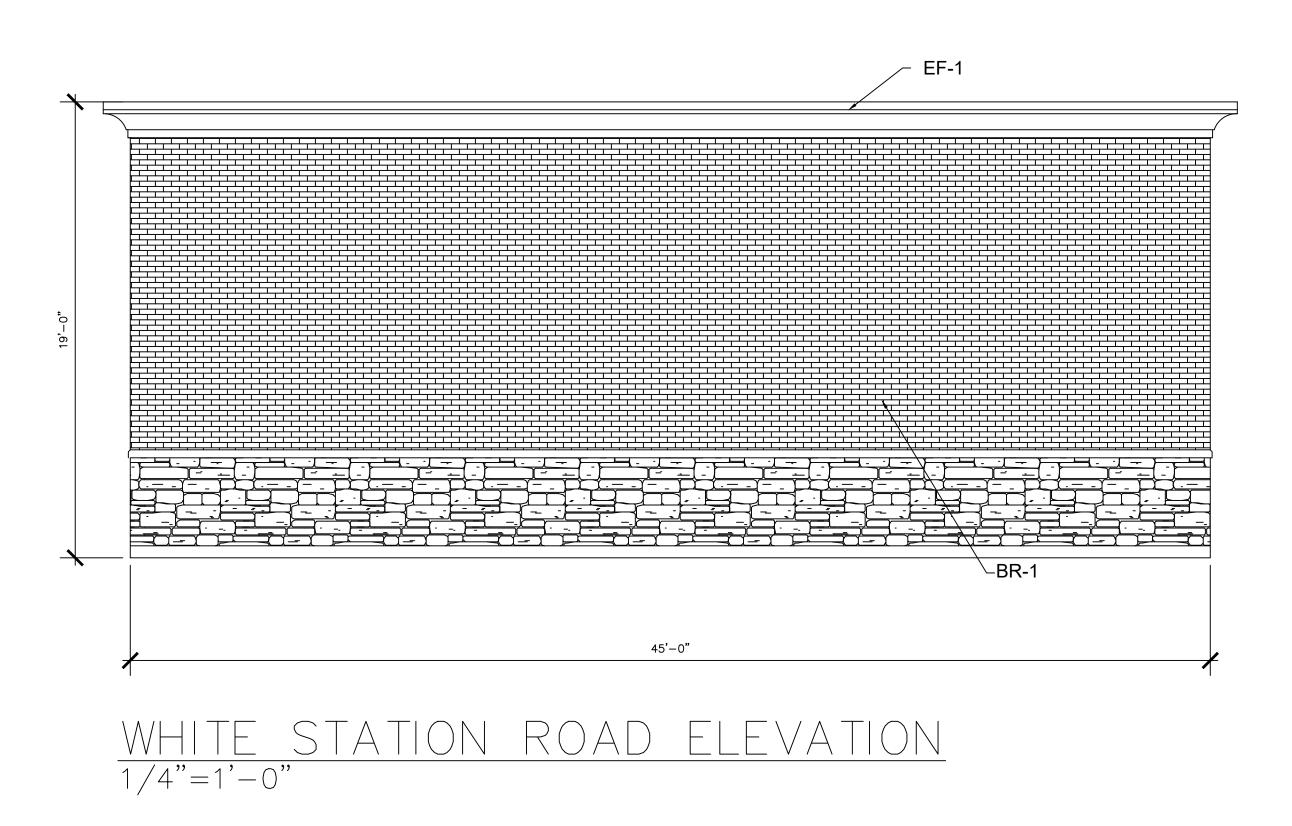
GUY PAYNE & ASSOCIA 879 WILLOW TREE C CORDOVA, TENY

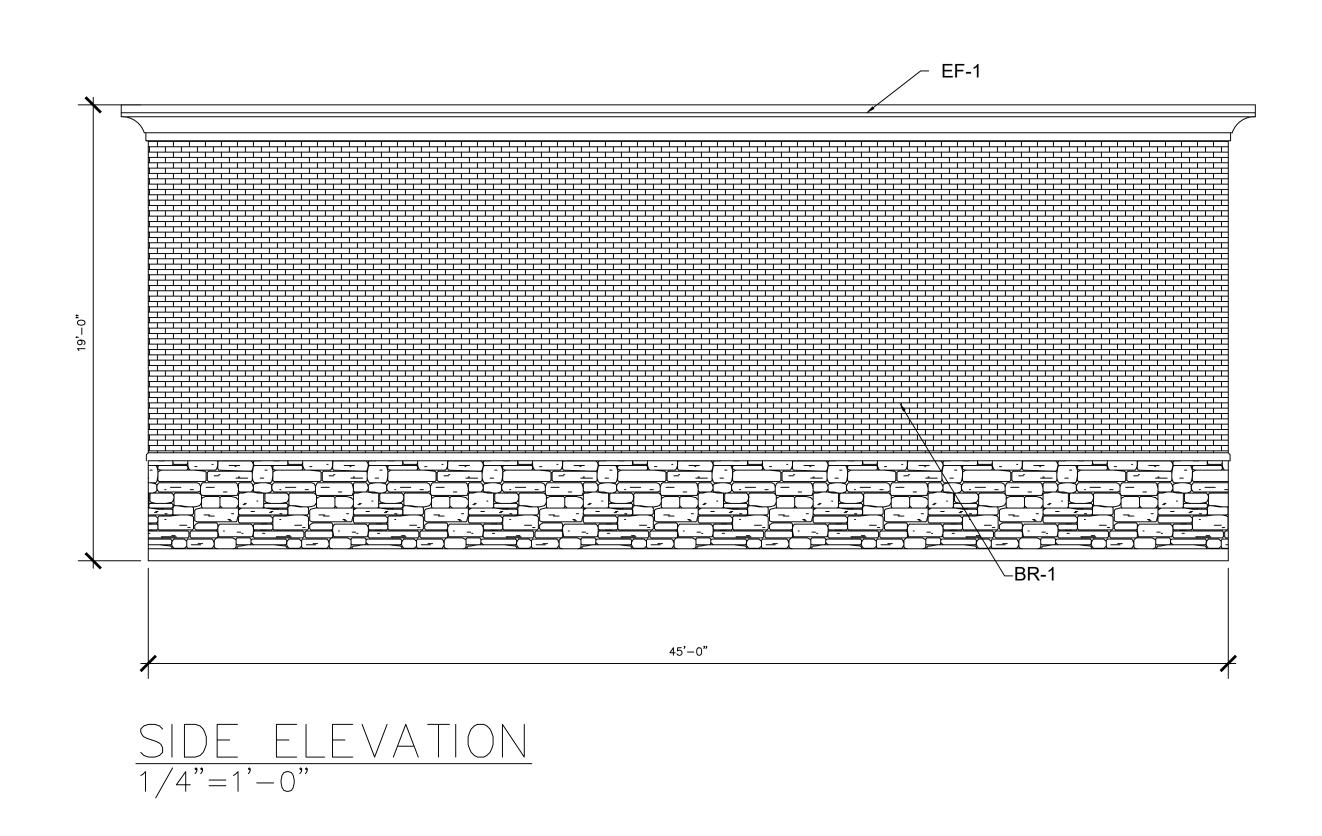
DATE 7/10,

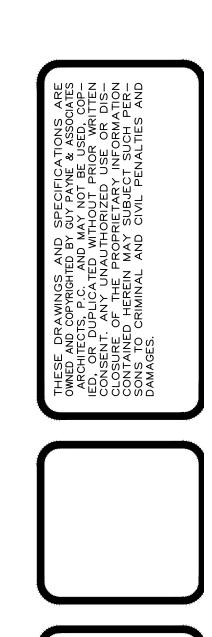
THE ONE

5 PARK AVENUE

A7







GUY PAYNE & ASSOCIATES ARCHITECTS 879 WILLOW TREE CIRCLE, STE. 114 CORDOVA, TENNESSEE 38018 (901) 756–1878

5133 PARK AVENUE

MEMPHIS, TN 38117



BR-1 - BRICKCRAFT SHADOWSTONE-QUEEN

STA-1 - ARRISCRAFT - ASH - STACK

EF-1 - EIFS 1- STO ESSENCE - COTTON 32138
AL-1 - ALUMINUM STOREFRONT CLEAR FINISH

MC-1 - METAL CANOPY- ALUMINUM CLEAR FINISH

SCALE
AS SHOWN
SHEET NUMBER

A7 1

OF
DATE
06/04/2025



October 2, 2025

Brett Ragsdale, AIA
Zoning Administrator
Memphis & Shelby County
Division of Planning and Development
City Hall, 125 N. Main St., Ste. 468
Memphis, TN 38103

RE:

**Application for Special Use Permit** 

5133 Park Avenue

#### Dear Brett:

I am pleased to submit an application for a Special Use Permit on behalf of RIVALTO MICHAEL A REVOCABLE LIVING TRUST, owners of the property and current applicant Blooming Ventures, LLC. The property has changed hands several times over the years until the current property owner purchased the property in 2002.

The property is located at 5133 Park Avenue, the southwest corner of Park Avenue and White Station Road. According to the current Zoning Atlas, the property is zoned Commercial Mixed Use (CMU-1) and has consistently operated as a gasoline service station and/or convenience store with the sale of gasoline since 1972. Best indicators and proof of use are from the submitted aerial photographs.

On September 24, 2025, the Board of Adjustment approved our application for relief based upon there being Exceptional conditions.

This imparts upon the owner the following hardship or practical difficulty under the strict adherence to the Code: The new convenience store cannot meet the architectural compatibility requirements of Sub-Item 2.6.3J(2)(d)(i) and 2.6.3J(2)(d)(ii).

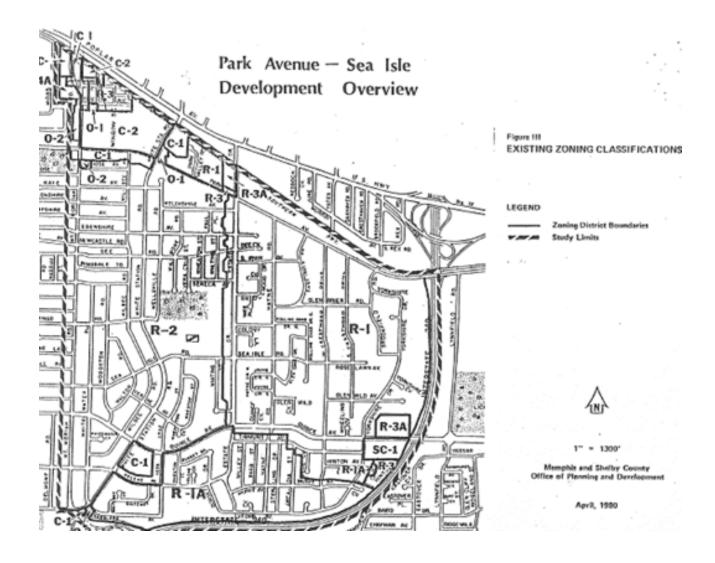
# **Approval with the following Conditions**

- 1. Should no special use permit be approved by the Memphis City Council by September 24, 2026, this variance shall be rendered null and void.
- 2. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building.
- 3. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.



# Plans to be Considered

As a Plan to be considered, The Park Avenue - Sea Isle Development Overview Study of 1980 indicated this property was zoned C-2 and did not recommend any changes to the zoning at that time. It is unclear when the property was down zoned to CMU-1. But for the zoning change, this site could be treated as a simple legal non-conforming use.



With the confirmation of this legal non-conforming use, the purpose of this application is to seek a Special Use Permit to legitimize this use and obtain approval of a new site plan. The current operation contains a self-serve convenience store, gasoline sales, car wash, and a storage building totaling almost 2,000 sf as illustrated on the survey.

# This application seeks to:

- 1. Eliminate the car wash entirely.
- 2. Construct a new 3,360 sf building and associated parking.
- 3. The fuel canopy will remain the same size and in the same location.
- 4. Comply with the Board of Adjustment Conditions of Approval.

Special Use Permit Approval Criteria - In conformance with the Approval Criteria established in the Unified Development Code,

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

• The subject property has continually operated as a convenience store with the sale of gasoline since 1972 without interruption. Since the 1980s, the site has maintained the same general layout as we see today. Specifically, the large underground tanks and gas pump locations are key to the use of the site. The existing non-conforming canopy will remain; however, the other structures and car wash will be removed to make way for a new building that will conform to the associated Variances as approved by the Board of Adjustment on September 24, 2025.

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:

Again, based upon the attached aerial photos, the property has maintained the same form over the
decades. With this redevelopment, the site will be improved by the elimination of the car wash and
construction of the attractive masonry building. The corner location and the surrounding uses have
supported this use since 1972. The strict application of the regulations would compound the undue
hardship when redeveloping this site.

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:

All public facilities and support services are in place.

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:

• No feature determined by the governing bodies to be of significant natural, scenic or historic importance exists on the site.

The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

• With the approval by the Board of Adjustment, this project will comply with the provisions of a granted Special Use Permit and other applicable regulations.

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:

• The Park Avenue - Sea Isle Development Overview Study of 1980 indicates the property was zoned CMU-2 and a convenience store with the sale of gasoline was permitted by right. The Overview Study did not recommend any changes in zoning for this site. A rezoning occurred after 1980 and created a legal non-conforming use on a property that has historically been zoned for this use. The applicant purchased the property in 2002, and these nonconformities existed at that time. The property is also adjacent to and near other automotive service uses in the area.

The practical difficulty for the applicant lies in the physical condition of the property and the nonconforming status. Any renovations or other improvements that expand or prolong the non-conforming use are prohibited without Special Use approval. Additionally, it is highly unlikely that the property will be used for any other purpose.

As always, thank you very much for your time and attention to this matter. Please do not hesitate to call with any questions or comments.

Sincerely,

**SOLOMITO LAND PLANNING** 

Brenda Solomito Basar

Land Planner

Brenda

# CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL | ONLY STAPLED | TO DOCUMENTS

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 12/2/2025

DATE

PUBLIC SESSION:

12/16/2025 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 planned development at the subject property located at 3021 East Shelby Drive, known as case number PD 2025-002		
CASE NUMBER:	PD 2025-002		
DEVELOPMENT:	Shelby Rail Service Planned Development		
LOCATION:	3021 East Shelby Drive		
COUNCIL DISTRICT:	District 3 and Super District 8 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Shelby Railroad Service, Inc.		
REPRESENTATIVE:	Cindy Reaves, SR Consulting, LLC		
REQUEST:	Amendment to PD 06-349 to add additional land for storage		
AREA:	+/-35.164 acres		
RECOMMENDATION:	The Division of Planning and Development recommended <i>Rejection</i> The Land Use Control Board recommended <i>Rejection</i>		
	CIL ACTION: Public Hearing Not Required Hearing – December 16, 2025		
PRIOR ACTION ON ITEMS (2) 07/10/2025 (1) Land Use Control Board  FUNDING: (2) \$ \$ SOURCE AND AMOUNT O	APPROVAL - (1) APPROVED (2) DENIED  DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE  REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED		
	CHIEF ADMINISTRATIVE OFFICER		
	COMMITTEE CHAIRMAN		



# Memphis City Council Summary Sheet

# PD 2025-002

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3021 EAST SHELBY DRIVE, KNOWN AS CASE NUMBER PD 2025-002

- This item is a resolution with conditions to allow an amendment to PD 06-349 to add additional land for storage; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, July 10, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2025-002

**DEVELOPMENT:** Shelby Rail Service Planned Development

**LOCATION:** 3021 East Shelby Drive

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

**OWNER/APPLICANT:** Shelby Railroad Service, Inc.

**REPRESENTATIVE:** Cindy Reaves, SR Consulting, LLC

**REQUEST:** Amendment to PD 06-349 to add additional land for storage

**EXISTING ZONING:** Residential Single Family – 8 (R-8)

**AREA:** +/-35.164 acres

The following spoke in support: Cindy Reaves, Dedrick Brittenum

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 rejection.

The motion failed by a vote of 1-7-0 on the regular public hearing agenda.

Respectfully,

**Alexis Longstreet** 

Alexas Longstreet

Planner

Land Use and Development Services Division of Planning and Development

Cc: Committee Members

File

# PD 2025-002 CONDITIONS

# **Outline Plan Conditions**

- I. USES PERMITTED:
  - A. Area A: Construction contractor with outdoor storage facility.
  - B. <u>Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles, Trucks, and other Vehicle Storage uses.</u>
  - C. Area C: Uses permitted by right in the CMU-2 District
  - D. In Areas A and B, uses permitted by right in the EMP district, except that the following uses shall be prohibited:
    - 1. Adult entertainment (excluded)
    - 2. Off-Premise Advertising Signs
    - 3. Amusements, Commercial outdoor
    - 4. Campground, Travel Trailer park
    - 5. Drive-in Theater
    - 6. Garage, Commercial
    - 7. Tavern, cocktail lounge, nightclub
    - 8. Brewery
    - 9. Bus terminal or Service Facility
    - 10. Taxicab Dispatch Station
    - 11. Garage or Refuse Collection Service
    - 12. Used Goods, Secondhand Sales
    - 13. Chemical Manufacturing
    - 14. Slaughtering Business
    - 15. Beverage Recycling Center
    - 16. Tractor-Trailer or Container storage, drop lot

### II. BULK REGULATIONS:

- A. The minimum front yard setback shall be 50 feet.
- B. The minimum side yard setbacks shall be 10 feet.
- C. The maximum height of any outdoor storage shall be 15 feet.

### III. ACCESS, PARKING AND CIRCULATION:

- A. Two curb cuts are permitted onto Shelby Drive.
- B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- C. No curb cut shall be located closer than 500 feet from the centerline of Swinnea Road.
- D. The parking requirements of the EMP District shall apply.
- E. All parking areas and driving aisles to be paved with asphalt or concrete.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

#### IV. SIGNS:

- A. One ground-mounted monument style sign is permitted with a maximum area of 100 feet, to be designed and located with due consideration for sight distance requirements. The final plan shall indicate the location and dimensions of any freestanding on-premise sign, subject to the review and approval of the Division of Planning and Development.
- A. Any additional signs shall be in accordance with the CMU-2 District.
- B. No permanent off-premise advertising signs are permitted.
- C. No temporary or portable signs are permitted.
- D. All signs shall be set back a minimum of 10 feet from the right-of-way.

#### V. LANDSCAPING AND DESIGN:

- A. The landscaping screen along Shelby Drive shall be as shown on the proposed site plan, shall be installed along the entire frontage and shall include an irrigation system for the area.
- B. The front elevation of the principal building shall be brick or masonry, and a graphic rendering of that building shall be part of the final plan.
- C. Outdoor lighting should be directed so that it does not glare onto nearby properties.
- D. The existing trees along Shelby Drive for the amendment area shall be shown on the final Plat.

# VI. DRAINAGE:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

#### VII. SITE PLAN REVIEW:

A site plan shall be submitted for the review, comment and recommendation of the <u>Division</u>

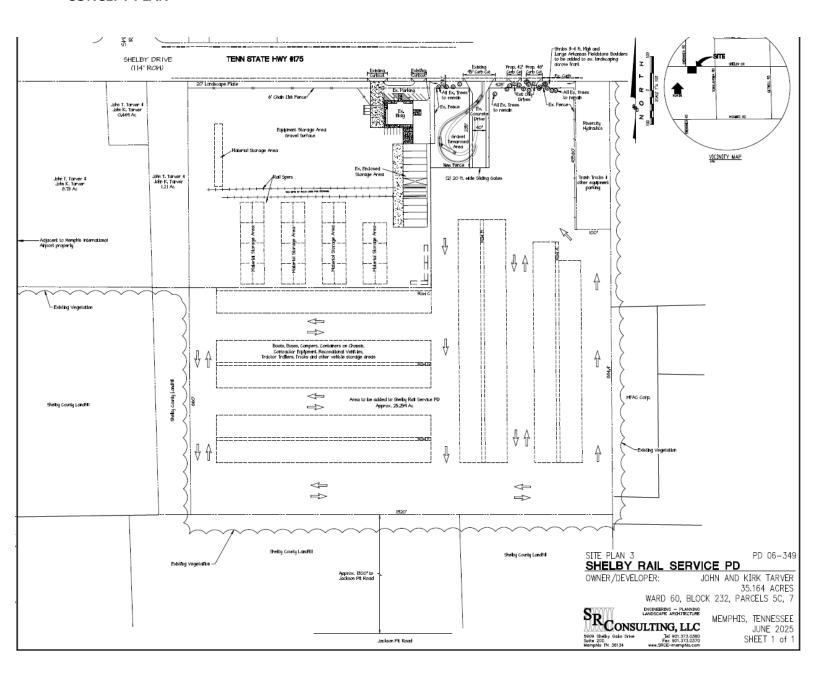
Office of Planning and Development and appropriate City and County agencies. for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.

# VIII. FINAL PLAN:

- A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.
- B. Any final plan shall include the following:
  - 1. The outline plan conditions,
  - 2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - 3. The location and ownership, whether public or private, of any easement, and
  - 4. The exact locations and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required

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

# **CONCEPT PLAN**



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3021 EAST SHELBY DRIVE, KNOWN AS CASE NUMBER PD 2025-002

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

**WHEREAS**, the Shelby Railroad Service, Inc. filed an application with the Memphis and Shelby County Division of Planning and Development to allow an amendment to PD 06-349 to add additional land for storage; and

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

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 10, 2025, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

# **OUTLINE PLAN CONDITIONS**

# **Outline Plan Conditions**

- I. USES PERMITTED:
  - A. Area A: Construction contractor with outdoor storage facility.
  - B. <u>Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles, Trucks, and other Vehicle Storage uses.</u>
  - C. Area C: Uses permitted by right in the CMU-2 District
  - D. In Areas A and B, uses permitted by right in the EMP district, except that the following uses shall be prohibited:
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    - 4. Campground, Travel Trailer park
    - 5. Drive-in Theater
    - 6. Garage, Commercial
    - 7. Tavern, cocktail lounge, nightclub
    - 8. Brewery
    - 9. Bus terminal or Service Facility
    - 10. Taxicab Dispatch Station
    - 11. Garage or Refuse Collection Service
    - 12. Used Goods, Secondhand Sales
    - 13. Chemical Manufacturing
    - 14. Slaughtering Business
    - 15. Beverage Recycling Center
    - 16. Tractor-Trailer or Container storage, drop lot

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# III. ACCESS, PARKING AND CIRCULATION:

- A. Two curb cuts are permitted onto Shelby Drive.
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- C. No curb cut shall be located closer than 500 feet from the centerline of Swinnea Road.
- D. The parking requirements of the EMP District shall apply.
- E. All parking areas and driving aisles to be paved with asphalt or concrete.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

#### IV. SIGNS:

- A. One ground-mounted monument style sign is permitted with a maximum area of 100 feet, to be designed and located with due consideration for sight distance requirements. The final plan shall indicate the location and dimensions of any freestanding on-premise sign, subject to the review and approval of the Division of Planning and Development.
- A. Any additional signs shall be in accordance with the CMU-2 District.
- B. No permanent off-premise advertising signs are permitted.
- C. No temporary or portable signs are permitted.
- D. All signs shall be set back a minimum of 10 feet from the right-of-way.

#### V. LANDSCAPING AND DESIGN:

- A. The landscaping screen along Shelby Drive shall be as shown on the proposed site plan, shall be installed along the entire frontage and shall include an irrigation system for the area.
- B. The front elevation of the principal building shall be brick or masonry, and a graphic rendering of that building shall be part of the final plan.
- C. Outdoor lighting should be directed so that it does not glare onto nearby properties.
- D. The existing trees along Shelby Drive for the amendment area shall be shown on the final Plat.

