

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

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

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 10/07/2026
DATE
PUBLIC SESSION: 10/07/2026
DATE**

ITEM (CHECK ONE)

☐ ORDINANCE ☒ RESOLUTION ☐ REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution directing the Zoning Administrator to submit an application to replace the zoning map for the City of Memphis in its entirety.

N/A

CASE NUMBER:

Entire City

LOCATION:

All Council Districts

COUNCIL DISTRICTS:

Division of Planning and Development

OWNER/APPLICANT:

Brett Ragsdale, Director

REPRESENTATIVE:

Direct the Zoning Administrator to proceed with filing an application to replace the zoning map in its entirety.

REQUEST:

N/A

AREA:

The Division of Planning and Development recommends *Approval*

RECOMMENDATION:

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – October 7, 2026

PRIOR ACTION ON ITEM:

APPROVAL - (1) APPROVED (2) DENIED

DATE

ORGANIZATION - (1) BOARD / COMMISSION

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

FUNDING:

(2)

\$

\$

SOURCE AND AMOUNT OF FUNDS

\$

\$

\$

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

AMOUNT OF EXPENDITURE

REVENUE TO BE RECEIVED

OPERATING BUDGET

CIP PROJECT #

FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

9/28/26

PLANNER II

DEPUTY ADMINISTRATOR

9/28/26

ADMINISTRATOR

9/28/26

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

RESOLUTION DIRECTING THE ZONING ADMINISTRATOR TO SUBMIT AN APPLICATION TO REPLACE THE ZONING MAP FOR THE CITY OF MEMPHIS IN ITS ENTIRETY

- This item is a resolution which would direct the Zoning Administrator to file an application to replace the zoning map in its entirety.
- In August 2023, the Council directed DPD to begin public engagement with the goal of producing recommended changes to the City's zoning regulations, including both the UDC text and the zoning map.
- Since 2023, DPD has been conducting this engagement and has subsequently published multiple public drafts of both the text and map. [Our current public draft of the map can be found here via 901UDCUpdate.com](https://www.901UDCupdate.com).
- Final drafts of both the map and text will be made available prior to the submission of the application.
- If approved, the currently pending joint ordinance known as ZTA 2026-002 will require DPD to mail public notice. The approval of this resolution will allow DPD to move forward with mailing that notice. This ordinance was approved by the County Commission on August 24 and is set to be considered on third reading by the Council at its October 7 meeting.
- This item does not require City expenditure.

RESOLUTION DIRECTING THE ZONING ADMINISTRATOR TO SUBMIT AN APPLICATION TO REPLACE THE ZONING MAP FOR THE CITY OF MEMPHIS IN ITS ENTIRETY

WHEREAS, on December 3, 2019, the Memphis City Council (“the Council”) adopted the Memphis 3.0 Comprehensive Plan to guide land use decisions and other built environmental considerations throughout the City of Memphis (“the City”); and

WHEREAS, on August 22, 2023, the Council, by resolution, directed the Memphis and Shelby County Division of Planning and Development (“DPD”) to initiate a public process to generate community input to direct modifications to the Memphis and Shelby County Unified Development Code (“the UDC”), including both its text and the zoning map; and

WHEREAS, DPD has since conducted the aforementioned public process and incorporated its results into multiple public drafts of a new UDC text and zoning map; and

WHEREAS, DPD has satisfied the requirements outlined in the Council’s August 2023 direction, specifically by hosting at least 1 community meeting in each single-member Council district and by periodically providing updates to the Council at meetings of the Planning and Zoning Committee; and

WHEREAS, the Council finds that the existing zoning map, having not been comprehensively replaced in over seventy years, has become misaligned with the City’s various goals, including but not limited to those described in the Memphis 3.0 Comprehensive Plan; and

WHEREAS, the Council now wishes that the Zoning Administrator submit a recommended zoning map for formal consideration by the Land Use Control Board and the Council in order to make necessary and appropriate revisions.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that the Zoning Administrator be directed to submit an application to replace the City’s zoning map in its entirety.

BE IT FURTHER RESOLVED, that this application be considered according to the procedure outlined in the relevant provisions of the UDC in effect at the time of its submission.

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.

ATTEST:

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

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

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

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 03/24/2026

DATE

PUBLIC SESSION: 04/14/2026

DATE

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 1681 E Raines Rd, known as case number SUP 2025-37

CASE NUMBER: SUP 2025-037

LOCATION: 1681 E Raines Rd

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

OWNER/APPLICANT: HMM Investment LLC

REPRESENTATIVE: The Bray Firm

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

AREA: +/-30,66 square feet

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

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

PRIOR ACTION ON ITEM:

(2) _____

02/12/2026 _____

(1) Land Use Control Board _____

APPROVAL - (1) APPROVED (2) DENIED

DATE

ORGANIZATION - (1) BOARD / COMMISSION

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

FUNDING:

(2) _____

\$ _____

\$ _____

SOURCE AND AMOUNT OF FUNDS

\$ _____

\$ _____

\$ _____

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

AMOUNT OF EXPENDITURE

REVENUE TO BE RECEIVED

OPERATING BUDGET

CIP PROJECT # _____

FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

Mark C. Smith _____

3/16/2026 _____

STAFF PLANNER

DEPUTY ADMINISTRATOR

Brett Ryan _____

3/16/2026 _____

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

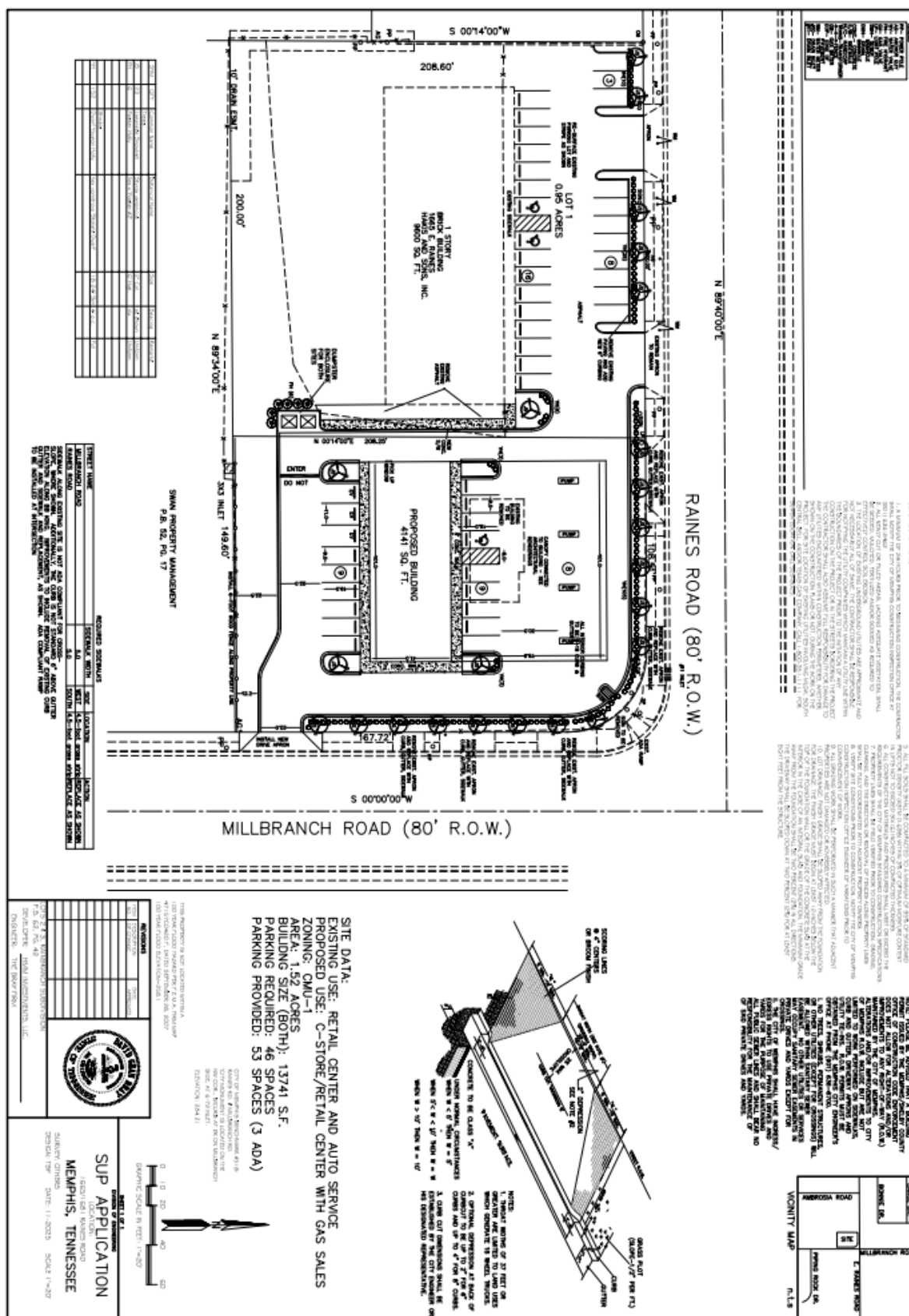
Cc: Committee Members

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



[illegible]

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

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

WHEREAS, the HMM Investment LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience store with gas pumps; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 12, 2026, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

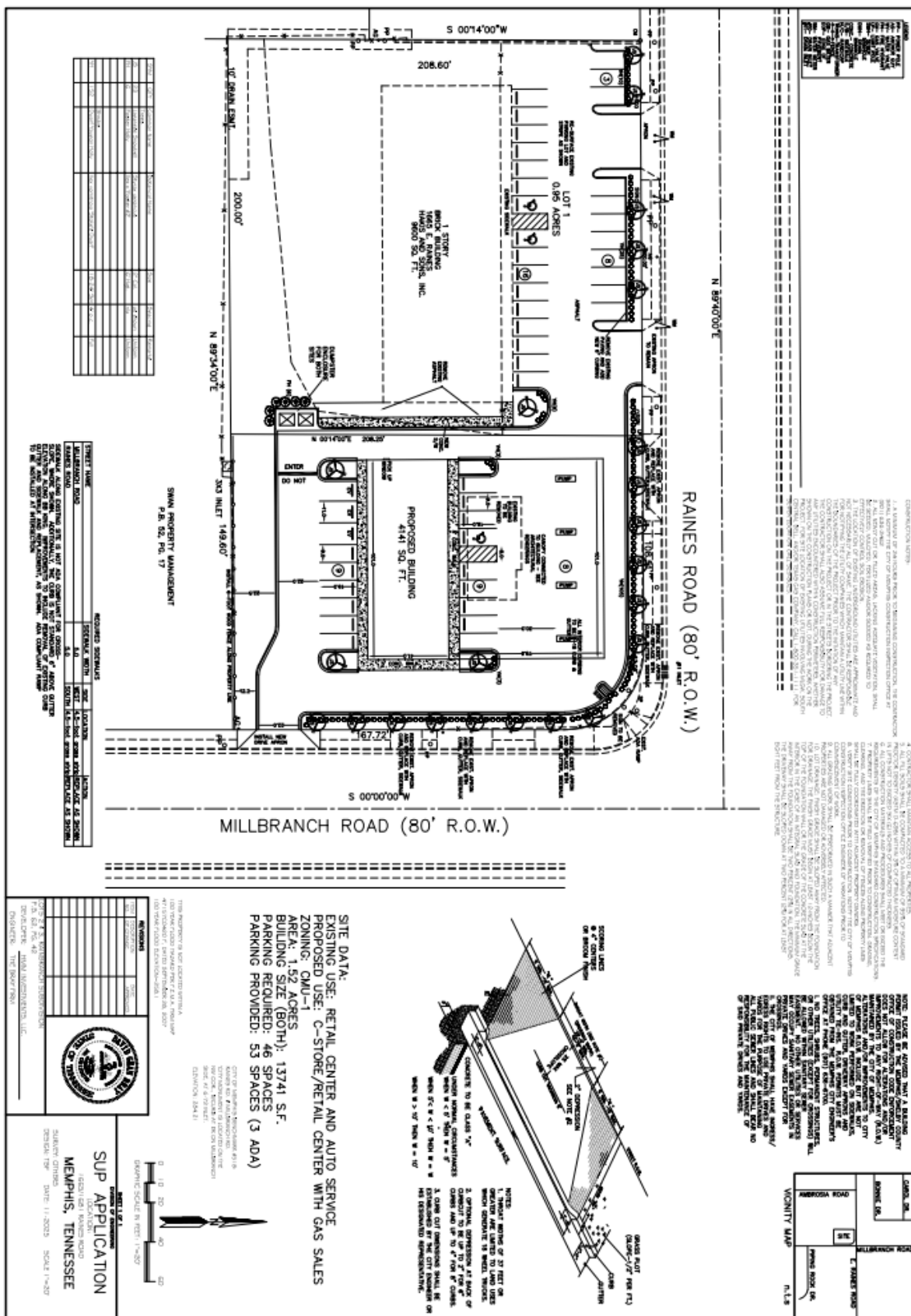
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

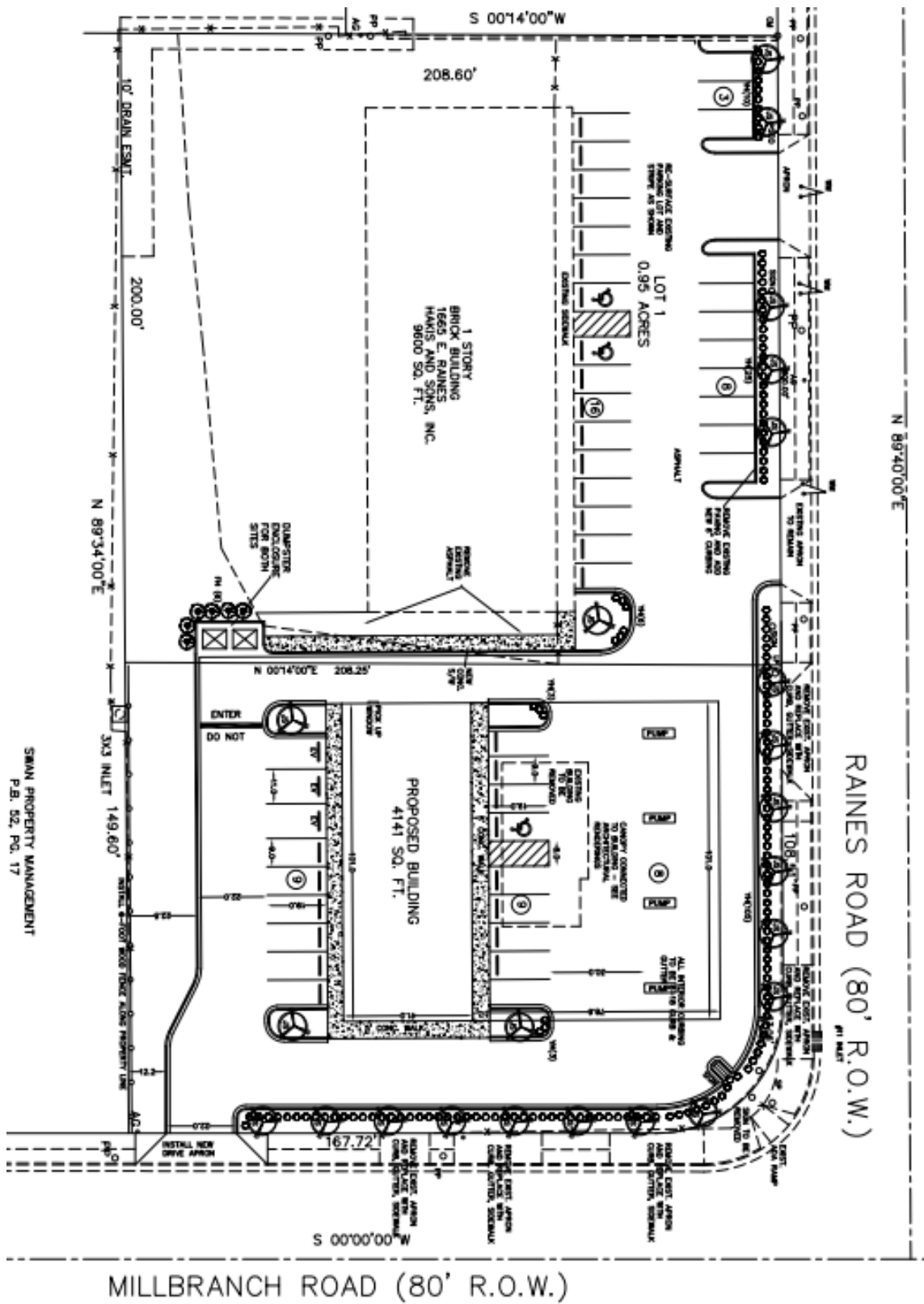
BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council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

CONDITIONS

1. Streetscape Plate Type S-10 shall be provided along Raines Road and Millbranch Road.
2. The convenience store is prohibited from the sale of Alcohol, and CBD/Cannabis products.
3. The dumpster location and screening shall meet the requirements of UDC Sub Section 4.6.8B.
4. The convenience store building facing Raines Road and Millbranch Road shall be a minimum of 60% transparency.
5. Support columns for the fuel canopy shall be sheathed in the same masonry used on the principal building.
6. The exterior building materials for the convenience store shall consist of a minimum of 50 percent masonry, with EIFS or stucco limited to a maximum of 10 percent of the building facade.
7. An Administrative Site Plan Review (ASPR) shall be submitted and approved by the Division of Planning and Development following final approval by the Memphis City Council and prior to the issuance of any building permits or certificates of occupancy.

SITE PLAN





SKAN PROPERTY MANAGEMENT
P.B. 52, P.O. 17

ATTEST:

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

AGENDA ITEM: 4 **L.U.C.B. MEETING:** February 12, 2026

CASE NUMBER: SUP 2025-037

LOCATION: 1681 E Raines Rd

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

OWNER/APPLICANT: HMM Investment LLC

REPRESENTATIVE: The Bray Firm

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

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

CONCLUSIONS

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

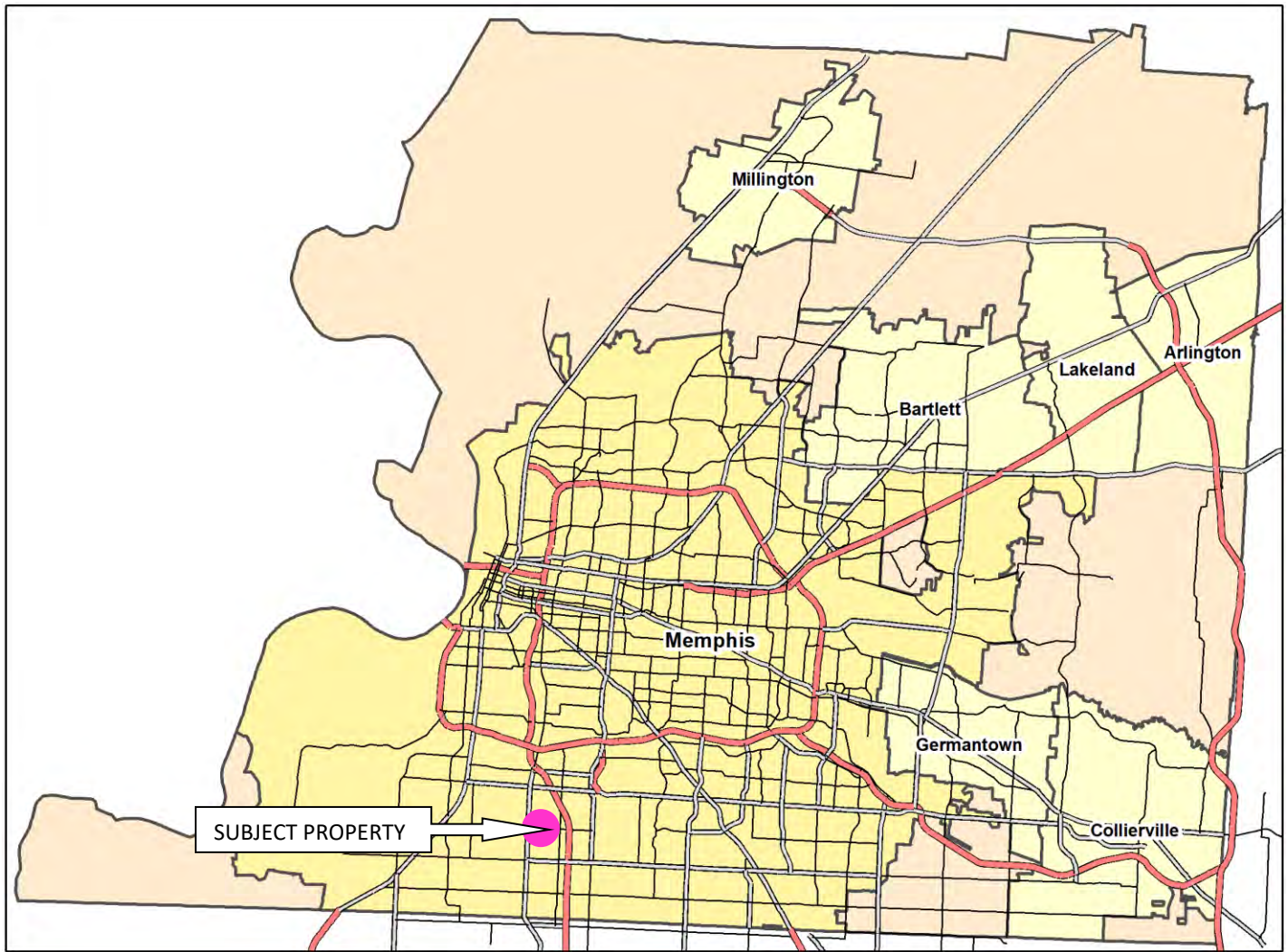
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

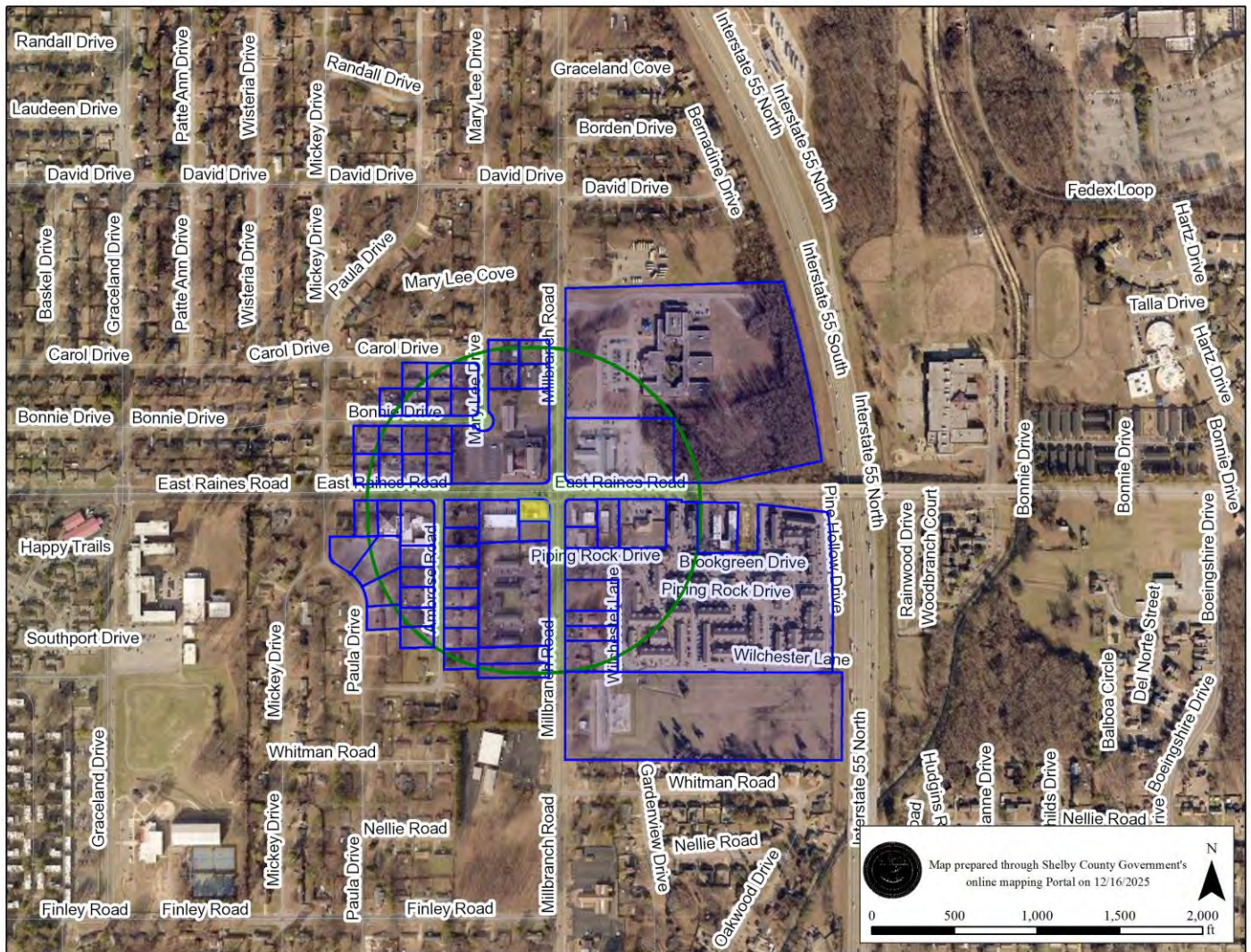
Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

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

NEIGHBORHOOD MEETING (First One)

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

AERIAL



Subject property outlined in yellow.

5

LAND USE MAP



Subject property indicated by a pink star.

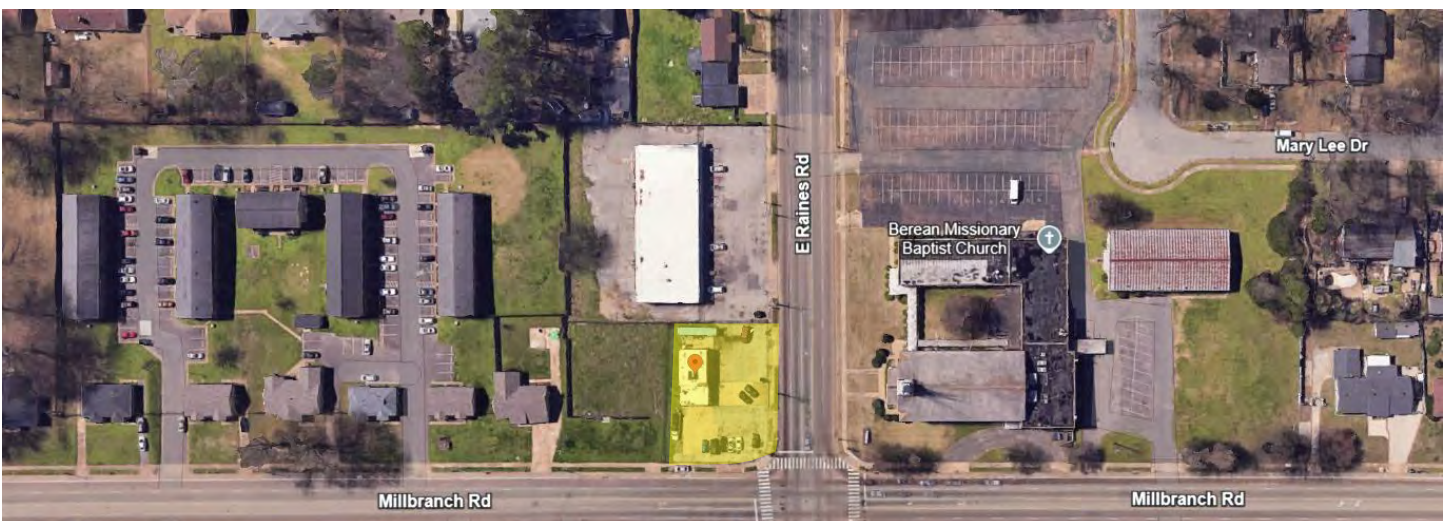
SITE PHOTOS



View of subject property from East Raines Road.



View of subject property from Millbranch Road.



View of subject property from above.

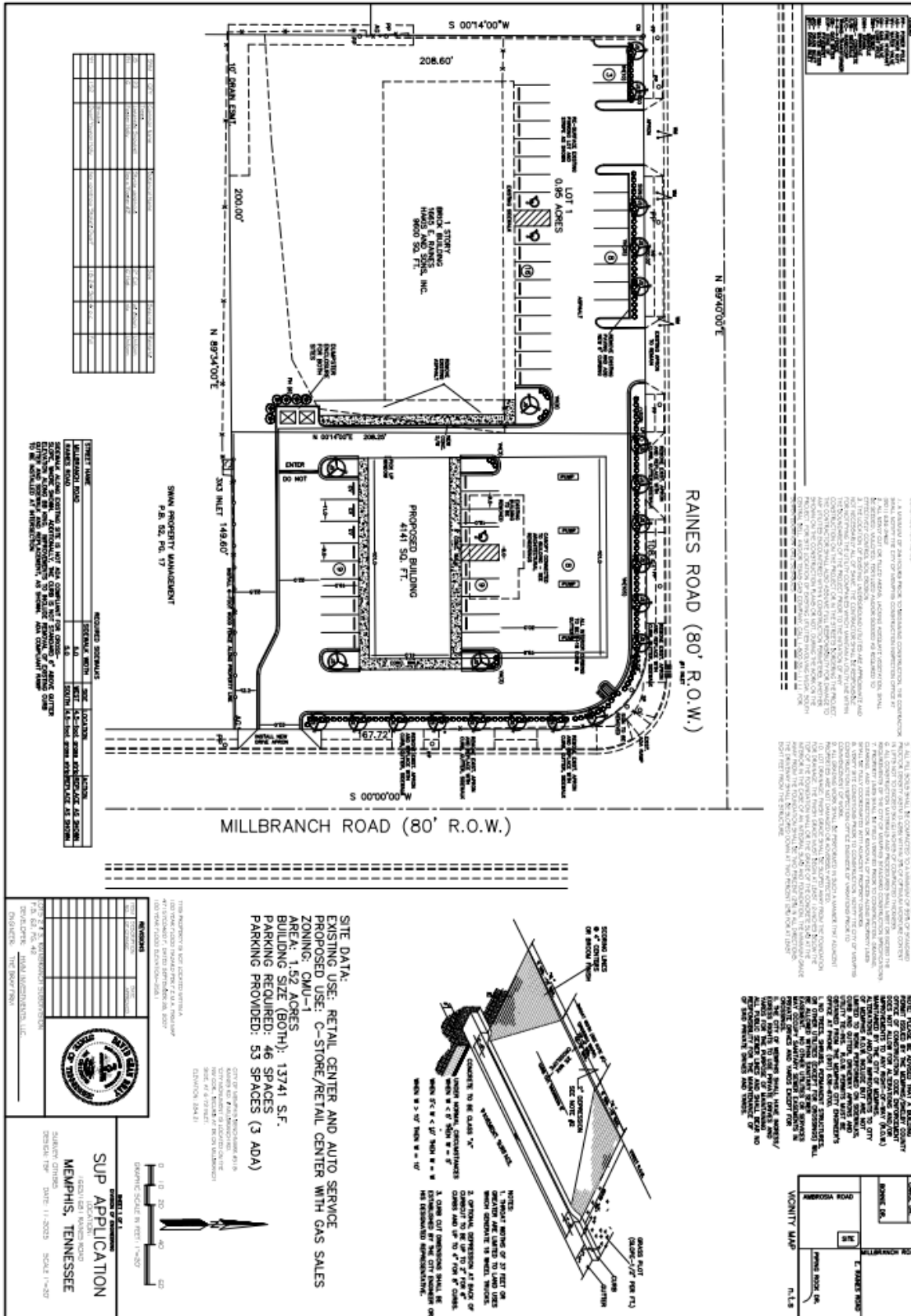


View of subject property from above.



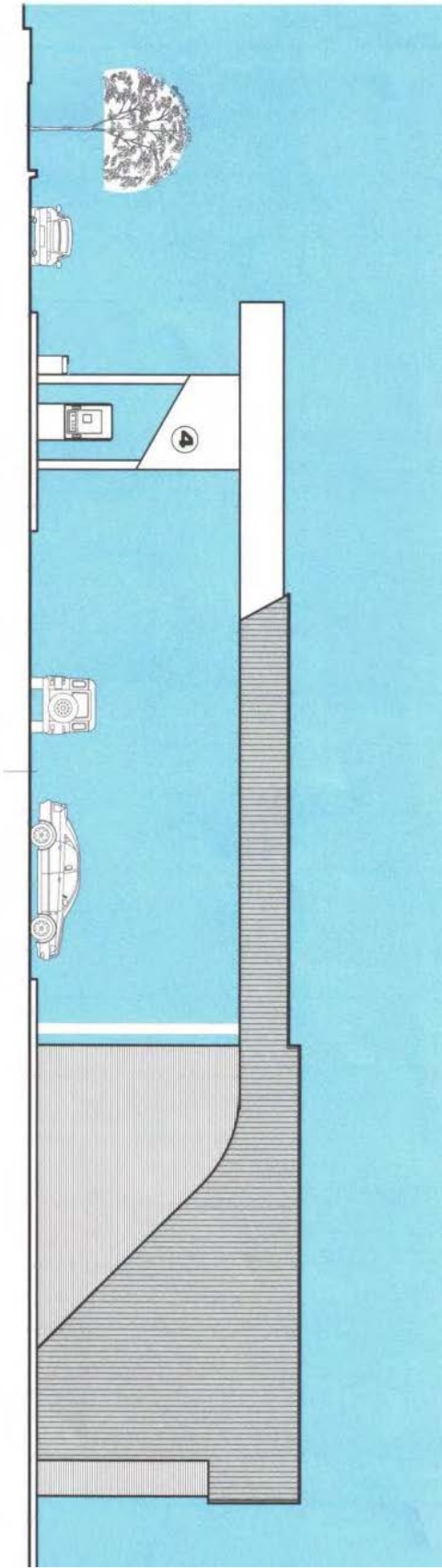
View of subject property from above.

