

**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     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 *Rejection*  
The Land Use Control Board recommended *Rejection*

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required  
Hearing – December 16, 2025

**PRIOR ACTION ON ITEM:**

(2) _____	APPROVAL - (1) APPROVED (2) DENIED
07/10/2025 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

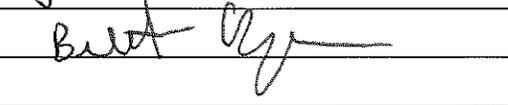
**FUNDING:**

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

**SOURCE AND AMOUNT OF FUNDS**

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

**ADMINISTRATIVE APPROVAL:**

_____	<u>DATE</u>	<u>POSITION</u>
	<u>11/24/25</u>	PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	<u>11/24/25</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## 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:

<b>CASE NUMBER:</b>	PD 2025-002
<b>DEVELOPMENT:</b>	Shelby Rail Service Planned Development
<b>LOCATION:</b>	3021 East Shelby Drive
<b>COUNCIL DISTRICT:</b>	District 3 and Super District 8 – Positions 1, 2, and 3
<b>OWNER/APPLICANT:</b>	Shelby Railroad Service, Inc.
<b>REPRESENTATIVE:</b>	Cindy Reaves, SR Consulting, LLC
<b>REQUEST:</b>	Amendment to PD 06-349 to add additional land for storage
<b>EXISTING ZONING:</b>	Residential Single Family – 8 (R-8)
<b>AREA:</b>	+/-35.164 acres

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**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  
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. **Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles, Trucks, and other Vehicle Storage uses.**
  - 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:

- E- A site plan shall be submitted for the review, comment and recommendation of the **Division 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.~~

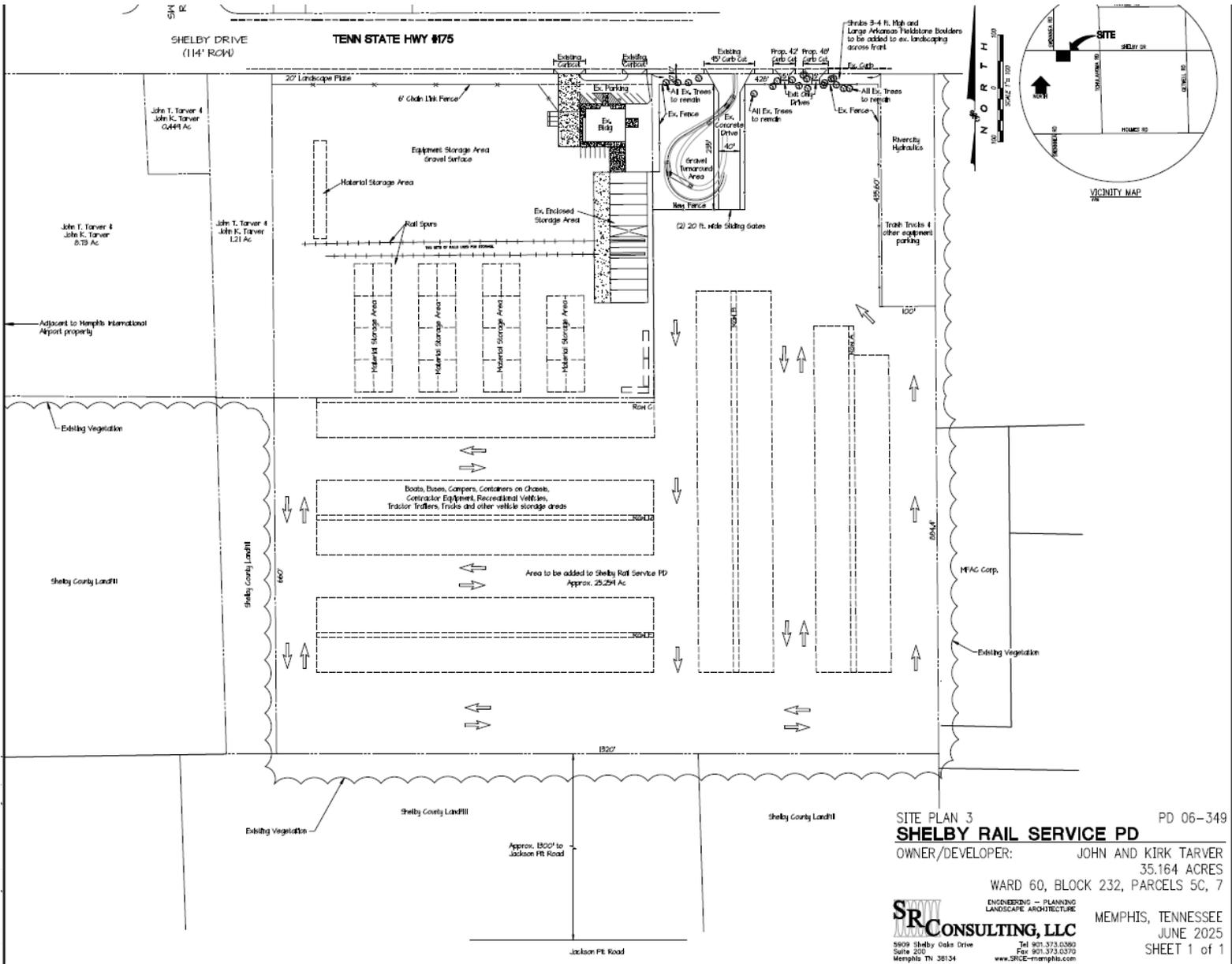
VIII. FINAL PLAN:

- 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



**SITE PLAN 3** PD 06-349  
**SHELBY RAIL SERVICE PD**  
 OWNER/DEVELOPER: JOHN AND KIRK TARVER  
 35.164 ACRES  
 WARD 60, BLOCK 232, PARCELS 5C, 7  
**SRCC CONSULTING, LLC**  
 ENGINEERING - PLANNING  
 LANDSCAPE ARCHITECTURE  
 5809 Shelby Oaks Drive Memphis, TN 38134  
 Tel: 901.373.0360 Fax: 901.373.0370  
 www.SRCC-memphis.com  
 MEMPHIS, TENNESSEE  
 JUNE 2025  
 SHEET 1 of 1

**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**

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**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.
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  - 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;
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***ATTEST:***

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

**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.

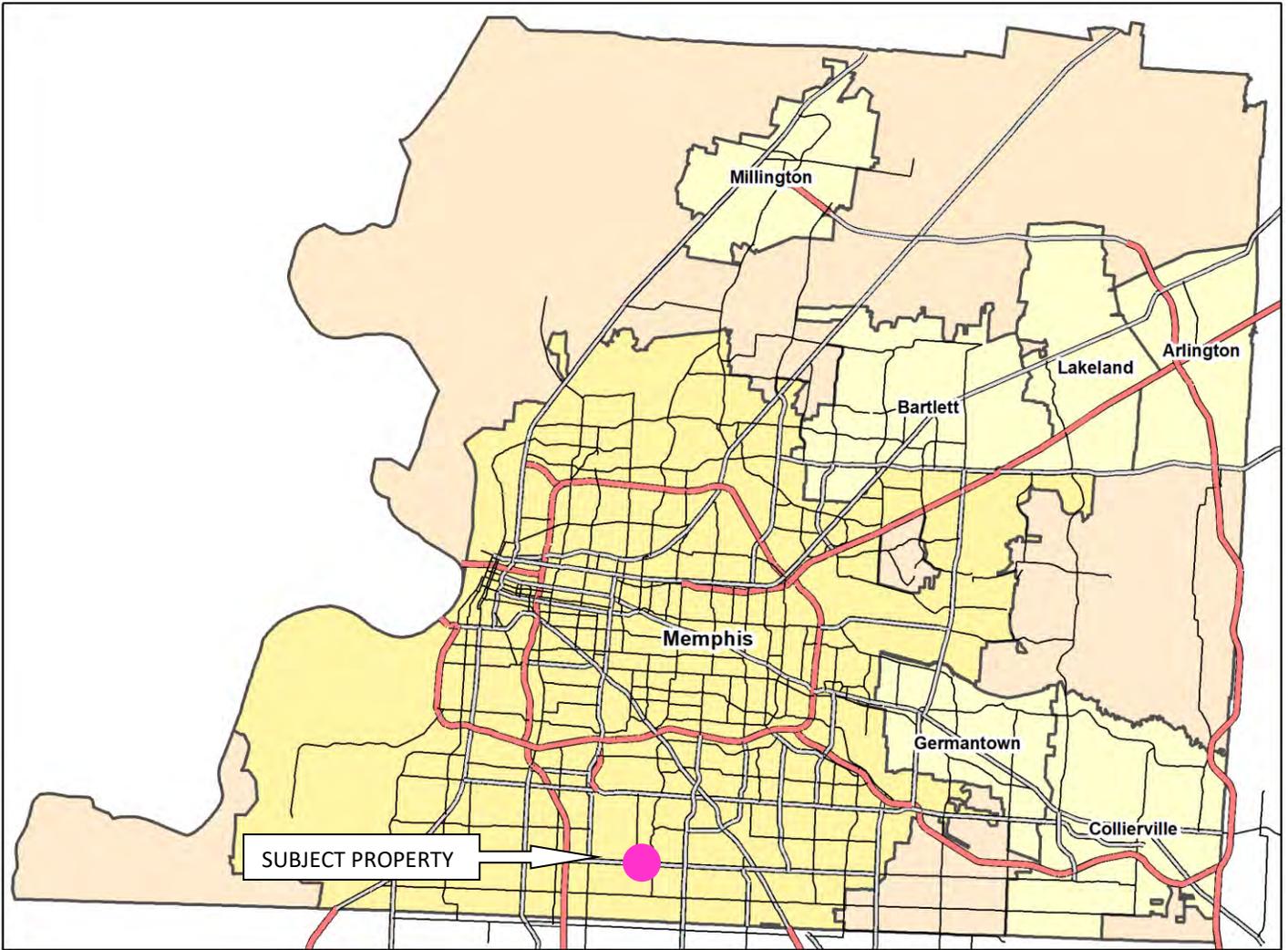
## CONSISTENCY WITH MEMPHIS 3.0

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*

**LOCATION MAP**



Subject property located within the pink circle

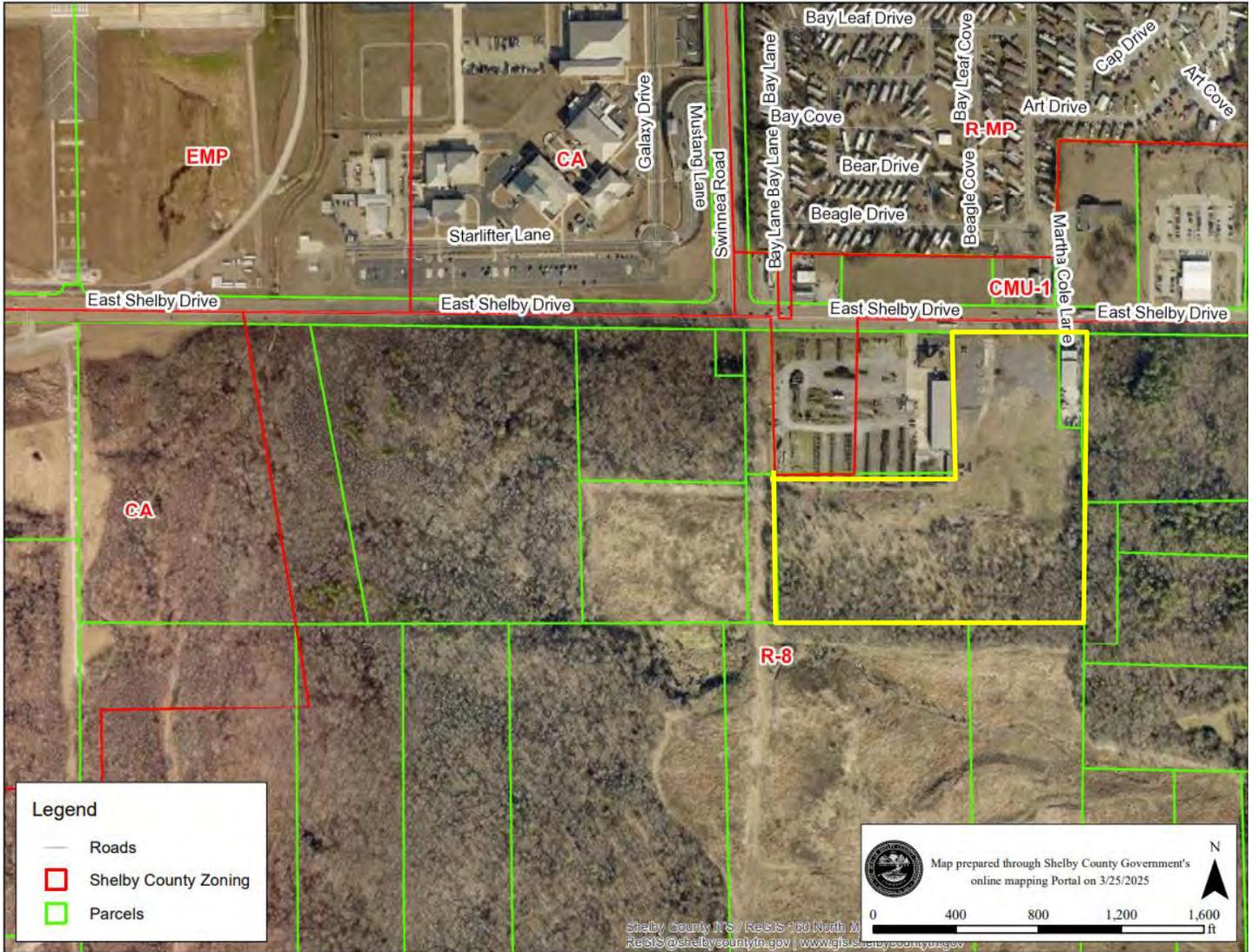


**AERIAL**



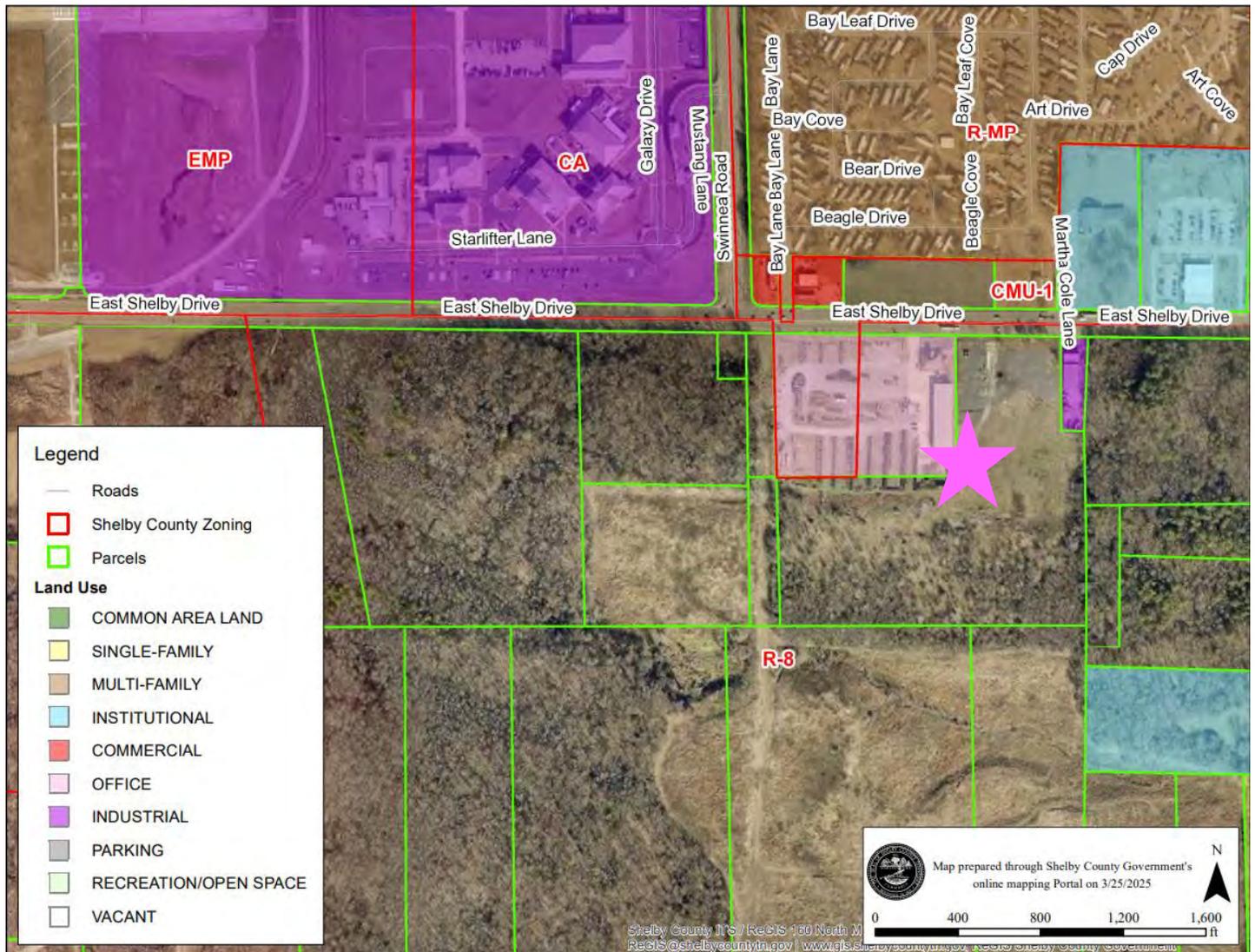
Subject property outlined in yellow

**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**

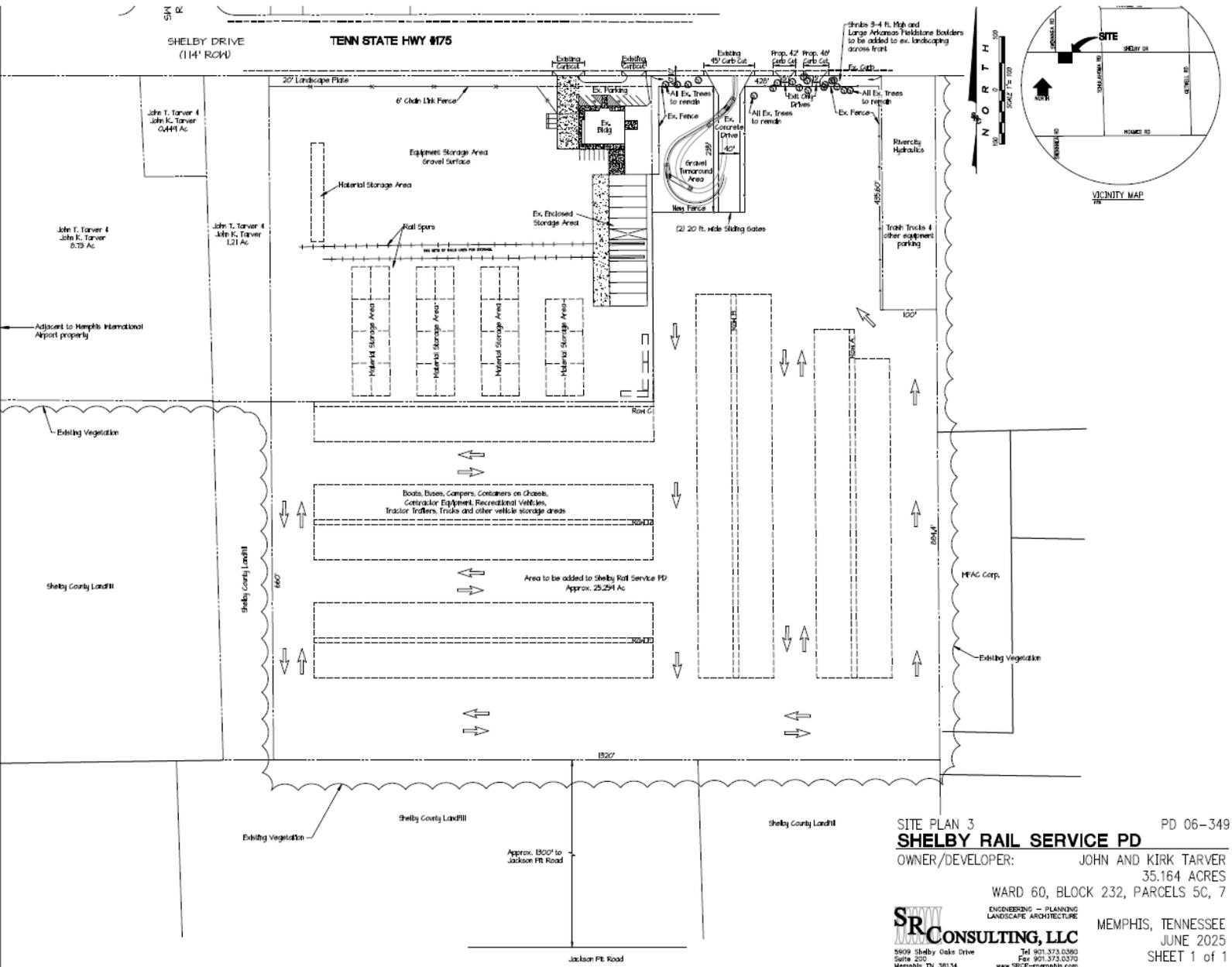








**CONCEPT PLAN**



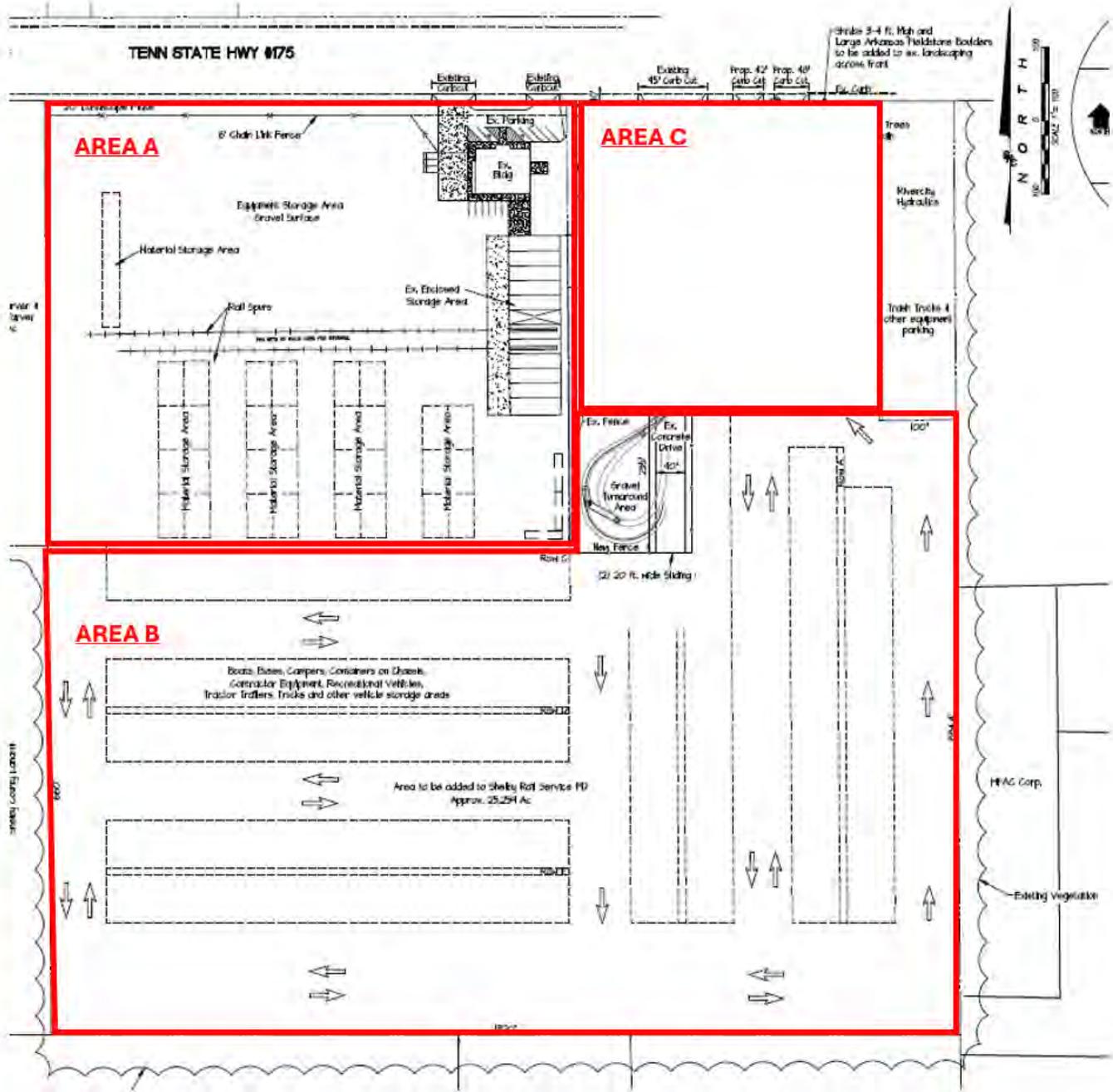
SITE PLAN 3  
**SHELBY RAIL SERVICE PD**  
 OWNER/DEVELOPER: JOHN AND KIRK TARVER  
 35.164 ACRES  
 WARD 60, BLOCK 232, PARCELS 5C, 7  
 SHEET 1 of 1

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 Fax 901.373.0370  
 www.SRCE-memphis.com





CONCEPT PLAN – STAFF DESIGNED



## **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*

*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.*

**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 mini-warehouse.

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.
  - o 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.
  - o 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

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. **Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles , Trucks and other Vehicle Storage uses.**
  - 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:

- F. A site plan shall be submitted for the review, comment and recommendation of the **Division 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.~~

## **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

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

<b>City Fire Division:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>County Health Department:</b>	No comments received.
<b>Shelby County Schools:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>Office of Sustainability and Resilience:</b>	No comments received.
<b>Office of Comprehensive Planning:</b>	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: PD 2025-002: Oakhaven/Parkway Village

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.

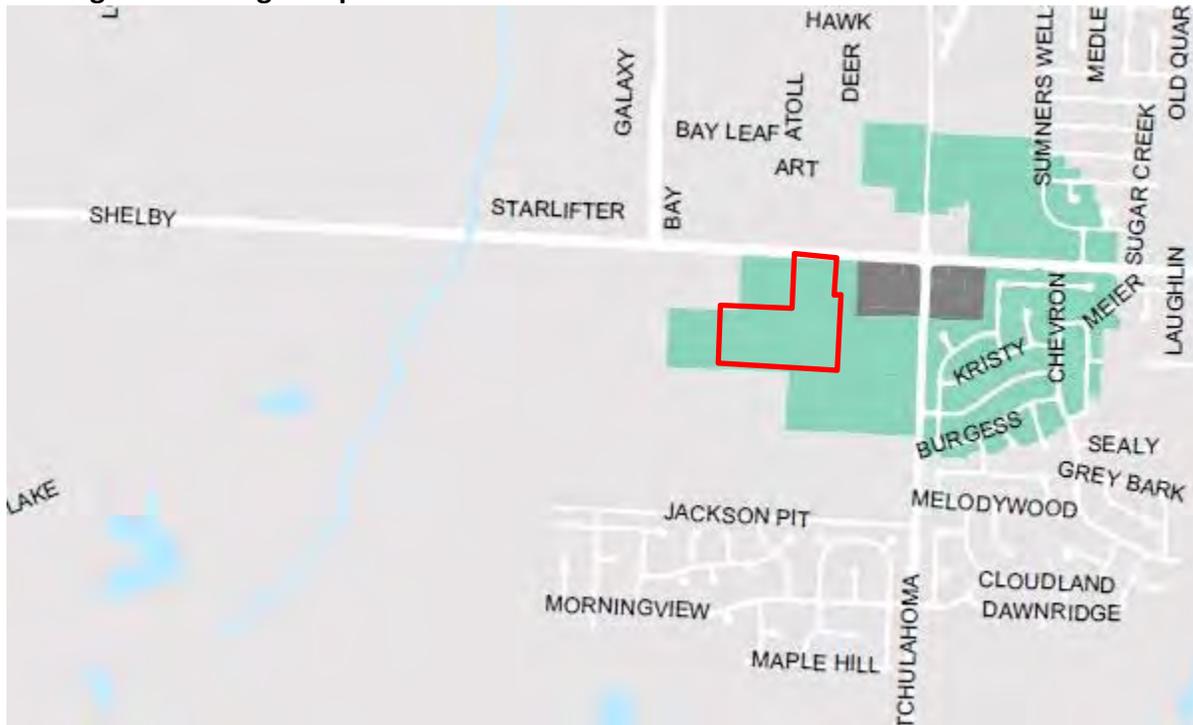
### Existing, Adjacent Land Use and Zoning

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.*

### 3. Degree of Change Map



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 & 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.*

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 INCONSISTENT with the Memphis 3.0 Comprehensive Plan.**

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

**MAILED PUBLIC NOTICE**

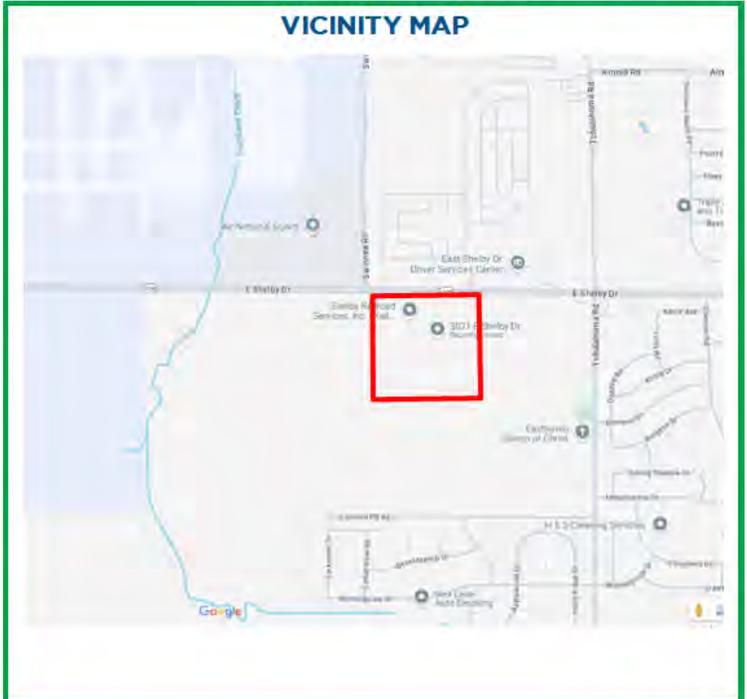
# NOTICE OF PUBLIC HEARING

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  
City Hall 1st Floor  
125 N Main St.  
**Time:** 9:00 AM  
**Date:** Thursday, April 10, 2025

**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 03/21/2025

**SIGN AFFIDAVIT**

**AFFIDAVIT**

*Shelby County  
State of Tennessee*

I, Kristin Reaves, being duly sworn, depose and say that at 10:51am am/pm on the 28th day of March, 2025, I posted 1 Public Notice Sign(s) pertaining to Case No. PD 2025-002 at 3021 E. Shelby Dr., providing notice of a Public Hearing before the (check one):

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

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

*[Signature]* 3/31/25  
 Owner, Applicant or Representative Date

Subscribed and sworn to before me this 31 day of March, 2025.

*[Signature]*  
 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](http://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

Y TARVER JOHN T AND J KIRK TARVER (RS)

Owner Address

2100 WOODCREEK DR, GERMANTOWN, TN 38138

Owner Phone

---

**Parcel Information**

060232 00005C

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner Lucas Skinner

Date of Meeting -

Pre-application Meeting Type -

**GENERAL PROJECT INFORMATION**

Planned Development Type Amendment to Existing PD

Previous Docket / Case Number PD 06-349

Medical Overlay / Uptown No

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

(Note a tract of less than three acres is not

**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 **No**

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

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A

No affect to adjacent property.

UDC Sub-Section 9.6.9B

The development will be consistent with the existing PD property.

UDC Sub-Section 9.6.9C

If needed adequate facilities will be provided.

UDC Sub-Section 9.6.9D

No significant features on the site.

UDC Sub-Section 9.6.9E

The development will be consistent with the existing PD property.

UDC Sub-Section 9.6.9F

No affect to plans to be considered

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A

No affect to surrounding property.

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

If needed adequate facilities will be provided.

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

The development will be consistent with the existing PD property.

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

The development will be consistent with the existing PD property.