#### VI. DRAINAGE:

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- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

#### VII. SITE PLAN REVIEW:

A site plan shall be submitted for the review, comment and recommendation of the <u>Division</u>

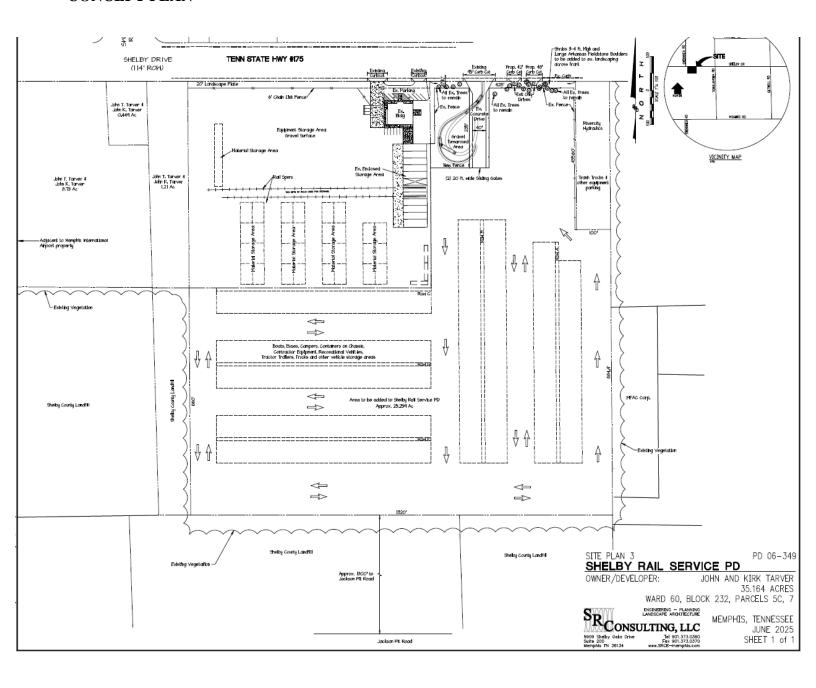
Office of Planning and Development and appropriate City and County agencies. for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.

# VIII. FINAL PLAN:

- A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.
- B. Any final plan shall include the following:
  - 1. The outline plan conditions,
  - 2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - 3. The location and ownership, whether public or private, of any easement, and
  - 4. The exact locations and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas;
  - 5. The content of all landscaping and screening is to be provided,

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

#### **CONCEPT PLAN**



ATTEST:

Division of Planning and Development

- Land Use and Development Services

- Office of Construction Enforcement CC:

AGENDA ITEM: 1 L.U.C.B. MEETING: July 10, 2025

CASE NUMBER: PD 2025-002

**DEVELOPMENT:** Shelby Rail Service Planned Development

**LOCATION:** 3021 East Shelby Drive

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

**OWNER/APPLICANT:** Shelby Railroad Service, Inc.

**REPRESENTATIVE:** Cindy Reaves, SR Consulting, LLC

**REQUEST:** Amendment to PD 06-349 to add additional land for storage

**EXISTING ZONING:** Residential Single Family – 8 (R-8)

#### **CONCLUSIONS**

- 1. The subject property is located +/-1,320 feet from the Jackson Pitt Dump.
- 2. The applicant is proposing to utilize the additional land for "construction contractor with outdoor storage facility". There aren't any proposed structures other storage containers that serve as stalls on the additional land to be added.
- 3. The proposed additional land has been excavated and replaced with gravel landscaping. See pages 9-12 for photos of the current conditions of the subject property.
- 4. The proposed uses permitted, as noted in the outline plan conditions, are that in which are permitted in the Employment (EMP) zoning district.
- 5. The project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

#### **CONSISTENCY WITH MEMPHIS 3.0**

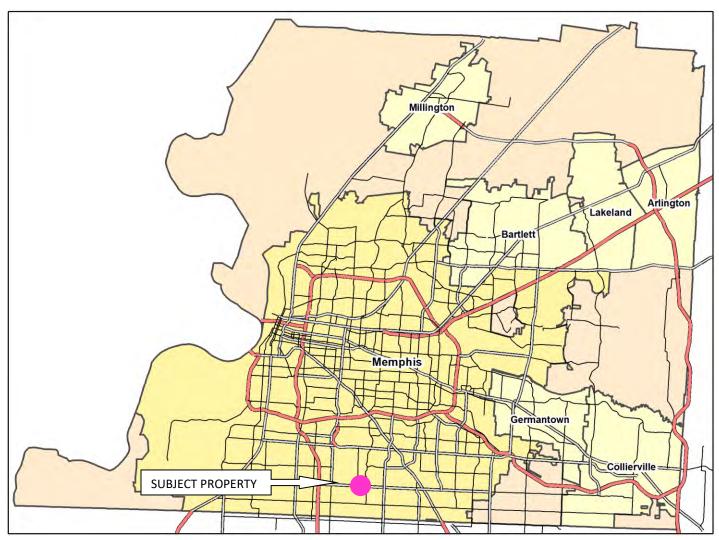
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 26 – 28 of this report.

#### **RECOMMENDATION:**

Rejection

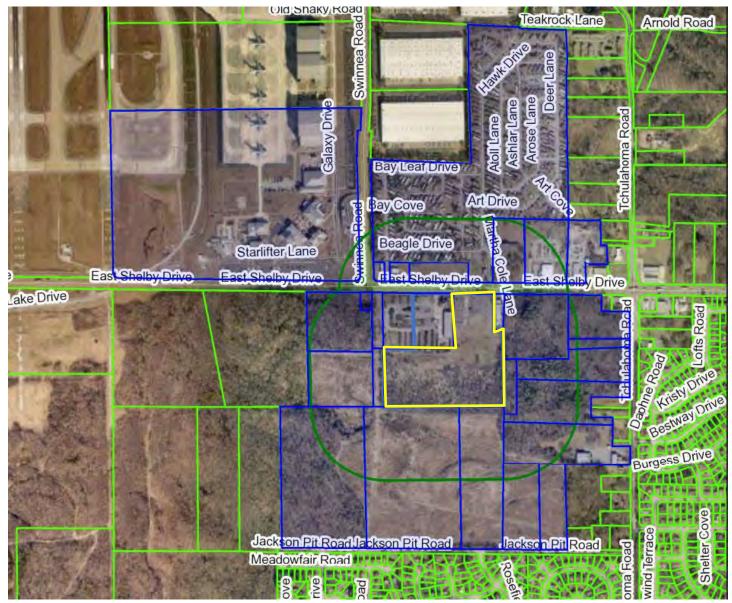
Staff Writer: Alexis Longstreet E-mail: alexis.longstreet@memphistn.gov

## **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 22 notices were mailed on March 21, 2025, see page 28 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 29 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

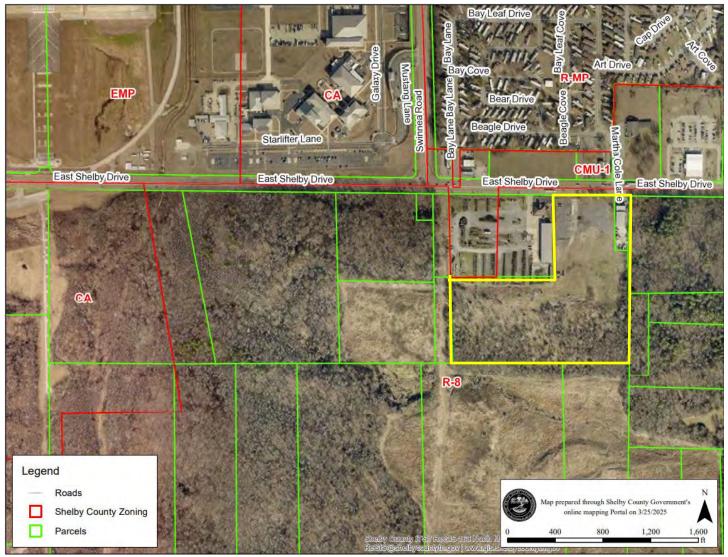
The meeting was held at 5:30 PM on Monday, March 31, 2025, at Shelby Railroad Services, 3021 East Shelby Drive.

# **AERIAL**



Subject property outlined in yellow

#### **ZONING MAP**



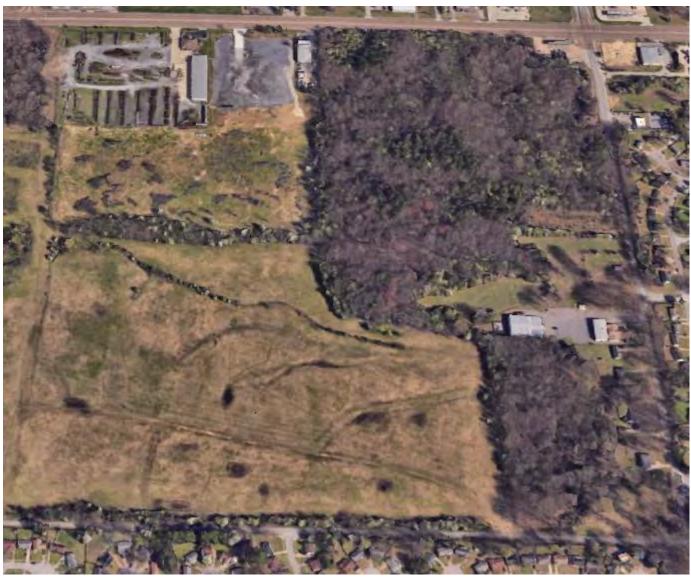
Subject property highlighted in yellow

#### **LAND USE MAP**



Subject property indicated by a pink star

# **SITE PHOTOS**



View of subject property looking north.



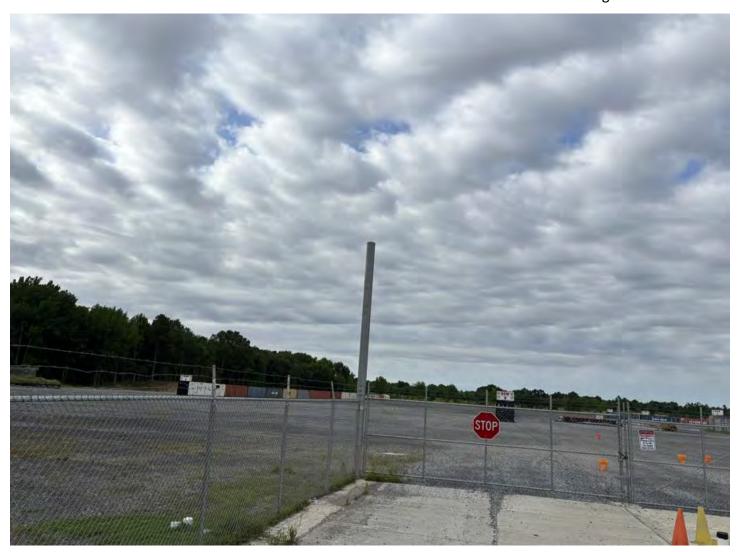
View of subject property looking south.

# CURRENT CONDITION OF SUBJECT PROPERTY



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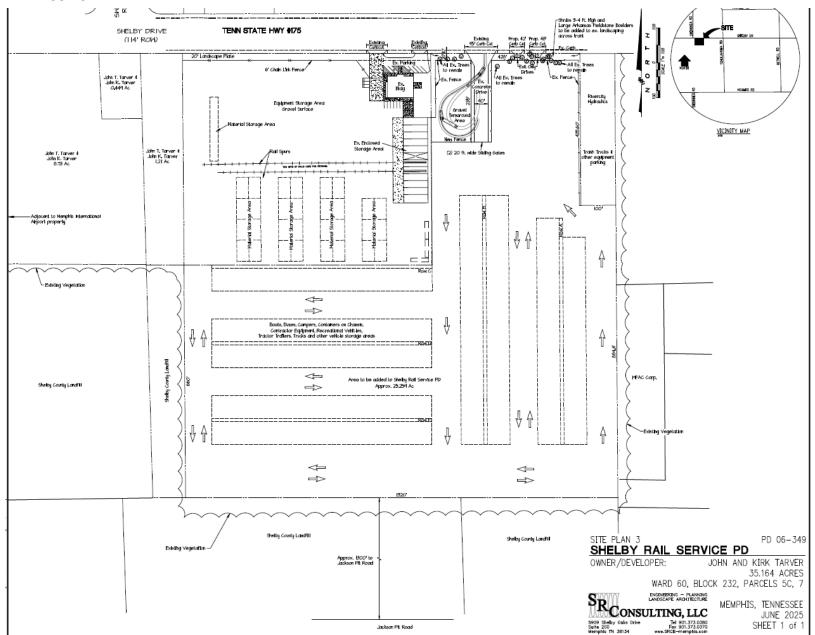




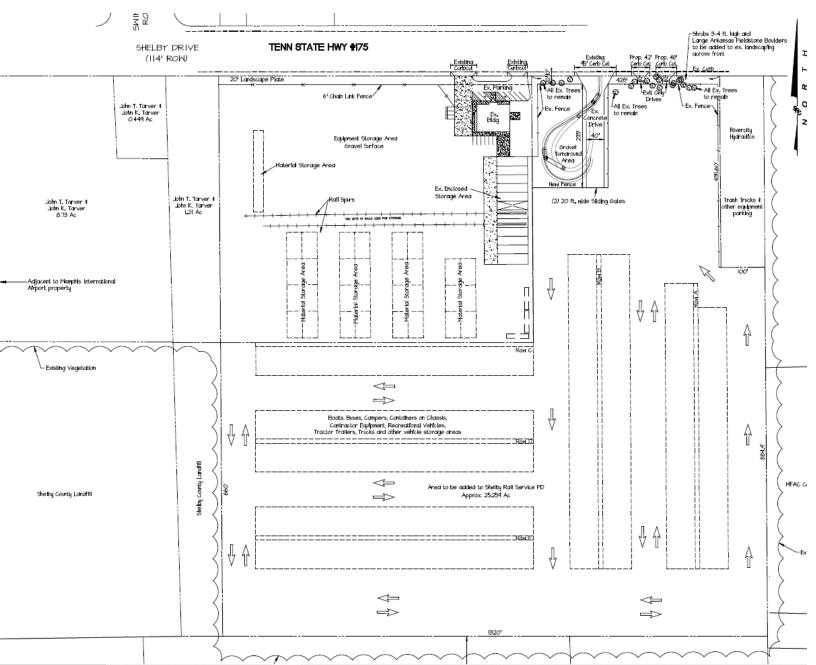




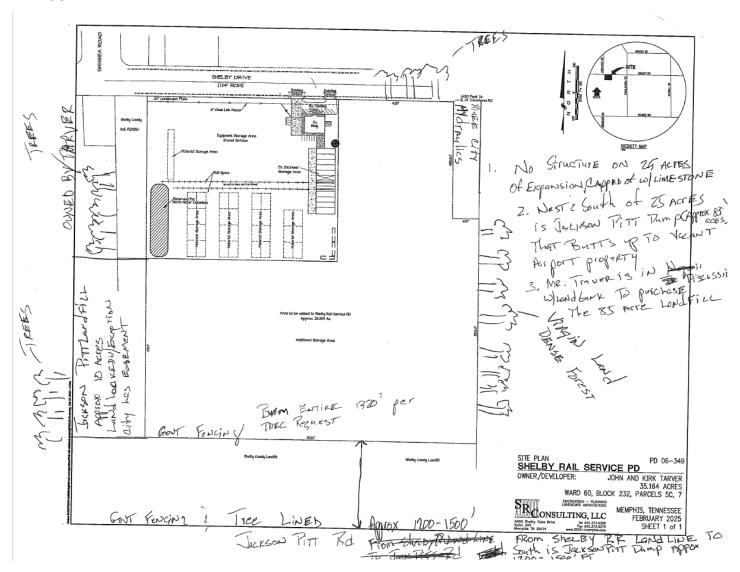
#### **CONCEPT PLAN**



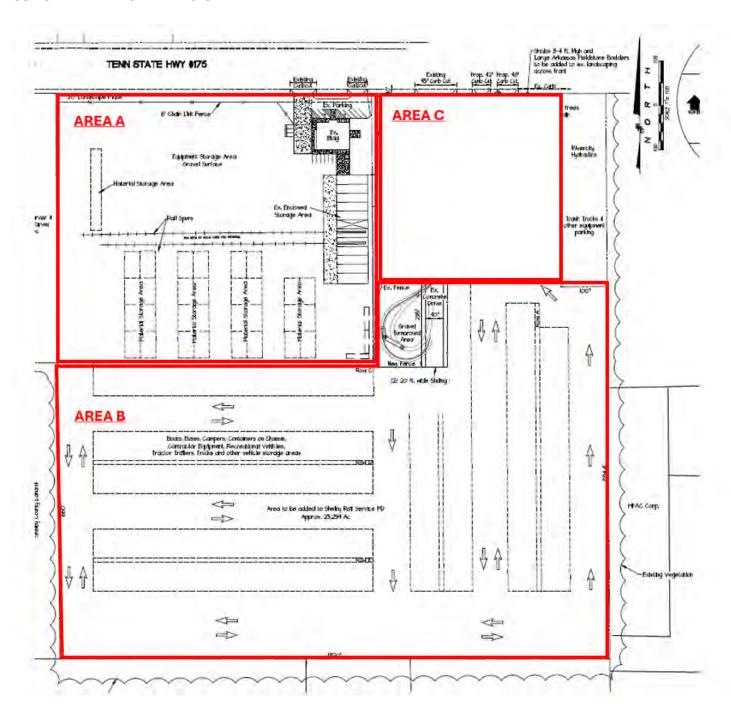
#### **CONCEPT PLAN - MAGNIFIED**



#### **LANDSCAPE PLAN**



#### **CONCEPT PLAN – STAFF DESIGNED**



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#### **CASE REVIEW**

#### Request

The request is an amendment to PD 06-349 to add additional land for storage.

#### **Applicability**

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

#### 4.10.2 Applicability

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

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

#### **General Provisions**

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

#### 4.10.3 General Provisions

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

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

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current development policies and plans of the City and County.

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

#### **Commercial or Industrial Criteria**

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

#### 4.10.5 Planned Commercial or Industrial Developments

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

#### A. Screening

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

#### B. Display of Merchandise

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

#### C. Accessibility

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

#### D. Landscaping

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

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#### **Approval Criteria**

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

#### 9.6.9 Approval Criteria

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

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

#### **Site Details**

Address:

3021 East Shelby Drive (Parcel ID: 060232 00005C), 0 East Shelby Drive (Parcel ID: 060232 00007)

Parcel ID:

060232 00005C, 060232 00007

Area:

+/-35.164 acres

#### Description:

The subject property, 3021 East Shelby Drive, is known as Parcel 5 and 6 of Shelby Rail Service Planned Development (PD 2006-349). Per the assessor's site, the subject property has an industrial classification. The subject property has an office land use classification. The subject property is currently operated by the Shelby Railroad Services, Inc. The proposed added land, 060232 00007, has a vacant land use classification and is landlocked between the Shelby Railroad Services, Inc. property and the Shelby County Landfill/Jackson Pit properties located south.

#### **Site Zoning History**

In May 1986, The Memphis City Council approved Ordinance No. 3553 for a zoning change from Residential Single Family -8 (R-8) zoning to Commercial Mixed Use -1 (CMU-1) formally known as Local Commercial (C-L) (Z 1986 - 100).

In May 1995, the Memphis and Shelby County Land Use Control Board approved the Cavalier Center Planned Development (PD 1995 - 315), a two-phase planned development that permitted commercial uses and a miniwarehouse.

In February 2006, the Memphis City Council approved the Shelby Rail Service, Inc. Planned Development (PD 2006-0349) to establish a planned development for construction contractor office with outdoor storage facility.

#### **Concept Plan Review**

- All existing facilities located at 3021 East Shelby Drive will remain.
  - There are four (4) material storage areas designated along the south property line of 3021 East Shelby Drive.
  - o There is an existing enclosed storage area along the eastern property line.
- Approximately 25.25 acres being proposed to be added to the existing Shelby Railyard Planned Development.
- There is a total of three curb cuts serving the proposed vehicle self-storage area.
  - One (1) existing 95-foot-wide curb cut with a 40-foot-wide drive
    - Entrance curb cut with a gravel turnaround area
  - o Two (2) proposed exit only curb cuts with a 15-foot-wide drive
    - One (1) 42-foot-wide curb cut
    - One (1) 48-foot-wide curb cut
- There are two (2) 20-foot-wide sliding gates
- A new fence is being proposed at the entrance of the vehicle self-storage area
- There is an existing fence along the east property line
- All existing landscaping along Shelby Drive will remain
- There are five (5) "rows" being proposed for vehicle self-storage with a total of nine (9) storage containers

#### **Analysis**

The applicant is proposing to amend the existing Shelby Rail Service Planned Development to add additional land for contractor storage of materials. The permitted uses in the area to be added will be governed by Employment zoning district regulations. The land to be added is currently landlocked between Shelby Railroad Service, Inc. (PD 06-349) located north, and the Shelby County Landfill/Jackson Pit Dump properties located south. The subject property is primarily surrounded by residential, institutional and multifamily land uses. There are a few properties with commercial land use designation at the intersection Tchulahoma Road and East Shelby Drive.

The applicant has already completed substantial work on the site, including a new curb cut on Shelby Drive and several feet of fill, without permits or approval.

Staff is not in support of the proposed use for this site given its proximity to the residential areas. There was recently a proposed Planned Development case (PD 2024-013) that was rejected at Memphis city council

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approval to allow for a drop yard for the property located +/-499.6 feet east of 3021 East Shelby Drive. Aside from Comprehensive Planning finding this proposal incompatible with the land use and adjacent zoning. The proposal contradicts the Oakhaven neighborhood priority of preserving and protecting residential neighborhoods from industrial uses using natural buffers. The proposed project would aide in the expansion of commercial/industrial uses into the residential area nearby. Staff is proposing a revised concept plan, see page 16, that would alleviate the impact of expansion of commercial/industrial uses. Staff is proposing there be three (3) areas within the planned development; Area A, B, and C. The revised concept plan proposed by staff would relocate the entrance and turnaround area being proposed along Shelby Drive further into the site. This would prevent any heavy commercial/industrial operations operating along Shelby Drive.

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

#### RECOMMENDATION

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

#### **Conditions:**

- 1. No additional permits shall be issued until the existing construction of the vehicle-storage facilities has been permitted, inspected, and approved.
- 2. No development activity may occur until the applicant obtains any permit, conducts any study, and allows any environmental review deemed necessary by City of Memphis Public Works or the Tennessee Department of Environment and Conservation Division of Remediation. Furthermore, the applicant must follow all practical and effective remedies to stabilize, remediate, contain, monitor, and maintain the site to minimize any threats to public health, safety, and the environment as deemed applicable and appropriate by said agencies—note that any development activity explicitly authorized by either agency related to the preceding remedies is permitted. The applicant must provide written confirmation from City of Memphis Public Works and the Tennessee Department of Environment and Conservation Division of Remediation verifying compliance with this condition after all practical and effective remedies, if deemed necessary, have been completed and provide it to the Division of Planning and Development. After the aforementioned written confirmation, the final plat may be recorded and then development activity may occur.

#### **Outline Plan Conditions**

- I. USES PERMITTED:
  - A. Area A: Construction contractor with outdoor storage facility.
  - B. <u>Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles, Trucks and other Vehicle Storage uses.</u>
  - C. Area C: Uses permitted by right in the CMU-2 District
  - D. In Areas A and B, uses permitted by right in the EMP district, except that the following uses shall be prohibited:
    - 1. Adult entertainment (excluded)
    - 2. Off-Premise Advertising Signs
    - 3. Amusements, Commercial outdoor
    - 4. Campground, Travel Trailer park

- 5. Drive-in Theater
- 6. Garage, Commercial
- 7. Tavern, cocktail lounge, nightclub
- 8. Brewery
- 9. Bus terminal or Service Facility
- 10. Taxicab Dispatch Station
- 11. Garage or Refuse Collection Service
- 12. Used Goods, Secondhand Sales
- 13. Chemical Manufacturing
- 14. Slaughtering Business
- 15. Beverage Recycling Center
- 16. Trailer storage, drop off lot

#### II. BULK REGULATIONS:

- A. The minimum front yard setback shall be 50 feet.
- B. The minimum side yard setbacks shall be 10 feet.
- C. The maximum height of any outdoor storage shall be 15 feet.

