

HCD COMMITTEE



SECTION 8 HOME OWNERSHIP ASSISTANCE PROGRAM (S.H.A.P.E.)

THE SHAPE OF THINGS TO COME.....


DEXTER D. WASHINGTON, CHIEF EXECUTIVE OFFICER

Homeownership Program: An Overview

The Homeownership Program provides qualified Housing Choice Voucher (HCV) families with the opportunity to own a home. The process of purchasing a home through this program is similar to the conventional home buying process, and families anywhere within MHA's jurisdiction.



BASIC CONCEPT



Instead of using voucher subsidy to help family with rent, homeownership option allows first-time homeowner to use voucher subsidy to meet monthly homeownership expenses.

Most families utilize the voucher to pay a portion of their mortgage for up to 15 years* – the same way families use a voucher to pay a portion of their rent.

* Seniors and disabled persons may be eligible for an additional term of mortgage assistance.

QUALIFYING FOR THE HOMEOWNERSHIP PROGRAM

To qualify for the Homeownership program, the family must:

- Be a HCV voucher holder who is eligible to move.
- Have been employed continuously on a full-time basis for at least one year.
 - Not less than an average of 30 hours per week
- Have a minimum yearly income of \$14,500 annually.
 - Seniors/disabled persons exempt.
- Income cannot exceed 50% of the median area income limit.
- Complete a certified homeownership counseling program.
- Be a first-time homebuyer or have not owned a home in the last three years .
 - May not have a “present ownership interest” in the residence of any family member.
- Be enrolled in or has completed a MHA-approved Preparatory Program, e.g. RISE Foundation.

QUALIFYING FOR THE HOMEOWNERSHIP PROGRAM

Family is not eligible if any family member who was an adult family member at time of default has received homeownership assistance and defaulted on a mortgage.



**Mortgage Default =
INELIGIBLE**

HUD MINIMUM INCOME REQUIREMENTS

Non-Disabled Families

- Federal minimum wage multiplied by 2,000 hours
(\$7.25 x 2000) = \$14,500

Disabled Families

- Monthly Federal Supplemental Security Income (SSI) benefit for individual living alone multiplied by 12
(\$771 x 12) = \$9,252

Except for elderly and disabled families, welfare assistance may not be considered in determining if family meets requirement.

WHAT ARE THE BENEFITS OF THE PROGRAM?

MHA will make monthly homeownership

assistance payments on behalf of the homeowner directly to the family.

In addition to financial assistance toward the mortgage payment, the program provides pre- and post-purchase home buyer education, credit counseling and other services to help families navigate the home-buying process and increase their chances of success.

MORTGAGE TERM LIMITS

The maximum term of homeownership assistance shall be:

- **15 years for mortgage terms greater than 20 years**
- **10 years for mortgage terms less than 15 years.**

The maximum term for homeownership assistance does not apply to an elderly family or a disabled family. In the case of an elderly family, this exception is only applied if the family qualifies as an elderly family at the commencement of home ownership.

If, during the course of homeownership assistance the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the initial purchase date.

FAMILY SHARE

- Family must pay a share of the mortgage.
 - Amount is typically based on 30% of the family's adjusted income.
 - *The voucher covers the rest.*
- Family is responsible for all homeownership expenses not covered by the homeownership assistance payment.
- If homeownership expenses exceed the payment standard, family pays the difference out-of-pocket in addition to TTP (total tenant payment).



HOMEOWNERSHIP EXPENSES

Covered monthly housing expenses include:

- Mortgage Payment
 - Principal, Interest, Real Estate Taxes & Insurance
- Homeowners Insurance
- Allowances to cover utility costs and repairs (\$75)
- Cost to make a home accessible to a person with disabilities

ALL OF THESE EXPENSES must fit within the current

voucher payment standard.



MORTGAGE SUBSIDY

- Payment Standard determines the maximum mortgage subsidy in voucher program.
 - Payment standard for a family is the **lower** of the payment standard for the family unit size or the payment standard for the size of the home
- The payment standard for a family is the greater of the payment standard at the commencement of homeownership assistance for occupancy of the home or the most recent regular reexamination of family income and composition since the commencement of homeownership assistance for occupancy of the home.
 - *Payment Standard will never be less than payment standard at the time homeownership assistance commences for the home.*

HOMEOWNERSHIP ASSISTANCE PAYMENT

Subsidy Calculation Example:

Applicable Payment Standard \$753 (3 bedroom)

(Use the lower payment standard of the actual unit size or voucher size)

Less Total Tenant Payment \$258 (30% of Minimum monthly income)

MHA subsidy amount (HAP) - \$495

Upon the participant securing an approval for a mortgage, MHA will forward evidence of the Homeownership Option Voucher to the Lender.

FINDING A HOME WITH A VOUCHER

- The housing search process is the same for a family with a homeownership voucher in most respects.
- MHA may set a time limit for families to locate and purchase a home and/or require periodic reports on a family's progress towards finding and purchasing a home.
- Although the family is responsible for finding an eligible unit to purchase, the home search process is relatively complex, so realtor assistance is strongly recommended to guide the family through the purchase process.

- Type of home a family can purchase:

- * Single-family homes

- * Condominiums

- * Townhomes

- * Cooperative Units

- * Units currently under a lease-purchase agreement



APPLYING FOR A MORTGAGE WITH A VOUCHER

- A homeownership voucher increases the monthly amount that an assisted home buyer can pay, and the cost of the home that the family can afford.
- To determine the total amount that the assisted family can pay, however, the family must know not only how much they can borrow based on their own income, but also how a prospective lender will treat the housing assistance payment (HAP) in calculating the total amount that the family can borrow.
- There are several models lenders may use when underwriting a loan using the housing choice voucher homeownership option program.
 - Housing Assistance Payment as Income (Gross-up income Model)
 - Housing Assistance Payment as Offset

TWO HOME INSPECTIONS



- Housing Quality Standards Inspection and Independent Professional Home Inspection
- MHA conducts housing quality standard inspection to determine if current conditions is decent, safety and sanitary
 - No annual HQS inspection requirement
 - Independent professional inspection assesses adequacy and life span of major systems.

Any repairs noted by either inspector must be corrected prior to the purchase of the home.

DOWNPAYMENT REQUIREMENT

Family is responsible for making any downpayment required for the loan.

- Participants are required to make a minimum downpayment of three (3%) percent
- At least one (1%) percent of the downpayment must come from personal savings.



- The balance of the downpayment may be advanced from the FSS escrow account, gift, or other sources, such as City of Memphis, HCD Division, Down Payment Assistance Program, Tennessee Housing Development Agency Program and non-profit organizations.

MORTGAGE CLOSING

- Once the family secures for a mortgage, MHA will remit the monthly homeownership assistance payment to the participating family.
- The homeowner will be responsible for mailing their portion and the homeownership assistance payment to the mortgage company. The two payments, when combined, should equal the entire amount of the mortgage payment due for the month.

HOMEOWNER OBLIGATIONS

- Before commencement of homeownership assistance, the family must execute a statement of family obligation and agree to comply with all obligations.



- Homeowner Obligations include:
- Comply with the terms of the mortgage;
 - Family's only residence/no other ownership interest;
 - Report changes in income and composition;
 - No subletting or leasing.



Questions and Answers

THANK YOU FOR YOUR TIME!



PUBLIC SAFETY COMMITTEE

RESOLUTION OF THE COUNCIL OF THE CITY OF MEMPHIS, TENNESEE, MODIFYING ITS DELEGATION OF AUTHORITY GRANTED TO THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD OF THE CITY OF MEMPHIS TO REQUIRE DEVELOPMENTS AND LESSEES IN CONNECTION WITH PAYMENTS IN LIEU OF AD VALOREM TAXES BE REQUIRED TO PROVIDE 24-HOUR SECURITY PERSONNEL ON SITE OR HAVE AN ACTIVE CRIME PREVENTION PROGRAM

WHEREAS, the City of Memphis is experiencing dual crises of a loss of affordable rental housing and an increase in both violent crimes and home and vehicle theft; and

WHEREAS, in 2002 the City Council of Memphis declared the Memphis Health Educational and Housing Facility Board (“M.H.E.H.F.B.”) to be performing a vital public function in creating and incentivizing the creation of affordable housing and authorized M.H.E.H.F.B. to enter into payments in lieu of taxes (“P.I.L.O.T.”), in furtherance of its public purpose as defined by Tennessee Code Annotated; and

WHEREAS, the M.H.E.H.F.B. administers multi-family housing and elderly housing P.I.L.O.T. programs to developments with 20% of their units for families at 50% of the median income or with 40% of their units for families at 60% of the median income; and

WHEREAS, developments and, or lessees who enter agreements with M.H.E.H.F.B. in connection with P.I.L.O.T.’s must meet certain requirements such as providing annual detailed financials and other documents as requested to verify compliance with rent and income restrictions, annual physical needs assessments, compliance with code enforcement and swift resolution of violations, and long-term maintenance and stability, however the requirement to provide 24-hour security personnel on site, or have an active Crime Prevention program in place remains optional.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Resolution adopted on August 28, 2018 by the Council authorizing the Memphis Health, Educational and Housing Facility Board (M.H.E.H.F.B.) to negotiate and enter agreements with qualified Lessees in connection with payments in lieu of ad valorem taxes be amended as follows:

Section 7) “High Impact” projects ~~should~~ shall provide 24-hour security personnel on site, or have an active Crime Prevention program incorporating the principals of “Crime Prevention through Environmental Design” (CPTED) provided by a local vendor that holds a current certification in CPTED provided by the National Institute of Crime Prevention.

BE IT FURTHER RESOLVED, all provisions of prior Resolutions adopted on May 7, 2002, September 23, 2003, December 4, 2007, and August 28, 2018, that are not in direct conflict with this Resolution shall remain in full force and effect.

SPONSOR
Rhonda Logan

CHAIRMAN
Martavius Jones

PLANNING

&

ZONING

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 07/11/2023
DATE
PUBLIC SESSION: 07/11/2023
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 2115 Sycamore View Road, known as case number SUP 23-004

CASE NUMBER: SUP 23-004

LOCATION: 2115 Sycamore View Road

COUNCIL DISTRICTS: District 1 and Super District 9

OWNER/APPLICANT: A And R Properties, LLC/Beruk Properties

REPRESENTATIVE: Renaissance Group, Inc.

REQUEST: To construct a convenience store with gas pumps

AREA: +/-0.76 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
04/13/2023 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>Kendrea Cobble</u> | <u>7/3/23</u> | PRINCIPAL PLANNER |
| _____ | _____ | DEPUTY ADMINISTRATOR |
| <u>Britt Ryan</u> | <u>7/3/23</u> | ADMINISTRATOR |
| _____ | _____ | DIRECTOR (JOINT APPROVAL) |
| _____ | _____ | COMPTROLLER |
| _____ | _____ | FINANCE DIRECTOR |
| _____ | _____ | CITY ATTORNEY |
| _____ | _____ | CHIEF ADMINISTRATIVE OFFICER |
| _____ | _____ | COMMITTEE CHAIRMAN |



Memphis City Council Summary Sheet

SUP 23-004

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 2115 SYCAMORE VIEW ROAD, KNOWN AS CASE NUMBER SUP 23-004

- This item is a resolution with conditions for a special use permit to allow a 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, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

| | |
|-----------------------------|--|
| CASE NUMBER: | SUP 2023-004 |
| LOCATION: | 2115 Sycamore View Road |
| COUNCIL DISTRICT(S): | District 1 and Super District 9 |
| OWNER/APPLICANT: | A And R Properties, LLC/Beruk Properties |
| REPRESENTATIVE: | Renaissance Group, Inc. |
| REQUEST: | Construct a convenience store with gas pumps |
| EXISTING ZONING: | Commercial Mixed Use – 2 (CMU-2), PD 87-319 |
| AREA: | +/-0.76 acres |

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,
Kendra Cobbs

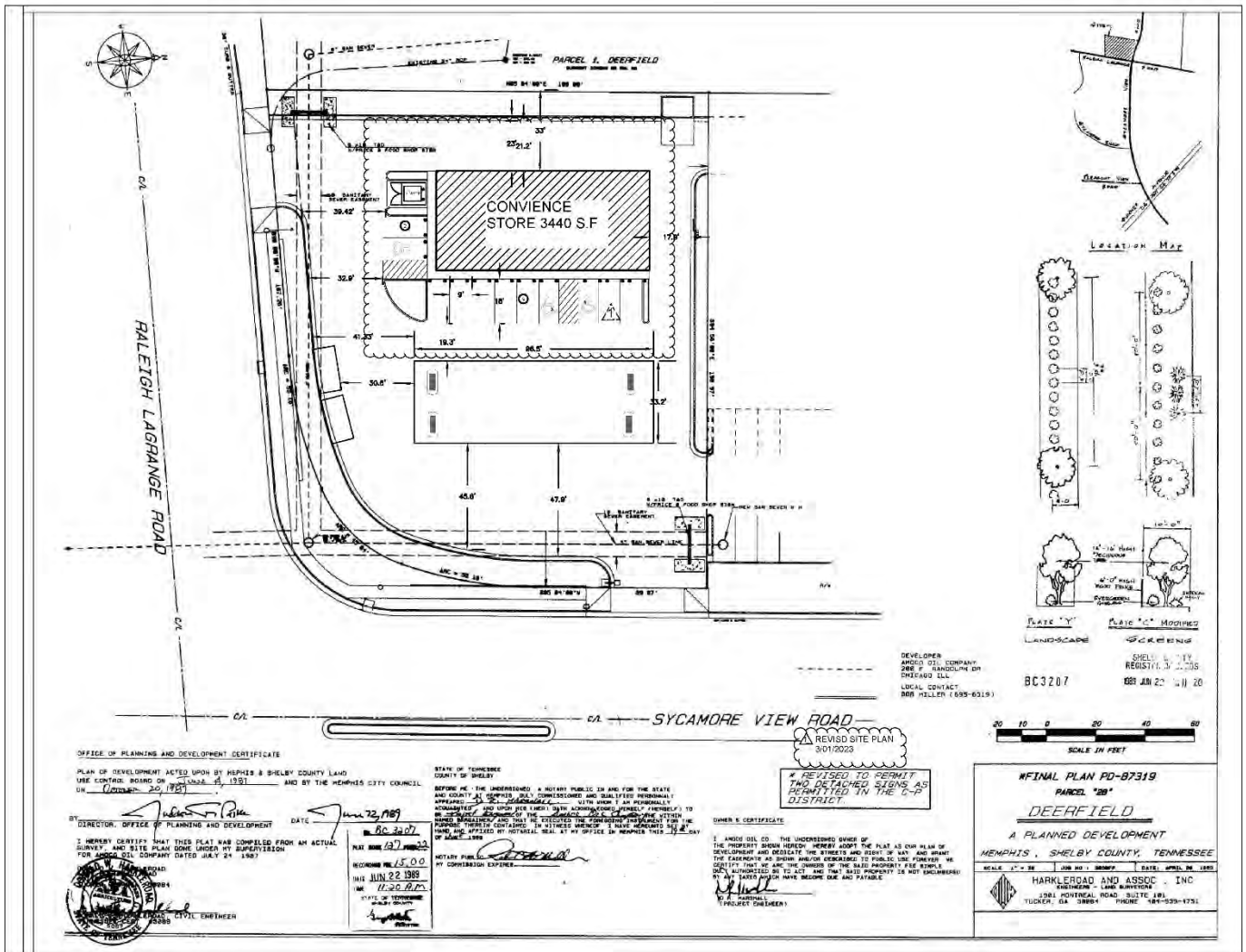
Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 23-004
CONDITIONS

1. The convenience store shall be sheathed with some form of masonry material on all facades of the building.
2. The canopy shall be either:
 - a. Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code; or b. Be structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
3. A Class III buffer shall be established along the western property line, the side of the property adjacent to the residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
4. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.
5. The final site plan shall be consistent with the requirements of the Fletcher Creek Overlay District in Section 8.9 of the Unified Development Code.
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
7. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
8. 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.
9. 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.

SITE PLAN



OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

PLAN OF DEVELOPMENT ACTED UPON BY MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD ON June 24, 1987 AND BY THE MEMPHIS CITY COUNCIL ON June 24, 1987

BY: [Signature] DIRECTOR, OFFICE OF PLANNING AND DEVELOPMENT

I HEREBY CERTIFY THAT THIS PLAN WAS COMPILED FROM AN ACTUAL SURVEY AND SITE PLAN DONE UNDER MY SUPERVISION FOR AMCO OIL COMPANY DATED JULY 24, 1987



STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AS SHOWN, FULLY COMMISSIONED AND QUALIFIED PERSONALLY APPEARED [Signature] WITH ME IN MY PERSONAL CAPACITY AND UPON HER (HIS) ADMONITION, PERSONALLY FURNISHED TO ME CERTAIN INSTRUMENTS, THE RECORDED AND UNRECORDED COPIES OF WHICH ARE HEREBY CONTAINED IN WITNESS WHEREOF I HAVE AFFIXED MY SEAL AND OFFICE OF NOTARIAL SEAL BY MY OFFICE IN MEMPHIS THIS 24 DAY OF JUNE, 1987

NOTARY PUBLIC [Signature]
MY COMMISSION EXPIRES _____

FILE NO. BC 3207
RECORDING FEE 15.00
DATE JUN 22 1989
BY [Signature]
STATE OF TENNESSEE
SHELBY COUNTY

DRAWER'S CERTIFICATE

I AND/OR DEL CO. THE UNDERSIGNED DRAWER OF THE FOREGOING DRAWING, HEREBY ADOPTE THE PLAN AS OUR PLAN OF DEVELOPMENT AND DECLARE THE STREETS AND EASES OF WAY AND GRANT THE EASEMENTS AS SHOWN HEREON HEREBY TO PUBLIC USE FOREVER. WE CERTIFY THAT WE ARE THE OWNERS OF THE SAID PROPERTY AND THAT WE HAVE RECEIVED IN FULL ALL MONIES DUE TO US BY THE SAID PROPERTY AS NOT INCURRED. WE HAVE RECEIVED IN FULL ALL MONIES DUE TO US BY THE SAID PROPERTY AS NOT INCURRED. WE HAVE RECEIVED IN FULL ALL MONIES DUE TO US BY THE SAID PROPERTY AS NOT INCURRED.

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 2115 SYCAMORE VIEW ROAD, KNOWN AS CASE NUMBER SUP 23-004

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, Beruk Properties filed an application with the Memphis and Shelby County Division of Planning and Development to construct 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 April 13, 2023, 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.

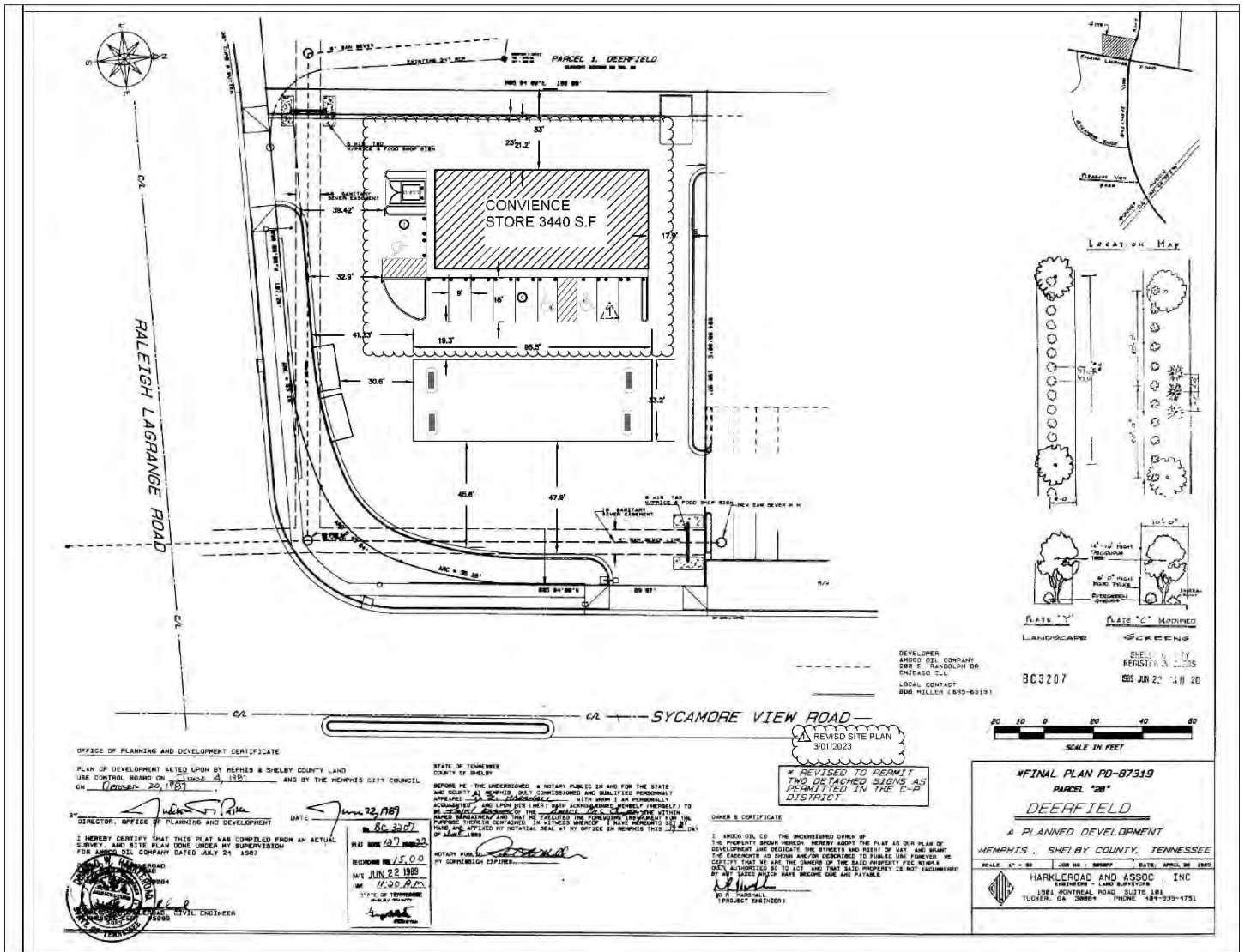
ATTEST:

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

CONDITIONS

1. The convenience store shall be sheathed with some form of masonry material on all facades of the building.
2. The canopy shall be either:
 - a. Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code; or b. Be structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
3. A Class III buffer shall be established along the western property line, the side of the property adjacent to the residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
4. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.
5. The final site plan shall be consistent with the requirements of the Fletcher Creek Overlay District in Section 8.9 of the Unified Development Code.
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
7. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
8. 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.
9. 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.

SITE PLAN



AGENDA ITEM: 22

CASE NUMBER: SUP 2023-004 **L.U.C.B. MEETING:** April 13, 2023

LOCATION: 2115 Sycamore View Road

COUNCIL DISTRICT: District 1 and Super District 9

OWNER/APPLICANT: A And R Properties, LLC/Beruk Properties

REPRESENTATIVE: Renaissance Group, Inc.

REQUEST: Construct a convenience store with gas pumps

AREA: +/-0.76 acres

EXISTING ZONING: Commercial Mixed Use – 2 (CMU-2), PD 87-319

CONCLUSIONS

1. The applicant is seeking a special use permit for a convenience store with gasoline pumps in the Commercial Mixed Use – 2 (CMU-2) District.
2. According to Section 2.6.3 J of the Unified Development Code, a special use permit is required because the existing convenience store is proposed to be demolished and rebuilt in the CMU-2 District.
3. The new store is proposed to consist of 3,440 square feet. Four new gasoline pumps will also replace the existing.
4. The subject property exists in a primarily commercial area with convenience stores also located to the northeast and southwest.
5. A multifamily development is to the immediate west of the subject property.
6. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

| | | |
|---------------------------|---|----------------------------|
| Street Frontage: | Sycamore View Road | +/-114.87 curvilinear feet |
| | Raleigh Lagrange Road | +/-187.26 linear feet |
| Zoning Atlas Page: | 1845 | |
| Parcel ID: | 088041 00055 | |
| Existing Zoning: | Commercial Mixed Use – 2 (CMU-2), PD 87-319 | |

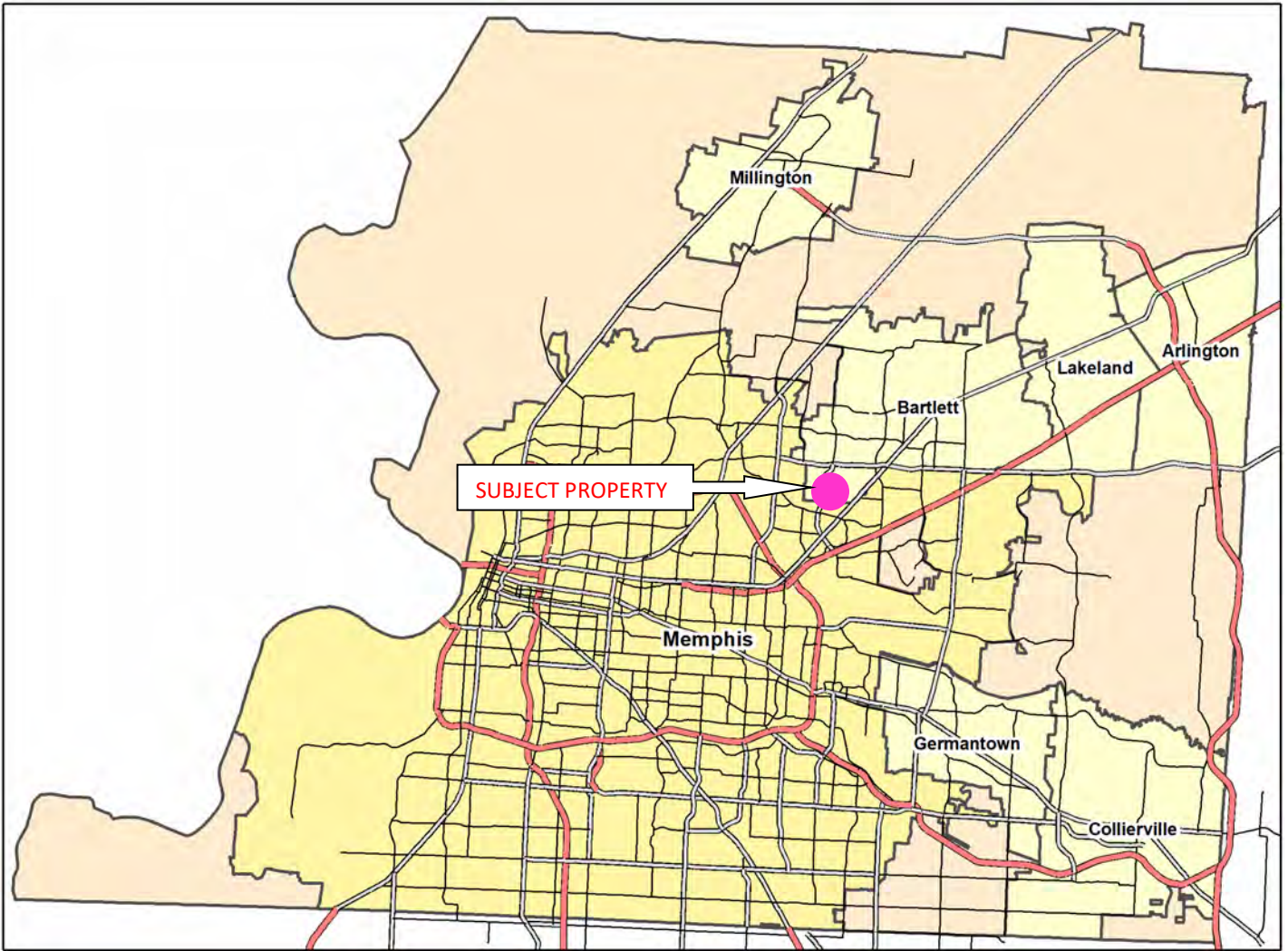
NEIGHBORHOOD MEETING

The meeting was held at 3:00 PM on Monday, April 3, 2023, at the AmericaInn by Wyndham, 1556 Sycamore View Road.

PUBLIC NOTICE

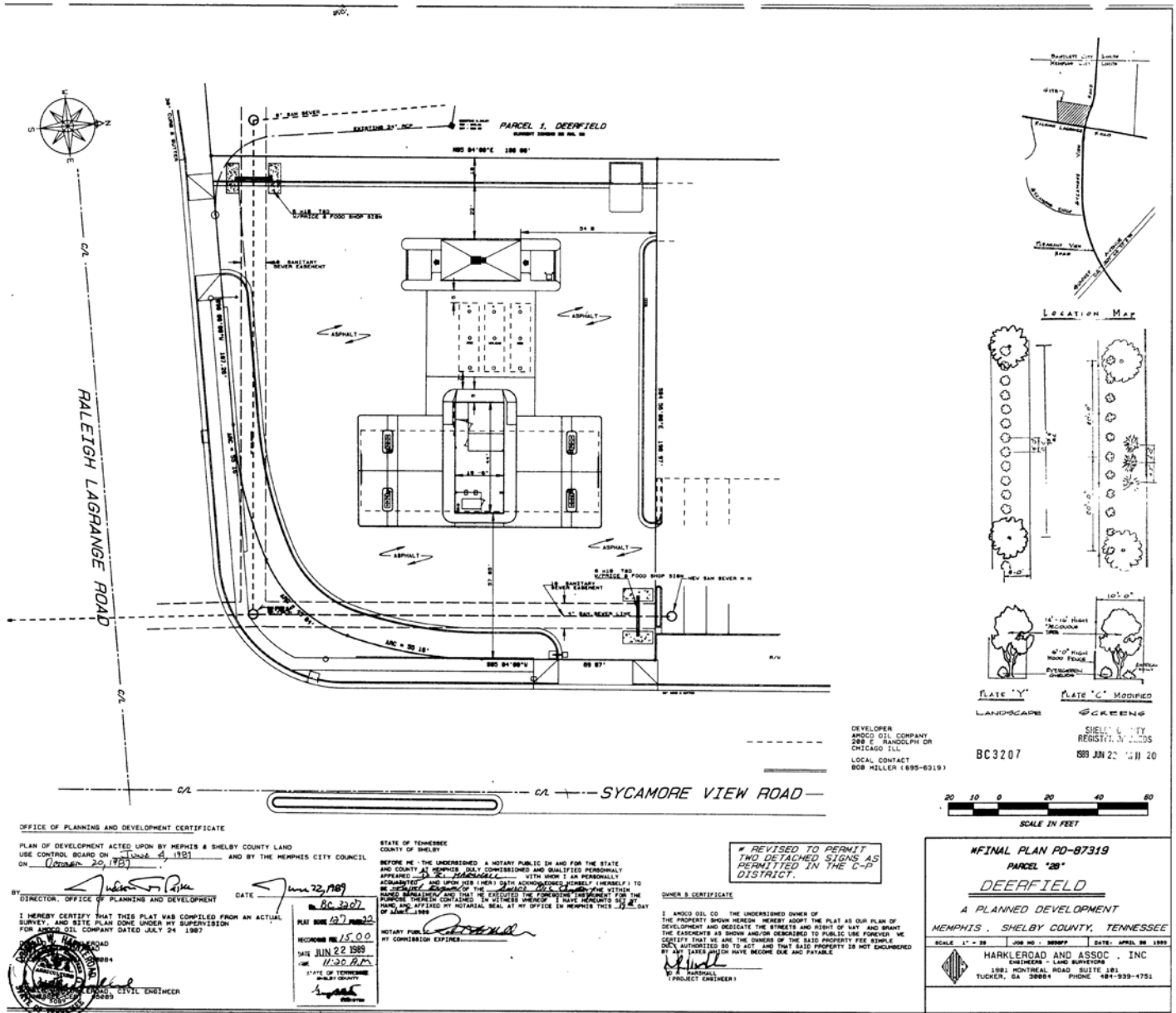
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 28 notices were mailed on March 27, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Bartlett adjacent

DEERFIELD PLANNED DEVELOPMENT (1989)



DEVELOPER
 AMOCO OIL COMPANY
 208 E. RANDOLPH DR.
 CHICAGO ILL.
 LOCAL CONTACT
 BOB MULLER (689-6219)

LANDSCAPE
 SHELBY COUNTY
 REGISTERED LANDSCAPERS
 BC3207
 1989 JUN 22 11 20



OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE
 PLAN OF DEVELOPMENT ACTED UPON BY MEMPHIS & SHELBY COUNTY LAND
 USE CONTROL BOARD ON June 6, 1989 AND BY THE MEMPHIS CITY COUNCIL
 ON November 22, 1989

DIRECTOR, OFFICE OF PLANNING AND DEVELOPMENT
 DATE June 22, 1989

I HEREBY CERTIFY THAT THIS PLAN WAS COMPILED FROM AN ACTUAL
 SURVEY, AND SITE PLAN DONE UNDER MY SUPERVISION
 FOR AMOCO OIL COMPANY DATED JULY 24 1987



STATE OF TENNESSEE
 COUNTY OF SHELBY
 BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE
 AND COUNTY OF MEMPHIS, DO & COMMISSIONED AND QUALIFIED PERSONALLY
 APPEARED BOB MULLER WITH HIM I AM PERSONALLY
 ACQUAINTED AND UPON HIS (HER) OATH ACKNOWLEDGED HIMSELF (HERSELF) TO
 BE THE OWNER OF THE PARCEL 1, DEERFIELD AND OTHER
 PARCELS DESCRIBED IN THE PLANNED DEVELOPMENT FOR THE
 PARCELS HEREIN CONTAINED IN WITNESS WHEREOF, I HAVE HEREON SET
 MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS THIS 22 DAY
 OF JUNE, 1989.

NOTARY PUBLIC [Signature]
 MY COMMISSION EXPIRES _____

* REVISED TO PERMIT
 TWO DETACHED SIGNS AS
 PERMITTED IN THE "C-P"
 DISTRICT.

OWNER'S CERTIFICATE
 I, AMOCO OIL CO. THE UNDERSIGNED OWNER OF
 THE PROPERTY SHOWN HEREON HEREBY ADOPT THE PLAN OF
 DEVELOPMENT AND RESOLVE THE STREETS AND RIGHT-OF-WAY AND GRANT
 THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. WE
 CERTIFY THAT WE ARE THE OWNERS OF THE SAID PROPERTY FOR WHICHA
 WE ARE AUTHORIZED TO ACT AND THAT SAID PROPERTY IS NOT ENCLUMBERED
 BY ANY LIENS UNLESS THEY HAVE BECOME DEAD AND PAYABLE.