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

The owner will maintain the property.

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

A Final Plat will be recorded.

**GIS INFORMATION**

Case Layer

-

Central Business Improvement District

No

Class

-

Downtown Fire District

No

<b>GIS INFORMATION</b>	
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

**Contact Information**

**Name**  
 SHELBY RAILROAD SERVICE INC.

**Contact Type**  
 APPLICANT

**Address**

**Phone**

**Name**  
 CINDY REAVES

**Contact Type**  
 REPRESENTATIVE

**Address**

**Phone**  
 (901)870-7003

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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**

<b>Payment Amount</b>	<b>Method of Payment</b>
\$3,600.00	Check

**OWNER AFFIDAVIT**



**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, John Taylor Carver (Print Name) [Signature] (Sign Name) state that I have read the definition of

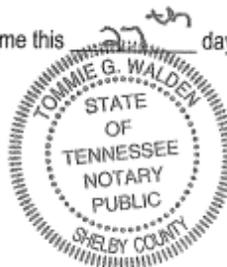
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

of the property located at 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 27<sup>th</sup> day of February in the year of 2025

Tommi Walden  
Signature of Notary Public



8-21-2027  
My Commission Expires

**LETTER OF INTENT**



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.

**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

Record Type: Planned Development

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Expiration Date:

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### Owner Information

Primary Owner Name

Y TARVER JOHN T AND J KIRK TARVER (RS)

Owner Address

2100 WOODCREEK DR, GERMANTOWN, TN 38138

Owner Phone

### Parcel Information

060232 00005C

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner Lucas Skinner

Date of Meeting -

Pre-application Meeting Type -

#### GENERAL PROJECT INFORMATION

Planned Development Type Amendment to Existing PD

Previous Docket / Case Number PD 06-349

Medical Overlay / Uptown No

If this development is located in unincorporated N/A

Shelby County, is the tract at least three acres?

(Note a tract of less than three acres is not

**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 No

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

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A

No affect to adjacent property.

UDC Sub-Section 9.6.9B

The development will be consistent with the existing PD property.

UDC Sub-Section 9.6.9C

If needed adequate facilities will be provided.

UDC Sub-Section 9.6.9D

No significant features on the site.

UDC Sub-Section 9.6.9E

The development will be consistent with the existing PD property.

UDC Sub-Section 9.6.9F

No affect to plans to be considered

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A

No affect to surrounding property.

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

If needed adequate facilities will be provided.

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

The development will be consistent with the existing PD property.

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

The development will be consistent with the existing PD property.

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

The owner will maintain the property.

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

A Final Plat will be recorded.

**GIS INFORMATION**

Case Layer

-

Central Business Improvement District

No

Class

-

Downtown Fire District

No

**GIS INFORMATION**

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

**Contact Information**

---

**Name**

SHELBY RAILROAD SERVICE INC.

**Contact Type**

APPLICANT

**Address**

**Phone**

-

**Name**

CINDY REAVES

**Contact Type**

REPRESENTATIVE

**Address**

**Phone**

(901)870-7003

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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

\$3,600.00

Method of Payment

Check

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

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

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, John Taylor Carver (Print Name) [Signature] (Sign Name), state that I have read the definition of

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

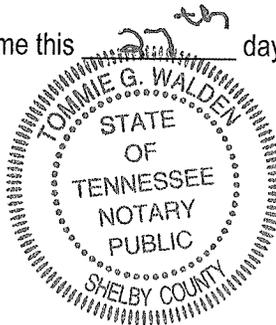
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in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

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

of the property located at 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 27<sup>th</sup> day of February in the year of 2025

Tommi Walden  
Signature of Notary Public



8-21-2027  
My Commission Expires



ENGINEERING • PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel: 901-373-0380  
Fax: 901-373-0370  
[www.SRCE-memphis.com](http://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:

I. USES PERMITTED:

A. Construction contractor with outdoor storage facility.

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, 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

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.

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 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.

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 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.





# 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.



21089771

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

3 PGS	
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

<b>Prepared by:</b>  Austin Law Firm, P.A. 6928Cobblestone Drive Suite 100 Southaven, MS 38672 662-890-7575 MS Bar #3412  File No:06-21-6648	<b>Grantors Address:</b> <u>1135 Smart Rd</u> <u>Holly Springs, ms</u> <u>38635</u> Home: <u>N/A</u> Work: <u>(662) 544-2750</u>	<b>Grantees Address:</b> <u>J. Tarver</u> <u>3021 Shelby Drive</u> <u>Memphis, TN 38118</u> Home: <u>N/A</u> Work: <u>(901) 365-1068</u>
---	---	---

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.

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 center 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*  
Raymond W. Smith

*Dorothy 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, 2021.

*Call*  
Notary Public

My commission expires:



\*\*\*\*\*

**(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

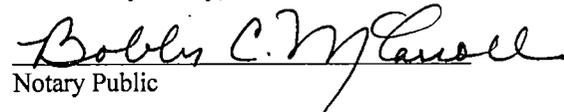
**This instrument return to:**  
**Smith and Smith Law Firm**  
**4917 William Arnold Road**  
**Memphis, TN 38117**

Smith and Smith Law Firm#: 210097

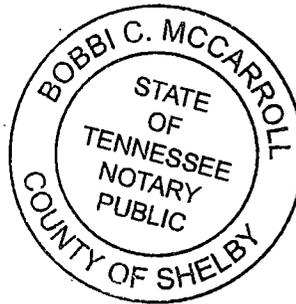
I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$350,000.00, which amount is equal to or greater than the amount which the property transferred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

  
\_\_\_\_\_  
Affiant

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

  
\_\_\_\_\_  
Notary Public

My Commission Expires: **OCT 16 2021**





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

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](mailto:alexis.longstreet@memphistn.gov).

Respectfully,



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. **Area B: Vehicle and Equipment Outdoor Storage under lease such as Boats, Buses, Campers, Contractor Equipment, Recreational Vehicles, Trucks, and other Vehicle Storage uses.**
  - 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. **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:

- E. A site plan shall be submitted for the review, comment and recommendation of the **Division 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  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 12/02/2025**

**DATE**

**PUBLIC SESSION: 12/16/2025**

**DATE**

**ITEM (CHECK ONE)**

ORDINANCE

RESOLUTION

REQUEST FOR PUBLIC HEARING

**ITEM DESCRIPTION:**

Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 7913 Dexter Road, known as case number PD 2025-014

**CASE NUMBER:**

PD 25-14

**DEVELOPMENT:**

Dexter-Candle Ridge Planned Development

**LOCATION:**

7913 Dexter Road

**COUNCIL DISTRICTS:**

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

**AREA:**

+/-6 acres

**RECOMMENDATION:**

The Division of Planning and Development recommended *Approval with outline plan conditions*  
The Land Use Control Board recommended *Approval with outline plan conditions*

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

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_  
11/13/2025  
(1) Land Use Control Board

APPROVAL - (1) APPROVED (2) DENIED  
DATE  
ORGANIZATION - (1) BOARD / COMMISSION  
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

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

**SOURCE AND AMOUNT OF FUNDS**

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

OPERATING BUDGET  
CIP PROJECT # \_\_\_\_\_  
FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

Nabanita Nira

**DATE      POSITION**

11/20/2025

PLANNER II

DEPUTY ADMINISTRATOR

Butt Ryan

11/20/25

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:

<b>CASE NUMBER:</b>	PD 25-14
<b>DEVELOPMENT:</b>	Dexter-Candle Ridge Planned Development
<b>LOCATION:</b>	7913 Dexter Rd
<b>COUNCIL DISTRICT(S):</b>	District 2 and Super District 9
<b>OWNER/APPLICANT:</b>	Providence Private Equity Group LLC
<b>REPRESENTATIVE:</b>	David Gean Bray, The Bray Firm
<b>REQUEST:</b>	28-lot residential development
<b>EXISTING ZONING:</b>	Conservation Agriculture (CA)
<b>AREA:</b>	+/-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
    - 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

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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.
- 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.
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**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**

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**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
  
- 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.
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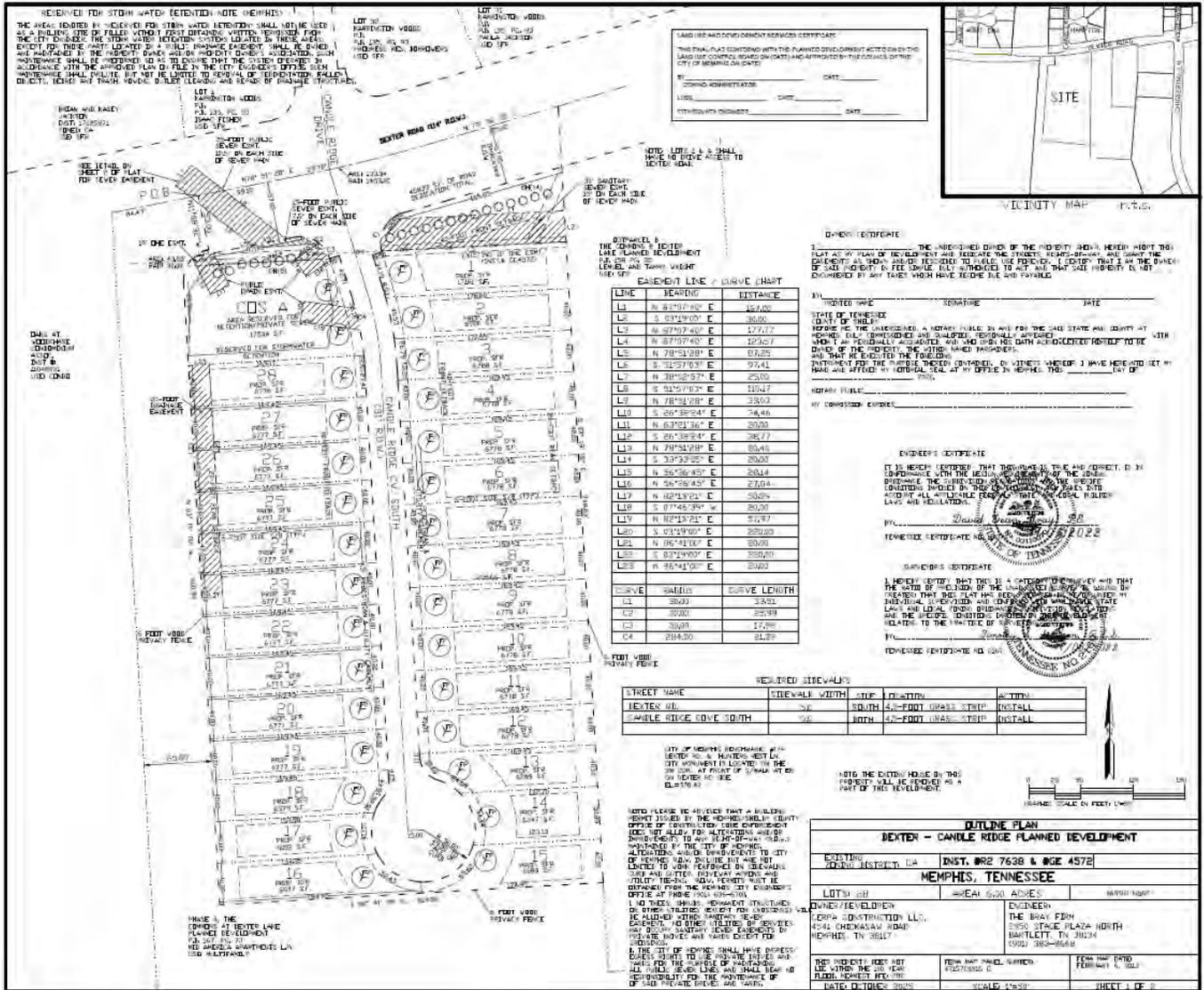
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# CONCEPT PLAN



***ATTEST:***

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

**AGENDA ITEM:** 12 **L.U.C.B. MEETING:** 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.

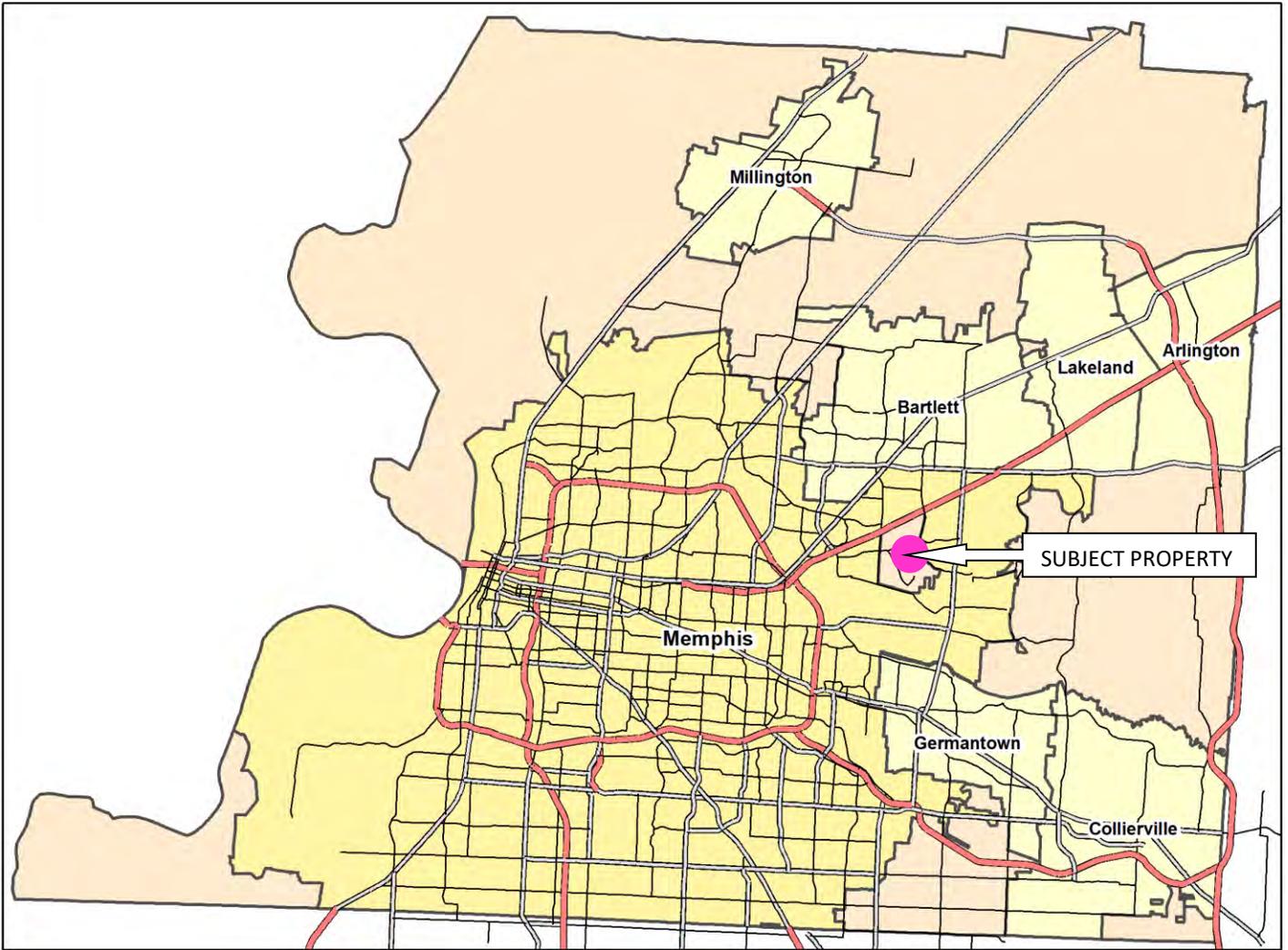
## CONSISTENCY WITH MEMPHIS 3.0

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:

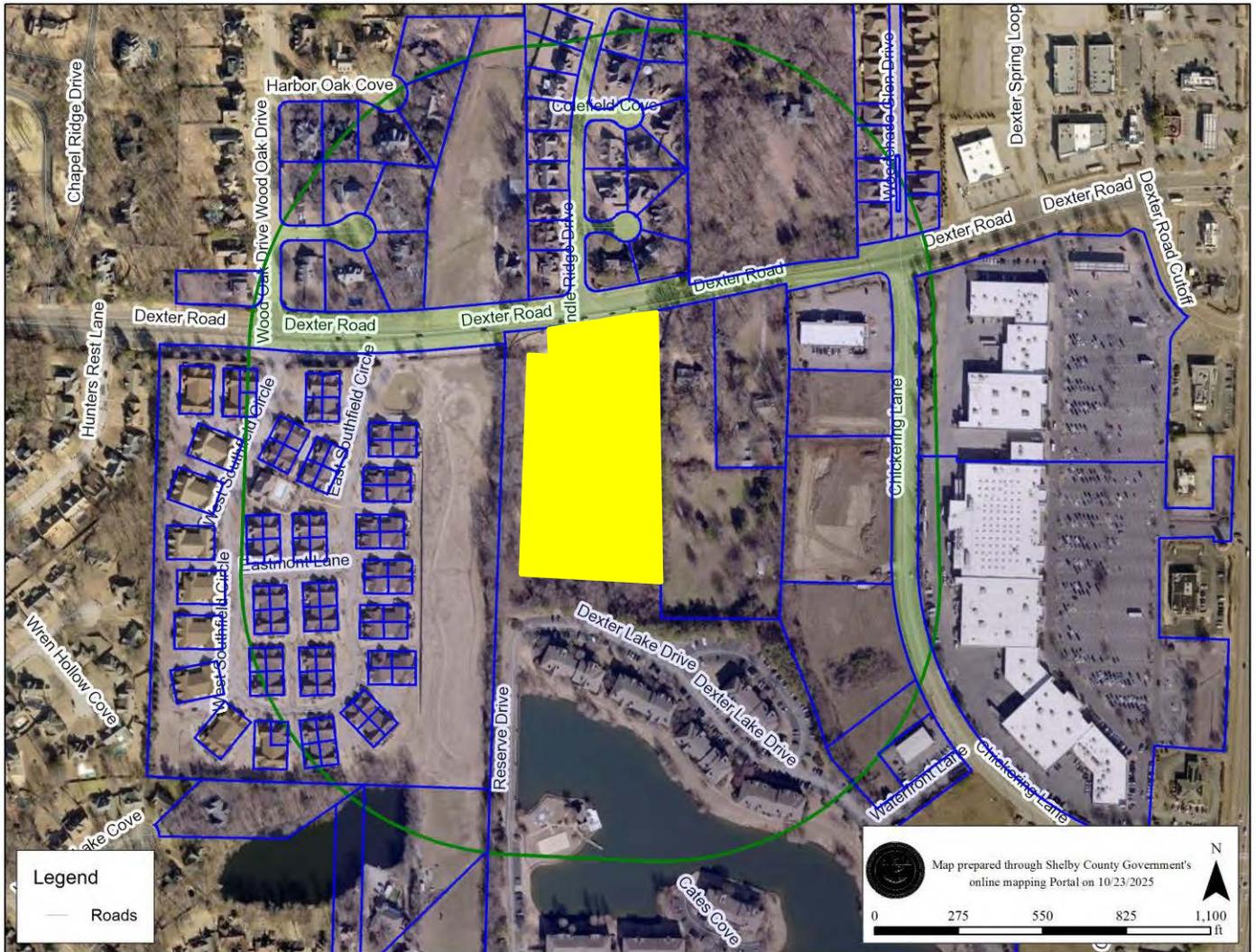
***Approval with conditions***

**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**

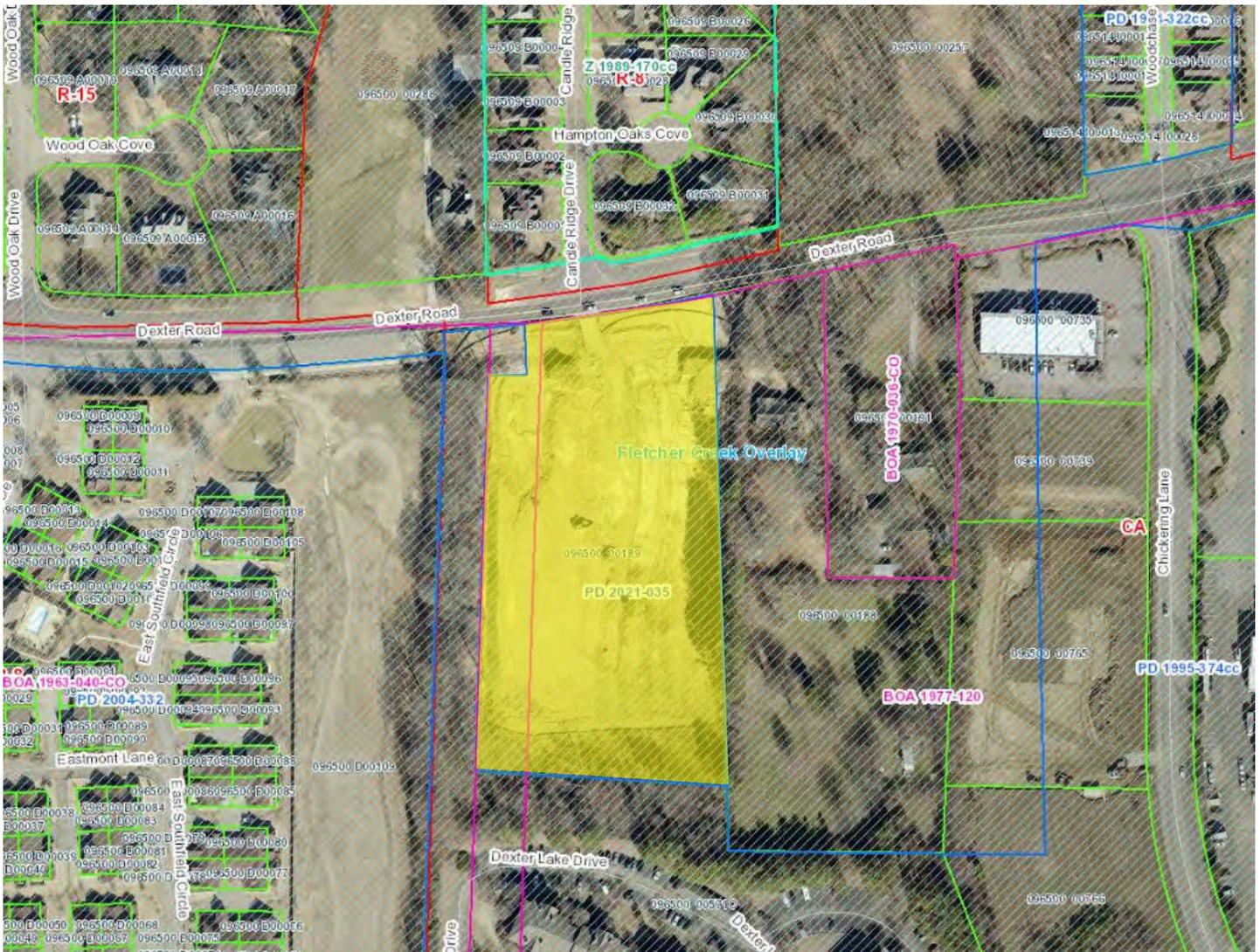
The meeting was held at 6:00 PM on Thursday October 30, 2025, at the Cordova Library, 8457 Trinity Road.

**AERIAL**



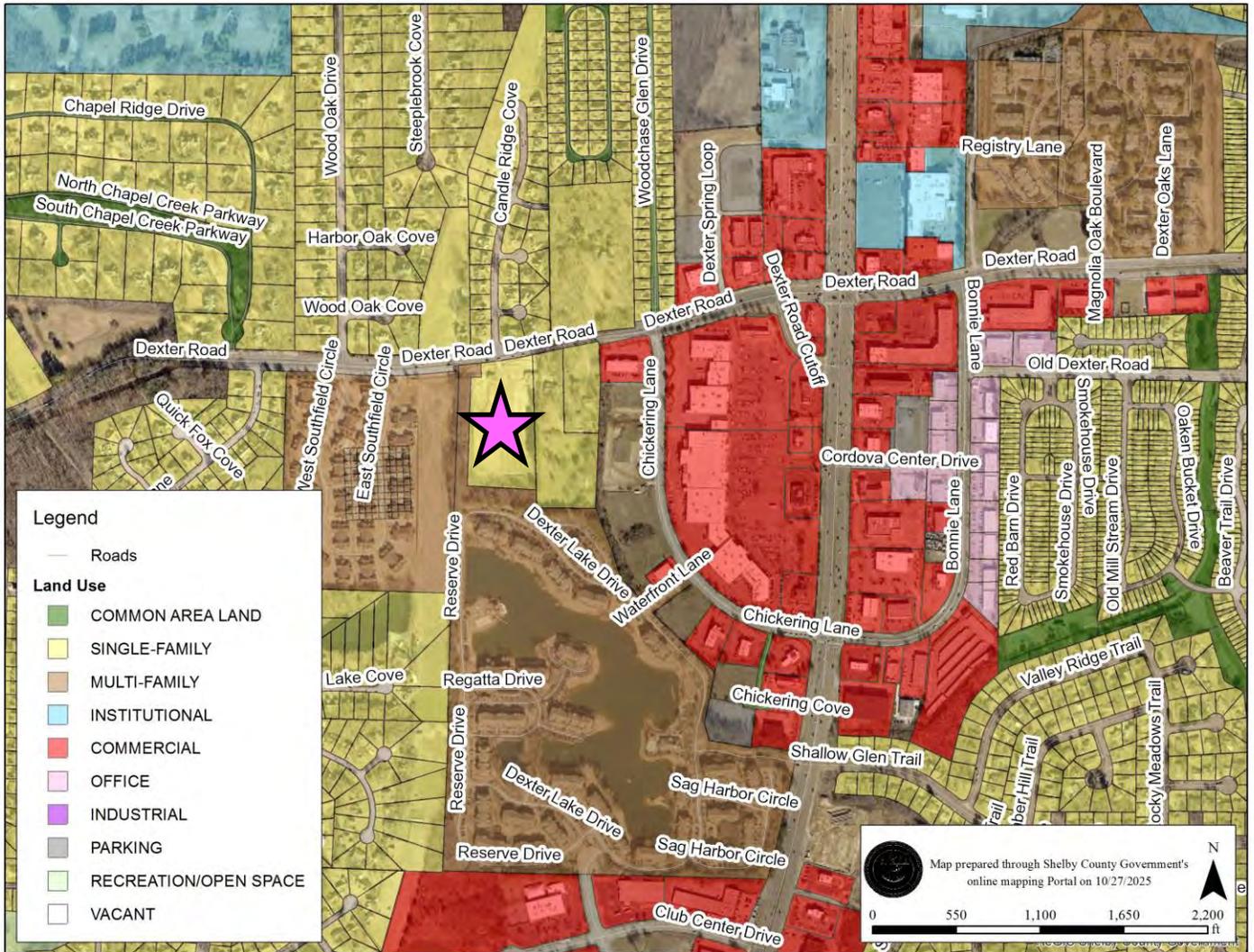
Subject property outlined in yellow, imagery from 2023

**ZONING MAP**



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

**SITE PHOTOS**

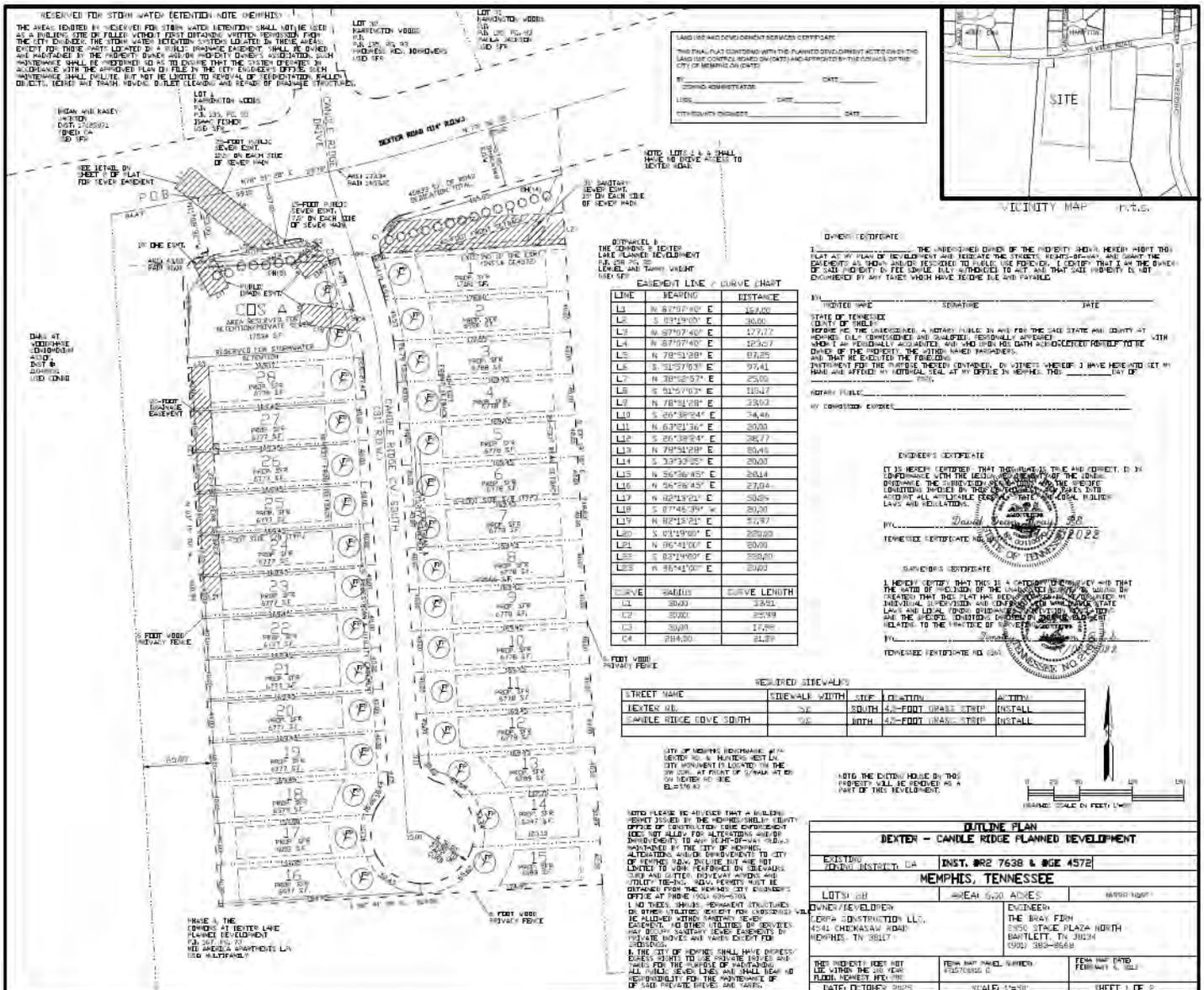


View of subject property from Dexter Road looking southeast



View of subject property from Dexter Road looking southwest

PROPOSED OUTLINE PLAN





## 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 in order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

### General Provisions

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

#### 4.10.3 General Provisions

*The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the 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
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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 PROPER5TY 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.