#### III. ACCESS, PARKING AND CIRCULATION:

- A. Two curb cuts are permitted onto Shelby Drive.
- A. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- B. No curb cut shall be located closer than 500 feet from the centerline of Swinnea Road.
- C. The parking requirements of the EMP District shall apply.
- D. All parking areas and driving aisles to be paved with asphalt or concrete.
- E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

#### IV. SIGNS:

- A. One ground-mounted monument style sign is permitted with a maximum area of 100 feet, to be designed and located with due consideration for sight distance requirements. The final plan shall indicate the location and dimensions of any freestanding on-premise sign, subject to the review and approval of the Division of Planning and Development.
- B. Any additional signs shall be in accordance with the CMU-2 District.
- C. No permanent off-premise advertising signs are permitted.
- D. No temporary or portable signs are permitted.
- E. All signs shall be set back a minimum of 10 feet from the right-of-way.

#### V. LANDSCAPING AND DESIGN:

- A. The landscaping screen along Shelby Drive shall be as shown on the proposed site plan and shall include an irrigation system for the area.
- B. The front elevation of the principal building shall be brick or masonry, and a graphic rendering of that building shall be part of the final plan.

- C. Outdoor lighting should be directed so that it does not glare onto nearby properties.
- D. The existing trees along Shelby Drive for the amendment area shall be shown on the final Plat.

#### VI. DRAINAGE:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

#### VII. SITE PLAN REVIEW:

A site plan shall be submitted for the review, comment and recommendation of the <u>Division</u> Office of Planning and Development and appropriate City and County agencies for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.

#### VIII. FINAL PLAN:

- A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.
- B. Any final plan shall include the following:
  - 1. The outline plan conditions,
  - 2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - 3. The location and ownership, whether public or private, of any easement, and
  - 4. The exact locations and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas;
  - 5. The content of all landscaping and screening is to be provided,
  - 6. If applicable, a statement conveying facilities and areas to a property owners' association or other entity for ownership and maintenance purposes,
  - 7. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.

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#### **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. 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.

Drainage:

- 10. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 11. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 12. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 13. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be

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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.

#### **General Notes:**

- 15. Development is greater than 1 acre and requires detention.
- 16. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 17. All connections to the sewer shall be at manholes only.
- 18. 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.
- 19. Required landscaping shall not be placed on sewer or drainage easements

**City Fire Division:** No comments received. **City Real Estate:** No comments received. **County Health Department:** No comments received. **Shelby County Schools:** No comments received. **Construction Code Enforcement:** No comments received. Memphis Light, Gas and Water: No comments received. Office of Sustainability and Resilience: No comments received. Office of Comprehensive Planning: See pages 26 - 28.

#### Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>PD 2025-002: Oakhaven/Parkway Village</u>

Site Address/Location: 3021 E Shelby

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

Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)

Street Type: N/A

The applicant is requesting a planned development to add additional land for storage. The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

#### 2. Land Use Description/Intent

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



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

**NURTURE** 

Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100

feet of an anchor. Height: 1-2 stories. Scale: house-scale.

#### "AN-S" Zoning Notes

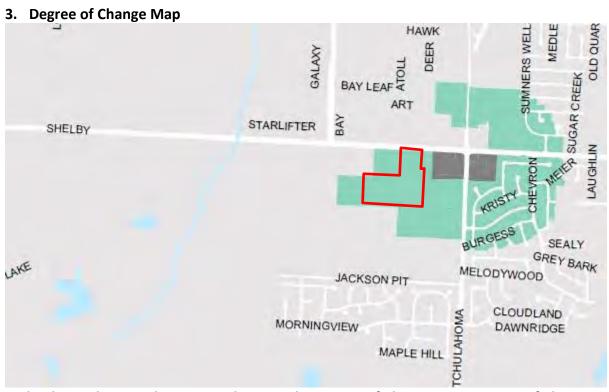
Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed above.

#### **Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Vacant; R-8

Adjacent Land Use and Zoning: Vacant, Industrial, Multi-Family, Commercial; CMU-1, R-8, CA, RMP

**Overall Compatibility:** This request is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed building is for additional storage. Additionally, the proposed building conflicts with Oakhaven's priority of preserving and protecting residential neighborhoods from industrial uses using natural buffers.



Red polygon denotes the proposed site on the Degree of Change Map. Degree of Change is Nurture.

#### 4. Degree of Change Description

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

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

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

#### **Consistency Analysis Summary**

The applicant is requesting a planned development to add additional land for storage.

This request is not compatible with the land use description/intent, form & amp; location characteristics, zoning

Staff Report PD 2025-002 July 10, 2025 Page 28

notes, and existing, adjacent land use and zoning as the proposed building is for additional storage. Additionally, the proposed building conflicts with Oakhaven's priority of preserving and protecting residential neighborhoods from industrial uses using natural buffers.

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

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

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

#### **MAILED PUBLIC NOTICE**

# NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Wednesday, April 2, 2025 at 8 AM.

CASE NUMBER: PD 2025-002

ADDRESS: 3021 East Shelby Drive

REQUEST: Planned Development: amendment to PD 06-349 to

add additional land for storage

APPLICANT: Shelby Railroad Service, Inc.

**Meeting Details** 

Location: Council Chambers Time: 9:00 AM

City Hall 1st Floor

125 N Main St. Date: Thursday, April 10, 2025

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT



#### Staff Planner Contact:

**Alexis Longstreet** 

☑ alexis.longstreet@memphistn.gov

(901) 636-7120

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



22 Notices Mailed 03/21/20

## **SIGN AFFIDAVIT**

# **AFFIDAVIT**

Shelby County	
State of Tennessee	
/ Kristin Reaves , being duly :	swom, depose and say that at 10:51am am/pn
on the 28th day of March pertaining to Case No. PD 2025-002 at	, 20 <sup>25</sup> , I posted 1 Public Notice Sign(s 3021 E. Shelby Dr.
providing notice of a Public Hearing before	the (check one):
X Land Use Control Board	
Board of Adjustment	
Memphis City Council	
Shelby County Board of Commission	oners
	e action, a photograph of said sign(s) being
	purchase receipt or rental contract attached
hereto/ / p //	
1/ //	
Nanto eares	3/31/25
Owner, Applicant or Representative	Date
Man Mile Continue	1
Subscribed and sworn to before me this	31 day of Narch 2025.
Cynthe WINESSEE CAR	ms
Notary Public	
My commission expires: 9/26/27	

#### **APPLICATION**



# Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

### Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development Record Status: Pending

Opened Date: February 28, 2025

Record Number: PD 2025-002 **Expiration Date:** 

Record Name: Shelby Rail Service PD

Description of Work: PD amendment to add adjacent property for additional storage.

Parent Record Number:

Address:

3021 E SHELBY DR, MEMPHIS 38118

**Owner Information** 

Primary Owner Name

TARVER JOHN T AND J KIRK TARVER (RS)

Owner Phone

2100 WOODCREEK DR, GERMANTOWN, TN 38138

**Parcel Information** 

060232 00005C

#### **Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner Lucas Skinner Date of Meeting

Pre-application Meeting Type GENERAL PROJECT INFORMATION

Amendment to Existing PD Planned Development Type

PD 06-349 Previous Docket / Case Number Medical Overlay / Uptown No

If this development is located in unincorporated Shelby County, is the tract at least three acres?

(Note a tract of less than three acres is not

PD 2025-002 Page 1 of 3

N/A

#### GENERAL PROJECT INFORMATION

eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop

work order, or zoning letter

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

other relevant information APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

000 000 000ion 0.0.00

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

- C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation
- D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest
- E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements
- F) Lots of record are created with the recording of a planned development final plan GIS INFORMATION

Case Layer

Central Business Improvement District

Downtown Fire District

No

.

No affect to adjacent property.

The development will be consistent with the existing

PD property.

If needed adequate facilities will be provided.

No significant features on the site.

The development will be consistent with the existing

PD property.

No affect to plans to be considered

No affect to surrounding property.

If needed adequate facilities will be provided.

The development will be consistent with the existing PD property.

The development will be consistent with the existing PD property.

The owner will maintain the property.

A Final Plat will be recorded.

No No

Page 2 of 3 PD 2025-002

Historic District	
Land Use	
Municipality	2.
Overlay/Special Purpose Distr	ict -
Zoning	
State Route	-
Lot	2
Subdivision	~
Planned Development District	91
Wellhead Protection Overlay I	District No.

Wellhead Protection Overlay District County Commission District City Council District

City Council Super District

#### **Contact Information**

GIS INFORMATION

Name
SHELBY RAILROAD SERVICE INC.

Contact Type
APPLICANT

#### Address

#### Phone

Name CINDY REAVES CONTact Type REPRESENTATIVE

#### Address

#### Phone (901)870-7003

Fee Inforr	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1628194	Planned Development - each additional or	21	2,100.00	INVOICED	0.00	03/03/2025
	fractional acres above 5					
1628194	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	03/03/2025

Total Fee Invoiced: \$3,600.00 Total Balance: \$0.00

#### **Payment Information**

Payment Amount Method of Payment \$3,600.00 Check

Page 3 of 3

#### **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
I, John Lay (or Larver film)  (Print Name)  (Sign 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 0, 3021 E Shelby Dr.
and further identified by Assessor's Parcel Number 060232 00005C, 7
for which an application is being made to the Division of Planning and Development.
Subscribed and sworn to (or affirmed) before me this day of February in the year of a bas State
Signature of Notary Public  OF TENNESSEE NOTARY PUBLIC My Commission Expires  My Commission Expires

#### LETTER OF INTENT

ENGINEERING • PLANNING

5909 Shelby Oaks Drive Suite 200

Memphis TN 38134

Tel: 901-373-0380 Fax: 901-373-0370

www.SRCE-memphis.com

Date: June 30, 2025

To: Division of Planning & Development

From: Cindy Reaves

Re: Shelby Rail Service PD

We have submitted a Planned Development Amendment application for Shelby Rail Service PD (PD 06-349), located at 3021 E. Shelby Drive. We are requesting the adjacent property be added to the Planned Development. The purpose for the boundary expansion of the approved Shelby Rail Services PD is the same use conditions permitted for the current EMP zoning district. The new area will be a dedicated vehicle self-storage facility use. The expanded property area is between existing Shelby Rail Services site and the Shelby County landfill/Jackson Pit property to the south.

TDEC has been working with the county to close the permit for the landfill which includes this property that is owned by my client. I have included a copy of the landfill areas they are working with. Since the property is not buildable due to the former landfill status, the highest and best use is surface storage, which will be a perfect fit for the site.

Although the Memphis 3.0 plan designates this land as residential, residential development is prohibited on a dormant landfill. The Memphis Aerotropolis Airport Area City Master Plan puts the subject site in the Shelby Drive intermodal transportation corridor to support logistic and distribution uses activity. The proposed vehicle storage facility use is consistent with the goals of the Airport City Plan.

We appreciate your support with this request. Please contact me if you have any questions.

Staff Report PD 2025-002 July 10, 2025 Page 36

### **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 Planned Development**

**Record Detail Information** 

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Opened Date: February 28, 2025

**Expiration Date:** Record Number: PD 2025-002

Record Name: Shelby Rail Service PD

Description of Work: PD amendment to add adjacent property for additional storage.

**Parent Record Number:** 

Address:

3021 E SHELBY DR, MEMPHIS 38118

Owner Information

Primary **Owner Name** 

Υ TARVER JOHN TAND J KIRK TARVER (RS)

**Owner Phone Owner Address** 

2100 WOODCREEK DR, GERMANTOWN, TN 38138

**Parcel Information** 

060232 00005C

#### **Data Fields**

PREAPPLICATION MEETING

Lucas Skinner Name of DPD Planner

Date of Meeting

Pre-application Meeting Type **GENERAL PROJECT INFORMATION** 

Amendment to Existing PD Planned Development Type

PD 06-349 Previous Docket / Case Number

Medical Overlay / Uptown Nο N/A

If this development is located in unincorporated Shelby County, is the tract at least three acres?

(Note a tract of less than three acres is not

PD 2025-002 Page 1 of 3

#### **GENERAL PROJECT INFORMATION**

eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop

work order, or zoning letter

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

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F
GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

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

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

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

Case Layer

Central Business Improvement District

Class

Downtown Fire District

No

\_

No affect to adjacent property.

The development will be consistent with the existing PD property.

If needed adequate facilities will be provided.

No significant features on the site.

The development will be consistent with the existing PD property.

No affect to plans to be considered

No affect to surrounding property.

If needed adequate facilities will be provided.

The development will be consistent with the existing PD property.

The development will be consistent with the existing PD property.

The owner will maintain the property.

A Final Plat will be recorded.

No

-

No

Page 2 of 3 PD 2025-002

#### **GIS INFORMATION**

### **Contact Information**

Name
SHELBY RAILROAD SERVICE INC.

APPLICANT

### **Address**

### **Phone**

Name
CINDY REAVES

CONTACT Type
REPRESENTATIVE

### **Address**

## **Phone** (901)870-7003

Fee Information						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1628194	Planned Development - each additional or fractional acres above 5	21	2,100.00	INVOICED	0.00	03/03/2025
1628194	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	03/03/2025

Total Fee Invoiced: \$3,600.00 Total Balance: \$0.00

### **Payment Information**

Payment Amount Method of Payment

\$3,600.00 Check

Page 3 of 3 PD 2025-002

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

Momphis and Shelby County Offined 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, John (aylor Carver Man)  (Sign Name)  (Sign 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
contract, a mortgaged of vendee in possession, of Thave a freehold of lesser estate in the premises
I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver,
guardian or lessee (and have included documentation with this affidavit)
of the property located at 0, 3021 E Shelby Dr.
and further identified by Assessor's Parcel Number 060232 00005C, 7
for which an application is being made to the Division of Planning and Development.
The same and same are and are
Subscribed and sworn to (or affirmed) before me this day of day o
Signature of Notary Public  Signature of Notary Public  Signature of Notary Public  My Commission Expires
Signature of Notary Public  TENNESSEE  NOTARY
PUBLIC PUBLIC PUBLIC
MAN SHELBY COUNTY

**ENGINEERING • PLANNING** 

SR CONSULTING, LLC

5909 Shelby Oaks Drive Suite 200 Memphis TN 38134 Tel: 901-373-0380 Fax: 901-373-0370 www.SRCE-memphis.com

Date: February 27, 2025

To: Division of Planning & Development

From: Cindy Reaves

Re: Shelby Rail Service PD

### **LETTER OF INTENT**

We are submitting a Planned Development Amendment application for Shelby Rail Service PD (PD 06-349), located at 3021 E. Shelby Drive. We are requesting to add the adjacent landlocked property to the Planned Development to be used for an expansion of the Shelby Rail property. The property is in between Shelby Rail Services and the Shelby County landfill/Jackson Pit property.

We appreciate your support with this request. Please contact me if you have any questions.

### CONDITIONS:

II. BULK REGULATIONS:

I.	USES PERMITTED:
A.	Construction contractor with outdoor storage facility.
B. prohik	Uses permitted by right in the EMP district, except that the following uses shall be pited:
1.	Adult entertainment (excluded)
2.	Off-Premise Advertising Signs
3.	Amusements, Commercial outdoor
4.	Campground, Travel Trailer park
5.	Drive-in Theater
6.	Garage, Commercial
7.	Tavern, cocktail lounge, night Club
8.	Brewery
9.	Bus terminal or Service Facility
10.	Taxi Cab Dispatch Station
11.	Garage or Refuse Collection Service
12.	Used Goods, Second hand Sales
13.	Chemical Manufacturing
14.	Slaughtering Business
15.	Beverage Recycling Center

A.	The minimum front yard setback shall be 50 feet.
В.	The minimum side yard setbacks shall be 10 feet.
C.	The maximum height of any outdoor storage shall be 15 feet.
III.	ACCESS, PARKING AND CIRCULATION:
A.	Two curb cuts are permitted onto Shelby Drive.
	The City Engineer shall approve the design, number and location of curb cuts. Any g nonconforming curb cuts shall be modified to meet current City Standards or I with curb, gutter and sidewalk.
C. Road.	No curb cut shall be located closer than 500 feet from the centerline of Swinnea
D.	The parking requirements of the EMP District shall apply.
E.	All parking areas and driving aisles to be paved with asphalt or concrete.
F. provid reader	Adequate queuing spaces in accordance with the current ordinance shall be ed between the street right-of-way line and any proposed gate/guardhouse/card
G. gate/g	Adequate maneuvering room shall be provided between the right-of-way and the uardhouse/card reader for vehicles to exit by forward motion.

IV.	SIGNS:
require on-pre	One ground-mounted monument style sign is permitted with a maximum area of et, to be designed and located with due consideration for sight distance ements. The final plan shall indicate the location and dimensions of any freestanding emise sign, subject to the review and approval of the Division of Planning and opment.
В.	No permanent off-premise advertising signs are permitted.
C.	No temporary or portable signs are permitted.
D.	All signs shall be set back a minimum of 10 feet from the right-of-way.
V.	LANDSCAPING AND DESIGN:
A. plan a	The landscaping screen along Shelby Drive shall be as shown on the proposed site nd shall include an irrigation system for the area.
B. render	The front elevation of the principal building shall be brick or masonry, and a graphic ring of that building shall be part of the final plan.
D.	Outdoor lighting should be directed so that it does not glare onto nearby properties.
VI.	DRAINAGE:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

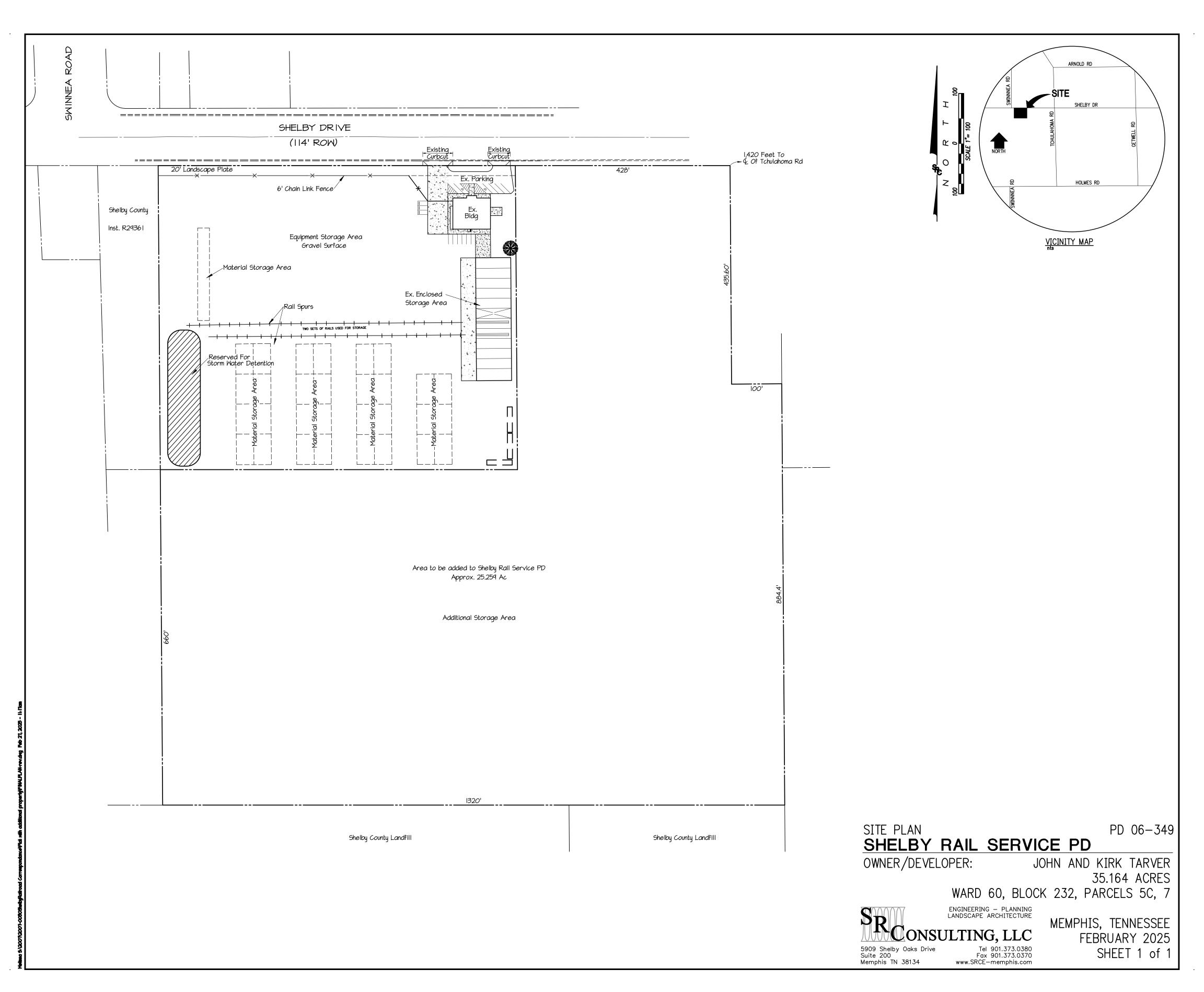
### VII. SITE PLAN REVIEW:

A. A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development and appropriate City and County agencies for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.

### VIII. FINAL PLAN:

- A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.
- B. Any final plan shall include the following:
- 1. The outline plan conditions,
- 2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- 3. The location and ownership, whether public or private, of any easement, and
- 4. The exact locations and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas;

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





# 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.



2108977

07/21/2021 - 10:22:06 AM

3 PGS	<del>-</del>
CHRISTINAM 2267248 - 21089771	
VALUE	350000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1295.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	1313.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Book

Prepared by:	Grantors Address:	Grantees Address:
Austin Law Firm, P.A. 6928Cobblestone Drive Suite 100 Southaven, MS 38672	Holly Springe, ms 38635	J. Tarver  3021 Shelby Drive  Memphis, TN 38118
662-890-7575 MS Bar #3412	Home: N/a (662)544-2756	Home: N/A  Work: (901) 365-1068
File No:06-21-6648	Work:	Work.

RETURN TO: Smith and Smith Law Firm, 4917 William Arnold Road, Memphis, TN 38117, (901) 683-0223

INDEXING INSTRUCTIONS: North Half (N 1/2) of the North Half (N 1/2) of Section Eight (8), Township One (1), Range Seven (7) West in Shelby County, Tennessee.

### **WARRANTY DEED**

RAYMOND W. SMITH AND DOROTHY SMITH GRANTORS

TO '

J. TARVER, GRANTEE

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, Raymond W. Smith and Dorothy Smith, do hereby sell, convey, and warrant unto J. Tarver, the land lying and being situated in Shelby County, Mississippi, described as follows, to-wit:

Parcel 1: A tract of land containing 20 acres, being a part of a 100 acre tract in the North Half (N 1/2) of the North Half (N 1/2) of Section Eight (8), Township One (1), Range Seven (7) West in Shelby County, Tennessee, and more particularly described as follows: BEGINNING at a point in the center line of the Whitehaven-Capleville road 1320 feet West of the center line of Tchulahoma Road; running thence South parallel with the center line of Tchulahoma Road 660 feet for a point of beginning; running thence West parallel with the center line of the Whitehaven-Capleville Road 1320 feet to a stake; thence South parallel with the center line of Tchulahoma Road 660 feet to the North line of a 159 acre tract of the Jackson Estate lands; thence East along said North Line and parallel to the Whitehaven-Capleville road 1320 feet to a stake; which point is 1320 feet West of the center line of the Tchulahoma Road; thence north parallel with the centerline of Tchulahoma

Road 660 feet to the point of beginning. Being the same property conveyed to Harrison Jackson by Deed recorded in Book 5959, Page 10, in the Register's Office of Shelby county, TN.

