

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 09/01/2026
DATE**

**PUBLIC SESSION: 09/15/2026
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 2451 Summer Avenue, known as case number SUP 2026-014

CASE NUMBER: SUP 2026-014

LOCATION: 2451 Summer Avenue

COUNCIL DISTRICTS: District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Hazem Shoman

REPRESENTATIVE: Christine Donhardt

REQUEST: Special use permit to allow a car wash

AREA: +/-35,283 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**

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
08/13/2026 _____	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>Mahsa Oshatun</u>	<u>8/17/26</u>	STAFF PLANNER
		DEPUTY ADMINISTRATOR
<u>[Signature]</u>	<u>8/17/26</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2026-014

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 2451 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2026-014

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, August 13, 2026**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2026-014
LOCATION:	2451 Summer Avenue
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Hazem Shoman
REPRESENTATIVE:	Christine Donhardt
REQUEST:	Special use permit to allow a car wash
EXISTING ZONING:	Commercial Mixed Use – 1 (CMU-1) District
AREA:	+/-35,283 square feet

The following spoke in support: Hazem Shoman, Sanders Snowden, Brian Bacchus

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 regular agenda.

Respectfully,

Mahsan Ostadnia

Planner II

Land Use & Development Services

Cc: Committee Members

File

SUP 2026-014**CONDITIONS**

1. Enhanced buffering along the property line adjacent to the alley and residential properties, including evergreen landscaping and a sight-proof fence or wall, shall be provided subject to administrative review and approval by the Division of Planning and Development.
2. The applicant shall limit the hours of operation to 8:00 a.m. to 6:00 p.m.
3. All detached signs shall be of the monument style.
4. Vehicular access to Summer Avenue is prohibited.
5. The applicant shall submit an Administrative Site Plan Review (ASPR) application that includes a site plan, landscape plan, building elevations, lighting plan, and photometric plan subject to administrative review and approval by the Division of Planning and Development.

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 2451 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2026-014

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, Hazem Shoman filed an application with the Memphis and Shelby County Division of Planning and Development to allow a car wash; 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 August 13, 2026, 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.

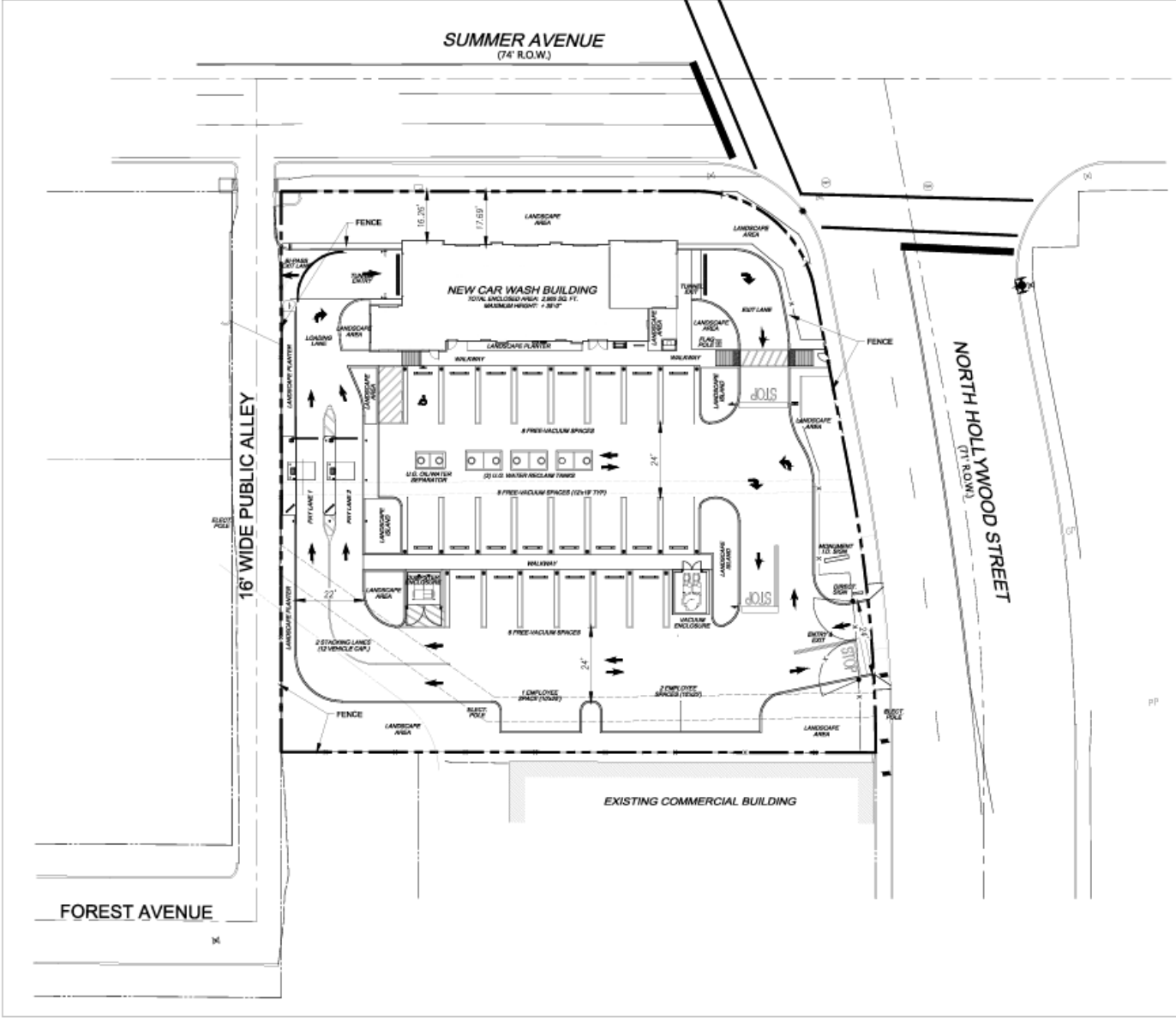
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by 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. Enhanced buffering along the property line adjacent to the alley and residential properties, including evergreen landscaping and a sight-proof fence or wall, shall be provided subject to administrative review and approval by the Division of Planning and Development.
2. The applicant shall limit the hours of operation to 8:00 a.m. to 6:00 p.m.
3. All detached signs shall be of the monument style.
4. Vehicular access to Summer Avenue is prohibited.
5. The applicant shall submit an Administrative Site Plan Review (ASPR) application that includes a site plan, landscape plan, building elevations, lighting plan, and photometric plan subject to administrative review and approval by the Division of Planning and Development.

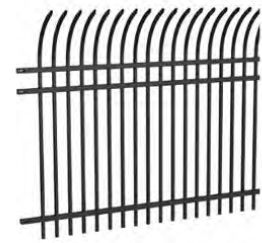
SITE PLAN



PROPOSED SITE PLAN

SCALE: 1" = 20.00'

LANDSCAPE PLAN



6' SECURITY FENCE



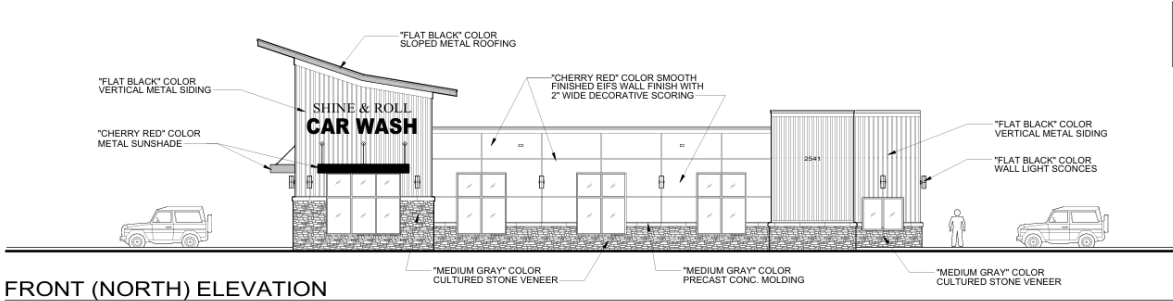
CLEYERA

PROPOSED LANDSCAPE PLAN

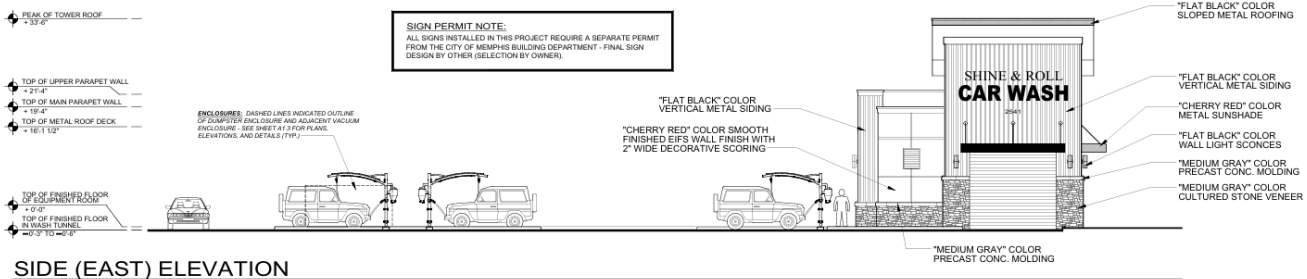
SCALE: 1" = 20.00'



ELEVATIONS



FRONT (NORTH) ELEVATION

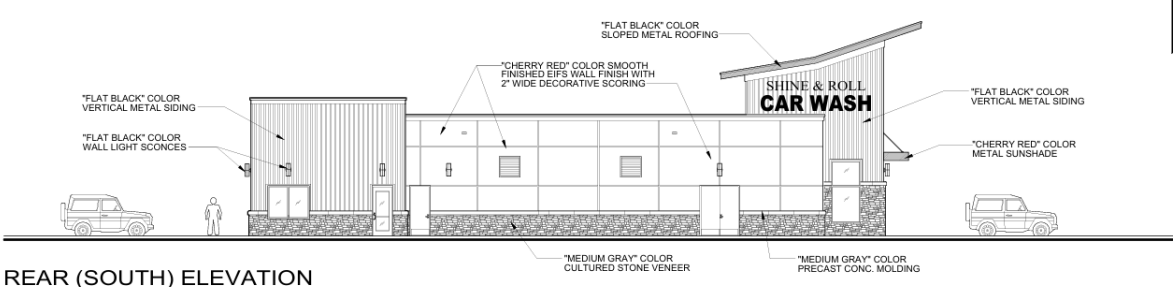


SIDE (EAST) ELEVATION

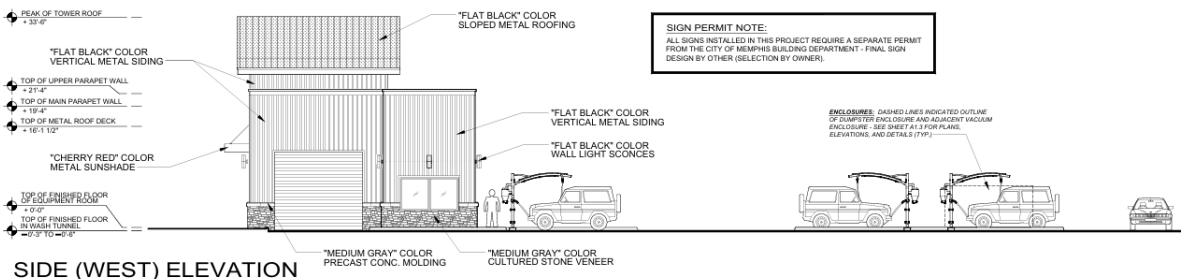
EXTERIOR ELEVATIONS 1 - REVISED

SCALE: 1/8" = 1'-0"

1
A7.0



REAR (SOUTH) ELEVATION



SIDE (WEST) ELEVATION

EXTERIOR ELEVATIONS 2 - REVISED

SCALE: 1/8" = 1'-0"

1
A7.1

ATTEST:

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

AGENDA ITEM: 23
CASE NUMBER: SUP 2026-0014
LOCATION: 2451 Summer Avenue
COUNCIL DISTRICT: District 5 and Super District 9
OWNER/APPLICANT: Hazem Shoman
REPRESENTATIVE: Christine Donhardt
REQUEST: Special use permit to allow a car wash
EXISTING ZONING: Commercial Mixed Use – 1 (CMU-1) District

L.U.C.B. MEETING: August 13, 2026

CONCLUSIONS

1. The applicant is requesting approval of a Special Use Permit to allow a car wash within the CMU-1 Commercial Mixed Use zoning district. The subject property is currently vacant and located along a commercial corridor. The surrounding area contains a mixture of commercial, single-family, and two-family residential uses. The proposed use is automobile-oriented and does not support the desired pattern of mixed-use, pedestrian-oriented development for the Summer Avenue corridor.
2. The submitted site plan includes a one-story car wash building, customer parking, vacuum stations, internal drive aisles, sidewalks, landscaping, and architectural enhancements. While these improvements enhance the appearance and functionality of the site, they do not overcome the underlying land use concerns associated with a vehicle-oriented use that dedicates substantial site area to circulation, queuing, and vacuum operations rather than pedestrian-oriented commercial activity.
3. The proposed car wash would also be located in close proximity to existing single-family residences, with approximately 20 feet separating the commercial and residential property lines, the nearest single-family home located approximately 120 feet from the principal car wash building, and approximately 72 feet from the nearest outdoor vacuum station. Given the inherently noisy nature of car wash operations and outdoor vacuum stations, the limited separation between the proposed use and adjacent residences is incompatible with the surrounding residential neighborhood.
4. On October 6, 2004, the Memphis City Council adopted Ordinance No. 5023, rezoning the subject property from the Employment (EMP), formerly Light Industrial (I-L), zoning district to the Commercial Mixed Use (CMU-1) zoning district. The rezoning reflected the City's intent to transition the property from employment/industrial use to a commercial mixed-use development pattern along the Summer Avenue corridor.
5. The proposed use would impede future redevelopment opportunities by introducing a low-intensity, automobile-oriented use on a prominent corner lot rather than advancing the long-term vision for a walkable commercial corridor with frontage on both Summer Avenue and North Hollywood Street.
6. Based on the adopted Memphis 3.0 plan, the proposal is inconsistent with Objective 1.5 – Strengthen Neighborhood Commercial Districts, specifically Action 1.5.6 – Support the redevelopment and intensification of underutilized commercial properties within Community Anchors.
7. There are four existing car wash facilities located within the approximately five-mile segment of Summer Avenue between North Parkway and North White Station Road, indicating that this commercial corridor is already served by multiple similar uses.
8. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

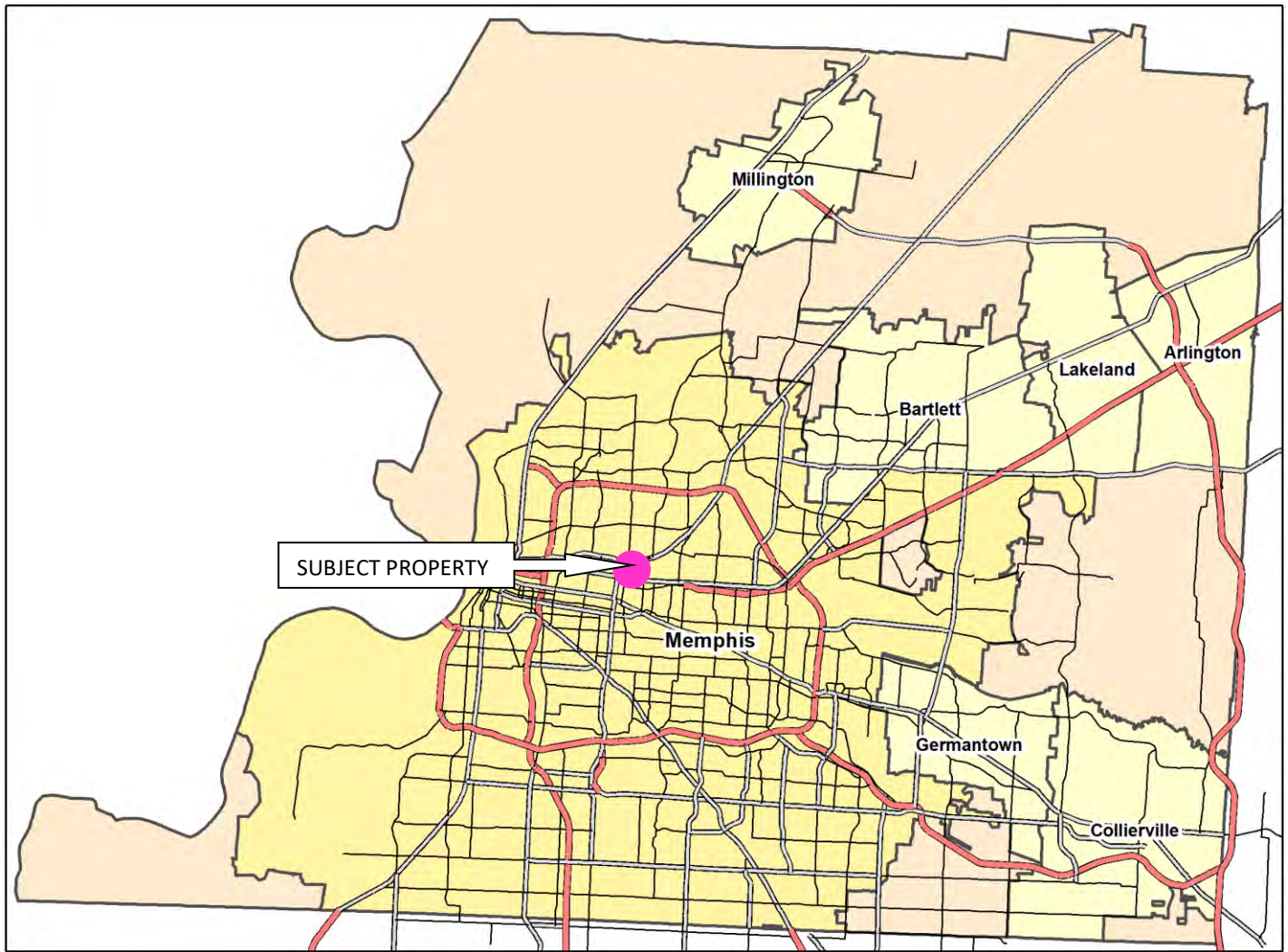
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 23-26 of this report.

RECOMMENDATION:

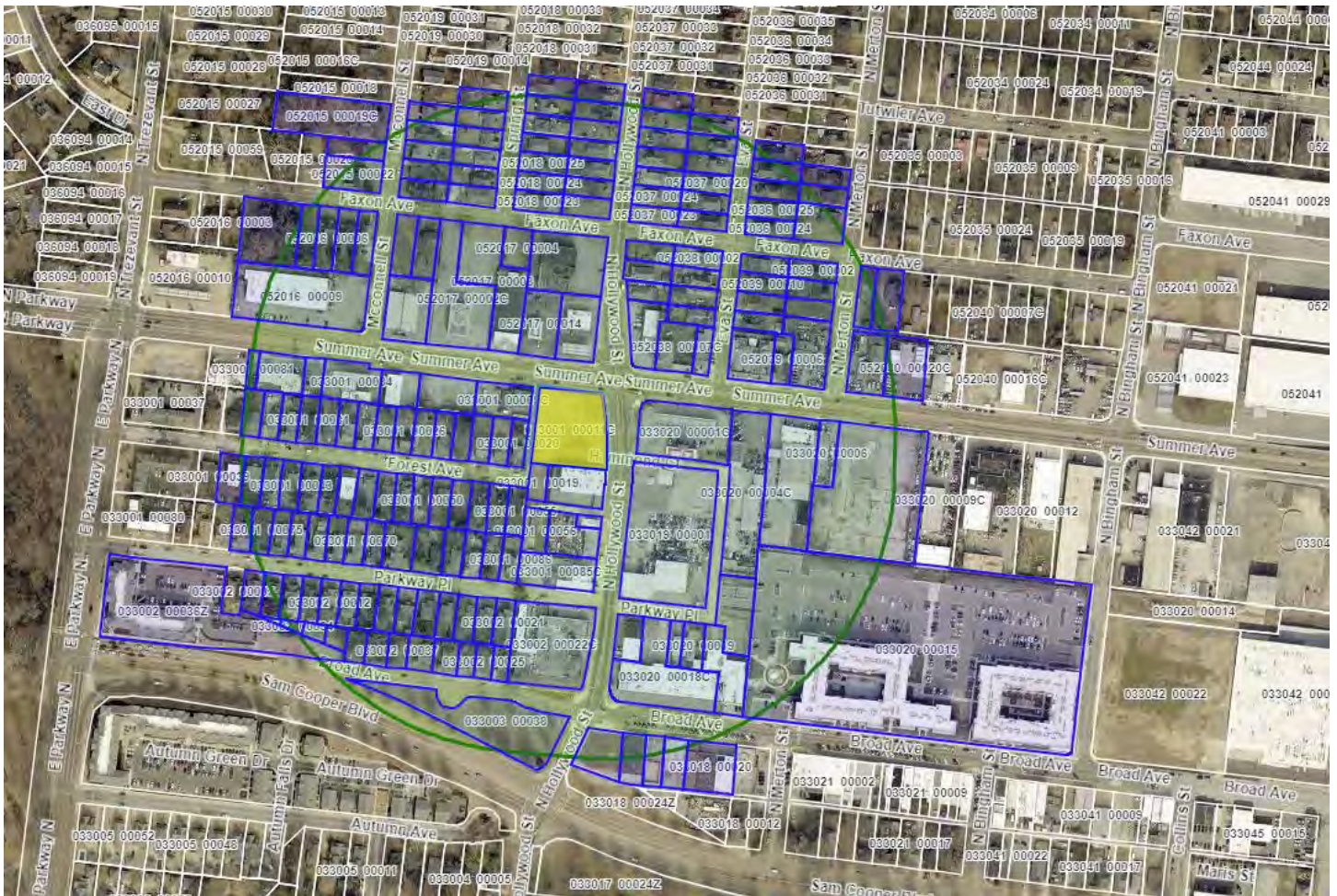
Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



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 178 notices were mailed on July 10, 2026, see page 30 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see pages 34-35 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

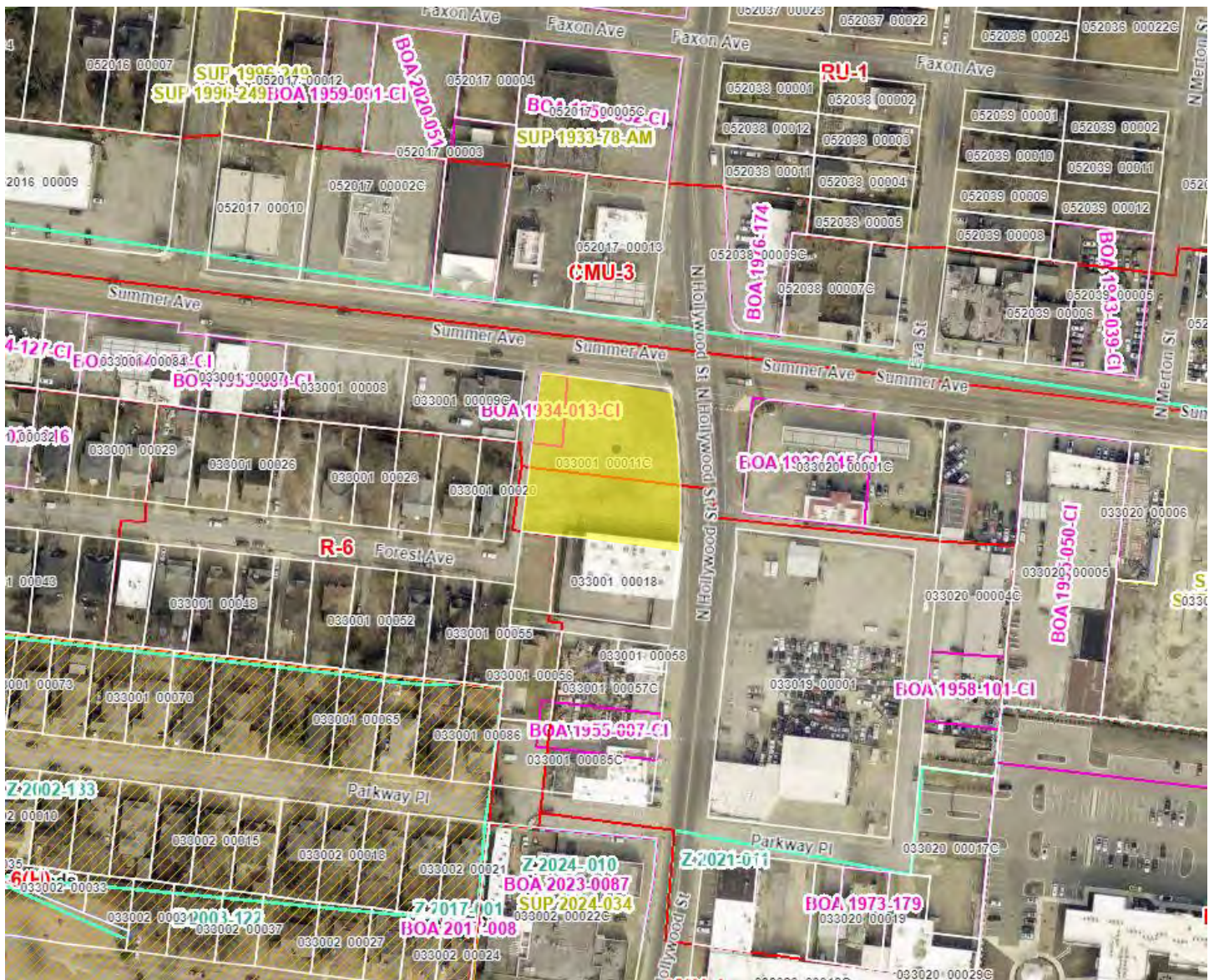
The meeting was held at 6:00 PM on Thursday, July 30, 2026, at the Cornerstone Prep. School-Lester Campus School Cafeteria, 320 Carpenter Street, Memphis, TN 38112. See pages 32-33 for the neighborhood meeting summary.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star.

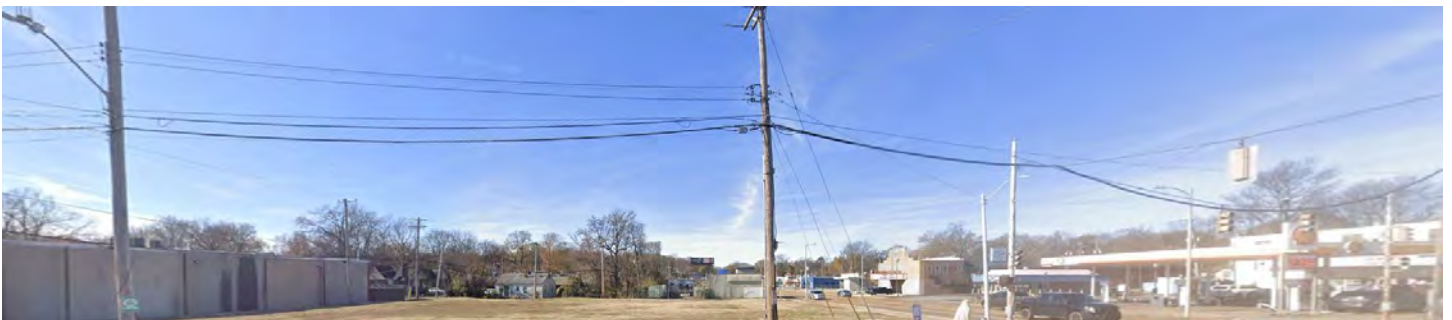
SITE PHOTOS



View of subject property from Summer Avenue.



View of subject property from the intersection (Summer Avenue and N Hollywood Street).



View of subject property from N Hollywood Street.



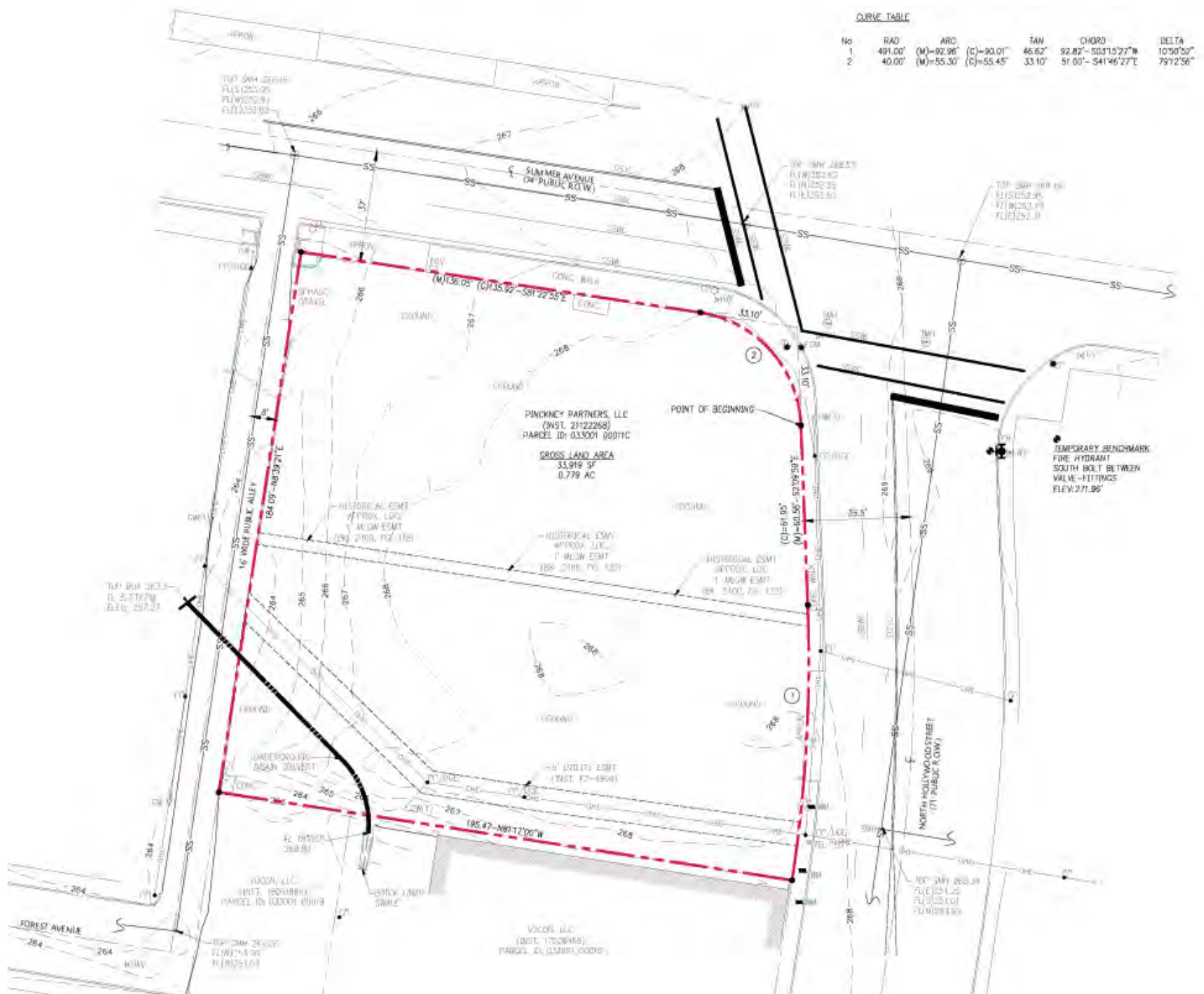
View of subject property from above.



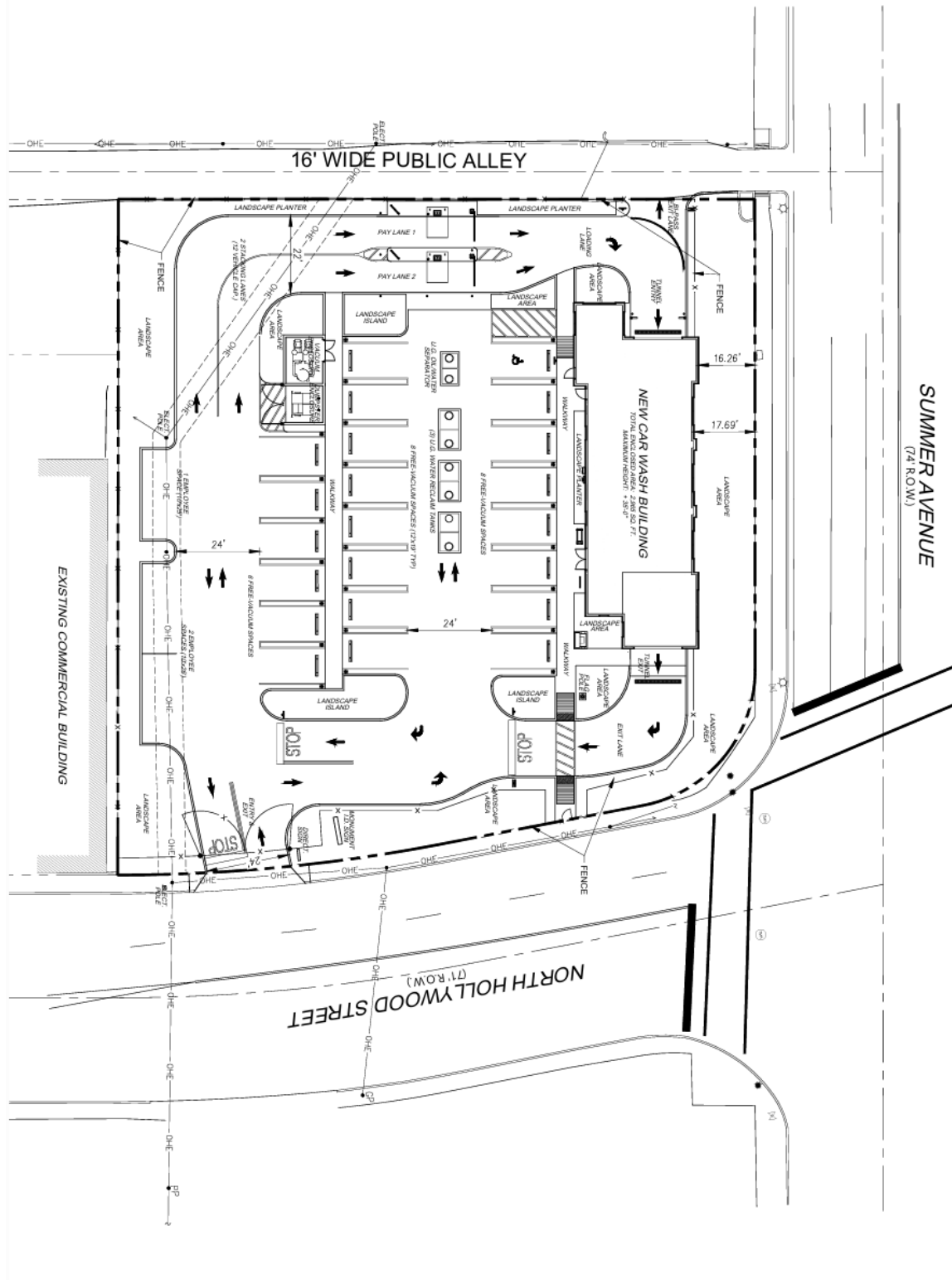
View of subject property from above.

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SURVEY – MAGNIFIED

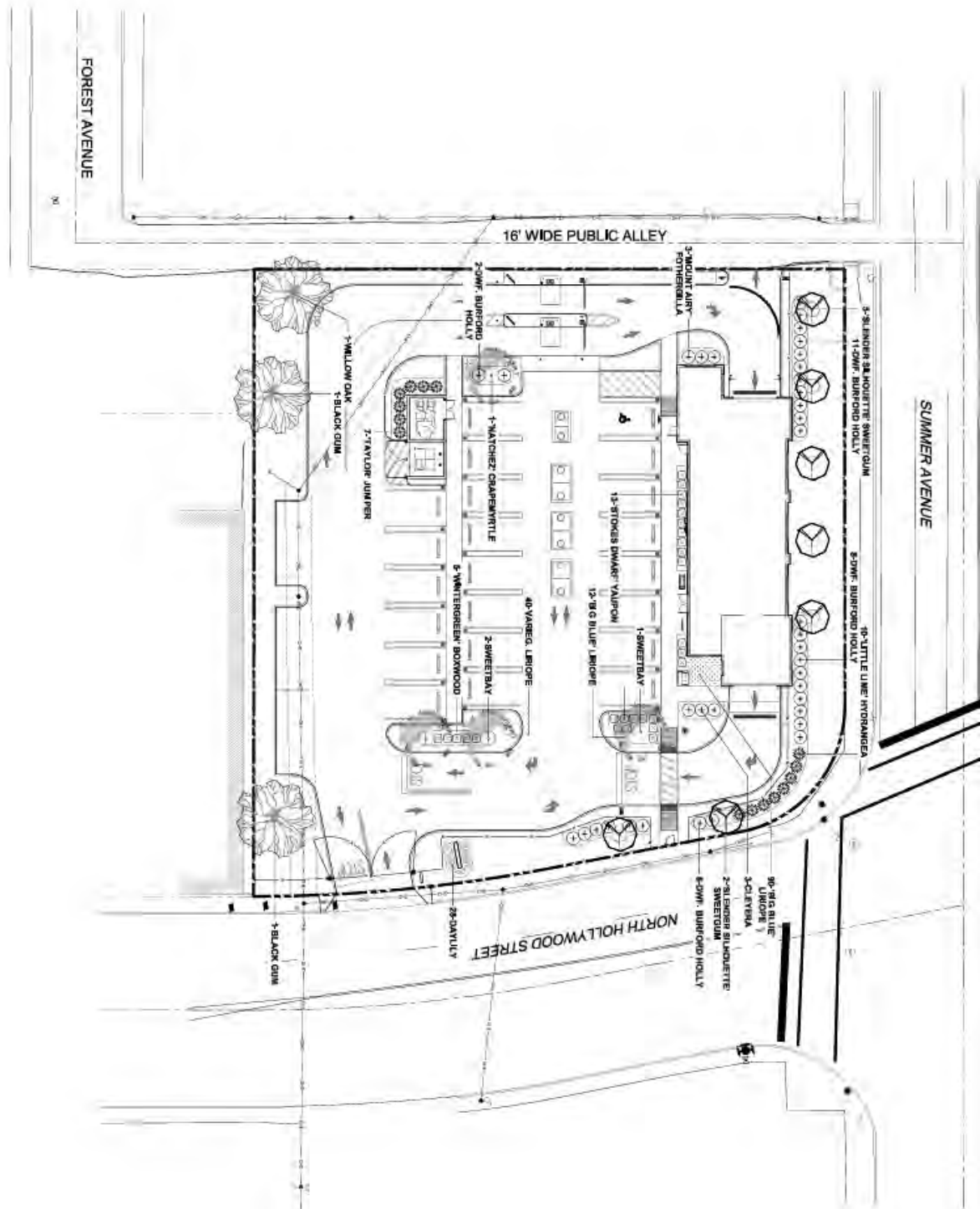


SITE PLAN



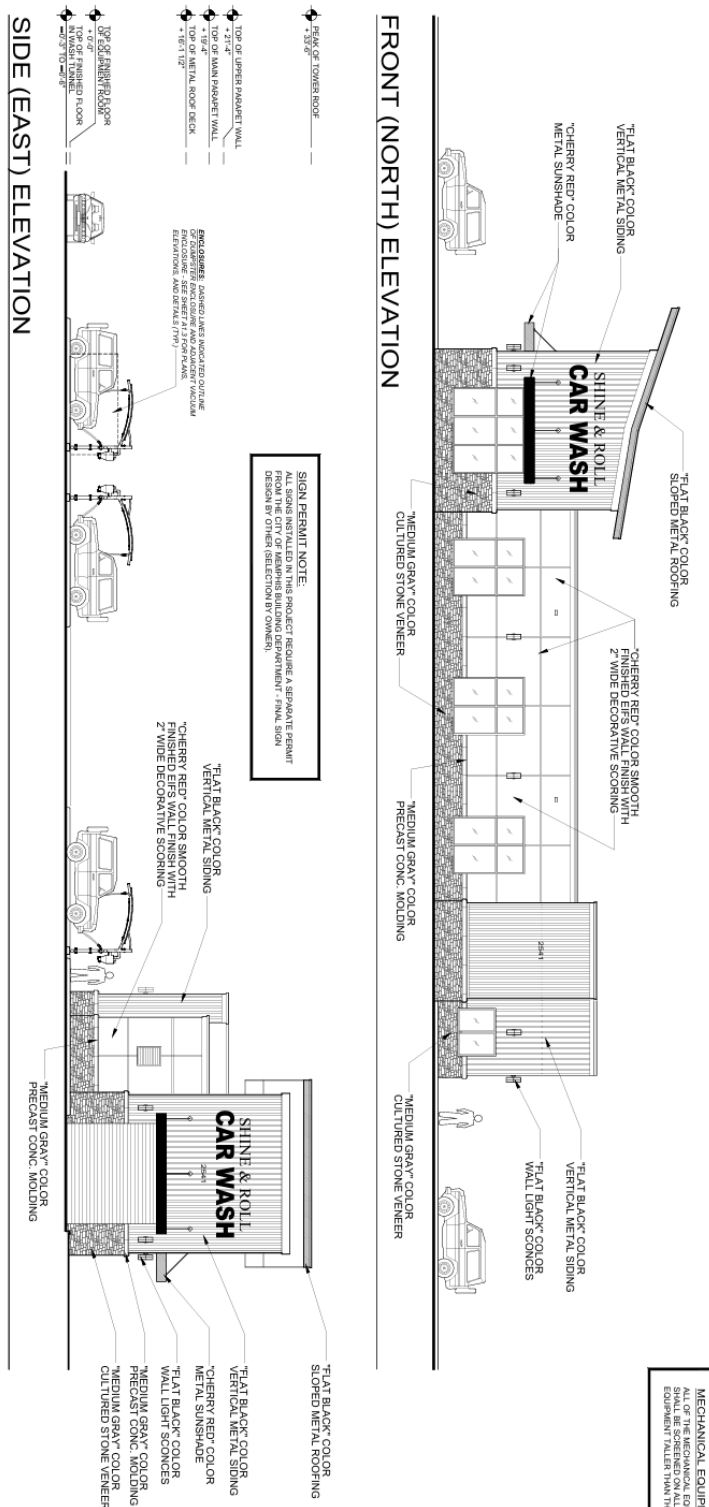
PROPOSED LANDSCAPE PLAN

SCALE: 1" = 20.00'



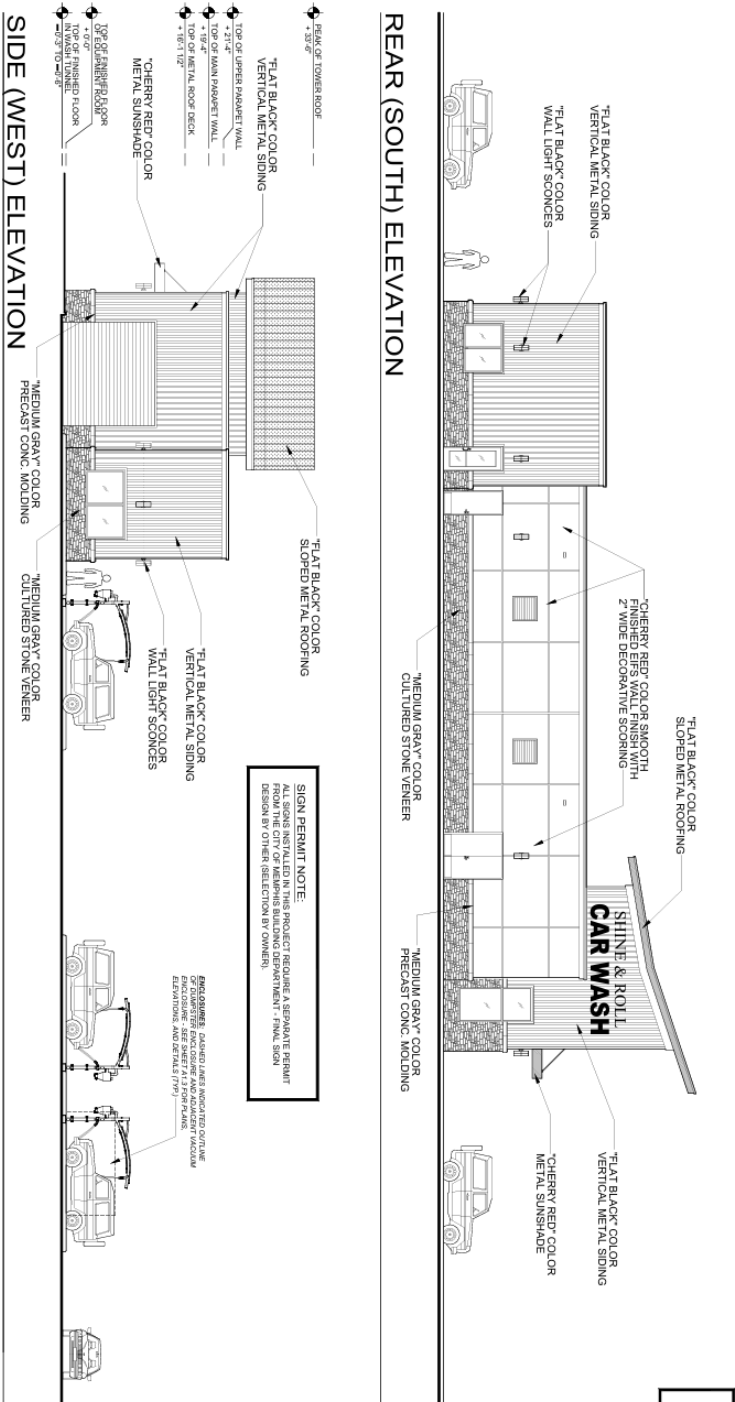
EXTERIOR ELEVATIONS 1 - REVISED

SCALE: 1/8" = 1'-0"



EXTERIOR ELEVATIONS 2 - REVISED

SCALE: 1/8" = 1'-0"



CASE REVIEW

Request

The request is a special use permit to allow a car wash.

Approval Criteria

Staff **disagrees** 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:

2451 Summer Avenue

Parcel ID:

033001 00011C

Area:

+/-35,283 square feet

Description:

The subject property is zoned as CMU- 1. Per the Assessor's website, the subject property is a vacant lot. The surrounding land uses are a mixture of single-family, commercial, and two-family lots. Additionally, this lot has two street frontages.

Site Zoning History

On October 06, 2004, the Council of the City of Memphis adopted Ordinance Number 5023 to make changes in the zoning district. See pages 27-29 of this report for the adopted ordinance.

Site Plan Review

The site plan shows the construction of a new car wash on an approximately 0.779-acre (33,919-square-foot) parcel located at the intersection of Summer Avenue and North Hollywood Street. The proposed development includes a one-story car wash building, customer parking, vacuum stations, internal drive aisles, sidewalks, landscaping, lighting, and associated utility improvements. Vehicular access is provided from the existing 16-foot-wide public alley along the west property line, with a one-way circulation pattern through the wash tunnel and vacuum area.

The site plan shows landscaped areas along the Summer Avenue and North Hollywood Street frontages, as well as landscaped islands throughout the parking lot. The landscape plan includes a variety of canopy trees, ornamental trees, shrubs, and groundcover, including Black Gum, Willow Oak, Slender Silhouette Sweetgum, Natchez Crape myrtle, Burford Holly, Big Blue Liriope, Daylily, Sweetbay, Wintergreen Boxwood, Taylor Juniper, and Little Lime Hydrangea. Sidewalks are provided to connect the parking area to the building entrance, and the plans include site lighting, utility improvements, and stormwater infrastructure.

The building elevations show a maximum building height of approximately 33 feet, 6 inches. Exterior materials include vertical metal siding, cultured stone veneer, precast concrete accents, decorative metal sunshades, and sloped metal roofing. The primary elevation is oriented towards Summer Avenue and includes the proposed wall sign.

Analysis

The applicant is requesting approval of a Special Use Permit to allow a car wash within the CMU-1 Commercial Mixed Use zoning district. The subject property is currently vacant and located along a commercial corridor. The surrounding area contains a mixture of commercial, single-family, and two-family residential uses. The proposed use is automobile-oriented and does not support the desired pattern of mixed-use, pedestrian-oriented development for the Summer Avenue corridor.

The submitted site plan includes a one-story car wash building, customer parking, vacuum stations, internal drive aisles, sidewalks, landscaping, and architectural enhancements. While these improvements enhance the appearance and functionality of the site, they do not overcome the underlying land use concerns associated with a vehicle-oriented use that dedicates substantial site area to circulation, queuing, and vacuum operations rather than pedestrian-oriented commercial activity.

The proposed car wash would also be located in close proximity to existing single-family residences, with approximately 20 feet separating the commercial and residential property lines, the nearest single-family home located approximately 120 feet from the principal car wash building, and approximately 72 feet from the nearest

outdoor vacuum station. Given the inherently noisy nature of car wash operations and outdoor vacuum stations, the limited separation between the proposed use and adjacent residences is incompatible with the surrounding residential neighborhood.

On October 6, 2004, the Memphis City Council adopted Ordinance No. 5023, rezoning the subject property from the Employment (EMP), formerly Light Industrial (I-L), zoning district to the Commercial Mixed Use (CMU-1) zoning district. The rezoning reflected the City's intent to transition the property from employment/industrial use to a commercial mixed-use development pattern along the Summer Avenue corridor.

The proposed use would impede future redevelopment opportunities by introducing a low-intensity, automobile-oriented use on a prominent corner lot rather than advancing the long-term vision for a walkable commercial corridor with frontage on both Summer Avenue and North Hollywood Street.

Based on the adopted Memphis 3.0 plan, the proposal is inconsistent with Objective 1.5 – Strengthen Neighborhood Commercial Districts, specifically Action 1.5.6 – Support the redevelopment and intensification of underutilized commercial properties within Community Anchors.

There are four existing car wash facilities located within the approximately five-mile segment of Summer Avenue between North Parkway and North White Station Road, indicating that this commercial corridor is already served by multiple similar uses. The existing facilities are located at the following addresses:

- Sunshine Car Wash, 3053 Summer Avenue, Memphis, TN 38112
- Magic Hand Car Wash, 3872 Summer Avenue, Memphis, TN 38122
- Take 5 Car Wash, 4349 Summer Avenue, Memphis, TN 38122
- Jumbo Car Wash, 4952 Summer Avenue, Memphis, TN 38122

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

RECOMMENDATION

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

Conditions

1. Enhanced buffering along the property line adjacent to the alley and residential properties, including evergreen landscaping and a sight-proof fence or wall, shall be provided subject to administrative review and approval by the Division of Planning and Development.
2. The applicant shall limit the hours of operation to 8:00 a.m. to 6:00 p.m.
3. All detached signs shall be of the monument style.
4. Vehicular access to Summer Avenue is prohibited.

5. The applicant shall submit an Administrative Site Plan Review (ASPR) application that includes a site plan, landscape plan, building elevations, lighting plan, and photometric plan subject to administrative review and approval by the Division of Planning and Development.