SITE PLAN



[illegible]

11-21-23
RAINES ROAD ELEVATIONS



CASE REVIEW

Request

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:
1681 E Raines Rd

Parcel ID:
079009 00048

Area:
+/-30,66 square feet

Description:

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

Relevant Unified Development Code Clauses

Section 2.6.3J(1)(g)

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

Site Plan Review

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

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

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

Analysis

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

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

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

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

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

RECOMMENDATION

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

Conditions

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

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

DEPARTMENTAL COMMENTS

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

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

City Engineer Division

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

City Fire Division

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

Office of Comprehensive Planning

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

Site Address/Location: 1681 E Raines Rd

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

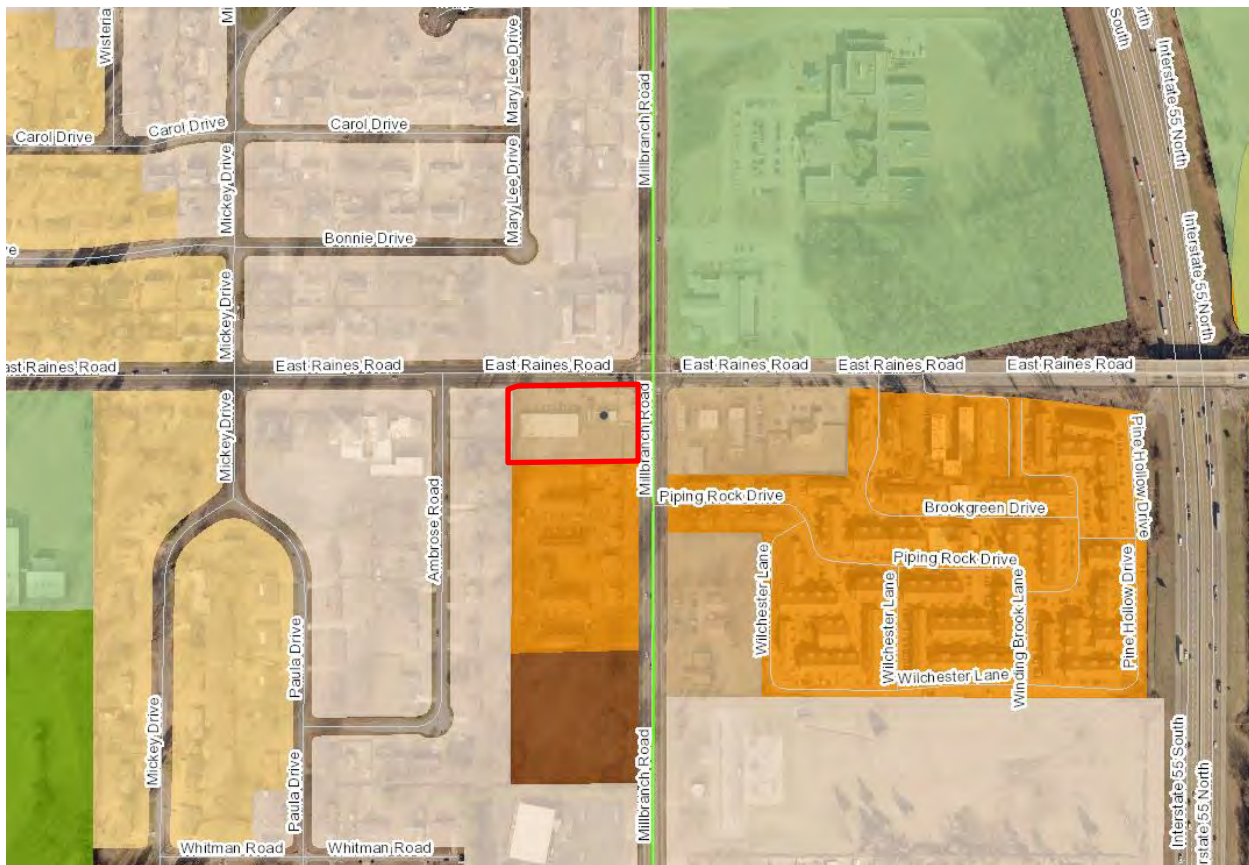
Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

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

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

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

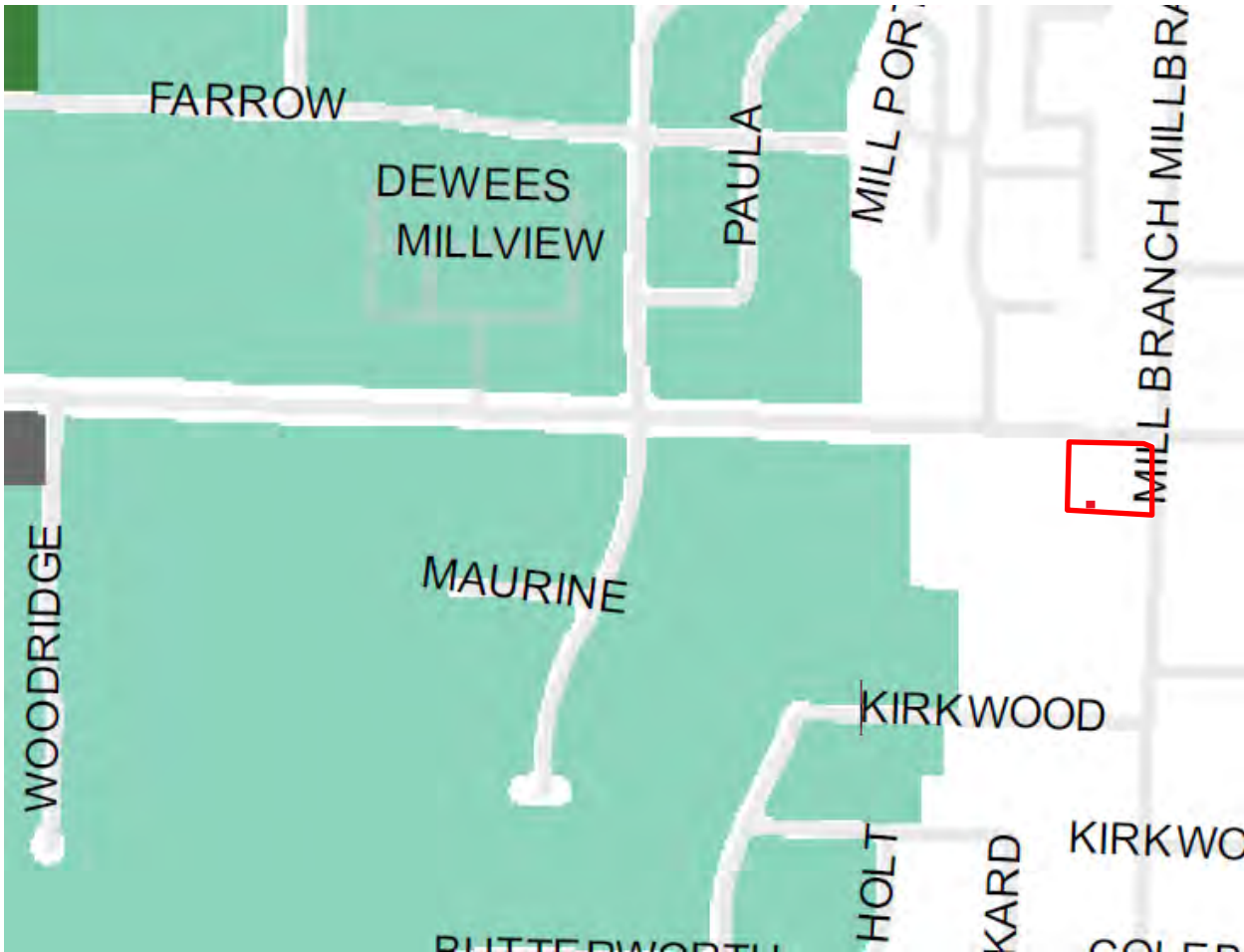
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

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

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

Degree of Change Map



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

3. Degree of Change Description

N/A

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

N/A

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

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

Consistency Analysis Summary

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

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

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

MAILED PUBLIC NOTICE

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

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

[Signature]
Owner, Applicant or Representative

1-28-26
Date

Subscribed and sworn to before me this 28th day of JANUARY, 2026.
[Signature]
Notary Public

My commission expires: 5/17/2026





NEIGHBORHOOD MEETING SUMMARY (FIRST MEETING)

NEIGHBORHOOD MEETING SUMMARY

Case Number: SUP 2025-037



Meeting Information

Location: Whitehaven Branch Library

Date: 12/22/25

Address: 4120 Millbranch

Time: 18:00

Attendance

Attended on behalf of the applicant:

Role (Applicant, Engineer, Architect, etc.)

David Bray

Engineer

Number of Invitations Mailed: 76

Approx. Neighborhood Attendees: 8

Proceedings

Please provide a brief summary of the meeting. Identify the most commonly raised concerns, and, if applicable, describe any application changes planned in response to resident feedback.

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

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

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

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

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

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

NEIGHBORHOOD MEETING SUMMARY



Case Number: SUP 2025-037

Attachments

Also included in this submission are the following:

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

Note: while these attachments will not be included in the staff report unless deemed particularly relevant, they will be part of the public record and available from the Division upon request.

Attestation

This meeting was:

☒ Required under Section 9.3.2 of the UDC

☐ Optional/Additional

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

David Bray

Print Name

Signature

12/23/25

Date

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

APPLICATION



Memphis and Shelby County Division of Planning and Development

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Additional Info Required

Opened Date: November 26, 2025

Record Number: SUP 2025-037

Expiration Date:

Record Name: Lot 2&3, Rainbranch Subdivision

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

Parent Record Number:

Address:

1681 E RAINES RD, MEMPHIS 38116

Owner Information

Primary Owner Name

Y HMM INVESTMENTS LLC

Owner Address

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

n/a

Number(s) related to previous applications on
this site

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

No

GENERAL PROJECT INFORMATION

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

n/a

APPROVAL CRITERIA

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

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

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

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

UDC Sub-Section 9.6.9C

All essential facilities are currently present at the site.

UDC Sub-Section 9.6.9D

Agreed

UDC Sub-Section 9.6.9E

Agreed

UDC Sub-Section 9.6.9F

Agreed

GIS INFORMATION

Case Layer

-

Central Business Improvement District

No

Class

C

Downtown Fire District

No

Historic District

-

Land Use

COMMERCIAL

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-1

State Route

-

Lot

0 2

Subdivision

RAINBRANCH

Planned Development District

-

Wellhead Protection Overlay District

No

County Commission District

-

City Council District

-

City Council Super District

-

Contact Information

Name

HMM INVESTMENTS LLC

Contact Type

APPLICANT

Address

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

Phone

-

Name

THE BRAY FIRM

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address

2960 STAGE PLAZA NORTH,

Phone

(901)487-2425

Fee Information

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

Total Fee Invoiced: \$500.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$500.00

Method of Payment

Check

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, HAKIS & SONS, INC. IASEM MUTHANA state that I have read the definition of
(Print Name) (Sign Name)

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

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

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

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

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

Kyrin H. Johnson
Signature of Notary Public



LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

November 25, 2025

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

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

Mr. Ragsdale:

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

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

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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

01/06/2026

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

4179 Mill Branch Rd

Memphis TN 38116

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

Special permit to allow conversion to Gas station and convenience store

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

To Whom It May Concern,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. The Good and Bad of Convenience Store Locations

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

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

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

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

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

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

Thank you for your attention to these matters!

David Lawrence, Owner

Whitehaven Oaks Apartments

Office: 901-348-9906

Cell: 901-378-1590

PETITION TO STOP GAS STATION ON THE CORNER

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

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

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

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

drop in drop box or put back on door!

YOUR NAME	YOUR ADDRESS	SIGNATURE
DERRICK FARMER	4181 MILLBRANCH #2	

Do not tear or cut!

PETITION TO STOP GAS STATION ON THE CORNER

Date:	02/11/2026
Petition Organiser:	Amy Lawrence, Whitehaven Oaks Apartments
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3. Safety Issues - No buffer zone between proposed plans and apartment complex means gas odors and toxic fumes will be right next to the tenant's homes. Several compounds injurious to human health are released from gas stations during vehicle fuelling and from underground storage tank vents. These compounds include benzene, toluene, ethyl benzene, and xylene (BTEX). Measures to reliably resolve these adverse health effects are not employed at new gas stations.
Benzene is the gasoline constituent most harmful to human health. Adverse health effects of benzene include nausea, cancer, anemia, increased susceptibility to infections, and low birth weight. According to the *World Health Organization Guidelines for Indoor Air Quality* there is *no safe level for benzene*. <https://www.lookupaplate.com/blog/gas-station-statistics/>
4. Fire Danger & Explosive Danger – According to a 2020 National Fire Protection Association report, "From 2014 to 2018, local fire departments responded to an estimated average of 4,150 fires in or on service or gas station properties per year.
5. Crime – anticipated higher foot traffic in the area, convenience stores/gas stations account for 2-3% of violent crimes, and 5th and 7th most common places for violent crime.
<https://www.lookupaplate.com/blog/gas-station-statistics/>
6. Email your City Council Representatives: Pearl E Walker at Pearl.walker@memphistn.gov AND call as soon as possible! The meeting is soon! The City of Memphis main number to be directed to her office at 901-636-6500.

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

put in drop box or put on door!

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

do not tear or cut! ge: 1

PETITION TO STOP GAS STATION ON THE CORNER

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

drop in drop box or put knock on door!

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

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

Record Number: SUP 2025-037

Expiration Date:

Record Name: Lot 2&3, Rainbranch Subdivision

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

Parent Record Number:

Address:

1681 E RAINES RD, MEMPHIS 38116

Owner Information

Primary Owner Name

Y HMM INVESTMENTS LLC

Owner Address

1671 E RAINES RD, MEMPHIS, TN 38116

Owner Phone

Parcel Information

079009 00048

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

09/10/2025

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

n/a

Number(s) related to previous applications on
this site

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

No

GENERAL PROJECT INFORMATION

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

n/a

APPROVAL CRITERIA

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

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

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

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

UDC Sub-Section 9.6.9C

All essential facilities are currently present at the site.

UDC Sub-Section 9.6.9D

Agreed

UDC Sub-Section 9.6.9E

Agreed

UDC Sub-Section 9.6.9F

Agreed

GIS INFORMATION

Case Layer

-

Central Business Improvement District

No

Class

C

Downtown Fire District

No

Historic District

-

Land Use

COMMERCIAL

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-1

State Route

-

Lot

0 2

Subdivision

RAINBRANCH

Planned Development District

-

Wellhead Protection Overlay District

No

County Commission District

-

City Council District

-

City Council Super District

-

Contact Information

Name

HMM INVESTMENTS LLC

Contact Type

APPLICANT

Address

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

Phone

-

Name

THE BRAY FIRM

Contact TypeARCHITECT / 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

\$500.00

Method of Payment

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.



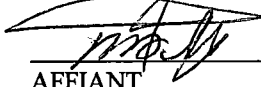
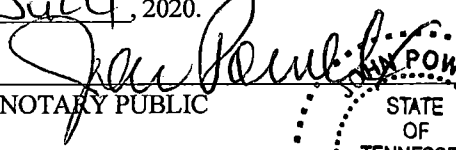
20072921

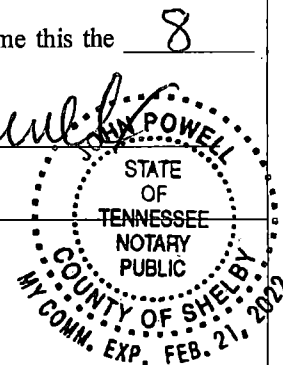
07/15/2020 - 10:19:03 AM

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

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



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

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

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



Morshed Mohamed

STATE OF TENNESSEE

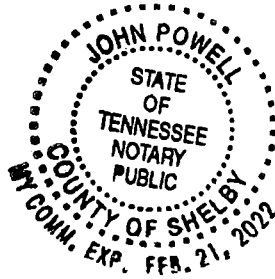
COUNTY OF SHELBY

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

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

My commission expires:

2-21-2022





NOTARY PUBLIC

Exhibit A

Parcel 1:

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

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

Parcel 2:

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

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



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

November 25, 2025

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

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

Mr. Ragsdale:

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

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

Sincerely,

David Gean Bray, P.E.

MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, HAKIS & SONS, INC., JAZEM MUTHANNA, state that I have read the definition of
(Print Name) (Sign Name)

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

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

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

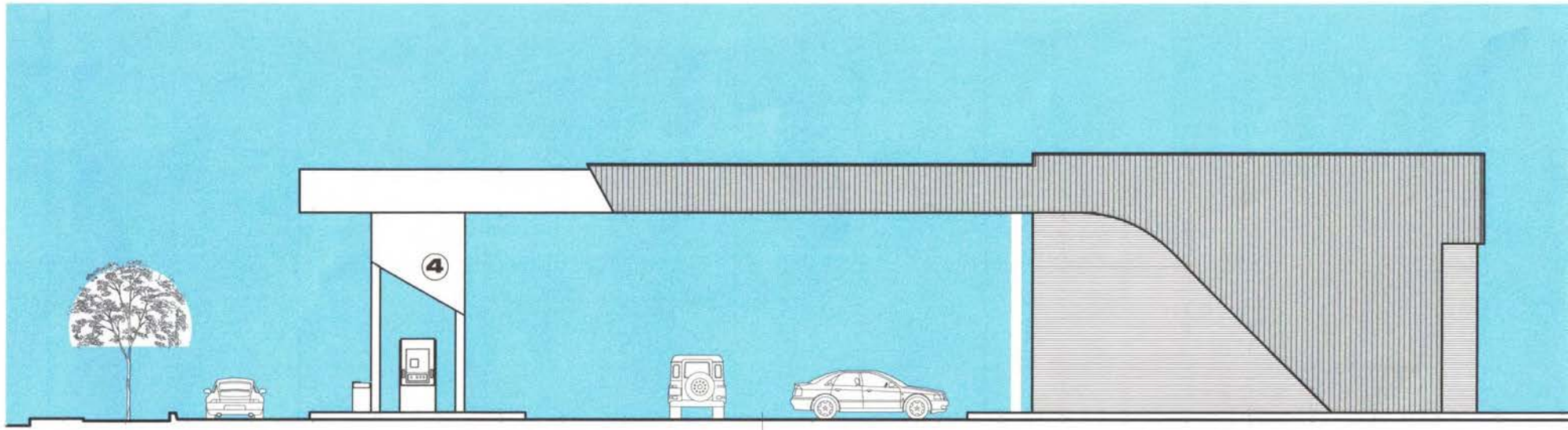
of the property located at A) 1681 E RAINES ROAD, MEMPHIS
B) 4165 MILLBRANCH ROAD, MEMPHIS
and further identified by Assessor's Parcel Number A) 079009 00048 B) 079009 00049,
for which an application is being made to the Division of Planning and Development.

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

Kyrak N. Johnson
Signature of Notary Public



June 9, 2029
My Commission Expires



RAINES ROAD ELEVATIONS

11-21-25

LEGEND

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

CONSTRUCTION NOTES:

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

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

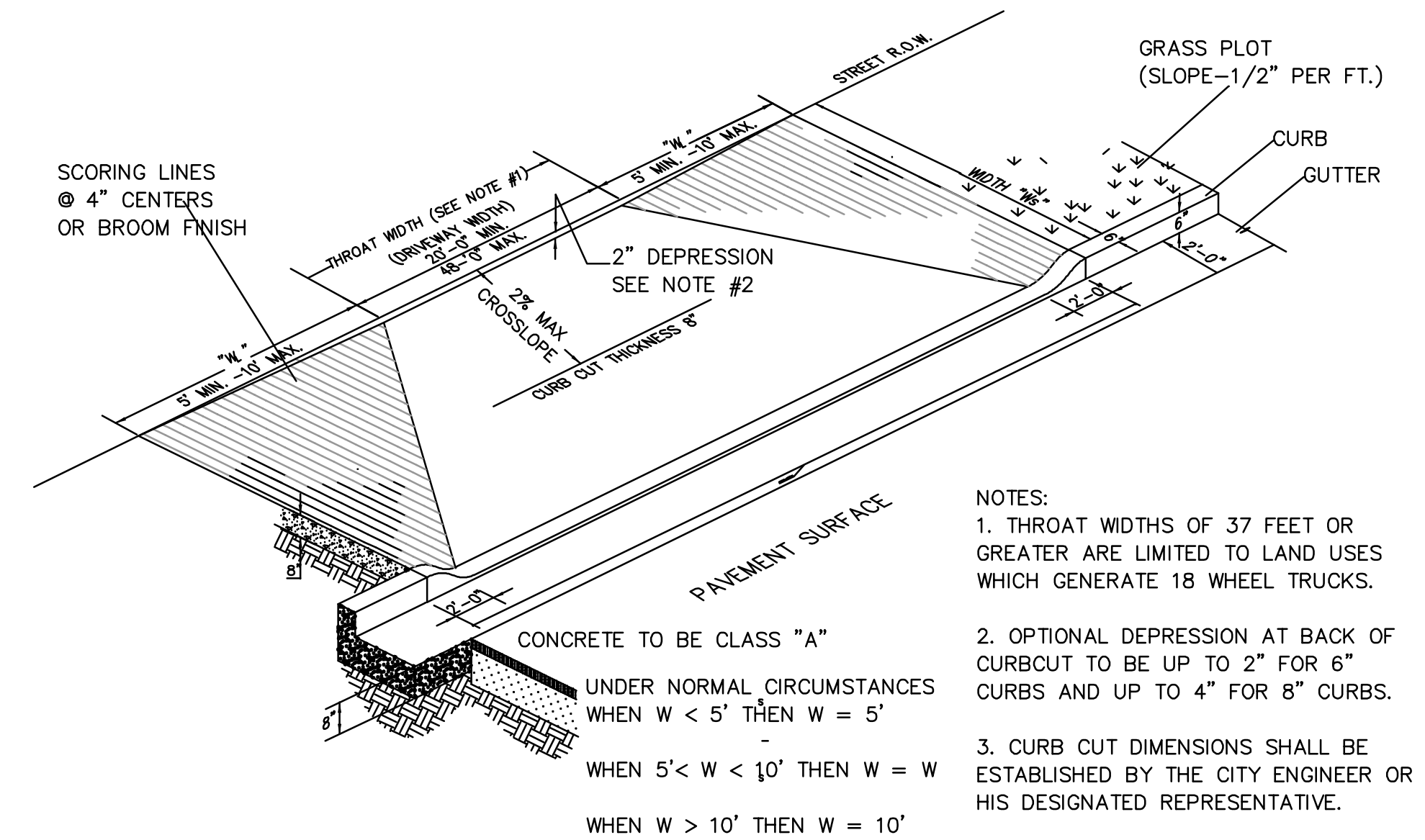
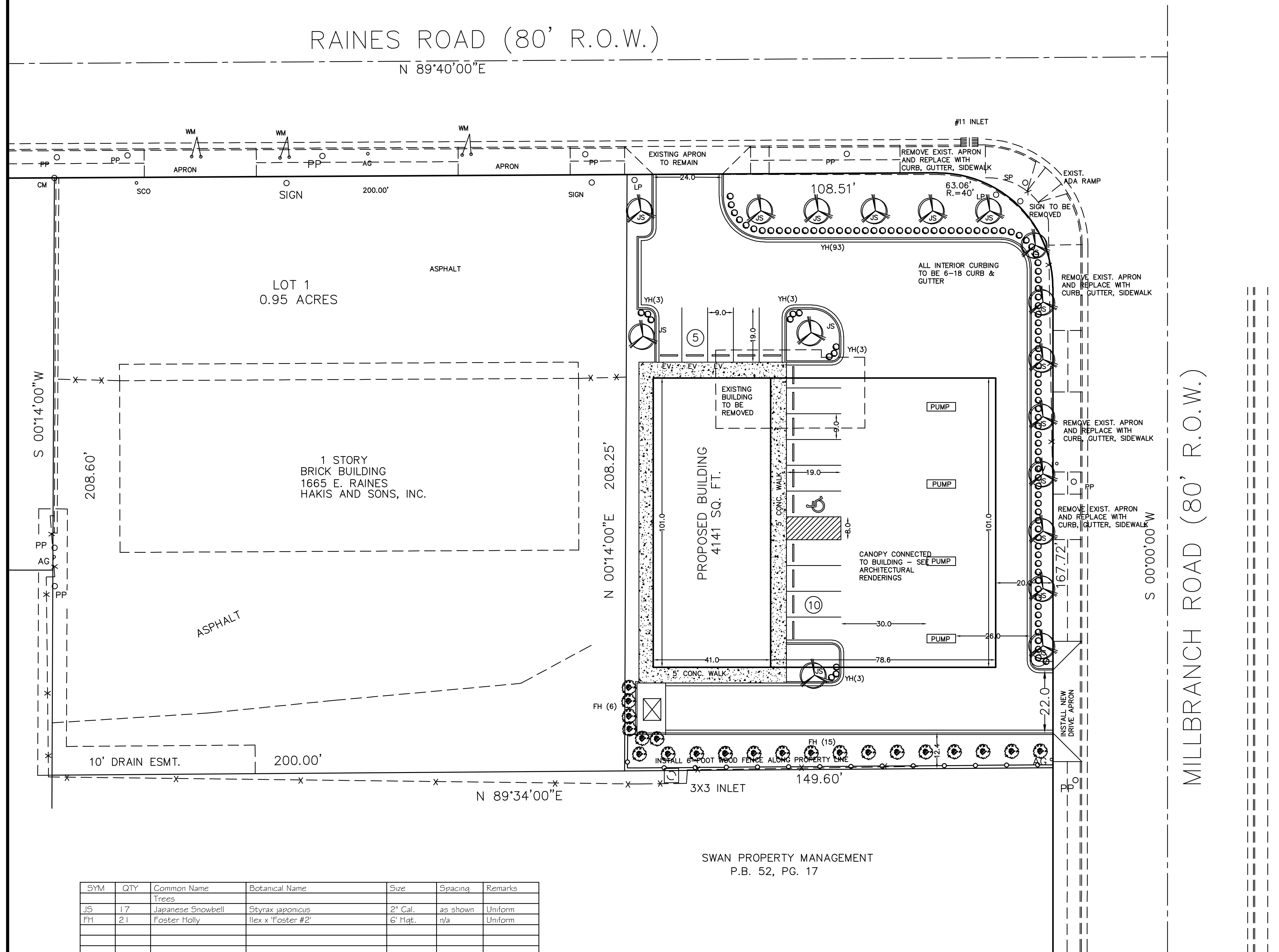
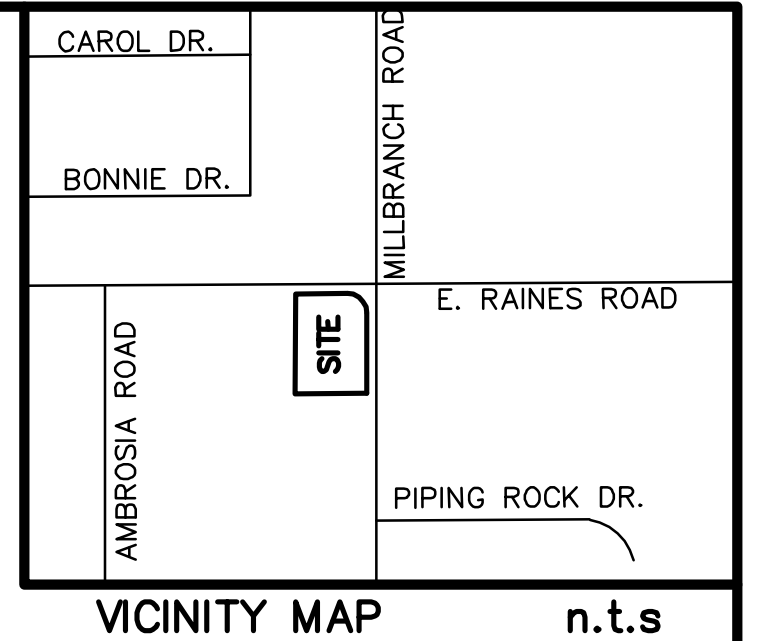
3. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT NECESSARILY ALL OF SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE UTILITY COMPANIES WHICH MAINTAIN A UTILITY LINE WITHIN THE BOUNDARIES OF THE PROJECT PRIOR TO THE INITIATION OF ANY CONSTRUCTION ON THE PROJECT OR IN 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 929-8025.

4. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL PROPERTIES.
5. ALL FILL SOILS SHALL BE COMPACTED TO A MINIMUM OF 95% OF STANDARD PROCTOR DENSITY (ASTM D-698) WITHIN 3% OF OPTIMUM MOISTURE CONTENT IN LIFTS NOT TO EXCEED SIX (6) INCHES OF COMPACTED THICKNESS.
6. ALL CONSTRUCTION MATERIALS AND PROCEDURES SHALL MEET OR EXCEED THE REQUIREMENTS OF THE CITY OF MEMPHIS STANDARD CONSTRUCTION SPECIFICATIONS.
7. PROPERTY LINES SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION, GRADING, CLEARING, AND THE ERECTION OR REMOVAL OF FENCES ALONG PROPERTY LINES SHALL BE FULLY COORDINATED WITH ADJACENT PROPERTY OWNERS.
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. ANY ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDED BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRAINAGE APRONS AND UTILITY TIES. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE (901) 636-6700.

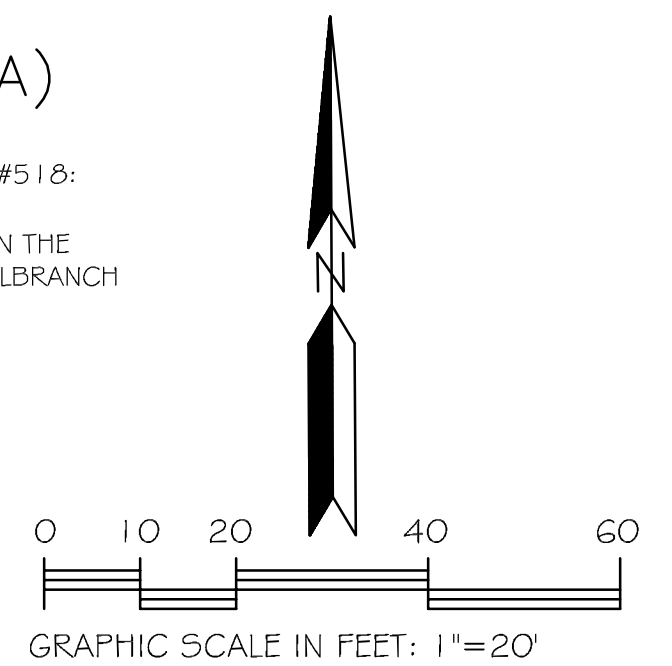
i. NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS.

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



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

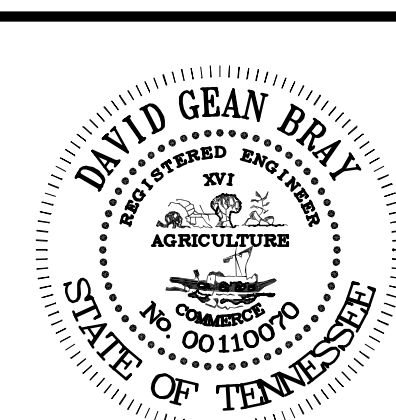
CITY OF MEMPHIS BENCHMARK #518:
RAINES RD. & MILLBRANCH RD.
'CITY MONUMENT IS LOCATED ON THE
NW COR., B/CURB AT ER ON MILLBRANCH
SIDE, AT 6-72 INLET.
ELEVATION: 284.21



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

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

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

[illegible]

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

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

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

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

**PUBLIC SESSION: 09/15/2026
DATE**

ITEM (CHECK ONE)
ORDINANCE ☐ RESOLUTION ☒ REQUEST FOR PUBLIC HEARING ☐

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 2451 Summer Avenue, known as case number SUP 2026-014

CASE NUMBER: SUP 2026-014

LOCATION: 2451 Summer Avenue

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

OWNER/APPLICANT: Hazem Shoman

REPRESENTATIVE: Christine Donhardt

REQUEST: Special use permit to allow a car wash

AREA: +/-35,283 square feet

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

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

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
08/13/2026 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Mahsa Oshatun</u>	<u>8/17/26</u>	STAFF PLANNER
		DEPUTY ADMINISTRATOR
<u>[Signature]</u>	<u>8/17/26</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2026-014

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2451 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2026-014

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

LAND USE CONTROL BOARD RECOMMENDATION

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

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

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

The following spoke in opposition: None

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

The motion passed by a vote of 7-0 on the regular agenda.

Respectfully,

Mahsan Ostadnia

Planner II

Land Use & Development Services

Cc: Committee Members

File

SUP 2026-014**CONDITIONS**

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

SITE PLAN

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2451 SUMMER AVENUE, KNOWN AS CASE NUMBER SUP 2026-014

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

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

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on August 13, 2026, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

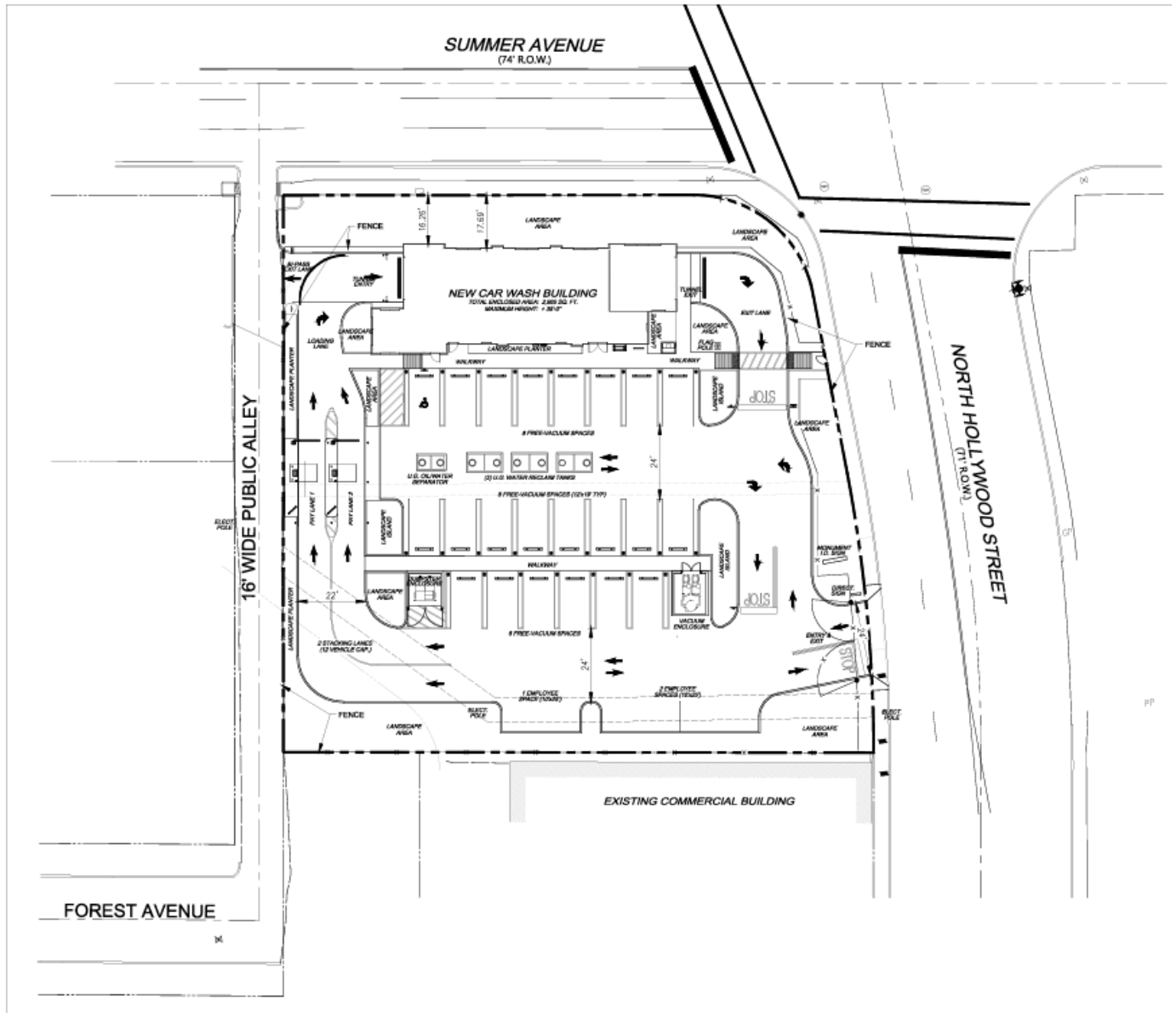
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

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

CONDITIONS

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

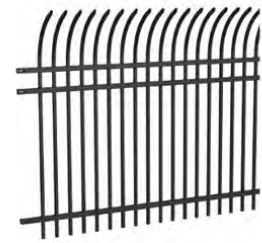
SITE PLAN



PROPOSED SITE PLAN

SCALE: 1" = 20.00'

LANDSCAPE PLAN



6' SECURITY FENCE



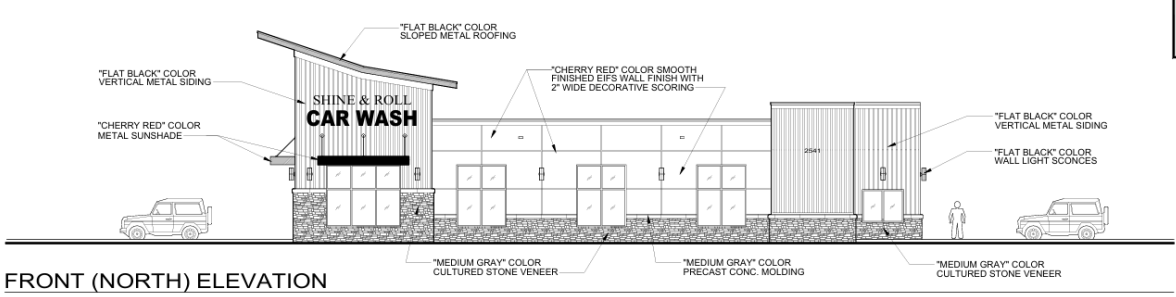
CLEYERA

PROPOSED LANDSCAPE PLAN

SCALE: 1" = 20.00'

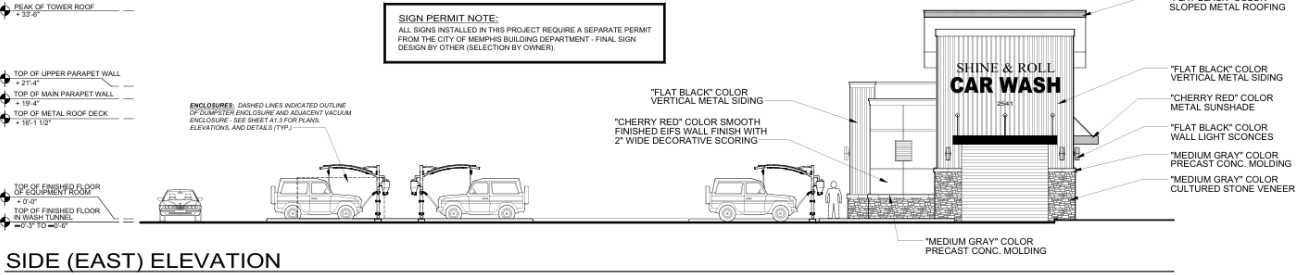


ELEVATIONS



MECHANICAL EQUIPMENT NOTE:
ALL OF THE MECHANICAL EQUIPMENT MOUNTED TO THE ROOFTOP SHALL BE SCREENED ON ALL FOUR SIDES WITH NONE OF THE EQUIPMENT TALLER THAN THE TOP OF THE PARAPET WALLS.