Book

Parcel 2: Situated and being in Section 8, Township 1, Range 7 West, in Shelby County, Tennessee, and more particularly described as follows: A Certain tract of land containing 7 acres, more or less, more particularly described as follows: Commencing at a point in the cener line of the Whitehaven-Capleville Road, 1420 feet West of the center line of the Tchulahoma Road; thence West with the center line of Whitehaven-Capleville Road 428 feet to a point; thence South parallel to Tchulahoma Road 660 feet to a point; thence East parallel to Whitehaven-Capleville road 528 feet to a point; thence North parallel to Tchulahoma Road 224.4 feet to a stake; thence West 100 feet to a stake; thence North parallel to Tchulahoma Road 435.60 feet to the point of beginning, and being the same property as conveyed to Harrison Jackson by Deed recorded in Book 5957, Page 316, in the Register's Office of Shelby County, Tennessee, LESS AND EXCEPT that property conveyed to the City of Memphis by Warranty Deed recorded as Instrument No. U5-8766 in said Register's Office.

Being the same property conveyed to the Grantor's herein by virtue of a Substitution of Trustee Deed, filed for record August 5, 2002 and recorded in Instrument No. 02128571

The warranty in this deed is subject to rights of ways and easements for public roads and public utilities, to building, zoning, subdivision and health department regulations in effect in Shelby County, Mississippi.

Taxes for 2021 have been prorated, and possession is given with this deed.

WITNESS our signature(s), this the 19th day of July, 2021.

Raymond W. Smith

Parather Smith

Dorothy Smith

STATE OF MISSISSIPPI: COUNTY OF SHELBY:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named RAYMOND W. SMITH AND DOROTHY SMITH, who acknowledged that they signed and delivered the above and foregoing Deed on the day and year therein mentioned, as their free act and deed, and for the purposed therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of July 20 ≥ 1.

**Notary Public** 

My commission expires:

Book

\*

### (FOR RECORDING DATA ONLY)

Property Address: 3090 East Shelby Drive Memphis, TN 38118

Property Owner: J. Tarver 3021 Shelby Drive Memphis, TN 38118

Ward, Block or Tax Parcel Number: 06023200007

Mail tax bills to: J. Tarver 3021 Shelby Drive Memphis, TN 38118

This instrument return to: Smith and Smith Law Firm 4917 William Arnold Road Memphis, TN 38117

Smith and Smith Law Firm#: 210097

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$350,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntarysale.

Subscribed and sworn to before me this the 19th day of July, 2021.

OBBI C. MCC

Affiant

My Commission Expires:

TENNESSEE

NOTARY

PUBLIC

OCT 1 6 2021

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

July 11, 2025

Sent via electronic mail to:

Shelby Rail Services Planned Development

Case Number: PD 2025-002

LUCB Recommendation: Rejection

Dear applicant,

On Thursday, July 10, 2025, the Memphis and Shelby County Land Use Control Board recommended *rejection* of your planned development amendment application for the Shelby Rail Services Planned Development, subject to the attached conditions.

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

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

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

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

Respectfully,

**Alexis Longstreet** 

Alexis Longstreet

Planner

Land Use and Development Services
Division of Planning and Development

Cc:

File

## Letter to Applicant PD 2025-002

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

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

- I. USES PERMITTED:
  - A. Area A: Construction contractor with outdoor storage facility.
  - B. <u>Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles, Trucks, and other Vehicle Storage uses.</u>
  - C. Area C: Uses permitted by right in the CMU-2 District
  - D. In Areas A and B, uses permitted by right in the EMP district, except that the following uses shall be prohibited:
    - 1. Adult entertainment (excluded)
    - 2. Off-Premise Advertising Signs
    - 3. Amusements, Commercial outdoor
    - 4. Campground, Travel Trailer park
    - 5. Drive-in Theater
    - 6. Garage, Commercial
    - 7. Tavern, cocktail lounge, nightclub
    - 8. Brewery
    - 9. Bus terminal or Service Facility
    - 10. Taxicab Dispatch Station
    - 11. Garage or Refuse Collection Service
    - 12. Used Goods, Secondhand Sales
    - 13. Chemical Manufacturing
    - 14. Slaughtering Business
    - 15. Beverage Recycling Center
    - 16. Tractor-Trailer or Container storage, drop lot

### II. BULK REGULATIONS:

- A. The minimum front yard setback shall be 50 feet.
- B. The minimum side yard setbacks shall be 10 feet.
- C. The maximum height of any outdoor storage shall be 15 feet.

### III. ACCESS, PARKING AND CIRCULATION:

- A. Two curb cuts are permitted onto Shelby Drive.
- B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- C. No curb cut shall be located closer than 500 feet from the centerline of Swinnea Road.
- D. The parking requirements of the EMP District shall apply.
- E. All parking areas and driving aisles to be paved with asphalt or concrete.
- F. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- G. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

## Letter to Applicant PD 2025-002

### IV. SIGNS:

- A. One ground-mounted monument style sign is permitted with a maximum area of 100 feet, to be designed and located with due consideration for sight distance requirements. The final plan shall indicate the location and dimensions of any freestanding on-premise sign, subject to the review and approval of the Division of Planning and Development.
- A. Any additional signs shall be in accordance with the CMU-2 District.
- B. No permanent off-premise advertising signs are permitted.
- C. No temporary or portable signs are permitted.
- D. All signs shall be set back a minimum of 10 feet from the right-of-way.

### V. LANDSCAPING AND DESIGN:

- A. The landscaping screen along Shelby Drive **shall be** as shown on the proposed site plan, **shall be installed along the entire frontage** and shall include an irrigation system for the area.
- B. The front elevation of the principal building shall be brick or masonry, and a graphic rendering of that building shall be part of the final plan.
- C. Outdoor lighting should be directed so that it does not glare onto nearby properties.
- D. <u>The existing trees along Shelby Drive for the amendment area shall be shown on the final</u> Plat.

### VI. DRAINAGE:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

#### VII. SITE PLAN REVIEW:

A site plan shall be submitted for the review, comment and recommendation of the <a href="Division">Division</a> Office of Planning and Development and appropriate City and County agencies. for approval of the Land Use Control Board prior to approval of any final plan for development that includes acquisition of adjacent land to the west.

### **VIII.** FINAL PLAN:

- A. A final plan shall be recorded within 5 years from the date of the recording of the outline plan, provided that the Land Use Control Board may approve an extension of this deadline.
- B. Any final plan shall include the following:
  - 1. The outline plan conditions,
  - 2. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - 3. The location and ownership, whether public or private, of any easement, and
  - 4. The exact locations and dimensions including height of buildings, parking

## Letter to Applicant PD 2025-002

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

# CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL |
ONLY STAPLED |

COMMITTEE: <u>11/18/2025</u>

Planning & Development DIVISION

TO DOCUMENTS

Planning & Zoning COMMITTEE:

DATE

		PUBLIC SESSION:	12/02/2025 DATE		
ITEM (CHECK ONE)ORDINANCE	X RESOLUTIO	N REQUEST FOR	PUBLIC HEARING		
ITEM DESCRIPTION:	Resolution pursua	nt to Chapter 9.6 of the Mer	nphis and Shelby County Unified Development Code approving at 2710 S Mendenhall Rd, known as case number SUP 202		
CASE NUMBER:	SUP 2025-026				
LOCATION: 2710 S Mendenhal		ıll Rd			
COUNCIL DISTRICTS:	District 4 and Sup	per District 8 – Positions 1, 2, and 3			
OWNER/APPLICANT:	Dayana Linares –	SKS Investment Properties LLC			
REPRESENTATIVE:	Dayana Linares –	SKS Investment Properties LLC			
REQUEST:	Special use permi	t to allow used vehicle sales			
AREA:	+/-0.626 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 COUNC	IL ACTION: Pu	blic Hearing Not Required			
PRIOR ACTION ON ITEM:					
(1)	=======================================	APPROVAL - (1) APPROVED (2) DENIED			
10/09/2025 (1) Land Use Control Board		DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE			
FUNDING: (2) \$ \$			ENDITURE - (1) YES (2) NO DITURE		
SOURCE AND AMOUNT OF		OPERATING BUDGE	Γ		
\$ \$		CIP PROJECT #			
<u>\$</u>		FEDERAL/STATE/OT	HER 		
ADMINISTRATIVE APPRO	VAL:	<u>DATE</u>	<u>POSITION</u>		
meeter Ctab		Nov 6,2025	STAFF PLANNER		
1 0			DEPUTY ADMINISTRATOR		
Butt Fyr		11/6/25	ADMINISTRATOR		
			DIRECTOR (JOINT APPROVAL)		
			COMPTROLLER		
			FINANCE DIRECTOR		
			CITY ATTORNEY		

CHIEF ADMINISTRATIVE OFFICER

**COMMITTEE CHAIRMAN** 



### Memphis City Council Summary Sheet

### SUP 2025-026

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 2710 S MENDENHALL RD, KNOWN AS CASE NUMBER SUP 2025-026

- 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.

### LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2025-026

**LOCATION:** 2710 S Mendenhall Rd

**COUNCIL DISTRICT(S):** District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Dayana Linares – SKS Investment Properties LLC

**REPRESENTATIVE:** Dayana Linares – SKS Investment Properties LLC

**REQUEST:** Special use permit to allow used vehicle sales

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

**AREA:** +/-0.626 acres

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 7-0-0 on the consent agenda.

Respectfully,

Planner II

Land Use & Development Services

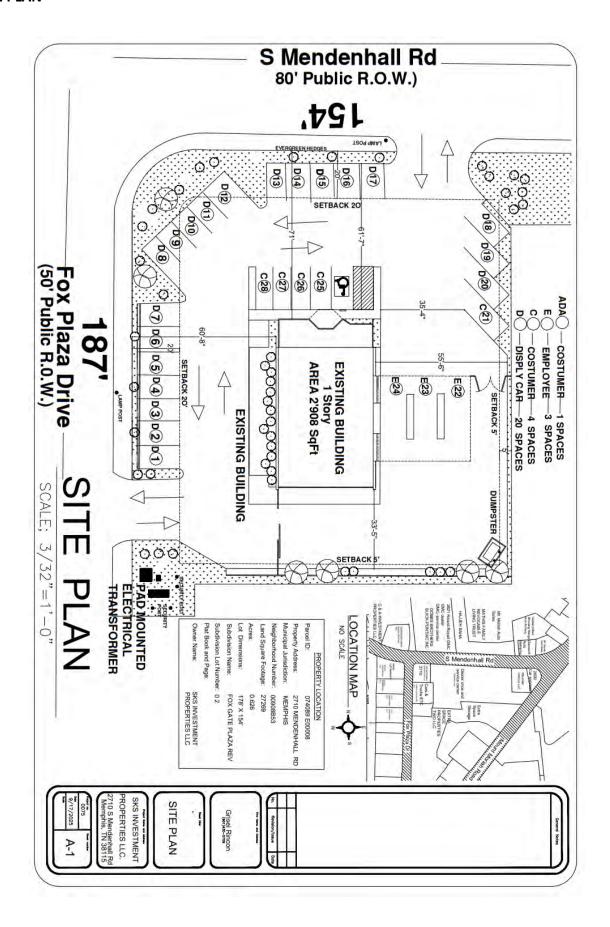
Cc: Committee Members

Mahsan Ostadnia

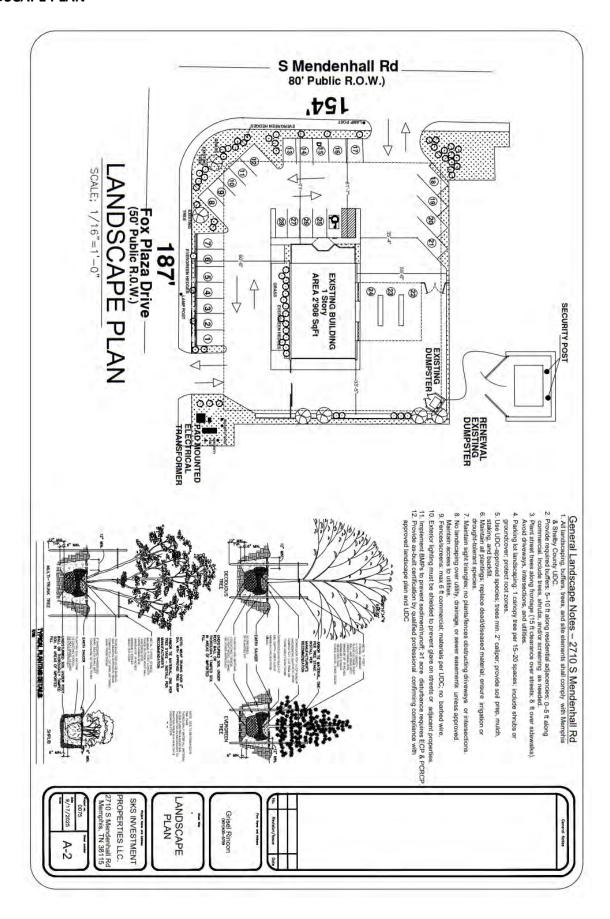
File

## SUP 2025-026 CONDITIONS

- 1. Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Fox Plaza Drive and South Mendenhall Road.
- 2. The dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 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. 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.
- 6. An Administrative Site Plan Review (ASPR) shall be submitted and approved by the Division of Planning and Development following final approval by the Memphis City Council and prior to the issuance of any building permits or certificates of occupancy.



### LANDSCAPE PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2710 S MENDENHALL RD, KNOWN AS CASE NUMBER SUP 2025-026

**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**, Dayana Linares – SKS Investment Properties 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 October 9, 2025, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

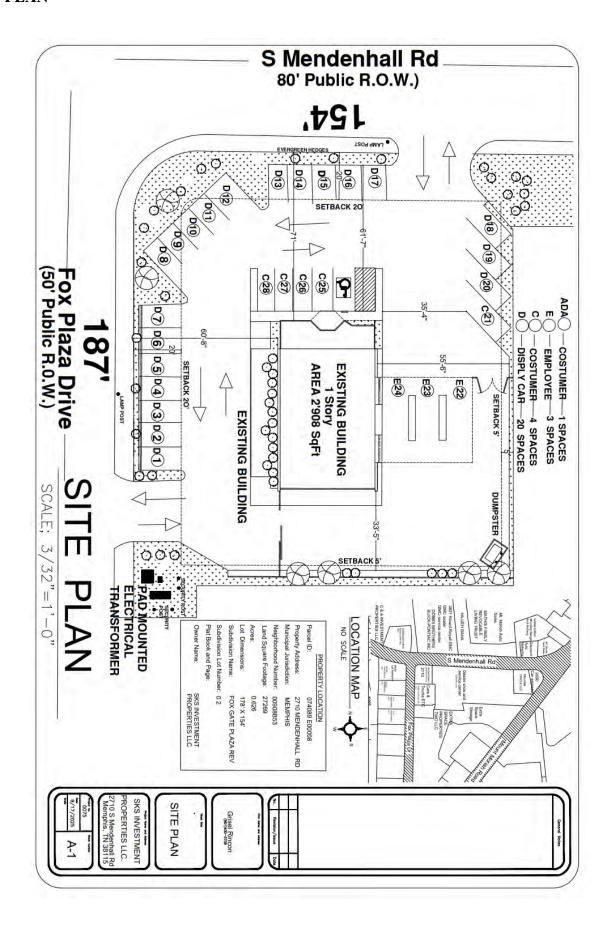
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

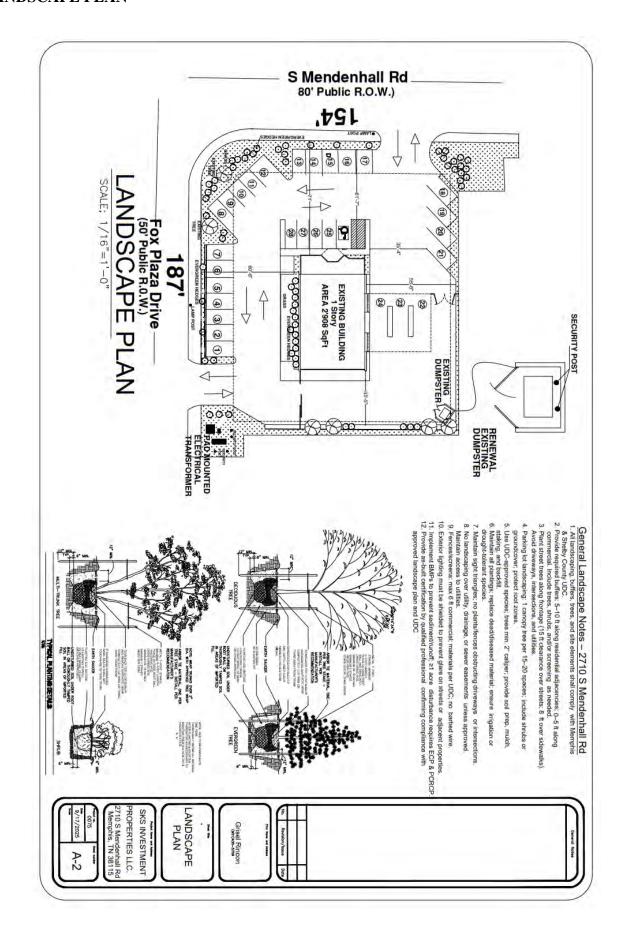
**BE IT FURTHER RESOLVED,** that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed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

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

### **CONDITIONS**

- 1. Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Fox Plaza Drive and South Mendenhall Road.
- 2. The dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 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. 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.
- 6. An Administrative Site Plan Review (ASPR) shall be submitted and approved by the Division of Planning and Development following final approval by the Memphis City Council and prior to the issuance of any building permits or certificates of occupancy.





ATTEST:

Division of Planning and Development

- Land Use and Development Services

- Office of Construction Enforcement



AGENDA ITEM: 12 L.U.C.B. MEETING: October 09, 2025

CASE NUMBER: SUP 2025-026

**LOCATION:** 2710 S Mendenhall Rd

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

**OWNER/APPLICANT:** Dayana Linares – SKS Investment Properties LLC

**REPRESENTATIVE:** Dayana Linares

**REQUEST:** Special use permit to allow used vehicle sales

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

### **CONCLUSIONS**

- 1. The applicant seeks a special use permit to allow used vehicle sales on a 0.626-acre parcel identified as Lot 2 of the Fox Gate Plaza Rev Subdivision, zoned Commercial Mixed Use-1 (CMU-1). The site features a 2,908-square-foot, single-story commercial building constructed in 1974, with dual frontage on South Mendenhall Road and Fox Plaza Drive. The surrounding area includes a mix of commercial, residential, and office uses, making the proposed vehicle sales use generally compatible with the surrounding uses within the neighborhood.
- 2. The development includes a total of 28 parking spaces: 3 for employees, 4 for customers, 20 designated for vehicle display, and 1 ADA-compliant space. Landscaping is thoughtfully incorporated, featuring evergreen hedges, grass beds, and a mix of tree types positioned to provide shade, screening, and visual enhancement around the site perimeter and parking areas.
- 3. The site contains a dumpster enclosure in the northeast corner and a pad-mounted electrical transformer in the southeast corner. Vehicular access is provided by two driveways, one on South Mendenhall Road and one on Fox Plaza Drive. Sidewalk access is available along Mendenhall Road only; no sidewalk is present along Fox Plaza Drive.
- 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**

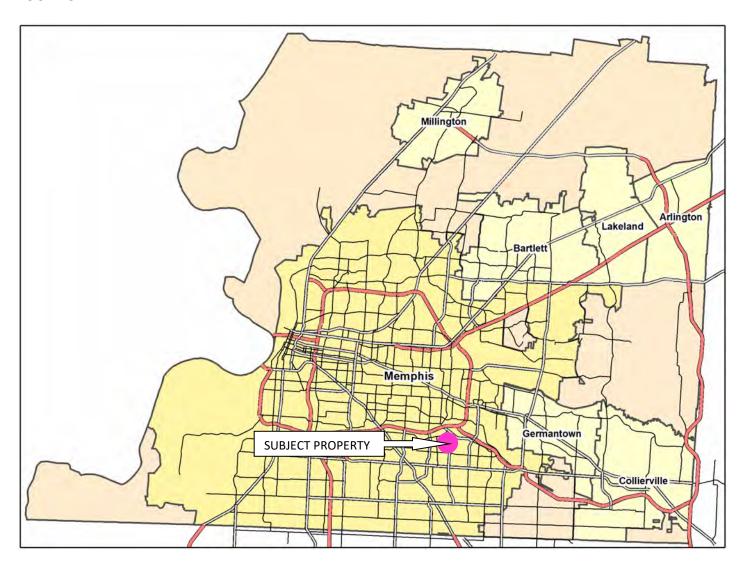
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 17-20 of this report.

### **RECOMMENDATION:**

Approval with conditions

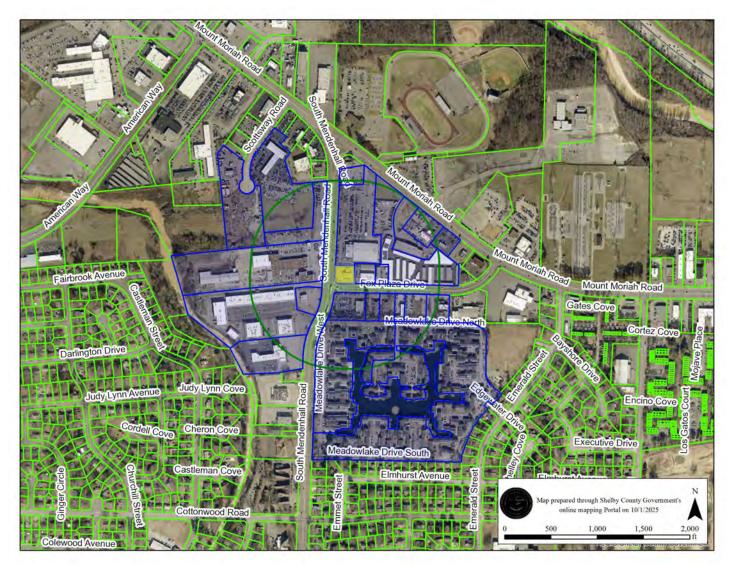
Staff Writer: Mahsan Ostadnia E-mail: mahsan.ostadnia@memphistn.gov

### **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 20 notices were mailed on September 09, 2025, see pages 21 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**

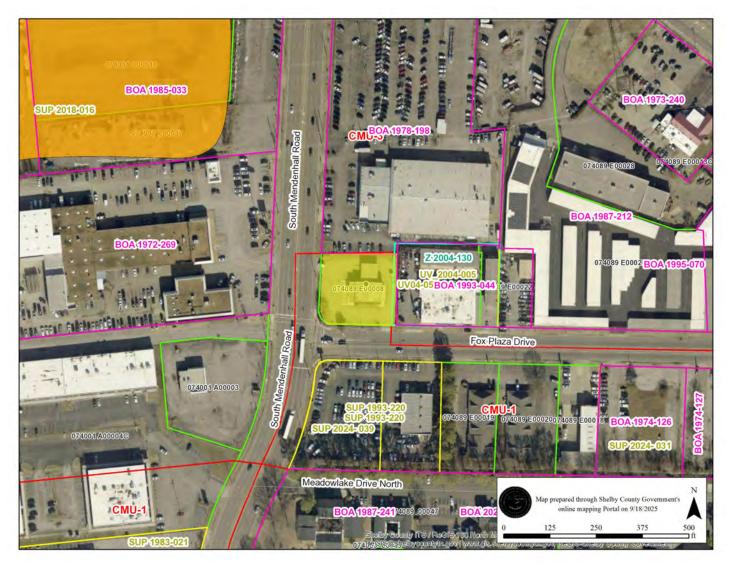
The meeting was held at 11:30 AM on Friday, September 20, 2025, at 2710 S Mendenhall Road, Memphis, TN 38115. See pages 22-23 of this report for a copy of the neighborhood meeting summary.