**DEPARTMENTAL COMMENTS**

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

- |   |                                 |
|---|---------------------------------|
| <b>City Engineer:</b>                           | See pages 17-18 of this report. |
| <b>City Fire Division:</b>                      | See page 19 of this report.     |
| <b>City Real Estate:</b>                        | No comments received.           |
| <b>County Health Department:</b>                | No comments received.           |
| <b>Shelby County Schools:</b>                   | No comments received.           |
| <b>Construction Code Enforcement:</b>           | No comments received.           |
| <b>Memphis Light, Gas and Water:</b>            | No comments received.           |
| <b>Office of Sustainability and Resilience:</b> | No comments received.           |
| <b>Office of Comprehensive Planning:</b>        | 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

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

**Sewers:**

2. The Subdivision is approved to connect to the sewer system per the conditions stated in the sewer letter, issued 21 July 2021.
3. 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:**

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

**Curb Cuts/Access:**

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

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

10. **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.
    - b. Dexter Road shall be dedicated and improved 57 feet from the centerline of the road.
  11. **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.
  14. **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.
  21. 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**

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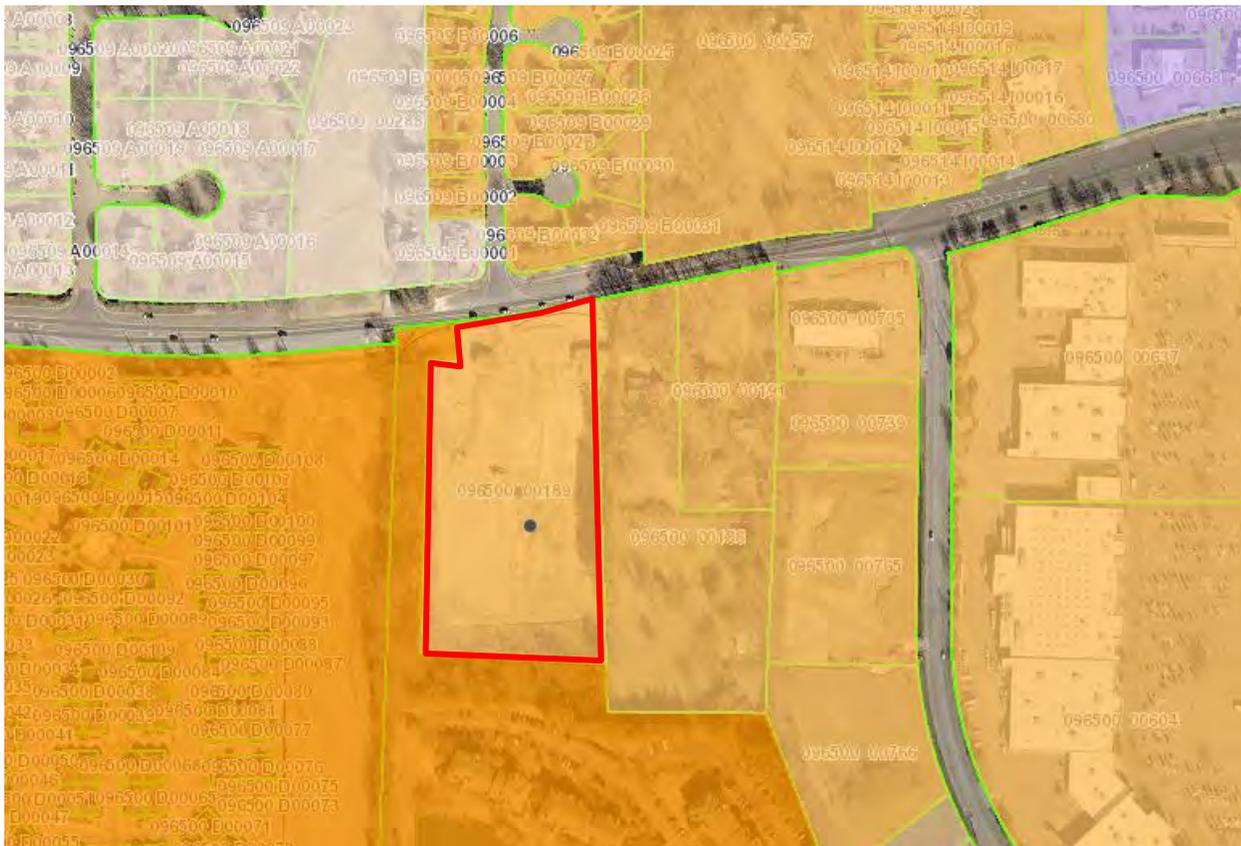
This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: **PD 2025-014**

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.

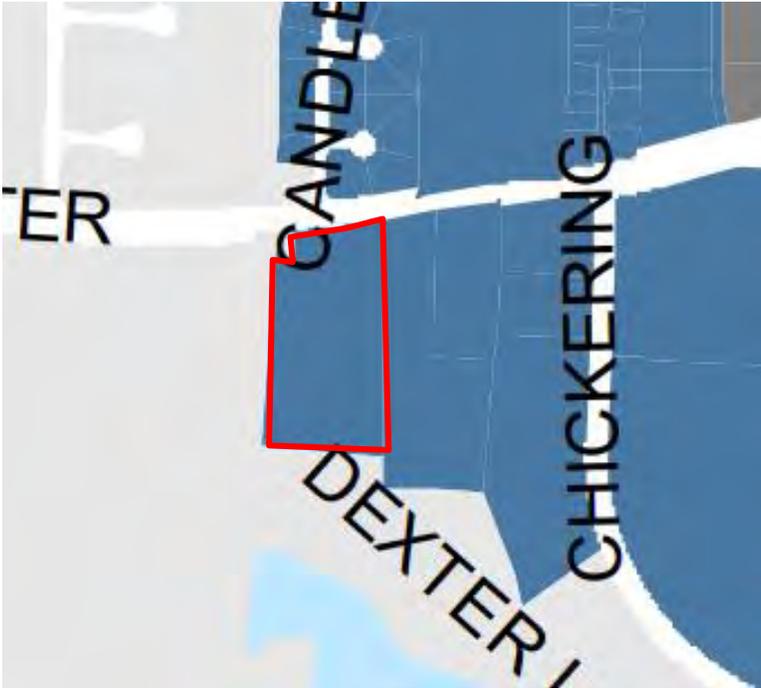
### **Existing, Adjacent Land Use and Zoning**

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-de-sacs 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 **Objective 1.1** - *Focus future growth and density in and around Community and Citywide Anchors* **Action 1.1.31** - *Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation* AND **Action 1.5.1** - *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 **Objective 4.2** - *Promote safe movement of people and vehicles across all modes of travel* **Action 4.2.3** - *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 auto-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 **Objective 1.1** - Focus future growth and density in and around Community and Citywide Anchors **Action 1.1.31** - Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation **AND Action 1.5.1** - Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density.

The proposed development is inconsistent with **Objective 4.2** - Promote safe movement of people and vehicles across all modes of travel **Action 4.2.3** - 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

# 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:** PD 2025-014  
**ADDRESS:** 7913 Dexter Rd  
**REQUEST:** 28-lot residential development  
**APPLICANT:** Providence Private Equity Group LLC.

**Meeting Details**  
**Location:** Council Chambers  
City Hall 1st Floor  
125 N Main St.  
**Time:** 9:00 AM  
**Date:** Thursday, Nov. 13, 2025

**Staff Planner Contact:**  
Nabanita Nira  
✉ nabanita.nira@memphistn.gov  
☎ (901) 636-7406

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

## VICINITY MAP



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

129 Notices Mailed 10/23/2025

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, Brian Hatley, being duly sworn, depose and say that at 3:00pm am/pm on the 23rd day of October, 2025, I posted 1 Public Notice Sign(s) pertaining to Case No. PD 2025-014 at 7913 Dexter Road providing notice of a Public Hearing before the (check one):

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

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

[Signature]  
Owner, Applicant or Representative

10-31-25  
Date

Subscribed and sworn to before me this 31<sup>st</sup> day of October, 2025.

[Signature]  
Notary Public

My commission expires: 5/17/2026





**APPLICATION**



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

East Service Center: 6485 Mullins Station Rd; Memphis,  
Tennessee 38134  
Downtown Service Center: 125 N. Main Street;  
Memphis, Tennessee 38103

website: [www.develop901.com](http://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 STRAWAY DR, MEMPHIS, TN 38119

---

**Parcel Information**

096500 00189

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner Brett Ragsdale

Date of Meeting 10/10/2025

Pre-application Meeting Type Phone

**GENERAL PROJECT INFORMATION**

Planned Development Type New Planned Development (PD)

Previous Docket / Case Number -

Medical Overlay / Uptown No

If this development is located in unincorporated yes

Shelby County, is the tract at least three acres?

(Note a tract of less than three acres is not

**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 No

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

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A The 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 Yes

UDC Sub-Section 9.6.9C Agreed

UDC Sub-Section 9.6.9D Agreed

UDC Sub-Section 9.6.9E Agreed

UDC Sub-Section 9.6.9F Agreed

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A Agreed

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 Agreed

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 Agreed

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 Agreed

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

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

**GIS INFORMATION**

Case Layer BOA1977-120, BOA1963-040-CO

Central Business Improvement District No

Class R

Downtown Fire District No

**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**

---

<b>Name</b> PROVIDENCE PRIVATE EQUITY GROUP LLC	<b>Contact Type</b> APPLICANT
--	----------------------------------

**Address**  
 6744 STRNAWAY DR, MEMPHIS, TN, MEMPHIS, TN, 38119

**Phone**  
 -

<b>Name</b> THE BRAY FIRM	<b>Contact Type</b> ARCHITECT / ENGINEER / SURVEYOR
------------------------------	---

**Address**  
 2950 STAGE PLAZA NORTH,

**Phone**  
 (901)487-2425

**Fee Information**

Invoice #	Fee Item	Quantity	Fee	Status	Balance	Date Assessed
1684494	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	10/14/2025

Total Fee Invoiced: \$0.00

Total Balance: \$0.00



**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.

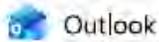
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

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>

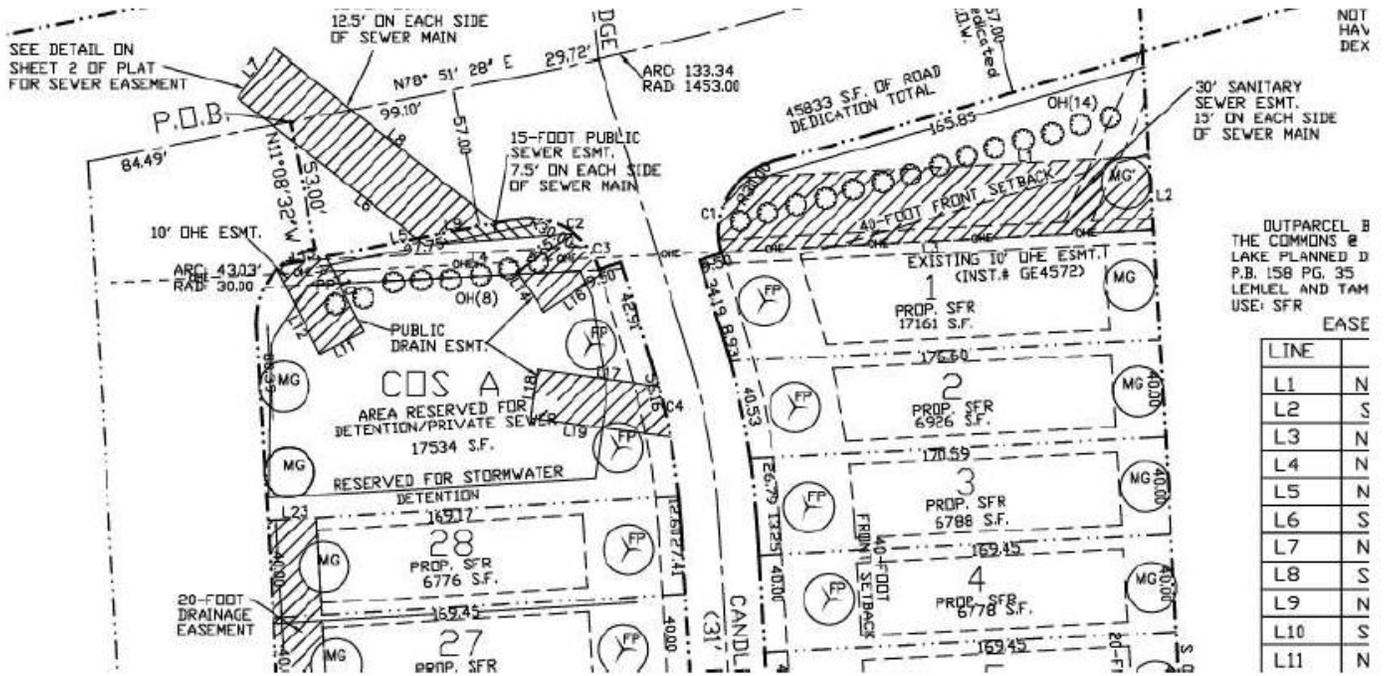
**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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 area 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 there 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 biloba* '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

## Record Summary for Planned Development

### Record Detail Information

Record Type: Planned Development

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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	Brett Ragsdale
Date of Meeting	10/10/2025
Pre-application Meeting Type	Phone

#### GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
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	yes

**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 No

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

**APPROVAL CRITERIA**

UDC Sub-Section 9.6.9A The project was previously approved erroneously as an amendment to an existing PD. The proposed uses are compatible with surrounding uses

UDC Sub-Section 9.6.9B This project is compatible with surrounding uses.

UDC Sub-Section 9.6.9C Yes

UDC Sub-Section 9.6.9D Agreed

UDC Sub-Section 9.6.9E Agreed

UDC Sub-Section 9.6.9F Agreed

**GENERAL PROVISIONS**

UDC Sub-Section 4.10.3A Agreed

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 Agreed

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 Agreed

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 Agreed

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

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

**GIS INFORMATION**

Case Layer BOA1977-120, BOA1963-040-CO

Central Business Improvement District No

Class R

Downtown Fire District No

**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

**Contact Type**

APPLICANT

**Address**

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

**Phone**

-

---

**Name**

THE BRAY FIRM

**Contact Type**

ARCHITECT / ENGINEER / SURVEYOR

**Address**

2950 STAGE PLAZA NORTH,

**Phone**

(901)487-2425

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**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1684494	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	10/14/2025

Total Fee Invoiced: \$0.00

Total Balance: \$0.00



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.

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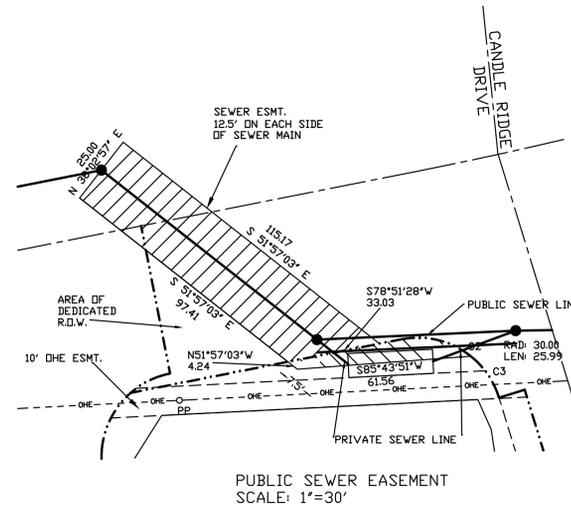
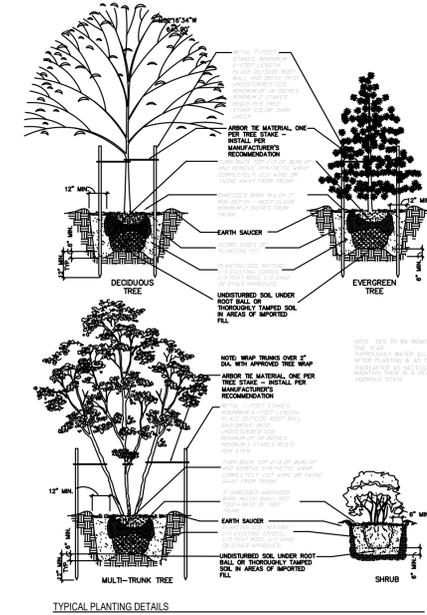
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A SITE PLAN SHALL BE SUBMITTED FOR REVIEW, COMMENT AND RECOMMENDATION OF THE OFFICE OF PLANNING AND DEVELOPMENT (OPD)

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.

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 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.  
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SYM	QTY	Common Name	Botanical Name	Size	Spacing	Remarks
		Trees				
FP	30	Forest Pansy Redbud	Cercis canadensis 'Forest Pansy'	2" Cal.	n/a	Uniform
		Shrubs				
OH	22	Oakleaf Holly	Ilex x 'Conal'	5-6' H	12' o.c.	Full to around



OUTLINE PLAN DEXTER - CANDLE RIDGE PLANNED DEVELOPMENT		
EXISTING ZONING DISTRICT: CA	INST. #R2 7638 & #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 FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668	
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD. NEAREST BFE: 280	FEMA MAP PANEL NUMBER: 47157C0316 G	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: OCTOBER 2025	SCALE: 1"=50'	SHEET 2 OF 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.



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

J

QUIT CLAIM DEED

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. FH 7158 in said Register's Office.

IN TESTIMONY WHEREOF, I have executed this instrument this the 24 day of OCTOBER, 1996.

*John B. Maxwell, Jr. Trustee*  
JOHN B. MAXWELL, JR., TRUSTEE

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared JOHN B. MAXWELL, JR., TRUSTEE, to me known (or proved to me on the basis of satisfactory evidence) 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.

WITNESS my hand and Notarial Seal at office this 24th day of October, 1996.

*Sarah C. Hodges*  
Notary Public



My Commission Expires: 2-23-2000

Property Address:  
Vacant Land

I, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transaction is \$10 and other good and valuable consideration.

*Catherine S. Vest*

Tax Parcel No:  
A part of D02 008 0091

*Jessie Vest*  
Affiant

Mail tax bills to Owner:  
Jessie T. Vest  
7913 Dexter Road  
Cordova, Tennessee 38018

Subscribed and sworn to before me this the 28 day of 10<sup>th</sup> mo, 1996.

*Samuel W. Anthony*  
Notary Public

My Commission Expires:  
My Commission Expires Apr. 28, 1998

Please Return to:  
GE 4572

HOMER R. PRAMAN, III  
ONE COLLETTINE SQUARE  
MEMPHIS, TN 38103

GE4572

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

GE 4572
BY <u>9</u>
FOR <u>10</u>
DATE <u>800</u>
STATE OF TENNESSEE
SHELBY COUNTY
GUY D. BAIRD
REGISTER

*Farris McKeith*



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

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](mailto:dqbray@comcast.net) & [ac@cerpaconstruction.com](mailto: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](mailto: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
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**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.

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**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     RESOLUTION     REQUEST FOR PUBLIC HEARING

=====

**ITEM DESCRIPTION:** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 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

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

**RECOMMENDED COUNCIL ACTION:** **Public Hearing Not Required**  
Public hearing – December 16, 2025

=====

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
<u>11/13/2025</u>	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

=====

**FUNDING:**

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

**SOURCE AND AMOUNT OF FUNDS**

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

=====

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
<u>Chloe Christian</u>	<u>11/21/2025</u>	PLANNER II
_____	_____	DEPUTY ADMINISTRATOR
<u>Brett Reynolds</u>	<u>11/21/2025</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>

=====



## 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,



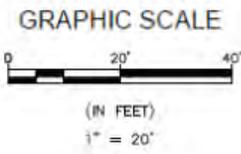
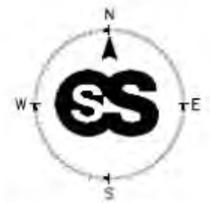
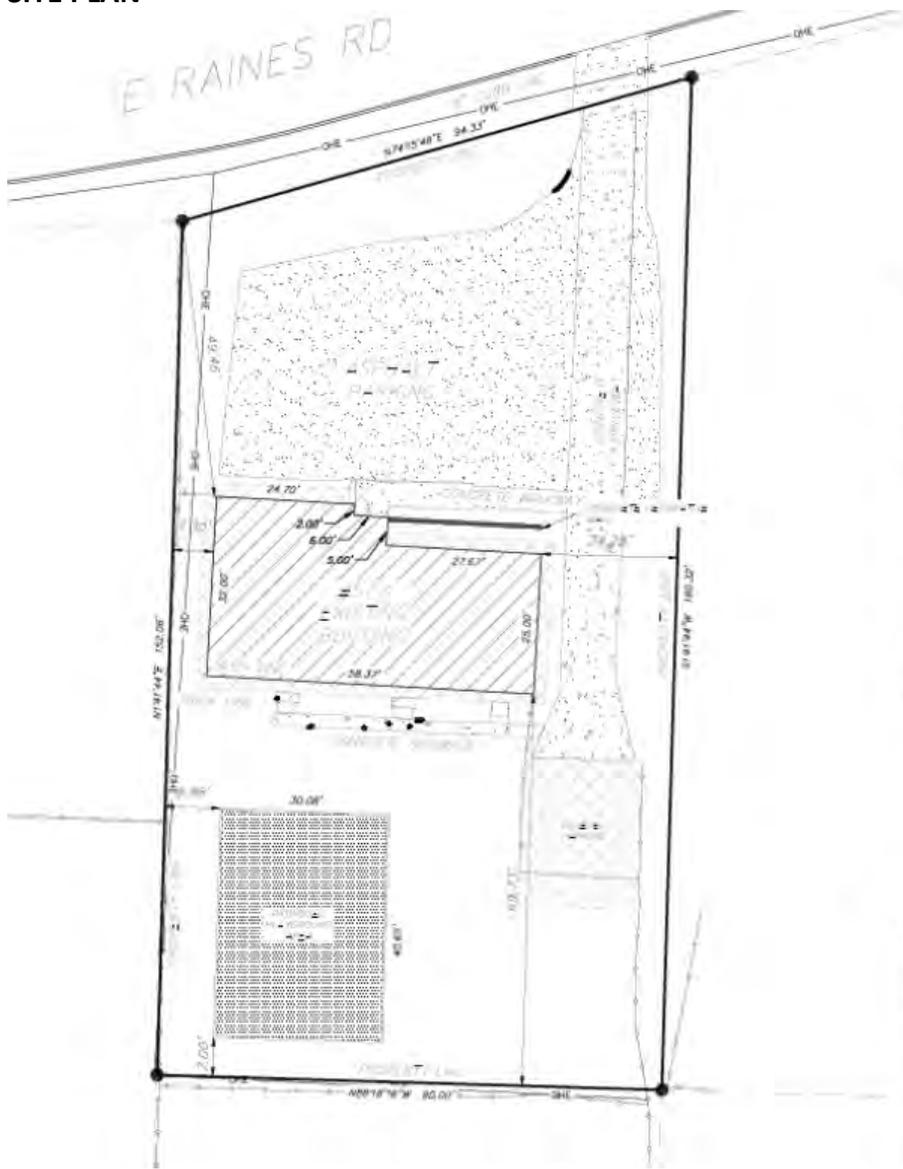
Chloe Christian  
Planner II  
Land Use and Development Services  
Division of Planning and Development

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**



**SURVEY LINE LEGEND**

-  SUBJECT PROPERTY LINE
-  ADJACENT PROPERTY LINE
-  6" CURB
-  EXISTING CHAIN LINK FENCE
-  EXISTING BUILDING
-  BUILDING OVERHANG
-  EXISTING BUILDING
-  EXISTING BUILDING
-  PROPOSED PLAYGROUND

ADDRESS:  
577 E RAINES RD  
MEMPHIS TN 28128

PARCEL ID:  
076050 00002

PARCEL AREA:  
0.343 ACRES

ZONING:  
COMMERCIAL

SUBDIVISION:  
LOT 25  
SECTION "A"  
RAINES TERRACE SUBDIVISION

OWNER:  
PATRICE WILLIAMS

PAPER SIZE & SCALE  
11"x17"; 1"=20'



<b>SITE PLAN</b>		
LOT 25 RAINES TERRACE SW - 577 E RAINES RD MEMPHIS, TN 38128		
SCALE: 1" = 20'	CLIENT: PATRICE WILLIAMS	DWG DATE: 08/15/23
SURVEY CLASS: "L"		SURV DATE: 08/03/23
<b>CHRISTOPHER SHEA SKEEN, PE, PS</b>		
REF. MATL: PLAT OR JOB PAGE 18	NORTH REF.: GRID NORTH MS WEST SPACE NAV 83 GOCG RTK NETWORK	
PATH: C:\Users\jshen\Desktop\Engineering\Drawings\1125-114.dwg		PROJ. NUM: 23-114



**Skeen Engineering**  
Civil Engineering | Land Surveying  
P.O. Box 590 - Hernando, MS 38632  
(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.

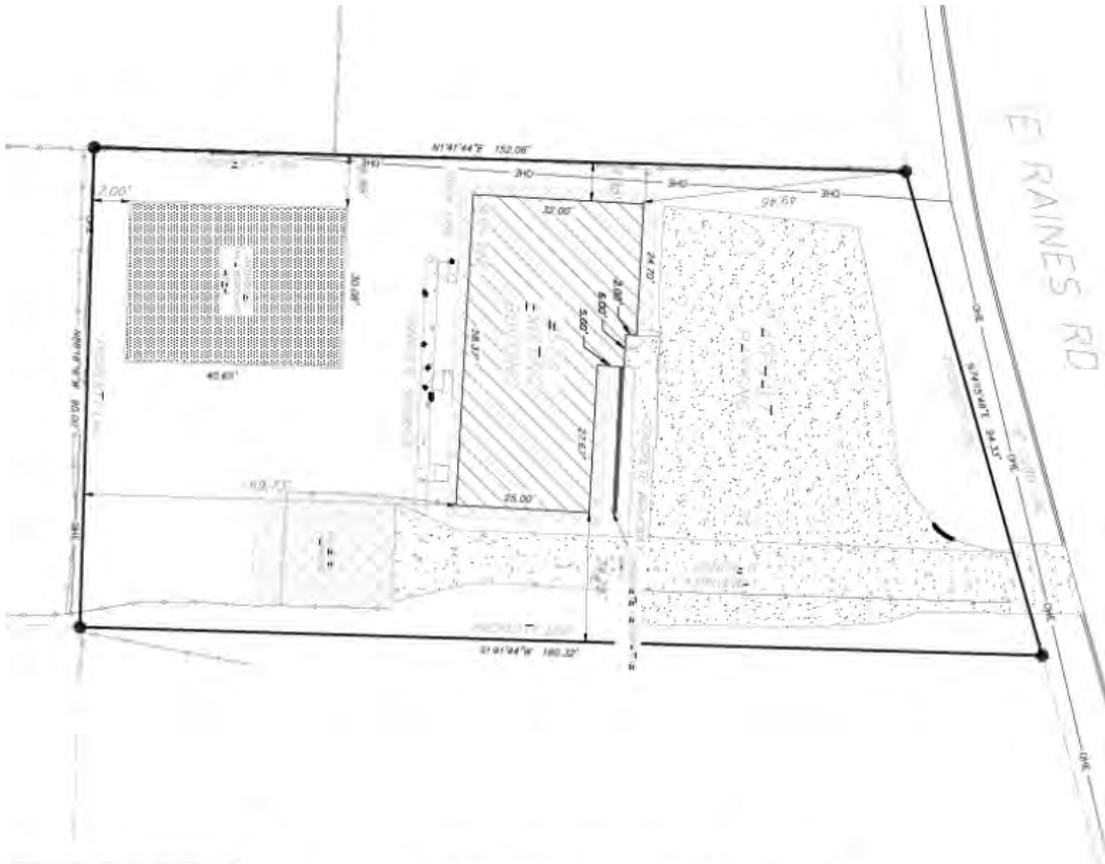
**BE IT FURTHER RESOLVED**, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed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

# SITE PLAN



## SURVEY LINE LEGEND

-  SUBJECT PROPERTY LINE
-  ADJACENT PROPERTY LINE
-  8" CURB
-  EXISTING CHAIN LINK FENCE
-  EXISTING BUILDING
-  EXISTING BUILDING
-  BUILDING OVERHANG
-  EXISTING BUILDING
-  EXISTING BUILDING
-  EXISTING BUILDING
-  PROPOSED PLAYGROUND



## GRAPHIC SCALE

ADDRESS:  
577 E RAINES RD  
MEMPHIS TN 28128

PARCEL ID:  
076050 00002  
PARCEL AREA:  
0.343 ACRES

ZONING:  
COMMERCIAL

SUBDIVISION:  
LOT 25  
SECTION "A"  
RAINES TERRACE SUBDIVISION

OWNER:  
PATRICE WILLIAMS

PAPER SIZE & SCALE  
11"X17" 1"=20"



LOT 25 RAINES TERRACE SEC A 577 E RAINES RD MEMPHIS TN 28128 SCALE: 1" = 20' SURVEY CLASS: 1"		CLIENT: PATRICE WILLIAMS	DING DATE: 08/15/23 SURV DATE: 08/03/23
NORTH REF:			
REF. MATL:		NORTH REF:	
PLAT 108 (M) PLAT 18		2023 (M) 18	
PATH:		PROJ. NAME:	



**Skeen Engineering**  
Civil Engineering | Land Surveying  
P.O. Box 580 - Hernando, MS 38852  
(662) 721-2772 | skeenengineering.com

***ATTEST:***

**CC: 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.

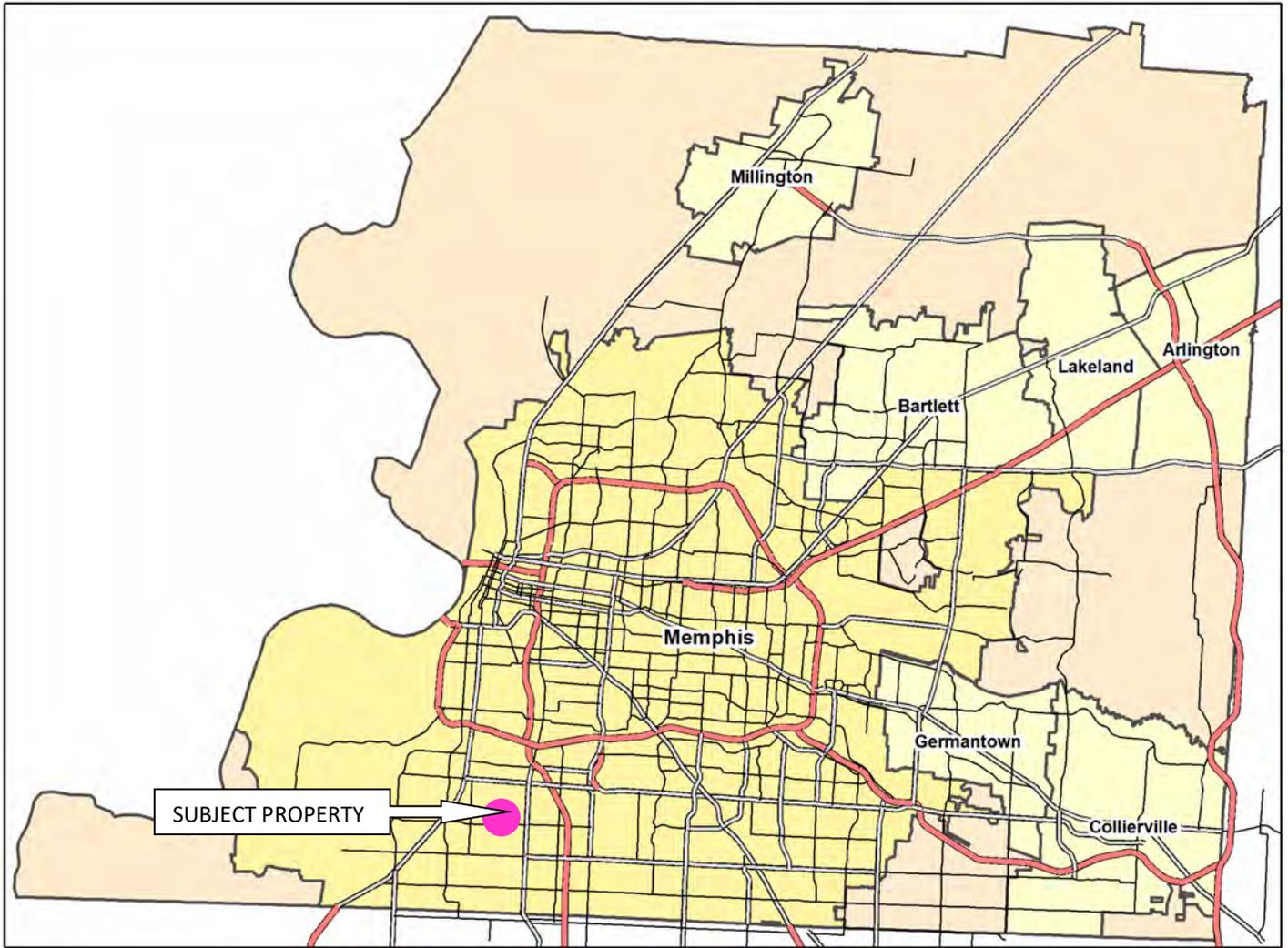
## CONSISTENCY WITH MEMPHIS 3.0

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:

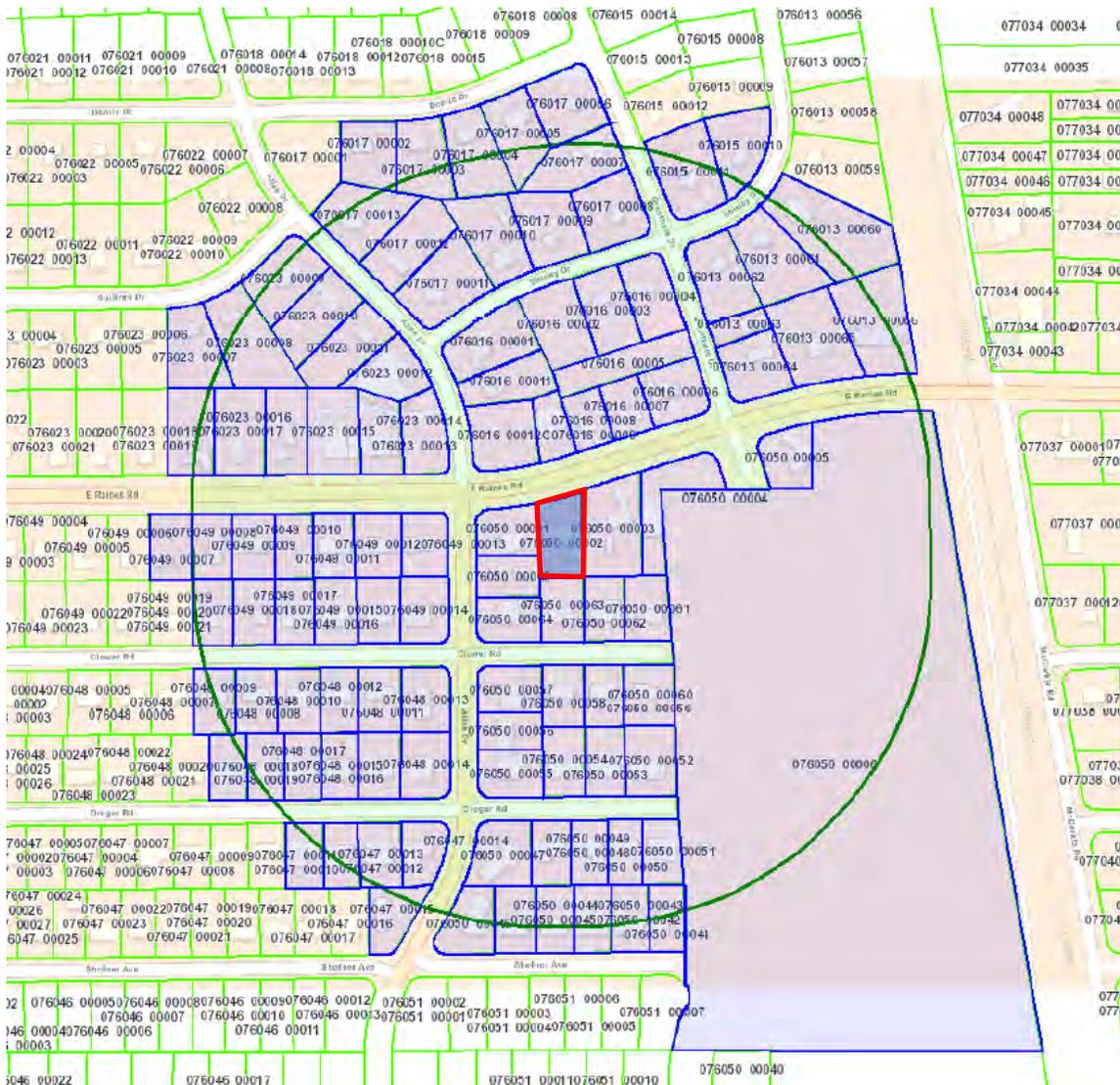
*Approval with conditions*

**LOCATION MAP**



Subject property located within the pink circle

### PUBLIC NOTICE VICINITY MAP



Subject property outlined in red

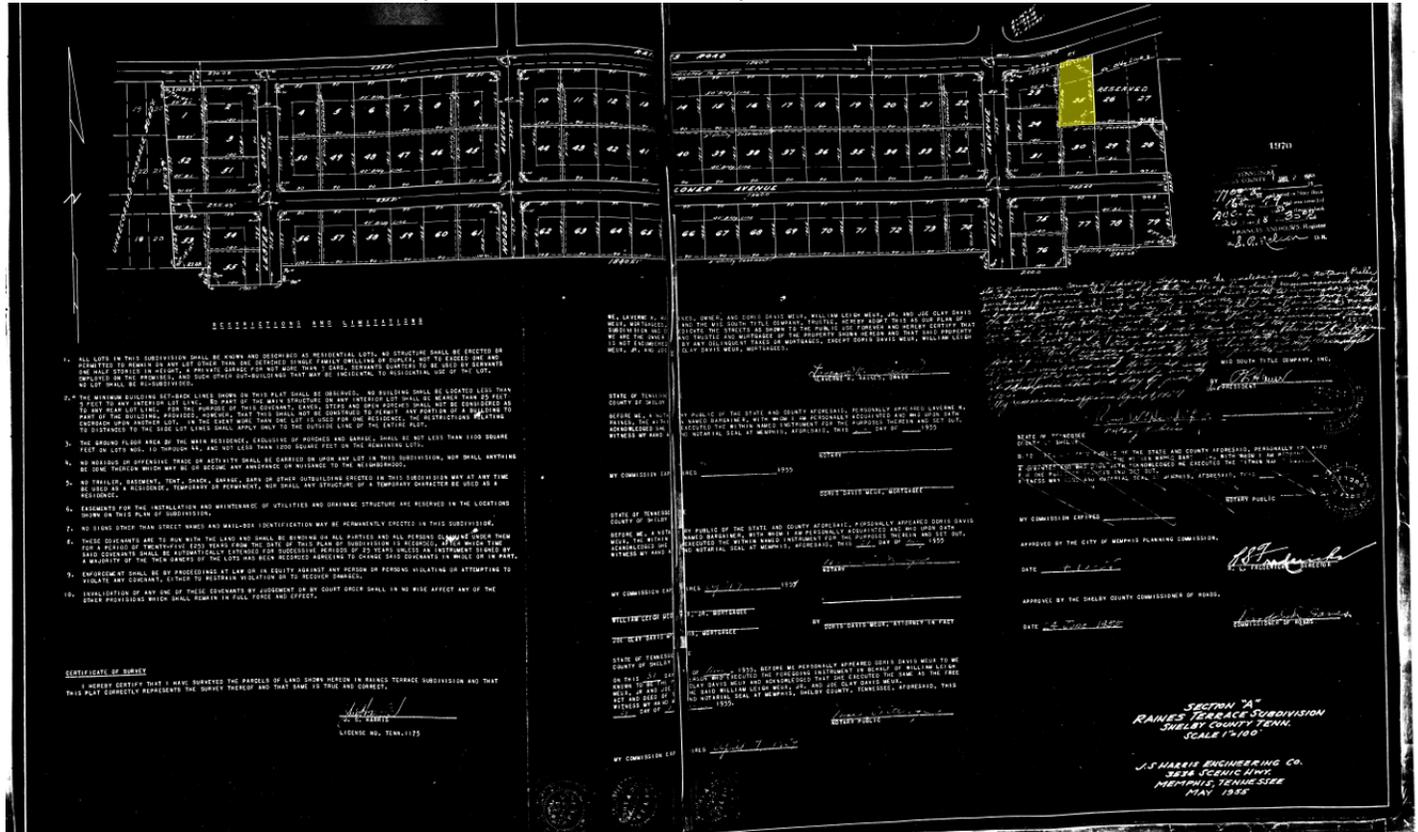
### PUBLIC NOTICE DETAILS

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

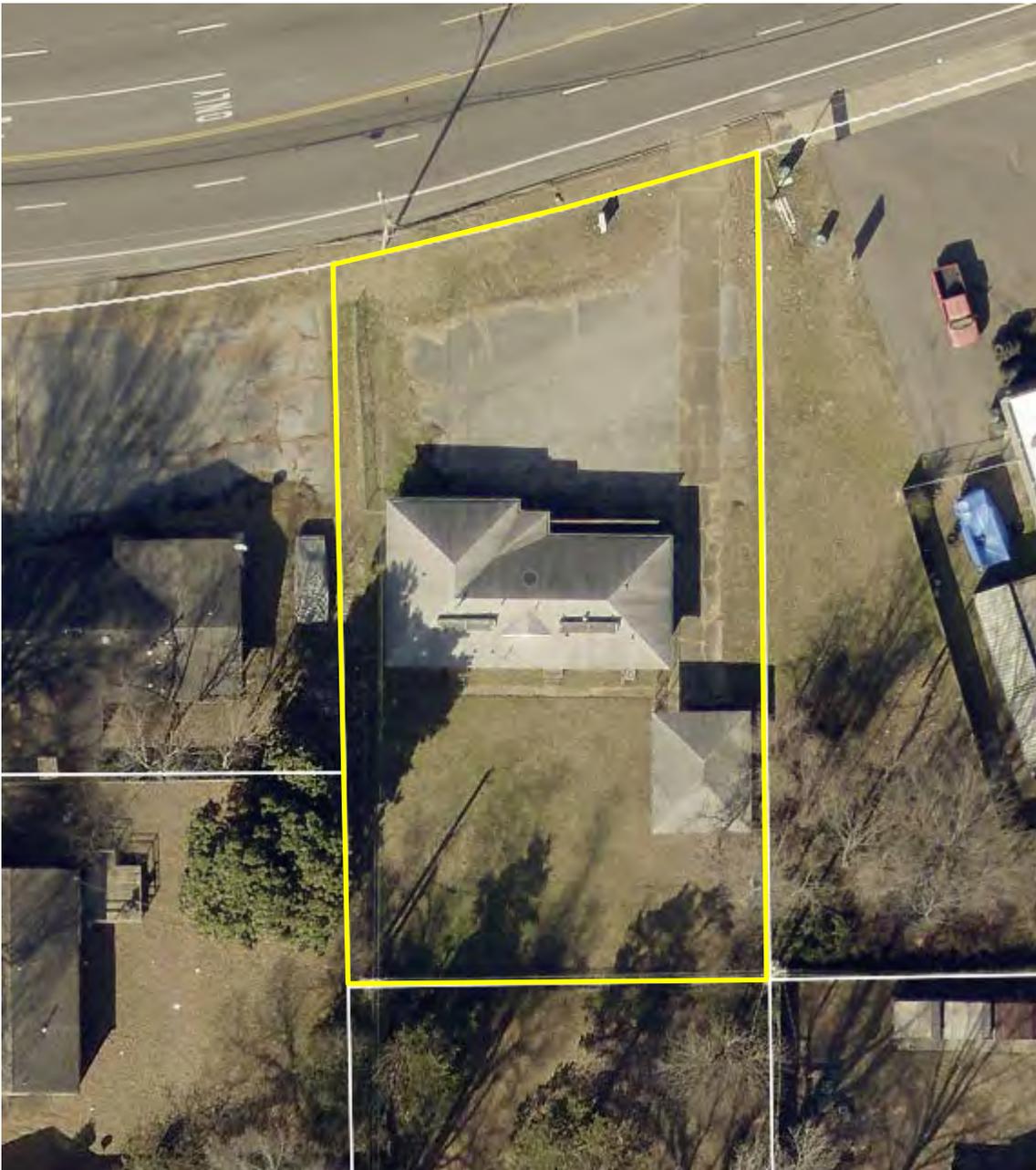
The meeting was held at 5:30 PM on Monday, September 1 at 577 East Raines Road.

**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**



<b>SITE PLAN</b> LOT 25 RAINES TERRACE SUBDIVISION - 577 E RAINES RD MEMPHIS, TN 38128	
SCALE: 1" = 20'	CLIENT: PATRICE WILLIAMS
SURVEY CLASS: 2"	OWN DATE: 08/15/25
	SURV DATE: 08/15/25
CHRISTOPHER SHEA SKEEN, P.E. PLS	
REF. MAP: PLAT 99-20 (4/2/18)	NORTH REF.: 6801 LAMAR BL. WEST DOCS MAIL BL. 2025 (BY N.E. THOMPSON)
PATH: 101110001 (Survey) 101110002 (Engineering) 101110003 (10/1/25) 101110004 (10/1/25)	PROJ. NUM.: 2025-114

**SURVEY LINE LEGEND**

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- 8" CURB
- EXISTING CHAIN LINK FENCE
- EXISTING BUILDING
- BUILDING OVERHANG
- EXISTING BUILDING
- EXISTING BUILDING
- PROPOSED PLAYGROUND

**GRAPHIC SCALE**

(IN FEET)  
 1" = 20'

**ADDRESS:**  
 577 E RAINES RD  
 MEMPHIS TN 38128

**PARCEL ID:**  
 076050 00002

**PARCEL AREA:**  
 0.343 ACRES

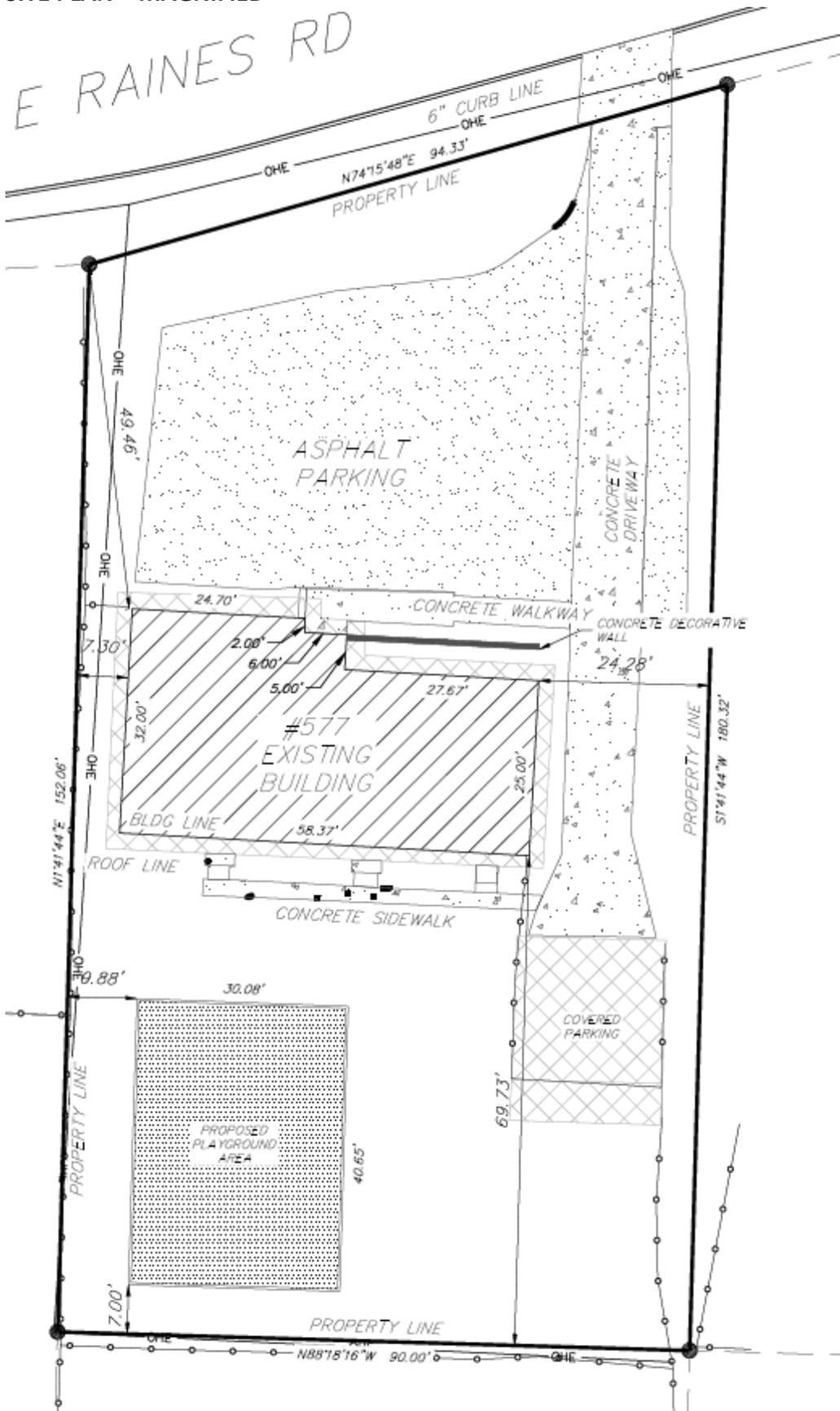
**ZONING:**  
 COMMERCIAL

**SUBDIVISION:**  
 LOT 25  
 SECTION 4  
 RAINES TERRACE SUBDIVISION

**OWNER:**  
 PATRICE WILLIAMS

**PAPER SIZE & SCALE:**  
 11" X 17", 1" = 20'

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:*

- 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:

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:

- |   |                       |
|---|-----------------------|
| <b>City Engineer:</b>                           | No comments received. |
| <b>City Fire Division:</b>                      | See page 14.          |
| <b>City Real Estate:</b>                        | No comments received. |
| <b>County Health Department:</b>                | No comments received. |
| <b>Shelby County Schools:</b>                   | No comments received. |
| <b>Construction Code Enforcement:</b>           | No comments received. |
| <b>Memphis Light, Gas and Water:</b>            | No comments received. |
| <b>Office of Sustainability and Resilience:</b> | No comments received. |
| <b>Office of Comprehensive Planning:</b>        | 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

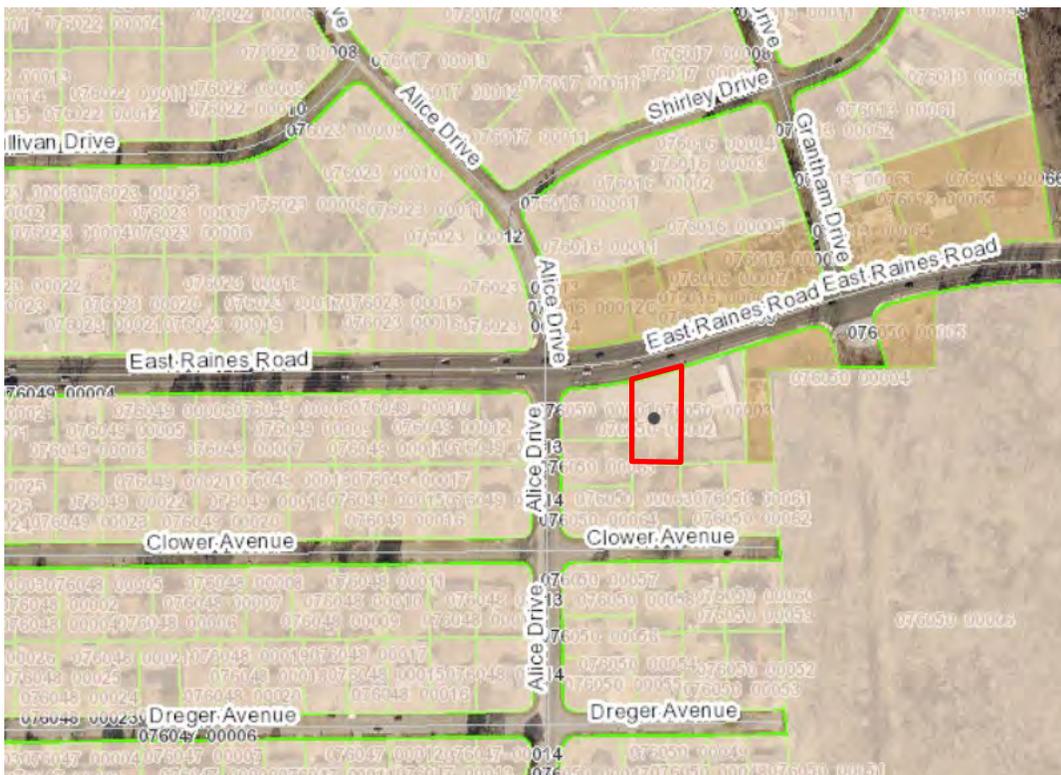
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

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.

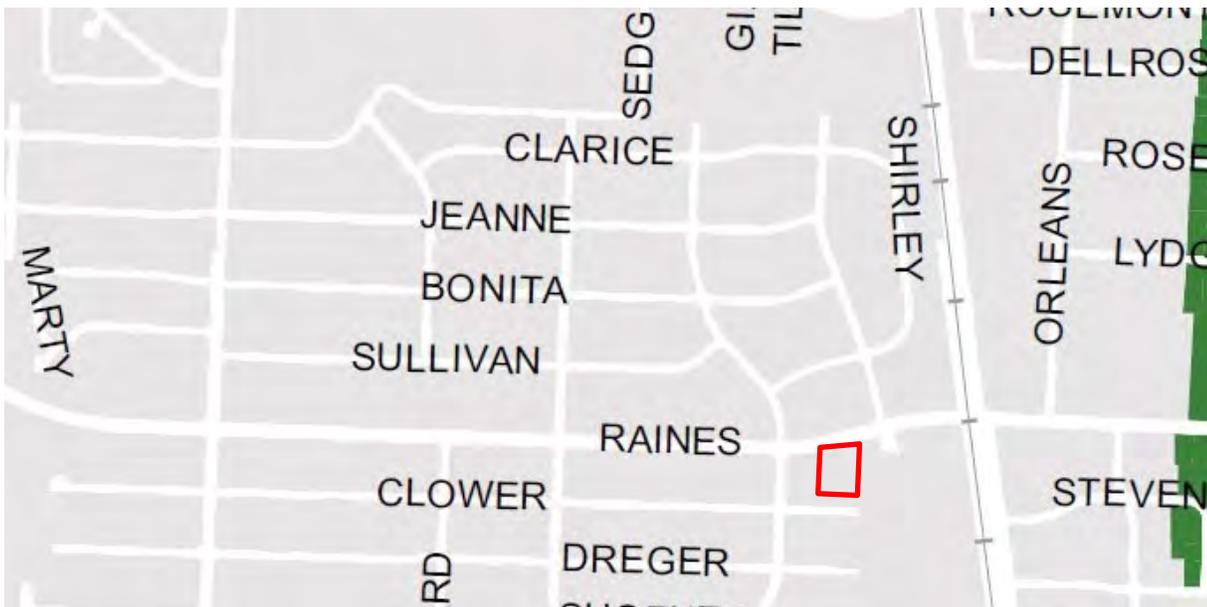
### Existing, Adjacent Land Use and Zoning

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

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.

**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  
**APPLICANT:** Damion Wallace

### Meeting Details

**Location:** Council Chambers  
City Hall 1st Floor  
125 N Main St.  
**Time:** 9:00 AM  
**Date:** Thursday, Sept. 11 2025

### Staff Planner Contact:

Chloe Christian  
✉ [chloe.christion@memphistn.gov](mailto:chloe.christion@memphistn.gov)  
☎ (901) 636-7494



### VICINITY MAP



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



97 Notices Mailed 8/22/2025

**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

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

Sent via electronic mail to: [Damioncwallace@gmail.com](mailto:Damioncwallace@gmail.com)

---

On October 22, 2025, the Memphis and Shelby County Board of Adjustment approved 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:

1. Should no special use permit for a childcare center be approved my October 22, 2026, this variance shall be rendered null and void.
2. 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,

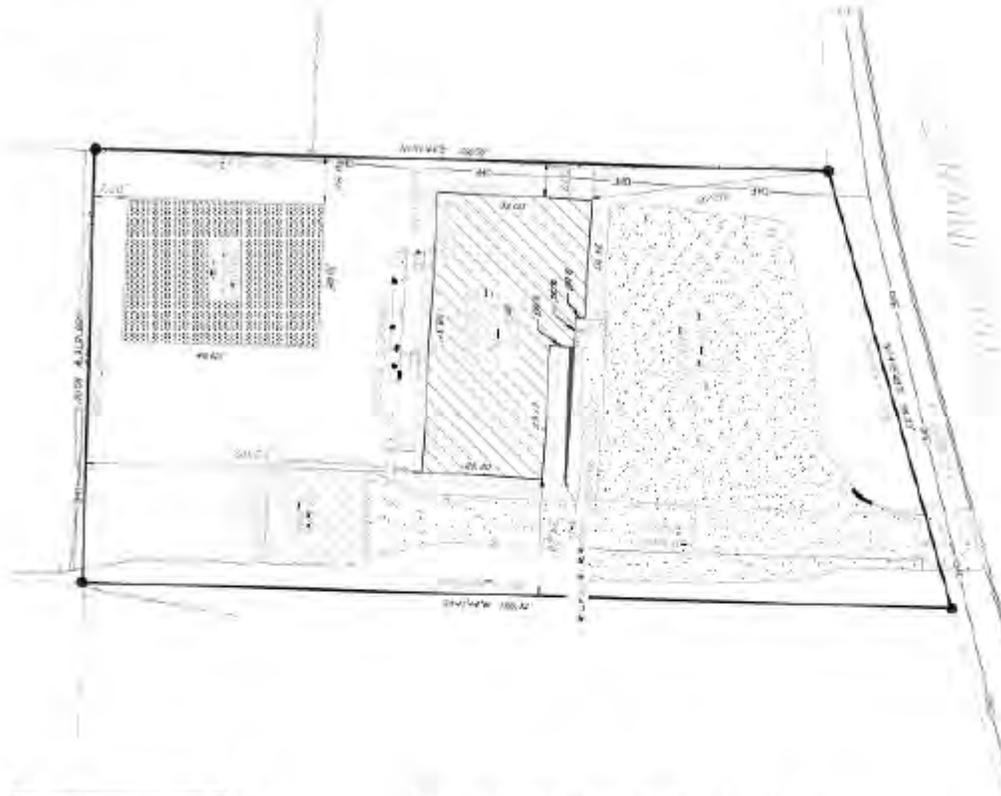
Chloe Christion  
Planner II  
Land Use and Development Services  
Division of Planning and Development

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

File

Encl: Approved plan(s)

**SITE PLAN**



**SURVEY LINE LEGEND**

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- 4" CURB
- EXISTING CHAIN LINK FENCE
- EXISTING BUILDING
- BUILDING OVERHANG
- EXISTING BUILDING
- EXISTING BUILDING
- PROPOSED PAVEMENT



ADDRESS:  
 577 E RAINES RD  
 MEMPHIS TN 38198

PARCEL ID:  
 028050 00002

PARCEL AREA:  
 0.343 ACRES

ZONING:  
 COMMERCIAL

SUBDIVISION:  
 SECTION "A"  
 RAINES TERRACE SUBDIVISION

OWNER:  
 PARRICE WILLIAMS

PAPER SIZE & SCALE:  
 11 X 17" 1"=20'



PROJECT: 2025-024 - 577 E RAINES RD CLIENT: PARRICE WILLIAMS DATE: 11/13/2025	
DRAWN BY: [Name] CHECKED BY: [Name]	DATE: [Date] SCALE: [Scale]
PROJECT LOCATION: 577 E RAINES RD, MEMPHIS, TN 38198	
PROJECT DESCRIPTION: [Description]	

**Skeen Engineering**  
 Civil Engineering | Land Surveying  
 P.O. Box 158 | Henderson, TN 38569  
 (615) 737-7771 | skeenengineering.com

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Damion Wallace, being duly sworn, depose and say that at 1:00 am/pm on the 31 day of October, 2025, I posted 1 Public Notice Sign(s) pertaining to Case No. SUP2025024 at 577 E Raines Rd Memphis, TN 38109 providing notice of a Public Hearing before the (check one):

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

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

Damion Wallace  
Owner, Applicant or Representative

10/31/25  
Date

Subscribed and sworn to before me this 31 day of October, 2025.

Dimitria Averett  
Notary Public

My commission expires: 03/15/2028



**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  
Record Number: SUP 2025-024      Opened Date: July 31, 2025  
Record Name: Daycare center      Expiration Date:  
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      NA  
Number(s) related to previous applications on this site  
Is this application in response to a citation, stop work order, or zoning letter      No

**GENERAL PROJECT INFORMATION**

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

UDC Sub-Section 9.6.9D Yes

UDC Sub-Section 9.6.9E Yes

UDC Sub-Section 9.6.9F 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
Subdivision	RAINES TERRACE RE
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

**Contact Information**

---

**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	Fee	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**

Payment Amount	Method of Payment
\$769.50	Credit Card

**OWNER AFFIDAVIT**



**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Damion Wallace [Signature], state that I have read the definition of  
(Print Name) (Sign Name)

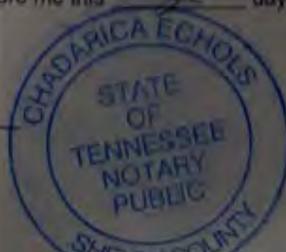
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

of the property located at 577 E Raines Rd Memphis, TN 38109  
and further identified by Assessor's Parcel Number 0760500002  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 2 day of October in the year of 2025.

[Signature]  
Signature of Notary Public



03/11/2020  
My Commission Expires

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

**GENERAL PROJECT INFORMATION**

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

UDC Sub-Section 9.6.9D Yes

UDC Sub-Section 9.6.9E Yes

UDC Sub-Section 9.6.9F 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

Subdivision RAINES TERRACE RE

Planned Development District -

Wellhead Protection Overlay District No

County Commission District -

City Council District -

City Council Super District -

**Contact Information**

---

**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

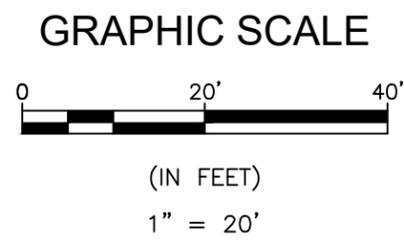
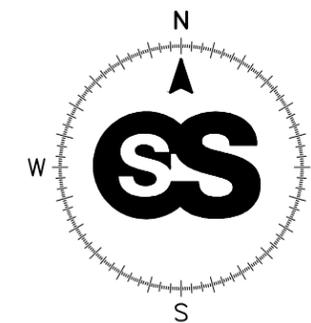
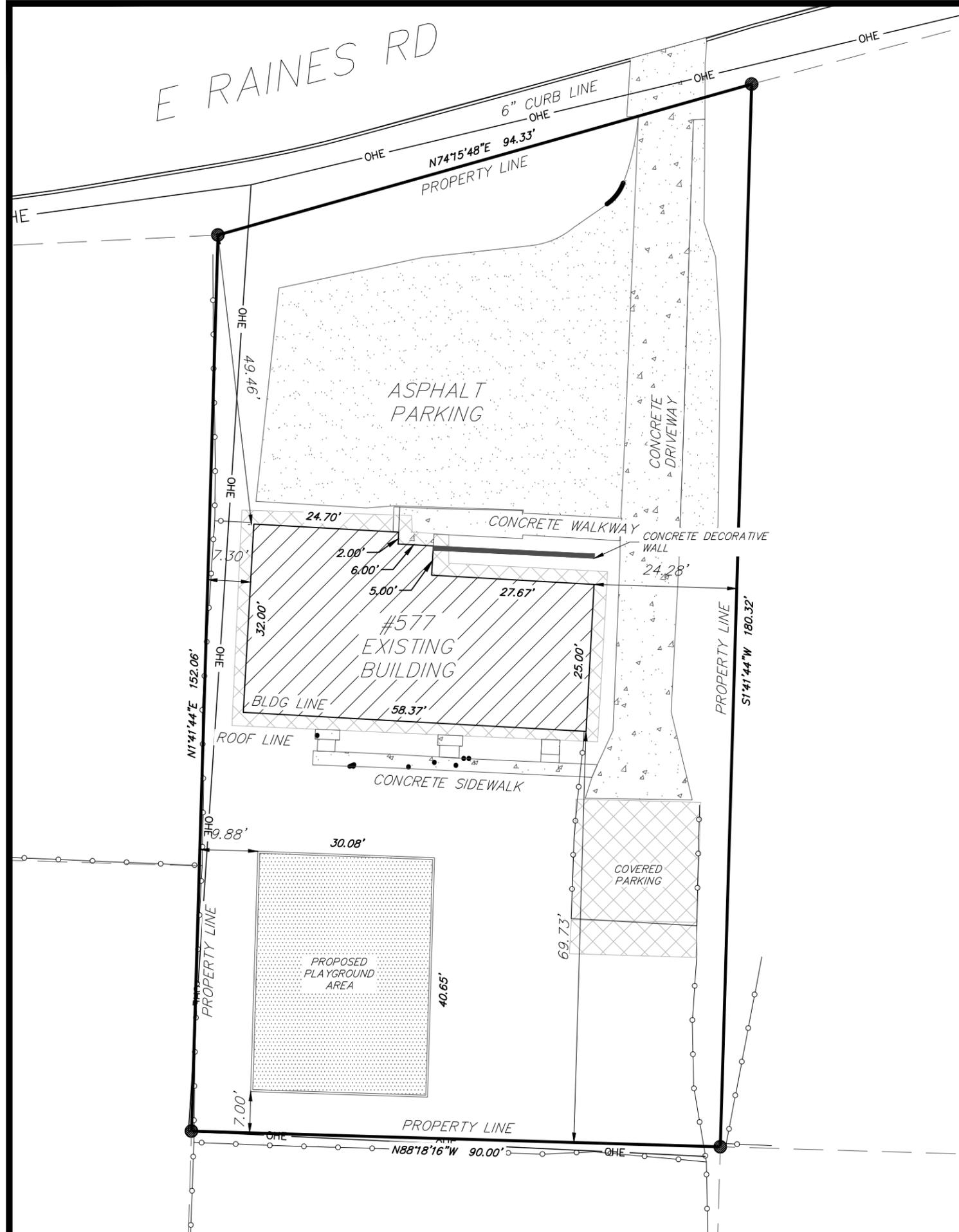
Total Balance: \$0.00

**Payment Information**

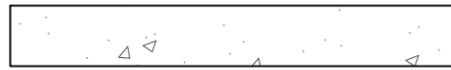
**Payment Amount**  
\$769.50

**Method of Payment**  
Credit Card

E RAINES RD



**SURVEY LINE LEGEND**

-  SUBJECT PROPERTY LINE
-  ADJACENT PROPERTY LINE
-  6" CURB
-  EXISTING CHAIN LINK FENCE
-  EXISTING BUILDING
-  BUILDING OVERHANG
-  EXISTING BUILDING
-  EXISTING BUILDING
-  PROPOSED PLAYGROUND

**ADDRESS:**  
577 E RAINES RD  
MEMPHIS TN 28128

**PARCEL ID:**  
076050 00002

**PARCEL AREA:**  
0.343 ACRES

**ZONING:**  
COMMERCIAL

**SUBDIVISION:**  
LOT 25  
SECTION "A"  
RAINES TERRACE SUBDIVISION

**OWNER:**  
PATRICE WILLIAMS

**PAPER SIZE & SCALE**  
11"X17"; 1"=20'



<b>SITE PLAN</b>		
LOT 25 RAINES TERRACE SD - 577 E RAINES RD MEMPHIS, TN 28128		
SCALE: 1" = 20'	CLIENT: PATRICE WILLIAMS	DWG DATE: 08/15/25
SURVEY CLASS: "C"		SURV DATE: 08/13/25
<b>CHRISTOPHER SHEA SKEEN, PE, PS</b>		
REF. MATL.: PLAT BK 20, PAGE 18	NORTH REF.: GRID NORTH MS WEST SPCS NAD 83 GCCG RTK NETWORK	
PATH: C:\Users\sheas\Skeen Engineering Dropbox\Projects\25-114 Williams, Patrice\dwg\25-114_577 E RAINES RD SITE PLAN.dwg		PROJ. NUM. 25-114



**Skeen Engineering**  
Civil Engineering | Land Surveying  
P.O. Box 590 · Hernando, MS 38632  
(662) 721-2772 | skeenengineering.com

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.**

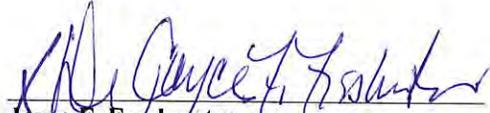
**\*This is not the homestead property for the Grantor's\***

**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 aforescribed 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.