BY [Signature]
 BOB MULLER
 (PROJECT ENGINEER)

#FINAL PLAN PD-87319
 PARCEL "20"
DEERFIELD
 A PLANNED DEVELOPMENT
 MEMPHIS, SHELBY COUNTY, TENNESSEE

SCALE: 1" = 30' JOB NO.: 8800P DATE: APRIL 20, 1989

HARKLERROAD AND ASSOC., INC.
 ENGINEERS - LAND SURVEYORS
 1801 MONTREAL ROAD, SUITE 201
 TUCKER, GA 30084 PHONE: 404-939-4751

VICINITY MAP



Site highlighted in yellow

AERIAL



Subject property outlined in orange

FLETCHER CREEK DRAINAGE BASIN (see analysis on page 23)



Subject property outlined in orange

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Commercial Mixed Use – 2 (CMU-2), PD 87-319

Surrounding Zoning

North: CMU - 2

East: CMU - 2

South: CMU - 2

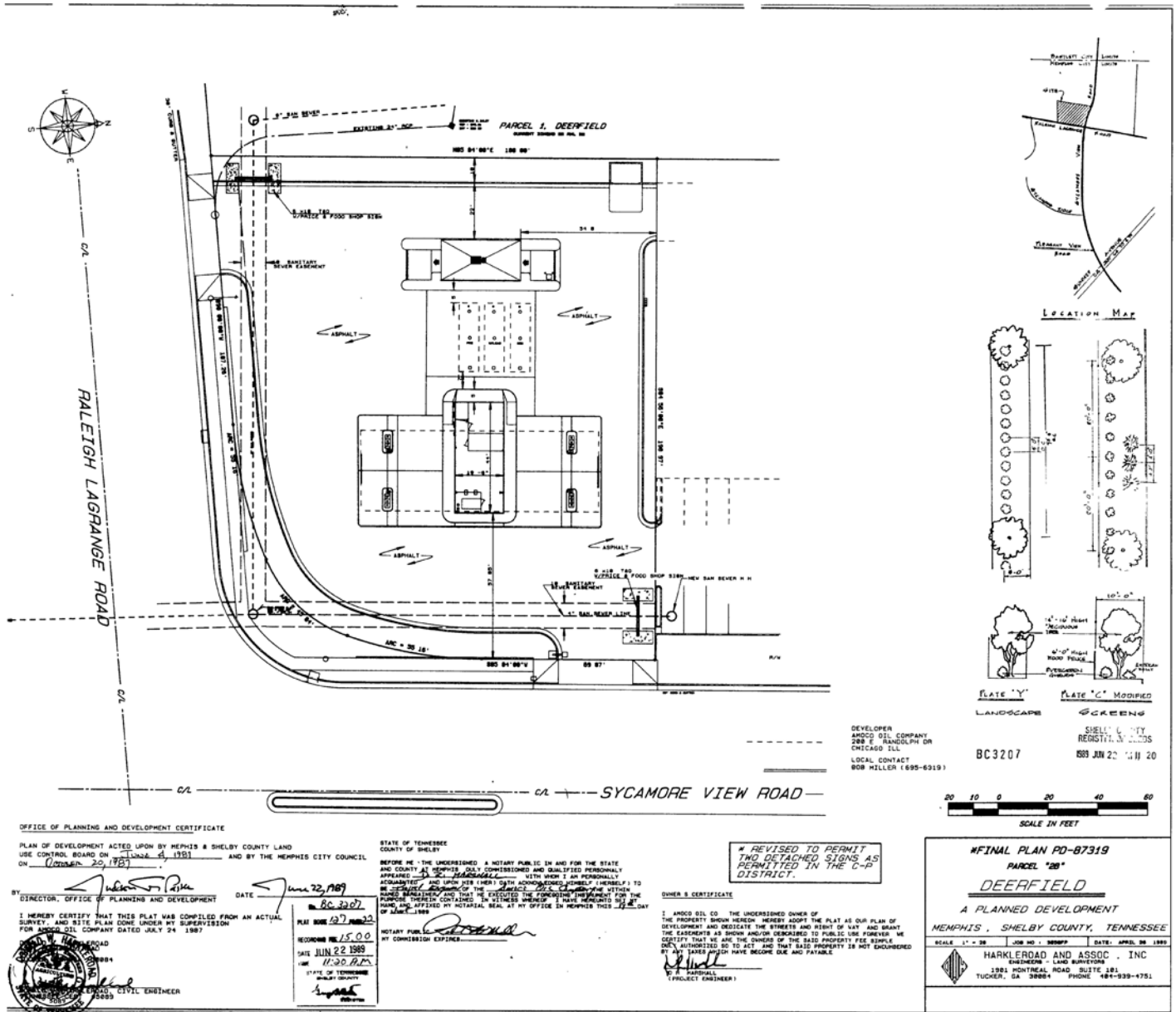
West: CMU - 2

LAND USE MAP



Subject property indicated by a pink star

DEERFIELD FINAL PLAT – DEERFIELD PD PARCEL 2B AS RECORDED IN 1989

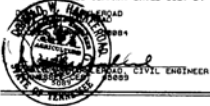


OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

PLAN OF DEVELOPMENT ACTED UPON BY MEMPHIS & SHELBY COUNTY LAND
 USE CONTROL BOARD ON June 22, 1989 AND BY THE MEMPHIS CITY COUNCIL
 ON November 22, 1987

BY [Signature] DIRECTOR, OFFICE OF PLANNING AND DEVELOPMENT

I HEREBY CERTIFY THAT THIS PLAT HAS COMPILED FROM AN ACTUAL
 SURVEY, AND SITE PLAN DONE UNDER MY SUPERVISION
 FOR ANSCO OIL COMPANY DATED JULY 24 1987



STATE OF TENNESSEE

COUNTY OF SHELBY
 BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE
 AND COUNTY OF MEMPHIS, OILY COMMISSIONED AND QUALIFIED PERSONALLY
 APPEARED [Signature] WITH WHOM I AM PERSONALLY
 ACQUAINTED AND UPON HER (HER) OATH ACKNOWLEDGED (HEMSELF) TO
 BE THE OWNER OF THE MEMPHIS CITY COUNCIL OTHER
 PUBLIC MANAGER, AND THAT HE (SHE) EXECUTED THE FOREGOING INSTRUMENT FOR THE
 PURPOSES THEREIN CONTAINED IN WITNESS WHEREOF, I HAVE HEREWITH SET
 HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS THIS 22 DAY
 OF JUNE, 1989.

DATE June 22, 1989
 PLAT BOOK 197 PAGE 22
 RECORDING NO. 1500
 DATE JUN 22 1989
 TIME 11:00 A.M.

NOTARY PUBLIC [Signature]
 MY COMMISSION EXPIRES _____

* REVISED TO PERMIT
 TWO DETACHED SIGNS AS
 PERMITTED IN THE "C-P"
 DISTRICT.

OWNER'S CERTIFICATE

I, ANSCO OIL CO. THE UNDERSIGNED OWNER OF
 THE PROPERTY SHOWN HEREIN, HEREBY ADOPT THE PLAT AS OUR PLAN OF
 DEVELOPMENT AND DEDICATE THE STREETS AND RIGHT OF WAY AND GRANT
 THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. WE
 CERTIFY THAT WE ARE THE OWNERS OF THE SAID PROPERTY FOR SERVICE
 ONLY AUTHORIZED SO TO ACT AND THAT SAID PROPERTY IS NOT ENCUMBERED
 BY ANY LIENS WHICH HAVE BECOME DUE AND PAYABLE.

BY [Signature]
 V. A. SHERRILL
 (PROJECT ENGINEER)

DEVELOPER
 ANSCO OIL COMPANY
 208 E. RANDOLPH DR.
 CHICAGO, ILL.
 LOCAL CONTACT
 BOB MILLER (688-6219)

PLATE "Y" LANDSCAPE
 PLATE "C" MODIFIED SCREENING

SHELBY COUNTY
 REGISTERED SURVEYOR
 BC3207
 1989 JUN 22 11 20



#FINAL PLAN PD-87319
 PARCEL "2B"
DEERFIELD
 A PLANNED DEVELOPMENT
 MEMPHIS, SHELBY COUNTY, TENNESSEE

SCALE: 1" = 20' JOB NO.: 8800P DATE: APRIL 28, 1989

HARKLEROD AND ASSOC., INC.
 ENGINEERS - LAND SURVEYORS
 1381 HORNHILL ROAD, SUITE 181
 TUCKER, GA 30084 PHONE 404-939-4751

DEERFIELD PD – LUCB RECOMMENDATION

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on May 7, 1987 the Memphis and Shelby County Land Use Control Board held a public hearing on the application of Sycamore View Limited Partnership, requesting a planned development on the property described as follows:

PROPERTY LOCATION: Northwest corner of Raleigh-LaGrange and Sycamore View Roads

REQUEST: Amendment to P.D. 84-353 (Parcel 2) to permit cleaning establishment, modify landscaping and access.

The following spoke in support of the application:

Paul Ryan Bob Miller

No one spoke in opposition to the application.

The Land Use Control Board reviewed the application for a planned development, the presentation of the proponent and the report of the staff. A motion was made and seconded to recommend approval of the application subject to the attached conditions.

The motion passed by a vote of 7-0-3.

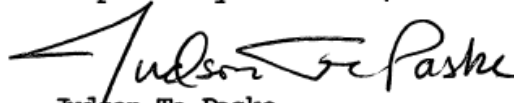
YES: Flaniken, Henders, Jackson, Merrill, Rainey, Schaefer and Miller

NO: None

ABSENT: Carter, Gibson and Palmer

The Board accepted the conclusions of the staff as contained in the staff report.

Respectfully submitted,



Judson Te Paske,
Secretary

JTP:KH:ct

P.D. 87-319

DEERFIELD PD OUTLINE PLAN CONDITIONS

P.D. 87-319
OUTLINE PLAN CONDITIONS
L.U.C.B

- I. Uses Permitted
 - A. Parcel I: A maximum of 136 multi-family units. A clubhouse, tennis courts and a swimming pool shall also be provided.
 - B. Parcel II: A cleaning establishment and any uses permitted by administrative site plan review in the C-P District. The maximum floor area permitted shall be 20,100 square feet.
- II. Bulk Regulations
 - A. Parcel I - The bulk regulation of the R-ML District shall apply.
 - B. Parcel II - The bulk regulations of the C-P District shall apply.
- III. Access, Parking and Circulation
 - A. Raleigh-LaGrange Road shall be dedicated and improved 54 feet from the centerline.
 - B. A maximum of three curb cuts shall be permitted on Sycamore View Road (one (1) on Parcel I and two (2) on Parcel II) and a maximum of two curb cuts shall be permitted on Raleigh-LaGrange Road (one on Parcel I and one on Parcel II). The design and location of the curb cuts shall be subject to the approval of the City Engineer.
 - C. All private drives shall be a minimum of 22 feet wide and shall be built according to City standards.
 - D. Dedicate, but don't improve, a three centered curve radius at the intersection of Raleigh-LaGrange Road and Sycamore View in accordance with the Subdivision Regulations.
 - E. Any required median modification on Sycamore View Road shall be done at the developers expense.
 - F. Parking shall be in accordance with the Zoning Ordinance.
 - G. Vehicular access will be provided between adjacent phases in Parcel II.
- IV. Landscaping
 - A. A 10 foot wide landscape screen (Plate "C" modified or an equivalent screen approved by the Office of Planning and Development) shall be provided and maintained along the north and west property lines of Parcel II.

SITE PHOTOS



View of the subject property from Sycamore View Road looking west



View of the rear of the subject property from the Raleigh LaGrange Road access looking northeast



View from the subject property along Raleigh LaGrange Road looking east



View from the subject property along Sycamore View Road looking north



View from the subject property along Sycamore View Road looking east

STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is for a replacement of a convenience store and four gas pumps.

Approval Criteria

Staff agrees the approval criteria in regard 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 insure 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 Description

The subject property is located at 2115 Sycamore View Road and consists of +/-0.76 acres. It is a fully-developed site occupied by an existing convenience store with a detached carwash structure in the rear. It is surrounded primarily by commercial uses, as it sits at the intersection of Raleigh Lagrange Road. Convenience stores also occupy the sites at the northeast and southwest corners. Per the Assessor's Office, the existing convenience store is 1,392 square feet and was constructed in 1987. Additionally, there is an existing canopy and four underground gasoline tanks.

Site Zoning History

On May 7, 1987, the Land Use Control Board recommended approval of P.D. 87-319, which permitted multifamily units on Parcel I and a cleaning establishment and uses allowed in the C-P District on Parcel II. See pages 11-12 of this report.

Site Plan Review

- The proposed convenience store is 3,440 square feet oriented toward Sycamore View Road;
- Eleven onsite parking spaces are provided, while 1 space per 1,000 SF FA are required;
- The fuel canopy will remain;
- There are four existing fuel pumps that will be replaced ;
- Since the subject property is adjacent to a residential use to the west, additional landscape buffering is required;
- All setbacks, per the preliminary site plan submitted are met;

Relevant Unified Development Code Section

Use Standards for Convenience Stores Section 2.6.3J reads as follows:

Convenience Store with Gas Pumps, Gas Station, Commercial Electric Vehicle Charge Station

1. General Standards
 - a. The primary building shall conform to all building envelope standards. It shall be sheathed with some form of masonry material on all facades of the building.
 - b. Gasoline pumps, tanks, vents, EV chargers and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.
 - c. No sign of any type or any gasoline pump, tank, or EV charger shall be located within 20 feet of any residential district. Furthermore, no gasoline pump, tank or tank vent pipe located at gasoline stations constructed on or after August 21, 2012, or at those gasoline stations that have been vacant for more than 365 days, shall be located within 125 feet of any single-family residential district. This Item shall not apply to any portion of a residential district that lies within a state, city or county right-of-way.
 - d. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to a residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
 - e. Freestanding vents shall not be permitted.
 - f. CMU-3 district. Any convenience store with gas pumps or gas stations constructed in the CMU-3 district after January 28, 2013, or reactivated after one year of discontinuance, not located at the intersection of two arterials, an arterial and a collector or two collectors, according to the Functional Classification Map of the Long Range Transportation Plan, shall require the issuance of a Special Use Permit. Convenience stores with gas pumps and gas stations constructed in the CMU-3 district prior to January 28, 2013, 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 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.

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.

h. **CMU-2 and CBD districts.** Any convenience store with gas pumps or gas stations constructed in the CMU-2 and CBD districts after the effective date of this ordinance (ZTA 21-2) or 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-2 and CBD districts prior to the effective date of this ordinance (ZTA 21-2), 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 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.

i. Rope lighting subject to Paragraph 4.9.4A(10) is prohibited.

2. Fuel Canopies

a. Fuel canopies may be located within the required front yard of a lot. With the exception of those canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii), the canopy shall be located no closer than 10 feet to any side or rear property line or right-of-way. This Item shall not be construed to supersede the landscaping and streetscape provisions of Article 4.

b. The canopy shall not exceed a height of 20 feet.

c. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

d. Architectural compatibility of fuel canopies

i. Establishments permitted by right

The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be complimentary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage. Examples of architecturally integrated and compatible fuel canopies are provided in Subitem (iv) below.

ii. Establishments that require a Special Use Permit

In addition to the requirements set forth above in Sub-Item (i), a fuel canopy associated

with an establishment that requires a Special Use Permit or is eligible for a waiver from a Special Use Permit under Items 2.6.3J(1)(f), (g) or (h), shall also either:

- a. Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code. See Sub-Item (v) below for a photographic representation of a rear-loaded fuel canopy; or
 - b. Be structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way. See Sub-Item (vi) below for photographic representations of structurally integrated fuel canopies.
- iii. Canopies built pursuant to Sub-Item 2.6.3J(d)(ii) may contain signage.

Conclusions

The applicant is seeking a special use permit for a convenience store with gasoline pumps in the Commercial Mixed Use – 2 (CMU-2) District.

According to Section 2.6.3 J of the Unified Development Code, a special use permit is required because the existing convenience store is proposed to be demolished and rebuilt in the CMU-2 District.

The new store is proposed to consist of 3,440 square feet. Four new gasoline pumps will also replace the existing.

The subject property exists in a primarily commercial area with convenience stores also located to the northeast and southwest.

A multifamily development is to the immediate west of the subject property.

This 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 conditions.

Conditions

1. The convenience store shall be sheathed with some form of masonry material on all facades of the building.
2. The canopy shall be either:
 - a. Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code; or
 - b. Be structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
3. A Class III buffer shall be established along the western property line, the side of the property adjacent to the residential use, provided such barrier or screen shall not restrict clear sight at any intersection or

driveway.

4. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.
5. The final site plan shall be consistent with the requirements of the Fletcher Creek Overlay District in Section 8.9 of the Unified Development Code.
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
7. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
8. 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.
9. 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.

DEPARTMENTAL COMMENTS

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

City/County Engineer: See comments as follows:

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

Sewers:

2. Sanitary Sewer Capacity is available to serve this development.

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

Drainage:

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

General Notes:

15. The width of all existing off-street sewer easements shall be widened to meet current city standards.
16. Development is located within a sensitive drainage basin.
17. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
18. All connections to the sewer shall be at manholes only.
19. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
20. Required landscaping shall not be placed on sewer or drainage easements.

City/County Fire Division:

See comments as follows:

Date Reviewed: 4/10/23

Reviewed by: J. Stinson

Address or Site Reference: 2115 Sycamore View

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

- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: See comments as follows:

Per Quinton Clark, P.E.

The address is located within our Wellhead Protection Zone. However, I logged into Accela to determine the work being performed. According to the information in Accela, the proposal is to permit the demolishing of the existing building (existing carwash and store structures) and adding two new gas pumps and a 4,000 s.f. building. The existing pumps and canopy will remain.

Since there are no proposed changes to the existing UST, this is approved.

Office of Sustainability and Resilience: See comments as follows:

To: Kendra Cobbs, Principal Planner

From: Robin Richardson, Planning Intern

Date: March 24, 2023

Subject: OSR Comments on SUP 23-04: BARTLETT ADJACENT

General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The site is located within the boundaries of the Fletcher Creek drainage basin.

The applicant is proposing to reconfigure the existing gas station on the site by reusing the existing gas pumps

and canopy while demolishing the carwash and convenience store portions of the site. The proportions of pervious/impervious surfaces on the site will remain essentially the same, though there will be a small addition of some landscaped areas around the new convenience store.

Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes

This application is largely consistent with the Mid-South Regional Resilience Master Plan. The application proposes development in Resilience Zone 1, which is in line with the best practices outlined in Section 4.1 – Resilient Sites and Section 4.2 – Smart Growth.

Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Due to the site’s location within the Fletcher Creek drainage basin (and within the Fletcher Creek Overlay District), staff recommends that a condition be set that the plan must be consistent with the requirements of the Fletcher Creek Overlay District in the UDC, Section 8.9.

Office of Comprehensive Planning: See comments as follows:

Site Address/Location: 2115 Sycamore View Rd

Overlay District/Historic District/Flood Zone: In the Fletcher Creek Overlay, not in a Historic District or Flood Zone

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

Street Type: Avenue & Parkway

The applicant is requesting a special use permit to operate a convenience store with gas pumps on the subject parcel.

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, and social service institutions. Graphic portrayal of CSL is to the right.



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

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

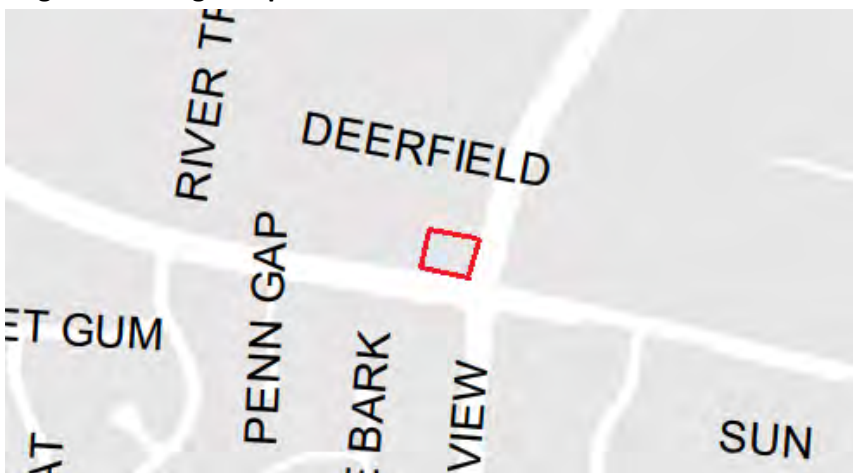
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-2

Adjacent Land Use and Zoning: Commercial, Multi-family; CMU-2

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed gas station is an existing use, and the proposed expansion of the accompanying convenience store will increase the footprint of commercial uses at the site.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

N/A

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

N/A

Consistency Analysis Summary

The applicant is requesting a special use permit to operate a convenience store with gas pumps on the subject parcel. This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed gas station is an existing use, and the proposed expansion of the accompanying convenience store will increase the footprint of commercial uses at the site.

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: SUP 2023-004

Expiration Date:

Record Name: Derfield P.D., Parcel 28

Description of Work: The demolition of the existing carwash and store structures and the construction of a new 3,440 s.f. convenience store. The existing pumps and canopy will remain.

Parent Record Number:

Address:

2115 SYCAMORE VIEW RD, MEMPHIS 38134

Owner Information

Primary Owner Name

Y A AND R PROPERTIES LLC

Owner Address

3264 SARAZENS CIRCLE, MEMPHIS, TN 38119

Owner Phone

9019490880

Parcel Information

088041 00055

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

LUCAS SKINNER

Date of Meeting

02/15/2023

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Application Type
List any relevant former Docket / Case
Number(s) related to previous applications on
this site
Is this application in response to a citation, stop
work order, or zoning letter
If yes, please provide a copy of the citation, stop
work order, and/or zoning letter along with any
other relevant information

New Special Use Permit (SUP)
PD 87319

No

-

APPROVAL CRITERIA

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

This commercial zone property is isolated from
adjacent property on east and south side by Raleigh
Lagrange Road and Sycamore View Road. It is
isolated from adjacent property on the west by an
existing buffer and drive aisle. No new traffic will be
generated and parking will be provided on-site. The
new store will provide a walkable alternative to the
existing residents to the west.

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

This project will be setback considerably from
Raleigh Lagrange Road and Sycamore View Road
per the CMU-3 zoning setbacks. Adjacent property
on the west and north sides are an existing
apartment complex and retail building. Existing
access and cross-access will be maintained.
This project will provide commercial services to
existing neighborhood. Public water and sanitary
sewer services exist as well as MLG&W electric
services. Fire and emergency services will remain
as they currently are. A new dumpster enclosure will
be constructed

UDC Sub-Section 9.6.9C

The project location does not have any significant
natural, scenic or historic importance.

UDC Sub-Section 9.6.9D

The project will follow requirements of the requested
use.

UDC Sub-Section 9.6.9E

This development will not affect any plans to be
considered, or violate the character of existing
standards for development of the adjacent
properties.

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

BOA1987-201
No
C
No
-
COMMERCIAL
MEMPHIS
Fletcher Creek Overlay

LETTER OF INTENT



January 05, 2023

RE: Minor Modification/Re-Recording
N.W. corner of Raleigh LaGrange Road and Sycamore View Road

Mr. Bret Ragsdale
City of Memphis, Division of Planning & Dev.
125 N. Main, Room #477
Memphis TN 38103

Mr. Ragsdale,

RE: Application for Minor Modification/Re-Recording for the Deerfield P.D., parcel 2B located on the northwest corner of the Raleigh LaGrange Road and Sycamore View Road intersection.

Dear Mr. Ragsdale:

Please accept this application for a Minor Modification on behalf of the property owner. The property is located on the north side of Raleigh Lagrange Road, and the west side of Sycamore View Road. The property is currently a convenience store.

The purpose of the application is to permit the demolishing of the existing building and adding two new gas pumps and a new 4,000 s.f. building as shown on Sheet 2 of the revised Final Plat.

Again, on behalf of the landowner and applicant, we are pleased to bring forward this application. As the engineers associated with this proposal, the Renaissance Group is available should you have any questions or concerns related to this request. Please feel free to contact me at 901-332-5533.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Wesley Wooldridge', written in a cursive style.

J. Wesley Wooldridge, P.E., Partner
Renaissance Group, Inc.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Rooziman Shah, being duly sworn, depose and say that at 1 am/pm on the 1st day of April, 2023, I posted ✓ Public Notice Sign(s) pertaining to Case No. SUP2023-004 at 2115 Sycamore View Dr Memphis providing notice of a Public Hearing before the _____ Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, ✓ 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

4-6-2023

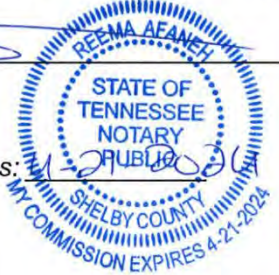
Date

Subscribed and sworn to before me this 6 day of April, 2023.

[Signature]

Notary Public

My commission expires: 4-21-2024





LETTERS RECEIVED

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



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

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

April 28, 2023

Renaissance Group, Inc.
9700 Village Circle, Ste. 100
Lakeland, TN 38002

Sent via electronic mail to: wwouldridge@rgroup.biz

Case Number: SUP 23-04
LUCB Recommendation: Approval with conditions

Dear Applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow a convenience store with gasoline pumps in the Commercial Mixed Use – 2 (CMU-2) District located at 2115 Sycamore View Road, subject to the following conditions:

1. The convenience store shall be sheathed with some form of masonry material on all facades of the building.
2. The canopy shall be either:
 - a. Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code; or
 - b. Be structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
3. A Class III buffer shall be established along the western property line, the side of the property adjacent to the residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
4. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.
5. The final site plan shall be consistent with the requirements of the Fletcher Creek Overlay District in Section 8.9 of the Unified Development Code.
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for

Letter to Applicant
SUP 23-004

the site or this approval.

7. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
8. 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.
9. 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.

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 Kendra.Cobbs@memphistn.gov.

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: File



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: SUP 2023-004

Expiration Date:

Record Name: Derfield P.D., Parcel 28

Description of Work: The demolition of the existing carwash and store structures and the construction of a new 3,440 s.f. convenience store. The existing pumps and canopy will remain.

Parent Record Number:

Address:

2115 SYCAMORE VIEW RD, MEMPHIS 38134

Owner Information

Primary Owner Name

Y A AND R PROPERTIES LLC

Owner Address

3264 SARAZENS CIRCLE, MEMPHIS, TN 38119

Owner Phone

9019490880

Parcel Information

088041 00055

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

LUCAS SKINNER

Date of Meeting

02/15/2023

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Application Type
List any relevant former Docket / Case Number(s) related to previous applications on this site
Is this application in response to a citation, stop work order, or zoning letter
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

New Special Use Permit (SUP)
PD 87319

No

-

APPROVAL CRITERIA

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

This commercial zone property is isolated from adjacent property on east and south side by Raleigh Lagrange Road and Sycamore View Road. It is isolated from adjacent property on the west by an existing buffer and drive aisle. No new traffic will be generated and parking will be provided on-site. The new store will provide a walkable alternative to the existing residents to the west.

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

This project will be setback considerably from Raleigh Lagrange Road and Sycamore View Road per the CMU-3 zoning setbacks. Adjacent property on the west and north sides are an existing apartment complex and retail building. Existing access and cross-access will be maintained. This project will provide commercial services to existing neighborhood. Public water and sanitary sewer services exist as well as MLG&W electric services. Fire and emergency services will remain as they currently are. A new dumpster enclosure will be constructed

UDC Sub-Section 9.6.9C

The project location does not have any significant natural, scenic or historic importance.

UDC Sub-Section 9.6.9D

The project will follow requirements of the requested use.

UDC Sub-Section 9.6.9E

This development will not affect any plans to be considered, or violate the character of existing standards for development of the adjacent properties.

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

BOA1987-201
No
C
No
-
COMMERCIAL
MEMPHIS
Fletcher Creek Overlay

GIS INFORMATION

Zoning CMU-2
State Route -
Lot -
Subdivision DEERFIELD P D PARCEL 2B
Planned Development District -
Wellhead Protection Overlay District Yes

Data Tables

AREA INFORMATION

Name: 2115 Sycamore View road
Size (Acres): 0.753
Existing Use of Property: C-store with pumps
Requested Use of Property: C-store with pumps

Contact Information

Name BERUK PROPERTIES Contact Type APPLICANT

Address

Phone

(901)949-0880

Fee Information

| Invoice # | Fee Item | Quantity | Fees | Status | Balance | Date Assessed |
|-----------|---|----------|--------|----------|---------|---------------|
| 1452262 | Special Use Permit Fee - 5 acres or less (Base Fee) | 1 | 500.00 | INVOICED | 0.00 | 03/02/2023 |
| 1452262 | Credit Card Use Fee (.026 x fee) | 1 | 13.00 | INVOICED | 0.00 | 03/02/2023 |

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, Rooziman Shah (Print Name) Rozi Shah (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 2115 Sycamore View and further identified by Assessor's Parcel Number 08806100055 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 18 day of December in the year of 2023.

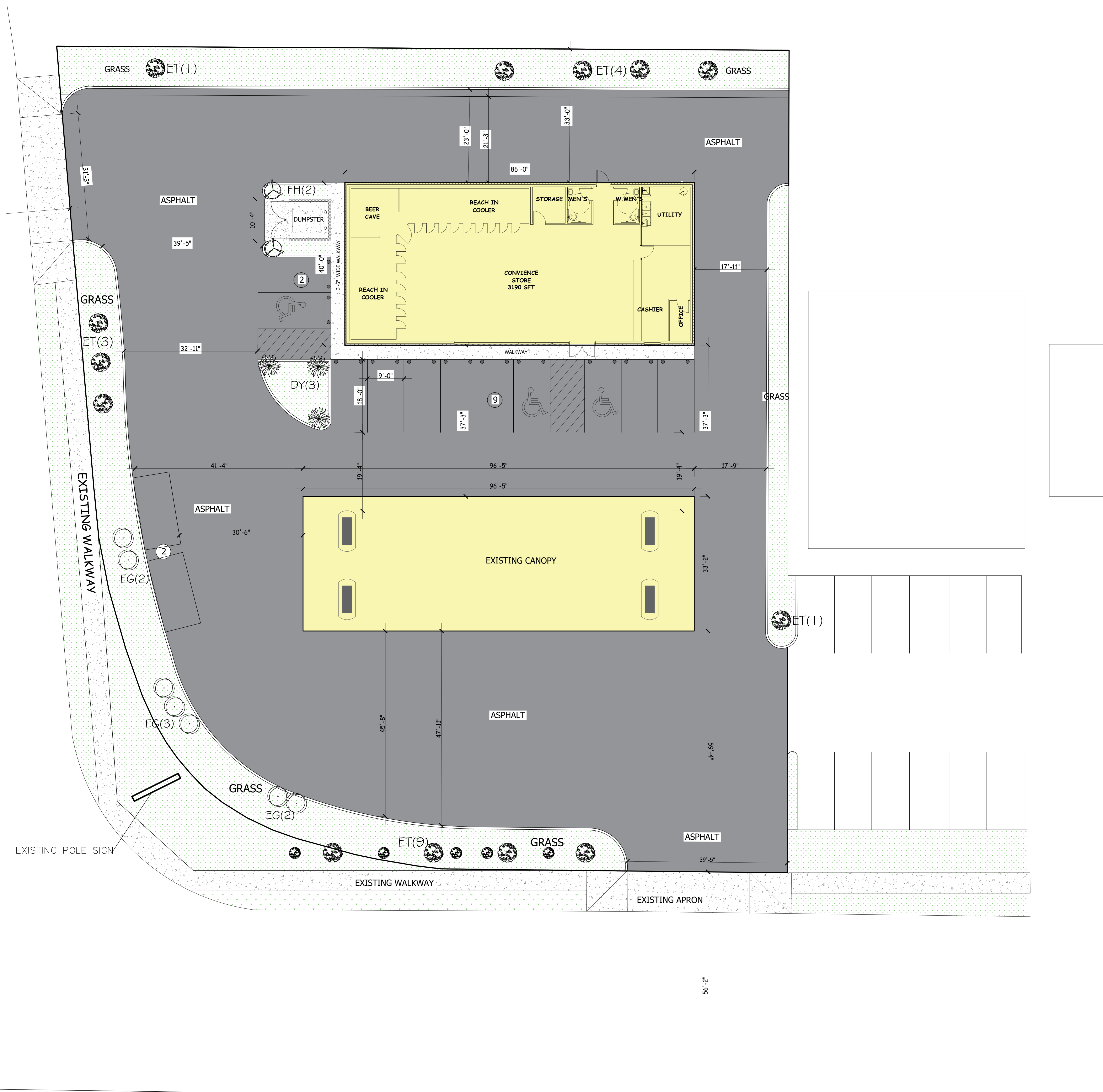

Signature of Notary Public



4-21-2024
My Commission Expires

GENERAL NOTES:

1. A MINIMUM OF 24 HOURS PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE CITY OF WEST MEMPHIS CONSTRUCTION INSPECTION OFFICE.
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.
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 CITY OF WEST 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 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.



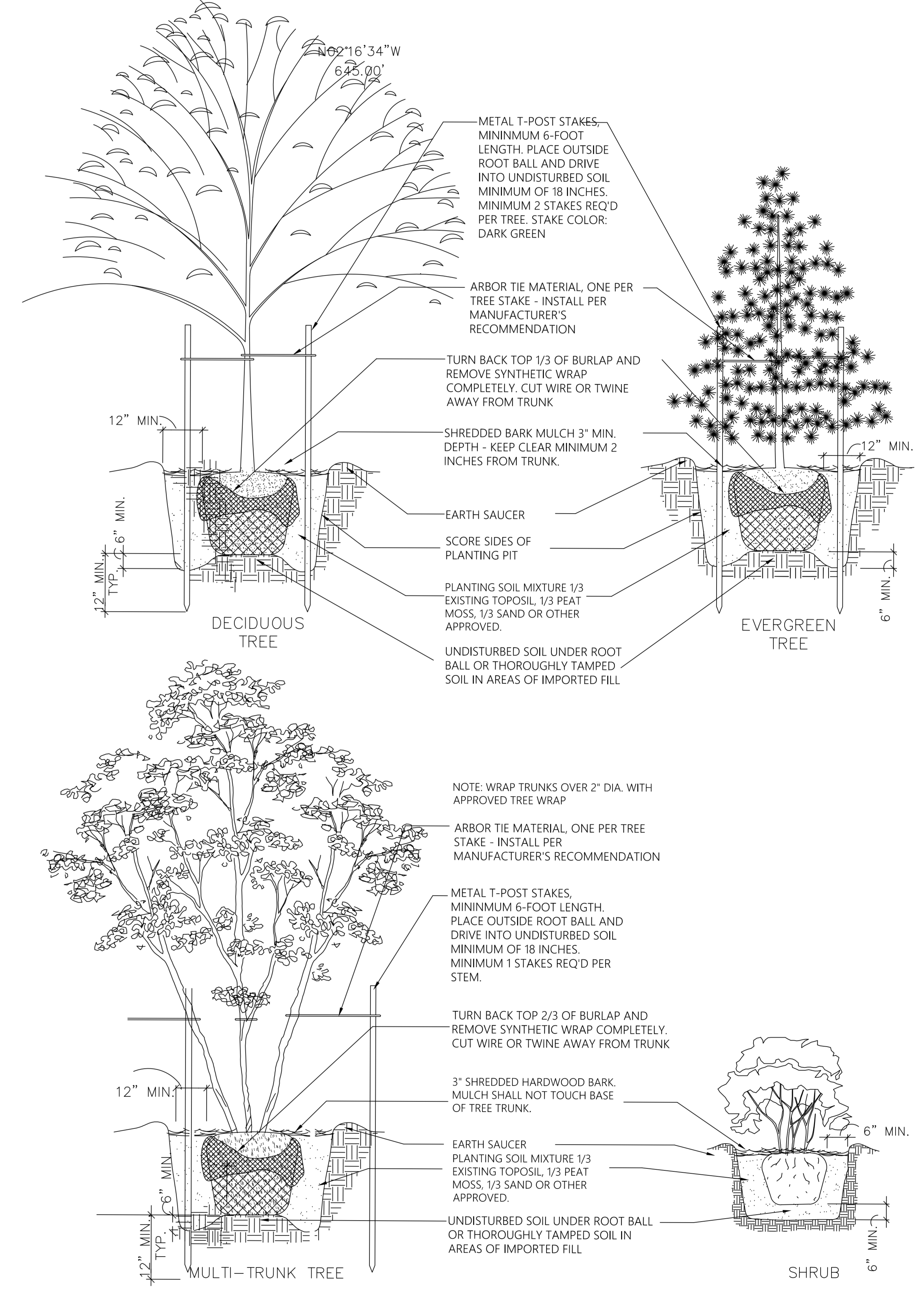
1 LANDSCAPE PLAN
1/16" = 1'-0"

SITE DATA:
 SITE AREA: 0.76 ACRES
 PROPOSED USE: RETAIL WITH GAS SALES
 BUILDING SIZE: 3440 S.F.
 PARKING PROVIDED: 13 (3 ADA ACCESSIBLE)

PROPOSED PLANTS

| SHAPE | SYM | COMMON NAME | BOTANICAL NAME | SIZE | QTY |
|-------|-----|-----------------------|---------------------------|----------|-----|
| | DY | DWARF YAUPON HOLLY | IILEX x VOMITORIA "NANA" | 24-30" | 3 |
| | EG | Dwarf English Boxwood | Buxus sempervirens | 2-3' HT | 7 |
| | FH | Foster's Holly | Ilex x attenuata 'Foster' | 8-10' HT | 2 |
| | ET | EXISTING TREES/SHRUBS | | | 18 |

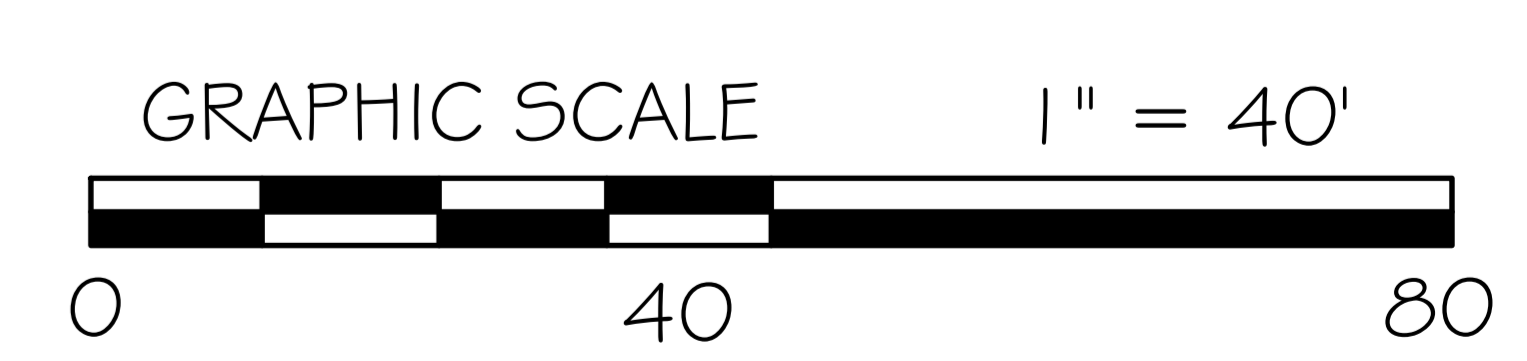
NOTE: ALL AREAS NOT PAVED OR MULCHED SHALL HAVE BERMUDA SOD INSTALLED.