### **AERIAL**



Subject property outlined in yellow.

# **ZONING MAP**



Subject property highlighted in yellow.

# **LAND USE MAP**



Subject property indicated by a pink star.

# **SITE PHOTOS**



View of subject property from South Mendenhall Road.



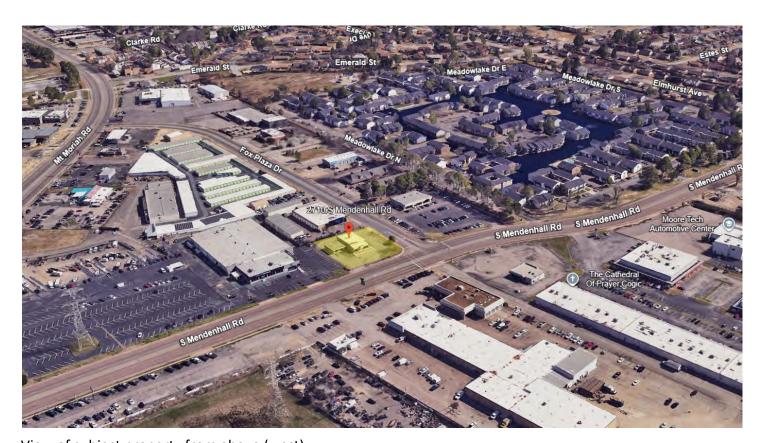
View of subject property from Fox Plaza Drive.



View of subject property from above.



View of subject property from above (east).

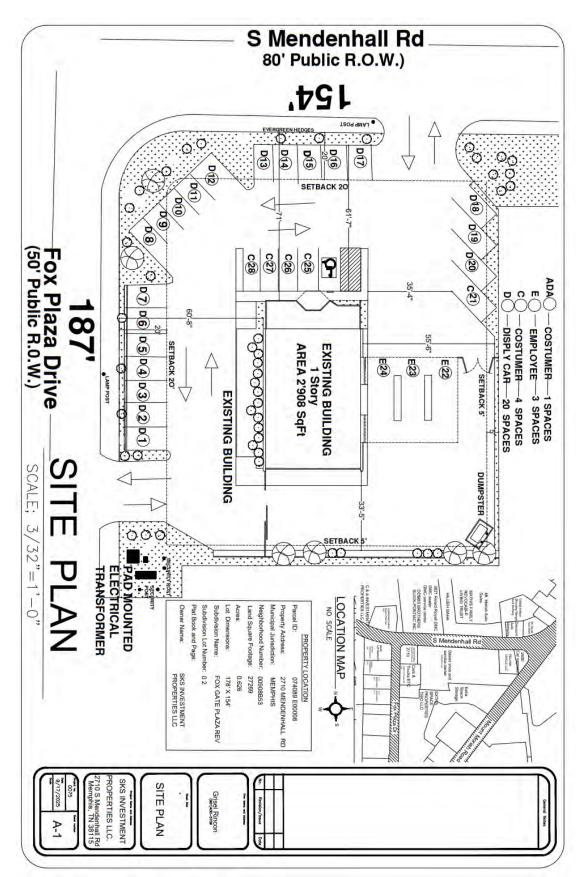


View of subject property from above (west).

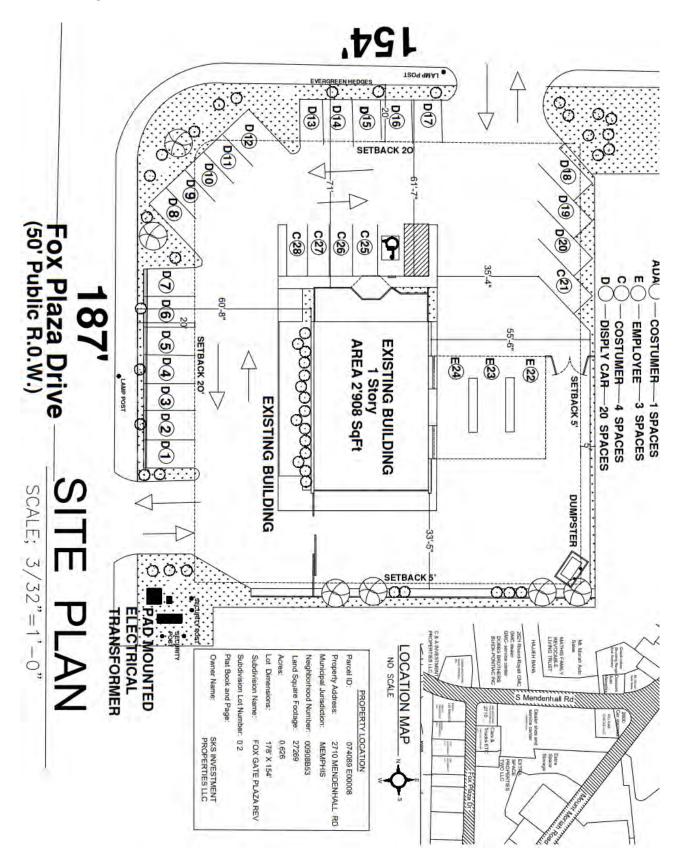


View of subject property from above (closer view from Mendenhall Road).

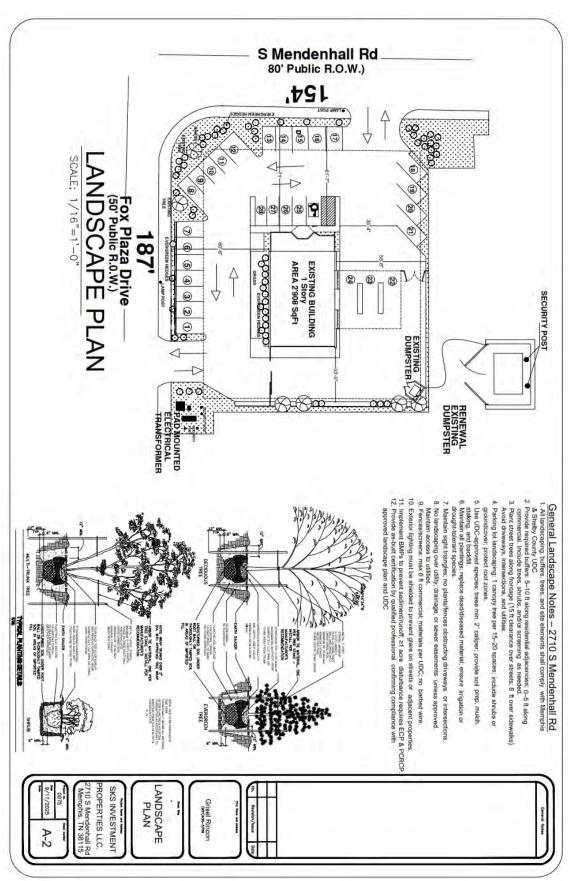
# **SITE PLAN**



# SITE PLAN - MAGNIFIED



# **LANDSCAPE PLAN**



### **CASE REVIEW**

# **Request**

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

# **Approval Criteria**

Staff **agrees** the approval criteria in regard to 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:

2710 S Mendenhall Rd

Parcel ID:

074089 E00008

Area:

+/-27,268 square feet

Staff Report SUP 2025-026 October 09, 2025 Page 14

# Description:

The subject property is known as Lot 2 of Fox Gate Plaza Rev Subdivision with a zoning of Commercial Mixed Use-1 (CMU-1). Per the Assessor's website, the principal structure on the site was built in 1974. The surrounding land uses are a mixture of commercial, residential, and office lots. Additionally, this lot has two street frontages.

# **Site Plan Review**

The site plan illustrates the layout for an existing 1-story commercial building with a total area of 2,908 square feet, on a 0.626-acre parcel within the Fox Gate Plaza Rev subdivision. The parcel is bordered by South Mendenhall Road to the west and Fox Plaza Drive to the south, with setbacks measuring 20 feet along the front and rear, and 5 feet along the sides of the property.

The site includes 3 employee parking spaces, 4 customer parking spaces, 20 display parking spaces, and 1 ADA-compliant parking space.

The landscape plan includes evergreen hedges, grass beds, and both deciduous and evergreen trees strategically placed around the building perimeter, parking areas, and site edges to provide screening, shade, and aesthetic appeal. The applicant must incorporate additional trees along the street frontages to ensure compliance with the streetscape requirements outlined in the Memphis and Shelby County Unified Development Code.

Additional site features include a dumpster enclosure located in the northeast corner of the property and a padmounted electrical transformer in the southeast corner. Two access driveways, one on Mendenhall Road and another on Fox Plaza Drive, provide adequate ingress and egress, supporting on-site traffic flow. Sidewalk access is shown along Mendenhall Road but not along Fox Plaza Drive.

# **Analysis**

The applicant seeks a special use permit to allow used vehicle sales on a 0.626-acre parcel identified as Lot 2 of the Fox Gate Plaza Rev Subdivision, zoned Commercial Mixed Use-1 (CMU-1). The site features a 2,908-square-foot, single-story commercial building constructed in 1974, with dual frontage on South Mendenhall Road and Fox Plaza Drive. The surrounding area includes a mix of commercial, residential, and office uses, making the proposed vehicle sales use generally compatible with the surrounding uses within the neighborhood.

The development includes a total of 28 parking spaces: 3 for employees, 4 for customers, 20 designated for vehicle display, and 1 ADA-compliant space. Landscaping is thoughtfully incorporated, featuring evergreen hedges, grass beds, and a mix of tree types positioned to provide shade, screening, and visual enhancement around the site perimeter and parking areas.

The site contains a dumpster enclosure in the northeast corner and a pad-mounted electrical transformer in the southeast corner. Vehicular access is provided by two driveways, one on South Mendenhall Road and one on Fox Plaza Drive. Sidewalk access is available along Mendenhall Road only; no sidewalk is present along Fox Plaza Drive.

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 Fox Plaza Drive and South Mendenhall Road.
- 2. The dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 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. 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.
- 6. An Administrative Site Plan Review (ASPR) shall be submitted and approved by the Division of Planning and Development following final approval by the Memphis City Council and prior to the issuance of any building permits or certificates of occupancy.

### **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:**

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

# Roads:

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

# **Traffic Control Provisions:**

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

- 7. The City Engineer shall approve the design, number, and location of curb cuts.
- 8. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
- 9. Required landscaping shall not be placed on sewer or drainage easements.

Staff Report October 09, 2025 SUP 2025-026 Page 17

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning:

This summary is being produced in response to the following application to support the Land Use and Development Services Department in their recommendation: SUP 2025-026

Site Address/Location: 2710 S MENDENHALL RD, MEMPHIS 38115

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

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Avenue, Parkway

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

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

# 1. Future Land Use Planning Map



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

# 2. Land Use Description/Intent

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



# "CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

# "CSL" Zoning Notes

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

# **Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial; CMU-1, RU-3, 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 to allow used vehicle sales. This is in accordance with the recent Memphis 3.0 5-year update Oakhaven District meeting where residents saw this area as being best suited for High Intensity Commercial Services.

# **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

Strategically address blight and vacancy by reducing block scale and encouraging infill development and open space use.

# **Consistency Analysis Summary**

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

Staff Report SUP 2025-026 October 09, 2025 Page 20

Strategically address blight and vacancy by reducing block scale and encouraging infill development and open space use.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning to allow used vehicle sales. This is in accordance with the recent Memphis 3.0 5-year update Oakhaven District meeting where residents saw this area as being best suited for High Intensity Commercial Services.

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

# **MAILED PUBLIC NOTICE**

# NOTICE OF PUBLIC HEARING

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

Thursday, October 2, 2025 at 8 AM

ADDRESS: CASE NUMBER: SUP 2025-026

Special use permit to allow used vehicle sales 2710 S Mendenhall Rd

REQUEST:

APPLICANT:

Dayana Linares

Date: Time: Thursday, October 9, 2025 9:00 AM

Location: Council Chambers

125 N Main St. City Hall 1st Floor **Meeting Details** 

Staff Planner Contact:

Mahsan Ostadnia

☐ mahsan.ostadnia@memphistn.gov

(901) 636-7181

VICINITY MAP

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

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





# **NEIGHBORHOOD MEETING SUMMARY**

NEIGHBORHOOD MEETING SUMMARY	=
Case Number: 54 2025 - 026	dpd
Meeting Information	MEMPHIS AND
Location 2710 S Mendellall Pd 38115	Date 9/20/2025
Address 2710 S Mendettyll Ad 3811	- 1
Attendance	
Attended on behalf of the applicant: Role	(Applicant, Engineer, Architect, etc.)
AT the meeting scheduled for s	seDtember 20
at 11:30 Am no one attended i	
Jore Agustin sosa and DayAwa	Linoren.
Number of Invitations Mailed: 23  Approx. Neighborh  Proceedings	ood Attendees:O
Please provide a brief summary of the meeting. Identify the most commit applicable, describe any application changes planned in response to i	
we didn't have anyone's pre	sence

Page 1 of 2

# NEIGHBORHOOD MEETING SUMMARY

Case Number: 5UP 2025 -026 Attachments Also included in this submission are the following: Handouts Provided Mailed Invitation Sign-in Sheet(s) Invitation Mailing List Photographs of Meeting Applicant's Presentation Other: Note: while these attachments will not be included in the staff report unless deemed particularly relevant, they will be part of the public record and available from the Division upon request. Attestation Required under Section 9.3.2 of the UDC This meeting was: Optional/Additional

I hereby attest that I attended the subject neighborhood meeting, and that the preceding and attached information is, to the best of my knowledge, correct and represents an accurate account of the relevant proceedings. If this was a required neighborhood meeting, I also attest that the meeting, to the best of my knowledge, fulfilled the requirements outlined in Section 9.3.2 of the UDC, including, pursuant to Sub-Section 9.3.2C, that at least the required fifteen (15) minutes were reserved for community members, businesses, and/or neighborhood associations wishing to make a presentation regarding the development.

Deint Alama

Signature

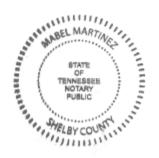
20 September 2025

Please submit to staff planner, alongside the indicated attachments, via email as soon as possible after the inventig

# **SIGN AFFIDAVIT**

# AFFIDAV!T

Shelby County
State of Tennessee
I, Dayona Lineary, being duly sworn, depose and say that at
attached hereon and a copy of the sign purchase receipt or rental contract attached
Dan L 17 September 2025
Owner, Applicant or Representative Date
Subscribed and sworn to before me this 19 day of September , 2025.  Notary Public
My commission expires: Dec. 23.28





## **APPLICATION**



# Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

# Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Assignment

Opened Date: August 27, 2025

Record Number: SUP 2025-026 Expiration Date:

Record Name: 
Description of Work: -

Parent Record Number:

Address:

2710 S MENDENHALL RD, MEMPHIS 38115

**Owner Information** 

Primary Owner Name

Y SKS INVESTMENT PROPERTIES LLC

Owner Address Owner Phone

8122 CAMBURY CVE, GERMANTOWN, TN 38138

**Parcel Information** 

074089 E00008

# **Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner MAGALY BOYD

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

work order, or zoning letter

No

Page 1 of 3 SUP 2025-026

### GENERAL PROJECT INFORMATION

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

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

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

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GIS INFORMATION

Case Layer Central Business Improvement District

Class

Downtown Fire District Historic District

Land Use Municipality

Overlay/Special Purpose District

Zoning State Route

Lot

Subdivision

Planned Development District

Wellhead Protection Overlay District County Commission District City Council District City Council Super District THE PROPOSED DEALERSHIP WILL NOT NEGATIVELY IMPACT THE ADJACENT LOTS, AS THE SURROUNDING PROPERTIES ARE OCCUPIED BY SIMILAR AUTOMOTIVE DEALERSHIPS.

THE AREA IS FULL OF DEALERSHIPS WHICH WILL BE IN UNIFORM WITH BUSINESSES EXISTING ALIKE THE CURRENT DEALERSHIP THAT I HAVE WITHIN THE SAME BLOCK

YES, EVERYTHING IS ADEQUATE FOR A
DEALERSHIP AND WILL BE NO ISSUES. THERE
ARE ENOUGH PARKING SPACES AND OFFICE

SPACE

I AGREE THAT THE PROPOSED DEALERSHIP WILL NOT RESULT IN ANY OF THE ISSUES

LISTED

THE PROJECT COMPLIES WITH ALL OF THE STANDARDS AS FAR AS OFFICE USE AND PARKING WHICH WILL NOT REQUIRE ANY

ADDITIONAL WORK

THE AREA WILL NOT BE MODIFIED SO THERE

WILL NOT BE ANY ISSUES.

Z04-130

No C No

> COMMERCIAL MEMPHIS

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CMU-1

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0 2

FOX GATE PLAZA REV

Yes -

Page 2 of 3 SUP 2025-026

27

# **Contact Information**

Name
DAYANA LINARES

Contact Type
APPLICANT

Address TN.

Phone (901)314-7704

Fee Inform	mation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1673820	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	08/27/2025
1673820	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	08/27/2025

Total Fee Invoiced: \$513.00 Total Balance: \$0.00

**Payment Information** 

Payment Amount Method of Payment \$513.00 Credit Card

Page 3 of 3 SUP 2025-026

## **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 Section 12.3.1.

l	Asad Sajwani , state that I have read the definition of (Print Name)
"Owr	ner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state
that (	(select applicable box):
Ø	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)  e property located at
	further identified by Assessor's Parcel Number
for w	which an application is being made to the Division of Planning and Development.
Subs	scribed and sworn to (or affirmed) before me this day of in the year of
	Manchan  STATE TENNESSEE NOTARY PUBLIC  STATE TENNESSEE NOTARY

## **LETTER OF INTENT**



Car Express USA LLC 2600 S Mendenhall Rd, Memphis, TN 38115 Car Express USA LLC 901-399-4168

Fecha: 8/27/2025

Division of Planning and Development Memphis and Shelby County

To whom this letter concerns,

I am writing to you as the representative of Car Express USA LLC to formally request a special permit to carry out a change of location. We are currently operating at 2600 S Mendenhall Rd, Memphis, TN 38115, where we have held a lease agreement for over four and a half years.

We are in the process of purchasing the property located at 2710 S Mendenhall Rd, Memphis TN 38115, which is on the same block and very close to our current location. Due to this proximity and the continuity of our operations, we respectfully request your approval to move our business to this new location.

We appreciate your consideration of this request and remain at your disposal to provide any additional documentation you may require.

We look forward to your support in obtaining the special permit necessary to complete this change of location.

Sincerely,

Owner

DAYANA LEAN LINARES RODRIGUEZ

Staff Report SUP 2025-026 October 09, 2025 Page 31

# **LETTERS RECEIVED**

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



# Memphis and Shelby County Division of Planning and Development

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Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

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Description of Work: -

**Parent Record Number:** 

## Address:

2710 S MENDENHALL RD, MEMPHIS 38115

### **Owner Information**

Primary Owner Name

Y SKS INVESTMENT PROPERTIES LLC

Owner Address Owner Phone

8122 CAMBURY CVE, GERMANTOWN, TN 38138

# **Parcel Information**

074089 E00008

### **Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner MAGALY BOYD

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

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work order, or zoning letter

No

Page 1 of 3 SUP 2025-026

### 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

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UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

### **GIS INFORMATION**

Case Layer

Central Business Improvement District

Class

**Downtown Fire District** 

Historic District Land Use Municipality

Overlay/Special Purpose District

Zoning State Route

Lot

Subdivision

Planned Development District Wellhead Protection Overlay District

**County Commission District** 

City Council District

City Council Super District

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Z04-130

No C No

COMMERCIAL MEMPHIS

-

CMU-1

0 2

FOX GATE PLAZA REV

Yes --

Page 2 of 3 SUP 2025-026

# **Contact Information**

Name

DAYANA LINARES

**Contact Type** 

APPLICANT

**Address** 

TN,

**Phone** (901)314-7704

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x fee)

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

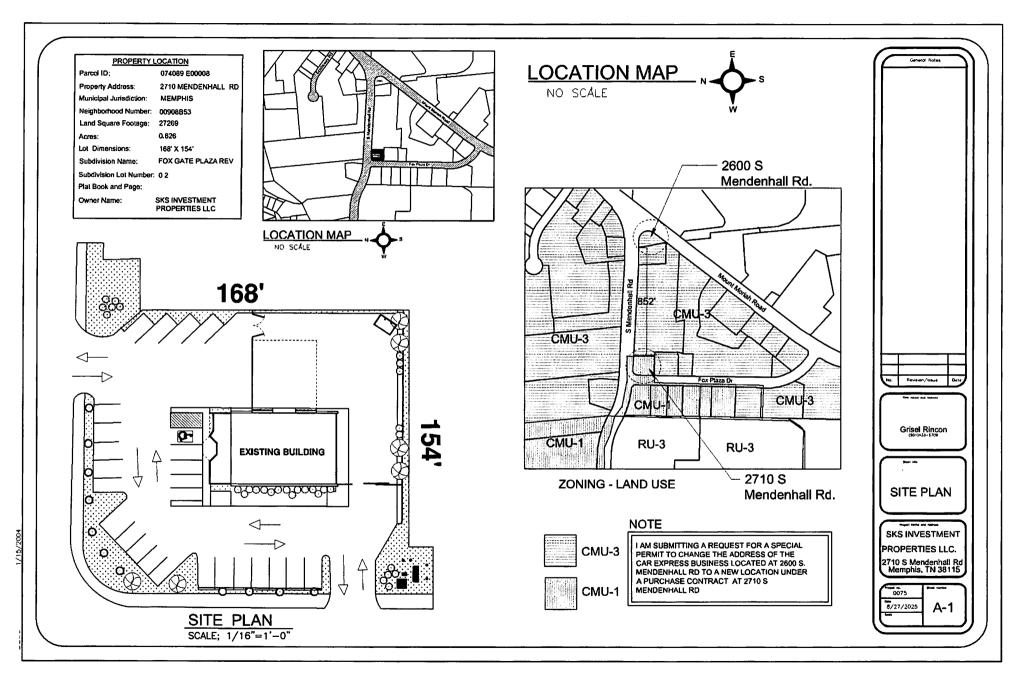
**Payment Information** 

**Payment Amount** 

**Method of Payment** 

\$513.00 Credit Card

SUP 2025-026 Page 3 of 3



(·-)



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Sincerely,

Owner

**DAYANA LEAN LINARES RODRIGUEZ** 

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

3

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. \_\_\_\_\_, 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) 5. Mendenhall Rd. Memphis, TN 38115 2710 of the property located at and further identified by Assessor's Parcel Number for which an application is being made to the Division of Planning and Development. \_\_day of \_\_\_Aug\_\_\_\_ in the year of \_\_Z5\_\_. Subscribed and sworn to (or affirmed) before me this Signature of Notary Public

# **EXHIBIT "A"**

# **DESCRIPTION**

Lot 2, Fox Gate Plaza Subdivision as shown at Plat Book 56, Page 50 in the Shelby County Register Office, Memphis, Tennessee and being the same property described at Special Warranty Deed of record at Instrument no. 22093454

IN WITNESS WHEREOF, the parties hereto have executed this Purchase and Sale Agreement by and through their duly authorized representatives on the dates shown below their respective signatures.