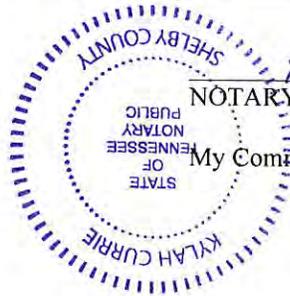
  
Joyce F. Freshwater

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).

WITNESS my hand and official seal at office this 18<sup>th</sup> day of June 2025



  
NOTARY PUBLIC  
My Commission Expires April 4, 2027

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

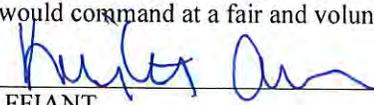
Property Address:  
577 East Raines Road  
Memphis, TN 38109

Tax Parcel No:  
**0760500002**

Mail Tax Bill TO:  
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 20th day of June, 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
DW 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
DW If I hire a construction manager to oversee the project, the construction manager will be properly licensed.
DW 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 I understand that all electrical, plumbing, and mechanical/gas work must be performed by contractors who are licensed and registered with the Division in their respective trades, and that all such work shall be conducted under separate permits.

I, Damion Wallace (print name), certify reading the above statements and understanding the requirements and responsibilities that accompany a Homeowner Permit. Mason Real Estate Holdings

Property Owner(s): Bright Start Learning Academy No 4, DW

Homeowner's Signature: Damion Wallace Date: 7/31/25

Subscribed and sworn to (or affirmed) before me this 31 day of July in the year of 2025

Signature of Notary Public: Dimitria Averett



March 15, 2028 My Commission Expires



## 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





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

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: [BSLAMemphis@yahoo.com](mailto:BSLAMemphis@yahoo.com)

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](mailto:chloe.christion@memphistn.gov).

**Letter to Applicant**  
**SUP 2025-024**

Respectfully,

*Chloe Christian*

Chloe Christian  
Planner II  
Land Use and Development Services  
Division of Planning and Development

Cc: Damion Wallace  
File

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

**[ ONE ORIGINAL ]  
[ ONLY STAPLED ]  
[ TO DOCUMENTS ]**

**Planning & Development  
DIVISION**

Planning & Zoning COMMITTEE: 12/02/2025

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 special use permit at the subject property located at 1032 Hale Road, known as case number SUP 25-27

CASE NUMBER: SUP 25-27

LOCATION: 1032 Hale Road

COUNCIL DISTRICTS: District 6 and Super District 8

OWNER/APPLICANT: BCS Investments LLC/ Brianna Freeman

REPRESENTATIVE: Evelyn Royston

REQUEST: To allow a child care center

AREA: +/-1.173 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____	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:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Nabanita Nira</u>	<u>11/20/2025</u>	PLANNER II
_____	_____	DEPUTY ADMINISTRATOR
<u>Brian R...</u>	<u>11/20/25</u>	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.**

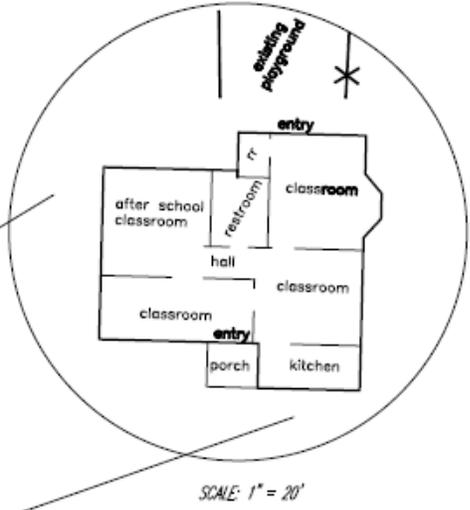
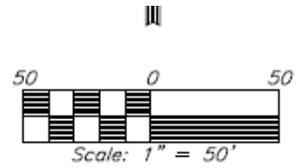
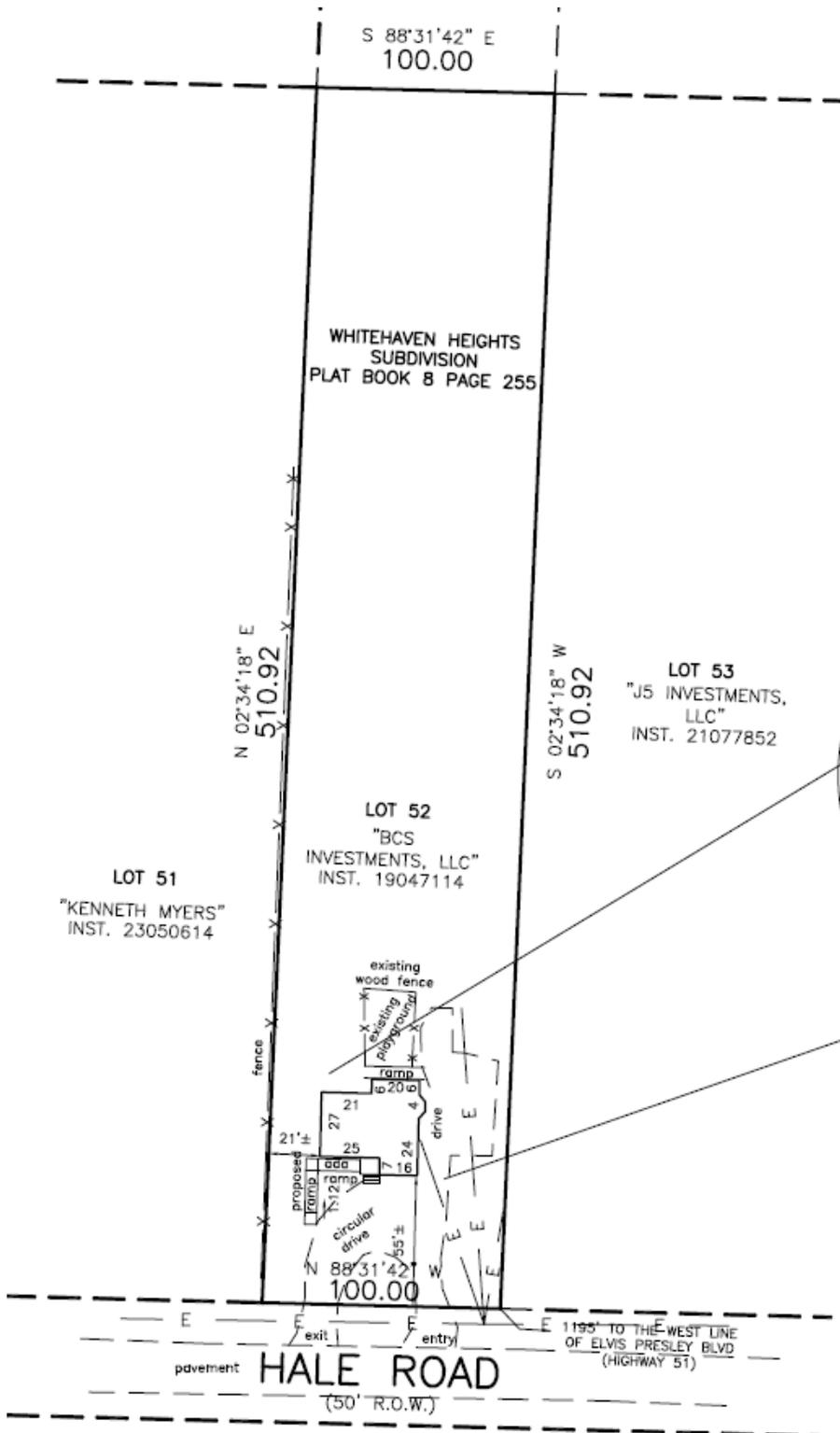
Respectfully,  
Nabanita Nira  
Planner II  
Land Use and Development Services  
Division of Planning and Development

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.

**SITE PLAN**



**RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 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.

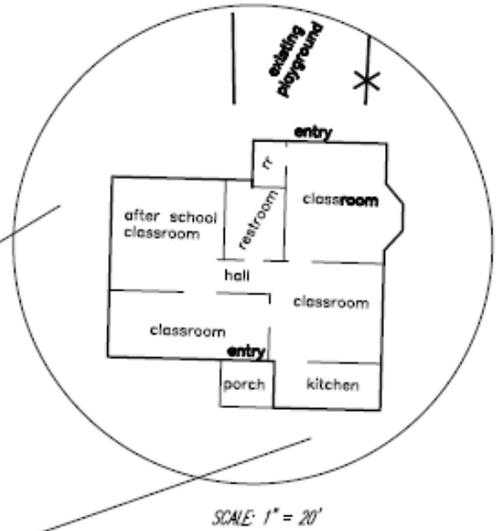
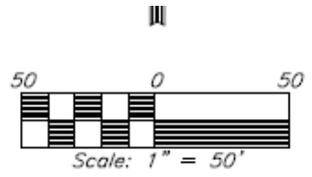
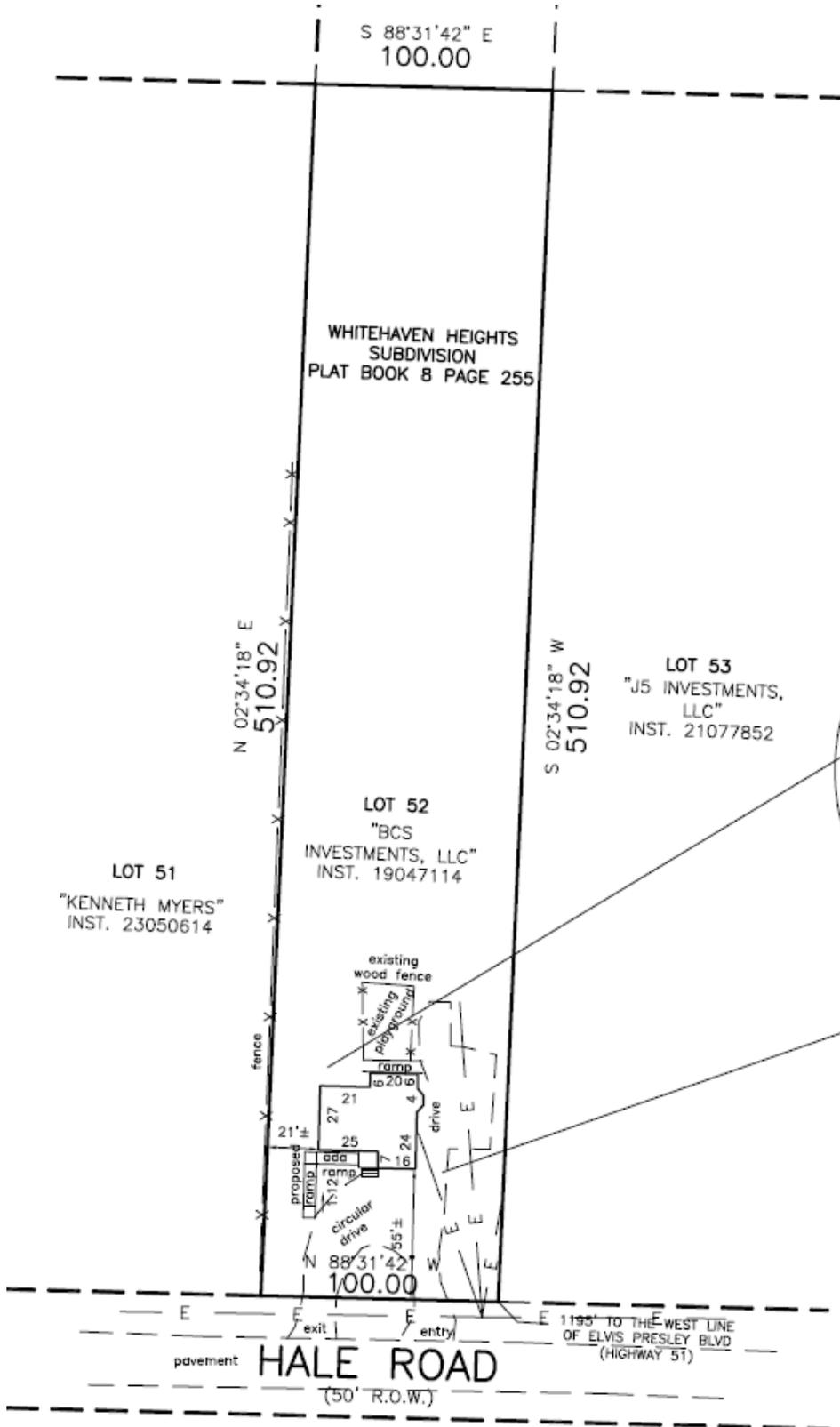
**BE IT FURTHER RESOLVED**, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed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

**SITE PLAN**



***ATTEST:***

**CC: 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.

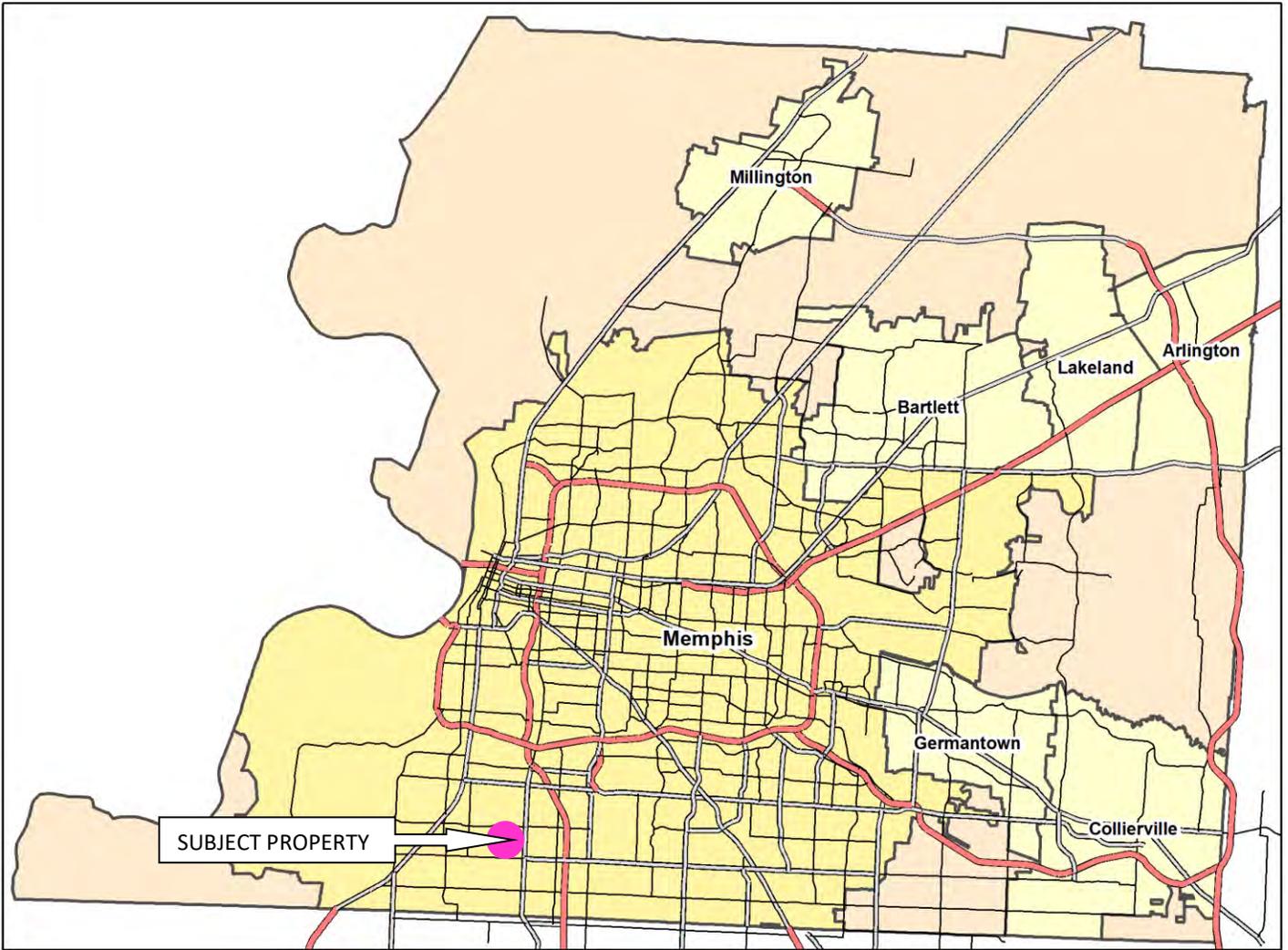
## CONSISTENCY WITH MEMPHIS 3.0

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*

**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.

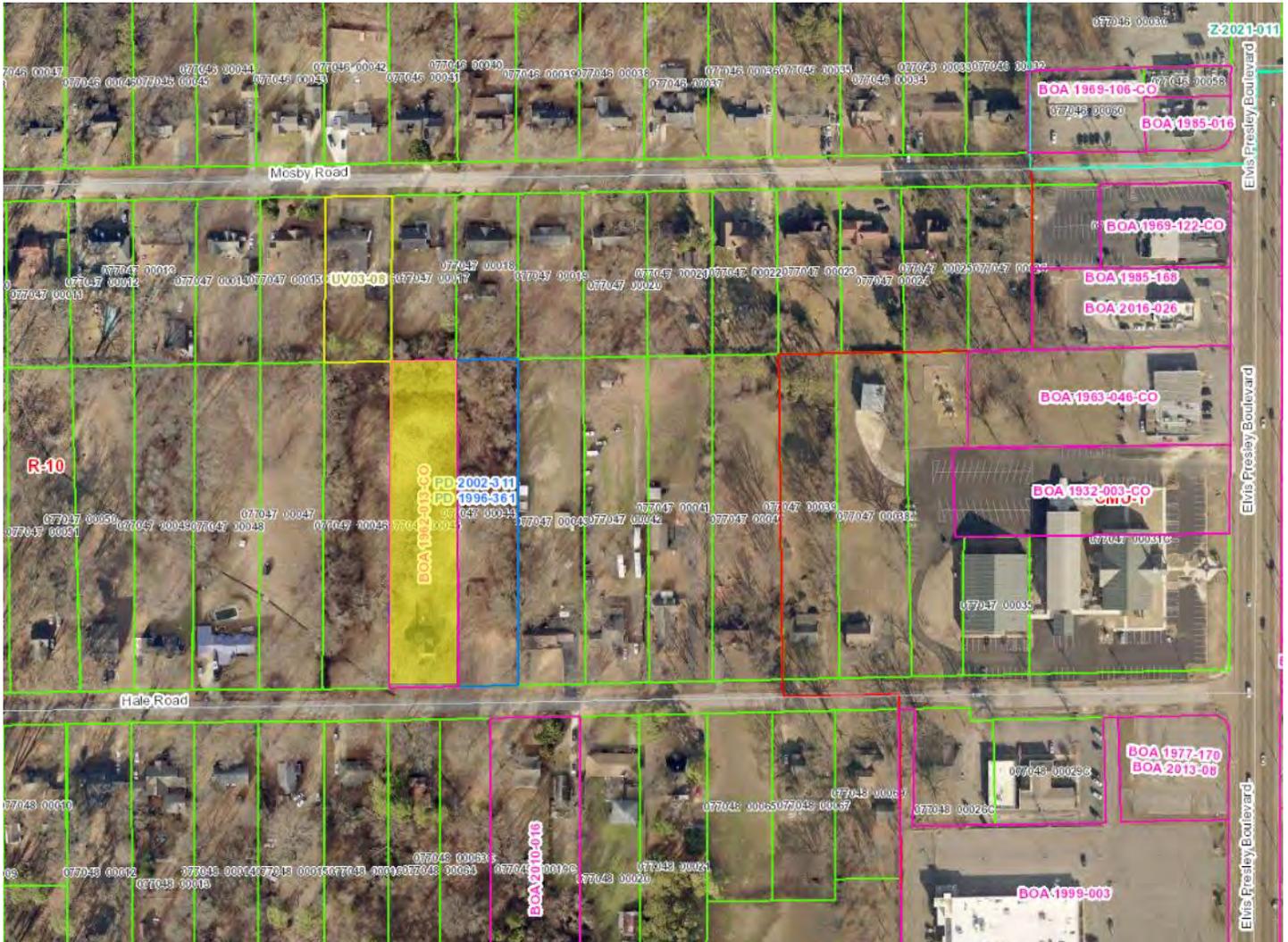


**AERIAL**



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**

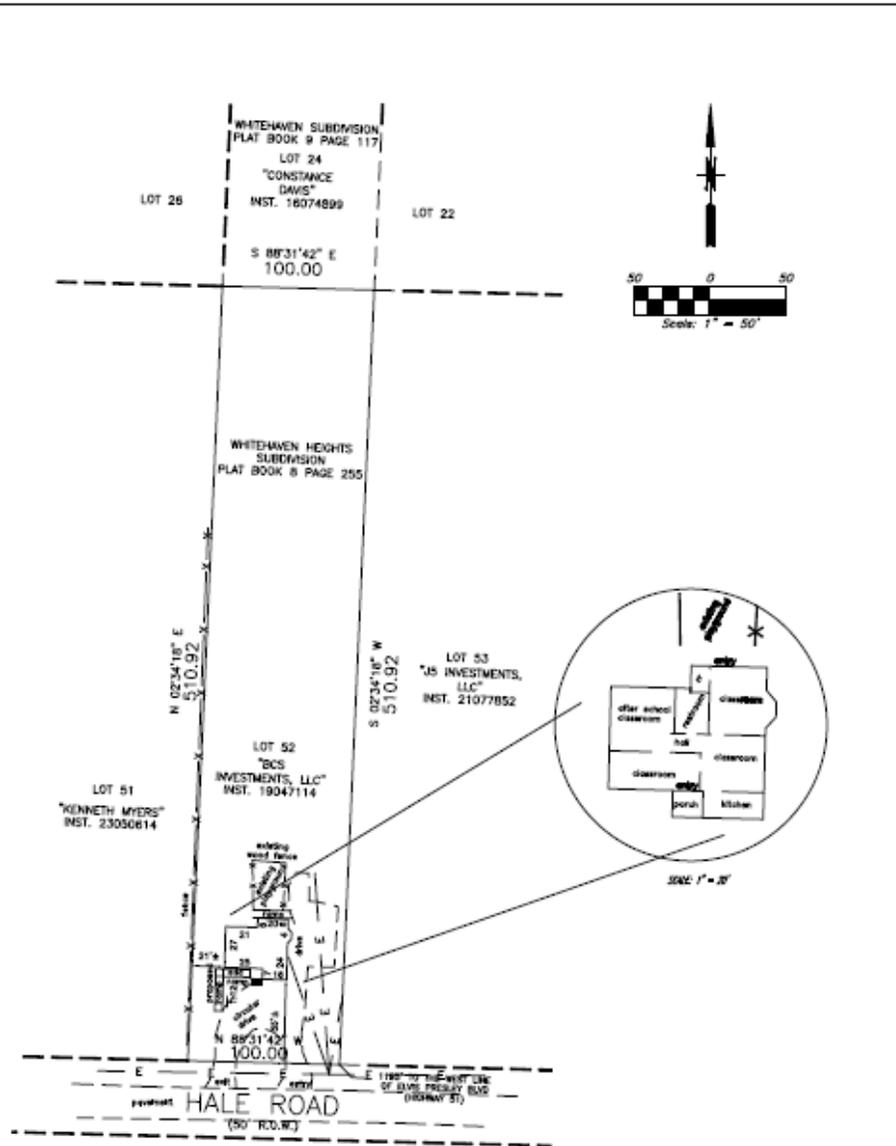


View of subject property from Hale Road looking northwest



View of subject property from Hale Road looking northeast

**SITE PLAN**



**SITE PLAN**  
**LOT 52, WHITEHAVEN HEIGHTS**  
**SUBDIVISION AS RECORDED IN**  
**PLAT BOOK 8 PAGE 255 IN**  
**MEMPHIS, SHELBY COUNTY,**  
**TENNESSEE**

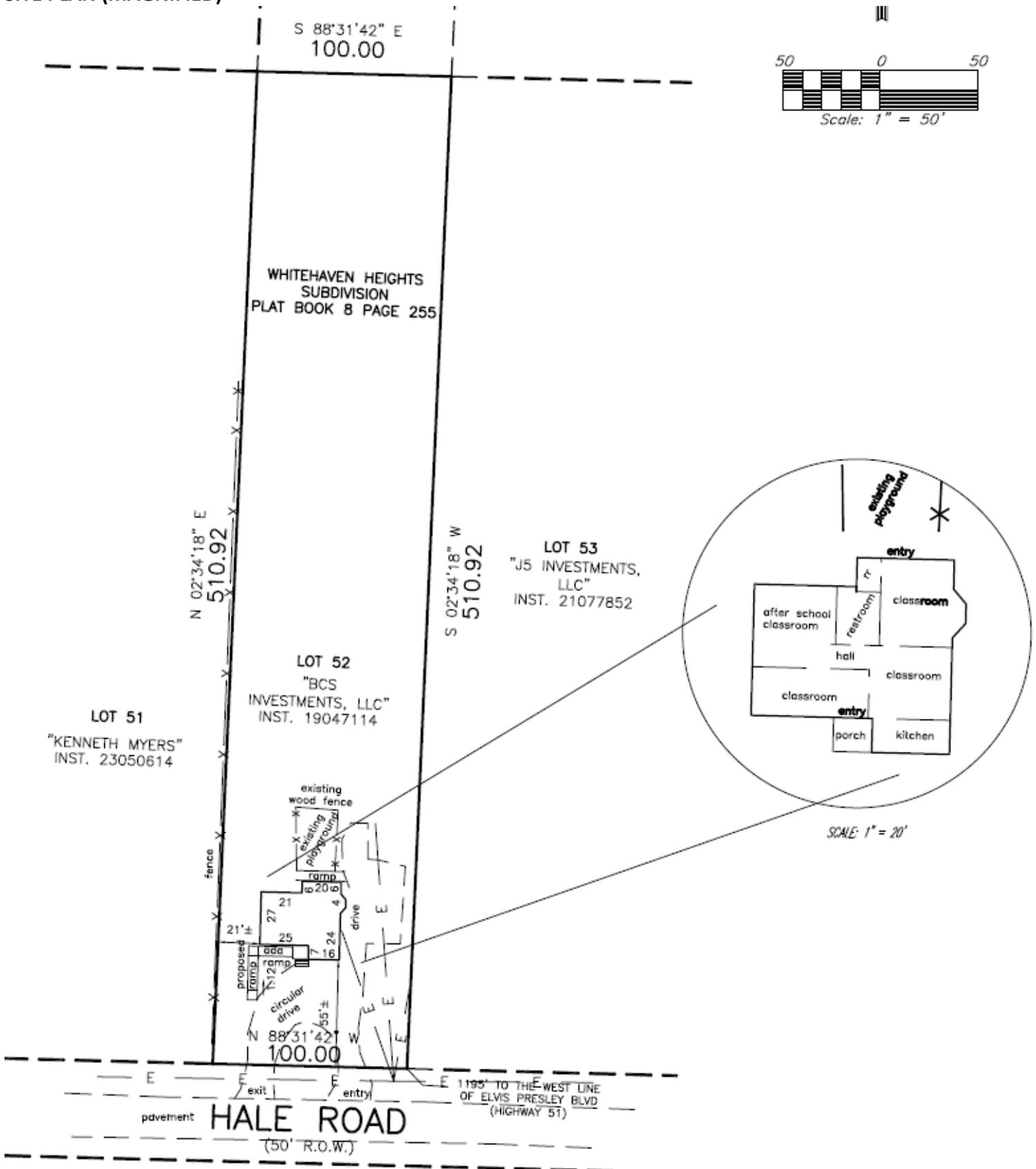
**NOTES**

1. DIMENSIONS SHOWN ARE RELATIVE TO EACH OTHER ONLY.
2. INFORMATION SHOWN (BOUNDARY, IMPROVEMENTS, ETC.) ARE BASED FROM RECORDS ONLY.
3. ACCORDING TO THE REGIONAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM), THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA AS DEFINED BY COMMUNITY PANEL NUMBER 470177 (ASSET MAP REVISED SEPTEMBER 23, 2007). LIES IN ZONE X - AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAN (AKA 100 YEAR).