FRONT (NORTH) ELEVATION



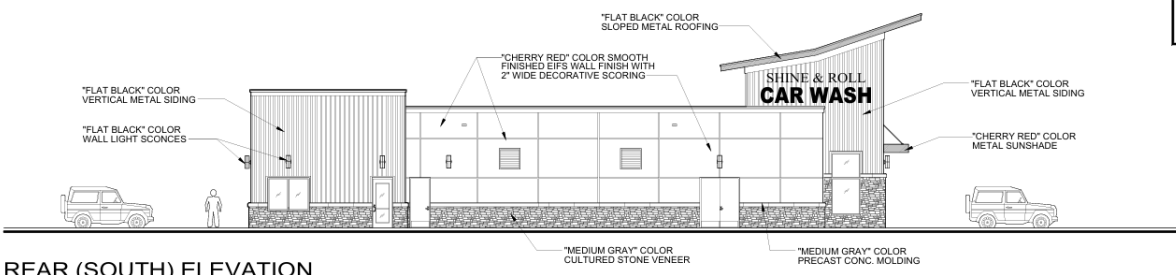
SIGN PERMIT NOTE:
ALL SIGNS INSTALLED IN THIS PROJECT REQUIRE A SEPARATE PERMIT FROM THE CITY OF MEMPHIS BUILDING DEPARTMENT - FINAL SIGN DESIGN BY OTHER (SELECTION BY OWNER).

SIDE (EAST) ELEVATION

EXTERIOR ELEVATIONS 1 - REVISED

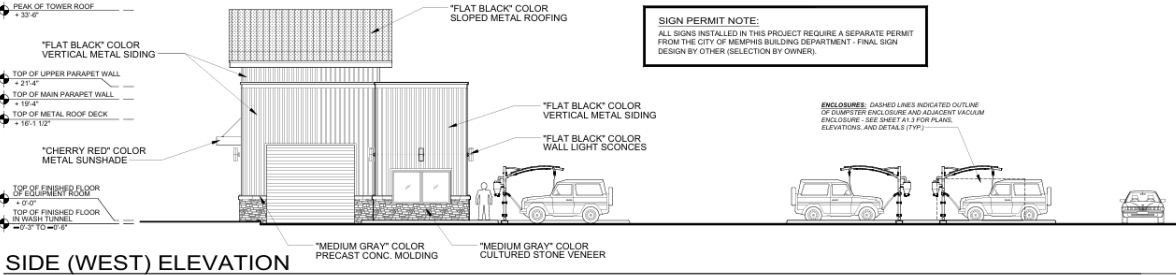
SCALE: 1/8" = 1'-0"

1
A7.0



MECHANICAL EQUIPMENT NOTE:
ALL OF THE MECHANICAL EQUIPMENT MOUNTED TO THE ROOFTOP SHALL BE SCREENED ON ALL FOUR SIDES WITH NONE OF THE EQUIPMENT TALLER THAN THE TOP OF THE PARAPET WALLS.

REAR (SOUTH) ELEVATION



SIGN PERMIT NOTE:
ALL SIGNS INSTALLED IN THIS PROJECT REQUIRE A SEPARATE PERMIT FROM THE CITY OF MEMPHIS BUILDING DEPARTMENT - FINAL SIGN DESIGN BY OTHER (SELECTION BY OWNER).

ENCLOSURES: DASHED LINES INDICATED OUTLINE OF ENCLOSURE AND ADJACENT VACUUM ENCLOSURE - SEE SHEET A1.3 FOR PLANS, ELEVATIONS, AND DETAILS (TYP).

SIDE (WEST) ELEVATION

EXTERIOR ELEVATIONS 2 - REVISED

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

1
A7.1

ATTEST:

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

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

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

CONCLUSIONS

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

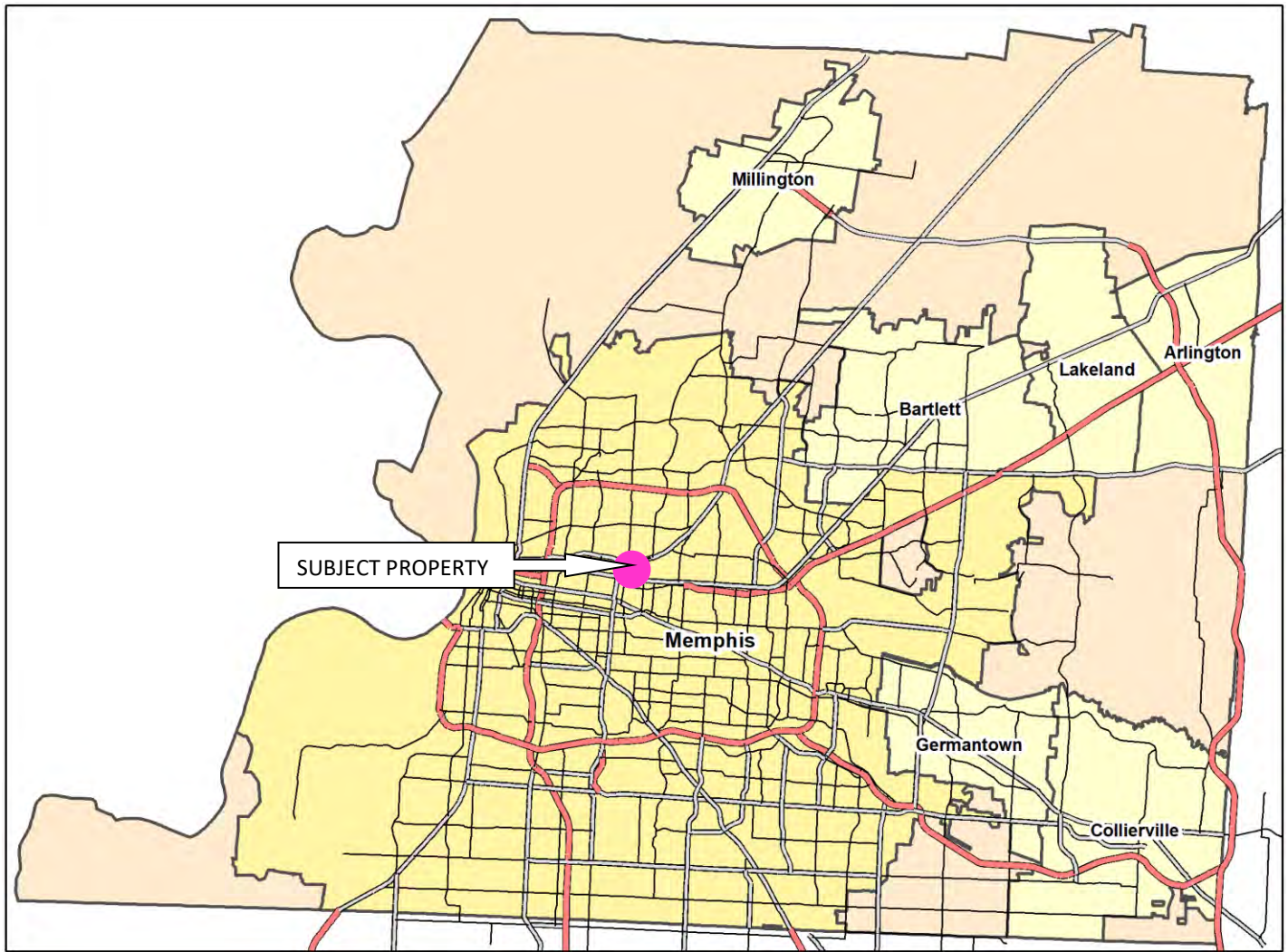
CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION:

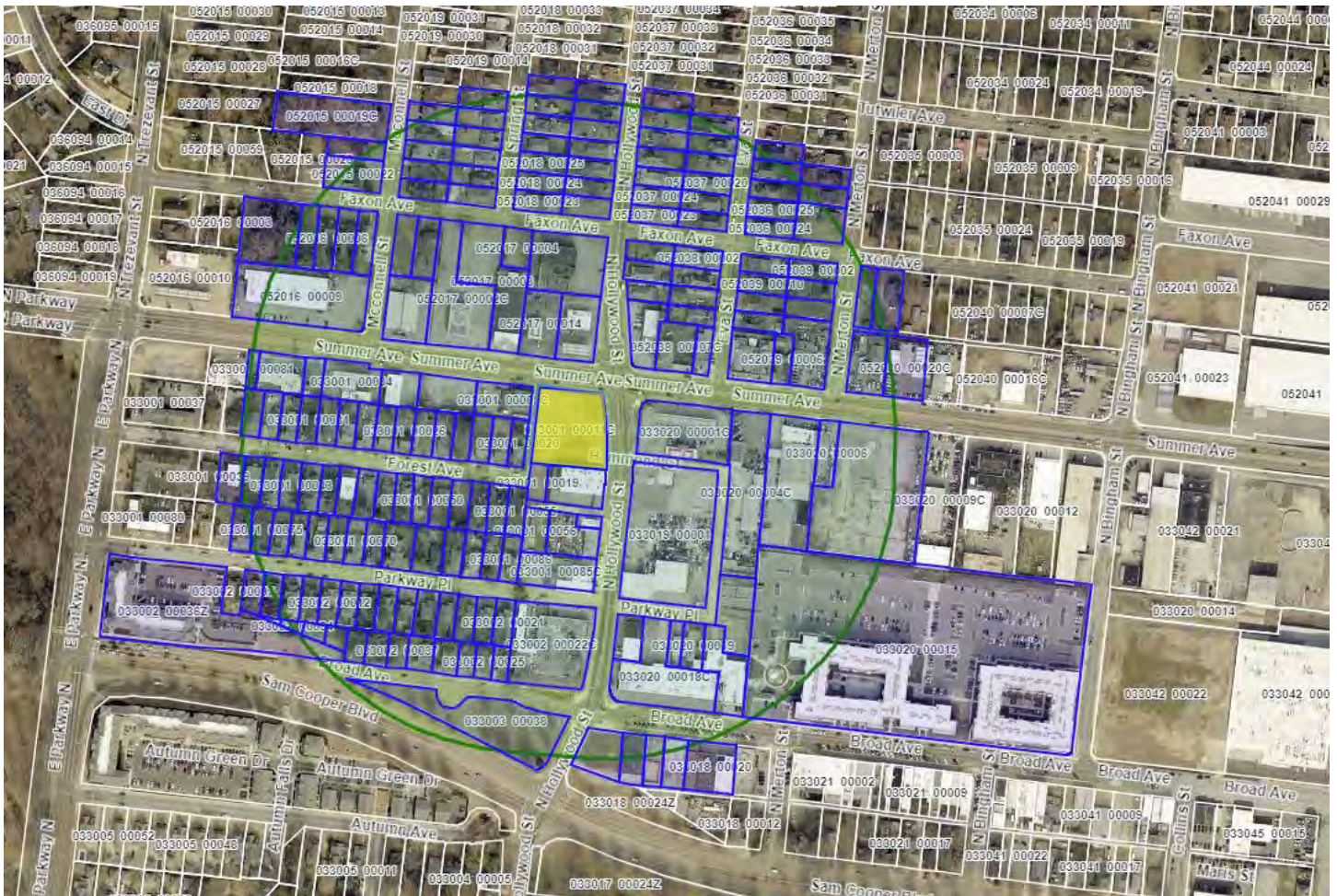
Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 178 notices were mailed on July 10, 2026, see page 30 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see pages 34-35 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

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

AERIAL



Subject property outlined in yellow.

5

LAND USE MAP



Subject property indicated by a pink star.

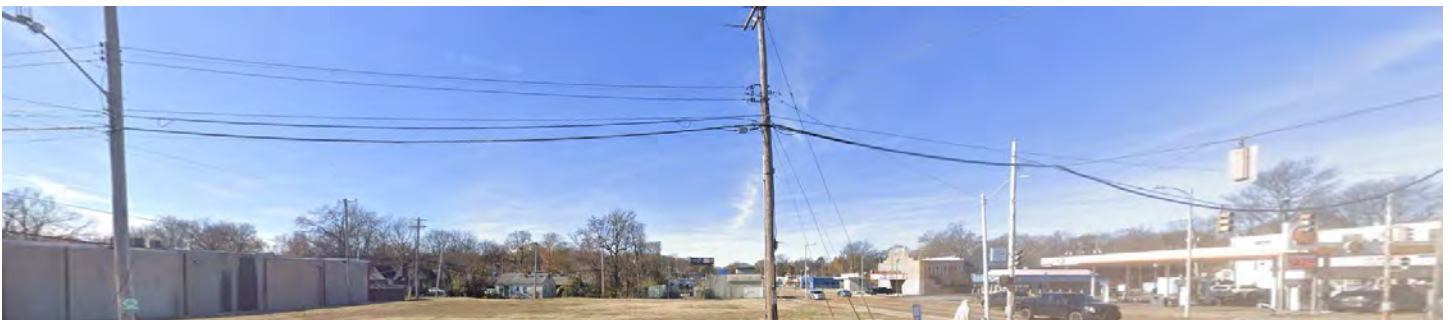
SITE PHOTOS



View of subject property from Summer Avenue.



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



View of subject property from N Hollywood Street.



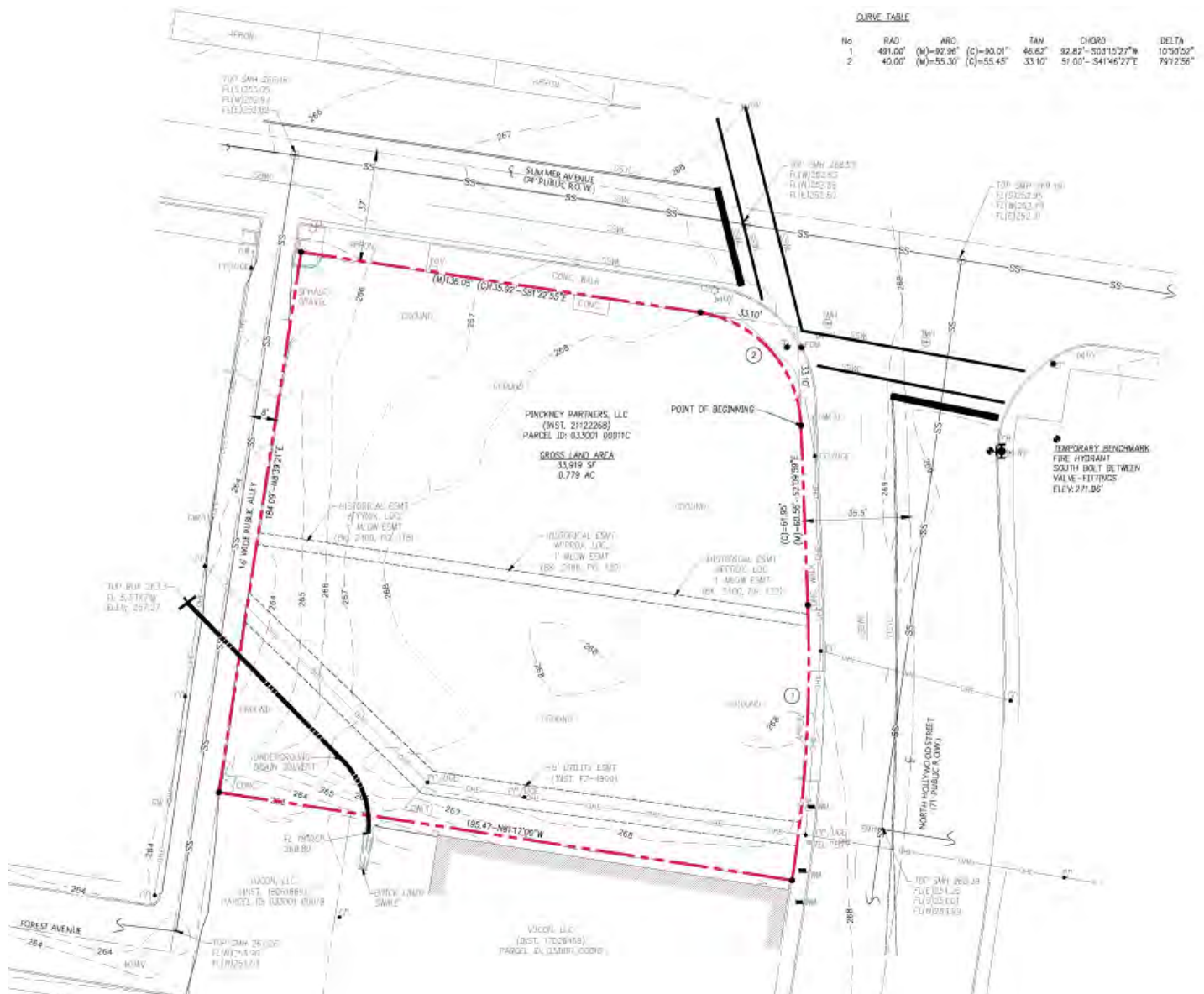
View of subject property from above.



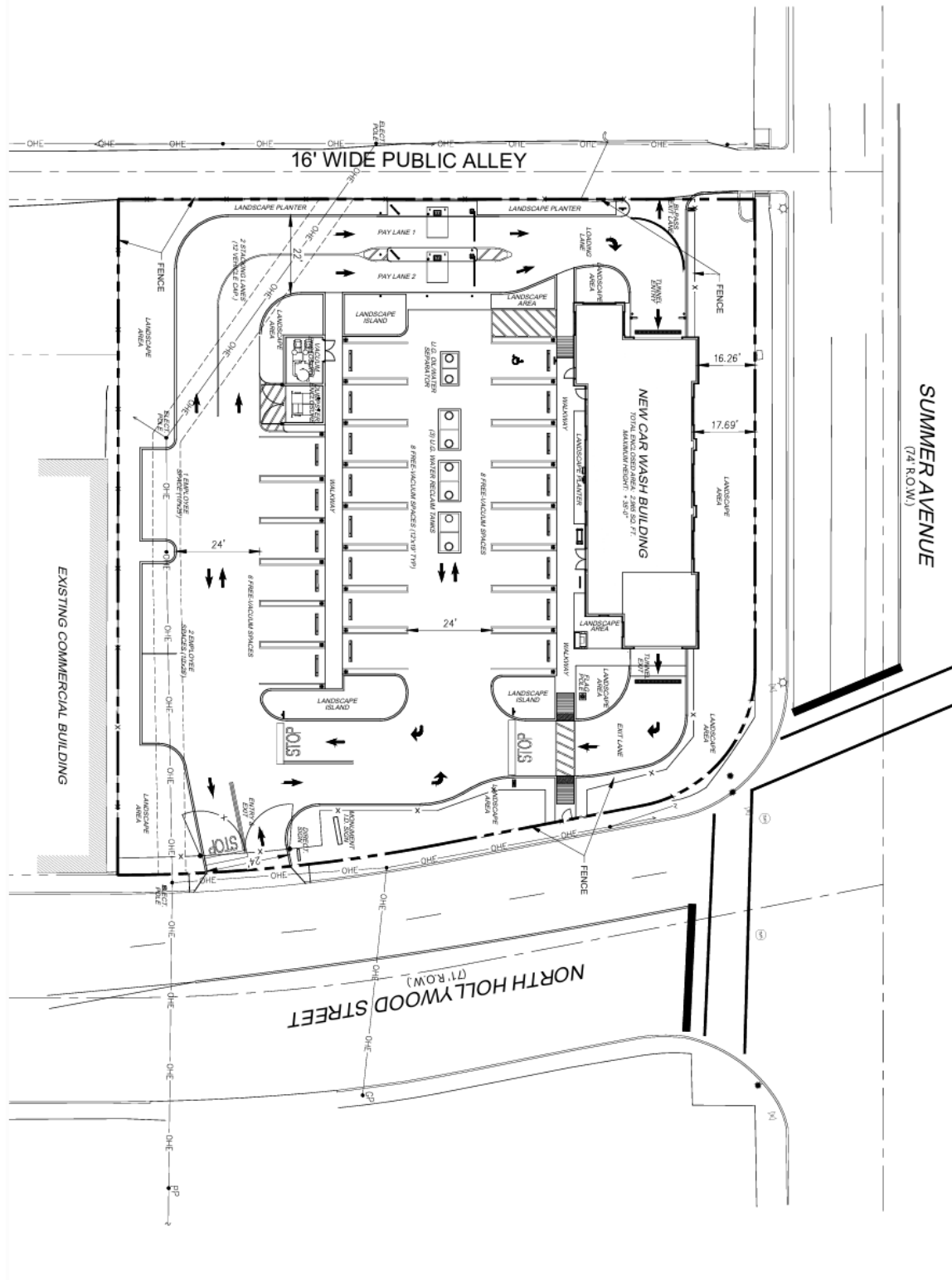
View of subject property from above.

[illegible]

SURVEY – MAGNIFIED

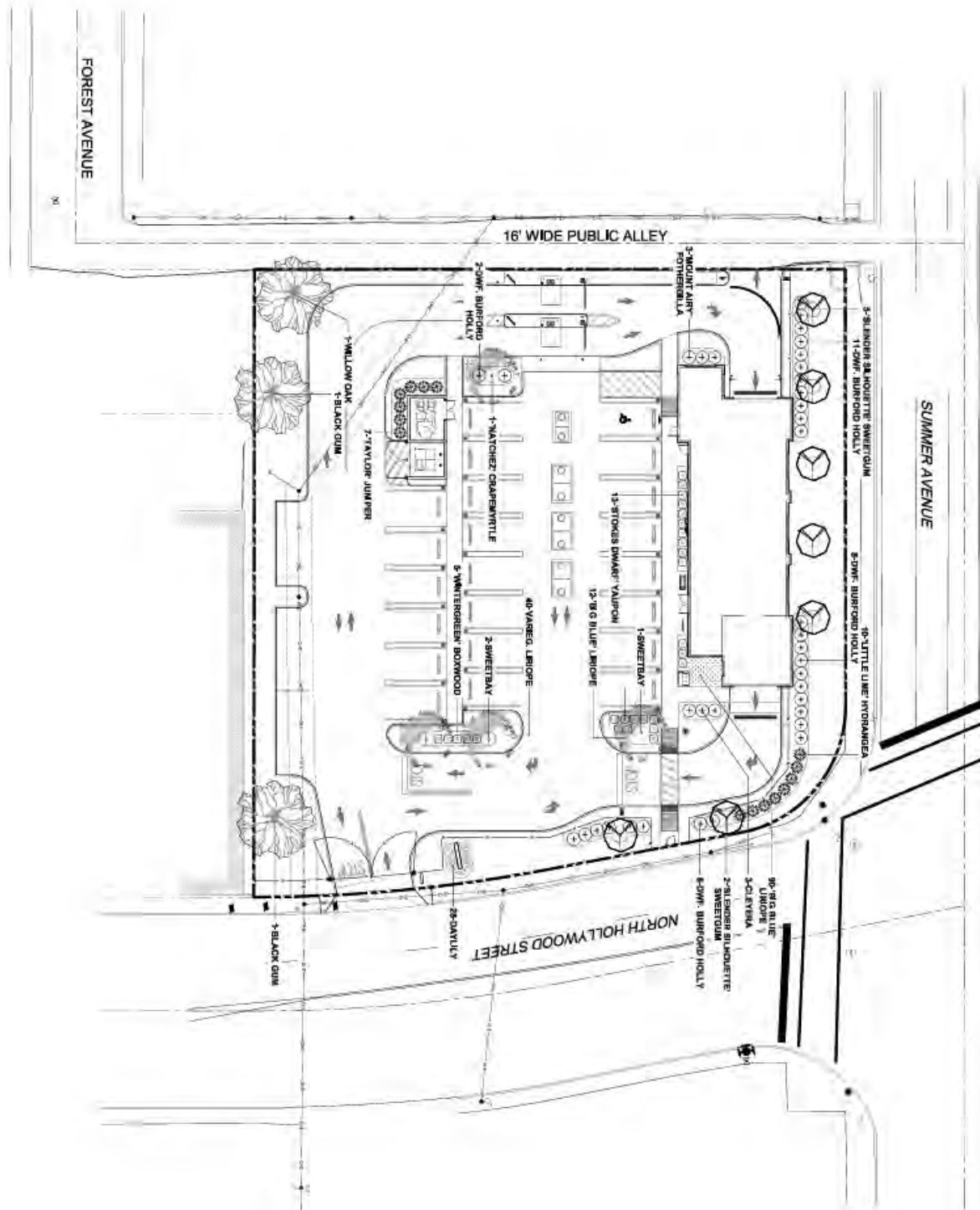


SITE PLAN



PROPOSED LANDSCAPE PLAN

SCALE: 1" = 20.00'



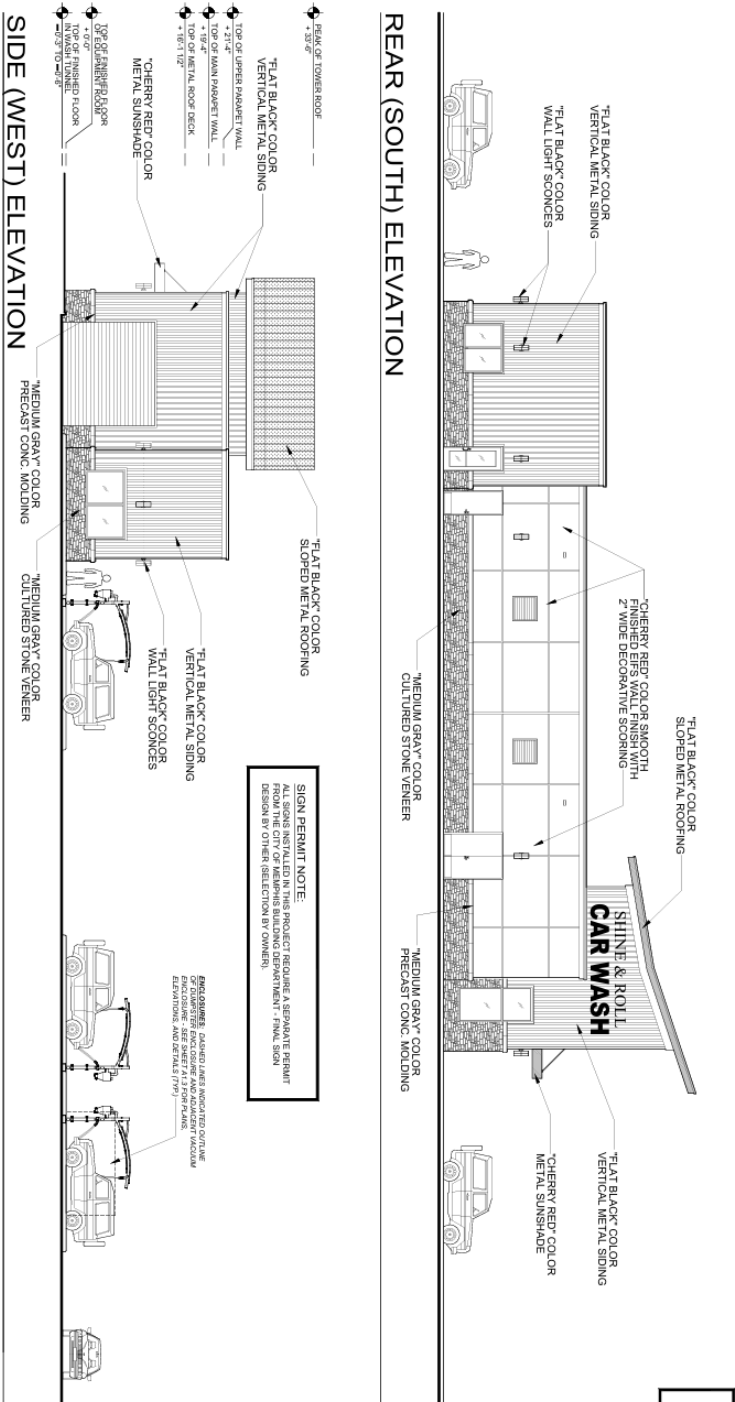
SCALE: 1/8" = 1'-0"

1
A7.0



EXTERIOR ELEVATIONS 2 - REVISED

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



CASE REVIEW

Request

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:

2451 Summer Avenue

Parcel ID:

033001 00011C

Area:

+/-35,283 square feet

Description:

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

Site Zoning History

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

Site Plan Review

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

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

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

Analysis

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

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

Conditions

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

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

DEPARTMENTAL COMMENTS

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

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

City Engineer

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

Sewer:

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

Roads:

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

Traffic Control Provisions:

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

land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic

Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

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

Drainage:

1. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
2. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
3. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
4. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the city and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

Site Plan Notes:

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

City Fire Division

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

Office of Comprehensive Planning

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

Site Address/Location: 2451 Summer Ave

Overlay District/Historic District/Flood Zone: NA

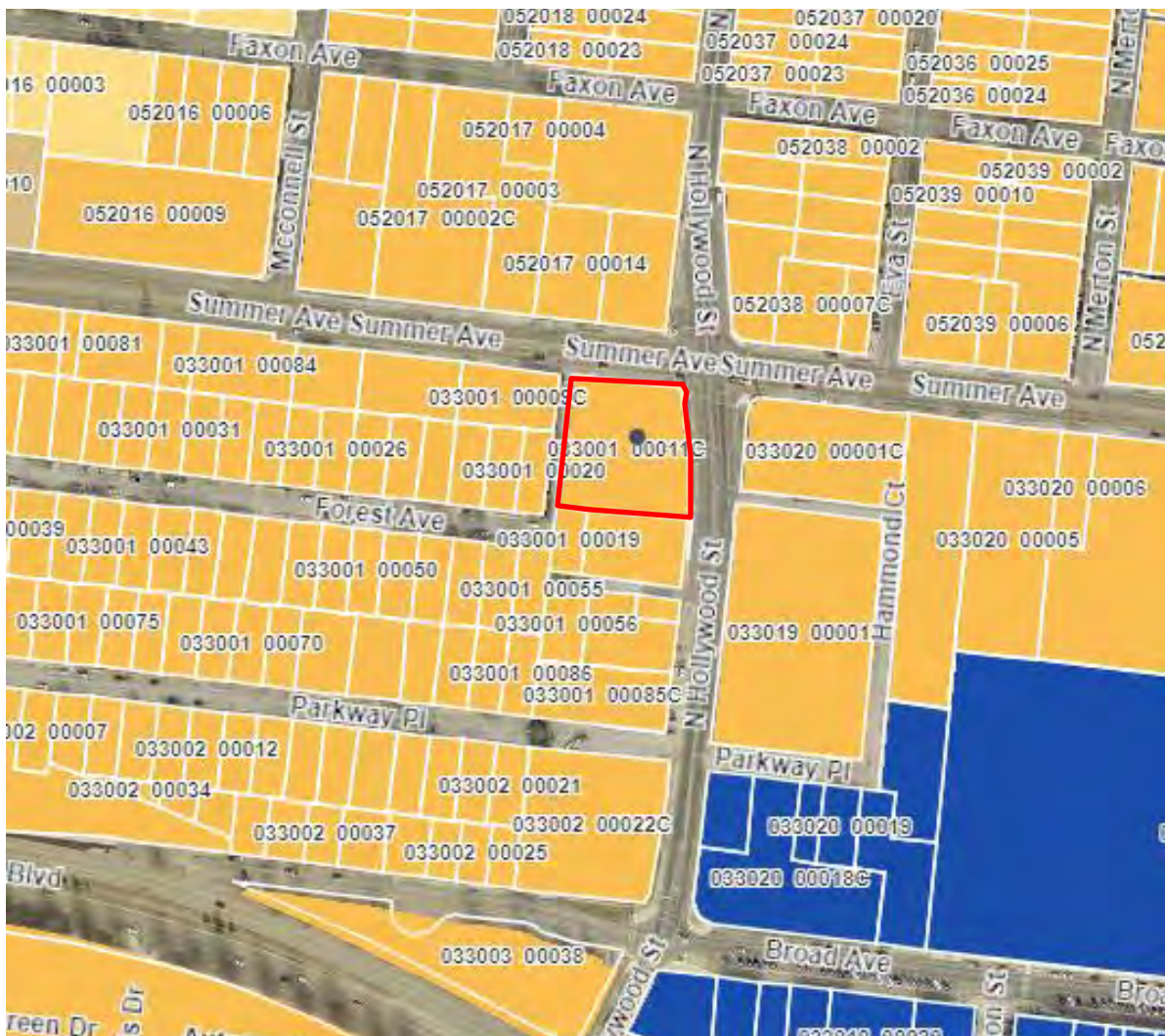
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

Street Type: Parkway

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

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“AN-M” Form & Location Characteristics

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

“AN-M” Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1 and EMP

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

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

3. Degree of Change Map



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

4. Degree of Change Description

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

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

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

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

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

NA

Consistency Analysis Summary

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

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

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

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

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

ZONING ORDINANCE #5023 (Z 2003-122)

Ordinance # 5023

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

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

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

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

NOW THEREFORE,

SECTION 1.

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

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

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

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

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

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

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

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

SECTION 2.

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

SECTION 3.

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

ATTEST:

THE FOREGOING ORDINANCE
5023 PASSED

1st Reading 11-4-03

2nd Reading 11-18-03

3rd Reading 12-2-03

Approved: [Signature]
Chairman of Council

Date Signed: 12-2-03

Approved: [Signature]
Mayor, City of Memphis

Date Signed: 1-6-04

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

[Signature]
Comptroller

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

S:\Plan\dev\mice\ordinance MTCEBING

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, August 5, 2026 at 8 AM.**

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

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

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

MEMPHIS AND
SHELBY COUNTY
DIVISION OF PLANNING
AND DEVELOPMENT
VICINITY MAP



178 Notices Mailed 07/10/2026

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



NEIGHBORHOOD MEETING NOTICE



July 17, 2026

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

Case No. SUP 2026-014

NEIGHBORHOOD MEETING NOTICE

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

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

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

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

Christine Donhardt
cdonhardt@reavesfirm.com
901-761.2016

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

NEIGHBORHOOD MEETING SUMMARY

NEIGHBORHOOD MEETING SUMMARY

Case Number: SUP 26-14

Meeting Information

Location: Cornerstone Prep. School-Lester Campus - Cafeteria

Address: 320 Carpenter Street



Date: 07/30/26

Time: 06:00

Attendance

Attended on behalf of the applicant:

Role (Applicant, Engineer, Architect, etc.)

Mike Davis - Representative

Christine Donhardt - Representative

Hazem Shoman - Applicant

Number of Invitations Mailed: 293

Approx. Neighborhood Attendees: 0

Proceedings

Please provide a brief summary of the meeting. Identify the most commonly raised concerns, and, if applicable, describe any application changes planned in response to resident feedback.

No neighbors attended.

NEIGHBORHOOD MEETING SUMMARY



Case Number: SUP 26-14

Attachments

Also included in this submission are the following:

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

Note: while these attachments will not be included in the staff report unless deemed particularly relevant, they will be part of the public record and available from the Division upon request.

Attestation

This meeting was: ☒ Required under Section 9.3.2 of the UDC
☐ Optional/Additional

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

Christine Donhardt

Print Name



Signature

07/31/26

Date

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

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

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

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

Dianne Higgs
Owner, Applicant or Representative

7-31-2026
Date

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

Christine Dault
Notary Public

My commission expires: 9-8-27



Case SUP 26-014 - 2451 Summer Avenue



N. Hollywood St.



Summer Avenue

APPLICATION



Memphis and Shelby County Division of Planning and Development

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

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: July 2, 2026

Record Number: SUP 2026-014

Expiration Date:

Record Name: Shine & Roll Car Wash

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

Parent Record Number:

Address:

2451 SUMMER AVE, MEMPHIS 38112

Owner Information

Primary Owner Name

Y PINCKNEY PARNTERS LLC

Owner Address

272 COURT AVE, MEMPHIS, TN 38103

Owner Phone

Parcel Information

033001 00011C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas-Chloe-Alexis

Date of Meeting

07/01/2026

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

Number(s) related to previous applications on

GENERAL PROJECT INFORMATION

this site

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

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

APPROVAL CRITERIA

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

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

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

Correct.

UDC Sub-Section 9.6.9C

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

UDC Sub-Section 9.6.9D

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

UDC Sub-Section 9.6.9E

The project complies with UDC standards.

