CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

| ONE ORIGINAL |
| ONLY STAPLED |
| TO DOCUMENTS |

Planning & Development
DIVISION

Planning & Zoning **COMMITTEE:** **10/6/2026**
DATE

PUBLIC SESSION: **10/20/2026**
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 1288 Sycamore View Rd, known as case number SUP 26-20

CASE NUMBER: SUP 26-20

LOCATION: 1288 Sycamore View Rd

COUNCIL DISTRICTS: District 1 and Super District 9

OWNER/APPLICANT: DSH Real Estate LLC

REPRESENTATIVE: David Gean Bray, The Bray Firm

REQUEST: To allow a behavioral health and residential treatment facility

AREA: +/-1.03 acres

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

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

PRIOR ACTION ON ITEM:
(1) _____ APPROVAL - (1) APPROVED (2) DENIED
09/10/2026 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:	***DATE***	***POSITION***
Nabanita Nina	9/15/26	PLANNER II
		DEPUTY ADMINISTRATOR
	9/16/26	ADMINISTRATOR
	9/17/26	DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN

Memphis City Council
Summary Sheet

SUP 26-20

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 1288 SYCAMORE VIEW RD, KNOWN AS CASE NUMBER SUP 26-20

- This item is a resolution with conditions for a special use permit to allow a behavioral health and residential treatment facility; and

- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on ***Thursday, September 10, 2026***, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 26-20
LOCATION:	1288 Sycamore View Rd
COUNCIL DISTRICT(S):	District 1 and Super District 9
OWNER/APPLICANT:	DSH Real Estate LLC
REPRESENTATIVE:	David Gean Bray, The Bray Firm
REQUEST:	To allow a behavioral health and residential treatment facility
EXISTING ZONING:	Commercial Mixed Use – 2 (CMU-2)
AREA:	+/-1.03 acres

The following spoke in support: David Bray, David Hamilton & Landon Clay

The following spoke in opposition: Spincer Tarver, Brett Berry & E R Bean

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

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

Respectfully,

Nabanita Nira

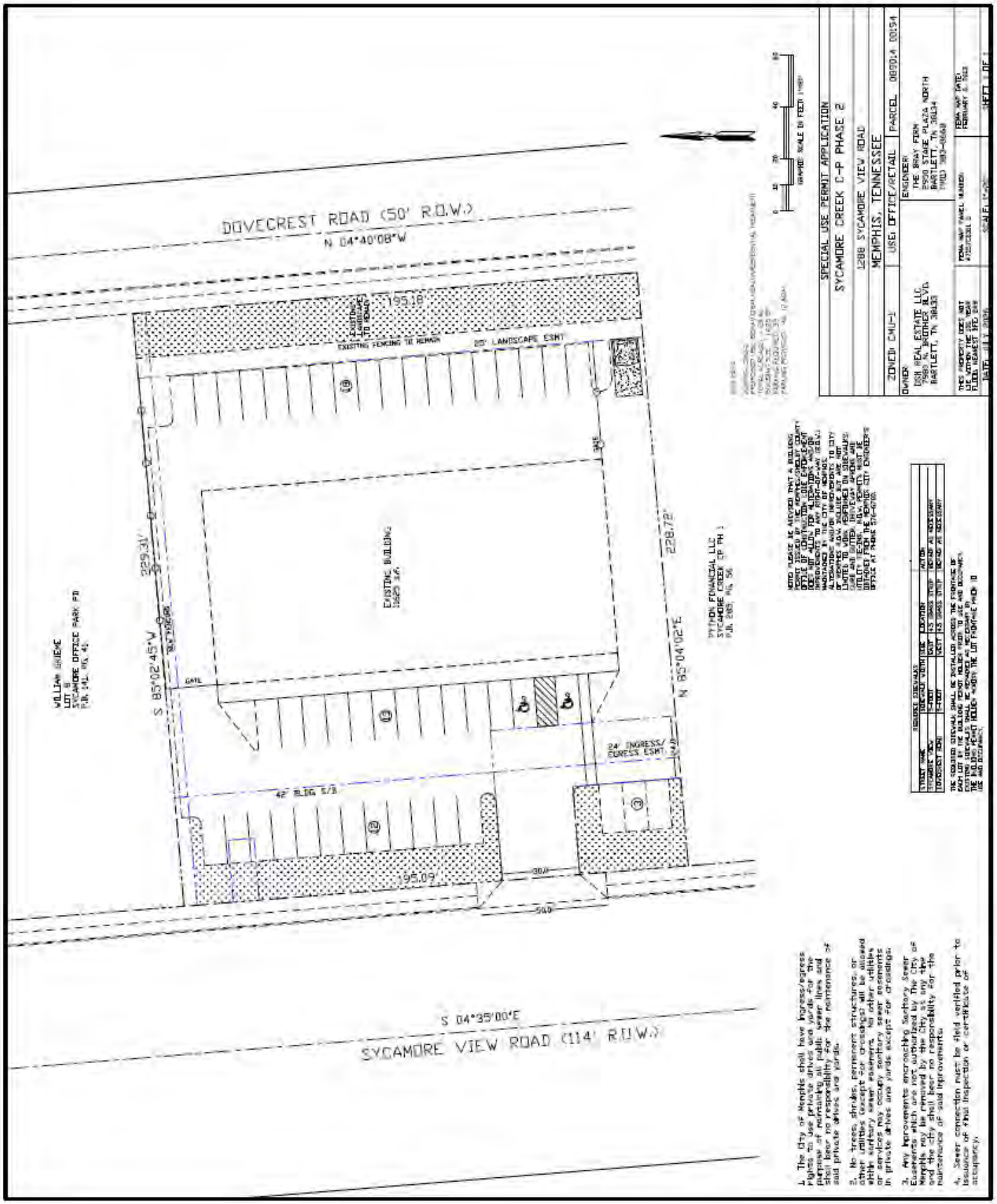
Nabanita Nira
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 26-20
CONDITIONS

1. Final Plat shall be rerecorded to reflect the approval of the SUP.

SITE PLAN


DOVECREST ROAD (50' R.O.W.)
N 04°40'08"W
195.18'
EXISTING FENCING TO REMAIN
25' LANDSCAPE ESMT
EXISTING BUILDING
1625 S.F.
229.31'
228.72'
S 85°02'45"W
N 85°04'02"E
WILLIAM BRIEME
LOT 8
SYCAMORE OFFICE PARK PD
PYTHON FINANCIAL LLC
SYCAMORE CREEK CP PH 1
24' INGRESS/ EGRESS ESMT
42' BLDG S/B
195.09'
S 04°35'00"E
SYCAMORE VIEW ROAD (114' R.O.W.)
SPECIAL USE PERMIT APPLICATION
SYCAMORE CREEK C-P PHASE 2
1288 SYCAMORE VIEW ROAD
MEMPHIS, TENNESSEE
ZONED: CMU-1
USE: OFFICE/RETAIL
PARCEL 089014 00154
OWNER
DSH REAL ESTATE LLC
7980 N. BROTHER BLVD.
BARTLETT, TN 38133
ENGINEER
THE BRAY FIRM
2950 STAGE PLAZA NORTH
BARTLETT, TN 38134
SHEET 1 OF 1

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 1288 SYCAMORE VIEW RD, KNOWN AS CASE NUMBER SUP 26-20

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 DSH Real Estate LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a behavioral health and residential treatment facility; 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 September 10, 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.

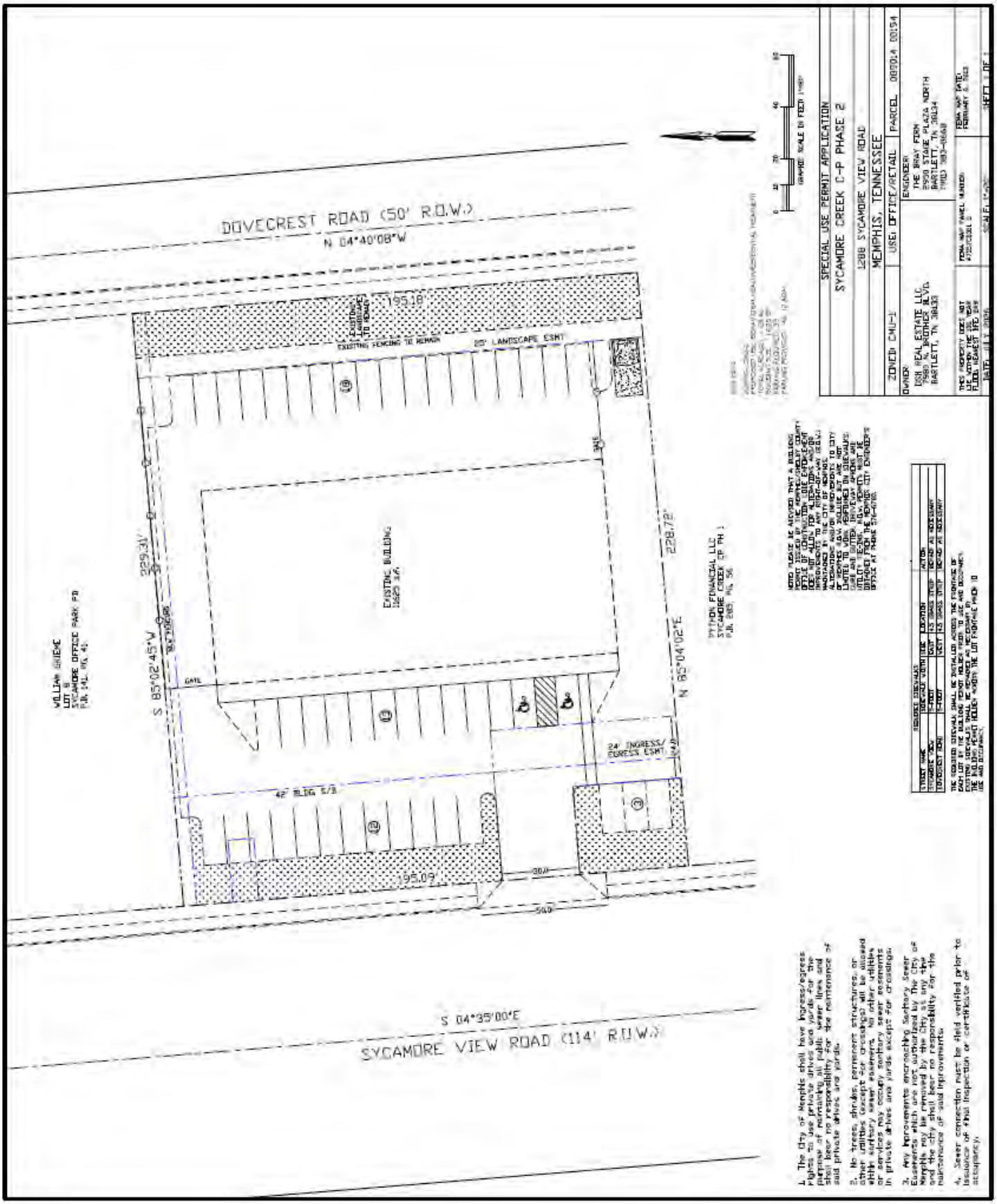
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

SITE PLAN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SPECIAL USE PERMIT APPLICATION
SYCAMORE CREEK C-P PHASE 2
1288 SYCAMORE VIEW ROAD
MEMPHIS, TENNESSEE
ZONED: CMU-1
USE: OFFICE/RETAIL
PARCEL: 089014 00154
OWNER:
DSH REAL ESTATE LLC
7989 N. BROTHER BLVD.
BARTLETT, TN 38133
ENGINEER:
THE BRAY FIRM
2930 STAGE PLAZA NORTH
BARTLETT, TN 38134
1. 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 said private drives and yards.
2. No trees, shrubs, permanent structures, or other utilities (except for crossings) will be allowed within sanitary sewer easements. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
3. Any improvements encroaching Sanitary Sewer Easements which are not authorized by the City of Memphis may be removed by the City at any time and the city shall bear no responsibility for the maintenance of said improvements.
4. Sewer connection must be field verified prior to issuance of final inspection or certificate of occupancy.

ATTEST:

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

dpd MEMPHIS AND SHELBY COUNTY STAFF REPORT

AGENDA ITEM: 13 **L.U.C.B. MEETING:** September 10, 2026

CASE NUMBER: SUP 2026-020

LOCATION: 1288 Sycamore View Rd

COUNCIL DISTRICT: District 1 and Super District 9

OWNER/APPLICANT: DSH Real Estate LLC

REPRESENTATIVE: David Gean Bray, The Bray Firm

REQUEST: Special use permit to allow a behavioral health and residential treatment facility

EXISTING ZONING: Commercial Mixed Use – 2 (CMU-2)

CONCLUSIONS

1. The applicant is requesting to allow a behavioral health and residential treatment facility in CMU-2 zoning district.
2. The subject property has an existing office building. The applicant is proposing to convert the building to be a behavioral health and residential treatment facility.
3. Two letters of opposition were received, see pages 34-39 of this report. The main concerns are the proposed facility's compatibility with surrounding commercial uses, potential safety and security impacts, traffic and parking effects, and the suitability of the proposed location.
4. This is a re-use of existing building. The surrounding land uses are office, commercial and industrial, see page 7 of this report. The applicant proposes to have additional fence on north and south side of building.
5. The landscaping exists on the site and shows on proposed landscaping plan does not match the requirements of the recorded final plat. All required trees and shrubs must be restored, including replacement of the missing shrub and tree along the street frontage. Additionally, the parking area that exists on southwest corner of the site but was not shown on the final plat must be accurately reflected on the final plat at rerecording. Only the rear-yard modifications are acceptable; all other deficiencies must be corrected to comply with the approved plat.
6. This proposal is consistent with the Memphis 3.0 General Plan, see analysis on pages 18-21 of this report.
7. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

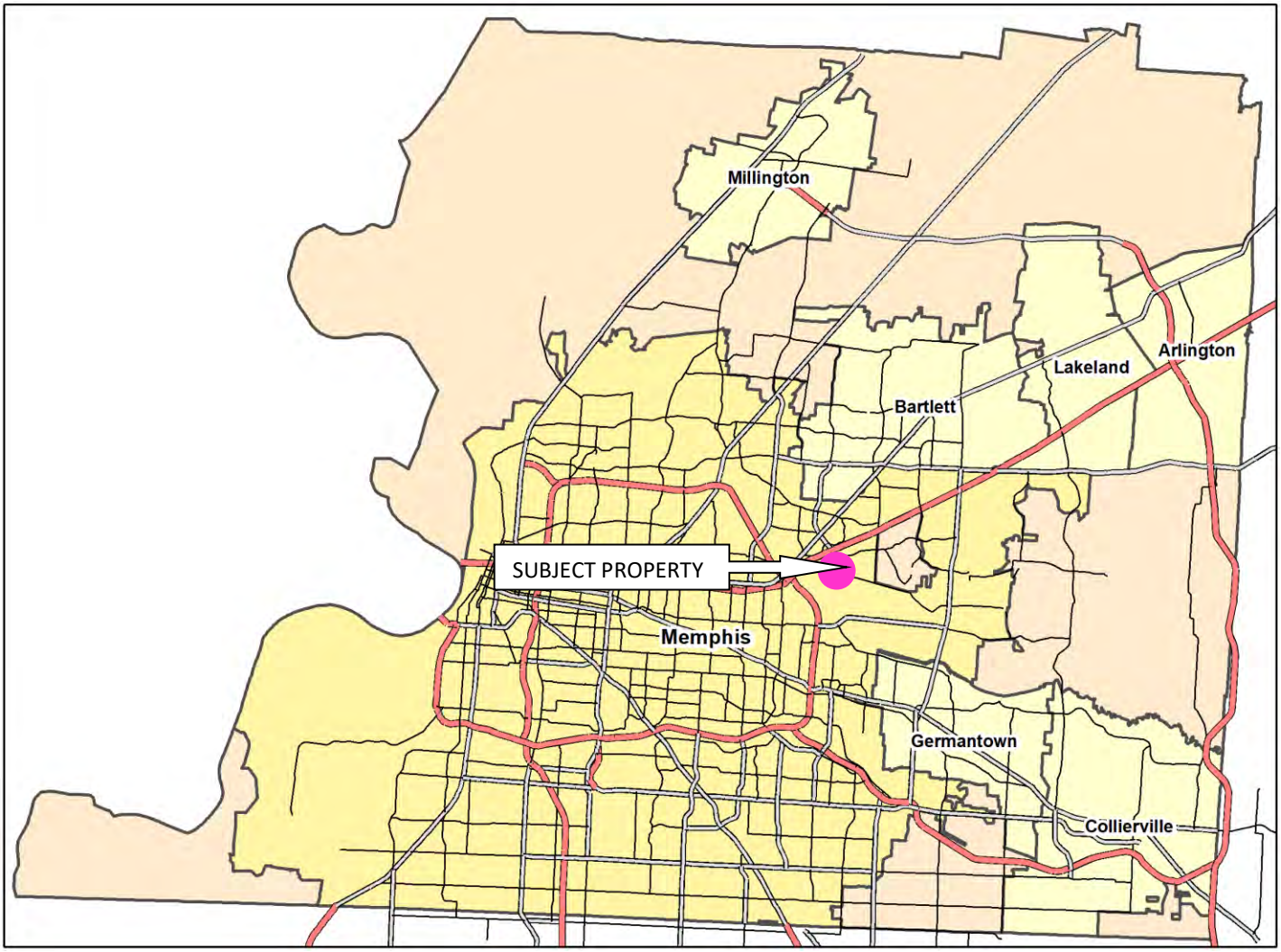
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 18-21 of this report.

RECOMMENDATION:

Approval with conditions

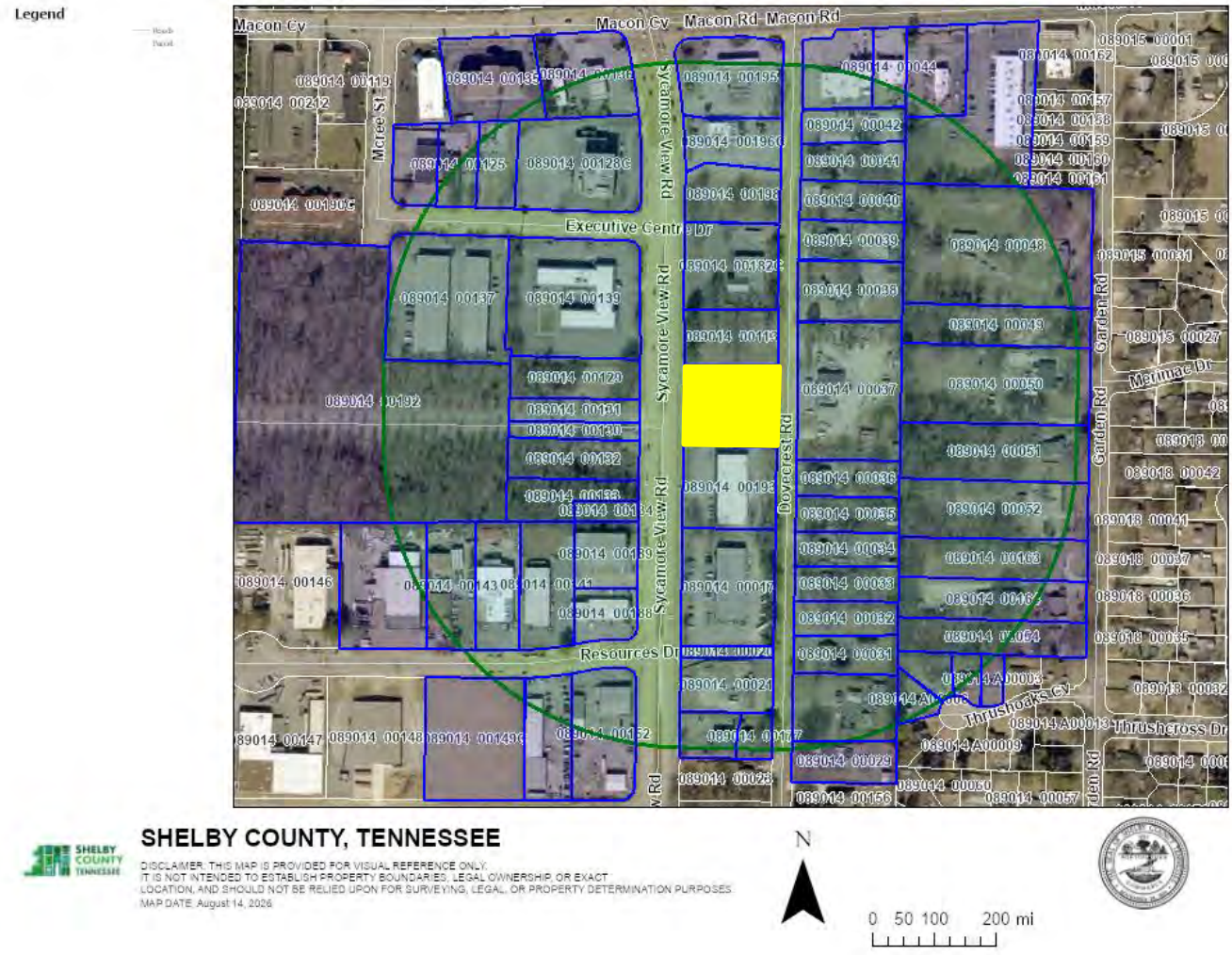
Staff Writer: ***Nabanita Nira*** **E-mail:** ***Nabanita.nira@memphistn.gov***

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

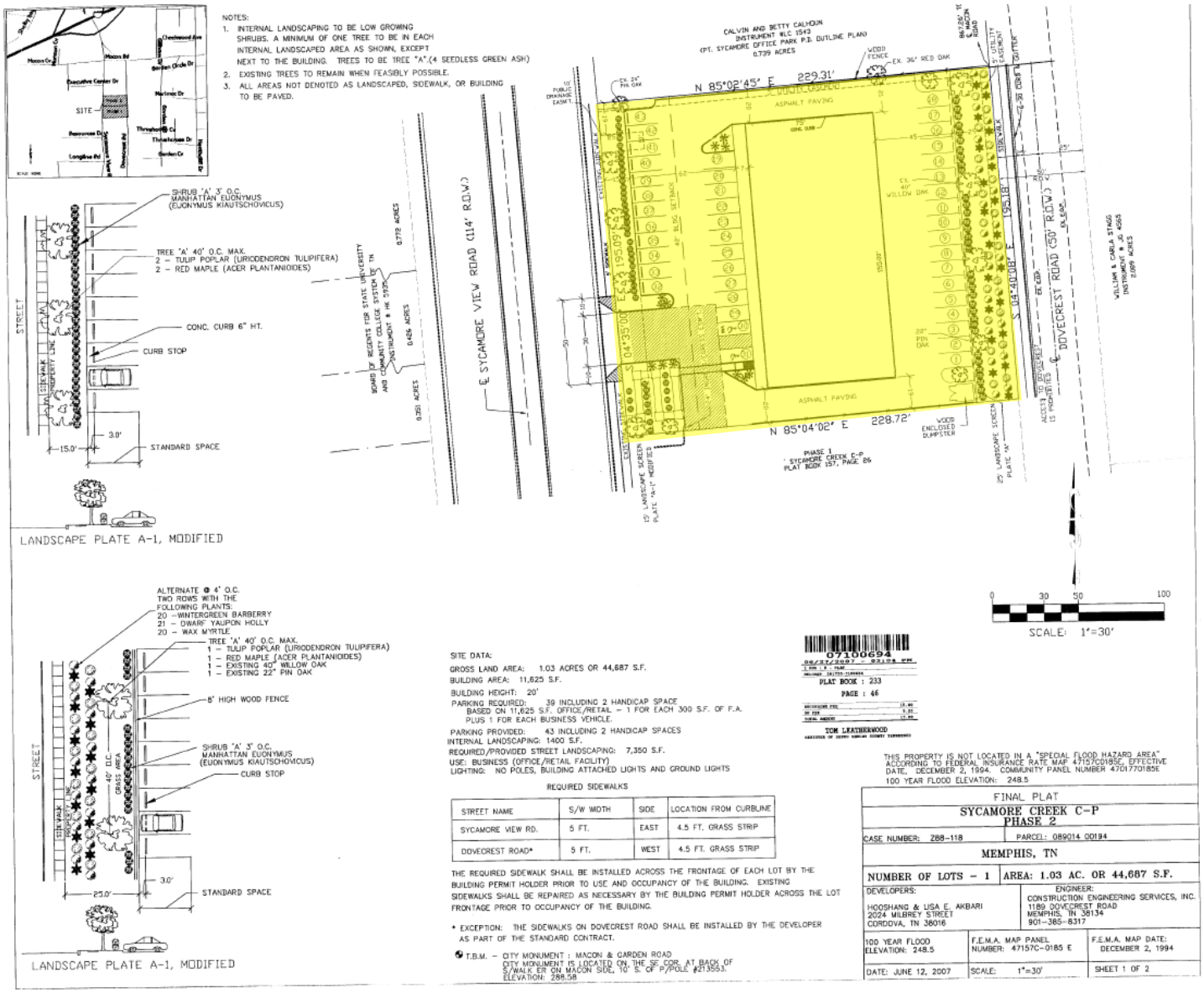
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 61 notices were mailed on August 14, 2026, see page 22 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see pages 23-24 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

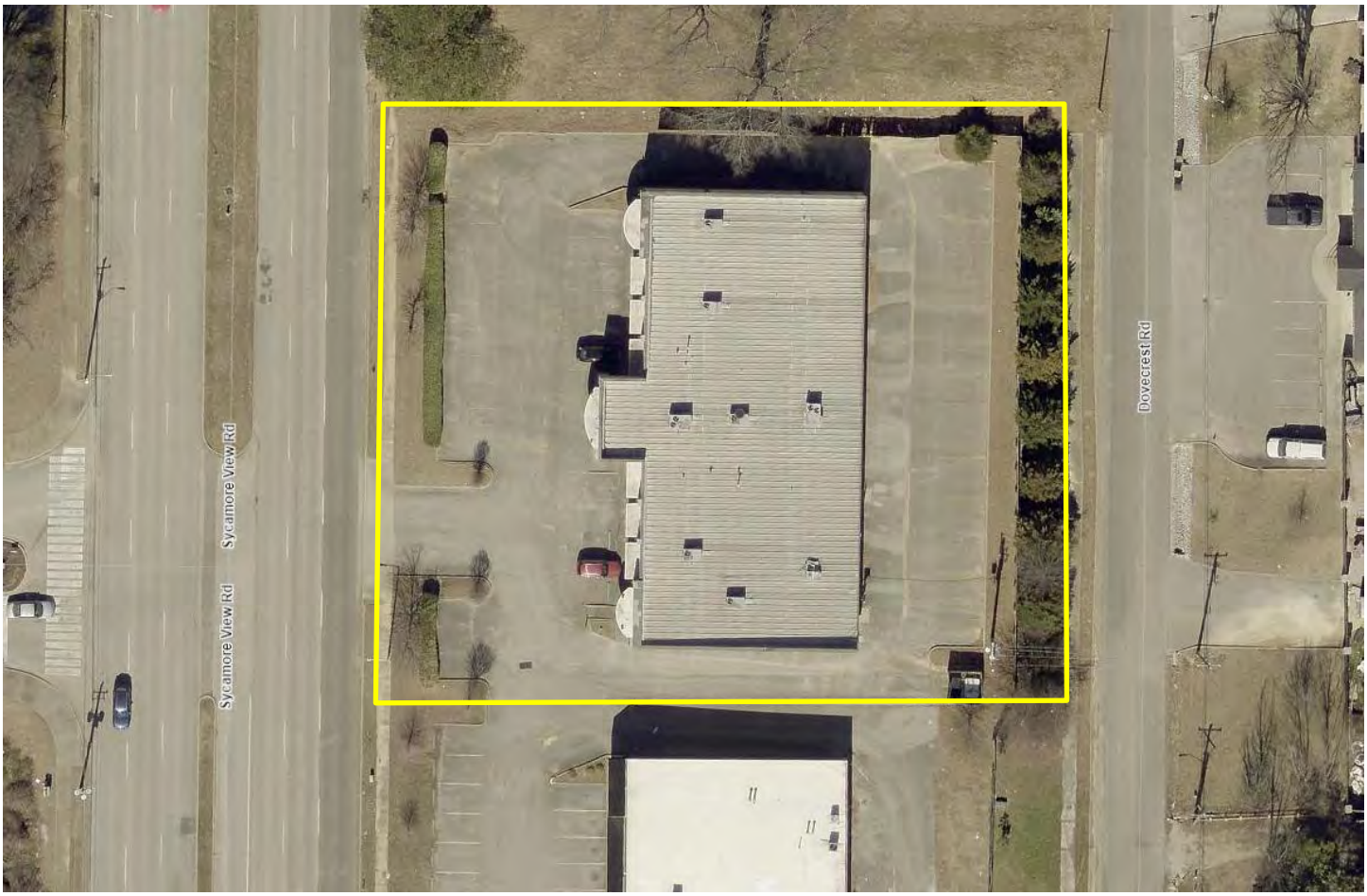
The meeting was held at 6:00 PM on Monday, August 31, 2026, 1288 Sycamore View. A copy of the neighborhood meeting notice, summary sheet, and sign-in sheet can be found on pages 25-28 of this report.

SYCAMORE CREEK C-P PHASE 2 (2007) (PLAT BOOK 233 PAGE 46)



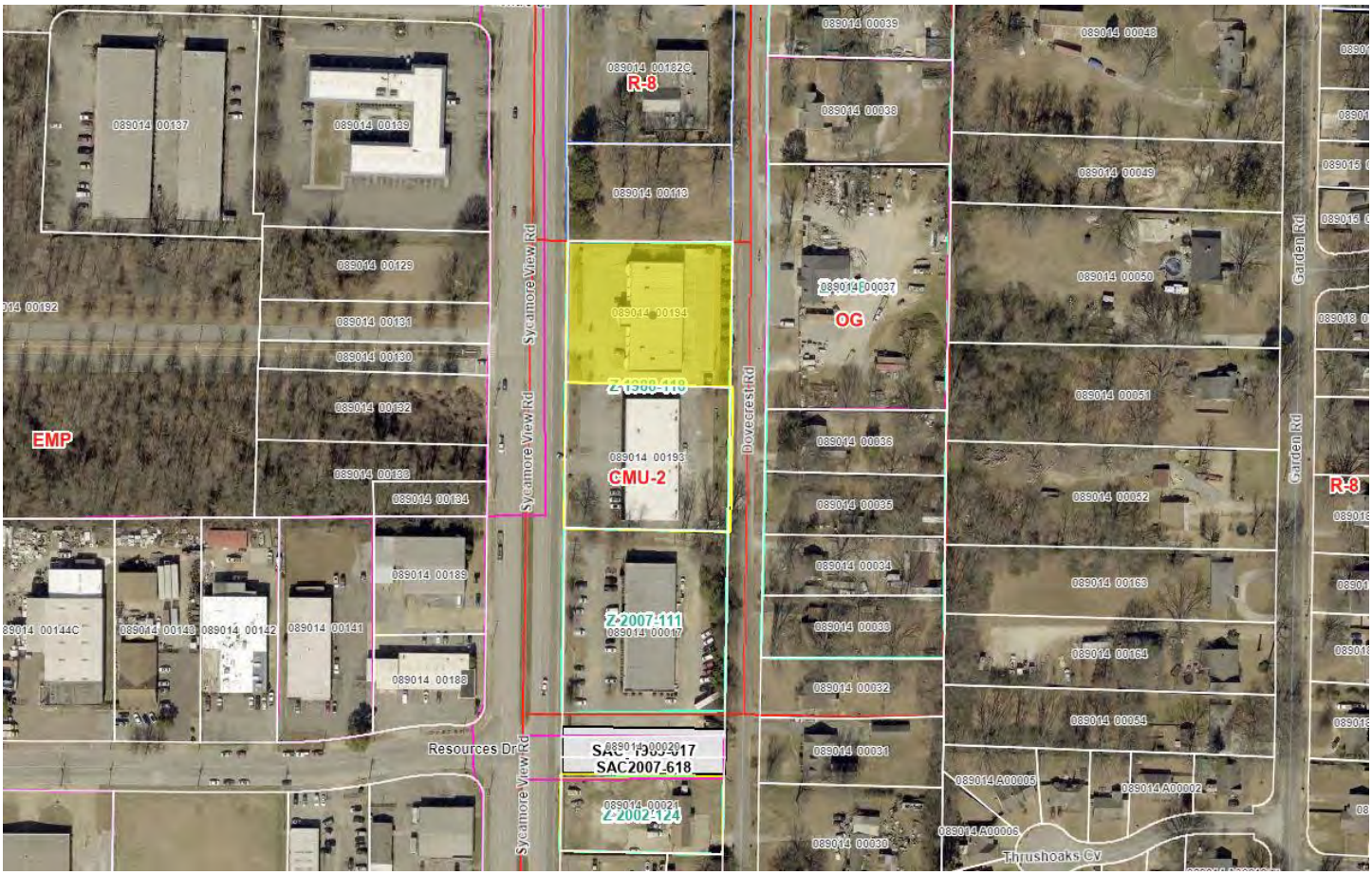
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow, imagery from 2025

ZONING MAP



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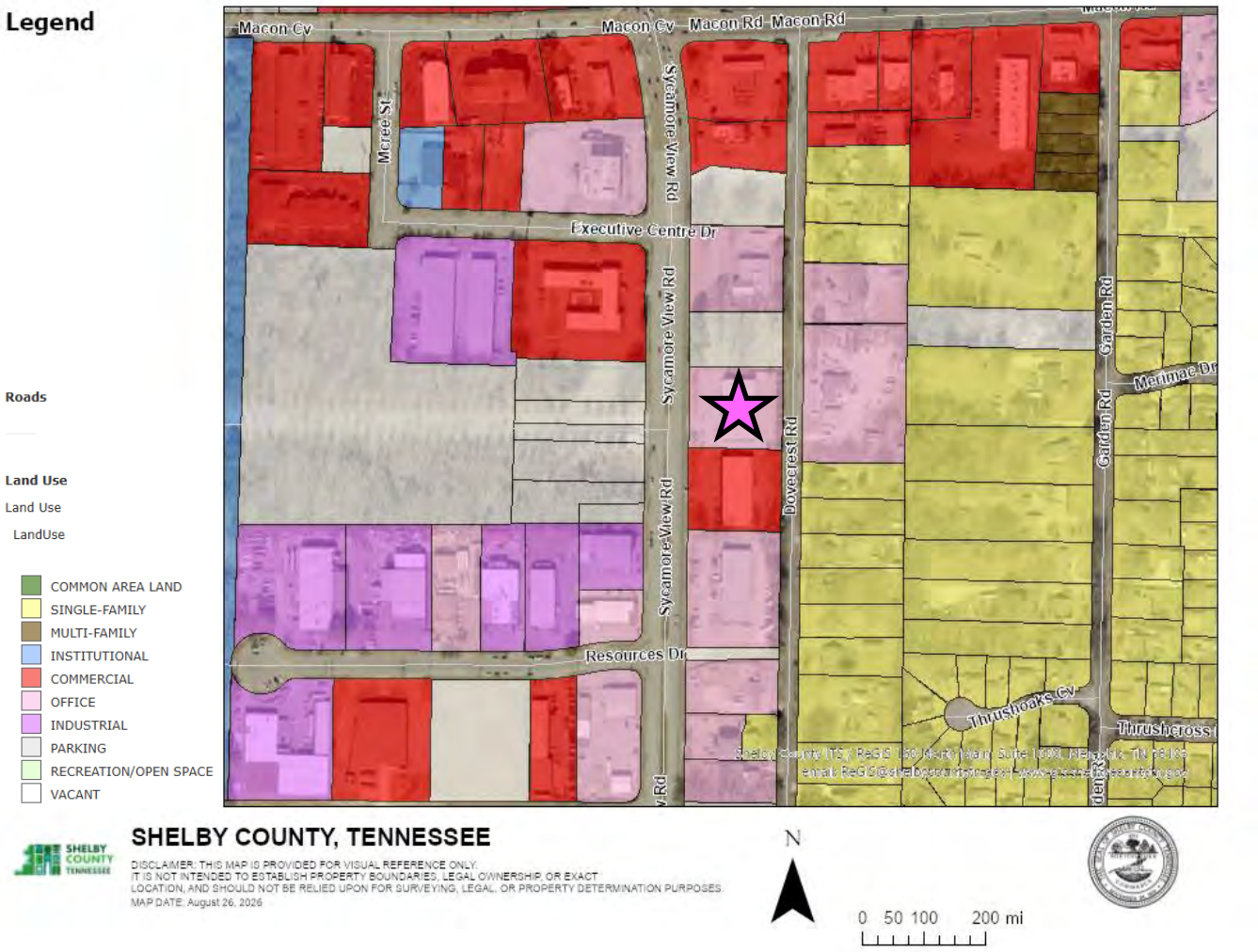


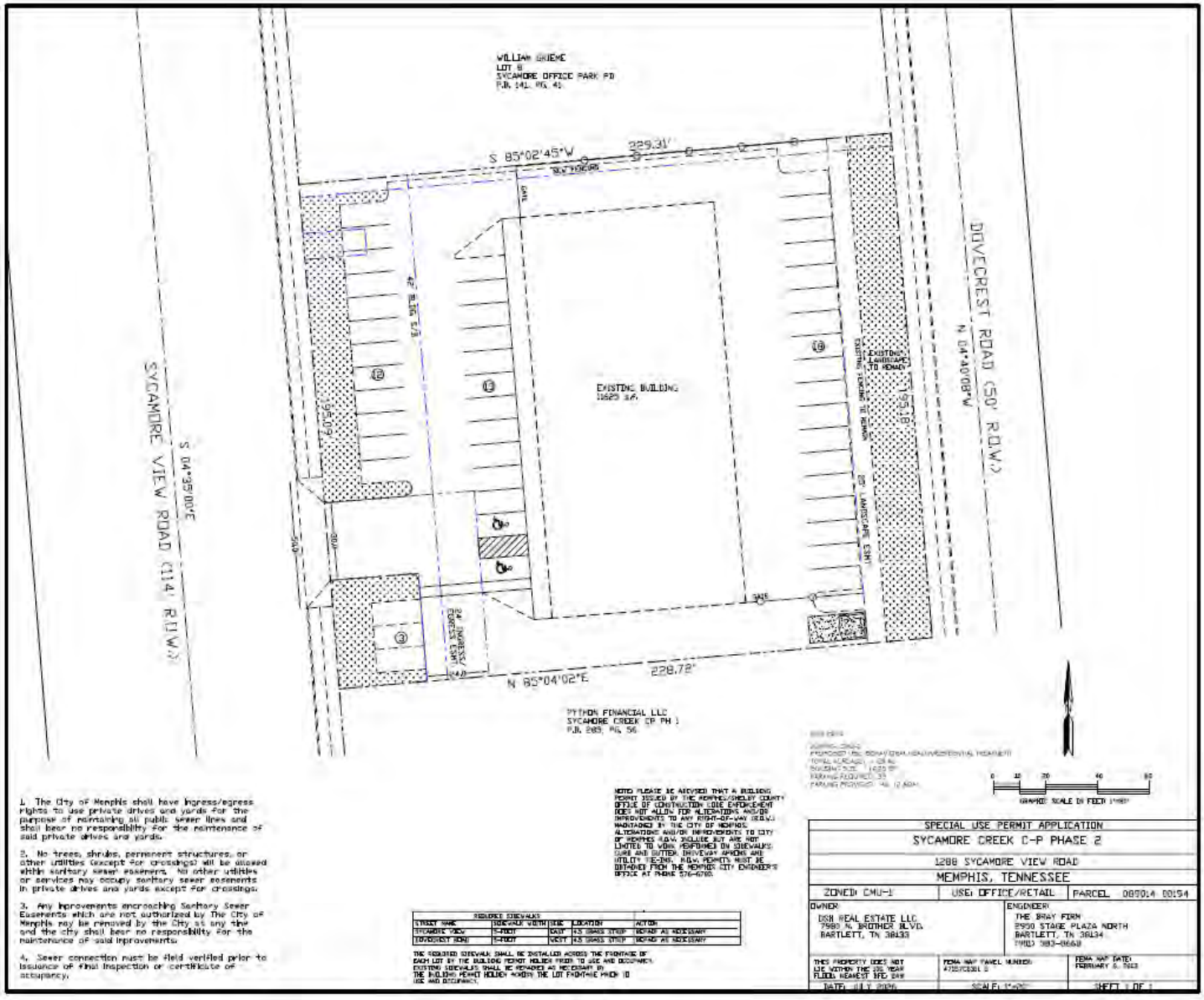
Subject property indicated by a pink star

SITE PHOTOS

View of subject property from Sycamore View Rd looking northeast

View of subject property from Sycamore View Rd looking southeast

SITE PLAN


WILLIAM GRIEME
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SYCAMORE OFFICE PARK PD
P.B. 141, PG. 41
S 85°02'45"W
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S 04°35'00"E
EXISTING BUILDING
10623 S.F.
N 85°04'02"E
228.72'
PYTHON FINANCIAL LLC
SYCAMORE CREEK CP PH 1
P.B. 283, PG. 56
SPECIAL USE PERMIT APPLICATION
SYCAMORE CREEK C-P PHASE 2
1288 SYCAMORE VIEW ROAD
MEMPHIS, TENNESSEE
ZONED: CMU-1
USE: OFFICE/RETAIL
PARCEL 089014 00154
OWNER:
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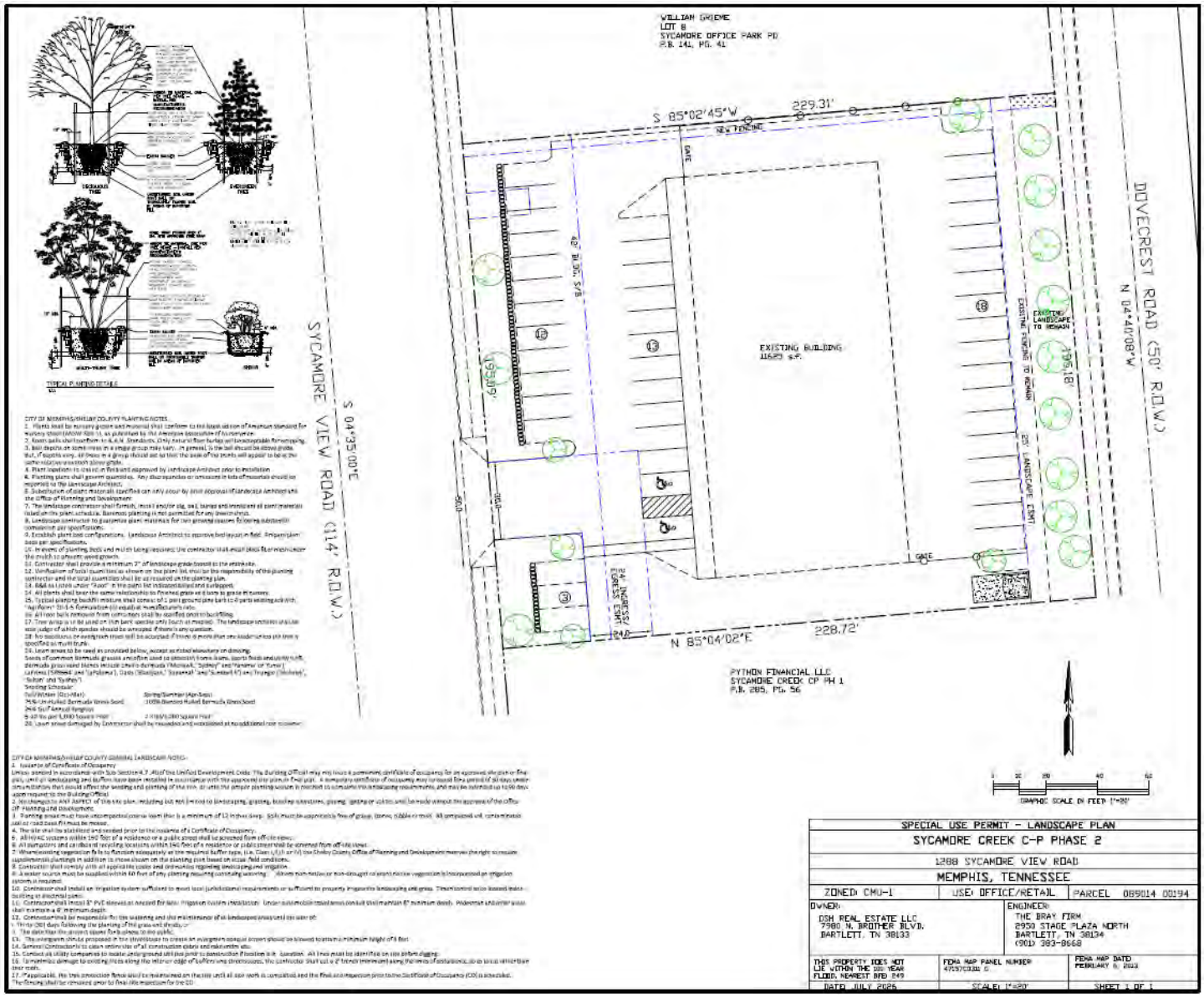
SITE PLAN – MAGNIFIED

LANDSCAPE PLAN



LANDSCAPE PLAN- MAGNIFIED

CASE REVIEW

Request

The request is a special use permit to allow a behavioral health and residential treatment facility.

Approval Criteria

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

9.6.9 Approval Criteria

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

9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

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

9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.

9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.

9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.

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

9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Details

Address:
1288 Sycamore View Rd

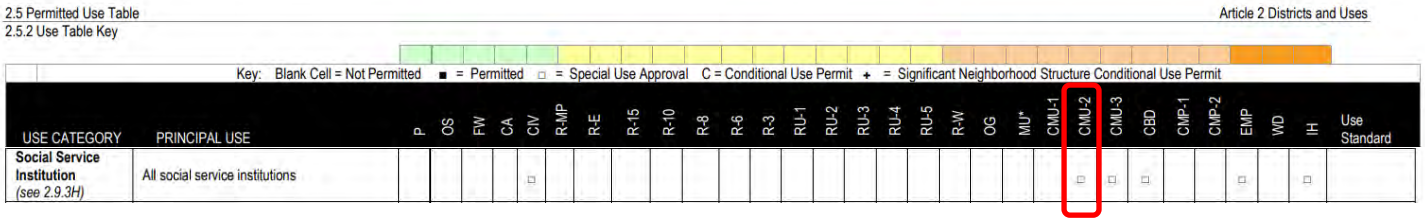
Parcel ID:
089014 00194

Area:
+/-1.03 acres

Description:
The subject property is within Sycamore Creek C-+ Phase 2 subdivision. Per the Assessor's website, the site has an 11,625 sq ft office building constructed circa in 2009. The property has one curb cut and wooden fence on the north and east side of the property.

Relevant Unified Development Code Clauses

Section 2.5.2 – Permitted Use Table

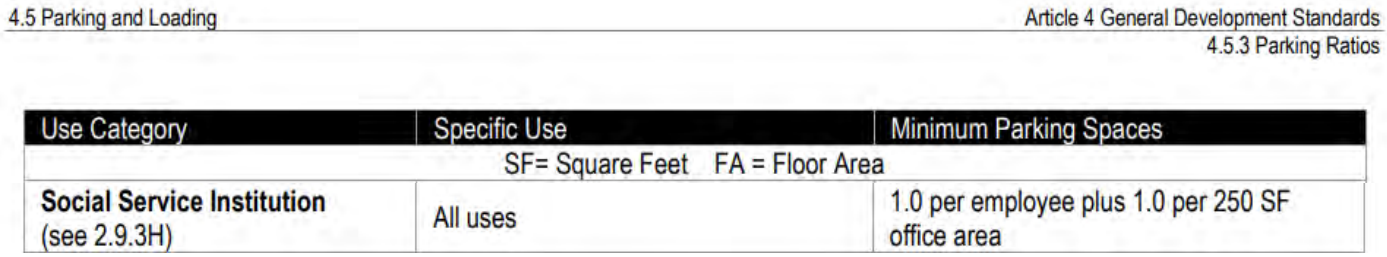


2.5 Permitted Use Table — Article 2 Districts and Uses
2.5.2 Use Table Key

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

USE CATEGORY	PRINCIPAL USE	P	OS	FW	CA	CIV	R-MP	R-E	R-15	R-10	R-8	R-6	R-3	RU-1	RU-2	RU-3	RU-4	RU-5	R-W	OG	MU*	CMU-1	CMU-2	CMU-3	CBD	CMP-1	CMP-2	EMP	WD	IH	Use Standard
Social Service Institution *(see 2.9.3H)*	All social service institutions					□																	□	□	□			□		□	

Section 4.5.3 – Parking Ratio



4.5 Parking and Loading — Article 4 General Development Standards
4.5.3 Parking Ratios

Use Category	Specific Use	Minimum Parking Spaces
	SF= Square Feet FA = Floor Area	
Social Service Institution (see 2.9.3H)	All uses	1.0 per employee plus 1.0 per 250 SF office area

Site Plan Review

- 11,625 sq ft building
- One curb cut to access from Sycamore View Rd
- 46 parking spaces including 2 accessible parking spaces
- 25 ft landscape easement on the rear
- Existing wooden site proof fence on rear
- Proposed fence on the north side of the property
- Propose two gates to access the rear parking area

Analysis

The applicant is requesting to allow a behavioral health and residential treatment facility in CMU-2 zoning district.

The subject property has an existing office building. The applicant is proposing to convert the building to be a behavioral health and residential treatment facility.

Two letters of opposition were received, see pages 34-39 of this report. The main concerns are the proposed facility's compatibility with surrounding commercial uses, potential safety and security impacts, traffic and parking effects, impacts on employees, customers, neighboring businesses and property values, and the suitability of the proposed location.

This is a re-use of existing building and the surrounding land uses are office, commercial and industrial, see page 7 of this report. The applicant proposes to have additional fence on north and south side of building.

The landscaping exists on the site and shows on proposed landscaping plan does not match the requirements of the recorded final plat. All required trees and shrubs must be restored, including replacement of the missing shrub and tree along the street frontage. Additionally, the parking area that exists on southwest corner of the site but was not shown on the final plat must be accurately reflected on the final plat at rerecording. Only the rear-yard modifications are acceptable; all other deficiencies must be corrected to comply with the approved plat.

This proposal is consistent with the Memphis 3.0 General Plan, see analysis on pages 18-21 of this report.

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

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Final Plat shall be rerecorded to reflect the approval of the SUP.

DEPARTMENTAL COMMENTS

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

City Engineer:

CITY ENGINEERING COMMENTS TRC: 27 AUG 2026 & LUCB: 10 SEP 2026 DATE: 28 AUG 2026

CASE 11: SUP 2026-020 Special use permit to allow a behavioral health and residential treatment facility in the Commercial Mixed Use – 2 (CMU-2) District located at 1288 Sycamore View Road
NAME: 1288 Sycamore View Road
Basin/Lot/CD: Penal Farm 13-A/1.03 acres/District 2
Traffic Engineering:

No Comment.

Sanitary Sewer:

The sewer capacity is available to serve this development

Drainage:
No comments.
Site Plan Notes:
No comments.

24

County Engineer: No comments received.

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.

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:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services Department in their recommendation: SUP: 2026-020 Cordova

Site Address/Location: 1288 SYCAMORE VIEW RD, MEMPHIS 38134
Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone
Future Land Use Designation: Low Intensity Commercial and Services (CSL)
Street Type: Parkway

The applicant is requesting a special use permit to convert an existing health services office to a behavioral health/residential treatment facility.

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-2

Adjacent Land Use and Zoning: Commercial, Office and Residential; CMU-2, CMU-3, OG,

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use as the proposed development is simply updating an existing health services building into a similarly oriented use in the form of a behavioral treatment facility. Thus, this development maintains the existing pattern and scale of development appropriate for a CSL zone.*

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**
   There is no degree of change description.

4. **Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities**
   Action 1.6.9 - Partner with healthcare organizations to promote, support, and expand the availability of public health services and programs. Although the evaluation of this case doesn't consistute a formal partnership, ensuring healthcare organizations are able to continue to serve their communities in a context appropriate manner certainly upholds the broader spirit of supporting local-serving health institutions.

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

Consistency Analysis Summary

The applicant is requesting a special use permit to convert an existing health services office to a behavioral health/residential treatment facility.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use as the proposed development is simply updating an existing health services building into a similarly oriented use in the form of a behavioral treatment facility. Thus, this development maintains the existing pattern and scale of development appropriate for a CSL zone.

There is no Degree of Change or relevant definition.

Action 1.6.9 - Partner with healthcare organizations to promote, support, and expand the availability of public health services and programs. Although the evaluation of this case doesn't consistute a formal partnership with a local healthcare organization, ensuring these organizations are able to replace one another and continue to serve their communities in a context appropriate manner certainly upholds the spirit of supproting and expanding local-serving health institutions.

Additional Comments: Although this case comfortably meets the criteria for consistency, the proposed use does raise some concerns regarding connectivity for the future residents of the facility. Considering the subject parcel is not located within anchor community and sits off a parkway, residents who don't have regular access to a personal vehicle may face challenges traveling to and from the facility.

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

Summary Compiled by: Eli Askren, Comprehensive Planning.

MAILED PUBLIC NOTICE

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, September 2, 2026 at 8 AM.**

CASE NUMBER: SUP 2026-020
ADDRESS: 1288 Sycamore View Rd
REQUEST: To allow a behavioral health and residential treatment facility in CMU-2
APPLICANT: DSH Real Estate LLC

Meeting Details
Location: Council Chambers, City Hall 1st Floor, 125 N Main St.
Time: 9:00 AM
Date: Thursday, September 10, 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.

61 Notices Mailed 08/14/2026

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Brian Hatley *, being duly sworn, depose and say that at* 14:15 *am/pm on the* 18th *day of* August *, 20*26*, I posted a Public Notice Sign(s) pertaining to Case No.* SUP 2026-020 *at* 1288 SYCAMORE VIEW *, 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.*

Owner, Applicant or Representative — *Date* 9.2.26

Subscribed and sworn to before me this 2nd *day of* September *, 20*26*.*

Notary Public

My commission expires: 06/28/2027

TIKKI SMITH
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY
My Commission Expires June 28, 2027

LISA AKBARI
World Trichology Institute
1288
MEMPHIS AND SHELBY COUNTY
DIVISION OF PLANNING AND DEVELOPMENT
PUBLIC NOTICE
AN APPLICATION HAS BEEN FILED FOR A
SPECIAL USE PERMIT
ON THIS PROPERTY.
A PUBLIC HEARING WILL BE HELD.
CASE NO: SUP 2026-020
INFORMATION: 636-6619

NEIGHBORHOOD MEETING NOTICE

THE BRAY FIRM
LAND DEVELOPMENT SERVICES

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

RE: SUP 2026-020
1288 Sycamore View
Memphis, Shelby County, TN

Dear Sir or Madam:

An application has been filed for a Special Use Permit on the above captioned property. The request is to allow a behavioral health/ residential treatment facility in the CMU-2 zoning district.

This application will be heard by the Memphis and Shelby County Land Use Control Board on September 10th at 9:00 am. First Floor City Council Chambers, 125 N. Main Street.

This notice is to invite you to attend a neighborhood meeting to answer additional questions you may have. Your attendance is not required but if you have questions, comments, or concerns you are welcome to attend. This meeting is intended to provide answers to any question you or your neighbors may have regarding this project.

Time: 6:00 p.m. To 7:00 p.m.
Date: Monday, August 31, 2026
Location: 1288 Sycamore View
Memphis, TN 38134

If you have any questions about the application or the meeting, please feel free to call me at 901.383.8668.

Thanks,

David Gean Bray

NEIGHBORHOOD MEETING SUMMARY

NEIGHBORHOOD MEETING SUMMARY

Case Number: SUP 2026-020

Meeting Information

Location: Subject property

Address: 1288 Sycamore View

Date: 08/31/26

Time: 18:00

Attendance

Attended on behalf of the applicant:	*Role (Applicant, Engineer, Architect, etc.)*
David Bray	Engineer

Number of Invitations Mailed: 40

Approx. Neighborhood Attendees: 1

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 one attendee wanted to know more details about the day to day operations of the facility to determine if would create more foot traffic in the area. I've put her in contact with the applicant to address those questions.

Page 1 of 2

NEIGHBORHOOD MEETING SUMMARY

Case Number: SUP 2026-020

Attachments

Also included in this submission are the following:

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

***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

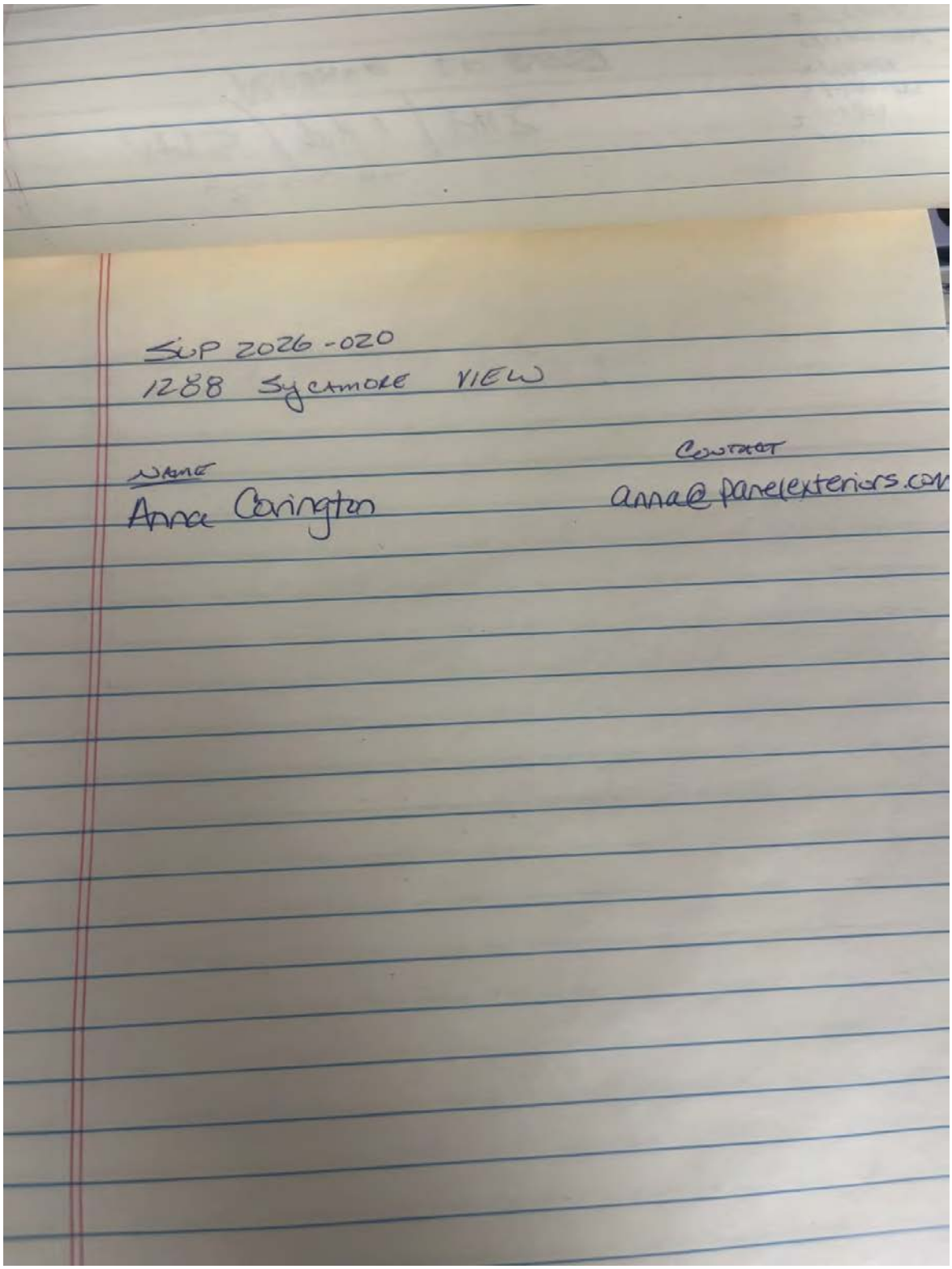
David Bray
Digitally signed by David Bray
Date: 2026.09.02 13:25:21 -05'00'
Signature

Date

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

Page **2** of **2**

NEIGHBORHOOD MEETING SIGN-IN SHEET



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: July 31, 2026

Record Number: SUP 2026-020

Expiration Date:

Record Name: Sycamore View C-P Phase 2

Description of Work: Conversion of existing office structure to behavioral health/residential treatment facility in the CMU-2 zoning district.