SELLER:	BUYER:	
SKS Investment Properties, LLC	Express Auto, LLC	
By: Osad Sajwani  O2BF2F3E07DD47E	By Dayana Linares	
Date: 8/20/2025, 2025	Date: 8/20/2025	2025
	Express Auto, LLC	
	Ву	- · · · · -
	Date: 8/20/2025	2025
Escrow Holder acknowledges receipt of the Earnest Money of \$15,000.00 this day of 2025		
Commercial Title Group, LLC		
D <sub>10</sub>		

performance of its obligations hereunder, and (2) any liability or cause of action based upon any claim relating to its duties as Escrow Agent, except any claim based upon Escrow Agent's gross negligence or willful misconduct. The Earnest Money may be held in a non-interest bearing account, co-mingled with Escrow Agent's trust funds. In the event any dispute should arise with regard to the Earnest Money, Escrow Agent shall be entitled to deposit same with a court of competent jurisdiction in Shelby County, Tennessee, and thereafter be relieved of all obligations under this Agreement. Escrow Agent shall execute this Agreement for the purposes of acknowledging receipt of the Earnest Money and agreeing to hold and disburse the Earnest Money in accordance with the provisions of this Agreement.

[SIGNATURE PAGE TO FOLLOW]

#### 21. Exchange.

Either Seller or Buyer or both may consummate the purchase/sale of the Property as part of one or more so-called like-kind or reverse exchanges (the "Exchange") pursuant to Section 1031 of the Internal Revenue Code of 1986, as amended (the "Code"), provided that: (i) the Closing shall not be delayed or affected by reason of the Exchange nor shall the consummation or accomplishment of the Exchange be a condition precedent or condition subsequent to the exchanging party's obligations under this Agreement; (ii) the exchanging party shall effect the Exchange through an assignment of its rights under this Agreement to a qualified intermediary; and (iii) the non-exchanging party shall not be required to take an assignment of the purchase agreement for the replacement property or be required to acquire or hold title to any real property for purposes of consummating the Exchange. The non-exchanging party shall not by this Agreement or acquiescence to the Exchange (1) have its right under this Agreement affected or diminished in any manner or (2) be responsible for compliance with or be deemed to have warranted to the exchanging party that the Exchange in fact complies with Section 1031 of the Code.

#### 22. Entire Agreement.

This Agreement constitutes the entire agreement between the parties hereto, and it is understood and agreed that all undertakings and agreements heretofore made between the parties concerning the subject matter hereof are merged herein.

# 23. Offer and Acceptance.

This Agreement has been executed first by Buyer and shall be deemed to be a continuing offer by Buyer for five (5) calendar days following said execution. Notwithstanding the foregoing, Buyer may revoke such offer by giving written notice of the revocation, written or oral, to Seller prior to Seller's acceptance of such offer as provided herein. Seller may accept this offer only by executing this Agreement without any alteration whatsoever and returning it to Buyer prior to any revocation by Buyer or the expiration of the offer. If an executed and unaltered acceptance hereof is not actually received by Buyer by such date and time, said offer shall be deemed withdrawn and revoked.

#### 24. Attorneys' Fees.

If a party pursues any remedy authorized under the terms of this Agreement with respect to the rights, duties, or obligations of the parties under this Agreement, the non-prevailing party in any such action or proceeding will pay for all costs, expenses, and reasonable attorney's fees incurred by the prevailing party in enforcing this Agreement. As used herein the term "prevailing party" means obtaining greater relief when compared against the other party, whether by compromise, settlement, or judgment.

#### 25. Escrow Agent.

Seller and Buyer jointly and severally appoint Escrow Agent to serve hereunder, and agree to, and do hereby, indemnify Escrow Agent from and against (1) any costs and expenses actually paid by it (including, but not limited to, its reasonable attorneys' fees) resulting from the

#### 15. Assigns.

This Agreement shall inure to the benefit of and be binding on the parties hereto and their respective heirs, legal representatives, successors and assigns. This Agreement may be assigned, in writing only, by Buyer without the consent of Seller. Upon a permitted assignment to an assignee assuming all of Buyer's obligations hereunder, Buyer shall additionally assign the Earnest Money to its permitted assignee and this Agreement shall continue to govern the rights of the parties hereto with respect to the Earnest Money and obligations contained herein. An assignment by Buyer to a permitted assignee shall not relieve or discharge Buyer from its obligations of indemnity and hold harmless of Seller as may be contained herein. Buyer shall provide Seller and Escrow Agent with a true and complete copy of any assignment within five (5) days of complete execution thereof.

#### 16. Time.

TIME IS OF THE ESSENCE OF THIS AGREEMENT. If any date set forth in this Agreement for the performance of any obligation by Seller or Buyer or for the delivery of any instrument or notice should be on a Saturday, Sunday, or legal holiday, the compliance with such obligation or delivery shall be deemed acceptable on the next business day following such Saturday, Sunday, or legal holiday. As used in this Agreement, the term "legal holiday" means any federal holiday for which financial institutions or post offices are generally closed for observance thereof.

# 17. Headings.

The headings contained in this Agreement are for convenience of reference only and shall not limit the provisions contained herein.

#### 18. Governing Law.

This Agreement shall be governed by and construed in accordance with the laws of the State of Tennessee where the Property is located.

#### 19. Broker and Commission.

At Closing, Seller agrees to pay a commission equal to six percent (6.0%) of the Purchase Price to NAI SAIG Company, Inc ("the Broker"). Both parties represent and warrant to each other that, other than the broker set forth above, they have not engaged any other brokers or agents in connection with this transaction. Both parties agree to indemnify each other regarding outside brokers involved in this transaction.

#### 20. Counterparts.

This Agreement may be executed in any number of counterparts, any one or all of which shall constitute the agreement of the parties.

written notice to Seller within ten (10) days of Buyer's receipt of Seller's written notice, or (ii) proceed with the Closing of the Property by delivering written notice thereof to Seller. As used herein the phrase "material damage" shall mean any casualty loss to the Property in excess of an estimated restoration or repair cost of \$100,000.00.

If on or before the Closing Date a portion of the Property is destroyed or damaged and it is less than a material damage, no such right of termination shall exist, and upon closing Buyer shall be entitled to enforce all of the rights of the Seller as landlord under the Leases including but not limited to use of insurance proceeds, and restoration obligations. In the event this paragraph is applicable after expiration of the Inspection Period, but prior to the Closing Date contained in Section 4, the Closing shall be delayed to permit operation of this paragraph.

If Buyer elects to proceed with the Closing, upon Closing Buyer shall be entitled to enforce all of the rights of the Seller as landlord under the Leases including but not limited to use of insurance proceeds, restoration obligations, etc. If Buyer fails to give notice to Seller within ten (10) days of receipt of Seller's delivery of the notice and information concerning the condemnation, eminent domain, damage or destruction, then Buyer shall be deemed to have waived its right to terminate this Agreement.

#### 12. Survival.

It is understood and agreed by the parties hereto that the representations and warranties of Seller contained in Section 6 of this Agreement shall survive the closing for a period of six (6) months.

#### 13. Notices.

Any notice, request, demand instruction or other communication hereunder shall be by email and/or in writing and, except as otherwise provided herein, shall be deemed to have been duly given if delivered in person or upon delivery of the email, and if sent by first class, certified mail, return receipt requested, postage prepaid, or deposited with a reputable overnight courier providing receipt upon delivery, addressed to a party as set forth in the first paragraph of this Agreement. Notices may also be given by facsimile transmission and shall be deemed given upon the generation of a confirmation page evidencing delivery to the party to whom they are addressed, and shall be promptly followed by a hard copy notice by mail as provided above. A change of address may be effected by either party by giving notice thereof as provided herein.

Seller Email: asad.a.sajwani@gmail.com

Buyer Email: carexpressusallc@gmail.com, familiasosa74@gmail.com

Escrow Agent/Title Company: <a href="mainto:lmann@commercialtitlegroupllc.com">lmann@commercialtitlegroupllc.com</a> Attn: Lisa Mann; 901-494-0471 and <a href="mainto:ccaliff@fclawfirmllc.com">ccaliff@fclawfirmllc.com</a>

#### 14. Modification.

This Agreement may not be changed orally, but may only be changed by an agreement in writing signed by Buyer and Seller.

(d) All real property taxes for the current year shall be prorated at closing.

# 9. Right of Entry.

At any time following the execution of this Agreement and until the Closing Date, Buyer and its duly authorized representatives shall have the right to enter upon the Property for the purposes of making engineering or architectural studies, surveys, environmental audits, and other inspections and investigations of the Property as Buyer may deem necessary; provided that Buyer shall not unreasonably interfere with Seller's or any tenant's use and occupancy of the Property. Buyer shall indemnify and hold harmless Seller and all tenants from any and all liabilities, claims and damages to person or property resulting from Buyer's or Buyer's agents' inspection of the Property. Buyer shall return the Property to its condition existing before such inspection or tests. Notwithstanding anything to the contrary herein, Buyer shall provide two (2) days' notice, which notice shall include a description of the contemplated activities and provide evidence of liability insurance acceptable to Seller, prior to performing any inspections of the Property. No invasive testing shall be conducted by Buyer without the prior written approval of Seller, such approval not to be unreasonably withheld, conditioned or delayed.

#### 10. Default.

In the event that Seller defaults hereunder, except by reason of a default by Buyer, Buyer, at its election, shall have the right to either (a) accept such title as Seller is able to convey, without any claim on the part of Buyer for abatement for defects or objections, (b) to rescind this Agreement, and upon rescission, this Agreement shall be null, void, and of no force and effect and all Earnest Money paid by Buyer shall be immediately returned to Buyer, or (c) to compel the specific performance of this Agreement by Seller. In the event Buyer defaults hereunder, except by reason of a default by Seller, Seller shall be entitled to retain all Earnest Money as liquidated damages, which shall be Seller's sole and exclusive remedy for such a breach. However, such liquidated damages shall not limit Buyer's indemnity obligations under the Agreement. The lack of mutuality of remedies is hereby waived by the parties.

# 11. Risk of Loss.

Until the Closing Date, the risk of loss or damage to the Property shall be borne by Seller. If on or before the Closing Date all or any portion of the Property shall be taken by eminent domain or be the subject of condemnation proceedings, Seller shall promptly notify Buyer in writing and Buyer may either (i) terminate this Agreement by delivering written notice to Seller within ten (10) days of Buyer's receipt of Seller's written notice, or (ii) proceed with the Closing by delivering written notice thereof to Seller, but without reduction in the Purchase Price. In the event Buyer completes the Closing of the Property, Buyer shall be entitled to receive all awards paid or payable to Seller with respect to such taking or condemnation proceedings. Seller shall execute and deliver to Buyer on the Closing Date, all documents as may be necessary to effect the full assignment and collection of such awards and proceeds in the event Buyer elects to complete the Closing of the Property.

If before Closing any "material damage" occurs to the Property as a result of casualty loss, then Seller will promptly notify Buyer in writing and provide to Buyer all information available to Seller with respect thereto, and Buyer may elect to either (i) terminate this Agreement by delivering

#### 7. <u>Contingencies</u>.

This Agreement and the obligations of Buyer and Seller hereunder shall be subject to the satisfaction of each of the following conditions precedent:

- (a) All representations and warranties of Seller set forth in Section 6 hereof being true and correct as of the Closing Date, and Seller having complied with all of the provisions and conditions set forth herein to be complied with by Seller as to the Property unless otherwise waived by Buyer.
- (b) All representations and warranties of Buyer set forth in Section 7 hereof being true and correct as of the Closing Date, and Buyer having complied with all of the provisions and conditions set forth herein to be complied with by Buyer as to the Property unless otherwise waived by Seller.
- (c) Seller being able to convey marketable fee simple title to the Property to Buyer subject to no exceptions other than the Permitted Exceptions and those exceptions accepted pursuant to Section 5 hereof and perform its obligations pursuant to Section 4.
  - (d) Buyer shall perform its obligations pursuant to Section 4.
- (e) There shall be no adverse change in the matters reflected in the Title Commitment described in Section 5.
  - (f) There being no event subject of Section 12 of this Agreement.

If this Agreement is terminated due to failure of any of the above contingencies, then the Earnest Money shall be refunded to Buyer and this Agreement shall terminate except for the provisions of Section 11 and other provisions that expressly survive termination of this Agreement. If for any other reason, Closing shall not occur, then the Earnest Money shall be paid to Seller and this Agreement shall terminate except for the provisions of Section 11 and other provisions that expressly survive termination of this Agreement.

### 8. Expenses and Prorations.

Upon the closing of the sale of the Property, the expenses of this transaction and closing prorations shall be paid as follows:

- (a) Seller will pay for cost of the real estate commission at closing.
- (b) Buyer will pay for the cost of the Title Search, preparation of the Special Warranty Deed, the Survey, any Property Reports obtained of the Property, the cost to record the Special Warranty Deed, including the transfer tax, and the premium for the issuance of the owner's title insurance policy, including any endorsements. Buyer will pay all costs applicable to any Buyer loan to facilitate the purchase of the Property.
  - (c) Each party will be responsible for payment of its own attorneys' fees.

#### 5. Representations and Warranties of Seller.

Seller represents and warrants, based solely on its current actual knowledge, to Buyer as follows:

- (a) Seller has the full right, power and authority to sell and convey the Property to Buyer as provided in this Agreement and to carry out Seller's obligations hereunder. The consummation of the transaction herein contemplated will not conflict with, with or without notice or the passage of time, or both, result in a breach of any of the terms or provisions of or constitute a default under any indenture, mortgage, loan instrument, or agreement to which Seller is a party or by which Seller or Seller's property is bound:
- (b) Seller is not a "foreign person" as such term is defined in the Internal Revenue Code, Section 1445;
- (c) Seller will not sell or otherwise encumber the Property during the term of this Agreement or amend the Leases or enter into any service contract that extends beyond the Closing Date without Buyer's written consent. In the event Seller amends any Leases between the Effective Date and the Closing Date without Buyer's prior written consent, Buyer may, at its election, terminate this Agreement;
  - (d) Seller has not received notice of any full or partial condemnation of the Property;
- (e) Seller is not a party to any litigation or administrative proceeding affecting the Property or any part thereof or affecting Seller's right to sell the Property or any interest therein or the use thereof, and there is no pending or threatened litigation or administrative proceedings affecting the Property or any part thereof or affecting Seller's right to sell the Property or any interest therein or the use thereof;
- (f) The execution and consummation of this Agreement will not violate any judgment, order or decree to which Seller is a party.
- (g) To the best of Seller's information, knowledge and belief, and without inquiry, Seller is not aware of any environmental condition that would affect Buyer's ownership and use of the property.

# 6. Representations and Warranties of Buyer.

Buyer represents and warrants, based solely on its current actual knowledge to Seller as follows:

(a) Buyer has the full right, power and authority to purchase the Property as provided in this Agreement and to carry out Buyer's obligations hereunder. The consummation of the transaction herein contemplated will not conflict with, with or without notice or the passage of time, or both, result in a breach of any of the terms or provisions of or constitute a default under any indenture, mortgage, loan instrument, or agreement to which Buyer is a party.

Revenue Code to establish that Buyer has no obligation under such code to withhold and pay over to the Internal Revenue Service any part of the amount realized by Seller in the sale contemplated hereby.

- (d) Seller shall deliver all such documents, instruments, affidavits, certificates, resolutions, evidence of existence and authority as the title company may require to issue an owner's title policy to the Buyer in the amount of the Purchase Price.
- (e) Seller shall deliver to Buyer a Bill of Sale, if necessary. [NTD: Please confirm what is to be included in a Bill of sale or if this is necessary.
- (f) Seller shall deliver to Buyer a quit claim deed using any new survey description furnished by Buyer pursuant to a new and/or updated land survey, if necessary. [NTD: Please confirm if a OC is required as a Warranty Deed shall be furnished at closing]

#### 4. <u>Title and Survey</u>.

Within five (5) days after the Effective Date, Buyer may, at its election and for the account of Seller, obtain from the Title Company, a title insurance commitment ("Title Commitment") to issue an owner's title insurance policy insuring marketable fee simple title to the Property to Buyer in an amount equal to the Purchase Price, together with copies of all of the documents referred to in the Title Commitment. Buyer's failure to obtain a Title Commitment during the Inspection Period shall constitute Buyer's waiver thereof if a condition to Closing.

Buyer may, at its election, obtain a survey of the Property ("Survey") during the Inspection Period. The Survey shall be certified to Buyer, Buyer's lender, if any, and the title company. Buyer's failure to obtain a Survey during the Inspection Period shall constitute Buyer's waiver thereof if a condition to Closing.

At the Closing, the Property shall be transferred to Buyer with no liens, easements, encumbrances, tenancies or other exceptions to title, except ad valorem taxes and special assessments for the current year not yet due and payable, the tenants under the Leases, and such other items deemed acceptable by Buyer during the Inspection Period (collectively, the "Permitted Exceptions"). If the Title Commitment sets forth exceptions to title which are not acceptable to Buyer, Buyer shall so notify Seller in writing within five (5) days of receipt of the Survey (if procured by Buyer) and the Title Commitment, which in no event shall be later than the expiration of the Inspection Period. Buyer's written notice shall set forth in detail the matters reflected in the Title Commitment or on the Survey that Buyer finds objectionable. Seller shall thereafter have ten (10) days from receipt of written notice thereof to remove or to make provision for the removal of such objectionable matters. If Seller is unable or unwilling to remove or to make provision for the removal of such objectionable title matters within the time specified, Buyer shall have the right to (i) close the transfer as contemplated herein subject to any such exceptions to title, or (ii) to terminate this Agreement and receive a refund of all Earnest Money.

#### 2. <u>Inspection Period</u>.

Within five (5) days of the Effective Date, Seller will provide Buyer with all pertinent information in its possession or control regarding the Property, including the following due diligence materials, to-wit: (a) If any, leases and lease amendments; (b) surveys, architectural and engineering plans and specifications; (c) Property development and operation agreements; (d) appraisals; (e) soil tests, environmental reports and property condition reports and inspections; (f) title policies; (g) service contracts and agreements which will bind the Buyer and/or the Property after the Closing Date; and (h) real and personal property tax records, including any changes in assessments, for calendar year 2025.

Buyer may, at its election, obtain a survey, title commitment, appraisal, Phase I environmental assessment, property condition report and any other report, study and assessment deemed necessary or desirable by Buyer (collectively, "Property Reports"). In the event this purchase and sale is not completed, Buyer shall, if requested by Seller, provide Seller copies of all Property Reports promptly upon such termination, which agreement shall survive the termination of this Agreement.

Buyer shall have **Sixty (60)** days from the Effective Date ("Inspection Period") to perform inspections of the Property and examine the documents provided by Seller and the Property Reports. Subject to Section 10 hereof, during the Inspection Period, the Seller shall provide Buyer reasonable access to the Property in which to perform the review.

Prior to expiration of the Inspection Period, if Buyer, for any reason or no reason at all, in its sole and absolute discretion, elects to not purchase the Property, Buyer shall notify Escrow Agent and Seller in writing that this Agreement is void and terminated immediately ("Buyer's No Purchase Notice") in which case the Earnest Money, shall be refunded to Buyer. Thereafter, this Agreement shall be void and each party shall be relieved of any further liability thereunder, except for any rights or obligations of either party which are expressly stated to survive termination or expiration of this Agreement.

# 3. <u>Closing</u>.

Closing of the purchase of the Property shall occur on or before that date which is **Fifteen** (15) days from the expiration of the Inspection Period ("Closing Date").

On the Closing Date, the closing ("Closing") shall occur as follows, subject to the satisfaction of all of the terms and conditions of this Agreement:

- (a) Seller shall convey to Buyer marketable fee simple title by Special Warranty Deed, duly executed and in recordable form subject to the Permitted Exceptions and other title exceptions accepted by Buyer (as hereinafter defined).
- (b) Seller shall deliver possession of the Property to Buyer, including all keys and alarm codes.
- (c) Seller shall deliver to Buyer an affidavit to the effect that Seller is not a foreign corporation, foreign partnership, foreign trust or foreign estate for purposes of Section 1445 of the Internal

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#### PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT ("Agreement") made and entered into this day of August, 2025 (herein the "Effective Date"), by and between **SKS Investment Properties**, **LLC**, a Tennessee limited liability company whose business address is 8122 Cambury Cove E, Germantown, Tennessee 38138 ("Seller"); and **Express Auto**, **LLC**, a Tennessee limited liability company, whose business address is 716 Belle Watley Ln Collierville, Tennessee 38017, or its assigns ("Buyer")

#### WITNESSETH:

WHEREAS, Seller is the owner of real property (references to said real property includes all fixtures, easements, leases, rights and privileges appurtenant thereto and owned by Seller) with improvements commonly referred to as 2710 Mendenhall, Memphis, Tennessee 38115, (Tax Parcel ID: 074089E00008) and more particularly described on Exhibit "A" attached hereto and incorporated herein as if set forth verbatim ("Property");

WHEREAS, Seller desires to sell to Buyer and Buyer desires to purchase from Seller the Property; and

WHEREAS, the parties hereto desire to set forth herein the terms and conditions of the sale.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements contained herein, and the payment by Buyer to Commercial Title Group, LLC, 6389 Quail Hollow, Suite 201, Memphis, Tennessee 38120 ("Escrow Agent and "Title Company"), of the sum of **Fifteen Thousand and 00/100 Dollars (\$15,000.00)** (the "Earnest Money"), within three (3) days of full execution of this Agreement, and receipt of which is to be acknowledged by Escrow Agent, to be held in a non-interest bearing escrow and disposed of in accordance with the terms of this Agreement, the parties agree as follows:

# 1. Sale of Property.

Seller hereby covenants and agrees to sell and convey the Property by special warranty deed to Buyer in its "AS IS, WHERE IS" condition without any representations or warranties other than title and as set forth herein. During the pendency of this Agreement, Seller agrees not to enter into any new or additional leases, or amend any existing lease, or service or other contracts binding upon the Property or Buyer from and after the Closing Date.

Purchase Price.

The purchase price for the Property shall be **FOUR HUNDRED SIXTY THOUSAND AND 00/100 DOLLARS (\$460,000.00)** ("Purchase Price"), payable in collected funds at Closing. All Earnest Money shall be credited toward the Purchase Price at Closing.

# CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

COUNCIL AGENDA CHECK OFF SHEET Planning & Development ONE ORIGINAL DIVISION ONLY STAPLED Planning & Zoning COMMITTEE: TO DOCUMENTS 12/02/2025 DATE PUBLIC SESSION: 12/16/2025 DATE ITEM (CHECK ONE) REQUEST FOR PUBLIC HEARING **ORDINANCE** X RESOLUTION Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving ITEM DESCRIPTION: a special use permit at the subject property located at 1032 Hale Road, known as case number SUP 25-27 CASE NUMBER: SUP 25-27 1032 Hale Road LOCATION: District 6 and Super District 8 COUNCIL DISTRICTS: BCS Investments LLC/ Brianna Freeman OWNER/APPLICANT: REPRESENTATIVE: Evelyn Royston To allow a child care center REQUEST: +/-1 173 acres AREA: The Division of Planning and Development recommended Approval with conditions RECOMMENDATION: The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 11/13/2025 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: DATE POSITION PLANNER II DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



# Memphis City Council Summary Sheet

# **SUP 25-27**

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 1032 HALE ROAD KNOWN AS CASE NUMBER SUP 25-27

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

#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, November 13, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 25-27

**LOCATION:** 1032 Hale Road

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

**OWNER/APPLICANT:** BCS Investments LLC/ Brianna Freeman

**REPRESENTATIVE:** Evelyn Royston

**REQUEST:** To allow a child care center

**EXISTING ZONING:** Residential Single-Family – 10 (R-10)

**AREA:** +/-1.173 acres

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.