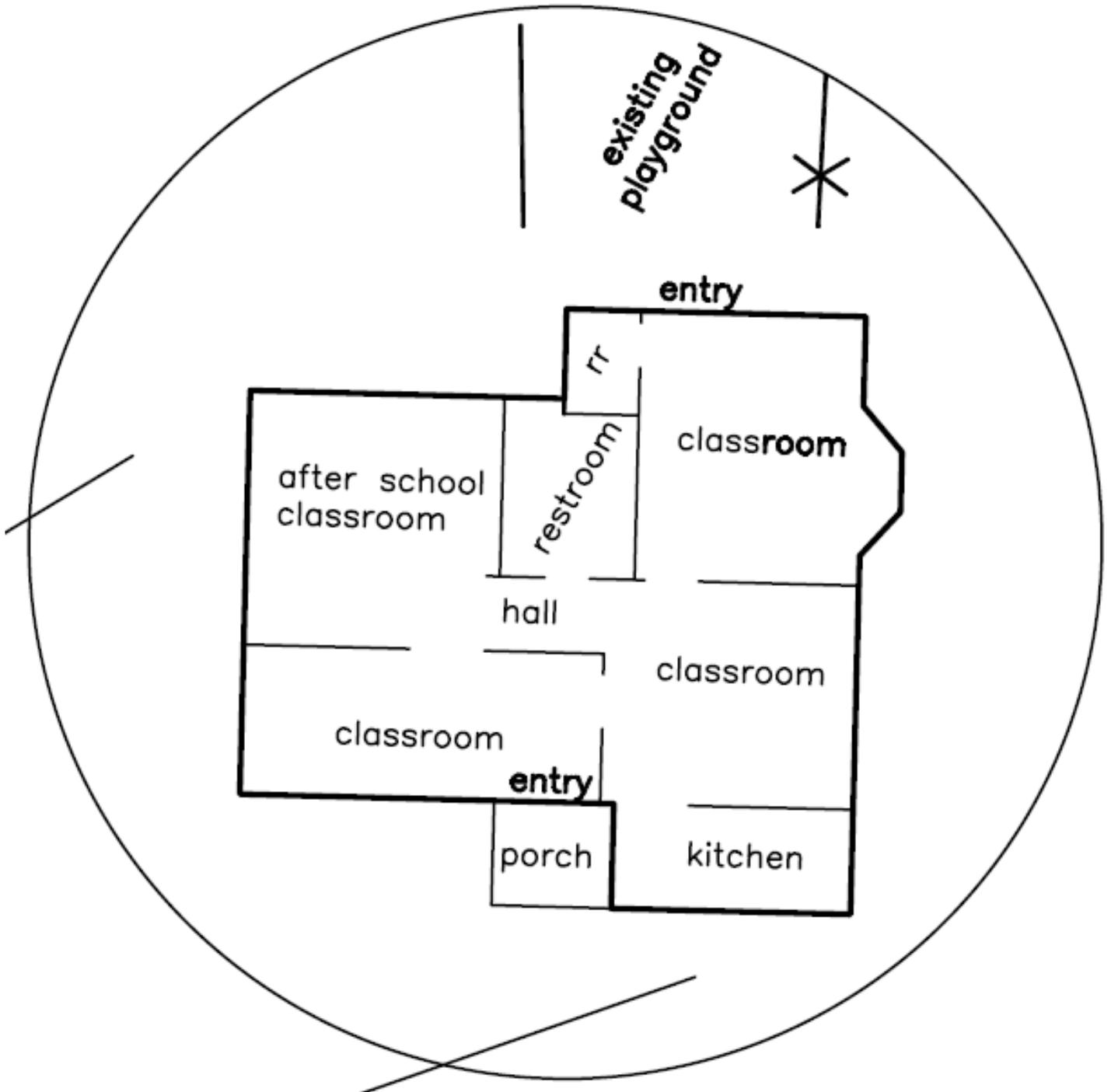
#1032 HALE ROAD, MEMPHIS, TN 38116  
 CLIENT: FREEMAN'S LITTLE LEARNERS  
 TOTAL CAPACITY: 30 CHILDREN

SITE PLAN		
LOT 52, WHITEHAVEN HEIGHTS SD - 1032 HALE ROAD, MEMPHIS, TN 38116		
2025.01		
MEMPHIS SHELBY COUNTY, TENNESSEE		
DATE	1.17.2025	2025
CLIENT	FREEMAN'S LITTLE LEARNERS	1032 HALE ROAD, MEMPHIS, TN 38116
DATE PREPARED	4/20/21	2021
DATE	4/20/21	2021
SCALE	1" = 50'	2021

**SITE PLAN (MAGNIFIED)**



**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 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:  
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

2.5 Permitted Use Table Article 2 Districts and Uses  
2.5.2 Use Table Key

Key: Blank Cell = Not Permitted ■ = Permitted □ = Special Use Approval C = Conditional Use Permit + = Significant Neighborhood Structure Conditional Use Permit

USE CATEGORY	PRINCIPAL USE	P	OS	FW	CA	CIV	RMP	RE	R-15	R-10	R-8	R-6	R-3	RU-1	RU-2	RU-3	RU-4	RU-5	RAW	OG	MU*	CMU-1	CMU-2	CMU-3	CBD	CMP-1	CMP-2	EMP	WD	IH	Use Standard
CIVIC	Adult day-care program					■	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	
Day Care (see 2.9.3B)	Group Day Care Home (5 to 12 persons)					■	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	2.6.2B
	Child Care Center (13+ persons)					■	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	2.6.2B
	Drop-in Child Care Center (13+ persons)					■	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	2.6.2B
	Nursery School, Preschool					■	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	2.6.2B

**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.

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)**



**BOARD OF ADJUSTMENT NOTICE OF DISPOSITION**

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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](mailto:bfreeman2037@gmail.com) & [roystonconsult@aol.com](mailto:roystonconsult@aol.com)

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On October 22, 2025, the Memphis and Shelby County Board of Adjustment approved 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:

1. 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.
3. A final site plan with landscaping shall be submitted subject to administrative review and approval by the Division of Planning and Development.
4. Should no special use permit for a child care center be approved by October 22, 2026, the variance shall be rendered null and void.
5. The subject property and the principal structure must maintain its residential character in design and scale.

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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

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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.**

**DEPARTMENTAL COMMENTS**

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

- |   |                                 |
|---|---------------------------------|
| <b>City Engineer:</b>                           | See pages 19-20 of this report. |
| <b>City Fire Division:</b>                      | No comments received.           |
| <b>City Real Estate:</b>                        | No comments received.           |
| <b>County Health Department:</b>                | No comments received.           |
| <b>Shelby County Schools:</b>                   | No comments received.           |
| <b>Construction Code Enforcement:</b>           | No comments received.           |
| <b>Memphis Light, Gas and Water:</b>            | No comments received.           |
| <b>Office of Sustainability and Resilience:</b> | No comments received.           |
| <b>Office of Comprehensive Planning:</b>        | 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**

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.

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

19. 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.
22. Required landscaping shall not be placed on sewer or drainage easements.

**OFFICE OF COMPREHENSIVE PLANNING COMMENTS**

**Comprehensive Planning Review of Memphis 3.0 Consistency**

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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

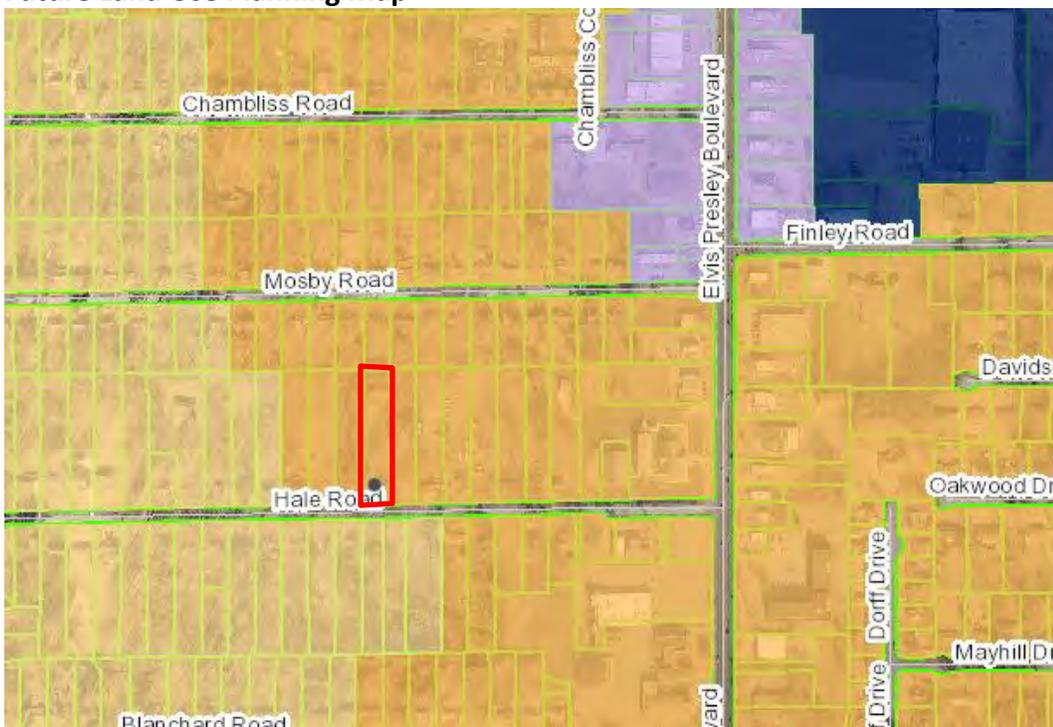
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

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.

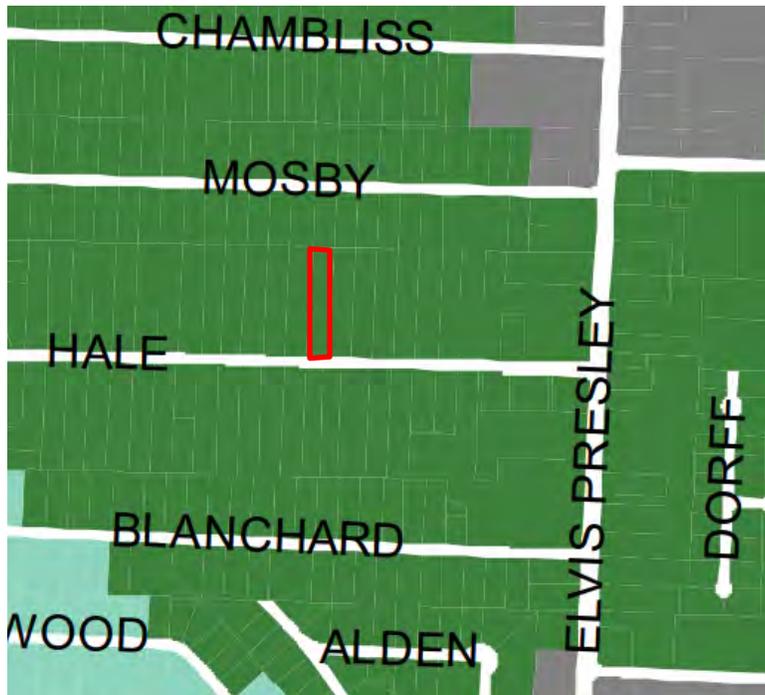
### **Existing, Adjacent Land Use and Zoning**

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 multi-modal transportation options.

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

The requested use is consistent with **Objective 1.5** – *Strengthen neighborhood commercial districts* **Action 1.5.9** - *Improve walkability and multimodal access within and around community and Citywide Anchors to promote local economies and connect neighborhood residents and local businesses.*

The 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 **Objective 6.1** – *Increase equitable access to education, quality jobs, and living wages for all residents* **Action 6.1.4** – *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 multi-modal transportation options.

The requested use is consistent with **Objective 1.5** – *Strengthen neighborhood commercial districts* **Action 1.5.9** - *Improve walkability and multimodal access within and around community and Citywide Anchors to promote local economies and connect neighborhood residents and local businesses.*

The requested use is consistent with **Objective 6.1** – *Increase equitable access to education, quality jobs, and living wages for all residents* **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



**MEMPHIS AND  
SHELBY COUNTY**

**DIVISION OF PLANNING  
AND DEVELOPMENT**

**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 **Thursday, November 6, 2025 at 8 AM.**

**CASE NUMBER:** SUP 2025-027  
**ADDRESS:** 1032 Hale Rd  
**REQUEST:** To allow a child care center in R-10  
**APPLICANT:** Brianna Freeman

**Meeting Details**  
**Location:** Council Chambers  
 City Hall 1st Floor  
 125 N Main St.  
**Time:** 9:00 AM  
**Date:** Thursday, Nov. 13, 2025

**Staff Planner Contact:**  
 Nabanita Nira  
 ✉ nabanita.nira@memphistn.gov  
 ☎ (901) 636-7406

**VICINITY MAP**





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

90 Notices Mailed 10/16/2025

**SIGN AFFIDAVIT**

**AFFIDAVIT**

Shelby County  
State of Tennessee

I, 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):

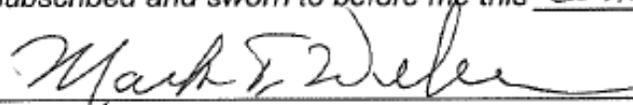
- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

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

  
\_\_\_\_\_  
Owner, Applicant or Representative

10/20/25  
\_\_\_\_\_  
Date

Subscribed and sworn to before me this 20th day of OCTOBER, 2025.

  
\_\_\_\_\_  
Notary Public

My Commission Expires Nov. 09, 2026  
My commission expires: \_\_\_\_\_





**APPLICATION**



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

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

website: www.develop901.com

**Record Summary for Special Use Permit**

**Record Detail Information**

Record Type: Special Use Permit

Record Status: Pending

Opened Date: August 27, 2025

Record Number: SUP 2025-027

Expiration Date:

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**

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	Lucas Skinner
Date of Meeting	07/22/2025
Pre-application Meeting Type	Email

**GENERAL PROJECT INFORMATION**

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case	PD #2002-311
Number(s) related to previous applications on this site	

**GENERAL PROJECT INFORMATION**

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

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

**APPROVAL CRITERIA**

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare No

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 Yes

UDC Sub-Section 9.6.9D No

UDC Sub-Section 9.6.9E Yes

UDC Sub-Section 9.6.9F No

**GIS INFORMATION**

Case Layer BOA1962-013-CO, PD02-311, PD96-361

Central Business Improvement District No

Class C

Downtown Fire District No

Historic District -

Land Use INSTITUTIONAL

Municipality MEMPHIS

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**

---

**Name**  
 BRIANNA FREEMANFREEMAN'S LITTLE LEARNERS

**Contact Type**  
 APPLICANT

**Address**

**Phone**  
 (901)273-3265

**Name**  
 JOE HARRIS

**Contact Type**  
 ARCHITECT / ENGINEER /  
 SURVEYOR

**Address**

**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
1673822	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	08/27/2025
1673822	Child Care Center (13+ children)	1	250.00	INVOICED	0.00	08/27/2025
1673822	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	08/27/2025

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

**Payment Information**

Payment Amount	Method of Payment
\$769.50	Credit Card

**OWNER AFFIDAVIT**

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

38203 - (901) 636-6619

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Sharon A. Frank (Print Name) [Signature] (Sign Name), state that I have read the definition of

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

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

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

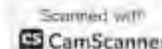
of the property located at 1032 Hale Rd MPHS, TN 38116  
and further identified by Assessor's Parcel Number \_\_\_\_\_  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 26<sup>th</sup> day of August in the year of 2025

[Signature]  
Signature of Notary Public



4/1/2028  
My Commission Expires



**LETTER OF INTENT**

<b>CONSTRUCTION CODES CONSULTANTS, LLC</b> 2809 Kirby Parkway, Suite 116-132	
<b>MEMPHIS, TN 38119 901.340.1878 : ROYSTONCONSULT@AOL.COM</b>	

**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

**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: August 27, 2025

Record Number: SUP 2025-027

Expiration Date:

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

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	Lucas Skinner
Date of Meeting	07/22/2025
Pre-application Meeting Type	Email

#### GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	PD #2002-311

**GENERAL PROJECT INFORMATION**

Is this application in response to a citation, stop work order, or zoning letter No  
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

**APPROVAL CRITERIA**

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare No

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 Yes

UDC Sub-Section 9.6.9D No

UDC Sub-Section 9.6.9E Yes

UDC Sub-Section 9.6.9F No

**GIS INFORMATION**

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Downtown Fire District No

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Municipality MEMPHIS

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State Route -

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Subdivision WHITEHAVEN HEIGHTS

Planned Development District -

Wellhead Protection Overlay District No

County Commission District -

City Council District -

City Council Super District -

**Contact Information**

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**Contact Type**  
APPLICANT

**Address**

**Phone**  
(901)273-3265

**Name**  
JOE HARRIS

**Contact Type**  
ARCHITECT / ENGINEER /  
SURVEYOR

**Address**

**Phone**  
(901)382-2345

**Name**  
EVELYN ROYSTON

**Contact Type**  
REPRESENTATIVE

**Address**

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**Fee Information**

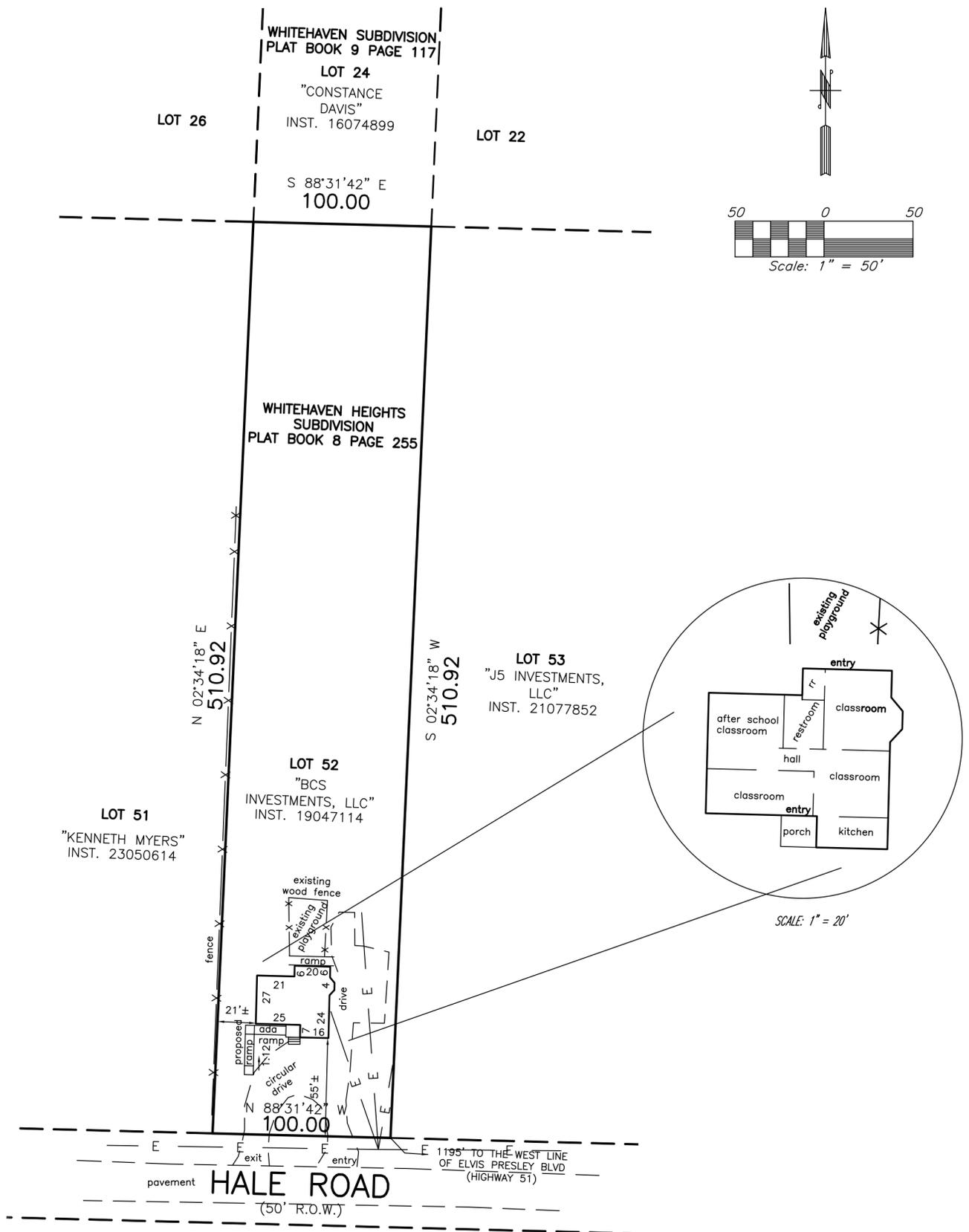
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Total Fee Invoiced: \$769.50

Total Balance: \$0.00

**Payment Information**

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



**SITE PLAN  
 LOT 52, WHITEHAVEN HEIGHTS  
 SUBDIVISION AS RECORDED IN  
 PLAT BOOK 8 PAGE 255 IN  
 MEMPHIS, SHELBY COUNTY,  
 TENNESSEE**

**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).

#1032 HALE ROAD, MEMPHIS, TN 38116  
 CLIENT: FREEMAN'S LITTLE LEARNERS  
 TOTAL CAPACITY: 30 CHILDREN

<b>SITE PLAN</b>		
<b>LOT 52, WHITEHAVEN HEIGHTS SD - 1032 HALE ROAD, MEMPHIS, TN 38116</b>		
		ZONED: R10
<b>MEMPHIS SHELBY COUNTY, TENNESSEE</b>		
1 LOT	1.17 +/- ACRES	
CLIENT FREEMAN'S LITTLE LEARNERS	SURVEYOR Harris & Associates Land Surveyors 554 Green Tree Cove, Suite 102B Collierville, TN 38017 (901) 362-2345	
100 YEAR FLOOD ELEVATION N/A	FEMA COMMUNITY NUMBER 470177 0420 F	FEMA MAP DATE SEPT 28, 2007
AUG 2025	SCALE: 1" = 50'	SHEET 1 OF 1

**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

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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



MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

City Hall - 125 N. Main Street, Suite 465 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Shannon A. Peadar (Print Name), [Signature] (Sign Name), state that I have read the definition of

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

[X] 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 1032 Hale Rd Memphis, 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.

[Signature] Signature of Notary Public



4/1/2028 My Commission Expires

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

City Hall - 125 N. Main Street, Suite 465 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

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I, Shannon A. Peadar (Print Name), [Signature] (Sign Name), state that I have read the definition of

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

of the property located at 1032 Hale Rd Memphis, 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.

[Signature] Signature of Notary Public



4/1/2028 My Commission Expires



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

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

November 14, 2025

Brianna Freeman  
Freeman's Little Learners  
1032 Hale Rd  
Memphis, TN 38116

Sent via electronic mail to: [bfreeman2037@gmail.com](mailto:bfreeman2037@gmail.com) & [roystonconsult@aol.com](mailto:roystonconsult@aol.com)

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](mailto: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

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

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

Planning & Zoning COMMITTEE: 12/02/2025  
DATE  
PUBLIC SESSION: 12/16/2025  
DATE

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

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 5133 Park Avenue, known as case number SUP 2025-032

CASE NUMBER: SUP 2025-032

LOCATION: 5133 Park Avenue

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

OWNER/APPLICANT: Blooming Ventures LLC

REPRESENTATIVE: Brenda Basar, Solomito Land Planning

REQUEST: To allow an expansion of an existing c-store with gas pumps

AREA: +/-1 acre

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

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

**PRIOR ACTION ON ITEM:**

(1) \_\_\_\_\_ 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:**

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

**SOURCE AND AMOUNT OF FUNDS**

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

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
<u>Moham C. Tate</u>	<u>Nov 13, 2025</u>	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Britt Ryan</u>	<u>11/13/25</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## 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,

*Mahsan Ostadnia*

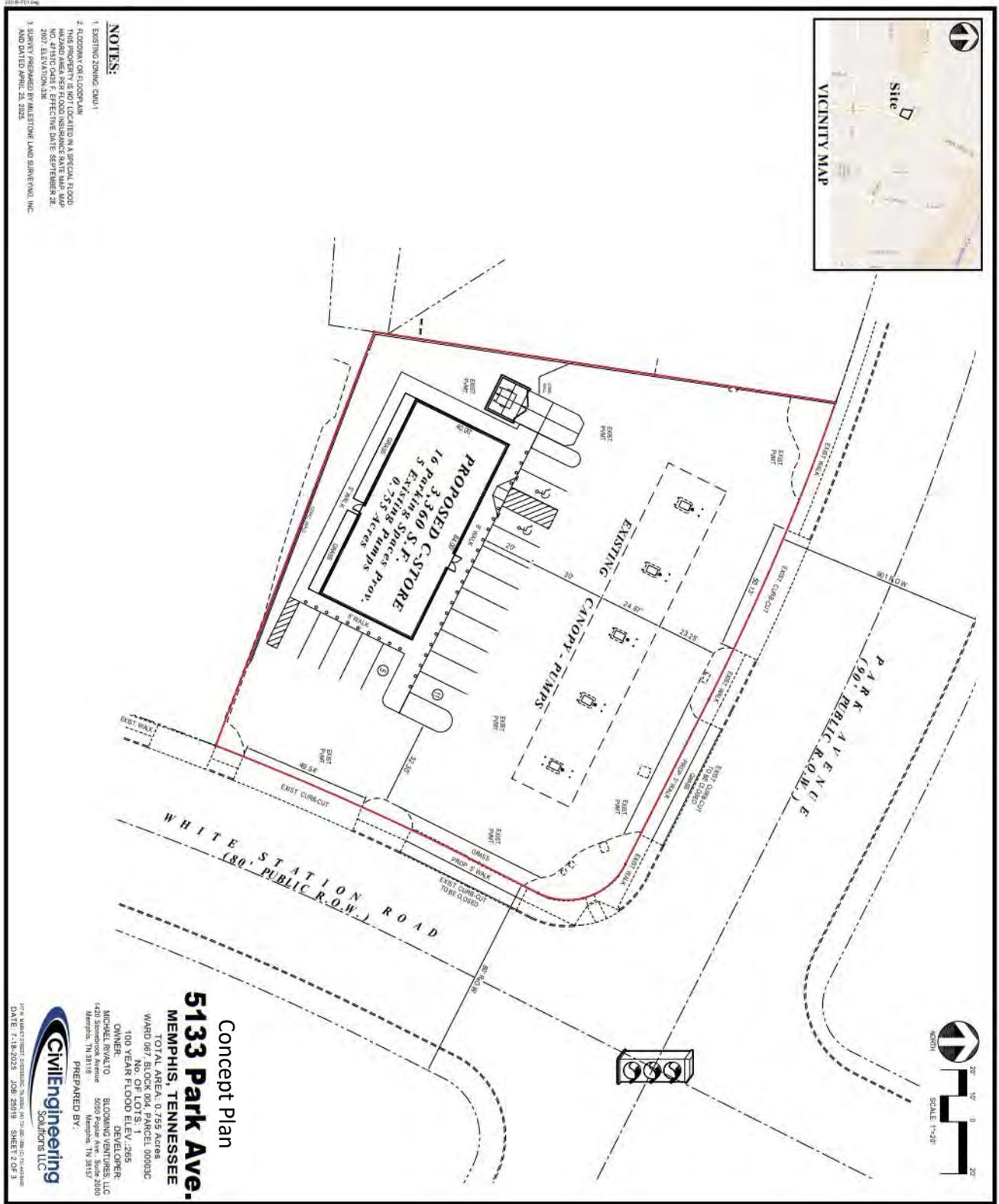
Planner II  
Land Use & Development Services  
Cc: Committee Members  
File

## **SUP 2025-032**

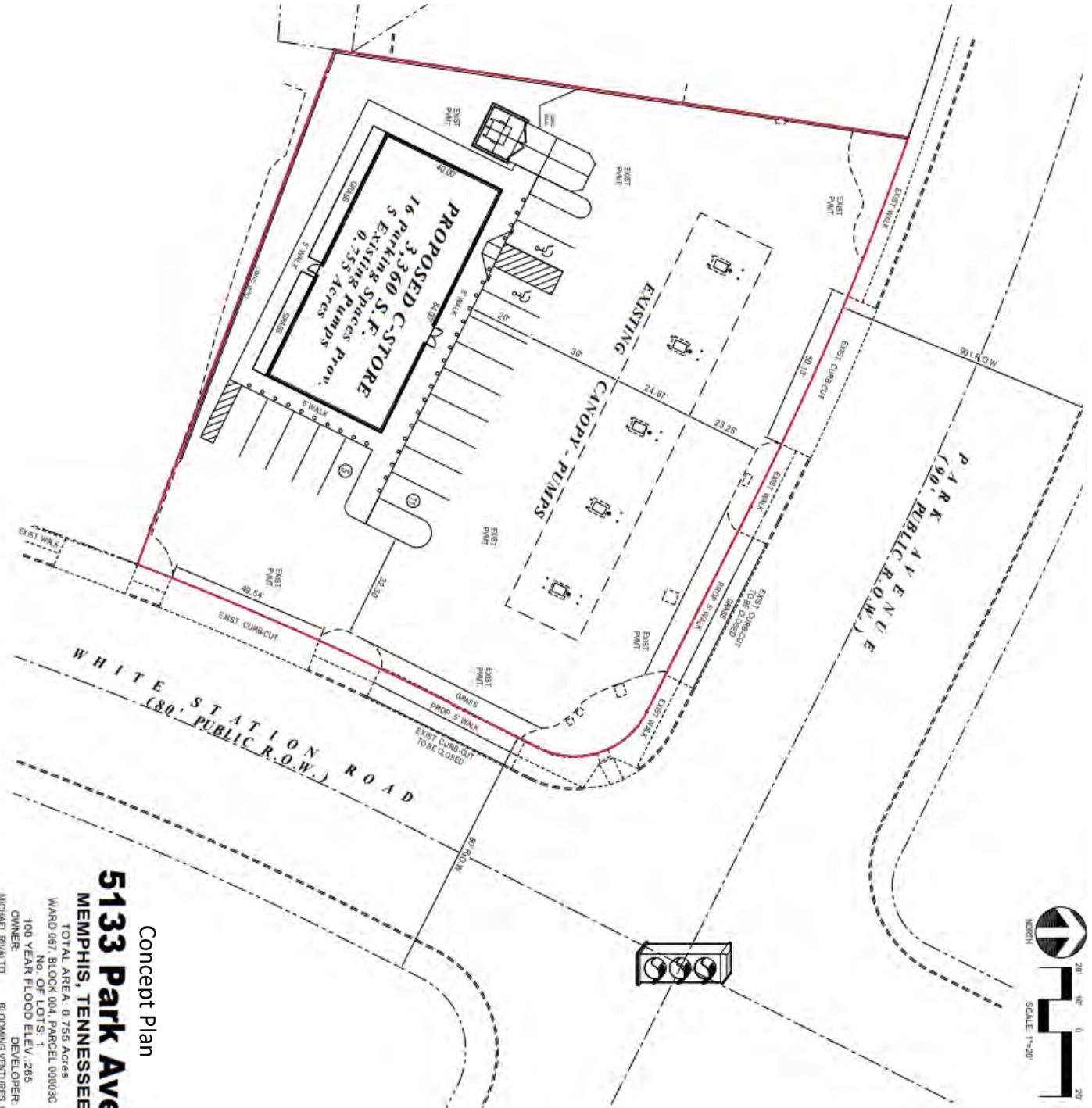
### **CONDITIONS**

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**



Concept Plan  
**5133 Park Ave,**  
 MEMPHIS, TENNESSEE  
 TOTAL AREA: 0.755 Acres  
 WARD 087, BLOCK 004, PARCEL 000003C  
 No. OF LOTS: 1  
 100 YEAR FLOOD ELEV.: 265  
 OWNER: MICHAEL RIVILTO  
 DEVELOPER: BLOOMING VENTURES, LLC  
 1420 Steadcock Avenue, Suite 2000  
 Memphis, TN 38118  
 PREPARED BY:



**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.

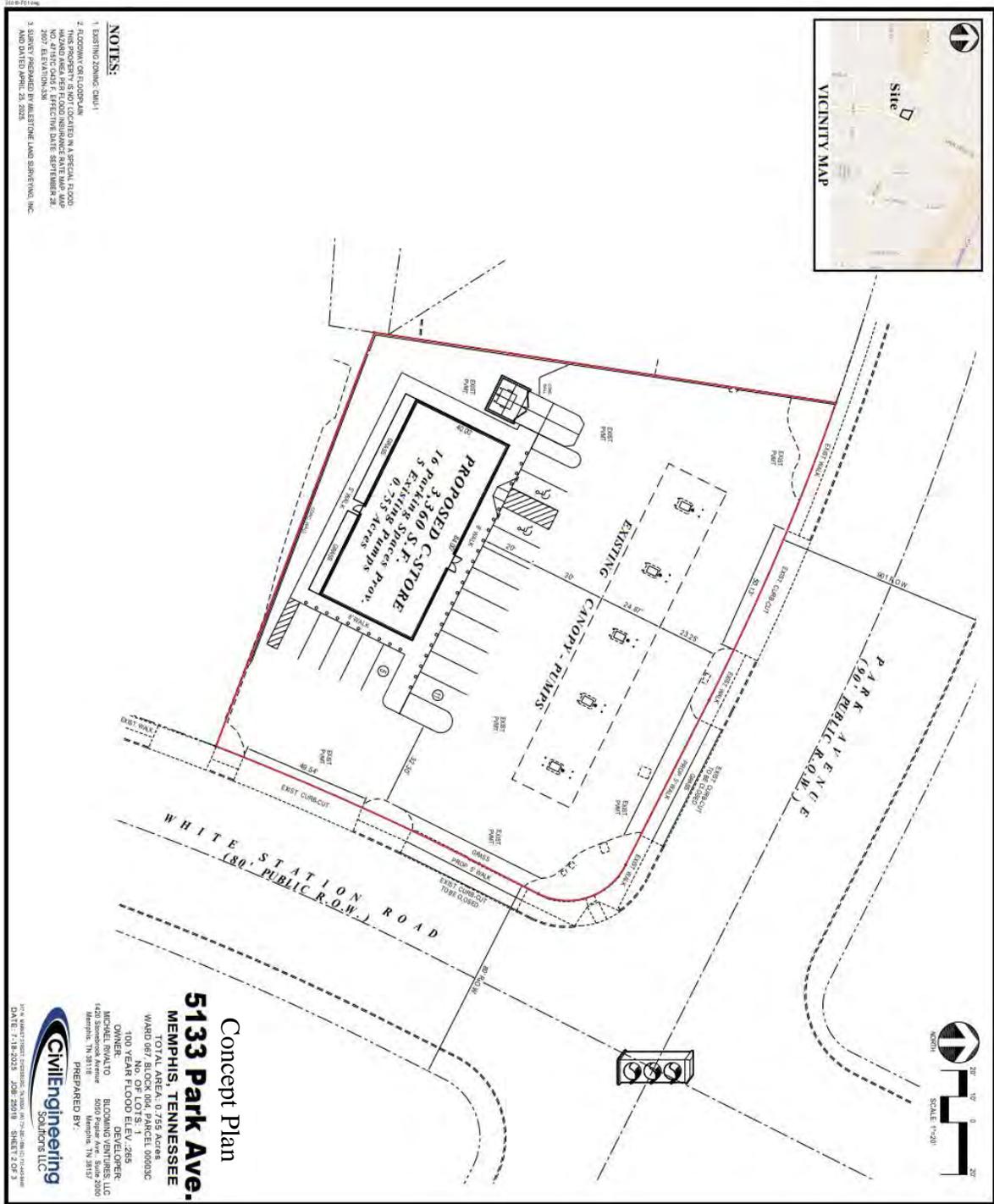
**BE IT FURTHER RESOLVED**, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed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

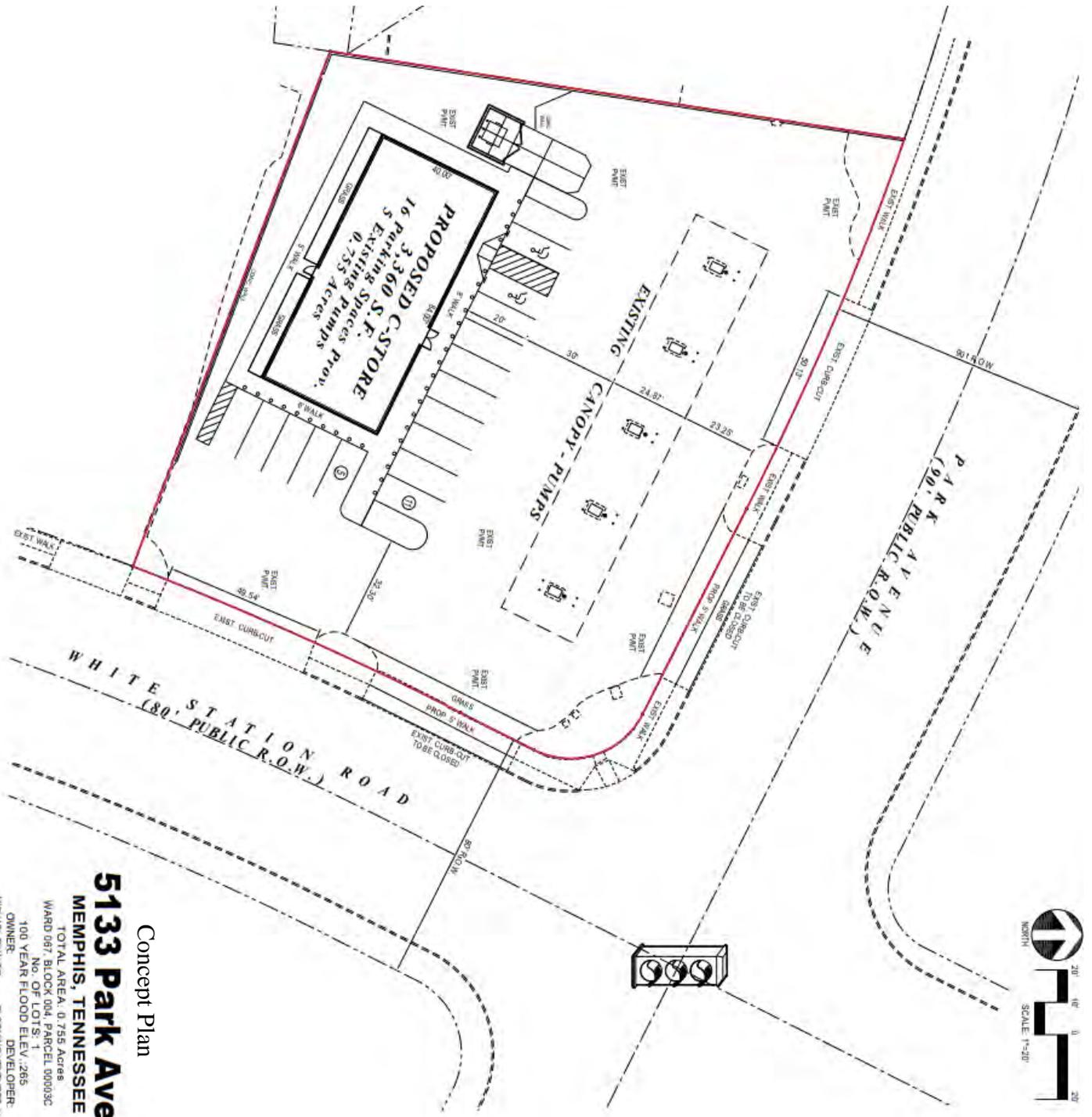
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4. The dumpster location and screening shall meet the requirements of UDC Sub Section 4.6.8B.
5. The convenience store building facing South White Station Road and Park Avenue shall be a minimum of 60% transparency.
6. Support columns for the fuel 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



Concept Plan

**5133 Park Ave.**

MEMPHIS, TENNESSEE

TOTAL AREA, 0.755 ACRES

WARD 087, BLOCK 004, PARCEL 00003C

100 YEAR FLOOD ELEV. 265

OWNER: MICHAEL REVALTO  
 DEVELOPER: BLOOMING VENTURES, LLC  
 1425 SHERWOOD AVE., SUITE 200  
 MEMPHIS, TN 38118

PREPARED BY:

***ATTEST:***

**CC: 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

1. 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.

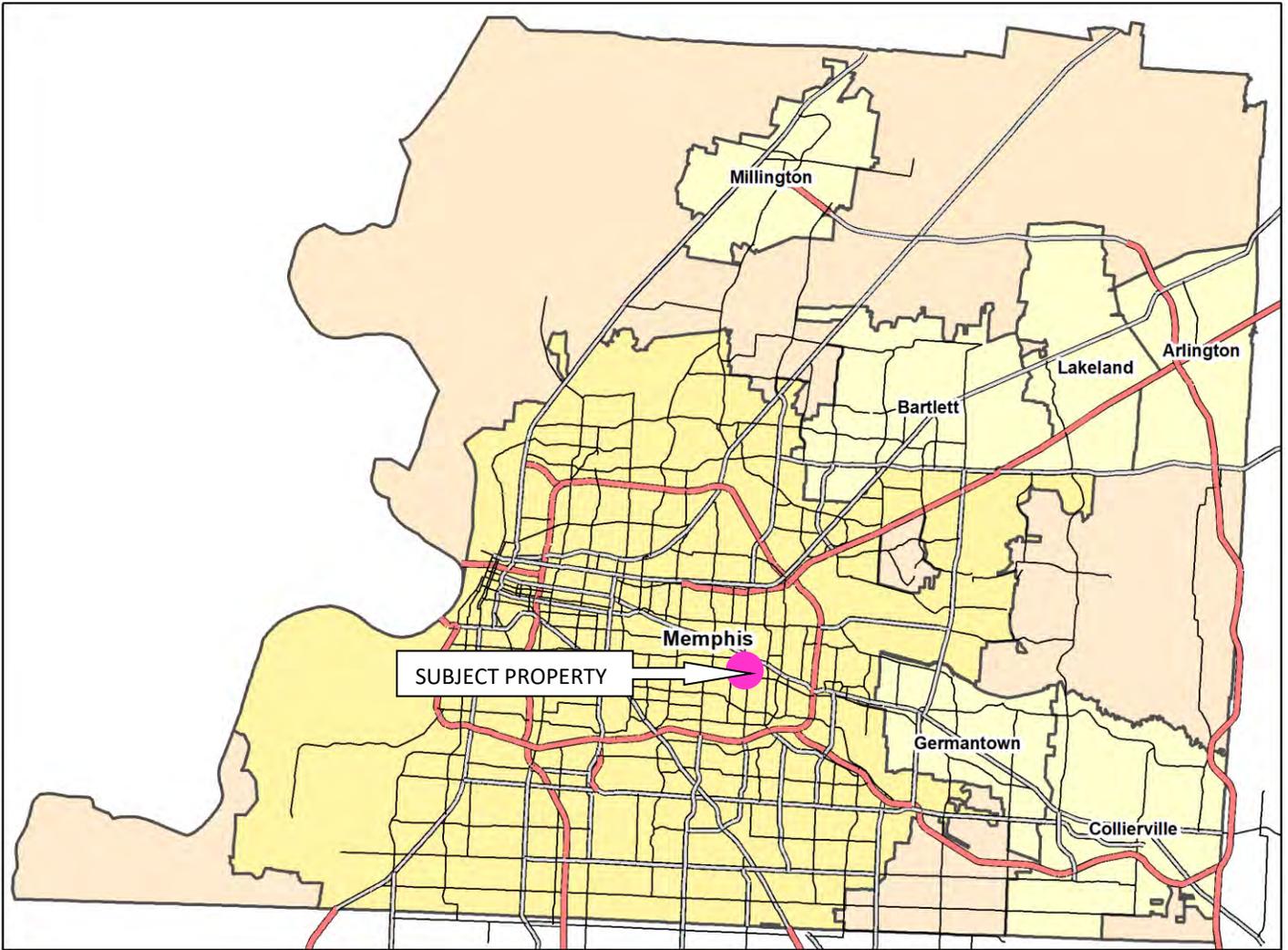
## CONSISTENCY WITH MEMPHIS 3.0

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:

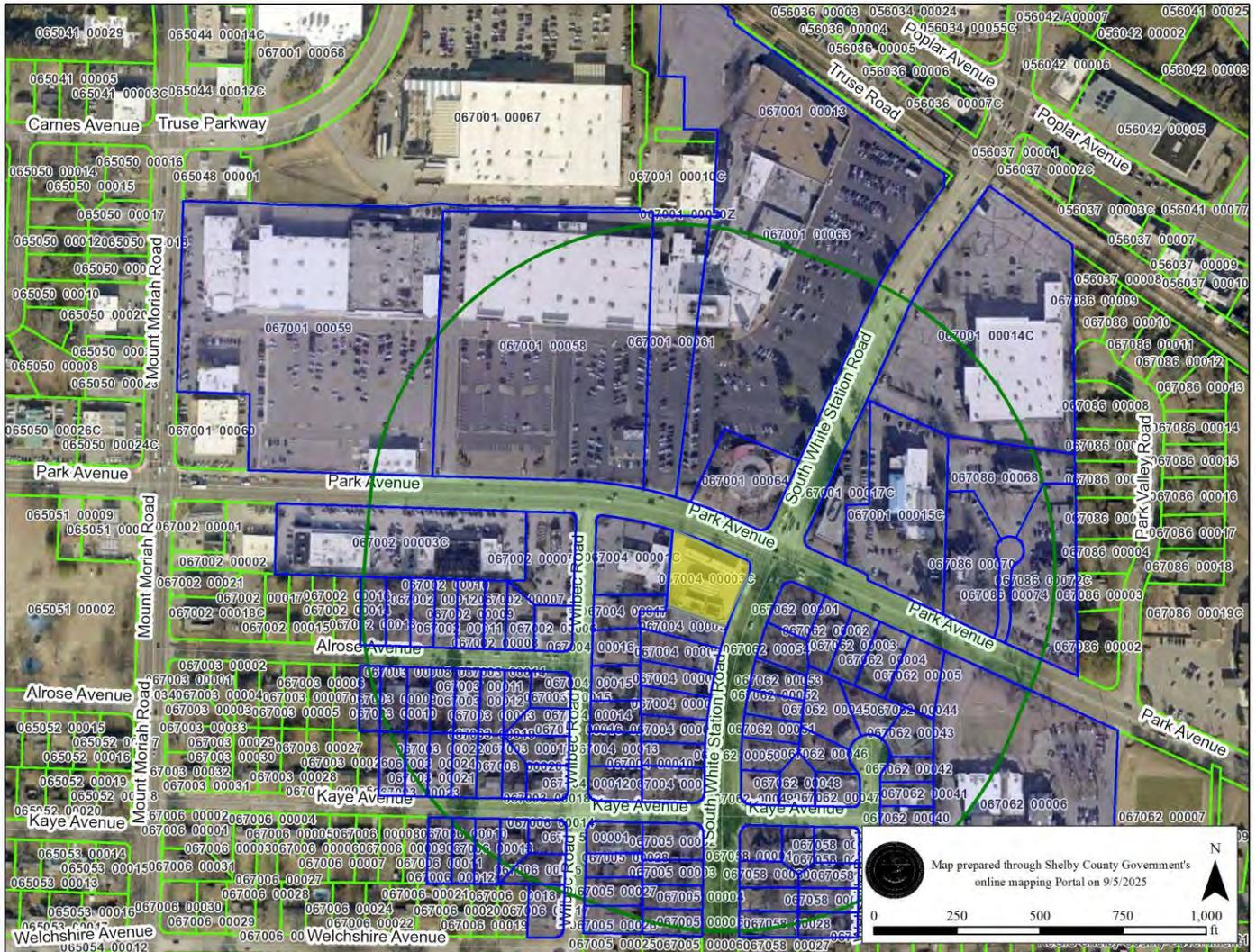
***Approval with conditions***

**LOCATION MAP**



Subject property located within the pink circle

**PUBLIC NOTICE VICINITY MAP**



Subject property highlighted in yellow.

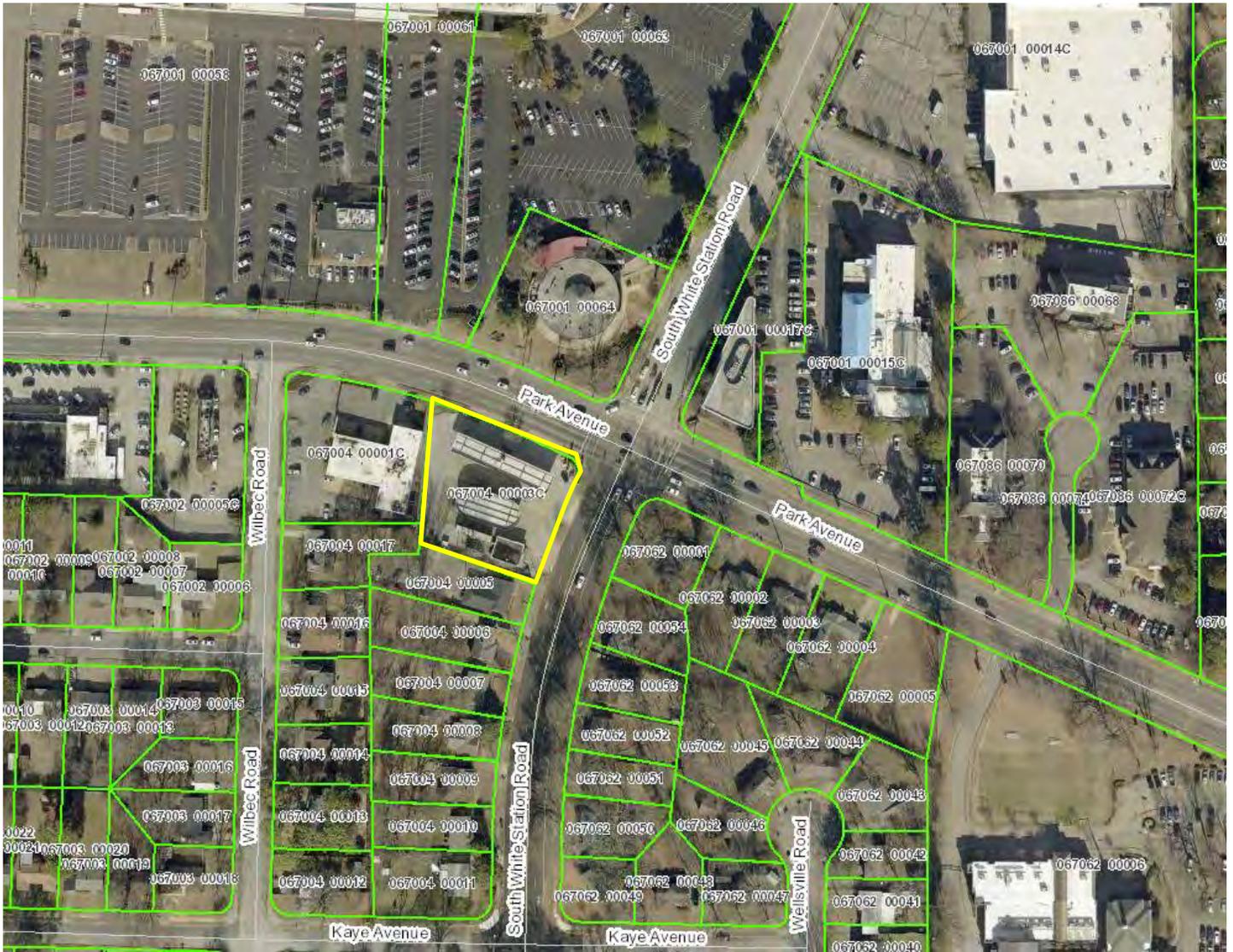
**PUBLIC NOTICE DETAILS**

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**

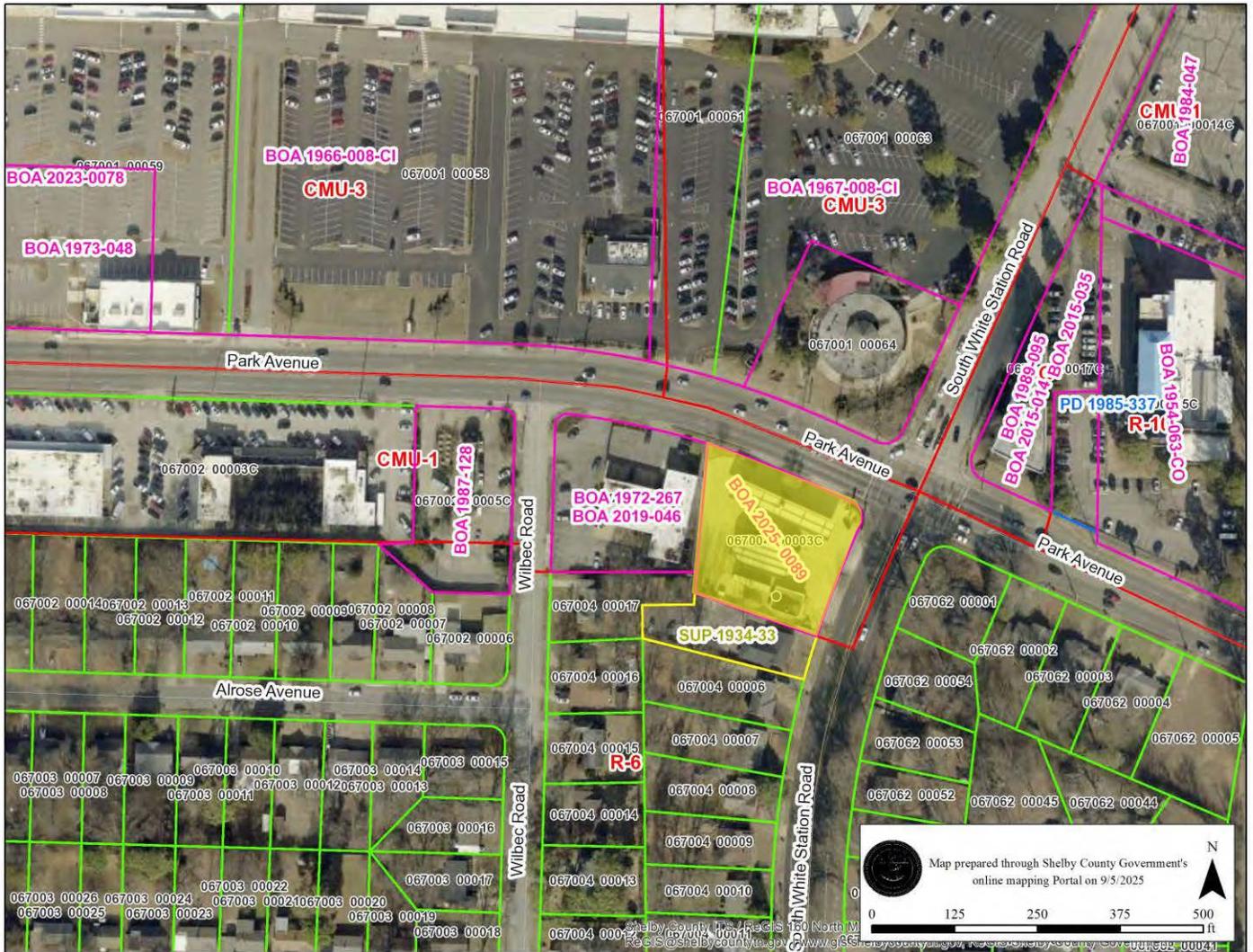
The meeting was held at 6:00 PM on Tuesday, October 28, 2025, 5112 Park Avenue, Memphis, TN 38117. See pages 28-29 of this report for a copy of the neighborhood meeting summary.

**AERIAL**



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star.

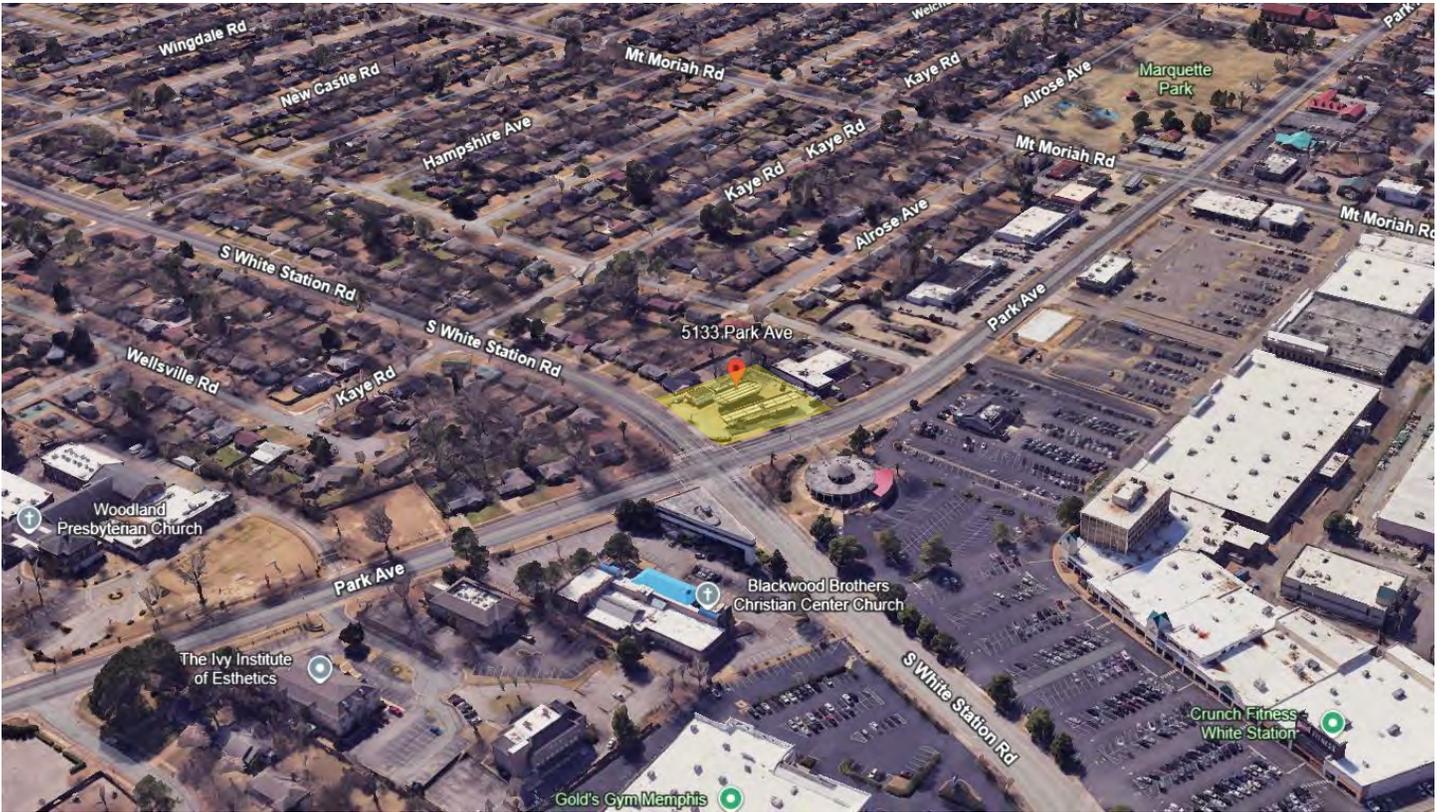
**SITE PHOTOS**



View of subject property from Park Avenue.



View of subject property from S White Station Road.



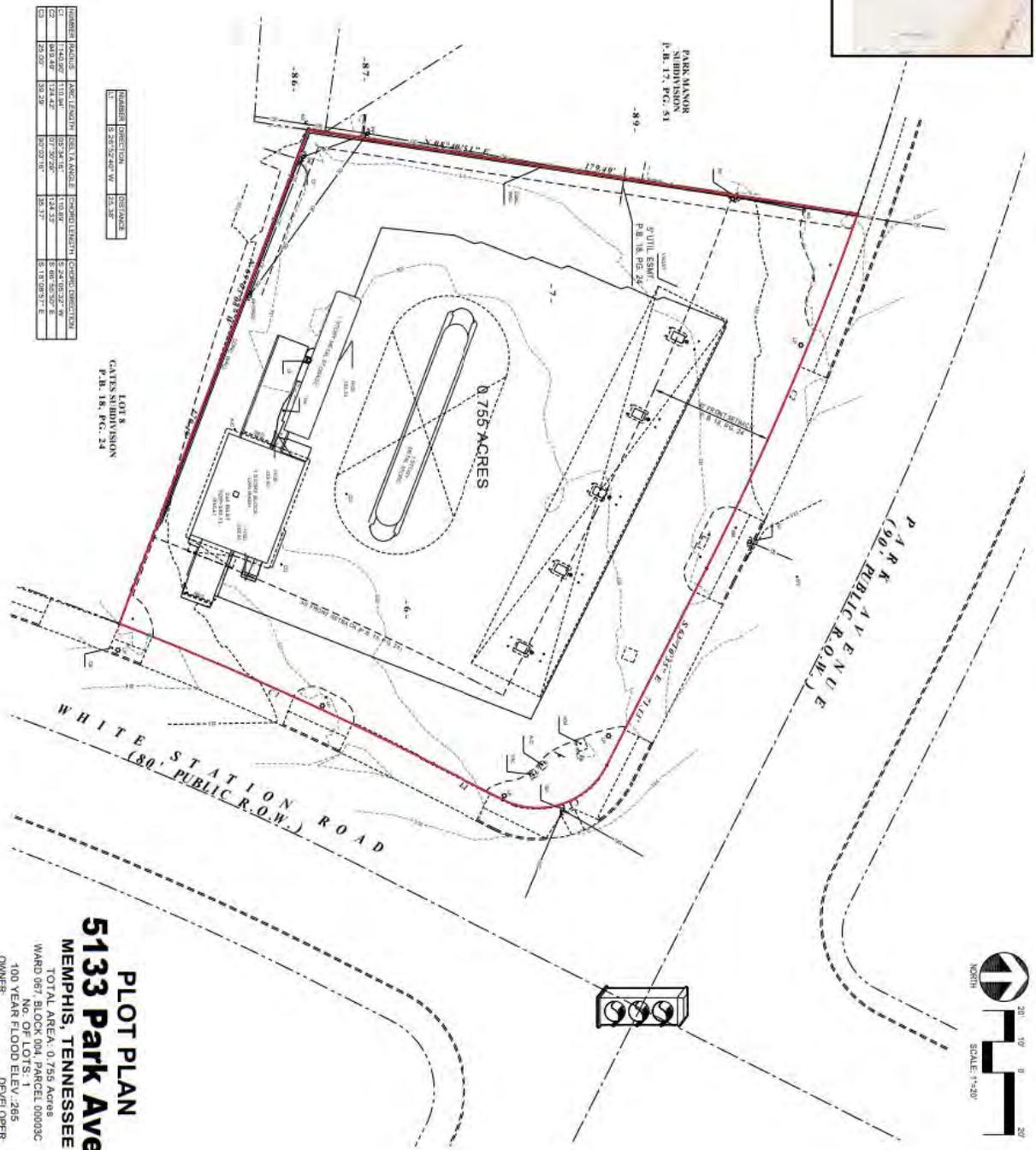
View of subject property from above.



View of subject property from above.



**PLOT PLAN**



NUMBER	DIRECTION	DISTANCE
1	S 20° 52' 42" W	72.38'
2	S 71° 08' 57" E	118.50'
3	S 24° 29' 18" E	128.37'
4	S 18° 08' 57" E	118.50'

**NOTES:**

- EXISTING ZONING CHA-1
- FLOODING OR FLOODPLAIN  
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP MAP NO. 2117C-01A-1, EFFECTIVE DATE SEPTEMBER 21, 2001, FEMA REGION 4.
- SURVEY PREPARED BY MASTSTONE LAND SURVEYING, INC. AND DATED APRIL 24, 2025.