UDC Sub-Section 9.6.9F

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

GIS INFORMATION

Case Layer

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

Central Business Improvement District

No

Class

C

Downtown Fire District

No

Historic District

-

Land Use

VACANT

Municipality

MEMPHIS

Overlay/Special Purpose District

-

Zoning

CMU-1

State Route

1

Lot

-

Subdivision

-

Planned Development District

-

Wellhead Protection Overlay District

No

County Commission District

-

City Council District

-

City Council Super District

-

Contact Information

Name

HAZEM SHOMAN

Contact Type

APPLICANT

Address

Phone

Name

CHRIS CRAWFORD

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address

Phone

(561)212-3364

Name

CHRISTINE DONHARDT

Contact Type

MANAGER

Address

6800 POPLAR AVE,

Phone

(901)761-2016

Name

WILLIAM TOWNSEND

Contact Type

PROPERTY OWNER OF
RECORD

Address

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

Phone

(901)761-2016

Name

MIKE DAVIS

Contact Type

REPRESENTATIVE

Address

Phone

(901)761-2016

Fee information

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

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$513.00

Method of Payment

Credit Card

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

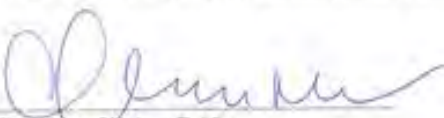
I, William B Townsend William B Townsend, state that I have read the definition of
(Print Name) (Sign Name)

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

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

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

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


Signature of Notary Public

My Commission Expires



LETTER OF INTENT



July 2, 2026

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

RE: Vehicle Wash Establishment, 2451 Summer Ave

Dear Mr. Penzes:

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

Your consideration of this application is greatly appreciated.

Sincerely,

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

Mike Davis, R.L.A.
Principal

LETTERS RECEIVED

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

OPPOSITION

Ostadnia, Mahsan

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

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

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

Dear Ms. Ostadnia,

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

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

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

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

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

The application does not adequately establish those findings.

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

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

2. The application lacks a traffic-impact analysis

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

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

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

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

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

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

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

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

Those effects include:

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

The proximity of homes should be given substantial weight.

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

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

The same level of scrutiny should be applied here.

4. No adequate noise analysis has been submitted

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

Potential noise sources include:

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

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

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

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

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

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

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

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

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

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

6. Proposed hours of operation have not been clearly established

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

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

The Board should not approve a permit without knowing:

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

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

7. Lighting impacts have not been adequately addressed

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

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

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

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

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

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

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

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

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

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

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

9. The proposal creates environmental and maintenance concerns

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

The Board should require evidence addressing:

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

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

10. The development may undermine pedestrian and bicycle safety

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

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

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

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

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

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

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

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

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

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

12. The application is incomplete and relies on unsupported conclusions

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

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

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

Requested action

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

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

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

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

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

Thank you for your consideration.

Sincerely,

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

SUPPORT

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

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

Dear Mahsan Ostadnia,

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

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

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

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

Sincerely,

William Townsend



Memphis and Shelby County Division of Planning and Development

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

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

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: July 2, 2026

Record Number: SUP 2026-014

Expiration Date:

Record Name: Shine & Roll Car Wash

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

Parent Record Number:

Address:

2451 SUMMER AVE, MEMPHIS 38112

Owner Information

Primary Owner Name

Y PINCKNEY PARTNERS LLC

Owner Address

272 COURT AVE, MEMPHIS, TN 38103

Owner Phone

Parcel Information

033001 00011C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Lucas-Chloe-Alexis

Date of Meeting

07/01/2026

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case

-

Number(s) related to previous applications on

GENERAL PROJECT INFORMATION

this site

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

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

APPROVAL CRITERIA

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

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

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GIS INFORMATION

Case Layer

Central Business Improvement District

Class

Downtown Fire District

Historic District

Land Use

Municipality

Overlay/Special Purpose District

Zoning

State Route

Lot

Subdivision

Planned Development District

Wellhead Protection Overlay District

County Commission District

City Council District

City Council Super District

No

-

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

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

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

The project complies with UDC standards.

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

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

No

C

No

-

VACANT

MEMPHIS

-

CMU-1

1

-

-

-

No

-

-

-

Contact Information

Name

HAZEM SHOMAN

Contact Type

APPLICANT

Address**Phone**

-

Name

CHRIS CRAWFORD

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address**Phone**

(561)212-3364

Name

CHRISTINE DONHARDT

Contact Type

MANAGER

Address

6800 POPLAR AVE,

Phone

(901)761-2016

Name

WILLIAM TOWNSEND

Contact Type

PROPERTY OWNER OF
RECORD

Address

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

Phone

(901)761-2016

Name

MIKE DAVIS

Contact Type

REPRESENTATIVE

Address**Phone**

(901)761-2016

Fee Information

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

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$513.00

Method of Payment

Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

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

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


Signature of Notary Public

My Commission Expires





July 2, 2026

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

RE: Vehicle Wash Establishment, 2451 Summer Ave

Dear Mr. Penzes:

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

Your consideration of this application is greatly appreciated.

Sincerely,

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

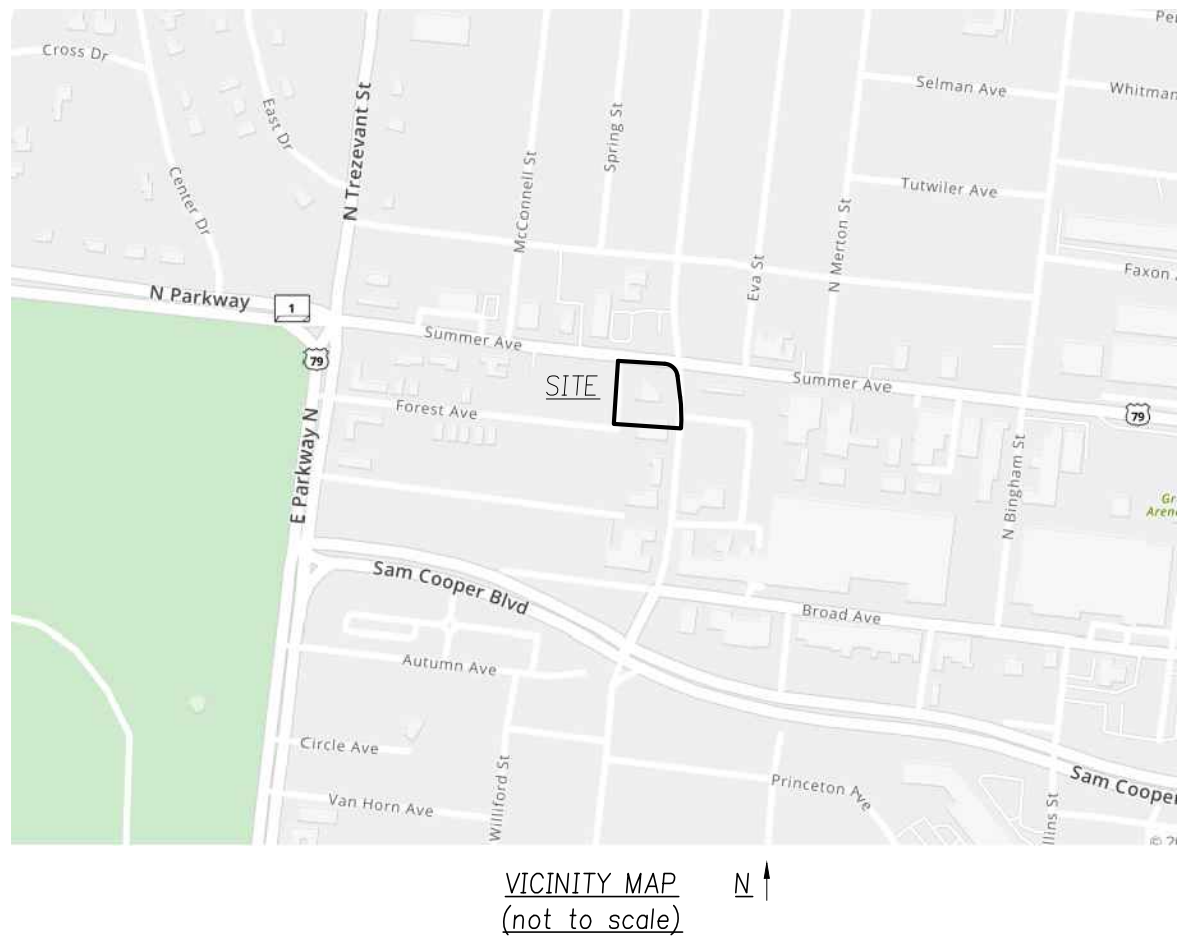
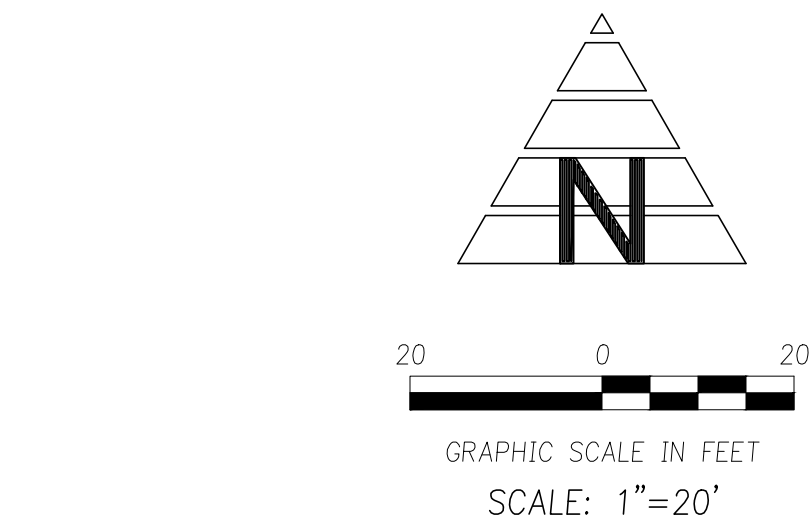
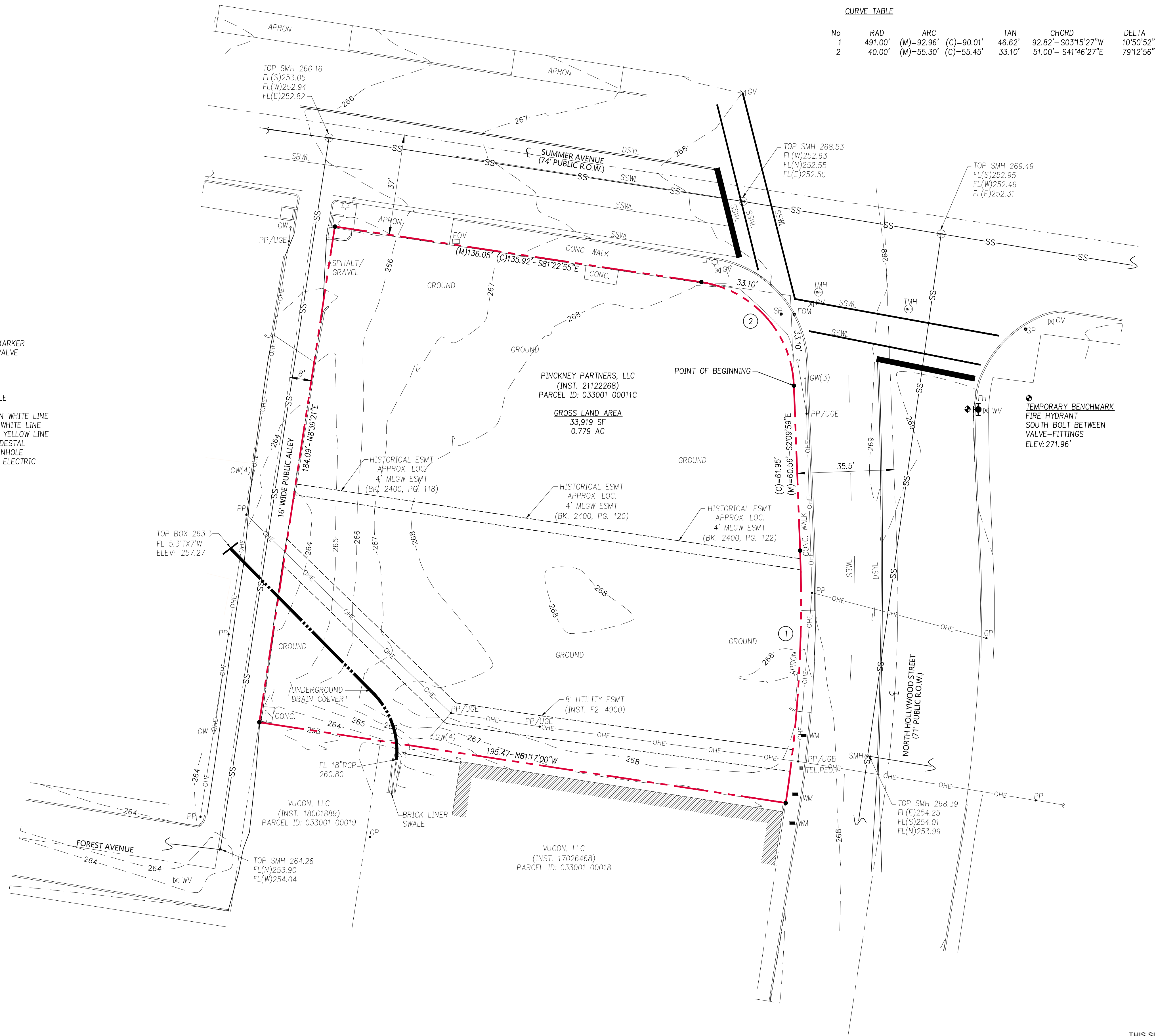
Mike Davis, R.L.A.
Principal

dena 24x36 2.1026 26-0083 2451 Summer Ave. Cor Wash 01 Boundary & Topo Survey\Survey-2026.dwg Jul 01, 2026 - 2:32pm

FILE INFORMATION	
NO.	REVISION DESCRIPTION

LEGEND

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



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



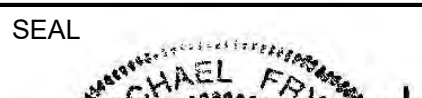
The Reaves Firm
INCORPORATED

Planning
Engineering
Landscape Architecture
Land Surveying

6800 Poplar Avenue, Suite 101
Memphis, TN 38138
901.761.2016 Fax: 901.763.2847
www.ReavesFirm.com

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

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

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

SURVEY NOTES:

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

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

8. (ALTA TABLE "A" ITEM 2):
THE SURVEYED PROPERTY HAS THE FOLLOWING STREET ADDRESSES AND PARCEL ID NUMBER: 2451 SUMMER AVENUE, MEMPHIS, TN 38112
PARCEL ID: 033001 00011C
9. (ALTA TABLE "A" ITEM 3):
ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 47157C0290F, DATED SEPTEMBER 28, 2007, THIS PROPERTY HAS THE FOLLOWING ZONE CLASSIFICATIONS:

ZONE "X" – AREAS OF MINIMAL FLOOD HAZARD.
10. (ALTA TABLE "A" ITEM 4)
THE SURVEYED PROPERTY CONTAINS:
33,919 SQUARE FEET OR 0.779 ACRES.
11. (ALTA TABLE "A" ITEM 6A)
THE SURVEYED PROPERTY IS CURRENTLY ZONED AS FOLLOWS:

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

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

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

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

VACANT – OPEN GROUND

13. (ALTA TABLE "A" ITEM 9)

PARKING SPACES – 0. THIS LOT IS UNDEVELOPED.

14. (ALTA TABLE "A" ITEM 10)

THIS LOT IS UNDEVELOPED. THERE ARE NO BUILDINGS ON THE SURVEYED PROPERTY THAT WOULD SHARE A COMMON WALL OR PARTY WALL WITH ANY OF THE ADJOINING LOTS OR PROPERTIES.

SURVEY NOTES CONT'D

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

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

16. (ALTA TABLE "A" ITEM 16)
THERE WAS NO EVIDENCE OF ANY RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
17. (ALTA TABLE "A" ITEM 17)
THE SURVEYED PROPERTY IS ADJACENT TO, CONTIGUOUS WITH AND HAS DIRECT PHYSICAL ACCESS TO HOLLYWOOD STREET, SUMMER AVENUE AND A 16 FOOT WIDE PUBLIC ALLEY. ALL ARE PUBLICLY DEDICATED RIGHT-OF-WAYS.

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

18. STATEMENT OF ENCROACHMENTS

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

PROPERTY DESCRIPTION

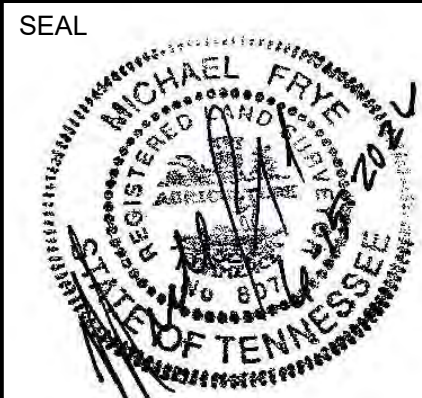
BEING THE PINCKNEY PARTNERS, LLC PROPERTY AS RECORDED IN INSTRUMENT NUMBER 21122268 AT THE SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE, LOCATED IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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



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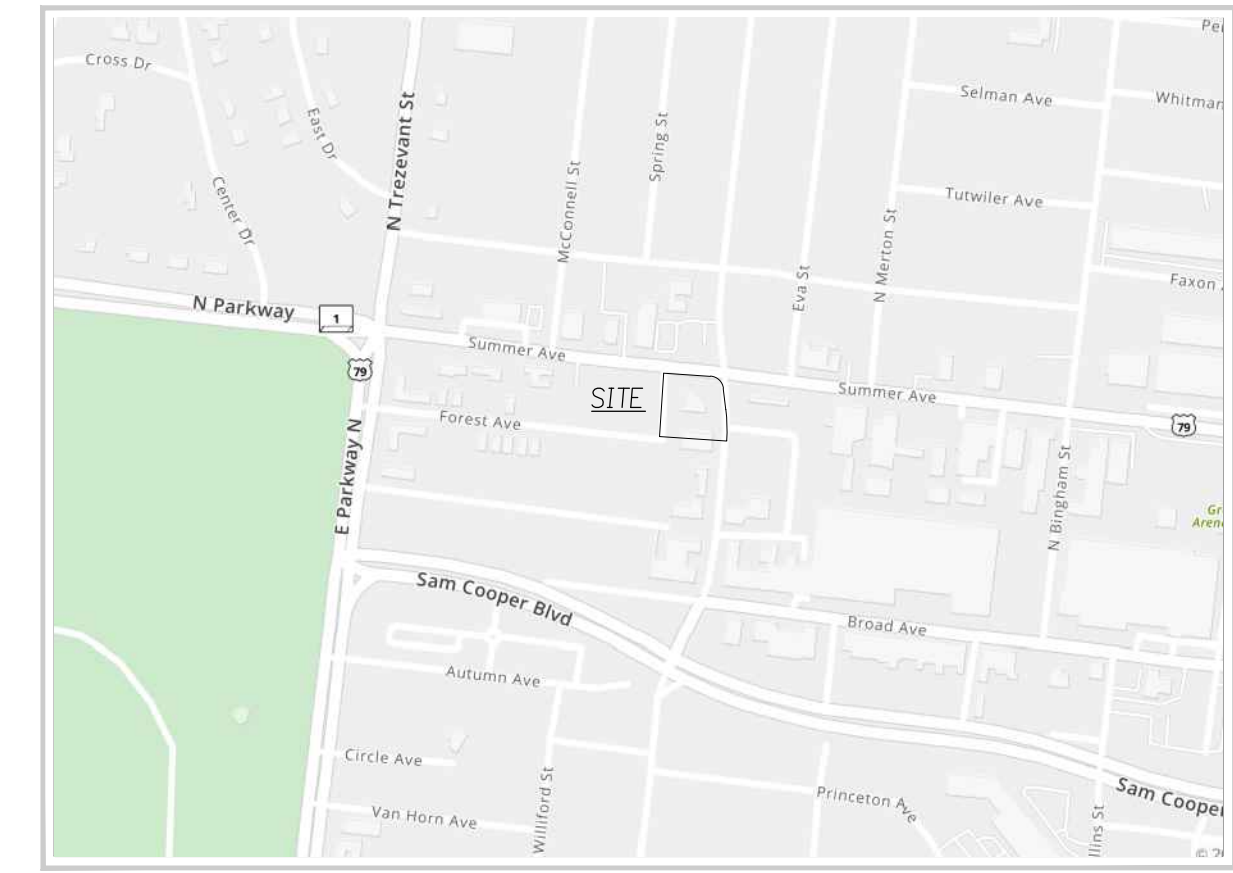
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MEMPHIS, TN 38138
901-761-2016
UNDER THE DIRECT SUPERVISION OF:
MICHAEL K. FRYE, TN RLS# 807



SURVEYOR'S CERTIFICATE

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

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



WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. ANY ERROR OR OMISSION ON THESE CONSTRUCTION DOCUMENTS DO NOT RELIEVE GENERAL CONTRACTORS, SUBCONTRACTORS, SUPPLIERS OR MANUFACTURERS FROM ANY RESPONSIBILITY OF COMPLYING WITH CODE OR JURISDICTIONAL AUTHORITY REQUIREMENTS. ANY DISCREPANCIES OR ADDITIONAL REQUIREMENTS MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY FOR APPROPRIATE ACTION. DESIGN PATENTS AND COPYRIGHTS BY K4 ARCHITECTS AND ARC-TECH-CON INTERNATIONAL - UNAUTHORIZED REPRODUCTION, COPYING, OR ANY OTHER USE OF THESE DRAWINGS IS PROHIBITED.

SHINE & ROLL CAR WASH
2451 Summer Avenue
City of Memphis, Tennessee

[illegible]

Sheet Description:

SITE PLAN

Project Number:
202607.01

ate: JULY 1, 2026

Drawn By: CPC / NSY

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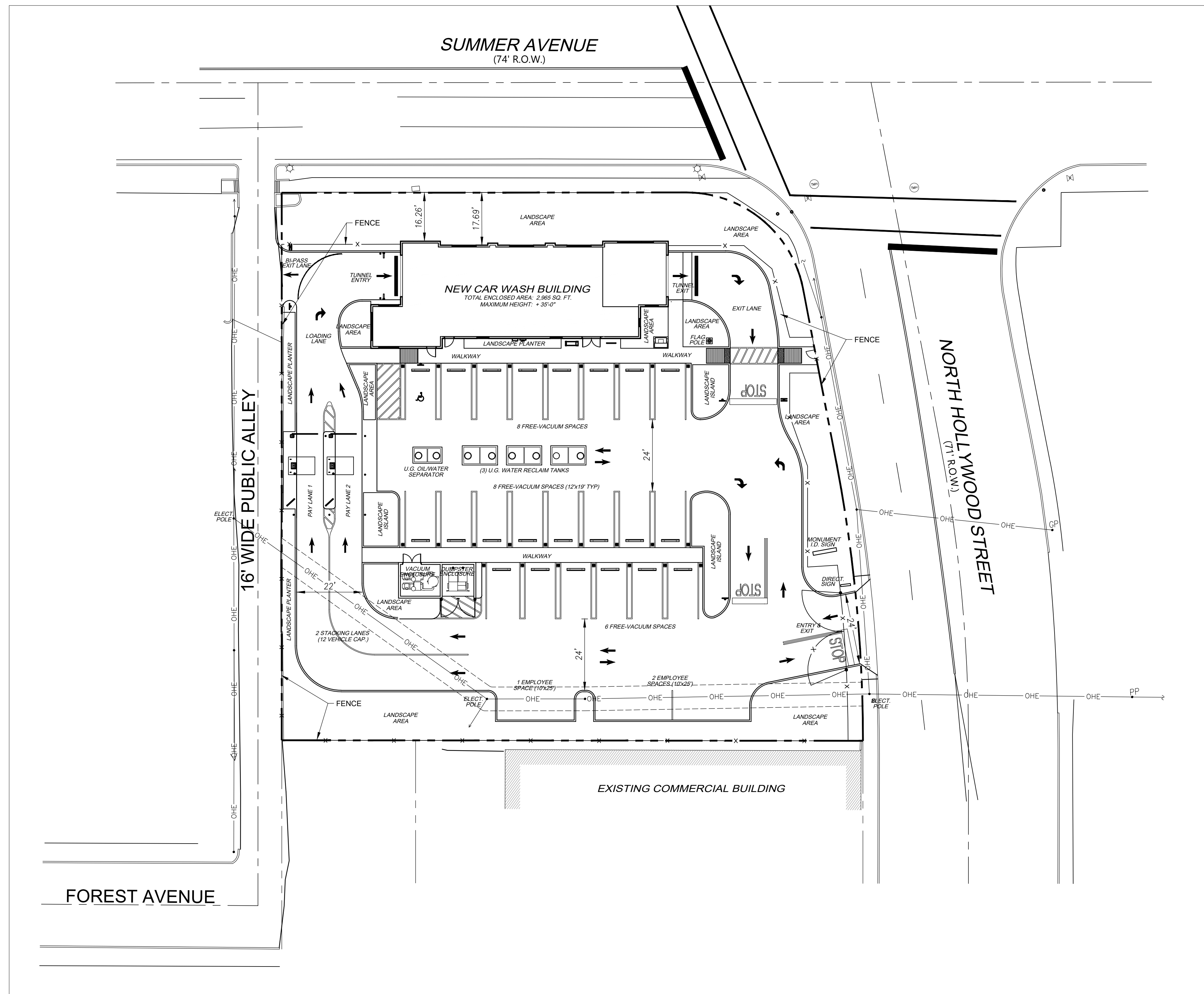
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SCALE: 1" = 20.00'





Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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

21122268

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LINDA 2310055-21122268

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

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

SPECIAL WARRANTY DEED

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

W I T N E S S E T H:

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

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

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

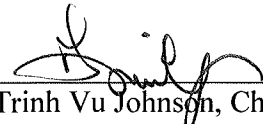
The word "party" as used herein shall mean "parties" if more than one more person or entity be referred to, and pronouns used herein shall be construed according to their proper gender and number according to the context of this instrument.

**SIGNATURE PAGE TO
SPECIAL WARRANTY DEED**

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

VUCON, LLC, a Tennessee
limited liability company

By:

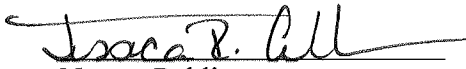

Trinh Vu Johnson, Chief Manager

STATE OF TENNESSEE

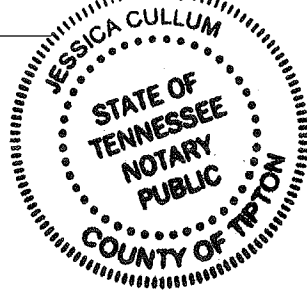
COUNTY OF SHELBY

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

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

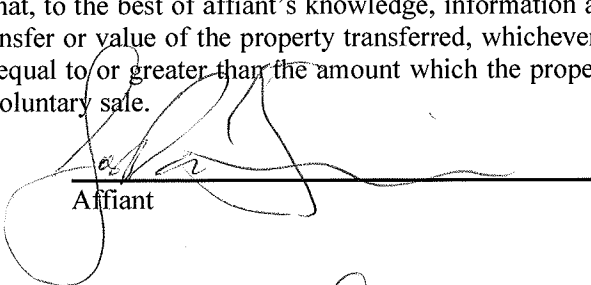

Notary Public

My commission expires: 12/18/2021



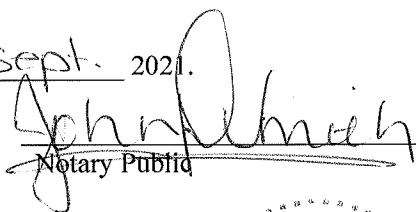
AFFIDAVIT OF VALUE

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$550,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.



Affiant

SUBSCRIBED and sworn to me this 29th day of Sept. 2021.



Notary Public

My Commission Expires: April 1, 2023



EXHIBIT "A"
LEGAL DESCRIPTION
SHELBY COUNTY, TENNESSEE

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

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

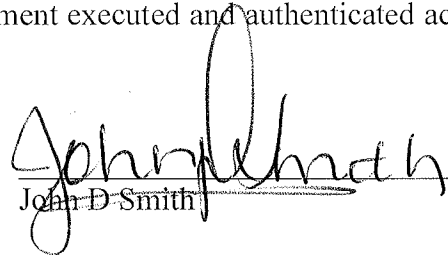
Property Address:
2451 Summer Avenue
Memphis, TN 38122



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

AFFIDAVIT

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


John D Smith

STATE OF TENNESSEE
COUNTY OF SHELBY

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


Notary Public



My commission expires: April 1, 2023

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 9/1/2026

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 2604 Covington Pike, known as case number PD 2026-005

CASE NUMBER:

PD 26-05

DEVELOPMENT:

Covington Pike-Twin Woods Planned Development

LOCATION:

2604 Covington Pike

COUNCIL DISTRICTS:

District 1 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT:

Worldwide Property Hub LLC

REPRESENTATIVE:

David Bray, The Bray Firm

REQUEST:

Planned development to allow 15 townhomes

AREA:

+/-2.223 acres

RECOMMENDATION:

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

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM:

(1)

08/13/2026

(1) Land Use Control Board

APPROVAL - (1) APPROVED (2) DENIED

DATE

ORGANIZATION - (1) BOARD / COMMISSION

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

FUNDING:

(2)

\$

\$

SOURCE AND AMOUNT OF FUNDS

\$

\$

\$

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

AMOUNT OF EXPENDITURE

REVENUE TO BE RECEIVED

OPERATING BUDGET

CIP PROJECT #

FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

8/24/26

PLANNER I

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 2026-005

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 2604 COVINGTON PIKE, KNOWN AS CASE NUMBER PD 2026-005

- This item is a resolution with conditions to allow 15-lot residential townhomes 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 2026-005
DEVELOPMENT:	Covington Pike-Twin Woods Planned Development
LOCATION:	2604 Covington Pike
COUNCIL DISTRICT(S):	District 1 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Worldwide Property Hub LLC
REPRESENTATIVE:	David Bray, The Bray Firm
REQUEST:	Planned development to allow 15 townhomes
EXISTING ZONING:	Residential Single-Family – 10 (R-10)
AREA:	+/-2.223 acres

The following spoke in support: None

The following spoke in opposition: Jim Scarbrough, John Kasper, Leondra Marr

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

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

Respectfully,

Truus Abuosi
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

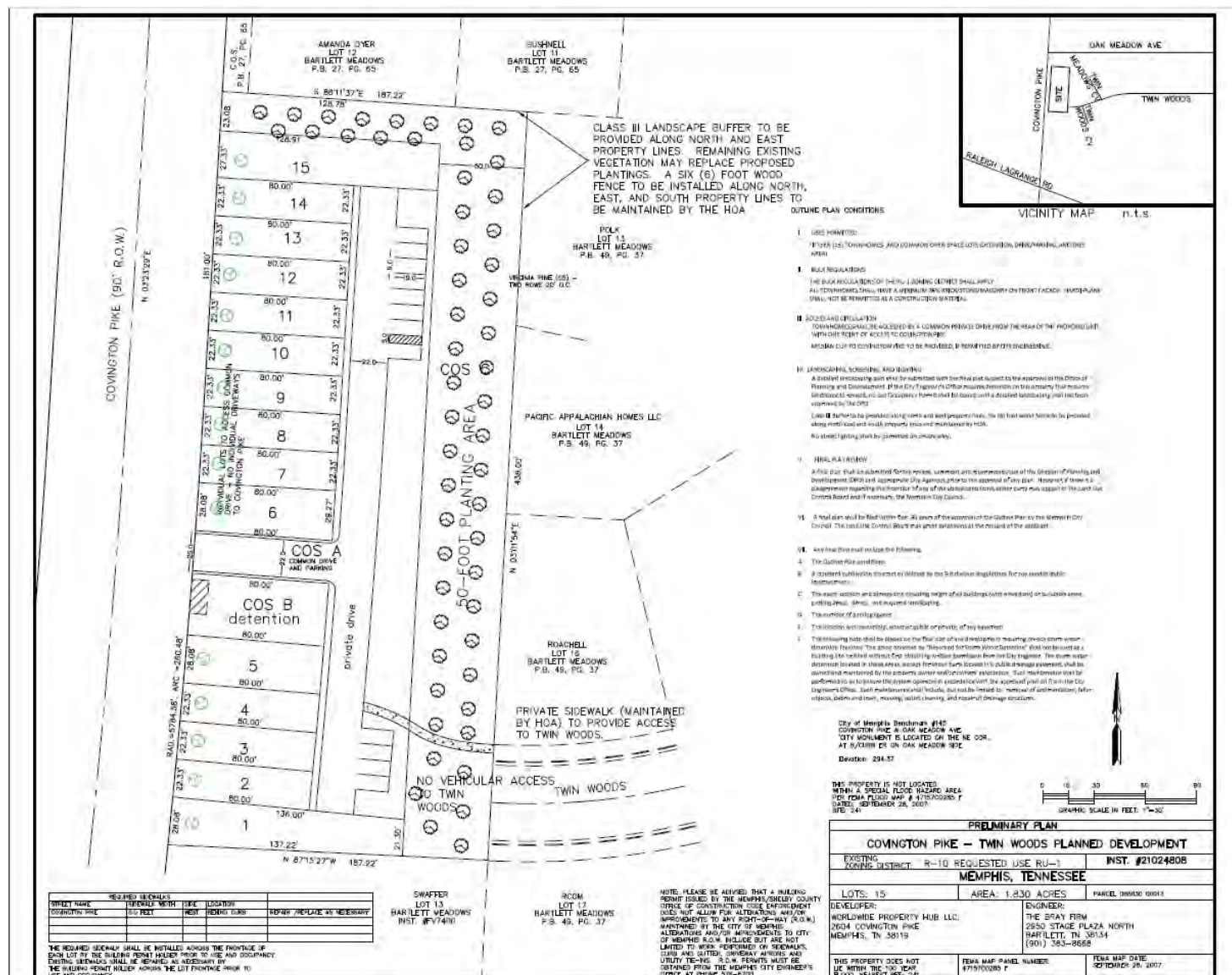
PD 2026-005
CONDITIONS

Outline Plan Conditions

- I. USES PERMITTED:
Fifteen (15) townhomes and common open space lots (detention, drive/parking, and tree area)
- II. BULK REGULATIONS:
The bulk regulations of the RU-1 Zoning district shall apply, with the following exception.
 - A. The minimum lot size shall be 1700 square feet.
- III. ACCESS AND CIRCULATION:
Townhomes shall be accessed by a common private drive from the rear of the proposed unit with one point of access to Covington Pike.
- IV. LANDSCAPING, SCREENING, AND LIGHTING:
A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Division of Planning and Development.
- V. FINAL PLAT REVIEW:
A final plat 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.
- 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 improvement contract as defined by the Unified Development Code 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.

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 2604 COVINGTON PIKE, KNOWN AS CASE NUMBER PD 2026-005

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 Worldwide Property Hub LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a 15-lot residential townhomes 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.

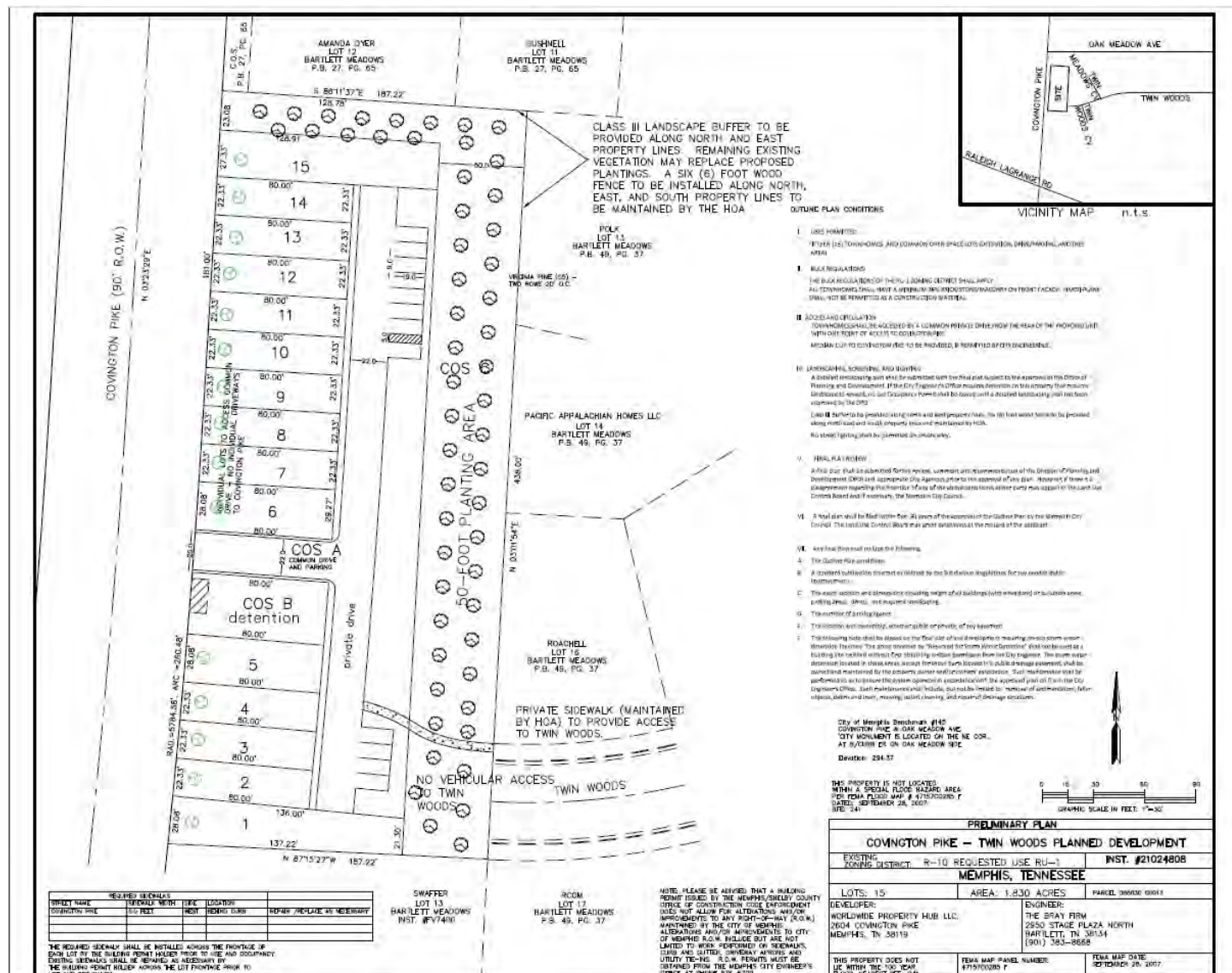
BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the 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 PERMITTED:**
Fifteen (15) townhomes and common open space lots (detention, drive/parking, and tree area)
- II. **BULK REGULATIONS:**
The bulk regulations of the RU-1 Zoning district shall apply, with the following exception.
 - A. The minimum lot size shall be 1700 square feet.
- III. **ACCESS AND CIRCULATION:**
Townhomes shall be accessed by a common private drive from the rear of the proposed unit with one point of access to Covington Pike.
- IV. **LANDSCAPING, SCREENING, AND LIGHTING:**
A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Division of Planning and Development.
- V. **FINAL PLAT REVIEW:**
A final plat 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.
- 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 improvement contract as defined by the Unified Development Code 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.