DEPARTMENTAL COMMENTS

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

City Engineer:	See pages 20-21.
County Engineer:	No comments received.
City Fire Division:	See page 22.
County Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	See pages 23-26.

City Engineer

Basin/Lot/CD: Overton Bayou/ 2-M/HIGH SENSITIVITY/0.81 acres/District 5

Sewer:

1. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity
2. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
3. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.
4. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.

Roads:

1. 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.
2. 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 construction, reconstruction, or repair necessary to meet City standards.

Traffic Control Provisions:

3. 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.
4. 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.
5. 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:

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

Drainage:

1. 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.
2. 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.
3. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
4. 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.

Site Plan Notes:

1. The minimum sign setback from the street right-of-way shall be 15 feet.

City Fire Division

1. All design and construction shall comply with the 2021 edition of the International Fire Code with local amendments and referenced standards.
2. Fire apparatus access shall comply with section 503.
3. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6.
4. Fire protection water supplies (including fire hydrants) shall comply with section 507.
5. 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.
6. IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
7. A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Office of Comprehensive Planning

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2026-014

Site Address/Location: 2451 Summer Ave

Overlay District/Historic District/Flood Zone: NA

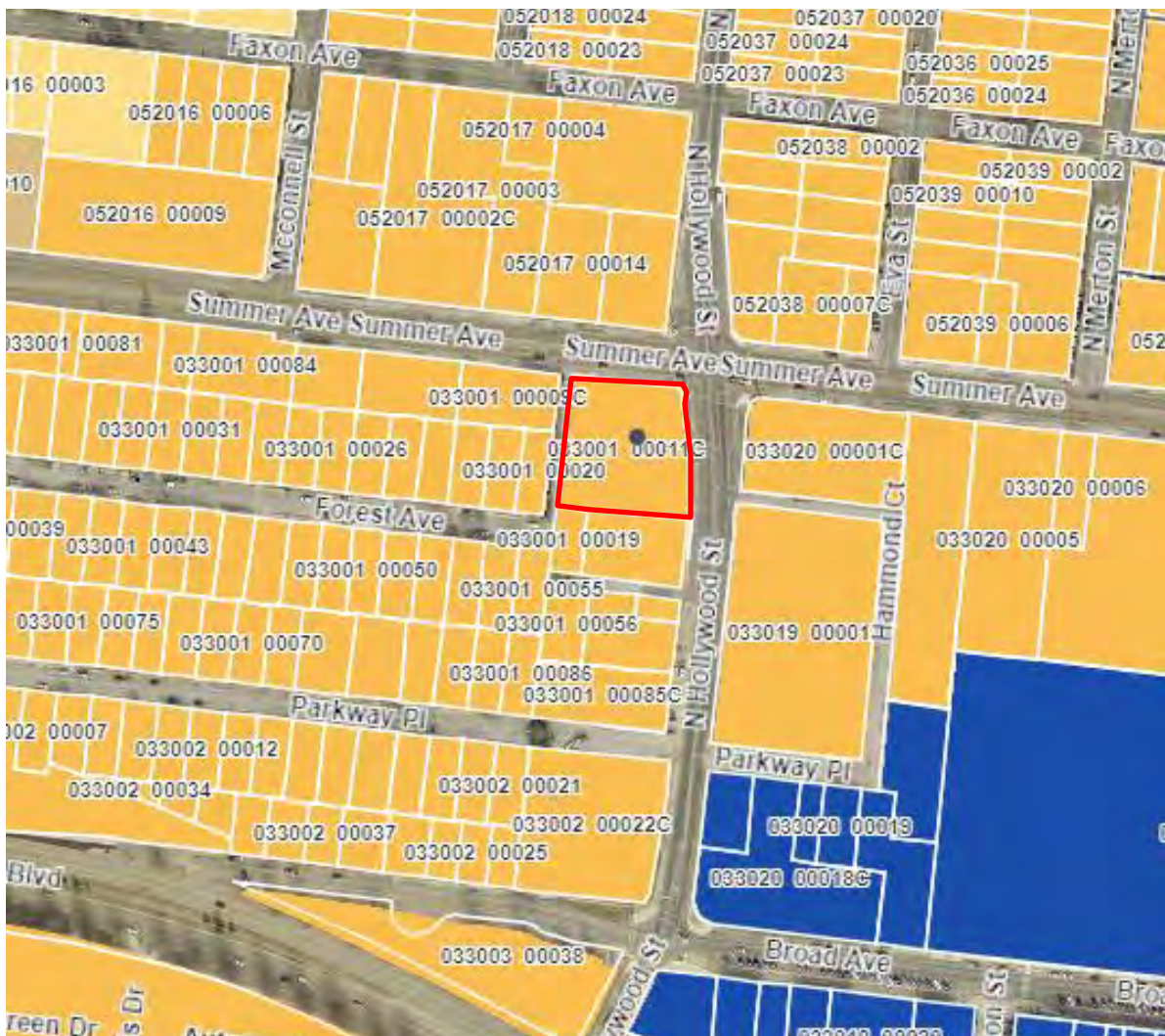
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

Street Type: Parkway

The applicant is seeking approval for a special use permit to allow a car wash in a Commercial Mixed Use -1 zone.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Anchor Neighborhood-Mix of Building Types (AN-M) are 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

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: Vacant, CMU-1 and EMP

Adjacent Land Use and Zoning: Commercial, Industrial, Single-Family; CMU-1, CMU-3, EMP, R-6

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. While the proposed use is compatible with some adjacent land uses, the broader area is largely inconsistent with the Future Land Use description and intent.*

3. Degree of Change Map



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

4. Degree of Change Description

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

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

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

The requested use is not consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.6 – Support the redevelopment and intensification of underutilized commercial properties within Community Anchors. The proposed use does not strengthen the neighborhood commercial district, as it impedes the desired walkable character of development.

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

NA

Consistency Analysis Summary

The applicant is seeking approval for a special use permit to allow a car wash in a Commercial Mixed Use -1 zone.

This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. While the proposed use is compatible with some adjacent land uses, the broader area is largely inconsistent with the Future Land Use description and intent.

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

The requested use is not consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.6 – Support the redevelopment and intensification of underutilized commercial properties within Community Anchors. The proposed use does not strengthen the neighborhood commercial district, as it impedes the desired walkable character of development.

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

ZONING ORDINANCE #5023 (Z 2003-122)

Ordinance # 5023

AN ORDINANCE AMENDING ORDINANCE NO. 3064 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON OCTOBER 7, 1980, AS AMENDED, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF MEMPHIS, SO AS TO MAKE CERTAIN CHANGES IN THE USE DISTRICTS PROVIDED IN SAID ORDINANCE

WHEREAS, A proposed amendment to the Zoning Ordinance of the City of Memphis, being Ordinance No. 3064 of the City Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation and report, designated as Case No. Z03-122.

WHEREAS, The Memphis and Shelby County Land Use Control Board has filed its recommendation and report with the Council of the City of Memphis; and

WHEREAS, The provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended relating to the proposed amendment, has been compiled with:

NOW THEREFORE,

SECTION 1.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, THAT the Zoning Ordinance of the City of Memphis, Ordinance No. 3064 of the Code of Ordinances, City of Memphis, as amended, be and same hereby is amended with respect to Use Districts as follows:

The following described property is located in the City of Memphis, Tennessee, in an area known as the Midtown Corridor East/Binghampton area amended to include the Lea's Wood (Historic Conservation Overlay District) Area, the south side of Summer Avenue, the Holmes Road Extended Neighborhood, the Eastview Neighborhood and the Midtown Corridor East (Binghampton) Neighborhood. The Midtown Corridor East/Binghampton area is generally bounded by North Parkway/Summer Avenue on the north, Poplar Avenue on the south, the east and west side of Holmes Road on the east, and East Parkway North on the west. Properties being rezoned are more particularly described by an area number on the attached map (Exhibit A).

AREA	EXISTING ZONING DISTRICTS	REQUESTED ZONING DISTRICTS
1a	Highway Commercial (C-H)	Multiple Dwelling Residential (RMM)
1b	Highway Commercial (C-H)	Local Commercial (C-L)
2	Light Industrial (I-L)	Local Commercial (C-L)
3	Multiple Dwelling Residential (R-MM)	Single Family Residential (R-S6)
4	Light Industrial (I-L)	Single Family Residential (R-S6)
5	Multiple Dwelling Residential (R-MH)	Single Family Residential (R-S6)
6	Light Industrial (I-L)	Neighborhood Commercial (C-N)
7	Local Commercial (C-L)	Neighborhood Commercial (C-N)
8	Duplex Residential (R-D)	Neighborhood Commercial (C-N)
9	Single Family Residential (R-S15)	Single Family Residential Infill (R-S6 I)
10	Multiple Dwelling Residential (R-MM)	Single Family Residential (R-S6)
11	Multiple Dwelling Residential (R-MM)	Single Family Residential (R-S6)
12	Duplex Residential (R-D)	Single Family Residential (R-S6)
13	Duplex Residential (R-D)	Local Commercial (C-L)
14	Multiple Dwelling Residential (R-MM)	Single Family Residential (R-S6)
15	Multiple Dwelling Residential (R-MM)	Single Family Residential (R-S6)
16	Duplex Residential (R-D)	Multiple Dwelling Residential (R-MM)
17	General Office (O-G)	Single Family Residential (R-S6)
18	Highway Commercial (C-H)	Local Commercial (C-L)
19	Duplex Residential (R-D)	Neighborhood Commercial (C-N)
20	Highway Commercial (C-H)	Single Family Residential Infill (R-S6 I)
21	Duplex Residential (R-D)	Single Family Residential Infill (R-S6 I)
22a	Local Commercial (C-L)	Neighborhood Commercial (C-N)
22b	Highway Commercial (C-H)	Neighborhood Commercial (C-N)
23	Highway Commercial (C-H)	Local Commercial (C-L)
24	Multiple Dwelling Residential (R-MM)	Neighborhood Commercial (C-N)
25	Multiple Dwelling Residential (R-MM)	Neighborhood Commercial (C-N)
26	Duplex Residential (R-D)	Single Family Residential Infill (R-S6 I)
27	Single Family Residential (R-S15)	Single Family Residential Infill (R-S6 I)
29	Multiple Dwelling Residential (R-MM)	Single Family Residential (R-S6)

DEC 1 2003

<u>AREA</u>	<u>EXISTING ZONING DISTRICTS</u>	<u>REQUESTED ZONING DISTRICTS</u>
30	Light Industrial (I-L)	Single Family Residential (R-S6)
31	Local Commercial (C-L)	Single Family Residential (R-S6)
32	Duplex Residential (R-D)	Single Family Residential (R-S6)
33	Multiple Dwelling Residential (R-MM)	Single Family Residential (R-S6)
34	Multiple Dwelling Residential (R-MM)	Single Family Residential (R-S6)
35	Duplex Residential (R-D)	Neighborhood Commercial (C-N)
36	Highway Commercial (C-H)	Neighborhood Commercial (C-N)
37	Local Commercial (C-L)	Single Family Residential (R-S6)
38	Local Commercial (C-L)	Single Family Residential (R-S6)
39	Local Commercial (C-L)	Neighborhood Commercial (C-N)
40	Local Commercial (C-L)	Neighborhood Commercial (C-N)
41	Duplex Residential (R-D)	Single Family Residential (R-S6)
42	Highway Commercial (C-H)	Local Commercial (C-L)
43	Highway Commercial (C-H)	Multiple Dwelling Residential (R-MM)
44	Multiple Dwelling Residential (R-MM)	Duplex Residential (R-D)
45	Multiple Dwelling Residential (R-MM)	Duplex Residential (R-D)
46	Multiple Dwelling Residential (R-MM)	Duplex Residential (R-D)
48	Duplex Residential (R-D)	Multiple Dwelling Residential (R-MM)
49	Duplex Residential (R-D)	Single Family Residential (R-S6)

Properties being included in the Lea's Woods Historic Conservation District are more particularly described by red hatched pattern on the attached map (Exhibit A) and requested amendment to the Zoning Ordinance of the City of Memphis with respect to Use Districts, as follows:

BY PLACING AN HISTORIC CONSERVATION (H-C) DISTRICT OVERLAY OVER THE SINGLE FAMILY RESIDENTIAL (R-S6, R-S6 I, and R-S15), DUPLEX RESIDENTIAL (R-D), and MULTIPLE FAMILY RESIDENTIAL (R-MM and R-MH) DISTRICTS.

The following property located in the City of Memphis, Tennessee being more particularly described as follows: Generally bounded by E. Parkway on the west, Parkway Place and Sam Cooper Boulevard on the north, Bingham & Williford on the east and Poplar Avenue on the south.

The Lea's Woods Historic Conservation District Design Guidelines, Including The Midtown Corridor East Redevelopment Area as amended and attached as Exhibit B is to be applied to the above area described on the attached map and in this ordinance. Guidelines to be changed only by action of the Memphis Council of the City of Memphis.

SECTION 2.

BE IT FURTHER ORDAINED that the Director of the Office of Planning and Development be and he is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made, that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3.

BE IT FURTHER ORDAINED This ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

THE FOREGOING ORDINANCE
5023 PASSED

1st Reading 11-4-03

2nd Reading 11-18-03

3rd Reading 12-2-03

Approved: [Signature]
Chairman of Council

Date Signed: 12-2-03

Approved: [Signature]
Mayor, City of Memphis

Date Signed: 1-6-04

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

[Signature]
Comptroller

cc: Office of Construction Codes Enforcement
Office of Planning and Development, Land Use Controls Section
Office of Planning and Development, Comprehensive Planning Section

S:\Plan\dev\mice\ordinance MTCEBING

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, August 5, 2026 at 8 AM.**

CASE NUMBER: SUP 2026-014
ADDRESS: 2451 Summer Ave
REQUEST: Special use permit to allow a car wash
APPLICANT: Hazem Shoman

Meeting Details
Location: Council Chambers
City Hall 1st Floor
125 N Main St.
Time: 9:00 AM
Date: Thursday, August 13, 2026

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

MEMPHIS AND
SHELBY COUNTY
DIVISION OF PLANNING
AND DEVELOPMENT
VICINITY MAP



178 Notices Mailed 07/10/2026

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



NEIGHBORHOOD MEETING NOTICE



July 17, 2026

You are invited to attend a neighborhood meeting regarding a Special Use Permit application filed on behalf of the developer Shine & Roll. The site, located at 2451 Summer Avenue (Parcel 033001.00011C), is currently split-zoned EMP and CMU-1. One zoning allows a vehicle wash establishment and the other side requires a Special Use Permit. The purpose of this application is to obtain a Special Use Permit.

Case No. SUP 2026-014

NEIGHBORHOOD MEETING NOTICE

Date: Thursday, July 30, 2026
Time: 6:00 p.m.
Location: Cornerstone Prep. School-Lester Campus
School Cafeteria
320 Carpenter Street
Memphis, TN 38112

The Planned Development application will also be heard at the Land Use Control Board meeting:

Date: Thursday, August 13, 2026
Time: 9:00 a.m.
Place: In person at 125 N. Main Street, Memphis, TN 38103
In the Council Chambers

If you have questions regarding this application, you may contact:

Christine Donhardt
cdonhardt@reavesfirm.com
901-761.2016

Land Use Development Services
Division of Planning and Development
901-636-6619

NEIGHBORHOOD MEETING SUMMARY

NEIGHBORHOOD MEETING SUMMARY

Case Number: SUP 26-14

Meeting Information

Location: Cornerstone Prep. School-Lester Campus - Cafeteria

Address: 320 Carpenter Street



Date: 07/30/26

Time: 06:00

Attendance

Attended on behalf of the applicant:

Role (Applicant, Engineer, Architect, etc.)

Mike Davis - Representative

Christine Donhardt - Representative

Hazem Shoman - Applicant

Number of Invitations Mailed: 293

Approx. Neighborhood Attendees: 0

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.

No neighbors attended.

NEIGHBORHOOD MEETING SUMMARY



Case Number: SUP 26-14

Attachments

Also included in this submission are the following:

- | | |
|---|---|
| ☐ Mailed Invitation | ☐ Handouts Provided |
| ☐ Invitation Mailing List | ☐ Sign-in Sheet(s) |
| ☐ Applicant's Presentation | ☐ Photographs of Meeting |
| ☐ Other: _____ | |

Note: while these attachments will not be included in 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.

Christine Donhardt

Print Name

Handwritten signature of Christine Donhardt in blue ink, written over a horizontal line.

Signature

07/31/26

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, Dianne Higgs, being duly sworn, depose and say that at 7 am/pm on the 30th day of July, 2026, I posted 2 Public Notice Sign(s) pertaining to Case No. SUP 26-014 at Summer Ave + N. Hollywood, 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.

Dianne Higgs
Owner, Applicant or Representative

7-31-2026
Date

Subscribed and sworn to before me this 31 day of July, 2026.

Christine Dault
Notary Public

My commission expires: 9-8-27



Case SUP 26-014 - 2451 Summer Avenue



N. Hollywood St.



Summer Avenue

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: July 2, 2026

Record Number: SUP 2026-014

Expiration Date:

Record Name: Shine & Roll Car Wash

Description of Work: On behalf of developer Shine & Roll, we are submitting the enclosed Special Use Permit application for the referenced site. The site is currently a vacant lot split zoned EMP and CMU-1. A vehicle wash establishment is allowed in EMP but requires SUP for CMU-1 thus we are seeking a special use permit for the whole site. The entry point will honor the existing curb cut on Hollywood.

Parent Record Number:

Address:

2451 SUMMER AVE, MEMPHIS 38112

Owner Information

Primary Owner Name

Y PINCKNEY PARNTERS LLC

Owner Address

272 COURT AVE, MEMPHIS, TN 38103

Owner Phone

Parcel Information

033001 00011C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas-Chloe-Alexis

Date of Meeting

07/01/2026

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

GENERAL PROJECT INFORMATION

this site

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

Half of the subject property is zoned EMP which allows for a vehicle wash establishment, the other half requires a SUP. The property to the north and east are convenience stores with gas pumps and catty-corner is a self-serve laundromat. This project will not adversely affect the neighborhood.

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

Correct.

UDC Sub-Section 9.6.9C

The area has all the public facilities needed for this use.

UDC Sub-Section 9.6.9D

No known natural, scenic or historical features are known to exist on this site.

UDC Sub-Section 9.6.9E

The project complies with UDC standards.

UDC Sub-Section 9.6.9F

The project complies with building and zoning code and will not cause violations.

GIS INFORMATION

Case Layer

BOA1934-013-CI, , , Z03-122/Bing

Central Business Improvement District

No

Class

C

Downtown Fire District

No

Historic District

-

Land Use

VACANT

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-1

State Route

1

Lot

-

Subdivision

-

Planned Development District

-

Wellhead Protection Overlay District

No

County Commission District

-

City Council District

-

City Council Super District

-

Contact Information

Name

HAZEM SHOMAN

Contact Type

APPLICANT

Address

Phone

Name

CHRIS CRAWFORD

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address

Phone

(561)212-3364

Name

CHRISTINE DONHARDT

Contact Type

MANAGER

Address

6800 POPLAR AVE,

Phone

(901)761-2016

Name

WILLIAM TOWNSEND

Contact Type

PROPERTY OWNER OF
RECORD

Address

272 COURT AVE, MEMPHIS, TN, MEMPHIS, TN, 38103

Phone

(901)761-2016

Name

MIKE DAVIS

Contact Type

REPRESENTATIVE

Address

Phone

(901)761-2016

Fee information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1743193	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	07/02/2026
1743193	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	07/02/2026

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$513.00

Method of Payment

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.

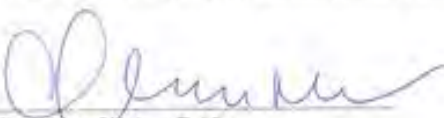
I, William B Townsend William B Townsend, state that I have read the definition of
(Print Name) (Sign Name)

"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 2451 SUMMER AVE
and further identified by Assessor's Parcel Number 033001 00011C
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 30th day of June in the year of 2026


Signature of Notary Public

My Commission Expires



LETTER OF INTENT



July 2, 2026

Mr. Jeffrey Penzes
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 477
Memphis, TN 38103

RE: Vehicle Wash Establishment, 2451 Summer Ave

Dear Mr. Penzes:

On behalf of developer Shine & Roll, we are submitting the enclosed Special Use Permit application for the referenced site. The site is currently a vacant lot split zoned EMP and CMU-1. A vehicle wash establishment is allowed in EMP but requires SUP for CMU-1 thus we are seeking a special use permit for the whole site. The entry point will honor the existing curb cut on Hollywood.

Your consideration of this application is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Davis'.

Mike Davis, R.L.A.
Principal

LETTERS RECEIVED

One letter of opposition and one letter of support were received at the time of completion of this report and have subsequently been attached.

OPPOSITION

Ostadnia, Mahsan

From: Brent Logan <blogan71@gmail.com>
Sent: Monday, August 3, 2026 3:26 PM
To: Ostadnia, Mahsan
Cc: Ragsdale, Brett; Spinosa Jr., Philip; Green, Jerri; Warren, Dr., Jeff; Memphis Mayor; Cobbs, Kendra
Subject: Formal Opposition to SUP 2026-014 – Shine & Roll Car Wash at 2451 Summer Avenue

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.

****Please include in the official staff report****

Dear Ms. Ostadnia,

I am a nearby resident and am writing to formally oppose **Special Use Permit SUP 2026-014**, requesting approval of a Shine & Roll vehicle wash establishment at **2451 Summer Avenue**.

Please include this correspondence in the official staff report and provide it to every member of the Memphis and Shelby County Land Use Control Board.

My opposition is based on the application's failure to demonstrate compliance with the approval criteria for a Special Use Permit, as well as the proposed development's likely effects on nearby homes, neighborhood streets, pedestrian safety, traffic, noise, drainage and the future character of this portion of Summer Avenue.

1. The applicant has not demonstrated that the project will avoid adverse effects

Under Section 9.6.9 of the Unified Development Code, a Special Use Permit should not be approved unless findings can be made that the proposal will not have a substantial or undue adverse effect upon adjacent property, neighborhood character, traffic conditions, utilities, public health, safety and general welfare.

The application does not adequately establish those findings.

For example, the applicant's response concerning compatibility primarily notes that nearby properties include gas stations and a laundromat. That does not meaningfully evaluate the effects of an automated car wash on the nearby residential properties and neighborhood streets. Nor does the simple assertion that the proposal "will not adversely affect the neighborhood" substitute for objective evidence.

This is especially important because the proposed use is not permitted across the entire property by right. The purpose of the Special Use Permit process is to determine whether this particular intensive use is appropriate at this particular location—not merely whether other commercial properties exist nearby.

2. The application lacks a traffic-impact analysis

The proposed development includes two payment lanes, a 12-vehicle stacking area, a wash tunnel and 22 vacuum spaces. Despite this level of vehicle activity, the submitted materials do not appear to include:

- Expected daily vehicle volume
- Peak-hour arrival estimates
- A traffic-impact study
- An analysis of turning movements at Summer Avenue and North Hollywood Street
- An analysis of queue spillback
- An evaluation of traffic entering nearby residential streets
- A pedestrian and bicycle safety analysis
- A crash-history analysis
- Confirmation that the proposed entrance can safely accommodate peak demand

A car wash is specifically designed to attract a continuous turnover of vehicles. During weekends, promotional periods and favorable weather, vehicle queues can form rapidly. The plan indicates stacking for only 12 vehicles. The Board should not assume that this is sufficient without receiving projected customer volume and a professional queueing analysis.

If the stacking area fills, motorists could block internal circulation, back up toward North Hollywood Street or make unsafe movements when entering and leaving the property.

The request should be denied unless the applicant provides an independently reviewable traffic study demonstrating that the use will not worsen congestion, interfere with neighborhood access or create unsafe vehicle and pedestrian conflicts.

3. The development would place intensive automobile activity beside a residential neighborhood

The property is located at Summer Avenue and North Hollywood Street, with residential properties and neighborhood streets immediately nearby.

The applicant's analysis focuses heavily on commercial uses located along Summer Avenue but does not adequately consider residents living behind and near the commercial frontage. The effects of a car wash do not stop at the property line.

Those effects include:

- Repeated acceleration and braking
- Vehicle doors opening and closing
- Car stereos and alarms
- Vacuum use
- Employees directing traffic
- Delivery and maintenance vehicles
- Trash collection
- Idling vehicles
- Customers entering local streets after leaving the facility
- Activity beginning early in the morning and continuing into the evening

The proximity of homes should be given substantial weight.

Memphis planning staff has previously recommended rejection of vehicle-wash proposals where nearby residential properties would experience noise, traffic and compatibility impacts. In a 2019 case, staff specifically concluded that proximity to single-family residential property, together with car-wash noise and traffic, could adversely affect the value and enjoyment of surrounding homes and prevent the proposal from satisfying Special Use Permit criteria.

In another car-wash case, staff recommended rejection where the use was inconsistent with the area's intended neighborhood-oriented development pattern and could adversely affect nearby homes and offices.

The same level of scrutiny should be applied here.

4. No adequate noise analysis has been submitted

An express car wash is not a quiet retail use. The proposed plan includes a wash tunnel and 22 vacuum spaces, meaning that multiple vacuums may operate simultaneously for extended periods.

Potential noise sources include:

- High-powered vacuum motors
- Vacuum hoses and nozzle impacts
- Tunnel machinery
- High-velocity drying blowers
- Compressors and pumps
- Pressure-washing equipment
- Vehicle horns, alarms and stereos
- Trash collection and equipment servicing

The application does not appear to contain a professional acoustical study identifying equipment specifications, expected decibel levels, directional impacts, hours of operation or projected noise levels at the nearest residential property lines.

A fence or landscaping cannot automatically be assumed to control low-frequency mechanical noise or the sound generated by numerous vacuums and dryers.

The Board should not approve this request without a site-specific acoustical report measuring anticipated sound at nearby homes during simultaneous full operation.

5. The proposed 22-vacuum layout substantially increases the intensity of the use

This is not simply a building through which vehicles quietly pass. The site plan provides **22 separate free-vacuum spaces** on a parcel of less than one acre.

That means the vacuum area could function as an outdoor activity zone with up to 22 vehicles and customers occupying the site at one time, in addition to vehicles in the wash tunnel, payment lanes and queue.

Vacuum customers frequently remain on-site longer than the actual wash cycle. This increases:

- Vehicle turnover
- Customer dwell time
- Noise duration
- Litter
- Door slamming
- Music and conversations
- Idling
- Internal traffic conflicts

The vacuum operation should be evaluated as a major component of the use, not treated as incidental.

6. Proposed hours of operation have not been clearly established

The application does not appear to commit to enforceable operating hours.

Hours are critical because early-morning and evening operation would have the greatest effect on nearby residents. Without a binding condition, the business could potentially operate during hours that are incompatible with neighboring homes.

The Board should not approve a permit without knowing:

- Opening and closing times
- Vacuum operating hours
- Equipment-maintenance hours
- Trash collection schedule
- Lighting schedule
- Whether equipment remains running outside customer hours

If considered at all, the permit should prohibit operation before 8:00 a.m. or after 7:00 p.m., prohibit overnight activity and require vacuums, dryers and exterior audio systems to be shut down outside approved hours.

7. Lighting impacts have not been adequately addressed

Express car washes typically use bright lighting around payment kiosks, vacuum stalls, tunnel entrances and exits, signage and security areas.

The application does not appear to include a complete photometric plan showing light levels at each property line or nearby home.

Before approval, the applicant should be required to establish that:

- No light will spill onto residential property
- Fixtures will be fully shielded and downward-facing
- Illuminated signs will be turned off after closing
- Tunnel lighting will not flash or shine toward neighboring streets

- Security lighting will be reduced after operating hours
- No color-changing, animated or excessively bright lighting will be used

These requirements should be binding conditions, not left for later interpretation.

8. Drainage, wastewater and sewer capacity have not been demonstrated

The plan identifies underground water-reclaim tanks and an oil/water separator, but the application does not appear to provide engineering documentation showing:

- Estimated daily water consumption
- Estimated wastewater discharge
- Sewer-capacity confirmation
- Stormwater calculations
- Detention requirements
- Maintenance procedures for reclaim tanks and separators
- Procedures for spills or equipment failure
- Protection against soaps, oils and vehicle residue entering storm drains
- A plan for disposing of captured sediment and contaminants

The mere presence of reclaim tanks does not establish that drainage, wastewater and sewer impacts will be adequately controlled.

The applicant should be required to submit detailed utility, sewer and stormwater calculations before any discretionary land-use approval is granted.

9. The proposal creates environmental and maintenance concerns

Vehicles carry petroleum residue, brake dust, heavy metals, road salt, dirt and other contaminants. A high-volume vehicle wash concentrates these materials at one site.

The Board should require evidence addressing:

- Capture and treatment of contaminants
- Inspection and maintenance of the oil/water separator
- Disposal of sludge and captured waste
- Emergency procedures for leaks
- Overflow protection during heavy rain
- Compliance monitoring
- Responsibility for long-term maintenance if ownership changes

Without enforceable conditions, surrounding residents and the public could bear the consequences of inadequate maintenance.

10. The development may undermine pedestrian and bicycle safety

North Hollywood Street and Summer Avenue are public streets, not merely driveways serving automotive businesses.

The proposed use would introduce frequent turning movements across areas used by pedestrians. Drivers leaving a conveyor-style wash may have wet windshields, mirrors or brakes, and drivers entering the property may focus on signage, payment lanes and queues rather than people walking along the street.

A prior Memphis planning analysis of a car-wash proposal identified increased vehicle traffic, curb-cut activity and negative effects on pedestrian and cyclist safety as important concerns in determining inconsistency with the Memphis 3.0 Comprehensive Plan.

The applicant should be required to provide a pedestrian-safety and access-management evaluation.

11. The proposal may conflict with long-term redevelopment goals for Summer Avenue

A car wash is a low-employment, automobile-oriented use that occupies a prominent corner and dedicates much of the parcel to pavement, stacking lanes and vacuum spaces.

Once constructed, such a use can remain for decades and reduce the opportunity for development that provides:

- Neighborhood-serving shops and services
- Housing
- Mixed-use development
- Walkable commercial activity
- Restaurants or locally owned businesses
- Greater employment density
- A stronger relationship between Summer Avenue and surrounding neighborhoods

The Board should consider whether an intensive, single-purpose automotive use represents the best long-term use of this highly visible site.

Vacancy alone is not a sufficient justification. The relevant question is whether this proposal advances the adopted development goals for the area.

12. The application is incomplete and relies on unsupported conclusions

The application's responses to several required approval criteria are extremely brief. For example, the applicant answers one compatibility criterion simply with "Correct" and states that public facilities are sufficient without supplying supporting utility or engineering documentation.

The Board cannot reasonably determine that there will be no undue adverse effect on traffic, neighboring properties, utilities or general welfare when the record lacks the studies necessary to evaluate those effects.

The burden should remain on the applicant to demonstrate compliance. Nearby residents should not be required to prove the extent of harm after an intensive use has already been approved and constructed.

Requested action

For these reasons, I respectfully request that planning staff recommend **rejection** and that the Land Use Control Board **deny SUP 2026-014**.

At a minimum, the case should be held or continued until the applicant submits:

1. A traffic-impact and queueing study
2. A professional acoustical study
3. Proposed and enforceable operating hours
4. A complete photometric lighting plan
5. Stormwater and drainage calculations
6. Sewer-capacity and wastewater-discharge confirmation
7. Projected daily and peak-hour customer volumes
8. Equipment specifications for dryers, vacuums and mechanical systems
9. A pedestrian and bicycle safety analysis
10. An analysis of consistency with Memphis 3.0 and applicable neighborhood plans
11. Elevations, screening details and views from nearby homes
12. A written operational plan addressing trash, maintenance, deliveries, security and equipment servicing

If the Board nevertheless considers approval, I request binding conditions including restricted operating hours, no overnight activity, no outdoor music or speakers, sound limits measured at residential property lines, full shielding of lighting, evergreen screening, restrictions on trash collection times, annual maintenance documentation for wastewater equipment and a mechanism for enforcement or permit review if complaints occur.

Please confirm that this letter will be placed in the official record and distributed to the Land Use Control Board.

Thank you for your consideration.

Sincerely,

Brent D. Logan
616 McConnell St
blogan71@gmail.com
616-308-5941

SUPPORT

Mahsan Ostadnia
Memphis and Shelby County Division of Planning and Development
125 N. Main Street
Memphis, TN 38103

Re: Case Number SUP 2026-014, 2451 Summer Avenue, Special Use Permit for Car Wash

Dear Mahsan Ostadnia,

I am writing to express my support for the special use permit application currently under consideration for 2451 Summer Avenue. As the current owner of this property, I am well acquainted with the site and the surrounding Summer Avenue corridor.

Summer Avenue has long served as a working commercial corridor, and its strength depends on continued private investment in the surrounding properties. According to Tennessee Department of Transportation data, over 14,000 cars travel alongside the Summer Avenue Corridor daily. The proposed use is well suited to the character of the corridor and is compatible with the commercial activity that surrounds the site. A car wash at this location will serve nearby residents and businesses alike, and it represents the type of practical, everyday commercial use that keeps a corridor like this one functioning well.

Beyond its fit with the immediate area, the proposed use represents a sound commercial investment that will provide employment opportunities, encourage further investment, and contribute to the economic health of the corridor and the community it serves. Investment of this kind tends to build on itself, and I believe this project will have a positive influence on the surrounding area.

For these reasons, I respectfully request that the Land Use Control Board approve Case Number SUP 2026-014. Should you have any questions regarding this letter, I may be reached at bill.townsend@townsenddev.com.

Sincerely,

William Townsend



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 2, 2026

Record Number: SUP 2026-014

Expiration Date:

Record Name: Shine & Roll Car Wash

Description of Work: On behalf of developer Shine & Roll, we are submitting the enclosed Special Use Permit application for the referenced site. The site is currently a vacant lot split zoned EMP and CMU-1. A vehicle wash establishment is allowed in EMP but requires SUP for CMU-1 thus we are seeking a special use permit for the whole site. The entry point will honor the existing curb cut on Hollywood.

Parent Record Number:

Address:

2451 SUMMER AVE, MEMPHIS 38112

Owner Information

Primary Owner Name

Y PINCKNEY PARTNERS LLC

Owner Address

272 COURT AVE, MEMPHIS, TN 38103

Owner Phone

Parcel Information

033001 00011C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas-Chloe-Alexis

Date of Meeting

07/01/2026

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

GENERAL PROJECT INFORMATION

this site

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

Half of the subject property is zoned EMP which allows for a vehicle wash establishment, the other half requires a SUP. The property to the north and east are convenience stores with gas pumps and catty-corner is a self-serve laundromat. This project will not adversely affect the neighborhood.

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

Correct.

UDC Sub-Section 9.6.9C

The area has all the public facilities needed for this use.

UDC Sub-Section 9.6.9D

No known natural, scenic or historical features are known to exist on this site.

UDC Sub-Section 9.6.9E

The project complies with UDC standards.

UDC Sub-Section 9.6.9F

The project complies with building and zoning code and will not cause violations.

GIS INFORMATION

Case Layer

BOA1934-013-CI, , , Z03-122/Bing

Central Business Improvement District

No

Class

C

Downtown Fire District

No

Historic District

-

Land Use

VACANT

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-1

State Route

1

Lot

-

Subdivision

-

Planned Development District

-

Wellhead Protection Overlay District

No

County Commission District

-

City Council District

-

City Council Super District

-

Contact Information

Name

HAZEM SHOMAN

Contact Type

APPLICANT

Address**Phone**

-

Name

CHRIS CRAWFORD

Contact TypeARCHITECT / ENGINEER /
SURVEYOR**Address****Phone**

(561)212-3364

Name

CHRISTINE DONHARDT

Contact Type

MANAGER

Address

6800 POPLAR AVE,

Phone

(901)761-2016

Name

WILLIAM TOWNSEND

Contact TypePROPERTY OWNER OF
RECORD**Address**

272 COURT AVE, MEMPHIS, TN, MEMPHIS, TN, 38103

Phone

(901)761-2016

Name

MIKE DAVIS

Contact Type

REPRESENTATIVE

Address**Phone**

(901)761-2016

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1743193	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	07/02/2026
1743193	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	07/02/2026

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$513.00

Method of Payment

Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, William B Townsend William B Townsend, 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 2451 SUMMER AVE
and further identified by Assessor's Parcel Number 033001 00011C,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 30th day of June in the year of 2026.


Signature of Notary Public

My Commission Expires





July 2, 2026

Mr. Jeffrey Penzes
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 477
Memphis, TN 38103

RE: Vehicle Wash Establishment, 2451 Summer Ave

Dear Mr. Penzes:

On behalf of developer Shine & Roll, we are submitting the enclosed Special Use Permit application for the referenced site. The site is currently a vacant lot split zoned EMP and CMU-1. A vehicle wash establishment is allowed in EMP but requires SUP for CMU-1 thus we are seeking a special use permit for the whole site. The entry point will honor the existing curb cut on Hollywood.

Your consideration of this application is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Davis'.

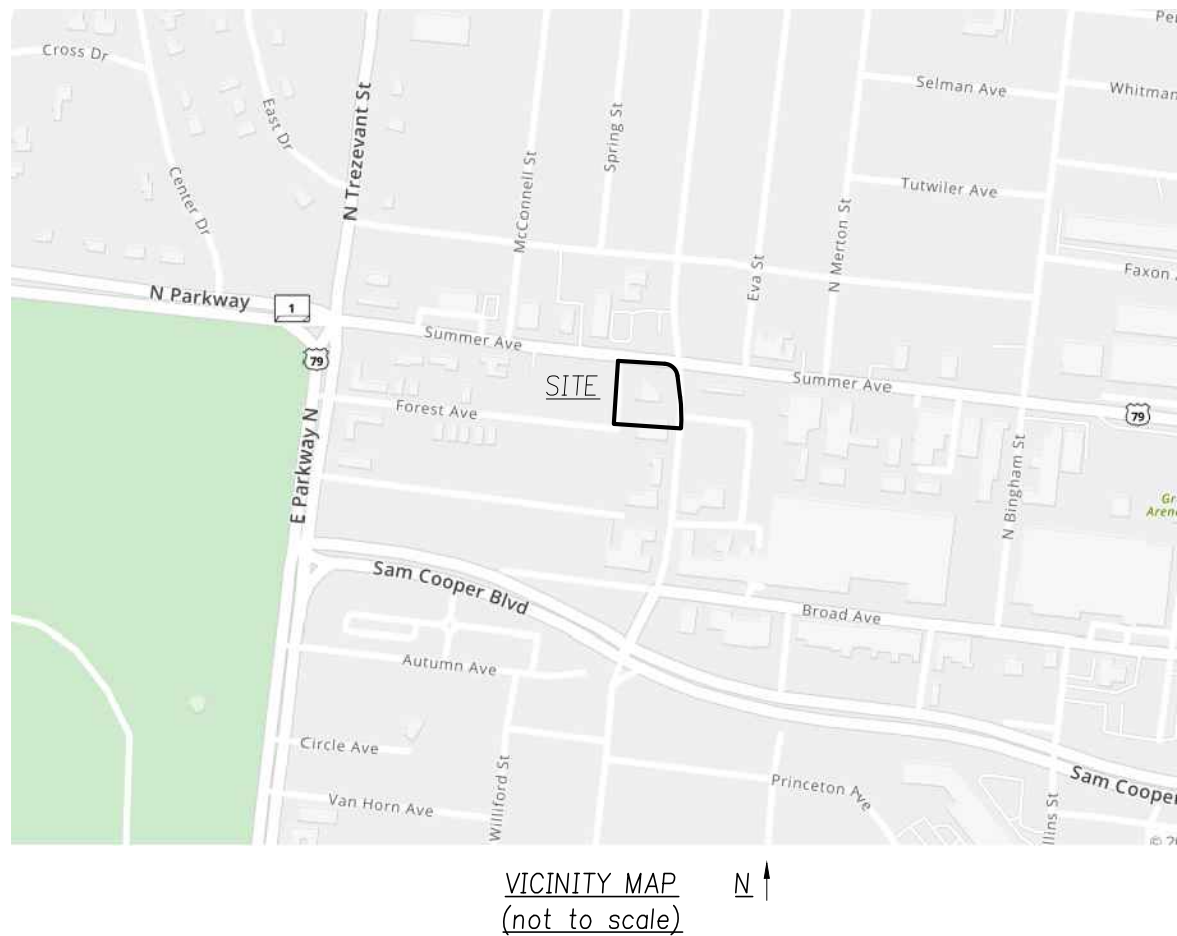
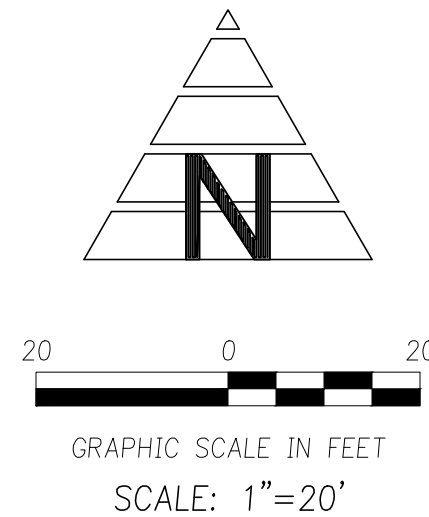
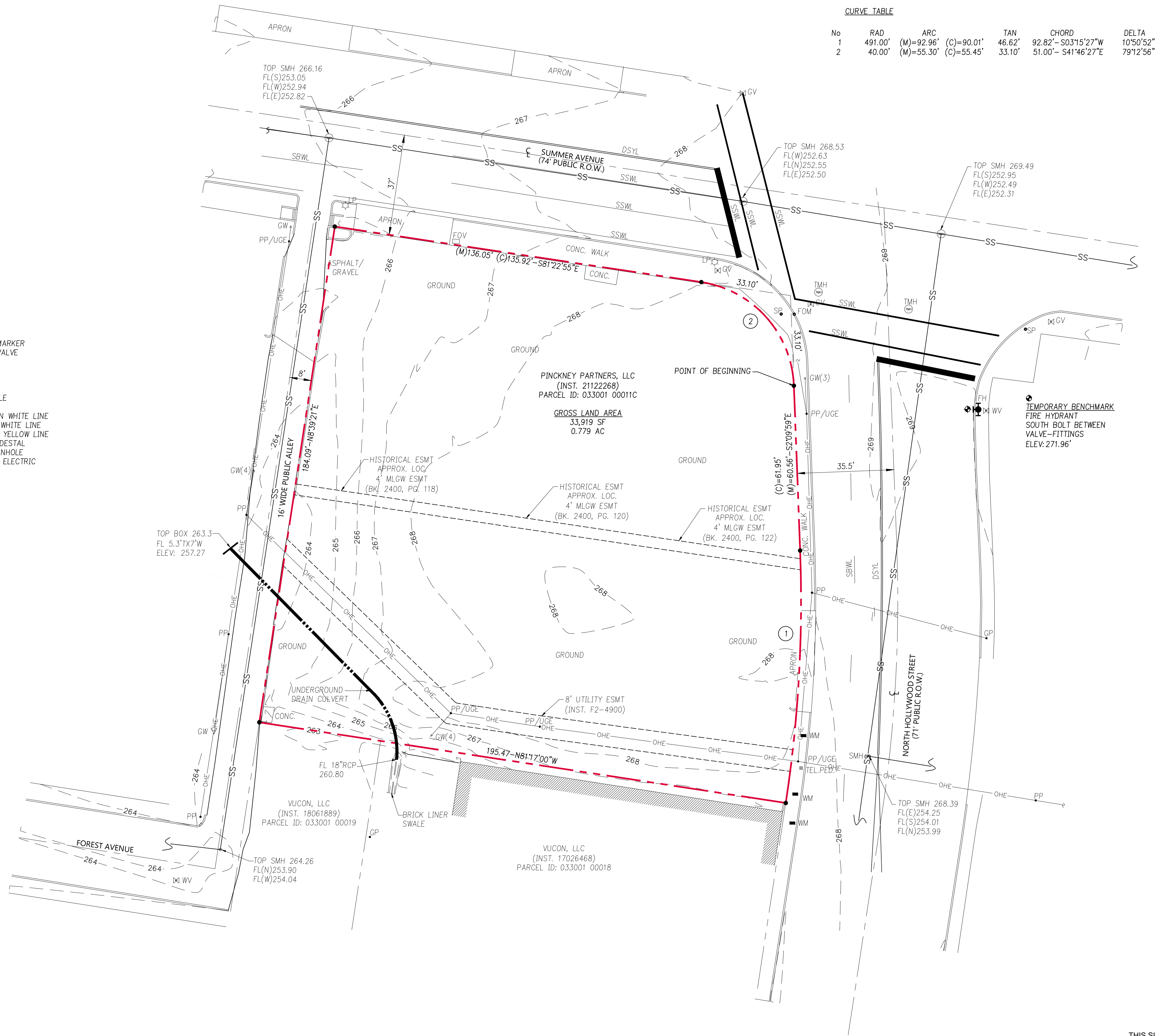
Mike Davis, R.L.A.
Principal

dena 24x36 2:1026 26-0083 2451 Summer Ave. Cor Wash 01 Boundary & Topo Survey\Survey-2026.dwg Jul 01, 2026 -- 2:32pm

FILE INFORMATION	
NO.	REVISION DESCRIPTION

LEGEND

(C)	CALL
(M)	MEASURE
FH	FIRE HYDRANT
FOM	FIBER OPTIC MARKER
FOV	FIBER OPTIC VALVE
GV	GAS VALVE
LP	LIGHT POLE
PP	POWER POLE
SMH	SEWER MANHOLE
SP	SIGNAL POLE
SBWL	SINGLE BROKEN WHITE LINE
SSWL	SINGLE SOLID WHITE LINE
SDYL	SOLID DOUBLE YELLOW LINE
TEL.PED.	TELEPHONE PEDESTAL
TMH	TELEPHONE MANHOLE
UGE	UNDERGROUND ELECTRIC
WM	WATER METER
WV	WATER VALVE



NOTE:
PROPERTY CORNER MONUMENTS WILL BE SET AND
DESCRIPTION UPDATED ONCE SURVEYOR INSTALLS
MARKERS.

The Reaves Firm
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Landscape Architecture
Land Surveying
6800 Poplar Avenue, Suite 101
Memphis, TN 38138
901.761.2016 Fax: 901.763.2847
www.ReavesFirm.com

THIS SURVEY WAS PREPARED BY:
The Reaves Firm Incorporated
6800 POPLAR AVENUE, SUITE 101
MEMPHIS, TN 38138
901-761-2016
UNDER THE DIRECT SUPERVISION OF:
MICHAEL K. FRYE, TN RLS# 807

SURVEYOR'S CERTIFICATE
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON
WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE STATE OF
TENNESSEE LAND SURVEYORS STANDARDS. THIS IS A CATEGORY "I"
SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY
IS 1:10,000 OR GREATER.

SEAL 	PROJECT: SURVEY OF 2451 SUMMER AVENUE MEMPHIS, SHELBY COUNTY, TENNESSEE 38112 FOR: SHINE & ROLL #4 SHEET TITLE: BOUNDARY AND TOPOGRAPHIC SURVEY	SCALE: 1"=20' FIELD DATE: 06/15/26 ISSUE DATE: 06/16/26 PREPARED BY: CE/DS TRF JOB NO.: 26-0093 SHEET NO.: Sht 1 of 2
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SURVEY NOTES:

1. THIS IS A CATEGORY "I" SURVEY IN ACCORDANCE WITH THE STATE OF TENNESSEE LAND SURVEYOR'S STANDARDS THE ERROR OF CLOSURE FOR THE UNADJUSTED TRAVERSE IS GREATER THAN 1:10,000.
2. ANY DEED BOOK, PLAT BOOK, OR INSTRUMENT NUMBER REFERENCES SHOWN HEREON ARE RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE UNLESS NOTED OTHERWISE.
3. DISTANCES SHOWN ON THIS PLAT ARE IN FEET.
4. THIS MAP OR PLAT IS BASED UPON THE FIELD NOTES OF THE SURVEY. THIS SURVEY ACCURATELY SHOWS THE LOCATION OF ALL VISIBLE, ABOVE GROUND BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS. THE DESCRIPTION SHOWN HEREON IS BASED UPON THE FIELD SURVEY AND IS CORRECT, COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
5. APPLICABLE BUILDING SETBACK LINES ARE AS REQUIRED BY BUILDING CODE, ZONING ORDINANCE OR ANY RECORDED PLAT OR INSTRUMENT OF RECORD.
6. NO STATEMENT OR CERTIFICATION IS MADE AS TO THE COMPLIANCE OF THIS SITE WITH THE CURRENT ADA ACCESSIBILITY STANDARDS.
7. ALL BEARINGS ARE BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD 83) AS DETERMINED BY GPS SURVEY USING THE EARL DUDLEY, INC. INET REFERENCE NETWORK.

DATE OF FIELD SURVEY: JUNE 15, 2026 (ORIGINAL SURVEY)
TYPE OF SURVEY: REAL TIME KINEMATIC
POSITIONAL ACCURACY: 0.05 FEET
DATUM/EPOCH: NAD83(2011) NO TRANS
PUBLISHED/FIXED CONTROL USED: EARL DUDLEY INET NETWORK – EDM1
GEOID MODEL: GEOID 12A
COMBINED GRID FACTOR: 1.00002656

8. (ALTA TABLE "A" ITEM 2):
THE SURVEYED PROPERTY HAS THE FOLLOWING STREET ADDRESSES AND PARCEL ID NUMBER: 2451 SUMMER AVENUE, MEMPHIS, TN 38112
PARCEL ID: 033001 00011C

9. (ALTA TABLE "A" ITEM 3):
ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 47157C0290F, DATED SEPTEMBER 28, 2007, THIS PROPERTY HAS THE FOLLOWING ZONE CLASSIFICATIONS:

ZONE "X" – AREAS OF MINIMAL FLOOD HAZARD.

10. (ALTA TABLE "A" ITEM 4)
THE SURVEYED PROPERTY CONTAINS:
33,919 SQUARE FEET OR 0.779 ACRES.

11. (ALTA TABLE "A" ITEM 6A)
THE SURVEYED PROPERTY IS CURRENTLY ZONED AS FOLLOWS:

CMU-1 ON THE NORTH SIDE OF THE PROPERTY
EMP ON THE SOUTH SIDE OF THE PROPERTY

THIS INFORMATION WAS TAKEN FROM THE CITY OF MEMPHIS DEPARTMENT OF PLANNING AND DEVELOPMENT GIS WEBSITE AND SHOULD BE VERIFIED WITH THIS DEPARTMENT IF FURTHER VERIFICATION OF CURRENT ZONING CLASSIFICATION IS NEEDED.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR BY THE CLIENT.

12. (ALTA TABLE "A" ITEM 8)
THE SURVEYED PROPERTY IS CURRENTLY IMPROVED AS FOLLOWS:

VACANT – OPEN GROUND

13. (ALTA TABLE "A" ITEM 9)
PARKING SPACES – 0. THIS LOT IS UNDEVELOPED.

14. (ALTA TABLE "A" ITEM 10)
THIS LOT IS UNDEVELOPED. THERE ARE NO BUILDINGS ON THE SURVEYED PROPERTY THAT WOULD SHARE A COMMON WALL OR PARTY WALL WITH ANY OF THE ADJOINING LOTS OR PROPERTIES.