**PLOT PLAN**  
**5133 Park Ave.**  
**MEMPHIS, TENNESSEE**

TOTAL AREA: 0.755 ACRES  
 WARD 087, BLOCK 004, PARCEL 00003C  
 NO. OF LOTS: 1  
 100 YEAR FLOOD ELEV.: 265

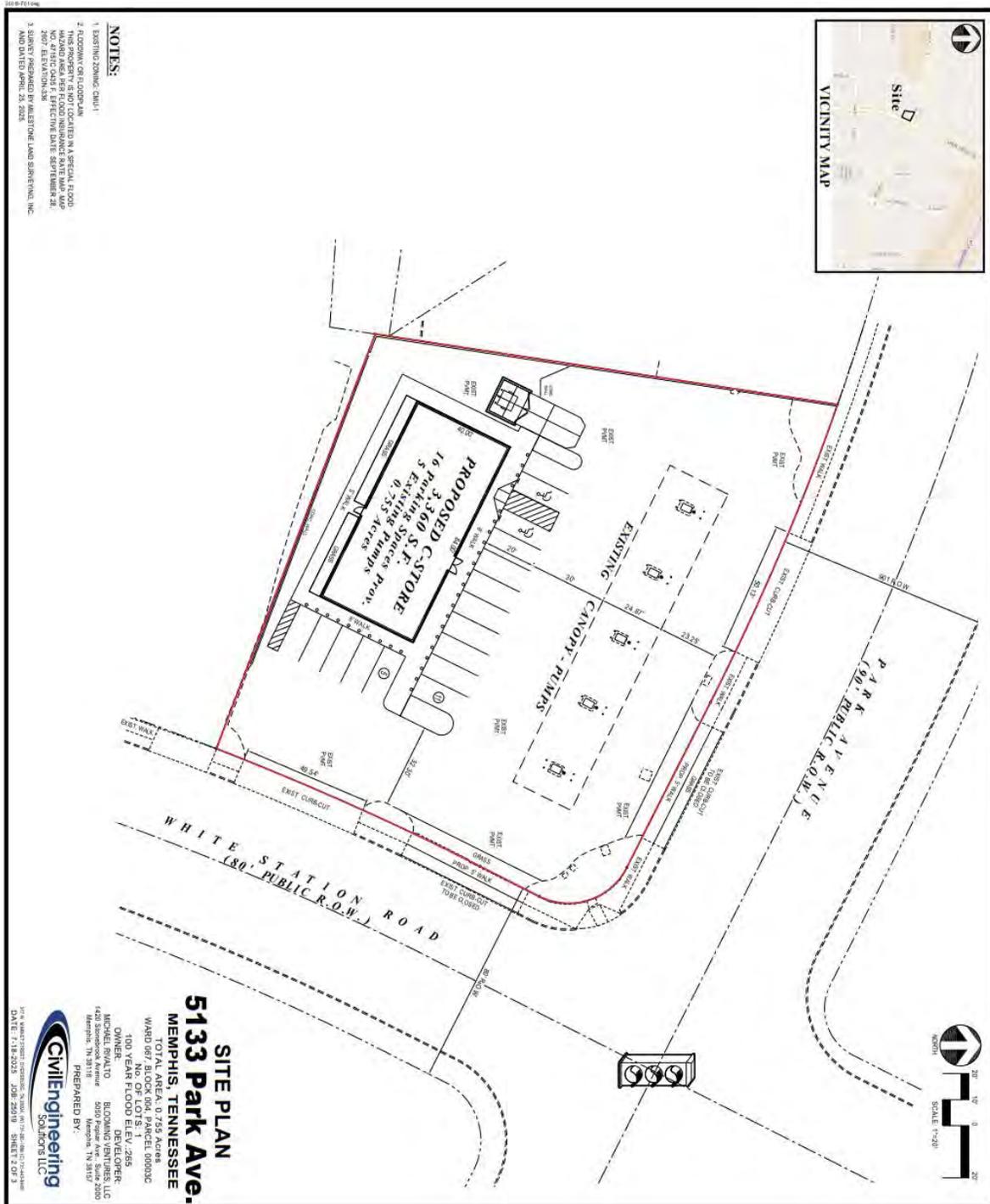
OWNER: MICHAEL RIVALTO  
 1420 Stonebrook Avenue  
 Memphis, TN 38119

DEVELOPER: BLOOMING VENTURES, LLC  
 5050 Poplar Ave., Suite 2000  
 Memphis, TN 38117

PREPARED BY:  
**CivilEngineering SOLUTIONS LLC**

1218 BURNBRIGHT CORRIDOR, SUITE 107, GREENBRIAR CHARLESTON, TN 37027 • 901.988.1100 • WWW.CIVILENGINEERING-SOLUTIONS.COM

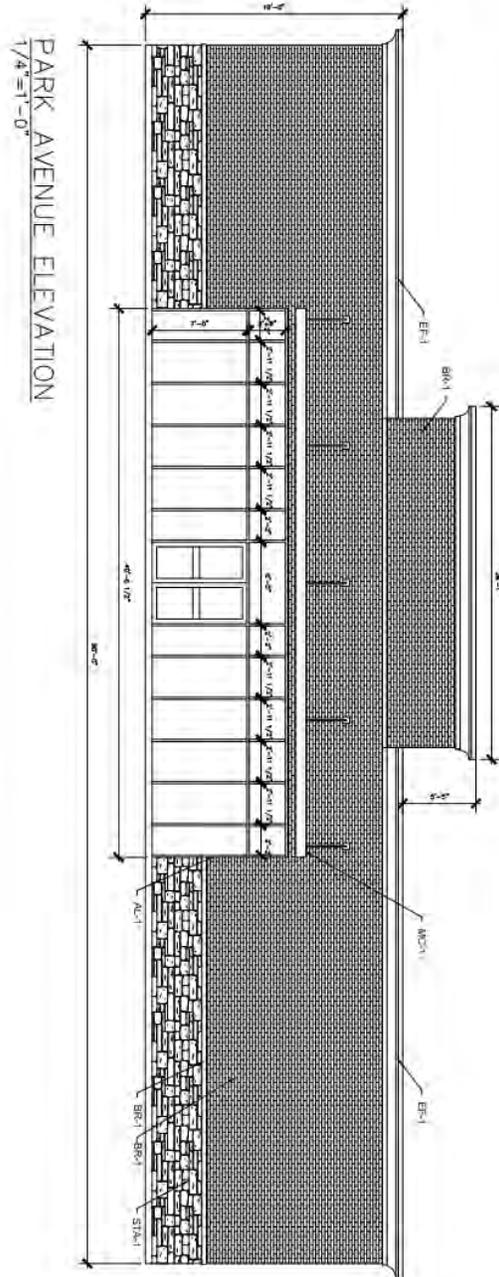
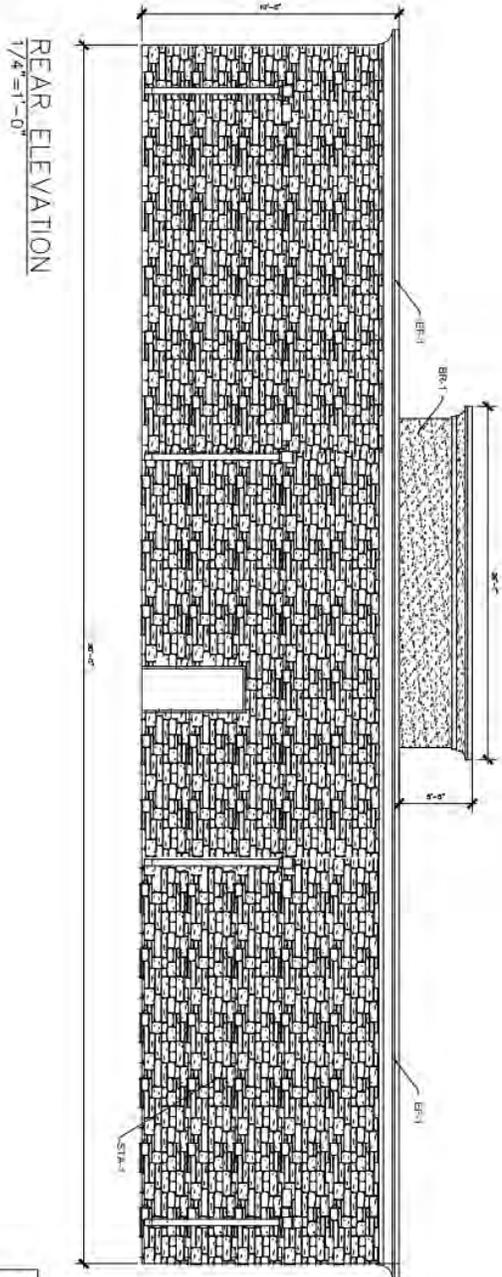
**SITE PLAN**





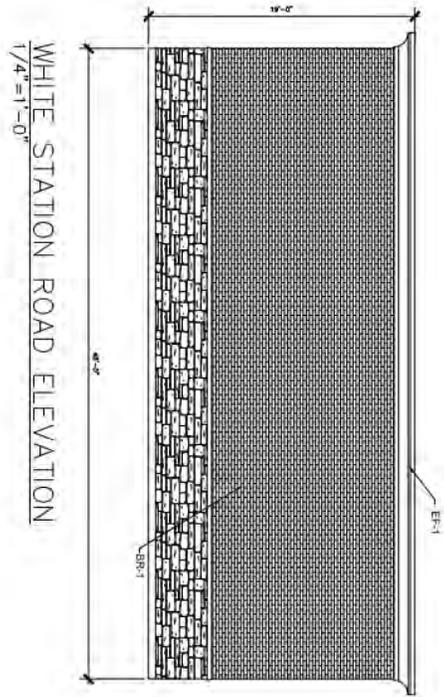
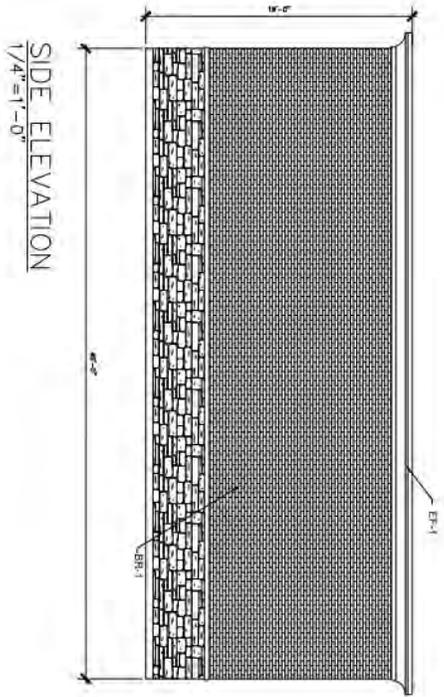


ELEVATIONS



**FINISH SCHEDULE**

BR-1	BRICK/CRAFT SHADOWSTONE/QUEEN
ST-1	BRICK/CRAFT - ASH - STACK
EF-1	EFNS 1. STD ESSENCE - COTTON 213E
AL-1	ALUMINUM STOREFLOOR CLEAR FINISH
MC-1	METAL CANOPY - ALUMINUM CLEAR FINISH



FINISH SCHEDULE	
BR-1	BRICKWORK/ST SHADOWSTONE/QUEEN
ST-1	WARRICK/ST/ASH - STACK
EF-1	EIFS 1, STO ESSENCE - COTTON 32138
AL-1	ALUMINUM/STONEFRONT CLEAR FINISH
MC-1	METAL CANOPY/ALUMINUM CLEAR FINISH

## 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

**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:

- |   |                       |
|---|-----------------------|
| <b>City/County Engineer:</b>                    | See pages 21-22.      |
| <b>City/County Fire Division:</b>               | No comments received. |
| <b>City Real Estate:</b>                        | No comments received. |
| <b>County Health Department:</b>                | No comments received. |
| <b>Shelby County Schools:</b>                   | No comments received. |
| <b>Construction Code Enforcement:</b>           | No comments received. |
| <b>Memphis Light, Gas and Water:</b>            | No comments received. |
| <b>Office of Sustainability and Resilience:</b> | No comments received. |
| <b>Office of Comprehensive Planning:</b>        | 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. **CONDITION:** 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 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. **CONDITION:** 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**

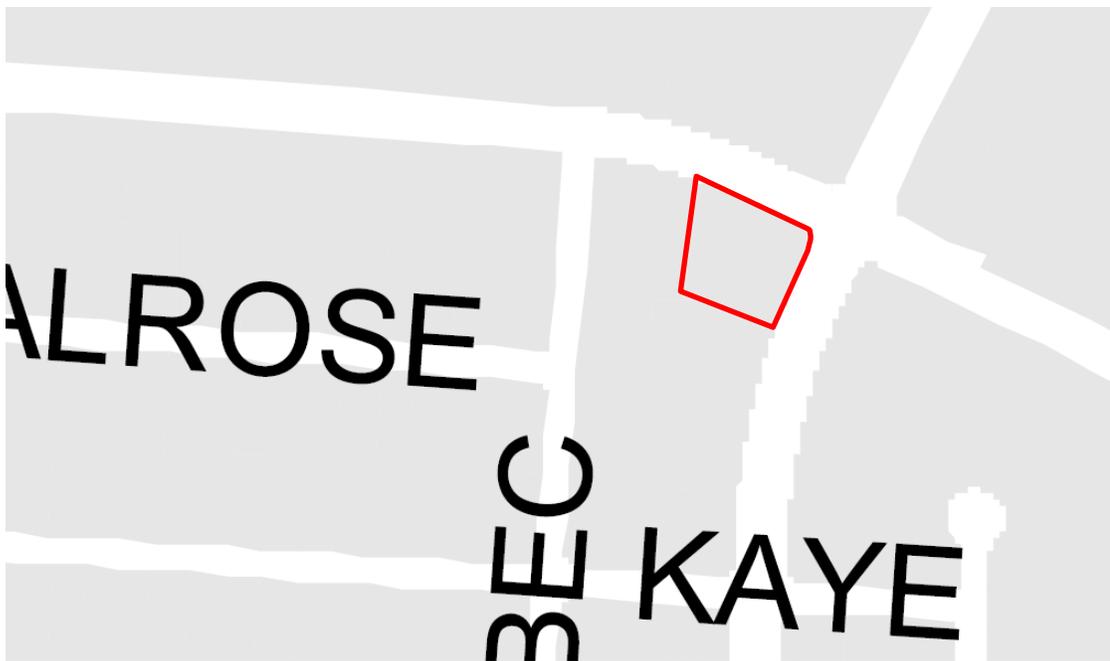
Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

**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 expansion 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](mailto:umlani@gmail.com)*

---

On September 24, 2025, the Memphis and Shelby County Board of Adjustment **approved** 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:

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.

---

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**

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

**Meeting Details**  
**Location:** Council Chambers  
City Hall 1st Floor  
125 N Main St.  
**Time:** 9:00 AM  
**Date:** Thursday, November 13, 2025

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



**VICINITY MAP**



93 Notices Mailed 10/16/2025

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 SUMMARY**

Case Number: SUP 2025-032



**Meeting Information**

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. Neighborhood Attendees: 2

**Proceedings**

Please provide a brief summary of the meeting. Identify the most commonly raised concerns, and, if applicable, describe any application changes planned in 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 that the car wash was being removed. After a little discussion, teh Foxes stated they were in support of the application and were happy to help. We had dinner and left the restaurant around 7:15 PM

## NEIGHBORHOOD MEETING SUMMARY



Case Number: SUP 2025-032

### Attachments

Also included in this submission are the following:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Mailed Invitation       | <input type="checkbox"/> Handouts Provided      |
| <input checked="" type="checkbox"/> Invitation Mailing List | <input type="checkbox"/> Sign-in Sheet(s)       |
| <input type="checkbox"/> Applicant's Presentation           | <input type="checkbox"/> Photographs of Meeting |
| <input type="checkbox"/> 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

- This meeting was:
- Required under Section 9.3.2 of the UDC
  - 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.*

Brenda Solomito Basar

Print Name

Brenda Solomito Basar  
Digitally signed by Brenda Solomito Basar  
Date: 2025.11.03 10:46:51 -06'00'

Signature

11/03/25

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

I, Steve Entero, being duly sworn, depose and say that at 7:30pm on the 31<sup>st</sup> day of October, 2025, I posted 2 Public Notice Sign(s) pertaining to Case No SUP 2025-032 at 4000 5133 Palm Ave, providing notice of a Public Hearing before the (check one):

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

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

[Signature]  
Owner, Applicant or Representative

31-OCT-2025  
Date

Subscribed and sworn to before me this 31<sup>st</sup> day of October, 2025.

[Signature]  
Notary Public



My commission expires: 5/5/26



**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 convenience 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

1420 STONEBROOK AVE, MEMPHIS, TN 38116

Owner Phone

---

**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

**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

SEE ATTACHED

UDC Sub-Section 9.6.9D

SEE ATTACHED

UDC Sub-Section 9.6.9E

SEE ATTACHED

UDC Sub-Section 9.6.9F

SEE ATTACHED

**GIS INFORMATION**

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

-  
 No  
 C  
 No  
 -  
 COMMERCIAL  
 MEMPHIS  
 -  
 CMU-1  
 -  
 6 & 7  
 GATES  
 -  
 No  
 -  
 -  
 -

**Contact Information**

---

**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 - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	10/02/2025
1682133	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	10/02/2025

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

**Payment Information**

Payment Amount	Method of Payment
\$513.00	Credit Card

**OWNER AFFIDAVIT**



**Property Owner's Affidavit**

**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 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, Bahim Umlani, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

of the property located at 5133 Park Ave and further identified by Assessor's Parcel Number 067004 00003C, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29<sup>th</sup> day of July in the year of 2025



Bernada P. Solemito  
Signature of Notary Public

8/25/25  
My Commission Expires

**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**

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

**LETTERS RECEIVED**

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



# Memphis and Shelby County Division of Planning and Development

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

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

website: www.develop901.com

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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 Number(s) related to previous applications on this site	BOA 2025-0089
Is this application in response to a citation, stop	No

**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**

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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

SEE ATTACHED

UDC Sub-Section 9.6.9D

SEE ATTACHED

UDC Sub-Section 9.6.9E

SEE ATTACHED

UDC Sub-Section 9.6.9F

SEE ATTACHED

**GIS INFORMATION**

Case Layer

-

Central Business Improvement District

No

Class

C

Downtown Fire District

No

Historic District

-

Land Use

COMMERCIAL

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-1

State Route

-

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**

---

**Name**  
HUSSEIN UMLANI

**Contact Type**  
APPLICANT

**Address**

**Phone**  
(404)786-7955

**Name**  
BRENDA SOLOMITO BASAR

**Contact Type**  
REPRESENTATIVE

**Address**

**Phone**  
(901)569-0310

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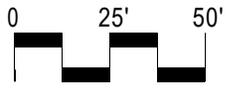
Total Balance: \$0.00

**Payment Information**

Payment Amount	Method of Payment
\$513.00	Credit Card



NORTH



SCALE: 1"=50'



July 18, 2025

Site Plan

**5133 Park Avenue**

MEMPHIS, TENNESSEE

PREPARED BY:

**SOLOMITO**  
LAND PLANNING

DWG. NAME: 25019-M02.dwg



# 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

2 PGS	
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 19 day of August, 2022.

  
Michael A. Rivalto

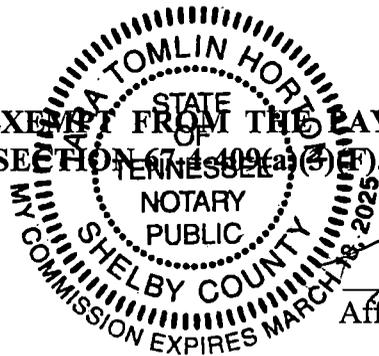
STATE OF Tennessee  
COUNTY OF Shelby

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:  
3/18/2025

Tara Tomlin Horton  
Notary Public

THIS TRANSFER IS EXEMPT FROM THE PAYMENT OF ANY TRANSFER TAX PURSUANT TO T.C.A. SECTION 67-4-409(a)(3).



Michael A. Rivalto  
Affiant

STATE OF Tennessee  
COUNTY OF Shelby

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

Tara Tomlin Horton  
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



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

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

**Property Owner's Affidavit**

**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 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, Rahim Umlani, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

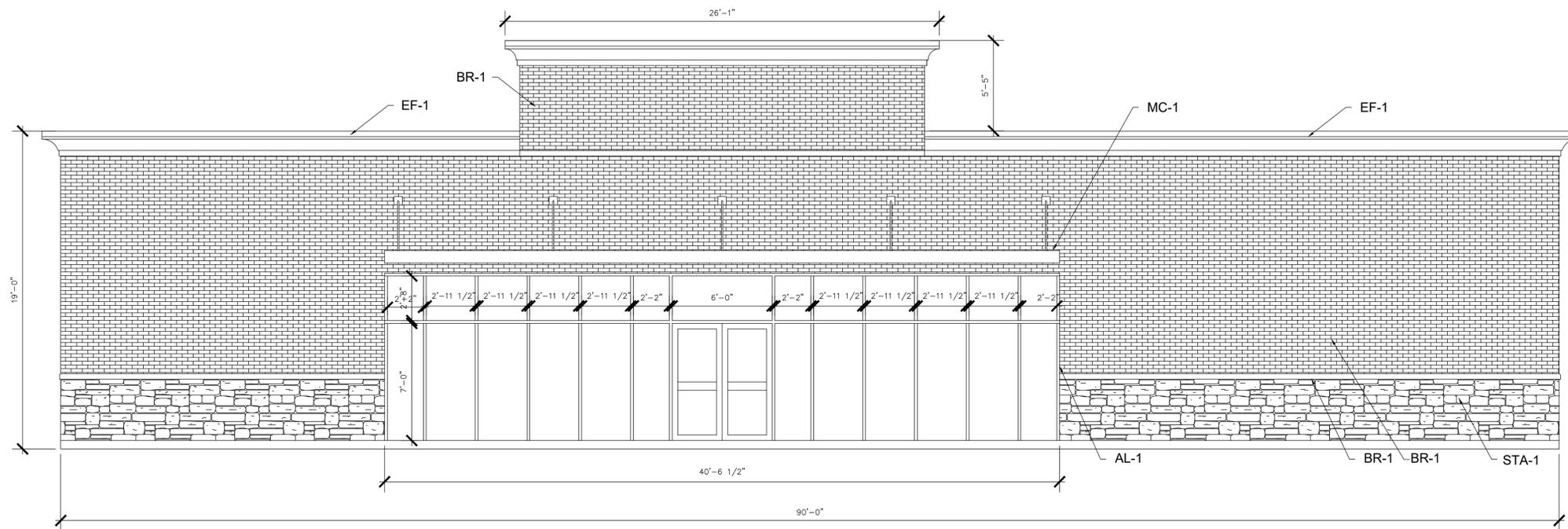
- I am the owner of record as shown on the current-tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate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

of the property located at 5133 Park Ave and further identified by Assessor's Parcel Number 067804 00003C, for which an application is being made to the Division of Planning and Development.

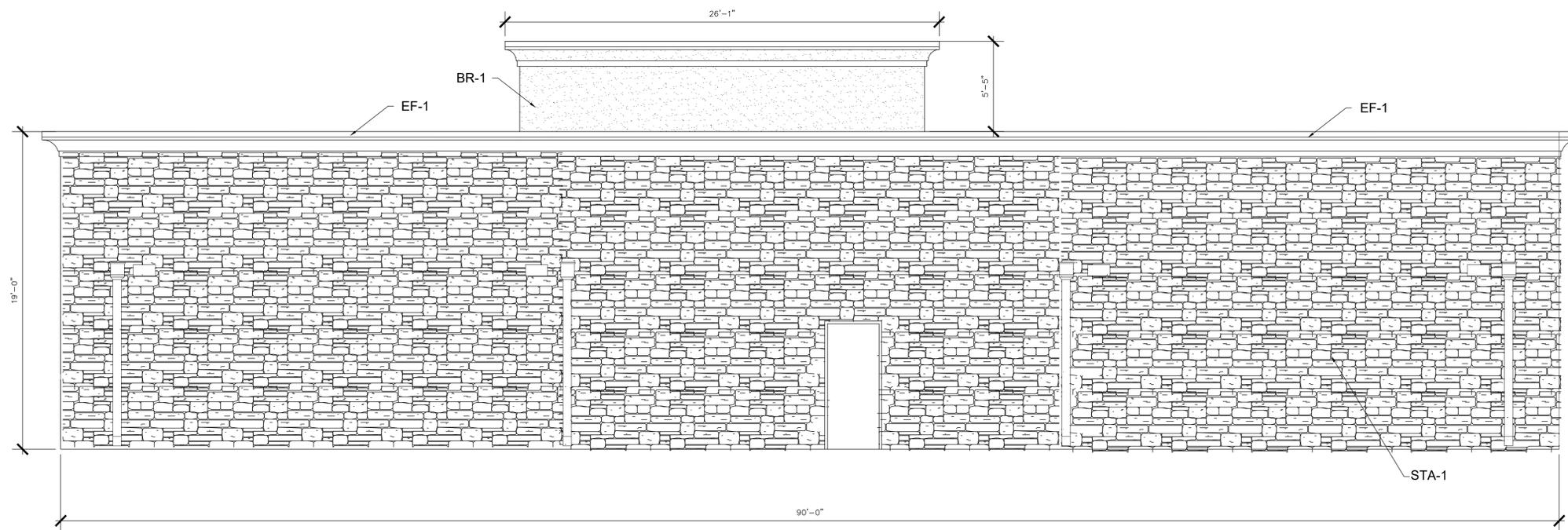
Subscribed and sworn to (or affirmed) before me this 28<sup>th</sup> day of July in the year of 2025

  
Bernda P. Solomito  
Signature of Notary Public

8/25/25  
My Commission Expires



PARK AVENUE ELEVATION  
1/4"=1'-0"



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

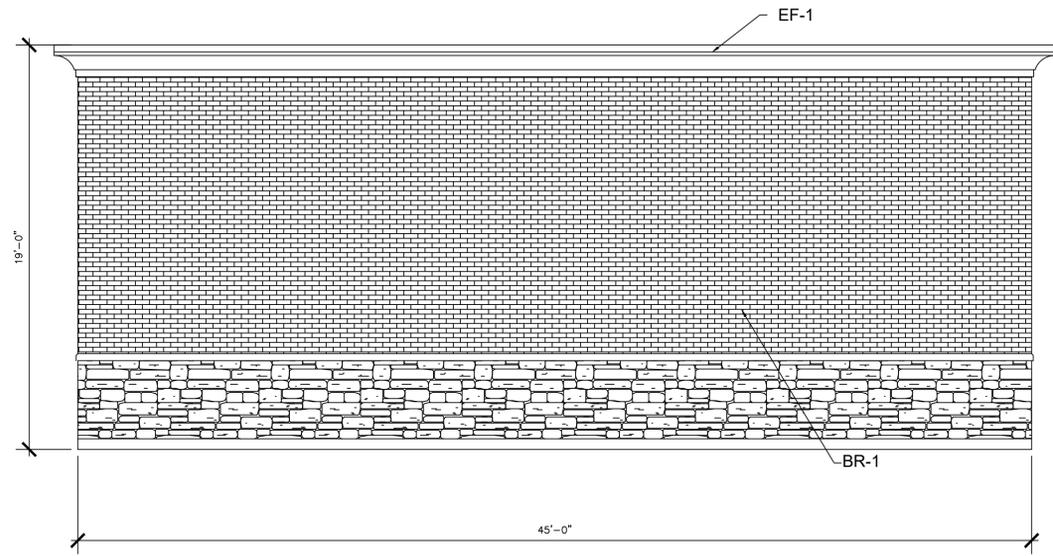
THESE DRAWINGS AND SPECIFICATIONS ARE OWNED AND COPYRIGHTED BY GUY PAYNE & ASSOCIATES ARCHITECTS, P.C. NO REPRODUCTION, COPIING, REUSE, OR DISTRIBUTION OF ANY KIND IS PERMITTED WITHOUT PRIOR WRITTEN CONSENT OF GUY PAYNE & ASSOCIATES ARCHITECTS, P.C. ANY UNAUTHORIZED USE OR DISSEMINATION OF THESE DRAWINGS OR SPECIFICATIONS CONTAINED HEREIN MAY SUBJECT SUCH PARTY TO CRIMINAL AND CIVIL PENALTIES AND DAMAGES.

NO.	DATE	REVISION	BY

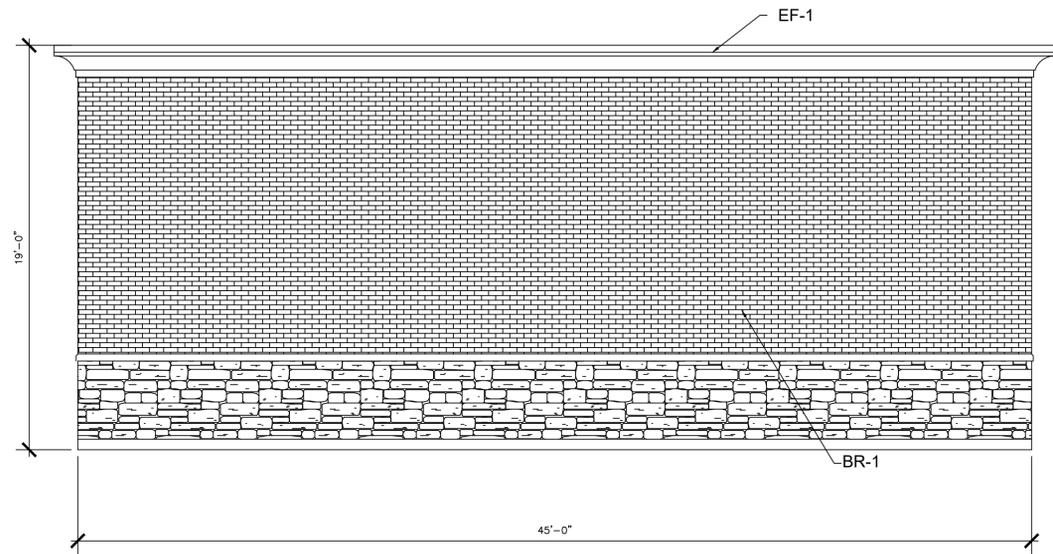
GUY PAYNE & ASSOCIATES ARCHITECTS, P.C.  
879 WILLOW TREE CIRCLE, SUITE 114  
CORDOVA, TENNESSEE 38018  
(901) 756-1878

DATE  
7/10/25

THE ONE  
5133 PARK AVENUE  
MEMPHIS, TENNESSEE 38117



WHITE STATION ROAD ELEVATION  
 1/4" = 1'-0"

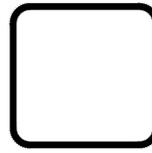


SIDE ELEVATION  
 1/4" = 1'-0"

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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

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

THE ONE

5133 PARK AVENUE  
 MEMPHIS, TN 38117

NO.	DATE	REVISION	BY

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.

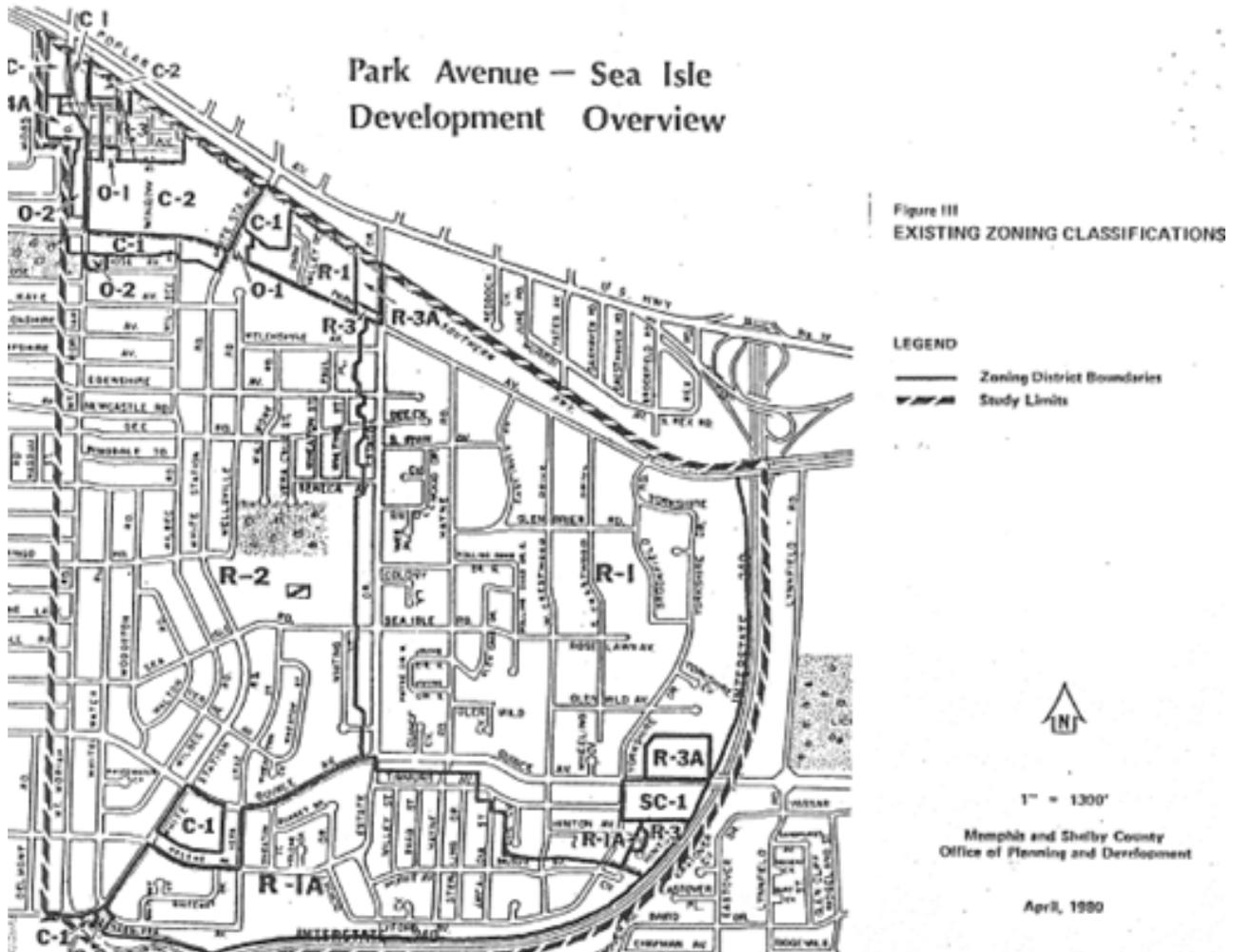
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**Approval with the following Conditions**

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.*

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- *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