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

CONCEPT PLAN



ATTEST:

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

AGENDA ITEM: 5 **L.U.C.B. MEETING:** August 13, 2026

CASE NUMBER: PD 2026-005

DEVELOPMENT: Covington Pike-Twin Woods Planned Development

LOCATION: 2604 Covington Pike

COUNCIL DISTRICT: District 1 and Super District 9

OWNER/APPLICANT: Worldwide Property Hub LLC

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Planned Development to allow 16 townhomes.

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

CONCLUSIONS

1. The applicant is requesting approval for a +/- 2.223-acre residential planned development consisting of 16 townhomes lots.
2. The proposed development will consist of 16 lots of minimum 1,786 sq ft. A private drive will connect the townhomes to Covington Pike and all lots to have access to the common drive, with no individual driveways to Covington Pike. The development will also include a 50-foot planting area that provides landscape screening and separates the subject property from twin woods which is a part of the Third Addition Bartlett Meadows Subdivision.
3. Planned developments are intended as a tool to allow creative and imaginative design that will promote amenities beyond those expected in conventional developments. The proposed planned development is in alignment with the intent of the Unified Development Code in accordance with Section 4.10.1 as it will allow creative and coordinated land use development.
4. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

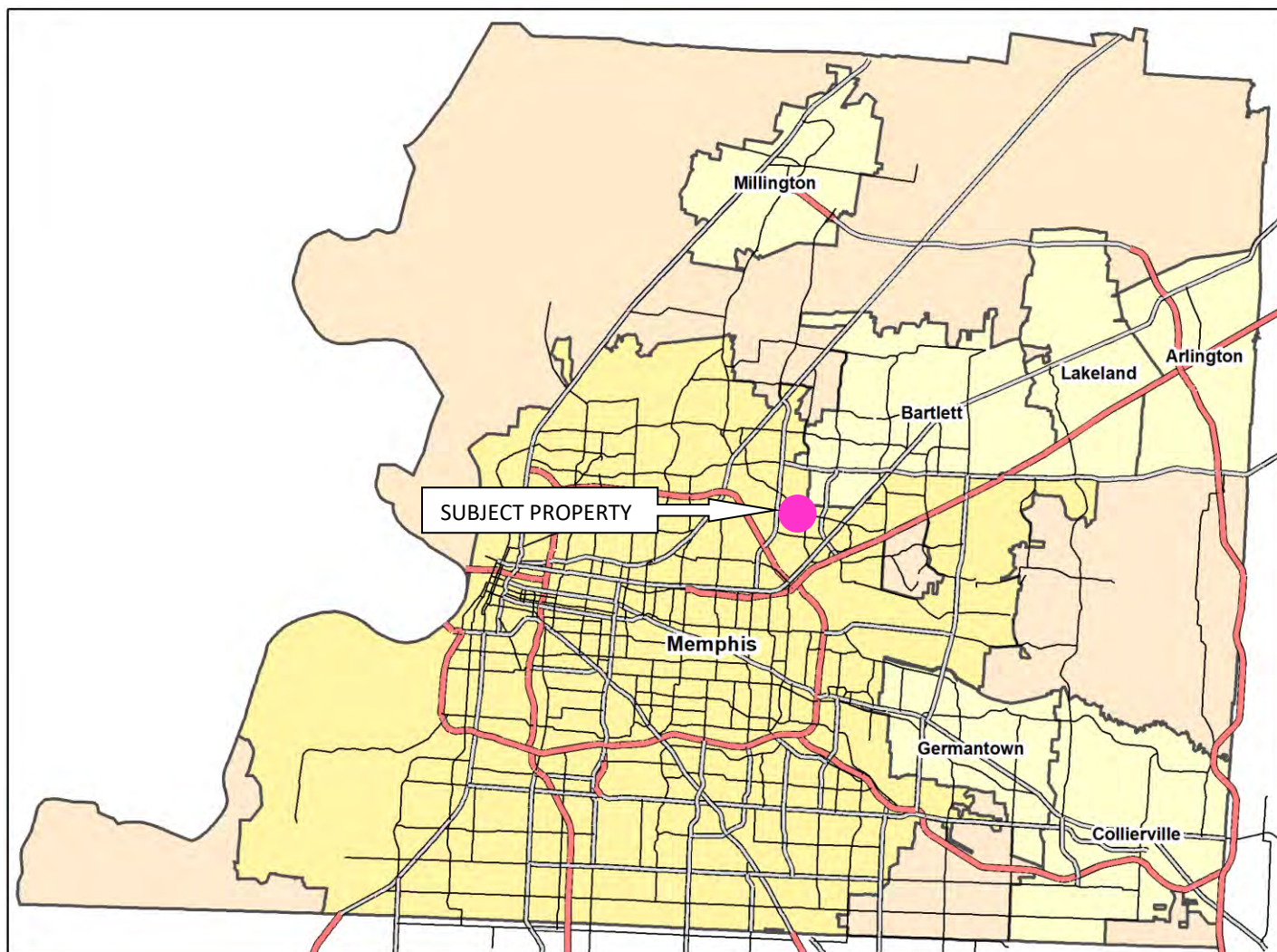
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 25-27 of this report.

RECOMMENDATION:

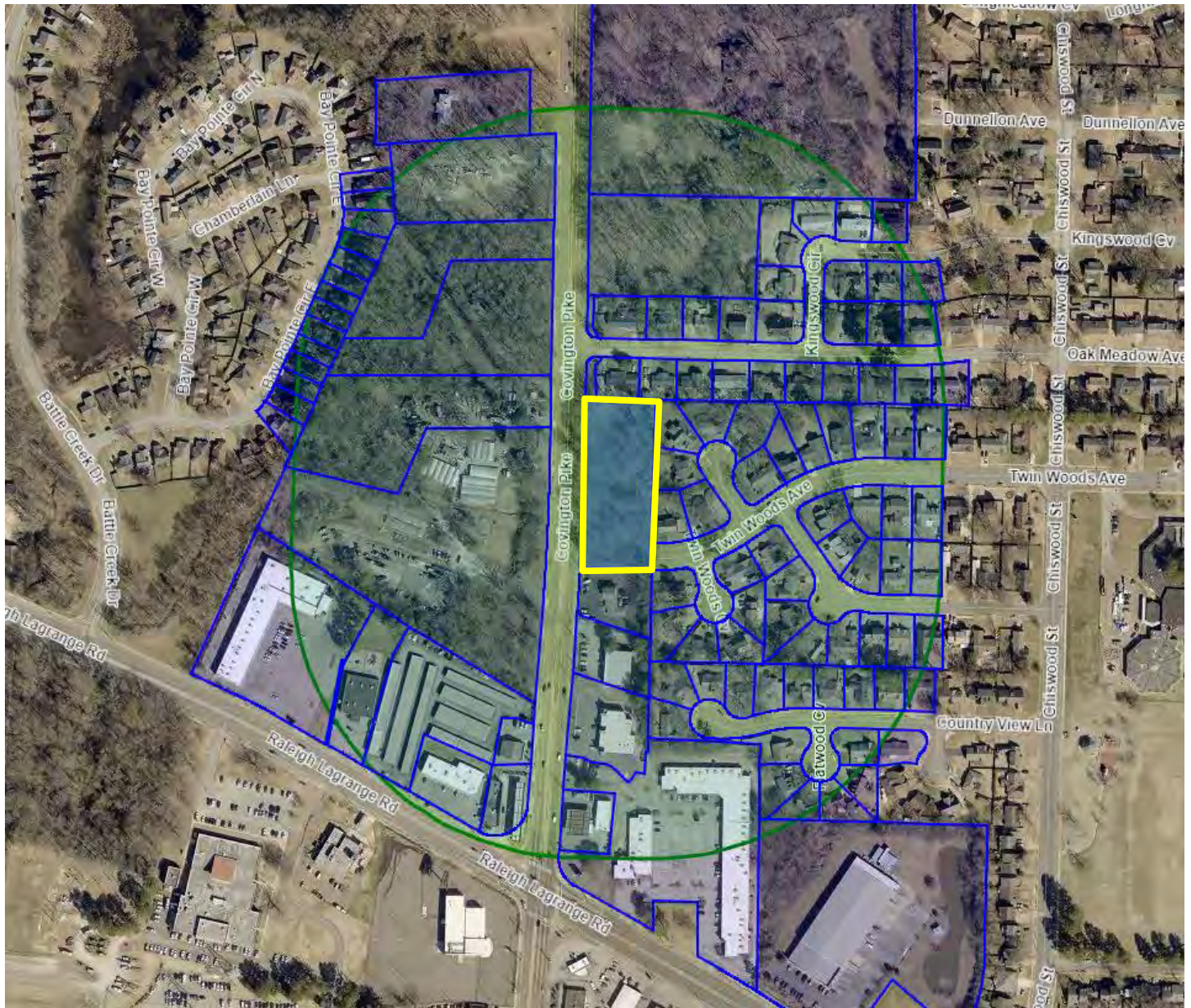
Approval with conditions

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 110 notices were mailed on June 15, 2026, see page 29 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 30 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING



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

RE: PD 2026-005
2604 Covington Pike
Covington Pike – Twin Woods Planned Development
Memphis, Shelby County, TN

Dear Sir or Madam:

An application has been filed for a 16 lot townhome development on the above captioned address in the R-10 zoning district.

This application will be heard by the Memphis and Shelby County Land Use Control Board on July 9th 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 discuss this application prior to the public hearing. 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: 5:00 p.m. To 6:00 p.m.
Date: Monday, June 29, 2026
Location: Raleigh Library
3452 Austin Peay
Memphis, TN 38128

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: PD 2026-005

Meeting Information

Location: Raleigh Library

Address: 3452 Austin Peay

Date: 06/29/26

Time: _____



Attendance

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

David Bray _____ engineer

Number of Invitations Mailed: 145

Approx. Neighborhood Attendees: 10

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 main concerns were adding an additional buffer area on the north side:

providing pedestrian access to Twin Woods; no street lights along the alley; adding a masonr

requirement to the buildings; prohibiting Hardi-Plank as a construction material; landscape

screen along the north and east property lines and fencing; requiring those areas to be

maintained by the HOA; specifying no magnolias in the proposed plantings; and discussing

with City Engineering the possibility of a median cut.

See revised plan and OPC that address these requests.

NEIGHBORHOOD MEETING SUMMARY



Case Number: PD 2026-005

Attachments

Also included in this submission are the following:

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

Note: while these attachments will not be included in the staff report unless deemed particularly relevant, they will be part of the public record and available from the Division upon request.

Attestation

This meeting was: ☒ Required under Section 9.3.2 of the UDC
☐ Optional/Additional

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

David Bray

Print Name

David Bray

Digitally signed by David Bray
Date: 2026.06.30 14:29:21 -05'00'

Signature

Date

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

SIGN-IN SHEET

06.29.2026

NEIGHBORHOOD MTG

PD 2026 - 005

COVINGTON PIKE - TWIN WOODS P.D.

<u>NAME</u>	<u>CONTACT</u>
RONALD & NELLY BRAHAM Jesse & John Kasper	901-413-4327

Elizabeth Dyer - Wiles + Marshall Wiles 901-569-8913
John Wiles

N. M. SCARBROUGH - 386-4300 - 258-4862

Kevin L. BROOKS 4732 Kenmar Cr 38128 901 288-7769
Kevinp3bmodmem@bellsouth.net

Rhonda Lynn (C.O.M) on file

AERIAL



Subject property outlined in yellow, imagery from 2024

ZONING MAP



Subject property highlighted in yellow

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS

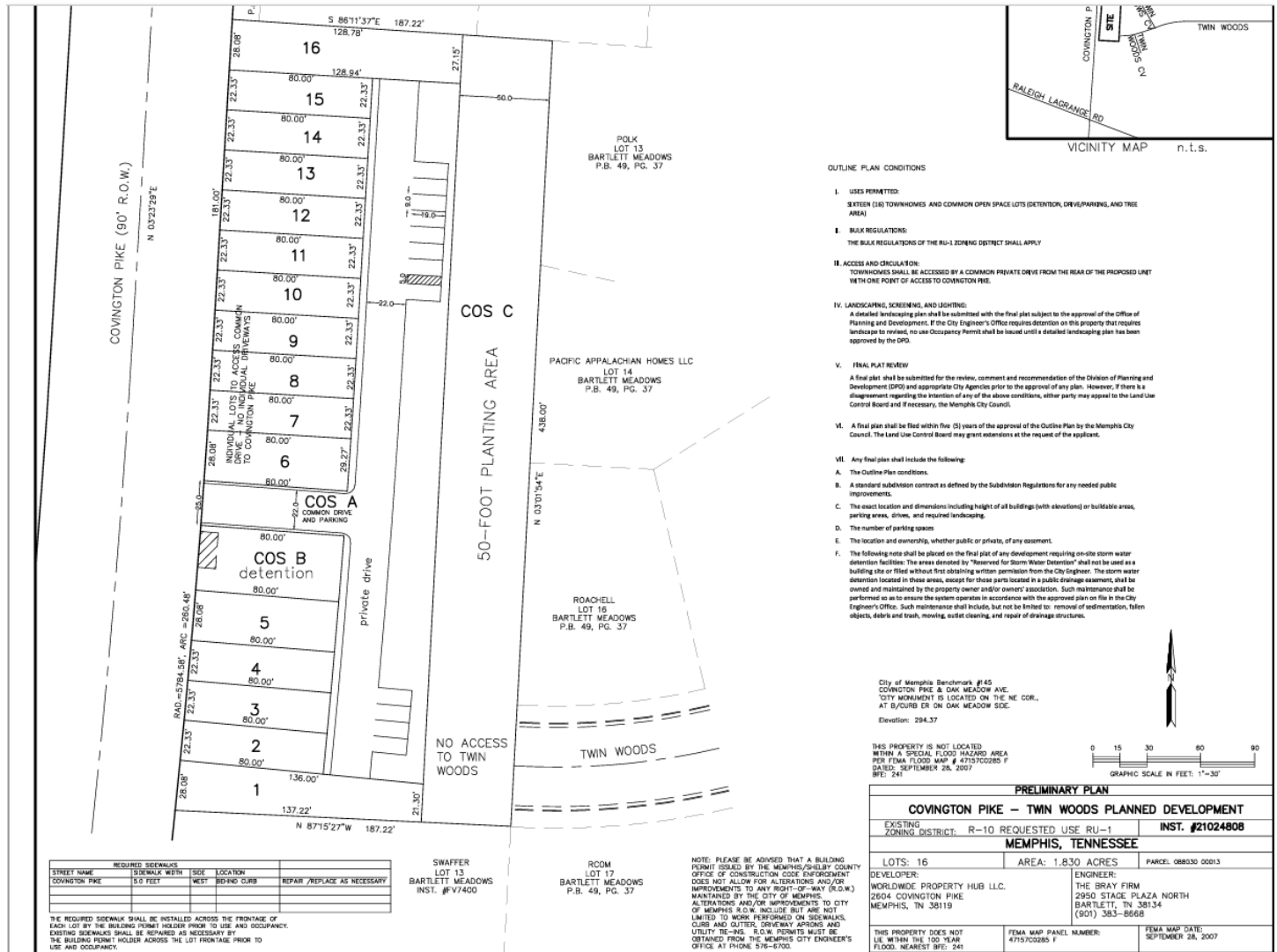


View of subject property from Covington Pike looking east

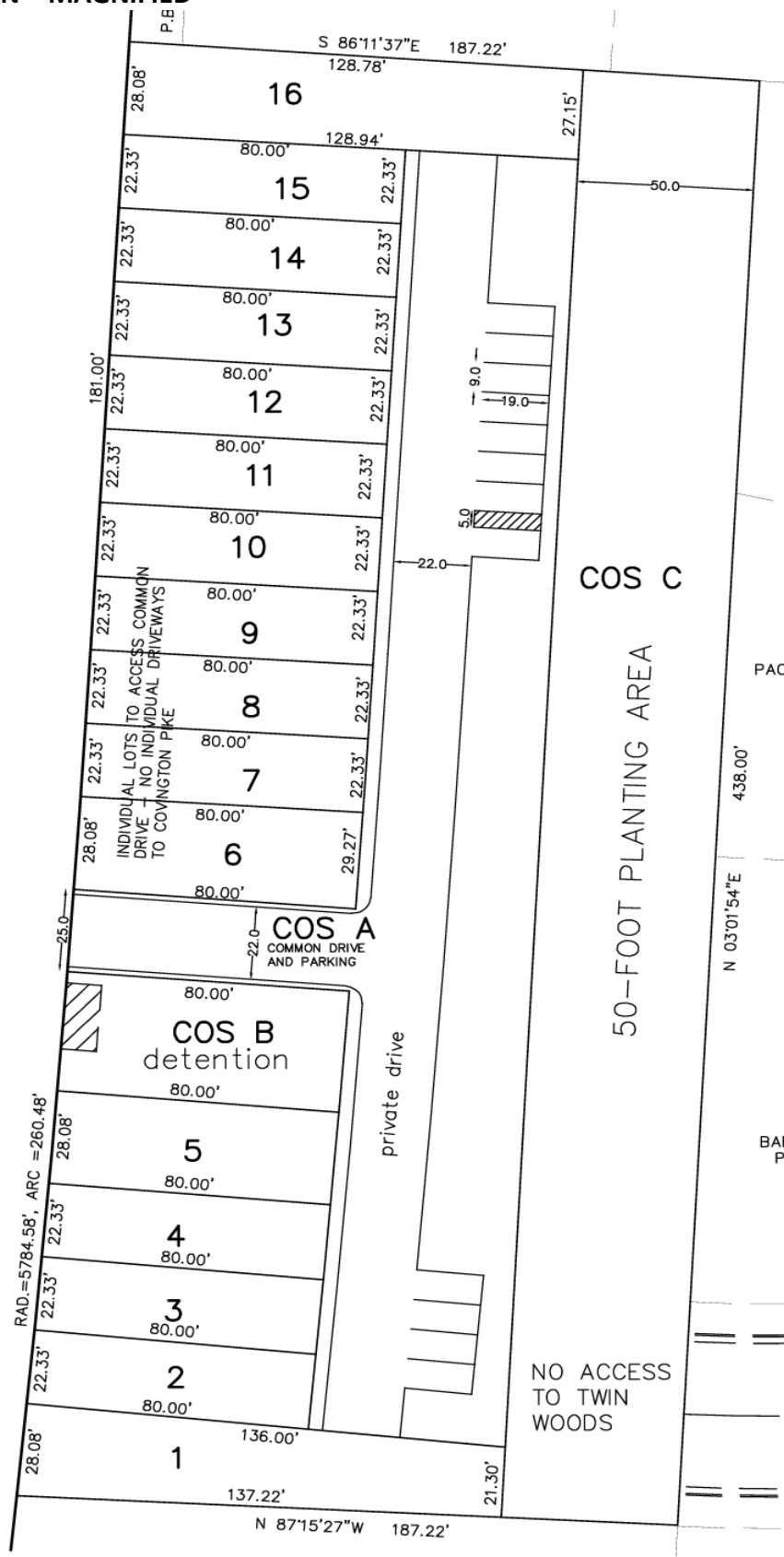


View of subject property from Covington Pike looking northeast

CONCEPT PLAN



COVINGTON PIKE (90' R.O.W.)



[illegible]

CASE REVIEW

Request

Planned Development to allow 16 townhomes.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

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

current development policies and plans of the City and County.

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

Residential Criteria

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

4.10.4 Planned Residential Developments

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

A. Formal Open Space

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

B. Accessibility of Site

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

C. Off-Street Parking

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

D. Pedestrian Circulation

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

E. Privacy

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

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

F. Distance Requirements

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:

2604 Covington Pike

Parcel ID:

088030 00013

Area:

+/- 2.223 acres

Description:

The subject property +/- 2.223-acre lot located at 2604 Covington Pike. It is currently zoned Residential Single-Family —10 (R-10). Per the assessor's website, the subject property is currently vacant. The lot has one street frontage from Covington Pike.

Concept Plan Review

- The proposed outline plan shows 16 lots of minimum 1,786 sq ft.
- COS A reserved for common drive and parking
- COS B reserved for detention
- COS C reserved for 50-foot planting area

Site Zoning History

On May 8, 2025, the Land Use Control Board approved a 7-lot residential major subdivision known as S 2025-020 on the subject property. Per the applicant, site conditions and restraints have presented challenges to the development per the approved preliminary plan. Therefore, the applicant has decided to apply for this Planned Development.

Analysis

The applicant is requesting approval for a +/- 2.223-acre residential planned development consisting of 16 townhomes lots.

The proposed development will consist of 16 lots of minimum 1,786 sq ft. A private drive will connect the townhomes to Covington Pike and all lots to have access to the common drive, with no individual driveways to Covington Pike. The development will also include a 50-foot planting area that provides landscape screening and separates the subject property from twin woods which is a part of the Third Addition Bartlett Meadows Subdivision.

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

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

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

- I. USES PERMITTED:
Sixteen (16) townhomes and common open space lots (detention, drive/parking, and tree area)
- II. BULK REGULATIONS:
The bulk regulations of the RU-1 Zoning district shall apply, with the following exception.
 - A. The minimum lot size shall be 1700 square feet.
- III. ACCESS AND CIRCULATION:
Townhomes shall be accessed by a common private drive from the rear of the proposed unit with one point of access to Covington Pike.
- IV. LANDSCAPING, SCREENING, AND LIGHTING:
A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Division of Planning and Development.
- V. FINAL PLAT REVIEW:
A final plat 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.
- 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 improvement contract as defined by the Unified Development Code 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: Comments received, see pages 22-24.

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:

Comments received, see pages 25-27.

CITY ENGINEERING'S COMMENTS

Basin/Lot/CD: Harrington 8-M/2.223 acres/District 1

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 of Memphis Sewer Design Department, a determination can be made as to available sewer capacity.
2. If the lot will be subdivided into two or more additional lots, each of the additional lots must have their own service connection or each townhouse unit must have their own service connection.
3. A sanitary sewer plan is required to be submitted (via 901 portal) to the City of Memphis Land Development Office for review and approval.
4. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.
5. A Sewer Development fee is required per the City of Memphis Sewer Use Ordinance.
6. The developer shall extend Sewer to serve upstream properties.
7. May be sewer extension will be required to serve this development.
8. Existing 8" sewer in Twin Wood

Roads:

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

Traffic Control Provisions:

3. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

4. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
5. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

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

Drainage:

1. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
2. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
3. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
4. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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:

None

No other comments from City Engineering

This summary is being produced in response to the following application to support the Land Use and Development Services Department in their recommendation: **PD 2026-005**

Street Type: Parkway

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

26

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.

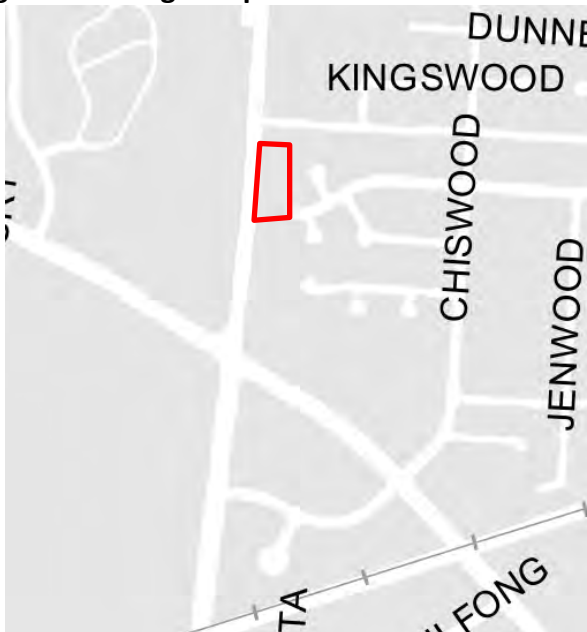
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant; R-10

Adjacent Land Use and Zoning: Office, Commercial, Residential; R-10, CMU-1, CMU-2, CMU-3

Overall Compatibility: *The proposed Planned Development is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. CSL is Compatible with the CMU-1 zoning district which allows for townhome developments. Additionally, increasing not only housing stock but also housing choice helps the viability of the nearby Covington Pike and Raleigh LaGrange commercial node.*

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

The requested Planned Development is Consistent with **Objective 1.4** – *Align policy and resources to promote mixed-income communities* and **Objective 1.5**—*Strengthen neighborhood commercial districts—**Action 1.4.7 & 1.5.15**—Promote diversity of housing types to expand choices that meet financial and lifestyle needs and demands of existing and new residents.*

Increasing housing choice not only creates more housing options but also increases the viability of existing businesses near the commercial node at Covington Pike and Raleigh LaGrange.

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

N/A

Consistency Analysis Summary

Applicant is requesting a PD for a townhome development in the R-10 zoning district.

The proposed Planned Development is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning. CSL is Compatible with the CMU-1 zoning district which allows for townhome developments. Additionally, increasing not only housing stock but also housing choice helps the viability of the nearby Covington Pike and Raleigh LaGrange commercial node.

The requested Planned Development is Consistent with **Objective 1.4** – *Align policy and resources to promote mixed-income communities* and **Objective 1.5**—*Strengthen neighborhood commercial districts—**Action 1.4.7 & 1.5.15**—Promote diversity of housing types to expand choices that meet financial and lifestyle needs and demands of existing and new residents.*

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

Summary Compiled by: Grayson Vincent, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, July 1, 2026 at 8 AM.**

CASE NUMBER: PD 2026-005
ADDRESS: 2604 Covington Pike
REQUEST: Planned Development to allow townhomes
APPLICANT: The Bray Firm

Meeting Details

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

Staff Planner Contact:

Truus Abuosi
✉ Truus.Abuosi@memphistn.gov
☎ (901) 636-7179



VICINITY MAP



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



110 Notices Mailed 6/15/2026

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, KEAN HARLEY, being duly sworn, depose and say that at 8:45 am/pm on the 26 day of JUNE, 20 26, I posted 1 Public Notice Sign(s) pertaining to Case No. PD 2026-005 at 2604 CONINGTON PIKE, providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

10-26-26
Date

Subscribed and sworn to before me this 26th day of June, 20 26.

[Signature]
Notary Public

My commission expires: 06/28/2027





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: Assignment

Opened Date: May 1, 2026

Record Number: PD 2026-005

Expiration Date:

Record Name: Covington Pike - Twin Woods Planned Development

Description of Work: Planned Development to allow 16 townhomes in the R-10 zoning district.

Parent Record Number:

Address:

2604 COVINGTON PIKE, MEMPHIS 38128

Owner Information

Primary Owner Name

Y WORLDWIDE PROPERTY HUB LLC

Owner Address

6263 POPLAR AVE, MEMPHIS, TN 38119

Owner Phone

Parcel Information

088030 00013

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Brett Ragsdale

Date of Meeting

02/23/2026

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

Previous Docket / Case Number

S 2025-020

Medical Overlay / Uptown

No

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

n/a

(Note a tract of less than three acres is not

GENERAL PROJECT INFORMATION

eligible for a planned development in
unincorporated Shelby County)

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

No

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

n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

The project will result in 16 townhomes that will face
and access Covington Pike. These lots will be
separated from the surrounding SFR and be
compatible with the surrounding area.

UDC Sub-Section 9.6.9B

These lot will take access to Covington Pike and not
through the existing SFR and a 50 foot natural area
will be provided along the east side of the property
abutting SFR.

UDC Sub-Section 9.6.9C

All public utilities are available to this site.

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

The proposed townhomes will be of similar or higher
price than the surrounding properties and will be
separated from the existing SFR area by means of
access.

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

The development will tie to City of Memphis Sewers
and MLGW electric, water, and gas.

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

The proposed townhomes will face Covington Pike
and take access through a common drive to
Covington Pike separating them from the
surrounding SFR.

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

A HOA will be formed to own and maintain the three
COS lots.

GENERAL PROVISIONS

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

GIS INFORMATION

Case Layer Z05-121, Z88-169
Central Business Improvement District No
Class R
Downtown Fire District No
Historic District -
Land Use VACANT
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning R-10
State Route 1
Lot 0 1
Subdivision CARPER
Planned Development District -
Wellhead Protection Overlay District Yes
County Commission District -
City Council District -
City Council Super District -

Contact Information

Name

GREGORY GRIFFIN

Contact Type

APPLICANT

Address

6263 POPLAR AVE, GREGORY GRIFFIN, MEMPHIS, TN, MEMPHIS, TN, 38119

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
1728588	Planned Development - each additional or fractional acres above 5	2	183.00	INVOICED	0.00	05/01/2026
1728588	Credit Card Use Fee (.026 x fee)	1	43.76	INVOICED	0.00	05/01/2026
1728588	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	05/01/2026
1728433	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	05/01/2026

Total Fee Invoiced: \$1,726.76

Total Balance: \$0.00

OWNER AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

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

of the property located at 2604 Coington Pike
and further identified by Assessor's Parcel Number 098030 00013
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 24th day of June in the year of 2026

[Signature]
Signature of Notary Public



My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

May 1, 2026

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

RE: Covington Pike – Twin Woods Planned Development
2604 Covington Pike
Planned Development to allow 16 townhomes in the R-10 zoning district
Formerly case number: S 2025-020

Mr. Ragsdale:

Please find attached a planned development application for the former case number S 2025-020. The previous case was approved as a single family residential subdivision in the R-10 zoning district last year. However, site conditions and restraints have presented challenges to the development per the approved preliminary plan. The biggest challenge is that the existing sanitary sewer in the vicinity is not at a depth that would allow gravity flow to the lots as previously configured. After consultation with your office and with the City Council representative for this area a revised plan has been developed that would allow the development of the only the western portion of the site where enough fill material can be imported to create buildable lots and provide gravity sewers. The proposed lots will be smaller than originally configured and would include townhouse units modeled on the townhouses currently under construction in the nearby Union Depot development (located in Bartlett). Also changed, the connection to Twin Woods has been eliminated and all access to the development will be through Covington Pike. The proposed townhouses will face Covington Pike with rear access from the common drive.

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 received at the time of completion of this report and has subsequently been attached.

----- Forwarded Message -----

From: Beth <eldmaw@aol.com>

To: rhonda.logan@memphistn.gov <rhonda.logan@memphistn.gov>

Cc: dgbray@comcast.net <dgbray@comcast.net>; briona.nichols1@memphistn.gov <briona.nichols1@memphistn.gov>; travian.smith@memphistn.gov <travian.smith@memphistn.gov>; jeffrey.penzes@memphistn.gov <jeffrey.penzes@memphistn.gov>

Sent: Tuesday, June 30, 2026 at 01:30:52 PM CDT

Subject: PD 2026-005 community meeting

Council Woman Logan--

As you're our representative of the Raliegh Community in Memphis I was so pleased to meet you and wanted to thank you for attending the Neighborhood Meeting yesterday. You heard how the discussions with your constituents and David of the Bray Firm for the revised PD 2026-005 (previous PD S2025-020) of the Covington Pike - Twin Woods Development at 2406 Covington Pike went and how it will impact and improve the adjacent neighborhood by us working together.

My 2 siblings and I were raised in the Dyer family home on OakMeadow since 1965 in Bartlett Meadows on the northern property line of the proposed PD; I live there today. Of course I was filled with disgust and trepidation at the total removal of the verdant 250yr trees and the wildlife supported behind us. Fear that the trees in my backyard have been undermined by it. The removal began in 2025 and concluded just last week. However, the initial PD zoned R10 and approved for 7 lots that would mimic the surrounding areas, seemed appropriate though difficult to understand how it would be accomplished due to the lots topography and drainage especially post clearcutting. The new PD presented, increases the density to 16 lots and requires a request to rezone the property to RU-1. That they have negligible space between the structures and the shared N and S property lines raised my concerns anew. During the June 29th meeting my concerns and those of my neighbors were heard and taken into account, for which I am personally very grateful. Mr. Bray listened and addressed each of our concerns and noted ways they would change the plans to provide for them. We discussed access from CPike and how the flow and safety for traffic during peak hours would be impacted on Covington Pike and at the intersection of Oak Meadow with no median cutout at the proposed property entrance. That issue was deferred to City Engineering. The drainage issues from the increase in impermeable surfaces were discussed. Those increases flow thru the culvert under CP and negatively effect the Scarborough property to the west side of CPike and may still need to be addressed with them. Additional drainage lines were to be placed in the COS areas to direct the increased drainage to the retention COS at the CP entrance. The 50 ft boundary COS area on the Eastern property line was discussed. I respectfully requested that a similar boundary

be extended to the N and S lines which Mr. Bray said could be done on the N line and possibly the S. These requests were made along with discussions of appropriate berms in front of Class III buffers to include durable fencing and multi layers of dense vegetation to include overlapping quick growing trees to provide visual screening. Buffer yard mitigations are requested to be included in any new zoning ordinance, along with Legal Stipulations and Covenants to Prohibit Encroachment. These would restrict buildings, parking , driveways and new stormwater ponds from these COS in perpetuity. I understand those areas would be maintained by an HOA. I respectfully request that the developer file a buffer plate binding these new COS boundaries. A paved walking path along the southeastern line connecting to Twin Woods Rd would allow any resident children of the PD safer access for walking to school, was also requested and considered doable.

I look forward to seeing these requests within an updated PD to be presented prior to the July 9th LUCB meeting.

Thank you again for all you do to support us and the growth and development of our community.

Sincerely,

Elizabeth Dyer-Wiles



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: Assignment

Opened Date: May 1, 2026

Record Number: PD 2026-005

Expiration Date:

Record Name: Covington Pike - Twin Woods Planned Development

Description of Work: Planned Development to allow 16 townhomes in the R-10 zoning district.

Parent Record Number:

Address:

2604 COVINGTON PIKE, MEMPHIS 38128

Owner Information

Primary Owner Name

Y WORLDWIDE PROPERTY HUB LLC

Owner Address

6263 POPLAR AVE, MEMPHIS, TN 38119

Owner Phone

Parcel Information

088030 00013

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Brett Ragsdale

Date of Meeting

02/23/2026

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

Previous Docket / Case Number

S 2025-020

Medical Overlay / Uptown

No

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

n/a

(Note a tract of less than three acres is not

GENERAL PROJECT INFORMATION

eligible for a planned development in unincorporated Shelby County)

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

No

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

n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

The project will result in 16 townhomes that will face and access Covington Pike. These lots will be separated from the surrounding SFR and be compatible with the surrounding area.

UDC Sub-Section 9.6.9B

These lot will take access to Covington Pike and not through the existing SFR and a 50 foot natural area will be provided along the east side of the property abutting SFR.

UDC Sub-Section 9.6.9C

All public utilities are available to this site.

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

The proposed townhomes will be of similar or higher price than the surrounding properties and will be separated from the existing SFR area by means of access.

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

The development will tie to City of Memphis Sewers and MLGW electric, water, and gas.

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

The proposed townhomes will face Covington Pike and take access through a common drive to Covington Pike separating them from the surrounding SFR.

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

A HOA will be formed to own and maintain the three COS lots.