SURVEY NOTES CONT'D

15. (ALTA TABLE "A" ITEM 11)
OBSERVED EVIDENCE OF UTILITIES HAS BEEN SHOWN PURSUANT TO SECTION 5 PARAGRAPH E (IV) OF THE ALTA/NSPS MINIMUM STANDARD DETAIL REQUIREMENTS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED AS TO THE LOCATION OF UNDERGROUND UTILITIES, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MY BE NECESSARY.

16. (ALTA TABLE "A" ITEM 16)
THERE WAS NO EVIDENCE OF ANY RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

17. (ALTA TABLE "A" ITEM 17)
THE SURVEYED PROPERTY IS ADJACENT TO, CONTIGUOUS WITH AND HAS DIRECT PHYSICAL ACCESS TO HOLLYWOOD STREET, SUMMER AVENUE AND A 16 FOOT WIDE PUBLIC ALLEY. ALL ARE PUBLICLY DEDICATED RIGHT-OF-WAYS.

THE SURVEYOR OBSERVED NO EVIDENCE OF ANY RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS AND HAS NO KNOWLEDGE OF ANY PROPOSED CHANGES IN STREET RIGHT-OF-WAY LINES

18. STATEMENT OF ENCROACHMENTS

THERE ARE NO VISIBLE ABOVE-GROUND ENCROACHMENTS OF ANY OF THE IMPROVEMENTS LOCATED ON THE SURVEYED PROPERTY ACROSS ANY PROPERTY LINE, STREET RIGHTS-OF-WAY, EASEMENT LINES, OR BUILDING SETBACK LINES (EXCEPT AS NOTED BELOW). THERE ARE NO ENCROACHMENTS OF ANY IMPROVEMENTS LOCATED ON ANY OF THE ADJOINING PROPERTIES ONTO THE SURVEYED PROPERTY. (EXCEPT AS NOTED BELOW)
-NONE NOTED OR OBSERVED

PROPERTY DESCRIPTION

BEING THE PINCKNEY PARTNERS, LLC PROPERTY AS RECORDED IN INSTRUMENT NUMBER 21122268 AT THE SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE, LOCATED IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF NORTH HOLLYWOOD STREET (71' PUBLIC R.O.W.) A MEASURED TANGENT DISTANCE OF 33.10 FEET (CALL 33.23 FEET) SOUTH OF THE SOUTH LINE OF SUMMER AVENUE (74' PUBLIC R.O.W.); THENCE S02°09'59"E ALONG SAID WEST LINE OF NORTH HOLLYWOOD STREET A MEASURED DISTANCE OF 60.56 FEET (CALL 61.95 FEET) TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 491.00 FEET, A MEASURED ARC LENGTH OF 92.96 FEET (CALL 90.01 FEET), (CHORD S03°15'27"W – 92.82 FEET) TO A POINT AT THE NORTHEAST CORNER OF THE VUCON, LLC PROPERTY (INST. 17026468); THENCE ALONG THE NORTH LINE OF SAID VUCON, LLC PROPERTY AND THE NORTH LINE OF THE VUCON, LLC PROPERTY (INST. 18061889) N81°17'00"W A DISTANCE OF 195.47 FEET TO A POINT IN THE EAST LINE OF A 16 FOOT WIDE ALLEY; THENCE ALONG THE EAST LINE OF SAID ALLEY, N08°39'21"E A DISTANCE OF 184.09 FEET TO A POINT IN THE SOUTH LINE OF SUMMER AVENUE (74' PUBLIC R.O.W.); THENCE ALONG THE SOUTH LINE OF SAID SUMMER AVENUE, S81°22'55"E A MEASURED DISTANCE OF 136.05 FEET (CALL 135.92 FEET) TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 40.00 FEET, A MEASURED ARC LENGTH OF 55.30 FEET (CALL 55.45 FEET), (CHORD S41°46'27"E – 51.00 FEET) TO THE POINT OF BEGINNING AND CONTAINING 33,919 SQUARE FEET OR 0.779 ACRES.



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MEMPHIS, TN 38138
901-761-2016
UNDER THE DIRECT SUPERVISION OF:
MICHAEL K. FRYE, TN RLS# 807

SURVEYOR'S CERTIFICATE
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE STATE OF TENNESSEE LAND SURVEYORS STANDARDS. THIS IS A CATEGORY "I" SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER.

SEAL 	PROJECT: SURVEY OF 2451 SUMMER AVENUE MEMPHIS, SHELBY COUNTY, TENNESSEE 38112 FOR: SHINE & ROLL #4	SCALE: 1"=20'
		FIELD DATE: 06/15/26
		ISSUE DATE: 06/16/26
		PREPARED BY: CE/DS
SHEET TITLE: BOUNDARY AND TOPOGRAPHIC SURVEY		TRF JOB NO.: 26-0093
		SHEET NO.: Sht 2 of 2



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.

21122268

09/30/2021 - 07:44:30 AM

5 PGS

LINDA 2310055-21122268

VALUE	550000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2035.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	2065.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by and Return to:	Property Owner:	Property Address:	Mail Tax Bills To:	Tax Parcel No:
William P. Moss III Harris Shelton Hanover Walsh PLLC 6060 Primacy Parkway, Suite 100 Memphis, TN 38119	Pinckney Partners, LLC 272 Court Ave. Memphis, TN 38103	2451 Summer Ave. Memphis, TN 38122	Pinckney Partners, LLC 272 Court Ave. Memphis, TN 38103	033-0010-0-00011-C

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into as of the 28th day of September, 2021, by and between VUCON, LLC, a Tennessee limited liability company party of the first part, and PINCKNEY PARTNERS, LLC, a Tennessee limited liability company, party of the second part.

W I T N E S S E T H:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey, and confirm unto the said party of the second part that certain real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, known as 2451 Summer Avenue and which is more particularly described on Exhibit "A" attached hereto and made a part of hereof for all purposes (the "Property"), and being the same property conveyed to party of the first part by Decree Confirming Sale, Divesting and Vesting Title, Tax Sale 1602 entered in the Chancery Court of Shelby County, Tennessee on December 20, 2019 and under Instrument Number 20002663 in the Register's Office of Shelby County, Tennessee.

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

The said party of the first part conveys the Property, including any after acquired title of said party of the first part, which is unencumbered, except for 2021 Shelby County real property taxes, easements of record at Book 2400, Page 118; Book 2400, Page 120; Book 2400, Page 122; Instrument No. E2 9656 and F2 4900, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons claiming the same by, through or under it, but not further or otherwise.

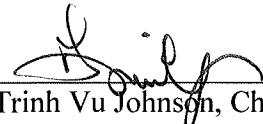
The word "party" as used herein shall mean "parties" if more than one more person or entity be referred to, and pronouns used herein shall be construed according to their proper gender and number according to the context of this instrument.

**SIGNATURE PAGE TO
SPECIAL WARRANTY DEED**

IN WITNESS WHEREOF, party of the first part has caused this instrument to be executed by and through its duly authorized officer the day and year first above written.

VUCON, LLC, a Tennessee
limited liability company

By:

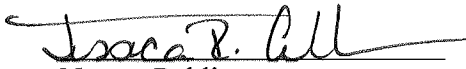

Trinh Vu Johnson, Chief Manager

STATE OF TENNESSEE

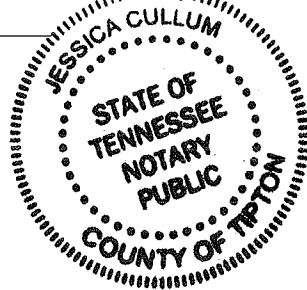
COUNTY OF SHELBY

Personally appeared before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, Trinh Vu Johnson, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged herself to be the Chief Manager of VUCON, LLC, a Tennessee limited liability company the within named bargainor, and that she as such Chief Manager, being authorized so to do, executed the foregoing instrument, for the purposes therein contained by signing the name of the limited liability company by herself as such officer.

WITNESS my hand and seal at office this 28th day of September 2021.

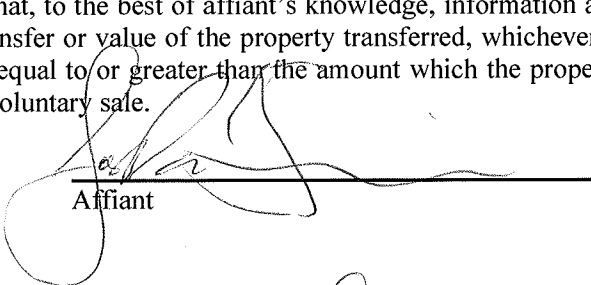

Notary Public

My commission expires: 12/18/2021



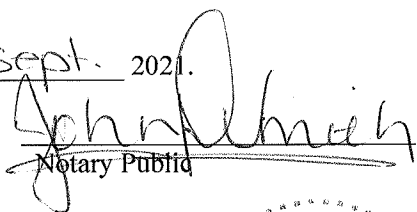
AFFIDAVIT OF VALUE

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$550,000.00, 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 me this 29th day of Sept. 2021.



Notary Public

My Commission Expires: April 1, 2023



EXHIBIT "A"
LEGAL DESCRIPTION
SHELBY COUNTY, TENNESSEE

Beginning at a point in the west line of North Hollywood Street (71 foot wide) a tangent distance of 33.23 south of the south line of Summer Avenue (74 feet wide); thence South 01 degrees 54 minutes 41 seconds East along said west line of North Hollywood Street a distance of 61.95 feet to a point of curve in same; thence on a curve to the right, having a radius of 491.00 feet to a chord bearing of South 03 degrees 20 minutes 24 seconds West, a chord distance of 89.88 feet an arc distance of 90.01 feet to a point; thence continuing along said west line South 08 degrees 35 minutes 29 seconds West a distance of 1.47 feet to the northeast corner of the Vucon, LLC property (Inst. 17026468); thence North 81 degrees 12 minutes 51 seconds West a distance of 195.47 feet to a point in the east line of a 16 foot wide alley; thence North 08 degrees 49 minutes 26 seconds East along said east line of alley a distance of 184.09 feet to a point in the south line of Summer Avenue; thence South 81 degrees 20 minutes 28 seconds East along said south line of Summer Avenue a distance of 135.92 feet to a point of curve; thence to a curve to the right, having a radius of 40.00 feet, a chord bearing of South 41 degrees 37 minutes 35 seconds East, a chord distance of 51.12 feet an arc distance of 55.45 feet to the point of beginning.

Parcel ID# 033-0010-0-00011-C

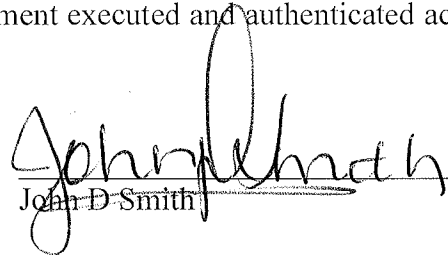
Property Address:
2451 Summer Avenue
Memphis, TN 38122



Prepared by:
The Law Office of John D Smith, PLLC
54 S Cooper St.
Memphis, TN 38104
(901) 257-0455 • <http://www.johndsmith.attorney>

AFFIDAVIT

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


John D Smith

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, Tanner McCarroll, a notary public for this county and state, John D Smith, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.


Notary Public



My commission expires: April 1, 2023

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 9/01/2026
DATE

PUBLIC SESSION: 9/15/2026
DATE

ITEM (CHECK ONE)

ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 0 & 3260 Holmes Rd, known as case number PD 2026-004

CASE NUMBER: PD 26-04

DEVELOPMENT: Holmes Tchulahoma Planned Development

LOCATION: 0 & 3260 Holmes Rd

COUNCIL DISTRICTS: District 3 and Super District 8

OWNER/APPLICANT: New Development LLC

REPRESENTATIVE: David Gean Bray, The Bray Firm

REQUEST: Mixed-use planned development to allow uses in conjunction with R-6 (residential / single-family), CMU-2 (commercial), and EMP (industrial / truck Stop) zoning

AREA: +/-34.78 acres

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

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM:

(2) _____
08/13/2026 _____
(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

8/24/26

PLANNER II

DEPUTY ADMINISTRATOR

8/24/26

ADMINISTRATOR

8/24/26

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 26-04

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 0 & 3260 HOLMES RD, KNOWN AS CASE NUMBER PD 26-04

- This item is a resolution with conditions to allow a mixed-use planned development with R-6 (residential / single-family), CMU-2 (commercial), and EMP (industrial / truck Stop) zoning uses; 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, August 13, 2026**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 26-04
DEVELOPMENT:	Holmes Tchulahoma Planned Development
LOCATION:	0 & 3260 Holmes Rd
COUNCIL DISTRICT(S):	District 3 and Super District 8
OWNER/APPLICANT:	New Development LLC
REPRESENTATIVE:	David Gean Bray, The Bray Firm
REQUEST:	Mixed-use planned development to allow uses in conjunction with R-6 (residential / single-family), CMU-2 (commercial), and EMP (industrial / truck Stop) zoning
EXISTING ZONING:	Residential Urban – 3 (RU-3) & Commercial Mixed Use – 2 (CMU-2)
AREA:	+/-34.78 acres

The following spoke in support: Thomas Hewgley & Aaron Robinson

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 failed by a unanimous vote of 3-5 on the regular agenda.

Respectfully,



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

Cc: Committee Members
File

PD 26-04
CONDITIONS

Outline Plan Conditions

- I. USES PERMITTED:
 - A. AREA A - R-6
 - AREA B - CMU-2
 - AREA C – CMU-2 with following exception:
 - a. Convenience store with gas pumps
 - b. Truck Stop without tractor trailer parking
- II. BULK REGULATIONS:
 - A. AREA A - The bulk regulations of the R-6 zoning district shall apply.
 - B. AREA B - The bulk regulations of the CMU-2 zoning district shall apply.
 - C. AREA C - The bulk regulations of the CMU-2 zoning district shall apply.
- III. ACCESS AND CIRCULATION:
 - A. The City Engineer shall approve the design, number and location of curb cuts.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City/ County Standards or closed with curb, gutter and sidewalk.
 - C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/ egress easements shall be shown on the final plats.
- IV. LANDSCAPING, SCREENING, AND LIGHTING:
 - A. An NOI as required by the Tree Ordinance shall be filed with the Division of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
 - B. Any dumpster or accessory buildings shall be compatible with the main building.
 - C. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
 - D. The required landscaping shall be exclusive of and in addition to any required easements.
 - E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Division of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
 - F. All light poles shall be limited to a maximum of 35 feet in height.
 - G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.
- V. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan.

However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and If necessary, the Memphis City Council.

A. The Site plan shall include:

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

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

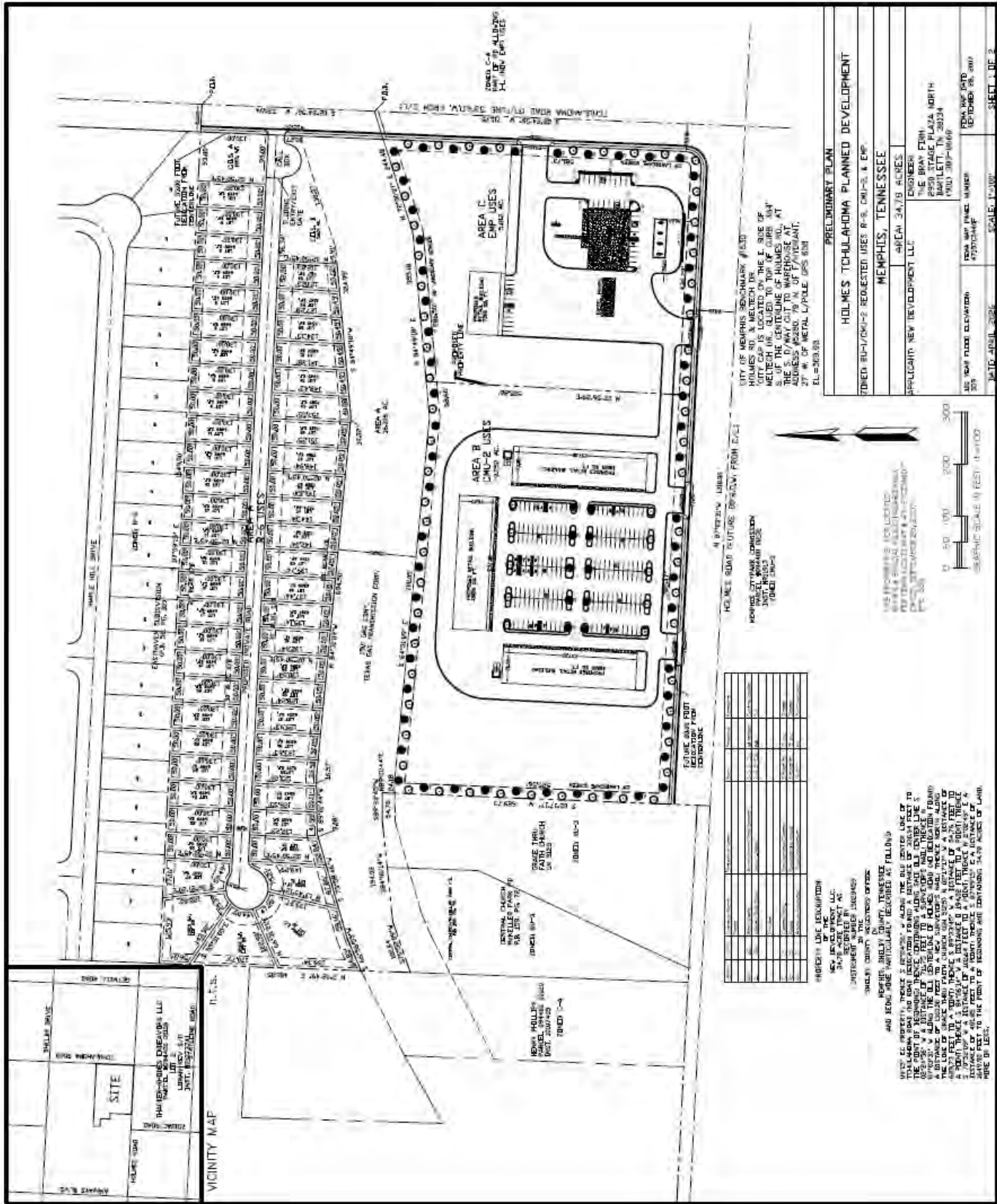
1. Conformance with the Outline Plan Conditions.
2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal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

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

VII. Any final plan shall include the following:

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

CONCEPT PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 0 & 3260 HOLMES RD, KNOWN AS CASE NUMBER PD 26-04

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 New Development LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a mixed-use planned development in conjunction with R-6 (residential / single-family), CMU-2 (commercial), and EMP (industrial / truck Stop) zoning uses; 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 August 13, 2026, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

OUTLINE PLAN CONDITIONS

- I. USES PERMITTED:
 - A. AREA A - R-6
AREA B - CMU-2
AREA C – CMU-2 with following exception:
 - a. Convenience store with gas pumps
 - b. Truck Stop without tractor trailer parking
- II. BULK REGULATIONS:
 - A. AREA A - The bulk regulations of the R-6 zoning district shall apply.
 - B. AREA B - The bulk regulations of the CMU-2 zoning district shall apply.
 - C. AREA C - The bulk regulations of the CMU-2 zoning district shall apply.
- III. ACCESS AND CIRCULATION:
 - A. The City Engineer shall approve the design, number and location of curb cuts.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City/ County Standards or closed with curb, gutter and sidewalk.
 - C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/ egress easements shall be shown on the final plats.
- IV. LANDSCAPING, SCREENING, AND LIGHTING:
 - A. An NOI as required by the Tree Ordinance shall be filed with the Division of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
 - B. Any dumpster or accessory buildings shall be compatible with the main building.
 - C. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
 - D. The required landscaping shall be exclusive of and in addition to any required easements.
 - E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Division of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
 - F. All light poles shall be limited to a maximum of 35 feet in height.
 - G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.
- V. Site Plan Review:

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

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

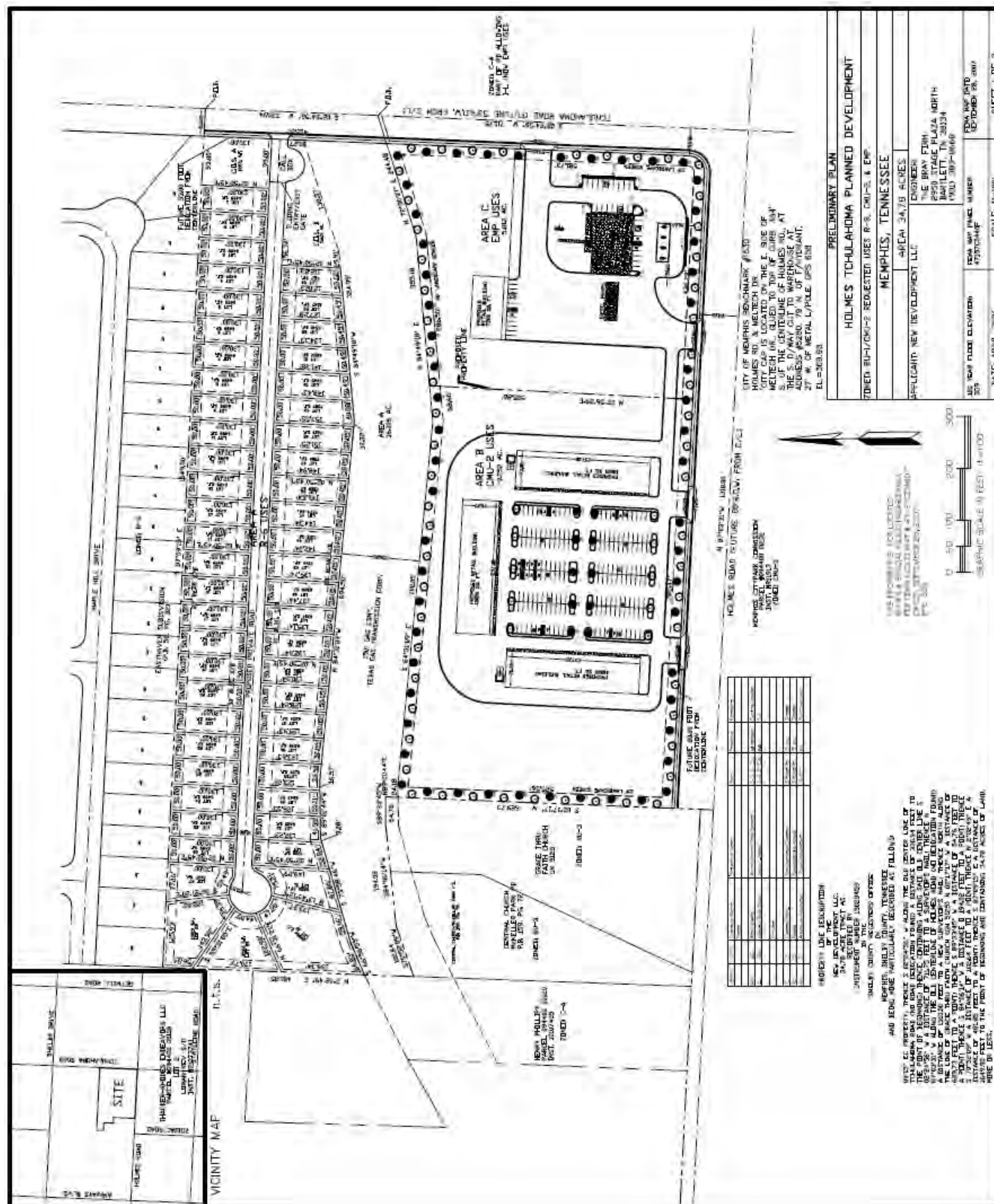
4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no greater than 1.0 candle foot at the property line.
- B. The site plan shall be reviewed based on the following criteria:
 1. Conformance with the Outline Plan Conditions.
 2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
 3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 4. Adequate access shall be provided to the site as determined by the City Engineer.

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

VII. Any final plan shall include the following:

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

CONCEPT PLAN



ATTEST:

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

AGENDA ITEM: 4 **L.U.C.B. MEETING:** August 13, 2026

CASE NUMBER: PD 2026-004

DEVELOPMENT: Holmes Tchulahoma Planned Development

LOCATION: 3260 & 0 Holmes Rd

COUNCIL DISTRICT: District 3 and Super District 8

OWNER/APPLICANT: New Development LLC

REPRESENTATIVE: David Gean Bray, The Bray Firm

REQUEST: Mixed-use planned development to allow uses in conjunction with R-6 (residential / single-family), CMU-2 (commercial), and EMP (industrial / truck Stop) zoning

EXISTING ZONING: Residential Urban – 3 (RU-3) & Commercial Mixed Use – 2 (CMU-2)

CONCLUSIONS

1. The subject property is currently vacant and the proposed residential and commercial uses for Area A and B are allowed by right. However, the proposed use for Area C, truck stop and convenience store with gas pumps are not allowed in CMU-2 zoning district.
2. The applicant previously submitted a rezoning from CMU-2 to EMP application (Z 2025-007) at the subject property and withdrawn it before the LUCB meeting.
3. The UDC intends planned development to promote higher-quality environmental design, appropriate locations for commercial or industrial activities, and consistency with Memphis 3.0. A planned development should not be functioned to place an intensive use in a district where that use would otherwise be prohibited.
4. The proposed planned development does not demonstrate that it would produce a higher quality environment beyond those achievable under current conventional zoning. Other than the truck stop / gas station, residential and commercial developments are permitted by the current zoning. The commercial shopping plaza is already allowed per the existing CMU-2 zoning district, and the single-family detached houses are permitted use in RU-3 by subdividing the lots. The principal benefit of the request appears to be the introduction of a truck stop.
5. Also, according to the UDC, while reviewing a Special Use Permit application for convenience stores with gas pumps or gas stations in CMU-2 district, the Land Use Control Board and governing body must consider the proposed facility's proximity to other gas stations and convenience stores with gas pumps, as well as to single-family residential zoning districts. See page 7 of this report that demonstrates the proximity to the single-family residential in the vicinity. Note that a planned development is approved through the issuance of a special use permit to allow for flexible and creative land design.
6. The staff received three letters of opposition, see pages 35-36 of this report.
7. 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.

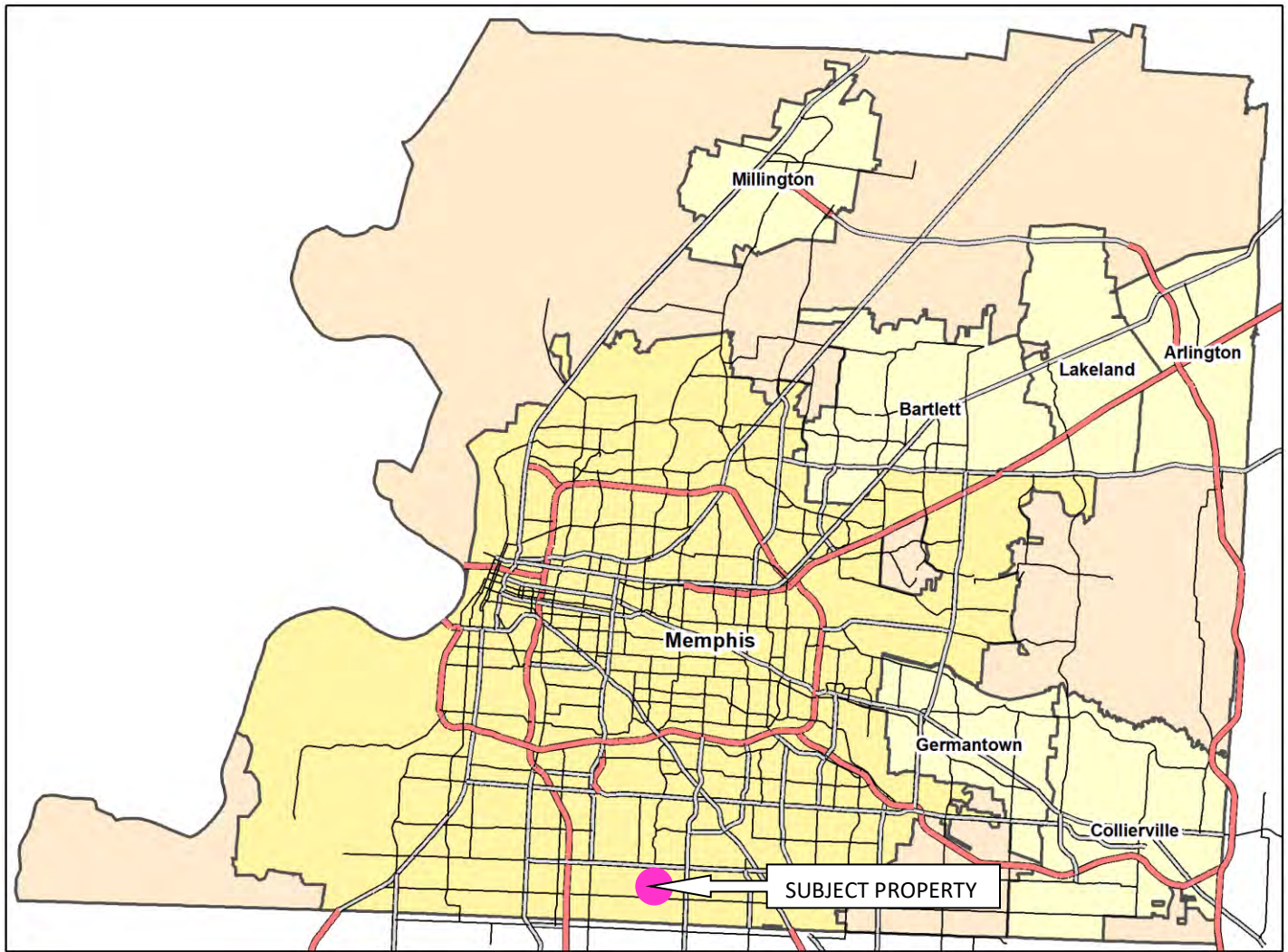
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

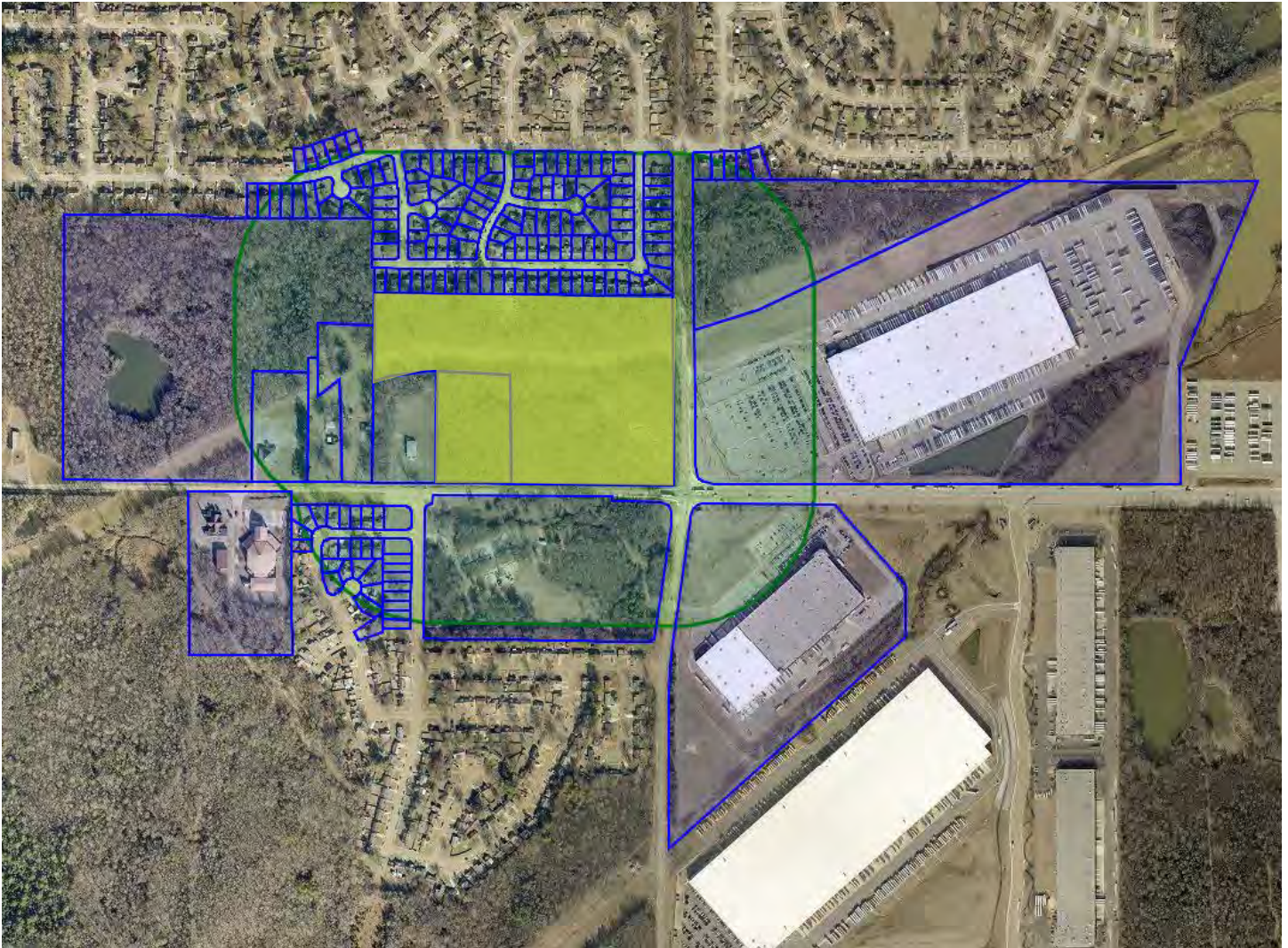
Rejection

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

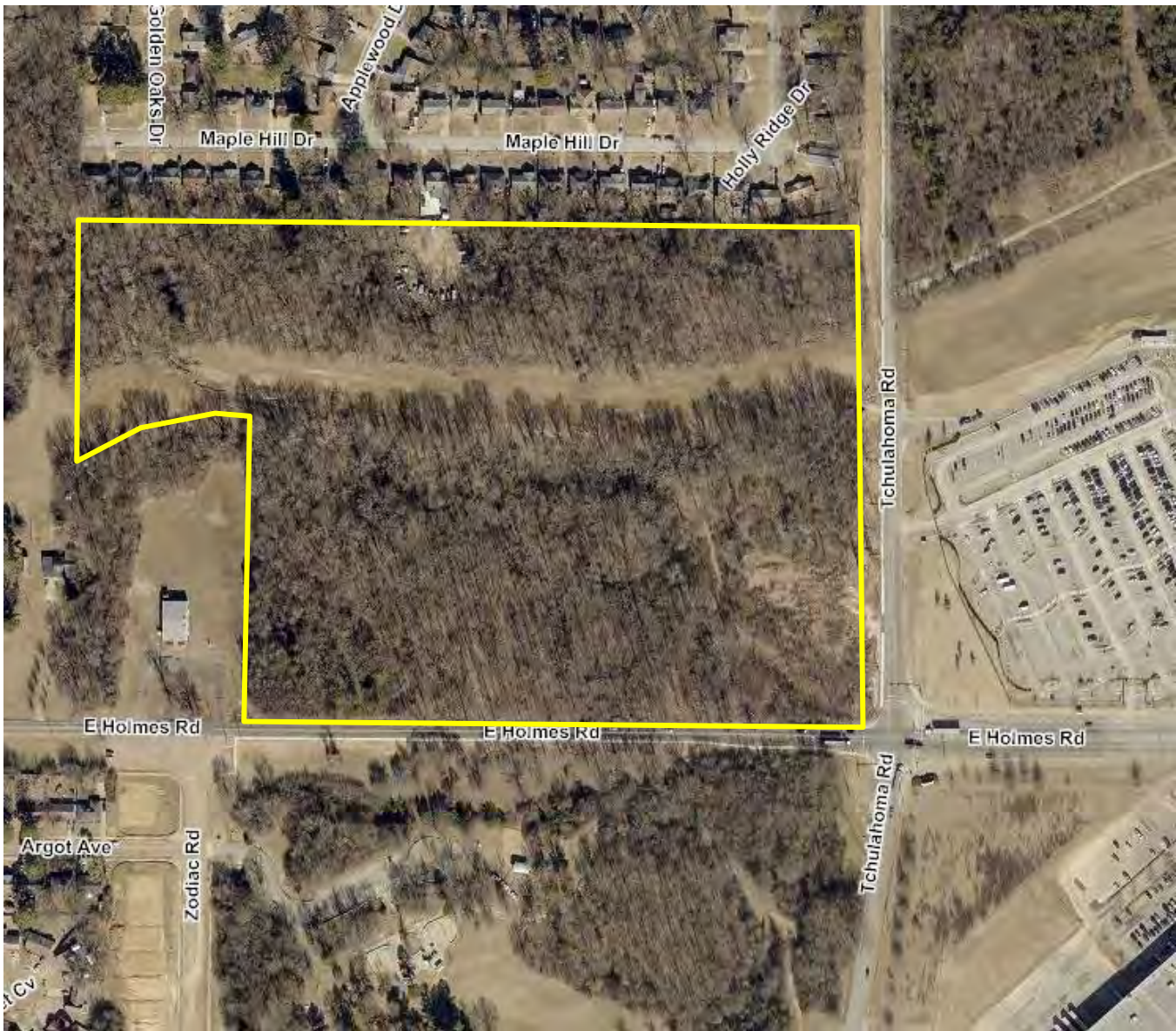
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 166 notices were mailed on June 16, 2026, see page 26 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see pages 27-28 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

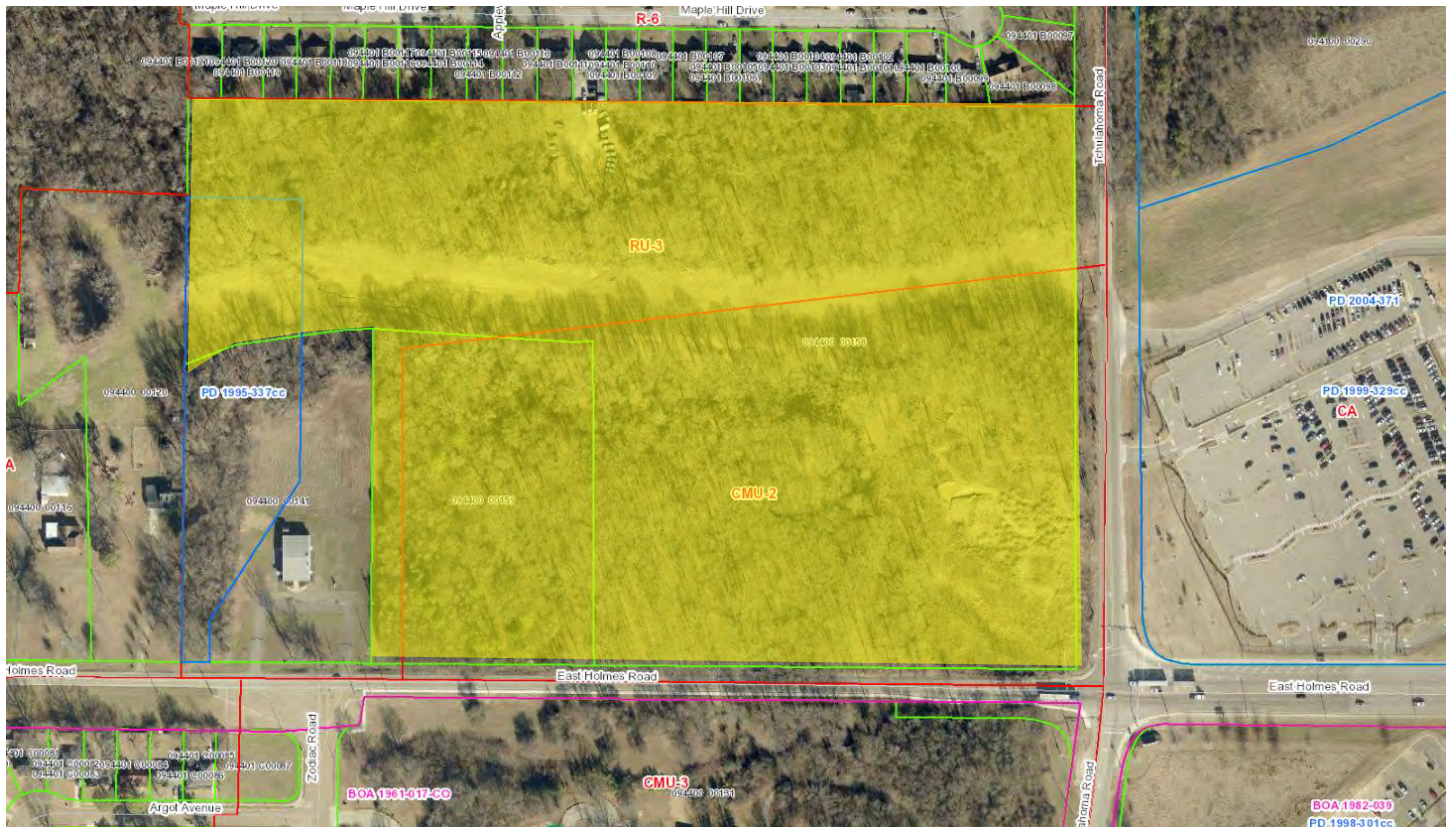
The meeting was held at 5:00 PM on Tuesday, June 23, 2026, at the Whitehaven Branch Library, 4120 Millbranch Road.

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property highlighted in yellow

The map displays a residential neighborhood with various streets including Jackson Pitt Rd, Meadowfair Rd, Larkwood Cv, Cedar View Rd, Greenbranch Dr, Eastfield Cv, Morningview Dr, Golden Oaks Dr, Applewood Cv, Maple Hill Dr, E Holmes Rd, Argott Ave, Comet Cv, Sunrise Dr, Zodiac Rd, Aquarius Ave, Rendezvous Ln, Sputnik Dr, Cosmos Dr, Skyway Ave, and Tehulahoma Rd. The land use is color-coded: yellow for single-family, blue for multi-family, and pink for industrial. A pink star is placed on E Holmes Rd, north of the intersection with Tehulahoma Rd. A legend box is open on the left side of the map, showing categories for Roads, Land Use, and LandUse with corresponding color swatches.

Legend

Roads

Land Use

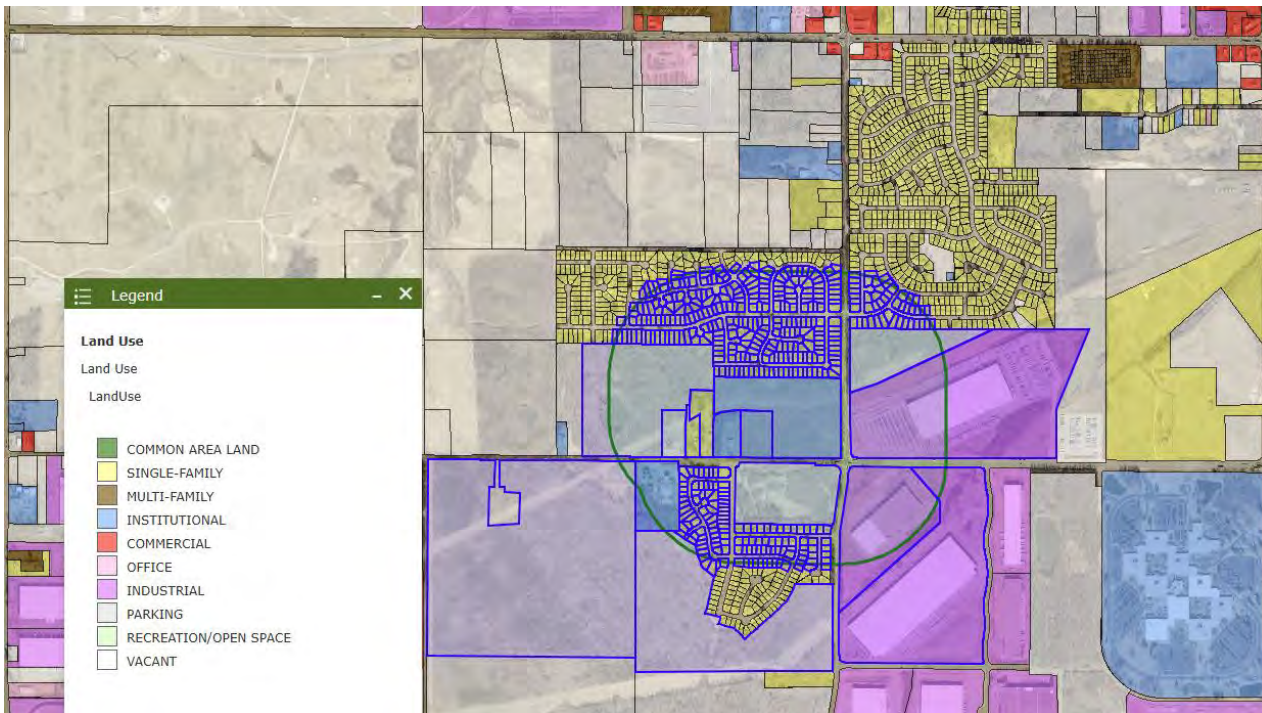
Land Use

LandUse

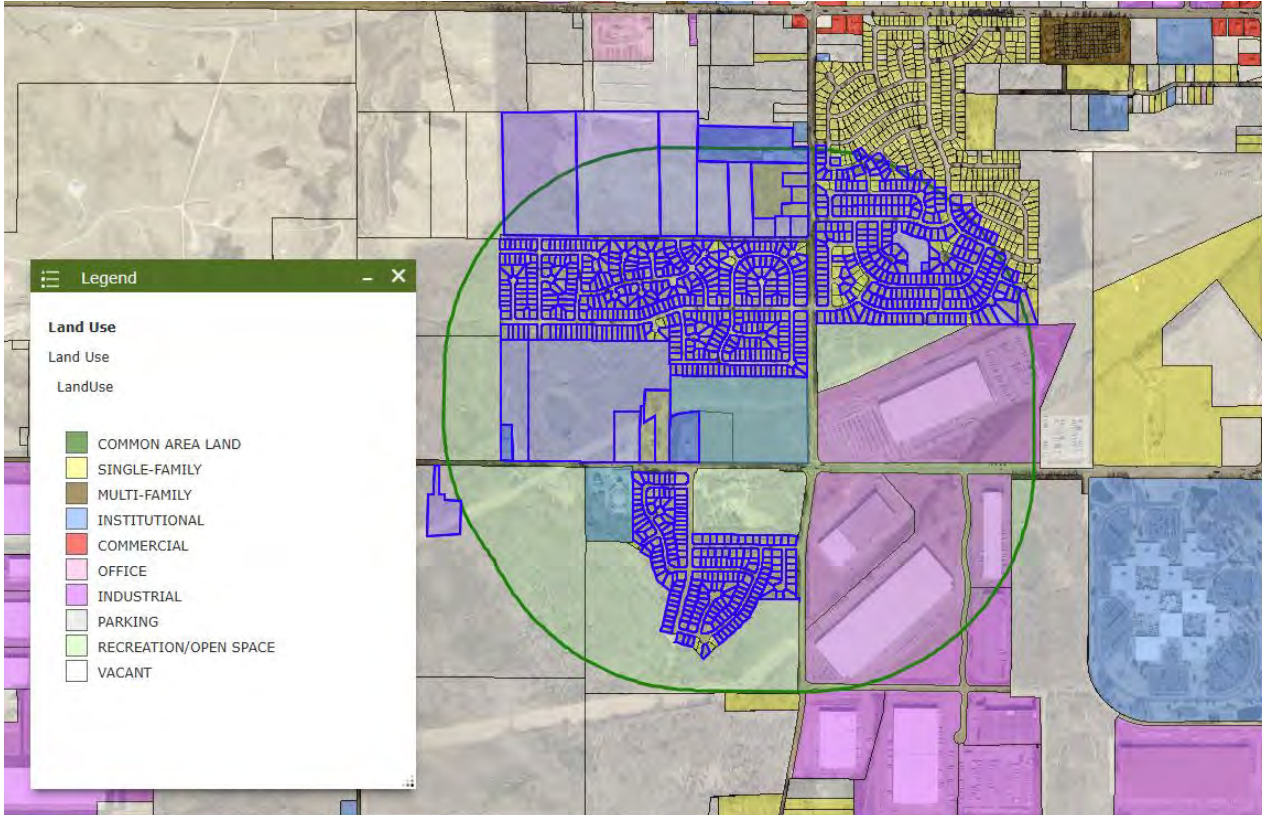
- COMMON AREA LAND
- SINGLE-FAMILY
- MULTI-FAMILY
- INSTITUTIONAL
- COMMERCIAL
- OFFICE
- INDUSTRIAL
- PARKING
- RECREATION/OPEN SPACE
- VACANT

6

LAND USE WITHIN QUARTER MILE (1/4) & HALF MILE (1/2)



Quarter mile (1/4) radius of the subject property highlighted in green



Half mile (1/2) radius of the subject property highlighted in green

SITE PHOTOS



View of subject property from East Holmes Rd and Tchulahoma Rd looking northwest



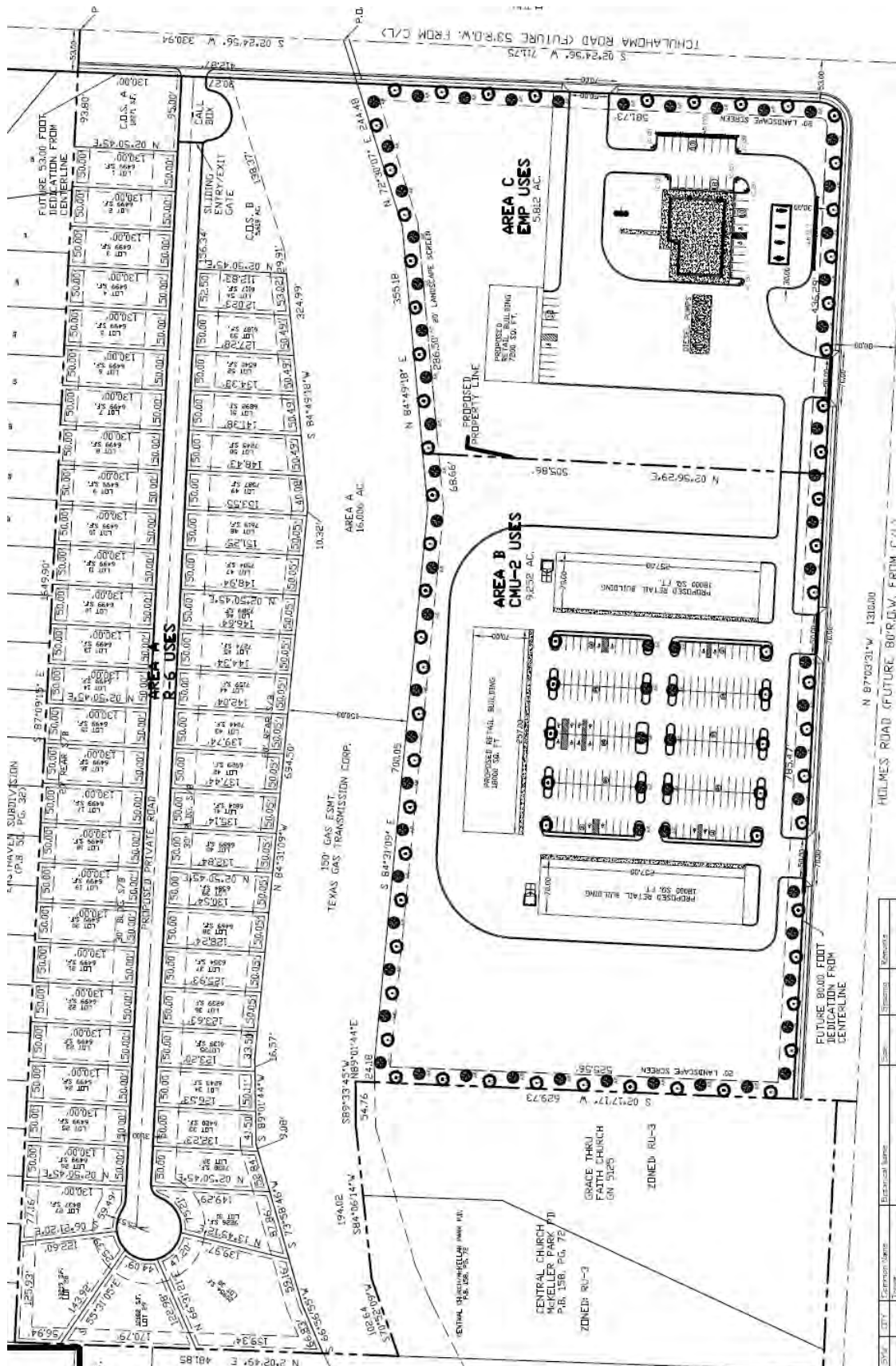
View of subject property from E Holmes Rd looking northeast



View of subject property from Tchulahoma Rd looking southeast

[illegible]

CONCEPT PLAN – MAGNIFIED



CASE REVIEW

Request

The request is a mixed-use planned development to allow uses in conjunction with R-6 (residential / single-family), CMU-2 (commercial), and EMP (industrial /truck stop) zoning.