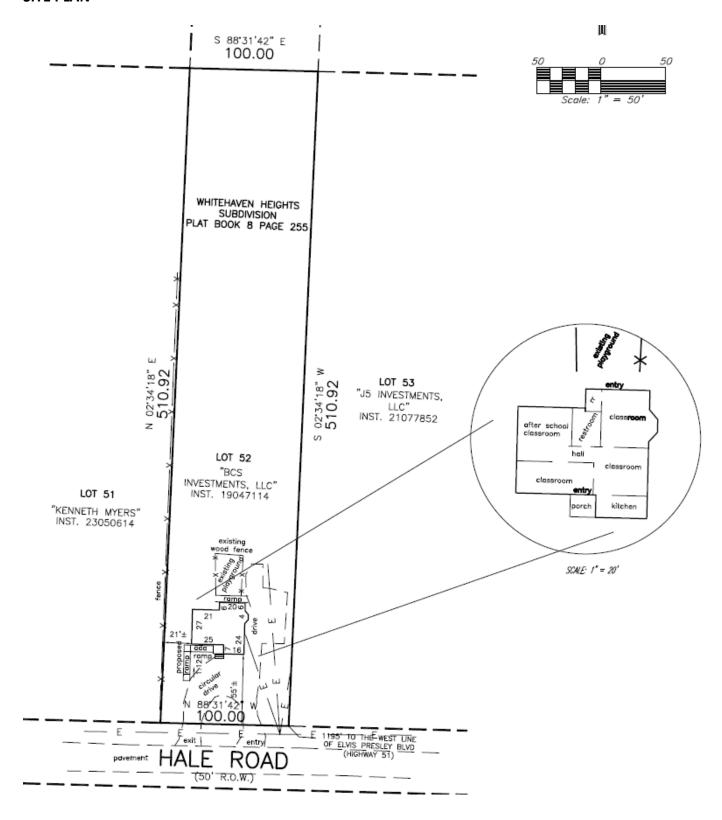
The motion passed by a vote of 7-0 on the consent agenda.

Respectfully,
Nabanita Nira
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members File

# SUP 25-27 CONDITIONS

- 1. A maximum of thirty (30) children are allowed.
- 2. A final site plan with landscaping shall be submitted subject to administrative review and approval by the Division of Planning and Development.
- 3. The subject property and the principal structure must maintain its residential character in design and scale.



# 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 1032 HALE ROAD, KNOWN AS CASE NUMBER SUP 25-27

**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**, Brianna Freeman filed an application with the Memphis and Shelby County Division of Planning and Development to allow a child care center; 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 November 13, 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.

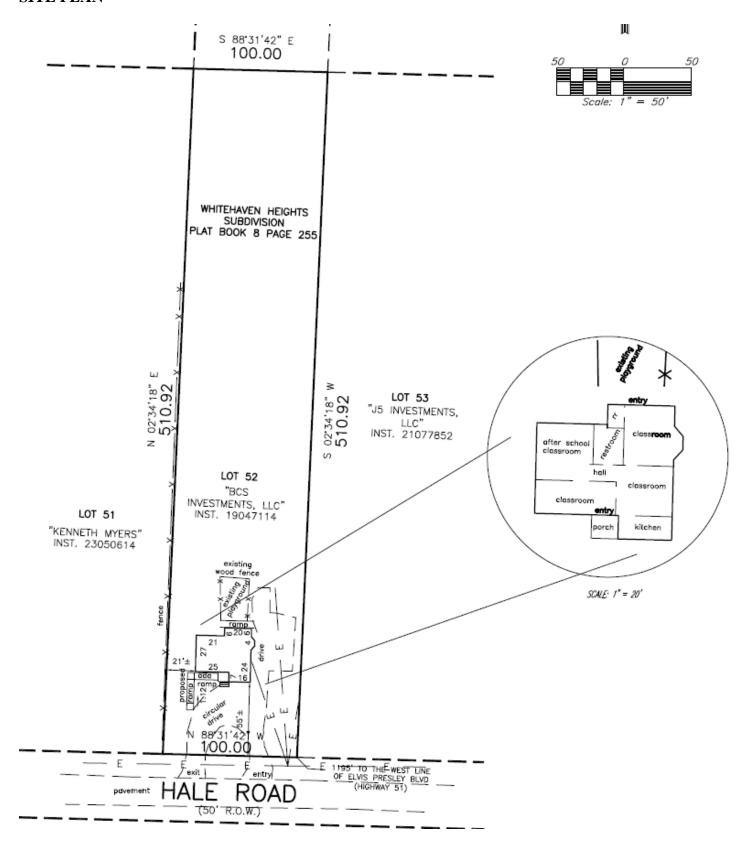
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

**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. A maximum of thirty (30) children are allowed.
- 2. A final site plan with landscaping shall be submitted subject to administrative review and approval by the Division of Planning and Development.
- 3. The subject property and the principal structure must maintain its residential character in design and scale.



ATTEST:

Division of Planning and Development

– Land Use and Development Services

– Office of Construction Enforcement

AGENDA ITEM: 8 L.U.C.B. MEETING: November 13, 2025

CASE NUMBER: SUP 2025-027

**LOCATION:** 1032 Hale Road

**COUNCIL DISTRICT:** District 6 and Super District 8

**OWNER/APPLICANT:** BCS Investments LLC/ Brianna Freeman

**REPRESENTATIVE:** Evelyn Royston

**REQUEST:** Special use permit to allow a child care center

**EXISTING ZONING:** Residential Single-Family – 10 (R-10)

#### CONCLUSIONS

1. The applicant is proposing to have a child care center for thirty (30) children at the subject property.

- 2. In 1997 PD 96-361 and in 2002 PD 02-311 were both approved to allow a child care center at the subject property. However, despite operating a child care center during this time period neither planned development was ever memorialized by the recording of a final plat and thus both subsequently expired. The existing principal structure on the site previously had a certificate of occupancy (BC0011592) for a child care center with maximum capacity of 30 children which is the same number of children the applicant is intending to have if the facility is permitted to be reopened.
- 3. The subject property is approximate 1,200 feet from the intersecting arterial and on October 22, 2025, the Board of Adjustment approved a variance application known as BOA 2025-0108 from Item 2.6.2B(3)(c) to allow a child care center at the subject property further than 200 feet from an intersecting arterial road, see pages 16-17 of this report for said notice of disposition.
- 4. According to the applicant, the site is suitable for a child care center as it was previously used as a child care center with a fenced playground. The site has a drop off and pick up with circular drive and the applicant is proposing to have an ADA accessible ramp. Also, the proposal is consistent with the Memphis 3.0 Comprehensive Plan.
- 5. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

#### **CONSISTENCY WITH MEMPHIS 3.0**

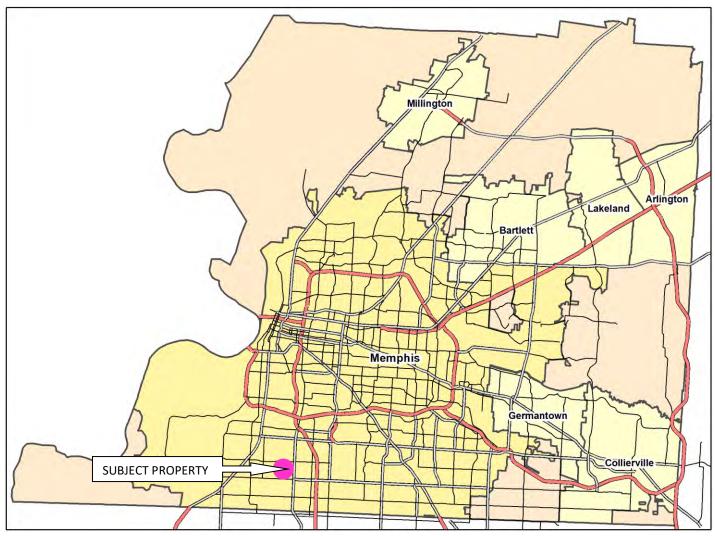
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 21-24 of this report.

#### **RECOMMENDATION:**

Approval with conditions

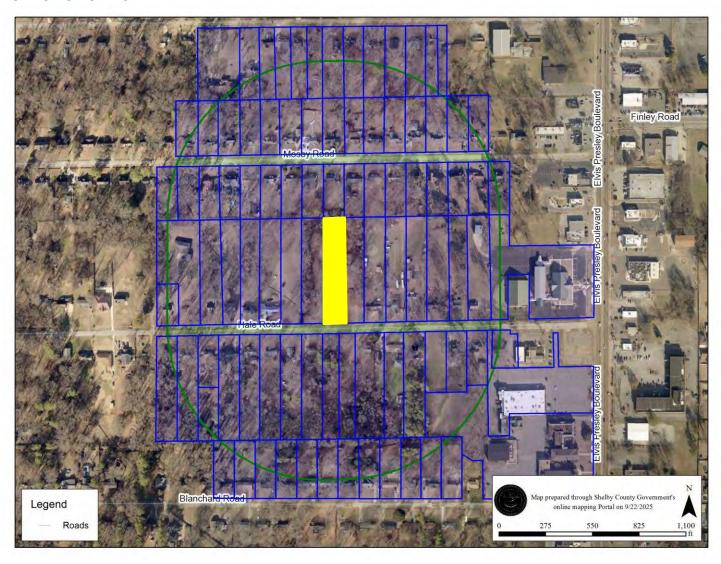
Staff Writer: Nabanita Nira E-mail: nabanita.nira@memphistn.gov

# **LOCATION MAP**



Subject property located within the pink circle

#### **PUBLIC NOTICE VICINITY MAP**



Subject property highlighted in yellow

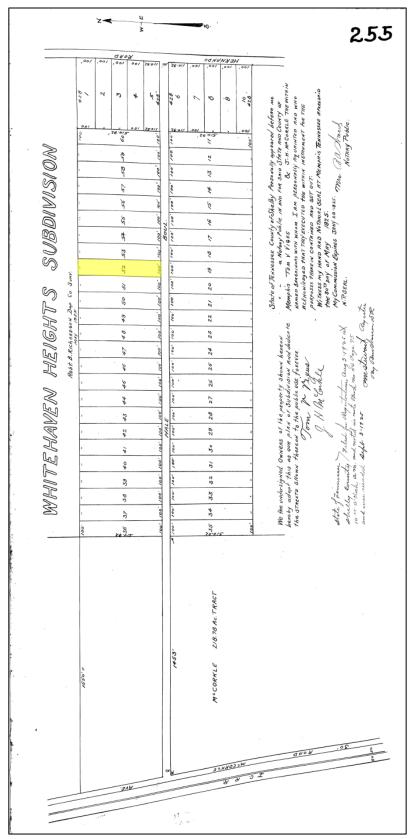
#### **PUBLIC NOTICE DETAILS**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 90 notices were mailed on October 10, 2025, see page 25 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see pages 26-27 of this report for a copy of the sign affidavit.

# **NEIGHBORHOOD MEETING**

The meeting was held at 5:00 PM on Thursday, October 30, 2025, at 1032 Hale Rd.

# WHITEHAVEN HEIGHTS SUNDIVISION (1919) (PLAT BOOK 8 PAGE 255)



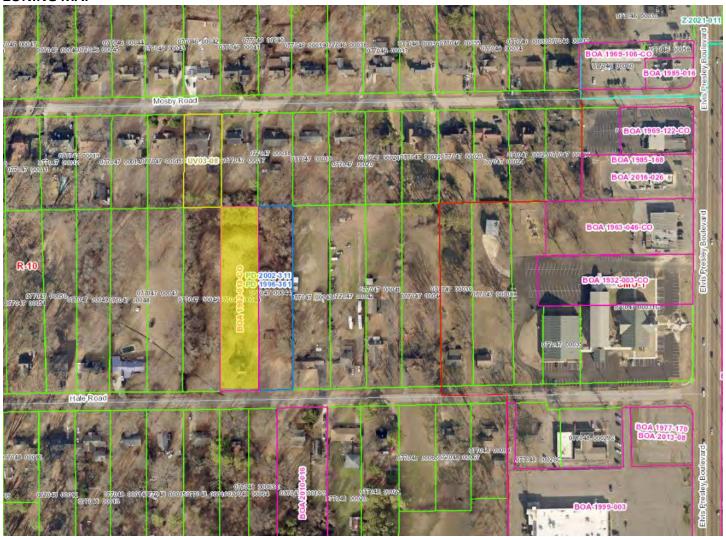
Subject property highlighted in yellow, Lot 52

# **AERIAL**



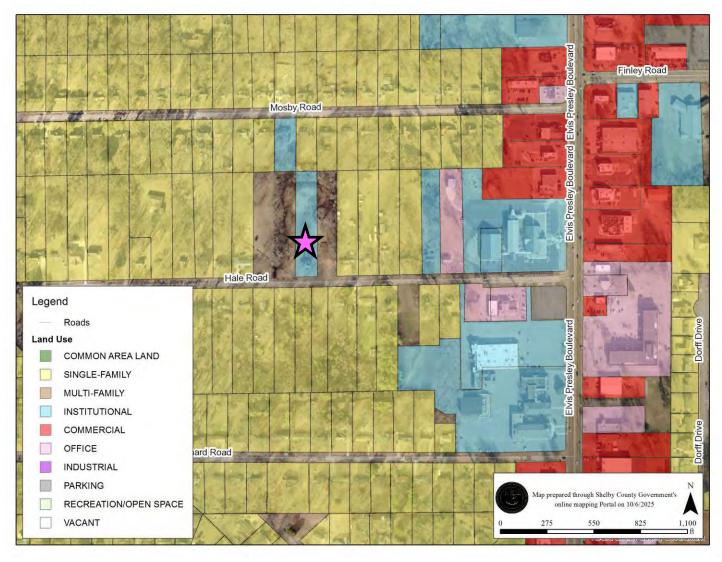
Subject property outlined in yellow, imagery from 2023

# **ZONING MAP**



Subject property highlighted in yellow

#### **LAND USE MAP**



Subject property indicated by a pink star

# **SITE PHOTOS**

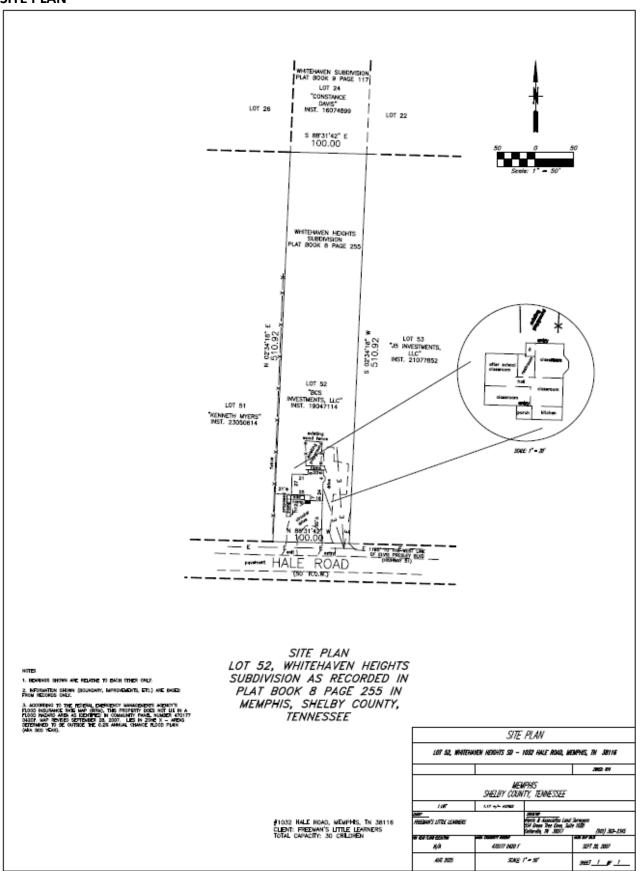


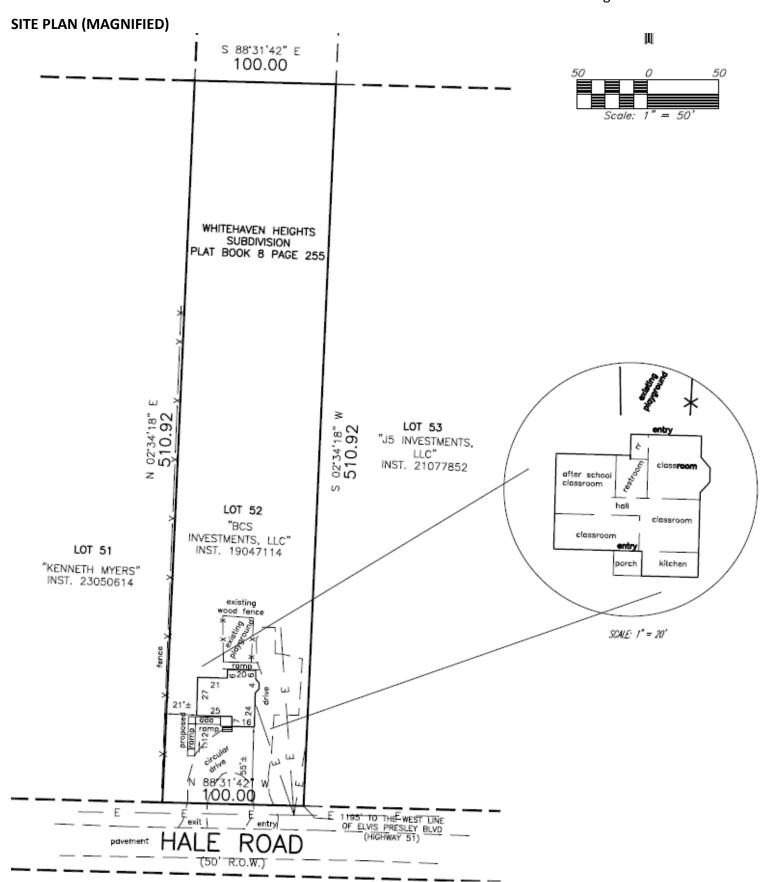
View of subject property from Hale Road looking northwest



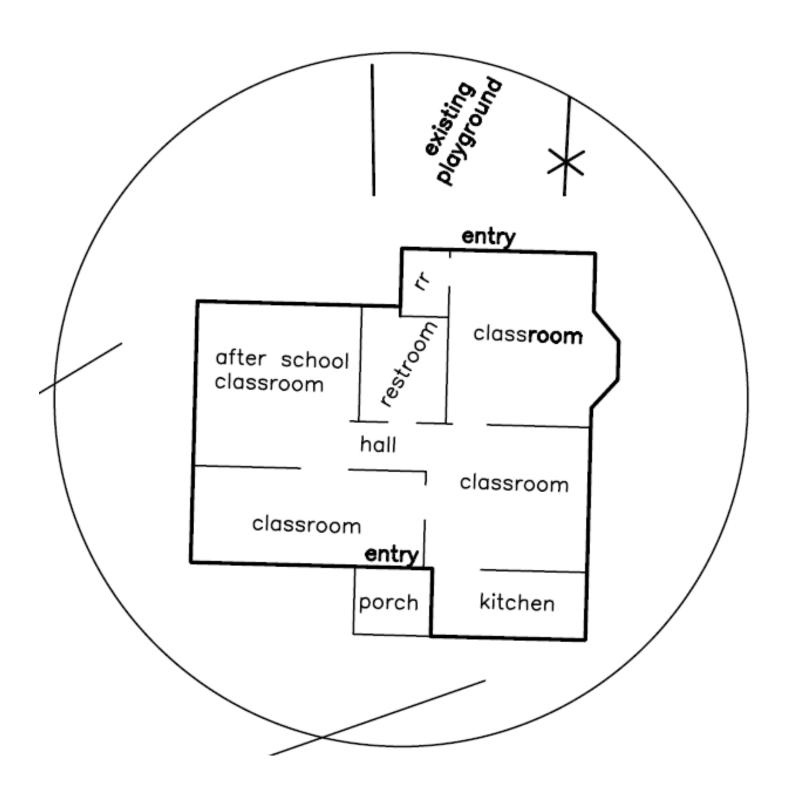
View of subject property from Hale Road looking northeast

#### SITE PLAN





# **FLOOR PLAN**



#### **CASE REVIEW**

#### **Request**

The request is a special use permit to allow a childcare center in Residential Single-Family -10 (R-10) zoning district.

#### **Approval Criteria**

Staff agrees the approval criteria in regard to 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

9.6.98	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.
0.6.00	The project will be conved adequately by according public facilities and convices such as streets

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:

1032 Hale Road

Parcel ID: 077047 00045

Area:

+/-1.173 acres

#### Description:

The subject property is known as Lot 52 of Whitehaven heights subdivision and zoned Residential Single-Family – 10 (R-10). Per the Assessor's website, the site has a one-story principal structure constructed circa 1936 with 1,360 sq. ft. floor area. The site has an existing playground at the rear surrounded by a wood fence. There is an existing circular driveway.

#### **Site Zoning History**

On April 12, 1962, the Board of Adjustment rejected an application to operate a child care nursery in R-I District know as docket BOA 1962-013 CO on the subject property.

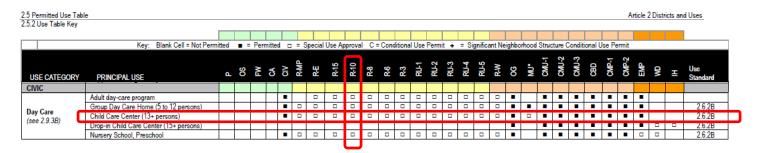
In January 1997, Little Eagles Child Development Center P.D. was approved with a maximum of thirty (30) children on the subject property.

On September 17, 2002, the Council of the City of Memphis approved PD 02-311 (formerly PD 96-361) for Whitehaven Heights Planned Development (formerly Little Eagles Child Development Center P.D.) that allows a day care center to serve a maximum of sixty (60) children on the subject property. However, the planned development was never recorded and expired subsequently.

On October 22, 2025, the Board of Adjustment approved a variance application known as BOA 2025-0108 from Item 2.6.2B(3)(c) to allow a child care center at the subject property further than 200 feet from an intersecting arterial road, see pages 16-17 of this report for said notice of disposition.

#### **Relevant Unified Development Code Clauses**

Section 2.5.2



#### **Site Plan Review**

- The 1.173 acres site has an existing structure of 1,360 sq. ft.
- An existing playground at the rear surrounded by a wood fence.
- Existing circular driveway.
- Proposed ADA ramp at the entrance of the structure.
- A parking area or drive aisle of 8 parking space. The parking area requires to screen from abutting property and the right-of-way. A 6-foot height wooden fence is required starting at the front façade of the building and continuing northward until the parking is fully screened and evergreen shrubs to hide the parking area from right-of-way, see the following where the red line represents the 6-foot wood fence and green circle represents the landscaping with evergreen shrubs.



The existing tree on the property needs to be shown on the final site plan.

#### **Analysis**

The applicant is requesting to have a child care center in R-10 zoning district. The applicant is proposing to have thirty (30) children at the subject property.

In 1997 PD 96-361 and in 2002 PD 02-311 were both approved to allow a child care center at the subject property. However, despite operating a child care center during this time period neither planned development was ever memorialized by the recording of a final plat and thus both subsequently expired. The existing principal structure on the site previously had a certificate of occupancy (BC0011592) for a child care center with maximum capacity of 30 children which is the same number of children the applicant is intending to have if the facility is permitted to be reopened.

The subject property is approximate 1,200 feet from the intersecting arterial and on October 22, 2025, the Board of Adjustment approved a variance application known as BOA 2025-0108 from Item 2.6.2B(3)(c) to allow a child care center at the subject property further than 200 feet from an intersecting arterial road, see pages 16-17 of this report for said notice of disposition.