GENERAL PROVISIONS

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

GIS INFORMATION

Case Layer	Z05-121, Z88-169
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	VACANT
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-10
State Route	1
Lot	0 1
Subdivision	CARPER
Planned Development District	-
Wellhead Protection Overlay District	Yes
County Commission District	-
City Council District	-
City Council Super District	-

Contact Information**Name**

GREGORY GRIFFIN

Contact Type

APPLICANT

Address

6263 POPLAR AVE, GREGORY GRIFFIN, MEMPHIS, TN, MEMPHIS, TN, 38119

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
1728588	Planned Development - each additional or fractional acres above 5	2	183.00	INVOICED	0.00	05/01/2026
1728588	Credit Card Use Fee (.026 x fee)	1	43.76	INVOICED	0.00	05/01/2026
1728588	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	05/01/2026
1728433	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	05/01/2026

Total Fee Invoiced: \$1,726.76

Total Balance: \$0.00

Payment Information**Payment Amount**

\$1,726.76

Method of Payment

Credit Card

dgray@comcast.net

Owner Affidavit for Planning Applications_202204071324076881 (



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

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

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



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

May 1, 2026

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

RE: Covington Pike – Twin Woods Planned Development
2604 Covington Pike
Planned Development to allow 16 townhomes in the R-10 zoning district
Formerly case number: S 2025-020

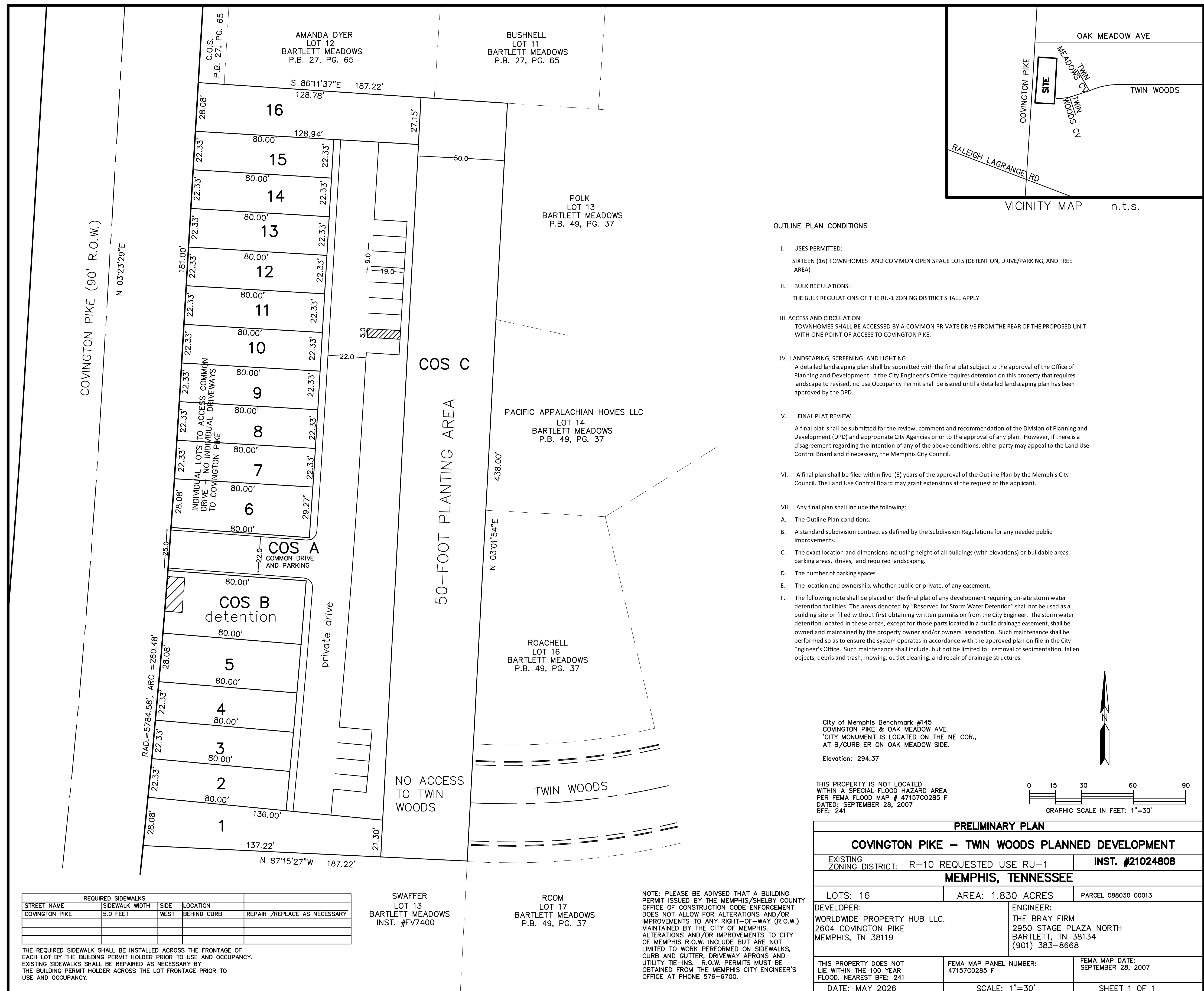
Mr. Ragsdale:

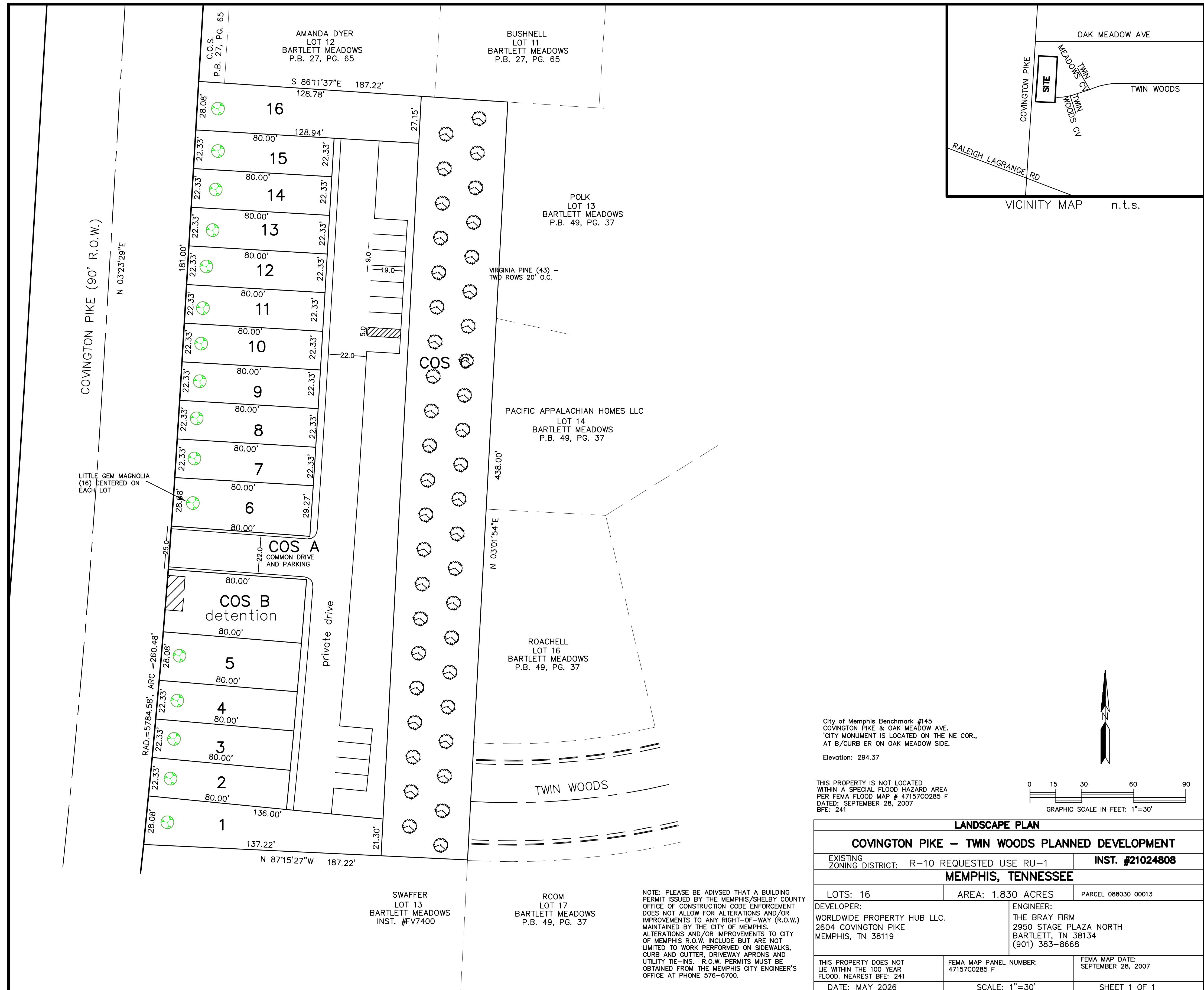
Please find attached a planned development application for the former case number S 2025-020. The previous case was approved as a single family residential subdivision in the R-10 zoning district last year. However, site conditions and restraints have presented challenges to the development per the approved preliminary plan. The biggest challenge is that the existing sanitary sewer in the vicinity is not at a depth that would allow gravity flow to the lots as previously configured. After consultation with your office and with the City Council representative for this area a revised plan has been developed that would allow the development of the only the western portion of the site where enough fill material can be imported to create buildable lots and provide gravity sewers. The proposed lots will be smaller than originally configured and would include townhouse units modeled on the townhouses currently under construction in the nearby Union Depot development (located in Bartlett). Also changed, the connection to Twin Woods has been eliminated and all access to the development will be through Covington Pike. The proposed townhouses will face Covington Pike with rear access from the common drive.

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.





I. USES PERMITTED:

SIXTEEN (16) TOWNHOMES AND COMMON OPEN SPACE LOTS (DETENTION, DRIVE/PARKING, AND TREE AREA)

II. BULK REGULATIONS:

THE BULK REGULATIONS OF THE RU-1 ZONING DISTRICT SHALL APPLY

III. ACCESS AND CIRCULATION:

TOWNHOMES SHALL BE ACCESSED BY A COMMON PRIVATE DRIVE FROM THE REAR OF THE PROPOSED UNIT WITH ONE POINT OF ACCESS TO COVINGTON PIKE.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

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 be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.

V. FINAL PLAT REVIEW

A final plat 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.

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.



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.

21024808

03/03/2021 - 12:04:30 PM

3 PGS

HERTHA 2181967-21024808

VALUE	15000.00
MORTGAGE TAX	0.00
TRANSFER TAX	55.50
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	75.50

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by and return to:
Preferred Title & Escrow, LLC
7894 Winchester Rd., Suite 500
Memphis, TN 38125

RETURN TO:
Preferred Title & Escrow (Pam)
7894 Winchester Road
500
Memphis, TN 38125

WARRANTY DEED

THIS INDENTURE made and entered into this 2nd, of March 2021, by and between Ina Joyce Huffman, Single parties of the first part, and WorldWide Property HUB, LLC party of the second part.

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

Part of Lot 1, A.C. Carper Subdivision in the City of Memphis, Tennessee:
Beginning at an iron stake in the east line of Covington Pike 990 feet wide) 108.25 feet southwardly from the south line of Oak Meadow Avenue (50 feet wide); southwardly along the east line of Covington Pike 181 feet to a point of curve; thence continuing southwardly along the east line of Covington pike on a curve to the right having a radius of 5784.58 feet, 261 feet to an iron stake in the north line of the "Erma Shields Abraham" lot per book E-3-0065 in the Register's office of Shelby County, Tennessee; thence eastwardly along said north line 188.18 feet to an iron stake in the west line of Revised 3rd Addition to Bartlett Meadows Subdivision (50-22); thence northwardly along said west line 438 feet to an iron stake in the south line of Section "A", Bartlett Meadows Subdivision (27-65); thence westwardly along said south line parallel to Oak Meadow Avenue 180.51 feet to the point of beginning, containing 1.84 acres.

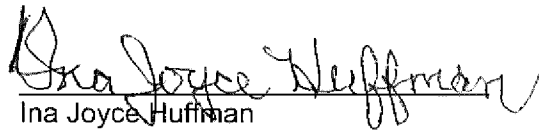
Being the same property conveyed to Ina Joyce Huffman herein by Quit Claim Deed recorded at Instrument No. CK 6058 in the Register's Office of Shelby County, Tennessee.

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

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that same is unencumbered except: 2021 City of Memphis and 2021 Shelby County real property taxes, Being liens not yet due and payable, subject to Subdivision Restrictions, Building Line, and Easements of record at Plat Book N/A, Page N/A and easements 03230558 all being of record in Shelby County Register's Office and that title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

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

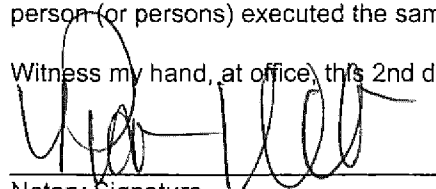
WITNESS the signature of the party of the first part the day and year first above written.


Ina Joyce Huffman

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 2nd day of March, 2021, before me personally appeared Ina Joyce Huffman, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

Witness my hand, at office, this 2nd day of March, 2021.


Notary Signature
My commission expires:

Property Owner Name and address
WorldWide Property HUB, LLC
6000 Poplar Ave. Ste. 250
Memphis, TN 38119

Property Address:
2604 Covington Pike
Memphis, TN 38128

Mail Tax Bills To:
WorldWide Property HUB, LLC
6000 Poplar Ave. Ste. 250
Memphis, TN 38119

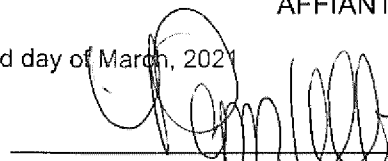
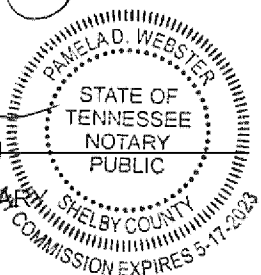
Parcel#: 08-8030-0-0013

State of Tennessee
County of Shelby

I, or we, hereby swear or affirm that to the best of Affiant's knowledge, information and belief the actual consideration for this transfer of value of the property transferred, whichever is greater, is which \$15,000.00 amount is equal to or greater than the amount which the property would command at a fair voluntary sale.


AFFIANT

SUBSCRIBED AND SWORN TO before me this 2nd day of March, 2021



NOTARY

MY COMMISSION EXPIRES: _____

True Copy Certification

I, Natasha Day, 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.

[Signature]
Signature

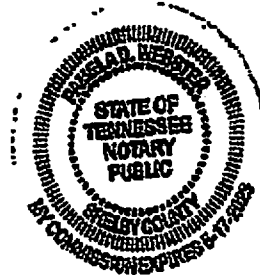
State of TN

County of Shelby

Personally appeared before me, [Name of Notary], a notary public for this county and
state, [name of person making certification] who acknowledges that this certification of
an electronic document is true and correct and whose signature I have witnessed.

[Signature]
Notary's Signature

My Commission Expires: _____
Notary's Seal (if on paper)



**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

Worldwide Property Hub LLC
2604 Covington Pike
Memphis, TN 38128

Sent via electronic mail to: dgbray@comcast.net

Covington Pike-Twin Woods Planned Development
Case Number: PD 2026-005
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, August 13, 2026, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Covington Pike-Twin Woods 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 Truus.Abuosi@memphistn.gov.

Letter to Applicant
PD 2026-005

Respectfully,

Truus Abuosi

Truus Abuosi
Planner I
Land Use and Development Services
Division of Planning and Development

File

Outline Plan Conditions

- I. **USES PERMITTED:**
Fifteen (15) townhomes and common open space lots (detention, drive/parking, and tree area)
- II. **BULK REGULATIONS:**
The bulk regulations of the RU-1 Zoning district shall apply, with the following exception.
 - A. The minimum lot size shall be 1700 square feet.
- III. **ACCESS AND CIRCULATION:**
Townhomes shall be accessed by a common private drive from the rear of the proposed unit with one point of access to Covington Pike.
- IV. **LANDSCAPING, SCREENING, AND LIGHTING:**
A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Division of Planning and Development.
- V. **FINAL PLAT REVIEW:**
A final plat 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.
- 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 improvement contract as defined by the Unified Development Code 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.

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: 08/04/2026

DATE

PUBLIC SESSION: 08/18/2026

DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Joint ordinance to amend the Memphis and Shelby County Unified Development Code adopted by the City of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, to establish a procedure for replacing the zoning map, being ZTA 2026-002

CASE NUMBER: ZTA 2026-002

LOCATION: Memphis and unincorporated Shelby County

COUNCIL DISTRICTS: All council districts

OWNER/APPLICANT: Division of Planning and Development

REPRESENTATIVES: Brett Ragsdale, Director

REQUEST: Adopt the recommended amendment to the Unified Development Code

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – July 21, 2026
Second reading – August 4, 2026
Third reading – August 18, 2026

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
<u>07/09/2026</u>	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

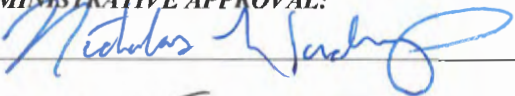
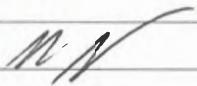
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
	<u>7-10-26</u>	PLANNER II
_____	_____	DEPUTY ADMINISTRATOR
	<u>7/10/26</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

ZTA 2026-002

JOINT ORDINANCE TO AMEND THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010, AND BY SHELBY COUNTY ON AUGUST 9, 2010, TO ESTABLISH A PROCEDURE FOR REPLACING THE ZONING MAP, BEING ZTA 2026-002.

- This amendment will create the process by which the zoning map may be repealed and replaced in its entirety.
- Memphis City Council passed a resolution on August 22, 2023, directing the Division of Planning and Development (DPD) to proceed with public engagement and develop recommendations for the zoning map. DPD has since conducted nearly three years of public engagement and is currently working to finalize these recommendations.
- This amendment will require DPD to mail public notice to the owners of all properties in Memphis and unincorporated Shelby County prior to the Land Use Control Board public hearing for a map replacement. The amendment also regulates the content of said public notice.
- The Memphis and Shelby County Land Use Control Board considered the amendment at its July 9, 2026, meeting and voted unanimously to recommend ***approval***.
- The Division of Planning and Development recommends ***approval***.
- This joint ordinance also requires approval by the Shelby County Board of Commissioners.
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, July 9, 2026**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: ZTA 2026-002

LOCATION: Memphis and unincorporated Shelby County

COUNCIL DISTRICT(S): All Council Districts

OWNER/APPLICANT: Division of Planning and Development

REPRESENTATIVE: Brett Ragsdale, Director

REQUEST: Adopt the recommended amendment to the Unified Development Code

The following spoke in support: None

The following spoke in opposition: None

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

The motion passed by a unanimous vote of 7-0 on the regular agenda.

Respectfully,



Nicholas Wardroup, AICP
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

ORDINANCE NO: _____

JOINT ORDINANCE TO AMEND THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010, AND BY SHELBY COUNTY ON AUGUST 9, 2010, TO ESTABLISH A PROCEDURE FOR REPLACING THE ZONING MAP, BEING ZTA 2026-002.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: ZTA 2026-002**; and

WHEREAS, The Board of County Commissioners and Memphis City Council concur that the Division of Planning & Development should, from its experience in administering the Unified Development Code, periodically suggest amendments to the same to make it a more practical code benefiting the needs of the public; and

WHEREAS, The City Council of the City of Memphis did by resolution charge the Division of Planning and Development with replacing the existing Unified Development Code and zoning map which has not been done in more than seventy years; further, that members of the Board of Commissioners are aware of this charge and have been kept apprised of its progress in its Land Use Committee meetings, with plans to make the same charge for the unincorporated county; and

WHEREAS, The current Unified Development Code addresses and provides a procedure for a text amendment including complete replacement, § 9.4; and for individual re-zonings, § 9.5; and for comprehensive rezoning of specific “areas designated as planning districts or planning areas, or other areas for which a plan has been approved or adopted,” § 9.5.12.B; but lacks a provision and procedure for a complete repeal and replacement of the zoning map as contemplated in state law; and

WHEREAS, The Memphis and Shelby County Land Use Control Board heard this matter on July 9, 2026, and has submitted its recommendation to this body;

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY that Joint Ordinance Nos. 5367 and 397, are hereby amended as follows:

SECTION 1, CASE NO. ZTA 2026-002. That the various sections of the Unified Development Code be hereby amended as reflected in Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Joint Ordinance are severable,

and any part declared or found unlawful may be elided without affecting the lawfulness of the remaining portions.

SECTION 3. That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

ATTEST:

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

EXHIBIT A: Markup of Current Unified Development Code

Additions to the Code, as presently written, are indicated in red underline. Deleted language is indicated by ~~blue strikethrough~~. Explanatory notes not part of the Code text are *highlighted and italicized*.

Article 9. Administration

9.1 REVIEW BODIES

9.1.1 Governing Bodies

A. General Authority

The governing bodies may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Final Authority

With respect to this development code, the governing bodies are responsible for final action regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
- ~~6.7.~~ Planned development public contracts;
- ~~7.8.~~ Final plat public contracts;
- ~~8.9.~~ Right-of-way vacation;
- ~~9.10.~~ Right-of-way dedication; and
- ~~10.11.~~ Historic district designation.

9.1.2 Land Use Control Board

A. Establishment

The Land Use Control Board is established pursuant to Joint Ordinance-Resolution No. 2524 (Memphis City Code § 2-50).

B. General Authority

1. The Land Use Control Board performs related duties as directed by the governing bodies.
2. The Land Use Control Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Review Authority

With respect to this development code, the Land Use Control Board reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
6. Street Name Change;
7. Right-of-way vacation;
8. Right-of-way dedication; and
9. Historic district designation.

D. Final Authority

With respect to this development code, the Land Use Control Board shall be responsible for final action (subject to appeal) regarding:

1. Planned development major modifications;

2. Special use major modifications;
3. Major preliminary plans;
4. Resubdivision;
5. Plat of record vacation; and
6. Special exceptions.

9.2.3 Board of Adjustment

A. Establishment

The Board of Adjustment is established pursuant to Joint Ordinance-Resolution No. 722 Memphis City Code § 2-48).

B. General Authority

1. The Board of Adjustment performs related duties as directed by the governing bodies.
2. The Board of Adjustment may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Board of Adjustment is responsible for final action regarding:

1. Variances;
2. Appeals from Administrative decisions
3. Interpretation of zoning district boundaries.
4. Change in nonconforming use permit; and
5. Conditional Use Permits.

9.2.4 Landmarks Commission

A. Defined

The Memphis Landmarks Commission is identified as having the authority to enforce certain provisions of this development code.

B. Establishment

The Landmarks Commission serves as a historic zoning commission pursuant to Tennessee Code 13-7-403 for the City of Memphis (see Memphis City Code § 14-24-5).

C. General Authority

The Landmarks Commission conducts and encourages research, planning and educational projects for the purpose of protecting historic districts and documenting the historic significance thereof, including the following:

1. Recommend to the governing bodies designated sites and districts for loans and grants under the City Landmark Fund and subject to approval by the governing bodies; make application for and administer grants for the purpose of preserving and restoring structures and sites located within a Historic Overlay District.
2. Initiate or assist in surveys, plans and studies and programs designed to identify, list and evaluate structures, objects, sites and areas worth of preservation and develop strategies and methods for their protection.
3. Consult with and consider the recommendations of civic groups, public agencies and citizens interested in historic preservation and provide information to the public.
4. Research historic properties and apply for designation to the National Register of Historic Places and establish a list of properties eligible for designation as a Historic Overlay District.

D. Review Authority

With respect to this development code, the Landmarks Commission reviews and make recommendations regarding rezoning to a Historic district designation.

E. Final Authority

With respect to this development code, the Landmarks Commission is responsible for final action regarding applications for a Certificate of Appropriateness.

9.2.5 Downtown Memphis Commission Design Review Board

A. Establishment

The Downtown Memphis Commission Design Review Board is established pursuant to Memphis City Code § 12-44.

B. General Authority

1. The Downtown Memphis Commission Design Review Board performs related duties as directed by the City Council.
2. The Downtown Memphis Commission Design Review Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City Code of Ordinances.

C. Final Authority

With respect to this development code, the Downtown Memphis Commission Design Review Board is responsible for reviewing applications and issuing permits with respect to the design of public building façades and exteriors in public view, signs and other public improvements within the Central Business Improvement District.

9.2.6 Zoning Administrator

The Zoning Administrator may designate any staff member to represent the Zoning Administrator in any function assigned by this development code. The Zoning Administrator remains responsible for any final action.

A. General Authority

1. The Zoning Administrator performs related duties as directed by the governing bodies.
2. The Zoning Administrator may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Review Authority

With respect to this development code, the Zoning Administrator reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
4. Replacements of the zoning map;
5. Special uses, special use amendments and major modifications;
6. Planned development outline plan and amendments;
7. Planned development major modifications;
8. Major preliminary plans review;
9. Resubdivision;
10. Right-of-way vacation;
11. Right-of-way dedication;
12. Street name change;
13. Plat of record vacation;
14. Special exceptions
15. Historic district designation;
16. Certificates of appropriateness; and
17. Variances.

C. Final Authority

With respect to this development code, the Zoning Administrator is responsible for final action (subject to appeal) regarding:

1. Special use minor modifications;
2. Planned development minor modifications;
3. Planned development final plats;
4. Minor preliminary plans;
5. Final plats;
6. Administrative site plans;

7. Tree removal;
8. Final plat; Demolition by neglect;
9. Administrative deviations; and
10. Written interpretations.

9.2.7 Building Official

A. Delegation of Authority

The Building Official may designate any staff member to represent the Building Official in any function assigned by this development code. The Building Official remains responsible for any final action.

B. General Authority

1. The Building Official performs related duties as directed by the governing bodies.
2. The Building Official may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Building Official is responsible for final action (subject to appeal) regarding the following:

1. Temporary use review;
2. Sign permit; and
3. Certificate of occupancy.

9.2.8 Technical Review Committee

The Technical Review Committee is comprised of City and County agencies and is established to provide technical assistance in the review of certain provisions of this development code as set forth below.

A. Composition

The Technical Review Committee shall consist of a representative from the following. The Zoning Administrator shall serve as chairman of the Technical Review Committee and shall be responsible for all final recommendations.

1. Division of Planning and Development – Land Use and Development Services.
2. Division of Planning and Development – Comprehensive Planning.
3. Division of Planning and Development – Construction Enforcement.
4. City Traffic Engineer.
5. City and County Public Works Divisions.
6. City and County Engineering Divisions.
7. City and County Fire Departments.
8. Shelby County Health Department.
9. Memphis Light, Gas, and Water Division.

B. Review Authority

1. With respect to this development code, the Technical Review Committee may review at the discretion of the Zoning Administrator the following:
 - a. Text amendments;
 - b. Special uses and special use revisions;
 - c. Planned development outline plan amendments;
 - d. Planned development major modifications;
 - e. Planned development minor modifications;
 - f. Planned development final plats;
 - g. Minor preliminary plans;
 - h. Right-of-way vacation;
 - i. Administrative site plans; and
 - j. Special exceptions.

2. With respect to this development code, the Technical Review Committee shall review the following:
 - a. Planned development outline plans;
 - b. Major preliminary plans;
 - c. Resubdivision;
 - d. Right-of-way dedication;
 - e. Street name change; and
 - f. Plat of record vacation.

9.2 SUMMARY OF REVIEW AUTHORITY

9.2.1 Governing Bodies

The City Council retains review and approval or appeal authority within the City limits of Memphis and the Board of Commissioners retains review and approval or appeal authority within unincorporated Shelby County.

9.2.2 Summary of Review Table

		Review, Recommendation, Decision and Approval							
		City or County Engineer	Building Official	Technical Review Committee	Zoning Administrator or	Board of Adjustment	Landmarks Commission	Land Use Control Board	Governing Bodies
	x-ref								
Text Amendment	9.4			Δ	RR			RR	D
Zoning Change	9.5				RR			RR	D
Comprehensive Rezoning	9.5.12				RR			RR	D
Replacement of the Zoning Map	9.5.13				RR			RR	D
Special Uses & Planned Developments:									
Special Uses & Special Use Amendments	9.6 & 9.6.12A			Δ	RR			RR	D*
Special Use Major Modification	9.6.12B			Δ	RR			D	A
Special Use Minor Modification	9.6.12C			Δ	D			A*	
P. D. Outline Plan & Amendments	9.6 & 9.6.11E (1)			R	RR			RR	D*
P. D. Major Modifications	9.6.11E (2)			Δ	RR			D	A
P. D. Minor Modifications	9.6.11E (3)			Δ	D			A*	
P. D. Final Plan	9.6			Δ	D			A*	
P. D. Public Contract	9.6	RR							D
Subdivision:									
Minor Preliminary Plan	9.7.6			Δ	D			A	
Major Preliminary Plan	9.7.7			R	RR			D	A
Resubdivision				R	RR			D	A
Final Plat without Standard Contract	9.7.8			Δ	D			A*	
Final Plat w/Standard Contract	9.7.8	RR							D
Right-of-Way Vacation	9.8			Δ	RR			RR	D
Right-of-Way Dedication	9.9			R	RR			RR	D
Street Name Change	9.10			R	RR			RR	D
Plat of Record Revocation	9.11			R	RR			D	A
Administrative Site Plan	9.12			Δ	D	A**			
Special District Administrative Review	9.13			Δ	D	A**			
Special Exception	9.14			Δ	RR			D	A
Historic District Designation	8.6				RR		RR	RR	D
Certificate of Appropriateness	8.6.3				RR		D		
Historic District (Demolition by Neglect)	8.6.4				D		A*		
Board of Adjustment					RR	D			
Administrative Decision		D	D		D	A**			
Change in Nonconforming Use Permit	10.2.5				RR	D			

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

R = Review

RR = Review & Recommendation

Δ = Review at Discretion of Zoning Administrator

A = Appeal

A* = Only the subject property owner or his or her representative may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

A** = Only the subject property owner and those property owners within 1000 feet of the subject property, as measured from property line to property line, may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

9.3 COMMON REVIEW PROCEDURES

9.3.1 Pre-Application Conference

- A. The pre-application conference is a meeting in which the Zoning Administrator discusses the procedures, standards and regulations required for approval in accordance with this development code with the applicant.
- B. A mandatory pre-application conference with the Zoning Administrator shall be required for the following:
 - 1. Zoning change;
 - 2. Special use permit;
 - 3. Planned development outline plan;
 - 4. Minor preliminary plan;
 - 5. Major preliminary plan;
 - 6. Right-of-way vacation;
 - 7. Right-of-way dedication;
 - 8. Plat of record;
 - 9. Plat revocation;
 - 10. Historic district designation; and
 - 11. Certificate of Appropriateness.
- C. A pre-application conference is optional for any application not listed in Sub-Section B above.

9.3.2 Neighborhood Notification and Meeting

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
 - 1. Zoning change;
 - 2. Special use permit or amendment to a special use permit;
 - 3. Planned development outline plan or amendment to a planned development outline plan; and
 - 4. All subdivisions except minor subdivisions.
- B. Procedure
 - 1. Where applicable, the Division of Planning and Development shall mail notification of the neighborhood meeting prepared and provided by the applicant to the following individuals: 1) the officers of any neighborhood or business associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property; 2) all current residents of single-family and two-family dwellings within the notification area; 3) all property owners within the notification area, if different from the current residents; 4) the members of the Memphis City Council who represent the district and super-district in which the development is planned, or for areas in unincorporated Shelby County, the member of the Shelby County Board of Commissioners who represent the district in which the development is planned; and 5) all residents of multi-family dwellings within the notification area; to inform the community of the proposed development and solicit comments. If the applicant is unable to make notification to the multi-family dwellings, he or she shall provide notice to the Division of Planning and Development the reason and shall mail notification of the neighborhood meeting to the rental or management office of all multi-family dwellings within the notification area with a request that said rental or management office post the notification in a conspicuous location within a common area(s), including, but not limited to: entry doors, hallways, mailbox areas and laundry rooms.
 - 2. The neighborhood notification requirements shall be the same as the mailed public notice requirements in 9.3.4A. The notification shall identify the time and place of the neighborhood meeting, as well as a description and map of the project. The notification shall also include the public hearing date of when the application will be heard by the Land Use Control Board. The applicant shall contact the officer(s) of any neighborhood or business association registered with the City of Memphis Office of Community Affairs prior to determining a date for the neighborhood meeting.
 - 3. The notification shall be prepared by the applicant and presented to the Division of Planning and Development no later than two working days prior to the date set out in the mailing requirement provided in Paragraph 5 below. The notification shall be folded, sealed and placed in stamped envelopes when presented to the Division of Planning

and Development. The following items shall accompany the notification when presented to the Division of Planning and Development: a copy of the letter to be mailed to all parties, a copy of the address labels to whom notification will be mailed and a map of the notice area.

4. If practicable, the neighborhood meeting shall be held at a public building or place of worship within a one-mile radius of the subject property, or at the subject property itself.
 5. If the notification package is determined to be complete by the Zoning Administrator, the Division of Planning and Development shall mail the notification no later than 20 days prior to the hearing before the Land Use Control Board and no later than 10 days prior to the date of the neighborhood meeting. If the neighborhood notification package is determined to be incomplete by the Zoning Administrator, the application is subject to being considered incomplete and removed from the Land Use Control Board agenda.
 6. Neighborhood meetings are the sole responsibility of the applicant. Documentation of its proceedings shall also be provided to the Division of Planning and Development. The applicant may request neighborhood organizations' contact information, if available, from the Division of Planning and Development.
- C. The purpose of the neighborhood notification and meeting is to inform the neighborhood of the nature of the proposed land use and development features and solicit comments. Applicants shall reserve at least 15 minutes of the neighborhood meeting for community members, businesses and/or neighborhood associations wishing to make a presentation regarding the development.
- D. Any neighborhood or business association registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the development area will have the opportunity to submit a Community Impact Statement (CIS). The purpose of the CIS is to provide community members a chance to give an opinion and any recommendation regarding the development project. The CIS shall not exceed 500 words. Neighborhood or business associations who intend to file a CIS must submit said statement to the Land Use Control Board or governing bodies prior to the scheduled hearing. If provided prior to the publishing of the Land Use Control Board staff report, the CIS shall be included within the staff report in a prominent position alongside the Division of Planning and Development recommendation. If provided after the publishing of the Land Use Control Board staff report, the CIS will be referenced during the Land Use Control Board public hearing and contained in the materials that are forwarded to the legislative body, where applicable.
- E. Exigent circumstances. A neighborhood meeting may be conducted through electronic or telephonic means if holding an in-person meeting is impractical due to an ongoing public health crisis or other similar situation that is out of the control of the applicant, provided all notice requirements of this section are met. In addition, a neighborhood meeting may be held after the Land Use Control Board votes on the matter but before the governing body does so in the event the Division of Planning and Development makes a determination that a zoning change is not in compliance with a Chapter 1.9 plan with the publishing of its Land Use Control Board staff report (see Paragraph 9.3.2A(1)). In such an event, all notice and timing requirements of this Section shall still apply, but will be timed in conjunction with date the governing body is expected to vote on the matter.

9.3.3 Application Requirements

A. Initiation of Request

A request for development approval may be initiated in accordance with the following. For the purpose of this Sub-Section, “body” shall mean either the Memphis City Council or the Shelby County Board of Commissioners; “board” shall mean the Land Use Control Board and “staff” shall mean the Chief Administrative Officer of either the City of Memphis or Shelby County, or the Zoning Administrator.

	Agent/ Owner/ Applicant	Body/ Board/ Staff
Text Amendment		■
Zoning Change	■	■
Comprehensive Rezoning		■*
<u>Replacement of the Zoning Map</u>		■*
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	■
Right-of-Way Dedication	■	
Street Name Change	■	■
Plat of Record Revocation	■	■
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review	■	
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy	■	
Historic District Designation	■	■
Certificate of Appropriateness	■	
Demolition by Neglect		■
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

*Only the body(s) may initiate a request for a comprehensive rezoning or replacement of the zoning map(see Sub-Sections 9.5.12A and 9.5.13A).

B. Submittals

Applications required under this development code shall be filed with the Division of Planning and Development in accordance with the following.

	Zoning Administrator	Building Official
Text Amendment	■	
Zoning Change	■	
Comprehensive Rezoning	■	
<u>Replacement of the Zoning Map</u>	■	
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	
Right-of-Way Dedication	■	
Street Name Change	■	
Plat of Record Revocation	■	
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review		■
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy		■
Historic District Designation	■	
Certificate of Appropriateness	■	
Demolition by Neglect	■	
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

C. Forms

Applications required under this development code must be submitted on forms and in such numbers as required by the Division of Planning and Development.

D. Fees

Filing fees have been established to defray the cost of processing the application, as listed with the Division of Planning and Development and adopted by the governing bodies. Before review of an application, all filing fees must be paid in full.