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.*

Residential Criteria

Staff disagrees 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.

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:

3260 & 0 Holmes Rd

Parcel ID:

094400 00158 and 094400 00159

Area:

+/-34.78 acres

Description:

The subject is known as part of the PT Central Church/ McKellar Park PD (PD 95-337 CC) with underlying zoning of Residential Urban – 3 (RU-3), Commercial Mixed Use – 2 (CMU-2) & Employment (EMP). Per the Assessor's website, the subject property is vacant. A 150-foot gas easement crosses the subject property, and overhead power lines run along Tchulahoma Road.

Site Zoning History

The applicant previously submitted a rezoning from CMU-2 to EMP application (Z 2025-007) at the subject property and withdrawn it before the LUCB meeting.

Concept Plan Review

The proposed plan for mixed-use planned development includes Area A of +/-16.006 acres for residential use, Area B of +/-9.252 acres for commercial use, and Area C of +/-5.812 acres for industrial use (truck stop).

Analysis

The applicant is requesting a mixed-used planned development to allow uses in conjunction with R-6 (residential / single-family), CMU-2 (commercial), and EMP (industrial /truck stop) zoning.

The subject property is currently vacant, and the underlying zoning is RU-1 and CMU-2. The proposed residential and commercial uses for Area A and B are allowed by right. However, the proposed use for Area C, truck stop and convenience store with gas pumps are not allowed in CMU-2 zoning district.

According to the UDC, the intent of planned development includes higher-quality environmental design, preservation of natural features, efficient traffic circulation, rational development in relation to public services, appropriate locations for commercial or industrial activities, and consistency with Memphis 3.0. A planned development should not be functioned to place an intensive use in a district where that use would otherwise be prohibited. The proposed planned development does not demonstrate that it would produce a higher quality environment beyond those achievable under current conventional zoning. Other than the truck stop / gas station, residential and commercial developments are permitted by the current zoning. The commercial shopping plaza is already allowed per the existing CMU-2 zoning district, and the single-family detached houses are permitted use in RU-3 by subdividing the lots. While other considerations may apply, the primary intent behind seeking a planned development designation appears to be allowing for a truck stop and convenience store with gas sales as that is the only use not currently permitted on the subject property that would be permitted within the planned development.

Also, according to the UDC, while reviewing a Special Use Permit application for convenience stores with gas pumps or gas stations in CMU-2 district, the Land Use Control Board and governing body must consider the proposed facility's proximity to other gas stations and convenience stores with gas pumps, as well as to single-family residential zoning districts. See page 7 of this report that demonstrates the proximity to the single-family residential in the vicinity. Note that a planned development is approved through the issuance of a special use permit to allow for flexible and creative land design.

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

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

RECOMMENDATION

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

Outline Plan Conditions

- I. USES PERMITTED:
 - A. AREA A - R-6
 - AREA B - CMU-2
 - AREA C – CMU-2 with following exception:
 - a. Convenience store with gas pumps
 - b. Truck Stop without tractor trailer parking

II. BULK REGULATIONS:

- A. AREA A - The bulk regulations of the R-6 zoning district shall apply.
- B. AREA B - The bulk regulations of the CMU-2 zoning district shall apply.
- C. AREA C - The bulk regulations of the CMU-2 zoning district shall apply.

III. ACCESS AND CIRCULATION:

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

IV. LANDSCAPING, SCREENING, AND LIGHTING:

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

V. Site Plan Review:

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

A. The Site plan shall include:

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

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

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

3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 4. Adequate access shall be provided to the site as determined by the City Engineer.
- VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VII. Any final plan shall include the following:
- A. The Outline Plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping,
 - D. The number of parking spaces
 - E. The location and ownership, whether public or private, of any easement.
 - F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

DEPARTMENTAL COMMENTS

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

City Engineer:

CITY ENGINEERING COMMENTS TRC: 25 June 2026 & LUCB: 9 JUL 2026 DATE: 1 July 2026

CASE 1: PD 2026-004

NAME: 3260 Holmes Rd.

Basin/Lot/CD: Hurricane Creek 10-G/29.307 acres/District 3

Sewers:

1. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
2. A Sewer extension approximately 2100 LF is required to serve this development.
3. A sanitary sewer plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
4. All required design plans and potential traffic control plan must be 5. prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.
6. A Sewer Development fee is required per the City of Memphis Sewer Use Ordinance
7. The developer shall extend Sewer to serve upstream properties.

Roads:

1. 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.
2. 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 construction, reconstruction, or repair necessary to meet City standards.

Traffic Control Provisions:

3. 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.

CITY ENGINEERING COMMENTS TRC: 25 June 2026 & LUCB: 9 JUL 2026 DATE: 1 July 2026

4. 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.
5. 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
6. meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

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

Drainage:

1. 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.
2. 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.
3. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

CITY ENGINEERING COMMENTS TRC: 25 June 2026 & LUCB: 9 JUL 2026 DATE: 1 July 2026

4. 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.

5. 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.

Site Plan Notes:

1. The minimum sign setback from the street right-of-way shall be 15 feet. Any deviation from this requirement will require approval from the Zoning Administrator.

No other comments from City Engineering

City Fire Division:

1. All design and construction shall comply with the 2021 edition of the International Fire Code with local amendments and referenced standards.
2. Fire apparatus access shall comply with section 503.
3. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6.
4. Fire protection water supplies (including fire hydrants) shall comply with section 507.
5. 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.
6. IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.

7. A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services Department in their recommendation: **PD 2026-004**

Site Address/Location: 3260 HOLMES RD.

Overlay District/Historic District/Flood Zone: Not in an Overlay or Historic District nor Flood Zone

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

Street Type: Parkway

Applicant is requesting an allowance of uses in conjunction with R-6 (residential / single-family), CMU-2 (commercial), and EMP (industrial / truck stop) zoning for a new mixed-use planned development.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



"CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

"CSL" Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant; EMP

Adjacent Land Use and Zoning: Vacant; Industrial; RU-3, CMU-2, CA, CMU-3

Overall Compatibility: *The proposed Planned Development is NOT compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning of Low Intensity Commercial and Service (CSL). CSL is compatible with the proposed mix of R-6 and CMU-2 uses, which support neighborhood-serving residential and commercial development. However, the proposed truck stop component is not compatible with the description and intent of the CSL designation, as detailed below.*

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

Applicant is requesting an allowance of uses in conjunction with R-6 (residential / single-family), CMU-2 (commercial), and EMP (industrial / truck stop) zoning for a new mixed-use planned development.

The proposed Planned Development is NOT compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning of Low Intensity Commercial and Service (CSL). CSL is compatible with the proposed mix of R-6 and CMU-2 uses, which support neighborhood-serving residential and commercial development. However, the proposed truck stop component is not compatible with the description and intent of the CSL designation, as detailed below.

Based on the information provided, the proposal is NOT 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, July 1, 2026 at 8 AM.**

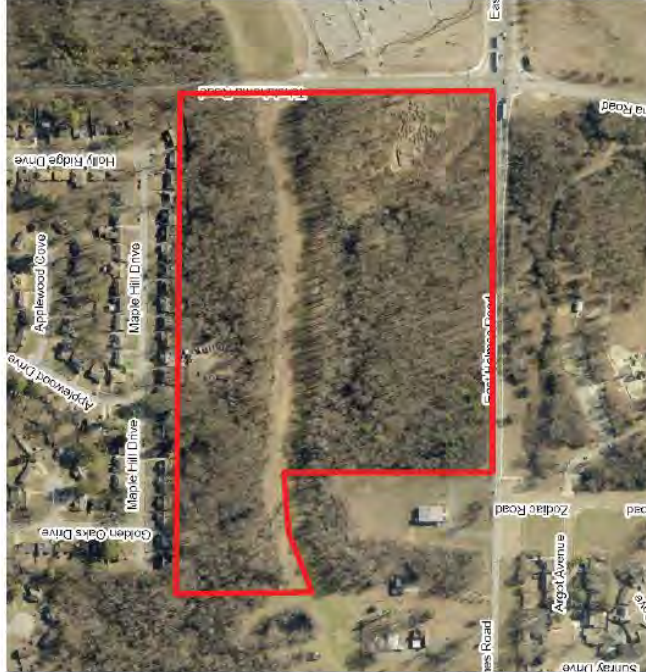
CASE NUMBER: PD 2026-004
ADDRESS: 3260 Holmes Rd.
REQUEST: Mixed-use Planned Development: Residential, Commercial and Industrial uses
APPLICANT: New Development LLC

Meeting Details
Location: Council Chambers
City Hall 1st Floor
125 N Main St.
Time: 9:00 AM
Date: Thursday, July 9, 2026

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.

166 Notices Mailed 06/16/2026

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, FASIL KEBEDE, being duly sworn, depose and say that at 11:30 am/pm
on the 23rd day of June, 2026, I posted 2 Public Notice Sign(s)
pertaining to Case No. 2026-004 at 3260 Holmes Road – Parcel # 094400 00158,
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.

Fasil Kebede
Owner, Applicant or Representative

06-23-2026
Date

Subscribed and sworn to before me this 23 day of June, 2026.

Notary Public

My commission expires: 1-3-2028





APPLICATION



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

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

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Additional Info Required

Opened Date: April 10, 2026

Record Number: PD 2026-004

Expiration Date:

Record Name: Holmes Tchulahoma Planned Development

Description of Work: 35 acre planned development with R-6, CMU-2, and EMP uses

Parent Record Number:

Address:

3260 HOLMES RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y NEW DEVELOPMENT LLC

Owner Address

3264 W SARAZENS CIR, MEMPHIS, TN 38125

Owner Phone

Parcel Information

094400 00158

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Nira Nabanita

Date of Meeting

03/04/2026

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

Previous Docket / Case Number

Z 2025-007

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

n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

Proposed uses are compatible with surrounding development patterns

UDC Sub-Section 9.6.9B

Proposed layout is compatible with surrounding areas with R-6 uses adjacent to existing R-6. Commercial uses are south of a natural barrier - gas easement. EMP uses are on hard corner opposite similar uses.

UDC Sub-Section 9.6.9C

Adequate utilities are present at the site . Development will contribute to the widening of both Holmes and Tchulahoma.

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

This project will be compatible with surrounding areas.

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

Adequate utilities are available to the site. Site will have stormwater detention

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

Proposed site plan is compatible with existing development patterns.

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

HOA and POA will be required.

F) Lots of record are created with the recording

Agreed

GENERAL PROVISIONS

of a planned development final plan

GIS INFORMATION

Case Layer	PD95-337cc
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-2
State Route	-
Lot	-
Subdivision	PT CENTRAL CHURCH / MCKELLAR PARK P D
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name NEW DEVELOPMENT LLC	Contact Type APPLICANT
------------------------------------	----------------------------------

Address
3264 W SARAZENS CIR, MEMPHIS, TN, MEMPHIS, TN, 38125

Phone
(901)487-2425

Name THE BRAY FIRM	Contact Type ARCHITECT / ENGINEER / SURVEYOR
------------------------------	---

Address
2950 STAGE PLAZA NORTH,

Phone
(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1722257	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	04/10/2026
1722337	Planned Development - each additional or fractional acres above 5	30	3,000.00	INVOICED	0.00	04/13/2026
1722337	Credit Card Use Fee (.026 x fee)	1	117.00	INVOICED	0.00	04/13/2026
1722337	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	04/13/2026

Total Fee Invoiced: \$4,617.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$4,617.00	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.

ASIL KEBEDE [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 3260 HOLMES ROAD & B HOLMES
and further identified by Assessor's Parcel Number 094400 00158 & 00159
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 13 day of November in the year of 2025.

[Signature]
Signature of Notary Public



1-3-2028
My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

April 10, 2026

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

**RE: Planned Development request of the New Development LLC property
At 3260 Holmes Road – Parcel # 094400 00158 – Instrument # 18131603
Holmes Tchulahoma Planned Development
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached an application for a planned development on the above captioned property. The existing zoning of the property is RU-3 and CMU-2. This request would convert the RU-3 area to R-6 zoning compatible with the neighborhood to the north. A portion of the CMU-2 zoning area would remain with CMU-2 uses and the southeast corner of the site would change to EMP uses. A portion of the property was originally filed as a zoning request as Z 2025-007. The applicants have held two neighborhood meeting to work on a plan that would bring the neighbors a plan they can support.

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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



2027-24-OAKHAVEN COMMUNITY- Tchulahoma Holmes Road

From Joyce Adams <jussjoyce@yahoo.com>

Date Tue 6/9/2026 2:35 AM

To Nira, Nabanita <Nabanita.Nira@memphistn.gov>; Walker, Pearl <Pearl.Walker@memphistn.gov>; Cooper-Sutton, Yolanda <Yolanda.CooperSutton@memphistn.gov>; Smiley, Jr., JB <JB.SmileyJr@memphistn.gov>; White, Janika <Janika.White@memphistn.gov>; Swearengen Washington, Jana <Jana.Swearengen-Wash@memphistn.gov>; Carlisle, Chase <Chase.Carlisle@memphistn.gov>; Easter-Thomas, Michalyn <Michalyn.Easter-Thomas@memphistn.gov>; Green, Jerri <Jerri.Green@memphistn.gov>; Warren, Dr., Jeff <Jeff.Warren@memphistn.gov>; Logan, Rhonda <Rhonda.Logan@memphistn.gov>; Ford, Edmund <Edmund.Fordjr@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.

It has been brought to my attention that that this hearing is scheduled to be heard on June 23.

This group has failed to meet with the community to show new updates of the project that was shared with the community in December 2025.

We DO NOT want a gas station and another warehouse in this area!!!

This is still a residential community and we refused to be treated with disrespect from developers that do not care!

Regards,
Joyce Adams
Whitehaven Hills East Neighborhood Group
901-859-9636



PD 2026-004: Oakhaven/Parkway Village - Update Requested

From KAREN BELL <kbell112@comcast.net>
Date Tue 6/9/2026 8:51 AM
To Nira, Nabanita <Nabanita.Nira@memphistn.gov>
Cc Walker, Pearl <Pearl.Walker@memphistn.gov>; Tchulahoma Corridor <tchulahomacorridorwatch@gmail.com>

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.

Good Morning! Ms. Nira (Staff Planner)

In reference to **PD 2026-004: Oakhaven /Parkway Village**, (new development at Tchulahoma & Holmes Rd) a meeting to receive a project update has been requested by our Tchulahoma Corridor organization coordinator, Ms. Donald. This is a supporting request for the application to be stayed until a community meeting has been held and community feedback has been received.

Currently, this application is scheduled for LUCB review on Thursday, July 9th at 9:00 a.m.

Respectfully submitted,
Karen R. Bell

kbell112@comcast.net



Application

From Louise Newby <louisenewby72@gmail.com>
Date Tue 6/9/2026 11:32 AM
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.

I am Louise Newby, a resident of the Oakhaven neighborhood. I am requesting that the application for the new development at Tchulahoma and Holmes be held, until a new update meeting, with the community can be conducted. Thank You.



Memphis and Shelby County Division of Planning and Development

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

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

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Additional Info Required

Opened Date: April 10, 2026

Record Number: PD 2026-004

Expiration Date:

Record Name: Holmes Tchulahoma Planned Development

Description of Work: 35 acre planned development with R-6, CMU-2, and EMP uses

Parent Record Number:

Address:

3260 HOLMES RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y NEW DEVELOPMENT LLC

Owner Address

3264 W SARAZENS CIR, MEMPHIS, TN 38125

Owner Phone

Parcel Information

094400 00158

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Nira Nabanita

Date of Meeting

03/04/2026

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

Previous Docket / Case Number

Z 2025-007

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

n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

Proposed uses are compatible with surrounding development patterns

UDC Sub-Section 9.6.9B

Proposed layout is compatible with surrounding areas with R-6 uses adjacent to existing R-6.

Commercial uses are south of a natural barrier - gas easement. EMP uses are on hard corner opposite similar uses.

UDC Sub-Section 9.6.9C

Adequate utilities are present at the site .

Development will contribute to the widening of both Holmes and Tchulahoma.

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

This project will be compatible with surrounding areas.

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

Adequate utilities are available to the site. Site will have stormwater detention

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

Proposed site plan is compatible with existing development patterns.

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

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F) Lots of record are created with the recording

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of a planned development final plan

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Class	R
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Zoning	CMU-2
State Route	-
Lot	-
Subdivision	PT CENTRAL CHURCH / MCKELLAR PARK P D
Planned Development District	-
Wellhead Protection Overlay District	No
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information**Name**

NEW DEVELOPMENT LLC

Contact Type

APPLICANT

Address

3264 W SARAZENS CIR, MEMPHIS, TN, MEMPHIS, TN, 38125

Phone

(901)487-2425

Name

THE BRAY FIRM

Contact TypeARCHITECT / ENGINEER /
SURVEYOR**Address**

2950 STAGE PLAZA NORTH,

Phone

(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1722257	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	04/10/2026
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Total Balance: \$0.00

Payment Information**Payment Amount**

\$4,617.00

Method of Payment

Credit Card



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

April 10, 2026

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

**RE: Planned Development request of the New Development LLC property
At 3260 Holmes Road – Parcel # 094400 00158 – Instrument # 18131603
Holmes Tchulahoma Planned Development
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached an application for a planned development on the above captioned property. The existing zoning of the property is RU-3 and CMU-2. This request would convert the RU-3 area to R-6 zoning compatible with the neighborhood to the north. A portion of the CMU-2 zoning area would remain with CMU-2 uses and the southeast corner of the site would change to EMP uses. A portion of the property was originally filed as a zoning request as Z 2025-007. The applicants have held two neighborhood meeting to work on a plan that would bring the neighbors a plan they can support.

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

Sincerely,

David Gean Bray, P.E.

MEMPHIS 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, FASIL KEBEDE (Print Name) [Signature] (Sign Name), state that I have read the definition of

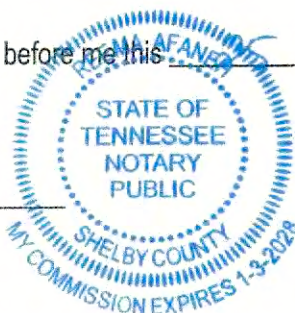
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- ☐ 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)

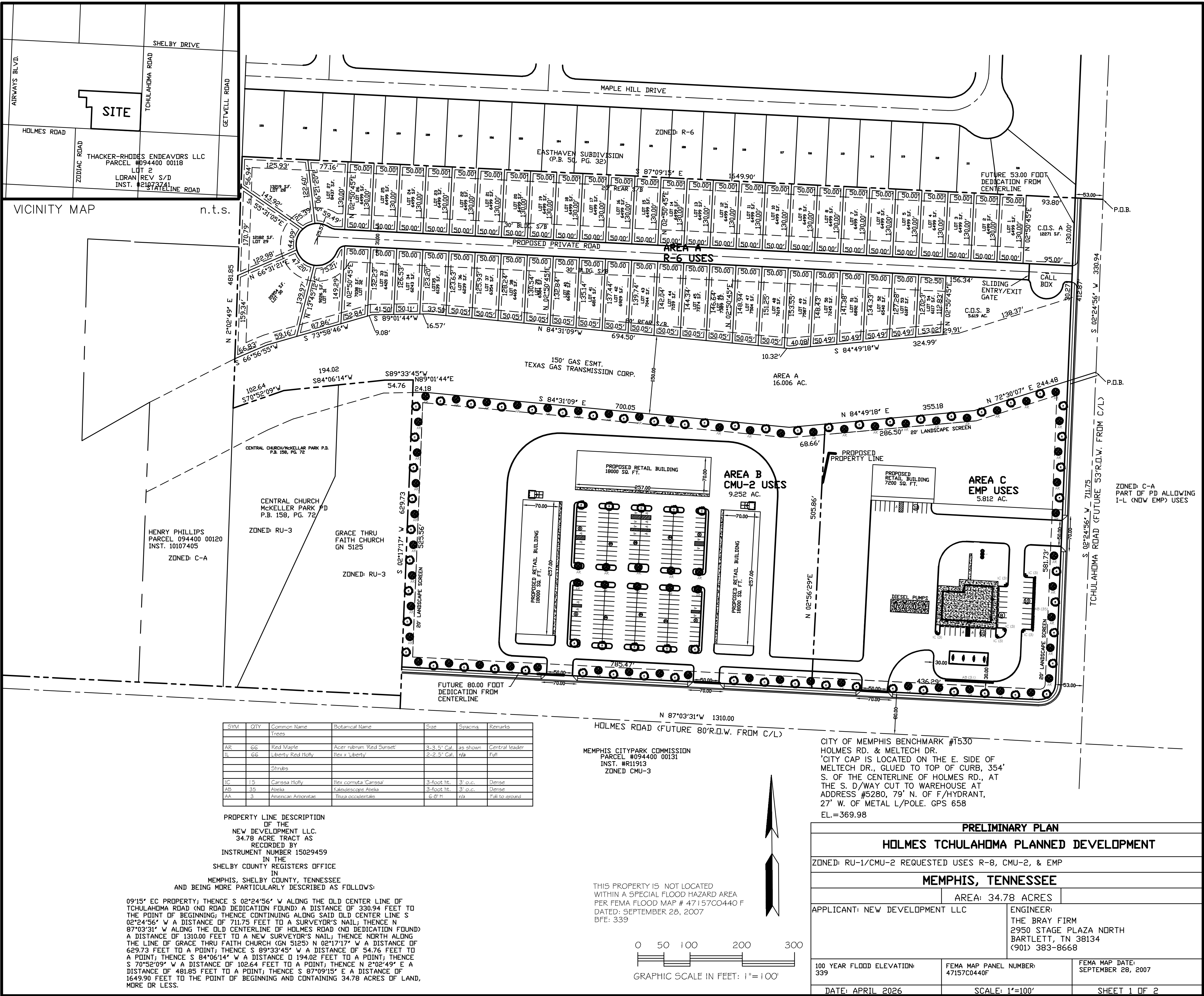
of the property located at 3260 HOLMES ROAD & O HOLMES
and further identified by Assessor's Parcel Number 094400 00158 1 00159
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 15 day of November in the year of 2025.

[Signature]
Signature of Notary Public



1-3-2028
My Commission Expires



OUTLINE PLAN CONDITIONS
SHELBY DRIVE DROP YARD PLANNED DEVELOPMENT

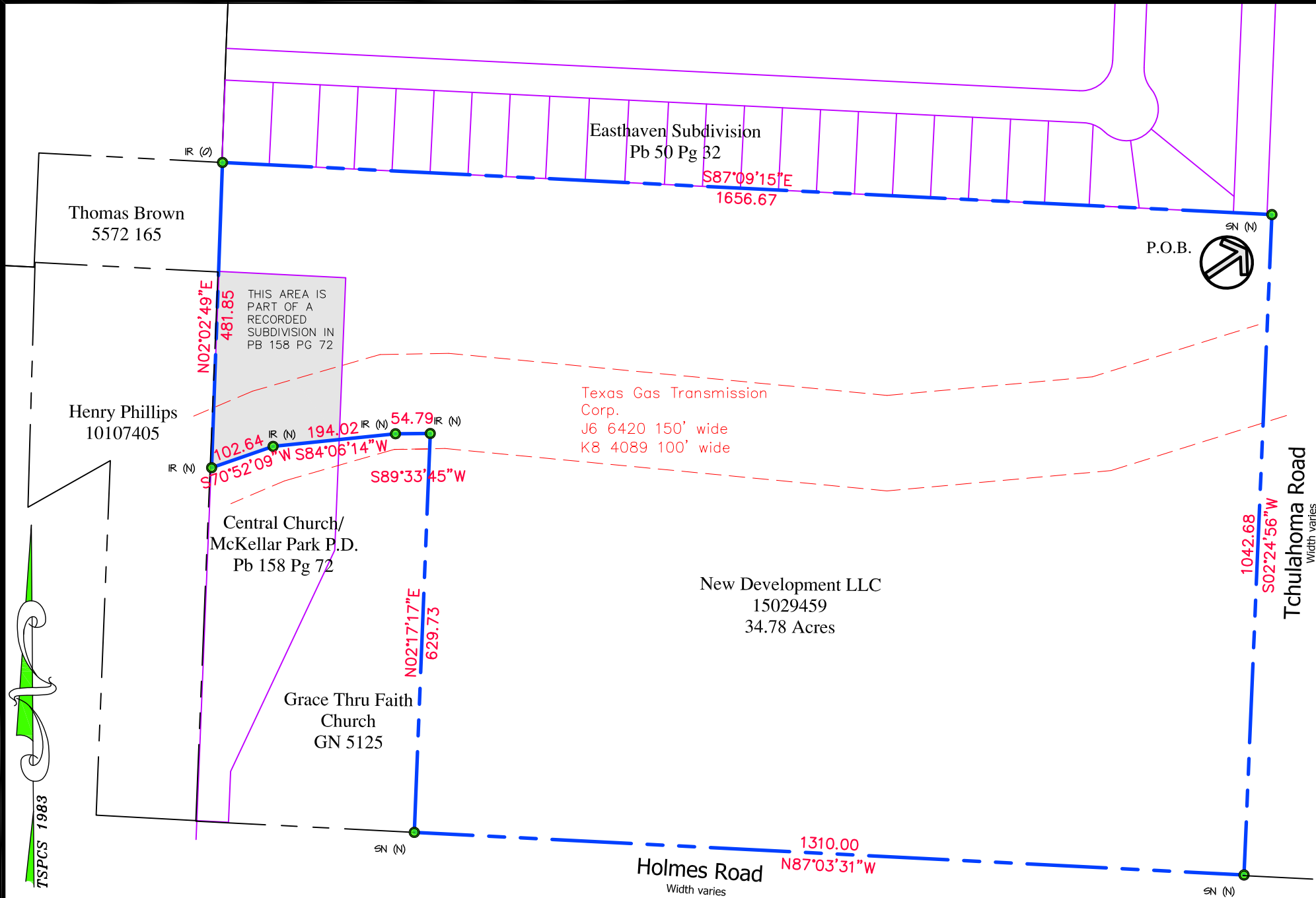
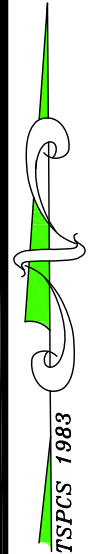
- I. USES PERMITTED:
- A. AREA A - R-6
AREA B - CMU-2
AREA C - EMP
- II. BULK REGULATIONS:
- A. AREA A - The bulk regulations of the R-6 zoning district shall apply.
B. AREA B - The bulk regulations of the CMU-2 zoning district shall apply.
B. AREA C - The bulk regulations of the EMP zoning district shall apply.
- III. ACCESS AND CIRCULATION:
- A. The City Engineer shall approve the design, number and location of curb cuts.
B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter and sidewalk.
C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.
- IV. LANDSCAPING, SCREENING, AND LIGHTING:
- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
B. Any dumpster or accessory buildings shall be compatible with the main building.
C. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
D. The required landscaping shall be exclusive of and in addition to any required easements.
E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
F. All light poles shall be limited to a maximum of 35 feet in height.
G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

- V. Site Plan Review:
- A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.
- A. The Site plan shall include:
1. The exact location and dimensions including height of all buildings.
2. The number, location, and dimensions of parking spaces within proposed structures / lots.
3. A detailed landscaping plan including the species and diameter of any new plants.
4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.
- B. The site plan shall be reviewed based on the following criteria:
1. Conformance with the Outline Plan Conditions.
2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
4. Adequate access shall be provided to the site as determined by the City Engineer.

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

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

PRELIMINARY PLAN		
HOLMES TCHULAHOMA PLANNED DEVELOPMENT		
ZONED: RU-1/CMU-2 REQUESTED USES R-8, CMU-2, & EMP		
MEMPHIS, TENNESSEE		
	AREA: 34.78 ACRES	
APPLICANT: NEW DEVELOPMENT LLC		ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668
100 YEAR FLOOD ELEVATION: 339	FEMA MAP PANEL NUMBER: 47157C0440F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: APRIL 2026	SCALE: NONE	SHEET 2 OF 2



METES AND BOUNDS:

Beginning a new surveyor's nail in Tchulahoma Road, nail being the southeast corner of Easthaven Subdivision (Pb 50 Pg 32) and the northeast corner of New Development LLC (15029459); thence S 02° 24' 56" W along the old center line of Tchulahoma Road (no road dedication found) a distance of 1042.68' to a new surveyor's nail; thence N 87° 03' 31" W along the old centerline of Holmes Road (no road dedication found) a distance of 1310.00' to a new surveyor's nail; thence north and west along the lines of Grace Thru Faith Church (GN 5125) with the following courses: (1) N 02° 17' 17" E a distance of 629.73' to a new capped #4 rebar; (2) S 89° 33' 45" W a distance of 54.79' to a new capped #4 rebar; (3) S 84° 06' 14" W a distance of 194.02' to a new capped #4 rebar; (4) S 70° 52' 09" W a distance of 102.64' to a new capped #4 rebar; thence N 02° 02' 49" E along the east line of Henry Phillips (10107405) an then Thomas Brown (5572 165) a distance of 481.85' to an old #4 rebar, the southwest corner of aforesaid Easthaven Subdivision; thence S 87° 09' 15" E along the south line of aforesaid Easthaven Subdivision a distance of 1656.67' to the point of beginning, containing 34.78 acres more or less.

PRELIMINARY
This is the final work product and is only marked as a preliminary due to requirements set forth by the Land Surveyor's Board (820-03-.06(3)). This is an electronic copy of the survey. It was sent as a courtesy to the receiptant. The official survey will contain a seal and signature, and should be the only media relied upon.

DESCRIPTIVE LOCATION OF PROPERTY:

This property is located on the northwest corner of the intersection of Holmes Road and Tchulahoma.

CERTIFICATE:

I CERTIFY TO: New Development LLC

I hereby certify that the precision of the measurements made meet, at a minimum, the precision standards required by applicable state law. This survey is in compliance with the current Tennessee minimum standards of practice, and meets the minimum requirements for a Category IV Survey. This survey is expression of professional opinion of Jack McAdoo, Jr., as a registered land surveyor in the State of Tennessee, based on the surveyor's best knowledge, information and belief and does not constitute a guarantee or warranty, either express or implied.

1. Survey prepared for person(s) or entities certified to.
2. Bearings are relative to the Tennessee Coordinate System of 1983.
3. The Land surveyor are not responsible for guaranteeing the discovery of all easements or other encumbrances on the property they survey. They are required by their professional standard of care to notify the client about items which a reasonable inspection of the property would disclose and to note hereon the existence of conditions related to easements or encumbrances.
4. The contents certified to are consistent with the services rendered as defined by the Agreement.
5. This certification doesn't include any data provided to the Surveyor by others.



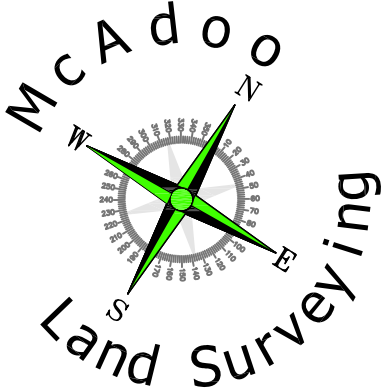
GPS NOTE:

For Boundary aspects of this survey: RTK GPS single vector positional data was observed on the date of the survey utilizing a Topcon GRX3 base and rover. The grid coordinates of the Fixed Station Shown were derived using a VRS solution of CORS stations referenced to TCS 83(2011), position (Epoch 2010.0) Transformed from IGS08 (epoch 2005.0) position in Aug 2011.
DATA for TN 45(one of the CORS stations used)
x = 30960.046 m
Y = -5211272.383 m
Z = 3665051.618 m
ellipsoid height = 64.142 m
velocity =
northward = 0.0013 m/yr
eastward = 0.0028 m/yr
upward = -0.0026 m/yr

Positional accuracy of the GPS vectors do not exceed: H 0.06', V 0.12' at 1-sigma.
Combined Grid Factor: 0.9999 at STATION

LEGEND:

- 4" WOOD POST
- FENCE
- 8"WP (O) OLD 8" WOOD POST
- IR (N) 1/2" REBAR WITH CAP
- TP (O) FOUND T-POST
- SN (N) NEW SURVEYOR'S NAIL
- IR (O) 1/2" REBAR FOUND
- E. EAST
- N. NORTH
- P.O.B. POINT OF BEGINNING
- S. SOUTH
- W. WEST



18165 Highway 64
Somerville, TN 38068
901-465-2235

Retracement Survey

New Development LLC

MEMPHIS, TENNESSEE
Holmes Road
District 2
DATE: November 3, 2025

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

JAMES H & BENNIE W HENRY
(INST NO X4 3223)
4.18 ACRES

THE CENTRAL
CHURCH, INC
36.07 ACRES
INSTRUMENT NO R1-2200

2.998 ACRES
MAXIMUM F.A.R. = 50
MAX BUILDING HEIGHT = 45 FEET
MAX COMMUNICATION TOWER HGT = 102 FEET

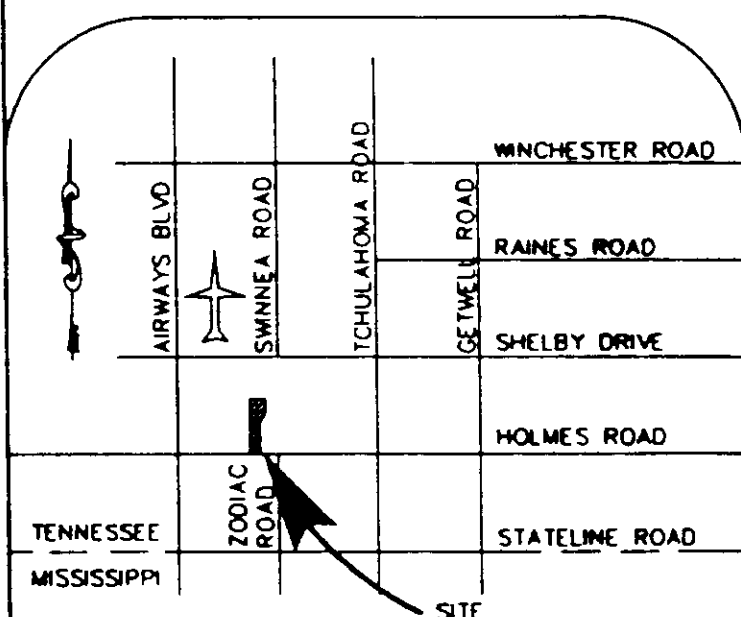
COMMON OPEN
SPACE
0.7242 ACRES

NOTE SEE
COMPOUND DETAILS
THIS SHEET

THE CENTRAL
CHURCH, INC
36.07 ACRES
INSTRUMENT NO R1-2200

4,008 S.F.
DEDICATED BY
THIS PLAT

SECTION "A"
WHITEHAVEN HILLS EAST SUBDIVISION
PLAT BOOK 49 PAGE 28

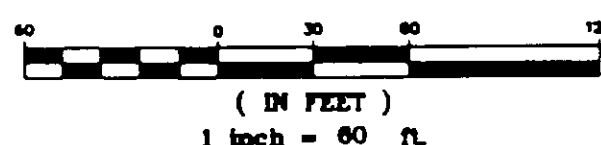


REQUIRED SIDEWALKS			
STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
PRIVATE DRIVE - NONE REQUIRED			

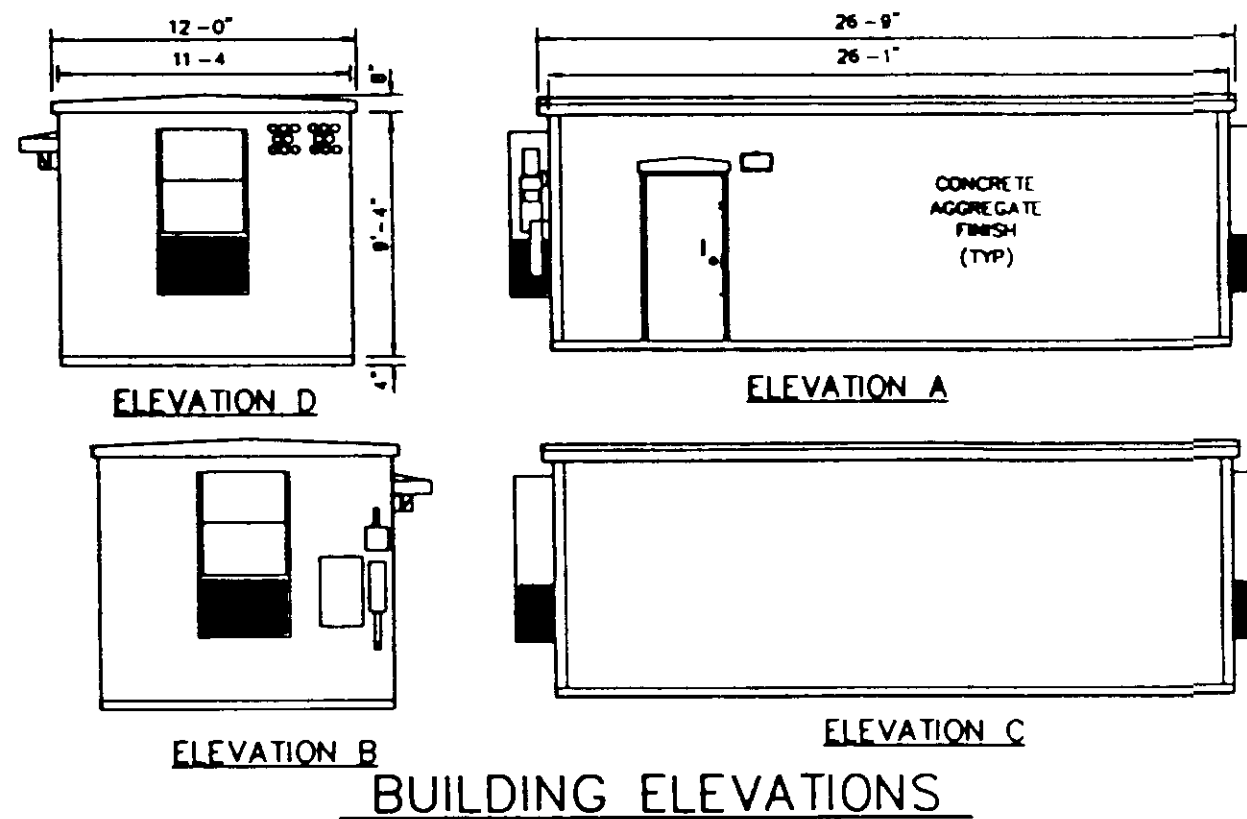
THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO THE USE AND OCCUPANCY OF THE STRUCTURE. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE THE LOT FRONTAGES PRIOR TO THE OCCUPANCY OF THE STRUCTURE.

NOTE
THE COMMON OPEN SPACE SHALL BE OWNED AND MAINTAINED
THE OWNER OF THIS 3.10 ACRE PROJECT

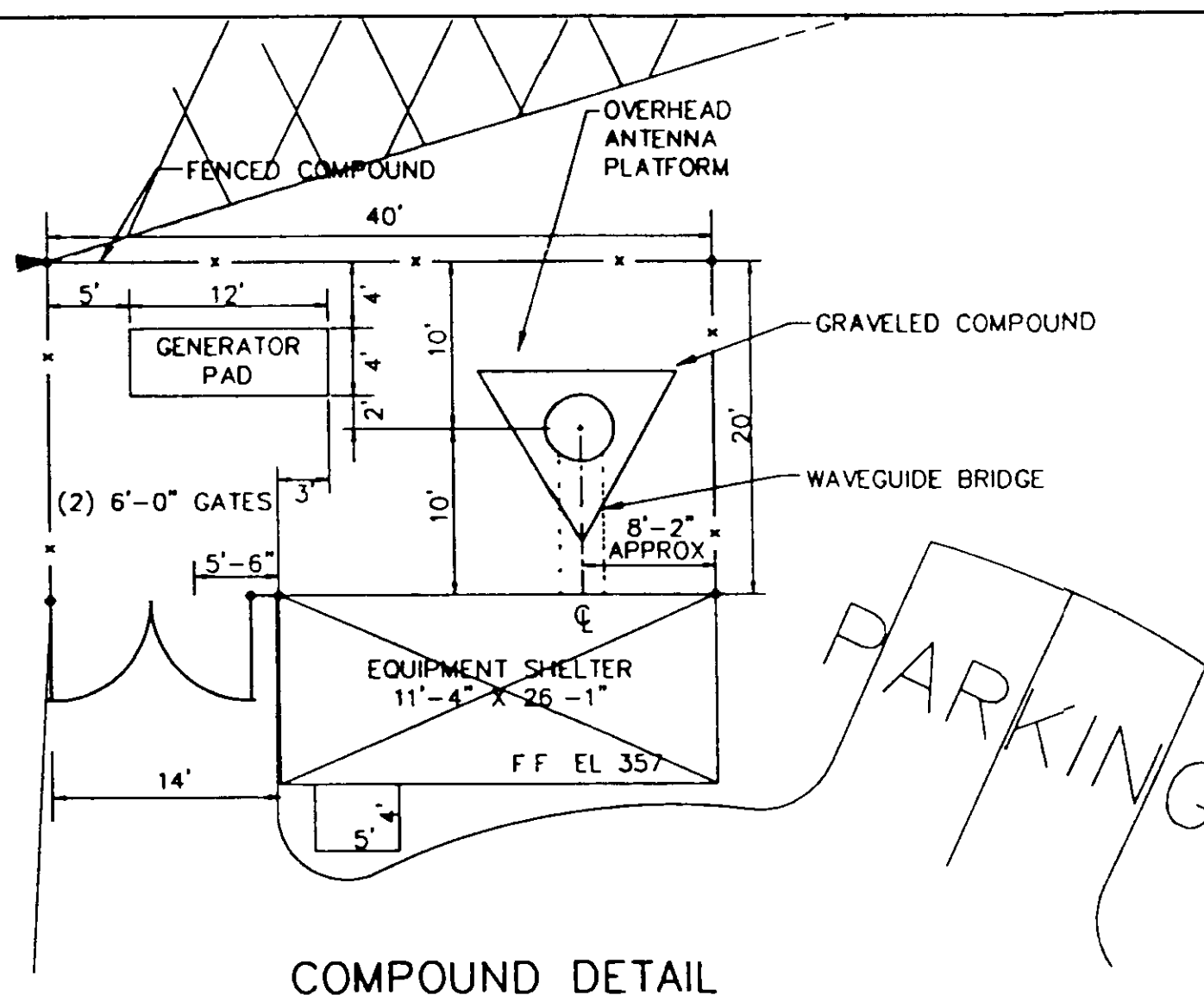
GRAPHIC SCALE



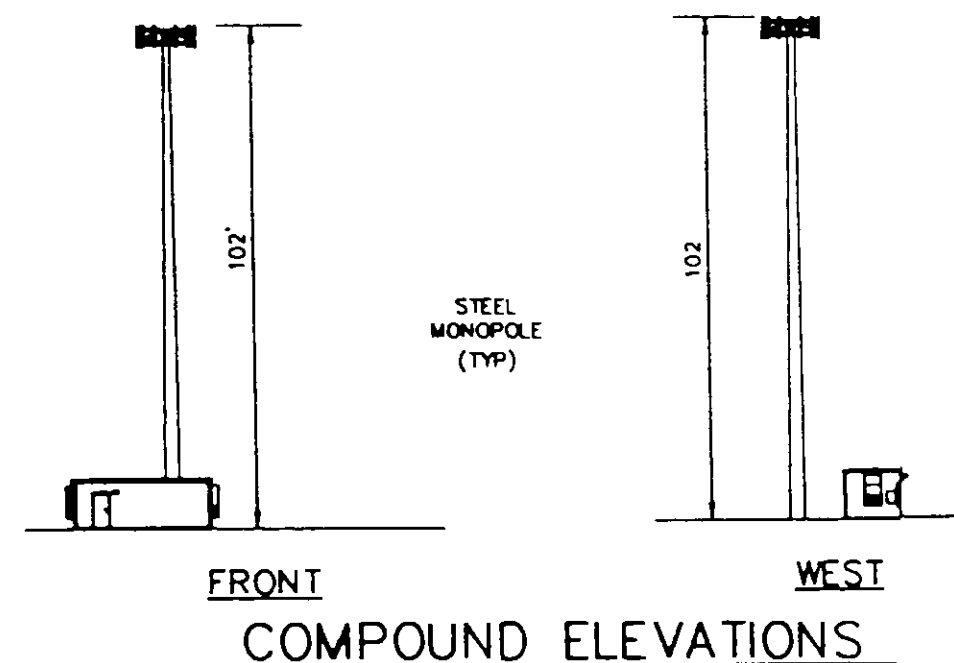
BEARINGS ARE RELATIVE TO ASTRONOMIC NORTH



BUILDING ELEVATIONS



COMPOUND DETAIL



FINAL PLAT
JUNE 1, 1996
PD 95-337 CC
CENTRAL CHURCH/McKELLAR PARK P.D.
2.998 ACRES
DISTRICT 02 BLOCK 52 PARCEL 115
SHELBY COUNTY, TENNESSEE

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS PER THE
FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP
(FIRM) COMMUNITY PANEL NUMBER 47157C0275 DATED DECEMBER 2, 1994

THE 100-YEAR FLOOD ELEVATION OF TENNILE CREEK (8,000'± TO THE NORTHEAST)
IS 337 FEET

ALL DEEDS, PLATS, EASEMENTS AND OTHER MATTERS OF RECORD ARE RECORDED
AT THE SHELBY COUNTY REGISTER'S OFFICE

DEVELOPER
GTE MOBILNET
6655 WINCHESTER ROAD
MEMPHIS, TENNESSEE 38115

PREPARED BY.