Staff Report SUP 2025-027 November 13, 2025 Page 15

According to the applicant, the site is suitable for a child care center as it was previously used as a child care center with a fenced playground. The site has a drop off and pick up with circular drive and the applicant is proposing to have an ADA accessible ramp. Also, the proposal is consistent with the Memphis 3.0 Comprehensive Plan.

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. A maximum of thirty (30) children are allowed.
- 2. A final site plan with landscaping shall be submitted subject to administrative review and approval by the Division of Planning and Development.
- 3. The subject property and the principal structure must maintain its residential character in design and scale.

#### **NOTICE OF DISPOSITION (BOA 2025-0108)**



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

# BOARD OF ADJUSTMENT NOTICE OF DISPOSITION

TO: Brianna Freeman Freeman's Little Learners DATE: October 23, 2025 DOCKET: BOA 2015-0108

1032 Hale Road

Sent via electronic mail to: bfreeman2037@gmail.com & roystonconsult@aol.com

On October 22, 2025, the Memphis and Shelby County Board of Adjustment <u>approved</u> your application requesting variance from Item 2.6.2B(3)(c) of the Memphis and Shelby County Unified Development Code to allow a child care center further than 200 feet from an intersecting arterial road, subject to the following conditions:

- Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.
- 2. A maximum of thirty (30) children are allowed.
- A final site plan with landscaping shall be submitted subject to administrative review and approval by the Division of Planning and Development.
- Should no special use permit for a child care center be approved by October 22, 2026, the variance shall be rendered null and void.
- The subject property and the principal structure must maintain its residential character in design and scale.

All appeals and applications granted are expressly conditioned upon the applicant obtaining the permit requested or other order within two years from the date of the decision of the Board of Adjustment, unless the Board explicitly provided a different time frame in its approval.

Note that the preceding does not apply to any aspect of an appeal or application not explicitly granted and any aspect of development in violation of the Unified Development Code must be corrected immediately, unless the Board explicitly provided a different time frame in its approval.

Any construction initiated by the applicant that does not adhere to the decision of the Board shall be removed within sixty (60) days from the date of the decision of the Board, unless otherwise conditioned by the Board.

If you disagree with the Board's decision you have the right to appeal it within 60 days to circuit or chancery court by petition for a writ of certiorari, pursuant to T.C.A. § 27-9-101, et seq.; see also Memphis and Shelby County Unified Development Code § 9.23.4

Respectfully, Nabanita Nira Planner II Land Use and Development Services Division of Planning and Development

Cc: Chris Simmons – Zoning Enforcement
Antwone Smith – Zoning Enforcement
Evelyn Royston – Construction Code Consultants LLC
File

Note that there are no approved drawings or plans enclosed as the applicant must provide all of the required drawings and plans to the Land Use and Development Services Department of the Division of Planning and Development for administrative review and approval in compliance with the approved conditions.

November 13, 2025 Page 18

#### **DEPARTMENTAL COMMENTS**

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

**City Engineer:** See pages 19-20 of this report.

**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 21-24 of this report.

#### **CITY ENGINEER COMMENTS**

CITY ENGINEERING COMMENTS TRC: 9 Sept 2025 & LUCB: 9 Oct 2025 DATE:23 Sept 2025

CASE 5: SUP-25-027

NAME: 1032 Hale Rd; 077047 00045

Basin/Lot/CD: South Cypress Creek, 11-I/1.173ac/6

 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:

- 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.
- 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 <u>5 foot wide</u> 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 <u>5 foot</u> 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:

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

#### Drainage:

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

#### CITY ENGINEERING COMMENTS TRC: 9 Sept 2025 & LUCB: 9 Oct 2025 DATE:23 Sept 2025

- 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.
- 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. Provide a continuous, one-way, on-site traffic pattern or a paved, circular turn-around that will provide for exit by forward motion without any on-site backing of vehicles.
- 16. Locate the pick-up/discharge area as far as possible from the entrance as practical to maximize on-site queue space for vehicles between the right-of-way and the pick-up/discharge point.
- Provide a paved and curbed pick-up/discharge area that does not cause children to walk between parked cars or across traffic aisles.
- 18. All parking areas and driving aisles to be paved with asphalt or concrete.

#### General Notes:

- Development is greater than 1 acre and is located within a sensitive drainage basin.
- 20. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 21. All connections to the sewer shall be at manholes only.
- Required landscaping shall not be placed on sewer or drainage easements.

#### OFFICE OF COMPREHENSIVE PLANNING COMMENTS

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

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: **SUP 2025-027** 

Site Address/Location: 1032 Hale Road

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

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

Street Type: Local

Applicant is seeking a special use permit to continue a non-conforming use of a 30-child daycare and learning center.

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

#### 1. Future Land Use Planning Map



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

#### 2. Land Use Description/Intent

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



#### "AN-M" Form & Location Characteristics

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

ACCELERATE: Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

#### "AN-M" Zoning Notes

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

#### **Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Institutional; R-10

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

**Overall Compatibility:** This requested use is compatible with the land use description/intent, form & location characteristics, and zoning notes, but is not consistent with existing, adjacent land use and zoning. A house-scale daycare/learning center is consistent with a mix of building types. The use also promotes walkability and community connection via providing a necessary childcare center within a neighborhood.

#### 3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. There 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 by strengthening existing assets/patterns through (Primarily) Residential Infill and Intensification. Other modes include increasing the mix of uses and multimodal transportation options.

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

The requested use is consistent with <u>Objective 1.5</u> – Strengthen neighborhood commercial districts <u>Action</u> <u>1.5.9</u> - Improve walkability and multimodal access within and around community and Citywide Anchors to promote local economies and connect neighborhood residents and local businesses.

The requested use is consistent due to the private investment by the daycare that would strengthen current community connections, the mix of uses, and promotion of walkability through the provision of childcare within an existing neighborhood. Families who would have otherwise driven to another daycare have the opportunity to walk to one that is in their own neighborhood.

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

The requested use is consistent with <u>Objective 6.1</u> – Increase equitable access to education, quality jobs, and living wages for all residents <u>Action 6.1.4</u> – Continue the City's commitment to funding early childhood education, especially for minorities and other underserved populations.

While not a direct investment by the city, allowing the continued operation of a daycare/learning facility in a neighborhood is an indirect and consistent way to invest in early childhood care and education for the community.

#### **Consistency Analysis Summary**

Applicant is seeking a special use permit to continue a non-conforming use of a 30-child daycare and learning center.

This requested use is compatible with the land use description/intent, form & location characteristics, and zoning notes, but is not consistent with existing, adjacent land use and zoning. A house-scale daycare/learning center is consistent with a mix of building types. The use also promotes walkability and community connection via providing a necessary childcare center within a neighborhood.

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 by strengthening existing assets/patterns through (Primarily) Residential Infill and Intensification. Other modes include increasing the mix of uses and multimodal transportation options.

The requested use is consistent with <u>Objective 1.5</u> – Strengthen neighborhood commercial districts <u>Action 1.5.9</u> - Improve walkability and multimodal access within and around community and Citywide Anchors to promote local economies and connect neighborhood residents and local businesses.

The requested use is consistent with  $\underline{\text{Objective 6.1}}$  – Increase equitable access to education, quality jobs, and living wages for all residents  $\underline{\text{Action 6.1.4}}$  – Continue the City's commitment to funding early childhood education, especially for minorities and other underserved populations.

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

Summary Compiled by: Grayson Vincent, Comprehensive Planning.

#### **MAILED PUBLIC NOTICE**



To learn more about this proposal,

contact the staff planner or use the QR code to view the full application

☑ nabanita.nira@memphistn.gov

CE OF PUBLIC HEARING

speak for or against this application. You may also submit a letter property that is near the site of a development application to be Shelby County Land Use Control Board. You are not required to considered at an upcoming public hearing of the Memphis and You have received this notice because you own or reside on a attend this hearing, but you are invited to do so if you wish to of comment to the staff planner listed below no later than Thursday, November 6, 2025 at 8 AM.

SUP 2025-027 CASE NUMBER: ADDRESS:

To allow a child care center in R-10 1032 Hale Rd REQUEST:

Brianna Freeman

APPLICANT:

**Meeting Details** 

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

9:00 AM

Time:

Date:

Staff Planner Contact:

Nabanita Nira

(901) 636-7406

#### **SIGN AFFIDAVIT**

# **AFFIDAVIT**

Shelby County						
State of Tennessee						
, Evelyn Royston , being duly sworn, depose and say that at 4:30 am/pm on the 12th day of Oct , 2025 , I posted X Public Notice Sign(s) pertaining to Case No. BOA 2025-0108 at 1032 Hale Rd. Memphis, Tn 38116						
providing notice of a Public Hearing before the (check one):						
X Land Use Control Board						
X Board of Adjustment						
X Memphis City Council						
Shelby County Board of Commissioners						
for consideration of a proposed land use action, a photograph of said sign(s) being						
attached hereon and a copy of the sign purchase receipt or rental contract attached						
10/20/25						
Owner Applicant or Representative Date						
Subscribed and sworn to before me this 2017 day of 00 10 BFR , 2025.						
Mark & Weller						
Notary Public My Commission STATE						
My commission expires: Nov. 00, 2025 OF TENNESSEE NOTARY FUBLIC						





#### **APPLICATION**



# Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

#### Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Pending

Opened Date: August 27, 2025

**Expiration Date:** Record Number: SUP 2025-027

Record Name: SUP -Freeman's Little Learners

Description of Work: Request for a Special Use Variance Permit to continue educational opportunities at

this site for the past 20 years. Previous occupant was a Group Daycare. This application request is for a 30 children occupancy Day Care Center.

Parent Record Number:

#### Address:

1032 HALE RD, MEMPHIS, Tennessee 38116

#### Owner Information

Owner Name Primary

Y BCS INVESTMENTS LLC

Owner Phone Owner Address 9012733265

PO BOX 38895, GERMANTOWN, TN 38183

#### Parcel Information

077047 00045

#### **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

Lucas Skinner 07/22/2025 Email

New Special Use Permit (SUP)

PD #2002-311

SUP 2025-027 Page 1 of 3

#### GENERAL PROJECT INFORMATION

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

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

BOA1962-013-CO, PD02-311, PD96-361 Case Layer

No

No

Yes

Yes

No Yes

No

Central Business Improvement District No С Class Downtown Fire District No Historic District

INSTITUTIONAL Land Use MEMPHIS Municipality

Overlay/Special Purpose District Zoning R-10 State Route Lot 0.52

Subdivision WHITEHAVEN HEIGHTS

Planned Development District Wellhead Protection Overlay District No County Commission District City Council District City Council Super District

Contact Information

SUP 2025-027 Page 2 of 3

29

November 13, 2025 Page 30

Name BRIANNA FREEMANFREEMAN'S LITTLE LEARNERS Contact Type APPLICANT

Address

Phone (901)273-3265

Name JOE HARRIS

Address

Phone (901)382-2345

Name EVELYN ROYSTON

Address

Phone (901)340-1878

Contact Type

Contact Type

REPRESENTATIVE

ARCHITECT / ENGINEER / SURVEYOR

Fee Information Invoice # Fee Item Quantity Fees Status Balance Date Assessed 1673822 Special Use Permit Fee -1 500.00 INVOICED 0.00 08/27/2025 5 acres or less (Base Fee) 250.00 1673822 Child Care Center (13+ 1 INVOICED 0.00 08/27/2025 children) 1673822 Credit Card Use Fee (.026 1 19.50 INVOICED 0.00 08/27/2025

> Total Fee Invoiced: \$769.50 Total Balance: \$0.00

Payment Information

x fee)

Payment Amount Method of Payment Credit Card \$769.50

SUP 2025-027 Page 3 of 3

#### **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					
	disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified				
	Development Code Section 12.3.1.				
	11 17 11 (4)				
	(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):				
	.1				
	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 vended in possession; or I have a freehold or lesser estate in the premises				
	have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver,				
	guardien or lessee (and have included documentation with this affidavit)				
	of the property located at 1032 Hale RD MPHS, TN 38116				
	and further identified by Assessor's Parcel Number				
	for which an application is being made to the Division of Planning and Development.				
	Subscribed and sworn to (or affirmed) before me this 26th day of August in the year of 2025				
	Subscribed and sworn to (or affirmed) before me this day of in the year of				
	P1 11				
,	Longe Hammon 4/1/2028				
(	Signature of Notary Public STATE OF My Commission Expires				
	Signature of Notary Public  STATE OF TENNESSEE NOTARY PUBLIC  Scanned with				
	PUBLIC				
	Commed with				

Scanned with CamScanner

#### LETTER OF INTENT

CONSTRUCTION CODES CONSULTANTS, LLC 2809 Kirby Parkway, Suite 116-132

#### MEMPHIS, TN 38119 901.340.1878: ROYSTONCONSULT@AOL.COM

#### LETTER OF INTENT

August 25, 2025

To: Division of Planning and Development 125 N, Main St., Rm. 468 Memphis, Tenn. 38103

Site: 1032 Hale Rd., Memphis, Tn. 38116

On behalf of the owner(s)/tenant(s) we are requesting approval for a Special Use Variance to permit a day care center to serve 30 children, ages 6 weeks to 10 yrs. old at the above site dba Freeman's Little Learners. The Facility will operate Monday through Friday, from 6:30 AM to 5:00 PM.

Our mission is to continue the high-quality educational opportunities this site has maintain for over 20 years. Freeman's Little Learners take great preparation in providing STEM projects, physical activity and leadership opportunities for the after-school programs.

The subject site will provide ingress and egress for drop off and pick up via circular drive with ADA accessibility per Life Safety codes.

The proposed use request of this site will not alter the site, change the characteristics, nor have a negative impact on this community.

We appreciate your time and consideration of this application and look forward to working collaboratively with the appropriate agencies to bring this essential curriculums to the Whitehaven community.

Sincerely,

Evelyn Royston, Representative Staff Report SUP 2025-027 November 13, 2025 Page 33

### **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;

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#### Address:

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#### **Owner Information**

Primary Owner Name

Y BCS INVESTMENTS LLC

 Owner Address
 Owner Phone

 PO BOX 38895, GERMANTOWN, TN 38183
 9012733265

#### **Parcel Information**

077047 00045

#### **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 Lucas Skinner 07/22/2025 Email

New Special Use Permit (SUP)

PD #2002-311

Page 1 of 3 SUP 2025-027

<b>GENERAL</b>	. PROJEC	CT INFO	RMATION
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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

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

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

UDC Sub-Section 9.6.9C UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F

GIS INFORMATION

Case Layer Central Business Improvement District Class

Downtown Fire District Historic District

Land Use Municipality

Overlay/Special Purpose District

Zoning State Route Lot

Subdivision

Planned Development District

Wellhead Protection Overlay District County Commission District City Council District

City Council Super District

**Contact Information** 

Νo

-

No

Yes

Yes No

Yes

No

BOA1962-013-CO, PD02-311, PD96-361

No C No

INSTITUTIONAL MEMPHIS

-R-10 -0.52

WHITEHAVEN HEIGHTS

No -

-

Page 2 of 3 SUP 2025-027

Name

BRIANNA FREEMANFREEMAN'S LITTLE LEARNERS

**Contact Type** 

**APPLICANT** 

**Address** 

**Phone** 

(901)273-3265

Name <u>Contact Type</u>

JOE HARRIS

ARCHITECT / ENGINEER /
SURVEYOR

**Phone** (901)382-2345

Name EVELYN ROYSTON Contact Type REPRESENTATIVE

Address

**Phone** (901)340-1878

**Fee Information** Invoice # Fee Item Quantity Fees Status Balance Date Assessed Special Use Permit Fee -1 500.00 1673822 **INVOICED** 0.00 08/27/2025 5 acres or less (Base Fee) 1673822 Child Care Center (13+ 1 250.00 **INVOICED** 0.00 08/27/2025 children)

1673822 Credit Card Use Fee (.026 1 19.50 INVOICED 0.00 08/27/2025 x fee)

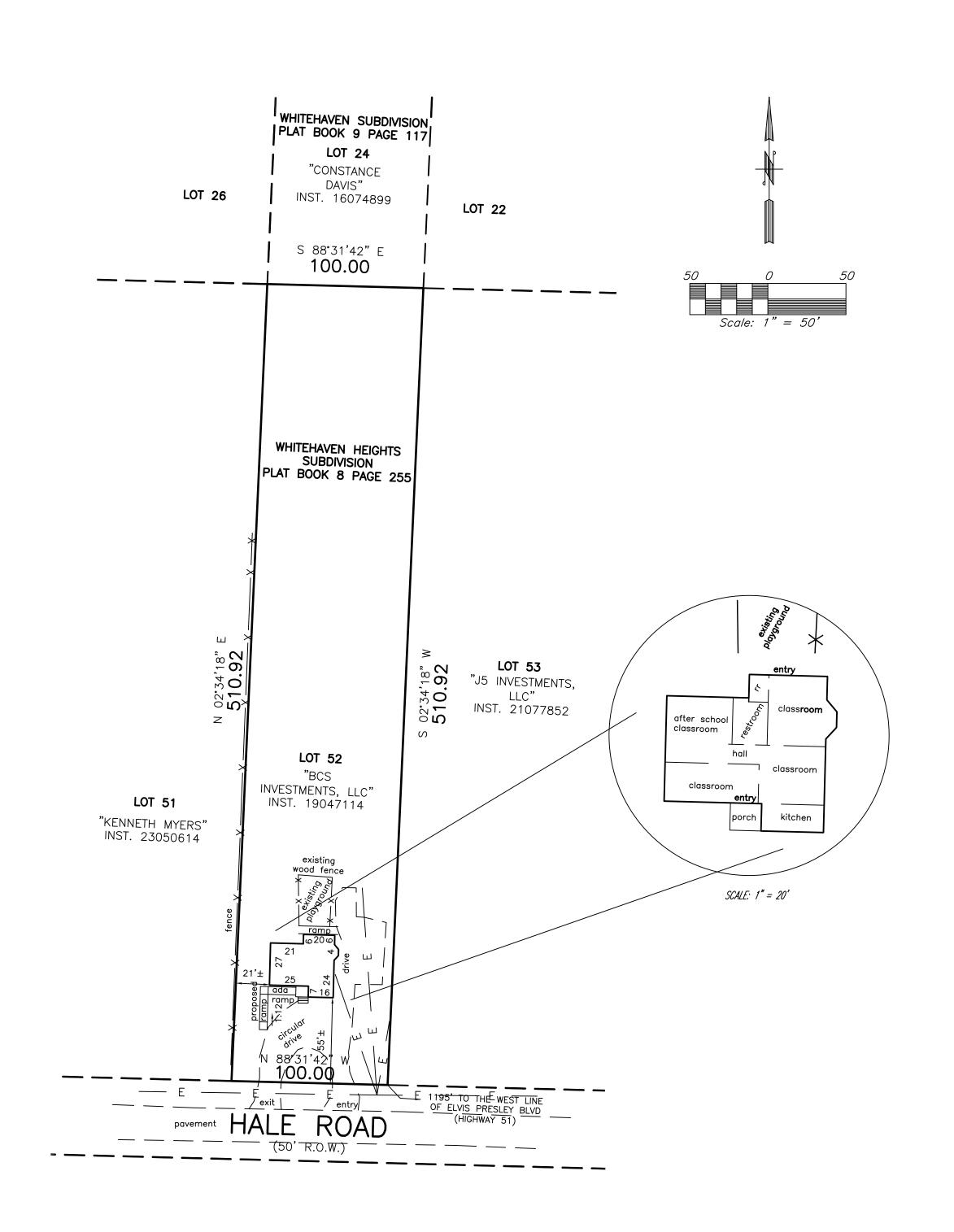
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#### **Payment Information**

Payment Amount Method of Payment \$769.50 Credit Card

Page 3 of 3 SUP 2025-027



# NOTES

- 1. BEARINGS SHOWN ARE RELATIVE TO EACH OTHER ONLY.
- 2. INFORMATION SHOWN (BOUNDARY, IMPROVEMENTS, ETC.) ARE BASED FROM RECORDS ONLY.
- 3. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENTS AGENCY'S FLOOD INSURANCE RATE MAP (FIRM), THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA AS IDENTIFIED IN COMMUNITY PANEL NUMBER 470177 0420F. MAP REVISED SEPTEMBER 28, 2007. LIES IN ZONE X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN (AKA 500 YEAR).

# SITE PLAN LOT 52, WHITEHAVEN HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 8 PAGE 255 IN MEMPHIS, SHELBY COUNTY, TENNESSEE

SITE PLAN LOT 52, WHITEHAVEN HEIGHTS SD - 1032 HALE ROAD, MEMPHIS, TN 38116 ZONED: R10 MEMPHIS SHELBY COUNTY, TENNESSEE 1.17 +/- ACRES 1 LOT CLEINT Harris & Associates Land Surveyors 554 Green Tree Cove, Suite 102B Collierville, TN 38017 FREEMAN'S LITTLE LEARNERS FEMA COMMUNITY NUMBER 100 YEAR FLOOD ELEVATION N/A 470177 0420 F SEPT 28, 2007 SCALE: 1" = 50' AUG 2025 SHEET 1 OF 1

#1032 HALE ROAD, MEMPHIS, TN 38116 CLIENT: FREEMAN'S LITTLE LEARNERS TOTAL CAPACITY: 30 CHILDREN

# CONSTRUCTION CODES CONSULTANTS, LLC 2809 Kirby Parkway, Suite 116-132

#### MEMPHIS, TN 38119 901.340.1878: ROYSTONCONSULT@AOL.COM

#### LETTER OF INTENT

August 25, 2025

To: Division of Planning and Development 125 N, Main St., Rm. 468 Memphis, Tenn. 38103

Site: 1032 Hale Rd., Memphis, Tn. 38116

On behalf of the owner(s)/tenant(s) we are requesting approval for a Special Use Variance to permit a day care center to serve 30 children, ages 6 weeks to 10 yrs. old at the above site dba Freeman's Little Learners. The Facility will operate Monday through Friday, from 6:30 AM to 5:00 PM.

Our mission is to continue the high-quality educational opportunities this site has maintain for over 20 years. Freeman's Little Learners take great preparation in providing STEM projects, physical activity and leadership opportunities for the after-school programs.

The subject site will provide ingress and egress for drop off and pick up via circular drive with ADA accessibility per Life Safety codes.

The proposed use request of this site will not alter the site, change the characteristics, nor have a negative impact on this community.

We appreciate your time and consideration of this application and look forward to working collaboratively with the appropriate agencies to bring this essential curriculums to the Whitehaven community.

Sincerely,

Evelyn Royston, Representative

City Half - 125 N. Main Street, Build 465 - Memphis, Tennessee 38103 - (901) 636-6619

# **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

City Half - 125 N. Main Street, Build 465 - Memphis, Tennessee 38103 - (901) 636-6619

# **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1



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

November 14, 2025

Brianna Freeman Freeman's Little Learners 1032 Hale Rd Memphis, TN 38116

Sent via electronic mail to: <u>bfreeman2037@gmail.com</u> & <u>roystonconsult@aol.com</u>

Case Number: SUP 2025-027

LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, November 13, 2025, the Memphis and Shelby County Land Use Control Board recommended *approval* of your special use permit application to allow a child care center located at 1032 Hale Road, subject to the following conditions:

- 1. A maximum of thirty (30) children are allowed.
- 2. A final site plan with landscaping shall be submitted subject to administrative review and approval by the Division of Planning and Development.
- 3. The subject property and the principal structure must maintain its residential character in design and scale.

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) 636-7406 or via email at nabanita.nira@memphistn.gov.

# Letter to Applicant SUP 2025-027

Respectfully,
Nabanita Nira
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Evelyn Royston, Construction Code Consultants LLC File