E. Completeness Determination

1. All applications must be complete before the Zoning Administrator/Building Official is required to review the application.
2. An application is considered complete when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this development code.
3. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Zoning Administrator/Building Official as to whether more or less information shall be submitted.
4. Once the application has been determined complete, copies of the application shall be referred by the Zoning Administrator/Building Official to the reviewing entities.
5. The Zoning Administrator/Building Official may require an applicant to present evidence of authority to submit the application.

F. Application Deadline

Complete applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

G. Staff Consultation after Application Submitted

1. Upon receipt of a complete application, within 21 days after the filing deadline, the Zoning Administrator/Building Official shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this development code; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the application is determined incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

H. Concurrent Applications

Applications may be filed and reviewed concurrently, at the option of the applicant, provided there is not a pending appeal filed by applicant on the subject site (see Paragraph 9.23.1D(1)).

9.3.4 Public Hearings and Notification

A. Required Hearings and Notification

A public hearing shall be required and notification given as set forth below:

	x-ref	Public Hearing					Public Hearing Notice			Public Notice Mailed To			
		Board of Adjustment	Technical Rev. Committee	Landmarks Commission	Land Use Control Board	Governing Bodies	Sign Posted	Mailed	Newspaper Publication	Subject Property	Adjacent Owners ⁴	Owners within 750 Ft. Radius ¹	Neighborhood Associations ⁵
Text Amendment	9.4				PH	PH			LUCB/GB				
Zoning Change & Residential Corridors	9.5 & 8.5				PH	PH	SP	M	GB	■	■	■	■
Comprehensive Rezoning	9.5.12				PH	PH	SP	M	LUCB/GB	■			■
Replacement of the Zoning Map	9.5.13				PH	PH		M ⁹	LUCB/GB	■ ⁹			
Special Uses & Planned Developments:													
Special Uses & Special Use Amendments	9.6 & 9.6.12A				PH	PH-AO	SP	M		■	■	■	■
Special Use Major Modifications	9.6.12B				PH	PH-AO	SP	M		■	■	■	■
Special Use Minor Modifications	9.6.12C				PH-AO			M-AO		■	□		□
P. D. Outline Plan & Amendments	9.6 & 9.6.11E(1)				PH	PH-AO	SP	M		■	■	■	■
P. D. Major Modifications	9.6.11E(2)				PH	PH-AO	SP	M		■	■	■	■
P. D. Minor Modifications	9.6.11E(3)				PH-AO			M-AO		■	□		□
P. D. Final Plan	9.6												
P. D. Public Contract	9.6												
Subdivision:													
Minor Preliminary Plan	9.7.6		PH		PH-AO			M		■	■		■
Major Preliminary Plan	9.7.7				PH	PH-AO		M		■	■		■
Resubdivision					PH	PH-AO		M		■	■	■	■
Final Plat	9.7.8												
Public Contract	9.7.8												
Right-of-Way Vacation													
Conversions	9.8				PH	PH-AO	SP	M		■	■		■
Physical Closures	9.8				PH	PH-AO	SP	M		■	■	■ ⁶	■
Abandonment	9.8				PH	PH-AO		M		■	■		■
Right-of-Way Dedication	9.9				PH	PH-AO		M		■	■		■
Street Name Change	9.10				PH	PH		M		■	■		■
Plat of Record Revocation	9.11				PH	PH-AO		M		■	■		■
Administrative Site Plan	9.12	PH-AO						M-AO		■	□		□
Special Exception	9.14				PH	PH-AO	SP	M		■	■		■
Special District Administrative Review	9.13	PH-AO								■	□ ³		□
Historic District Designation	8.6			PH	PH	PH	SP	M	LM/LUCB/GB	■	■		■
Major Certificate of Appropriateness	8.6.3			PH				M		■	■	■ ⁷	
Historic District (Demolition by Neglect)	8.6.4			PH-AO						□	□		
Non-Use Variance² and Cond. Use Perm.	9.22 & 9.24	PH						M		■	■	■	
Use Variance	9.22	PH					SP ⁸	M		■	■	■	
Board of Adjustment Correspondence	2.4.5, 9.22.9, 9.23.1E(2) & 9.24.10	PH						M		■	■		
Administrative Decision		PH-AO								□			
Change in Nonconforming Use Permit	10.2.5	PH						M		■	■	■	

1. If the 750-foot radius includes less than 25 property owners, the radius shall be extended at 100-foot intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500 feet.
2. In the case of setback variation requests less than 5 feet only adjacent property owners shall be notified.
3. Public notice mailed to property owners within a 300-foot radius of the subject property.
4. "Adjacent owners" includes abutting owners and those across the street or other ROW from the subject site.
5. Public Notice to Neighborhood Associations may be mailed or sent via electronic mail.
6. The 750-foot radius shall be measured from the entire segment of the road affected by the closure rather than the area of right-of-way to be vacated. The segment of road affected shall be defined to mean that portion of public right-of-way that contains the proposed closure between the two nearest intersecting streets on either side of the closure.
7. A 150-foot radius is utilized for Certificates of Appropriateness.
8. Sign posting is not required for use variances for single-family residences.
9. See Sub-Section 9.5.13B for the mailed notice requirements applicable to replacements of the zoning map

PH = Public Hearing
 PH-AO = Public Hearing Upon Appeal or Objection Only (see Section 9.2.2)
 LUCB = Land Use Control Board
 GB = Governing Body

SP = Public Hearing Sign Posted
 LM = Landmarks Commission
 M = Public Hearing Notice Mailed
 M-AO = Public Hearing Notice Mailed - Appeal Only

GB-RO = Governing Body Publication for Hearing upon Request Only
 P = Sign posted prior to administrative approval

■ = Public Notice Sent To
 □ = Public Notice Sent Only On Appeal

B. Published Notice

Where published notice is required, a distinctive advertisement shall be placed by the Zoning Administrator in a local newspaper of general circulation in the City of Memphis and Shelby County not more than 30 or less than ten days prior to the date of the public hearing.

C. Posted Notice (Sign)

1. Sign Size and Type

Each sign shall be two feet by three feet in size made to standards and specifications as provided by the Zoning Administrator. All signs will include language stating that defacing or removal of the sign by anyone other than the owner or his or her agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized. Public notice signs are not subject to any sign permit or sign permit fees.

2. Location

a. Zoning Change, Special Use, Planned Development, Special Exception

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no further than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the Zoning Administrator.

b. Comprehensive Rezoning and Historic District Designation

A sign shall be posted at each major roadway entrance to any area being comprehensively rezoned as determined by the Zoning Administrator.

c. Right-of-Way Vacation

A sign shall be posted at each end of the right-of-way to be vacated.

3. Responsibility for Installation and Removal

- a. The applicant shall be solely responsible for signage installation and removal and associated costs.
- b. Signs shall be erected not more than 30 or less than 10 days prior to the date of the public hearing. Applicants may temporarily remove the signs after each public hearing, provided they reinstall the signs at least 10 days prior to the next public hearing. The applicant shall submit a signed affidavit stating that the signs were installed and the date and posting of the property.
- c. Signs shall be removed within 14 days following final action by the governing bodies.

D. Mailed Notice

1. Where mailed notice is required, notification shall be mailed not more than 45 or less than 20 days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.
2. All of the neighborhood associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property shall be provided mailed notice in accordance with Sub-Section 9.3.4A. Notice via electronic mail may substitute for mailed notice.

E. Content of Notice

1. Published or Mailed Notice

Published or mailed notice shall provide at least the following:

- a. A case number;
- b. The address of the subject property (if available);
- c. The general location of the land that is the subject of the application, which may include, a location map
- d. A description of the action requested;
- e. Where a zoning change is proposed, the current and proposed districts;
- f. The time, date and location of the public hearing (or neighbor meeting if applicable);
- g. A phone number and email address to contact the Zoning Administrator; and

- h. A statement that interested parties may appear at the public hearing.

2. Posted Notice

Required posted notice shall indicate the following:

- a. A case number;
- b. Type of action; and
- c. A phone number to contact the Zoning Administrator; and
- d. All signs shall include language stating that defacing or removal of the sign by anyone other than the owner or his agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized.

F. Constructive Notice

- 1. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
- 2. Undelivered mailed notice in excess of 25% of total required mailing within a 750-foot radius of the property only, shall constitute failed notice and shall serve to invalidate proceedings unless sufficient notice is provided in accordance with this section.

9.3.5 Notice of Decision

Within seven days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Zoning Administrator, where it shall be available for public inspection during regular office hours.

9.3.6 Withdrawal of Application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Zoning Administrator/Building Official except as provided in paragraph C below.
- B. The statement of withdrawal shall be in writing and may be delivered by hand, through mail or electronically.
- C. If a valid zoning protest petition has been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the public hearing upon which the matter is to be returned for action by the governing bodies. Thereafter, the application may be withdrawn only by action of the governing bodies, by majority vote.

The Zoning Administrator/Building Official may withdraw applications due to the failure of the applicant to submit required information within 90 days of the initial request.

NOTE- Skip to Section 9.5.13 (pg. 454). No changes proposed to text for Chapter 9.4.

NOTE- The below is a new Section to be inserted after existing Section 9.5.12

9.5.13 Replacement of the Zoning Map

A. Purpose and Intent

The governing bodies may from time to time repeal and completely replace the zoning map in order to make necessary and appropriate revisions. In so doing, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conservation and protection of aesthetics, conserving the value of buildings and communities, and encouraging the most appropriate use of land throughout the City and County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the City and County. Only the legislative bodies may initiate a repeal and complete replacement of the zoning map. Repeal and complete replacement of the map shall be accomplished by majority vote.

B. Mailed Notice

1. Replacements of the zoning map shall be subject to only the mailed notice requirements of this Sub-Section
2. Not more than 45 or less than 20 days prior to the date of the Land Use Control Board hearing, the Zoning Administrator shall issue a mailed notice to the owners of all properties within Memphis and unincorporated Shelby County. The notice shall contain the following information:
 - a. The current zoning district of the subject property
 - b. The proposed zoning district of the subject property
 - c. Information on how the recipient may review the proposed map in its entirety
 - d. The time, date, and location of the Land Use Control Board public hearing
 - e. A statement that interested parties may appear at the public hearing
 - f. A statement that that the proposed zoning district is subject to change prior to the final decision of the governing body
 - g. A statement that the Land Use Control Board will be making a recommendation on the proposed map at the public hearing, with a final decision to be made by the appropriate governing body
 - h. Notice that the governing body will then meet for a final decision, including citation to or location where the governing body's agenda may be found
3. For the purposes of this Sub-Section, "owner" shall mean the owner of record according to the most recent tax roll published by the County Assessor of Property.
4. For the purposes of mailed notice, the current and proposed zoning district for each property shall be those in which the property's centroid lies. The Zoning Administrator need not issue multiple notices for split-zoned properties.
5. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements.

AGENDA ITEM: 4

CASE NUMBER: ZTA 2026-002 **L.U.C.B. MEETING:** July 9, 2026

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: Brett Ragsdale, Director

REQUEST: Adopt the recommended amendment to the Unified Development Code

FINDINGS

1. Staff has been clear throughout the UDC Update process that we intend to recommend the replacement of the zoning map in its entirety.
2. The current UDC is silent on the procedural requirements for complete replacements of the zoning map. This silence has created uncertainty among stakeholders that this amendment will eliminate.
3. The issuance of mailed notice prior to the Land Use Control Board hearing for zoning map replacements is practical and will advance public understanding of the impacts the updates on properties throughout the County.
4. The proposed amendment will ensure all parties have a clear, shared understanding of the process by which the zoning map may be replaced in its entirety.

RECOMMENDATION:

Approval

INTRODUCTION

Throughout the ongoing effort to update the Unified Development Code (UDC), now approaching three years in length, staff has been clear that we intend to recommend the complete replacement of the zoning map. The zoning map, having not been replaced in more than 70 years, has grown increasingly out of alignment with city- and county-wide goals, including but not limited to those outlined in the Memphis 3.0 Comprehensive Plan. Additionally, as our draft code text has been developed alongside the draft zoning map, it cannot achieve its resident-identified goals without the replacement of the zoning map. Put simply, complete replacement of the zoning map is an overdue and necessary step to achieving our mission of affordable, livable communities for all residents of Memphis and Shelby County.

However, the current UDC is silent on the procedural requirements of replacing the zoning map. Section 9.5.12 discusses comprehensive rezonings, but these are small area rezonings, such as the comprehensive rezoning of Lamar Ave. undertaken in 2020 (Z 2020-004). In fact, the UDC explicitly limits comprehensive rezonings to “planning districts or planning areas” (Sub-Section 9.5.12B, see next page). Clearly, the current UDC does not contemplate the complete replacement of the zoning map.

The UDC’s silence on map replacements has led to a lack of clarity regarding, among other things, their public notice requirements. ***This amendment will eliminate this ambiguity and ensure public understanding of the process for replacing the entire zoning map.*** Importantly, we are recommending that the Zoning Administrator be required to mail notice to the owner of each property in our jurisdiction informing them of the proposed map replacement. These notices would feature the current and proposed zoning district for each property and largely resemble the public notices staff issues for other zoning cases.

In short, this zoning text amendment will ensure that staff, stakeholders, residents, and elected officials all possess the same, clear understanding of the procedural requirements for zoning map replacements. It will ensure general public understanding of the UDC Update and how it may impact properties throughout the County. Finally, it will allow staff to continue our progress toward adoption of the new UDC, including the new zoning map, transforming three years of public engagement into modern, simple, and logical zoning regulations for the future of Memphis and Shelby County.

For these reasons, staff recommends ***approval.***

CURRENT UDC SECTION 9.5.12: COMPREHENSIVE ZONING CHANGE

As shown in the highlighted section, the current UDC language for comprehensive rezonings is only applicable to zoning changes within designated “planning districts or planning areas.” This section, therefore, is not applicable to complete replacements of the zoning map, necessitating the subject Zoning Text Amendment.

9.5.12 Comprehensive Zoning Change

A. Purpose

The purpose of a comprehensive zoning change is to rezone areas in conformance with the principles of comprehensive land use planning and staged development as reflected by established public plans and policies, and planned public facilities. Through comprehensive zoning change, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conservation and protection of aesthetics, conserving the value of buildings and communities and encouraging the most appropriate use of land throughout the City and County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the City and County. Only the legislative bodies may initiate a comprehensive rezoning. If 100% of the subject property owners do not approve of the rezoning, a majority of the full legislative body (see Section 9.2.1) shall be required for final approval.

B. Designated Areas

Comprehensive zoning changes shall be limited to those areas designated as planning districts or planning areas, or other areas for which a plan has been approved or adopted by the governing bodies after a public hearing and notice has been given in accordance with Section 9.3.4, Public Hearings and Notification.

TEXT SUMMARY

This amendment provides for the following:

- Upon initiation by one of or both governing bodies, the Zoning Administrator may propose an entirely new zoning map for consideration by the Land Use Control Board.
- Prior to the Land Use Control Board’s consideration of the new map, the Zoning Administrator shall mail notice to the owner of each property within the UDC’s jurisdiction. These notices shall include the current and proposed zoning district for each property, as well as direction for appearing at a public hearing and reviewing the map in its entirety.
- The amendment would also require newspaper publication prior to both the Land Use Control Board and governing body public hearings.

ATTACHMENTS

Attached to this document is the full redline of the proposed amendment as well as proof of newspaper notice publication in the May 29 and June 30 editions of the Memphis Daily News.

Article 9. Administration

REVIEW BODIES

Governing Bodies

A. General Authority

The governing bodies may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Final Authority

With respect to this development code, the governing bodies are responsible for final action regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
- ~~6.7.~~ Planned development public contracts;
- ~~7.8.~~ Final plat public contracts;
- ~~8.9.~~ Right-of-way vacation;
- ~~9.10.~~ Right-of-way dedication; and
- ~~10.11.~~ Historic district designation.

Land Use Control Board

A. Establishment

The Land Use Control Board is established pursuant to Joint Ordinance-Resolution No. 2524 (Memphis City Code § 2-50).

B. General Authority

1. The Land Use Control Board performs related duties as directed by the governing bodies.
2. The Land Use Control Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Review Authority

With respect to this development code, the Land Use Control Board reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
6. Street Name Change;
7. Right-of-way vacation;
8. Right-of-way dedication; and
9. Historic district designation.

D. Final Authority

With respect to this development code, the Land Use Control Board shall be responsible for final action (subject to appeal) regarding:

1. Planned development major modifications;
2. Special use major modifications;
3. Major preliminary plans;
4. Resubdivision;

5. Plat of record vacation; and
6. Special exceptions.

Board of Adjustment

A. Establishment

The Board of Adjustment is established pursuant to Joint Ordinance-Resolution No. 722 Memphis City Code § 2-48).

B. General Authority

1. The Board of Adjustment performs related duties as directed by the governing bodies.
2. The Board of Adjustment may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Board of Adjustment is responsible for final action regarding:

1. Variances;
2. Appeals from Administrative decisions
3. Interpretation of zoning district boundaries.
4. Change in nonconforming use permit; and
5. Conditional Use Permits.

Landmarks Commission

A. Defined

The Memphis Landmarks Commission is identified as having the authority to enforce certain provisions of this development code.

B. Establishment

The Landmarks Commission serves as a historic zoning commission pursuant to Tennessee Code 13-7-403 for the City of Memphis (see Memphis City Code § 14-24-5).

C. General Authority

The Landmarks Commission conducts and encourages research, planning and educational projects for the purpose of protecting historic districts and documenting the historic significance thereof, including the following:

1. Recommend to the governing bodies designated sites and districts for loans and grants under the City Landmark Fund and subject to approval by the governing bodies; make application for and administer grants for the purpose of preserving and restoring structures and sites located within a Historic Overlay District.
2. Initiate or assist in surveys, plans and studies and programs designed to identify, list and evaluate structures, objects, sites and areas worth of preservation and develop strategies and methods for their protection.
3. Consult with and consider the recommendations of civic groups, public agencies and citizens interested in historic preservation and provide information to the public.
4. Research historic properties and apply for designation to the National Register of Historic Places and establish a list of properties eligible for designation as a Historic Overlay District.

D. Review Authority

With respect to this development code, the Landmarks Commission reviews and make recommendations regarding rezoning to a Historic district designation.

E. Final Authority

With respect to this development code, the Landmarks Commission is responsible for final action regarding applications for a Certificate of Appropriateness.

Downtown Memphis Commission Design Review Board

A. Establishment

The Downtown Memphis Commission Design Review Board is established pursuant to Memphis City Code § 12-44.

B. General Authority

1. The Downtown Memphis Commission Design Review Board performs related duties as directed by the City Council.

2. The Downtown Memphis Commission Design Review Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City Code of Ordinances.

C. Final Authority

With respect to this development code, the Downtown Memphis Commission Design Review Board is responsible for reviewing applications and issuing permits with respect to the design of public building façades and exteriors in public view, signs and other public improvements within the Central Business Improvement District.

Zoning Administrator

The Zoning Administrator may designate any staff member to represent the Zoning Administrator in any function assigned by this development code. The Zoning Administrator remains responsible for any final action.

A. General Authority

1. The Zoning Administrator performs related duties as directed by the governing bodies.
2. The Zoning Administrator may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Review Authority

With respect to this development code, the Zoning Administrator reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses, special use amendments and major modifications;
- ~~5.6.~~ Planned development outline plan and amendments;
- ~~6.7.~~ Planned development major modifications;
- ~~7.8.~~ Major preliminary plans review;
- ~~8.9.~~ Resubdivision;
- ~~9.10.~~ Right-of-way vacation;
- ~~10.11.~~ Right-of-way dedication;
- ~~11.12.~~ Street name change;
- ~~12.13.~~ Plat of record vacation;
- ~~13.14.~~ Special exceptions
- ~~14.15.~~ Historic district designation;
- ~~15.16.~~ Certificates of appropriateness; and
- ~~16.17.~~ Variances.

C. Final Authority

With respect to this development code, the Zoning Administrator is responsible for final action (subject to appeal) regarding:

1. Special use minor modifications;
2. Planned development minor modifications;
3. Planned development final plats;
4. Minor preliminary plans;
5. Final plats;
6. Administrative site plans;
7. Tree removal;
8. Final plat; Demolition by neglect;
9. Administrative deviations; and
10. Written interpretations.

Building Official

A. Delegation of Authority

The Building Official may designate any staff member to represent the Building Official in any function assigned by this development code. The Building Official remains responsible for any final action.

B. General Authority

1. The Building Official performs related duties as directed by the governing bodies.
2. The Building Official may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Building Official is responsible for final action (subject to appeal) regarding the following:

1. Temporary use review;
2. Sign permit; and
3. Certificate of occupancy.

Technical Review Committee

The Technical Review Committee is comprised of City and County agencies and is established to provide technical assistance in the review of certain provisions of this development code as set forth below.

A. Composition

The Technical Review Committee shall consist of a representative from the following. The Zoning Administrator shall serve as chairman of the Technical Review Committee and shall be responsible for all final recommendations.

1. Division of Planning and Development – Land Use and Development Services.
2. Division of Planning and Development – Comprehensive Planning.
3. Division of Planning and Development – Construction Enforcement.
4. City Traffic Engineer.
5. City and County Public Works Divisions.
6. City and County Engineering Divisions.
7. City and County Fire Departments.
8. Shelby County Health Department.
9. Memphis Light, Gas, and Water Division.

B. Review Authority

1. With respect to this development code, the Technical Review Committee may review at the discretion of the Zoning Administrator the following:
 - a. Text amendments;
 - b. Special uses and special use revisions;
 - c. Planned development outline plan amendments;
 - d. Planned development major modifications;
 - e. Planned development minor modifications;
 - f. Planned development final plats;
 - g. Minor preliminary plans;
 - h. Right-of-way vacation;
 - i. Administrative site plans; and
 - j. Special exceptions.
2. With respect to this development code, the Technical Review Committee shall review the following:
 - a. Planned development outline plans;
 - b. Major preliminary plans;
 - c. Resubdivision;
 - d. Right-of-way dedication;
 - e. Street name change; and

- f. Plat of record vacation.

SUMMARY OF REVIEW AUTHORITY

Governing Bodies

The City Council retains review and approval or appeal authority within the City limits of Memphis and the Board of Commissioners retains review and approval or appeal authority within unincorporated Shelby County.

Summary of Review Table

	x-ref	Review, Recommendation, Decision and Approval							
		City or County Engineer	Building Official	Technical Review Committee	Zoning Administrator	Board of Adjustment	Landmarks Commission	Land Use Control Board	Governing Bodies
Text Amendment	9.4			Δ	RR			RR	D
Zoning Change	9.5				RR			RR	D
Comprehensive Rezoning	9.5.12				RR			RR	D
Replacement of the Zoning Map	9.5.13				RR			RR	D
Special Uses & Planned Developments:									
Special Uses & Special Use Amendments	9.6 & 9.6.12A			Δ	RR			RR	D*
Special Use Major Modification	9.6.12B			Δ	RR			D	A
Special Use Minor Modification	9.6.12C			Δ	D			A*	
P. D. Outline Plan & Amendments	9.6 & 9.6.11E(1)			R	RR			RR	D*
P. D. Major Modifications	9.6.11E(2)			Δ	RR			D	A
P. D. Minor Modifications	9.6.11E(3)			Δ	D			A*	
P. D. Final Plan	9.6			Δ	D			A*	
P. D. Public Contract	9.6	RR							D
Subdivision:									
Minor Preliminary Plan	9.7.6			Δ	D			A	
Major Preliminary Plan	9.7.7			R	RR			D	A
Resubdivision				R	RR			D	A
Final Plat without Standard Contract	9.7.8			Δ	D			A*	
Final Plat w/Standard Contract	9.7.8	RR							D
Right-of-Way Vacation	9.8			Δ	RR			RR	D
Right-of-Way Dedication	9.9			R	RR			RR	D
Street Name Change	9.10			R	RR			RR	D
Plat of Record Revocation	9.11			R	RR			D	A
Administrative Site Plan	9.12			Δ	D	A**			
Special District Administrative Review	9.13			Δ	D	A**			
Special Exception	9.14			Δ	RR			D	A
Historic District Designation	8.6				RR		RR	RR	D
Certificate of Appropriateness	8.6.3				RR		D		
Historic District (Demolition by Neglect)	8.6.4				D		A*		
Board of Adjustment					RR	D			
Administrative Decision		D	D		D	A**			
Change in Nonconforming Use Permit	10.2.5				RR	D			

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

R = Review

RR = Review & Recommendation

Δ = Review at Discretion of Zoning Administrator

A = Appeal

A* = Only the subject property owner or his or her representative may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

A** = Only the subject property owner and those property owners within 1000 feet of the subject property, as measured from property line to property line, may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

COMMON REVIEW PROCEDURES

Pre-Application Conference

- A. The pre-application conference is a meeting in which the Zoning Administrator discusses the procedures, standards and regulations required for approval in accordance with this development code with the applicant.
- B. A mandatory pre-application conference with the Zoning Administrator shall be required for the following:
 - 1. Zoning change;
 - 2. Special use permit;
 - 3. Planned development outline plan;
 - 4. Minor preliminary plan;
 - 5. Major preliminary plan;
 - 6. Right-of-way vacation;
 - 7. Right-of-way dedication;
 - 8. Plat of record;
 - 9. Plat revocation;
 - 10. Historic district designation; and
 - 11. Certificate of Appropriateness.
- C. A pre-application conference is optional for any application not listed in Sub-Section B above.

Neighborhood Notification and Meeting

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
 - 1. Zoning change;
 - 2. Special use permit or amendment to a special use permit;
 - 3. Planned development outline plan or amendment to a planned development outline plan; and
 - 4. All subdivisions except minor subdivisions.
- B. Procedure
 - 1. Where applicable, the Division of Planning and Development shall mail notification of the neighborhood meeting prepared and provided by the applicant to the following individuals: 1) the officers of any neighborhood or business associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property; 2) all current residents of single-family and two-family dwellings within the notification area; 3) all property owners within the notification area, if different from the current residents; 4) the members of the Memphis City Council who represent the district and super-district in which the development is planned, or for areas in unincorporated Shelby County, the member of the Shelby County Board of Commissioners who represent the district in which the development is planned; and 5) all residents of multi-family dwellings within the notification area; to inform the community of the proposed development and solicit comments. If the applicant is unable to make notification to the multi-family dwellings, he or she shall provide notice to the Division of Planning and Development the reason and shall mail notification of the neighborhood meeting to the rental or management offices of all multi-family dwellings within the notification area with a request that said rental or management office post the notification in a conspicuous location within a common area(s), including, but not limited to: entry doors, hallways, mailbox areas and laundry rooms.
 - 2. The neighborhood notification requirements shall be the same as the mailed public notice requirements in 9.3.4A. The notification shall identify the time and place of the neighborhood meeting, as well as a description and map of the project. The notification shall also include the public hearing date of when the application will be heard by the Land Use Control Board. The applicant shall contact the officer(s) of any neighborhood or business association registered with the City of Memphis Office of Community Affairs prior to determining a date for the neighborhood meeting.
 - 3. The notification shall be prepared by the applicant and presented to the Division of Planning and Development no later than two working days prior to the date set out in the mailing requirement provided in Paragraph 5 below. The notification shall be folded, sealed and placed in stamped envelopes when presented to the Division of Planning

and Development. The following items shall accompany the notification when presented to the Division of Planning and Development: a copy of the letter to be mailed to all parties, a copy of the address labels to whom notification will be mailed and a map of the notice area.

4. If practicable, the neighborhood meeting shall be held at a public building or place of worship within a one-mile radius of the subject property, or at the subject property itself.
 5. If the notification package is determined to be complete by the Zoning Administrator, the Division of Planning and Development shall mail the notification no later than 20 days prior to the hearing before the Land Use Control Board and no later than 10 days prior to the date of the neighborhood meeting. If the neighborhood notification package is determined to be incomplete by the Zoning Administrator, the application is subject to being considered incomplete and removed from the Land Use Control Board agenda.
 6. Neighborhood meetings are the sole responsibility of the applicant. Documentation of its proceedings shall also be provided to the Division of Planning and Development. The applicant may request neighborhood organizations' contact information, if available, from the Division of Planning and Development.
- C. The purpose of the neighborhood notification and meeting is to inform the neighborhood of the nature of the proposed land use and development features and solicit comments. Applicants shall reserve at least 15 minutes of the neighborhood meeting for community members, businesses and/or neighborhood associations wishing to make a presentation regarding the development.
- D. Any neighborhood or business association registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the development area will have the opportunity to submit a Community Impact Statement (CIS). The purpose of the CIS is to provide community members a chance to give an opinion and any recommendation regarding the development project. The CIS shall not exceed 500 words. Neighborhood or business associations who intend to file a CIS must submit said statement to the Land Use Control Board or governing bodies prior to the scheduled hearing. If provided prior to the publishing of the Land Use Control Board staff report, the CIS shall be included within the staff report in a prominent position alongside the Division of Planning and Development recommendation. If provided after the publishing of the Land Use Control Board staff report, the CIS will be referenced during the Land Use Control Board public hearing and contained in the materials that are forwarded to the legislative body, where applicable.
- E. Exigent circumstances. A neighborhood meeting may be conducted through electronic or telephonic means if holding an in-person meeting is impractical due to an ongoing public health crisis or other similar situation that is out of the control of the applicant, provided all notice requirements of this section are met. In addition, a neighborhood meeting may be held after the Land Use Control Board votes on the matter but before the governing body does so in the event the Division of Planning and Development makes a determination that a zoning change is not in compliance with a Chapter 1.9 plan with the publishing of its Land Use Control Board staff report (see Paragraph 9.3.2A(1)). In such an event, all notice and timing requirements of this Section shall still apply, but will be timed in conjunction with date the governing body is expected to vote on the matter.

Application Requirements

A. Initiation of Request

A request for development approval may be initiated in accordance with the following. For the purpose of this Sub-Section, “body” shall mean either the Memphis City Council or the Shelby County Board of Commissioners; “board” shall mean the Land Use Control Board and “staff” shall mean the Chief Administrative Officer of either the City of Memphis or Shelby County, or the Zoning Administrator.

	Agent/ Owner/ Applicant	Body/ Board/ Staff
Text Amendment		■
Zoning Change	■	■
Comprehensive Rezoning		■*
<u>Replacement of the Zoning Map</u>		■*
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	■
Right-of-Way Dedication	■	
Street Name Change	■	■
Plat of Record Revocation	■	■
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review	■	
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy	■	
Historic District Designation	■	■
Certificate of Appropriateness	■	
Demolition by Neglect		■
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

*Only the body(s) may initiate a request for a comprehensive rezoning or replacement of the zoning map (see Sub-Sections 9.5.12A and 9.5.13A).

B. Submittals

Applications required under this development code shall be filed with the Division of Planning and Development in accordance with the following.

	Zoning Administrator	Building Official
Text Amendment	■	
Zoning Change	■	
Comprehensive Rezoning	■	
Replacement of the Zoning Map	■	
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	
Right-of-Way Dedication	■	
Street Name Change	■	
Plat of Record Revocation	■	
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review		■
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy		■
Historic District Designation	■	
Certificate of Appropriateness	■	
Demolition by Neglect	■	
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

C. Forms

Applications required under this development code must be submitted on forms and in such numbers as required by the Division of Planning and Development.

D. Fees

Filing fees have been established to defray the cost of processing the application, as listed with the Division of Planning and Development and adopted by the governing bodies. Before review of an application, all filing fees must be paid in full.

E. Completeness Determination

1. All applications must be complete before the Zoning Administrator/Building Official is required to review the application.
2. An application is considered complete when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this development code.
3. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Zoning Administrator/Building Official as to whether more or less information shall be submitted.
4. Once the application has been determined complete, copies of the application shall be referred by the Zoning Administrator/Building Official to the reviewing entities.
5. The Zoning Administrator/Building Official may require an applicant to present evidence of authority to submit the application.

F. Application Deadline

Complete applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

G. Staff Consultation after Application Submitted

1. Upon receipt of a complete application, within 21 days after the filing deadline, the Zoning Administrator/Building Official shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this development code; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the application is determined incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

H. Concurrent Applications

Applications may be filed and reviewed concurrently, at the option of the applicant, provided there is not a pending appeal filed by applicant on the subject site (see Paragraph 9.23.1D(1)).

Public Hearings and Notification

A. Required Hearings and Notification

A public hearing shall be required and notification given as set forth below:

	x-ref	Public Hearing					Public Hearing Notice			Public Notice Mailed To			
		Board of Adjustment	Technical Rev. Committee	Landmarks Commission	Land Use Control Board	Governing Bodies	Sign Posted	Mailed	Newspaper Publication	Subject Property Owners	Adjacent Owners ⁴	Owners within 750 Ft. Radius ¹	Neighborhood Associations ⁵
Text Amendment	9.4				PH	PH			LUCB/GB				
Zoning Change & Residential Corridors	9.5 & 8.5				PH	PH	SP	M	GB	■	■	■	■
Comprehensive Rezoning	9.5.12				PH	PH	SP	M	LUCB/GB	■			■
Replacement of the Zoning Map	9.5.13				PH	PH		M ⁹	LUCB/GB	■ ⁹			
Special Uses & Planned Developments:													
Special Uses & Special Use Amendments	9.6 & 9.6.12A				PH	PH-AO	SP	M		■	■	■	■
Special Use Major Modifications	9.6.12B				PH	PH-AO	SP	M		■	■	■	■
Special Use Minor Modifications	9.6.12C				PH-AO			M-AO		■	□		□
P. D. Outline Plan & Amendments	9.6 & 9.6.11E(1)				PH	PH-AO	SP	M		■	■	■	■
P. D. Major Modifications	9.6.11E(2)				PH	PH-AO	SP	M		■	■	■	■
P. D. Minor Modifications	9.6.11E(3)				PH-AO			M-AO		■	□		□
P. D. Final Plan	9.6												
P. D. Public Contract	9.6												
Subdivision:													
Minor Preliminary Plan	9.7.6		PH		PH-AO			M		■	■		■
Major Preliminary Plan	9.7.7				PH	PH-AO		M		■	■		■
Resubdivision					PH	PH-AO		M		■	■	■	■
Final Plat	9.7.8												
Public Contract	9.7.8												
Right-of-Way Vacation													
Conversions	9.8				PH	PH-AO	SP	M		■	■		■
Physical Closures	9.8				PH	PH-AO	SP	M		■	■	■ ⁶	■
Abandonment	9.8				PH	PH-AO		M		■	■		■
Right-of-Way Dedication	9.9				PH	PH-AO		M		■	■		■
Street Name Change	9.10				PH	PH		M		■	■		■
Plat of Record Revocation	9.11				PH	PH-AO		M		■	■		■
Administrative Site Plan	9.12	PH-AO						M-AO		■	□		□
Special Exception	9.14				PH	PH-AO	SP	M		■	■		■
Special District Administrative Review	9.13	PH-AO								■	□ ³		□
Historic District Designation	8.6			PH	PH	PH	SP	M	LM/LUCB/GB	■	■		■
Major Certificate of Appropriateness	8.6.3			PH				M		■	■	■ ⁷	
Historic District (Demolition by Neglect)	8.6.4			PH-AO						□	□		
Non-Use Variance² and Cond. Use Perm.	9.22 & 9.24	PH						M		■	■	■	
Use Variance	9.22	PH					SP ⁸	M		■	■	■	
Board of Adjustment Correspondence	2.4.5, 9.22.9, 9.23.1E(2) & 9.24.10	PH						M		■	■		
Administrative Decision		PH-AO								□			
Change in Nonconforming Use Permit	10.2.5	PH						M		■	■	■	

1. If the 750-foot radius includes less than 25 property owners, the radius shall be extended at 100-foot intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500 feet.

2. In the case of setback variation requests less than 5 feet only adjacent property owners shall be notified.

3. Public notice mailed to property owners within a 300-foot radius of the subject property.

4. "Adjacent owners" includes abutting owners and those across the street or other ROW from the subject site.

5. Public Notice to Neighborhood Associations may be mailed or sent via electronic mail.

6. The 750-foot radius shall be measured from the entire segment of the road affected by the closure rather than the area of right-of-way to be vacated. The segment of road affected shall be defined to mean that portion of public right-of-way that contains the proposed closure between the two nearest intersecting streets on either side of the closure.

7. A 150-foot radius is utilized for Certificates of Appropriateness.

8. Sign posting is not required for use variances for single-family residences.

9. See Sub-Section 9.5.13B for the mailed notice requirements applicable to replacements of the zoning map

PH = Public Hearing
 PH-AO = Public Hearing Upon Appeal or Objection Only (see Section 9.2.2)
 LUCB = Land Use Control Board
 GB = Governing Body
 P = Sign posted prior to administrative approval

LM = Landmarks Commission
 M = Public Hearing Notice Mailed
 M-AO = Public Hearing Notice Mailed - Appeal Only

■ = Public Notice Sent To
 □ = Public Notice Sent Only On Appeal

B. Published Notice

Where published notice is required, a distinctive advertisement shall be placed by the Zoning Administrator in a local newspaper of general circulation in the City of Memphis and Shelby County not more than 30 or less than ten days prior to the date of the public hearing.