Planning-Architecture
Engineering Management
1750 Madison Avenue
Memphis, TN 38104
901-726-0810
FAX 901-272-6911

- I. USES PERMITTED
- A. THE FOLLOWING USES
1. LIGHT INDUSTRY
 2. MERCHANDISE SHOWROOMS INDOOR
 3. OFFICES BUT NOT SINGLE USE DEVELOPMENT WHICH CAN BE LOCATED IN OTHER ZONING CLASSIFICATIONS
 4. PUBLIC BUILDINGS
 5. RADIO OR TV STUDIOS INCLUDING COMMUNICATIONS TOWERS, OVER 65 FEET IN HEIGHT SUBJECT TO THE SPECIAL STANDARDS IN FOOTNOTE 1, CHART 1, SECTION 26, OF THE MEMPHIS AND SHELBY COUNTY ZONING REGULATIONS. ALL TOWERS SHALL BE DISMANTLED WITHIN 12 MONTHS OF ABANDONMENT
 6. RESEARCH LABORATORIES, BUT NOT OUTDOOR TESTING FACILITIES
 7. UTILITY STRUCTURES PROVIDING SERVICES WITHIN THE PARK, INCLUDING TELEPHONE SWITCHING CENTERS, ELECTRIC TRANSMISSION LINES, GAS PIPING, WATER PUMPING STATIONS, AND OTHER NECESSARY STRUCTURES
 8. VOCATIONAL SCHOOL OR TECHNICAL CENTERS
 9. WAREHOUSE USES, BUT NOT SINGLE USE DEVELOPMENTS WHICH CAN BE LOCATED IN OTHER ZONING CLASSIFICATIONS AND NOT INCLUDING DEAD VEHICLE STORAGE, TRUCKING COMPANIES AND MOVING STORAGE COMPANIES
 10. CHURCHES
- B. ANY OF THE FOLLOWING ACCESSORY USES LOCATED WITHIN ANY BUILDING PRIMARILY INTENDED TO SERVE EMPLOYEES AND VISITORS OF THE FACILITY
1. CAFETERIAS OR RESTAURANTS
 2. BANKS OR SIMILAR FINANCIAL INSTITUTIONS
 3. CHILD DAY CARE CENTERS SUBJECT TO THE SPECIAL STANDARDS IN SECTION 9.0.2.C. OF THE MEMPHIS AND SHELBY COUNTY ZONING ORDINANCE-REGULATIONS
 4. LIVING QUARTERS CUSTODIAN, CARETAKER OR WATCHMAN
 5. PERSONAL SERVICE ESTABLISHMENTS, INCLUDING HEALTH AND FITNESS CENTERS, PRIMARILY INTENDED TO SERVE OCCUPANTS OF PRINCIPAL BUSINESS AND RESEARCH USES
 6. RESTAURANTS BUT NOT DRIVE-IN RESTAURANTS
- II. BULK REGULATIONS
- THE BULK REGULATIONS SHALL COMPLY WITH THE FOLLOWING STANDARDS
- A. MINIMUM AREA REQUIREMENTS
1. THREE (3) CONTIGUOUS ACRES UNDER COMMON OWNERSHIP WITHIN THE PLANNED DEVELOPMENT. MEASUREMENT OF ACREAGE SHALL APPLY TO LAND WHICH IS CONTIGUOUS OR WOULD BE CONTIGUOUS EXCEPT FOR SEPARATION BY A PUBLIC RIGHT-OF-WAY OR RAILROAD RIGHT-OF-WAY
 2. INDIVIDUAL LOT OR BUILDING SITE WITHIN THE PLANNED DEVELOPMENT - ONE (1) ACRE
- B. MINIMUM YARD REQUIREMENTS
1. MINIMUM FRONT BUILDING SETBACK ABUTTING PUBLIC RIGHT-OF-WAY - 40 FEET
 2. MINIMUM FRONT BUILDING SETBACK ABUTTING INTERNAL DRIVE OR PRIVATE STREET - 15 FEET
 3. MINIMUM SIDE AND REAR BUILDING SETBACK ABUTTING PROPERTY ZONED OR USED FOR RESIDENTIAL PURPOSES - 25 FEET
 4. MINIMUM SIDE AND REAR BUILDING SETBACK ABUTTING PROPERTY ZONED OR USED FOR NON-RESIDENTIAL PURPOSES - 15 FEET
 5. COMMUNICATIONS TOWER SETBACKS - TOWER STRUCTURES SHALL BE SET BACK FROM ABUTTING RESIDENTIAL DISTRICT PARCELS, PUBLIC PROPERTY OR STREETS AS FOLLOWS. THE TOWER BASE SHALL BE SET BACK FROM ABUTTING RESIDENTIAL PARCELS OR PUBLIC PROPERTY OR STREET BY A DISTANCE OF 20 PERCENT OF THE TOWER HEIGHT OR THE DISTANCE BETWEEN THE TOWER BASE AND GUY WIRE ANCHORS WHICHEVER IS GREATER. AND FROM ABUTTING LAND IN OTHER DISTRICTS BY THE REAR YARD SETBACK REQUIRED IN THAT DISTRICT. GUY WIRE ANCHORS SHALL BE SET BACK 25 FEET FROM ABUTTING RESIDENTIAL PARCELS OR PUBLIC PROPERTY OR STREET AND THE REAR YARD SETBACK FROM ABUTTING LAND IN NON-RESIDENTIAL DISTRICTS
 6. MINIMUM FRONTAGE ON PUBLIC RIGHT-OF-WAY - 50 FEET
- C. HEIGHT LIMITS
1. EXCEPT AS PROVIDED IN SUBSECTIONS 2. AND 3. OF THIS SECTION - 45 FEET
 2. THE MAXIMUM HEIGHT LIMITATIONS IN SUBSECTION 1) OF THIS SECTION SHALL NOT APPLY TO HEATING AND VENTILATION EQUIPMENT, COMMUNICATION TOWERS OR UTILITY STRUCTURES. EXCEPT THAT NO STRUCTURE EXCEEDING 45 FEET EXCLUSIVE OF COMMUNICATIONS TOWERS AS PROVIDED FOR IN SUBSECTION 3) OF THIS SECTION SHALL BE LOCATED WITHIN 200 FEET OF ANY PROPERTY ZONED OR USED FOR A RESIDENTIAL PURPOSE
 3. THE MAXIMUM HEIGHT LIMITATIONS OF COMMUNICATIONS TOWERS SHALL NOT EXCEED 102 FEET SUBJECT TO MEETING THE FRONT, REAR AND SIDE SETBACK REQUIREMENTS OF SUBSECTION B.5. OF THIS SECTION
- D. MAXIMUM FLOOR AREA RATIO (FAR)
- THE TOTAL FAR OF ALL STRUCTURES SHALL NOT EXCEED 0.50
- III. ACCESS, PARKING AND CIRCULATION
- A. DEDICATE 80 FEET FROM THE CENTERLINE OF HOLMES ROAD PARKWAY AND IMPROVE IN ACCORDANCE WITH SUBDIVISION REGULATIONS. A FEE IN LIEU OF CONSTRUCTION MAY BE REQUIRED BY THE CITY/COUNTY
- B. THE DESIGN AND LOCATION OF CURB CUTS TO BE APPROVED BY THE CITY/COUNTY ENGINEER
- C. PERMIT ONE RIGHT-IN, RIGHT-OUT ONLY CURB CUT ALONG THE HOLMES ROAD PARKWAY FRONTAGE. FULL MOVEMENT ACCESS IS PERMITTED UNTIL SUCH TIME AS THE ROADWAY IS IMPROVED WITH A MEDIAN
- D. PROVIDE INTERNAL CIRCULATION BETWEEN ADJACENT PHASES, LOTS, AND SECTIONS. COMMON INGRESS/EGRESS EASEMENTS SHALL BE SHOWN ON THE FINAL PLATS
- E. ALL PRIVATE DRIVES/REAR SERVICE DRIVES SHALL BE CONSTRUCTED TO MEET PAYMENT REQUIREMENTS OF THE SUBDIVISION REGULATIONS. APPLICABLE CITY STANDARDS AND PROVIDE A MINIMUM WIDTH OF TWENTY-TWO FEET (22)/EIGHTEEN FEET (18)
- F. COMMUNICATIONS TOWER ACCESS DRIVES (14' WIDE) SHALL BE PAVED WITH ASPHALT OR CONCRETE WITHIN 40 FEET OF THE PUBLIC STREET RIGHT-OF-WAY
- G. PRIVATE DRIVE CUL-DE-SAC TURN-AROUNDS SHALL HAVE A MINIMUM PAVED DIAMETER OF 66 FEET IF THE CUL-DE-SAC EXCEEDS 300 FEET IN LENGTH THE TURN-AROUND SHALL HAVE A MINIMUM PAVED DIAMETER OF 80 FEET OR SHALL BE POSTED AS A "FIRE LANE" (REFERENCE SECTION 602.6.7 OF CITY FIRE CODE)
- H. PRIVATE DRIVE MEDIANS SHALL BE SET BACK A MINIMUM OF 10 FEET FROM THE PUBLIC RIGHT-OF-WAY LINE
- I. ADEQUATE QUEUING SPACES FOR 3 CARS (60 FEET) SHALL BE PROVIDED BETWEEN THE STREET RIGHT-OF-WAY LINE AND ANY PROPOSED GATE/GUARDHOUSE/CARDREADER
- J. THE LOCATION AND OPERATION OF ANY GATE SHALL BE APPROVED BY THE COUNTY FIRE DEPARTMENT AND CITY/COUNTY ENGINEERS
- K. INTERNAL CIRCULATION BETWEEN ALL PHASES IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS SHALL BE PROVIDED
- L. A MINIMUM OF TWO PARKING SPACES PER COMMUNICATIONS TOWER ACCESSORY BUILDING SHALL BE PROVIDED
- M. MINIMUM NUMBER OF OFF-STREET PARKING AND LOADING SPACES. SEE CHART 4 (REQUIRED PARKING AND QUEUING SPACES BY USE) AND CHART 5 (REQUIRED LOADING SPACES BY USE AND ZONING DISTRICT) FOLLOWING SECTION 28 OF THE MEMPHIS AND SHELBY COUNTY ZONING ORDINANCE-REGULATIONS
- N. LOCATION OF PARKING AREAS. OFF-STREET PARKING AREAS SHALL BE CONVENIENTLY ACCESSIBLE TO USES WITHIN THE PLANNED DEVELOPMENT. PARKING AREAS ARE STRONGLY DISCOURAGED WITHIN FRONT YARDS ADJACENT TO PUBLIC STREET RIGHT-OF-WAY
- O. A DISTINCTIVE MAIN GATEWAY ENTRANCE TO THE PLANNED DEVELOPMENT SHALL BE PROVIDED EXCLUDING SINGLE USE COMMUNICATION TOWER ACCESS DRIVES
- P. ACCESS TO THE PLANNED DEVELOPMENT SHALL BE DESIGNED TO DISCOURAGE OUTSIDE THROUGH TRAFFIC
- Q. TRAFFIC GENERATION BY OCCUPANTS AND USERS FROM THE PLANNED DEVELOPMENT SHALL NOT EXCEED TRAFFIC CAPACITY STANDARDS ESTABLISHED FOR THE ADJACENT ROAD NETWORK. A TRAFFIC IMPACT STUDY MAY BE REQUIRED TO DETERMINE WHETHER ROAD IMPROVEMENTS WILL BE REQUIRED
- R. SEPARATE CIRCULATION SYSTEMS SHALL BE PROVIDED EXCLUDING SINGLE USE COMMUNICATION TOWER SITES. TO AND FROM PUBLIC RIGHT-OF-WAY FOR PEDESTRIANS AND MOTOR VEHICLES THROUGHOUT THE PLANNED DEVELOPMENT TO PERMIT CONTINUOUS MOVEMENT BETWEEN ADJACENT PHASES AND SECTIONS WITHOUT SAID CIRCULATION BEING ROUTED ONTO THE ADJACENT PUBLIC RIGHT-OF-WAY

- I. PEDESTRIAN CIRCULATION. SIDEWALKS (PEDESTRIAN WAYS) SHALL BE PROVIDED ALONG ANY ROADWAYS THAT ARE SERVED BY BUS OR VAN POOL SERVICE AND BETWEEN BUILDINGS OR TO PARKING AREAS OR TRANSIT STOPS. THE PEDESTRIAN CIRCULATION SYSTEM AND ITS RELATED WALKWAYS SHALL BE SEPARATED WHENEVER FEASIBLE FROM THE VEHICULAR STREET SYSTEM IN ORDER TO PROTECT THE PUBLIC SAFETY AND PROVIDE SAFE AND CONVENIENT PEDESTRIAN ROUTES. EXCEPT WHERE TOPOGRAPHY MAKES IT IMPRACTICABLE SIDEWALKS SHALL BE APPROPRIATELY DESIGNED GRADED, CONSTRUCTED AND SURFACED TO BE READILY USABLE BY INDIVIDUALS IN WHEELCHAIRS. CURB RAMP SHALL BE INSTALLED AT ALL INTERSECTIONS AND DRIVEWAYS TO AID IN WHEELCHAIR ACCESS
2. AUTOMOBILE CIRCULATION. THE STREET CIRCULATION SYSTEM SERVING THE PLANNED DEVELOPMENT SHALL BE INTERNALLY ORIENTED
3. DELIVERY TRUCK CIRCULATION. TRUCK TRAFFIC AND ITS RELATED CIRCULATION SYSTEM SHALL BE SEPARATED WHENEVER FEASIBLE FROM AUTOMOBILE AND PEDESTRIAN CIRCULATION SYSTEMS. SEPARATE DELIVERY ENTRANCES AND CIRCULATION ROUTES SHALL BE CLEARLY IDENTIFIED WITH APPROPRIATE SIGNAGE
5. RURAL DESIGN CURB CUTS SHALL HAVE HEADWALLS CONSTRUCTED ON ACCESS DRIVES
- IV. OUTDOOR STORAGE
- A. OUTDOOR STORAGE AREAS MAY BE PERMITTED AS AN ACCESSORY USE ON AN INDIVIDUAL LOT WITHIN THE PLANNED DEVELOPMENT PROVIDED THAT SUCH STORAGE IS COMPLETELY SCREENED FROM ADJOINING USES WITHIN AND OUTSIDE THE PLANNED DEVELOPMENT AS WELL AS FROM PUBLIC RIGHTS-OF-WAY. THE SCREENING MUST BE EFFECTIVE AT THE TIME IT IS INSTALLED. EVEN IF PLANT MATERIALS ARE USED FOR ALL OR PART OF THE SCREENING. ACCESS THROUGH THE SCREENING FOR VEHICLES IS PERMITTED BUT IS LIMITED TO ONE 30-FOOT-WIDE LOCATION PER STREET FRONTAGE. NO OUTSIDE STORAGE AREAS SHALL BE PERMITTED WITHIN ANY REQUIRED SETBACK OR YARD. IN NO EVENT MAY THE AMOUNT OF LAND AREA DEVOTED TO OUTSIDE STORAGE EXCEED 20 PERCENT OF AN INDIVIDUAL LOT AREA
- V. SCREENING
- A. REFUSE CONTAINERS, DUMPSTERS, ROOFTOP AND OUTDOOR HVAC EQUIPMENT SHALL BE SCREENED WITH VEGETATION, FENCING OR BERRMS SO THEY ARE NOT VISIBLE FROM ANY STREET OR ADJACENT PROPERTY. BUILDINGS OR STRUCTURES ABUTTING A RESIDENTIAL ZONING DISTRICT OR USE SHALL ALSO BE APPROPRIATELY SCREENED VIA PERIMETER LANDSCAPING AS PROVIDED IN PARAGRAPH VI BELOW
- VI. LANDSCAPING REQUIREMENTS
- A. A LANDSCAPE SCREEN (A-1) OR EQUIVALENT ACCEPTABLE TO THE OFFICE OF PLANNING AND DEVELOPMENT SHALL BE PROVIDED AND MAINTAINED ALONG HOLMES ROAD FRONTAGE
- B. EXISTING ON-SITE VEGETATION SHALL BE PRESERVED TO THE MAXIMUM EXTENT PRACTICABLE
- C. WHERE A COMMUNICATIONS TOWER SITE ABUTS RESIDENTIAL PARCELS OR PUBLIC PROPERTY OR STREET THE COMPOUND PERIMETER SHALL BE LANDSCAPED AS FOLLOWS
1. FOR ALL TOWERS AT LEAST ONE ROW OF EVERGREEN SHRUBS CAPABLE OF FORMING A CONTINUOUS HEDGE AT LEAST FIVE (5) FEET IN HEIGHT WITHIN TWO YEARS OF PLANTING SHALL BE SPACED NOT MORE THAN FIVE FEET APART WITHIN TEN FEET OF THE COMPOUND PERIMETER
 2. FOR ALL TOWERS AT LEAST ONE ROW OF TREE "E" NOT LESS THAN 1-1/2 INCHES DIAMETER MEASURED FOUR FEET ABOVE GRADE AND SPACED NOT MORE THAN 20 FEET APART AND WITHIN 25 FEET OF THE COMPOUND PERIMETER
- D. LOT OWNERS ARE RESPONSIBLE FOR THE MAINTENANCE AND REPLACEMENT OF ALL FENCES, TREES, SHRUBS AND TURF LOCATED WITHIN THE LANDSCAPE SCREEN(S). DEAD PLANTS SHALL BE REPLACED IN-KIND WITH LIVE PLANTS. ANY PLANT SPECIES SUBSTITUTIONS REQUIRE THE APPROVAL OF THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT. REMOVAL OF LIVE PLANTS FROM THE SCREEN IS PROHIBITED
- E. A DETAILED LANDSCAPE PLANTING PLAN SHALL BE APPROVED BY THE OFFICE OF PLANNING AND DEVELOPMENT AS PART OF THE FINAL PLAT LETTER OF CONFORMANCE. FURTHER, NO EODD SHALL BE RELEASED WITHOUT THE EXPRESS WRITTEN CERTIFICATION BY THE OFFICE OF PLANNING AND DEVELOPMENT THAT THE DEVELOPMENT IS IN CONFORMANCE WITH THE APPROVED LANDSCAPE PLANTING PLAN
- F. A MINIMUM OF 300 SQUARE FEET OF REQUIRED LANDSCAPING FOR EVERY TWENTY (20) VEHICLES AND ONE (1) SHADE TREE (TREE "A") SHALL BE PLANTED FOR EVERY TWENTY (20) VEHICLES OR FRACTION THEREOF. A MINIMUM OF FIFTY (50) PERCENT OF THE REQUIRED PLANTING SHALL OCCUR WITHIN INTERIOR PLANTING ISLANDS OF AT LEAST 200 SQUARE FEET IN AREA
- VII. COMMON OPEN SPACE
- A. A MINIMUM 20 PERCENT OF THE GROSS LAND AREA OF THIS PLANNED DEVELOPMENT SHALL BE SET ASIDE AS COMMON OPEN SPACE TO PROVIDE FOR THE RECREATIONAL NEEDS OF EMPLOYEES AND VISITORS OF THE VARIOUS PERMITTED USES LISTED IN SECTION A. "GROSS LAND AREA" SHALL NOT INCLUDE PARKING AREAS, DRIVEWAYS, OR OTHER IMPERVIOUS SURFACES THAT ARE NOT USABLE FOR THE ACTIVITIES DESCRIBED IN SUBSECTION 3) BELOW
- C. REQUIRED OPEN SPACE SHALL BE USABLE FOR ACTIVE RECREATIONAL ACTIVITIES SUCH AS JOGGING, GOLF OR TENNIS OR PASSIVE RECREATIONAL USES, SUCH AS SITTING, SCENIC VIEWING OR LUNCH BREAKS. OPEN SPACE AREAS SHALL BE ATTRACTIVELY LANDSCAPED AND MAY CONTAIN WATER FEATURES, PARK BENCHES, GARDENS, PLANTING STRIPS, TRAILS, TENNIS COURTS OR OTHER RECREATIONAL OR LANDSCAPING AMENITIES
- D. OWNERSHIP AND MAINTENANCE OF COMMON ELEMENTS
1. COMMON ELEMENTS SUCH AS UNDEDICATED STREETS OR DRIVES, RECREATIONAL AND PARKING FACILITIES, OPEN SPACE AND SANITARY AND STORM SEWERS SHALL BE EITHER
 - a) MAINTAINED BY THE OWNER OF THE PLANNED DEVELOPMENT PURSUANT TO A MAINTENANCE AGREEMENT APPROVED BY THE CITY AND COUNTY ATTORNEY OR
 - b) CONVEYED TO AND MAINTAINED BY A COMMON OWNER OR PROPERTY OWNERS ASSOCIATION PURSUANT TO COVENANTS OR A MAINTENANCE AGREEMENT APPROVED BY THE CITY AND COUNTY ATTORNEY OR
 - c) CONVEYED TO A PUBLIC BODY IF SUCH PUBLIC BODY AGREES TO ACCEPT CONVEYANCE AND TO MAINTAIN THE OPEN SPACE AND ANY BUILDINGS, STRUCTURES OR IMPROVEMENTS LOCATED WITHIN IT
- E. IF COMMON ELEMENTS ARE TO BE MAINTAINED BY A PROPERTY OWNERS ASSOCIATION THE DEVELOPER SHALL ESTABLISH RESTRICTIVE COVENANTS FOR THE ENTIRE PROJECT AREA. THE RESTRICTIVE COVENANTS MUST BE SUBMITTED TO SHOW COMPLIANCE WITH THESE REGULATIONS, BUT WILL NOT BE REVIEWED AS TO FORM, LEGALITY OR METHODS OF ENFORCEMENT. THOSE COVENANTS MUST AS A MINIMUM
1. CREATE A PROPERTY OWNERS ASSOCIATION
 2. PROVIDE FOR THE MAINTENANCE OF INDIVIDUAL SITES
 3. COMMON AREAS, OPEN SPACES AND PRIVATE STREETS AND PROVIDE FOR MINIMUM DEVELOPMENT AND OPERATIONAL STANDARDS FOR EACH AND EVERY LOT AND STREET SERVING TO LOCAL ORDINANCES AND ESTABLISH UNIFORM LANDSCAPING, SIGNAGE, SITE DESIGN, PARKING AND LOADING STANDARDS. THE COVENANTS MAY INCLUDE ADDITIONAL RESTRICTIONS OR REQUIREMENTS AT THE DISCRETION OF THE DEVELOPER
- VIII. LIGHTING REQUIREMENTS
- A. LIGHTING SHALL BE PROVIDED IN ACCORDANCE WITH A PLAN DESIGNED BY THE APPROPRIATE UTILITY COMPANY
- B. LIGHTING FOR SAFETY SHALL BE PROVIDED AT INTERSECTIONS ALONG WALKWAYS, AT ENTRYWAYS, BETWEEN BUILDINGS, AND IN PARKING AREAS
- C. LIGHTING SHALL BE DIRECTED DOWNWARD OR SHIELDED TO AVOID HAZARDS TO DRIVERS OR CLARE ON ABUTTING RESIDENTIAL USES
- IX. UNDERGROUND UTILITY LINES
- A. ALL UTILITY LINES SUCH AS ELECTRIC, TELEPHONE, CABLE TELEVISION OR OTHER SIMILAR LINES SHALL BE INSTALLED UNDERGROUND. THIS REQUIREMENT APPLIES TO LINES SERVING INDIVIDUAL SITES AS WELL AS TO SECURITY AND STREET LIGHTING WITHIN THE PARK. HOWEVER, DISTRIBUTION LINES WHICH SERVICE THE ENTIRE SITE MAY BE LOCATED ABOVE GROUND, ALTHOUGH UNDERGROUND DISTRIBUTION LINES ARE STRONGLY ENCOURAGED. ALL UTILITY BOXES, TRANSFORMERS, METERS AND SIMILAR STRUCTURES MUST BE SCREENED FROM PUBLIC VIEW

- X. DRAINAGE
- A. PROVIDE DRAINAGE DATA FOR ASSESSMENT OF ON-SITE DETENTION REQUIREMENTS BY COUNTY ENGINEER'S OFFICE. ALL DRAINAGE PLANS ARE TO BE SUBMITTED TO COUNTY ENGINEER'S OFFICE FOR REVIEW. DRAINAGE IMPROVEMENTS MUST BE PROVIDED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS AND THE CITY OF MEMPHIS DRAINAGE DESIGN MANUAL
- B. ALL GRADING AND DRAINAGE PLANS SHALL SHOW A MINIMUM OF 100 FEET OF OFFSITE TOPO ON ALL SIDES IN ORDER TO DETERMINE THE EFFECT OF OFFSITE FEATURES ON THE SUBDIVISION UNDER REVIEW OR ITS EFFECT ON ADJACENT PROPERTIES
- C. PROPER EROSION CONTROL MEASURES MUST BE IN PLACE ONCE AFFECTED PROPERTY BEGINS AND REGULARLY MAINTAINED THROUGHOUT THE CONSTRUCTION PHASE UNTIL ALL AREAS ARE STABILIZED TO THE SATISFACTION OF THE SHELBY COUNTY ENGINEER AND THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
- D. ALL OFFSITE DRAINAGE OUTFALLS REQUIRE A LETTER FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION GRANTING PERMISSION TO ALLOW DISCHARGE OF CONCENTRATED FLOW ONTO PROPERTY AND TO PROVIDE TEMPORARY EROSION CONTROL MEASURES
- E. ALL DITCHES OUTSIDE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY PROPERTY OWNERS. A STATEMENT TO THIS EFFECT SHALL APPEAR ON THE FINAL PLANS
- F. ALL STORM DRAINAGE FACILITIES WITHIN THE LIMITS OF THE PROPERTY WILL BE PRIVATELY OWNED AND MAINTAINED UNLESS THESE FACILITIES CONVEY OFFSITE WATER FROM AN AREA LARGER THAN 2 ACRES (6 ACRES FOR 2 ACRE AND LARGER LOTS)
- XI. SIGNS
- A. THE GENERAL SIGN REGULATIONS OF SECTION 29 OF THE MEMPHIS AND SHELBY COUNTY ZONING ORDINANCE-REGULATIONS SHALL APPLY IN THIS PLANNED DEVELOPMENT, IN ADDITION TO THE FOLLOWING
1. THE MINIMUM SIGN SETBACK FROM ANY PROPERTY LINE SHALL BE 15 FEET
 2. ALL SIGNS SHALL BE EITHER
 - a) WALL SIGNS, OR
 - b) GROUND MOUNTED SIGNS NOT EXCEEDING SIX (6) FEET IN HEIGHT AND LANDSCAPED WITH AT LEAST TWO (2) EVERGREEN SHRUBS FOR EACH SIGN FACE
 3. MAXIMUM NUMBER ONE (1) GROUND SIGN AT EACH ENTRANCE TO THE PLANNED DEVELOPMENT ONE (1) ATTACHED WALL SIGN OR FREE-STANDING GROUND SIGN FOR INDIVIDUAL USES WITHIN THE PARK, AND ANY NUMBER OF DIRECTIONAL SIGNS OR SIGNS NEEDED TO IDENTIFY AREAS WITHIN THE PLANNED DEVELOPMENT OR AID IN THE SAFE AND EFFICIENT CIRCULATION OF TRAFFIC WITHIN THE PLANNED DEVELOPMENT. MAXIMUM GROSS SURFACE AREA OF INDIVIDUAL SIGNAGE - 80 SQUARE FEET
 5. THE FOLLOWING SIGN TYPES SHALL BE PROHIBITED WITHIN THE PLANNED DEVELOPMENT: ANIMATED SIGNS, PERMANENT OFF-PREMISE (BILLBOARD) SIGNS, POLE SIGNS, PORTABLE SIGNS, ROOF SIGNS, FLASHING SIGNS, BANNERS, STREAMERS AND BALLOONS
 6. A UNIFORM SIGN PLAN SHALL BE SUBMITTED AND APPROVED BY THE LAND USE CONTROL BOARD. THE UNIFORM SIGN PLAN SHALL SPECIFY CONSISTENT SIZES, MATERIALS AND COLORS OF SIGNS TO BE USED THROUGHOUT THE PROPERTY OR SHALL ESTABLISH A HIERARCHY OF DIFFERENT TYPES OF SIGNS CONSISTENT FOR ALL SIGNS IN EACH CATEGORY. THE DESIGN COLORS AND MATERIALS USED FOR SIGNS SHALL BE COMPATIBLE WITH THE BUILDINGS WHICH THE SIGNS SERVE
- XII. ARCHITECTURAL DESIGN GUIDELINES
- A. BUILDINGS WITHIN THE PLANNED DEVELOPMENT SHOULD CONFORM TO A UNIFORM ARCHITECTURAL STYLE
- B. METAL "SHED" TYPE WAREHOUSE BUILDINGS OR BRICK VENEER BUILDINGS ARE STRONGLY DISCOURAGED. NATURAL MATERIALS SUCH AS CONCRETE, WASHED AGGREGATE, BRICK, GRANITE OR WOOD ARE MORE COMPATIBLE WITH THE PURPOSES AND CHARACTER OF THIS PLANNED DEVELOPMENT
- C. THE ENTRANCE OR ENTRANCES TO THE PLANNED DEVELOPMENT SHOULD RECEIVE SPECIAL EMPHASIS IN DESIGN AND CONSTRUCTION. IT SHOULD SET THE TONE FOR THE DEVELOPMENT WITHIN AND SHOULD CREATE AN IDENTITY FOR THE PROJECT AT THE PROJECT STREET FRONTAGE. SPECIAL ATTENTION SHOULD BE PAID TO SIGNAGE, LANDSCAPING, STREET CONFIGURATION, FUTURE TRANSIT POTENTIAL AND TRAFFIC CIRCULATION. AT A MINIMUM, A DIVIDED STREET ENTRANCE MUST BE USED AT THE PRINCIPAL ENTRANCE TO THE SITE
- XIII. MODIFICATIONS OF II, III, IV AND VI
- THE LAND USE CONTROL BOARD MAY MODIFY THE STANDARDS SET HERETOFORE IN PARAGRAPHS II, III, IV AND VI IF EQUIVALENT ALTERNATIVES ARE PRESENTED

JUNE 1, 1996
FINAL PLAT
PD 95-337 CC
CENTRAL CHURCH/McKELLAR PARK P.D.
2.998 ACRES
DISTRICT 02 BLOCK 52 PARCEL 115
SHELBY COUNTY, TENNESSEE

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER 47157C0275 DATED DECEMBER 2, 1994

THE 100-YEAR FLOOD ELEVATION OF TENNILE CREEK (6,000 ± TO THE NORTHEAST) IS 337 FEET

DEVELOPER
GTE MOBIL NET
3100 WEST END AVENUE
SUITE 1100
NASHVILLE, TENNESSEE 37203

PREPARED BY:

Planning Architecture
Engineering Management
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Memphis TN 38104
901-726-0810
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XIV SITE PLAN REVIEW

- A A FINAL LOT LAYOUT (SITE) PLAN SHALL BE SUBMITTED FOR THE REVIEW COMMENT AND RECOMMENDATION OF THE OFFICE OF PLANNING AND DEVELOPMENT (OPD) AND APPROPRIATE CITY AND COUNTY AGENCIES SUBJECT TO THE APPROVAL OF THE OFFICE OF PLANNING AND DEVELOPMENT PRIOR TO CONSTRUCTION OF ANY NEW BUILDING(S) OR EXPANSION OF THE EXISTING BUILDINGS
- B THE SITE PLAN SHALL
- 1 ILLUSTRATE THE SIZE AND CONFIGURATION OF ALL BUILDINGS AND LOTS A DRAINAGE PLAN AND LANDSCAPE PLAN
 - 2 ILLUSTRATE THE LOCATION AND FEATURES OF ALL RECREATIONAL FACILITIES AND LIGHTING
 - 3 THE LOCATION AND SIZE OF ANY EXISTING OR PROPOSED SEPTIC TANK AND ASSOCIATED FIELD LINES
 - 4 INCLUDE ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE STAFF
- C THE SITE PLAN SHALL BE REVIEWED BASED UPON THE FOLLOWING CRITERIA
- 1 CONFORMANCE WITH THE OUTLINE PLAN CONDITIONS AND TO THE STANDARDS AND CRITERIA FOR COMMERCIAL PLANNED DEVELOPMENTS CONTAINED IN THE ZONING AND SUBDIVISION REGULATIONS
 - 2 ADEQUACY OF PUBLIC FACILITIES (STREETS SEWERS DRAINAGE ETC)
 - 3 ELEMENTS OF SITE DESIGN SUCH AS BUILDING ORIENTATION AND SETBACK ACCESS AND PARKING AND INTERNAL SITE CIRCULATION ARCHITECTURAL DESIGN SIGNAGE LANDSCAPING AND LIGHTING
- D THE APPLICANT SHALL PROVIDE A WRITTEN STATEMENT FROM THE FEDERAL AVIATION ADMINISTRATION FEDERAL COMMUNICATIONS COMMISSION AND TENNESSEE AERONAUTICS DIVISION THAT ANY PROPOSED RADIO TELEVISION OR COMMUNICATIONS TOWERS COMPLIES WITH APPLICABLE REGULATIONS ADMINISTERED BY THAT AGENCY OR THAT THE TOWER IS EXEMPT FROM THOSE REGULATIONS

XV FINAL PLAN REQUIREMENTS

- ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING
- A THE OUTLINE PLAN CONDITIONS
 - A STANDARD SUBDIVISION CONTRACT AS IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS AND SHELBY COUNTY PAVING POLICY FOR ANY NEEDED PUBLIC IMPROVEMENTS
 - C THE EXACT LOCATION AND DIMENSIONS INCLUDING HEIGHT OF ALL BUILDINGS OR BUILDABLE AREAS PARKING AREAS AND NUMBER OF PARKING SPACES DRIVES AND REQUIRED LANDSCAPING
 - D A RENDERING INCLUDING PLAN VIEW AND ELEVATION OF ANY PROPOSED DEVELOPMENT IDENTIFICATION SIGNS SHOWING THE HEIGHT DIMENSIONS AND DESIGN THEREOF
 - E THE LOCATION AND OWNERSHIP WHETHER PUBLIC OR PRIVATE OF ANY EASEMENT
 - F THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAT OF ANY DEVELOPMENT REQUIRING ON-SITE STORM WATER DETENTION FACILITIES: THE AREAS DENOTED BY "RESERVED FOR STORM WATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY OR COUNTY ENGINEER AS APPLICABLE THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS EXCEPT FOR THOSE PARTS LOCATED IN A PUBLIC DRAINAGE EASEMENT SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNERS ASSOCIATION SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY/COUNTY ENGINEER'S OFFICE SUCH MAINTENANCE ALL INCLUDES BUT IS NOT LIMITED TO REMOVAL OF SEDIMENTATION FALLEN OBJECTS DEBRIS AND TRASH MOWING OUTLET CLEANING AND REPAIR OF DRAINAGE STRUCTURES

XIV SITE PLAN REVIEW

- A A FINAL LOT LAYOUT (SITE) PLAN SHALL BE SUBMITTED FOR THE REVIEW COMMENT AND RECOMMENDATION OF THE OFFICE OF PLANNING AND DEVELOPMENT (OPD) AND APPROPRIATE CITY AND COUNTY AGENCIES SUBJECT TO THE APPROVAL OF THE OFFICE OF PLANNING AND DEVELOPMENT PRIOR TO CONSTRUCTION OF ANY NEW BUILDING(S) OR EXPANSION OF THE EXISTING BUILDINGS
- B THE SITE PLAN SHALL
- 1 ILLUSTRATE THE SIZE AND CONFIGURATION OF ALL BUILDINGS AND LOTS A DRAINAGE PLAN AND LANDSCAPE PLAN
 - 2 ILLUSTRATE THE LOCATION AND FEATURES OF ALL RECREATIONAL FACILITIES AND LIGHTING
 - 3 THE LOCATION AND SIZE OF ANY EXISTING OR PROPOSED SEPTIC TANK AND ASSOCIATED FIELD LINES
 - 4 INCLUDE ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE STAFF
- C THE SITE PLAN SHALL BE REVIEWED BASED UPON THE FOLLOWING CRITERIA
- 1 CONFORMANCE WITH THE OUTLINE PLAN CONDITIONS AND TO THE STANDARDS AND CRITERIA FOR COMMERCIAL PLANNED DEVELOPMENTS CONTAINED IN THE ZONING AND SUBDIVISION REGULATIONS
 - 2 ADEQUACY OF PUBLIC FACILITIES (STREETS SEWERS DRAINAGE ETC)
 - 3 ELEMENTS OF SITE DESIGN SUCH AS BUILDING ORIENTATION AND SETBACK ACCESS AND PARKING AND INTERNAL SITE CIRCULATION ARCHITECTURAL DESIGN SIGNAGE LANDSCAPING AND LIGHTING
- D THE APPLICANT SHALL PROVIDE A WRITTEN STATEMENT FROM THE FEDERAL AVIATION ADMINISTRATION FEDERAL COMMUNICATIONS COMMISSION AND TENNESSEE AERONAUTICS DIVISION THAT ANY PROPOSED RADIO TELEVISION OR COMMUNICATIONS TOWERS COMPLIES WITH APPLICABLE REGULATIONS ADMINISTERED BY THAT AGENCY OR THAT THE TOWER IS EXEMPT FROM THOSE REGULATIONS

XV FINAL PLAN REQUIREMENTS

- ANY FINAL PLAN SHALL INCLUDE THE FOLLOWING
- A THE OUTLINE PLAN CONDITIONS
 - A STANDARD SUBDIVISION CONTRACT AS IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS AND SHELBY COUNTY PAVING POLICY FOR ANY NEEDED PUBLIC IMPROVEMENTS
 - C THE EXACT LOCATION AND DIMENSIONS INCLUDING HEIGHT OF ALL BUILDINGS OR BUILDABLE AREAS PARKING AREAS AND NUMBER OF PARKING SPACES DRIVES AND REQUIRED LANDSCAPING
 - D A RENDERING INCLUDING PLAN VIEW AND ELEVATION OF ANY PROPOSED DEVELOPMENT IDENTIFICATION SIGNS SHOWING THE HEIGHT DIMENSIONS AND DESIGN THEREOF
 - E THE LOCATION AND OWNERSHIP WHETHER PUBLIC OR PRIVATE OF ANY EASEMENT
 - F THE FOLLOWING NOTE SHALL BE PLACED ON THE FINAL PLAT OF ANY DEVELOPMENT REQUIRING ON-SITE STORM WATER DETENTION FACILITIES: THE AREAS DENOTED BY "RESERVED FOR STORM WATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY OR COUNTY ENGINEER AS APPLICABLE THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS EXCEPT FOR THOSE PARTS LOCATED IN A PUBLIC DRAINAGE EASEMENT SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNERS ASSOCIATION SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY/COUNTY ENGINEER'S OFFICE SUCH MAINTENANCE ALL INCLUDES BUT IS NOT LIMITED TO REMOVAL OF SEDIMENTATION FALLEN OBJECTS DEBRIS AND TRASH MOWING OUTLET CLEANING AND REPAIR OF DRAINAGE

XVI TIME LIMIT

A FINAL PLAT SHALL BE FILED WITHIN FIVE (5) YEARS OF APPROVAL OF THE OUTLINE PLAN BY THE CITY COUNCIL AND COUNTY COMMISSION UPON THE REQUEST OF THE APPLICANT THE LAND USE CONTROL BOARD MAY GRANT EXTENSIONS SUBJECT TO ADDITIONAL CONDITIONS AND STANDARDS IF ANY A REQUEST FOR A TIME EXTENSION SHALL BE FILED A MINIMUM OF 60 DAYS PRIOR TO THE EXPIRATION DATE

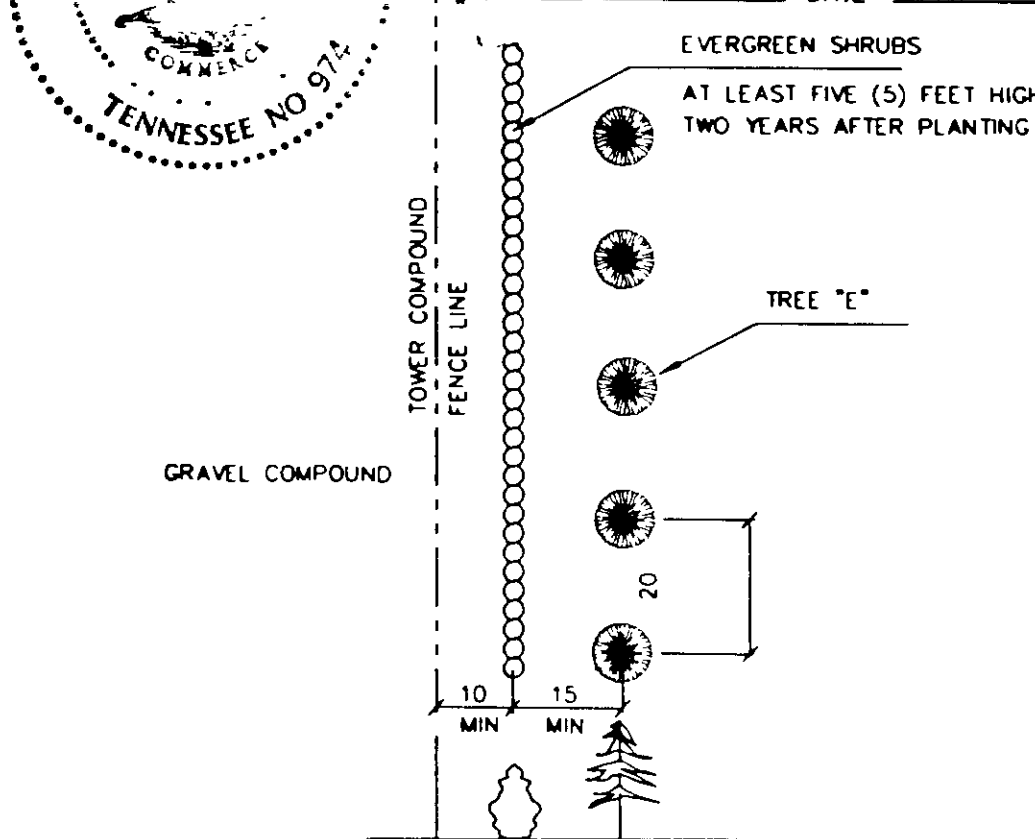
XVII TEXAS GAS EASEMENT GENERAL REQUIREMENTS

- A DEVELOPMENT WITHIN THE 150-FOOT-WIDE GAS LINE EASEMENT SHALL COMPLY WITH THE FOLLOWING
- 1 A MEETING ON LOCATION WITH THE DEVELOPER ENGINEERING FIRM AND TEXAS GAS TO DISCUSS THE DEVELOPMENT OF THE AREA AS IT MAY AFFECT THE GAS LINES
- 2 SUBMIT THREE COPIES OF A DRAWING SHOWING EXACTLY WHAT IS PLANNED IN THE AREA OF THE GAS LINES ALLOW AT LEAST 60 DAYS FOR TEXAS GAS PERSONNEL TO REVIEW AND COMMENT
- 3 AT THE DEVELOPER'S REQUEST TEXAS GAS PERSONNEL WILL LOCATE AND MARK PIPELINES AS TO SIZE AND DEPTH THIS MUST BE DONE BEFORE THE DEVELOPER DOES ANY WORK AROUND OR OVER THE LINES
- 4 COVER OVER THE GAS LINES MAY NOT BE REMOVED WHEN THERE IS 3 FEET OR LESS UNLESS OTHER SUITABLE PROTECTION IS PROVIDED ANY SUCH PROTECTION MUST BE APPROVED IN WRITING BY THE TEXAS GAS TRANSMISSION CORPORATION
- 5 IF ADEQUATE COVER CAN BE MAINTAINED AND THE PIPELINE PROTECTED FROM PROJECTED WEIGHT A STREET MAY CROSS THE EASEMENT STREETS CANNOT BE CONSTRUCTED LONGITUDINALLY ON THE EASEMENT
- 6 WHERE THE GAS LINES ARE CROSSED WITH UNDERGROUND UTILITIES THERE MUST BE 24 INCHES OF CLEARANCE BETWEEN THE FOREIGN UTILITY AND THE TEXAS GAS LINE A FOREIGN LINE MADE OF STEEL MUST BE PROTECTED FROM CORROSION WITH A COAT OF HOT TAR ENAMEL OR SIMILAR COATING ACROSS THE ENTIRE WIDTH OF THE EASEMENT ALSO TEXAS GAS CORROSION TECHNICIANS WILL WORK WITH THE ENGINEERS OF THE FOREIGN LINE TO PREVENT ANY CORROSION PROBLEMS BEING CAUSED BY THE CROSSING ALL FOREIGN LINES CROSSING THE GAS LINE EASEMENT MADE OF PVC OR OTHER PLASTIC MATERIAL MUST BE ENCASED IN A RIGID GALVANIZED CONDUIT OR SCHEDULE 40 PVC ACROSS THE ENTIRE GAS LINE EASEMENT
- 7 PROPERLY DESIGNED EQUIPMENT CROSSINGS WILL BE REQUIRED WHERE ANY HEAVY CONSTRUCTION EQUIPMENT CROSSES A PIPELINE THESE EQUIPMENT CROSSINGS USUALLY CONSIST OF A 3-FOOT-HIGH DIRT PAD OR RAMP OVER THE PIPELINE A BOARDED RAMP MAY BE REQUIRED UNDER ADVERSE CONDITIONS
- 8 A TEXAS GAS REPRESENTATIVE SHALL BE ON LOCATION DURING THE CONSTRUCTION AND REMOVAL OF ALL EQUIPMENT CROSSINGS THE TIME THAT THEY ARE IN USE AND DURING THE TIME THAT ANY CONSTRUCTION WORK IS BEING PERFORMED ON OR NEAR PIPELINE EASEMENTS
- 9 NO PERMANENT STRUCTURES TO BE CONSTRUCTED ON THE GAS LINE EASEMENT
- 10 TEXAS GAS SHOULD BE NOTIFIED AT LEAST 24 HOURS BEFORE ANY WORK COMMENCES ON OR NEAR THE GAS LINE EASEMENT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1 TO 10,000 OR GREATER, THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND THAT IT CONFORMS WITH APPLICABLE STATE LAWS AND LOCAL ZONING ORDINANCES, SUBDIVISION REGULATIONS, AND THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT RELATED TO THE PRACTICE OF SURVEYING

BY William H. H. H. DATE 7/2/96
TENNESSEE CERTIFICATION 1-1-1 DATE



SHELBY COUNTY REGISTER OF DEEDS
LANDSCAPE SCREEN B3 MODIFIED
96 SEP -4 PH 2 30

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

PLAN OF DEVELOPMENT ACTED ON BY THE MEMPHIS AND SHELBY COUNTY LAND USE BOARD ON JULY 13 1995

APPROVED BY THE MEMPHIS CITY COUNCIL ON SEPTEMBER 5 1995 AND APPROVED BY THE SHELBY COUNTY COMMISSION ON AUGUST 28 1995

Philip J. Emersich 8-28-96
DIRECTOR OFFICE OF PLANNING AND DEVELOPMENT

ENGINEER'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE ZONING ORDINANCE THE SUBDIVISION REGULATIONS AND THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL STATE AND LOCAL LAWS AND REGULATIONS

BY Robert E. Bailey 7/30/96
TENNESSEE CERTIFICATE NUMBER 711943

MORTGAGEE'S CERTIFICATE

WE UNION PLANTERS NATIONAL BANK THE UNDERSIGNED MORTGAGEE OF THE PROPERTY SHOWN HEREON HEREBY CONSENT AND AGREE TO THE PLAN OF DEVELOPMENT AS SUBMITTED BY THE CENTRAL CHURCH, INC. OWNER OF THE PROPERTY

Victoria O'Connor
UNION PLANTERS NATIONAL BANK SIGNATURE
NAME AND TITLE

NOTARY'S CERTIFICATE

STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AT MEMPHIS DULY COMMISSIONED AND QUALIFIED PERSONALLY APPEARED Victoria O'Connor WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON HIS (HER) OATH ACKNOWLEDGED HIMSELF (HERSELF) TO BE Vice President OF THE Union Planters National Bank THE WITHIN SIGNED MORTGAGEE AND THAT HE (SHE) EXECUTED THE FOREGOING INSTRUMENTS FOR THE PURPOSE THEREIN CONTAINED IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS, TENNESSEE, THIS 29th DAY OF January 1996

NOTARY PUBLIC Cheryl E. Matthews
MY COMMISSION EXPIRES MY COMMISSION EXPIRES MAY 15 1997

OWNER'S CERTIFICATE

WE THE CENTRAL CHURCH INC. THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN HEREBY ADOPT THIS PLAT AS OUR PLAN OF DEVELOPMENT AND DEDICATE THE STREETS RIGHTS-OF-WAY AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBE TO PUBLIC USE FOREVER WE CERTIFY THAT WE ARE THE OWNERS OF THE SAID PROPERTY IN FEE SIMPLE DULY AUTHORIZED TO ACT AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES (OR MORTGAGES) WHICH HAVE BECOME DUE AND PAYABLE

THE CENTRAL CHURCH INC BY JAMES S. PRITCHARD JR VICE PRESIDENT

NOTARY'S CERTIFICATE

STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AT MEMPHIS DULY COMMISSIONED AND QUALIFIED PERSONALLY APPEARED JAMES S. PRITCHARD JR WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON HIS OATH ACKNOWLEDGED HIMSELF TO BE VICE-PRESIDENT OF THE CENTRAL CHURCH INC. THE WITHIN NAMED BARDOANER AND THAT HE EXECUTED THE FOREGOING INSTRUMENTS FOR THE PURPOSE THEREIN CONTAINED IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS, TENNESSEE, THIS 29th DAY OF January 1996

NOTARY PUBLIC Carol E. Hileman
MY COMMISSION EXPIRES My Commission Expires 12/19/96

JUNE 1, 1996
FINAL PLAN
PD 95-337 CC
CENTRAL CHURCH/McKELLAR PARK P.D.
2.998 ACRES
DISTRICT 02 BLOCK 52 PARCEL 115

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER 47157C0275 DATED DECEMBER 2 1994

THE 100-YEAR FLOOD ELEVATION OF TENNILE CREEK (6 000 ± TO THE NORTHEAST) IS 337 FEET

ALL DEEDS PLATS EASEMENTS AND OTHER MATTERS OF RECORD ARE RECORDED AT THE SHELBY COUNTY REGISTER'S OFFICE

OWNER
CENTRAL CHURCH, INC
6655 WINCHESTER ROAD
MEMPHIS, TENNESSEE 38115

PREPARED BY:

Pickering Firm
Incorporated
Planning Architecture
Engineering Management
1750 Madison Avenue
Memphis TN 38104
901-726-0810
FAX 901-272-6911



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.

18131603

12/28/2018 - 11:19 AM

4 PGS	
TAMMY	1820745-18131603
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	22.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

PREPARED BY:
The Waddell Law Firm
9056 Stone Walk Place
Germantown, TN 38138

QUIT CLAIM DEED

THIS INDENTURE, made and entered into as of the 27 day of December, 2018 by and between

NASR Investment, LLC, a Tennessee limited liability company
hereinafter referred to as Grantor,

and

New Development, LLC, a Tennessee limited liability company,
hereinafter referred to as Grantee.

W I T N E S S E T H: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, remise, release and quit claim unto the said Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee:

Being the same property as conveyed to Central Church, Inc. by Instrument R1 2200 less a portion sold off to Grace Thru Faith Church by Instrument GN 5125 and more particularly described as follows:

Beginning at a point in the intersection of Holmes Road and Tchulahoma Road; Thence with Holmes Road, North 87 Degrees 03 Minutes 53 Seconds West for 1308.41 feet to a point in said road; Thence with the east line of the Grace Thru Faith Church Property (Instrument GN5125), North 02 Degrees 18 Minutes 15 Seconds East passing a new capped rebar set at 20.00 feet and on for a total of 629.73 feet to an old capped rebar; Thence with the north line of the Grace Thru Faith Property (Instrument GN5125), South 89 Degrees 34 Minutes 43 Seconds West for 54.79 feet to an old capped rebar; Thence South 84 Degrees 07 Minutes 12 Seconds West for 194.02 feet to an old capped rebar; Thence South 70 Degrees 53 Minutes 07 Seconds West for 100.11 feet to an old capped rebar in the original west line of the Central Church, Inc. tract (Instrument R12200); Thence North 02 Degrees 28 Minutes 05 Seconds East for 308.33 feet to an old 1" iron pipe and the southwest corner of the Easthaven Subdivision (PB 50 PG 32); Thence with the south line of the Easthaven Subdivision, South 87 Degrees 08 Minutes, 17 Seconds East passing an old rebar at the southeast corner of the said subdivision and on for a total distance of 1650.85 feet to a point in Tchulahoma Road; Thence with Tchulahoma Road, South 02 Degrees 27 Minutes 50 Seconds West for 1042.68 feet to the point of beginning, containing 34.726 acres, more or less.

Tax Parcel No. 094400 00158

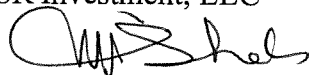
Being the same property conveyed to NASR Investment, LLC by Deed of record at Instrument

No. 18034450, in the Register's Office of Shelby County, Tennessee.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the signature of the Grantor (or caused its corporate name to be signed hereto by and through its proper officers duly authorized so to do) the day and year first above written.

NASR Investment, LLC



Rooziman Shah, Managing Member

STATE OF TENNESSEE
COUNTY OF SHELBY

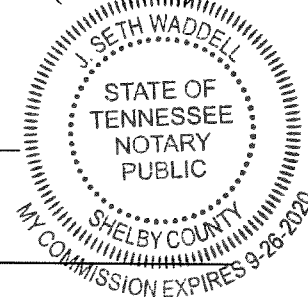
Before me, the undersigned Notary Public of the aforesaid County and State personally appeared **Rooziman Shah** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself (or herself) to be Managing Member of the **NASR Investment LLC**, the within named bargainor, a Tennessee limited liability company, and that he/she as such Managing Member, executed the foregoing instrument for the purpose therein contained, by signing the name of the company by himself (or herself) as Managing Member.

Witness my hand, at office, this 27 day of December, 2018.



Notary Public

Commission Expiration: _____



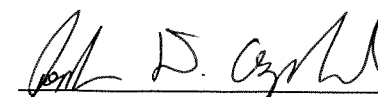
STATE OF TENNESSEE)
COUNTY OF COUNTY)

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for the property is \$0.00.



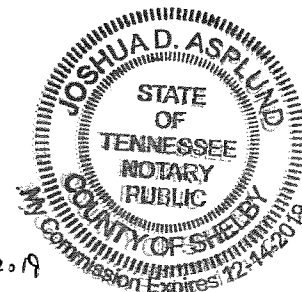
Affiant

Subscribed and sworn to before me this 28 day of December, 2018.



Notary Public

Commission Expiration: 12-14-2019



Return to:

Covenant Escrow Services, Inc.
9056 Stone Walk Place
Germantown, TN 38138

Property Address:

3260 Holmes Rd.
Memphis, TN

Name and Address of New Owner:

New Development, LLC
3264 W Sarazens Circle,
Memphis, TN 38125

Send tax bills to:

New Development, LLC
3264 W Sarazens Circle
Memphis, TN 38125

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

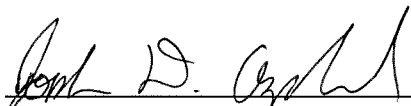


J. Seth Waddell

State of Tennessee

County of Shelby

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



Notary's Signature



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

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

August 13, 2026

New Development LLC
3264 W Sarazens Cir
Memphis, TN 38125

Sent via electronic mail to: dqbray@comcast.net, BERUK@berukproperties.net &
thewgley@baslawandtitle.com

Holmes Tchulahoma Planned Development
Case Number: PD 2026-004
LUCB Recommendation: Rejection

Dear applicant,

On Thursday, August 13, 2026, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your planned development application for the Holmes Tchulahoma Planned Development, subject to the attached outline plan conditions.

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

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

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

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

Respectfully,

Nabanita Nira

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

Cc: David Gean Bray, The Bray Firm
File

Outline Plan Conditions

- I. USES PERMITTED:
 - A. AREA A - R-6
AREA B - CMU-2
AREA C – CMU-2 with following exception:
 - a. Convenience store with gas pumps
 - b. Truck Stop without tractor trailer parking
- II. BULK REGULATIONS:
 - A. AREA A - The bulk regulations of the R-6 zoning district shall apply.
 - B. AREA B - The bulk regulations of the CMU-2 zoning district shall apply.
 - C. AREA C - The bulk regulations of the CMU-2 zoning district shall apply.
- III. ACCESS AND CIRCULATION:
 - A. The City Engineer shall approve the design, number and location of curb cuts.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City/ County Standards or closed with curb, gutter and sidewalk.
 - C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/ egress easements shall be shown on the final plats.
- IV. LANDSCAPING, SCREENING, AND LIGHTING:
 - A. An NOI as required by the Tree Ordinance shall be filed with the Division of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
 - B. Any dumpster or accessory buildings shall be compatible with the main building.
 - C. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
 - D. The required landscaping shall be exclusive of and in addition to any required easements.
 - E. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Division of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
 - F. All light poles shall be limited to a maximum of 35 feet in height.
 - G. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.
- V. Site Plan Review:

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

 - A. The Site plan shall include:

Letter to Applicant

PD 2026-004

1. The exact location and dimensions including height of all buildings.
 2. The number, location, and dimensions of parking spaces within proposed structures/ lots.
 3. A detailed landscaping plan including the species and diameter of any new plants.
 4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.
- B. The site plan shall be reviewed based on the following criteria:
1. Conformance with the Outline Plan Conditions.
 2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.
 3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.
 4. Adequate access shall be provided to the site as determined by the City Engineer.
- VI. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VII. Any final plan shall include the following:
- A. The Outline Plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping,
 - D. The number of parking spaces
 - E. The location and ownership, whether public or private, of any easement.
 - F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

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

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 03/24/2026

DATE

PUBLIC SESSION: 04/14/2026

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 1681 E Raines Rd, known as case number SUP 2025-37

CASE NUMBER: SUP 2025-037

LOCATION: 1681 E Raines Rd

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

OWNER/APPLICANT: HMM Investment LLC

REPRESENTATIVE: The Bray Firm

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

AREA: +/-30,66 square feet

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

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

PRIOR ACTION ON ITEM:

(2) _____

02/12/2026 _____

(1) Land Use Control Board _____

APPROVAL - (1) APPROVED (2) DENIED

DATE

ORGANIZATION - (1) BOARD / COMMISSION

(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____

\$ _____

\$ _____

SOURCE AND AMOUNT OF FUNDS

\$ _____

\$ _____

\$ _____

REQUIRES CITY EXPENDITURE - (1) YES (2) NO

AMOUNT OF EXPENDITURE

REVENUE TO BE RECEIVED

OPERATING BUDGET

CIP PROJECT # _____

FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

Mark C. Smith _____

3/16/2026 _____

STAFF PLANNER

DEPUTY ADMINISTRATOR

Brett Ryan _____

3/16/26 _____

ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2025-037

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 1681 E RAINES RD, KNOWN AS CASE NUMBER SUP 2025-037

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SUP 2025-037
LOCATION:	1681 E Raines Rd
COUNCIL DISTRICT(S):	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	HMM Investment LLC
REPRESENTATIVE:	The Bray Firm
REQUEST:	Special use permit to allow a convenience store with gas pumps
EXISTING ZONING:	Commercial Mixed Use – 1 (CMU-1)
AREA:	+/-30,66 square feet

The following spoke in support: David Bray

The following spoke in opposition: Milton Poe

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

The motion failed by a vote of 4-5-0 on the consent agenda.

Respectfully,

Mahsan Ostadnia

Planner II

Land Use & Development Services

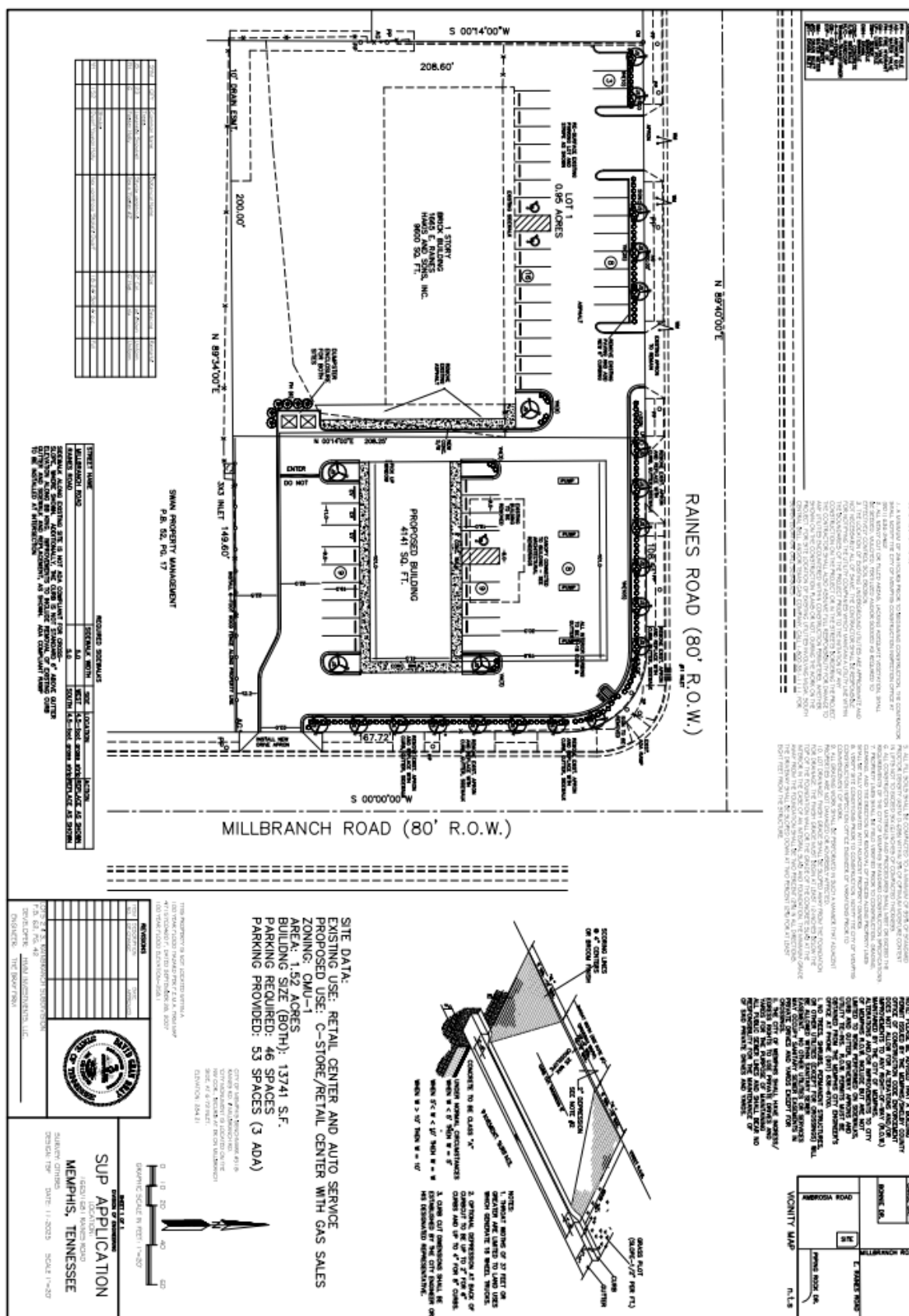
Cc: Committee Members

File

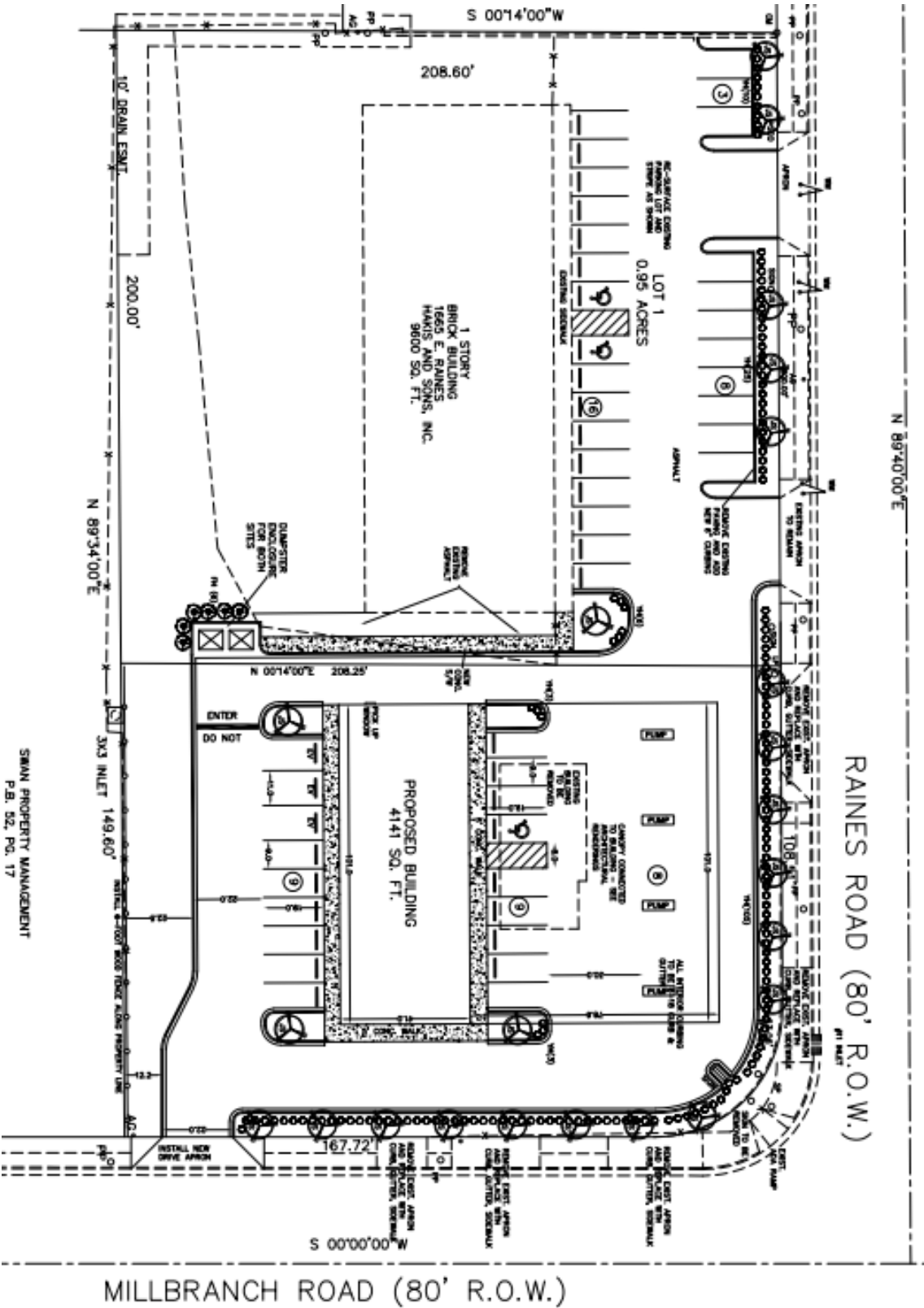
SUP 2025-037
CONDITIONS

1. Streetscape Plate Type S-10 shall be provided along Raines Road and Millbranch Road.
2. The convenience store is prohibited from the sale of Alcohol, and CBD/Cannabis products.
3. The dumpster location and screening shall meet the requirements of UDC Sub Section 4.6.8B.
4. The convenience store building facing Raines Road and Millbranch Road shall be a minimum of 60% transparency.
5. Support columns for the fuel canopy shall be sheathed in the same masonry used on the principal building.
- 6.
7. The exterior building materials for the convenience store shall consist of a minimum of 50 percent masonry, with EIFS or stucco limited to a maximum of 10 percent of the building facade.
8. 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.

SITE PLAN



SITE PLAN – MAGNIFIED



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 1681 E RAINES RD, KNOWN AS CASE NUMBER SUP 2025-037

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, the HMM Investment LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience 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 February 12, 2026, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

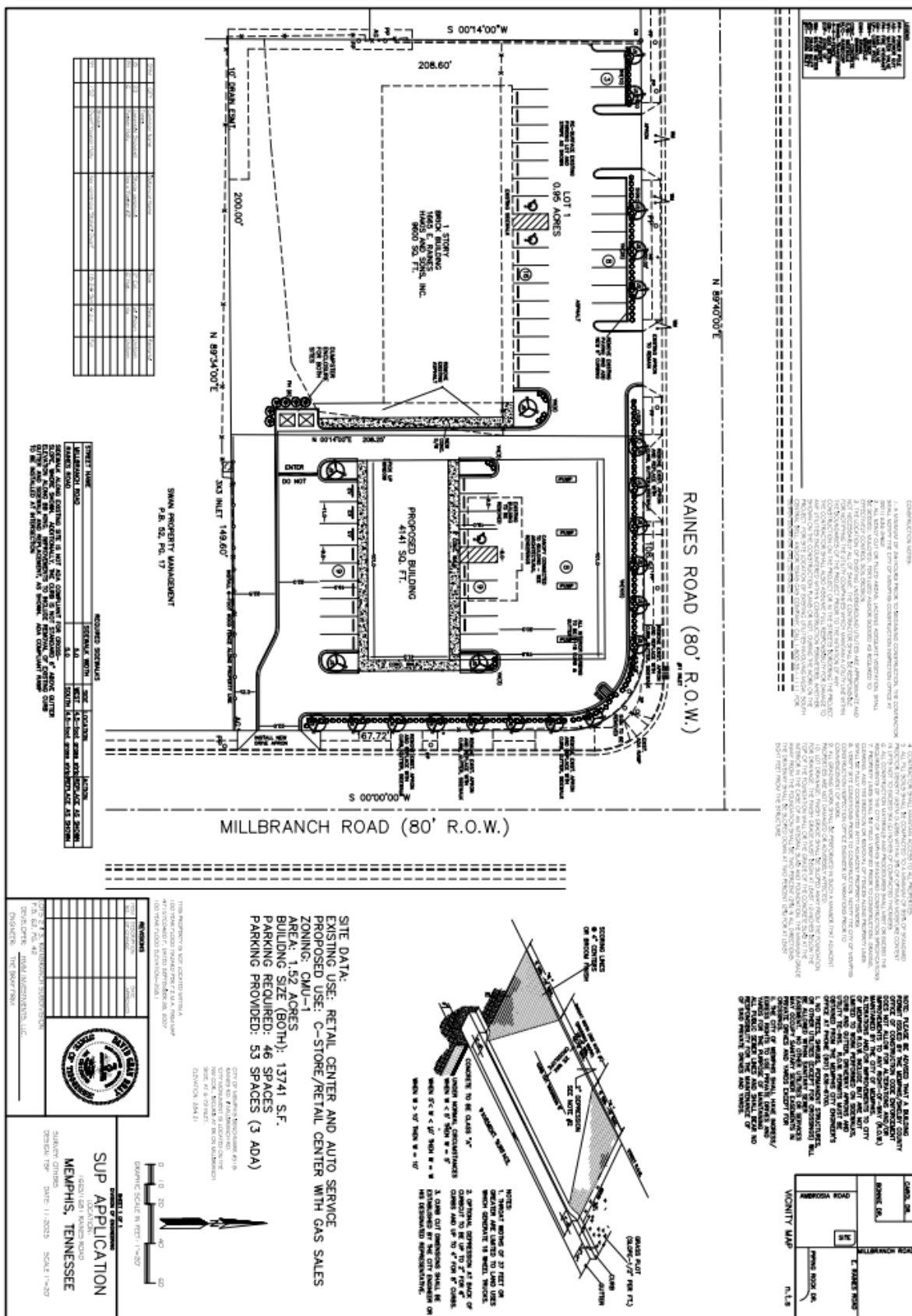
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

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

CONDITIONS

1. Streetscape Plate Type S-10 shall be provided along Raines Road and Millbranch Road.
2. The convenience store is prohibited from the sale of Alcohol, and CBD/Cannabis products.
3. The dumpster location and screening shall meet the requirements of UDC Sub Section 4.6.8B.
4. The convenience store building facing Raines Road and Millbranch Road shall be a minimum of 60% transparency.
5. Support columns for the fuel canopy shall be sheathed in the same masonry used on the principal building.
6. The exterior building materials for the convenience store shall consist of a minimum of 50 percent masonry, with EIFS or stucco limited to a maximum of 10 percent of the building facade.
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.

SITE PLAN



ATTEST:

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

AGENDA ITEM: 4 **L.U.C.B. MEETING:** February 12, 2026
CASE NUMBER: SUP 2025-037
LOCATION: 1681 E Raines Rd
COUNCIL DISTRICT: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: HMM Investment LLC
REPRESENTATIVE: The Bray Firm
REQUEST: Special use permit to allow a convenience store with gas pumps
EXISTING ZONING: Commercial Mixed Use – 1 (CMU-1)

CONCLUSIONS

1. The applicant requests a Special Use Permit to allow a convenience store with gas pumps on Lot 2 of Rainbranch, zoned Commercial Mixed-Use – 1 (CMU-1). The site contains an existing 1,411-square-foot building constructed in 1958 and is surrounded by a mix of residential, commercial, and institutional uses. The property has two street frontages, providing access and visibility.
2. The submitted site plan proposes redevelopment with a 13,741-square-foot retail building and 53 off-street parking spaces, including three ADA-compliant spaces, with access from Millbranch Road and Raines Road and internal circulation designed to prevent backing into the public right-of-way.
3. The plan includes replacement of non-compliant sidewalks and curbs with 5-foot sidewalks within 4.5-foot grass strips, installation of an ADA-compliant ramp, and landscaping improvements consisting of street and interior plantings to enhance the streetscape and reduce the visual impact of paved areas.
4. Pursuant to UDC Section 2.6.3J(1)(g), applications for convenience stores with gas pumps in the CMU-1 district require consideration of proximity to existing gas stations and nearby single-family residential zoning districts. An existing gas station is located directly across the street at the southeast intersection of East Raines Road and Millbranch Road, establishing a similar use in the immediate area. The subject property is located approximately 80 feet from a place of worship zoned R-10 to the north, which functions as an intervening non-residential use. The nearest single-family dwelling is located approximately 195 feet west of the proposed gas station on property zoned Office General (OG). These proximity conditions have been identified and documented for consideration by the staff planner.
5. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

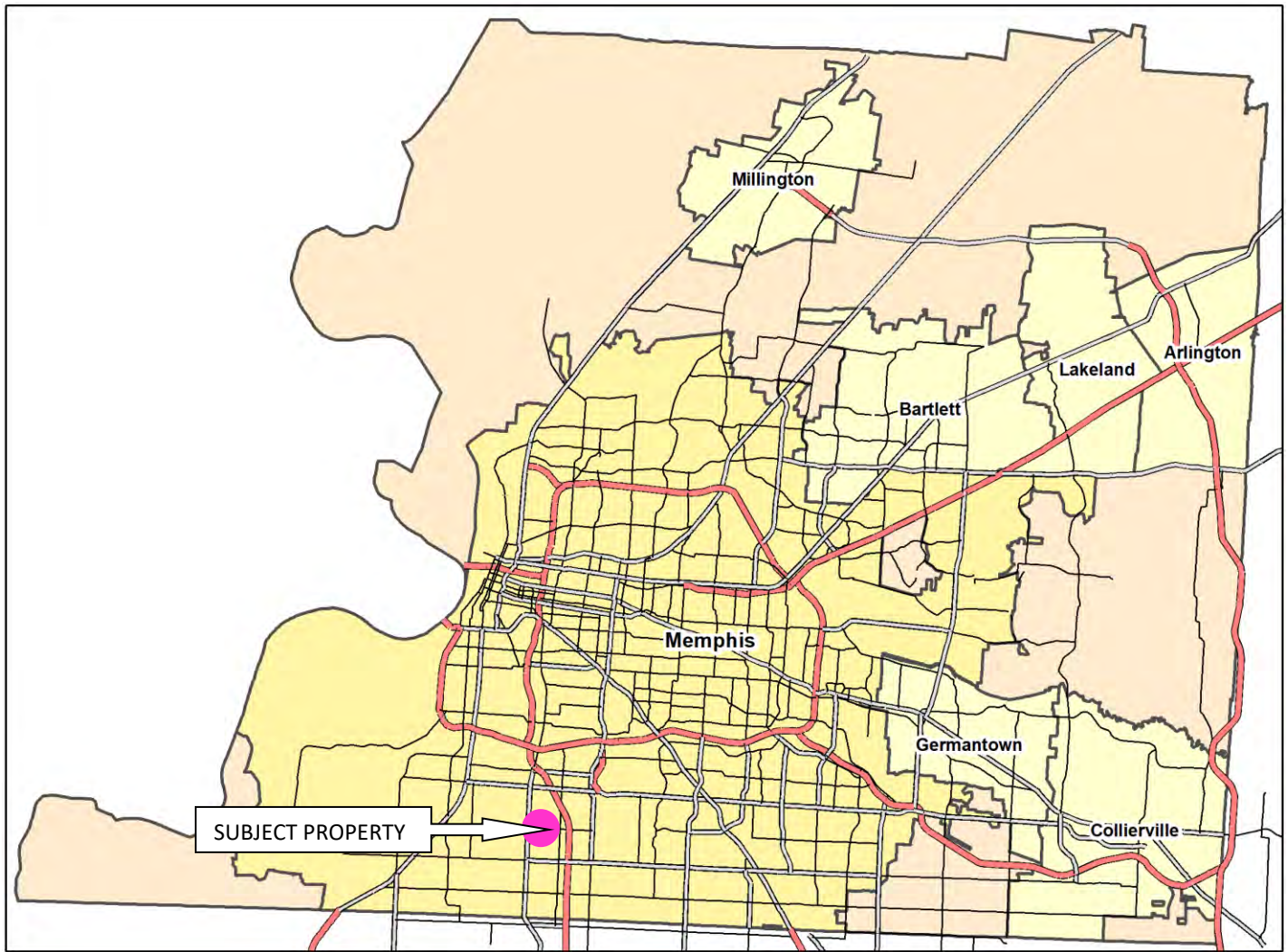
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 19-21 of this report.

RECOMMENDATION:

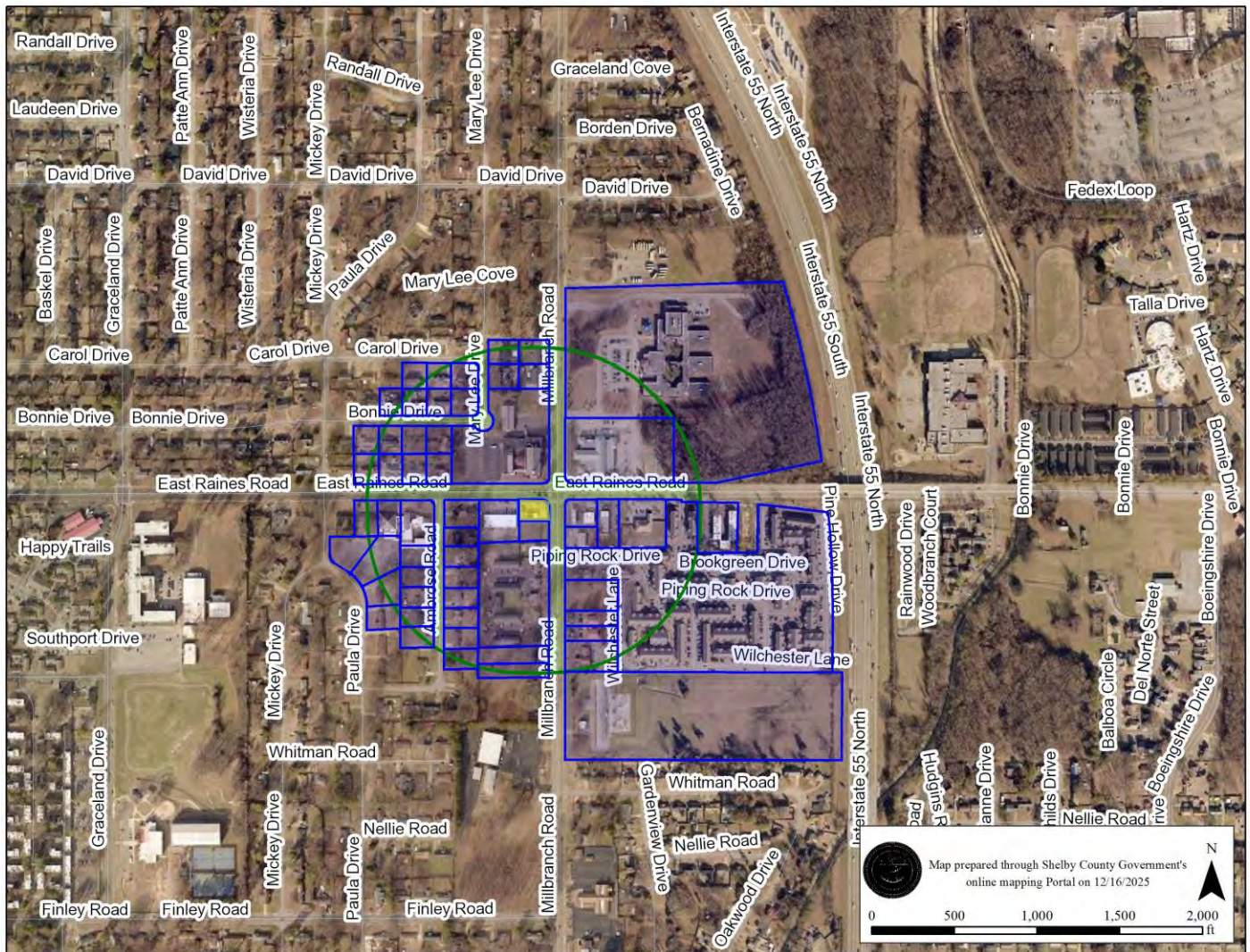
Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 50 notices were mailed on December 16, 2025, see page 22 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see pages 23-24 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING (First One)

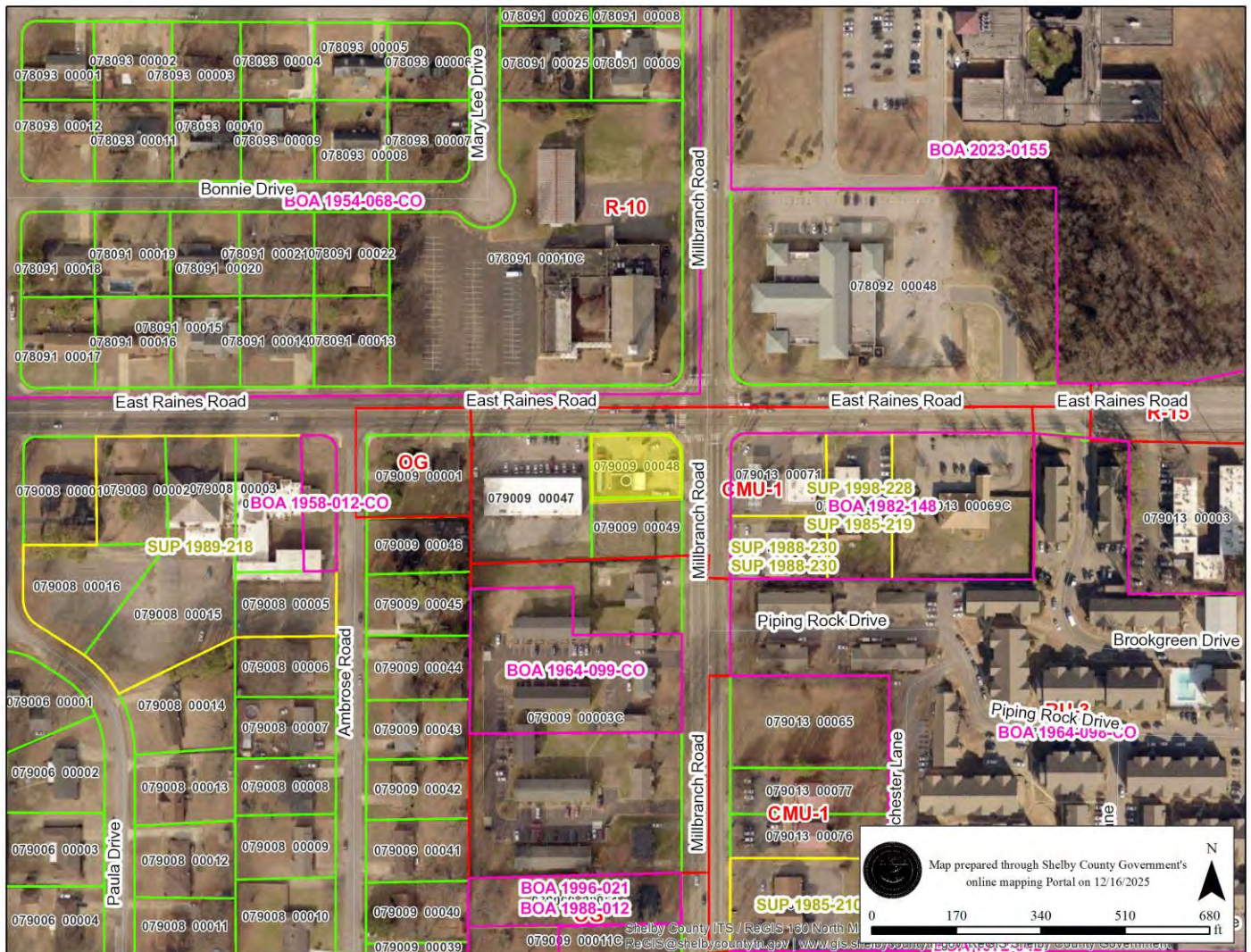
The meeting was held at 6:00 PM on Monday, December 22, 2025, at Whitehaven Branch Library, 4120 Millbranch Road, Memphis, TN 38116. See pages 25-26 of this report for a copy of the neighborhood meeting summary.

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 East Raines Road.



View of subject property from Millbranch Road.



View of subject property from above.

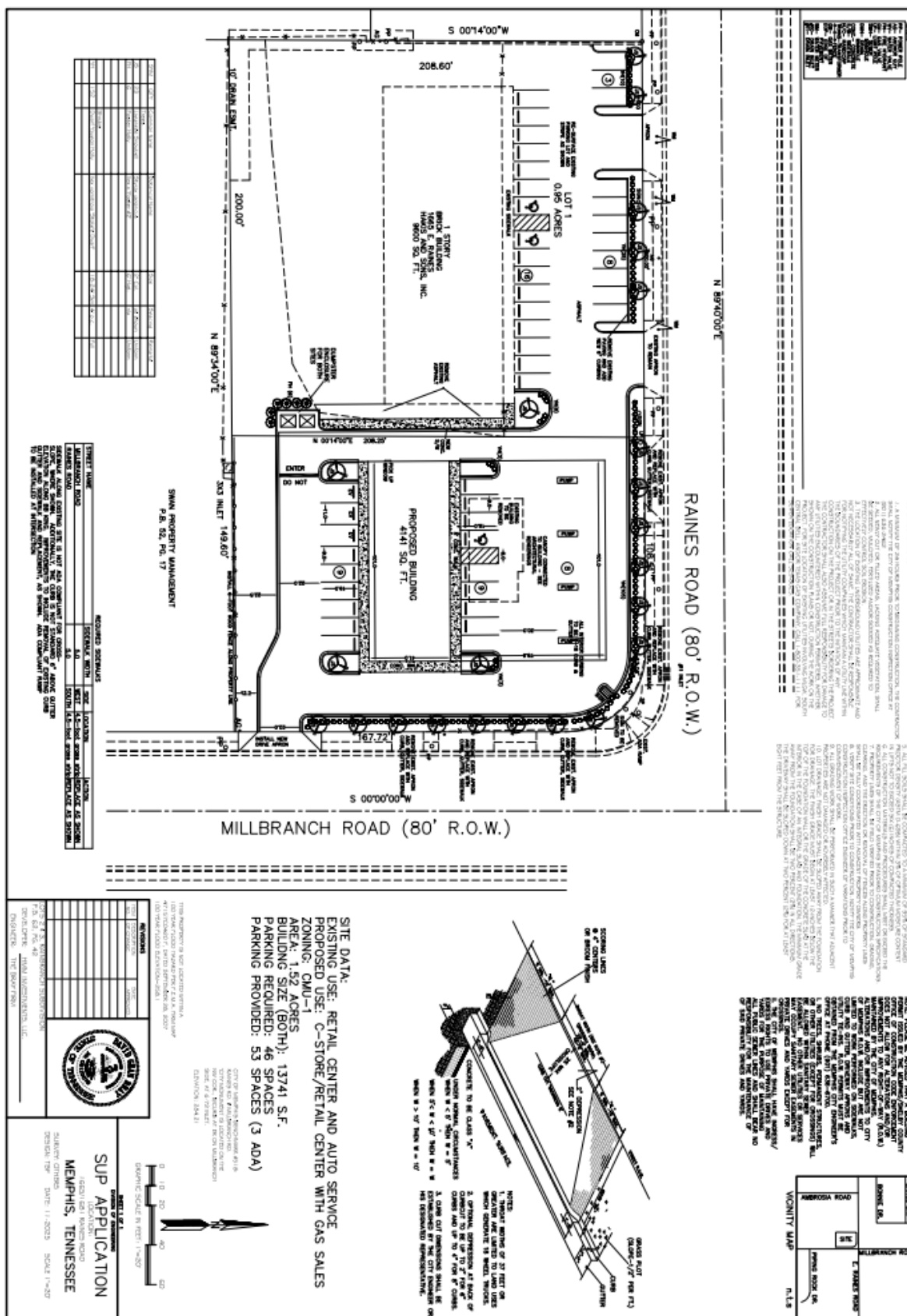


View of subject property from above.

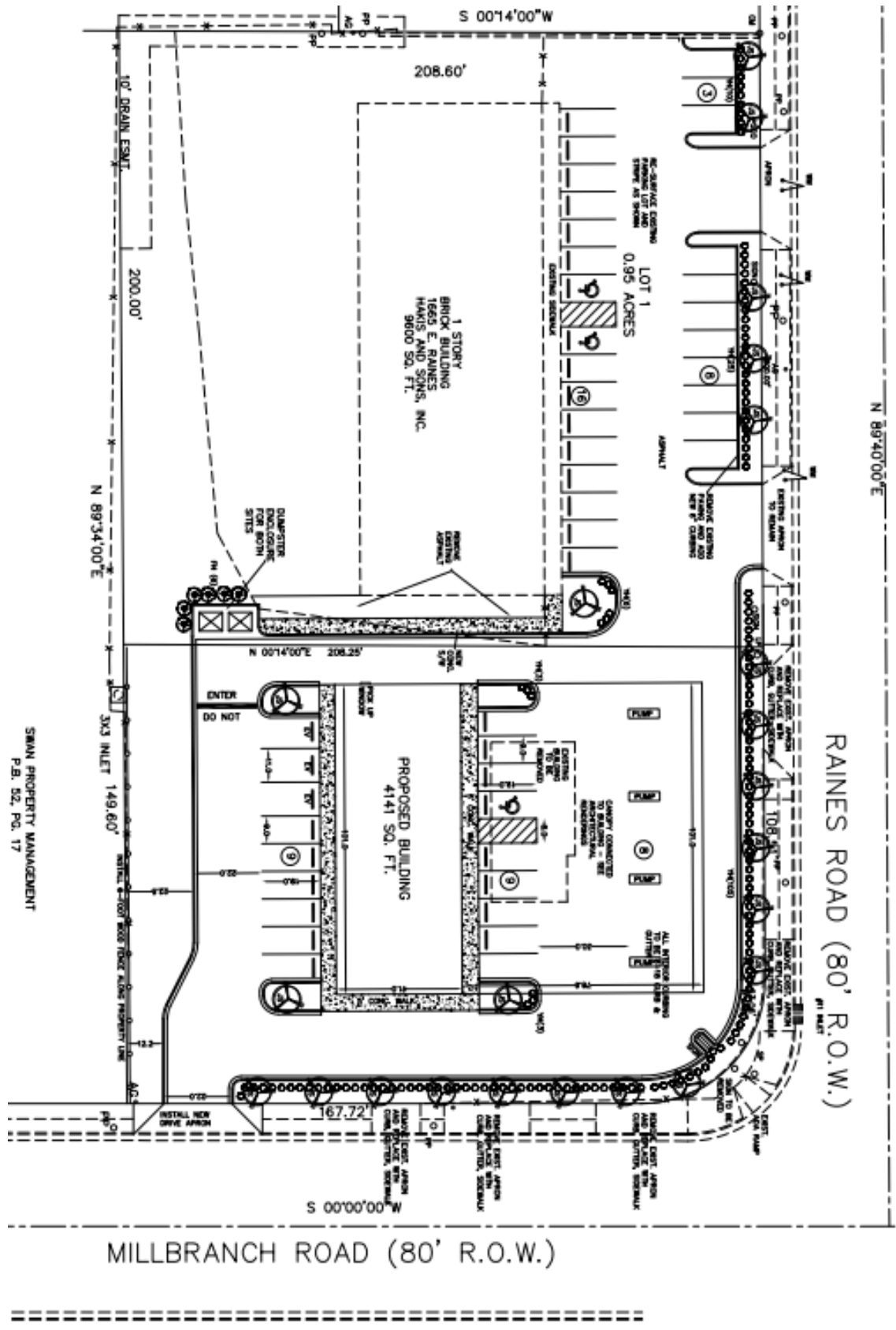


View of subject property from above.

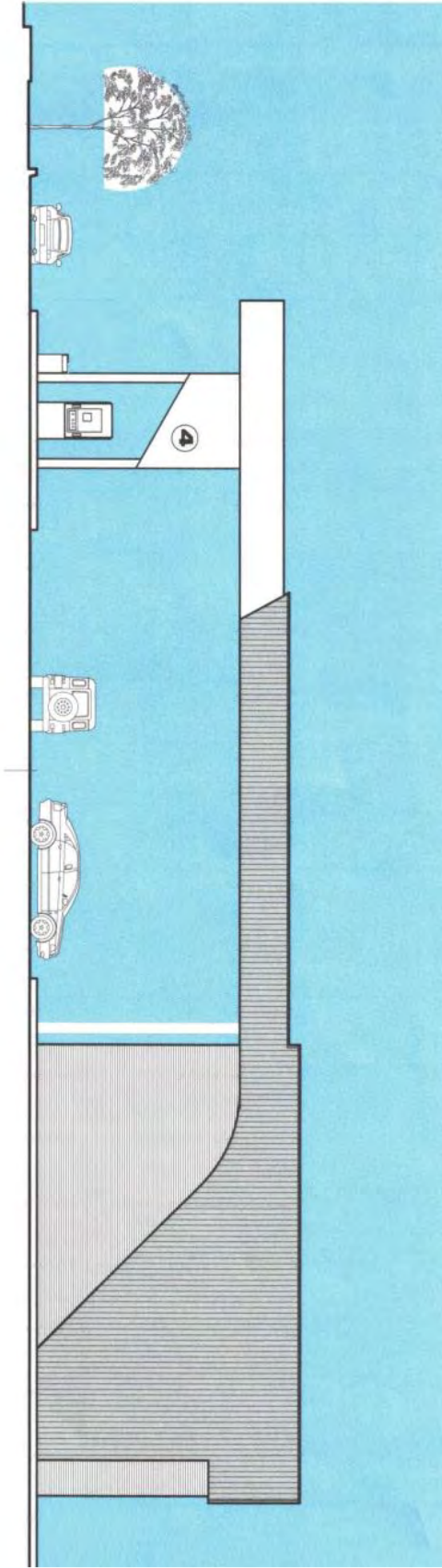
SITE PLAN



SITE PLAN – MAGNIFIED



11-21-23
RAINES ROAD ELEVATIONS



CASE REVIEW

Request

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

Approval Criteria

Staff **disagrees** 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:
1681 E Raines Rd

Parcel ID:
079009 00048

Area:
+/-30,66 square feet

Description:

The subject property is known as Lot 2 of Rainbranch with a zoning of Commercial Mixed-Use – 1 (CMU-1). Per the Assessor’s website, the principal structure on the site was built in 1958 with a ground floor area of 1,411 square feet and the surrounding land uses are a mixture of residential, commercial, and institutional lots. Additionally, this lot has two street frontages.

Relevant Unified Development Code Clauses

Section 2.6.3J(1)(g)

CMU-1 district. Any convenience store with gas pumps or gas stations constructed in the CMU-1 district after January 1, 2021, reactivated after one year of discontinuance or whose convenience store is reconstructed or relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-1 district prior to January 1, 2021, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in [Section 9.6.9](#), the Land Use Control Board and governing body shall also consider the proximity of the proposed convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

Site Plan Review

The site plan proposes a convenience store with gas pumps located at the intersection of Millbranch Road and Raines Road, both classified as 80-foot rights-of-way. The plan shows a single commercial building with an approximate footprint of 13,741 square feet. A total of 53 off-street parking spaces are provided, including three (3) ADA-compliant spaces located near the primary building entrance. Vehicular access is taken from both public streets, and internal circulation is designed to allow vehicles to maneuver on-site without backing into the public right-of-way.

The plan suggests replacement of existing sidewalks along both street frontages, including a 5-foot sidewalk along Millbranch Road (west side) and a 5-foot sidewalk along Raines Road (south side), each within a 4.5-foot grass strip. The existing sidewalk does not meet ADA cross-slope requirements in certain areas, and improvements include removal and replacement of non-compliant curb, gutter, and sidewalk sections. An ADA-compliant ramp is shown at the intersection, consistent with current accessibility standards. The plan also provides three (3) EV charging spaces.

Landscaping includes 23 Japanese Snowbell trees (2-inch caliper), 6 Foster Holly trees (6-foot height), and 152 Dwarf Yaupon Holly shrubs (18–24-inch spread, spaced 4 feet on center). These plantings are distributed along street frontages and within interior landscaped areas to enhance the streetscape and provide visual relief within parking areas. Additional site details include curb and driveway construction specifications, such as maximum 2% cross-slope, depressed curb configurations, Class “A” concrete, and broom or scored finishes, with final curb-cut dimensions.

Analysis

The applicant requests a Special Use Permit to allow a convenience store with gas pumps on Lot 2 of Rainbranch, zoned Commercial Mixed-Use – 1 (CMU-1). The site contains an existing 1,411-square-foot building constructed in 1958 and is surrounded by a mix of residential, commercial, and institutional uses. The property has two street frontages, providing access and visibility.

The submitted site plan proposes redevelopment with a 13,741-square-foot retail building and 53 off-street parking spaces, including three ADA-compliant spaces, with access from Millbranch Road and Raines Road and internal circulation designed to prevent backing into the public right-of-way.

The plan includes replacement of non-compliant sidewalks and curbs with 5-foot sidewalks within 4.5-foot grass strips, installation of an ADA-compliant ramp, three (3) EV charging spaces, and landscaping improvements consisting of street and interior plantings to enhance the streetscape and reduce the visual impact of paved areas.

Pursuant to UDC Section 2.6.3J(1)(g), applications for convenience stores with gas pumps in the CMU-1 district require consideration of proximity to existing gas stations and nearby single-family residential zoning districts. An existing gas station is located directly across the street at the southeast intersection of East Raines Road and Millbranch Road, establishing a similar use in the immediate area. The subject property is located approximately 80 feet from a place of worship zoned R-10 to the north, which functions as an intervening non-residential use. The nearest single-family dwelling is located approximately 195 feet west of the proposed gas station on property zoned Office General (OG). These proximity conditions have been identified and documented for consideration by the staff planner.

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

RECOMMENDATION

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

Conditions

1. Streetscape Plate Type S-10 shall be provided along Raines Road and Millbranch Road.
2. The convenience store is prohibited from the sale of Alcohol, and CBD/Cannabis products.
3. The dumpster location and screening shall meet the requirements of UDC Sub Section 4.6.8B.
4. The convenience store building facing Raines Road and Millbranch Road shall be a minimum of 60% transparency.
5. Support columns for the fuel canopy shall be sheathed in the same masonry used on the principal building.

6. The exterior building materials for the convenience store shall consist of a minimum of 50 percent masonry, with EIFS or stucco limited to a maximum of 10 percent of the building facade.
7. An Administrative Site Plan Review (ASPR) shall be submitted and approved by the Division of Planning and Development following final approval by the Memphis City Council and prior to the issuance of any building permits or certificates of occupancy.

DEPARTMENTAL COMMENTS

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

City Engineer:	See page 17.
County Engineer:	No comments received.
City Fire Division:	See page 18.
County Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	See pages 19-21.

City Engineer Division

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

City Fire Division

1. All design and construction shall comply with the 2021 edition of the International Fire Code with local amendments and referenced standards.
2. Fire apparatus access shall comply with section 503.
3. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6.
4. Fire protection water supplies (including fire hydrants) shall comply with section 507.
5. 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.
6. IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
7. A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Office of Comprehensive Planning

This summary is being produced in response to the following application to support the Land Use and Development Services Department in their recommendation: SUP 2025-037: WHITEHAVEN

Site Address/Location: 1681 E Raines Rd

Overlay District/Historic District/Flood Zone: Not in a historic district, overlay or flood zone

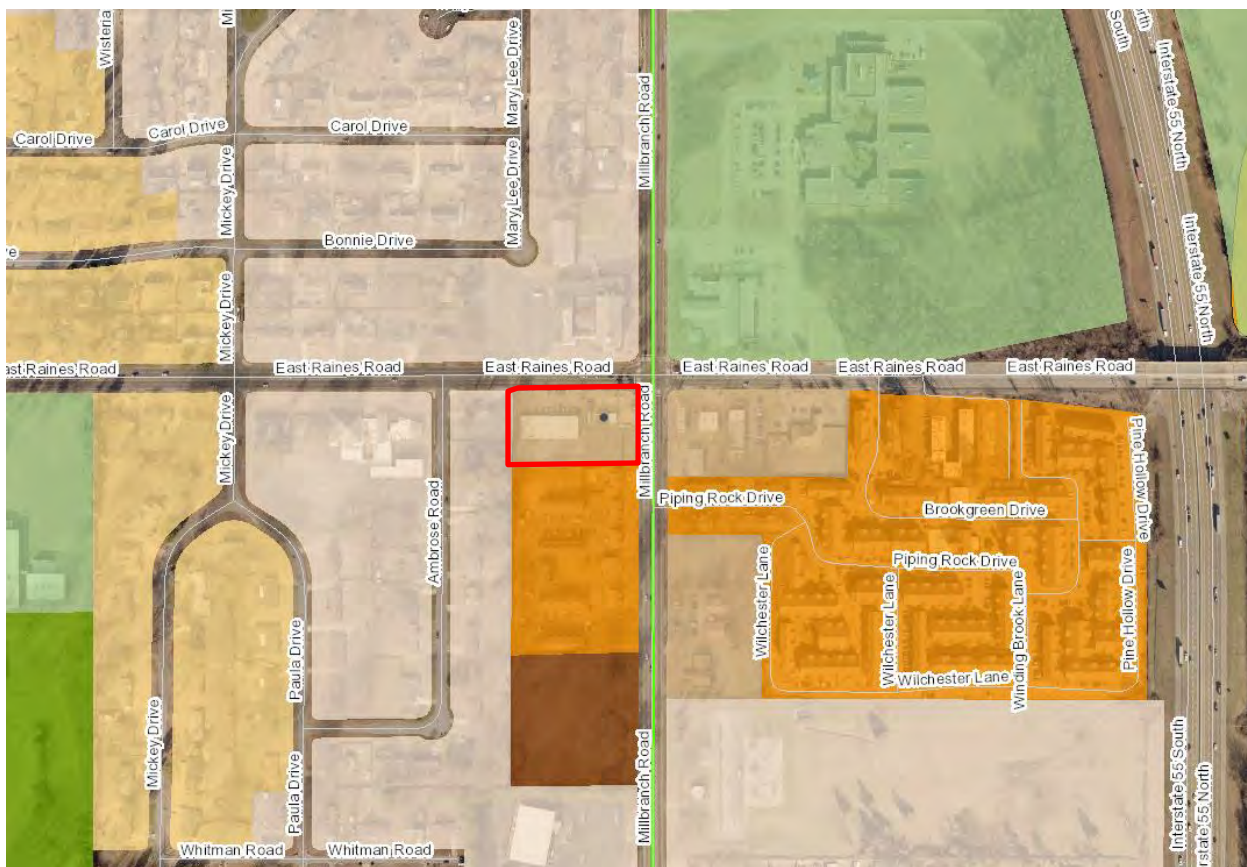
Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

The applicant requests a SUP to allow a C-store with gasoline sales in the CMU-1 zoning 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

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.

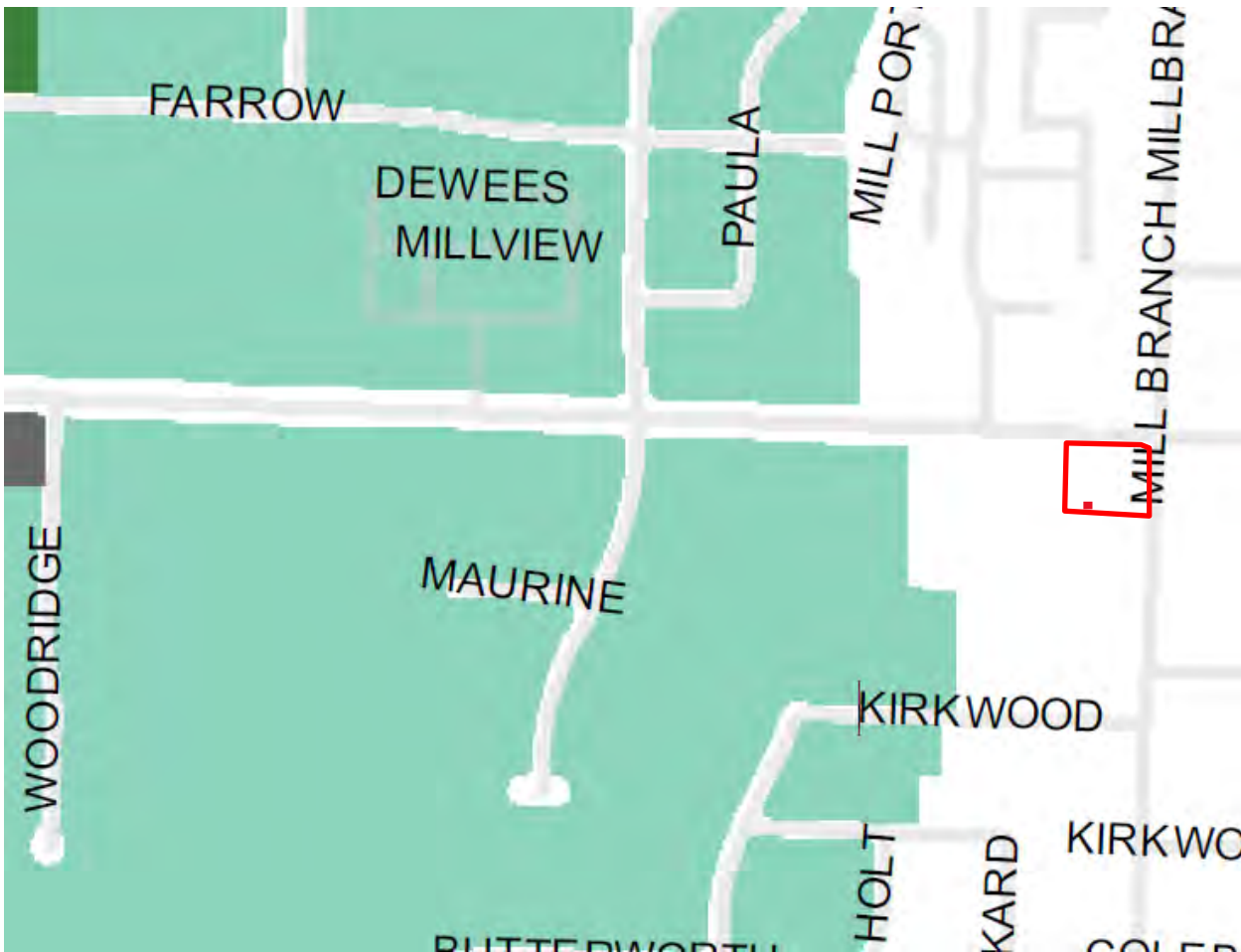
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Single-Family, Institutional and OG, R-10

Overall Compatibility: *This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use. The request for gasoline sales is not compatible with the Whitehaven District goal of improving pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors.*

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

Improve pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors

Consistency Analysis Summary

The applicant is to allow a c store in a SUP request to allow a C-store with gasoline sales in the CMU-1 zoning district.

This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use. The request for gasoline sales is not compatible with the Whitehaven District goal of improving pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors.

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

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING	
You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Wednesday, December 31, 2025 at 8 AM.	
CASE NUMBER: SUP 2025-037 ADDRESS: 1681 E Raines Rd REQUEST: Special use permit to allow a c-store with gas pumps APPLICANT: HMM Investment LLC	
Meeting Details Location: Council Chambers City Hall 1st Floor 125 N Main St. Time: 9:00 AM Date: Thursday, January 8, 2026	
Staff Planner Contact: Mahsan Ostadnia ✉ mahsan.ostadnia@memphistn.gov ☎ (901) 636-7181	
MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT	
VICINITY MAP	
 50/No 06-04 M All and 12/15/2025	
To learn more about this proposal, contact the staff planner or use the QR code to view the full application.	
	

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Brian Hatley, being duly sworn, depose and say that at 2:30 am/pm on the 28 day of JANUARY, 2026, I posted a Public Notice Sign(s) pertaining to Case No. SUP 2025-037 at 1681 E. Raines, providing notice of a Public Hearing before the x Land Use Control Board, x Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, x Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), 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

1-28-26
Date

Subscribed and sworn to before me this 28th day of JANUARY, 2026.

[Signature]
Notary Public

My commission expires: 5/17/2026





NEIGHBORHOOD MEETING SUMMARY (FIRST MEETING)

NEIGHBORHOOD MEETING SUMMARY

Case Number: SUP 2025-037



Meeting Information

Location: Whitehaven Branch Library

Date: 12/22/25

Address: 4120 Millbranch

Time: 18:00

Attendance

Attended on behalf of the applicant:

Role (Applicant, Engineer, Architect, etc.)

David Bray

Engineer

Number of Invitations Mailed: 76

Approx. Neighborhood Attendees: 8

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.

The attendees (including Councilwoman Walker) were largely against the development.

Concerns were another c-store and impacts to traffic. At least one attendee would support

a coffee shop on this location. Some progress was made towards the end of the meeting

with the idea of incorporating the strip mall next door into the application (same ownership).

Consensus was they wanted another meeting to include the owners and they asked that

we hold until at least the February meeting of the LUCB.

NEIGHBORHOOD MEETING SUMMARY



Case Number: SUP 2025-037

Attachments

Also included in this submission are the following:

- | | |
|---|---|
| ☒ Mailed Invitation | ☐ Handouts Provided |
| ☒ Invitation Mailing List | ☐ Sign-in Sheet(s) |
| ☐ Applicant's Presentation | ☐ Photographs of Meeting |
| ☐ Other: _____ | |

Note: while these attachments will not be included in 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.

David Bray

Print Name

Signature

12/23/25

Date

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

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: Additional Info Required

Opened Date: November 26, 2025

Record Number: SUP 2025-037

Expiration Date:

Record Name: Lot 2&3, Rainbranch Subdivision

Description of Work: SUP request to allow a C-store with gasoline sales in the CMU-1 zoning district

Parent Record Number:

Address:

1681 E RAINES RD, MEMPHIS 38116

Owner Information

Primary Owner Name

Y HMM INVESTMENTS LLC

Owner Address

1671 E RAINES RD, MEMPHIS, TN 38116

Owner Phone

Parcel Information

079009 00048

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

09/10/2025

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

n/a

Number(s) related to previous applications on
this site

Is this application in response to a citation, stop
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

n/a

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

Raines and Millbranch is an existing signalized intersection with commercial development on all four corners. The subject property is currently used as an auto garage. The proposed development meets the standards of the UDC for a c-store in the CMU-1 zoning district and will be compatible with surrounding uses.

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

The proposed development meets the enhanced requirements for a C-store with gasoline sales in the CMU-1 zoning district.

UDC Sub-Section 9.6.9C

All essential facilities are currently present at the site.

UDC Sub-Section 9.6.9D

Agreed

UDC Sub-Section 9.6.9E

Agreed

UDC Sub-Section 9.6.9F

Agreed

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

0 2

Subdivision

RAINBRANCH

Planned Development District

-

Wellhead Protection Overlay District

No

County Commission District

-

City Council District

-

City Council Super District

-

Contact Information

Name

HMM INVESTMENTS LLC

Contact Type

APPLICANT

Address

1671 E RAINES RD, HAKIS & SONS INC, MEMPHIS, TN, MEMPHIS, TN, 38115

Phone

-

Name

THE BRAY FIRM

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address

2960 STAGE PLAZA NORTH,

Phone

(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1693126	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	12/01/2025

Total Fee Invoiced: \$500.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$500.00

Method of Payment

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, HAKIS & SONS, INC. IASEM MUTHANA 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)

A) 1481 E RAINES ROAD, MEMPHIS
B) 4165 MILLBRANCH ROAD, MEMPHIS
of the property located at
and further identified by Assessor's Parcel Number A) 079009 00048 B) 079009 00049
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 25 day of Nov in the year of 2025

Kyrin H. Johnson
Signature of Notary Public



LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

November 25, 2025

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

RE: Special Use Permit for 1681 Raines Road
Lots 2 & 3, Rainbranch Subdivision (P.B. 62, Pg. 42)
CMU-1 Zoning District
Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a Special Use Permit to allow a C-store with gasoline sales in the CMU-1 zoning district. The northern part of the existing site is currently used as an auto garage in the CMU-1 zoning district and the southern half is currently vacant. This proposal would remove the existing building and construct a new 4100 square foot building with connected canopy for the four fuel pumps. The site currently has five drive aprons including several located too close to the intersection per current standards. This proposal will reduce the drive aprons to two and create the required streetscape planting around the front perimeters of the site. The existing chain link fence along the right-of-way will be removed. In addition to the gas pumps, three EV charging stations will be provided on the north side of the building. Although these are included in the parking count for the site, the site has more than adequate parking without the inclusion of these spaces.

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

One letter of opposition was received at the time of completion of this report.

01/06/2026

From: Swan Property Management LLC, D.B.A. Whitehaven Oaks Apartments

4179 Mill Branch Rd

Memphis TN 38116

RE: SUP 2025-037 1681 E Raines Rd, Memphis, TN 38116

Special permit to allow conversion to Gas station and convenience store

Attn: Land Use and Development Services, Division of Planning and Development

To Whom It May Concern,

Thank you for contacting us regarding the intent to permit a gas station and convenience store located at 1681 E Raines Rd.

Our company owns and operates Whitehaven Oaks Apartments, the property adjacent and just south of the subject property. We have been a part of the community since 2004.

The house, 4171 Mill Branch Rd, Memphis, TN 38116, is adjacent to the vacant lot, in which it is proposed that a gas station be constructed. This is a home. A home that we have invested in to bring up its curb appeal and provide housing to the Whitehaven community. It was derelict and sitting vacant for many years, an eye-sore to the community, so when it was offered up for sale, it was purchased by us. It was added into the parcel of the apartment complex in 2016.

We have some concerns associated with the proposed gas station next to this property. We would appreciate it if you would review these concerns and contemplate the impact of permitting this parcel to become a gas station and convenience store.

Thank you for your time and understanding and I look forward to your reply.

- 1) We are very concerned about the gas and oil runoff from the proposed site, as two large drain holes are right on the edge of the house property and all the water comes down from the corner of E Raines and Mill Branch to those two drains and a third drain in front of the 4171 Mill Branch property. When it rains heavy, those drains back up and flood the entire front part of the parcel, including the driveway of the 4171 Mill Branch property, and the 4177 and 4179 front part of the parcel, such that the grass is under 4-6 inches of

water for as long as it takes for the debris that is clogging the drains to be dealt with. If the proposed gas station is constructed, then the runoff will be more, as the concrete does not absorb water, it will run down the street even more so, into parcels 4171, 4177, and 4179. The proposed wooden fence will not divert the water.

- 2) For many years, we have mowed the vacant lot owned by HMM Investment, and picked up the trash, (the grass gets very tall), the fences are falling, and it looks poorly. We have never been thanked or compensated. We have done it for the Whitehaven community and for the residents of the house at 4171. It would be really nice if they took care of their own property, there is really no excuse not to. We are not convinced that after twenty years with the derelict property on the corner, that the investors would do any better with a bigger responsibility.
- 3) We are very concerned about the noise and light pollution of a large gas station and convenience store RIGHT next to a home, and next to a well-maintained row of duplexes and apartments. The noise from the gas station ads, the noise from the cars, honking, outdoor music, people activity all night long seems unfair to the residents next door. The light pollution of BRIGHT lights in the windows of hard-working people who need their rest, pouring in all night long, seems unfair to the residents next door. If this proposal was for a business that only operated during the day, the impact of a gas station next to a home would be considerable. In reality, the proposed business would be operating 24/7, and the impact of the night-time noise, light, activity would be devastating to the homes next door.
- 4) We have managed this property since 2006; it was managed by Alco for almost two years before that. That is almost twenty years now. We have gathered wisdom from the experience of having the gas station and convenience store across the street, kitty-corner to the apartment complex. We are referring to the BP gas station and convenience store already in operation at 4150 Mill Branch Road. We have had gun shots fired from there – penetrating windows, doors, cars, roofs, etc.; fights spilling over to the complex from there, drug activity from that corner, people parking on our lot to watch the store preparing to rob it, litter blowing over from there, and more. So, we ask ourselves, why does Whitehaven need another gas station? We do not begrudge anyone the opportunity to build a profitable business, but many other kinds of business can be built on the proposed site at 1681 E Raines other than the proposed gas station/convenience store corner and something else would be much more beneficial to the community.
- 5) Here is the research that we have compiled from the internet about the concerns of building a gas station next to homes.
 - a. **Health Concerns:** Gas stations can produce harmful emissions and noise, which may pose health risks to residents, especially those with respiratory issues or

other health vulnerabilities. www.realestatelawcorp.com/zoning-laws-and-gas-station-development-navigating-legal-regulations/

- b. **Noise disturbances:** The construction and operation of a gas station can generate significant noise levels, which may disrupt the daily lives of nearby residents. www.realestatelawcorp.com/zoning-laws-and-gas-station-development-navigating-legal-regulations/
- c. **Safety issues:** Gas stations require specific infrastructure, such as underground fuel storage tanks and connections to municipal water and sewage systems. The water runoff of the property, even with an updated drain system would still allow gas station debris and spills to the neighboring house. This is tragic. There would be no buffer zone. If there was a parcel buffer, it would help, but the proposed plan uses the vacant land and puts the gas station right next to a home.
- d. **Fire & Explosion Danger:** According to a 2020 National Fire Protection Association report, "From 2014 to 2018, local fire departments responded to an estimated average of 4,150 fires in or on service or gas station properties per year. These fires caused an average of three civilian deaths, 43 civilian fire injuries, and \$30.00 million in direct property damage annually." www.realestatelawcorp.com/zoning-laws-and-gas-station-development-navigating-legal-regulations/
- e. "In the past Federal Housing Administration (FHA) insured mortgages were not available for properties located within 300 feet of tanks capable of storing 1,000 gallons or more of gasoline or other flammable-explosive materials. This has been amended to only above ground storage tanks. Nevertheless, the frequency of fires would be a cause for concern if a gas station is proposed near a home or other sensitive land use." <https://ceds.org/gasstation/>.
- f. **Air Quality:** A number of compounds injurious to human health are released from gas stations during vehicle fueling and from underground storage tank vents. These compounds include: benzene, toluene, ethyl benzene, and xylene (BTEX). Measures to reliably resolve these adverse health effects are not employed at new gas stations.
Benzene is the gasoline constituent most harmful to human health. Adverse health effects of benzene include nausea, cancer, anemia, increased susceptibility to infections, and low birth weight. According to the *World Health Organization Guidelines for Indoor Air Quality* **there is no safe level for benzene.** The following research documents the extent of benzene releases from gas stations as well as adverse health effects:
 - i. A 1993 study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 parts per billion (ppb) at the gas station property boundary in summer and winter, respectively.

- ii. A 2001 study noted median ambient benzene levels of 1.9 ppb in houses up to 328 feet from a service station.
- iii. A 2003-2004 study conducted in France documented a significant relationship between childhood leukemia and living near a gas station.
- iv. A 2010 study conducted in Spain documented elevated air pollution within 100 meters (328 feet) of a gas station.
- v. In 2012, Brazilian researchers found that air quality was significantly degraded up to 150 meters (492 feet) from gas stations.
<https://ceds.org/gasstation/>.

g. Property Values: How Do Gas Stations Affect Property Value

In a 2022 article entitled *The Gas Station Effect*, the author described a review of 430,000 property sales in the Dallas-Fort Worth area. The researcher found that “Homes within 800 feet of a gas station (0.15 miles) appreciated only 11.9% during two years of ownership, compared to 20-22% for homes further away, over the same two years.”

In addition, here are a couple of articles giving an anecdotal indication:

- Cemeteries, highways, gas stations: “Here’s what decreases your property value: Gas stations, railroad tracks, hydro towers, power stations, and industrial areas — proximity to any of these things definitely won’t help improve your home value, since they can generate and/or attract odors or other substances that could affect your air quality.”
- 10 Industries That Diminish Property Values The Most: “2. Convenience Store with Gas Station. People will be driving in and out of your intersection, hanging out at the property, and buying lots of lotto tickets, cigarettes, and beer when they gas up. Although handy, these shops do nothing to help property values and hurt them significantly according to Zillow.com. Although the realtors questioned on the site did not have exact statistics, common sense would show that the increase in robberies, accidents, traffic and pedestrians would add up to decreased property value.”
<https://ceds.org/gasstation/>

h. The Good and Bad of Convenience Store Locations

Given the impacts and corrective measures described above, an optimum convenience store-gas station location would have the following characteristics:

- At least 500 feet from the nearest home; or
- Buffered so the store cannot be seen or heard from the nearest home.
- To preserve public health a minimum if 500 feet from homes and 1,000 feet from schools;
- Not within view of historic resources;

- At least 500 feet from wells, springs, streams, reservoirs or other highly sensitive ground or surface water resources;
 - Accessible by foot and bike as well as cars.
 - Convenience stores should be located at least a 10-minute walk (0.5 miles) from schools;
 - Located in a downtown or commercial area – not in residential areas.
 - Well lit, but not to the point of causing light trespass into nearby homes.
 - In an area with many passersby and few escape routes for criminals; and
 - In an area where the market can accommodate a new store without putting existing ones out of business.
- <https://ceds.org/gasstation/>

In Summary, we have been a part of the Whitehaven Oaks Community for twenty years. While attending the neighborhood watch meetings, police apartment monthly meetings, or when police do a courtesy drive through, or are on the property to deal with the fall out of crime in Whitehaven, we are told that this property is NOT on the police list of ill-managed, problem-prone complexes. We are complimented and told to “keep doing what you’re doing! You are making a positive impact in the Whitehaven community!” We mention this because it is a reflection of management style of the owners, whose goal is to provide a great place to live in Whitehaven. We often have people waiting to move on site, who have lived in nearby complexes that are struggling. Management staff from nearby communities have come to us to ask how we do it. We tell them that we believe we will someday stand before God and be accountable for the resources He has given us to manage ([What is the meaning of the Parable of the Talents? | GotQuestions.org](#)) We also believe that every person is a precious soul in the eyes of God. ([What makes human life valuable? | GotQuestions.org](#)). We therefore strive to maintain the property to the best of our ability. We are not perfect. We have problems on site. But we do try our best.

We ask that you do not further burden this community with permits to develop a gas station and convenience store that do not meet many of the above (see “h.”) check points for this site. In summary, it would not be at least 500 feet away from the nearest home; it would not be buffered so that the store cannot be seen or heard from the nearest home; it would not preserve public health because it is not a minimum of 500 feet from homes; it would not be 500 feet from surface water drains; it would cause light pollution and trespass into nearby homes; it would provide escape routes for criminals to hop the fence or wall and trespass through the complex; it would be in the market where it could put the gas station across the street under further financial stress causing it to become a worse problem for the Whitehaven community; 1681 E. Raines property can be developed in another way to be a benefit to the community besides a gas station and convenience store; the owner/investor of the corner property which currently has a derelict used tire site operating on it- should repaint the building, maintain the fences, mow his lawns, pick up his own trash, and show that he has a desire to contribute to the well-being of the community as we do. We mow our lawns, we pick up our trash, we maintain our fences, we paint our buildings and maintain the property to high standards.

Please do not approve a gas station / convenience store on this corner. It would not be good for us, and it would not be good for the residents, many of whom are elderly, all have been hard-working citizens and those who love the Whitehaven Community and many of them grew up there.

Thank you for your attention to these matters!

David Lawrence, Owner

Whitehaven Oaks Apartments

Office: 901-348-9906

Cell: 901-378-1590

PETITION TO STOP GAS STATION ON THE CORNER

Date:	02/11/2026
Petition Organiser:	Amy Lawrence, Whitehaven Oaks Apartments
Contact Number:	901-348-9906

We, the undersigned, petition the Land Control Board and City of Memphis Council to **NOT** permit, and **DO NOT** allow a gas station convenience store to be built at 1681 E Raines Rd, Memphis, TN 38116. Our concerns are:

1. Health - Gas stations can produce harmful emissions and noise, which may pose health risks to residents, especially those with respiratory issues or other health vulnerabilities.
www.realestatelawcorp.com/zoning-laws-and-gas-station-development-navigating-legal-regulations/
2. Noise and Light pollution – The operation of a gas station will likely generate significant noise and disrupt the daily lives of nearby residents. Gas station pump ads, honking, 24/7 activity, bright lights 24/7 trespassing into windows of residents.
3. Safety Issues - No buffer zone between proposed plans and apartment complex means gas odors and toxic fumes will be right next to the tenant's homes. Several compounds injurious to human health are released from gas stations during vehicle fuelling and from underground storage tank vents. These compounds include benzene, toluene, ethyl benzene, and xylene (BTEX). Measures to reliably resolve these adverse health effects are not employed at new gas stations.
Benzene is the gasoline constituent most harmful to human health. Adverse health effects of benzene include nausea, cancer, anemia, increased susceptibility to infections, and low birth weight. According to the *World Health Organization Guidelines for Indoor Air Quality* there is *no safe level for benzene*. <https://www.lookupaplate.com/blog/gas-station-statistics/>
4. Fire Danger & Explosive Danger – According to a 2020 National Fire Protection Association report, "From 2014 to 2018, local fire departments responded to an estimated average of 4,150 fires in or on service or gas station properties per year.
5. Crime – anticipated higher foot traffic in the area, convenience stores/gas stations account for 2-3% of violent crimes, and 5th and 7th most common places for violent crime.
<https://www.lookupaplate.com/blog/gas-station-statistics/>
6. Email your City Council Representatives: Pearl E Walker at Pearl.walker@memphistn.gov AND call as soon as possible! The meeting is soon! The City of Memphis main number to be directed to her office at 901-636-6500.

Sign the petition and email Ms. Walker to be heard! No gas station at 1681 E Raines!

drop in drop box or put back on door!

YOUR NAME	YOUR ADDRESS	SIGNATURE
DERRICK FARMER	4181 MILLBRANCH #2	

Do not tear or cut!

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put in drop box or put on door!

YOUR NAME	YOUR ADDRESS	SIGNATURE
Gloria Williams	4181 Milbranch Rd #3	<i>Gloria Williams</i>

do not tear or cut! ge: 1

PETITION TO STOP GAS STATION ON THE CORNER

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Petition Organiser:	Amy Lawrence, Whitehaven Oaks Apartments
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drop in drop box or put knock on door!

YOUR NAME	YOUR ADDRESS	SIGNATURE
Marcus Wallace	4171 Millbranch Rd	Marcus Wallace
Jessie Rankin	4171 Millbranch Rd	Jessie Rankin
Mark Kirk Massie	4177 Millbranch Rd	Mark Kirk Massie

Do not cut or tear!

ge: 1



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: Additional Info Required

Opened Date: November 26, 2025

Record Number: SUP 2025-037

Expiration Date:

Record Name: Lot 2&3, Rainbranch Subdivision

Description of Work: SUP request to allow a C-store with gasoline sales in the CMU-1 zoning district

Parent Record Number:

Address:

1681 E RAINES RD, MEMPHIS 38116

Owner Information

Primary Owner Name

Y HMM INVESTMENTS LLC

Owner Address

1671 E RAINES RD, MEMPHIS, TN 38116

Owner Phone

Parcel Information

079009 00048

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

09/10/2025

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

n/a

Number(s) related to previous applications on
this site

Is this application in response to a citation, stop
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

n/a

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

Raines and Millbranch is an existing signalized intersection with commercial development on all four corners. The subject property is currently used as an auto garage. The proposed development meets the standards of the UDC for a c-store in the CMU-1 zoning district and will be compatible with surrounding uses.

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

The proposed development meets the enhanced requirements for a C-store with gasoline sales in the CMU-1 zoning district.

UDC Sub-Section 9.6.9C

All essential facilities are currently present at the site.

UDC Sub-Section 9.6.9D

Agreed

UDC Sub-Section 9.6.9E

Agreed

UDC Sub-Section 9.6.9F

Agreed

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

0 2

Subdivision

RAINBRANCH

Planned Development District

-

Wellhead Protection Overlay District

No

County Commission District

-

City Council District

-

City Council Super District

-

Contact Information

Name
HMM INVESTMENTS LLC

Contact Type
APPLICANT

Address
1671 E RAINES RD, HAKIS & SONS INC, MEMPHIS, TN, MEMPHIS, TN, 38116

Phone
-

Name
THE BRAY FIRM

Contact Type
ARCHITECT / ENGINEER /
SURVEYOR

Address
2950 STAGE PLAZA NORTH,

Phone
(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1693126	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	12/01/2025

Total Fee Invoiced: \$500.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$500.00	Check



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.



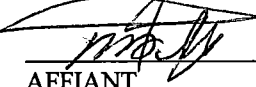
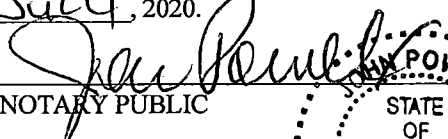
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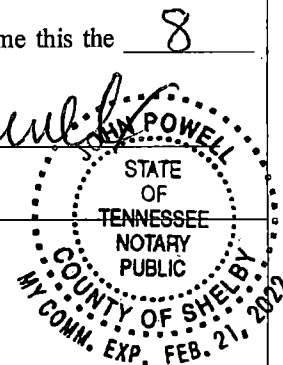
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3 PGS	
TAMMY 2053417 - 20072921	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS INSTRUMENT PREPARED BY AND RETURN TO: THE WEISSMAN FIRM Attorneys at Law 5118 Park Avenue, Suite 600 Memphis, TN 38117 (901) 763-2134 larry@memphislawfirm.net	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 is \$10.00.  AFFIANT Subscribed and sworn to before me this the <u>8</u> day of <u>July</u>, 2020.  NOTARY PUBLIC	
QUIT CLAIM DEED <i>This conveyance is effective as of December 30, 2019</i> <i>Title to this property was not examined incidental to this conveyance</i>		
Address of New Owner: HMM Investments	Send Tax Bills To: HMM Investment	Property Address: 4165 Millbranch & 1681 E. Raines Memphis, TN 38116
1669 E. Raines Memphis, TN 38116	1669 E. Raines Memphis, TN 38116	Parcel Number: 079-009-00048 079-009-00049



KNOW ALL MEN BY THESE PRESENTS, that, I, **Morshed Mohamed**, does hereby quit claim and convey unto **HMM Investments, LLC**, a **Tennessee limited liability company**, all my right, title and interest in and to the following described real estate, lying in the Shelby County, State of Tennessee, to-wit:

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

8th **IN TESTIMONY WHEREOF** I have hereunto set my hand and seal this
day of July, 2020.



Morshed Mohamed

STATE OF TENNESSEE

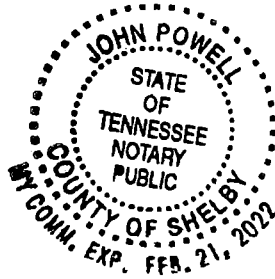
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **Morshed Mohamed**, to me known to be the person described in and who executed for foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 8 day of July, 2020.

My commission expires:

2-21-2022





NOTARY PUBLIC

Exhibit A

Parcel 1:

Lot 3, Rainbranch Subdivision, as shown on plat of record in Plat Book 62, Page 42, Register's Office, Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lot.

Being the same property conveyed to the grantor herein by Warranty Deed of record at Instrument No. 16050232, said Register's Office.

Parcel 2:

Lot 2, Rainbranch Subdivision, as shown on plat of record in Plat Book 62, Page 42, Register's Office, Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lot.

Being the same property conveyed to the grantor herein by Warranty Deed of record at Instrument No. 16050231, said Register's Office.



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

November 25, 2025

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

RE: Special Use Permit for 1681 Raines Road
Lots 2 & 3, Rainbranch Subdivision (P.B. 62, Pg. 42)
CMU-1 Zoning District
Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application for a Special Use Permit to allow a C-store with gasoline sales in the CMU -1 zoning district. The northern part of the existing site is currently used as an auto garage in the CMU-1 zoning district and the southern half is currently vacant. This proposal would remove the existing building and construct a new 4100 square foot building with connected canopy for the four fuel pumps. The site currently has five drive aprons including several located two close to the intersection per current standards. This proposal will reduce the drive aprons to two and create the required streetscape planting around the front perimeters of the site. The existing chain link fence along the right-of-way will be removed. In addition to the gas pumps, three EV charging stations will be provided on the north side of the building. Although these are included in the parking count for the site, the site has more than adequate parking without the inclusion of these spaces.

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

Sincerely,

David Gean Bray, P.E.

MEMPHIS 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, HAKIS & SONS, INC., JAZEM MUTHANNA, 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)

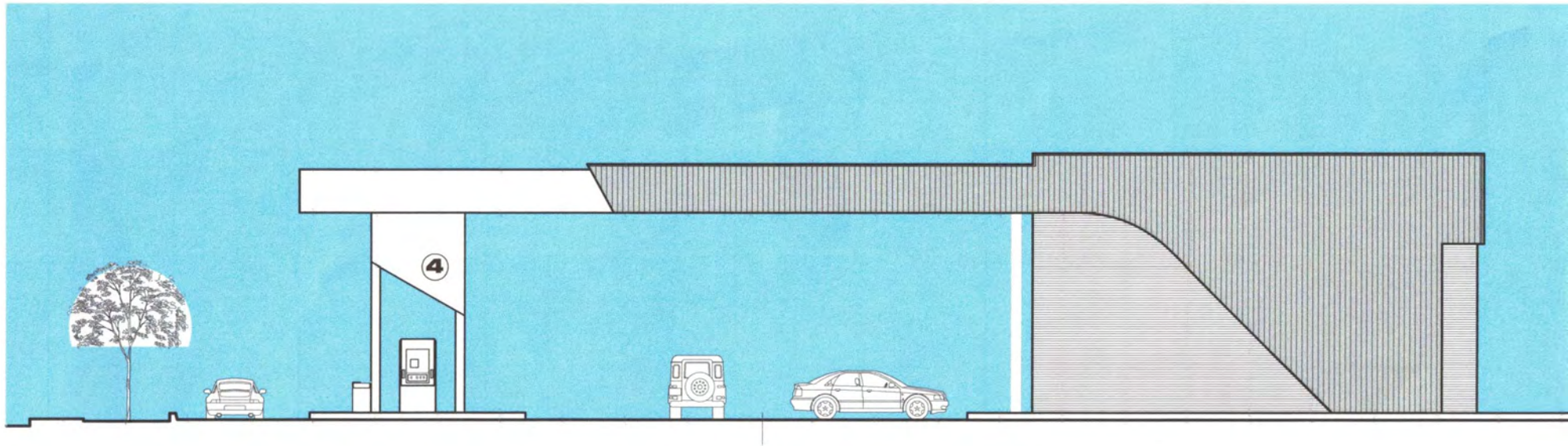
of the property located at A) 1681 E RAINES ROAD, MEMPHIS
B) 4165 MILLBRANCH ROAD, MEMPHIS
and further identified by Assessor's Parcel Number A) 079009 00048 B) 079009 00049,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 25 day of Nov in the year of 2025.

Kyrak N. Johnson
Signature of Notary Public



June 9, 2029
My Commission Expires



RAINES ROAD ELEVATIONS

11-21-25

LEGEND

PP-	POWER POLE
AG-	ANCHOR GUY
WV-	WATER VALVE
FH-	FIRE HYDRANT
GV-	GAS VALVE
LP-	LIGHT POLE
SMH-	SEWER MANHOLE
DMH-	DRAIN MANHOLE
CONC.	CONCRETE
S/W	SIDEWALK
H/C	HANDICAP
TRANS-	TRANSFORMER
-	FENCE
GM-	GAS METER
EOP-	EDGE OF PAVEMENT
WM-	WATER METER
#10-	DRAIN INLET
#11-	DRAIN INLET

CONSTRUCTION NOTES:

1. A MINIMUM OF 24 HOURS PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE CITY OF MEMPHIS CONSTRUCTION INSPECTION OFFICE AT (901) 636-2462

2. ALL NEWLY CUT OR FILLED AREAS, LACKING ADEQUATE VEGETATION, SHALL BE SEEDED, MULCHED, FERTILIZED AND/OR SODDED AS REQUIRED TO EFFECTIVELY CONTROL SOIL EROSION.

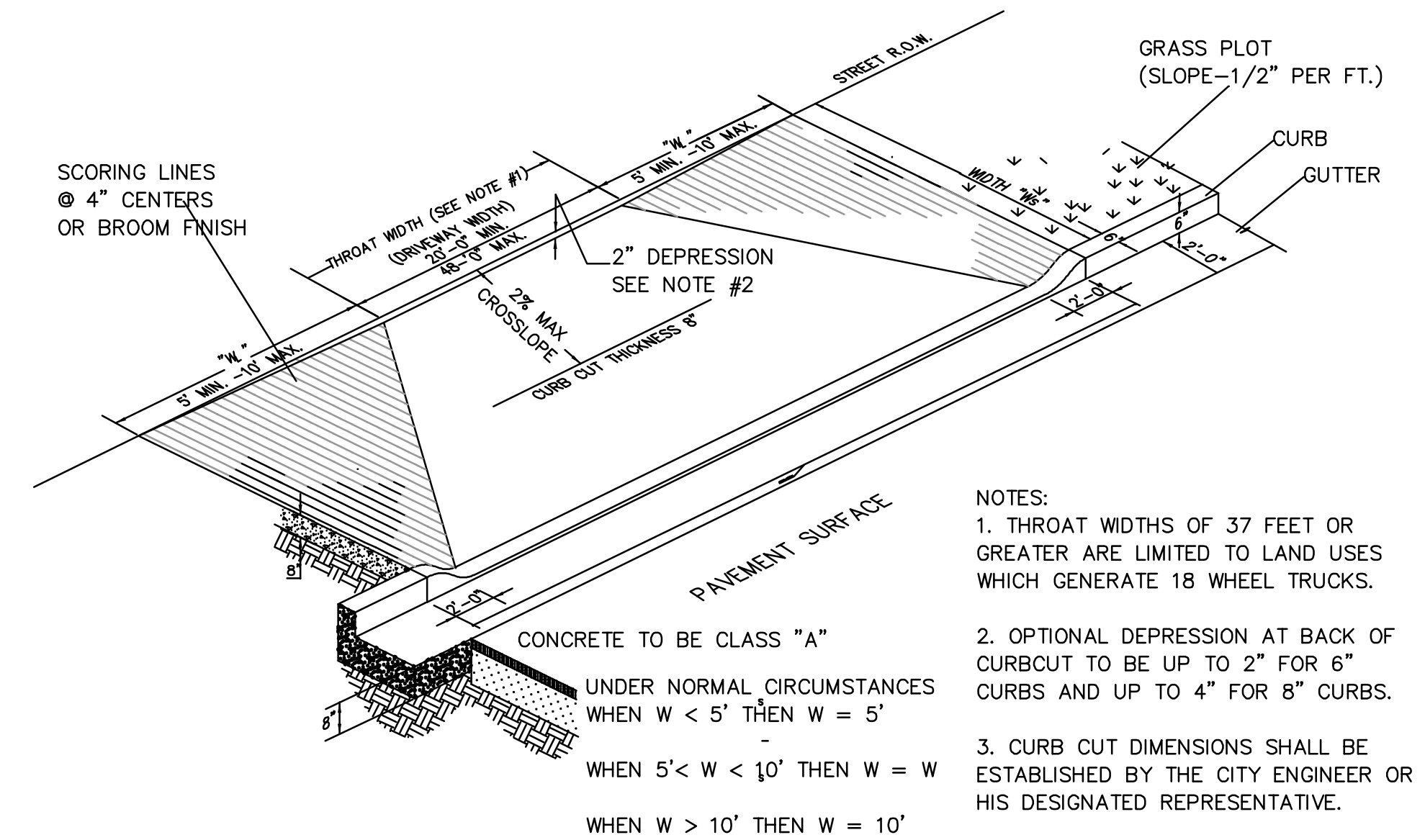
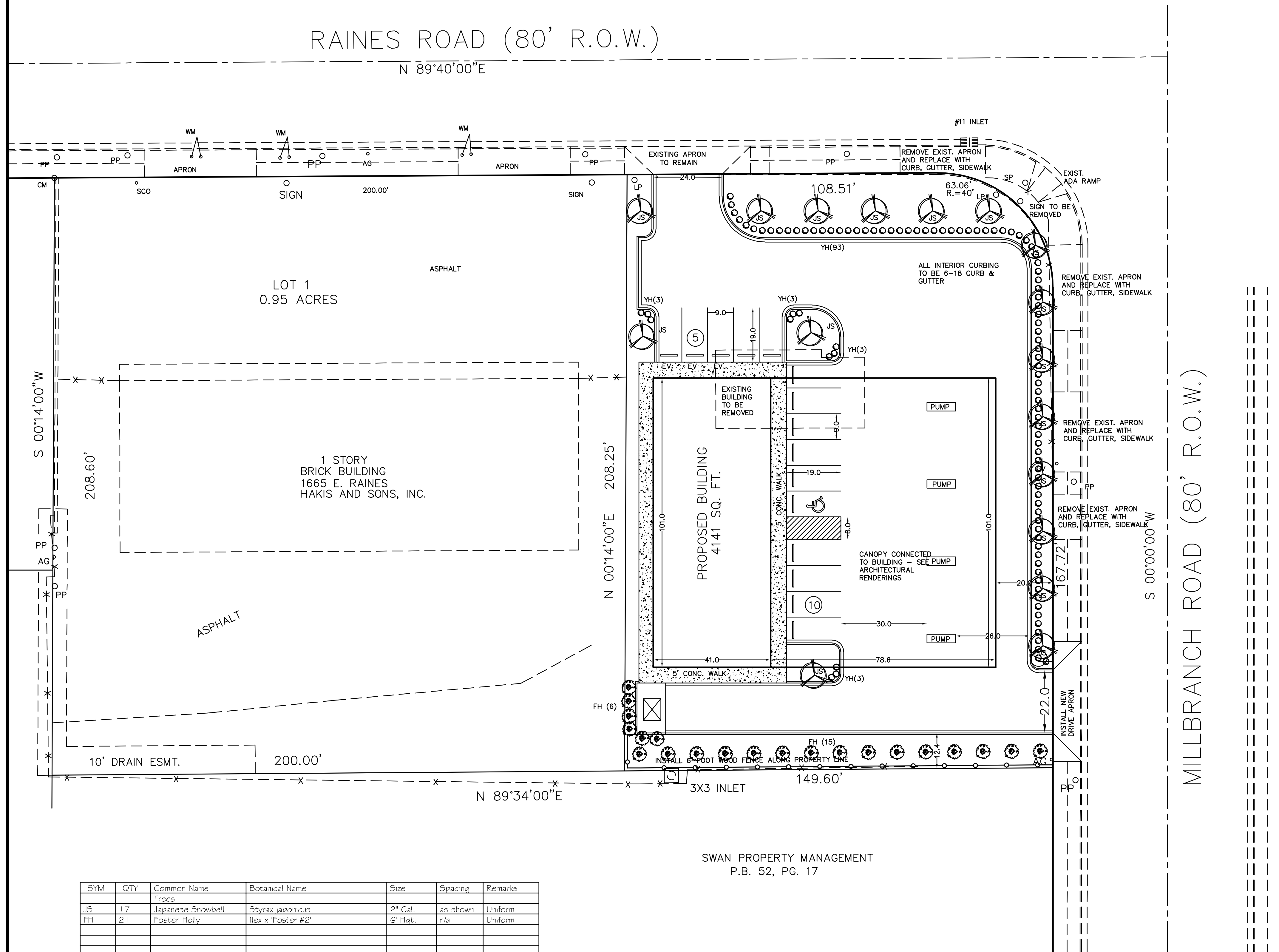
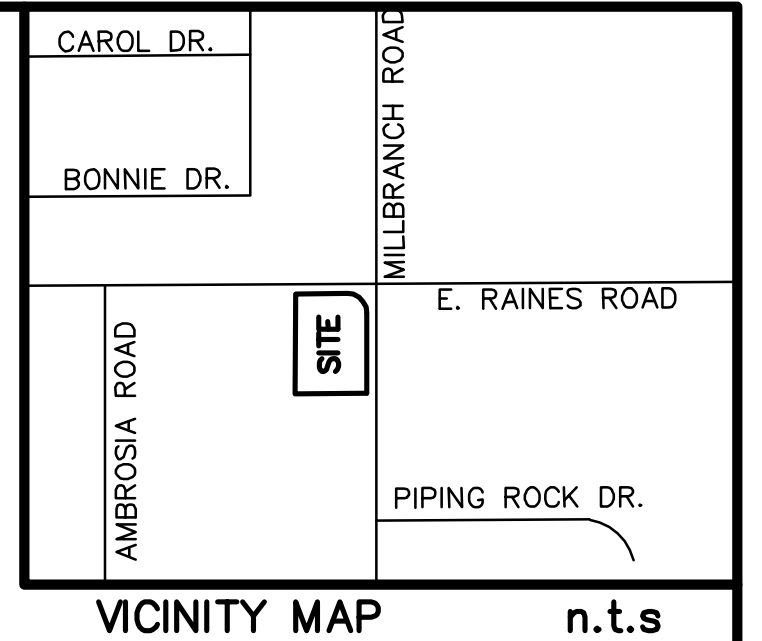
3. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT NECESSARILY ALL OF SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE UTILITY COMPANIES WHICH MAINTAIN A UTILITY LINE WITHIN THE RIGHT-OF-WAY OF THE PROJECT PRIOR TO THE INITIATION OF ANY CONSTRUCTION ON THE PROJECT OR IN THE STREETS BORDERING THE PROJECT. THE CONTRACTOR SHALL ALSO ASSUME FULL RESPONSIBILITY FOR DAMAGE TO ANY UTILITIES ENCOUNTERED WITHIN CONSTRUCTION PERIMETERS, WHETHER SHOWN ON THE CONSTRUCTION PLANS OR NOT, DURING THE WORK ON THE PROJECT. FOR SITE LOCATION OF EXISTING UTILITIES INVOLVING MLGW, SOUTH CENTRAL BELL, AND/OR TEXAS GAS COMPANY, CALL 1-800-351-1111. FOR SEWER LOCATION CALL 929-8025.

4. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL PROPERTIES.
5. ALL FILL SOILS SHALL BE COMPACTED TO A MINIMUM OF 95% OF STANDARD PROCTOR DENSITY (ASTM D-698) WITHIN 3% OF OPTIMUM MOISTURE CONTENT IN LIFTS NOT TO EXCEED SIX (6) INCHES OF COMPACTED THICKNESS.
6. ALL CONSTRUCTION MATERIALS AND PROCEDURES SHALL MEET OR EXCEED THE REQUIREMENTS OF THE CITY OF MEMPHIS STANDARD CONSTRUCTION SPECIFICATIONS.
7. PROPERTY LINES SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION. GRADING, CLEARING, AND THE ERECTION OR REMOVAL OF FENCES ALONG PROPERTY LINES SHALL BE FULLY COORDINATED WITH ADJACENT PROPERTY OWNERS.
6. VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION. NOTIFY THE CITY OF MEMPHIS CONSTRUCTION INSPECTION OFFICE ENGINEER OF VARIATIONS PRIOR TO COMMENCEMENT OF WORK.
9. ALL GRADING WORK SHALL BE PERFORMED IN SUCH A MANNER THAT ADJACENT PROPERTIES ARE NOT DAMAGED OR ADVERSELY AFFECTED.
10. LOT DRAINAGE: FINISH GRADE SHALL BE SLOPED AWAY FROM THE FOUNDATION FOR DRAINAGE. THE FINISH GRADE MUST BEGIN AT LEAST 12-INCHES BELOW THE TOP OF THE FOUNDATION WALL OR THE GRADE OF THE CONCRETE SLAB AT THE INTERIOR IN THE CASE OF AN INTEGRAL SLAB AND FOUNDATION. THE MINIMUM GRADE AWAY FROM THE FOUNDATION SHALL BE TWO PERCENT (2%) IN ALL DIRECTIONS. THE DRIVEWAY SHALL BE SLOPED DOWN AT TWO PERCENT (2%) FOR AT LEAST EIGHT FEET FROM THE STRUCTURE.

NOTE: PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ANY ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDED BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRAINAGE APRONS AND UTILITY TIES. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE (901) 636-6700.

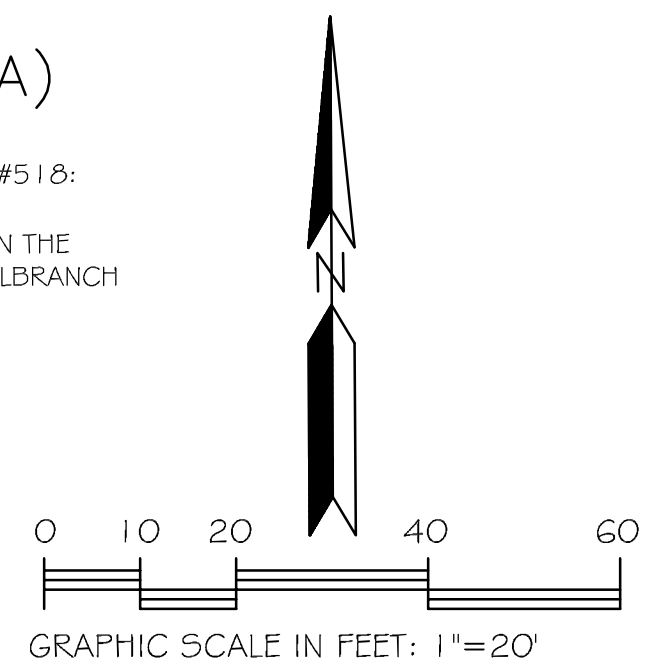
i. NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS.

ii. THE CITY OF MEMPHIS SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF OR SAID PRIVATE DRIVES AND YARDS.



SITE DATA:
EXISTING USE: RETAIL
PROPOSED USE: C-STORE WITH GAS SALES
ZONING: CMU-1
AREA: 0.704 ACRES
PARKING REQUIRED: 7 SPACES
PARKING PROVIDED: 15 SPACES (1 ADA)

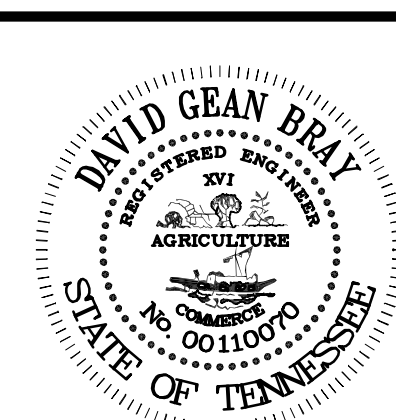
CITY OF MEMPHIS BENCHMARK #518:
RAINES RD. & MILLBRANCH RD.
'CITY MONUMENT IS LOCATED ON THE
NW COR., B/CURB AT ER ON MILLBRANCH
SIDE, AT 6-72 INLET.
ELEVATION: 284.21



SYM	QTY	Common Name	Botanical Name	Size	Spacing	Remarks
		Trees				
J5	17	Japanese Snowbell	Styrax japonicus	2" Cal.	as shown	Uniform
FH	21	Foster Holly	Ilex x 'Foster #2'	6' Mat.	n/a	Uniform
		Shrubs				
YH	105	Dwarf Yaupon Holly	Ilex vomitoria 'Stoke's Dwarf'	18-24" Spr	4' o.c.	Full

REQUIRED SIDEWALKS				
STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION	ACTION
MILLBRANCH ROAD	5.0	WEST	4.5-foot grass strip	REPLACE AS SHOWN
RAINES ROAD	5.0	SOUTH	4.5-foot grass strip	REPLACE AS SHOWN

SIDEWALK ALONG EXISTING SITE IS NOT ADA COMPLIANT FOR CROSS-SLOPE, WHERE SHOWN. ADDITIONALLY, THE CURB IS NOT STANDARD 6" ABOVE GUTTER ELEVATION ALONG BB KING. IMPROVEMENTS TO INCLUDE REMOVAL OF EXISTING CURB GUTTER AND SIDEWALK AND REPLACEMENT, AS SHOWN. ADA COMPLIANT RAMP TO BE INSTALLED AT INTERSECTION

[illegible]

LOTS 2 & 3, RAINBRANCH SUBDIVISION
P.B. 62, PG. 42
DEVELOPER: HMM INVESTMENTS, LLC
ENGINEER: THE BRAY FIRM

SHEET 1 OF 1
DIVISION OF ENGINEERING
SUP APPLICATION
LOCATION:
1681 RAINES ROAD
MEMPHIS, TENNESSEE
SURVEY: OTHERS
DESIGN: TBF DATE: 11-2025 SCALE 1"=20'

ORDINANCE NO. _____

AN ORDINANCE DECLARING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, APPROVAL, AND ISSUANCE OF ZONING, LAND USE, BUILDING, AND OTHER ASSOCIATED INFRASTRUCTURE PERMITS FOR DATA CENTER DEVELOPMENTS WITHIN THE CITY OF MEMPHIS

WHEREAS, pursuant to Tennessee Code Annotated § 13-7-201, the Memphis City Council possesses the authority to regulate land use, zoning, and development to protect the public health, safety, and welfare of its citizens; and

WHEREAS, there has been substantial growth nationwide and throughout Tennessee in the development of large-scale data centers and high-density computing facilities supporting cloud computing, artificial intelligence, digital storage, cryptocurrency operations, and other advanced computing technologies; and

WHEREAS, modern data centers differ significantly from traditional commercial and industrial developments because they require exceptionally high electrical loads, extensive backup generation systems, electrical substations, battery storage systems, mechanical cooling equipment, water resources, telecommunications infrastructure, and continuous twenty-four-hour operations; and

WHEREAS, these facilities may generate impacts relating to electrical infrastructure capacity, water consumption, wastewater management, stormwater runoff, emergency services, traffic, lighting, vibration, noise, air quality, fuel storage, public utilities, and surrounding neighborhoods; and

WHEREAS, the Memphis and Shelby County Unified Development Code's current zoning regulations do not specifically classify or comprehensively regulate data center developments as a distinct land use and therefore do not adequately address their unique operational characteristics or community impacts; and

WHEREAS, the Memphis City Council finds that additional study is necessary before permitting additional data center developments to ensure that appropriate zoning classifications, siting standards, buffering requirements, operational standards, utility protections, and environmental safeguards are established; and

WHEREAS, the Memphis City Council further finds that a temporary moratorium is necessary to prevent applications from vesting under existing regulations while permanent zoning amendments are developed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS:

DRAFT – PENDING LEGAL AND COUNCIL REVIEW

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH A STRATEGIC LARGE-LOAD DEVELOPMENT AND DIGITAL INFRASTRUCTURE DISTRICT PROGRAM; TO REPLACE A BLANKET DATA-CENTER MORATORIUM WITH SOURCE-NEUTRAL, TIERED, AND TIMED REVIEW; TO DEFINE SUBSTANTIAL COMPLIANCE; TO ADOPT A MEMPHIS WATER ASSURANCE STANDARD AND RECURRING FISCAL FLOOR; TO REQUIRE STRATEGIC DEVELOPMENT AGREEMENTS; TO AUTHORIZE MEMPHIS DIGITAL INFRASTRUCTURE DEVELOPMENT DISTRICT NO. 1; AND FOR RELATED PURPOSES

WHEREAS, Memphis seeks to become a preferred location for high-value digital and strategic large-load investment by offering faster certainty, prepared infrastructure, and a durable public bargain rather than either unregulated first-come access or a blanket closure;

WHEREAS, the City already has agencies responsible for land use, utility service, air, water, fire, building, and economic development, but lacks one source-neutral operating system for extraordinary full-campus demand, recurring fiscal return, cumulative resource allocation, and competitive public development packages;

WHEREAS, Public Chapter 961 of the Public Acts of 2026 establishes a statutory cost-responsibility floor for defined electrical infrastructure and permits certain independent-power and behind-the-meter arrangements, making it necessary for local land-use and development rules to measure total site demand rather than utility load alone;

WHEREAS, Tennessee Code Annotated §§ 13-4-310(e) and 13-3-413(e), as applicable, require local governments to specify what constitutes substantial compliance for vested-right purposes, and Tennessee Code Annotated, Title 7, Chapter 51, Part 22, as enacted by Public Chapter 1044 of 2026, imposes development-service deadlines beginning January 1, 2027;

WHEREAS, the Memphis Sand aquifer is a strategic regional asset, and a verifiable low-potable-water development standard can protect that asset while creating a commercially valuable Memphis certification;

WHEREAS, a recurring fiscal floor, competitive site allocation, ground rent, project security, and reinvestment in the next district create greater long-term value than reliance upon announced capital investment or one-time contributions;

WHEREAS, the City intends to launch a prepared digital infrastructure district now through existing City, County, and industrial-development powers, without waiting for later State enabling legislation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1. SHORT TITLE.

This ordinance may be cited as the “Memphis Strategic Large-Load Development and Digital Infrastructure District Ordinance.”

SECTION 2. PURPOSE AND CONSTRUCTION.

(a) The purposes of this ordinance are to:

- (1) keep qualified development applications moving under enforceable, predictable standards;
- (2) protect citizens, neighborhoods, utility reliability, existing customers, public finances, water resources, and future economic options;

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, AMENDING ORDINANCE NO. 5367, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO ESTABLISH REGULATIONS FOR THE SITING, INITIAL DEVELOPMENT, CONSTRUCTION, EXPANSION, ALTERATION, AND OPERATION OF LARGE-SCALE DATA CENTERS; ESTABLISHING DATA CENTER DEVELOPMENT STANDARDS; PROHIBITING ROUTINE EVAPORATIVE AND ONCE-THROUGH COOLING; REQUIRING CLOSED-LOOP WATER-CIRCULATION SYSTEMS; PROHIBITING MAJOR WITHDRAWALS OF LOCAL WATER RESOURCES FOR DATA CENTER COOLING; REQUIRING WATER CONSERVATION AND MONITORING; REQUIRING PROGRESSIVE USE OF RENEWABLE AND NON-CARBON ELECTRICITY; ESTABLISHING A SCHEDULE FOR THE PHASE-OUT OF CARBON-BASED ELECTRICITY; ESTABLISHING REQUIREMENTS FOR EXPANSION OF EXISTING DATA CENTERS; PROVIDING FOR PUBLIC DISCLOSURE, REPORTING, ENFORCEMENT, PENALTIES, AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City Council of Memphis recognizes that large-scale data centers can require substantial amounts of electricity, water, land, electrical infrastructure, cooling infrastructure, and other public resources; and

WHEREAS, the City Council recognizes its responsibility to protect the health, safety, welfare, environmental quality, water resources, neighborhoods, infrastructure, and long-term economic interests of the residents of Memphis; and

WHEREAS, the Tennessee Department of Environment and Conservation recognizes that local governments may address data center siting, zoning, land-use compatibility, noise, and local infrastructure matters through local governmental processes; and

WHEREAS, the City of Memphis possesses authority to regulate land uses and zoning within the City pursuant to applicable Tennessee law and the Memphis and Shelby County Unified Development Code; and

WHEREAS, the Memphis and Shelby County Unified Development Code was adopted by Ordinance No. 5367 and has been amended from time to time by the City Council; and

WHEREAS, the Memphis City Council has determined that data center development should be subject to standards appropriate to the scale and intensity of the use; and

WHEREAS, the City Council finds that the protection of water resources is a legitimate public purpose and that cooling technologies that continuously circulate water in closed systems can substantially reduce water consumption; and

WHEREAS, the City Council finds that routine evaporative cooling can result in continuing consumption of water through evaporation and can place unnecessary demands upon municipal and regional water resources; and

WHEREAS, the City Council finds that data center electricity demand can be substantial and that increasing reliance upon renewable and non-carbon energy sources is in the public interest; and

WHEREAS, the City Council further finds that the costs of electrical infrastructure required solely or primarily because of data center development should not be shifted to residential customers or unrelated commercial customers to the extent prohibited or regulated by Tennessee law; and

WHEREAS, the City Council enacted Ordinance No. 5982 establishing a temporary moratorium on certain data center permits in order to provide time for the City to study and establish appropriate permanent development standards; and

WHEREAS, the City Council now determines that permanent standards governing water, energy, environmental sustainability, development, expansion, and infrastructure are necessary;

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE:

SECTION 1.

DATA CENTER DEFINED.

The Memphis and Shelby County Unified Development Code shall be amended to establish the following definition:

“DATA CENTER” means a building, structure, campus, or collection of buildings and associated infrastructure principally used for the housing, operation, storage, processing, management, transmission, or distribution of digital information through electronic computing equipment, including servers, computer systems, artificial-intelligence computing equipment, telecommunications equipment, network equipment, data-storage equipment, environmental control systems, electrical systems, substations, backup power systems, cooling systems, and related infrastructure.

A facility shall be considered a Data Center regardless of whether its computing equipment is operated by the owner of the real property, a tenant, contractor, affiliate, subsidiary, or other entity.

SECTION 2.

LARGE DATA CENTER.

A “LARGE DATA CENTER” means a Data Center that:

A. has a projected electrical demand of twenty (20) megawatts or greater; or

B. is designed or intended to increase electrical demand to twenty (20) megawatts or greater within ten (10) years of initial occupancy.

The City Council may establish a lower threshold by subsequent amendment to the Unified Development Code.

SECTION 3.

APPLICABILITY.

The requirements of this Ordinance shall apply to:

- A. every new Large Data Center;
- B. every new Data Center proposed after the effective date of this Ordinance;
- C. every expansion of an existing Data Center that increases electrical demand, computing capacity, building area, cooling capacity, or water demand;
- D. every conversion of an existing building or property to Data Center use;
- E. every new Data Center campus or expansion of an existing Data Center campus; and
- F. any phased development where multiple buildings or facilities are operated under common ownership, control, management, or utility service.

SECTION 4.

DATA CENTER DEVELOPMENT APPROVAL REQUIRED.

No person shall establish, construct, expand, enlarge, or materially modify a Data Center unless the applicant has obtained all applicable zoning, land-use, site-plan, building, utility, environmental, and other approvals required by the City and applicable law.

No Data Center development shall be approved unless the applicant demonstrates compliance with this Ordinance.

SECTION 5.

DISCLOSURE OF ULTIMATE DEVELOPMENT.

Every application for a new Data Center shall disclose the maximum reasonably anticipated development of the property, including:

- A. ultimate building area;
- B. ultimate electrical demand;
- C. anticipated computing capacity;
- D. number and capacity of cooling systems;
- E. maximum anticipated water demand;
- F. proposed water sources;
- G. proposed wastewater discharge;
- H. backup-generation capacity;
- I. battery-storage capacity;

- J. renewable-energy generation or procurement;
- K. anticipated carbon-based electricity consumption; and
- L. all known phases of future development.

No applicant shall avoid the requirements of this Ordinance by dividing a single Data Center campus into separate buildings, ownership entities, applications, phases, or permits.

SECTION 6.

CLOSED-LOOP COOLING REQUIRED.

- A. All new Data Centers shall use closed-loop cooling systems.
- B. Cooling water shall be continuously circulated and reused within the cooling system.
- C. The cooling system shall be designed so that water is not routinely consumed through evaporation.
- D. Once-through cooling systems are prohibited.
- E. Open-loop cooling systems are prohibited.
- F. Routine evaporative cooling towers are prohibited.
- G. Routine cooling-water blowdown, bleed-off, or discharge is prohibited except where specifically approved by the City Engineer as necessary for system safety or maintenance and where the discharge complies with all applicable law.
- H. Acceptable cooling technologies may include:
 - 1. air cooling;
 - 2. dry cooling;
 - 3. direct-to-chip cooling;
 - 4. rear-door heat exchangers;
 - 5. immersion cooling;
 - 6. closed-circuit cooling;
 - 7. other non-evaporative technologies approved by the City Engineer.

SECTION 7.

PROHIBITION ON MAJOR LOCAL WATER WITHDRAWALS.

A. No Data Center shall use groundwater, surface water, municipal drinking water, aquifer water, river water, lake water, reservoir water, or other Local Water Resources for routine cooling operations if the withdrawal constitutes a Major Water Withdrawal.

B. No new private well shall be constructed for the primary purpose of supplying routine Data Center cooling.

C. No Data Center shall divert water from the Mississippi River, Wolf River, Nonconnah Creek, groundwater aquifers, reservoirs, lakes, or other local water resources for routine cooling operations unless expressly authorized by applicable law and separately approved by the City following a public review.

D. The City shall favor reclaimed, recycled, captured, non-potable, or otherwise non-freshwater sources where water is permitted for an authorized use.

E. No approval shall be granted where the proposed cooling-water demand would materially impair the City's ability to provide water for residential, public health, fire protection, environmental, agricultural, or other essential purposes.

SECTION 8. POTABLE WATER.

Routine Data Center cooling shall not use treated potable drinking water supplied through the City's public water system except for:

A. initial filling of an approved closed-loop cooling system;

B. replacement of unavoidable system losses;

C. emergency conditions;

D. maintenance necessary to protect equipment or public safety; or

E. another use expressly approved by the City.

No potable water shall be used for intentional evaporative cooling.

SECTION 9. INITIAL COOLING SYSTEM FILL.

The applicant shall disclose the volume of water required to initially fill the cooling system.

The City Engineer shall determine whether the proposed initial fill can be supplied without adversely affecting public water supply, fire protection capacity, wastewater capacity, or other essential municipal services.

The City may require phased filling or alternative water sources when necessary to protect municipal water capacity.

SECTION 10.

WATER CONSERVATION PLAN.

Every applicant shall submit a Water Conservation and Resource Protection Plan containing:

- A. cooling-system specifications;
- B. initial water-fill requirements;
- C. anticipated annual water consumption;
- D. anticipated maximum daily water consumption;
- E. water-source identification;
- F. anticipated makeup-water requirements;
- G. procedures preventing evaporation;
- H. procedures preventing routine discharge;
- I. leak-detection procedures;
- J. water-metering procedures;
- K. water-recycling procedures;
- L. emergency-water procedures;
- M. wastewater-management procedures; and
- N. certification by a Tennessee-licensed professional engineer.

SECTION 11.

SEPARATE WATER METERING.

Every Data Center shall install meters capable of separately measuring:

- A. total water entering the facility;
- B. cooling-system water;
- C. makeup water;
- D. water used for non-cooling purposes; and
- E. wastewater discharge where technically feasible.

The City shall have the right to inspect and verify such meters.

SECTION 12.

WATER REPORTING.

Every Data Center shall submit an annual report to the City containing:

- A. total water consumption;
- B. total cooling-water consumption;
- C. makeup-water consumption;
- D. water source;
- E. initial cooling-system fill;
- F. water lost through leakage;
- G. any authorized discharge;
- H. any emergency withdrawal; and
- I. certification by the facility owner or authorized representative.

The City may make such information available to the public subject to applicable trade-secret and public-records law.

SECTION 13.

RENEWABLE ENERGY REQUIREMENT.

Every new Data Center shall obtain electricity from qualifying renewable or other non-carbon energy resources according to the following schedule:

- A. Beginning upon commencement of commercial operation:

Not less than sixty percent (60%) of annual electricity consumption shall be matched by qualifying renewable or non-carbon electricity.

- B. Beginning three (3) years after commencement of commercial operation:

Not less than seventy-five percent (75%) shall be matched by qualifying renewable or non-carbon electricity.

- C. Beginning six (6) years after commencement of commercial operation:

Not less than ninety percent (90%) shall be matched by qualifying renewable or non-carbon electricity.

- D. Beginning ten (10) years after commencement of commercial operation:

One hundred percent (100%) shall be matched by qualifying renewable or non-carbon electricity.

SECTION 14.

QUALIFYING RENEWABLE ENERGY.

Qualifying renewable electricity may include electricity generated from:

- A. solar;
- B. wind;
- C. geothermal;
- D. qualifying hydroelectric resources;
- E. onsite renewable generation;
- F. qualifying utility renewable-energy programs;
- G. long-term renewable power-purchase agreements;
- H. community renewable-energy programs; or
- I. other renewable-energy procurement mechanisms approved by the City Attorney.

Renewable Energy Certificates may be used for compliance only where legally recognized and where the certificates are retired for the benefit of the Data Center.

SECTION 15.

CARBON-BASED ELECTRICITY PHASE-OUT.

A. Routine electricity consumption from coal, petroleum, natural gas, diesel, gasoline, fuel oil, or other fossil-fuel generation shall be progressively reduced.

B. No new Data Center shall exceed the following annual carbon-based electricity limits:

- 1.
Years 1-3: forty percent (40%);
- 2.
Years 4-6: twenty-five percent (25%);
- 3.
Years 7-9: ten percent (10%);
- 4.
Year 10 and thereafter: zero percent (0%).

C. Carbon-based backup generators shall not be considered routine electricity sources when operated solely for emergency response, legally required testing, maintenance, or grid emergency purposes.

SECTION 16.

FOSSIL-FUEL BACKUP GENERATORS.

A. New Data Centers shall minimize reliance upon fossil-fuel emergency generation.

B. Fossil-fuel generators may operate only:

1.
during electrical outages;
2.
during declared emergencies;
3.
during required testing;
4.
during maintenance;
5.
to protect life or critical equipment; or
6.
when required by the applicable electric utility or governmental emergency authority.

C. No fossil-fuel generator may serve as the routine primary electrical supply for a Data Center.

D. New Data Centers shall evaluate battery storage and renewable backup generation as alternatives to fossil-fuel generation.

SECTION 17.

EXPANSION OF EXISTING DATA CENTERS.

A. No expansion may proceed without demonstrating compliance with this Ordinance.

B. An expansion that increases the facility's electrical demand by twenty percent (20%) or more shall be reviewed as a new Large Data Center.

C. An expansion that increases water demand shall demonstrate that the increased demand complies with Sections 6 through 12.

D. Replacement of cooling equipment shall comply with the closed-loop, non-evaporative requirements of this Ordinance.

E. A facility shall not avoid these requirements through phased expansion.

SECTION 18.

EXISTING DATA CENTERS.

Existing Data Centers lawfully operating before the effective date of this Ordinance may continue their lawful operations, subject to applicable existing law.

However, existing Data Centers shall submit to the City, within twelve (12) months of the effective date of this Ordinance:

- A. a water-use report;
- B. a cooling-system description;

- C. electrical consumption data;
- D. renewable-energy procurement information;
- E. fossil-fuel generator information;
- F. maximum electrical demand;
- G. maximum water demand; and
- H. an expansion plan, if applicable.

No major expansion shall be approved unless the facility complies with this Ordinance.

SECTION 19.

ELECTRICAL INFRASTRUCTURE COSTS.

Nothing in this Ordinance shall authorize the City or any municipal utility to violate Tennessee law.

To the extent permitted by law, a Data Center applicant shall identify and be responsible for incremental electrical infrastructure costs attributable to its proposed development.

The City shall not voluntarily absorb Data Center-specific infrastructure costs where such absorption is prohibited by Tennessee law.

The applicant shall provide documentation demonstrating the anticipated electrical infrastructure requirements associated with the project.

SECTION 20.

GRID AND ENERGY IMPACT STATEMENT.

Before approval of a Large Data Center, the applicant shall provide:

- A. projected electrical demand;
- B. expected annual electricity consumption;
- C. expected peak demand;
- D. anticipated interconnection requirements;
- E. proposed renewable-energy procurement;
- F. proposed energy-storage capacity;
- G. expected carbon-based electricity consumption;
- H. anticipated electrical infrastructure requirements; and

I. documentation from the serving electric utility concerning available service and anticipated infrastructure requirements, to the extent such documentation may lawfully be obtained.

SECTION 21.

PUBLIC DISCLOSURE.

Except for information protected by applicable trade-secret law, proprietary information law, cybersecurity requirements, or other applicable law, the City shall maintain a publicly accessible Data Center Development Register containing:

- A. approved Data Centers;
- B. pending applications;
- C. electrical demand;
- D. projected water demand;
- E. water-source information;
- F. cooling technology;
- G. renewable-energy percentage;
- H. carbon-based electricity percentage;
- I. backup-generation capacity;
- J. major expansion applications; and
- K. annual compliance reports.

SECTION 22.

ANNUAL COMPLIANCE CERTIFICATION.

Each Data Center shall annually certify compliance with this Ordinance.

The certification shall be signed by an authorized officer, manager, or responsible engineer of the facility.

Knowingly submitting false information shall constitute a violation of the Memphis Code of Ordinances.

SECTION 23.

ENFORCEMENT.

The City may enforce this Ordinance through all remedies available under the Memphis Code of Ordinances and applicable Tennessee law.

Available remedies may include:

- A. notices of violation;
- B. civil penalties;
- C. suspension of permits;
- D. denial of expansion applications;
- E. revocation of approvals where legally authorized;
- F. injunctive relief;
- G. recovery of enforcement costs where authorized by law; and
- H. any other remedy authorized by law.

Each day of continuing violation may constitute a separate violation where permitted by law.

SECTION 24. PERMIT CONDITION.

Compliance with this Ordinance shall be a condition of:

- A. zoning approval;
- B. site-plan approval;
- C. special-use approval;
- D. building-permit approval;
- E. certificate of occupancy;
- F. approval of a material expansion; and
- G. other applicable development approvals.

SECTION 25. NO PREEMPTION OF STATE OR FEDERAL AUTHORITY.

Nothing in this Ordinance shall be construed to regulate matters exclusively reserved to the State of Tennessee, the Tennessee Valley Authority, the Tennessee Public Utility Commission, the Federal Energy Regulatory Commission, or the federal government.

Where state or federal law regulates electricity generation, transmission, utility rates, or environmental permitting, this Ordinance shall operate through the City's lawful zoning, land-use, development, building, water, infrastructure, and permitting authority.

SECTION 26.

IMPLEMENTATION THROUGH THE UNIFIED DEVELOPMENT CODE.

The Memphis and Shelby County Unified Development Code, Ordinance No. 5367, shall be amended as necessary to incorporate the provisions of this Ordinance into the applicable use, development, site-plan, special-use, performance-standard, and permitting sections of the Code.

The Division of Planning and Development, in consultation with the City Attorney, Memphis Light, Gas and Water Division, Memphis Department of Public Works, Memphis Department of Engineering, and other appropriate agencies, shall prepare conforming amendments necessary to implement this Ordinance.

SECTION 27. ADMINISTRATIVE RULES.

The Director of Planning and Development, City Engineer, Water Services Director, Sustainability Officer, or their designees may promulgate reasonable administrative rules necessary to administer this Ordinance.

Such rules shall not exceed the authority granted by this Ordinance or applicable law.

SECTION 28. REVIEW OF ORDINANCE.

The City Council shall receive an annual report concerning Data Center compliance, including:

- A. water consumption;
- B. water-source impacts;
- C. electrical demand;
- D. renewable-energy use;
- E. carbon-based electricity use;
- F. infrastructure costs;
- G. emergency-generator operation;
- H. violations;
- I. enforcement actions; and
- J. recommended amendments.

SECTION 29. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance is determined to be invalid or unconstitutional, such determination shall not affect the validity of the remaining portions.

**SECTION 30.
EFFECTIVE DATE.**

This Ordinance shall take effect upon passage according to the procedures prescribed by the Charter of the City of Memphis and applicable Tennessee law.

**SECTION 31.
CODIFICATION.**

The City Clerk is directed to cause this Ordinance to be incorporated into the Code of Ordinances of the City of Memphis and the applicable portions of the Memphis and Shelby County Unified Development Code.

PASSED AND ADOPTED this ____ day of _____, 2026.

**CHAIRWOMAN / CHAIRMAN
MEMPHIS CITY COUNCIL**

ATTEST:

CITY COMPTROLLER / CITY CLERK

APPROVED:

**MAYOR
CITY OF MEMPHIS**

- (3) create recurring and competitive economic return from extraordinary public development value;
- (4) establish one source-neutral review record for the full campus, regardless of the project's energy supplier or ownership structure;
- (5) create and market prepared digital infrastructure districts; and
- (6) provide a bankable public bargain that is not reopened after approval except for default, material modification, or lawful amendment.

(b) This ordinance supplements and does not replace the jurisdiction of MLGW, TVA, TDEC, the Shelby County Health Department, DPD, the Fire Department, Public Works, or any State or federal agency. No provision shall be construed to authorize the City to set a utility rate, reserve electric capacity, approve a private power sale, or waive another agency's permit.

SECTION 3. DEFINITIONS.

"Affiliated Facility" means a facility, phase, parcel, project entity, tenant, or power-supply arrangement under common ownership or control, developed pursuant to a common plan, sharing material infrastructure, or located on contiguous or proximate parcels.

"Core Computing Personal Property" means servers; processors; graphics, tensor, or other accelerators; storage devices; network and switching equipment; racks; internal uninterruptible power and distribution systems; and replacement, refresh, leased, affiliate-owned, or functionally equivalent equipment primarily used for computation, artificial intelligence, data storage, or data movement.

"Covered Facility" means a new or expanded facility, campus, or integrated group of facilities primarily used for high-density computation, artificial intelligence, cloud services, data storage, cryptocurrency or blockchain computation, or similar digital processing, with a Maximum Site Electrical Demand of ten megawatts or more. A telecommunications switching or network facility is excluded unless its digital-compute load independently meets the threshold.

"Digital Infrastructure Development District" means a defined development program or area in which public or authority-controlled land, infrastructure planning, utility studies, water solutions, rights-of-way, standard agreements, and coordinated review are assembled and competitively offered. The term does not by itself create a tax district or alter zoning.

"Discretionary Public Development Value" means a PILOT, public land sale or lease, option, grant, public financing, public infrastructure commitment not available as of right, expedited district position, or other discretionary City-controlled economic value. Ordinary permits and utility service available under generally applicable law and rates are not Discretionary Public Development Value.

"Eligible Digital Infrastructure Expenditures" means the purchase or lease price of Core Computing Personal Property, qualified software, cooling equipment, backup or onsite generation equipment, and other capital equipment installed for the Facility, plus facility energy purchases, but excluding payroll, employee benefits, debt service, taxes, land purchase price, and amounts already remitted as the State Digital Infrastructure Growth Surcharge.

"Maximum Site Electrical Demand" or "MSED" means the greatest projected coincident electrical demand of the complete Facility or campus during its first five years after initial operation, whether supplied by MLGW, TVA-connected service, an independent power producer, behind-the-meter generation, onsite generation, storage, or any combination. MSED is measured before subtracting onsite generation or storage.

"Onsite Generation" means electric generation, cogeneration, fuel cells, turbines, engines, solar, storage-discharge systems, or other production located on or directly serving the site. Emergency backup

generation remains Onsite Generation for disclosure and safety purposes even if excluded from ordinary energy-supply calculations.

“Program Administrator” means the DPD official designated to maintain the single application record, coordinate agency review, issue the official completeness and deficiency notices, and publish the Resource and Return Ledger.

“Regional Growth Dividend” means the contractual payment required by Section 16 when a Covered Facility receives Discretionary Public Development Value. It is distinct from the State Digital Infrastructure Growth Surcharge proposed in the Tennessee Enabling Act.

“Strategic Development Agreement” or “SDA” means the integrated, enforceable agreement among the project entity and applicable public parties governing land, infrastructure, fiscal return, development value, performance, security, reporting, transfer, expansion, default, and remedies.

“Utility Requested Load” means the maximum firm or interruptible electric demand the applicant requests from MLGW, excluding generation not supplied by MLGW.

“Gate Viability Finding” means the written determination required by the Master Delivery Compact that a proposed public development package presents a material, evidence-based advantage over lawful private or self-supplied alternatives.

“Interim Program Executive” means the accountable implementation executive designated under the Master Delivery Compact. The Executive controls the integrated critical path and readiness certifications but does not exercise another body’s final statutory or contractual authority.

“Competitive Boundary Model” means the independent twenty-year comparison of a representative 100-MW campus in Memphis, Southaven/DeSoto County, and at least one other relevant market using current taxes, incentives, utility pathways, land, water, infrastructure, schedule, and financing risk.

“Water Usage Effectiveness” or “WUE” means annual site water consumption for data-center operation divided by annual information-technology energy use, expressed in liters per kilowatt-hour or a successor metric approved by DPD and MLGW.

“Water-Assured Facility” means a Facility certified under Section 12 and Appendix B as satisfying the Memphis Water Assurance Standard.

SECTION 4. SOURCE-NEUTRAL TIERS AND AGGREGATION.

(a) A Covered Facility is classified by MSED:

- (1) Tier I: at least 10 MW but less than 25 MW;
- (2) Tier II: at least 25 MW but less than 50 MW; and
- (3) Tier III: 50 MW or more.

(b) Affiliated Facilities shall be aggregated if developed during a five-year period, under common ownership or control, pursuant to a common plan, on contiguous or proximate parcels, or with shared electric, water, generation, fiber, road, or other material infrastructure. The Program Administrator shall look to substance over entity form.

(c) An applicant shall disclose the full planned campus and all phases. Deliberate segmentation or material omission is grounds for rejection, revocation, forfeiture, and referral for enforcement.

SECTION 5. APPLICABILITY, EXISTING RIGHTS, AND MATERIAL EXPANSIONS.

(a) This ordinance applies prospectively to new Covered Facilities and to the unvested portion of an expansion, new phase, increase in MSED or Utility Requested Load, material change in energy source, new nonemergency Onsite Generation, or material increase in potable-water demand.

(b) A lawfully vested right is respected only to the extent and scope established by Tennessee law and the approved or substantially compliant submission creating the right. A vested site does not create a vested right to undisclosed future phases, increased load, a different energy system, a new PILOT, public land, or other Discretionary Public Development Value.

(c) A transfer of ownership or operator does not extinguish obligations that run with an SDA, land instrument, utility agreement, permit, or other binding approval.

SECTION 6. IMPLEMENTATION EXECUTIVE, SINGLE INTAKE, AND PROGRAM ADMINISTRATOR.

(a) Within five business days after adoption, the Mayor shall designate the Interim Program Executive and activate the Master Delivery Compact, subject to lawful appointment, procurement, employment, and funding requirements.

(b) The Interim Program Executive shall maintain the integrated critical path, common data room, authority matrix, readiness certifications, and public escalation protocol. The Executive shall not exercise a permit, utility, tax, land, appropriation, or elected decision reserved to another body.

(c) Within five business days after the operative date, the DPD Director shall designate one Program Administrator and one electronic application record for each Tier II and Tier III Facility.

(d) MLGW, DPD, Public Works, Fire, the Shelby County Health Department, EDGE, and other participating agencies shall transmit comments to the Program Administrator. The Program Administrator shall issue the City's consolidated completeness or deficiency notice. Nothing in this subsection transfers a final agency decision.

(e) The City shall conduct one mandatory pre-submittal conference before accepting a Tier II or Tier III development application as substantially compliant.

SECTION 7. SUBSTANTIAL COMPLIANCE CHECKLIST.

(a) Pursuant to Tennessee Code Annotated §§ 13-4-310(e) and 13-3-413(e), as applicable, a Tier II or Tier III application is not substantially compliant unless it includes each item in Appendix E, including at minimum:

- (1) legal site control and parcel identification;
- (2) ownership, control, end-user, and affiliate disclosure;
- (3) a full-campus conceptual plan and phase schedule;
- (4) MSED, Utility Requested Load, annual ramp, and interconnection assumptions;
- (5) an Energy Supply and Operations Plan disclosing all utility, independent-power, onsite, backup, storage, fuel, and hybrid components;
- (6) potable, nonpotable, reclaimed, process, peak, drought-stage, and wastewater projections, cooling technology, and proposed WUE;
- (7) noise, air, fuel, battery, fire, emergency, traffic, stormwater, and decommissioning concepts;
- (8) evidence of financial capacity and payment of published study deposits;
- (9) a complete list of requested Discretionary Public Development Value; and
- (10) certification under penalty of applicable law that no Affiliated Facility or material phase has been omitted.

(b) DPD shall publish the checklist before this ordinance becomes operative and may add only objective, publicly posted technical items. No unpublished or open-ended standard may determine substantial compliance.

(c) If an applicant declines a lawful extension needed to complete independent technical review, the City shall act within applicable deadlines on the record then available and may issue a deficiency or denial when required evidence is absent. The City shall not create an accidental approval by failing to act.

SECTION 8. TIERED AND TIMED REVIEW.

(a) Tier I. Registration, full-campus disclosure, ordinary permits, applicable operating standards, and annual energy/water reporting. DPD shall target an initial coordinated determination within thirty business days after a substantially compliant submission.

(b) Tier II. Applicant-funded technical review; energy-track determination; Water Assurance review; Resource and Return Ledger; and Strategic Infrastructure Readiness Determination before final discretionary City action. DPD shall target sixty business days after a complete technical record.

(c) Tier III. All Tier II requirements; independent infrastructure and fiscal underwriting; public presentation of the Resource and Return Ledger; and Council ratification of any SDA or extraordinary allocation. DPD shall target ninety business days after a complete technical record, excluding applicant-caused delay and mandatory external process.

(d) These targets are operating commitments, not guarantees of approval or waivers of State law. The Program Administrator shall maintain a deadline ledger under Tennessee Code Annotated § 7-51-2204 and shall issue no more deficiency reports than permitted by law.

SECTION 9. TWO ENERGY PATHS; ONE FULL-SITE RECORD.

(a) Utility-served and hybrid path. An applicant seeking any MLGW electric service shall obtain the applicable MLGW study or readiness statement and comply with the MLGW Large-Load Service and Capacity Policy. No City approval creates a Capacity Reservation.

(b) Self-supplied or behind-the-meter path. An applicant proposing no MLGW electric service, or proposing Onsite Generation or an independent power producer, shall submit an Energy Supply and Operations Plan addressing full MSED, generation technology, fuel supply, expected operating hours, air emissions, noise, cooling and water, electrical safety, islanding, interconnection if any, emergency operation, fire protection, fuel storage, decommissioning, and construction phasing.

(c) MLGW approval is required only to the extent required by law, contract, utility service, interconnection, backup service, or safety. Absence of MLGW jurisdiction over a private power purchase does not exempt the Facility from land-use, air, water, fire, building, noise, traffic, fiscal, SDA, or other lawful local requirements.

(d) A hybrid Facility shall disclose both MSED and Utility Requested Load. The Resource and Return Ledger shall never treat a self-supplied campus as consuming zero resources merely because Utility Requested Load is zero.

SECTION 10. STRATEGIC INFRASTRUCTURE READINESS DETERMINATION.

(a) The Program Administrator shall issue a written determination stating whether the application presents a credible path to satisfy land use, energy supply, water, wastewater, roads, fiber, emergency response, fire, air, noise, lighting, stormwater, fuel, security, and decommissioning requirements.

(b) The determination incorporates, but does not duplicate or supersede, the written findings and permits of agencies with independent jurisdiction.

(c) A favorable determination requires findings that:

- (1) the project has a technically credible energy path without representing that utility capacity is reserved;

- (2) statutory electrical infrastructure costs and contractual incremental public costs are allocated to the project and secured;
- (3) the project can satisfy the Memphis Water Assurance Standard or has obtained the limited waiver authorized by Section 12;
- (4) the project will not materially impair critical public service or an adopted resource budget;
- (5) land-use, air, noise, fire, emergency, fuel, and operating requirements can be satisfied; and
- (6) all material phases, affiliates, energy sources, and public requests have been disclosed.

SECTION 11. PROJECT COST RESPONSIBILITY AND SECURITY.

- (a) “Statutory Electrical Infrastructure Costs” means the capitalizable costs governed by Public Chapter 961 and successor law. Those costs shall be assigned and recovered as required by law and neutral utility policy.
- (b) “Contractual Incremental Public Costs” means additional but-for costs reasonably attributable to the Facility, including water, wastewater, road, emergency-service, public-safety, monitoring, land, operating, maintenance, and decommissioning exposure. Such costs may be imposed only through an SDA, utility agreement, land instrument, incentive agreement, lawful fee supported by required cost documentation, or other valid contract or authority.
- (c) Tier II and Tier III Facilities shall provide deposits, letters of credit, guarantees, bonds, take-or-pay obligations, completion security, decommissioning security, or other protection proportionate to public exposure before a public entity constructs ahead of the project.
- (d) Construction of the project’s required infrastructure, payment of ordinary taxes, and compliance with law are not community benefits and shall not be counted as negotiated value.

SECTION 12. MEMPHIS WATER ASSURANCE STANDARD.

- (a) A Tier II or Tier III Facility shall be designed and operated as a Water-Assured Facility.
- (b) After a commissioning period not exceeding ninety days, potable water shall not be used for routine heat rejection or evaporative cooling at a Tier II or Tier III Facility. Permitted approaches include dry cooling, closed-loop systems with de minimis make-up demand, reclaimed or treated wastewater, captured stormwater, direct-to-chip or immersion systems, or another independently verified technology meeting equal or better performance.
- (c) Each Facility shall install separate meters for potable, nonpotable, reclaimed, and process water; report monthly use and annual/peak WUE; maintain a drought-stage reduction and curtailment plan; and fund annual independent verification.
- (d) Each Tier II and Tier III application shall quantify, under published Memphis design-day assumptions, the cooling design’s expected PUE, cooling-related peak megawatts, annual megawatt-hours, potable and total water demand, and onsite-emissions effect relative to feasible alternatives. The Resource and Return Ledger shall display the water savings and energy penalty or benefit together. No cooling technology is presumed costless.
- (e) As a condition of an SDA, District participation, City-controlled Discretionary Public Development Value, MLGW water service, and City land-use approval to the extent authorized by law, a Tier II or Tier III Facility shall not rely on a new direct withdrawal from the Memphis Sand aquifer for routine process or cooling use unless: (1) every permit and approval required from the Shelby County Health Department, the Groundwater Quality Control Board, TDEC, and any other competent authority has been obtained; and (2) the Council approves a time-limited SDA exception by a two-thirds vote after public hearing and written findings of necessity, monitoring, capacity, and no superior alternative. The

Council does not issue or substitute for a well permit, and this subsection does not displace another agency's jurisdiction.

(f) The Council may grant a time-limited potable-water waiver for no more than three years by a two-thirds vote only upon findings that:

- (1) no technically and commercially reasonable nonpotable or dry alternative can be available on the required schedule;
- (2) MLGW confirms sufficient capacity without impairing critical or ordinary customer needs;
- (3) the SDA establishes a binding WUE ceiling, separate metering, drought curtailment, and a funded conversion plan;
- (4) the applicant finances or provides an equivalent nonpotable-water, conservation, or system-capacity improvement; and
- (5) the waiver is necessary to secure demonstrably superior long-term regional value.

(g) DPD and MLGW shall publish the technical schedule in Appendix B, update measurement protocols administratively, and issue a public "Memphis Water-Assured" certification only after independent verification. Confidential infrastructure-security details may be protected as allowed by law, but aggregate use, PUE, and performance shall be public.

SECTION 13. RECURRING FISCAL FLOOR.

(a) No City-approved or City-recommended PILOT, lease, incentive, or other discretionary arrangement for a Covered Facility shall reduce the annual City payment attributable to Core Computing Personal Property below one hundred percent of the ad valorem tax that would be due if the property were privately owned and fully taxable.

(b) The annual City payment attributable to land shall be one hundred percent of the ordinary City ad valorem tax equivalent. The annual City payment attributable to cooling, backup or nonemergency generation, storage, and other support personal property shall be at least fifty percent of the ordinary City ad valorem tax equivalent. The annual payment attributable to other real-property improvements shall be at least twenty-five percent of the ordinary City ad valorem tax equivalent.

(c) Core Computing Personal Property includes every replacement, refresh, upgrade, leased asset, affiliate-owned asset, and functionally equivalent item placed in service during the term. A change in owner, lessor, affiliate, assessment classification, or equipment cycle does not reset or evade the floor.

(d) The minimum is a floor, not an entitlement. A competitive award may require higher payments. The City shall evaluate twenty-year net present value and recurring annual yield, but no year may fall below the applicable floor.

(e) Ordinary taxes and minimum PILOT payments shall not be represented as community benefits. A reduction from a requested abatement is not a negotiated contribution.

(f) The City shall not recommend a joint City-County PILOT inconsistent with this Section. County participation and the County share are governed by the Shelby County Companion Measure.

SECTION 14. REGIONAL RESOURCE AND RETURN LEDGER.

(a) The Program Administrator shall publish a project ledger for each Tier II and Tier III Facility, using assumptions certified by the applicant and reviewed by an independent underwriter for Tier III.

(b) The Ledger shall separately disclose at least:

- (1) twenty-year net public fiscal value and recurring annual public revenue;
- (2) Utility Requested Load, MSED, load ramp, cooling-related peak megawatts and annual megawatt-hours under Memphis design conditions, and flexibility or curtailment value;

- (3) potable, nonpotable, reclaimed, peak, and drought-stage water demand, WUE, and the paired energy-water tradeoff of the selected cooling design;
 - (4) acreage, land-control structure, public infrastructure exposure, and useful infrastructure retained for future users;
 - (5) Onsite Generation, expected operating hours, fuel source, air/noise burden, storage, and resilience;
 - (6) ground rent, option fees, reservation deposits, bid premium, Growth Dividend, and other direct consideration;
 - (7) permanent payroll, local procurement, workforce, public-compute, research, and supplier-ecosystem value;
 - (8) financial strength, construction certainty, default security, and stranded-asset risk; and
 - (9) the opportunity and option value surrendered by committing land, capacity, water, infrastructure, or public credit.
- (c) No single score is dispositive. A project must first satisfy hard floors; it must fit within adopted resource budgets; and only then may it compete on return, performance, speed, and strategic value.

SECTION 15. STRATEGIC DEVELOPMENT AGREEMENT.

- (a) A Tier III Facility, and a Tier II Facility receiving material Discretionary Public Development Value, shall execute an SDA before receiving the value or final extraordinary City approval.
- (b) The SDA shall include, as applicable:
- (1) site, option, lease, ground-rent, and public-infrastructure terms;
 - (2) MSED, Utility Requested Load, energy source, water envelope, expansion, and transfer restrictions;
 - (3) statutory and contractual cost responsibility;
 - (4) recurring fiscal floor and Growth Dividend;
 - (5) construction, financing, procurement, energization, employment, and operational milestones;
 - (6) deposits, guarantees, letters of credit, take-or-pay, forfeiture, reversion, clawback, and liquidated-damages terms;
 - (7) water, air, noise, fire, emergency, security, monitoring, and decommissioning obligations;
 - (8) local procurement, workforce, supplier, public-compute, research, or host-area commitments included in the competitive award;
 - (9) public reporting, audit rights, change control, and remedies; and
 - (10) a project-certainty covenant that the public parties will not reopen the ratified economic terms absent default, material modification, fraud, or lawful amendment.
- (c) Professional staff may negotiate. The Council shall ratify an SDA after public presentation of material economic terms. County ratification is required when County taxes, property, infrastructure, or discretionary value are involved.

SECTION 16. CONTRACTUAL REGIONAL GROWTH DIVIDEND.

- (a) A Tier II or Tier III Facility receiving Discretionary Public Development Value shall pay a Regional Growth Dividend equal to one-half of one percent of Eligible Digital Infrastructure Expenditures, unless the competitive award requires a higher payment.
- (b) The payment is contractual consideration for discretionary value and is not imposed solely as a condition of an ordinary permit available as of right.

(c) The Dividend shall be calculated and paid quarterly, with officer certification, related-party rules, audit rights, and record retention. Payroll is excluded. Ordinary taxes, statutory infrastructure costs, contractual incremental public costs, and legal compliance are not credits.

(d) When the State Digital Infrastructure Growth Surcharge becomes effective on the same base, the contractual payment is reduced dollar-for-dollar only to prevent duplicate payment, unless the bidder expressly offered an additional amount above the required floor.

(e) City receipts shall be deposited in a restricted Strategic Digital Infrastructure Fund and used for prepared districts, shared infrastructure, water alternatives, fiber, resilience, public compute, workforce, and other capacity-building purposes. General-fund transfer is prohibited except by later ordinance stating the specific emergency and amount.

SECTION 17. MEMPHIS DIGITAL INFRASTRUCTURE DEVELOPMENT DISTRICT NO. 1.

(a) The City hereby authorizes the creation and immediate development of Memphis Digital Infrastructure Development District No. 1 through EDGE/IDB or another lawful City-County vehicle using existing powers.

(b) Within fifteen days, the Mayor shall transmit to the Council and EDGE/IDB:

- (1) a site-selection protocol emphasizing industrial compatibility, separation from residential uses, electric and gas pathways, reclaimed-water potential, fiber, roads, emergency access, environmental baseline, and expansion;
- (2) an initial predevelopment budget and funding resolution;
- (3) an independent underwriting and engineering procurement plan; and
- (4) a proposed City-County participation agreement.

(c) Within fifteen business days, MLGW shall provide the preliminary District Deliverability Inventory required by the Master Delivery Compact. The inventory is not a reservation or service commitment.

(d) Within forty-five days, EDGE/IDB shall shortlist candidate sites through an open RFQ or comparable public process. Within seventy-five days, it shall seek option, ground-lease, or other control over one preferred site, subject to due diligence and public approval where required.

(e) No competitive solicitation may be released until the Interim Program Executive issues a positive Gate Viability Finding and the independent underwriter completes the Competitive Boundary Model. If those prerequisites are satisfied, EDGE/IDB shall publish the development package and competitive solicitation no later than Day 120.

(f) No City, EDGE/IDB, or project representative may describe District No. 1 service as accelerated, priority, firm, or faster, or state an energization date, without a written MLGW basis and the Interim Program Executive's certification that the public statement is supported by the current record.

(g) "Build ahead" during the interim means site control, surveys, baseline studies, preliminary engineering, utility studies, water strategy, rights-of-way, permits capable of being obtained before tenant selection, standard agreements, and long-lead procurement rights. No general-obligation debt or full speculative infrastructure construction is authorized without a separate public financing decision.

(h) Public or authority ownership with long-term ground leasing is preferred. A sale requires written findings that it produces greater risk-adjusted value and preserves performance and reversion rights.

(i) The district solicitation shall publish the hard floors, verified resource envelope, water standard, fiscal floor, standard SDA, bid security, evaluation method, and decision schedule. Qualified bidders compete for a finite position; no unsolicited announcement creates priority.

SECTION 18. INDEPENDENT UNDERWRITING AND CONFLICT FIREWALL.

- (a) Recruitment and advocacy staff may develop prospects but shall not make the sole fiscal, resource, or risk determination.
- (b) A Tier III SDA or district award requires an independent fiscal and infrastructure underwriting report and written conflict disclosures from decision participants.
- (c) Material contacts, bid criteria, evaluated terms, and final rationale shall be documented. Bona fide trade secrets and infrastructure-security information may be protected only as allowed by law.

SECTION 19. MILESTONES, WAREHOUSING, AND FORFEITURE.

- (a) No land option, district position, public commitment, or utility reservation may be held indefinitely. Each agreement shall contain financing, construction, procurement, and operation milestones.
- (b) Missed milestones cause automatic reduction, release, forfeiture, or reversion unless the responsible body grants a written, time-limited extension based on circumstances beyond the applicant's control and continued superior public value.
- (c) A district or capacity position is nontransferable without written approval and updated underwriting. The public parties may capture transfer value and may reject a transfer that weakens security, performance, or strategic return.

SECTION 20. OPERATING, REPORTING, AND ENFORCEMENT.

- (a) Tier II and Tier III Facilities shall provide annual reports on energy source and demand, water and WUE, equipment value and refresh, employment and procurement commitments, public payments, emissions and generator operation where lawfully reportable, incidents, and material changes.
- (b) The City may inspect, audit, require corrective action, suspend discretionary benefits, draw security, impose contract remedies, or seek injunctive relief for material noncompliance. Permit enforcement remains with the responsible agency.
- (c) The Program Administrator shall publish an annual regional dashboard showing aggregate committed MSED, Utility Requested Load, water demand, recurring revenue, district positions, useful infrastructure, and remaining adopted resource budgets, with lawful security redactions.

SECTION 21. PROJECT CERTAINTY.

Once a Facility has received final approvals and executed all required agreements, the City shall administer those approvals according to their terms. Political reconsideration alone is not grounds to reopen a lawful agreement. Material expansion, default, misrepresentation, ownership transfer where approval is required, or changed operations remains subject to review.

SECTION 22. PERMANENT SYSTEM DELIVERABLES.

Within one hundred eighty days, the Mayor, DPD, MLGW, EDGE/IDB, and participating County officials shall submit: (1) permanent UDC text; (2) the first regional resource budget; (3) District No. 1 status and financing plan; (4) the permanent Authority transition plan; (5) the State legislative package; and (6) an audit of every serious Tier II or Tier III inquiry and the status of any claimed vested right.

SECTION 23. EFFECTIVE DATE; MORATORIUM REPLACEMENT; NO GAP.

- (a) This ordinance becomes operative only when:
 - (1) the City has activated the Master Delivery Compact, designated the Interim Program Executive, and opened the common implementation record;
 - (2) DPD has published the Section 7 checklist and designated the Program Administrator;

- (3) the MLGW Large-Load Service and Capacity Policy, or an interim equivalent approved by the proper authority, is effective; and
- (4) the Council Attorney certifies the coordinated effective date and procedural route.
- (b) At the exact time this ordinance becomes operative, the pending data-center moratorium is withdrawn, repealed, superseded, or terminated through the procedurally appropriate action. There shall be no interval in which the moratorium is absent and the replacement standards are not operative.
- (c) If a severable provision is enjoined or invalidated, remaining provisions continue. If a core no-gap provision cannot legally become operative, the Council shall use the narrow sixty-day Tier III fallback described in the Action Plan until corrected.

SECTION 1. DEFINITIONS

Data Center means any building, structure, campus, or facility primarily designed for housing, operating, or maintaining computer servers, data storage equipment, networking equipment, telecommunications infrastructure, or other electronic systems used for processing, transmitting, or storing digital information, together with all associated cooling systems, backup generators, substations, battery storage, mechanical equipment, and supporting infrastructure.

High-Density Computing Facility means any facility engaged primarily in artificial intelligence processing, cryptocurrency mining, commercial server farming, or other computing activities requiring substantial electrical demand or specialized computing equipment.

SECTION 2. TEMPORARY MORATORIUM

Beginning on the effective date of this Ordinance, the City of Memphis shall continue to accept applications for the limited purpose of docketing and completeness review, but shall not process, schedule, hear, approve, or issue any approval identified below during the moratorium. All review deadlines otherwise applicable under state law, the Memphis and Shelby County Unified Development Code, or administrative rule are tolled for the duration of this moratorium. The Memphis and Shelby County Division of Planning and Development shall not process the following for any new Data Center or High-Density Computing Facility located within the city limits of the City of Memphis for the duration of the temporary moratorium:

- Rezoning applications;
- Planned development applications;
- Special use permits;
- Conditional use permits;
- Site plan approvals;
- Building permits;
- Grading permits;
- Land disturbance permits; or
- Any other discretionary land use approval

No City department, board, commission, agency, or official shall accept or approve such applications during the duration of this moratorium.

SECTION 3. EXEMPTIONS

This Ordinance shall not apply to:

1. Existing lawfully operating data centers that do not expand their building footprint, electrical demand, utility capacity, or operational intensity; and
2. Applications that were legally vested pursuant to applicable local and state laws prior to the introduction of this Ordinance;
3. Routine maintenance, repair, replacement, or modernization of existing facilities that does not materially increase operational impacts.
4. Accessory Computing Use Exclusion: A data center or high-density computing facility does not include computer servers, data storage equipment, networking equipment, telecommunications equipment, or related computing infrastructure that is accessory or incidental to another lawful principal use of the property and primarily serves the operational needs of that principal use. This exclusion includes, without limitation, computing infrastructure accessory to hospitals and healthcare facilities, financial institutions, educational institutions, governmental facilities, offices, retail establishments, manufacturing facilities, telecommunications facilities, and similar principal uses.
5. The Memphis City Council may grant a waiver upon written findings that strict application would deny the applicant of all economically viable uses of the property. The applicant may initiate the waiver process through the Memphis and Shelby County Division of Planning and Development by utilizing the case appeal process to the Council.

SECTION 4. STUDY

During the moratorium period, the Memphis and Shelby County Division of Planning and Development, working in conjunction with a study committee consisting of a Chair and Vice Chair who are members of the Memphis City Council, Memphis Light, Gas and Water (MLGW), and other industry experts, shall prepare recommendations regarding permanent zoning regulations governing Data Centers and High-Density Computing Facilities.

The study committee should evaluate, at minimum:

1. Appropriate zoning districts and permitted locations;
2. Classification of data centers by size, electrical demand, and operational intensity;
3. Minimum separation distances and buffering from residential neighborhoods, schools, parks, hospitals, greenways, and other sensitive land uses;
4. Noise mitigation standards, including operational sound limits and acoustic studies;
5. Water consumption, cooling technologies, and conservation measures;
6. Wastewater discharge requirements;

7. Stormwater management standards;
8. Lighting and visual screening requirements;
9. Emergency access and fire protection requirements;
10. Backup generator operations and fuel storage;
11. Electrical infrastructure impacts, including substations and transmission improvements;
12. Allocation of infrastructure costs to developers to ensure public utility customers are not responsible for costs attributable to new high-demand facilities;
13. Traffic impacts during construction and operation;
14. Environmental sustainability measures;
15. Public notification and community engagement requirements;
16. Potential capital expenditure fund for the benefit of the City of Memphis;
17. Any additional development standards necessary to ensure compatibility with surrounding land uses;
18. Guidelines for required Community Benefits Agreements.

SECTION 5. DURATION

This moratorium shall remain in effect until the earlier of:

- A. Twelve (12) months following the effective date of this Ordinance;
- B. Adoption of comprehensive zoning regulations governing Data Centers and High-Density Computing Facilities by the Memphis City Council; or
- C. Repeal or amendment by subsequent ordinance of the Memphis City Council.

The City Council may extend the moratorium if additional time is reasonably necessary to complete the study and adopt permanent regulations in the Memphis and Shelby County Unified Development Code. The Memphis City Council requests a progress report from the Division of Planning and Development on the proposed permanent zoning regulations within six months of the passage of this ordinance.

SECTION 6. SEVERABILITY

The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chair of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsors:

JB Smiley, Jr.

Jana Swearengen-Washington

Jerri Green

Dr. Michalyn Easter-Thomas

Chairwoman

Jana Swearengen-Washington