TYPICAL PLANTING DETAILS

REQUIRED SIDEWALKS

| STREET NAME | C/L WIDTH | SIDE | LOCATION | ACTION |
|------------------------|-----------|-------|-----------------|------------------|
| RELIEIGH LAGRANGE ROAD | 52 FEET | WEST | adj. to curbing | REPAIR AS NEEDED |
| SYCAMORE VIEW ROAD | 56 FEET | SOUTH | adj. to curbing | REPAIR AS NEEDED |



SHEET 1 OF 1
 DIVISION OF PUBLIC WORKS

LOCATION:
 2115 Sycamore View Rd, Memphis, TN 38134
 LANDSCAPE PLAN

SURVEY: TBF DATE: BOOK: _____
 DESIGN: TBF DATE: 10-2022 SCALE 1"=20'



January 05, 2023

RE: Minor Modification/Re-Recording
N.W. corner of Raleigh LaGrange Road and Sycamore View Road

Mr. Bret Ragsdale
City of Memphis, Division of Planning & Dev.
125 N. Main, Room #477
Memphis TN 38103

Mr. Ragsdale,

RE: Application for Minor Modification/Re-Recording for the Deerfield P.D., parcel 2B located on the northwest corner of the Raleigh LaGrange Road and Sycamore View Road intersection.

Dear Mr. Ragsdale:

Please accept this application for a Minor Modification on behalf of the property owner. The property is located on the north side of Raleigh Lagrange Road, and the west side of Sycamore View Road. The property is currently a convenience store.

The purpose of the application is to permit the demolishing of the existing building and adding two new gas pumps and a new 4,000 s.f. building as shown on Sheet 2 of the revised Final Plat.

Again, on behalf of the landowner and applicant, we are pleased to bring forward this application. As the engineers associated with this proposal, the Renaissance Group is available should you have any questions or concerns related to this request. Please feel free to contact me at 901-332-5533.

Respectfully,

J. Wesley Wooldridge, P.E., Partner
Renaissance Group, Inc.

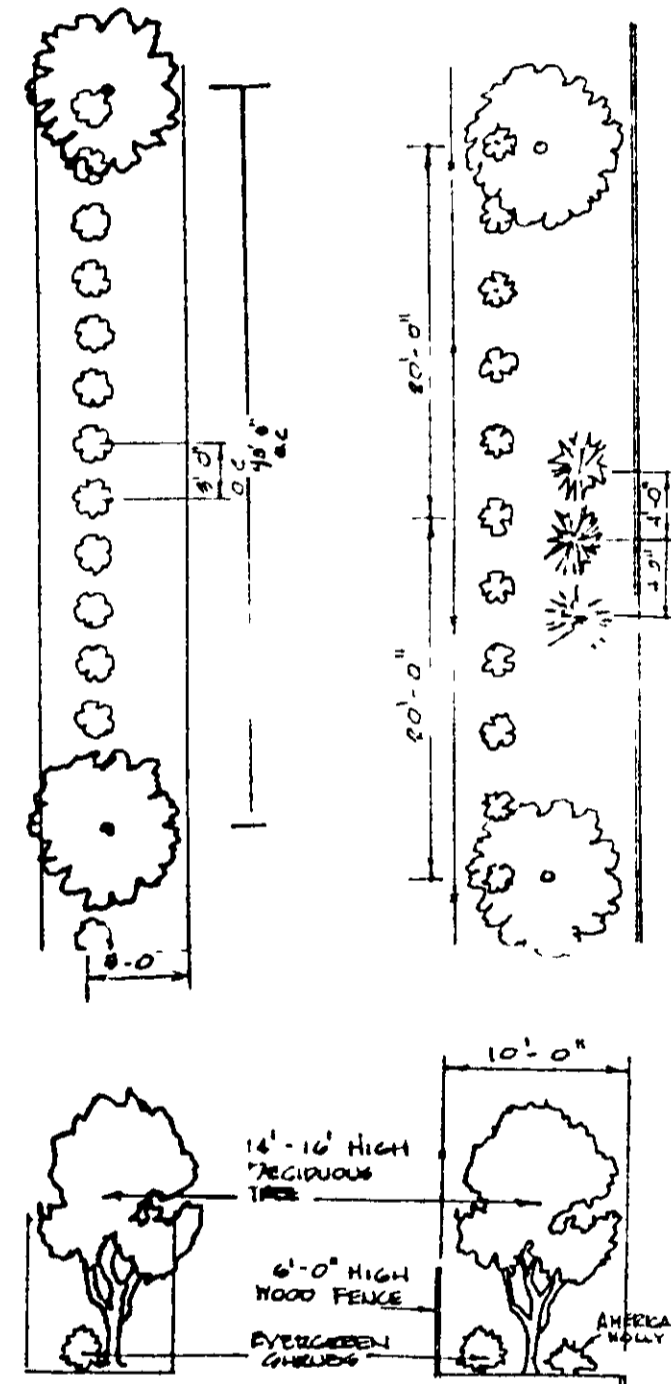
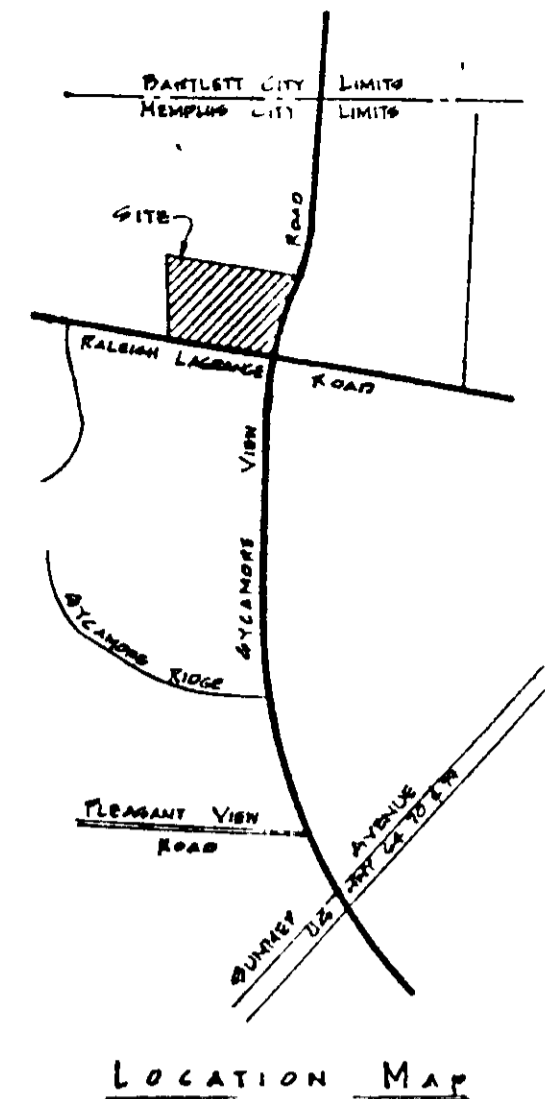
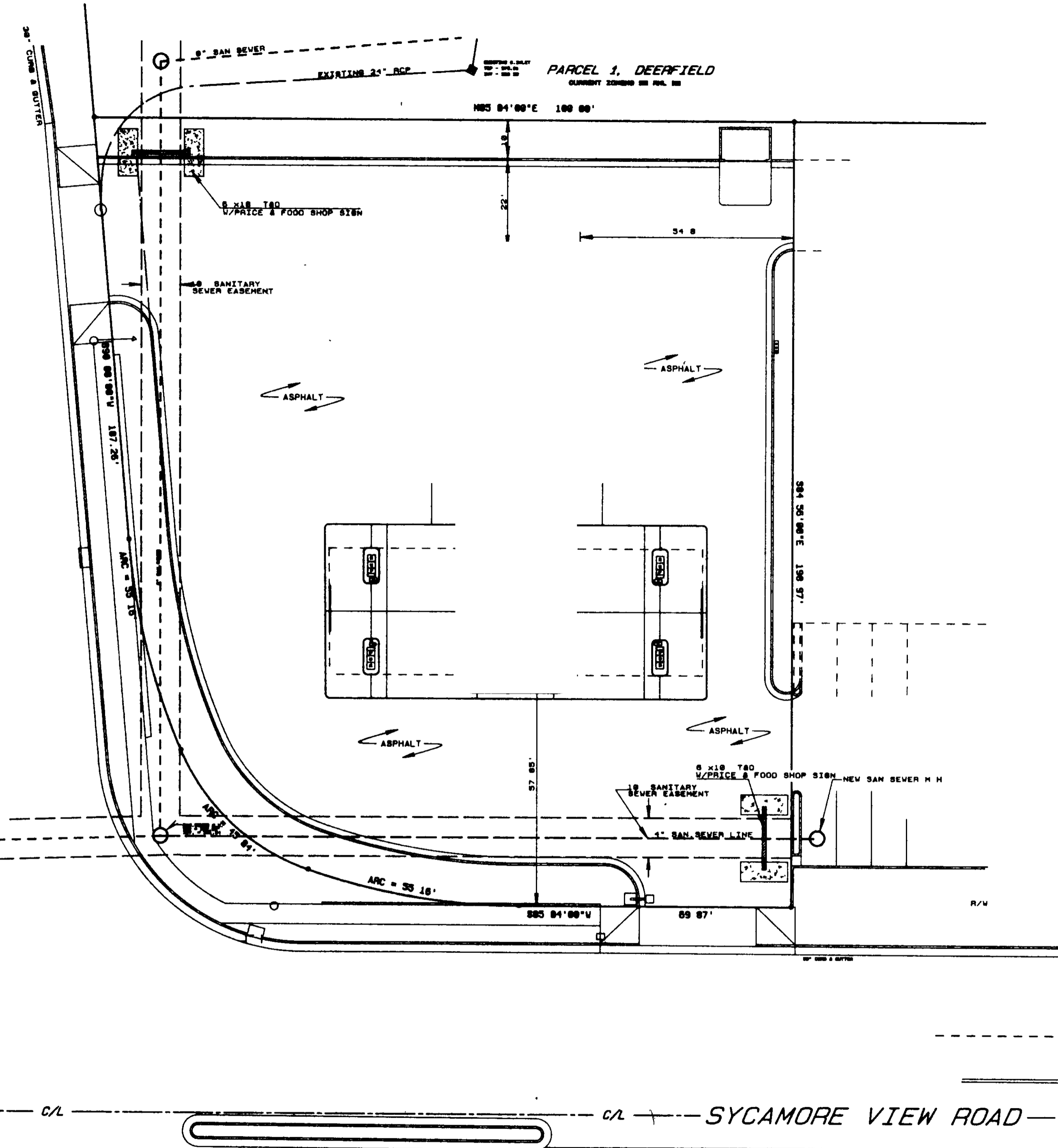
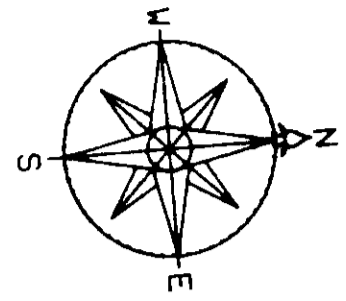
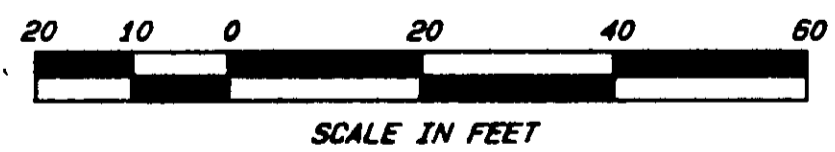


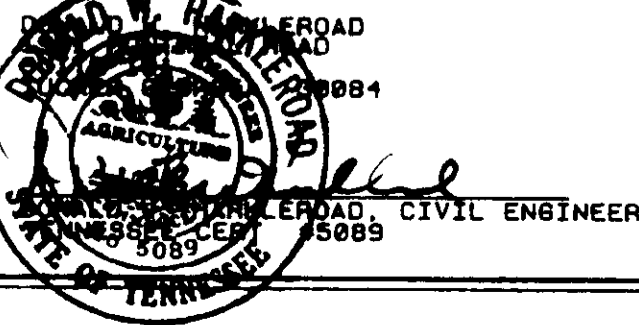
PLATE 'Y' LANDSCAPE
 PLATE 'C' MODIFIED SCREENS
 DEVELOPER: AMOCO OIL COMPANY, 200 E RANDOLPH DR, CHICAGO ILL
 LOCAL CONTACT: BOB MILLER (695-6319)
 SHELBY COUNTY REGISTER OF DEEDS
 1989 JUN 22 11 11 AM
 BC3207



OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE
 PLAN OF DEVELOPMENT ACTED UPON BY MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD ON June 4, 1981 AND BY THE MEMPHIS CITY COUNCIL ON October 20, 1987

BY: [Signature] DIRECTOR, OFFICE OF PLANNING AND DEVELOPMENT
 DATE: June 22, 1989

I HEREBY CERTIFY THAT THIS PLAT WAS COMPILED FROM AN ACTUAL SURVEY, AND SITE PLAN DONE UNDER MY SUPERVISION FOR AMOCO OIL COMPANY DATED JULY 24 1987



STATE OF TENNESSEE
 COUNTY OF SHELBY
 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY OF MEMPHIS, DULY COMMISSIONED AND QUALIFIED PERSONALLY APPEARED D. R. Marshall WITH WHOM I AM PERSONALLY ACQUAINTED, AND UPON HIS (HER) OATH ACKNOWLEDGED HIMSELF (HERSELF) TO BE D. R. Marshall OF THE AMOCO OIL COMPANY THE WITHIN NAMED BARGAINER, AND THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS THIS 17 DAY OF June, 1989.

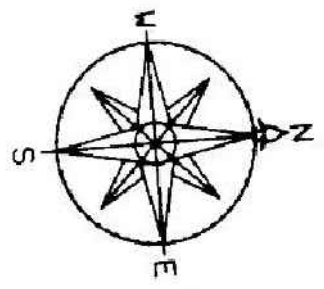
NOTARY PUBLIC: [Signature]
 MY COMMISSION EXPIRES:

PLAT BOOK BC 3207
 PAGE 127
 RECORDED FOR 15.00
 DATE JUN 22 1989
 TIME 11:20 A.M.
 STATE OF TENNESSEE
 SHELBY COUNTY

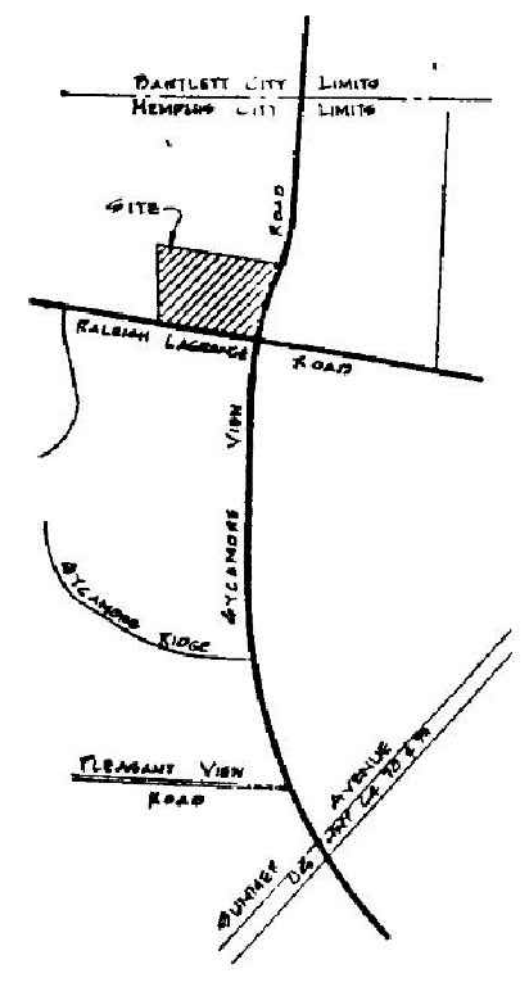
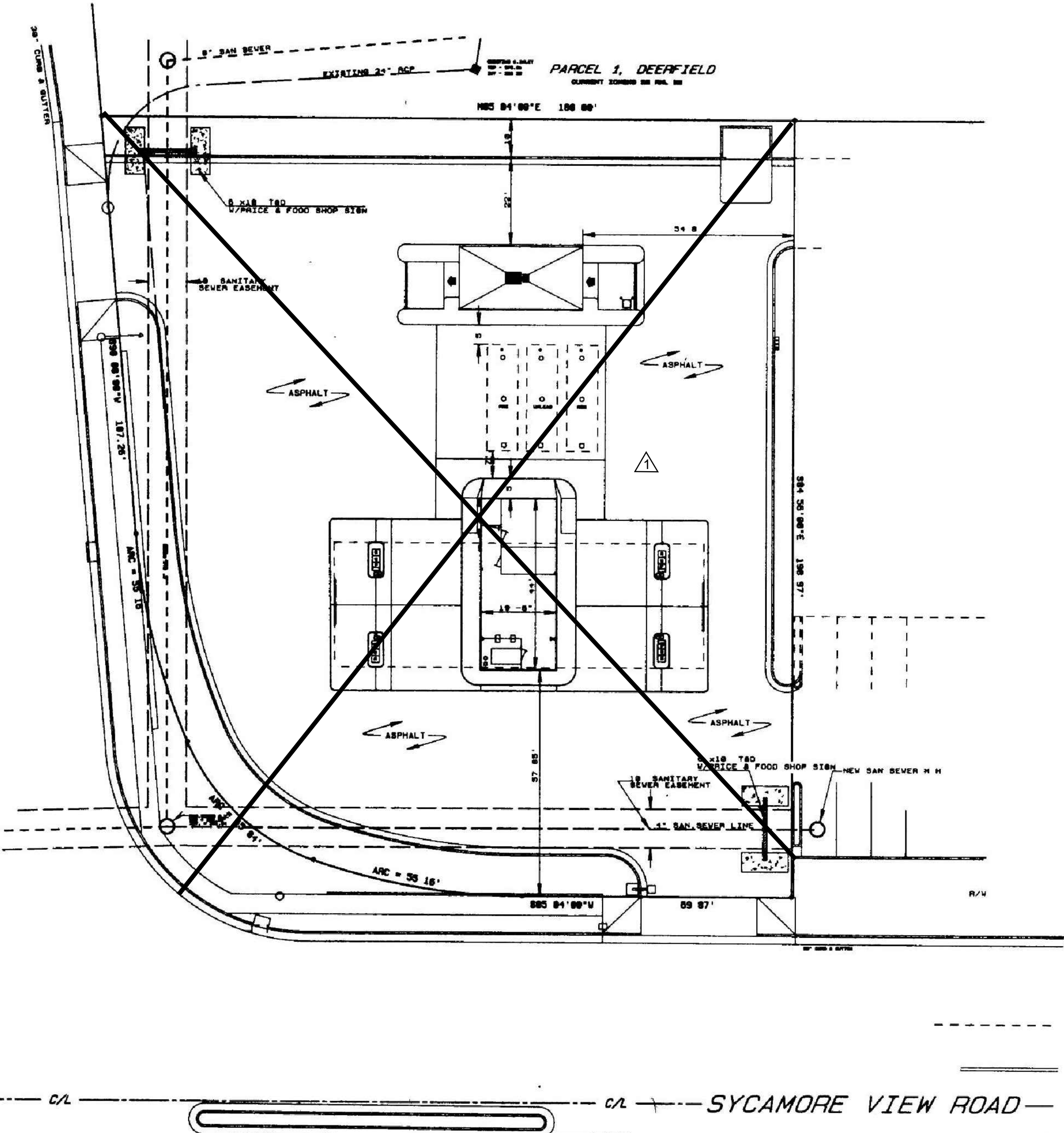
* REVISED TO PERMIT TWO DETACHED SIGNS AS PERMITTED IN THE C-P DISTRICT.

OWNER'S CERTIFICATE
 I, AMOCO OIL CO. THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THE PLAT AS OUR PLAN OF DEVELOPMENT AND DEDICATE THE STREETS AND RIGHT OF WAY AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. WE CERTIFY THAT WE ARE THE OWNERS OF THE SAID PROPERTY FOR THE FULL DULY AUTHORIZED SO TO ACT AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.
[Signature]
 D. R. MARSHALL
 (PROJECT ENGINEER)

*FINAL PLAN PD-87319
 PARCEL "28"
 DEERFIELD
 A PLANNED DEVELOPMENT
 MEMPHIS, SHELBY COUNTY, TENNESSEE
 SCALE 1" = 20' JOB NO: 3880FP DATE: APRIL 26 1989
 HARKLEROAD AND ASSOC., INC.
 ENGINEERS - LAND SURVEYORS
 1901 MONTREAL ROAD SUITE 101
 TUCKER, GA 30084 PHONE 404-939-4751



RALEIGH LAGRANGE ROAD



LOCATION MAP

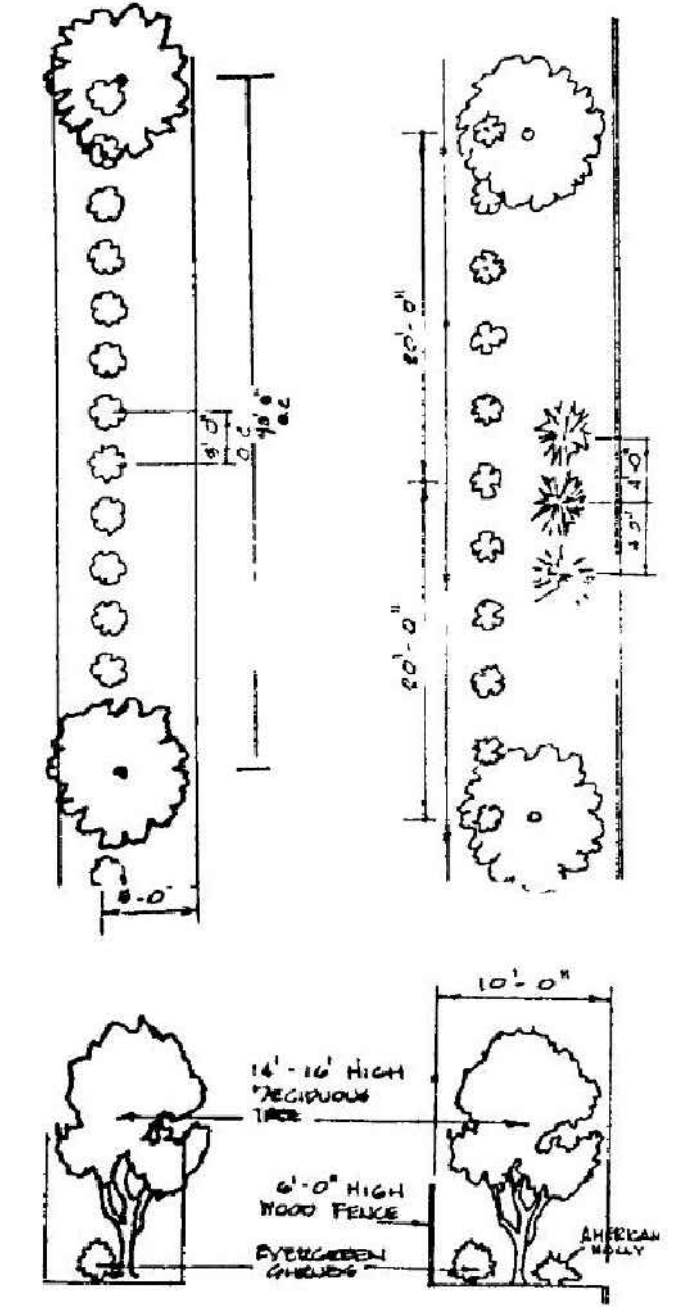
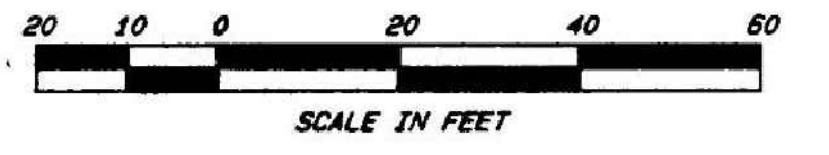


PLATE 'Y' LANDSCAPE
PLATE 'C' MODIFIED SCREENS

DEVELOPER
AMOCO OIL COMPANY
200 E RANDOLPH DR
CHICAGO ILL
LOCAL CONTACT
BOB MILLER (695-6319)

BC3207

SHELBY COUNTY
REGISTER OF DEEDS
1989 JUN 22 11 11 AM



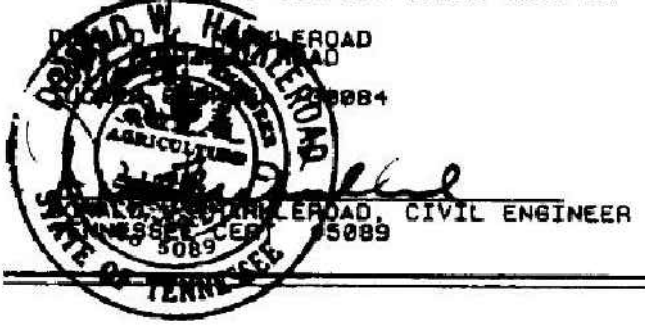
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PLAN OF DEVELOPMENT ACTED UPON BY MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD ON June 4, 1981 AND BY THE MEMPHIS CITY COUNCIL ON October 20, 1987

BY [Signature]
DIRECTOR, OFFICE OF PLANNING AND DEVELOPMENT

DATE June 22, 1989

I HEREBY CERTIFY THAT THIS PLAT WAS COMPILED FROM AN ACTUAL SURVEY, AND SITE PLAN DONE UNDER MY SUPERVISION FOR AMOCO OIL COMPANY DATED JULY 24 1987



STATE OF TENNESSEE
COUNTY OF SHELBY
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NOTARY PUBLIC
MY COMMISSION EXPIRES

PLAT BOOK 127 PAGE 22
RECORDING FEE 15.00
DATE JUN 22 1989
TIME 11:30 A.M.
STATE OF TENNESSEE
SHELBY COUNTY

REVISED SITE PLAN- SEE SHEET 2 OF 3 - 01/03/2023

* REVISED TO PERMIT TWO DETACHED SIGNS AS PERMITTED IN THE C-P DISTRICT.

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I AMOCO OIL CO THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON HEREBY ADOPT THE PLAT AS OUR PLAN OF DEVELOPMENT AND DEDICATE THE STREETS AND RIGHT OF WAY AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER WE CERTIFY THAT WE ARE THE OWNERS OF THE SAID PROPERTY FOR SIMPLE DULY AUTHORIZED SO TO ACT AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE
[Signature]
D. R. MARSHALL
(PROJECT ENGINEER)

#FINAL PLAN PD-87319
PARCEL "29"
DEERFIELD
A PLANNED DEVELOPMENT
MEMPHIS, SHELBY COUNTY, TENNESSEE

SCALE 1" = 20' JOB NO: 3889PP DATE: APRIL 26 1989

HARKLEROAD AND ASSOC. INC
ENGINEERS - LAND SURVEYORS
1901 MONTREAL ROAD SUITE 101
TUCKER, GA 30084 PHONE 404-939-4751

SHEET 1 OF 3

Owner's Certificate

We, _____, the undersigned owner of the property shown, hereby adopt this plat as my plan of development and dedicate the streets, right-of-ways, and grant the easements as shown and/or described to public use forever. We certify that we are the owner of Said Property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes which have become due and payable.

Owner Date

Notary Certificate

State of _____
County of _____

Before me, the undersigned a notary public in and for the State and County aforesaid, duly commissioned and qualified personally appeared _____, with whom I am personally acquainted and who, upon oath acknowledged himself to be the owner of _____, and he as such representative executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereunto set out by hand and affix my seal this _____ day of _____, 2018.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES: _____

Engineering Certificate

It is hereby certified that this plat is true and correct, is in compliance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and takes into account all applicable Federal, State and local building laws and regulation.

BY: _____(seal)

Date: _____

Tennessee Certificate No.: 104878

Land Use and Development Services Certificate

This final plat conforms to the Planned Development acted on by the Land Use Control Board on August 12, 2021 and approved by the Council of the City of Memphis on September 7, 2021

By: _____
Date: _____
Zoning Administrator

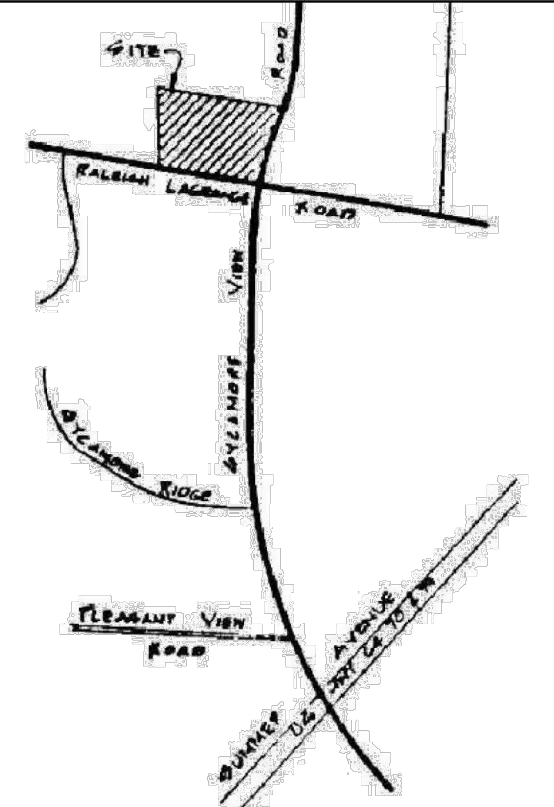
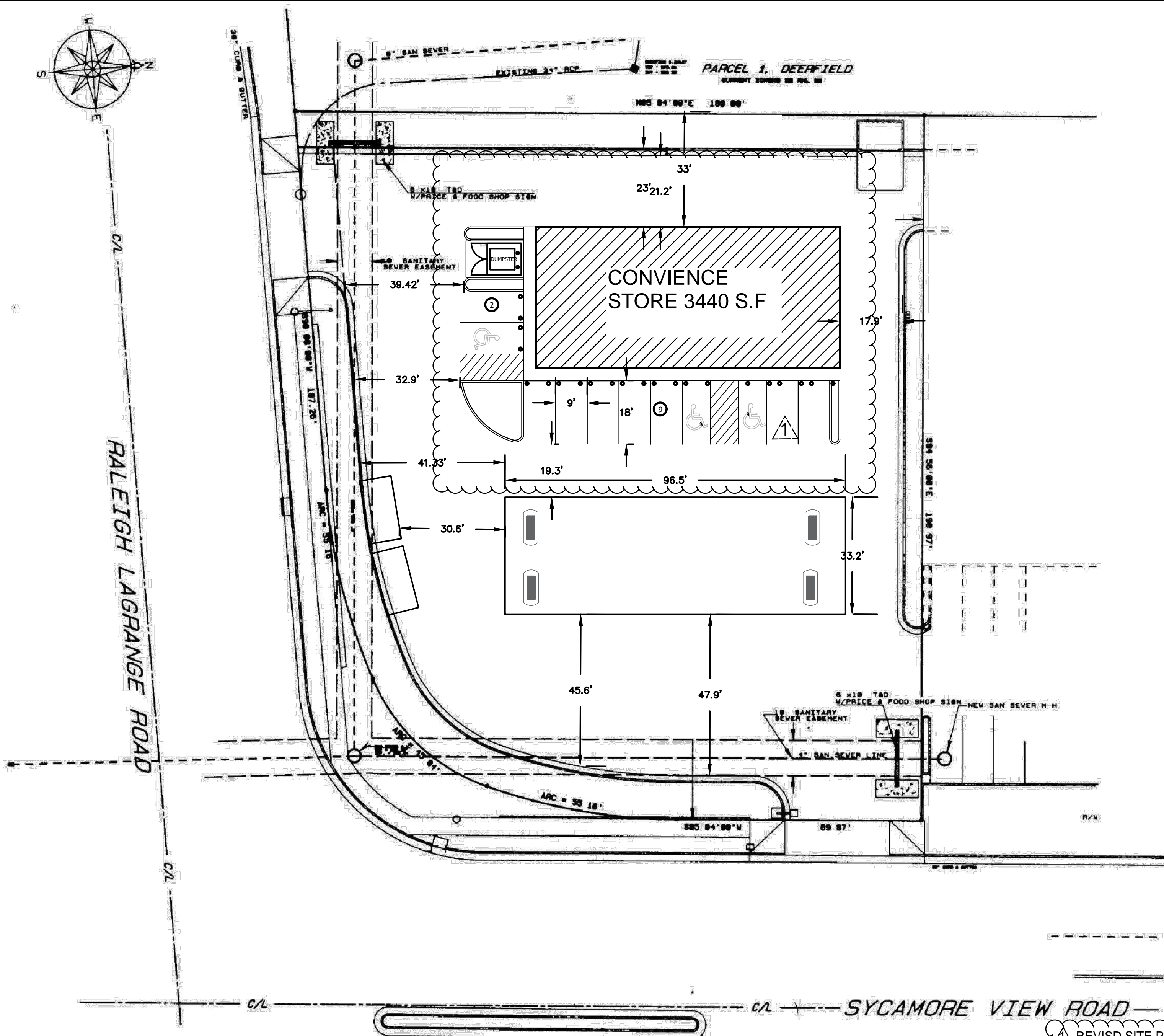
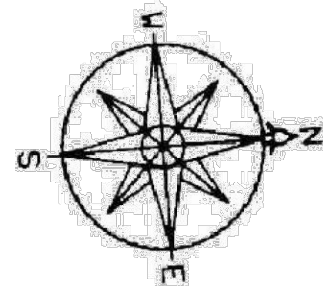
City Engineer: _____ Date: _____

LUDS: _____ Date: _____

Outline Plan Conditions

- I. Uses Permitted:
 - A. Parcel 1: A maximum of 136 multi-family units. A Clubhouse, tennis court and swimming pool shall also be provided.
 - B. Parcel 2: Any use permitted by administrative site plan review in the C-P District. The maximum floor area permitted shall be 20,100 square feet.
- II. Bulk Regulations
 - A. Parcel 1 -The bulk regulations of the R-ML Districts shall apply.
 - B. Parcel 2 -The bulk regulations of the C-P District shall apply.
- III. Access, Circulation and Parking
 - A. Raleigh-LaGrange Road shall be dedicated and improved 54 feet from the centerline.
 - B. A maximum of two curb cuts shall be permitted on Sycamore View Road and a maximum of two curb cuts shall be permitted on Raleigh-LaGrange Road. The design and location of the curb cuts shall be subject to the approval of the Public Works Division.
 - C. All private drives shall be a minimum of 22 feet wide and shall be built to City standards.
 - D. Dedicate, but don't improve, a three centered curve radius at the intersection of Raleigh-LaGrange and Sycamore View in accordance with the Subdivision Regulations.
 - E. Any required median modification on Sycamore View shall be done at the developer's expense.
 - F. Parking shall be provided in accordance with the Zoning Ordinance.
 - G. Vehicular access will be provided between adjacent phases in Parcel 2.
- IV. Landscaping
 - A. A 10-foot-wide landscape screen (Plate "C" modified or an equivalent screen approved by the Office of Planning and Development) shall be provided and maintained along the north and west property lines of Parcel 2.
 - B. A minimum eight-foot-wide landscape strip shall be provided and maintained along the Sycamore View and Raleigh-LaGrange frontages.
 - C. All parking areas shall contain a minimum of five percent landscaping exclusive of any required landscaping.
- V. Drainage
 - A. All drainage plans shall be submitted to the Public Works Division for review.
 - B. Any requires drainage improvements shall be provided in accordance with the Subdivision Regulations.
- VI. Signs
 - A. Signs shall be permitted in Parcel 1 in accordance with the R-ML District.
 - B. Signs shall be permitted in Parcel 2 in accordance with the C-P District.
- VII. The Land Use Control Board may modify the requirements for the bulk regulations curb cuts, parking, landscaping, and signs provided adequate alternatives are proposed.
- VIII. In addition to the outline plan conditions, the final plan shall include or be accompanied by:
 - A. A standard improvement contract.
 - B. The location and dimension of all buildings, curb cuts, private drives, landscaping, signs, etc.
 - C. A statement conveying all private facilities of areas for the purpose of maintenance.

| | | |
|--|---------------------------------|---|
| FINAL PLAT/SITE PLAN APPROVAL | | |
| DEERFIELD, PARCEL "2B" | | |
| ZONED: CMU-2 (PD OVERLAY) | FORMER CASE #PD-87319 | |
| MEMPHIS, SHELBY COUNTY, TENNESSEE | | |
| LOTS: 1 | ACREAGE: 0.753 ACRES | DISTRICT 06, BLOCK 0609 PARCEL 088041-00055 |
| DEVELOPER: Beruk Construction, Inc 3264 W. SARAZENS CIRCLE MEMPHIS, TN 38125 | | ENGINEER: RENAISSANCE GROUP, INC. 9700 VILLAGE CIRCLE, STE.100 LAKELAND, TN 38002 |
| 100 YEAR FLOOD ELEV: 279 | FEMA MAP PANEL No. 47157C 0311G | FEMA MAP DATE: 02/06/2013 |
| DEC. 13, 2022 | SCALE: 1" = 20' | SHEET 3 OF 3 |



LOCATION MAP

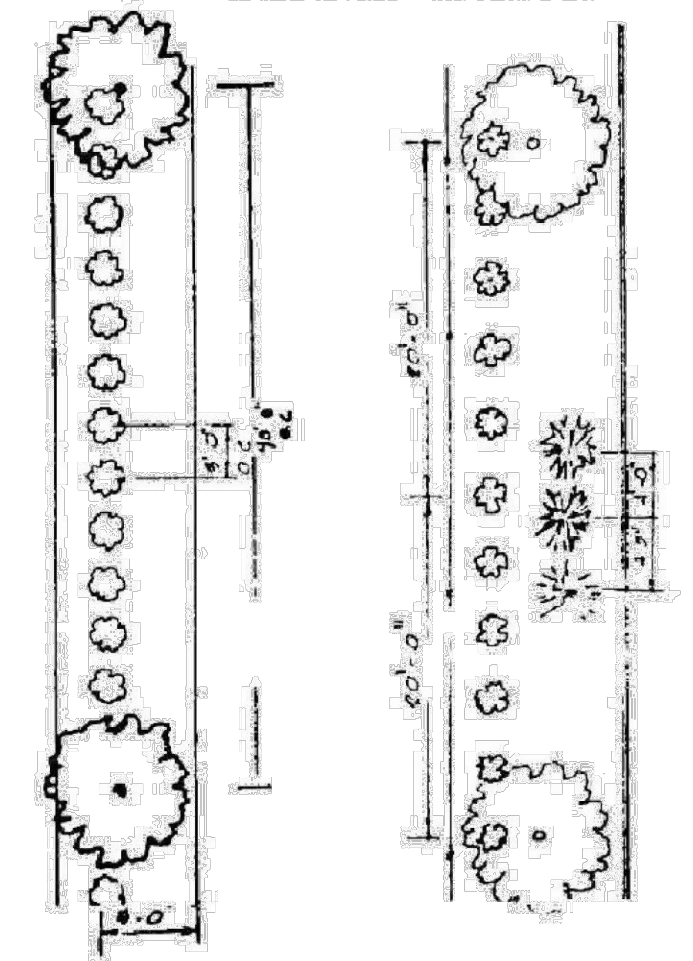
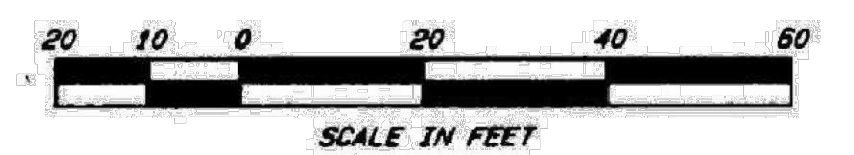


PLATE 'Y' LANDSCAPE and PLATE 'C' MODIFIED SCREENS

DEVELOPER
AMOCO OIL COMPANY
200 E. RANDOLPH DR.
CHICAGO ILL.
LOCAL CONTACT
BOB MILLER (695-6319)

BC3207

SHELBY COUNTY
REGISTER OF DEEDS
1989 JUN 22 11 20 AM



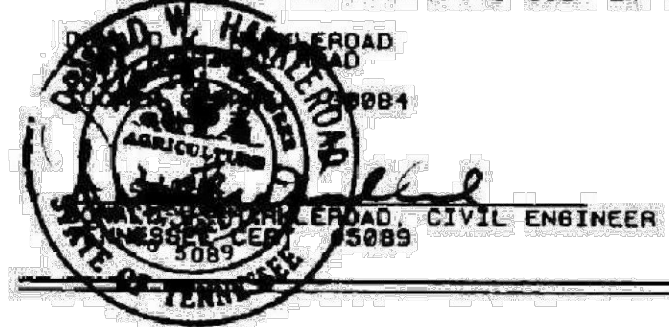
OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

PLAN OF DEVELOPMENT ACTED UPON BY MEMPHIS & SHELBY COUNTY LAND
USE CONTROL BOARD ON June 21, 1989 AND BY THE MEMPHIS CITY COUNCIL
ON October 20, 1987

BY [Signature]
DIRECTOR, OFFICE OF PLANNING AND DEVELOPMENT

DATE June 22, 1989

I HEREBY CERTIFY THAT THIS PLAT WAS COMPILED FROM AN ACTUAL
SURVEY, AND SITE PLAN DONE UNDER MY SUPERVISION
FOR AMOCO OIL COMPANY DATED JULY 21, 1987



STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE
AND COUNTY OF MEMPHIS, DULY COMMISSIONED AND QUALIFIED PERSONALLY
APPEARED Bob Miller WITH WHOM I AM PERSONALLY
ACQUAINTED, AND UPON HIS (HER) OATH ACKNOWLEDGED HIMSELF (HERSELF) TO
BE Bob Miller OF THE AMOCO OIL COMPANY THE WITHIN
NAMED BARGAINER, AND THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE
PURPOSE THEREIN CONTAINED IN WITNESS WHEREOF I HAVE HEREUNTO SET MY
HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN MEMPHIS THIS 17 DAY
OF June, 1989.

NOTARY PUBLIC [Signature]
MY COMMISSION EXPIRES _____

PLAT BOOK 127 PAGE 22
RECORDING NO. 15,00
DATE JUN 22 1989
TIME 11:20 A.M.
STATE OF TENNESSEE
SHELBY COUNTY
[Signature]
NOTARY

REVISD SITE PLAN
3/01/2023

* REVISD TO PERMIT
TWO DETACHED SIGNS AS
PERMITTED IN THE C-P
DISTRICT.

OWNER'S CERTIFICATE

I, AMOCO OIL CO. THE UNDERSIGNED OWNER OF
THE PROPERTY SHOWN HEREON, HEREBY ADOPT THE PLAT AS OUR PLAN OF
DEVELOPMENT AND DEDICATE THE STREETS AND RIGHT OF WAY AND GRANT
THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. WE
CERTIFY THAT WE ARE THE OWNERS OF THE SAID PROPERTY FREE SIMPLE
DULY AUTHORIZED SO TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED
BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

[Signature]
D. R. MARSHALL
(PROJECT ENGINEER)

*FINAL PLAN PD-87319
PARCEL "28"
DEERFIELD
A PLANNED DEVELOPMENT
MEMPHIS, SHELBY COUNTY, TENNESSEE

SCALE 1" = 20' JOB NO. 380677 DATE: APRIL 26 1989

HARKLEROAD AND ASSOC. INC.
ENGINEERS - LAND SURVEYORS
1981 MONTREAL ROAD, SUITE 101
TUCKER, GA 30084 PHONE 404-939-4751



Legend

polygonLayer


- Override 1
- Override 2

polylineLayer

- Override 1

— Roads

□ Parcels



Map prepared through Shelby County Government's online mapping Portal on 2/28/2023

0 0.03 0.06 0.09 0.12 mi

N

DEERFIELD APARTMENTS UTAH LLC
3989 S 900 E #
SALT LAKE CITY UT 84124

QUERO MARIO
2063 OLIVE BARK CV #
MEMPHIS TN 38134

MORRIS HORACE JR
2078 PENN GAP CV #
MEMPHIS TN 38134

SHURGARD-FREEMAN MEMPHIS PROPERTIES LLC
P O BOX 25025 #
GLENDALE CA 91201

ROMERO CATALINA
3216 COLEMAN AVE #
MEMPHIS TN 38112

SAYANI FAHAD
1775 AUTUMNDALE DR #
CORDOVA TN 38016

MEHDIAN REAL ESTATE
1769 DICKENS CV #
GERMANTOWN TN 38139

SYCAMORE PROPERTY OWNER LLC
PO BOX 771020 #
MEMPHIS TN 38177

HOEFLER DEBORAH A
2066 OLIVE BARK CV #
MEMPHIS TN 38134

NUNN JEANETTE AND TELETHA FISHER AND
P O BOX 34174 #
MEMPHIS TN 38184

CITY OF MEMPHIS L G & W DIV
GENERAL DELIVERY #
MEMPHIS TN 38101

LITTLE GLENN J JR
3960 WINCHESTER RD #
MEMPHIS TN 38118

PASTEL BHAVESH
2090 PENN GAP CV #
MEMPHIS TN 38134

LINDER PROPERTIES (DBA)
6310 MASSEY WOOD CV #
MEMPHIS TN 38120

SC BARTLETT INVESTORS LLC
22 HILLTOP RD
PHILADELPHIA PA 19118

KOTAK NARESH K & BHARATI
2094 PENN GAP CV #
MEMPHIS TN 38134

SHURGARD-FREEMAN MEMPHIS PROPERTIES LLC
P O BOX 25025 #
GLENDALE CA 91201

STORE MASTER FUNDING VII LLC
15 W 6TH ST #2400
TULSA OK 74119

COX AARIKA
2098 PENN GAP CV #
MEMPHIS TN 38134

A AND R PROPERTIES LLC
514 STONE OAKS CV #
COLLIERVILLE TN 38017

BRADEN BRADEN AND BRADEN LLC
5100 POPLAR AVE #2505
MEMPHIS TN 38137

JOHNSON TAMBRONETTE T
2082 PENN GAP CV #
MEMPHIS TN 38134

6805 HWY 305 LLC
2750 PEACHTREE INDUSTRIAL BLVD
DULUTH GA 30097

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

LOGAN SHARETHA M
2086 PENN GAP CV #
MEMPHIS TN 38134

MEHDIAN ESTATES GP
1769 DICKENS CV #
GERMANTOWN TN 38139


SIMPSON TRACEY
1808 AVENUE ST #
MCDONOUGH GA 30253

A & R PROPERTIES LLC
3264 W SARAZENS CIR #
MEMPHIS TN 38125



Tom Leatherwood
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.

| | |
|--|------------------|
|  08019907 | |
| 02/11/2008 - 08:51 AM | |
| 3 PGS : R - WARRANTY DEED | |
| DONALD 551046-8019907 | |
| VALUE | 350000.00 |
| MORTGAGE TAX | 0.00 |
| TRANSFER TAX | 1295.00 |
| RECORDING FEE | 15.00 |
| DP FEE | 2.00 |
| REGISTER'S FEE | 1.00 |
| WALK THRU FEE | 0.00 |
| TOTAL AMOUNT | 1313.00 |
| TOM LEATHERWOOD | |
| REGISTER OF DEEDS SHELBY COUNTY TENNESSEE | |

PREPARED BY:

David J. Johnson, P.C.

780 Ridge Lake Boulevard, Suite 202

Memphis, Tennessee 38120

Our File No.: 205093

WARRANTY DEED

THIS INDENTURE, made and entered into this the **7th** day of **February, 2008**, between **Sycamore View Partnership, a Tennessee general partnership**, party of the first part, and **A & R Properties, LLC, a Tennessee limited liability company**, party of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency 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, all of party of the first part's right, title and interest in the following described real estate lying in the City of **Memphis**, County of **Shelby**, State of **Tennessee**, more particularly described as follows:

Lot 2, Section 2B, Deerfield, A Planned Development, as shown on Plat of record in Plat Book 127, Page 22, in the Register's Office of Shelby County, Tennessee, to which plat reference is given for a more particular description of said property.

This being the same property conveyed to Sycamore View Limited Partnership, a Tennessee limited partnership by Quit Claim Deed of record under Register's No. Z9-1111 in the Register's Office of Shelby County, Tennessee. Sycamore View Limited Partnership was subsequently merged into party of the first part on December 28, 1999 and Articles of Merger were filed in the Register's Office of Shelby County, Tennessee on December 30, 1999 under Register's No. JX-9697.

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, and the party of the second part's 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 party of the first part is lawfully seized in fee of the aforesaid real estate and that party of the first part has a good and lawful right to sell and convey the same. The party of the first part further covenants that the same is unencumbered except for 2008 Shelby County and City of Memphis taxes, not yet due and payable, which party of the second part assumes and agrees to pay; and subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 40, Page 67, Plat Book 96, Page 31, Plat Book 116, Page 16, Plat Book 118, Page 33 and Plat Book 127, Page 22, Easements of record at Instrument Nos. H7-9835 and X4-1023 and Sewer Encroachment Agreement of record at Instrument No. AZ-2642; all in the Register's Office of Shelby County, Tennessee; and that the title and quiet possession thereto party of the first part will warrant and forever defend against the lawful claims of all persons.

WITNESS my hand on the day and year first above written.

SYCAMORE VIEW PARTNERSHIP
a Tennessee general partnership

By: Clyde L. Patton, Jr.
Clyde L. Patton, Jr., Authorized Partner

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public, of the State and County aforesaid, personally appeared **Clyde L. Patton, Jr.**, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be an Authorized Partner of **SYCAMORE VIEW PARTNERSHIP**, the within named bargainer, a general partnership, and that he as such Authorized Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by himself as an Authorized Partner.

WITNESS my hand and official seal at office this 7th day of February, 2008.

David Johnson
Notary Public

My Commission Expires: 2-23-11

Name and Address of Property Owner:
A & R Properties, LLC
Attn: Rooziman Shah, Chief Manager
514 Stone Oaks Cove
Collierville, Tennessee 38017



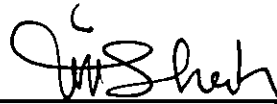
Property Address:
2115 Sycamore View Road
Memphis, Tennessee 38134

Person Responsible for Taxes:
A & R Properties, LLC
Attn: Rooziman Shah, Chief Manager
514 Stone Oaks Cove
Collierville, Tennessee 38017

Parcel #: 088 041 055

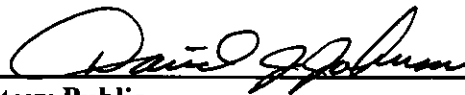
STATE OF TENNESSEE
COUNTY OF SHELBY

I hereby swear or affirm that the actual consideration for this transfer, or value of the property or interest in property transferred, whichever is greater is \$350,000.00 which amount is equal to, or greater than, the amount which the property, or interest in property transferred, would command at a fair and voluntary sale.



Affiant

Sworn to and subscribed before me, a Notary Public, this 7th day of February, 2008.



Notary Public

My Commission Expires: 2-23-11

RETURN TO:
David J. Johnson, P.C.
780 Ridge Lake Blvd., Suite 202
Memphis, Tennessee 38120



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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: July 11, 2023

DATE

PUBLIC SESSION: July 11, 2023

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 for a solar farm at the west side of Getwell Rd., beginning about 209' south of Shelby Dr., known as case number SUP 23-10

CASE NUMBER: SUP 23-10

LOCATION: The west side of Getwell Rd., beginning about 209' south of Shelby Dr.

COUNCIL DISTRICTS: District 3 and Super District 8

OWNER/APPLICANT: Nufish, LLC

REPRESENTATIVE: Josh Whitehead of Burch, Porter & Johnson, PLLC

REQUEST: Special use permit for a solar farm

AREA: 3.5 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – July 11, 2023

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
May 11, 2023 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

DATE

POSITION

| | | |
|-------|-------|-------------------------------------|
| _____ | _____ | PRINCIPAL PLANNER |
| _____ | _____ | DEPUTY ADMINISTRATOR |
| _____ | _____ | ADMINISTRATOR |
| _____ | _____ | DIRECTOR (JOINT APPROVAL) |
| _____ | _____ | COMPTROLLER |
| _____ | _____ | FINANCE DIRECTOR |
| _____ | _____ | CITY ATTORNEY |
| _____ | _____ | CHIEF ADMINISTRATIVE OFFICER |
| _____ | _____ | COMMITTEE CHAIRMAN |



Memphis City Council Summary Sheet

SUP 23-10

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A SOLAR FARM AT THE WEST SIDE OF GETWELL RD., BEGINNING ABOUT 209' SOUTH OF SHELBY DR., KNOWN AS CASE NUMBER SUP 23-10

- This item is a resolution, with conditions, for a special use permit to allow a solar farm.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, May 11, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

| | |
|-----------------------------|--|
| CASE NUMBER: | SUP 23-10 |
| LOCATION: | The west side of Getwell Rd., beginning about 209' south of Shelby Dr. |
| COUNCIL DISTRICT(S): | District 3 and Super District 8 |
| OWNER/APPLICANT: | Nufish, LLC |
| REPRESENTATIVE: | Josh Whitehead of Burch, Porter & Johnson, PLLC |
| REQUEST: | Special use permit for a solar farm |
| EXISTING ZONING: | Commercial Mixed Use – 3 |
| AREA: | 3.5 acres |

The following spoke in support of the application: Josh Whitehead and Charles Belenky

The following spoke in opposition the application: None

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

The motion passed by a vote of 9-0-0.

CONDITIONS AS MODIFIED

1. Changes to the site plan, including a reduction in size of the solar farm, may be approved administratively, whereas changes to the conditions may be approved by the Land Use Control Board.
2. The panel arrays shall have a maximum height of 10'.
3. Masonry support columns every 40 feet shall not be required along the perimeter wooden fence.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A SOLAR FARM AT THE WEST SIDE OF GETWELL RD., BEGINNING ABOUT 209' SOUTH OF SHELBY DR., KNOWN AS CASE NUMBER SUP 23-10

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, Nufish, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development to allow a solar farm; 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 impact upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and compatibility of its design and amenities 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 May 11, 2023, 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 interest.

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 requested 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 Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Occupancy be granted until all conditions imposed by the Council of the City of Memphis have been met.

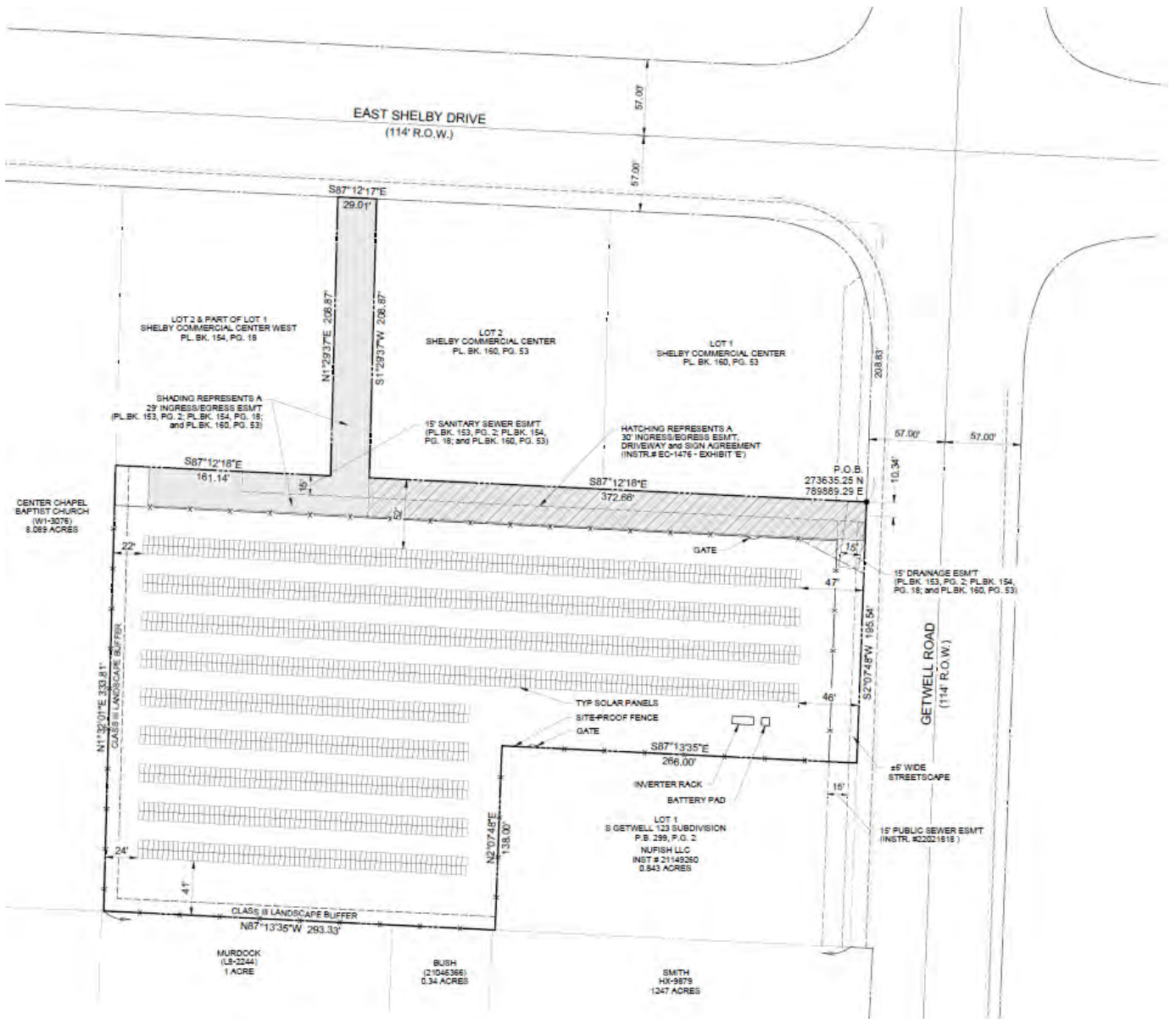
BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council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

ATTEST:

CONDITIONS

1. Changes to the site plan, including a reduction in size of the solar farm, may be approved administratively, whereas changes to the conditions may be approved by the Land Use Control Board.
2. The panel arrays shall have a maximum height of 10'.
3. Masonry support columns every 40 feet shall not be required along the perimeter wooden fence.

SITE PLAN



AGENDA ITEM: 17

CASE NUMBER: SUP 23-10 **L.U.C.B. MEETING:** May 11, 2023

LOCATION: The west side of Getwell Rd., beginning about 209' south of Shelby Dr.

COUNCIL DISTRICT: District 3 and Super District 8

OWNER/APPLICANT: Nufish, LLC

REPRESENTATIVE: Josh Whitehead of Burch, Porter & Johnson, PLLC

REQUEST: Special use permit for a solar farm

AREA: 3.5 acres

EXISTING ZONING: Commercial Mixed Use – 3

CONCLUSIONS

1. Nufish, LLC, has requested a special use permit for a solar farm.
2. This utility would provide electric power for the adjacent Captain D's restaurant. Any excess power would be sold to Memphis Light, Gas and Water. The applicant has indicated that they may request the re-subdivision of the subject site in the future to allow for further commercial development.
3. Staff finds that the proposed site plan would not have an undue adverse impact on its vicinity, and is comfortable with the proposed reduction in buffering requirements where adjacent to commercial uses.

CONSISTENCY WITH MEMPHIS 3.0

This request is *consistent* with Memphis 3.0 according to the Dept. of Comprehensive Planning.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

| | | | |
|-------------------------|---------------|----------------------|------|
| Street Frontage: | Getwell Rd. | (Principal Arterial) | 196' |
| | E. Shelby Dr. | (Principal Arterial) | 29' |

Zoning Atlas Page: 2440

Parcel ID: 073111 00050

**Note this parcel ID number does not reflect the recently recorded subdivision plat that split this parcel into two lots.*

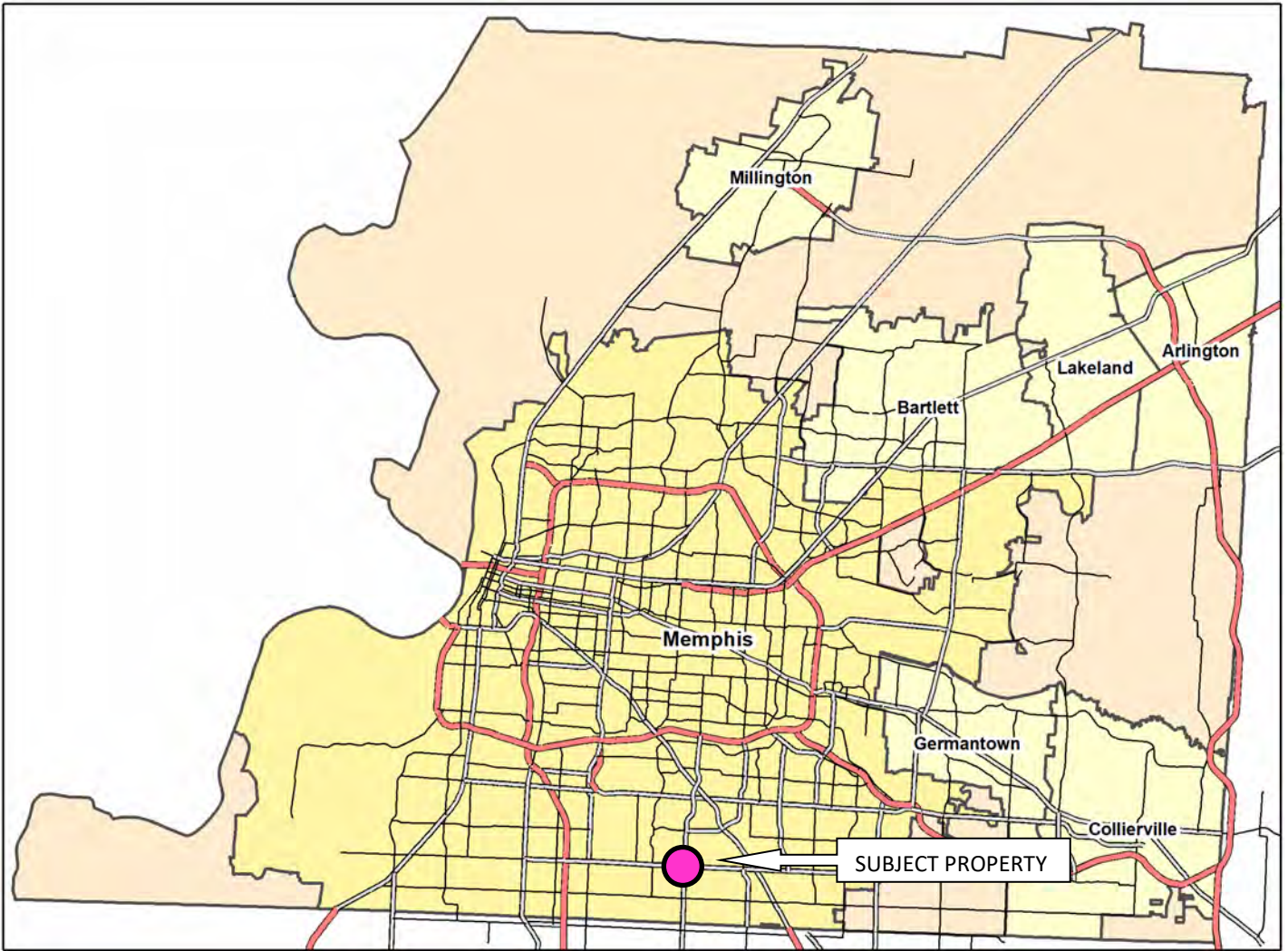
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 9 a.m. on April 27, 2023, at the adjacent Captain D's restaurant.

PUBLIC NOTICE

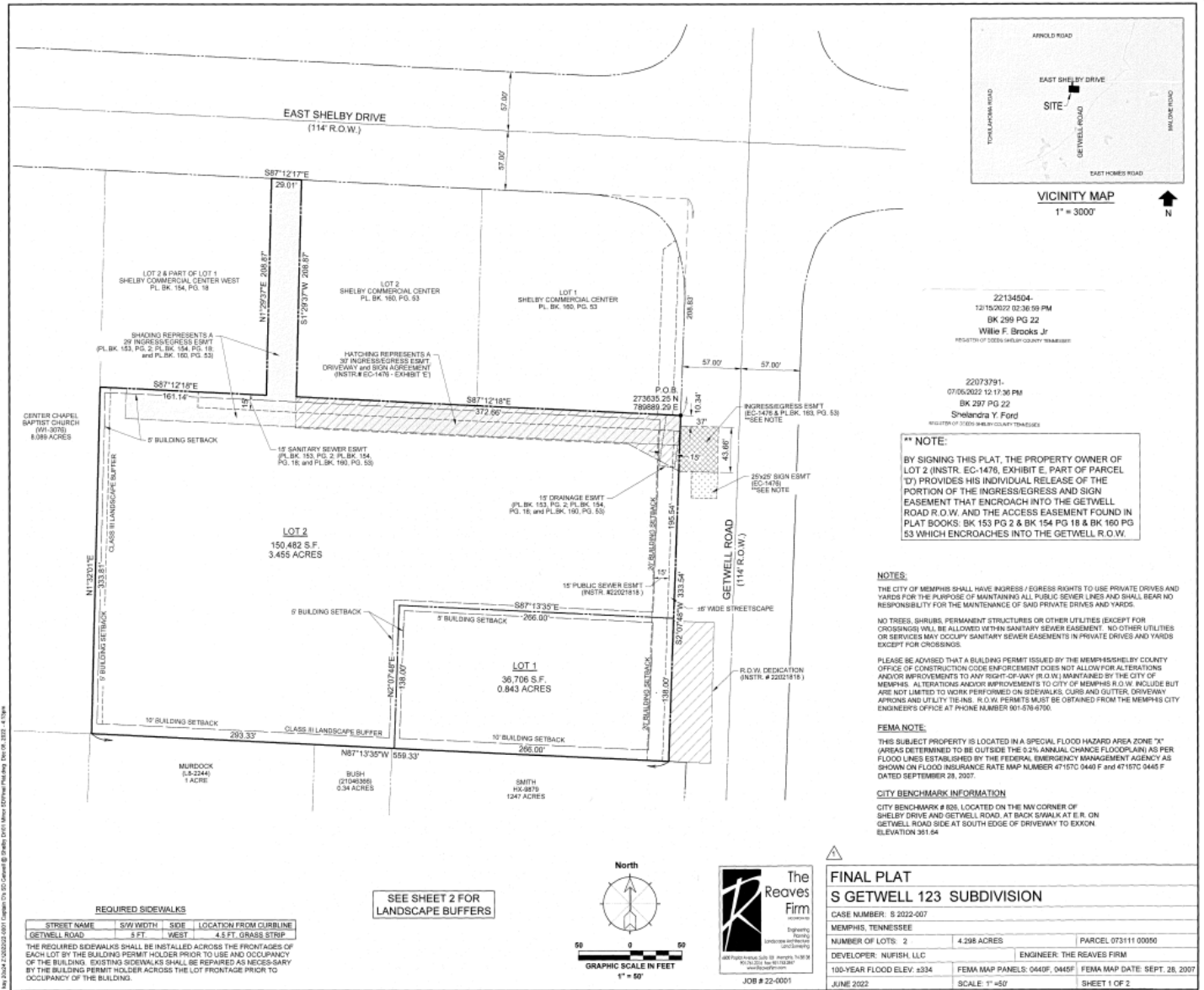
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 31 letters were mailed on April 28, 2023, and one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within Oakhaven neighborhood

S GETWELL 123 SUBDIVISION (2022)



22134504-
12/15/2022 02:36:59 PM
BK 299 PG 22
Wiley F Brooks Jr
REGISTERED SURVEYOR - MISSISSIPPI

22073791-
07/05/2022 12:17:36 PM
BK 297 PG 22
Shenandra Y Ford
REGISTERED SURVEYOR - MISSISSIPPI

**** NOTE:**
BY SIGNING THIS PLAT, THE PROPERTY OWNER OF LOT 2 (INSTR. EC-1476, EXHIBIT E, PART OF PARCEL 17) PROVIDES HIS INDIVIDUAL RELEASE OF THE PORTION OF THE INGRESS/EGRESS AND SIGN EASEMENT THAT ENCRATCH INTO THE GETWELL ROAD R.O.W. AND THE ACCESS EASEMENT FOUND IN PLAT BOOKS: BK 153 PG 2 & BK 154 PG 18 & BK 160 PG 53 WHICH ENCRATCHES INTO THE GETWELL R.O.W.

NOTES:
THE CITY OF MEMPHIS SHALL HAVE INGRESS / EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES AND YARDS.
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.
PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURBS AND GUTTERS, DRIVEWAY APRONS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE NUMBER 901-678-6700.

FEMA NOTE:
THIS SUBJECT PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS PER FLOOD LINES ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 47157C 0440 F AND 47107C 0445 F DATED SEPTEMBER 28, 2007.

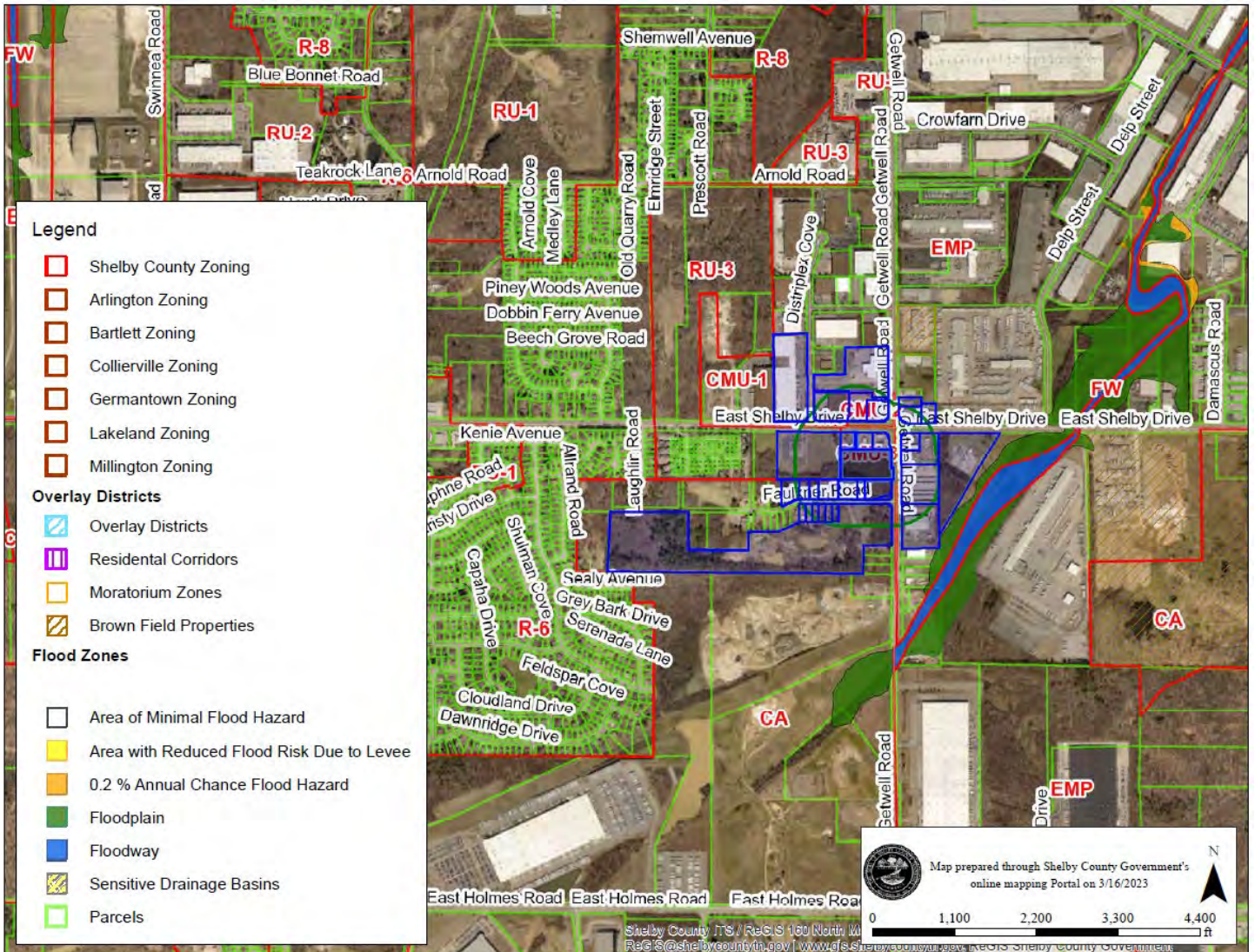
CITY BENCHMARK INFORMATION
CITY BENCHMARK # 826, LOCATED ON THE NW CORNER OF SHELBY DRIVE AND GETWELL ROAD. AT BACK SWALK AT E.R. ON GETWELL ROAD SIDE AT SOUTH EDGE OF DRIVEWAY TO EXXON. ELEVATION 351.54

| | | | |
|----------------------------------|-------------------------------|-------------------------------|--|
| FINAL PLAT | | | |
| S GETWELL 123 SUBDIVISION | | | |
| CASE NUMBER: S 2022-007 | | | |
| MEMPHIS, TENNESSEE | | | |
| NUMBER OF LOTS: 2 | 4.298 ACRES | PARCEL 073111 00090 | |
| DEVELOPER: NUFISH, LLC | ENGINEER: THE REAVES FIRM | | |
| 100-YEAR FLOOD ELEV: ±334 | FEMA MAP PANELS: 0440F, 0445F | FEMA MAP DATE: SEPT. 28, 2007 | |
| JUNE 2022 | SCALE: 1" = 50' | SHEET 1 OF 2 | |

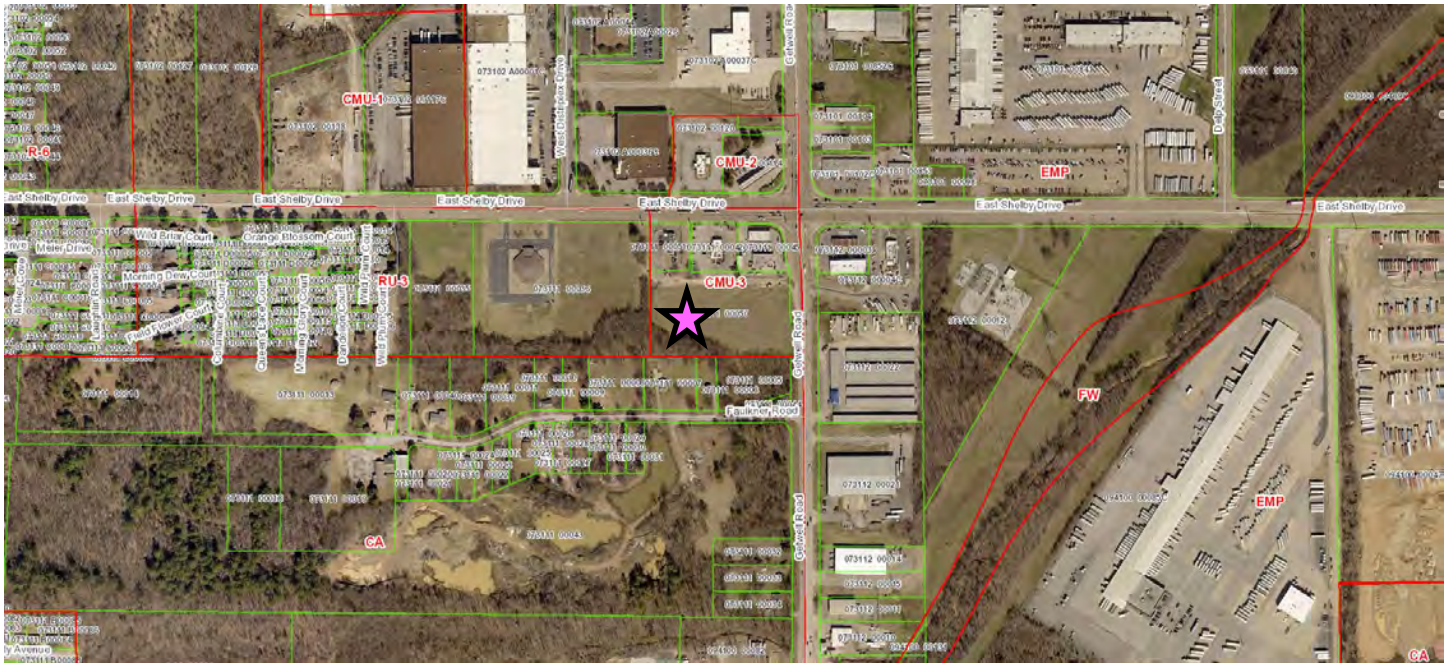
Map 23024-2-0002022-0007, Copyright © 2022, The Reaves Firm, Inc. All Rights Reserved. This drawing is the property of The Reaves Firm, Inc. and is not to be used, copied, or reproduced in any form without the written consent of The Reaves Firm, Inc.

Subject property is Lot 2.

VICINITY MAP



SATELLITE PHOTO WITH ZONING



Existing Zoning: Commercial Mixed Use – 3

Surrounding Zoning

North: Commercial Mixed Use – 2 and Commercial Mixed Use – 3











East: Employment

South: Conservation Agriculture

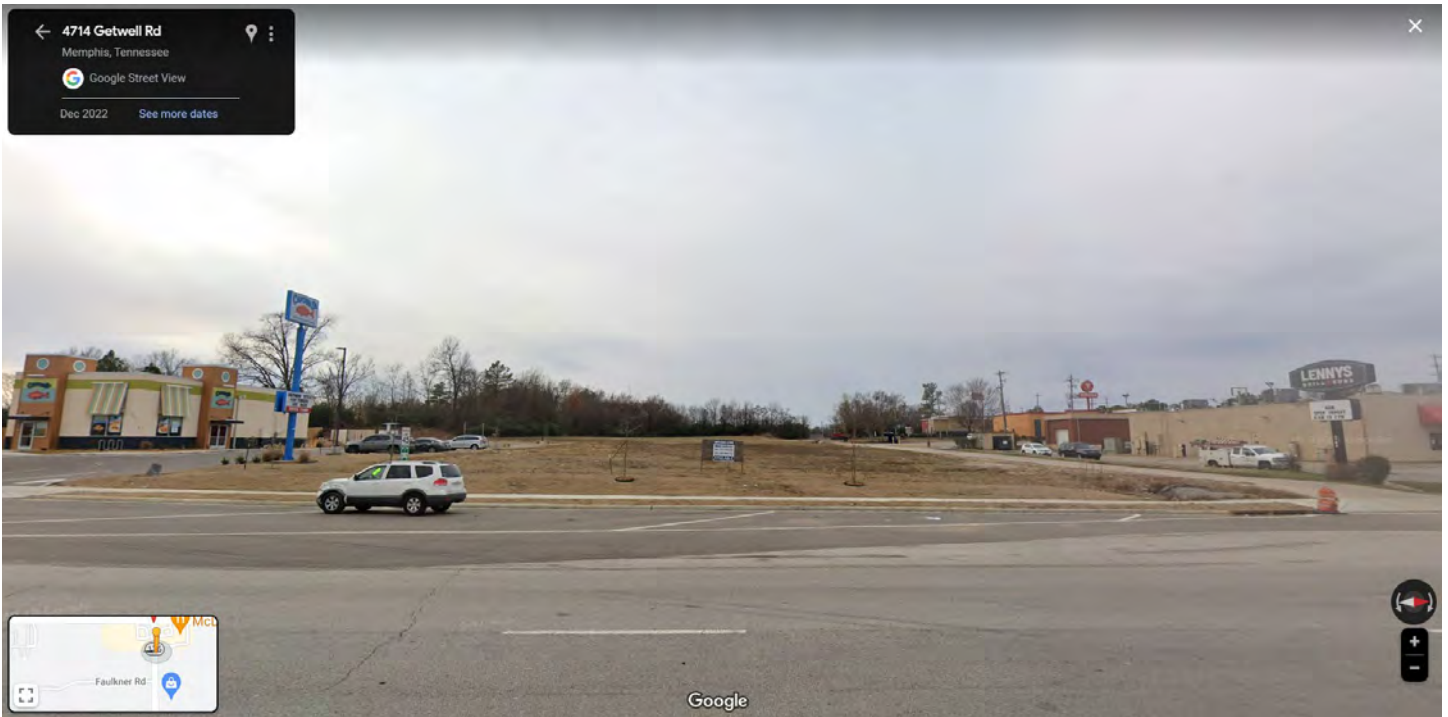
West: Residential Urban – 3

LAND USE MAP

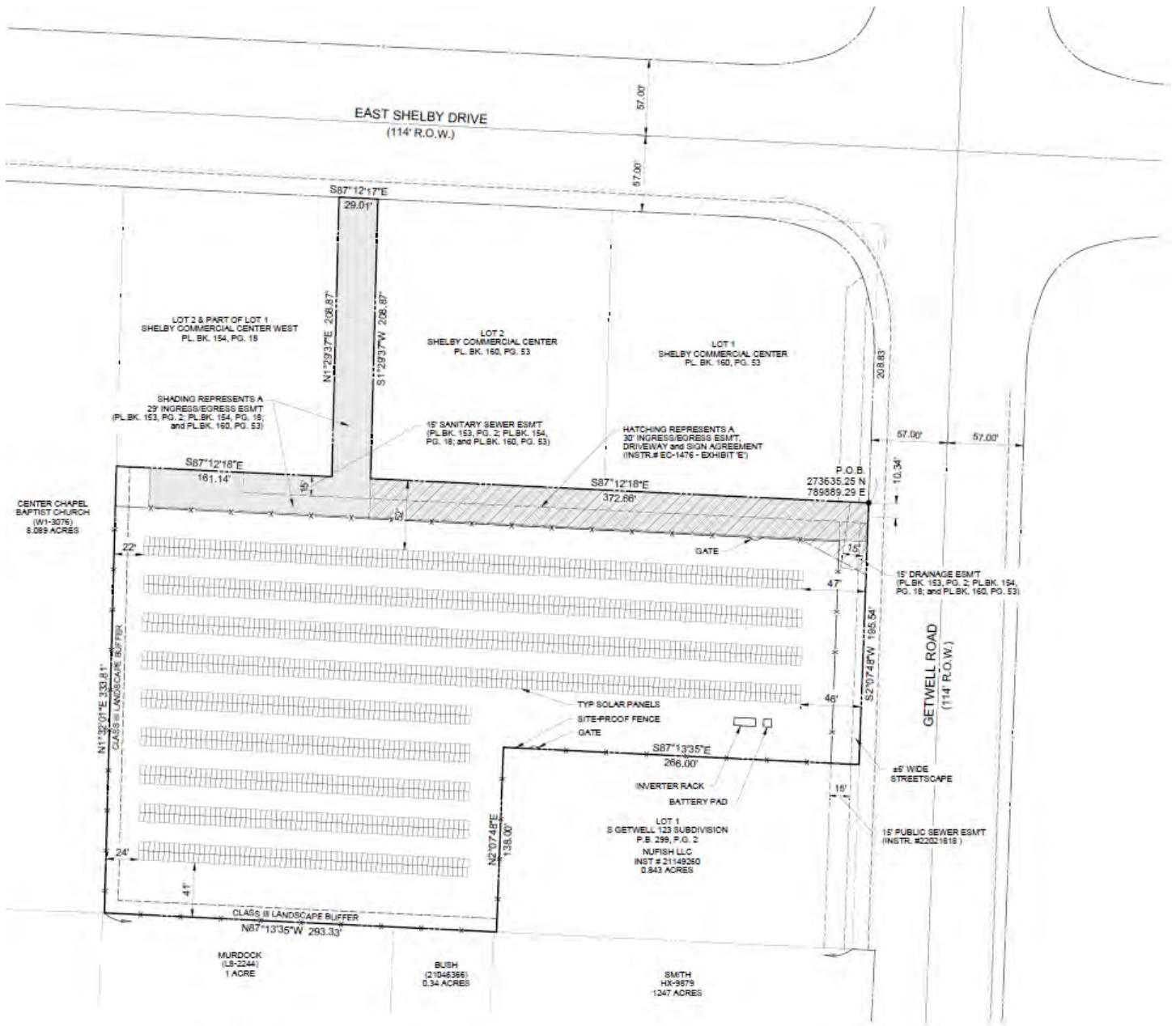


-  COMMON AREA LAND
-  SINGLE-FAMILY
-  MULTI-FAMILY
-  INSTITUTIONAL
-  COMMERCIAL
-  OFFICE
-  INDUSTRIAL
-  PARKING
-  RECREATION/OPEN SPACE
-  VACANT

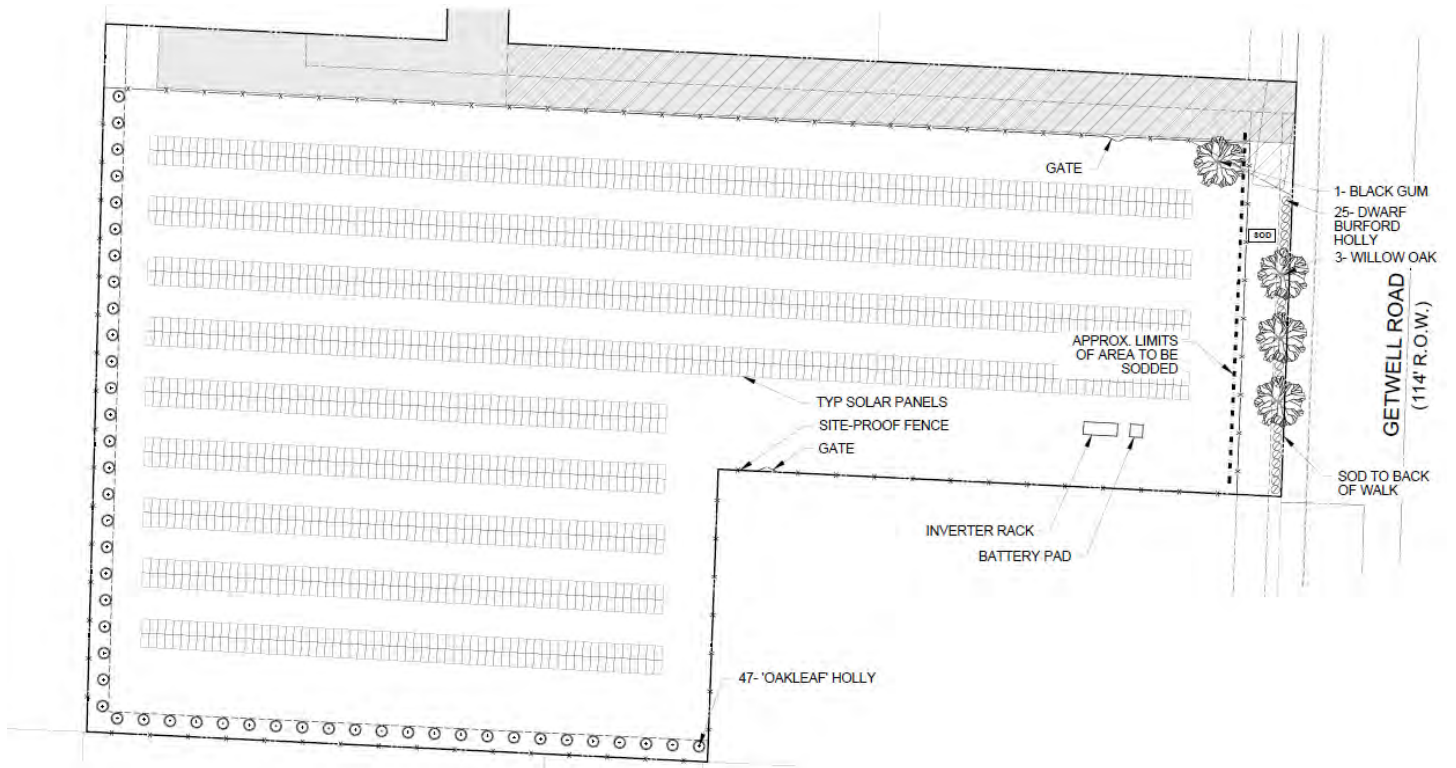
SITE PHOTO



SITE PLAN



LANDSCAPE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for a solar farm.

The application form and letter of intent have been added to this report.

Approval Criteria

Staff **agrees** the approval criteria with 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 insure 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 Plan Review

Sub-Section 4.6.8E requires that the entire site be screened with a Class III buffer. Staff is comfortable approving the plan as submitted (i.e., waiving the landscaping portion of the buffer except for along the far-west and far-south property lines), provided that all perimeter fencing comply with Item 4.6.5J(3)(b), which requires masonry support columns along wood fences used for required screening, as reiterated in the recommended conditions.

Conclusions

Nufish, LLC, has requested a special use permit for a solar farm.

This utility would provide electric power for the adjacent Captain D's restaurant. Any excess power would be sold to Memphis Light, Gas and Water. The applicant has indicated that they may request the re-subdivision of the subject site in the future to allow for further commercial development.

Staff finds that the proposed site plan would not have an undue adverse impact on its vicinity, and is comfortable with the proposed reduction in buffering requirements where adjacent to commercial uses.

RECOMMENDATION

Staff recommends *approval* with conditions.

Conditions

1. Changes to the site plan, including a reduction in size of the solar farm, may be approved administratively, whereas changes to the conditions may be approved by the Land Use Control Board.
2. The panel arrays shall have a maximum height of 10'.
3. The perimeter wooden fence must be set in a masonry support column every 40 feet.

DEPARTMENTAL COMMENTS

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

City Engineer:

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

Sewers:

2. The sanitary sewer capacity 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.

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

curb, gutter, and sidewalk.

Drainage:

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

General Notes:

15. The width of all existing off-street sewer easements shall be widened to meet current city standards.
16. Development is greater than 1 acre may requires detention.
17. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
18. All connections to the sewer shall be at manholes only.
19. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
20. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

Reviewed by: J. Stinson

Address or Site Reference: 4735 Getwell

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- 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:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 23-10: Airport Adjacent

Site Address/Location: 4735 Getwell Rd

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

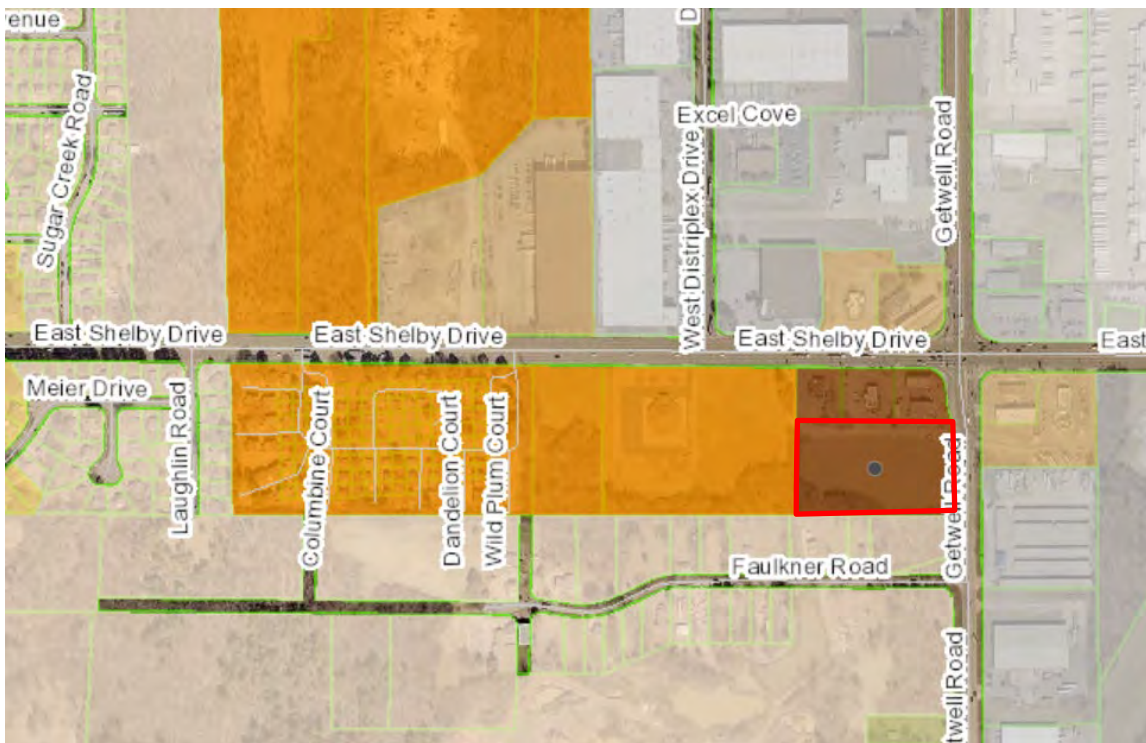
Future Land Use Designation: High Intensity Commercial & Services (CSH)

Street Type: Avenue

The applicant is requesting Special Use Permit to allow solar farm on a vacant lot in CMU-3 zoning.

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

High Intensity Commercial and Service areas typically not associated with anchors. These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, lodging, indoor recreation, and social service institutions. Graphic portrayal of CSH is to the right.



“CSH” Form & Location Characteristics

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-7 stories height

“CSH” Zoning Notes

Generally compatible with the following zone districts: CMU-2, CMU-3 without frontage requirements, C-G in accordance with Form and characteristics listed below.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-3

Adjacent Land Use and Zoning: Vacant, Commercial, Single-Family, Institutional, Industrial; CMU-3, CMU-2, RU-3, EMP and CA

Overall Compatibility: *The requested use is compatible with land use description/intent, form & location characteristics, zoning notes, and existing and adjacent zoning and land use.*

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. Degree of Change Description N/A
5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities N/A
6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations N/A

Consistency Analysis Summary

The applicant is requesting Special Use Permit to allow solar farm on a vacant lot in CMU-3 zoning.

The requested use is compatible with land use description/intent, form & location characteristics, zoning notes, and existing and adjacent zoning and land use.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION FORM



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: March 31, 2023

Record Number: SUP 2023-010

Expiration Date:

Record Name: Nufish Solar Farm

Description of Work: Special Use Permit to allow solar farm.

Parent Record Number:

Address:

4735 GETWELL RD, Memphis 38118

Owner Information

| Primary | Owner Name |
|---------|------------|
| Y | NUFISH LLC |

Owner Address

Owner Phone

5858 RIDGEWAY CENTER PKWY, MEMPHIS, TN 38120

Parcel Information

073111 00052

Data Fields

PREAPPLICATION MEETING

| | |
|---------------------|-------------|
| Name of OPD Planner | Seth Thomas |
|---------------------|-------------|

| | |
|-----------------|------------|
| Date of Meeting | 03/16/2023 |
|-----------------|------------|

| | |
|------------------------------|-----------|
| Pre-application Meeting Type | In Person |
|------------------------------|-----------|

GENERAL PROJECT INFORMATION

| | |
|------------------|------------------------------|
| Application Type | New Special Use Permit (SUP) |
|------------------|------------------------------|

GENERAL PROJECT INFORMATION

List any relevant former Docket / Case Number(s) related to previous applications on this site -
 Is this application in response to a citation, stop work order, or zoning letter No
 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

The proposed solar farm will be screened from adjacent properties and will have no adverse impact on these properties.

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 solar farm will meet all bulk requirements of the zoning district. In fact, given the low profile of solar panels, this development will be much lower than most other uses permitted in the subject CMU-3 zoning district which has a 75-foot height limit under Sec. 3.10.3B of the Unified Development Code.

UDC Sub-Section 9.6.9C

The proposed solar farm will have very little impact on public facilities.

UDC Sub-Section 9.6.9D

Correct.

UDC Sub-Section 9.6.9E

The proposed solar farm will meet the use standards for this use as outlined in UDC Para. 2.6.2J(2) and specifically Item 2.6.2J(2)(d).
 Correct.

UDC Sub-Section 9.6.9F

GIS INFORMATION

Case Layer BOA1947-057-CO, SUP18-011
 Central Business Improvement District No
 Class C
 Downtown Fire District No
 Historic District -
 Land Use VACANT
 Municipality MEMPHIS
 Overlay/Special Purpose District -
 Zoning CMU-3
 State Route 1
 Lot 1
 Subdivision S GETWELL 123
 Planned Development District -
 Wellhead Protection Overlay District -

Contact Information

Name

JOSH WHITEHEAD

Contact Type

APPLICANT

Address

Phone

(901)524-5127

Fee Information

| Invoice # | Fee Item | Quantity | Fees | Status | Balance | Date Assessed |
|-----------|--|----------|--------|----------|---------|---------------|
| 1458880 | Special Use Permit Fee - 5 acres or less (Base Fee) | 1 | 500.00 | INVOICED | 0.00 | 03/31/2023 |
| 1458880 | Credit Card Use Fee (.026 x fee) | 1 | 13.00 | INVOICED | 0.00 | 03/31/2023 |

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$513.00

Method of Payment

Credit Card

LETTER OF INTENT



Josh Whitehead
Senior Attorney
Direct: 901.524.5127
jwhitehead@bpjlaw.com

LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpjlaw.com

March 31, 2023

Brett Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County
Division of Planning and Development

Mary W. Sharp and
Members
Memphis and Shelby County
Land Use Control Board

Dear Mr. Ragsdale, Madam Chair and Board Members:

On behalf of Nufish, LLC, I am pleased to submit this application for a Special Use Permit to allow a solar farm adjacent to the southwest corner of Getwell and Shelby Drive. The following are the main points of our application.

1. This solar farm will generate electricity for the adjacent and newly constructed Captain D's Restaurant located at 4735 Getwell. Excess electricity produced by the farm will be sold to Memphis Light, Gas and Water Division thereby reducing the utility's reliance on electricity generated by Tennessee Valley Authority, which relies on the natural gas-based Allen Plant in Frank Pidgeon Park in Southwest Memphis. The farm will therefore have a positive effect on the air quality of the region as solar energy produces no carbon emissions.
2. The farm will be shielded by landscaping and a six-foot wood fence from adjacent land uses. Item 2.6.2J(2)(d) of the Memphis and Shelby County Unified Development Code provides use standards for solar farms; Sub-Item "1" requires solar panels to be set back 110% of their height. The placement of the solar panels, which shall not exceed ten feet in height, will greatly exceed this required setback, as well as those provided for the subject CMU-3 zoning district as found in Sub-Sec. 3.10.2B of the Code. The attached site plan reflects that the panels will be set back 41 feet from the south property line which abuts residentially zoned properties, 22-24 feet from the west property line which abuts a place of worship, 52 feet from the north property line which abuts commercial uses fronting Shelby Drive and 46-47 feet from the east property line which abuts Getwell Road.
3. Solar farms generate no noise pollution whatsoever. The only activity that produces sound, other than initial construction and generation maintenance, will be mowing and other landscaping activities that currently take place at the property.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Josh Whitehead'.

Josh Whitehead

APPLICANT'S REQUESTED CONDITION

Good afternoon, Brett.

During our neighborhood meeting, my client informed me that there is a chance that he may, at some point in the future, create an outparcel next to Captain D's to sell or lease to another permitted commercial use.

This would involve the shrinking of the solar farm's site. UDC Sec. 9.6.12C(a) (minor modifications to approved Special Use Permits) seems to allow an unlimited number of decrease in the floor area of number of (housing) units, which might apply here, as UDC Para. 9.6.12C(1) says that "Minor modifications shall include, **but are not limited to**, the following..." But, in order to avoid the question in the future of whether such a modification could occur as a minor or major, would the following condition be a helpful guide?

1. The solar farm may be reduced in size to accommodate the creation of a parcel use fronting Getwell Road with its own principal use.

Thanks for your consideration.



Josh Whitehead, AICP

Burch, Porter & Johnson, PLLC

130 North Court Avenue | Memphis, TN 38103

Direct: 901-524-5127 | Main: 901-524-5000

jwhitehead@bpjlaw.com | [Bio](#) | [vcard](#)

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Josh Whitehead, being duly sworn, depose and say that at 2:30 am/pm on the 11th day of April, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. SUP 2023-010 at 4735 Getwell Road providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

April 12, 2023
Date

Subscribed and sworn to before me this 12th day of April, 2023.

[Signature]
Notary Public

My commission expires: 2/2/26



OWNER'S 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, Osaka Seburidge, 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 4735 Getwell Rd
and further identified by Assessor's Parcel Number 073111 00050
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 30 day of March in the year of 2023

[Signature]
Signature of Owner
Nash LLC
On behalf of (if owned by a corporation)



[Signature]
Signature of Notary Public
4-21-24
My Commission Expires

LETTERS RECEIVED

No letters were received by the time of publication of this report.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 7/11/2023

DATE

PUBLIC SESSION: 7/11/2023

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 3337 Overton Crossing St., known as case PD 23-09

CASE NUMBER: PD 23-09

LOCATION: 3337 Overton Crossing St.

COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Cash America Central, Inc.

REPRESENTATIVE: SR Consulting

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

REQUEST: New planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing St.

AREA: +/-0.543 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – July 11, 2023

PRIOR ACTION ON ITEM:

| | |
|-----------------------------------|--|
| <u>(1)</u> | APPROVAL - (1) APPROVED (2) DENIED |
| <u>06/8/2023</u> | DATE |
| <u>(1) Land Use Control Board</u> | ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE |

FUNDING:

| | |
|------------|--|
| <u>(2)</u> | REQUIRES CITY EXPENDITURE - (1) YES (2) NO |
| <u>\$</u> | AMOUNT OF EXPENDITURE |
| <u>\$</u> | REVENUE TO BE RECEIVED |

SOURCE AND AMOUNT OF FUNDS

| | |
|-----------|---------------------|
| <u>\$</u> | OPERATING BUDGET |
| <u>\$</u> | CIP PROJECT # _____ |
| <u>\$</u> | FEDERAL/STATE/OTHER |

ADMINISTRATIVE APPROVAL:

| | <u>DATE</u> | <u>POSITION</u> |
|-------|-------------|-------------------------------------|
| _____ | _____ | PLANNER III |
| _____ | _____ | DEPUTY ADMINISTRATOR |
| _____ | _____ | ADMINISTRATOR |
| _____ | _____ | DIRECTOR (JOINT APPROVAL) |
| _____ | _____ | COMPTROLLER |
| _____ | _____ | FINANCE DIRECTOR |
| _____ | _____ | CITY ATTORNEY |
| _____ | _____ | CHIEF ADMINISTRATIVE OFFICER |
| _____ | _____ | COMMITTEE CHAIRMAN |



Memphis City Council Summary Sheet

PD 23-09

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3337 OVERTON CROSSING STREET, KNOWN AS CASE PD 23-09

- This item is a resolution with conditions to allow a new planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing Street; 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, June 8, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 23-09

LOCATION: 3337 Overton Crossing St.

COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Cash America Central, Inc.

REPRESENTATIVE: SR Consulting

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

REQUEST: New planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing St.

AREA: +/-0.543 acres

The following spoke in support of the application: Cindy Reaves

The following spoke in opposition the application: Anthony Anderson

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 4-2 with one member abstaining on the regular agenda.

Respectfully,



Seth Thomas
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

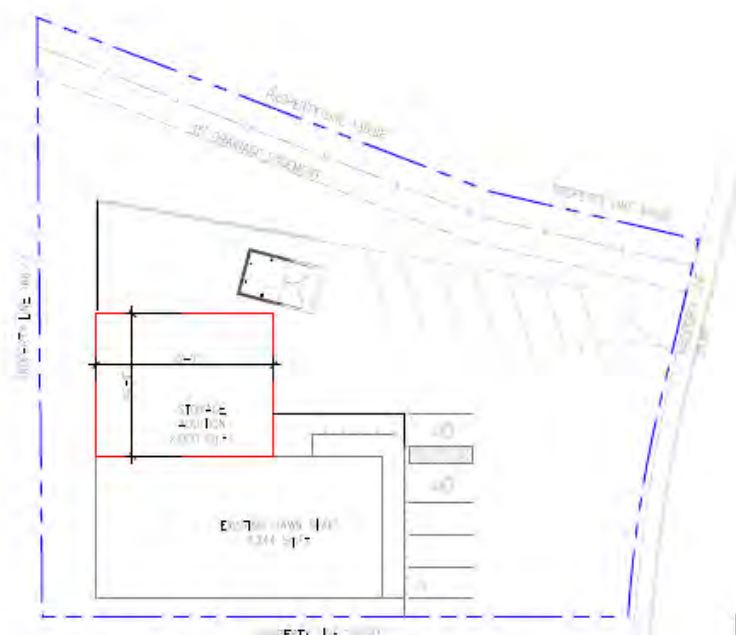
**PD 23-09
CONDITIONS**

Outline Plan Conditions

- I. Uses Permitted:
 - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
 - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - C. 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.
- IV. Landscaping, Screening & Lighting:
 - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
 - B. All outdoor lighting shall be directed downward to the extent possible and shall not glare into public rights-of-way or onto adjacent properties.
 - C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
 - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
 - A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.

- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
 - A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
 - D. The number of employee parking, loading and docking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.
 - G. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plan.
 - H. Landscape Plan and elevations shall be recorded with the final plat.

CONCEPT PLAN



| SITE 'A' DATA | |
|---|--------------|
| ZONED: | CMU-1 |
| TOTAL APPROXIMATE LAND SIZE: | 0.54 ACRES |
| TOTAL BUILDING SQFT: | 5,244 SQ.FT. |
| PARKING CALCULATIONS: | |
| RETAIL: 1 SPACE PER 300 SQ.FT. (2,244 SQ.FT.) | 11 SPACES |
| STORAGE: 1 SPACE PER 4000 SQ.FT. (2,000 SQ.FT.) | 1 SPACES |
| TOTAL PARKING REQUIRED: | 12 SPACES |
| TOTAL PARKING PROVIDED: | 11 SPACES |

PRELIMINARY DRAWING FOR CONCEPTUAL USE ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR TECHNICAL DELINEATION USE. ACTUAL DIMENSIONS ARE UNKNOWN AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR. ALL EASEMENTS, SETBACKS, ZONING ORDINANCES AND OTHER RELATED SITE RESTRICTIONS TO BE VERIFIED BY THE CIVIL ENGINEER PRIOR TO START OF CIVIL DESIGN.



3337 OVERTON CROSSING ST.
MEMPHIS, TN



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 3337 OVERTON CROSSING STREET, KNOWN AS CASE NUMBER PD 23-09

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

WHEREAS, the Cash America Central Inc. filed an application with the Memphis and Shelby County Division of Planning and Development to allow a new planned development and outline plan conditions to allow the expansion of an existing pawn shop 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 June 8, 2023, 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.

ATTEST:

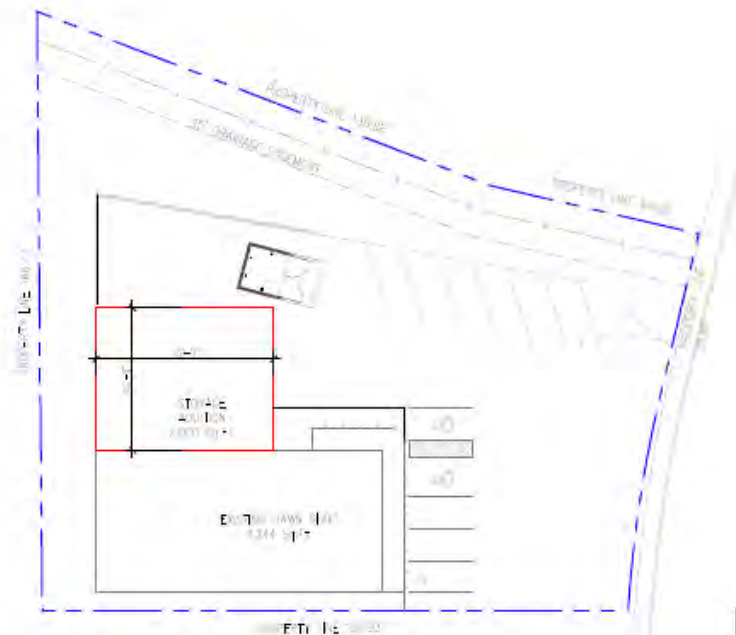
**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement**

Outline Plan Conditions

- I. Uses Permitted:
 - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
 - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - C. 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.
- IV. Landscaping, Screening & Lighting:
 - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
 - B. All outdoor lighting shall be directed downward to the extent possible and shall not glare into public rights-of-way or onto adjacent properties.
 - C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
 - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
 - A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.

- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
 - A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
 - D. The number of employee parking, loading and docking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.
 - G. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plan.
 - H. Landscape Plan and elevations shall be recorded with the final plat.

CONCEPT PLAN



| SITE 'A' DATA | |
|--|---------------|
| ZONED: | CMU-1 |
| TOTAL APPROXIMATE LAND SIZE: | 0.54 ACRES |
| TOTAL BUILDING SQFT: | 5,244 SQ. FT. |
| PARKING CALCULATIONS: | |
| RETAIL: 1 SPACE PER 300 SQ. FT. (2,244 SQ. FT.) | 11 SPACES |
| STORAGE: 1 SPACE PER 4,000 SQ. FT. (2,000 SQ. FT.) | 1 SPACES |
| TOTAL PARKING REQUIRED: | 12 SPACES |
| TOTAL PARKING PROVIDED: | 11 SPACES |

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3337 OVERTON CROSSING ST.
MEMPHIS, TN



AGENDA ITEM: 9

CASE NUMBER: PD 2023-09 **L.U.C.B. MEETING:** June 8, 2023

DEVELOPMENT: Cash America Planned Development

LOCATION: 3337 Overton Crossing

COUNCIL DISTRICT: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Cash America Central, Inc.

REPRESENTATIVE: SR Consulting

REQUEST: New planned development and outline plan conditions to allow the expansion of an existing pawn shop

AREA: +/-0.543 acres

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

CONCLUSIONS

1. The applicant is requesting a new planned development to allow for the expansion of a legal nonconforming pawn shop.
2. The applicant intends to convert the site into a new prototype building. The proposed outline plan condition will remove the buildings legal nonconforming status and bring other aspects of the site into conformity with the Unified Development Code.
3. In staff's opinion, the proposed development will 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.

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

GENERAL INFORMATION

Street Frontage: Overton Crossing Street +/-103.2 curvilinear feet
Zoning Atlas Page: 1735
Parcel ID: 072011 00048
Existing Zoning: Commercial Mixed Use – 1 (CMU-1)

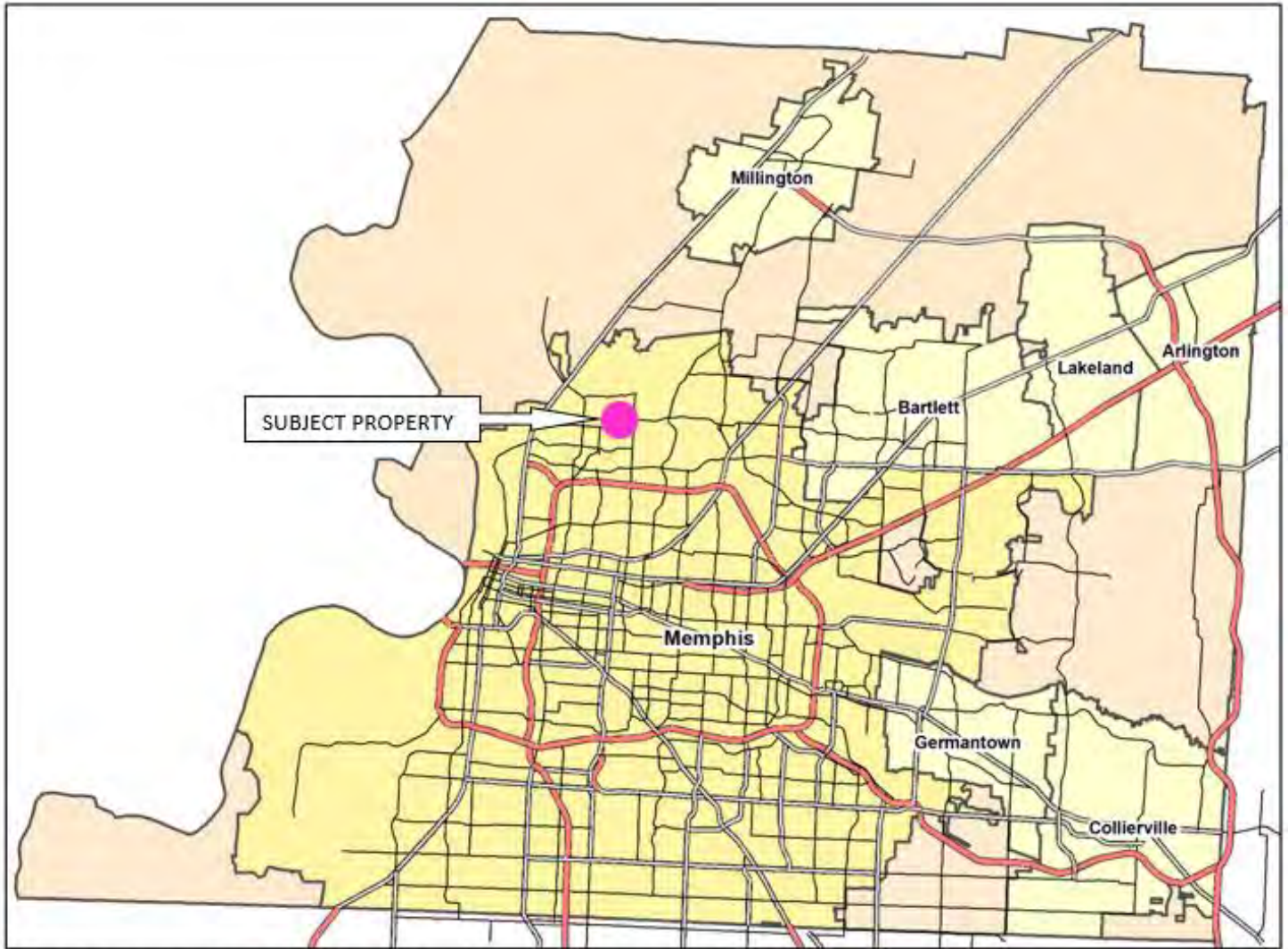
NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Wednesday, June 25, 2023, at 3337 Overton Crossing.

PUBLIC NOTICE

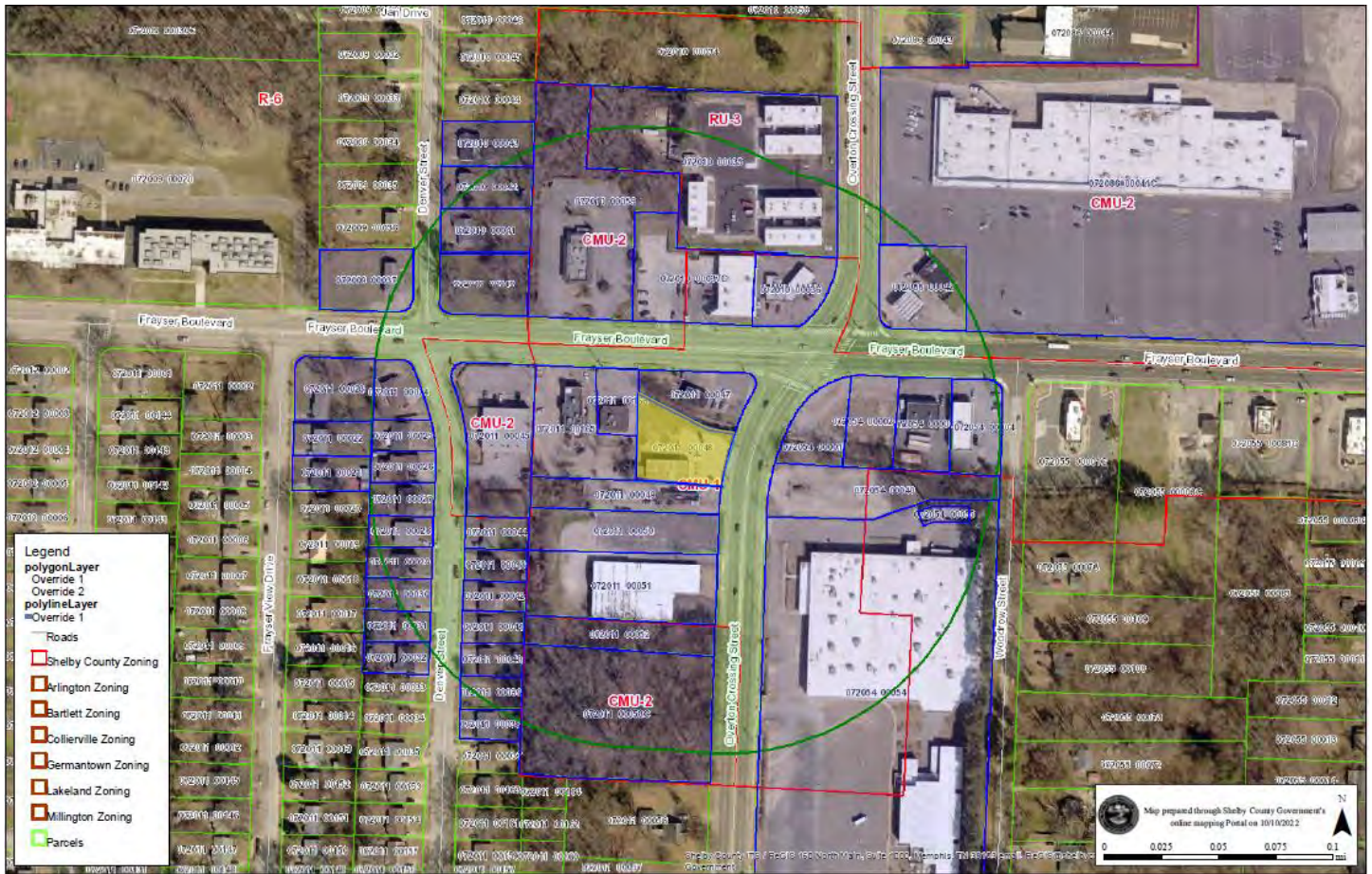
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 50 notices were mailed on May 22, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Frayser neighborhood

VICINITY MAP



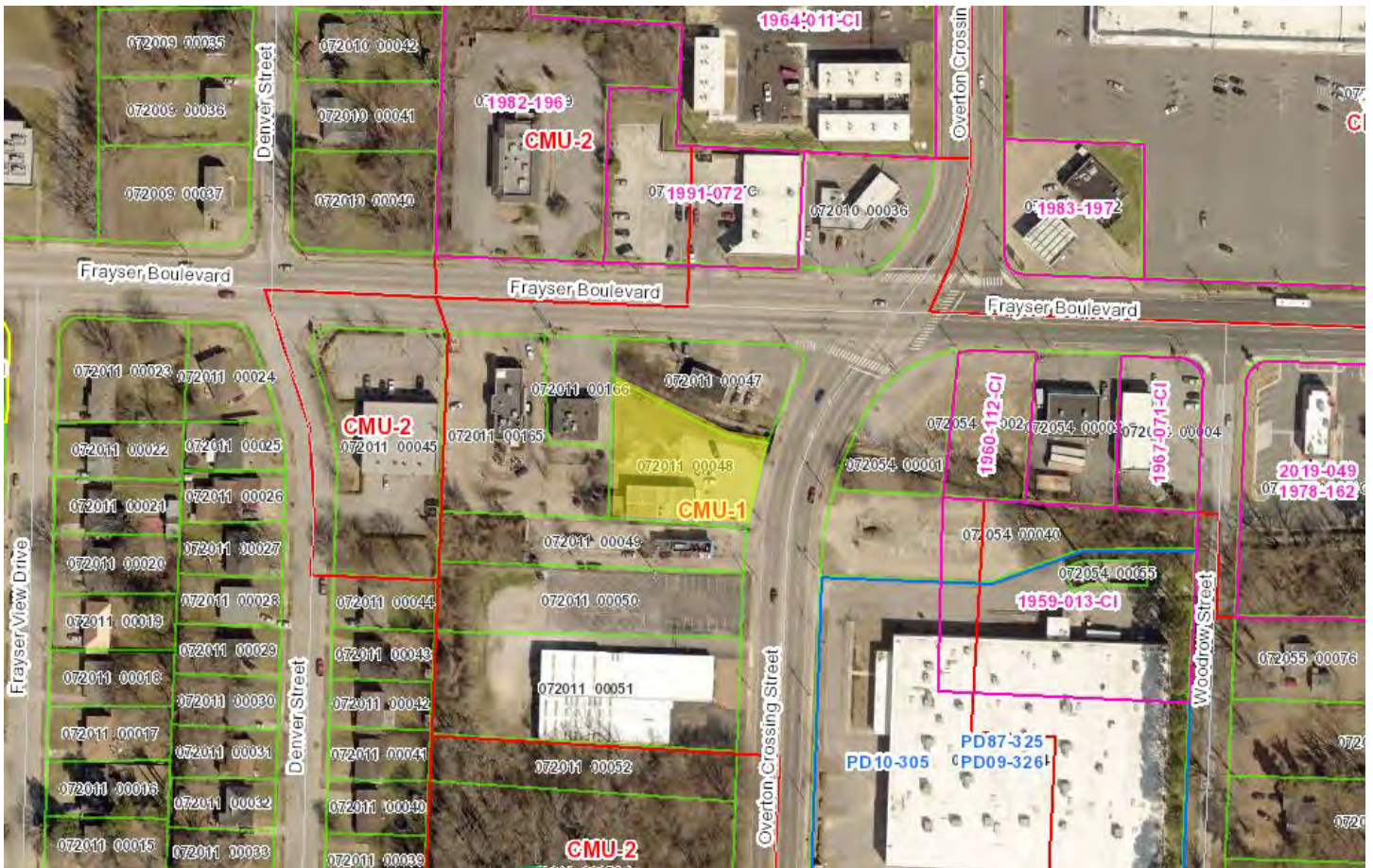
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed Use – 1 (CMU-1)

Surrounding Zoning

North: CMU-1, CMU-2, Office General, BOA 91-072, BOA 82-196

East: CMU-1, PD 10-305, BOA 60-112, BOA 58-013

South: CMU-1 and CMU-2

West: CMU-2 and R-6

LAND USE MAP



LandUse

| | |
|---|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |

Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Overton Crossing Street looking west.



View of subject property from Overton Crossing Street looking southwest.



View of proposed expansion area from Overton Crossing Street looking west.

CONCEPT PLAN



① PROPOSED ELEVATION



② EXISTING ELEVATION

| EXTERIOR FINISH SCHEDULE | | | |
|--------------------------|----------|--------------|----------|
| ITEM | LOCATION | MANUFACTURER | FINISH |
| SP. 01 | CONCRETE | Y | CONCRETE |
| SP. 02 | CONCRETE | Y | CONCRETE |
| SP. 03 | CONCRETE | Y | CONCRETE |
| SP. 04 | CONCRETE | Y | CONCRETE |
| SP. 05 | CONCRETE | Y | CONCRETE |
| SP. 06 | CONCRETE | Y | CONCRETE |
| SP. 07 | CONCRETE | Y | CONCRETE |
| SP. 08 | CONCRETE | Y | CONCRETE |
| SP. 09 | CONCRETE | Y | CONCRETE |
| SP. 10 | CONCRETE | Y | CONCRETE |
| SP. 11 | CONCRETE | Y | CONCRETE |
| SP. 12 | CONCRETE | Y | CONCRETE |
| SP. 13 | CONCRETE | Y | CONCRETE |
| SP. 14 | CONCRETE | Y | CONCRETE |
| SP. 15 | CONCRETE | Y | CONCRETE |
| SP. 16 | CONCRETE | Y | CONCRETE |
| SP. 17 | CONCRETE | Y | CONCRETE |
| SP. 18 | CONCRETE | Y | CONCRETE |
| SP. 19 | CONCRETE | Y | CONCRETE |
| SP. 20 | CONCRETE | Y | CONCRETE |

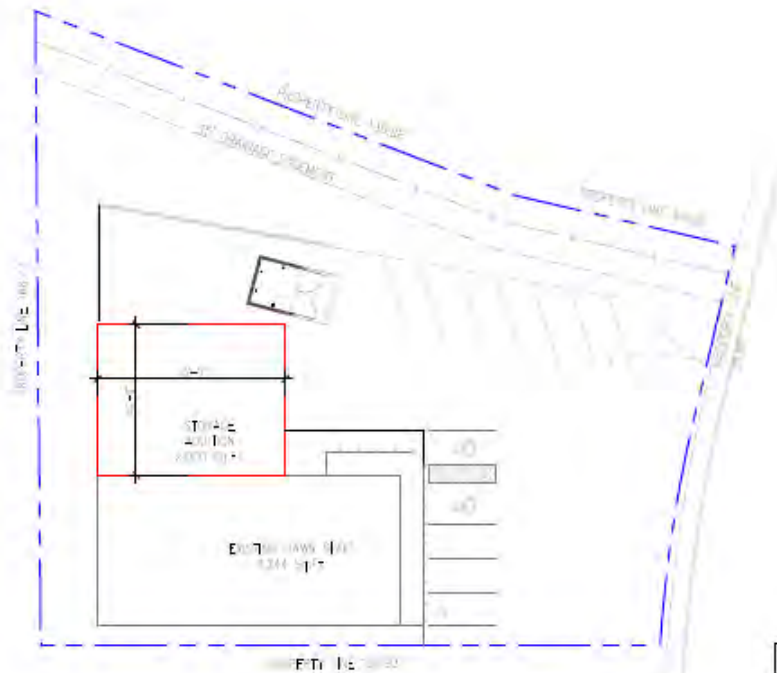


1 PROPOSED ELEVATION



2 EXISTING ELEVATION

SITE PLAN



| SITE 'A' DATA | |
|---|--------------|
| ZONED: | CMU-1 |
| TOTAL APPROXIMATE LAND SIZE: | 0.54 ACRES |
| TOTAL BUILDING SQFT: | 5,244 SQ.FT. |
| PARKING CALCULATIONS: | |
| RETAIL: 1 SPACE PER 300 SQ.FT. (2,244 SQ.FT.) | 11 SPACES |
| STORAGE: 1 SPACE PER 4000 SQ.FT. (3,000 SQ.FT.) | 1 SPACES |
| TOTAL PARKING REQUIRED: | 12 SPACES |
| TOTAL PARKING PROVIDED: | 11 SPACES |

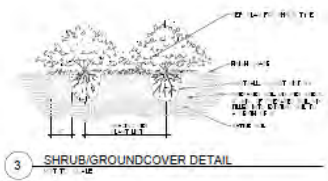
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3337 OVERTON CROSSING ST.
 MEMPHIS, TN

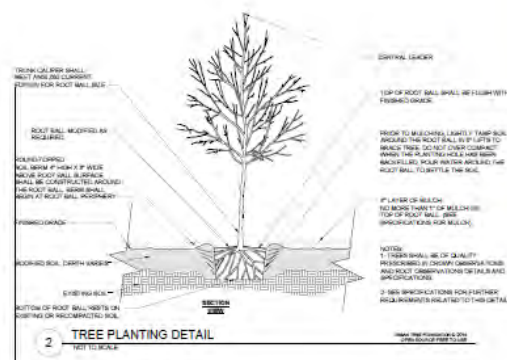


LANDSCAPE PLAN



MAINTENANCE NOTE
 THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS AND SOIL IN THE PLANTING AREA AT ALL TIMES. THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS AND SOIL IN THE PLANTING AREA AT ALL TIMES. THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS AND SOIL IN THE PLANTING AREA AT ALL TIMES.

PLANTING SPECIFICATIONS
 THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS AND SOIL IN THE PLANTING AREA AT ALL TIMES. THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS AND SOIL IN THE PLANTING AREA AT ALL TIMES. THE CONTRACTOR SHALL MAINTAIN THE PLANTING MATERIALS AND SOIL IN THE PLANTING AREA AT ALL TIMES.



| ITEM | DESCRIPTION | QUANTITY | UNIT |
|------|-------------|----------|------|
| 1 | ... | ... | ... |
| 2 | ... | ... | ... |
| 3 | ... | ... | ... |
| 4 | ... | ... | ... |
| 5 | ... | ... | ... |
| 6 | ... | ... | ... |
| 7 | ... | ... | ... |
| 8 | ... | ... | ... |
| 9 | ... | ... | ... |
| 10 | ... | ... | ... |



STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is a new planned development and outline plan conditions to allow the expansion of an existing pawn shop

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

- A. *Screening*
When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. *Display of Merchandise*
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. *Accessibility*
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. *Landscaping*
Landscaping shall be required to provide screening of objectionable views of uses and the reduction

of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

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

9.6.9 Approval Criteria

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

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure 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 Description

The subject property is located at 3337 Overton Crossing, zoning Commercial Mixed Use - 1 (CMU-1), in the Frayser Neighborhood. The site is +/-0.543 acres with an existing 3,280 square foot commercial structure. The property has an existing drainage easement that runs along the north property line.

Conclusions

The applicant is requesting a new planned development to allow for the expansion of a legal nonconforming pawn shop.

The applicant intends to convert the site into a new prototype building. The proposed outline plan condition will removing the buildings legal nonconforming status and bring other aspects of the site into conformity with the Unified Development Code.

In staff's opinion, the proposed development will 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.

RECOMMENDATION

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

Outline Plan Conditions

- I. Uses Permitted:
 - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
 - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - C. 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.
- IV. Landscaping, Screening & Lighting:
 - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
 - B. All outdoor lighting shall be directed downward to the extent possible and

shall not glare into public rights-of-way or onto adjacent properties.

- C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
 - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
- A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.
- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
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 - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
 - D. The number of employee parking, loading and docking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.
 - G. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plan.
 - H. Landscape Plan and elevations shall be recorded with the final plat.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
4. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.

Roads:

5. 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.
6. 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:

7. 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.
8. 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.
9. 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:

10. The City Engineer shall approve the design, number, and location of curb cuts.
11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

Drainage:

12. 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.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. 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.

General Notes:

15. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
16. All connections to the sewer shall be at manholes only.
17. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
18. Required landscaping shall not be placed on sewer or drainage easements.

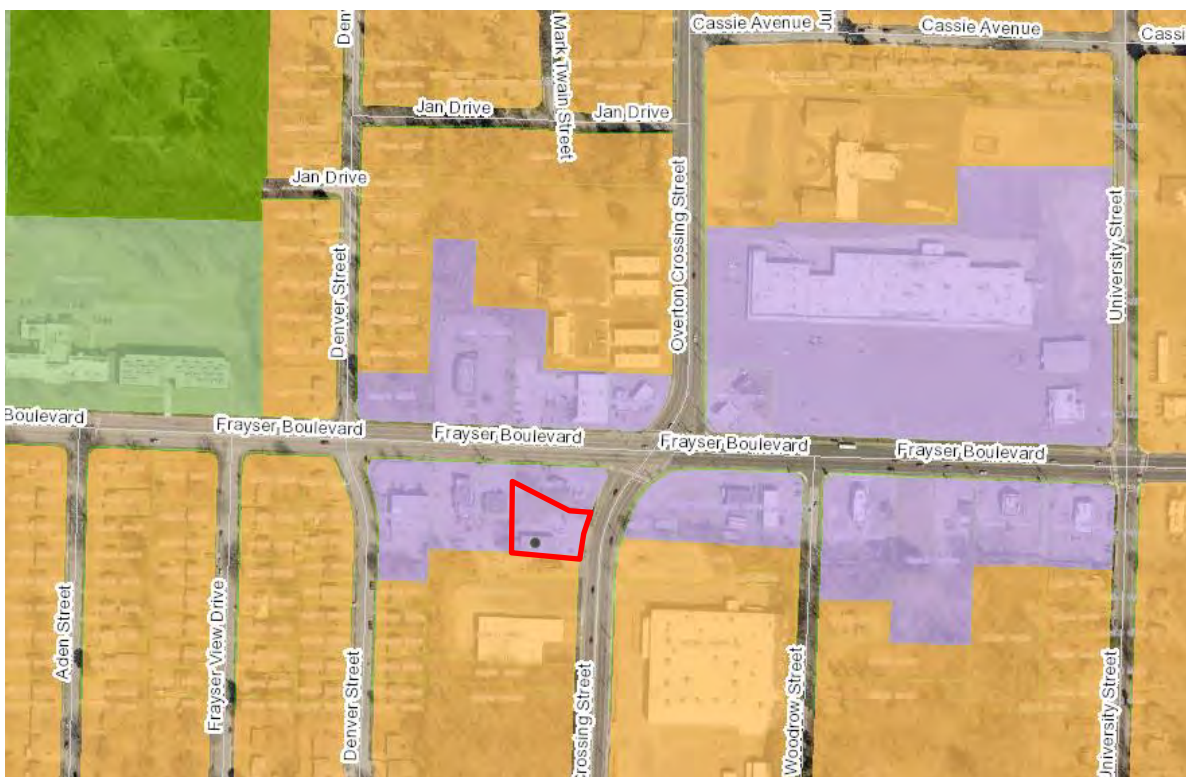
City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/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:**

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 Main Street (A-NMS) are walkable, mixed-use centers comprised of house-scale buildings, some of which may be attached, lining two facing blocks, sometimes extending for several adjacent blocks. Graphic portrayal of A-NMS is to the right.



“A-NMS” Form & Location Characteristics

ACCELERATE - Detached and attached single family, duplexes, triplexes, quadplexes, large homes and apartments, including those with active ground floor commercial uses (including live/work) along sidewalk, as

well as commercial and institutional uses. Height: 1-5 stories. Scales: house-scale and block-scale.

“A-NMS” Zoning Notes

Generally compatible with the following zone districts: MU, NC, CMU-1, CMU-2 with frontage requirements (MO District) in accordance with Form and characteristics listed above.

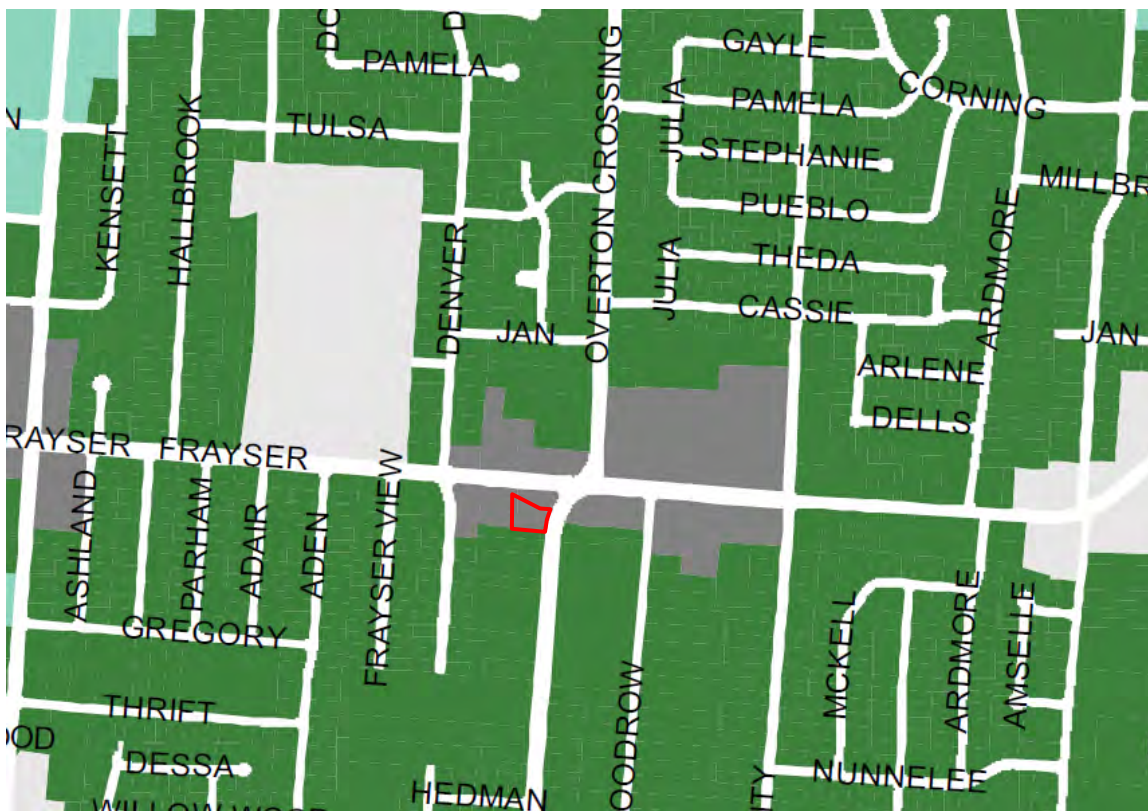
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Industrial, Institutional and Single-Family, CMU-1, CMU-2 and R-6

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use and zoning. However, it is not compatible with the zoning notes as a pawn shop is not allowed in the CMU-1.*

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 the proposed development does not promote pedestrian-oriented infill development or attract retail and service uses that cater to large-scale markets.

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

N/A

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

The parcel is located in the Frayser Planning District and the requested use is not consistent with Frayser Planning District Priority – *Improve the quality of commercial, retail, and restaurant options. Additionally, the proposed use does not align with the vision and desired actions for the Frayser Plaza anchor, which focuses on pedestrian friendly commercial development.*

Consistency Analysis Summary

The applicant is seeking a variance to allow expansion and renovation to the existing pawnshop building and site within the CMU-1 zoning district. This analysis will address the consistency of the expansion of the existing building.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

The proposed application is a private investment. However the proposed development does not promote pedestrian-oriented infill development or attract retail and service uses that cater to large-scale markets.

*The parcel is located in the Frayser Planning District and the requested use is not consistent with Frayser Planning District Priority – *Improve the quality of commercial, retail, and restaurant options.**

Additionally, the proposed use does not align with the vision and desired actions for the Frayser Plaza anchor, which focuses on pedestrian friendly commercial development.

Overall the proposed development is not consistent with the future land use in many aspects.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: April 26, 2023

Record Number: PD 2023-009

Expiration Date:

Record Name: First Cash 3337 Overton Crossing

Description of Work: Use variance to allow expansion of the existing pawn shop.

Parent Record Number: BOA 2023-0011

Address:

3337 OVERTON CROSSING ST, MEMPHIS 38127

Owner Information

Primary Owner Name

Y CASH AMERICA CENTRAL INC

Owner Address:

1800 W 7TH ST, FORT WORTH, TX 76102

Owner Phone

Parcel Information

072011 00048

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Seth Thomas

Date of Meeting

-

Pre-application Meeting Type

-

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

| | |
|--|-------------|
| Previous Docket / Case Number | - |
| Medical Overlay / Uptown | No |
| If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County) | 0.543 ACRES |
| Is this application in response to a citation, stop work order, or zoning letter | No |
| If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information | - |

APPROVAL CRITERIA

| | |
|------------------------|-----------------|
| UDC Sub-Section 9.6.9A | SEE APPLICATION |
| UDC Sub-Section 9.6.9B | SEE APPLICATION |
| UDC Sub-Section 9.6.9C | SEE APPLICATION |
| UDC Sub-Section 9.6.9D | SEE APPLICATION |
| UDC Sub-Section 9.6.9E | SEE APPLICATION |
| UDC Sub-Section 9.6.9F | SEE APPLICATION |

GENERAL PROVISIONS

| | |
|--|-----------------|
| UDC Sub-Section 4.10.3A | SEE APPLICATION |
| 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 | SEE APPLICATION |
| 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 | SEE APPLICATION |
| 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 | SEE APPLICATION |
| E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements | SEE APPLICATION |
| F) Lots of record are created with the recording of a planned development final plan | SEE APPLICATION |

GIS INFORMATION

| | |
|---------------------------------------|----|
| Central Business Improvement District | No |
|---------------------------------------|----|

GIS INFORMATION

Case Layer -
 Class C
 Downtown Fire District No
 Historic District -
 Land Use COMMERCIAL
 Municipality MEMPHIS
 Overlay/Special Purpose District -
 Zoning CMU-1
 State Route -
 Lot 0 20
 Subdivision KNIGHT & GUY
 Planned Development District -
 Wellhead Protection Overlay District -

Contact Information

Name FIRST CASH **Contact Type** APPLICANT
Address
Phone

Fee Information

| Invoice # | Fee Item | Quantity | Fee | Status | Balance | Date Assessed |
|---------------------|----------------------------------|----------|----------|----------------|---------|---------------|
| 1484787 | Credit Card Use Fee (.026 x fee) | 1 | 13.00 | INVOICED | 0.00 | 04/28/2023 |
| 1484787 | Adjustment Fee | 500 | 500.00 | INVOICED | 0.00 | 04/28/2023 |
| Total Fee Invoiced: | | | \$513.00 | Total Balance: | | \$0.00 |

Payment Information

Payment Amount \$513.00 **Method of Payment** Credit Card

LETTER OF INTENT



Date: June 1, 2023
To: Division of Planning & Development
From: Cindy Reaves
Re: 3337 Overton Crossing Street

LETTER OF INTENT

We are submitting a Planned Development application for property at 3337 Overton Crossing Street. The property is within the CMU-1 zoning district and the existing pawn shop was previously an approved use in the zoning district. We originally filed a Board of Adjustment case to expand a nonconforming use because they were closing a shop across the street at 2198 Frayser Blvd. but it was converted to a use variance instead of an expansion. A Planned Development will be a better fit for a use variance since it is more restrictive and our proposed enlargement of the building will be a more aesthetically pleasing site for the area than the current site. Section 10.3.2. Enlargement, Repair, Alterations of the UDC seems to allow "Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure." The enlargement of the building to add storage will not increase the degree of the existing nonconformity.

The proposed improvements to the existing building are only cosmetic improvements. They propose to raise the existing parapets to help hide the roof, paint the building and add a thin stone wainscot. These improvements and the expansion will not extend the eventual elimination of the building. The existing building is a very solid structure that was built in 1971. The addition will not extend the life of this building and no structural repairs will be done to the existing building. This will allow us to convert the site to their new prototype building and allow expansion for storage instead of continuing to operate in the current building that needs more storage area. This will not increase the business by adding storage. It will allow for a more orderly way to display their merchandise with storage in the rear expansion area and allow customers a more comfortable environment.

First Cash/Cash America Pawn has been in business since 1988 and has been in the Memphis area for over 25 years with 49 stores in Tennessee with 16 stores in Memphis. First Cash is a leading international operator of pawn stores with over 2,800 locations and 16,000 employees.

The Company's primary business line continues to be the operation of retail pawn stores, also known as "pawnshops," which focus on serving cash and credit-constrained consumers. Pawn stores are neighborhood based retail stores that help customers meet small short-term cash needs by providing

non-recourse pawn loans and buying merchandise directly from customers. Personal property, such as jewelry, electronics, tools, appliances, sporting goods and musical instruments, is pledged and held as collateral for the pawn loans over the typical 30-day term of the loan. Pawn stores also generate retail sales primarily from the merchandise acquired through collateral forfeitures and over-the-counter purchases from customers.

Pawn stores also provide a quick and convenient source of small, secured consumer loans, also known as pawn loans, to unbanked, under-banked and credit-constrained customers. Pawn loans are safe and affordable non-recourse loans for which the customer has no legal obligation to repay. The Company does not engage in post-default collection efforts, does not take legal actions against its customers for defaulted loans, does not ban its customers for nonpayment, nor does it report any negative credit information to credit reporting agencies, but rather, relies only on the resale of the pawn collateral for recovery. Cash America Pawn/First Cash is not a high interest payday loan shop and they do not sell guns or ammunition at this location. Their hours of operation are 9:00 to 6:00 and closed on Sundays.

I have included a document that gives you the background of their corporation along with before and after photos of a few of their renovated locations including the interior look they are looking for the Cash America Site.

The nearby location at 2198 Frayser Blvd., within 1300 feet of the subject tract, will be closed at the same time and the inventory will go to this store that First Cash owns. The nearest pawnshop from the Overton Park site is 5.2 miles at 3305 Austin Peay or 3202 Jackson Ave. is 6.8 miles. This area is not saturated with Pawn shops and the expansion will allow for storage space; it is not to add more retail space. The requested improvements are needed to improve safety, security and accessibility of the site. Improvements to the building, parking, landscaping and irrigation will be made and a masonry dumpster enclosure will be added. This will create a much more appealing site than the existing store and making the improvements of the new prototype building is much more desirable for the area.

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 5:32 pm on the 24th day of May, 2023 I posted one Public Notice Sign pertaining to Case No. PD 23-009 on the property located at 3337 Overton Crossing providing notice of a Public Hearing before the June 8, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Kristin Reaves
Owner, Applicant or Representative

05/25/2023

Date

Subscribed and sworn to before me this 24th day of May, 2023

Cynthia J. Reaves
Notary Public
My commission expires: 9/29/23





LETTERS RECEIVED

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



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: April 26, 2023

Record Number: PD 2023-009

Expiration Date:

Record Name: First Cash 3337 Overton Crossing

Description of Work: Use variance to allow expansion of the existing pawn shop.

Parent Record Number: BOA 2023-0011

Address:

3337 OVERTON CROSSING ST, MEMPHIS 38127

Owner Information

Primary Owner Name

Y CASH AMERICA CENTRAL INC

Owner Address

1600 W 7TH ST, FORT WORTH, TX 76102

Owner Phone

Parcel Information

072011 00048

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Seth Thomas

Date of Meeting

-

Pre-application Meeting Type

-

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

Previous Docket / Case Number -
Medical Overlay / Uptown No
If this development is located in unincorporated Shelby County, is the tract at least three acres? 0.543 ACRES
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)
Is this application in response to a citation, stop work order, or zoning letter No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A SEE APPLICATION
UDC Sub-Section 9.6.9B SEE APPLICATION
UDC Sub-Section 9.6.9C SEE APPLICATION
UDC Sub-Section 9.6.9D SEE APPLICATION
UDC Sub-Section 9.6.9E SEE APPLICATION
UDC Sub-Section 9.6.9F SEE APPLICATION

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A SEE APPLICATION
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 SEE APPLICATION
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 SEE APPLICATION
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 SEE APPLICATION
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements SEE APPLICATION
F) Lots of record are created with the recording of a planned development final plan SEE APPLICATION

GIS INFORMATION

Central Business Improvement District No

GIS INFORMATION

Case Layer -
Class C
Downtown Fire District No
Historic District -
Land Use COMMERCIAL
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning CMU-1
State Route -
Lot 0 20
Subdivision KNIGHT & GUY
Planned Development District -
Wellhead Protection Overlay District -

Contact Information

Name FIRST CASH Contact Type APPLICANT

Address

Phone

-

Fee Information

| Invoice # | Fee Item | Quantity | Fees | Status | Balance | Date Assessed |
|-----------|----------------------------------|----------|------------------------------|-----------------------|---------|---------------|
| 1464787 | Credit Card Use Fee (.026 x fee) | 1 | 13.00 | INVOICED | 0.00 | 04/26/2023 |
| 1464787 | Adjustment Fee | 500 | 500.00 | INVOICED | 0.00 | 04/26/2023 |
| | | | Total Fee Invoiced: \$513.00 | Total Balance: \$0.00 | | |

Payment Information

Payment Amount \$513.00 Method of Payment Credit Card

#2720

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, R. Douglas Orr (Print Name)  (Sign Name), state that I have read the definition of

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

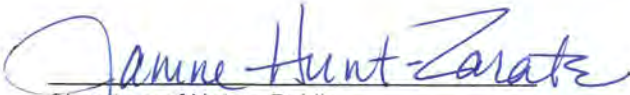
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate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

of the property located at 3337 Overton Crossing St.

and further identified by Assessor's Parcel Number 072-011-00048

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

Subscribed and sworn to (or affirmed) before me this 23rd day of September in the year of 2022


Signature of Notary Public

9/24/2022
My Commission Expires



Date: April 28, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 3337 Overton Crossing Street

LETTER OF INTENT

We are submitting a Planned Development application for property at 3337 Overton Crossing Street. The property is within the CMU-1 zoning district and the existing use was previously an approved use in the zoning district. We originally filed a Board of Adjustment case to expand a nonconforming use but it was converted to a use variance. We feel a Planned Development would be a better fit for a use variance since it is more restrictive and our proposed improvements with the addition will be a major improvement. This will allow us to convert this site to their new prototype building and allow expansion and renovation instead of continuing to operate in the current building.

The existing building is constructed of split block and is a very solid structure that was built in 1971. The addition will not extend the life of this building and no structural repairs will be done to the existing building. First Cash has been in business since 1988 and has been in the Memphis area for over 25 years with 49 stores in Tennessee with 16 stores in Memphis. First Cash is a leading international operator of pawn stores with over 2,800 locations and 16,000 employees. The Company's primary business line continues to be the operation of retail pawn stores, also known as "pawnshops," which focus on serving cash and credit-constrained consumers. Pawn stores are neighborhood based retail stores that help customers meet small short-term cash needs by providing non-recourse pawn loans and buying merchandise directly from customers. Personal property, such as jewelry, electronics, tools, appliances, sporting goods and musical instruments, is pledged and held as collateral for the pawn loans over the typical 30-day term of the loan. Pawn stores also generate retail sales primarily from the merchandise acquired through collateral forfeitures and over-the-counter purchases from customers.

Pawn stores also provide a quick and convenient source of small, secured consumer loans, also known as pawn loans, to unbanked, under-banked and credit-constrained customers. Pawn loans are safe and affordable non-recourse loans for which the customer has no legal obligation to repay. The Company does not engage in post-default collection efforts, does not take legal actions against its customers for defaulted loans, does not ban its customers for nonpayment, nor does it report any negative credit information to credit reporting agencies, but rather, relies only on the resale of the

pawn collateral for recovery. Cash America Pawn/First Cash is not a high interest payday loan shop and they do not sell guns or ammunition at this location.

I have included a document that gives you the background of their corporation along with before and after photos of a few of their renovated locations including the interior look they are looking for the Cash America Site.

A nearby location at 2198 Frayser Blvd., within 1300 feet of the subject tract, will be closed at the same time and the inventory will go to this store that First Cash owns. The expansion is needed to improve safety, security and accessibility of the site. Improvements to the building, parking, landscaping and irrigation will be made and a masonry dumpster enclosure will be added. This will create a much more appealing site than the existing store and making the improvements of the new prototype building is much more desirable for the area.

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



WHO WE ARE AND THE NEIGHBORHOOD SERVICES WE PROVIDE



FIRSTCASH AT A GLANCE

FIRSTCASH IS A LEADING INTERNATIONAL OPERATOR OF PAWN STORES WITH OVER 2,800 RETAIL PAWN LOCATIONS AND 16,000 EMPLOYEES IN 25 U.S. STATES, THE DISTRICT OF COLUMBIA AND FOUR COUNTRIES IN LATIN AMERICA INCLUDING MEXICO, GUATEMALA, COLOMBIA AND EL SALVADOR

PAWN INDUSTRY



PAWN STORES ARE NEIGHBORHOOD-BASED RETAIL LOCATIONS THAT BUY AND SELL PRE-OWNED CONSUMER PRODUCTS SUCH AS JEWELRY, ELECTRONICS, TOOLS, APPLIANCES, SPORTING GOODS AND MUSICAL INSTRUMENTS, AND MAKE SMALL CONSUMER PAWN LOANS

MISSION



PROVIDE A QUICK AND CONVENIENT LOCATION TO BUY AND SELL VALUE-PRICED MERCHANDISE AND OBTAIN SMALL SECURED CONSUMER LOANS, ALSO KNOWN AS PAWN LOANS, TO UNBANKED, UNDER-BANKED AND CREDIT-CHALLENGED CUSTOMERS

BUSINESS STRATEGY



GROW REVENUES AND INCOME BY OPENING NEW RETAIL PAWN LOCATIONS, ACQUIRING EXISTING PAWN STORES IN STRATEGIC MARKETS AND INCREASING REVENUE AND OPERATING PROFITS IN EXISTING STORES

"ABOUT 53 MILLION U.S. ADULTS DON'T HAVE CREDIT SCORES. ANOTHER ROUGHLY 56 MILLION HAVE SUBPRIME SCORES. SOME HAVE A CHECKERED BORROWING HISTORY OR HIGH DEBT LOADS. BUT OTHERS, BANKS POINT OUT, JUST DON'T HAVE TRADITIONAL BORROWING BACKGROUNDS, OFTEN BECAUSE THEY ARE NEW TO THE U.S. OR PAY FOR MOST EXPENSES WITH CASH"

— THE WALL STREET JOURNAL

FIRSTCASH HISTORY

LONG-TERM BUSINESS PLAN IS TO GROW REVENUES AND INCOME BY OPENING NEW (“DE NOVO”) RETAIL PAWN LOCATIONS, ACQUIRING EXISTING PAWN STORES IN STRATEGIC MARKETS, DRIVING SAME-STORE SALES, AND STRATEGIC ACQUISITIONS

American First Finance
 AMERICAN FIRST FINANCE ACQUISITION:
 (ENTRANCE INTO POS PAYMENTS MARKET)

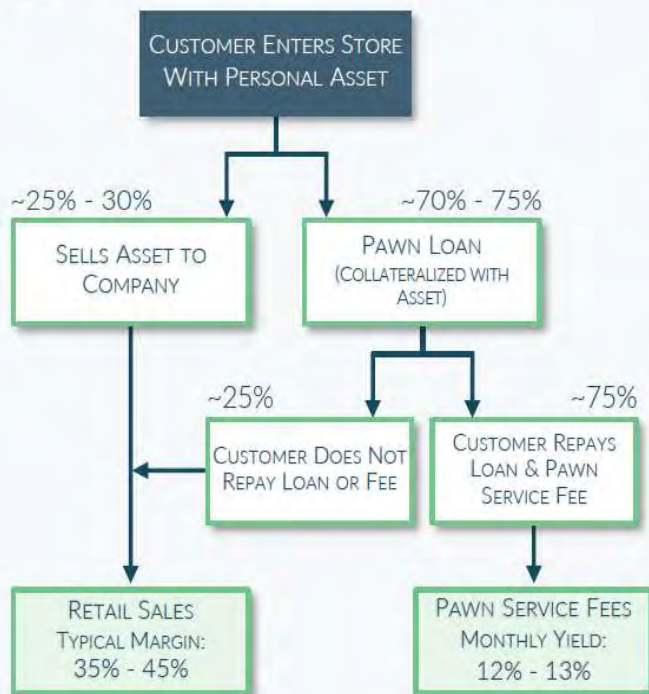


PAWN LOAN OVERVIEW

NON-RECOURSE LOANS FULLY COLLATERALIZED WITH PERSONAL PROPERTY

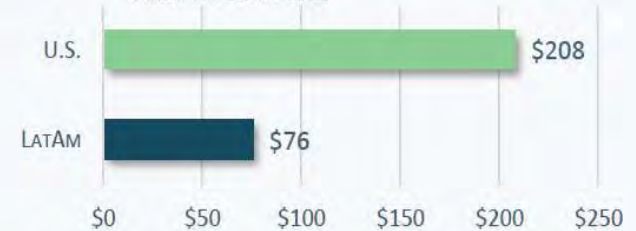
TYPICAL PAWN TRANSACTION CYCLE

TOTAL TRANSACTION TIME LESS THAN 15 MINUTES



PAWN LOANS ARE SMALL AND AFFORDABLE WITH A SHORT DURATION

- TYPICALLY 30-TO-60-DAY TERM
- AVERAGE LOAN SIZE:



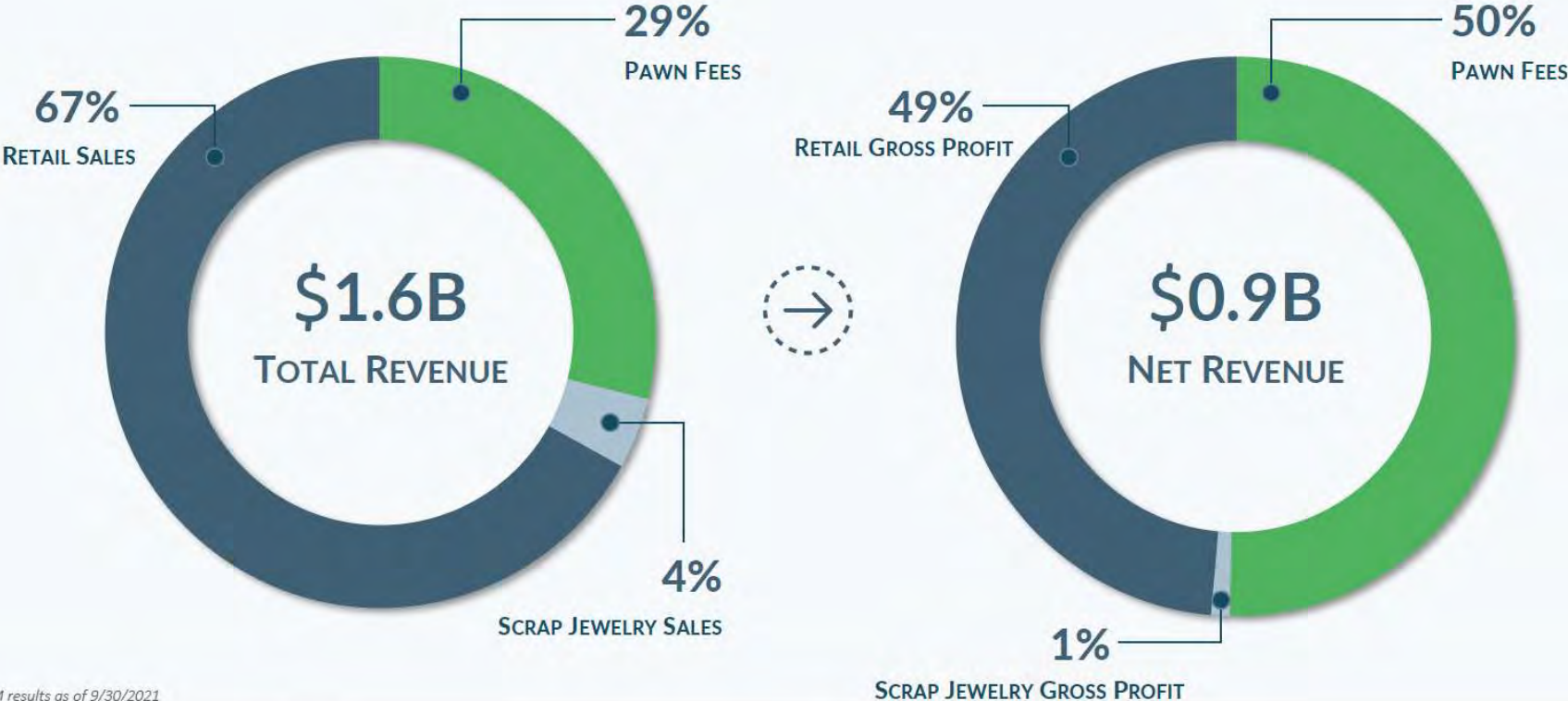
As of 9/30/2021

FIRSTCASH SERVES UNDERBANKED AND CASH CONSTRAINED CONSUMERS

- DESIGNATED ESSENTIAL BUSINESS IN MOST JURISDICTIONS
- COLLATERAL HELD IN SECURE BACKROOM OF STORE
- RAPID LIQUIDATION OF FORFEITED COLLATERAL THROUGH PAWNSHOP RETAIL OPERATIONS

DIVERSIFIED REVENUE STREAM

RETAIL SALES AND PAWN LENDING



TTM results as of 9/30/2021

ESG: COMMITMENT TO SOCIAL RESPONSIBILITY



EMPLOYEE EMPOWERMENT

- EMPLOYEE-TRAINING PROGRAMS THAT PROMOTE CUSTOMER SERVICE AND PROFESSIONALISM
- SPECIALIZED SKILL TRAINING PROGRAMS IN LENDING PRACTICES, MERCHANDISE VALUATION AND REGULATORY COMPLIANCE
- PROFIT SHARING, INCENTIVE AND BONUS PROGRAMS WHICH PAY ON AVERAGE 4-5% OF GROSS PROFIT DIRECTLY TO EMPLOYEES

CUSTOMER AND EMPLOYEE PROTECTIONS

- STRICT COVID-19 SAFETY PROTOCOLS
- ROBUST CONSUMER AND CORPORATE COMPLIANCE PROGRAMS
- PRIVACY AND DATA PROTECTION POLICIES

DIVERSE WORKPLACE



All Demographics as of 12/31/2020

ESG: SUSTAINABILITY IS CORE TO FIRSTCASH

REPLACING TAKE → MAKE → DISPOSE WITH BUY → USE → RETURN

PAWNSHOPS PIONEERED CIRCULAR ECONOMY

NEIGHBORHOOD-BASED STORES CONTRIBUTE TO THE MODERN "CIRCULAR ECONOMY"

EXTENDING LIFE CYCLE OF CONSUMER PRODUCTS

INVENTORY IS PRE-OWNED MERCHANDISE WHICH IS SOURCED AND THEN RECYCLED WITHIN EACH STORE'S GEOGRAPHIC NEIGHBORHOOD

SAVING WATER AND CARBON EMISSIONS WITH NO PACKAGING OR HAZARDOUS WASTE

LOCAL SOURCING OF PRE-OWNED GOODS ELIMINATES CARBON FOOTPRINT OF MANUFACTURING FACILITIES, DISTRIBUTION CENTERS AND TRANSPORTATION SERVICES

SAFE ENVIRONMENT

BUY AND RESELL POPULAR CONSUMER PRODUCTS IN A SAFE AND SECURE ENVIRONMENT FOR EMPLOYEES AND CUSTOMERS



Proposed Conversion Enhancements For 3337 Overton Crossing



Site

- Address any overgrown or neglected plants and deliver a green scape consistent with the city of Memphis requirements. Assure that proper irrigation is in good working order and meets the needs of any new and existing landscaping,
- Assure that drainage meets or exceeds any retention associated with the impervious conditions that currently exist. Make any repairs to the parking lot to assure the personal and automobile safety.
- Dedicate handicapped parking that allows the simplest and safest access to the building.
- Retrofit the existing site lighting to LED for nighttime safety.
- Build masonry dumpster enclosure that meets city requirements.

Building

- Redesign the exterior to add a retail presence.
- Remove any fixed security bars added on the windows and doors. Interior roll down grills added for afterhours protection.
- Environmentally friendly interior design using polished concrete floors and LED lighting with sensor and motion controls.

Signage

- Remove the existing fabric awning. Install turnbuckle awning and new LED Channel letters to the entrance side of the fascia. Copy would be Cash America Pawn.

Before and After



Aransas Pass, TX

SWC of Hwy 361 and Harrison Blvd

Former 4,000 SF Vacant Boat Restoration Industrial Building converted to new 6,500 SF Cash America retail center. New Parking Lot, Façade of Stone and Stucco, new landscape and trees added.

Completed 2013



Cash America
Cash America International, Inc.



Charlotte, NC

NEC of Albemarle and N Sharon Amity Rd

Former 6,000 SF Vacant Restaurant/Retail Building converted to new 8,000 SF Cash America retail center. New Parking Lot, Façade of Stone and Stucco, new landscape and trees added.

Completed 2012/2013



Cash America[®]
Cash America International, Inc.



Midland, TX

2613 W. Wall St.

*Former used car lot Converted
Into Cash America Pawn*





Jacksonville, FL

4460 Blanding Blvd

Former Liquor Store Converted
Into Cash America Pawn

Cash America
Cash America International, Inc.



Retail Sales



Free Layaway
Pay off your purchase in installments of \$10
and get your item every 30 days!

| Amount of Layaway | Days to Pay |
|-------------------|-------------|
| \$100 - \$200 | 120 days |
| \$200 - \$300 | 180 days |
| \$300 - \$400 | 240 days |
| \$400 - \$500 | 300 days |

WARNING
ALL SOUND BROKEN
ON.

BANG

Special Layaway
Diamonds are a girl's best friend layaway one for your special someone today.

CLEARANCE JEWELRY
PRICED AS MARKED

NOTICE
CASH, JEWELRY & GUNS
LOCKED IN SAFE

To protect your privacy, please do not post any information on this page to social media.







Untitled Map

Write a description for your map.

Legend

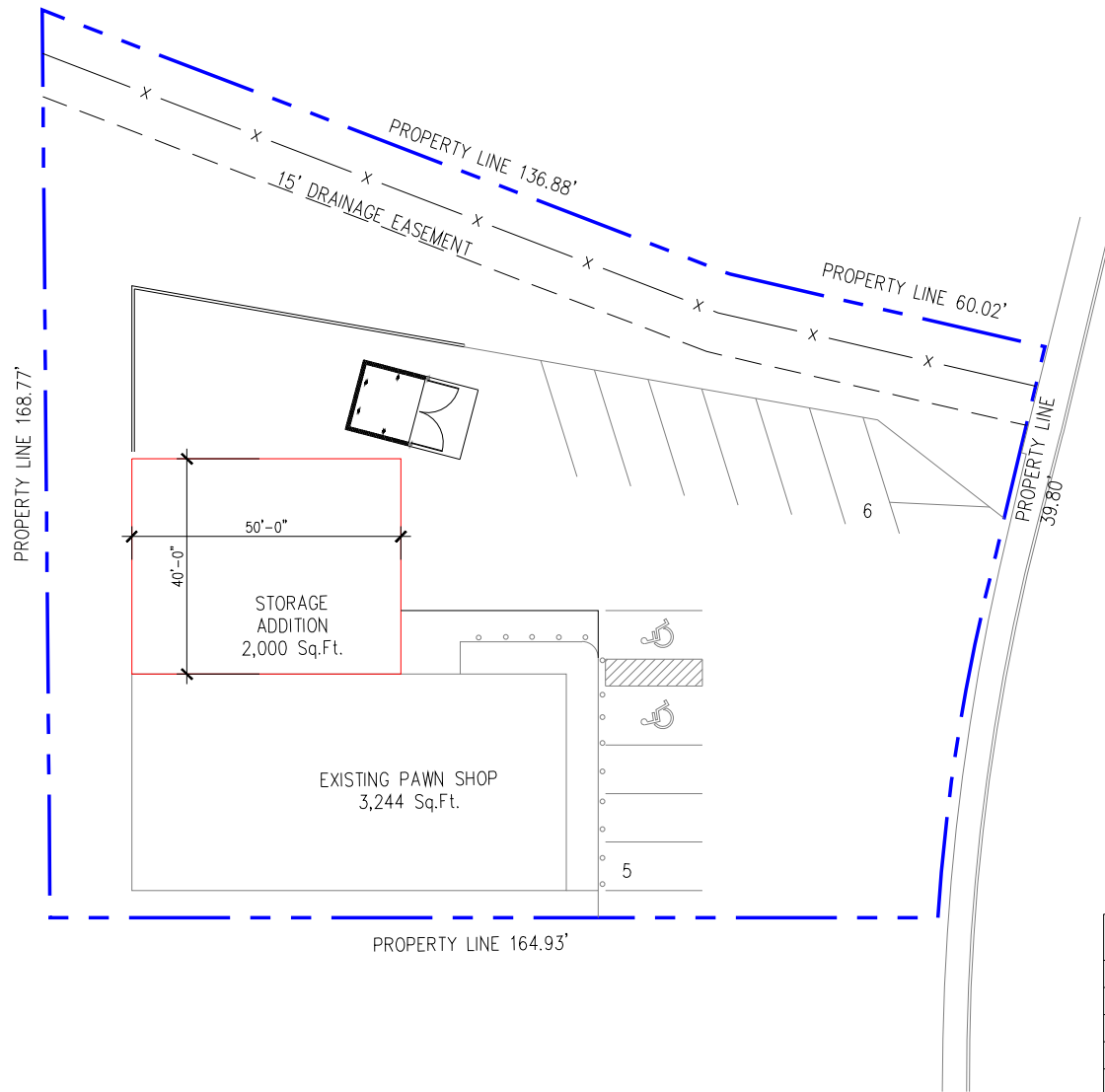
-  3337 Overton Crossing St
-  O'Reilly Auto Parts





Codes Chart 1

| Footnotes | AG | RSE | RS15 | RS10 | RS8 | RS6 | RD | RTII | RML | RMI | RMI | RMO | OL | OG | CP | CL | CH | CBD | IL | III | II | CU | FW | P | SMSD | CBID | |
|--|----|-----|------|------|-----|-----|----|------|-----|-----|-----|-----|----|----|----|----|----|-----|----|-----|----|----|----|---|------|------|--|
| Tire Motor vehicle sales & Service | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P* | X | X | X | X | - | - | - | - | - | X | |
| Transmission | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | X | X | X | X | - | - | - | - | - | X | |
| Truck service exceeds 3/4 ton | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | X | X | X | X | - | - | - | - | - | X | |
| Tune up | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | J* | X | X | X | X | - | - | - | - | - | X | |
| Upholstery | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | X | X | X | X | - | - | - | - | - | X | |
| Motor vehicle wash | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | - | X | |
| Music or dancing academy | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | X | X | X | X | X | - | - | - | - | - | X | |
| Night club | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | - | X | X | X | X | - | - | - | - | X | |
| <i>NOTE! Night Club provides entertainment in addition to or without alcoholic beverages (on premises)</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Offices | - | - | - | - | - | - | - | - | S | S | S | - | P | P | P | X | X | X | X | X | P | P | - | P | X | X | |
| Pawn shop | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | X | X | X | X | X | - | - | - | - | - | X | |
| Personal service establishment | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | X | X | X | X | X | - | - | - | - | - | X | |
| Palmist(TDN) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | X | X | X | X | X | - | - | - | - | - | X | |
| Tattoo (\$10.00) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | X | X | X | X | X | - | - | - | - | - | X | |
| Massage parlor | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | X | X | X | X | X | - | - | - | - | - | X | |
| <i>Shall be in compliance with Code Codes Chapter 19</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Photo finishing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | X | X | X | X | - | - | - | - | - | X | |
| Photo finishing pickup station | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | X | X | X | X | X | - | - | - | - | - | X | |
| Photo finishing by computer & Retail sales | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | X | X | X | X | X | - | - | - | - | - | X | |
| Plumbing shop | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | X | X | X | X | - | - | - | - | - | X | |
| <i>Page 130</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Private sales (D & E)14 | X | X | X | X | X | X | X | X | X | X | X | - | - | - | - | - | - | X | - | - | - | X | - | - | - | X | |



| SITE 'A' DATA | |
|---|--------------|
| ZONED: | CMU-1 |
| TOTAL APPROXIMATE LAND SIZE: | 0.54 ACRES |
| TOTAL BUILDING SQFT: | 5,244 SQ.FT. |
| PARKING CALCULATIONS: | |
| RETAIL: 1 SPACE PER 300 SQ.FT. (2,244 SQ FT) | 11 SPACES |
| STORAGE: 1 SPACE PER 4000 SQ.FT. (3,000 SQ FT) | 1 SPACES |
| TOTAL PARKING REQUIRED: | 12 SPACES |
| TOTAL PARKING PROVIDED: | 11 SPACES |

PRELIMINARY DRAWING FOR CONCEPTUAL USE ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR TECHNICAL DELINEATION USE. ACTUAL DIMENSIONS ARE UNKNOWN AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR. ALL EASEMENTS, SETBACKS, ZONING ORDINANCES AND OTHER RELATED SITE RESTRICTIONS TO BE VERIFIED BY THE CIVIL ENGINEER PRIOR TO START OF CIVIL DESIGN.

4055 International Plaza Suite 100
Fort Worth, Texas 76109

(817) 737-9922
www.Franzarchitects.com

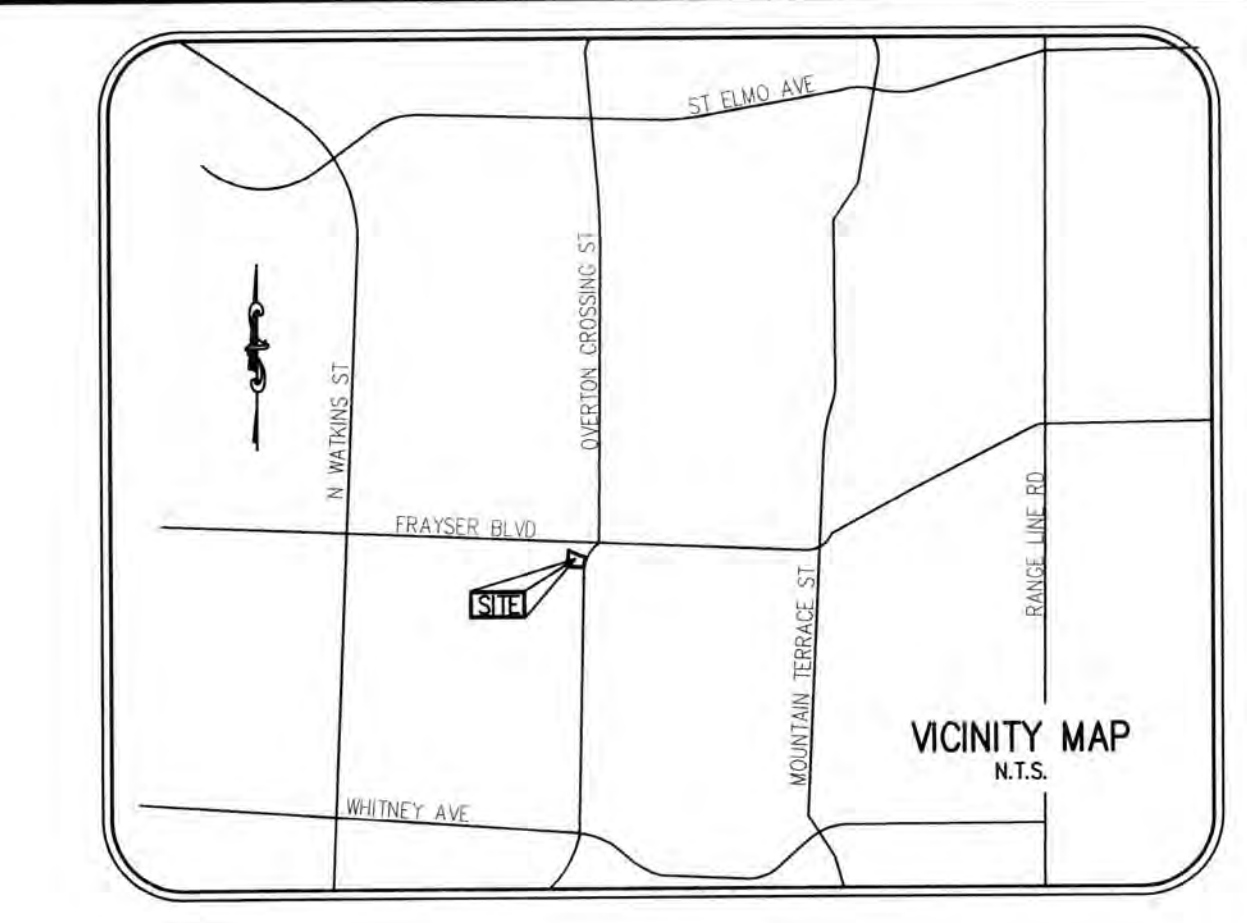
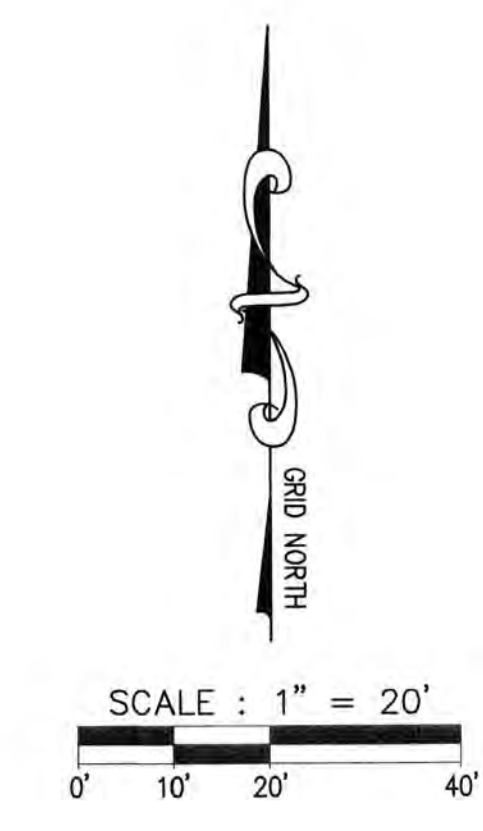
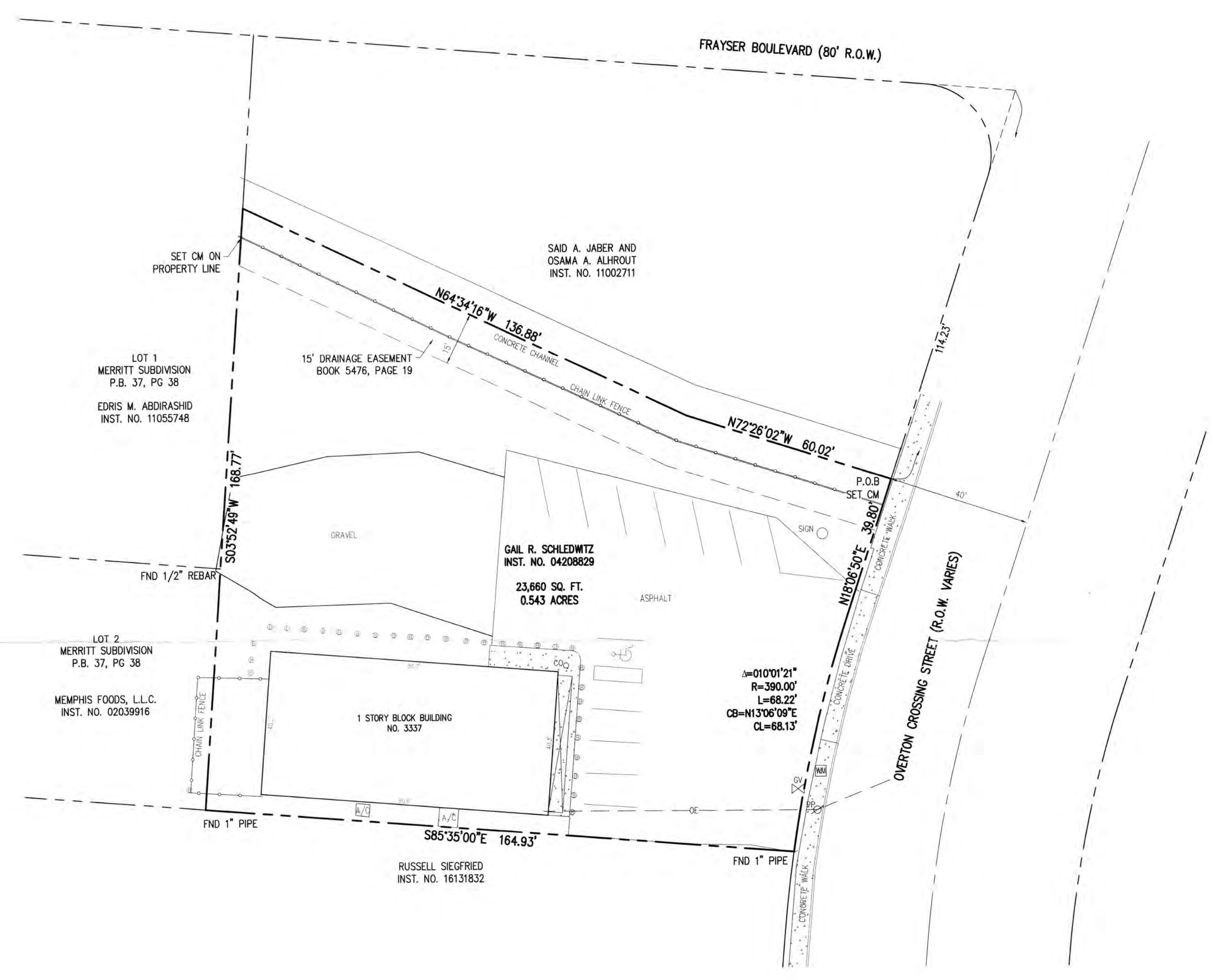
3337 OVERTON CROSSING ST.
MEMPHIS, TN

#22243

SHEET

P4

09/06/22



LEGEND

- A/C AIR CONDITIONER
- CM CHISEL MARK
- OE OVERHEAD ELECTRIC
- INST. INSTRUMENT
- NO. NUMBER
- P.B. PLAT BOOK
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- PP POWER POLE
- GV GAS VALVE
- WM WATER METER
- BOLLARD
- PROPERTY LINE
- AWNING
- CONCRETE

SURVEYOR'S DESCRIPTION

A tract of land situated in Memphis, Shelby County, Tennessee being the Gail R. Schledwitz property of record in Instrument Number 04208829 in the Shelby County Register's Office and being more particularly described as follows:

BEGINNING at a set chisel mark in the west line of Overton Crossing Street (40' from centerline) being the southeast corner of the Said A. Jaber and Osama A. Alhrouf property of record in Instrument Number 11002711 in said Register's Office, said point being 114.23 feet southwardly from the tangent intersection of said west line and the south line of Frayser Boulevard (80' R.O.W.); thence South 18 degrees 06 minutes 50 seconds West along said west line a distance of 39.80 feet to a point of curvature; thence southwardly along said west line and along a curve to the left having a radius of 390.00 feet, a central angle of 10 degrees 01 minutes 21 seconds, a chord bearing of South 13 degrees 06 minutes 09 seconds West, a chord distance of 68.13 feet, a distance along its arc of 68.22 feet to a found 1 inch pipe being the northeast corner of the Russel Siegfried property of record in Instrument Number 16131832 in said Register's Office; thence North 85 degrees 35 minutes 00 seconds West along the north line of said Siegfried property a distance of 164.93 feet to a found 1 inch pipe being the southeast corner of Lot 2 of Merritt Subdivision of record in Plat Book 37, Page 38 in said Register's Office; thence North 03 degrees 52 minutes 49 seconds East along the east line of Lots 2 and 1 of said Merritt Subdivision a distance of 168.77 feet to a point in the center of a concrete drainage channel; thence South 64 degrees 34 minutes 16 seconds East along the center of said channel a distance of 136.88 feet to an angle point; thence South 72 degrees 26 minutes 02 seconds East along the center of said channel a distance of 60.02 feet to the POINT OF BEGINNING and containing 23,660 square feet or 0.543 acres of land, more or less.

SURVEYOR'S CERTIFICATE

I hereby certify that this survey meets the requirements of an urban land survey (Category 1), with a ratio of precision of the unadjusted survey of greater than 1:10,000 as per the Standards of Practice adopted by the Board of Examiners for Land Surveyors in the State of Tennessee; that this plat of survey represents an actual survey performed on the ground under my supervision.



Kenneth E. Francis, Jr., R.L.S.
Tennessee Certificate Number 1567
Barge Waggoner Sumner & Cannon, Inc.

UTILITY NOTES

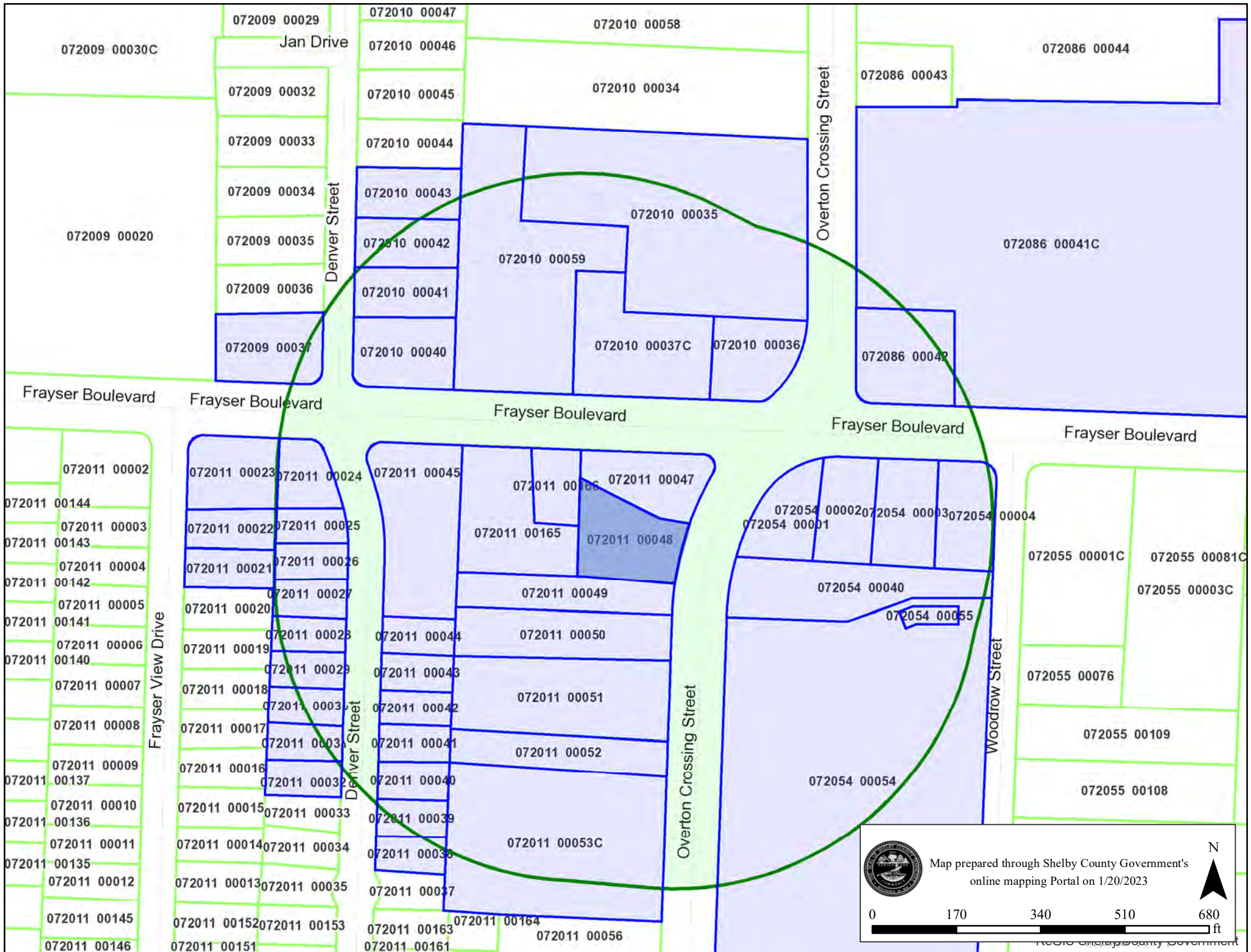
There are utilities, drain lines or sewer lines across this property that are not shown. The appropriate utility companies should be contacted for more specific locations and information on underground utilities.
Before digging in this area, call Tennessee One Call @ 1-800-351-1111 for field locations (request for ground markings) of underground utility lines.


MISCELLANEOUS NOTES

1. Survey prepared for Cash America Central, Inc.
2. This survey was prepared in accordance with the laws of the State of Tennessee.
3. Property is in the name of the Gail R. Schledwitz per Instrument Number 04208829 in the Shelby County Register's Office, Shelby County, Tennessee.
4. Bearings are relative to state plane coordinates (Tennessee NAD83).
5. This survey was prepared without the benefit of abstract of title. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract or title search of the property. This survey is based on the deeds of record as shown.
6. The property shown hereon is subject to any existing easements, zoning restrictions, right-of-ways, restrictions and setback lines recorded or unrecorded in public records. No liability is assumed by the undersigned for loss relating to the existence of any such easements or restrictions.
7. Some features shown on this plat may be shown out of scale for clarity.
8. Visible address is 3337 Overton Crossing Street.
9. The subject property has access to a public road.
10. Subsurface and environmental conditions were not examined or considered as part of this survey.
11. By map scaling and graphic plotting only, the subject property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 47157C0280F, with an effective date of of September 28, 2007.


BOUNDARY SURVEY
GAIL R. SCHLEDWITZ PROPERTY
3337 OVERTON CROSSING STREET
MEMPHIS, SHELBY COUNTY, TENNESSEE

| DR. | CHK. | DATE | DESCRIPTION |
|-----|------|----------|---------------|
| KF | | 10/23/18 | STAMPED ISSUE |
| | | | |
| | | | |
| | | | |
| | | | |




 Map prepared through Shelby County Government's
 online mapping Portal on 1/20/2023

0 170 340 510 680
 ft

N


© 2023 Shelby County Government

072086 00041C - MEMPHIS BUSINESS ACADEMY
072010 00035 - J AND R LIBERI LLC
072010 00043 - WARE ELIZABETH J
072010 00041 - MITCHELL HERBERT L & PARTHENIA
072009 00037 - MITCHELL HERBERT & PARTHENIA
072011 00024 - HATCHETT CASSANDRA
072011 00045 - FULTHEIM GARY
072011 00165 - MEMPHIS FOODS LLC
072011 00047 - JABER SAID A AND OSAMA ALHROUT A
072054 00001 - S AND R OVERTON LLC
072054 00004 - TRAN HAI X
072011 00025 - CAPLES CASSIE W
072011 00026 - SLAYDEN AARON
072011 00050 - GALLAGHER FAMILY LEASING CO LLC
072011 00028 - DE JESUS AUBREY N
072011 00044 - LOPEZ PAUL JR & TERESA J
072011 00051 - GALLAGHER FAMILY LEASING CO LLC
072011 00030 - CLAYBORNE CHENELL
072011 00042 - FRAYSER COMMUNITY DEVELOPMENT
072011 00031 - COTTON JARVIOUS C & SABRINA SMITH
072011 00041 - VB ONE LLC
072011 00052 - GALLAGHER FAMILY LEASING CO LLC
072011 00032 - COLLINS JAMES E
072011 00053C - HUBBARD JANE
072011 00039 - SHELBY COUNTY TAX SALE 17.01

072011 00038 - CLARK DORIS M AND CHARLES E CLARK JR
072010 00059 - BHA INVESTMENT GROUP LLC
072010 00040 - GAMBLE FLORA J
072086 00042 - MAPCO PETROLEUM INC
072010 00036 - SHELLY DEBORAH
072011 00023 - HUGHES ERIC
072011 00166 - ABDIRASHID EDRIS M
072054 00002 - ALQIRM SALAH AND RAFAT M MASOUD
072054 00003 - AWWAD MAJDI
072011 00048 - CASH AMERICA CENTRAL INC
072011 00022 - PATTERSON BEVERLY AND DARYL L JOHNSON
072054 00040 - MEMPHIS BUSINESS ACADEMY
072011 00049 - SIEGFRIED RUSSELL
072011 00027 - MOORE DEMETRIUS R
072011 00029 - WILLIAMS ESTER
072011 00040 - JACKSON NESBY E
072010 00042 - BATTLE JOHN AND SHEILA BATTLE REVOCABLE
072054 00055 - MEMPHIS BUSINESS ACADEMY
072054 00054 - MEMPHIS BUSINESS ACADEMY
072011 00021 - BAF 1 LLC
072011 00043 - DMJL CORP
072010 00037C - AUTOZONE INC

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING ST #
MEMPHIS TN 38127

TRAN HAI X
454 POLO CLUB DR #
GLENDALE HEIGHTS IL 60139

VB ONE LLC
5550 HUBER RD #
HUBER HEIGHTS OH 45424

J AND R LIBERI LLC
16192 COASTAL HWY #
LEWES DE 19958

CAPLES CASSIE W
3339 DENVER ST #
MEMPHIS TN 38127

GALLAGHER FAMILY LEASING CO LLC
3315 OVERTON CROSSING ST #
MEMPHIS TN 38127

WARE ELIZABETH J
3398 DENVER ST #
MEMPHIS TN 38127

SLAYDEN AARON
3333 DENVER ST #
MEMPHIS TN 38127

COLLINS JAMES E
815 NE 123 ST #
SEATTLE WA 98125

MITCHELL HERBERT L & PARTHENIA
3371 DENVER ST #
MEMPHIS TN 38127

GALLAGHER FAMILY LEASING CO LLC
3315 OVERTON CROSSING ST #
MEMPHIS TN 38127

HUBBARD JANE
8607 LOXLEY FAIRWAY #
CORDOVA TN 38018

MITCHELL HERBERT & PARTHENIA
3371 DENVER ST #
MEMPHIS TN 38127

DE JESUS AUBREY N
2912 WHEELER ST #
HOUSTON TX 77004

SHELBY COUNTY TAX SALE 17.01
PO BOX 2751
MEMPHIS TN 38101

HATCHETT CASSANDRA
3351 DENVER ST #
MEMPHIS TN 38127

LOPEZ PAUL JR & TERESA J
22265 DELTA CT #
TEHACHAPI CA 93561

CLARK DORIS M AND CHARLES E CLARK JR
3288 DENVER ST #
MEMPHIS TN 38127

FULTHEIM GARY
PO BOX 06116 #
CHICAGO IL 60606

GALLAGHER FAMILY LEASING CO LLC
3315 OVERTON CROSSING ST #
MEMPHIS TN 38127

BHA INVESTMENT GROUP LLC
518 WINOKA CV E
COLLIERVILLE TN 38017

MEMPHIS FOODS LLC
139 SOUTHWEST DR #
JONESBORO AR 72401

CLAYBORNE CHENELL
3311 DENVER ST #
MEMPHIS TN 38127

GAMBLE FLORA J
4393 BRIGHT RD #
HERNANDO MS 38632

JABER SAID A AND OSAMA ALHROUT A
9100 GROVELAWN CV #
GERMANTOWN TN 38139

FRAYSER COMMUNITY DEVELOPMENT
3684 N WATKINS ST #
MEMPHIS TN 38127

MAPCO PETROLEUM INC
2424 RIDGE RD
ROCKWALL TX 75087

S AND R OVERTON LLC
9375 OWL HILL DR #
ARLINGTON TN 38002

COTTON JARVIOUS C & SABRINA SMITH
3303 DENVER ST
MEMPHIS TN 38127

SHELLY DEBORAH
5769 SPRINGLAKE RD #
BARTLETT TN 38135

HUGHES ERIC
555 W 23RD ST #S-6D
NEW YORK NY 10011

JACKSON NESBY E
3298 DENVER ST #
MEMPHIS TN 38127

ABDIRASHID EDRIS M
2067 FRAYSER BLVD #
MEMPHIS TN 38127

BATTLE JOHN AND SHEILA BATTLE REVOCABLE
4938 KIMBALL AVE #
MEMPHIS TN 38117

ALQIRM SALAH AND RAFAT M MASOUD
9375 OWL HILL DR #
LAKELAND TN 38002

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

AWWAD MAJDI
2125 FRAYSER BLVD #
MEMPHIS TN 38127

MEMPHIS BUSINESS ACADEMY
2450 FRAYSER BLVD #
MEMPHIS TN 38127

CASH AMERICA CENTRAL INC
1600 W 7TH ST #
FORT WORTH TX 76102

BAF 1 LLC
5001 PLAZA ON THE LAKE #200
AUSTIN TX 78746

PATTERSON BEVERLY AND DARYL L JOHNSON
3340 FRAYSER VIEW DR #
MEMPHIS TN 38127

DMJL CORP
4535 W SAHARA AVE #200
LAS VEGAS NV 89102

MEMPHIS BUSINESS ACADEMY
3306 OVERTON CROSSING #
MEMPHIS TN 38127

AUTOZONE INC
PO BOX 2198 #8088
MEMPHIS TN 38101

SIEGFRIED RUSSELL
5764 RAYBEN CIR #
MEMPHIS TN 38115

MOORE DEMETRIUS R
2841 RUSSELL BOND RD #
MILLINGTON TN 38053

WILLIAMS ESTER
3317 DEVER ST #
MEMPHIS TN 38127

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
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5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Cash America Central, Inc.
1600 West 7th Street
Fort Worth, Texas 76102

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Fort Worth, Texas 76102

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Fort Worth, Texas 76102

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1600 West 7th Street
Fort Worth, Texas 76102

Cash America Central, Inc.
1600 West 7th Street
Fort Worth, Texas 76102



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.

18124276

12/05/2018 - 02:04 PM

| | |
|----------------|------------------|
| 6 PGS | |
| LAKECIA | 1813379-18124276 |
| VALUE | 1230000.00 |
| MORTGAGE TAX | 0.00 |
| TRANSFER TAX | 4551.00 |
| RECORDING FEE | 30.00 |
| DP FEE | 2.00 |
| REGISTER'S FEE | 1.00 |
| WALK THRU FEE | 0.00 |
| TOTAL AMOUNT | 4584.00 |

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

**PREPARED BY AND AFTER
RECORDING RETURN TO:**

Cash America Central, Inc.
1600 West 7th Street
Fort Worth, Texas 76102
ATTN: Chris Lee

GENERAL WARRANTY DEED

STATE OF TENNESSEE §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF SHELBY §

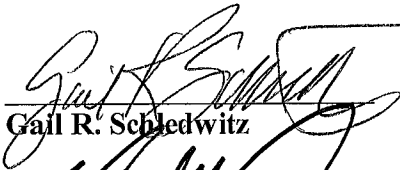
That **Gail R. Schledwitz** (“Grantor”) and spouse, **Karl Schledwitz**, for and in consideration of the sum of ten and no/100 dollars (\$10.00) and other good and valuable consideration to Grantor paid by **Cash America Central, Inc., a Tennessee corporation** (“Grantee”), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee all of the real property in Shelby County, Tennessee, described in Exhibit “A” attached hereto and made a part hereof, together with all improvements attached thereto (collectively, the “Property”), subject to the items in Exhibit “B” attached hereto and made a part hereof.


TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and Grantee’s successors and assigns forever; and Grantor does hereby bind Grantor and Grantor’s successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and Grantee’s successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Title to the above described property is vested in Gail R. Schledwitz. Karl Schledwitz, husband of Gail R. Schledwitz, joins herein to grant, sell and convey, and does hereby grant, sell and convey, all right, title and interest he may have in said property by virtue of his marriage to the said Gail R. Schledwitz, but does not join in the covenants or warranties of this indenture.

Executed and effective as of the 3rd day of December, 2018.

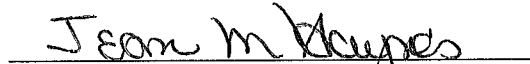
THOMAS TITLE & ESCROW
6 FF# 1089N7L


Gail R. Schledwitz

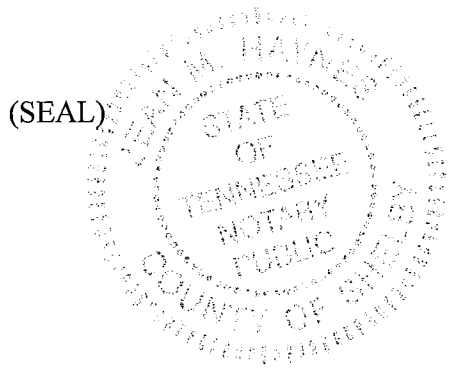

Karl Schledwitz

STATE OF TENNESSEE §
 §
COUNTY OF SHELBY §

This instrument was acknowledged before me this 3 day of December, 2018, by **Gail R. Schledwitz and Karl Schledwitz**, known to me personally or proved to me to be the persons stated in the herein described instrument, and acknowledged before me on this day that, being informed of the contents of the conveyance, they executed same voluntarily as a free act and deed.


Notary Public in and for the State of Tennessee

My Commission Expires October 19, 2022



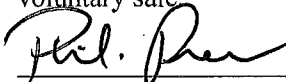
Property Address:
**3337 Overton Crossing Street,
Memphis, TN 38127
And
1302 Poplar Avenue
Memphis, TN 38104**

Name and Address of the Property Owner:
**Cash America Central, Inc. a Texas corporation
1600 West 7th Street
Fort Worth, TX 76102**

Name & Address of the Person or Entity Responsible
for Payment of Real Property Taxes:
**Cash America Central, Inc. a Texas corporation
1600 West 7th Street
Fort Worth, TX 76102**

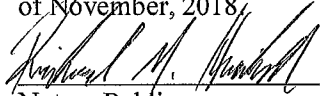
Tax Parcel ID Number.:
072011 0048 & 020025 00009

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 \$1,230,000.00, which amount is equal to or
greater than the amount which the property
transferred would command at a fair and
voluntary sale



Affiant

Subscribed and sworn to before me this 4th day
of November, 2018,



Notary Public

My commission expires:

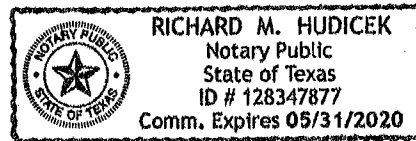


EXHIBIT "A"

Tract 1:

Part of Lot 20, Knight & Guy Subdivision, in Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in Overton Crossing Road 135 feet south of the south line of Raleigh-Frayser Road, as measure in a straight line; thence southwardly with Overton Crossing Road 103 feet to a point;

thence westwardly parallel with Raleigh Frayser Road 200 feet to a stake; thence northwardly parallel to the east line of Lot 20, 174 feet to a point;

thence southeastwardly 212.3 feet to the point of beginning.

Being the same property conveyed to Gail R. Schledwitz in Quit Claim Deed filed for record 12-15-2004 at Instrument Number 04208829 as shown in the Register's Office of Shelby County, Tennessee.

Tract 2:

Parts of Lots 7 and 8 and 1/2 of Alley to North, JOHN BROWN Subdivision, of Lots 4 and 5, WILLIAM LAWRENCE Subdivision, City of Memphis, Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in the present north line of Poplar Avenue 23 feet eastwardly from the intersection of said present north line of Poplar Avenue with the east line of North Claybrook Street;

thence eastwardly along the present north line of Poplar Avenue 77 feet to a P.K. Nail in the line dividing Lots 6 and 7;

thence northwardly with said dividing line and continuing in a straight line and parallel to North Claybrook Street 152.07 feet to a stake;

thence westwardly parallel to Poplar Avenue 100 feet to a chisel mark in the east line of North Claybrook Street;

thence southwardly along said east line of North Claybrook Street 129.07 feet to a point of curve; thence southeastwardly along a curve to the left having a radius of 23 feet 36.13 feet to the point of beginning.

Being the same property conveyed to Gail R. Schledwitz in Warranty Deed filed for record 12-31-1991 at Instrument Number CP 2737 as shown in the Register's Office of Shelby County, Tennessee.

EXHIBIT "B"

1. Taxes for the year 2019, a lien, not yet due and payable.
2. Deed restrictions recorded at Warranty Deed of record in Book 5091, Page 35 as recorded in the Register's Office of Shelby County, Tennessee. (TRACT 2)
3. Todd Creek Drainage District Easement recorded at Book 5476, Page 19 as shown in the Register's Office of Shelby County, Tennessee. (TRACT 1)
4. Reservation of Easement granted for establishing maintenance of public utilities, service for sewers, light, telephone and telegraph pole lines, underground conduits, etc. of record in Quit Claim Deed recorded in Book 1823, Page 506, in the Register's Office of Shelby County, Tennessee. (TRACT 2)

Tennessee Certification of Electronic Document

I, Philip Prentice, do hereby make oath that I am a licensed attorney and/or the
Signer's Name
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.

Philip Prentice
Signature

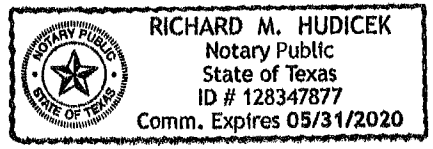
State of Texas
County of Dallas

Personally appeared before me, Richard M. Hudicek, a notary public for this county and
Notary's Name
state, Philip Prentice, who acknowledges that this certification of an electronic
Signer's Name
document is true and correct and whose signature I have witnessed.

Richard M. Hudicek
Notary Signature

MY COMMISSION EXPIRES: _____

NOTARY'S SEAL





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

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

June 20, 2023

Cash America Central Inc.
1600 W 7th Street
Fort Worth, TX 76102

Sent via electronic mail to: jeff.cullum@firstcash.com

Cash America Planned Development
Case Number: PD 23-09
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, June 8, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Cash America 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 seth.thomas@memphistn.gov.

Respectfully,



Seth Thomas

Letter to Applicant
PD 23-09

Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC
File

Letter to Applicant

PD 23-09

Outline Plan Conditions

- I. Uses Permitted:
 - A. Any use permitted in the CMU-1 District including a Pawn Shop. No Payday loans, Title loan or Flexible loans permitted. The hours of operation will be 10 AM to 6 PM Monday through Friday and 10 AM to 5 PM Saturday. The business is not open on Sundays.
 - B. No sale of guns or ammunition permitted.
- II. Bulk Regulations: The bulk regulations of the CMU-1 District shall apply.
- III. Access, Parking and Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by the City Engineer.
 - B. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - C. 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.
- IV. Landscaping, Screening & Lighting:
 - A. All refuse containers shall be completely screened from view from all adjacent properties and public roads.
 - B. All outdoor lighting shall be directed downward to the extent possible and shall not glare into public rights-of-way or onto adjacent properties.
 - C. All required landscaping and screening shall not conflict with any easements and shall not be placed on any sewer or drainage easements.
 - D. A Landscape plan shall be recorded with the final plat.
- V. Signs:
 - A. Attached and detached signs shall be permitted in accordance with CMU-1 District regulations.
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalent alternatives are presented.

Letter to Applicant
PD 23-09

- VII. A final plan for recording shall be filed within five (5) years of approval by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
- A. The Outline Plan Conditions.
 - B. A Standard Subdivision Contract, if necessary, as required in Section 5.5 of Unified Development Code for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, and drives.
 - D. The number of employee parking, loading and docking spaces.
 - E. The location and ownership, whether public or private of any easement(s).
 - F. The one-hundred (100) year flood elevation.
 - G. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plan.
 - H. Landscape Plan and elevations shall be recorded with the final plat.

PERSONNEL COMMITTEE



JIM STRICKLAND
MAYOR

July 3, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Roderick Motely

be appointed to the Memphis and Shelby County Economic Development Growth Engine, as a county appointee member with a term expiration date of December 31, 2028.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

**ECONOMIC DEVELOPMENT GROWTH ENGINE OF MEMPHIS AND
SHELBY COUNTY (EDGE)**

11 Member Board

5 City/5 County/1 Joint

6 Year Staggered Terms

Purpose:

EDGE is the economic development agency for the City of Memphis and Shelby County Government. EDGE provides and coordinates public resources to drive economic development in Memphis and Shelby County. EDGE leverages the benefits of economic development incentive programs to foster public/private partnerships that create jobs, grow the economy, revitalize neighborhoods, attract investments, spark innovation, and encourage entrepreneurship.

| | | Term ends: | Terms served: |
|--------------------------|------------|-----------------|----------------------------|
| Halperin, Mark J. | M/W | 08-01-23 | 2nd Term |
| Florence Jones | F/B | 12-31-22 | Partial |
| Holmes, Rodrick | M/B | 08-01-25 | Partial |
| Gerre Currie | F/B | 08-01-25 | Partial |

2023 Council Liaison: Edmond Ford, Sr.

| | | | |
|-------------------------------|------------|-----------------|----------------------------|
| Bright, Al Jr. - Joint | M/B | 08-01-25 | 3rd Term |
|-------------------------------|------------|-----------------|----------------------------|

Updated: 080522



JIM STRICKLAND
MAYOR

July 3, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

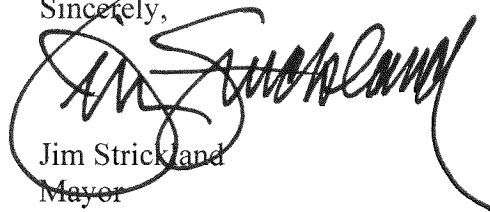
Subject to Council approval, I hereby recommend that:

Raymond P. Brown

be appointed to the Memphis and Shelby Downtown Memphis Commission member with a term expiration date of December 31, 2025.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS & SHELBY COUNTY
DOWNTOWN MEMPHIS COMMISSION
20 Member Board
(5) Appointed by City Mayor
(5) Appointed by County Mayor
3 Year Term**

The purpose of the Downtown Memphis Commission is to market and develop downtown Memphis.

| | | Term ends: |
|---|------------|-----------------|
| Victoria Young | F/B | 12-31-22 |
| Lauran Stimac | F/W | 12-31-25 |
| Surayyah T. Hasan | F/B | 12-31-25 |
| Vacancy | F/W | 12-31-22 |
| Orgel, Benjamin Current Chair | M/W | 12-31-22 |

Ashley Cash, Mayor's Liaison

2023 Council Liaison: Cheyenne Johnson

Updated 070523

EXECUTIVE COMMITTEE

A REFERENDUM ORDINANCE AMENDING ARTICLE 27, SECTION 190 OF THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO LIVE WITHIN SHELBY COUNTY, TENNESSEE.

Whereas, Section 190 of the Memphis City Charter was amended by Home Rule Ordinance No. 5345 and a referendum ordinance of November 2, 2010, was approved by the voters requiring that all employees solely employed by the City of Memphis must live and maintain a residence within the boundaries of Shelby County, Tennessee.

Section 1. Proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS and submitted by the City of Memphis to its qualified voters at the first general state election, which shall be held in the City of Memphis on November 5, 2024, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall Article 27, Section 190 of the Charter of the City of Memphis, Tennessee be deleted by substituting the following language, which would expand the residency requirement, to read as follows:

“Section 190. Residence requirements of persons employed solely by city and board and commission members.

(a) Hereafter all persons, employed primarily by the City of Memphis or any of its departments, boards, bureaus or commissions, with the exception of Public Safety employees, such as the Division of Police Services and the Division of Fire Services, shall be required to live and maintain a residence within the boundaries of Shelby County, Tennessee, as now defined or as may be hereafter defined. The City Council may exempt therefrom employees of any division, board, department or bureau whose duties as employees of such departments, boards, bureaus of commissions require them to perform services for Shelby County outside the territorial limits therein. For the purposes of this Ordinance, City of Memphis Divisions include:

1. Executive
2. Legislative
3. General Services
4. Public Works
5. Solid Waste
6. Finance
7. City Attorney
8. City Court Clerk
9. City Court Judges

10. Human Resources
11. Light, Gas, and Water
12. City Engineering
13. Library
14. Parks
15. Information Technology
16. Housing & Community Development

(b) Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from city employment, except that no individual employed by the city as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six (6) months after the date they are hired or appointed to comply with this section.”

Section 2. Publication of home rule amendment.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis shall certify adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 5, 2024, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 5th day of November 2024:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO RESIDE WITHIN SHELBY COUNTY, TENNESSEE.

Said ordinance of the City of Memphis was adopted on the 5th day of November 2024, to provide for referendum vote on a Home Rule amendment to the Charter of the City of Memphis, to read as follows:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO RESIDE WITHIN SHELBY COUNTY, TENNESSEE.

“(a) Hereafter all persons, employed primarily by the City of Memphis or any of its divisions, departments, boards, bureaus or commissions, with the exception of Public Safety employees, such as the Division of Police Services and the Division of Fire Services, shall be required to live and maintain a residence within the boundaries of Shelby County, Tennessee, as now defined or as may be hereafter

defined and except that the City Council may exempt therefrom employees of any division, board, department or bureau whose duties as employees of such departments, boards, bureaus of commissions require them to perform services for the city outside the territorial limits therein. For the purposes of this Ordinance, City of Memphis Divisions include:

- 17. Executive
- 18. Legislative
- 19. General Services
- 20. Public Works
- 21. Solid Waste
- 22. Finance
- 23. City Attorney
- 24. City Court Clerk
- 25. City Court Judges
- 26. Human Resources
- 27. Light, Gas, and Water
- 28. City Engineering
- 29. Library
- 30. Parks
- 31. Information Technology
- 32. Housing & Community Development

(b) Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from city employment, except that no individual employed by the city as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six (6) months after the date they are hired or appointed to comply with this section.”

| | | |
|---------|-------------|--|
| FOR | (YES) _____ | |
| AGAINST | (NO) _____ | |

Section 5. Effective date of Charter amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 5th day of November, 2024, the public welfare, requiring it.

Section 6. Certification of results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting, conflicting laws.

BE IT FURTHER ORDAINED, That upon adoption of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not effect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Publication.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption hereof.

Section 10. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have 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.

Chairman:

Martavius Jones