Parent Record Number:

Address:
1288 SYCAMORE VIEW RD, MEMPHIS 38134

Owner Information

Primary	Owner Name
Y	DSH REAL ESTATE LLC

Owner Address | **Owner Phone**

7980 N BROTHER BLVD, BARTLETT, TN 38133

Parcel Information

089014 00194

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Help desk
Date of Meeting	07/21/2026
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 this site	n/a
Is this application in response to a citation, stop	No

GENERAL PROJECT INFORMATION

work order, or zoning letter If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	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	This is a re-use of an existing building and an appropriate and needed addition to the area.
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 existing facility will remain with additional fencing added on the north and south sides of the building.
UDC Sub-Section 9.6.9C	All services are currently in use on 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	Z88-118
Central Business Improvement District	No
Class	C
Downtown Fire District	No
Historic District	-
Land Use	OFFICE
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-2
State Route	-
Lot	-
Subdivision	SYCAMORE CREEK C-P PHASE 2
Planned Development District	-
Wellhead Protection Overlay District	Yes
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name
DSH REAL ESTATE LLC

Contact Type
APPLICANT

Address
7980 N BROTHER BLVD, LISA M AKBARI, BARTLETT, TN, BARTLETT, TN, 38133

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
1750032	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	07/31/2026
1749885	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	07/31/2026
1750032	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	07/31/2026

Total Fee Invoiced: $513.00 Total Balance: $0.00

Payment Information

Payment Amount	Method of Payment
$513.00	Credit Card

OWNER AFFIDAVIT

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, Terence Stringfellow (Print Name) T R. S (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 1288 Sycamore View Rd. Memphis, TN 38134 and further identified by Assessor's Parcel Number 089014 00194 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 31st day of July in the year of 2026

SAMANTHA BERNARD STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY MY COMMISSION EXPIRES SEPTEMBER 24, 2029

Signature of Notary Public

September 24 2029
My Commission Expires

LETTER OF INTENT

The Bray Firm

Telephone 901-383-8668
Fax 901-383-8720

2950 Stage Plaza North
Bartlett, Tennessee 38134

July 31, 2026

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

RE: Sycamore View C-P, Phase 2
1288 Sycamore View Road
Memphis, TN

Mr. Ragsdale:

Please find attached an application for Special Use Permit approval for a behavioral health/residential treatment facility in the CMU-2 zoning district. The site has an existing office building that will be converted to the requested use.

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

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

Outlook

Opposition to behavior health and residential treatment facility in CMU-2

From Wilson Imports <wilsonimports901@gmail.com>
Date Mon 8/31/2026 4:21 PM
To Nira, Nabanita <Nabanita.Nira@memphistn.gov>

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

Wilson Imports respectfully submits this letter in strong opposition to the proposed behavioral health and residential treatment facility adjacent to our property.

We understand that behavioral health and treatment services are important to the community, and we are not opposed to individuals receiving appropriate care and support. However, we strongly question whether this particular location and proposed use are appropriate given its immediate proximity to Wilson Imports and the surrounding neighborhood and commercial properties.

As a neighboring business, we have serious concerns about the potential impacts this facility could have on our employees, customers, property, business operations, and the overall character and safety of the surrounding area.

Compatibility With the Surrounding Area

The proposed facility would introduce a residential treatment adjacent to an established commercial business. A residential treatment facility can have substantially different operational characteristics from the commercial and business uses that currently surround the site.

Wilson Imports has invested substantially in our property and business, and we have a legitimate interest in ensuring that neighboring development does not negatively affect our ability to operate successfully.

Safety, Security, and Operational Concerns

We are particularly concerned about the potential for increased calls for service, security issues, disturbances, trespassing, loitering, property damage, or other incidents associated with a residential treatment facility.

We recognize that not every resident or patient of such a facility will present a problem. Nevertheless, the City should evaluate the nature of the population to be served, the level of supervision provided, staffing levels, security measures, admission and discharge procedures, and the facility's policies for responding to incidents before approving the project.

Wilson Imports should not be placed in a position where our employees or customers are expected to absorb the consequences of inadequate supervision, security, or operational planning.

Impact on Employees and Customers

Our business depends upon providing our employees and customers with a safe, professional, and comfortable environment.

The City should consider how the proposed facility could affect customer perceptions of the area, employee safety, parking availability, traffic patterns, pedestrian activity, and access to neighboring businesses.

Any increase in unusual activity, disturbances, or security concerns could negatively affect our employees and customers and, ultimately, our ability to operate our business.

Traffic

We are also concerned about the potential impact on traffic in the area.

A residential treatment facility may generate activity from employees, residents, visitors, family members, medical and behavioral-health professionals, transportation providers, emergency responders, deliveries, and other service providers.

The City should require a detailed analysis of anticipated vehicle trips, parking demand, drop-off and pick-up activity, emergency access, and circulation before determining that the proposed use will not negatively affect neighboring properties.

Property Values and Business Impacts

The City should also consider the potential economic consequences to surrounding property owners and businesses.

Wilson Imports has made a significant investment in its property and relies on the surrounding area remaining attractive, accessible, safe, and commercially viable. Introducing a residential treatment facility immediately adjacent to our property could adversely affect the perception and desirability of the area and could create long-term impacts that are difficult to reverse once the facility is established.

These potential impacts deserve meaningful consideration before the City approves the project.

Need for Appropriate Site Selection

Even if the City determines that a behavioral health or residential treatment facility is a legitimate and needed use within the community, that does not necessarily mean that every location is appropriate for such a facility.

The City should consider whether there are other sites that would provide appropriate access to services while creating less conflict with established businesses and surrounding

properties.

We respectfully believe that a facility of this nature should be located in an area specifically suited to its operational requirements and where potential impacts on neighboring businesses and property owners can be adequately managed.

Request for Careful Review

At a minimum, before any approval is granted, we request that the City thoroughly evaluate:

- The population that will be served and the level of supervision required
- Staffing levels and staff-to-resident ratios
- Security and on-site management plans
- Procedures for addressing behavioral incidents and emergencies
- Anticipated police, fire, and emergency-service calls
- Traffic
- Drop-off, pick-up, and transportation activity
- Potential impacts on neighboring businesses and property values
- Noise, lighting, outdoor activity, and other impacts
- Hours of operation and visitor policies
- Procedures for preventing trespassing, loitering, and other impacts to adjacent properties
- Whether alternative locations would be more appropriate for this type of facility

For these reasons, Wilson Imports strongly opposes the proposed behavioral health and residential treatment facility at this location.

We respectfully ask the City to deny the proposal or, at a minimum, **require** a substantially more thorough evaluation of its potential impacts on neighboring businesses and the surrounding community before any decision is made.

Wilson Imports is committed to being a responsible member of the community, and we believe that responsible development requires consideration not only of the needs of a proposed project but also of the existing businesses, property owners, employees, customers, and residents who will be directly affected by it.

We appreciate your consideration of our concerns and respectfully request that this letter be included in the official record for this application.

Sincerely,

Wilson Imports
Phil Wilson *President*

6079 Resources Drive Memphis, TN 38134
901-372-7050
WilsonImports901@gmail.com

--

Wilson Imports

6079 Resources Drive, Memphis, TN 38134

Office: 901-372-7050

WILSON IMPORTS

Outlook

SUP 2026-0520 - 1288 Sycamore View, Memphis TN

From JJ McNelis <jmcnelis@TFAM5.COM>
Date Tue 9/1/2026 1:28 PM
To Nira, Nabanita <Nabanita.Nira@memphistn.gov>

1 attachment (185 KB)
Special Use Permit Objection Letter 9.01.2026.pdf;

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 see the attached letter from Joseph Mirabile, managing partner of Desianna Properties. Desianna owns an undeveloped tract three lots north of the subject address and is opposed to the application that has been submitted for a special use permit.

Thank you,

J.J. McNelis
14112 Perdido Key Drive
Pensacola, FL 32507
(901) 409-6473
jmcnelis@tfam5.com

Desianna Properties
14112 Perdido Key Drive
Pensacola, FL 32507

September 1, 2026

Re: Case Number SUP 2026-020

To Whom It May Concern:

I am writing to register this firm's strong objection to the granting of the special use permit requested in the referenced application.

A more accurate description of the intended use of the existing building is "a for-profit drug treatment and rehabilitation facility with overnight accommodations." It is rather bold of the applicant to state that "the project will not have a substantial or undue adverse effect upon adjacent property," particularly when, as I understand it, a daycare facility is located next door. Furthermore, it is a rather dubious claim to assert that the project will be compatible with the immediate vicinity. Suffice it to say the applicant did not perform significant research on the historical and current uses of property on this stretch of Sycamore View.

This firm has owned an operating business and undeveloped land less than 500 feet from the project site since the mid-1990s. The use being requested would have been a clear red flag to avoid the area had it been contemplated when we decided to make our significant investment.

As a final note, I must say that I am somewhat miffed that this firm never received notice of the upcoming public meeting scheduled for September 10. While not pointing any fingers, I have heard that others did not receive notices either. A cynic might conclude that there has been an effort to get approval under the radar.

Thank you for your consideration of this request for rejection of the special use permit application. You may contact me at 850-495-2480 if you have any questions or comments.

Sincerely,

DESIANNA PROPERTIES

Joseph W. Mirabile /jwm

Joseph W. Mirabile
Managing Partner

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: July 31, 2026

Record Number: SUP 2026-020

Expiration Date:

Record Name: Sycamore View C-P Phase 2

Description of Work: Conversion of existing office structure to behavioral health/residential treatment facility in the CMU-2 zoning district.

Parent Record Number:

Address:

1288 SYCAMORE VIEW RD, MEMPHIS 38134

Owner Information

Primary	Owner Name
Y	DSH REAL ESTATE LLC

Owner Address | **Owner Phone**

7980 N BROTHER BLVD, BARTLETT, TN 38133

Parcel Information

089014 00194

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Help desk
Date of Meeting	07/21/2026
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 this site	n/a
Is this application in response to a citation, stop	No

GENERAL PROJECT INFORMATION

work order, or zoning letter	
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	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	This is a re-use of an existing building and an appropriate and needed addition to the area.
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UDC Sub-Section 9.6.9C	All services are currently in use on 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	Z88-118
Central Business Improvement District	No
Class	C
Downtown Fire District	No
Historic District	-
Land Use	OFFICE
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-2
State Route	-
Lot	-
Subdivision	SYCAMORE CREEK C-P PHASE 2
Planned Development District	-
Wellhead Protection Overlay District	Yes
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information

Name
DSH REAL ESTATE LLC

Contact Type
APPLICANT

Address
7980 N BROTHER BLVD, LISA M AKBARI, BARTLETT, TN, BARTLETT, TN, 38133

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
1750032	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	07/31/2026
1749885	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	07/31/2026
1750032	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	07/31/2026

Total Fee Invoiced: $513.00 Total Balance: $0.00

Payment Information

Payment Amount	Method of Payment
$513.00	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, Terence Stringfellow (Print Name) T R. S (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 1288 Sycamore View Rd. Memphis, TN 38134 and further identified by Assessor's Parcel Number 089014 00194, 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 July in the year of 2826.

SAMANTHA BERNARD STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY MY COMMISSION EXPIRES SEPTEMBER 24, 2029

Signature of Notary Public

September 24 2829
My Commission Expires

The Bray Firm

Telephone 901-383-8668
Fax 901-383-8720

2950 Stage Plaza North
Bartlett, Tennessee 38134

July 31, 2026

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

RE: Sycamore View C-P, Phase 2
1288 Sycamore View Road
Memphis, TN

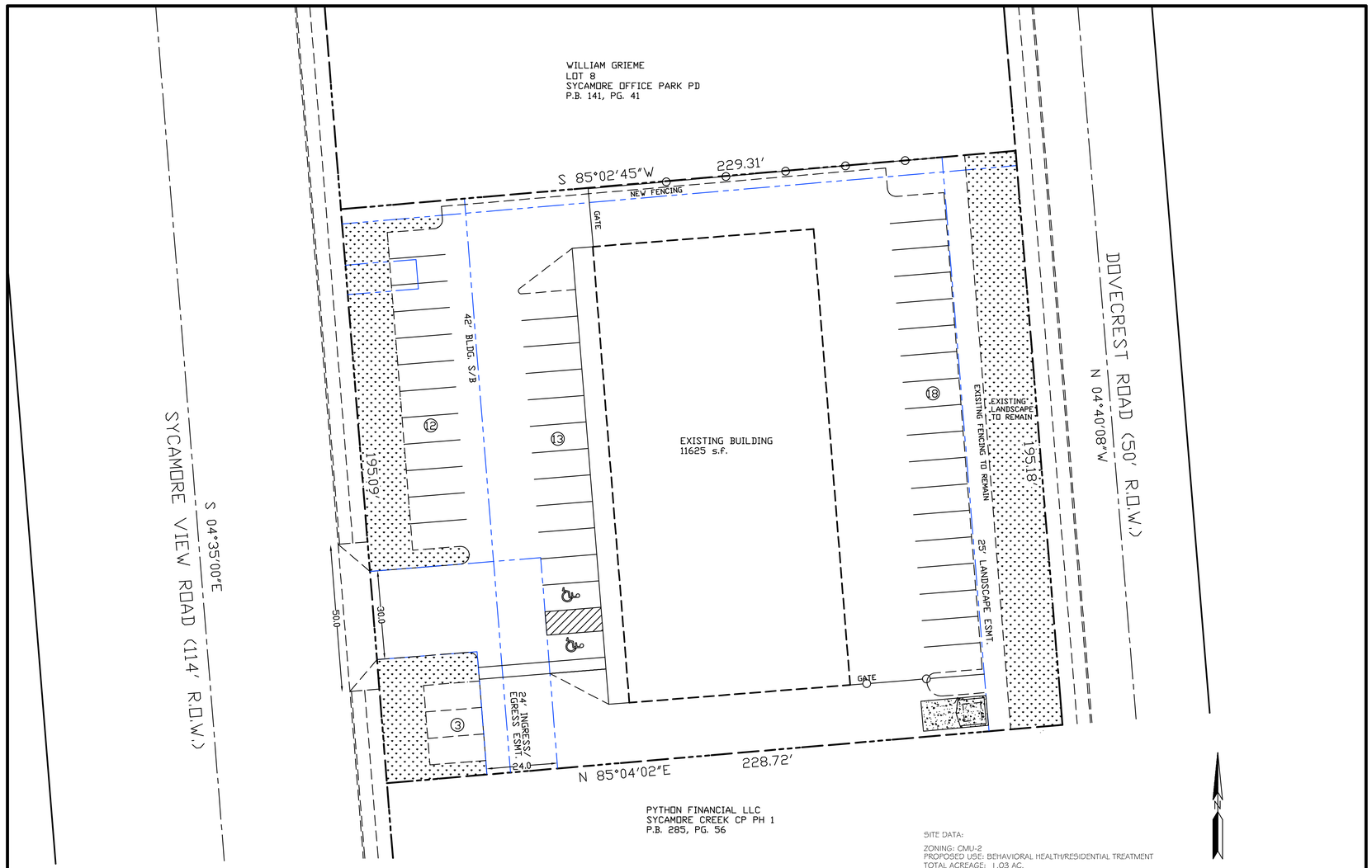
Mr. Ragsdale:

Please find attached an application for Special Use Permit approval for a behavioral health/residential treatment facility in the CMU-2 zoning district. The site has an existing office building that will be converted to the requested use.

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.



SITE DATA:

ZONING: CMU-2
PROPOSED USE: BEHAVIORAL HEALTH/RESIDENTIAL TREATMENT
TOTAL ACREAGE: 1.03 AC.
BUILDING SIZE: 11625 SF
PARKING REQUIRED: 39
PARKING PROVIDED: 46 (2 ADA)

1. 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 said private drives and yards.

2. 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.

3. Any improvements encroaching Sanitary Sewer Easements which are not authorized by The City of Memphis may be removed by the City at any time and the city shall bear no responsibility for the maintenance of said improvements.

4. Sewer connection must be field verified prior to issuance of final inspection or certificate of occupancy.

NOTE: PLEASE BE ADIVSED 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. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY APRONS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE 576-6700.

REQUIRED SIDEWALKS				
STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION	ACTION
SYCAMORE VIEW	5-FOOT	EAST	4.5 GRASS STRIP	REPAIR AS NECESSARY
DOVECREST ROAD	5-FOOT	WEST	4.5 GRASS STRIP	REPAIR AS NECESSARY

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

SPECIAL USE PERMIT APPLICATION

SYCAMORE CREEK C-P PHASE 2

1288 SYCAMORE VIEW ROAD

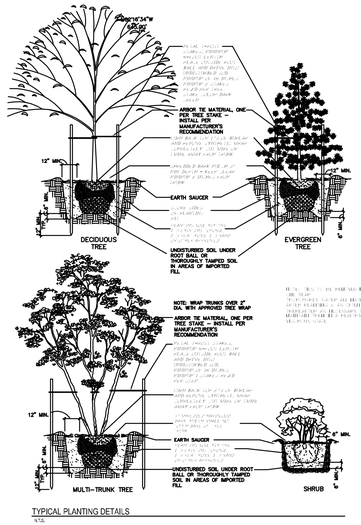
MEMPHIS, TENNESSEE

ZONED: CMU-1	USE: OFFICE/RETAIL	PARCEL 089014 00194

OWNER:
DSH REAL ESTATE LLC
7980 N. BROTHER BLVD.
BARTLETT, TN 38133

ENGINEER:
THE BRAY FIRM
2950 STAGE PLAZA NORTH
BARTLETT, TN 38134
(901) 383-8668

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD. NEAREST BFE: 249	FEMA MAP PANEL NUMBER: 47157C0311 G	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: JULY 2026	SCALE: 1"=20'	SHEET 1 OF 1



TYPICAL PLANTING DETAILS

CITY OF MEMPHIS/SHELBY COUNTY PLANTING NOTES

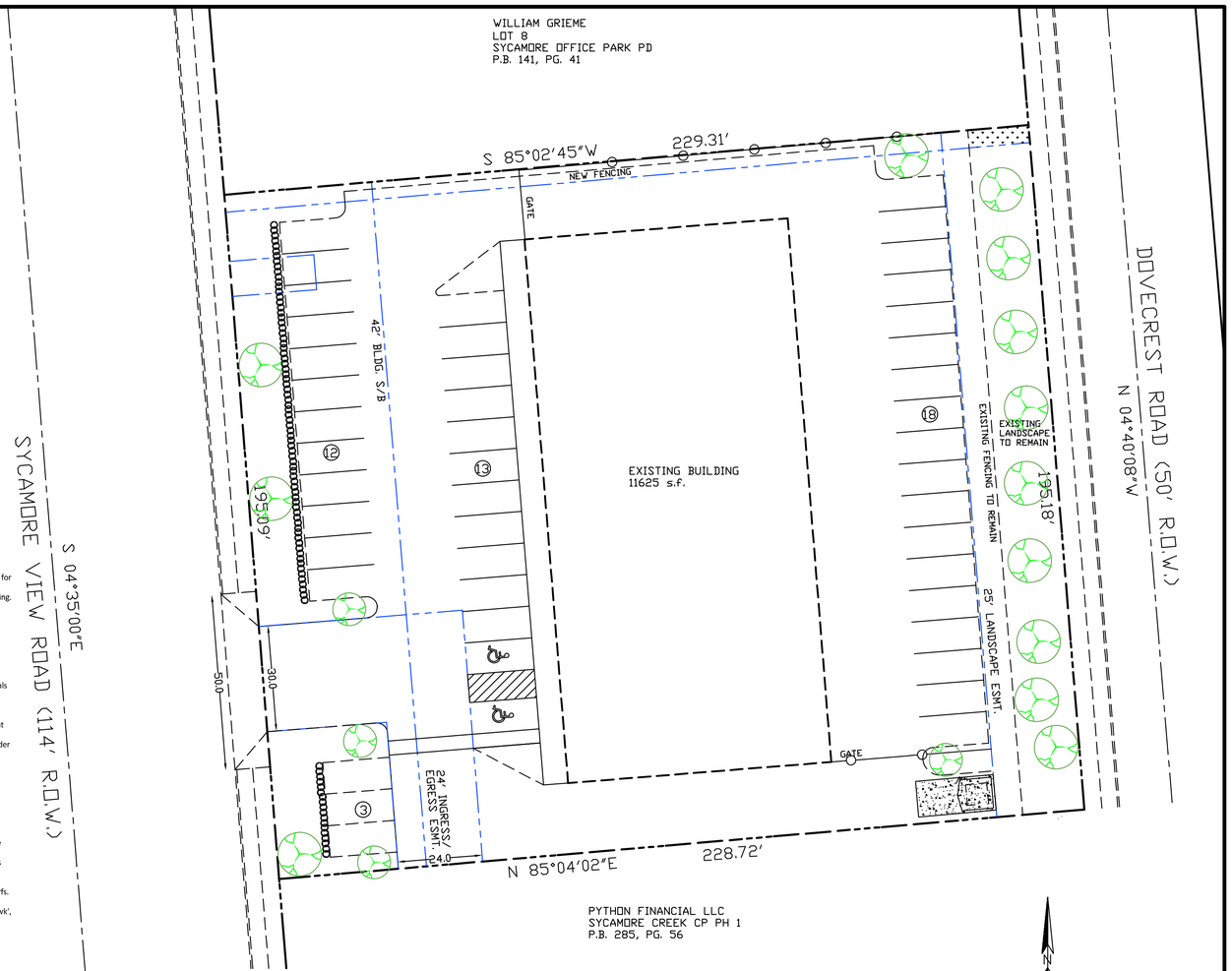
1. Plants shall be nursery grown and material shall conform to the latest edition of American Standard for nursery stock (ANSW-S60.1), as published by the American Association of Nurserymen.
2. Roots balls shall conform to A.A.N. Standards. Only natural fiber burlap will be acceptable for wrapping.
3. Ball depths on some trees in a single group may vary. In general, ½ the ball should be above grade. But, if depths vary, all trees in a group should set so that the base of the trunks will appear to be at the same relative elevation above grade.
4. Plant locations to staked in field and approved by Landscape Architect prior to installation.
5. Planting plans shall govern quantities. Any discrepancies or omissions in lists of materials should be reported to the Landscape Architect.
6. Substitution of plant materials specified can only occur by prior approval of Landscape Architect and the Office of Planning and Development.
7. The landscape contractor shall furnish, install and/or dig, ball, burlap and transplant all plant materials listed on the plant schedule. Bareroot planting is not permitted for any tree or shrub.
8. Landscape contractor to guarantee plant materials for two growing seasons following substantial completion per specifications.
9. Establish plant bed configurations. Landscape Architect to approve bed layout in field. Prepare plant beds per specifications.
10. In event of planting beds and mulch being required, the contractor shall install black fiber mesh under the mulch to prevent weed growth.
11. Contractor shall provide a minimum 2" of landscape grade topsoil to the entire site.
12. Verification of total quantities as shown on the plant list shall be the responsibility of the planting contractor and the total quantities shall be as required on the planting plan.
13. B&B as Listed under "Root" in the plant list indicated balled and burlapped.
14. All plants shall bear the same relationship to finished grate as it bore to grade in nursery.
15. Typical planting backfill mixture shall consist of 1 part ground pine bark to 4 parts existing soil with "Agriform" 20-1-5 formulation (or equal) at manufacturer's rate.
16. All root balls removed from containers shall be scarified prior to backfilling.
17. Tree wrap is to be used on thin bark species only (such as maples). The landscape architect shall be sole judge of which species should be wrapped if there is any question.
18. No deciduous or evergreen trees will be accepted if there is more than one leader unless the tree is specified as multi-trunk.
19. Lawn areas to be seed as provided below, except as noted elsewhere on drawing.
Seeds of common Bermuda grasses are often used to establish home lawns, sports fields and utility turfs. Bermuda grass seed blends include Enviro-Bermuda ('Mohawk,' 'Sydney" and 'Panama' or 'Yuma'), LaPrima ('SR9554' and 'LaPaloma'), Oasis ('Blackjack,' 'Savannah' and 'Sundevil II') and Triangle ('Mohawk', 'Sultan' and 'Sydney').
Seeding Schedule:

Fall/Winter (Oct-Mar)	Spring/Summer (Apr-Sept)
75%-Un-Hulled Bermuda Grass Seed	100% Blended Hulled Bermuda Grass Seed
25% Gulf Annual Ryegrass	
5-20 lbs per 1,000 Square Feet	2-3 lbs/1,000 Square Feet

20. Lawn areas damaged by Contractor shall be reseeded and established at no additional cost to owner.

CITY OF MEMPHIS/SHELBY COUNTY GENERAL LANDSCAPE NOTES

1. Issuance of Certificate of Occupancy
Unless bonded in accordance with Sub-Section 4.7 .4Gof the Unified Development Code, The Building Official may not issue a permanent certificate of occupancy for an approved site plan or final plat, until all landscaping and buffers have been installed in accordance with the approved site plan or final plat. A temporary certificate of occupancy may be issued for a period of 30 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon request to the Building Official.
2. No changes to ANY ASPECT of this site plan, including but not limited to landscaping, grading, building elevations, paving, lighting or utilities shall be made without the approval of the Office Of Planning and Development.
3. Planting areas must have uncompacted coarse loam that is a minimum of 12 inches deep. Soils must be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or road base fill must be moved.
4. The site shall be stabilized and seeded prior to the issuance of a Certificate of Occupancy.
5. All HVAC systems within 150 feet of a residence or a public street shall be screened from off-site views.
6. All dumpsters and cardboard recycling locations within 150 feet of a residence or public street shall be screened from off-site views.
7. Where existing vegetation fails to function adequately as the required buffer type, (i.e. Class I,II,III or IV) the Shelby County Office of Planning and Development reserves the right to require supplemental plantings in addition to those shown on the planting plan based on actual field conditions.
8. Contractor shall comply with all applicable codes and ordinances regarding landscaping and irrigation.
9. A water source must be supplied within 50 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated an irrigation system is required.
10. Contractor shall install an irrigation system sufficient to meet local jurisdictional requirements or sufficient to property irrigate the landscaping and grass. Timer/control to be located inside building at electrical panel.
11. Contractor shall install 3" PVC sleeves as needed for later irrigation system installation. Under automobile travel areas conduit shall maintain 8" minimum depth. Pedestrian and other areas shall maintain a 6" minimum depth.
12. Contractor shall be responsible for the watering and the maintenance of all landscaped areas until the later of:
i. Thirty (30) days following the planting of the grass and shrubs, or
ii. The date that the project opens for business to the public.
13. The evergreen shrubs proposed in the streetscape to create an evergreen opaque screen should be allowed to attain a minimum height of 4 feet.
14. General Contractor is to clean entire site of all construction debris and rake entire site.
15. Contact all utility companies to locate underground utilities prior to construction if location is in question. All lines must be identified on site before digging.
16. To minimize damage to existing trees along the interior edge of buffers and streetscapes, the contractor shall cut a 2' trench (minimum) along the limits of disturbance, so as to cut rather than tear roots.
17. If applicable, the tree protection fence shall be maintained on the site until all site work is completed and the final site inspection prior to the Certificate of Occupancy (CO) is scheduled.
The fencing shall be removed prior to final site inspection for the CO.



SPECIAL USE PERMIT - LANDSCAPE PLAN

SYCAMORE CREEK C-P PHASE 2

1288 SYCAMORE VIEW ROAD

MEMPHIS, TENNESSEE

ZONED: CMU-1	USE: OFFICE/RETAIL	PARCEL 089014 00194

OWNER:	ENGINEER:
DSH REAL ESTATE LLC 7980 N. BROTHER BLVD. BARTLETT, TN 38133	THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD. NEAREST BFE: 249	FEMA MAP PANEL NUMBER: 47157C0311 G	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: JULY 2026	SCALE: 1"=20'	SHEET 1 OF 1

Shelby County Tennessee

Willie F. Brooks Jr

Shelby County Register

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

26053884

06/29/2026 - 12:09:13 PM

3 PGS	
ANGELAF 2982491 - 26053884	
VALUE	925000.00
MORTGAGE TAX	0.00
TRANSFER TAX	3422.50
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	3440.50

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100
Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov

Prepared by and return to:
HAGLER LAW GROUP, PLLC
2650 THOUSAND OAKS BLVD., Ste 2140
Memphis, Tennessee 38118

WARRANTY DEED

THIS INDENTURE, made and entered into as of this the 25th day of June, 2026, by and between The Akbari Corporation, a Tennessee corporation ("Grantor"), and DSH Real Estate, LLC

WITNESSETH: 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, Grantor has bargained and sold and hereby bargains, sells, conveys and confirms unto Grantee the following described real estate, situated and being in County of Shelby, State of Tennessee, to-wit:

Phase 2, Sycamore Creek C-P, as shown on plat of record in Plat Book 242, Page 4, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Property Address: 1288 Sycamore View Road, Memphis, TN 38134
Parcel ID No.: 08-9014-0-0194

Being the same property conveyed to Hooshang Akbari and Lisa M. Akbari, his wife by Warranty Deed of Record at Instrument Number 07122915 and from Hooshang Akbari and wife, Lisa M. Akbari to The Akbari Corporation, a Tennessee Corporation, by Quit Claim Deed of record at Instrument Number 08140991, both in the Register's Office of Shelby County, Tennessee.

The property herein conveyed is subject to the following: 2026 City of Memphis and 2026 Shelby County real property taxes, not yet due or payable; Restrictions and building lines and easements of record in Plat Book 233, Page 46, re-recorded at Plat Book 242, Page 4 in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforedescribed real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Grantee, its, successors and assigns in fee simple forever.

AND, subject always to those liens, easements, encumbrances and exceptions listed hereinabove, the Grantor does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of said real estate in fee simple, has good right to convey it and the same is unencumbered, unless otherwise set out herein and Grantor does further covenant and bind itself,

its successors and representatives to warrant and forever defend the title to the aforesaid real estate against the lawful claims of all persons whomsoever.

WITNESS the signature of Grantor on the day and year first above written.

The Akbari Corporation

By: _____
Hooshang Akbari

Title: President

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Hooshang Akbari, to me known (or proved to me on the basis of satisfactory evidence) to be the and who upon oath, acknowledged himself to be the President of The Akbari Corporation a Tennessee corporation, the within named bargainor, and that he as such President of The Akbari Corporation, being authorized to do so executed the foregoing instrument for the purposed therein contained, by signing the name of The Akbari Corporation by himself as President.

WITNESS my hand and Notarial Seal at office this 24th day of June, 2026.

_____
Notary Public

MONICE MOORE HAGLER
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
MY COMMISSION EXPIRES 8-7-2027

My Commission Expires: _____

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 or value of the property transferred whichever is greater, is $925,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Sharon L. Ellis

Affiant

Subscribed and sworn to before me this 25th day of June, 2026.

DORIS D. NESBITT
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY
MY COMM. EXP. JANUARY 3, 2028

Doris D. Nesbitt

Notary Public

My Commission Expires: _____

Owner Name and Address:

DSH Real Estate, LLC
Attn. David S. Hamilton
7980 N. Brother Blvd.
Memphis, TN 38133

Mail Tax Bill to:

DSH Real Estate, LLC
Attn: David S. Hamilton
7980 N. Brother Blvd.
Memphis, TN 38133

Tracking Number
B2026061138

Annual Report

Division of Business and Charitable Organizations
Department of State
State of Tennessee
312 Rosa L. Parks Avenue, 6th Floor
Nashville, Tennessee 37243
Phone: 615-741-2286
tncab.tnsos.gov/portal/

Control #: 001414871
Filed: 01/22/2026 11:31 AM
Tre Hargett
Secretary of State

Tre Hargett
Secretary of State

Entity Information

Business Name: DSH REAL ESTATE, LLC
Entity Type: Limited Liability Company
Place of Formation: TENNESSEE

Control Number: 001414871
Managed Type: Member Managed

Principal Office Address:
7980 N. BROTHER BLVD.
USA, MEMPHIS, TN 38133

Mailing Address:
7980 N. BROTHER BLVD.
USA, MEMPHIS, TN 38133

Nature of Business (NAICS):
531110 - Lessors of Residential Buildings and Dwellings

Number of Members: Six Or Less

Officer Information

DAVID HAMILTON
7980 N. BROTHER BLVD.
MEMPHIS, TN 38133, USA
Member

TERENCE STRINGFELLOW
7980 N. BROTHER BLVD.
USA, MEMPHIS, TN 38133
President

Registered Agent Information

DAVID S. HAMILTON
7980 N BROTHER BLVD
MEMPHIS, TN 38133

Signature

☑ By entering my name in the space provided below, I certify that I am authorized to file this document on behalf of this entity, have examined the document and, to the best of my knowledge and belief, it is true, correct and complete as of this day.

Signed Electronically: SAMANTHA BERNARD
Title: OFFICE ADMINISTRATOR

Date: 01/22/2026

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

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

September 10, 2026

DSH Real Estate LLC
7980 N Brother Blvd
Bartlett, TN 38133

Sent via electronic mail to: terence@dshrealestate.com, dgbray@comcast.net, dhamilton@impact-logistics.com & lclay@dshrealestate.com

Case Number: SUP 2026-020
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, September 10, 2026, the Memphis and Shelby County Land Use Control Board recommended ***approval*** of your special use permit application to allow a behavioral health and residential treatment facility located at 1288 Sycamore View Rd, subject to the following conditions:

1. Final Plat shall be rerecorded to reflect the approval of the SUP.

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

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) _____ APPROVAL - (1) APPROVED (2) DENIED
02/12/2026 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:	***DATE***	***POSITION***
Meloy C Stark	3/6/2026	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.

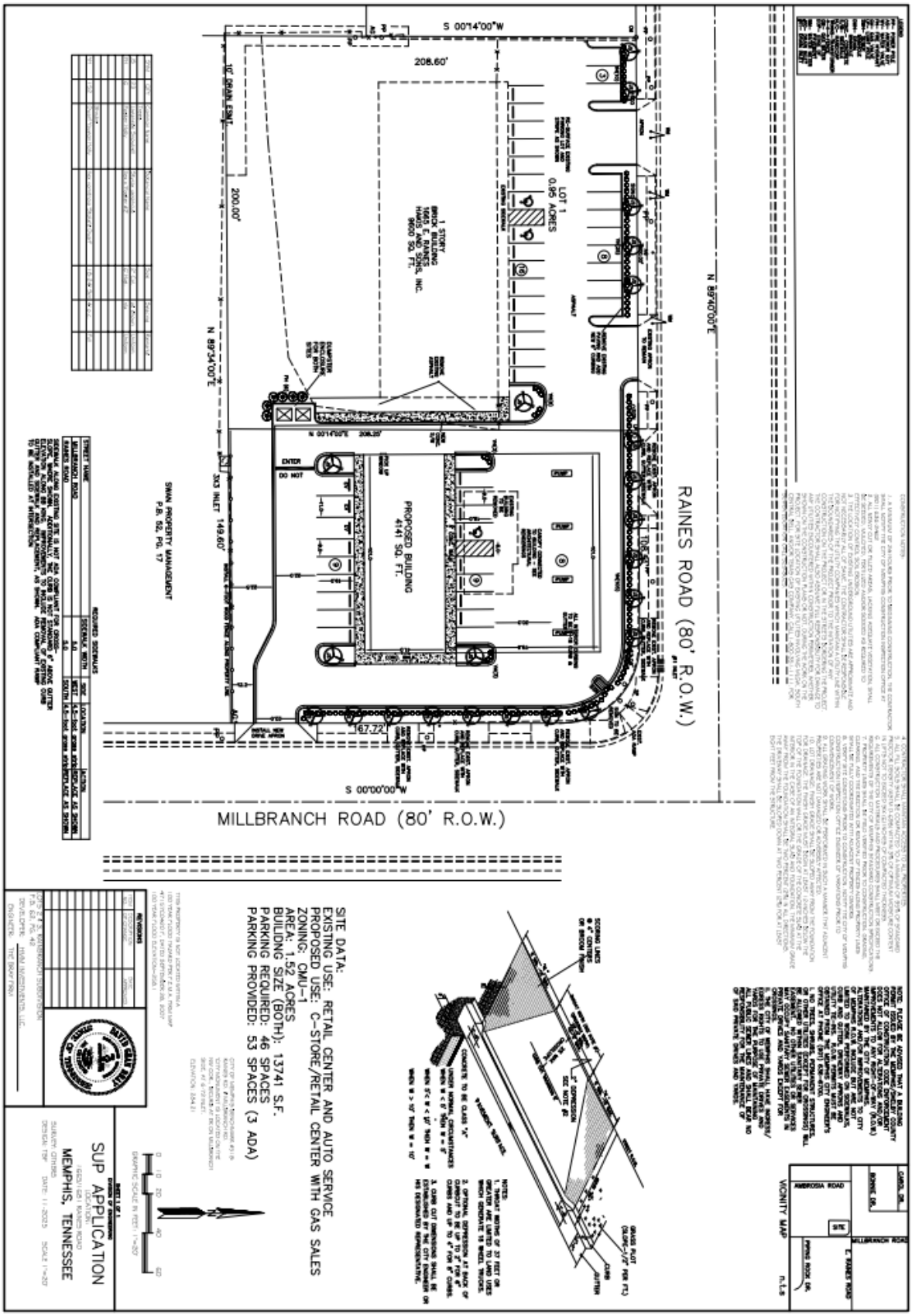
3. The dumpster location and screening shall meet the requirements of UDC Sub Section 4.6.8B.

4. The convenience store building facing Raines Road and Millbranch Road shall be a minimum of 60% transparency.

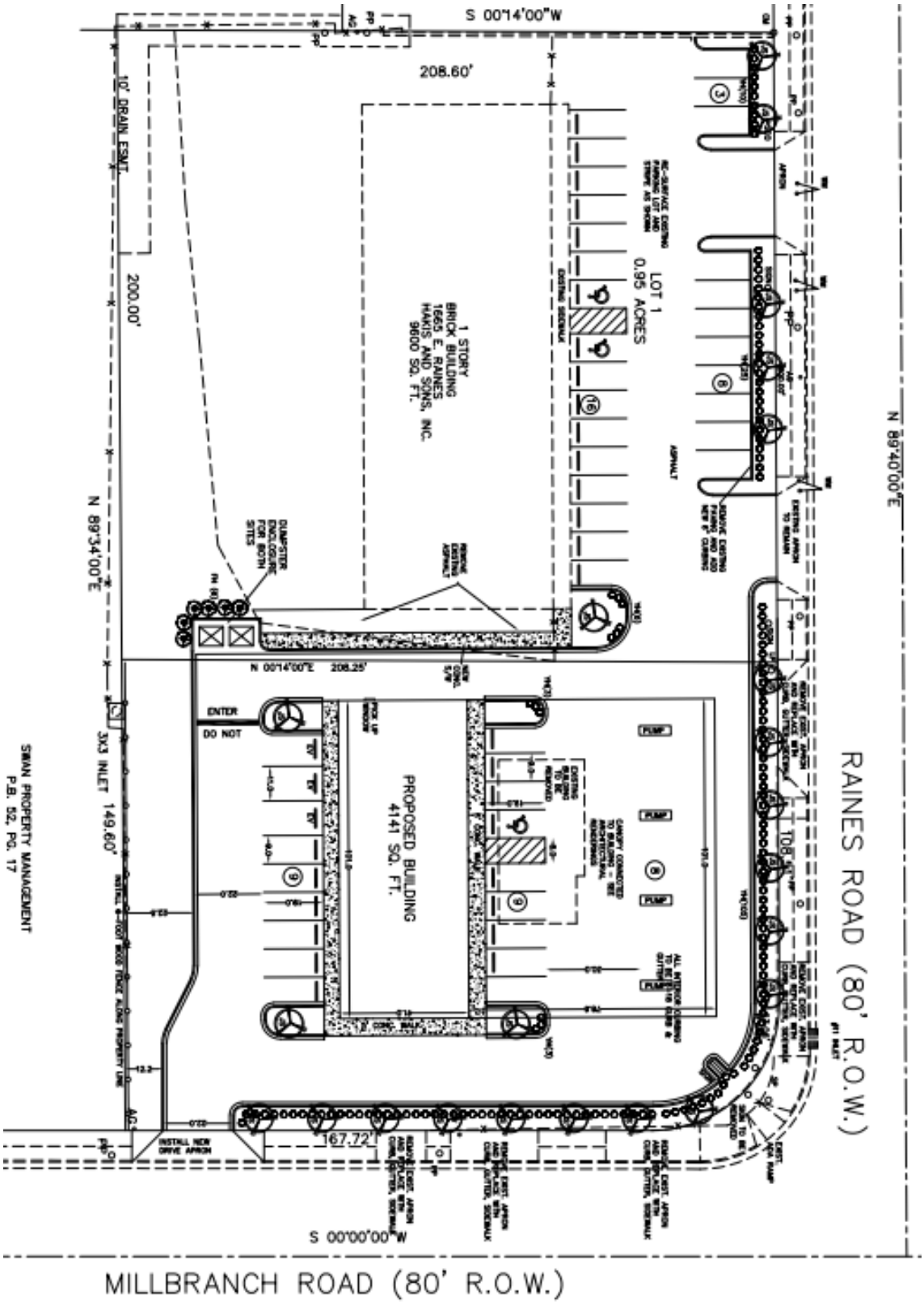
5. Support columns for the fuel canopy shall be sheathed in the same masonry used on the principal building.
6.
7. The exterior building materials for the convenience store shall consist of a minimum of 50 percent masonry, with EIFS or stucco limited to a maximum of 10 percent of the building facade.

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


RAINES ROAD (80' R.O.W.)
MILLBRANCH ROAD (80' R.O.W.)
PROPOSED BUILDING
4141 SQ. FT.
LOT 1
0.95 ACRES
1 STORY
BRICK BUILDING
1665 E. RAINES
HAWS AND SONS, INC.
9600 SQ. FT.
SWAN PROPERTY MANAGEMENT
P.B. 52, PG. 17
SITE DATA:
EXISTING USE: RETAIL CENTER AND AUTO SERVICE
PROPOSED USE: C-STORE/RETAIL CENTER WITH GAS SALES
ZONING: CMU-1
AREA: 1.52 ACRES
BUILDING SIZE (BOTH): 13741 S.F.
PARKING REQUIRED: 46 SPACES
PARKING PROVIDED: 53 SPACES (3 ADA)
SUP APPLICATION
MEMPHIS, TENNESSEE
VICINITY MAP

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.

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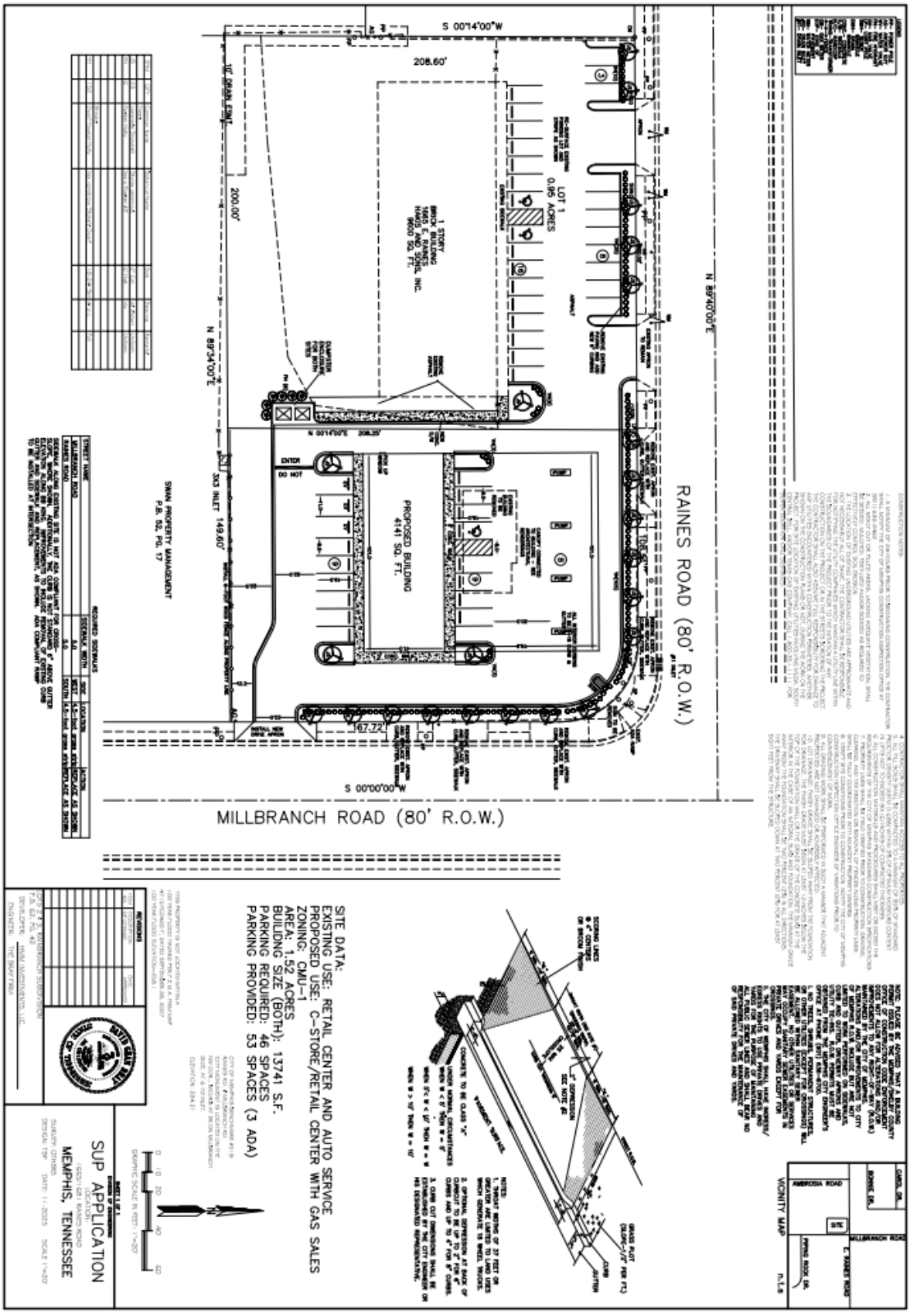
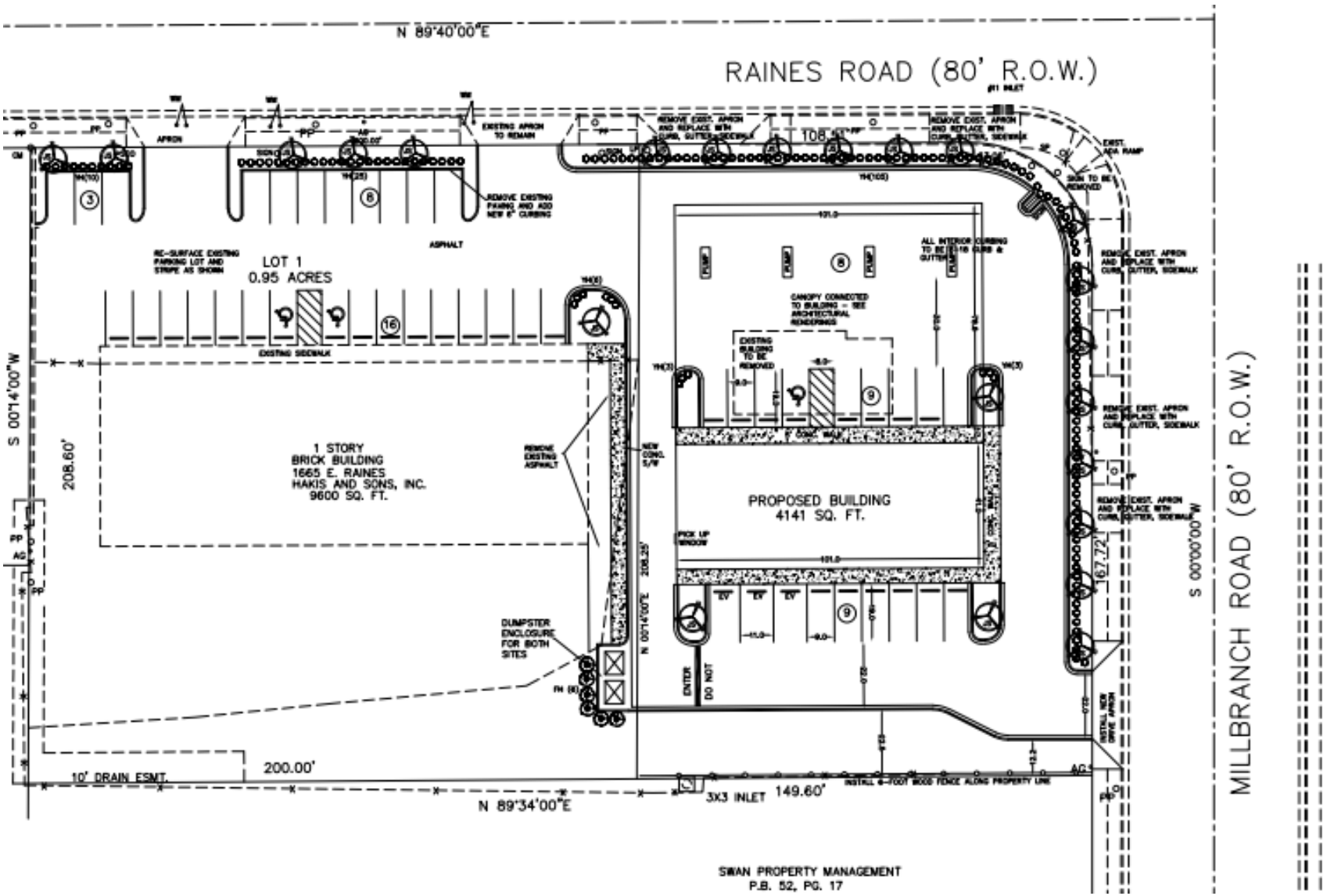

RAINES ROAD (80' R.O.W.)
MILLBRANCH ROAD (80' R.O.W.)
PROPOSED BUILDING
4141 SQ. FT.
LOT 1
0.95 ACRES
208.60'
200.00'
67.72'
149.60'
SWAN PROPERTY MANAGEMENT
P.B. 52, PG. 17
SITE DATA:
EXISTING USE: RETAIL CENTER AND AUTO SERVICE
PROPOSED USE: C-STORE/RETAIL CENTER WITH GAS SALES
ZONING: CMU-1
AREA: 1.52 ACRES
BUILDING SIZE (BOTH): 13741 S.F.
PARKING REQUIRED: 46 SPACES
PARKING PROVIDED: 53 SPACES (3 ADA)
SUP APPLICATION
MEMPHIS, TENNESSEE
VICINITY MAP


N 89°40'00"E
RAINES ROAD (80' R.O.W.)
MILLBRANCH ROAD (80' R.O.W.)
S 00°00'00"W
S 00°14'00"W
N 00°14'00"E
N 89°34'00"E
LOT 1
0.95 ACRES
1 STORY
BRICK BUILDING
1665 E. RAINES
HAKIS AND SONS, INC.
9600 SQ. FT.
PROPOSED BUILDING
4141 SQ. FT.
CANOPY CONNECTED TO BUILDING - SEE ARCHITECTURAL RENDERINGS
EXISTING BUILDING TO BE REMOVED
ALL INTERIOR CURBING TO BE 6" TYP. CURB & GUTTER
RE-SURFACE EXISTING PARKING LOT AND STRIPE AS SHOWN
REMOVE EXISTING PAVING AND ADD NEW 6" CURBING
EXISTING APRON TO REMAIN
REMOVE EXIST. APRON AND REPLACE WITH CURB, GUTTER, SIDEWALK
EXIST. ADA RAMP
SIGN TO BE REMOVED
EXISTING SIDEWALK
REMOVE EXISTING ASPHALT
NEW CONC. S/W
DUMPSTER ENCLOSURE FOR BOTH SITES
PICK UP WINDOW
ENTER
DO NOT
10' DRAIN ESMT.
200.00'
208.60'
208.25'
167.72'
149.60'
3X3 INLET
INSTALL 6-FOOT WOOD FENCE ALONG PROPERTY LINE
SWAN PROPERTY MANAGEMENT
P.B. 52, PG. 17

ATTEST:

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

dpd MEMPHIS AND SHELBY COUNTY STAFF REPORT

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

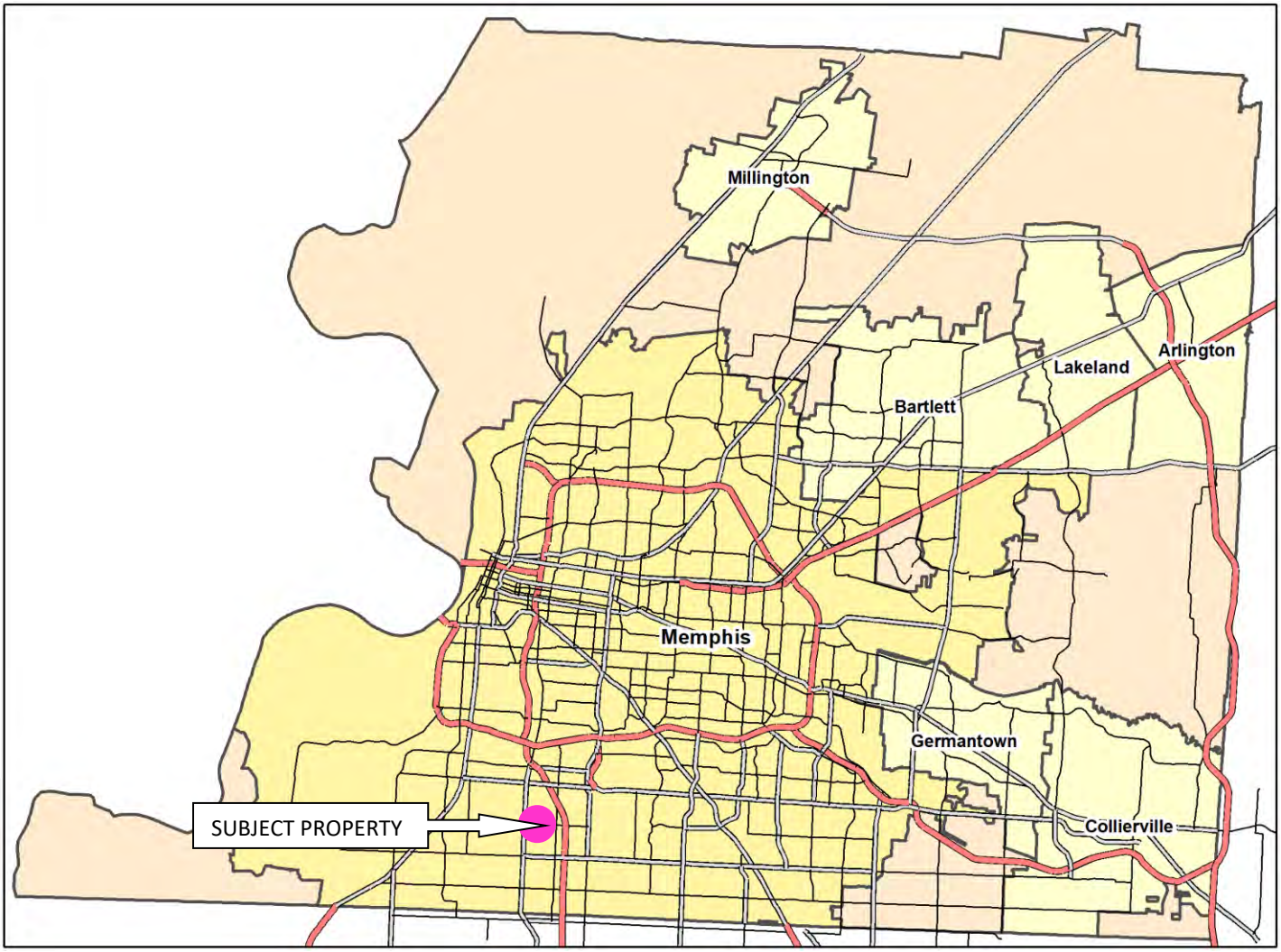
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 19-21 of this report.

RECOMMENDATION:

Rejection

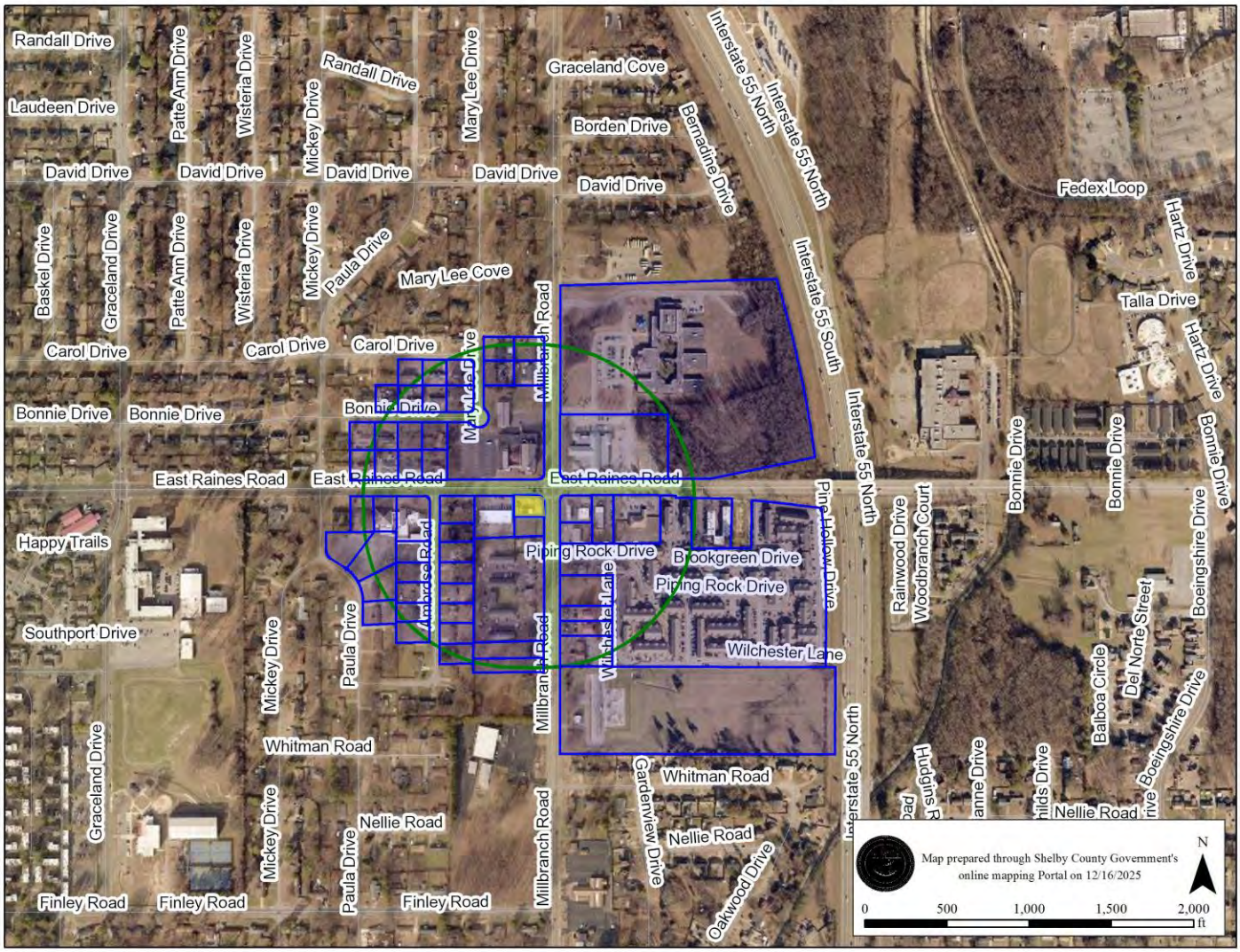
Staff Writer: ***Mahsan Ostadnia*** **E-mail:** ***mahsan.ostadnia@memphistn.gov***

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

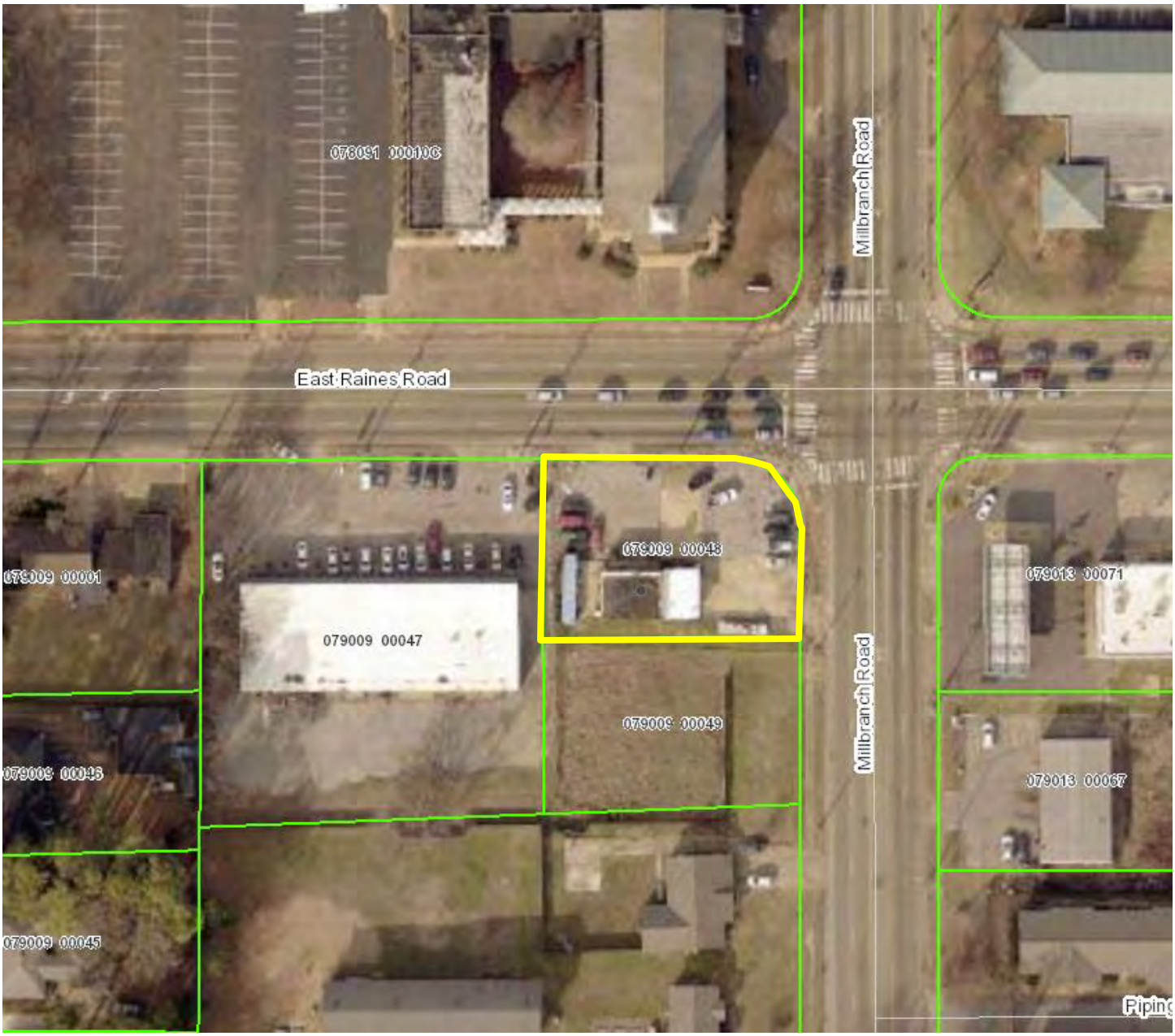
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 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)

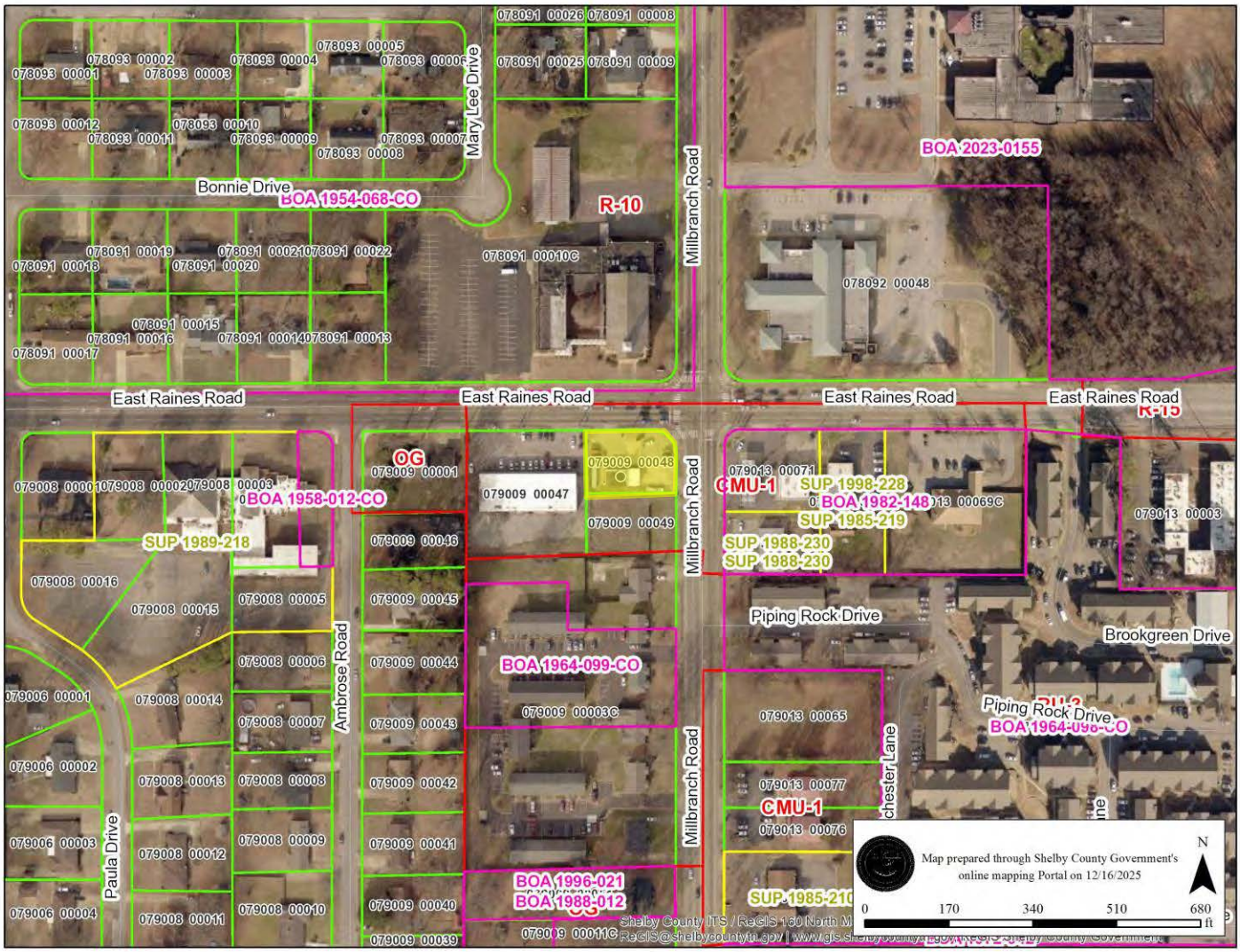
The meeting was held at 6:00 PM on Monday, December 22, 2025, at Whitehaven Branch Library, 4120 Millbranch Road, Memphis, TN 38116. See pages 25-26 of this report for a copy of the neighborhood meeting summary.

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.

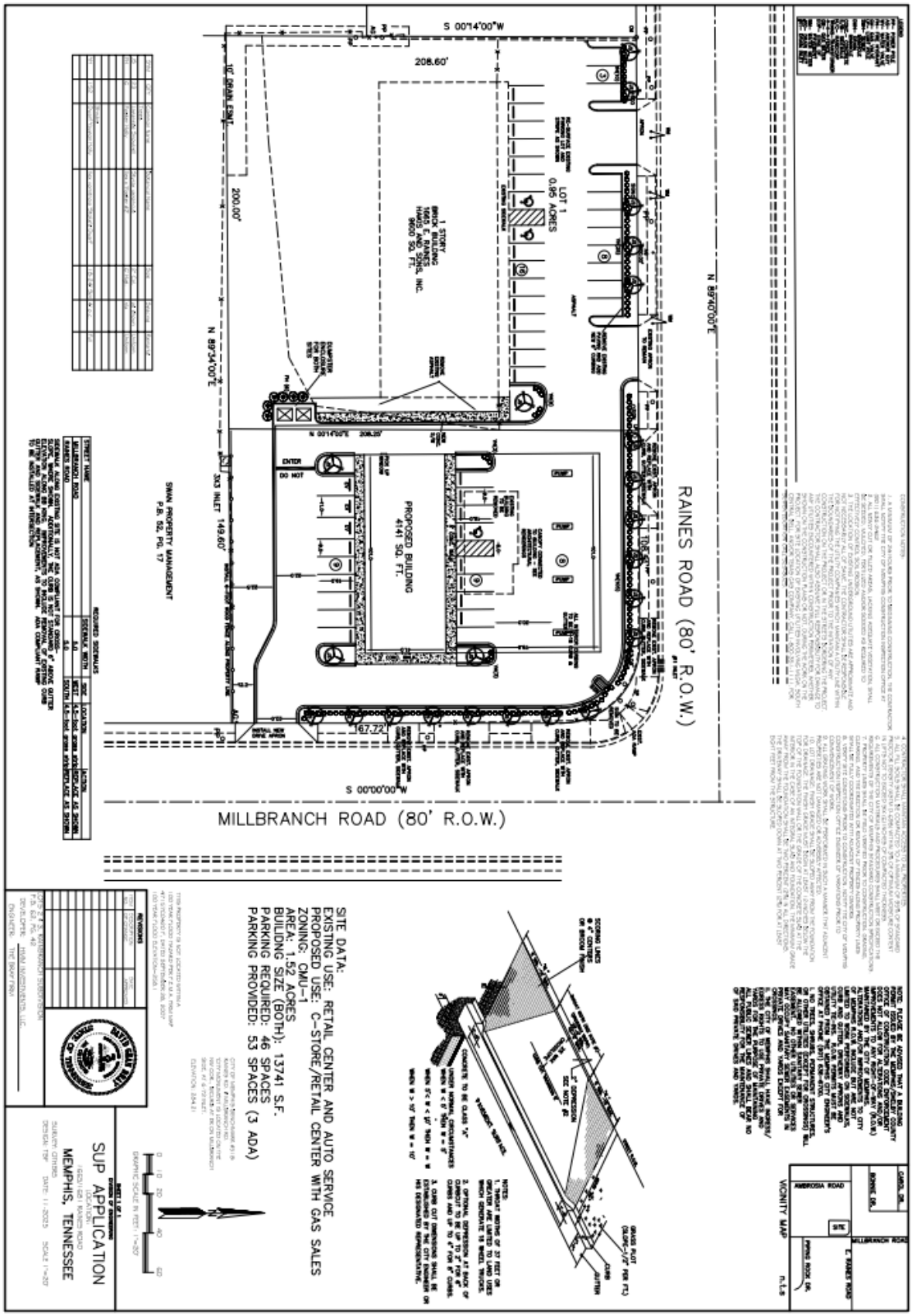
View of subject property from Millbranch Road.

View of subject property from above.

View of subject property from above.

View of subject property from above.

SITE PLAN


RAINES ROAD (80' R.O.W.)
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PROPOSED BUILDING
4141 SQ. FT.
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0.95 ACRES
1 STORY
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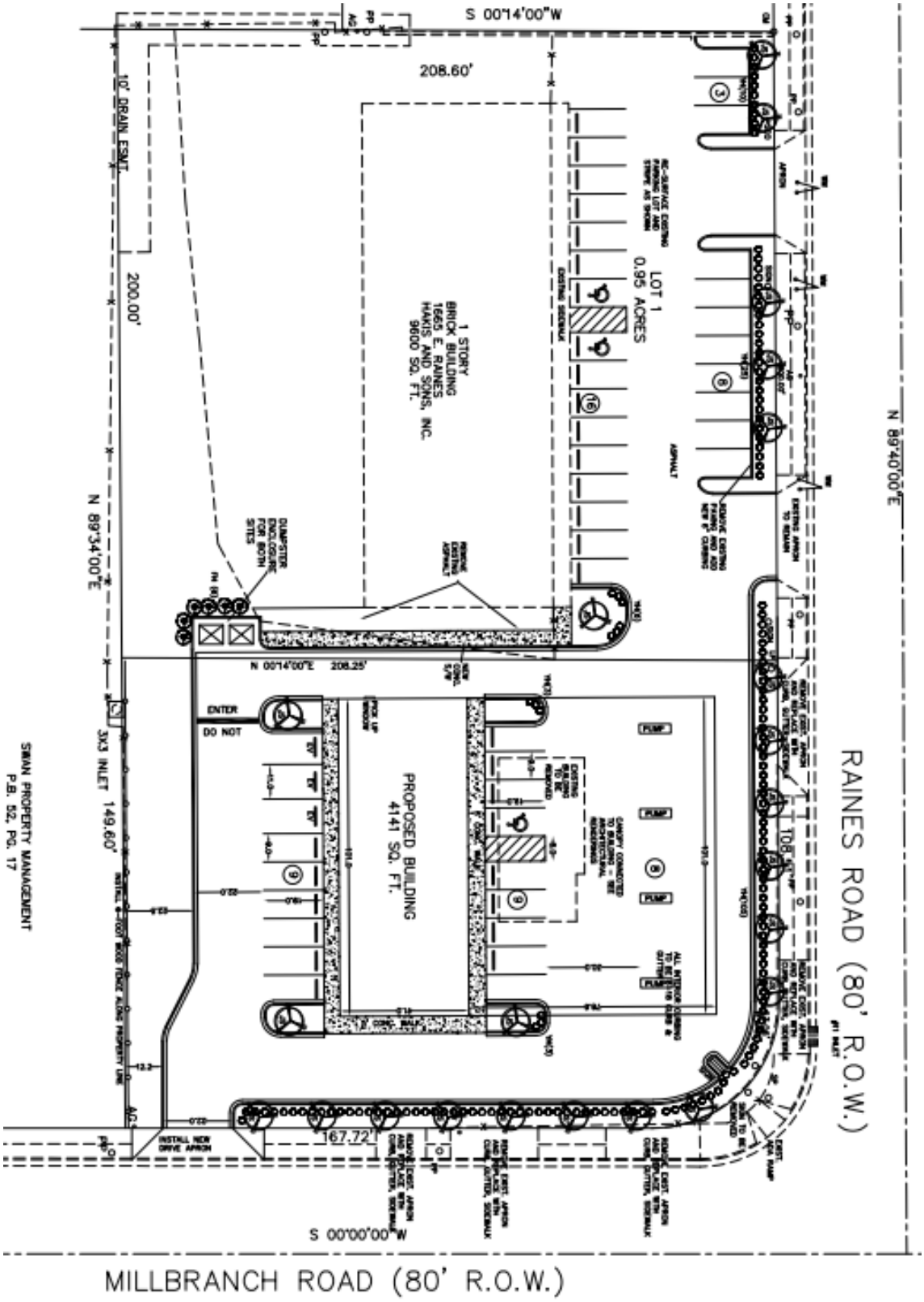
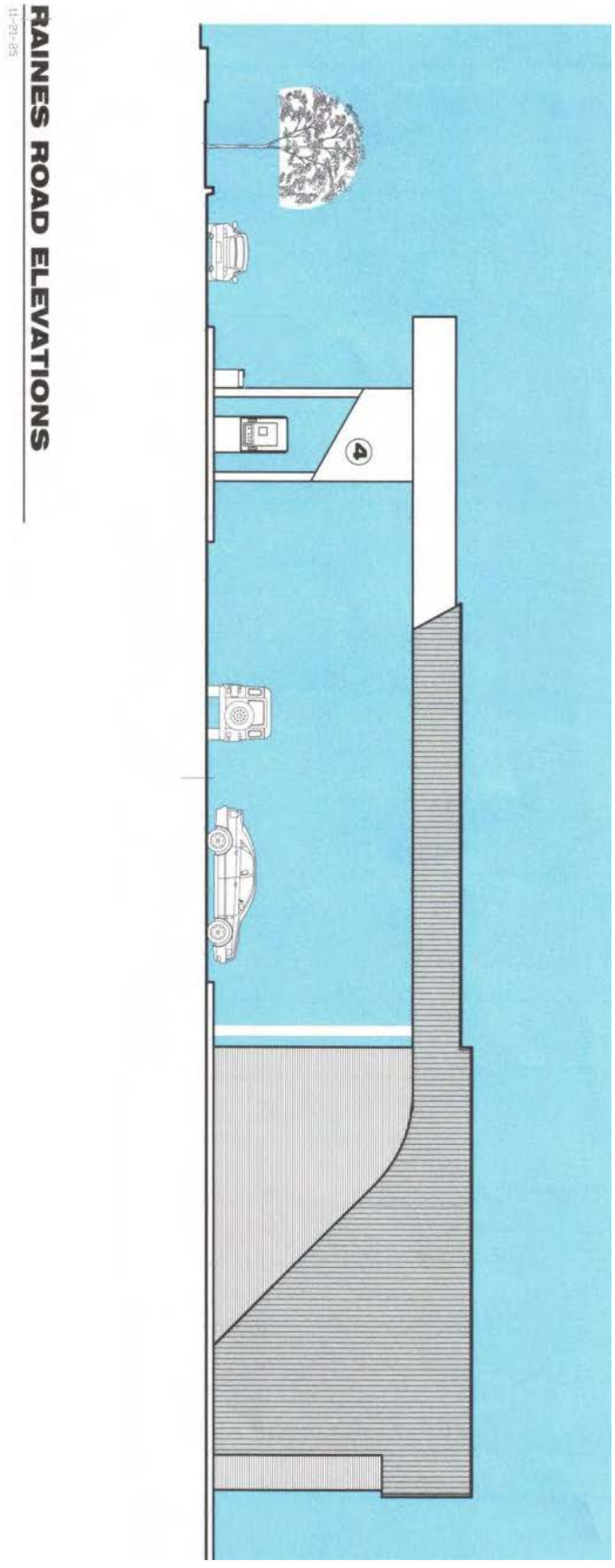
BUILDING SIZE (BOTH): 13741 S.F.
PARKING REQUIRED: 46 SPACES
PARKING PROVIDED: 53 SPACES (3 ADA)
SUP APPLICATION
MEMPHIS, TENNESSEE
VICINITY MAP

SITE PLAN – MAGNIFIED



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

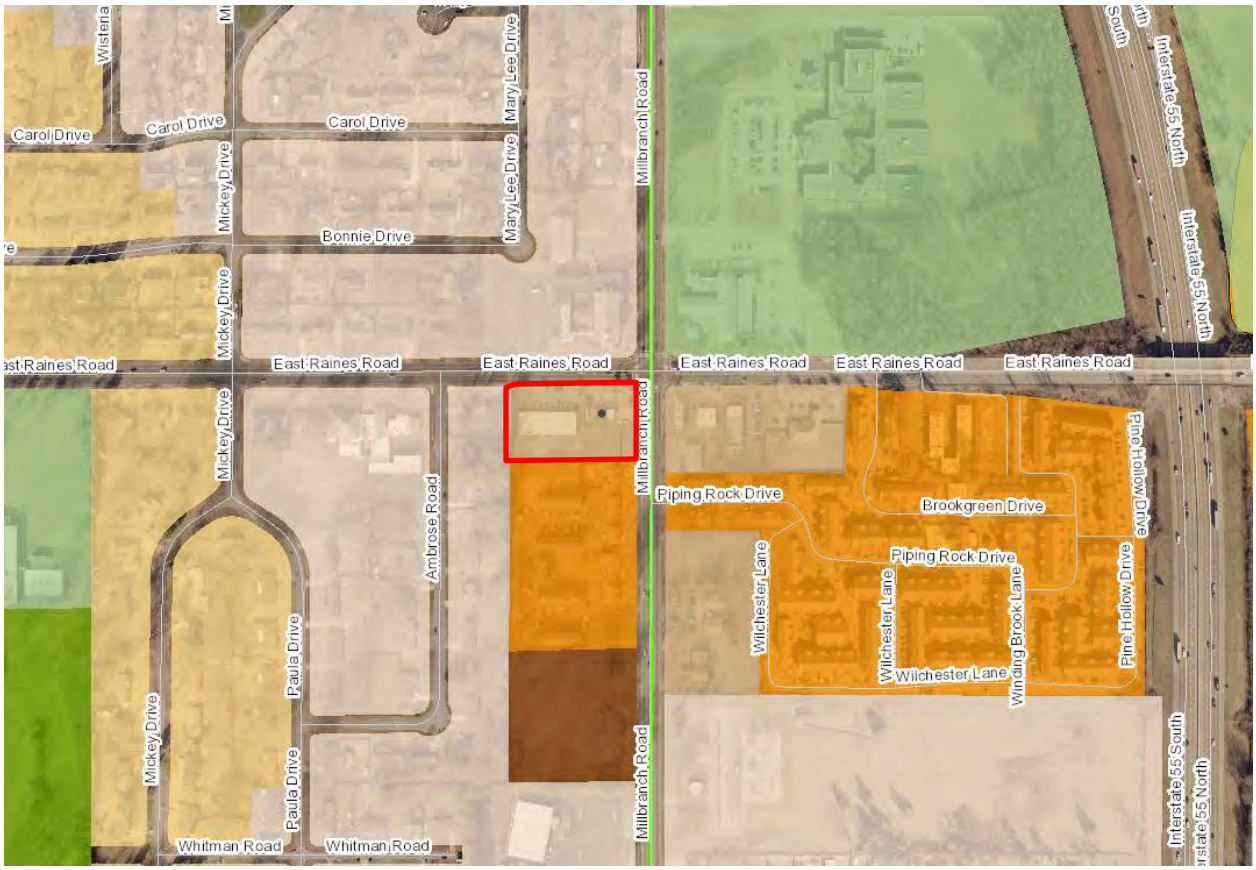
This summary is being produced in response to the following application to support the Land Use and Development Services Department in their recommendation: SUP 2025-037: WHITEHAVEN

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.

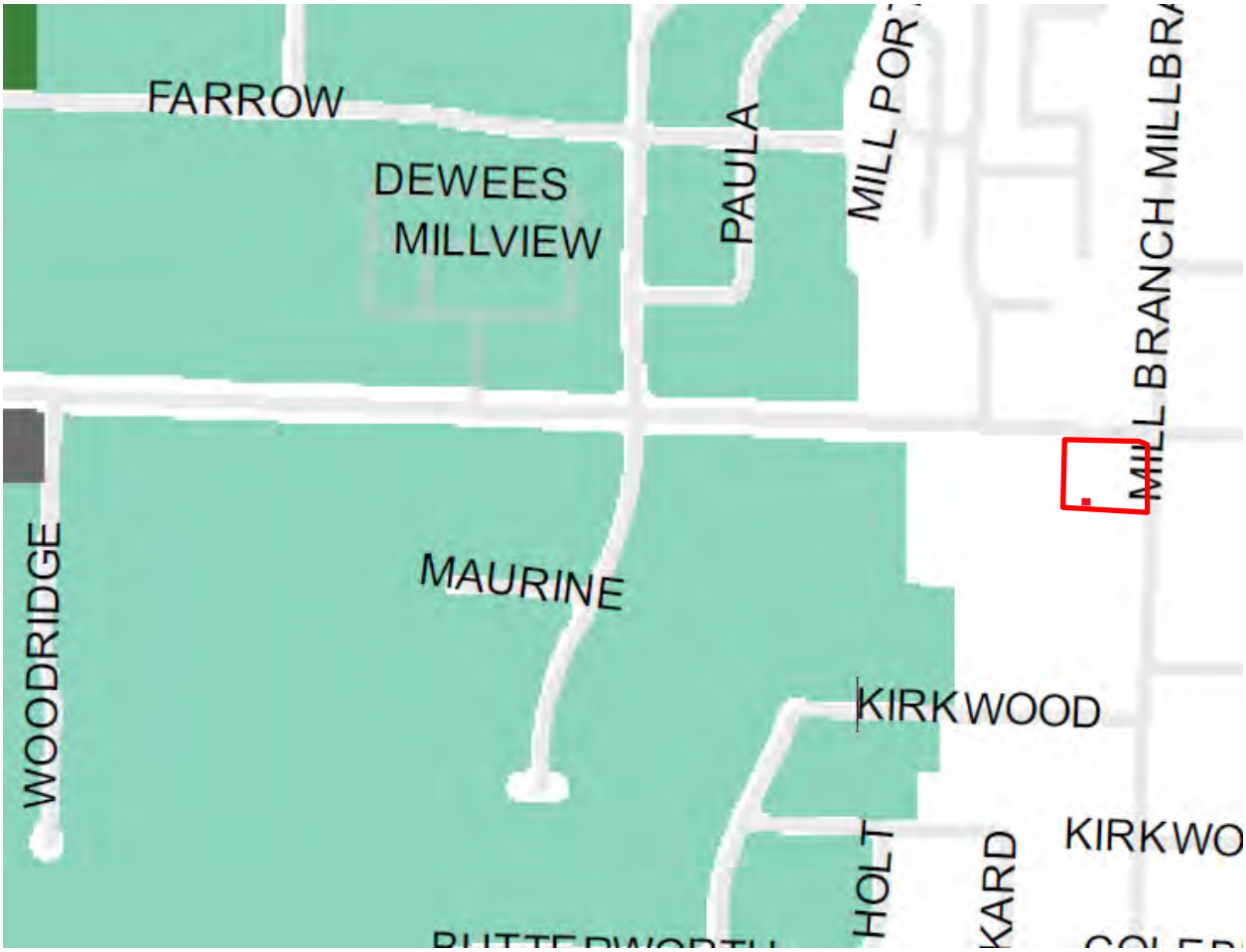
Existing, Adjacent Land Use and Zoning

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

MEMPHIS AND SHELBY COUNTY
DIVISION OF PLANNING AND DEVELOPMENT

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

VICINITY MAP

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

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

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 *, 20* 26 *, 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.*

Owner, Applicant or Representative — *Date* 1.28.26

Subscribed and sworn to before me this 28th *day of* January *, 20*26*.*

Notary Public

My commission expires: 5/17/2026

ROBERT H BROWN
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY
My Commission Expires May 17, 2026

Tires
MEMPHIS AND SHELBY COUNTY
DIVISION OF PLANNING AND DEVELOPMENT
PUBLIC NOTICE
AN APPLICATION HAS BEEN FILED FOR A
SPECIAL USE PERMIT
ON THIS PROPERTY.
A PUBLIC HEARING WILL BE HELD.
CASE NO: SUP 2025-037
INFORMATION: 636-6619

901-485-5699
USED & NEW TIRES & RIMS
PUBLIC NOTICE
AN APPLICATION HAS BEEN FILED FOR A
SPECIAL USE PERMIT
ON THIS PROPERTY.
A PUBLIC HEARING WILL BE HELD.

NEIGHBORHOOD MEETING SUMMARY (FIRST MEETING)

NEIGHBORHOOD MEETING SUMMARY

Case Number: SUP 2025-037

Meeting Information

Location: Whitehaven Branch Libary

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:

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

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:

- [x] 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 | **Owner Phone**
1671 E RAINES RD, MEMPHIS, TN 38116

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 Number(s) related to previous applications on this site	n/a
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 zoing 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

OWNER AFFIDAVIT

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. (Print Name) JASEM MUTHANNA (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 A) 1881 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 20 day of NOV in the year of 2025

KYRA M. JOHNSON STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY My Commission Expires July 9, 2029

Kyra M. Johnson
Signature of Notary Public

June 9, 2029
My Commission Expires

LETTER OF INTENT

THE BRAY FIRM
LAND DEVELOPMENT SERVICES

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.

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-l eg al 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 7thmost 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 on cut!

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put in drop box or put on door!

YOUR NAME	YOUR ADDRESS	SIGNATURE
Gloria Williams	4181 millbranch Rd #3	Gloria Williams

do not tear or cut!

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YOUR NAME	YOUR ADDRESS	SIGNATURE
Marcus Wallace	4171 Millbranch Rd	
Jessica Rankin	4171 Millbranch Rd	
Markisha Massie	4177 Millbranch Rd	

Do not cut or tear!

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

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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 Number(s) related to previous applications on this site	n/a
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 zoing district.
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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.

20072921

07/15/2020 - 10:19:03 AM

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

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100
Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov

THIS INSTRUMENT PREPARED BY AND RETURN TO:	State of Tennessee County of Shelby
THE WEISSMAN FIRM **Attorneys at Law** **5118 Park Avenue, Suite 600** **Memphis, TN 38117** **(901) 763-2134** **larry@memphislawfirm.net**	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 8 day of July, 2020. NOTARY PUBLIC JOHN POWELL STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY MY COMM. EXP. FEB. 21, 2022

QUIT CLAIM DEED

This conveyance is effective as of December 30, 2019
Title to this property was not examined incidental to this conveyance

Address of New Owner:	**Send Tax Bills To:**	**Property Address:**
HMM Investments	HMM Investment	**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

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 8th 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

JOHN POWELL
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY
MY COMM. EXP. FEB. 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.

THE BRAY FIRM
LAND DEVELOPMENT SERVICES

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. (Print Name) JAZEM MUTHANNA (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 A) 1681 E RAINES ROAD, MEMPHIS B) 4165 MILLBRANCH ROAD, MEMPHIS

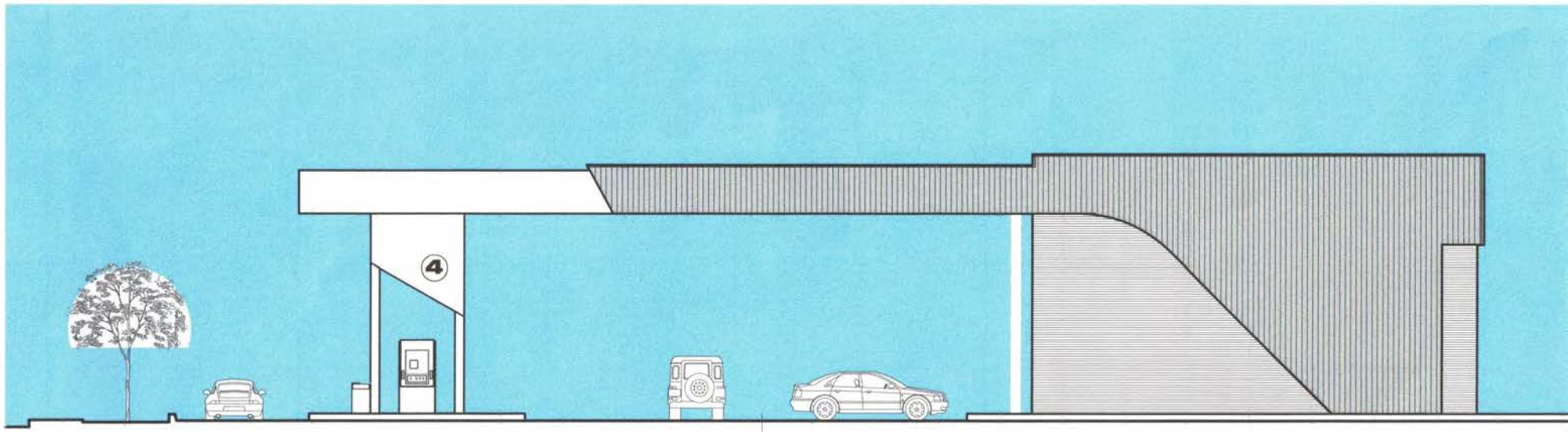
and further identified by Assessor's Parcel Number A) 079009 00048 B) 079009 00049, for which an application is being made to the Division of Planning and Development.

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

Kyrah M. Johnson
Signature of Notary Public

KYRAH M JOHNSON STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY My Commission Expires June 9, 2029

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
–x–x– FENCE
GM– GAS METER
EOP– EDGE OF PAVEMENT
WM– WATER METER
#10– DRAIN INLET
#11– DRAIN INLET

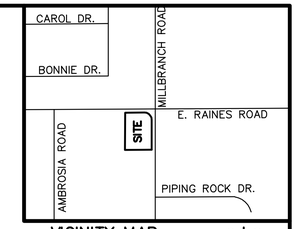
CONSTRUCTION NOTES:

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 BOUNDARIES 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 529-8025.
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.
8. 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.

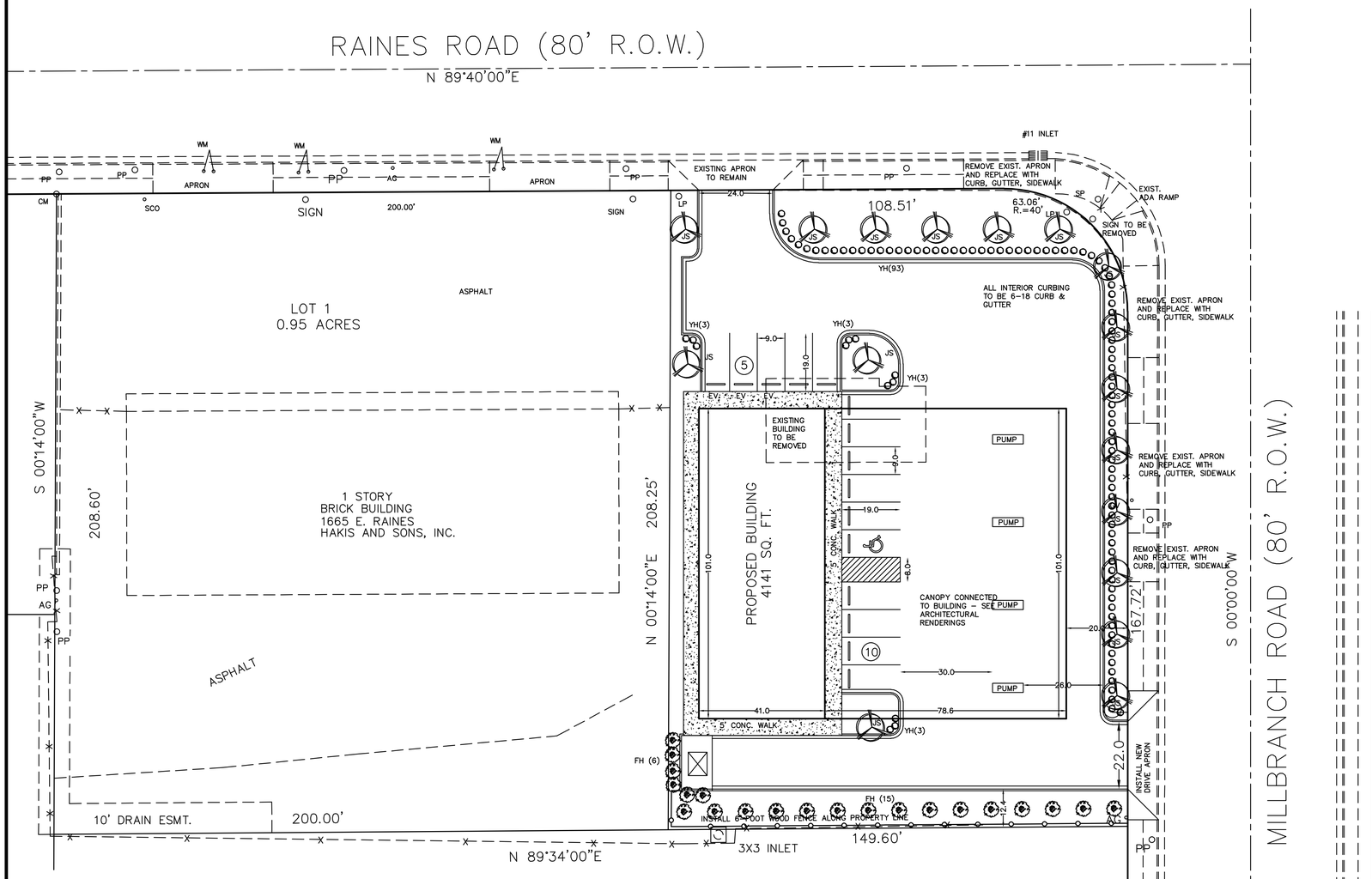
NOTE: PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE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

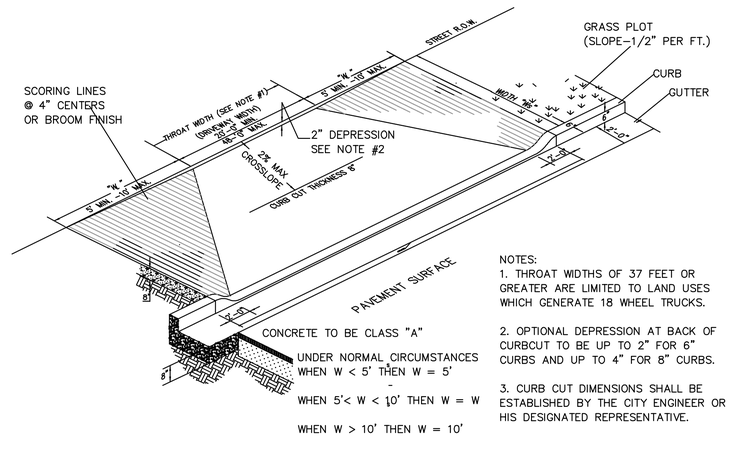
i. NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS.

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 OF SAID PRIVATE DRIVES AND YARDS.



VICINITY MAP n.t.s





NOTES:
1. THROAT WIDTHS OF 37 FEET OR GREATER ARE LIMITED TO LAND USES WHICH GENERATE 18 WHEEL TRUCKS.
2. OPTIONAL DEPRESSION AT BACK OF CURBCUT TO BE UP TO 2" FOR 6" CURBS AND UP TO 4" FOR 8" CURBS.
3. CURB CUT DIMENSIONS SHALL BE ESTABLISHED BY THE CITY ENGINEER OR HIS DESIGNATED REPRESENTATIVE.

SYM	QTY	Common Name	Botanical Name	Size	Spacing	Remarks
		Trees				
JS	17	Japanese Snowbell	Styrax japonicus	2" Cal.	as shown	Uniform
FH	21	Foster Holly	Ilex x 'Foster #2'	6' Ht.	n/a	Uniform
		Shrubs				
YH	105	Dwarf Yaupon Holly	Ilex vomitroia '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

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

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD PER F.E.M.A. FIRM MAP 47157C0420 F, DATED SEPTEMBER 28, 2007
100 YEAR FLOOD ELEVATION=258.1

N

0 10 20 40 60
GRAPHIC SCALE IN FEET: 1"=20'

REVISIONS

ITEM NO.	DESCRIPTION OF CHANGE	DATE APPROVED

DAVID GEAN BRAY
REGISTERED ENGINEER
No. 100100
STATE OF TENNESSEE

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'

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) 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:	***DATE***	***POSITION***
Nabanita Nira	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

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 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.

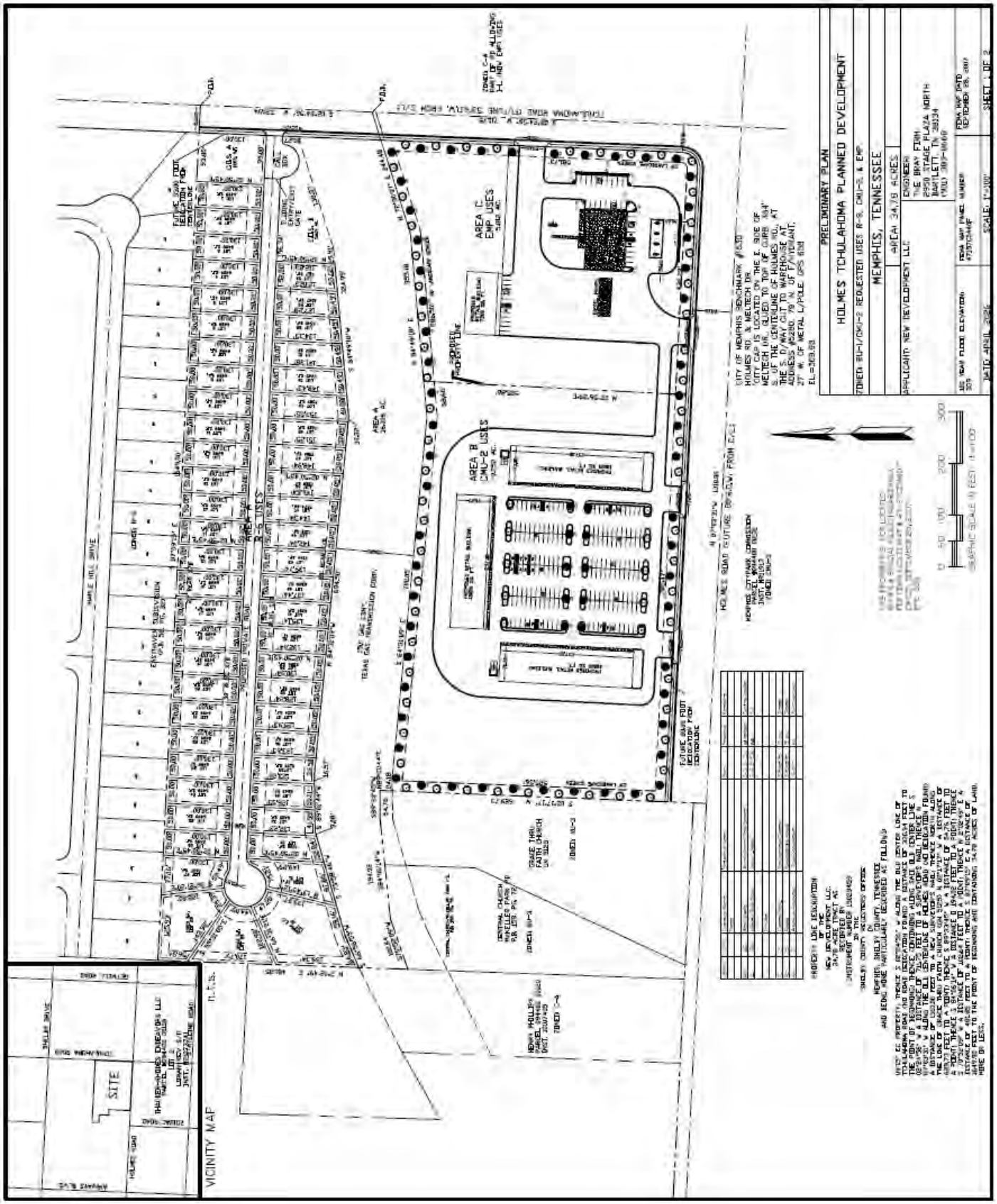
However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and If necessary, the Memphis City Council.

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 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.

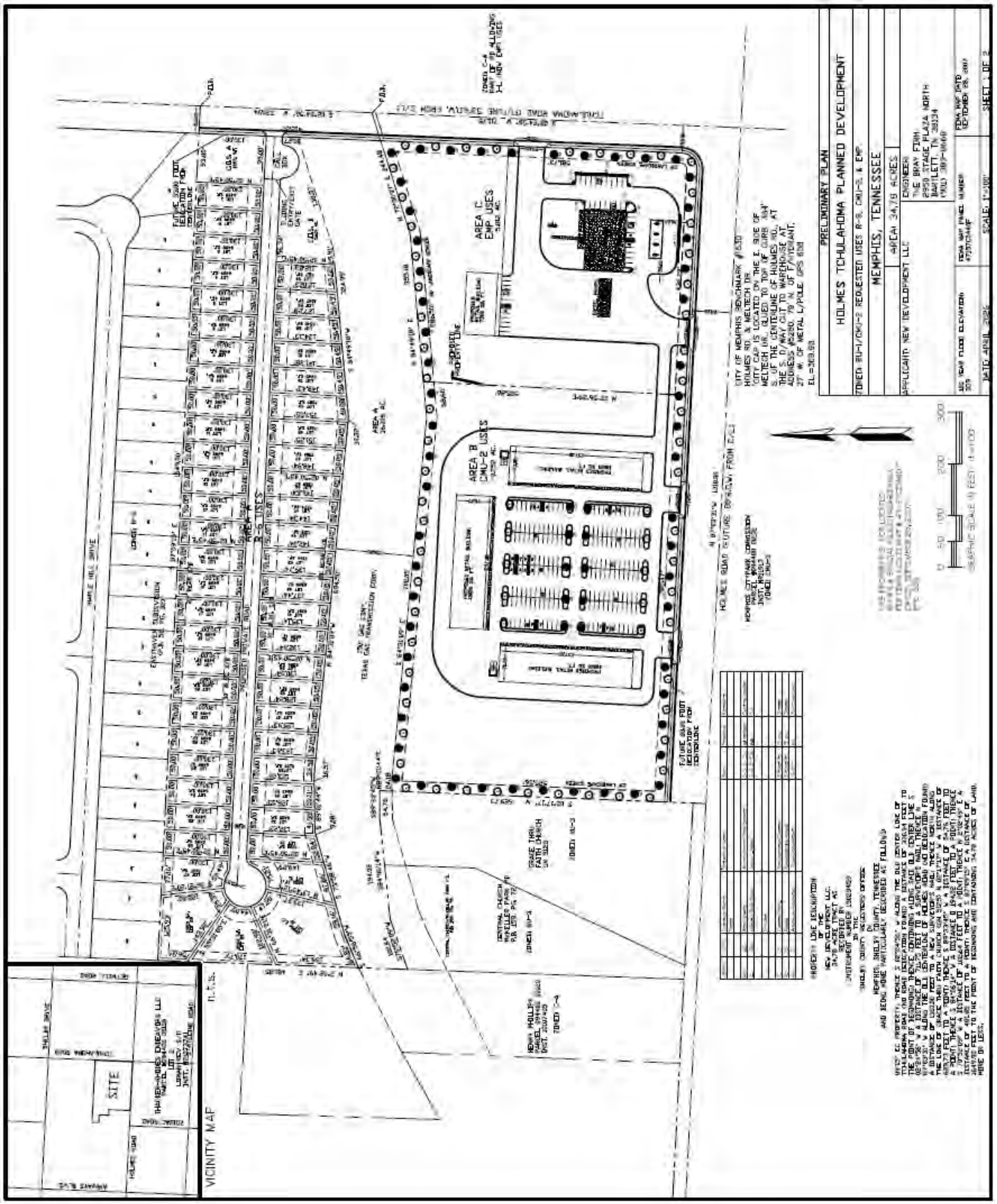
4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

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



ATTEST:

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

dpd MEMPHIS AND SHELBY COUNTY STAFF REPORT

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

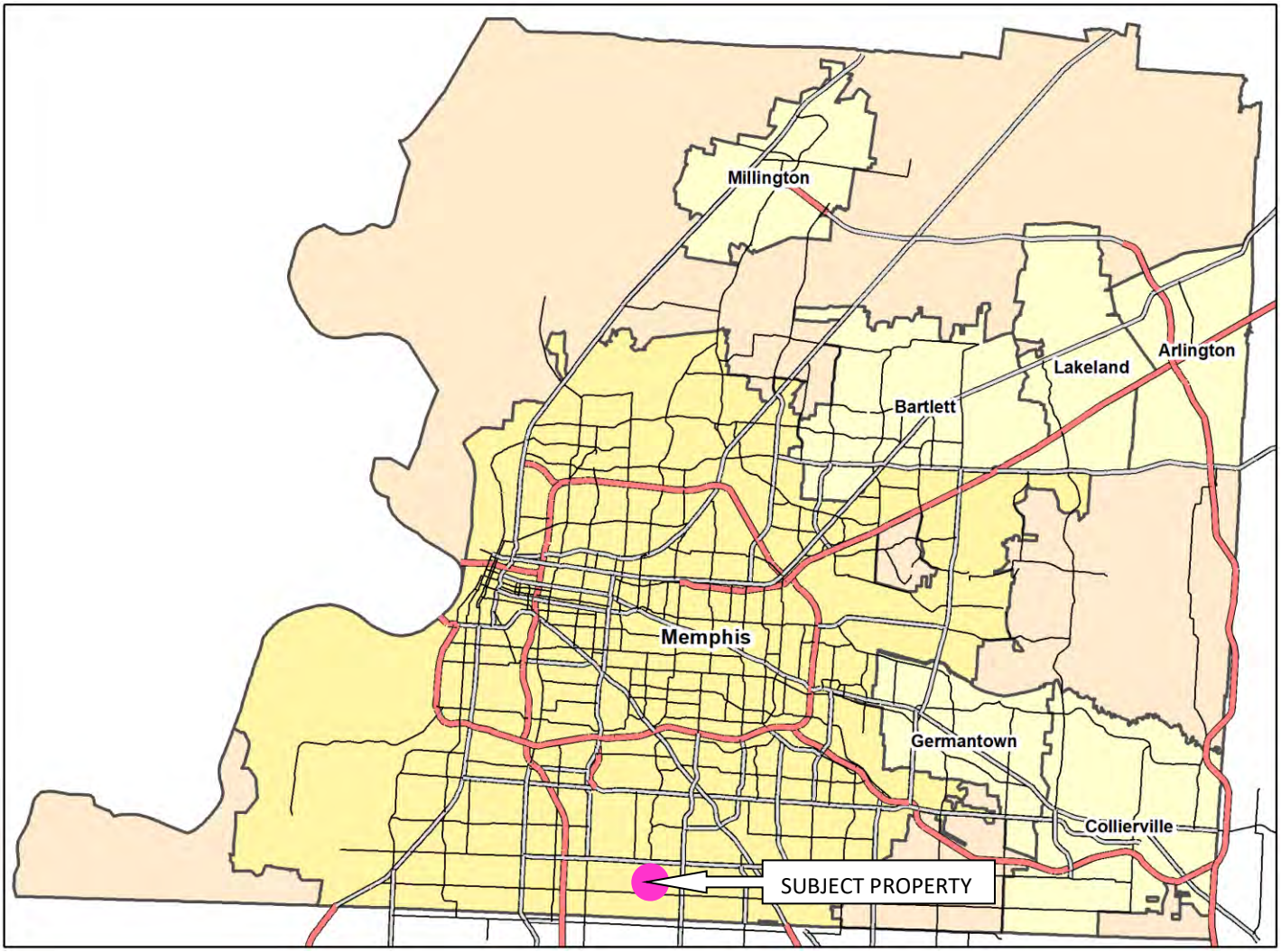
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 23-25 of this report.

RECOMMENDATION:

Rejection

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

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP

Subject property highlighted in yellow

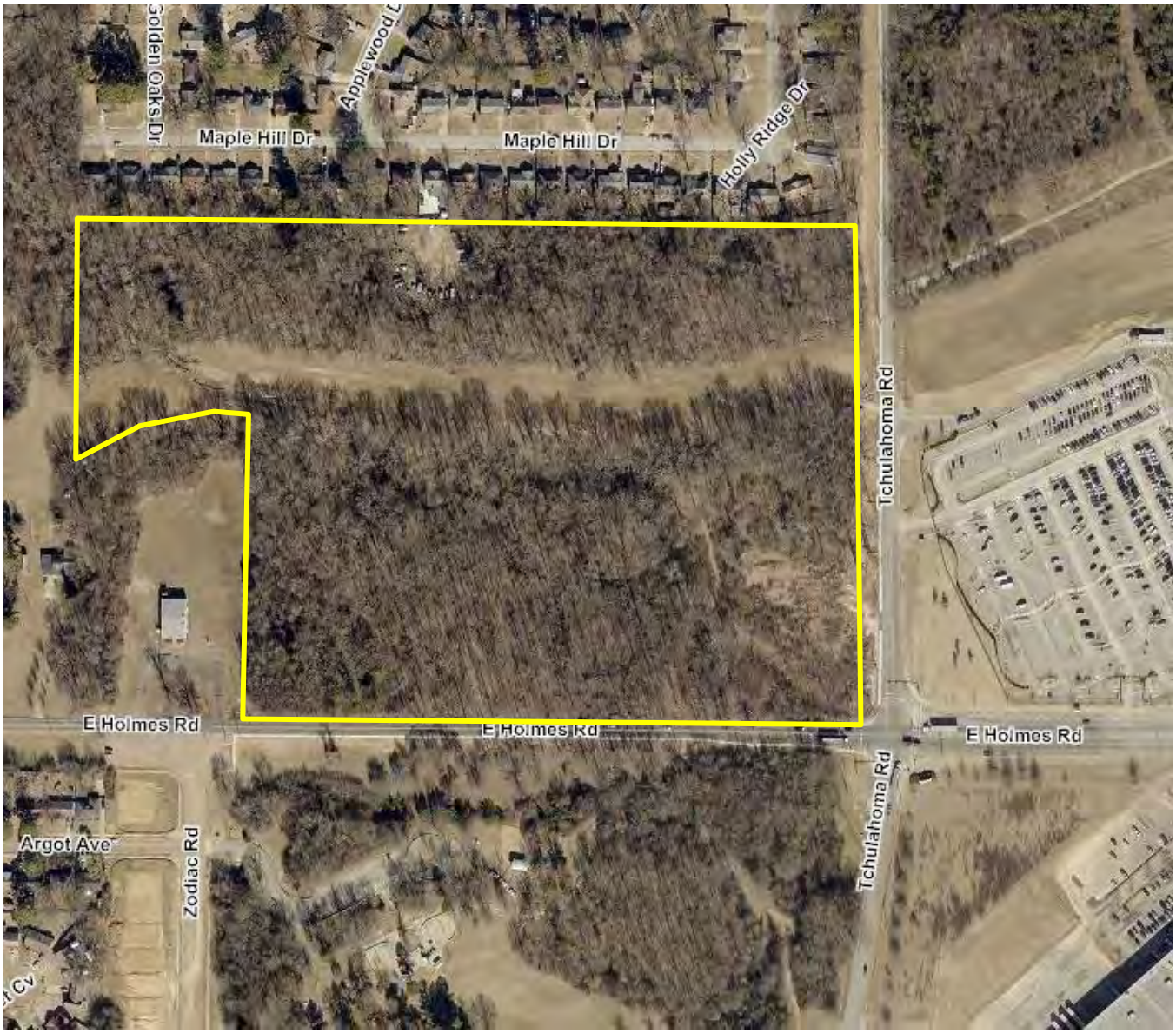
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 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

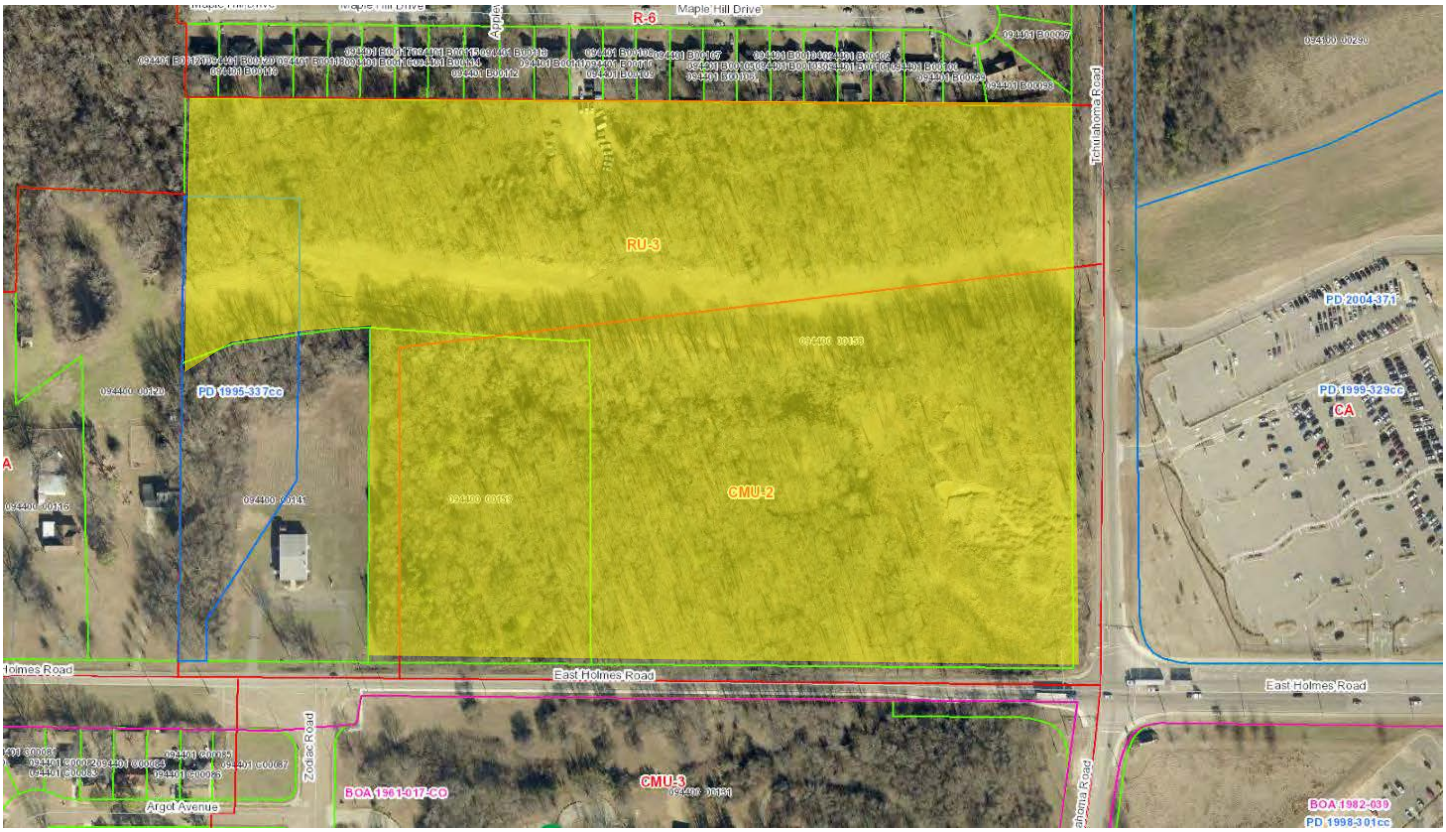
The meeting was held at 5:00 PM on Tuesday, June 23, 2026, at the Whitehaven Branch Library, 4120 Millbranch Road.

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP

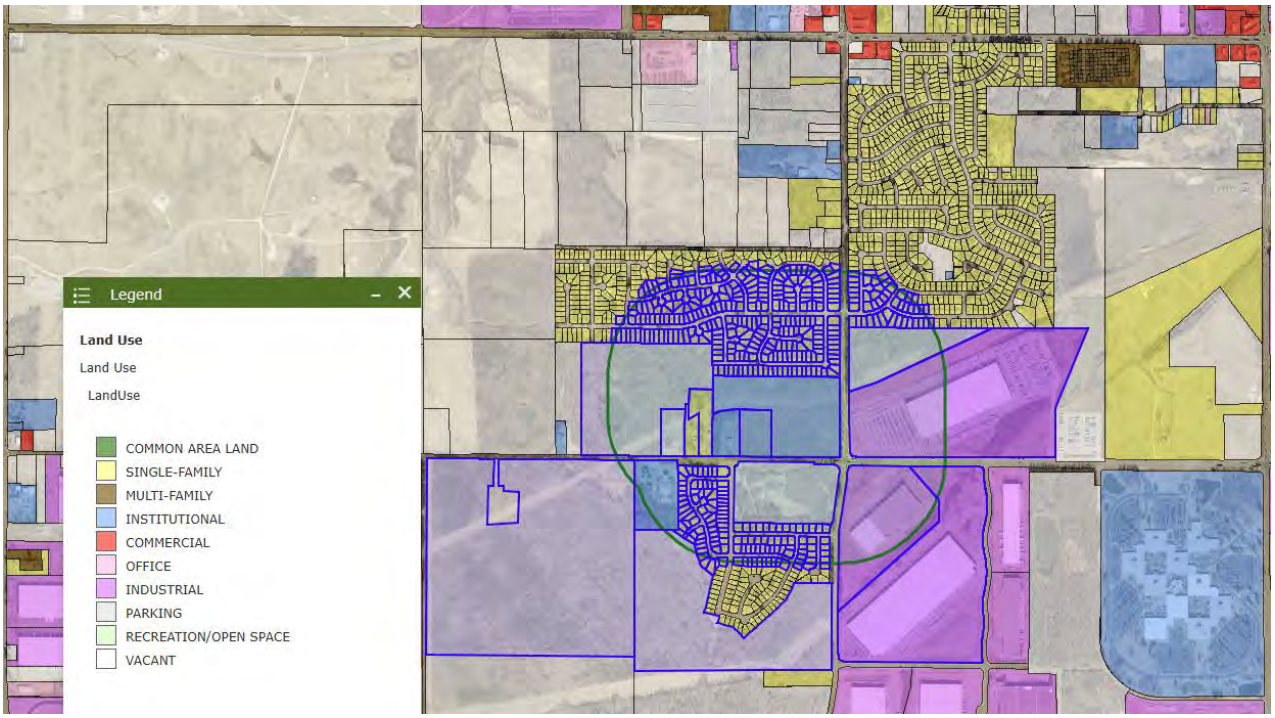


Subject property highlighted in yellow

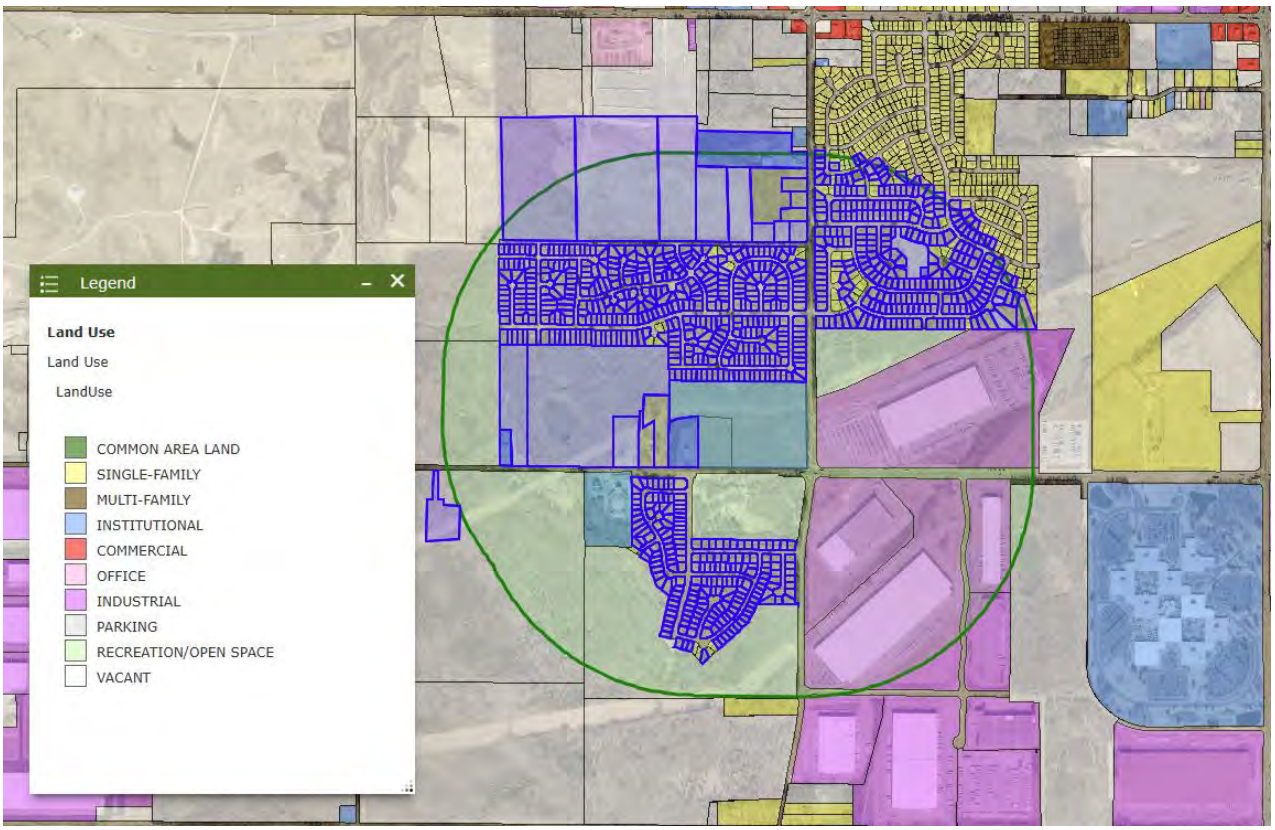
LAND USE MAP

Subject property indicated by a pink star

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

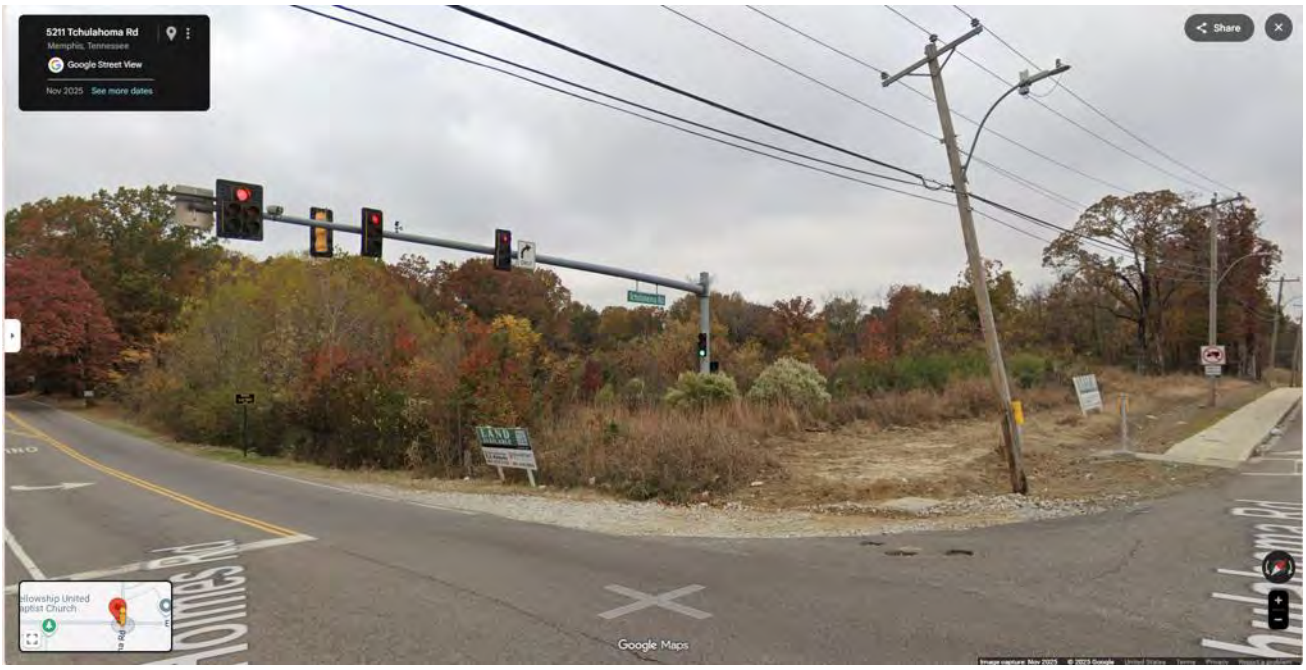


Quarter mile (1/4) radius of the subject property highlighted in green



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

SITE PHOTOS

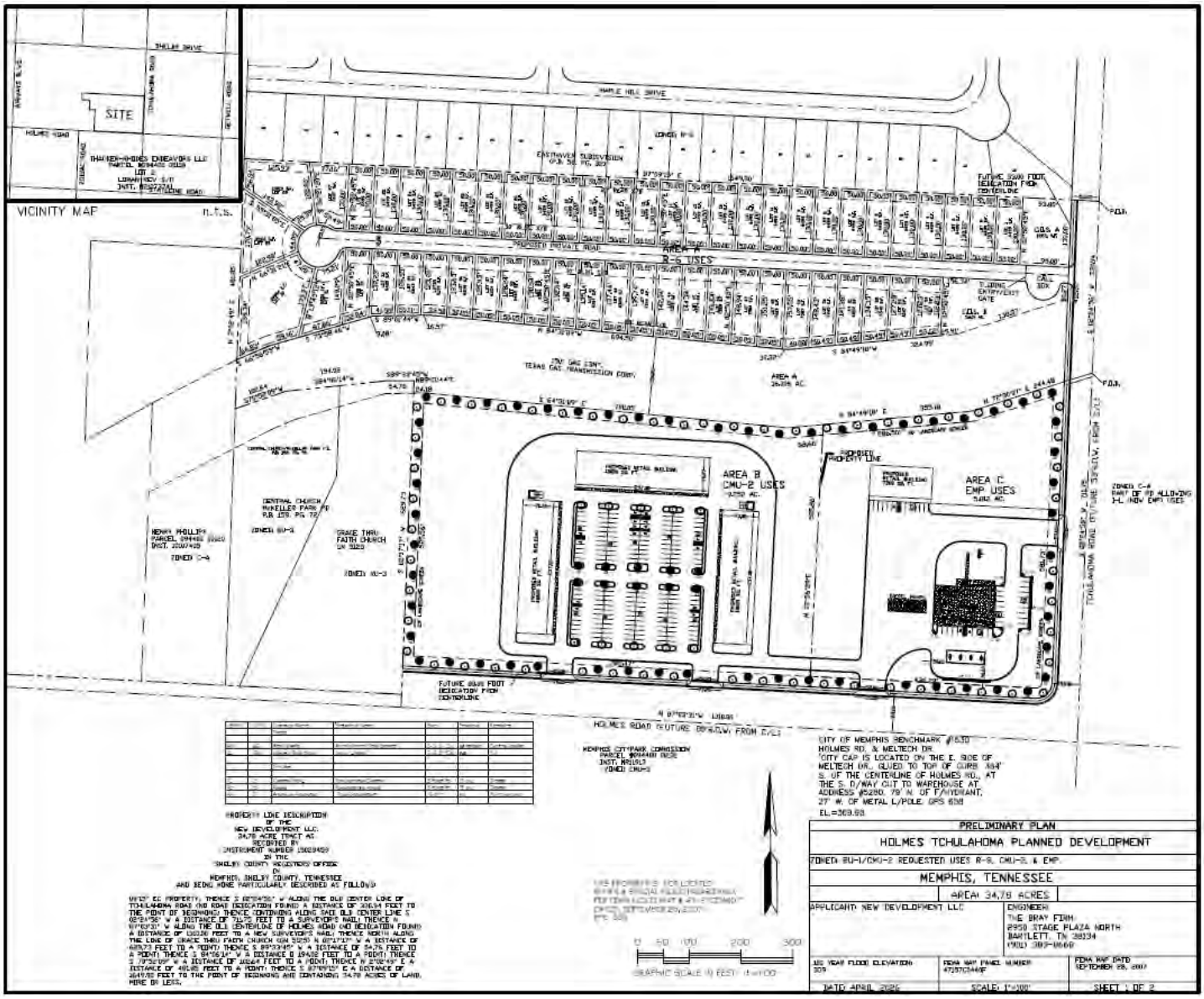


View of subject property from East Holmes Rd and Tchulahoma Rd looking northwest

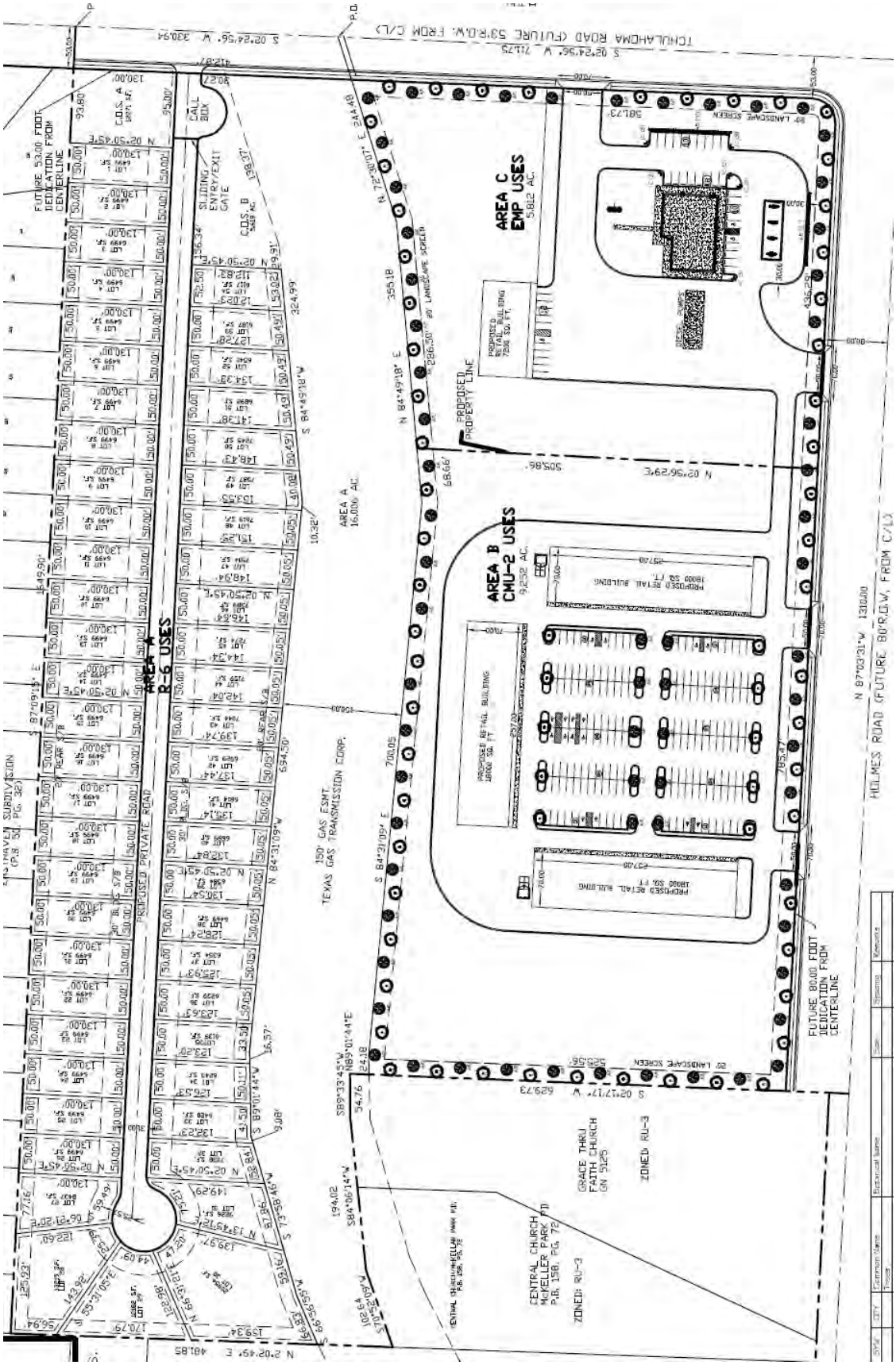
View of subject property from E Holmes Rd looking northeast

View of subject property from Tchulahoma Rd looking southeast

CONCEPT PLAN



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 underlaying 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 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.

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 Plannin

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.

NOTICE OF PUBLIC HEARING

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

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

VICINITY MAP

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

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 *, 20*26*, 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):*

x *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 *, 20*26*.*

REEMA AFANEH
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
MY COMMISSION EXPIRES 1-3-2028

Notary Public

My commission expires: 1-3-2028

PUBLIC
NOTICE
AN APPLICATION HAS
BEEN FILED FOR A
Planned
Development
ON THIS PROPERTY.
A PUBLIC HEARING
WILL BE HELD.

PUBLIC
NOTICE
Planned
Development

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 | **Owner Phone**

3264 W SARAZENS CIR, MEMPHIS, TN 38125

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? (Note a tract of less than three acres is not	n/a

GENERAL PROJECT INFORMATION	
eligible for a planned development in unincorporated Shelby County)	
Is this application in response to a citation, stop work order, or zoning letter	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

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) _____ (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 & 0 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 5 day of November in the year of 2025.

STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY MY COMMISSION EXPIRES 1-3-2028

Signature of Notary Public

1-3-2028
My Commission Expires

LETTER OF INTENT

THE BRAY FIRM
LAND DEVELOPMENT SERVICES

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.

Outlook

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

Outlook

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

From KAREN BELL <kbell12@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

kbell12@comcast.net

Outlook

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 | **Owner Phone**

3264 W SARAZENS CIR, MEMPHIS, TN 38125

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? (Note a tract of less than three acres is not	n/a

GENERAL PROJECT INFORMATION

eligible for a planned development in unincorporated Shelby County)	
Is this application in response to a citation, stop work order, or zoning letter	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

THE BRAY FIRM
LAND DEVELOPMENT SERVICES

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:

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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) _____ (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 3760 HOLMES ROAD & 0 HOLMES

and further identified by Assessor's Parcel Number 094400 00158 & 00159,

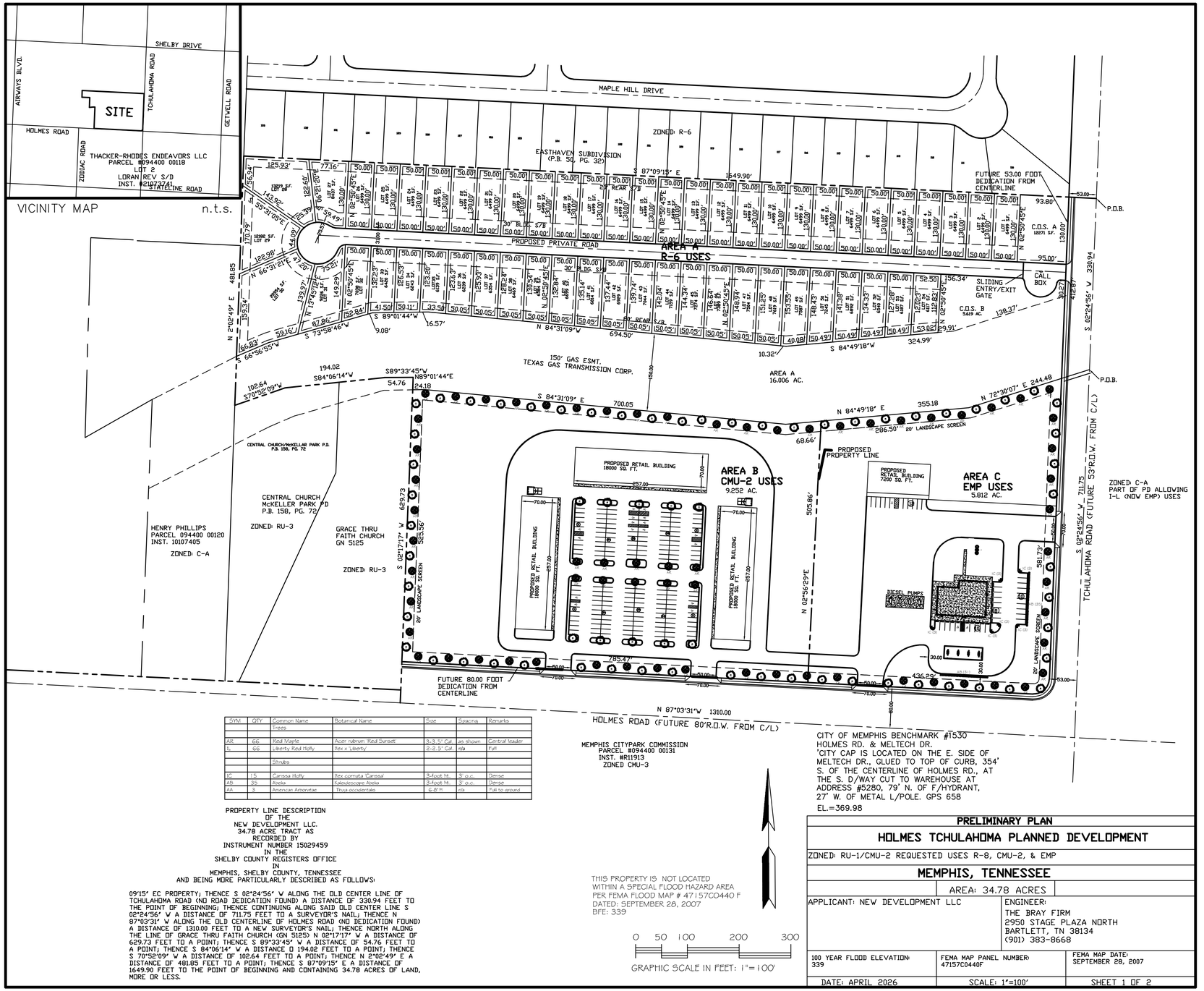
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 5 day of November in the year of 2025.

ROMA AFANEH
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
MY COMMISSION EXPIRES 1-3-2028

_____
Signature of Notary Public

1-3-2028
My Commission Expires



SYM	QTY	Common Name	Botanical Name	Size	Spacing	Remarks
		Trees				
AR	66	Red Maple	Acer rubrum 'Red Sunset'	3-3.5" Cal.	as shown	Central leader
IL	66	Liberty Red Holly	Ilex x 'Liberty'	2-2.5" Cal.	n/a	Full
		Shrubs				
IC	15	Carissa Holly	Ilex cornuta 'Carissa'	3-foot ht.	3' o.c.	Dense
AB	35	Aleka	Kalesdenscope 'Aleka	3-foot ht.	3' o.c.	Dense
AA	3	American Arborvitae	Thuja occidentalis	6-8' ht	n/a	Full to ground

PROPERTY LINE DESCRIPTION
OF THE
NEW DEVELOPMENT LLC.
34.78 ACRE TRACT AS
RECORDED BY
INSTRUMENT NUMBER 15029459
IN THE
SHELBY COUNTY REGISTERS OFFICE
IN
MEMPHIS, SHELBY COUNTY, TENNESSEE
AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

09'15" EC PROPERTY; THENCE S 02°24'56" W ALONG THE OLD CENTER LINE OF TCHULAHOMA ROAD (NO ROAD DEDICATION FOUND) A DISTANCE OF 330.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID OLD CENTER LINE S 02°24'56" W A DISTANCE OF 711.75 FEET TO A SURVEYOR'S NAIL; THENCE N 87°03'31" W ALONG THE OLD CENTERLINE OF HOLMES ROAD (NO DEDICATION FOUND) A DISTANCE OF 1310.00 FEET TO A NEW SURVEYOR'S NAIL; THENCE NORTH ALONG THE LINE OF GRACE THRU FAITH CHURCH (GN 5125) N 02°17'17" W A DISTANCE OF 629.73 FEET TO A POINT; THENCE S 89°33'45" W A DISTANCE OF 54.76 FEET TO A POINT; THENCE S 84°06'14" W A DISTANCE 0 194.02 FEET TO A POINT; THENCE S 70°52'09" W A DISTANCE OF 102.64 FEET TO A POINT; THENCE N 2°02'49" E A DISTANCE OF 481.85 FEET TO A POINT; THENCE S 87°09'15" E A DISTANCE OF 1649.90 FEET TO THE POINT OF BEGINNING AND CONTAINING 34.78 ACRES OF LAND, MORE OR LESS.

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: 1"=100'	SHEET 1 OF 2

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

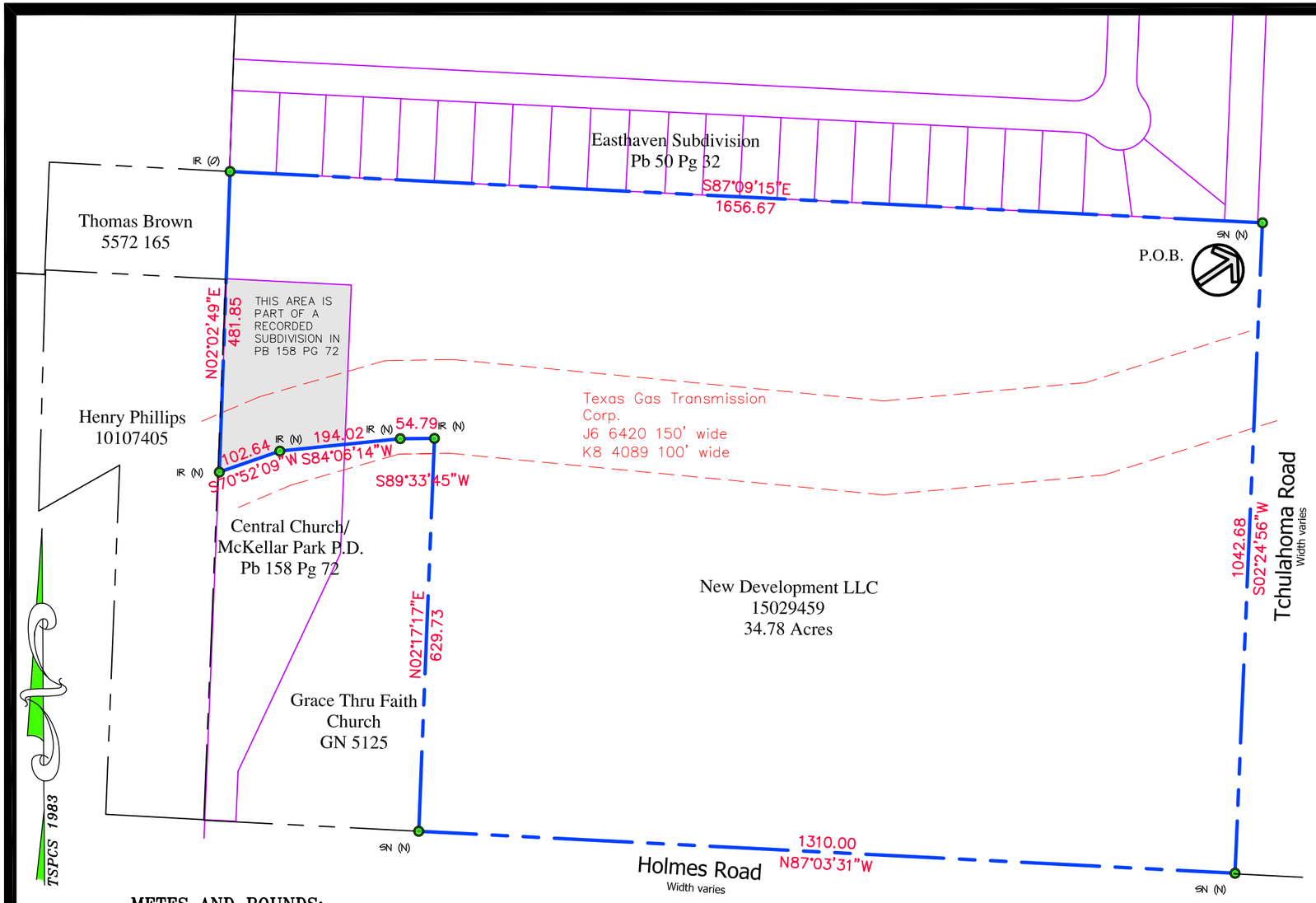
ZONED: RU-1/CMU-2 REQUESTED USES R-8, CMU-2, & EMP

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 receipiant. 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 entiities 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.

JACK A. McADOO, JR. REGISTERED LAND SURVEYOR XVI AGRICULTURE COMMERCE TENNESSEE NO. 1701

BY Jack A. McAdoo, Jr., RLS Date
Tennessee Certificate No. 1701

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

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

McAdoo Land Surveying

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

Retracement Survey

New Development LLC

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

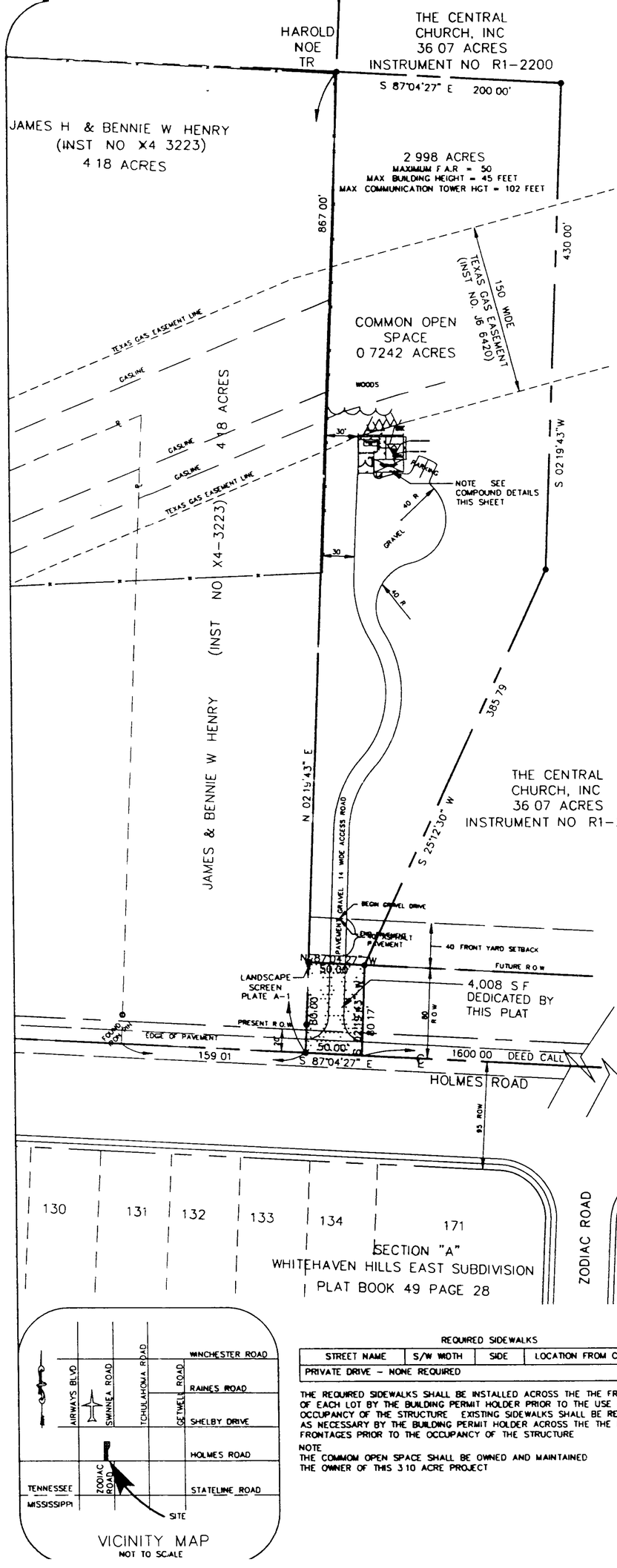
GRAPHIC SCALE

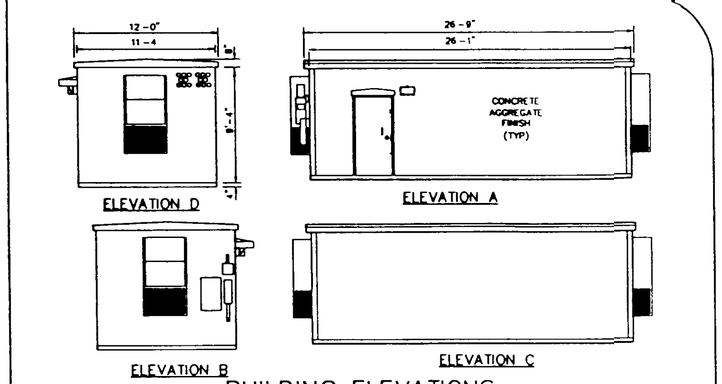
200 0 100 200 400 800

(IN FEET)
1 inch = 200 ft.

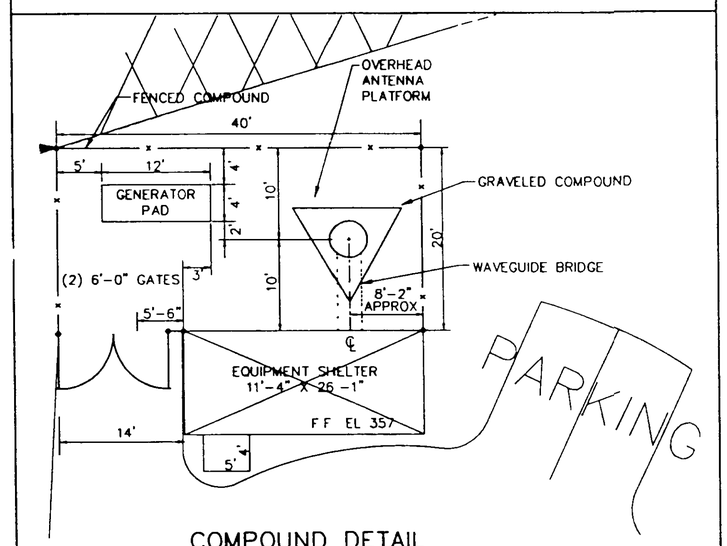
COPYRIGHT MCADOO LAND SURVEYING, LLC.
E–MAIL: JMCADOO@MCADOOSURVEY.COM
PHONE: (901) 465–2235
18155 HIGHWAY 64. SOMERVILLE, TENNESSEE 38060

M:\WIP\2025 Jobs\25-050 New Development, 3280 Holmes\new.dwg

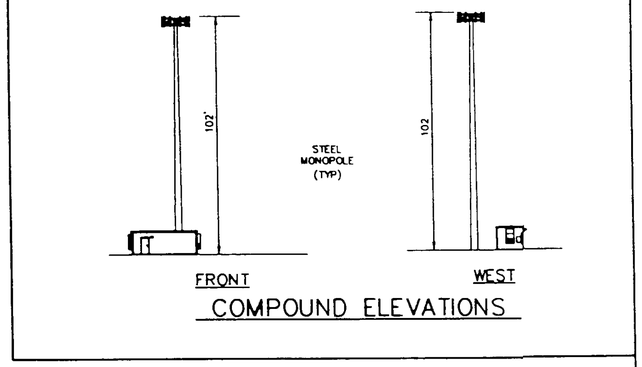




BUILDING ELEVATIONS



COMPOUND DETAIL



COMPOUND ELEVATIONS

VICINITY MAP
NOT TO SCALE

REQUIRED SIDEWALKS

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

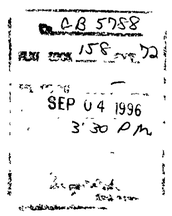
THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO THE USE AND OCCUPANCY OF THE STRUCTURE EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE THE LOT FRONTAGES PRIOR TO THE OCCUPANCY OF THE STRUCTURE

NOTE
THE COMMOM OPEN SPACE SHALL BE OWNED AND MAINTAINED THE OWNER OF THIS 310 ACRE PROJECT

NORTH

GRAPHIC SCALE
60 0 30 60 120
(IN FEET)
1 inch = 60 ft

BEARINGS ARE RELATIVE TO ASTRONOMIC NORTH



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 (F I R M) COMMUNITY PANEL NUMBER 47157C0275 DATED DECEMBER 2 1994

THE 100-YEAR FLOOD ELEVATION OF TENMILE 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

DEVELOPER
GTE MOBILNET
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

CENTRAL CHURCH-McKELLAR PARK OUTLINE PLAN CONDITIONS
PD 95-337 CC

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 WAREHOUSES, 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 D 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 PAVEMENT 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 502 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 EQUIPMENT 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
O TRAFFIC GENERATED 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

1 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 RAMPS 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

S 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 BERMS 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 BOND 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
B "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 COMMON AREAS OPEN SPACES AND PRIVATE STREETS AND
3. PROVIDE FOR MINIMUM DEVELOPMENT AND OPERATIONAL STANDARDS FOR EACH SITE WHICH REQUIRE ADHERENCE 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 GLARE 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 CLEARING 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 AFFECTED PROPERTY OWNER 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
4 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 (F I R M) COMMUNITY PANEL NUMBER 47157C0275 DATED DECEMBER 2 1994

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

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

PREPARED BY:

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

AB 5788
SEP 04 1996
3:30 pm

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
- B 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

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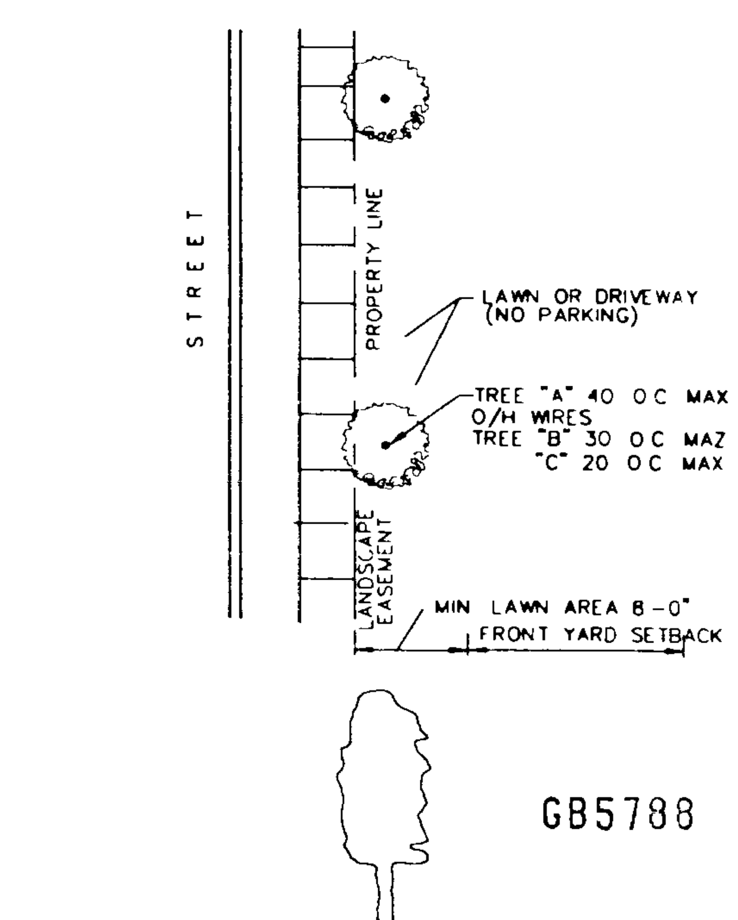

GB5788

LANDSCAPE SCREEN A1

NTS

XV FINAL PLAN REQUIREMENTS

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- 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

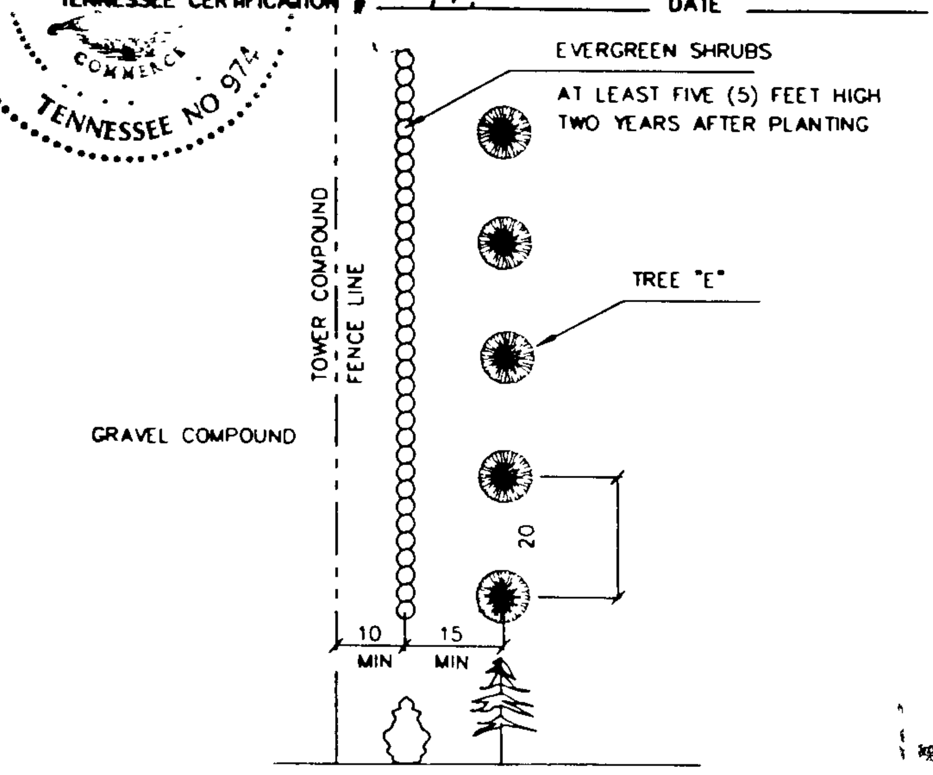
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1 10,000 OR GREATER, THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND 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 ____________ DATE 7/2/96

TENNESSEE CERTIFICATION # ____________ DATE ____________

COMMERCE TENNESSEE NO 974



TOWER COMPOUND SCREEN

LANDSCAPE SCREEN B3 MODIFIED

NTS

SHELBY COUNTY REGISTER OF DEEDS
96 SEP -4 PM 3 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

____________ 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 CONDICTIONS 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 CERTICIATE NUMBER 11943

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. OWNERS OF THE PROPERTY

UNION PLANTERS NATIONAL BANK SIGNATURE

Victoria Decamer, Vice President

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 DECAMER 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 NAMED MORTGAGEE AND THAT HE (SHE) EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS THIS 29TH DAY OF JANUARY 1996

NOTARY PUBLIC Cheryl E. Matthews

MY COMMISSION EXPIRES MY COMMISSION EXPIRES MAY 15 1996

NOTARY PUBLIC AT LARGE SHELBY COUNTY TN

OWNER'S CERTIFICATE

WE THE CENTRAL CHURCH INC THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN HEREBY ADOPT THIS PLAT AS OWR 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

SIGNATURE James S Pritchard Jr, Central Church

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 BAROAINER AND THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS, THIS ____ DAY OF January 1996

NOTARY PUBLIC Carol C. Hileman

MY COMMISSION EXPIRES My Commission Expires 11-24-97

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 (F I R M) COMMUNITY PANEL NUMBER 47157C0275 DATED DECEMBER 2 1994

THE 100-YEAR FLOOD ELEVATION OF TENMILE 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

GB-5788
15E 52
45.00
SEP 04 1996
3:30 P.M.

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

SHEET 3 OF 3

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

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100
Website: http://register.shelby.tn.us Email: register@shelbycountytn.gov

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.

W I T N E S S 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

J. SETH WADDELL STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY MY COMMISSION EXPIRES 9-26-2020

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

JOSHUA D. ASPLUND STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY My Commission Expires 12-14-2019

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.

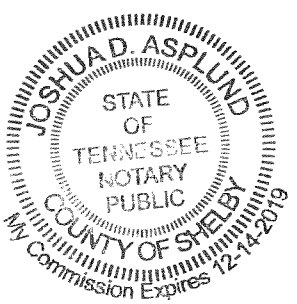
J. Seth Waddell

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: dgbray@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 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.

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

| ONE ORIGINAL |
| ONLY STAPLED |
| TO DOCUMENTS |

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: **10/06/2026**
DATE

PUBLIC SESSION: **10/20/2026**
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 1277 Dexter Ln, known as case number PD 2026-009

CASE NUMBER: PD 26-09

DEVELOPMENT: Dexter Crest Planned Development

LOCATION: 1277 Dexter Ln

COUNCIL DISTRICTS: District 2 and Super District 9

OWNER/APPLICANT: Rogers Alfred W and Norma P Rogers Trust/Michael Bednarski

REPRESENTATIVE: Brian Bacchus

REQUEST: 84-lot residential single-family planned development

AREA: +/-24.47 acres

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

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM:
(2) _____ 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:	***DATE***	***POSITION***
Nabanita Nira	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 26-09

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 1277 DEXTER LN, KNOWN AS CASE NUMBER PD 26-09

- This item is a resolution with conditions to allow a 84-lot residential single-family planned development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	PD 26-09
DEVELOPMENT:	Dexter Crest Planned Development
LOCATION:	1277 Dexter Ln
COUNCIL DISTRICT(S):	District 2 and Super District 9
OWNER/APPLICANT:	Rogers Alfred W and Norma P Rogers Trust/Michael Bednarski
REPRESENTATIVE:	Brian Bacchus
REQUEST:	84-lot residential single-family planned development
EXISTING ZONING:	Conservation Agriculture (CA)
AREA:	+/-24.47 acres

The following spoke in support: Brian Bacchus

The following spoke in opposition: Jason C. Pelfrey, Jim McCarver, James Stewart, Tom Harrison and Z Hopkins

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 0-8 on the consent agenda.

Respectfully,

Nabanita Nira

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

Cc: Committee Members
File

PD 26-09
CONDITIONS

Outline/General Plan Conditions

I. USES PERMITED
   A. Any use permitted by right or with administrative site plan review in the R-6 Single Family Residential District.
   B. No lot may front on or gain access from Dexter Lane.

II. BULK REGULATIONS:
   A. The bulk regulations of the Residential Single Family - 6 (R-6) Districts shall apply except:
      1. Minimum lot size is 4,600 square feet
      2. Minimum lot width is 40 feet
      3. All irregular lots shall meet the minimum lot width requirement at the building line.

III. ACCESS, PARKING AND CIRCULATION
   A. Dedicate Dexter Lane thirty-four (34') from centerline and improve in accordance with the Unified Development Code (UDC).
   B. Dedicate 108 feet for Cordova Road right-of-way throughout the site. No improvements are required.
   C. Internal streets shall be 50’ public right-of-way with 30’ face of curb to face of curb. Internal streets shall be 50’ public right-of-way with 30’ face of curb to face of curb.
   D. The minimum sight distance and geometry requirements for public streets shall be met as set out in the UDC.
   E. A minimum 10’ wide paved area shall be provided at the mail kiosk in order to not impede traffic.

IV. SIGNS
   A. Signs may be permitted in accordance with the R-6 Zoning District.

V. LANDSCAPING
   A. A 10-foot buffer shall be provided along Dexter Lane.
   B. A masonry or brick wall shall be installed along Dexter Road and the future Cordova Road right-of-way and shall include landscape planting areas at intervals not exceeding fifty (50) feet, subject to administrative review and approval by the Division of Planning and Development.
   C. Existing vegetation shall remain along the property perimeter to the extent possible.
   D. Existing vegetation shall remain in the Cordova Road right-of-way to the extent possible.

VI. DRAINAGE
   A. Drainage improvements including possible on-site detention, shall be provided under contract in accordance with Memphis/Shelby Stormwater Management Manual. A pro-rata fee for major drainage improvements through this site may be required for phased development.
   B. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
   C. This project must be evaluated by the Tennessee Department of Environment and Conservation regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et sec.). The Developer should be aware that if an ARAP permit is required, he is responsible for any design modifications that result from the

requirements of said permit. Substantial modifications of the plans resulting therefrom will require re-approval by the Land Use Control Board.

D. Existing stream along the west property line will be maintained with proper buffer.

VII. MODIFICATIONS:

A. The Land Use Control Board may modify the bulk, access, landscaping, and sign requirements if equivalent alternatives are presented.

VIII. TIME LIMIT:

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

IX. FINAL PLAN REQUIREMENTS

A. Any final plan shall include the following:
   1. The outline plan conditions.
   2. A standard subdivision contract as in accordance with the UDC.
   3. The exact location and dimensions including height, of all non-single family detached residential buildings, parking areas and number of parking spaces, drives, and required landscaping and screening.
   4. A rendering, including plan view and elevation, of any proposed development identification signs showing the height, dimensions, and design thereof.
   5. The location and ownership, whether public or private, of any easement.
   6. The following note shall be placed on the final plat of any development requiring on onsite 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 shall include, but not be limited to: removal of sedimentation, fallen objects, debris, trash, and mowing.

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 1277 DEXTER LN, KNOWN AS CASE NUMBER PD 26-09

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 Michael Bednarski filed an application with the Memphis and Shelby County Division of Planning and Development to allow a 84-lot residential single-family planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on 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 PERMITED
- A. Any use permitted by right or with administrative site plan review in the R-6 Single Family Residential District.
- B. No lot may front on or gain access from Dexter Lane.

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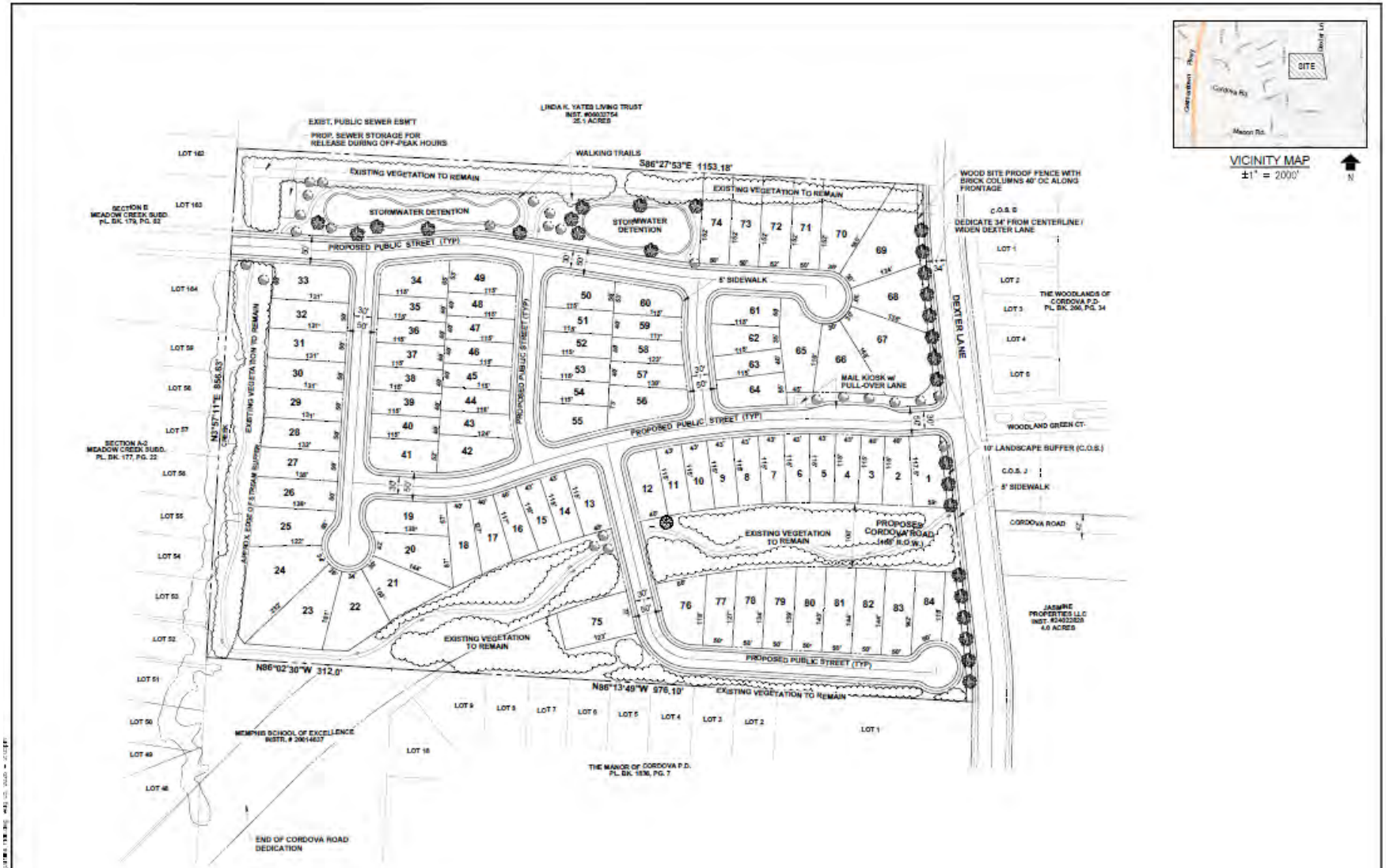
CONCEPT PLAN



VICINITY MAP
±1" = 2000'
N

A HOMEOWNERS ASSOCIATION WILL BE REQUIRED FOR MAINTENANCE OF COMMON OPEN SPACES, SEWER STORAGE, DETENTION PONDS, WALKING TRAILS AND LANDSCAPING

North

100 0 100

GRAPHIC SCALE IN FEET

SCALE: 1"=100'

LOT SIZES

40 LOTS	4,600 SF - 5,809 SF
44 LOTS	6,000 SF - 14,564 SF

SITE DATA

EXIST. ZONING	CA
SITE AREA:	24.3 AC
LAND USE:	SINGLE FAMILY RESIDENTIAL
MIN. LOT SIZE:	4,600 SF
MIN. LOT WIDTH:	40 FEET

SETBACKS

FRONT:	20 FEET
SIDE:	5 FEET
REAR:	15 FEET

The Reaves Firm

JOB # 25-0176

OUTLINE PLAN

DEXTER CREST PLANNED DEVELOPMENT

CASE NUMBER: P.D. 25-09	PARCEL ID: 096900 00030C	MEMPHIS, TENNESSEE
NUMBER OF LOTS: 84	24.3 ACRES	
DEVELOPER: BROOME CAPITAL	ENGINEER: THE REAVES FIRM	
100-YEAR FLOOD ELEV: 298.0	FEMA MAP PANEL NO: 0316G, 0317G	FEMA MAP DATE: FEB 6, 2013
AUGUST 2026	SCALE: 1" = 100'	SHEET 1 OF 1

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ATTEST:

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

dpd MEMPHIS AND SHELBY COUNTY STAFF REPORT

AGENDA ITEM:	12	**L.U.C.B. MEETING:**	August 13, 2026
CASE NUMBER:	PD 2026-009		
DEVELOPMENT:	Dexter Crest Planned Development		
LOCATION:	1277 Dexter Ln		
COUNCIL DISTRICT:	District 2 and Super District 9		
OWNER/APPLICANT:	Rogers Alfred W and Norma P Rogers Trust/Michael Bednarski		
REPRESENTATIVE:	Brian Bacchus		
REQUEST:	Residential Planned Development to allow 84 single-family lots		
EXISTING ZONING:	Conservation Agriculture (CA)		

CONCLUSIONS

1. The applicant is requesting 84-lot single-family residential planned development with minimum lot size 4,600 sq ft where 40 lots size are in range of 4,600 sq ft to 5,809 sq ft and other 44 lots size are in range of 6,000 sq ft to 14,564 sq ft, see pages 8-10 of this report.
2. The proposed outline plan shows the two access points to the planned development, one from Dexter Ln and the other connecting exiting stud road from Red Creek Dr.
3. The proposed planned development will have common open space on the north with storm water detention and walking trail. The dedication for proposed Cordova Rd is through the subject property and the applicant proposed to have neighborhood amenity (walking trail) maintained by HOA.
4. Seventy-two (72) letters of opposition were received, see pages 45-140 of this report and main concerns are traffic, infrastructure and rental development.
5. After the neighborhood meeting applicant submitted the revised plan, see pages 8-11 of this report and letter addressing the changes based on the neighborhood meeting, see page 44 of this report. The total number of lots in the development went from 94 to 84 after the revision.
6. The proposal residential planned development is consistent with the Memphis 3.0 General Plan, see pages 21-24 of this report.
7. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 21-24 of this report.

RECOMMENDATION:

Approval with outline plan conditions

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