C. Posted Notice (Sign)**1. Sign Size and Type**

Each sign shall be two feet by three feet in size made to standards and specifications as provided by the Zoning Administrator. All signs will include language stating that defacing or removal of the sign by anyone other than the owner or his or her agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized. Public notice signs are not subject to any sign permit or sign permit fees.

2. Location**a. Zoning Change, Special Use, Planned Development, Special Exception**

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no further than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the Zoning Administrator.

b. Comprehensive Rezoning and Historic District Designation

A sign shall be posted at each major roadway entrance to any area being comprehensively rezoned as determined by the Zoning Administrator.

c. Right-of-Way Vacation

A sign shall be posted at each end of the right-of-way to be vacated.

3. Responsibility for Installation and Removal

- a. The applicant shall be solely responsible for signage installation and removal and associated costs.
- b. Signs shall be erected not more than 30 or less than 10 days prior to the date of the public hearing. Applicants may temporarily remove the signs after each public hearing, provided they reinstall the signs at least 10 days prior to the next public hearing. The applicant shall submit a signed affidavit stating that the signs were installed and the date and posting of the property.
- c. Signs shall be removed within 14 days following final action by the governing bodies.

D. Mailed Notice

1. Where mailed notice is required, notification shall be mailed not more than 45 or less than 20 days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.
2. All of the neighborhood associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property shall be provided mailed notice in accordance with Sub-Section 9.3.4A. Notice via electronic mail may substitute for mailed notice.

E. Content of Notice**1. Published or Mailed Notice**

Published or mailed notice shall provide at least the following:

- a. A case number;
- b. The address of the subject property (if available);
- c. The general location of the land that is the subject of the application, which may include, a location map
- d. A description of the action requested;

- e. Where a zoning change is proposed, the current and proposed districts;
- f. The time, date and location of the public hearing (or neighbor meeting if applicable);
- g. A phone number and email address to contact the Zoning Administrator; and
- h. A statement that interested parties may appear at the public hearing.

2. Posted Notice

Required posted notice shall indicate the following:

- a. A case number;
- b. Type of action; and
- c. A phone number to contact the Zoning Administrator; and
- d. All signs shall include language stating that defacing or removal of the sign by anyone other than the owner or his agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized.

F. Constructive Notice

- 1. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
- 2. Undelivered mailed notice in excess of 25% of total required mailing within a 750-foot radius of the property only, shall constitute failed notice and shall serve to invalidate proceedings unless sufficient notice is provided in accordance with this section.

Notice of Decision

Within seven days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Zoning Administrator, where it shall be available for public inspection during regular office hours.

Withdrawal of Application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Zoning Administrator/Building Official except as provided in paragraph C below.
- B. The statement of withdrawal shall be in writing and may be delivered by hand, through mail or electronically.
- C. If a valid zoning protest petition has been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the public hearing upon which the matter is to be returned for action by the governing bodies. Thereafter, the application may be withdrawn only by action of the governing bodies, by majority vote.

The Zoning Administrator/Building Official may withdraw applications due to the failure of the applicant to submit required information within 90 days of the initial request.

NOTE- Skip to Section 9.5.13 (pg. 454). No changes proposed to text for Chapter 9.4.

9.5.13 Replacement of the Zoning Map

A. Purpose and Intent

The governing bodies may from time to time repeal and completely replace the zoning map in order to make necessary and appropriate revisions. In so doing, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conservation and protection of aesthetics, conserving the value of buildings and communities, and encouraging the most appropriate use of land throughout the City and County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the City and County. Only the legislative bodies may initiate a repeal and complete replacement of the zoning map. Repeal and complete replacement of the map shall be accomplished by majority vote.

B. Mailed Notice

1. Replacements of the zoning map shall be subject to only the mailed notice requirements of this Sub-Section
2. Not more than 45 or less than 20 days prior to the date of the Land Use Control Board hearing, the Zoning Administrator shall issue a mailed notice to the owner of all properties within Memphis and unincorporated Shelby County. The notice shall contain the following information:
 - a. The current zoning district of the subject property
 - b. The proposed zoning district of the subject property
 - c. Information on how the recipient may review the proposed map in its entirety
 - d. The time, date, and location of the Land Use Control Board public hearing
 - e. A statement that interested parties may appear at the public hearing
 - f. A statement that that the proposed zoning district is subject to change prior to the final decision of the governing body
 - g. A statement that the Land Use Control Board will be making a recommendation on the proposed map at the public hearing, with a final decision to be made by the appropriate governing body
 - h. Notice that the governing body will then meet for a final decision, including citation to or location where the governing body's agenda may be found
3. For the purposes of this Sub-Section, "owner" shall mean the owner of record according to the most recent tax roll published by the County Assessor of Property.
4. For the purposes of mailed notice, the current and proposed zoning district for each property shall be those in which the property's centroid lies. The Zoning Administrator need not issue multiple notices for split-zoned properties.
5. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements.

NOTICE

CASE NUMBER: ZTA 2026-002

Notice is hereby given that the Memphis and Shelby County Land Use Control Board will hold a public hearing on Thursday, June 11, 2026, at 9:00 AM to consider amendments to Memphis and Shelby County Unified Development Code (UDC). The proposed amendments would clarify the process by which the existing zoning map may be repealed and replaced in its entirety. The text of the proposed amendment will be published no later than Friday, June 5 alongside the full meeting agenda. The text will be available for public review via Develop901.com or at the Division of Planning and Development's offices at City Hall, 125 N Main St., Ste. 477 (please call to make an appointment). Interested parties may appear and/or testify during the public hearing, which will be held in the City Council Chambers in the first floor of City Hall, 125 N Main St. Those with questions may direct them to zoning@memphistn.gov or call (901) 636-6619.

May 29, 2026 Md114743

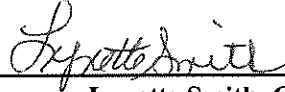
PROOF OF PUBLICATION

THE DAILY NEWS PUBLISHING COMPANY, the Publisher of THE DAILY NEWS, a daily newspaper of general circulation printed in the City of Memphis, County of Shelby and State of Tennessee and distributed in Shelby County in Tennessee, states that the hereto attached publication appeared in THE DAILY NEWS on the following dates:

May 29, 2026

THE DAILY NEWS PUBLISHING COMPANY

By:



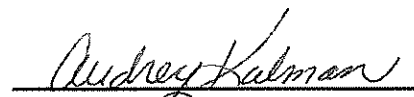
Lynette Smith, Office Administrator

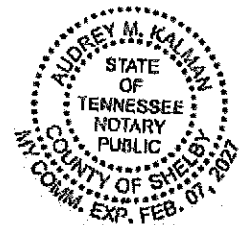
STATE OF TENNESSEE
COUNTY OF SHELBY

On this 29th day of May 2026, the individual above appeared before me, personally known, who, being by me duly sworn did say that she is an authorized agent of the corporation (or association) of The Daily News Publishing Company, that this instrument was signed and sealed on behalf of the corporation (or association), by authority of its CEO and Owner.

This legal notice was published online at www.memphisdailynews.com and www.tnpublicnotice.com for the duration of the run dates listed above. This publication fully complies with all public notice statutes in Tennessee Code Annotated.

WITNESS my hand and Official Seal at office this 29th day of May 2026.


Notary Public



NOTICE

CASE NUMBER: ZTA 2026-002

Notice is hereby given that the Memphis and Shelby County Land Use Control Board will hold a public hearing on Thursday, July 9, 2026, at 9:00 AM to consider amendments to Memphis and Shelby County Unified Development Code (UDC). The proposed amendments would clarify the process by which the existing zoning map may be repealed and replaced in its entirety.

The text of the proposed amendment will be published no later than Friday, July 3 alongside the full meeting agenda. The text will be available for public review via Develop901.com or at the Division of Planning and Development's offices at City Hall, 125 N Main St., Ste. 477 (please call to make an appointment). Interested parties may appear and/or testify during the public hearing, which will be held in the City Council Chambers in the first floor of City Hall, 125 N Main St. Those with questions may direct them to zoning@memphistn.gov or call (901) 636-6619.

June 30, 2026 Md115269

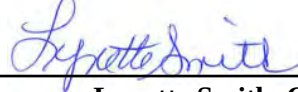
PROOF OF PUBLICATION

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June 30, 2026

THE DAILY NEWS PUBLISHING COMPANY

By:



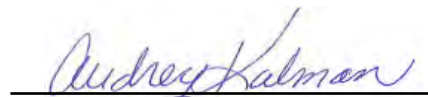
Lynette Smith, Office Administrator

STATE OF TENNESSEE
COUNTY OF SHELBY

On this **30th** day of **June 2026**, the individual above appeared before me, personally known, who, being by me duly sworn did say that she is an authorized agent of the corporation (or association) of The Daily News Publishing Company, that this instrument was signed and sealed on behalf of the corporation (or association), by authority of its CEO and Owner.

This legal notice was published online at www.memphisdailynews.com and www.tnpublicnotice.com for the duration of the run dates listed above. This publication fully complies with all public notice statutes in Tennessee Code Annotated.

WITNESS my hand and Official Seal at office this **30th** day of **June 2026**.


Notary Public

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

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

LAND USE CONTROL BOARD ZONING TEXT AMENDMENT APPLICATION

Date: May 14, 2026

Case/Docket #: ZTA 2026-002

PLEASE TYPE OR PRINT

Applicant: Brett Ragsdale, Director Phone #: 901-636-7147

Mailing Address: 125 N. Main St., Ste. 468 City/State: Memphis, TN Zip: 38103

Applicant Email Address: brett.ragsdale@memphistn.gov



Signature

May 14, 2026

Date

Attachments: Proposed text changes (redline)

Article 9. Administration

9.1 REVIEW BODIES

9.1.1 Governing Bodies

A. General Authority

The governing bodies may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Final Authority

With respect to this development code, the governing bodies are responsible for final action regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
- ~~6.7.~~ Planned development public contracts;
- ~~7.8.~~ Final plat public contracts;
- ~~8.9.~~ Right-of-way vacation;
- ~~9.10.~~ Right-of-way dedication; and
- ~~10.11.~~ Historic district designation.

9.1.2 Land Use Control Board

A. Establishment

The Land Use Control Board is established pursuant to Joint Ordinance-Resolution No. 2524 (Memphis City Code § 2-50).

B. General Authority

1. The Land Use Control Board performs related duties as directed by the governing bodies.
2. The Land Use Control Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Review Authority

With respect to this development code, the Land Use Control Board reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
6. Street Name Change;
7. Right-of-way vacation;
8. Right-of-way dedication; and
9. Historic district designation.

D. Final Authority

With respect to this development code, the Land Use Control Board shall be responsible for final action (subject to appeal) regarding:

1. Planned development major modifications;

2. Special use major modifications;
3. Major preliminary plans;
4. Resubdivision;
5. Plat of record vacation; and
6. Special exceptions.

9.2.3 Board of Adjustment

A. Establishment

The Board of Adjustment is established pursuant to Joint Ordinance-Resolution No. 722 Memphis City Code § 2-48).

B. General Authority

1. The Board of Adjustment performs related duties as directed by the governing bodies.
2. The Board of Adjustment may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Board of Adjustment is responsible for final action regarding:

1. Variances;
2. Appeals from Administrative decisions
3. Interpretation of zoning district boundaries.
4. Change in nonconforming use permit; and
5. Conditional Use Permits.

9.2.4 Landmarks Commission

A. Defined

The Memphis Landmarks Commission is identified as having the authority to enforce certain provisions of this development code.

B. Establishment

The Landmarks Commission serves as a historic zoning commission pursuant to Tennessee Code 13-7-403 for the City of Memphis (see Memphis City Code § 14-24-5).

C. General Authority

The Landmarks Commission conducts and encourages research, planning and educational projects for the purpose of protecting historic districts and documenting the historic significance thereof, including the following:

1. Recommend to the governing bodies designated sites and districts for loans and grants under the City Landmark Fund and subject to approval by the governing bodies; make application for and administer grants for the purpose of preserving and restoring structures and sites located within a Historic Overlay District.
2. Initiate or assist in surveys, plans and studies and programs designed to identify, list and evaluate structures, objects, sites and areas worth of preservation and develop strategies and methods for their protection.
3. Consult with and consider the recommendations of civic groups, public agencies and citizens interested in historic preservation and provide information to the public.
4. Research historic properties and apply for designation to the National Register of Historic Places and establish a list of properties eligible for designation as a Historic Overlay District.

D. Review Authority

With respect to this development code, the Landmarks Commission reviews and make recommendations regarding rezoning to a Historic district designation.

E. Final Authority

With respect to this development code, the Landmarks Commission is responsible for final action regarding applications for a Certificate of Appropriateness.

9.2.5 Downtown Memphis Commission Design Review Board

A. Establishment

The Downtown Memphis Commission Design Review Board is established pursuant to Memphis City Code § 12-44.

B. General Authority

1. The Downtown Memphis Commission Design Review Board performs related duties as directed by the City Council.
2. The Downtown Memphis Commission Design Review Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City Code of Ordinances.

C. Final Authority

With respect to this development code, the Downtown Memphis Commission Design Review Board is responsible for reviewing applications and issuing permits with respect to the design of public building façades and exteriors in public view, signs and other public improvements within the Central Business Improvement District.

9.2.6 Zoning Administrator

The Zoning Administrator may designate any staff member to represent the Zoning Administrator in any function assigned by this development code. The Zoning Administrator remains responsible for any final action.

A. General Authority

1. The Zoning Administrator performs related duties as directed by the governing bodies.
2. The Zoning Administrator may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Review Authority

With respect to this development code, the Zoning Administrator reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
- ~~3.~~ Comprehensive rezonings;
- ~~3-4.~~ Replacements of the zoning map;
- ~~4-5.~~ Special uses, special use amendments and major modifications;
- ~~5-6.~~ Planned development outline plan and amendments;
- ~~6-7.~~ Planned development major modifications;
- ~~7-8.~~ Major preliminary plans review;
- ~~8-9.~~ Resubdivision;
- ~~9-10.~~ Right-of-way vacation;
- ~~10-11.~~ Right-of-way dedication;
- ~~11-12.~~ Street name change;
- ~~12-13.~~ Plat of record vacation;
- ~~13-14.~~ Special exceptions
- ~~14-15.~~ Historic district designation;
- ~~15-16.~~ Certificates of appropriateness; and
- ~~16-17.~~ Variances.

C. Final Authority

With respect to this development code, the Zoning Administrator is responsible for final action (subject to appeal) regarding:

1. Special use minor modifications;
2. Planned development minor modifications;
3. Planned development final plats;
4. Minor preliminary plans;
5. Final plats;
6. Administrative site plans;

7. Tree removal;
8. Final plat; Demolition by neglect;
9. Administrative deviations; and
10. Written interpretations.

9.2.7 Building Official

A. Delegation of Authority

The Building Official may designate any staff member to represent the Building Official in any function assigned by this development code. The Building Official remains responsible for any final action.

B. General Authority

1. The Building Official performs related duties as directed by the governing bodies.
2. The Building Official may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Building Official is responsible for final action (subject to appeal) regarding the following:

1. Temporary use review;
2. Sign permit; and
3. Certificate of occupancy.

9.2.8 Technical Review Committee

The Technical Review Committee is comprised of City and County agencies and is established to provide technical assistance in the review of certain provisions of this development code as set forth below.

A. Composition

The Technical Review Committee shall consist of a representative from the following. The Zoning Administrator shall serve as chairman of the Technical Review Committee and shall be responsible for all final recommendations.

1. Division of Planning and Development – Land Use and Development Services.
2. Division of Planning and Development – Comprehensive Planning.
3. Division of Planning and Development – Construction Enforcement.
4. City Traffic Engineer.
5. City and County Public Works Divisions.
6. City and County Engineering Divisions.
7. City and County Fire Departments.
8. Shelby County Health Department.
9. Memphis Light, Gas, and Water Division.

B. Review Authority

1. With respect to this development code, the Technical Review Committee may review at the discretion of the Zoning Administrator the following:
 - a. Text amendments;
 - b. Special uses and special use revisions;
 - c. Planned development outline plan amendments;
 - d. Planned development major modifications;
 - e. Planned development minor modifications;
 - f. Planned development final plats;
 - g. Minor preliminary plans;
 - h. Right-of-way vacation;
 - i. Administrative site plans; and
 - j. Special exceptions.

2. With respect to this development code, the Technical Review Committee shall review the following:
 - a. Planned development outline plans;
 - b. Major preliminary plans;
 - c. Resubdivision;
 - d. Right-of-way dedication;
 - e. Street name change; and
 - f. Plat of record vacation.

9.2 SUMMARY OF REVIEW AUTHORITY

9.2.1 Governing Bodies

The City Council retains review and approval or appeal authority within the City limits of Memphis and the Board of Commissioners retains review and approval or appeal authority within unincorporated Shelby County.

9.2.2 Summary of Review Table

		Review, Recommendation, Decision and Approval							
		City or County Engineer	Building Official	Technical Review Committee	Zoning Administrator or	Board of Adjustment	Landmarks Commission	Land Use Control Board	Governing Bodies
	x-ref								
Text Amendment	9.4			Δ	RR			RR	D
Zoning Change	9.5				RR			RR	D
Comprehensive Rezoning	9.5.12				RR			RR	D
Replacement of the Zoning Map	9.5.13				RR			RR	D
Special Uses & Planned Developments:									
Special Uses & Special Use Amendments	9.6 & 9.6.12A			Δ	RR			RR	D*
Special Use Major Modification	9.6.12B			Δ	RR			D	A
Special Use Minor Modification	9.6.12C			Δ	D			A*	
P. D. Outline Plan & Amendments	9.6 & 9.6.11E (1)			R	RR			RR	D*
P. D. Major Modifications	9.6.11E (2)			Δ	RR			D	A
P. D. Minor Modifications	9.6.11E (3)			Δ	D			A*	
P. D. Final Plan	9.6			Δ	D			A*	
P. D. Public Contract	9.6	RR							D
Subdivision:									
Minor Preliminary Plan	9.7.6			Δ	D			A	
Major Preliminary Plan	9.7.7			R	RR			D	A
Resubdivision				R	RR			D	A
Final Plat without Standard Contract	9.7.8			Δ	D			A*	
Final Plat w/Standard Contract	9.7.8	RR							D
Right-of-Way Vacation	9.8			Δ	RR			RR	D
Right-of-Way Dedication	9.9			R	RR			RR	D
Street Name Change	9.10			R	RR			RR	D
Plat of Record Revocation	9.11			R	RR			D	A
Administrative Site Plan	9.12			Δ	D	A**			
Special District Administrative Review	9.13			Δ	D	A**			
Special Exception	9.14			Δ	RR			D	A
Historic District Designation	8.6				RR		RR	RR	D
Certificate of Appropriateness	8.6.3				RR		D		
Historic District (Demolition by Neglect)	8.6.4				D		A*		
Board of Adjustment					RR	D			
Administrative Decision		D	D		D	A**			
Change in Nonconforming Use Permit	10.2.5				RR	D			

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

R = Review

RR = Review & Recommendation

Δ = Review at Discretion of Zoning Administrator

A = Appeal

A* = Only the subject property owner or his or her representative may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

A** = Only the subject property owner and those property owners within 1000 feet of the subject property, as measured from property line to property line, may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

9.3 COMMON REVIEW PROCEDURES

9.3.1 Pre-Application Conference

- A. The pre-application conference is a meeting in which the Zoning Administrator discusses the procedures, standards and regulations required for approval in accordance with this development code with the applicant.
- B. A mandatory pre-application conference with the Zoning Administrator shall be required for the following:
 - 1. Zoning change;
 - 2. Special use permit;
 - 3. Planned development outline plan;
 - 4. Minor preliminary plan;
 - 5. Major preliminary plan;
 - 6. Right-of-way vacation;
 - 7. Right-of-way dedication;
 - 8. Plat of record;
 - 9. Plat revocation;
 - 10. Historic district designation; and
 - 11. Certificate of Appropriateness.
- C. A pre-application conference is optional for any application not listed in Sub-Section B above.

9.3.2 Neighborhood Notification and Meeting

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
 - 1. Zoning change;
 - 2. Special use permit or amendment to a special use permit;
 - 3. Planned development outline plan or amendment to a planned development outline plan; and
 - 4. All subdivisions except minor subdivisions.
- B. Procedure
 - 1. Where applicable, the Division of Planning and Development shall mail notification of the neighborhood meeting prepared and provided by the applicant to the following individuals: 1) the officers of any neighborhood or business associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property; 2) all current residents of single-family and two-family dwellings within the notification area; 3) all property owners within the notification area, if different from the current residents; 4) the members of the Memphis City Council who represent the district and super-district in which the development is planned, or for areas in unincorporated Shelby County, the member of the Shelby County Board of Commissioners who represent the district in which the development is planned; and 5) all residents of multi-family dwellings within the notification area; to inform the community of the proposed development and solicit comments. If the applicant is unable to make notification to the multi-family dwellings, he or she shall provide notice to the Division of Planning and Development the reason and shall mail notification of the neighborhood meeting to the rental or management office of all multi-family dwellings within the notification area with a request that said rental or management office post the notification in a conspicuous location within a common area(s), including, but not limited to: entry doors, hallways, mailbox areas and laundry rooms.
 - 2. The neighborhood notification requirements shall be the same as the mailed public notice requirements in 9.3.4A. The notification shall identify the time and place of the neighborhood meeting, as well as a description and map of the project. The notification shall also include the public hearing date of when the application will be heard by the Land Use Control Board. The applicant shall contact the officer(s) of any neighborhood or business association registered with the City of Memphis Office of Community Affairs prior to determining a date for the neighborhood meeting.
 - 3. The notification shall be prepared by the applicant and presented to the Division of Planning and Development no later than two working days prior to the date set out in the mailing requirement provided in Paragraph 5 below. The notification shall be folded, sealed and placed in stamped envelopes when presented to the Division of Planning

and Development. The following items shall accompany the notification when presented to the Division of Planning and Development: a copy of the letter to be mailed to all parties, a copy of the address labels to whom notification will be mailed and a map of the notice area.

4. If practicable, the neighborhood meeting shall be held at a public building or place of worship within a one-mile radius of the subject property, or at the subject property itself.
 5. If the notification package is determined to be complete by the Zoning Administrator, the Division of Planning and Development shall mail the notification no later than 20 days prior to the hearing before the Land Use Control Board and no later than 10 days prior to the date of the neighborhood meeting. If the neighborhood notification package is determined to be incomplete by the Zoning Administrator, the application is subject to being considered incomplete and removed from the Land Use Control Board agenda.
 6. Neighborhood meetings are the sole responsibility of the applicant. Documentation of its proceedings shall also be provided to the Division of Planning and Development. The applicant may request neighborhood organizations' contact information, if available, from the Division of Planning and Development.
- C. The purpose of the neighborhood notification and meeting is to inform the neighborhood of the nature of the proposed land use and development features and solicit comments. Applicants shall reserve at least 15 minutes of the neighborhood meeting for community members, businesses and/or neighborhood associations wishing to make a presentation regarding the development.
- D. Any neighborhood or business association registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the development area will have the opportunity to submit a Community Impact Statement (CIS). The purpose of the CIS is to provide community members a chance to give an opinion and any recommendation regarding the development project. The CIS shall not exceed 500 words. Neighborhood or business associations who intend to file a CIS must submit said statement to the Land Use Control Board or governing bodies prior to the scheduled hearing. If provided prior to the publishing of the Land Use Control Board staff report, the CIS shall be included within the staff report in a prominent position alongside the Division of Planning and Development recommendation. If provided after the publishing of the Land Use Control Board staff report, the CIS will be referenced during the Land Use Control Board public hearing and contained in the materials that are forwarded to the legislative body, where applicable.
- E. Exigent circumstances. A neighborhood meeting may be conducted through electronic or telephonic means if holding an in-person meeting is impractical due to an ongoing public health crisis or other similar situation that is out of the control of the applicant, provided all notice requirements of this section are met. In addition, a neighborhood meeting may be held after the Land Use Control Board votes on the matter but before the governing body does so in the event the Division of Planning and Development makes a determination that a zoning change is not in compliance with a Chapter 1.9 plan with the publishing of its Land Use Control Board staff report (see Paragraph 9.3.2A(1)). In such an event, all notice and timing requirements of this Section shall still apply, but will be timed in conjunction with date the governing body is expected to vote on the matter.

9.3.3 Application Requirements

A. Initiation of Request

A request for development approval may be initiated in accordance with the following. For the purpose of this Sub-Section, “body” shall mean either the Memphis City Council or the Shelby County Board of Commissioners; “board” shall mean the Land Use Control Board and “staff” shall mean the Chief Administrative Officer of either the City of Memphis or Shelby County, or the Zoning Administrator.

	Agent/ Owner/ Applicant	Body/ Board/ Staff
Text Amendment		■
Zoning Change	■	■
Comprehensive Rezoning		■*
<u>Replacement of the Zoning Map</u>		■*
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	■
Right-of-Way Dedication	■	
Street Name Change	■	■
Plat of Record Revocation	■	■
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review	■	
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy	■	
Historic District Designation	■	■
Certificate of Appropriateness	■	
Demolition by Neglect		■
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

*Only the body(s) may initiate a request for a comprehensive rezoning or replacement of the zoning map(see Sub-Sections 9.5.12A and 9.5.13A).

B. Submittals

Applications required under this development code shall be filed with the Division of Planning and Development in accordance with the following.

	Zoning Administrator	Building Official
Text Amendment	■	
Zoning Change	■	
Comprehensive Rezoning	■	
<u>Replacement of the Zoning Map</u>	■	
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	
Right-of-Way Dedication	■	
Street Name Change	■	
Plat of Record Revocation	■	
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review		■
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy		■
Historic District Designation	■	
Certificate of Appropriateness	■	
Demolition by Neglect	■	
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

C. Forms

Applications required under this development code must be submitted on forms and in such numbers as required by the Division of Planning and Development.

D. Fees

Filing fees have been established to defray the cost of processing the application, as listed with the Division of Planning and Development and adopted by the governing bodies. Before review of an application, all filing fees must be paid in full.

E. Completeness Determination

1. All applications must be complete before the Zoning Administrator/Building Official is required to review the application.
2. An application is considered complete when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this development code.
3. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Zoning Administrator/Building Official as to whether more or less information shall be submitted.
4. Once the application has been determined complete, copies of the application shall be referred by the Zoning Administrator/Building Official to the reviewing entities.
5. The Zoning Administrator/Building Official may require an applicant to present evidence of authority to submit the application.

F. Application Deadline

Complete applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

G. Staff Consultation after Application Submitted

1. Upon receipt of a complete application, within 21 days after the filing deadline, the Zoning Administrator/Building Official shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this development code; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the application is determined incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

H. Concurrent Applications

Applications may be filed and reviewed concurrently, at the option of the applicant, provided there is not a pending appeal filed by applicant on the subject site (see Paragraph 9.23.1D(1)).

9.3.4 Public Hearings and Notification

A. Required Hearings and Notification

A public hearing shall be required and notification given as set forth below:

	x-ref	Public Hearing					Public Hearing Notice			Public Notice Mailed To			
		Board of Adjustment	Technical Rev. Committee	Landmarks Commission	Land Use Control Board	Governing Bodies	Sign Posted	Mailed	Newspaper Publication	Subject Property	Adjacent Owners ⁴	Owners within 750 Ft. Radius ¹	Neighborhood Associations ⁵
Text Amendment	9.4				PH	PH			LUCB/GB				
Zoning Change & Residential Corridors	9.5 & 8.5				PH	PH	SP	M	GB	■	■	■	■
Comprehensive Rezoning	9.5.12				PH	PH	SP	M	LUCB/GB	■			■
Replacement of the Zoning Map	9.5.13				PH	PH		M ⁹	LUCB/GB	■ ⁹			
Special Uses & Planned Developments:													
Special Uses & Special Use Amendments	9.6 & 9.6.12A				PH	PH-AO	SP	M		■	■	■	■
Special Use Major Modifications	9.6.12B				PH	PH-AO	SP	M		■	■	■	■
Special Use Minor Modifications	9.6.12C				PH-AO			M-AO		■	□		□
P. D. Outline Plan & Amendments	9.6 & 9.6.11E(1)				PH	PH-AO	SP	M		■	■	■	■
P. D. Major Modifications	9.6.11E(2)				PH	PH-AO	SP	M		■	■	■	■
P. D. Minor Modifications	9.6.11E(3)				PH-AO			M-AO		■	□		□
P. D. Final Plan	9.6												
P. D. Public Contract	9.6												
Subdivision:													
Minor Preliminary Plan	9.7.6		PH		PH-AO			M		■	■		■
Major Preliminary Plan	9.7.7				PH	PH-AO		M		■	■		■
Resubdivision					PH	PH-AO		M		■	■	■	■
Final Plat	9.7.8												
Public Contract	9.7.8												
Right-of-Way Vacation													
Conversions	9.8				PH	PH-AO	SP	M		■	■		■
Physical Closures	9.8				PH	PH-AO	SP	M		■	■	■ ⁶	■
Abandonment	9.8				PH	PH-AO		M		■	■		■
Right-of-Way Dedication	9.9				PH	PH-AO		M		■	■		■
Street Name Change	9.10				PH	PH		M		■	■		■
Plat of Record Revocation	9.11				PH	PH-AO		M		■	■		■
Administrative Site Plan	9.12	PH-AO						M-AO		■	□		□
Special Exception	9.14				PH	PH-AO	SP	M		■	■		■
Special District Administrative Review	9.13	PH-AO								■	□ ³		□
Historic District Designation	8.6			PH	PH	PH	SP	M	LM/LUCB/GB	■	■		■
Major Certificate of Appropriateness	8.6.3			PH				M		■	■	■ ⁷	
Historic District (Demolition by Neglect)	8.6.4			PH-AO						□	□		
Non-Use Variance² and Cond. Use Perm.	9.22 & 9.24	PH						M		■	■	■	
Use Variance	9.22	PH					SP ⁸	M		■	■	■	
Board of Adjustment Correspondence	2.4.5, 9.22.9, 9.23.1E(2) & 9.24.10	PH						M		■	■		
Administrative Decision		PH-AO								□			
Change in Nonconforming Use Permit	10.2.5	PH						M		■	■	■	

1. If the 750-foot radius includes less than 25 property owners, the radius shall be extended at 100-foot intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500 feet.
2. In the case of setback variation requests less than 5 feet only adjacent property owners shall be notified.
3. Public notice mailed to property owners within a 300-foot radius of the subject property.
4. "Adjacent owners" includes abutting owners and those across the street or other ROW from the subject site.
5. Public Notice to Neighborhood Associations may be mailed or sent via electronic mail.
6. The 750-foot radius shall be measured from the entire segment of the road affected by the closure rather than the area of right-of-way to be vacated. The segment of road affected shall be defined to mean that portion of public right-of-way that contains the proposed closure between the two nearest intersecting streets on either side of the closure.
7. A 150-foot radius is utilized for Certificates of Appropriateness.
8. Sign posting is not required for use variances for single-family residences.
9. See Sub-Section 9.5.13B for the mailed notice requirements applicable to replacements of the zoning map

PH = Public Hearing
 PH-AO = Public Hearing Upon Appeal or Objection Only (see Section 9.2.2)
 LUCB = Land Use Control Board
 GB = Governing Body

SP = Public Hearing Sign Posted
 LM = Landmarks Commission
 M = Public Hearing Notice Mailed
 M-AO = Public Hearing Notice Mailed - Appeal Only

GB-RO = Governing Body Publication for Hearing upon Request Only
 P = Sign posted prior to administrative approval

■ = Public Notice Sent To
 □ = Public Notice Sent Only On Appeal

B. Published Notice

Where published notice is required, a distinctive advertisement shall be placed by the Zoning Administrator in a local newspaper of general circulation in the City of Memphis and Shelby County not more than 30 or less than ten days prior to the date of the public hearing.

C. Posted Notice (Sign)

1. Sign Size and Type

Each sign shall be two feet by three feet in size made to standards and specifications as provided by the Zoning Administrator. All signs will include language stating that defacing or removal of the sign by anyone other than the owner or his or her agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized. Public notice signs are not subject to any sign permit or sign permit fees.

2. Location

a. Zoning Change, Special Use, Planned Development, Special Exception

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no further than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the Zoning Administrator.

b. Comprehensive Rezoning and Historic District Designation

A sign shall be posted at each major roadway entrance to any area being comprehensively rezoned as determined by the Zoning Administrator.

c. Right-of-Way Vacation

A sign shall be posted at each end of the right-of-way to be vacated.

3. Responsibility for Installation and Removal

- a. The applicant shall be solely responsible for signage installation and removal and associated costs.
- b. Signs shall be erected not more than 30 or less than 10 days prior to the date of the public hearing. Applicants may temporarily remove the signs after each public hearing, provided they reinstall the signs at least 10 days prior to the next public hearing. The applicant shall submit a signed affidavit stating that the signs were installed and the date and posting of the property.
- c. Signs shall be removed within 14 days following final action by the governing bodies.

D. Mailed Notice

1. Where mailed notice is required, notification shall be mailed not more than 45 or less than 20 days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.
2. All of the neighborhood associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property shall be provided mailed notice in accordance with Sub-Section 9.3.4A. Notice via electronic mail may substitute for mailed notice.

E. Content of Notice

1. Published or Mailed Notice

Published or mailed notice shall provide at least the following:

- a. A case number;
- b. The address of the subject property (if available);
- c. The general location of the land that is the subject of the application, which may include, a location map
- d. A description of the action requested;
- e. Where a zoning change is proposed, the current and proposed districts;
- f. The time, date and location of the public hearing (or neighbor meeting if applicable);
- g. A phone number and email address to contact the Zoning Administrator; and

- h. A statement that interested parties may appear at the public hearing.

2. Posted Notice

Required posted notice shall indicate the following:

- a. A case number;
- b. Type of action; and
- c. A phone number to contact the Zoning Administrator; and
- d. All signs shall include language stating that defacing or removal of the sign by anyone other than the owner or his agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized.

F. Constructive Notice

- 1. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
- 2. Undelivered mailed notice in excess of 25% of total required mailing within a 750-foot radius of the property only, shall constitute failed notice and shall serve to invalidate proceedings unless sufficient notice is provided in accordance with this section.

9.3.5 Notice of Decision

Within seven days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Zoning Administrator, where it shall be available for public inspection during regular office hours.

9.3.6 Withdrawal of Application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Zoning Administrator/Building Official except as provided in paragraph C below.
- B. The statement of withdrawal shall be in writing and may be delivered by hand, through mail or electronically.
- C. If a valid zoning protest petition has been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the public hearing upon which the matter is to be returned for action by the governing bodies. Thereafter, the application may be withdrawn only by action of the governing bodies, by majority vote.

The Zoning Administrator/Building Official may withdraw applications due to the failure of the applicant to submit required information within 90 days of the initial request.

NOTE- Skip to Section 9.5.13 (pg. 454). No changes proposed to text for Chapter 9.4.

NOTE- The below is a new Section to be inserted after existing Section 9.5.12

9.5.13 Replacement of the Zoning Map

A. Purpose and Intent

The governing bodies may from time to time repeal and completely replace the zoning map in order to make necessary and appropriate revisions. In so doing, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conservation and protection of aesthetics, conserving the value of buildings and communities, and encouraging the most appropriate use of land throughout the City and County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the City and County. Only the legislative bodies may initiate a repeal and complete replacement of the zoning map. Repeal and complete replacement of the map shall be accomplished by majority vote.

B. Mailed Notice

1. Replacements of the zoning map shall be subject to only the mailed notice requirements of this Sub-Section
2. Not more than 45 or less than 20 days prior to the date of the Land Use Control Board hearing, the Zoning Administrator shall issue a mailed notice to the owners of all properties within Memphis and unincorporated Shelby County. The notice shall contain the following information:
 - a. The current zoning district of the subject property
 - b. The proposed zoning district of the subject property
 - c. Information on how the recipient may review the proposed map in its entirety
 - d. The time, date, and location of the Land Use Control Board public hearing
 - e. A statement that interested parties may appear at the public hearing
 - f. A statement that the proposed zoning district is subject to change prior to the final decision of the governing body
 - g. A statement that the Land Use Control Board will be making a recommendation on the proposed map at the public hearing, with a final decision to be made by the appropriate governing body
 - h. Notice that the governing body will then meet for a final decision, including citation to or location where the governing body's agenda may be found
3. For the purposes of this Sub-Section, "owner" shall mean the owner of record according to the most recent tax roll published by the County Assessor of Property.
4. For the purposes of mailed notice, the current and proposed zoning district for each property shall be those in which the property's centroid lies. The Zoning Administrator need not issue multiple notices for split-zoned properties.
5. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements.