

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 11/21/2023
DATE
PUBLIC SESSION: 11/21/2023
DATE

ITEM (CHECK ONE)
 ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution approving a 128-lot single-family residential planned development at the subject property located at 8851 Rocky Point Road, known as case PD 2023-014.

CASE NUMBER: PD 2023-014

LOCATION: 8851 Rocky Point

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

OWNER/APPLICANT: Patrick Ardis

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: 128-lot single-family residential planned development

AREA: +/- 50.251 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 Required**
Add to consent agenda requesting public hearing – November 7, 2023
Public hearing – November 21, 2023


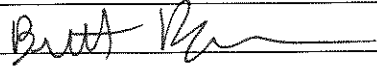
PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 10/12/2023 _____ 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>10/31/23</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	<u>10/31/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER
COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 23-014

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 8815 ROCKY POINT ROAD, KNOWN AS CASE NUMBER PD 23-014

- This item is a resolution with conditions to allow a 128-lot residential single-family planned development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, October 12, 2023** the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 23-14

DEVELOPMENT: Ardis Farm at Rocky Point Planned Development

LOCATION: 8851 Rocky Point Road

COUNCIL DISTRICT(S): District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Patrick Ardis

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: 128-lot residential single-family planned development

EXISTING ZONING: Conservation Agriculture (CA), Residential Single-Family – 15 (R-15), Residential Single-Family – 6 (R-6)

AREA: +/- 50.251 acres

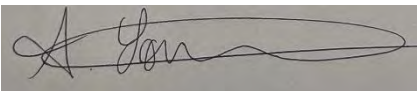
The following spoke in support of the application:

The following spoke in opposition the application: Charlie Winfield and Cathy Winfield,

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

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

Respectfully,



Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

**PD 23-14
CONDITIONS**

Outline/General Plan Conditions
OUTLINE PLAN CONDITIONS

I. BULK REGULATIONS:

- a) The bulk regulations of the R-8 zoning district shall apply with the following exceptions:
- b) Minimum lot width of all lots shall be 64 feet.
- c) The front building setback on Rocky Point shall be 60 feet from the right-of-way.
- d) The front building setback on Sanga Road and Rocky Hills Road shall be 30 feet from the right of-way.

II. ACCESS AND CIRCULATION:

- a) All streets in the development unless labelled as a private drive shall be constructed to meet City Standards.
- b) All proposed corner lots with frontage on Rocky Point, Sanga, or Rocky Hills shall have drive connections on the interior street.

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 8851 ROCKY POINT, KNOWN AS CASE NUMBER PD 23-014

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

WHEREAS, Patrick Ardis filed an application with the Memphis and Shelby County Division of Planning and Development to allow a 128-lot residential single-family planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on October 12, 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

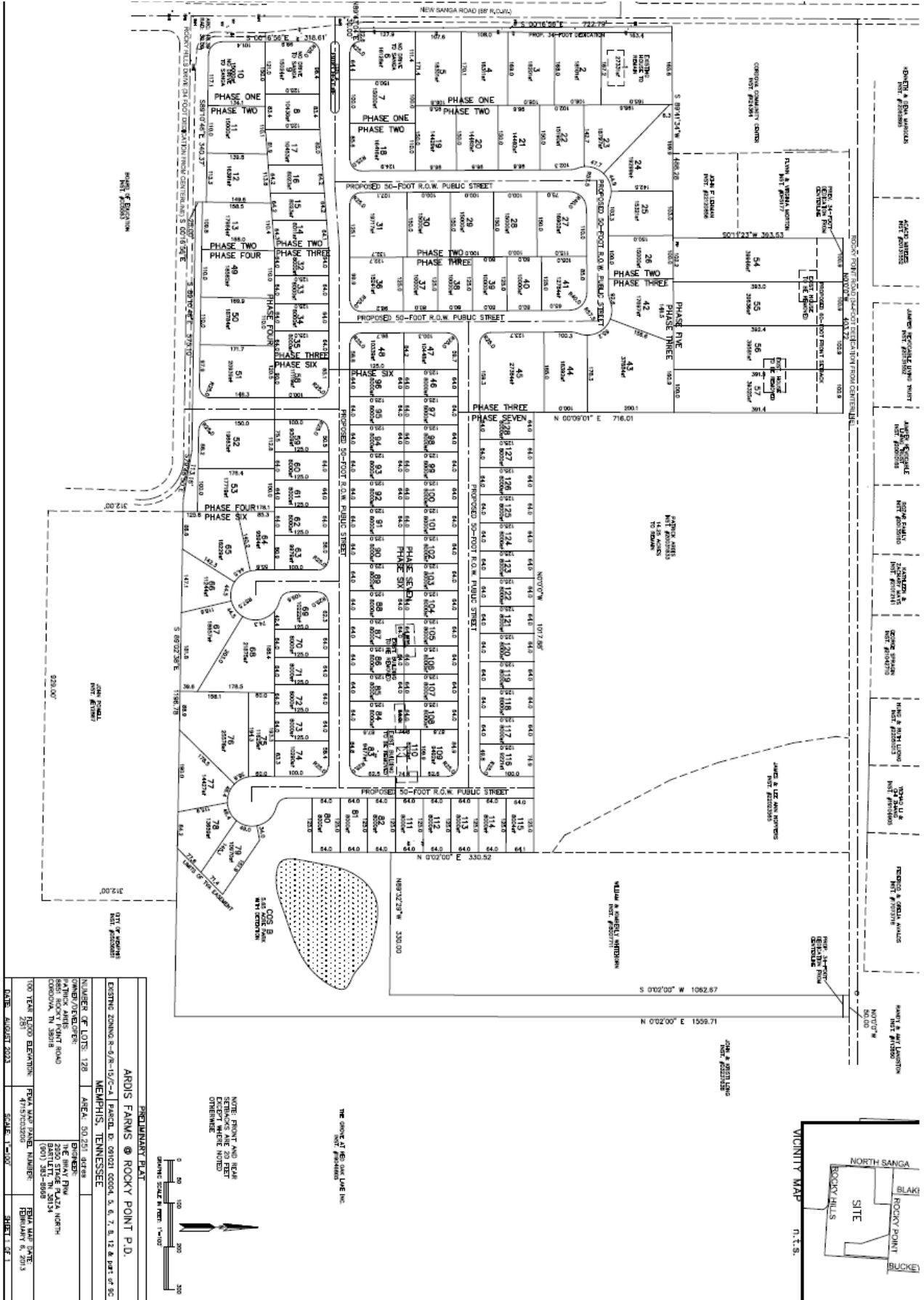
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- b) Minimum lot width of all lots shall be 64 feet.
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- d) The front building setback on Sanga Road and Rocky Hills Road shall be 30 feet from the right of-way.

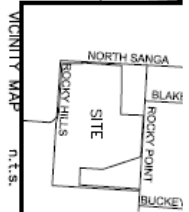
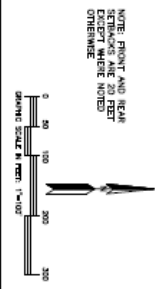
II. ACCESS AND CIRCULATION:

- a) All streets in the development unless labelled as a private drive shall be constructed to meet City Standards.
- b) All proposed corner lots with frontage on Rocky Point, Sanga, or Rocky Hills shall have drive connections on the interior street.

CONCEPT PLAN



PROJUNCTION PLAT	
ARDIS FARMS @ ROCKY POINT P.D.	
EXISTING ZONING R-9-A-1/2-C-1	PARCEL ID: 000100000, 5, 6, 7, 8, 9, 10 & PART OF 9C
MEMPHIS, TENNESSEE	
NUMBER OF LOTS: 128	AREA: 50.250 ACRES
OWNER/BELONGER:	GRINDER
2500 ROCKY POINT ROAD	2500 SHILOH PLAZA NORTH
COVINGTON, TN 38018	BARTLETT, TN 38014
100 YEAR PLANNED ELEVATION	PLAT NUMBER: 000000000
DATE: AUGUST 2003	SCALE: 1"=100'
SHEET 1 OF 1	



AGENDA ITEM: 4

CASE NUMBER: PD 2023-014 **L.U.C.B. MEETING:** October 12, 2023

DEVELOPMENT: Ardis Farm at Rocky Point Planned Development

LOCATION: 8851 Rocky Point

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

OWNER/APPLICANT: Patrick Ardis

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: 128 lot single-family residential planned development

AREA: +/-50.251 acres

EXISTING ZONING: Conservation Agriculture (CA), Residential Single-Family – 15 (R-15), Residential Single-Family – 6 (R-6)

CONCLUSIONS

1. The applicant is seeking approval of preliminary plat for a 128-lot subdivision the be composed of zoning districts CA, R-15, and R-6.
2. The future land use in this area is as follows: Primarily Single-Unit Neighborhood and Anchor Neighborhood – Primarily Single – Unit.
3. The proposed planned development will be completed in seven phases.
4. There were concerns regarding traffic volumes in the area due to the development in addition to existing traffic generated by local education institutions.
5. Current lots are vacant. Parcels, as designed in the preliminary plat, meet lot regulations for residential development.
6. The submitted site plan was revised by staff to reflect the movement of the Rocky Hills Drive West of its proposed location placing it further from the Sanga Creek Curve.
7. 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.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	North Sanga Road	+/-1,497.5 linear feet
	Rocky Point Road	+/-2,216.50 linear feet
	Rocky Hills Drive	+/-1,046.70 linear feet

Zoning Atlas Page: 2055

Parcel ID: 091021 00004, 5, 6, 7, 8, 12, & Part of 9C

Existing Zoning: Conservation Agriculture (CA), Residential Single-Family – 15 (R-15), Residential Single-Family – 6 (R-6)

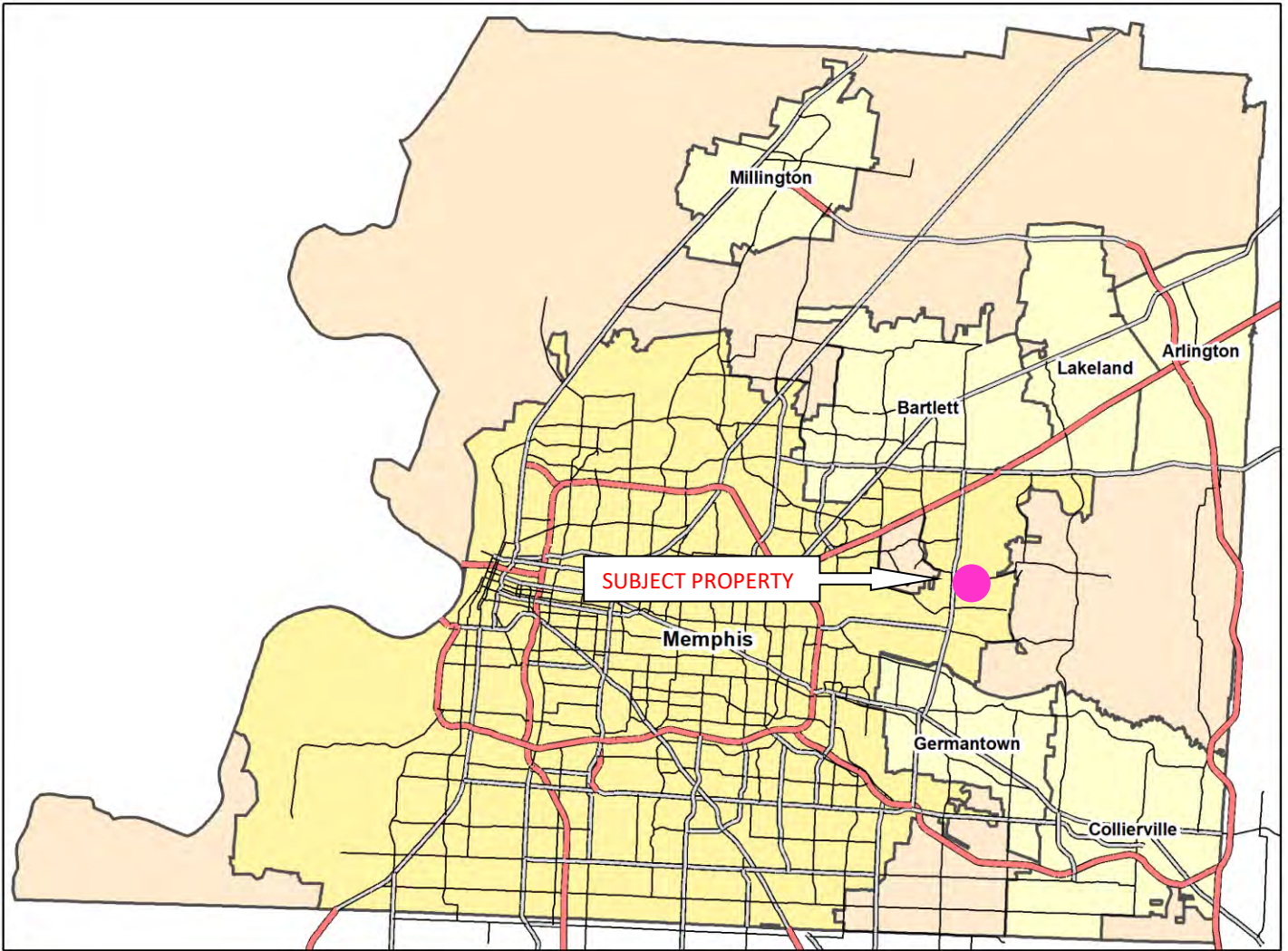
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, July 27, 2023.

PUBLIC NOTICE

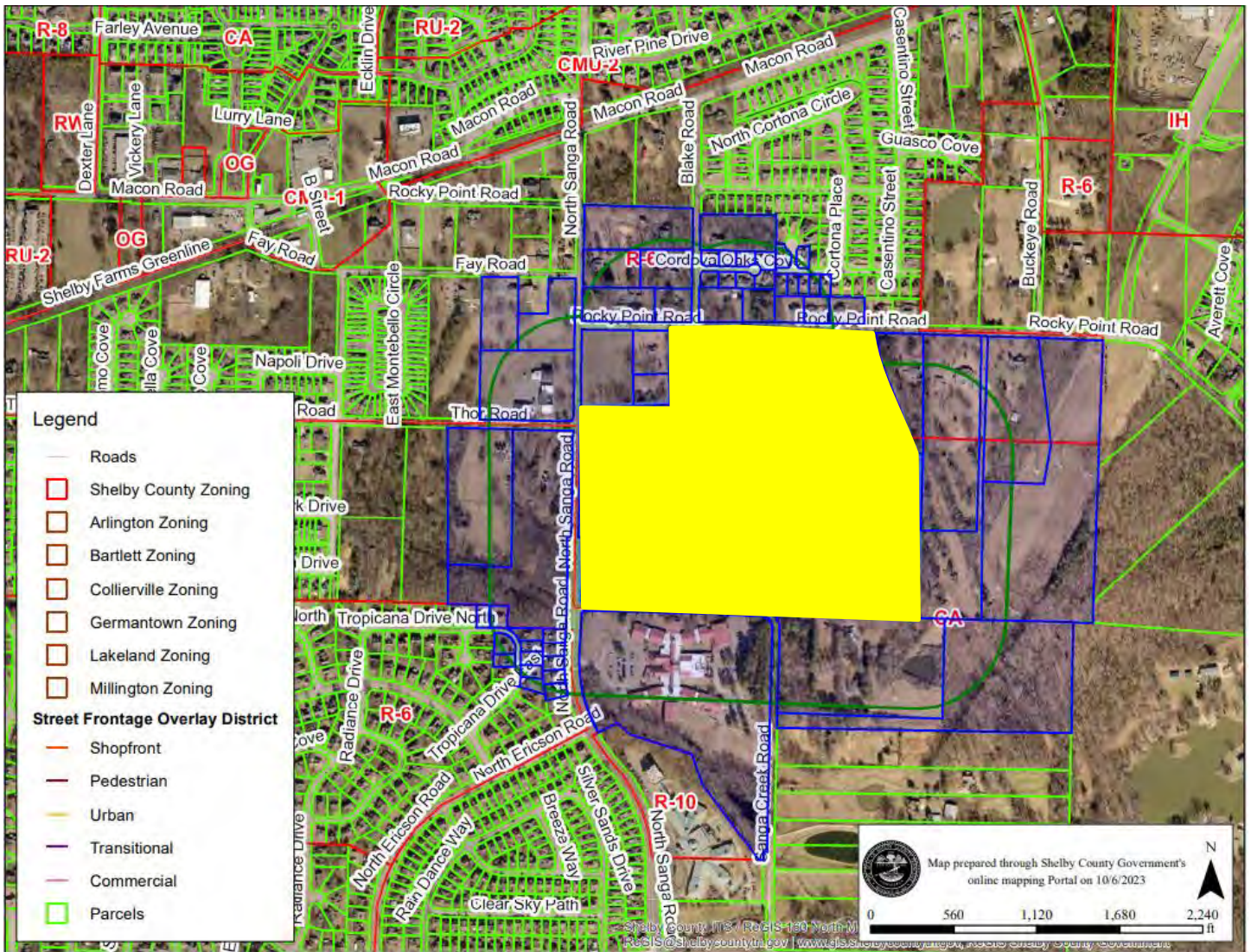
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 68 notices were mailed on July 19, 2023, and a total of 5 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



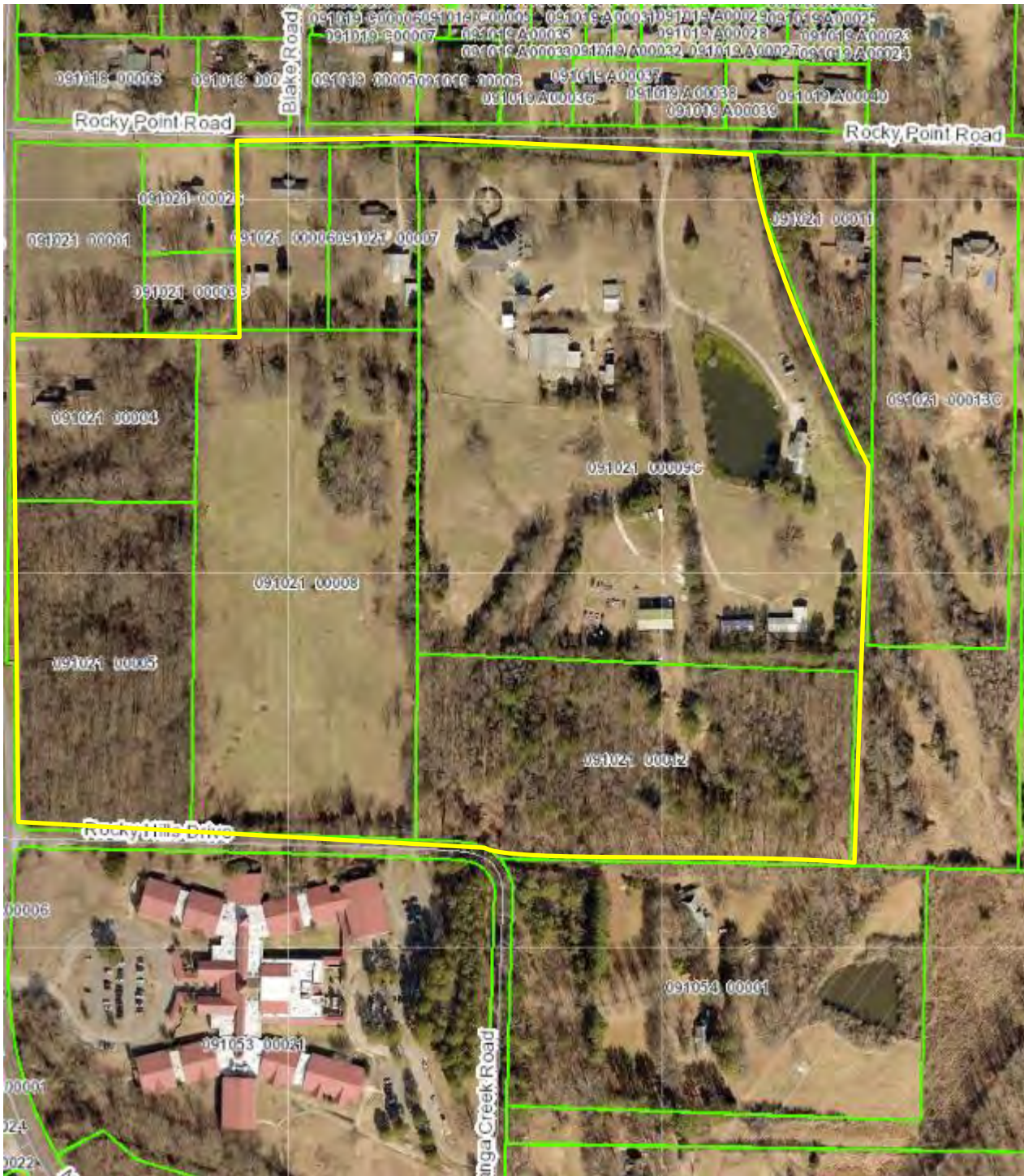
Subject property located within the pink circle, Cordova neighborhood

VICINITY MAP



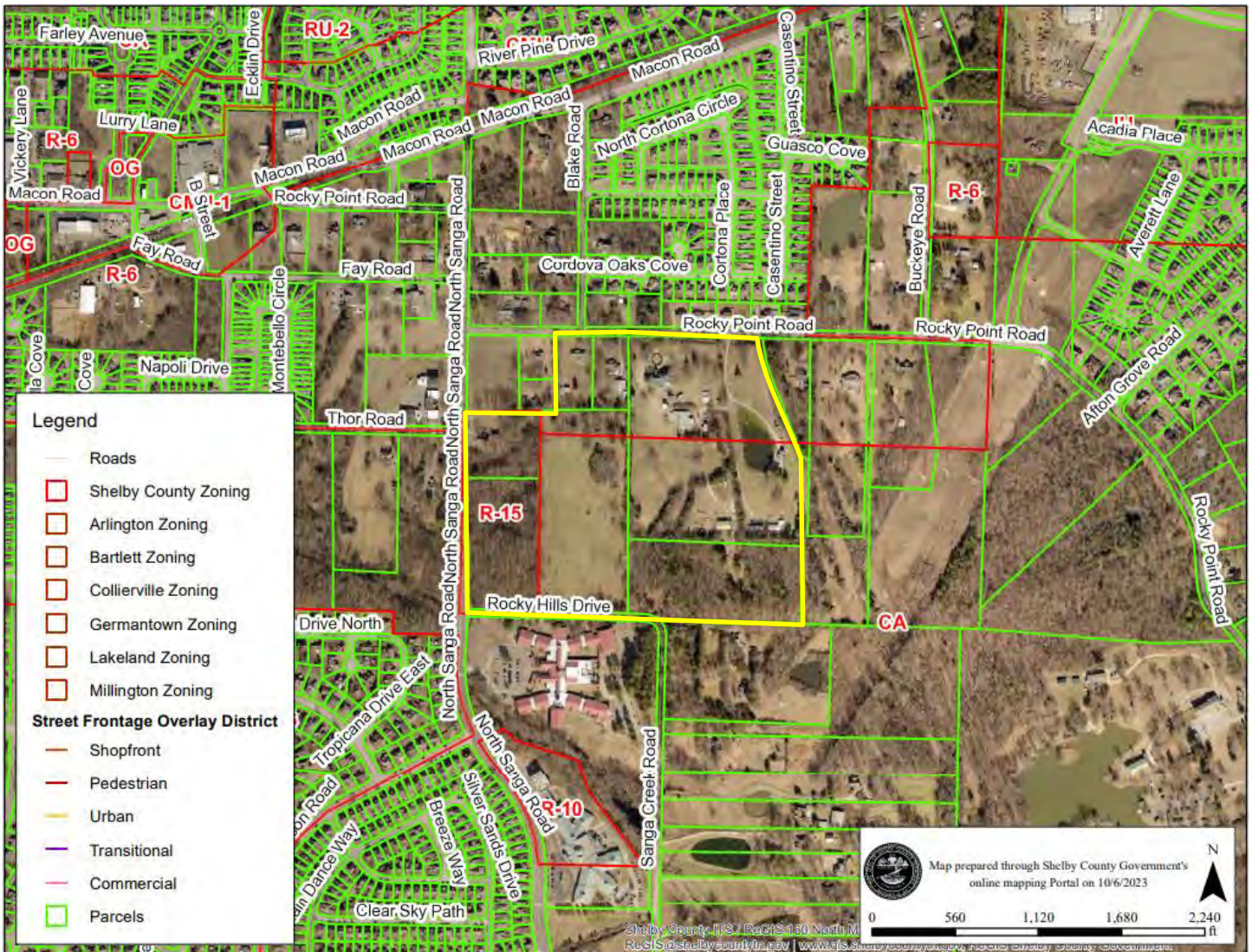
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA), Residential Single-Family – 15 (R-15), Residential Single-Family – 6 (R-6)

Surrounding Zoning

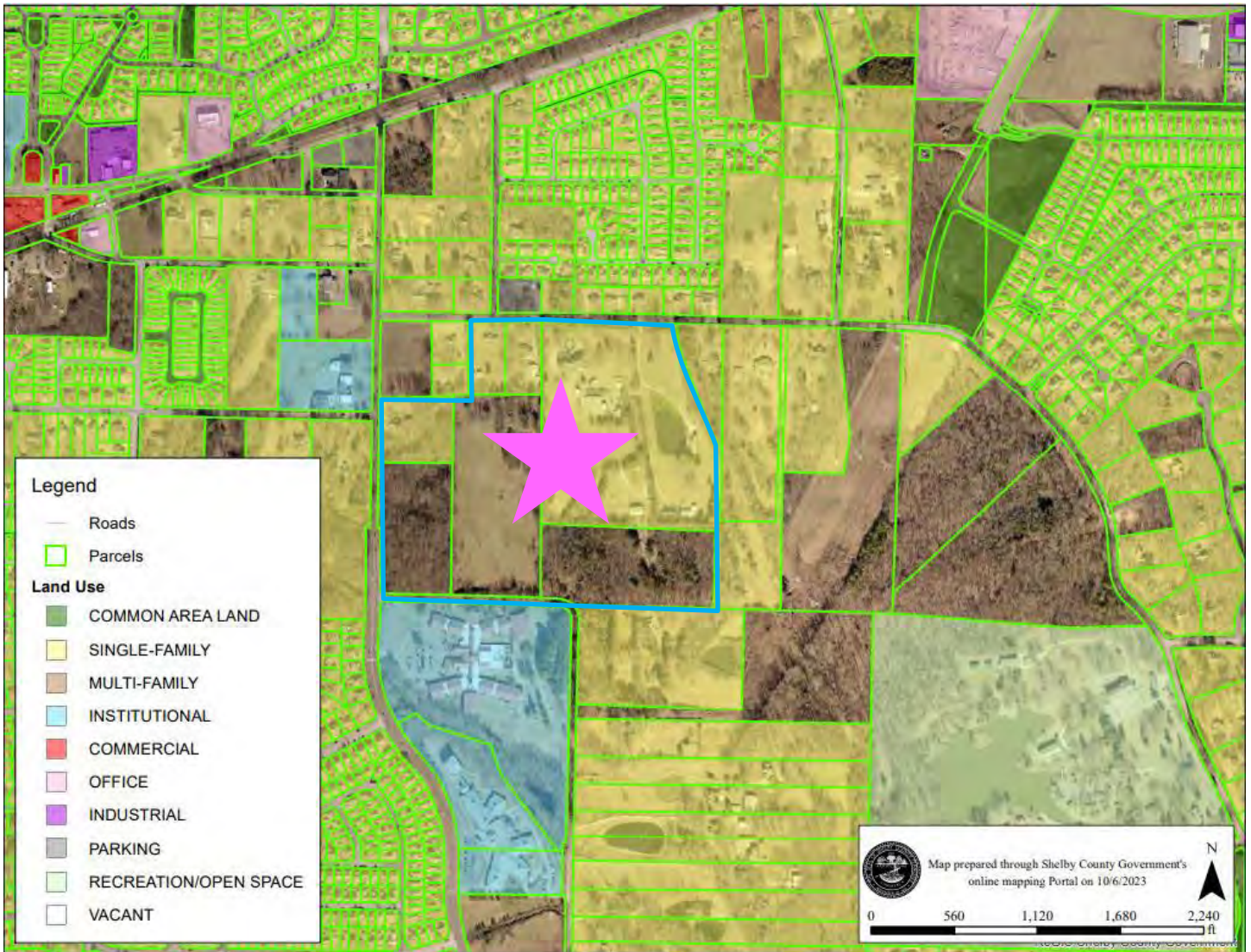
North: R-6

East: CA

South: CA

West: CA

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS



View of existing house to remain from New Sanga Road, Feb. 2023



View of the Northwest corner New Sanga Road and Rocky Hills Drive, Feb. 2023



View of subject property looking Northeast from Rocky Hills Drive turning into Sanga Creek Curve

STAFF ANALYSIS

Request

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

The request is a planned development to allow 128-lot single-family residential development located on 50.25 acres southeast of Rocky Point Road and Sanga Road.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the 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 wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

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

4.10.4 Planned Residential Developments

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

- A. Formal Open Space*

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

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

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and

lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

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

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

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

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is +/-50.251 acres and will be composed of 128 lots. The proposed development will be composed of three zoning districts (R-6, R-15, C-A) in which residential development is a permitted use. There is an existing residential structure located northwest of New Sanga Road that will remain and be included in Phase one. There are two existing structures along Rocky Point Road located North that will be removed as a part of Phase four.

Site Plan Review

- A detailed site plan review will be completed during the final plan review process.

Conclusions

1. The applicant is seeking approval of preliminary plat for a 128-lot subdivision the be composed of zoning districts CA, R-15, and R-6.
2. The future land use in this area is as follows: Primarily Single-Unit Neighborhood and Anchor Neighborhood – Primarily Single – Unit.
3. The proposed planned development will be completed in seven phases.
4. There were concerns regarding traffic volumes in the area due to the development in addition to existing traffic generated by local education institutions.
5. Current lots are vacant. Parcels, as designed in the preliminary plat, meet lot regulations for residential development.
6. The submitted site plan was revised by staff to reflect the movement of the Rocky Hills Drive access point west of its proposed location placing it further from the Sanga Creek Curve.
7. 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.

RECOMMENDATION

Staff recommends approval with site plan conditions.

Site Plan Conditions

1. Relocating the proposed access on Rocky Hills Drive west of the proposed location placing it further from the Sanga Creek Road Curve, subject based on approval from City Engineering.

Outline Plan Conditions

I. BULK REGULATIONS:

- a) The bulk regulations of the R-8 zoning district shall apply with the following exceptions:
- b) Minimum lot width of all lots shall be 64 feet.
- c) The front building setback on Rocky Point shall be 60 feet from the right-of-way.
- d) The front building setback on Sanga Road and Rocky Hills Road shall be 30 feet from the right of-way.

II. ACCESS AND CIRCULATION:

- a) All streets in the development unless labelled as a private drive shall be constructed to meet City Standards.

- b) All proposed corner lots with frontage on Rocky Point, Sanga, or Rocky Hills shall have drive connections on the interior street.

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. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

3. If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

4. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

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.

7. Show dedication of a traffic easement.

Traffic Control Provisions:

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. 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.

10. 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:

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

12. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

13. Will require engineering ASPR.

Drainage:

14. 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.

15. 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.

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

17. 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.

18. 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:

19. The width of all existing off-street sewer easements shall be widened to meet current city standards.

20. Development is greater than 1 acre.

21. 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.

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

City/County Fire Division:

1. Fire apparatus access shall comply with section 503. Where security gates that affect required fire apparatus access roads are installed, they shall comply with section 503.6 (as amended).
2. Fire protection water supplies (including fire hydrants) shall comply with section 507.
3. 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.

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: See pages 18 – 21.

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: LUCB PD 23-14

Site Address/Location: Parcels 091021 00009C, 091021 00012, 091021 00008, 091021 00004, 091021 00005, 091021 00006, 091021 00007

Overlay District/Historic District/Flood Zone: N/A

Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S) & Primarily Single-Unit (NS)

Street Type: Avenue

The applicant is seeking approval to construct a large single-family residential development.

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

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map. Parcels denoted with a black "X" are not part of the application.

2. Land Use Description/Intent (AN-S) - Applies to Parcels 091021 00008, 091021 00004, 091021 00005, 091021 00006, 091021 00007

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



“AN-S” Form & Location Characteristics

NURTURE

Primarily detached, single-family residences. Attached single-family residences permitted on parcels within 100 feet of an anchor. Height: 1-2 stories. Scale; house-scale.

“AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed above.

Land Use Description/Intent (NS) – Applies to Parcels 091021 00009C, 091021 00012

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.



“NS” Form & Location Characteristics

Primarily detached, House scale buildings, primarily residential, 1 – 3 stories; Beyond ½ mile from a Community Anchor

“NS” Zoning Notes

Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, Vacant; R-15, R-6, CA

Adjacent Land Use and Zoning: Single-Family, Vacant; RU-2, R-10

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 development are single-family homes.*

3. Degree of Change Map

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: July 5, 2023

Record Number: PD 2023-014

Expiration Date:

Record Name: Ardis Farms @ Rocky Point Planned Development

Description of Work: Single family residential planned development in the C-A, R-15, and R-6 zoning districts. Proposed 128 lots on 50.251 acres.

Parent Record Number:

Address:

8851 ROCKY POINT RD, CORDOVA 38018

Owner Information

Primary Owner Name

Y ARDIS PATRICK M

Owner Address

8851 ROCKY POINT RD, CORDOVA, TN 38018

Owner Phone

Parcel Information

091021 00009C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

04/03/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	none
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)	n/a
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	The proposed development is consistent with development patterns in the area and the underlying zoning districts.
UDC Sub-Section 9.6.9B	This area is largely developed as single family residential. The proposed development will consist of single family homes with compatible lot sizes and provide an extension of existing street networks.
UDC Sub-Section 9.6.9C	The area is served by City of Memphis sewer. There is adequate capacity in the existing utilities for this proposed development.
UDC Sub-Section 9.6.9D	Agreed
UDC Sub-Section 9.6.9E	No additional standards are applicable for this planning area.
UDC Sub-Section 9.6.9F	Agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	The project is compatible with surrounding developments
B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development	The site will be served by an extension of the City of Memphis sanitary sewer system. Storm drainage including on-site detention will be installed with infrastructure improvements.
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	The expansion of existing street networks will mirror existing street patterns in the area.
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	Not applicable

GENERAL PROVISIONS

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

A homeowners association will be formed to provide for ownership of COS lots.

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

Agreed

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name	Contact Type
ARDIS PATRICK M	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1483466	Planned Development - each additional or fractional acres above 5	46	4,600.00	INVOICED	0.00	07/05/2023
1483466	Credit Card Use Fee (.026 x fee)	1	158.60	INVOICED	0.00	07/05/2023
1483466	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	07/05/2023

Total Fee Invoiced: \$6,258.60 Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$6,258.60	Credit Card

LETTER OF INTENT

The Bray Firm

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

July 5, 2023

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

**RE: Ardis Farms @ Rocky Point Planned Development
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached an application for a residential planned development located at Sanga Road and Rocky Point Road. The subject property is a 50.251 acre tract consisting of several different parcels under the same ownership. The owner/proposed developer of the property is a long time resident of the area and is excited to bring a large scale residential development to the area. This is proposed as a multi-phase development that will be developed primarily from west (along Sanga Road) to the east. The existing zoning on the site is a mixture of C-A, R-15, and R-6. The proposed lot sizes vary from 8000 square feet to 0.9 acres in size.

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

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Patrick M. Ardis, being duly sworn, depose and say that at 10:30 (am/pm) on the 27th day of July, 2023, I posted 5 Public Notice Sign(s) pertaining to Case No. PD2023-014 at Sanga Road, Rocky Hills, Rocky Point 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 heron and a copy of the sign purchase receipt or rental contract attached hereto.

Patrick M. Ardis
Owner, Applicant or Representative

07/27/2023
Date

Subscribed and sworn to before me this 27th day of July, 2023

Sheila J. Hall
Notary Public

My commission expires: 11-13-23



LETTERS RECEIVED

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

Revised plan for Ardis Farms@ Rocky Point Planned Development

Joan Powell <joanrodgerspowell@gmail.com>

Thu 9/7/2023 4:59 PM

To: Longstreet, Alexis <Alexis.Longstreet@memphistn.gov>

Cc: Neighbors Charlie & Cathy Winfield <catwinfield@gmail.com>

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

John & Joan Powell
868 Sanga Creek Road
Cordova TN 38018

Dear Ms. Longstreet,

Thank you for your work and participation in the above mentioned project. As residents of Cordova we are extremely concerned about the safety and well being of our beloved community.

After studying the Revised plan for Ardis Farms we feel the need to express our grave concerns over the changes being proposed.

We do object strongly to the access road and 9 driveways that are proposed to empty out on Rocky Hills Road.

The entrance/exit road to the development is directly across from the bus entrance to the middle school, and is now about 200ft from the 90 degree curve that already proposes problems navigating. Parents line that street morning and afternoon in car pool lines not to mention the school buses trying to navigate the traffic and curve. It is inconceivable that 9 new driveways with a probable minimum of 2-3 cars per household will now be using this road; with two proposed driveways directly in the 90 degree curve.

The access road proposed on Sanga which is about 150 feet from where it connects to Rocky Hills will only add to the bottleneck traffic.

Please consider our objections and know that our concerns are not to prohibit or restrain someones use of their personal property. We are concerned for the safety and well being of our children, our neighbors and our community. It is our desire to see growth, safety and well being for all.

Thank you for your time and consideration,

John and Joan Powell

Sent from my iPhone



THE SHELBY COUNTY BOARD OF EDUCATION
MEMPHIS-SHELBY COUNTY SCHOOLS

160 S. Hollywood Street • Memphis, TN 38112 • www.scsd12.org

September 8, 2023

Alexis Longstreet
Planner I
Land Use Development Services
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Dear Alexis Longstreet,

As a member of the Shelby County Board of Education, representing the Cordova area known as District 5, I am writing to express my concerns regarding the creation of an access road that connects Rocky Hills Drive to the proposed residential development across from Cordova Elementary and Middle Schools.

While I do not oppose the development itself, and welcome anyone moving into Cordova, I am plagued with concerns for student safety and fear that students and families were not considered when choosing to create a development within the immediate vicinity of the two schools. The Rocky Hills Dr. and Sanga Creek intersection is a sharp, blind curve, and school buses cannot always make the corner without crossing the yellow line. We have already, tragically, lost a life because of this problem. Additional traffic would only exacerbate this already dangerous situation. Cordova Middle's bus entrance and exit are only 150 feet from the blind curve, preventing a clear view of oncoming traffic for the school buses transporting our young students. The revised plan adds road access to Ardis Farms, directly across the street from the bus exit, and nine additional driveways onto Rocky Hills Dr., adding more drivers to the area and creating more potential crashes with the school buses.

The planned development would also increase traffic that Rocky Hills Dr. and Sanga Creek could not support. Rocky Hills Dr. is only 1,000 feet long, creating a gridlock that would be worsened by additional traffic from the potential development. Parents of the two schools park their vehicles along Rocky Hills Dr. as they wait to pick up or drop off their children, creating a daily choke point that forces buses and cars to cross the yellow line. A pedestrian option for our students is not feasible, as these streets are not equipped with sidewalks and are lined by deep ditches. Additionally, Rocky Hills Dr. and Sanga Creek are not salted by the city before ice and snowstorms, so they can become impassible, while North Sanga Road is treated with salt.

While I support the general development of Cordova, the safety of students throughout Memphis and Shelby County is tantamount to the welfare and future of our community. I join Shelby County

Memphis Shelby County Schools offers educational and employment opportunities without regard to race, color, religion, sex, creed, age, disability, national origin, or genetic information.



Commissioner Shante K. Avant and Memphis City Councilman Frank Colvett in opposing the creation of an access road that connects the planned development to Rocky Hills Dr. I believe that my objection is reasonable, based on my insight and experience of living in and representing the Cordova area. I am glad to provide any supporting documentation and meet with you to discuss better options for the safety and welfare of Cordova area students and families.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mauricio Calvo", is written over a horizontal line.

Mauricio Calvo
Board Member, District V
Shelby County Board of Education

concerns for new proposal - Ardis Farms

DANIEL & LEA FLATT <lalaneblatt@bellsouth.net>

Fri 9/8/2023 10:25 AM

To: Longstreet, Alexis <Alexis.Longstreet@memphistn.gov>

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

Lea Ann Flatt
810 Sanga Creek Rd.
Cordova, TN. 38018
901 216 2884
lalaneblatt@bellsouth.net

09-08-2023

Dear Ms. Longstreet,

I recently wrote to you concerning my concerns about the proposed Ardis Farms development. At that time, I shared my concerns for the safety of children attending Cordova Elementary and Middle Schools. I hope you received that letter (e-mail) and the information and opinions shared helped you understand our neighborhood's fear of what the entrance/exits position would cause.

The revised plan was recently shared and, to be honest, appears worse than the first one. The new plan has both entrances/exits connecting to two lane roads, plus driveways for houses facing Rocky Hills connecting to Rocky Hills.

*The one on Rocky Hills is directly across from the side entrance to Cordova Middle School. (When the school was originally built as a KK-8th grade school, this was known as the KK entrance.). The KK entrance has always created a problem as it is extremely close to the sharp blind curve where Rocky Hills joins Sanga Creek Rd. The traffic will be even more congested and safety issues will increase with another street directly across from the KK entrance.

*The other entrance/exit from the development is projected to be on Sanga Road directly north of the Middle School's property. When the school was built, Sanga Road was widened in front with turn lanes to prevent congestion. This new proposed entrance/exit appears where Sanga Road converts back to a two lane road. As residents on this area, we are all concerned with the placements of these two streets.

*To add driveway entrances/exits of multiple houses connect to Rocky Hills seems extremely foolhardy and shows no concern for traffic flow nor safety of students, in my opinion.

Please consider these genuine concerns! Our attorney and neighbors have tried to be understanding and have made multiple suggestions for alternate entrances/exits. I believe those suggestions have already been shared with you. One also joins a two lane street, but that street has no blind curves, nor school traffic for two schools including buses.

I appreciate your time and the opportunity to express my fears and concerns.

Thank you,
Lea Ann Flatt

Ardis Farms Development

Mackenzie Baker <mckenzielynn@gmail.com>

Thu 9/7/2023 6:13 PM

To: Longstreet, Alexis <Alexis.Longstreet@memphistn.gov>

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

Mrs. Longstreet,

My name is Mackenzie Baker and I recently moved to Sanga Creek Rd in Cordova. I am a part of a small neighborhood that exists on Sanga Creek/Rocky Hills Dr. I'm writing to let you know that my family strongly opposes the current proposed development of the Ardis Farms subdivision. While we do not oppose the development as a whole, we do oppose any and all entrance/exit points and driveways on Rocky Hills. We, as well as many others, believe that this would be a major cause for public safety issues for a variety of reasons. One being Rocky Hills is a very small service road that runs behind Cordova Middle & Elementary schools. The road is not designed for heavy traffic flow, it's poorly maintained by the city, having no sidewalks and being a full 6 feet narrower than Sanga proper, it also has two blind 90 degree turns on either end where numerous accidents have occurred. The second major reason for concern is the proximity of the proposed drive/driveways to the school access point for parents. It's dangerously close and too great a risk in our opinion- especially when one recognizes that there are numerous other options for the proposed Ardis Farms access point to be moved, i.e. Sanga Rd at Thor and Rocky Point at Buckeye being two good alternative options.

I would appreciate your consideration of our concerns as you move forward in the approval process for Ardis Farms. We appreciate all of your efforts thus far.

Sincerely,

Mackenzie Baker

Hello again, Ms. Longstreet.

Thank you so much for the opportunity to meet with you on Tuesday. We really enjoyed meeting you as well as our conversation. We really appreciated your genuine interest in our neighborhood's opposition to the street access to this proposed development onto Rocky Hills. We do not oppose the development itself; we do oppose even a single access road on Rocky Hills or Sanga Creek, based on our bullet points below. We also discussed viable, alternate access roads that we consider less risky for the school children and most beneficial to our new neighbors and the community. We felt heard and were encouraged.

Here are the bullet points that we discussed and illustrated with pictures. We've added a couple of bullets for completeness:

<https://outlook.office365.com/mail/inbox/1dAAQkADVmjdmN2Q0LVVIMzYINDNIZS04MJLLTg3YmUyODQ2M2FJMAAQAL6ypmJwSFdCh7yhuOTowq...> 2/4

9/6/23, 10:02 AM

Mail - Longstreet, Alexis - Outlook

Risk to the safety of the school children/ pedestrians based on the additional traffic:

- The intersection of Rocky Hill and Sanga Creek is a sharp, blind curve and School Buses can't always make the corner without crossing the yellow line. Additional traffic would only exacerbate this already dangerous situation.
- School buses can't always navigate either school's exits without crossing the yellow line, which is a risk that the additional traffic would elevate.
- The bus entrance/exit for Cordova Middle is only 150 feet from the blind curve which prevents them from seeing upcoming traffic.
- Parents park along Rocky Hills to pick up or drop off their children which creates a choke point that forces buses and cars to cross the yellow line.
- Neither Rocky Hills nor Sanga Creek can support the additional traffic this subdivision would bring. Both Rocky Hills and Sanga Creek are defined as local or limited access roads on the Memphis 3.0 Street Network Map. They have no sidewalks or curbs and contain deep ditches that wouldn't allow school children to traverse safely on foot.
- Rocky Hills is only one thousand feet in length which constrains additional traffic load, without expanding the gridlock that already exists.
- Neither Rocky Hills nor Sanga Creek are salted by the City prior to ice/ snowstorms so they can become impassible, while N. Sanga is treated with salt.

Alternate Access Points that would benefit this development and the Cordova Community:

- Per Memphis 3.0 Street Network Map, N. Sanga Rd is defined as an avenue, and serves as a main connector road between Walnut Grove and Macon Rd. It's also wider than Rocky Hills or Sanga Creek. It meets all the criteria for a large development's road access and would eliminate eight curb cuts onto N. Sanga. If the Board mandates an exception to add an additional lane of traffic along the property bordering N. Sanga, it will provide a much-needed sidewalk and possibly a crosswalk for the safety of the school children who walk home along this road. Per Memphis 3.0, adding a bike lane would add bike connectivity to the Greenline to this neighborhood and the subdivisions south of Rocky Hills.
- Rocky Point also serves as a connector road between N. Sanga and Walnut Grove as well as a connection to Macon Rd through Blake Rd which is across the street from this development. It could also be considered a viable solution for a second access road, if needed.
- Access to one or both streets could be accomplished with minor changes to the plan, and we've provided four access options for consideration.

Important Comments from our neighbors:

"What about the children"? by Leigh Ann Flatt, who taught at Memphis City Schools for 40 years and whose family resides at 810 Sanga Creek.

Regarding the home that sits across Sanga from the end of Thor Rd, another neighbor, McKenzie Baker, said "I have no sentimental attachment to my grandmother's house. I'm fine if it's demolished to provide access to Thor Rd. Her family resides at 744 Sanga Creek.



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: July 5, 2023

Record Number: PD 2023-014

Expiration Date:

Record Name: Ardis Farms @ Rocky Point Planned Development

Description of Work: Single family residential planned development in the C-A, R-15, and R-6 zoning districts. Proposed 128 lots on 50.251 acres.

Parent Record Number:

Address:

8851 ROCKY POINT RD, CORDOVA 38018

Owner Information

Primary Owner Name

Y ARDIS PATRICK M

Owner Address

8851 ROCKY POINT RD, CORDOVA, TN 38018

Owner Phone

Parcel Information

091021 00009C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

04/03/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	none
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)	n/a
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	n/a

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A	The proposed development is consistent with development patterns in the area and the underlying zoning districts.
UDC Sub-Section 9.6.9B	This area is largely developed as single family residential. The proposed development will consist of single family homes with compatible lot sizes and provide an extension of existing street networks.
UDC Sub-Section 9.6.9C	The area is served by City of Memphis sewer. There is adequate capacity in the existing utilities for this proposed development.
UDC Sub-Section 9.6.9D	Agreed
UDC Sub-Section 9.6.9E	No additional standards are applicable for this planning area.
UDC Sub-Section 9.6.9F	Agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	The project is compatible with surrounding developments
B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development	The site will be served by an extension of the City of Memphis sanitary sewer system. Storm drainage including on-site detention will be installed with infrastructure improvements.
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation	The expansion of existing street networks will mirror existing street patterns in the area.
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	Not applicable

GENERAL PROVISIONS

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

A homeowners association will be formed to provide for ownership of COS lots.

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

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name	Contact Type
ARDIS PATRICK M	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1483466	Planned Development - each additional or fractional acres above 5	46	4,600.00	INVOICED	0.00	07/05/2023
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Total Fee Invoiced: \$6,258.60	Total Balance: \$0.00
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Payment Information

Payment Amount	Method of Payment
\$6,258.60	Credit Card

The Bray Firm

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

July 5, 2023

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

**RE: Ardis Farms @ Rocky Point Planned Development
Memphis, Tennessee**

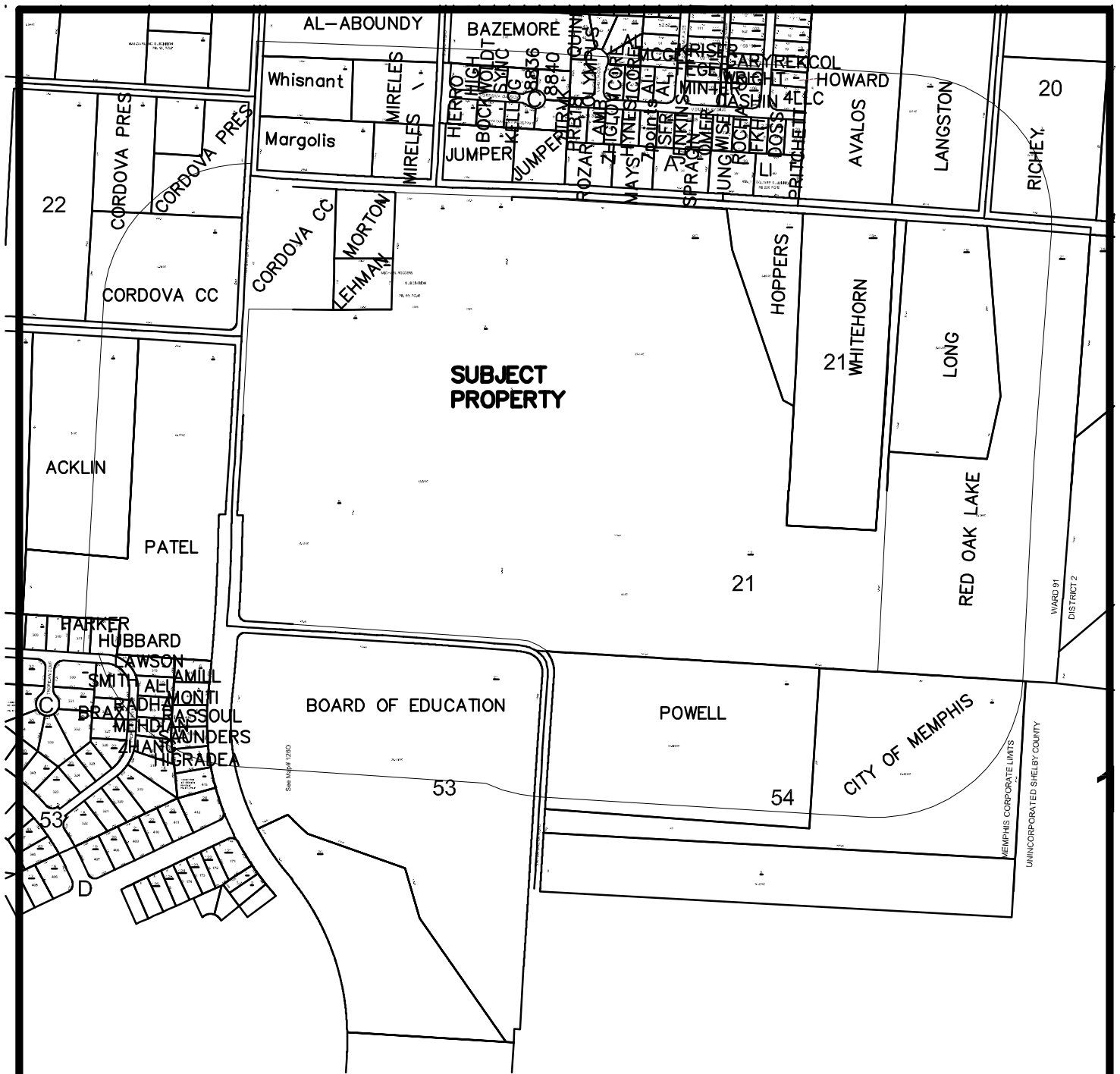
Mr. Ragsdale:

Please find attached an application for a residential planned development located at Sanga Road and Rocky Point Road. The subject property is a 50.251 acre tract consisting of several different parcels under the same ownership. The owner/proposed developer of the property is a long time resident of the area and is excited to bring a large scale residential development to the area. This is proposed as a multi-phase development that will be developed primarily from west (along Sanga Road) to the east. The existing zoning on the site is a mixture of C-A, R-15, and R-6. The proposed lot sizes vary from 8000 square feet to 0.9 acres in size.

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

Sincerely,

David Gean Bray, P.E.



**ARDIS FARMS © ROCKY POINT PLANNED DEVELOPMENT
 APPLICANT: PATRICK ARDIS**

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 JULY 5, 2023

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=200'

**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, Patrick M. Adonis , state that I have read the definition of
(Print Name) (Sign Name)

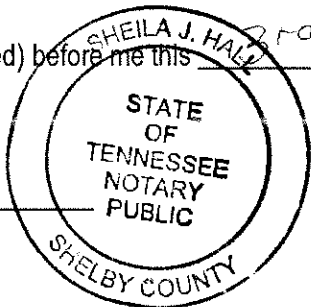
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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

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

Subscribed and sworn to (or affirmed) before me this 27th day of July in the year of 2023.

Sheila J. Hall
Signature of Notary Public



11-13-23
My Commission Expires



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.



20031833

03/26/2020 - 11:09:01 AM

2 PGS	
CHRISTINAM 1998741 - 20031833	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

QUIT CLAIM DEED

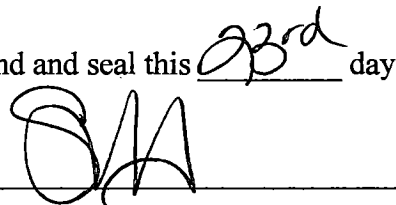
KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

Beginning at the northwest corner of the Harris tract in Rocky Point Road, said point being 910.76 ft (call 914.7 ft.) east of the centerline of Sanga Road; thence south 88 degrees 10' 30" east along the north line of the Harris tract a distance of 478.93 ft. to the northwest corner of the Patrick M. Ardis and wife, Mary Lee Wolff, tract in Rocky Point Road; thence south 5 degrees 46' 24" east along the west line of the Ardis and Wolff tract, a distance of 1128.98 ft. (call 1120.86 ft.) to a point in the north lline of the George Wallace Jeffries 10 acres (R1 3627); thence north 87 degrees 54' 53" west along the north line of the Jefferies tract a distance of 631.36 ft. to the northwest corner of the Jefferies tract in the west line of the Harris tract; thence north 1 degree 59' 09" east along the west line of the Harris tract a distance of 1116.20 ft. to the point of the beginning.

Being the same property conveyed to the parties herein by Mary Lee Wolff as recorded by instrument number JD 9466 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23rd day of

March A.D., 2020.



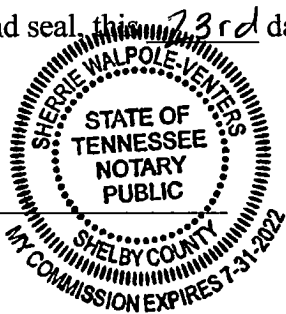
SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23rd day of March, 2020.



Sherrie Walpole-Venters
NOTARY PUBLIC

My commission expires: _____

Ward-Block-Parcel No.: 091-021-009C
Property Known as: 8851 Rocky Point Road, Cordova, Tennessee 38108
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

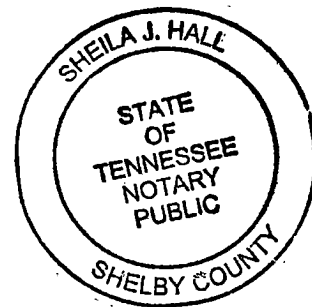
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under FCA § 67-4-409(a)(3)(E).

Patrick Michael Ardis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23





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.



20031843

03/26/2020 - 11:09:01 AM

2 PGS	
CHRISTINAM 1998741 - 20031843	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

QUIT CLAIM DEED


KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

Beginning at a point in the south line of Rocky Point Road (68 feet wide), said point being a common corner of Lots 1 and 2; thence eastwardly along said south line a distance of 202.27 feet to a point in the east boundary line of the subdivision; thence southwardly along said east line a distance of 398.32 feet to a point in the south boundary line of the subdivision; thence westwardly along said south line a distance of 201.14 feet to the southeast corner of Lot 1; thence northwardly along the line dividing Lots 1 and 2 a distance of 395.44 feet to the point of beginning.

Being the same property conveyed to the parties herein by Dempsey McCanless and wife, Sue McCanless, as recorded by instrument number 06111655 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23rd day of

March A.D., 2020.



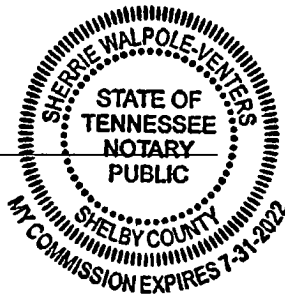
SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23rd day of March, 2020.



Sherrie Walpole-Venters
NOTARY PUBLIC

My commission expires: _____

Ward-Block-Parcel No.: 91 21 7
Property Known as: 8827 Rocky Point Road, Memphis, Tennessee 38018
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

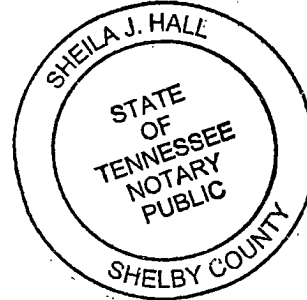
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under TCA § 67-4-409(a)(3)(E).

Patrick Michael Ardis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23





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.



20031834

03/26/2020 - 11:09:01 AM

2 PGS	
CHRISTINAM 1998741 - 20031834	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

Lot 1, Michael W. Rogers Subdivision, as shown on plat of record in Plat Book 85, Page 46, in the Register's Office of Shelby, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Albert Floyd Kinkade and wife, Gloria J. Kinkade, by Warranty Deed of record at Instrument No. GF 9707 in the Register's Office of Shelby County, Tennessee. Albert Floyd Kinkade died a resident of Shelby County, Tennessee on December 1, 1998, and he had been continuously married to Gloria J. Kinkade until the date of his death. Gloria J. Kinkade, a single person, conveys as the surviving tenant by the entirety.

Being the same property conveyed to the parties herein by Gloria J. Kinkade as recorded by instrument number 12146917 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23 day of March A.D., 20 20.

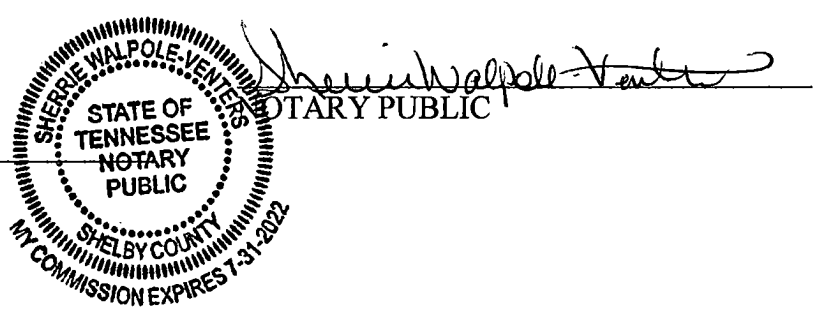


SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23 day of March, 2020.



My commission expires: _____

Ward-Block-Parcel No.: 91 21 6
Property Known as: 8815 Rocky Point, Cordova, Tennessee 38018
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

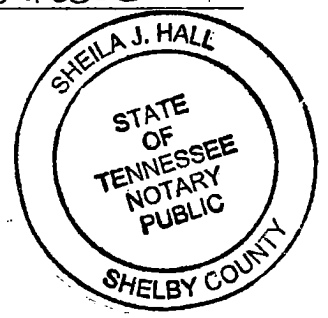
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under TCA § 67-4-409(a)(3)(E).

AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23





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.



20031840

03/26/2020 - 11:09:01 AM

<hr/>	
2 PGS	
<hr/>	
CHRISTINAM 1998741 - 20031840	
<hr/>	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00
<hr/>	

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

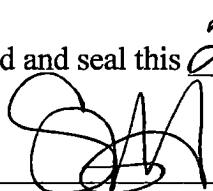
QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

Beginning at a point in the center of the Cordova and Sangy Road (running east and west) 6.37 chains east of the east line of said road (running north and south) said beginning point being in the southeast corner of the 10.75 acre tract conveyed by W.G. Mullins and wife, to Lela Ward Ramsey by warranty deed of record in Book 1092, Page 304, in the Register's Office of said Shelby County; thence north along the east line of said Ramsey 10.75 acre tract, 16.87 chains to the south line of the 2 acre tract hereinabove described as tract No. 1; thence east along the south line of said 2 acre tract and continuing along the south line of a 4 acre tract conveyed by W.G. Mullins and wife to Mrs. W.S. Ellis by warranty deed recorded in Book 1235, Page 259, a distance of 494.28 feet to the southeast corner of the said Ellis 4 acres; thence south along the west line of the 35.61 acre tract conveyed by Mullins and wife to G.Y. Jones, 16.87 chains to the center of said Cordova and Sangy Road; thence west along the center line of said road 494.28 feet to the beginning, containing 12.65 acres, more or less.

Being the same property conveyed to Husband herein by Flynn J. Morton, Nannelle Morton Rendall, and Carolyn H. Morton as recorded by instrument number 03247925 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23rd day of March A.D., 2020.



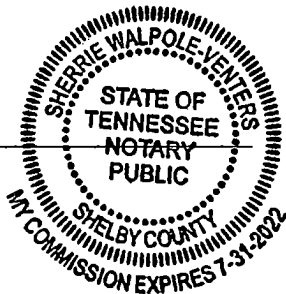
SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23rd day of March, 2020.

Sherrie Walpole-Venters
NOTARY PUBLIC



My commission expires: _____

Ward-Block-Parcel No.: 56-14-35
Property Known as: 12.63 Acres on Old Sanga Road
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

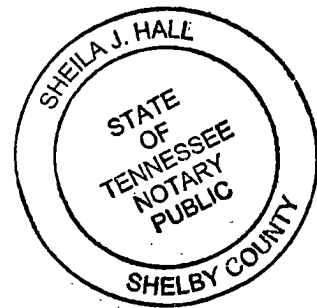
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under TCA § 67-4-409(a)(3)(E).

Patrick Michael Ardis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23





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.



21040839

04/08/2021 - 01:49:06 PM

2 PGS	
GENIE 2201960 - 21040839	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared
Herschel L. Rosenberg, Attorney
5810 Shelby Oaks Drive
Memphis, TN 38134

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENCE, that Belle Rose, LLC, a Tennessee Limited Liability Corporation, for and in consideration of Ten and 00/100 (\$10.00) Dollars and other good and valuable considerations, do hereby bargain, sell, remise, quit claim and convey to Patrick M. Ardis the following described Real Estate located at 996 Sanga Road, Memphis, Shelby County, Tennessee, to-wit:

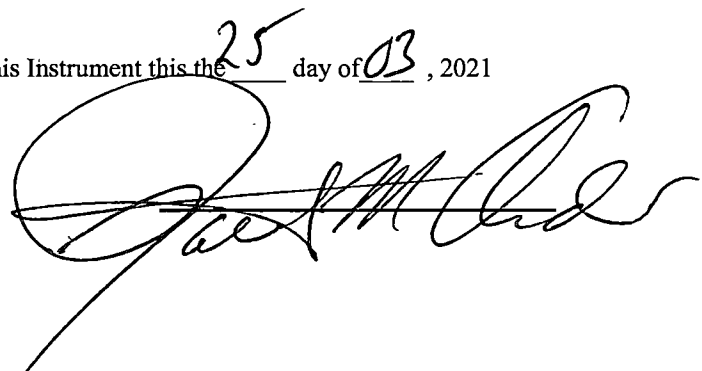
Beginning at a point in the R.O.W. line of Sanga Road (50' from the centerline) 30.03' northward from its tangent intersection with the North line of Rocky Hills Road; thence N 0°31'39" W a distance of 318.61'; thence S 89°28'21" W a distance of 30.00'; thence N 0°31'39" W a distance of 739.76' to the Northwest property corner; then N89°25'29" W a distance of 400.42' to a found iron pin; then S°31'39" E a distance of 1088.42' to the North line of Rocky Hills Road; thence along said North line S°89'25'29" E a distance of 340.37' to a point; thence along a curve to the right (Rad.=30') a distance of 47.15' to the point of beginning.

Which description was corrected by Affidavit of Scrivener's Error in Instrument No.20067024.

Being the same property conveyed to the party herein by Patrick M. Ardis, as recorded by instrument number 20145312 as recorded in the Shelby County Register of Deeds.

Tax Parcel ID#: 091021 00004

IN TESTIMONY WHEREOF, I or we, have executed this Instrument this the 25 day of 03, 2021

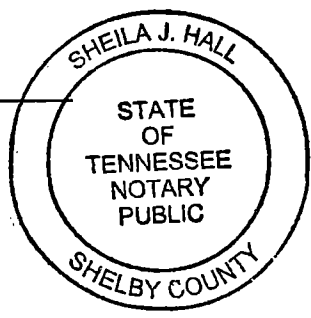


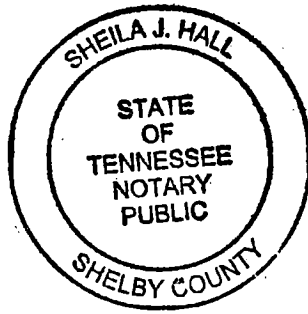
State of Tennessee)
) SS.
County of Shelby)

BEFORE ME, THE UNDERSIGNED Notary Public in and for the state and county aforesaid, personally appeared, Patrick M. Ardis as sole member and representative of Belle Rose, LLC, a Tennessee Limited Liability Corporation, to me known to be the person described in and who executed the forgoing instrument and acknowledged that he, Patrick M. Ardis executed the same as his free act and deed.

WITNESS MY HAND AND OFFICIAL SEAL AT OFFICE THIS THE 25th
DAY OF March, 2021.

Sheila J. Hall
NOTARY PUBLIC





Property Address:

996 Sanga Road
Memphis, Tennessee

Mail Tax Bill to:
5810 Shelby Oaks Drive
Memphis, TN 38134

My commission Expires: 11-13-23

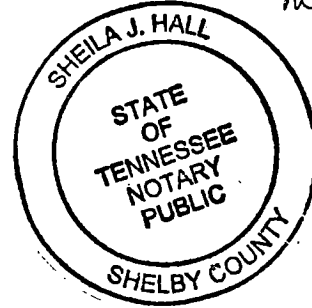
I, or we hereby swear or affirm that to the best of the affiants knowledge, information and belief, actual consideration for this transfer is Ten and 00/100 (\$10.00).

Affiant.

Subscribed and sworn to before me this the 4th day of April, ~~2020~~ 2021 SA

Sheila J. Hall
Notary Republic

my commission expires 11-13-23





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.

02018563	
01/29/2002 - 03:15 PM	
1 PGS : R - QUIT CLAIM	
BDDDY 14183-2018563	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
STATE of TENNESSEE, COUNTY of SHELBY	
TOM LEATHERWOOD	
REGISTER OF DEEDS	

THIS INSTRUMENT PREPARED BY: Harold G. Walter, Atty., 100 N. Main, Suite 405

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that MARY LEE WOLFF of the County of Shelby and State of Tennessee, for and in consideration of the sum of Ten Dollars (\$10.00), does hereby bargain, sell, release, remise, quit claim and convey unto PATRICK M. ARDIS all her right, title and interest in and to the following described real estate, located in Shelby County, Tennessee, to-wit:

Beginning at a point in the R.O.W. line of Sanga Road (50' from the centerline) 30.03' northward from its tangent intersection with the North line of Rocky Hills Road; thence N 0°31'39" W a distance of 318.61'; thence S 89°28'21" W a distance of 30.00'; thence N 0°31'39" W a distance of 739.76' to the Northwest property corner; then N 89°25'29" W a distance of 400.42' to a found iron pin; then S 0°31'39" E a distance of 1088.42' to the North line of Rocky Hills Road; thence along said North line S 89°25'29" W a distance of 340.37' to a point; thence along a curve to the right (Rad.=30') a distance of 47.15' to the point of beginning.

This being the same property transferred to the parties by Warranty Deed as recorded by instrument number GD 2556 in the Register's Office of Shelby County, Tennessee.

This conveyance is an adjustment of the property rights of divorcing parties pursuant to Court decree and is not subject to transfer tax. [T.C.A., Section 67-4-409(a)(3)].

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4th day of January 2002.

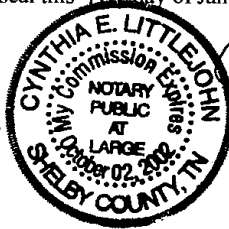
Mary Lee Wolff
Mary Lee Wolff

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Mary Lee Wolff, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that she executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and seal this 4th day of January 2002.

My Commission Expires: 10/02/02



Cynthia E. Littlejohn
Notary Public

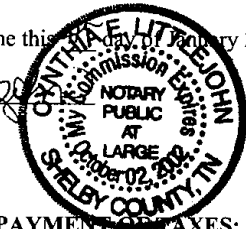
STATE OF TENNESSEE
COUNTY OF SHELBY

To the best of affiant's knowledge, information and belief, the actual consideration for this transfer is \$10.00.

Mary Lee Wolff
Affiant

Subscribed and sworn to before me this 4th day of January 2002.

Cynthia E. Littlejohn
Notary Public
My Commission Expires: 10/02/02



PARTY RESPONSIBLE FOR PAYMENT OF TAXES:

Patrick M. Ardis, 6055 Primacy Parkway, Suite 360, Memphis, TN 38119.

Property Address: 996 Sanga Rd
Assessors Parcel # 091-021-00005



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.



20031836

03/26/2020 - 11:09:01 AM

2 PGS	
CHRISTINAM 1998741 - 20031836	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Larry Rice, Attorney
275 Jefferson Avenue
Memphis, Tennessee 38103

QUIT CLAIM DEED

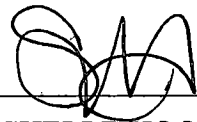
KNOW ALL MEN BY THESE PRESENTS, that Sandra Michelle Hood Ardis of the County of Shelby and State of Tennessee for and in consideration of the Marital Dissolution Agreement between the parties, do hereby bargain, sell, release, remise, quit claim, and convey unto Patrick Michael Ardis all her right, title and interest in and to the following described real estate, to wit:

The south 10 acres of the J.T. Harris 35.62 acre tract of part of the southeast 103 acres of the James R. Love 825 acres in the Strother and Gooch 5000 Acre Grant in Shelby County, Tennessee, and more particularly described by metes and bounds as follows:

Beginning at a point in Sanga Road and at the southwest corner of the J.T. Harris 35.62 acre tract, said beginning point being in the south line of the Jennie Lee Lamb 103 acre 914.17 feet east of the southwest corner thereof; thence east along the south line of the J.T. Harris 35.62 acre tract a 35.05 acre tract; thence north 0 degrees 12 minutes 48 seconds east along said thence west parallel to the south line of the J.T. Harris 35.62 acre tract a acre tract; thence south along said west line 431.86 feet to the point of beginning, and containing 10 acres of land.

Being the same property conveyed to Husband herein by Mary Lee Wolff as recorded by instrument number JD 9466 as recorded in the Shelby County Register of Deeds.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 23rd day of March A.D., 2020.

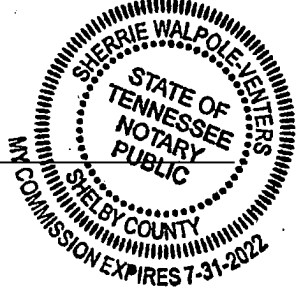


SANDRA MICHELLE HOOD ARDIS

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared SANDRA MICHELLE HOOD ARDIS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he or she executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 23rd day of March, 2020.



Sherrie Walpole-venters
NOTARY PUBLIC

My commission expires: _____

Ward-Block-Parcel No.: 091021-00012
Property Known as: Vacant Lot Sanga Creed
Mail Tax Notice to: 8851 Rocky Point Road Cordova, Tennessee 38018
New Owner: Patrick Michael Ardis

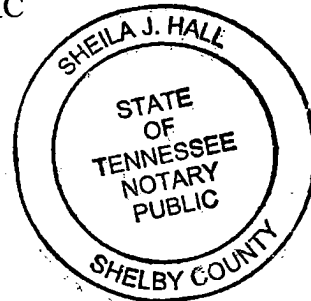
I, or we, hereby swear or affirm to the best of affiant's knowledge, information and belief, this transfer is pursuant to Final Decree of Divorce and is therefore exempt under TCA § 67-4-409(a)(3)(E).

Patrick Michael Ardis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24th day of March, 2020.

Sheila J. Hall
NOTARY PUBLIC

My commission expires: 11-13-23



Patrick Ardis
8851 Rocky Point
Cordova, TN 38018

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Cordova Community Center
1017 N SANGA RD
CORDOVA TN 38018 6537

John F Lehman
8785 ROCKY POINT RD
CORDOVA TN 38018 6556

Flynn J & Virginia E Morton
8781 ROCKY POINT RD
CORDOVA TN 38018 6556

Patrick M Ardis
8851 ROCKY POINT RD
CORDOVA TN 38018 6557

Jumper Revocable Living Trust
8848 ROCKY POINT RD
CORDOVA TN 38018 6560

Progress Residential Borrower 18 LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Resident
8855 Versilia
Cordova TN 38018

Tressa Lamb
8861 VERSILLIA AVE
CORDOVA TN 38018 6971

Maxim Zhiglov
8867 VERSILIA AVE
CORDOVA TN 38018 6971

Christine Hynes
283 CABRILLO ST C
COSTA MESA CA 92627 9378

Seven Points Borrower LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Resident
8879 Versilia Ave
Cordova TN 38018

SFR Investments V Borrower 1 LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Resident
8885 Versilia Ave
Cordova TN 38018

Gerald T Jenkins
8891 VERSILIA AVE
CORDOVA TN 38018 6971

Biruk Gebrehiwot & Amira Omer
8897 VERSILIA AVE
CORDOVA TN 38018

Sonya Wise
8905 VERSILIA AVE
CORDOVA TN 38018 6925

Fernando Rocha & Elizabeth Orta
8911 VERSILIA AVE
CORDOVA TN 38018 6925

FKH SFR LP
1850 PARKWAY PL SE STE 900
MARIETTA GA 30067 8261

Donna Doss
8923 VERSILIA AVE
MEMPHIS TN 38018 6925

Yichao Li & Chi Zhang
8920 ROCKY POINT RD
CORDOVA TN 38018 6560

Ardis Farms @ Rocky Point
Page 2 of 3

Ruth S & Hung Luong
8910 ROCKY POINT RD
CORDOVA TN 38018 6560

Avalos M & Orelia Avalos
8946 ROCKY POINT RD
CORDOVA TN 38018 6560

Progress Residential Borrower 4 LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Resident
1090 Casentino St
CORDOVA TN 38018

Jeremy Howard
1098 CASENTINO ST
CORDOVA TN 38018 6924

Rekol D Williams
1104 CASENTINO ST
CORDOVA TN 38018

Gary L & Jennifer J Turnage
2165 BEEBRUSH RD
FRISCO TX 75033 7001

Tony J Wright
1097 CASENTINO ST
CORDOVA TN 38018

John B & Victoria L Cashin
390 GOLFVIEW CLUB DR
NEWNAN GA 30263 3367

Anthony Merkenson II and
Amber Minter
1092 CORTONA PL
CORDOVA TN 38018 6976

Joyce Feger
1098 E CORTONA CIR
CORDOVA TN 38018 6976

Al-Mueed Enterprises LLC
4795 SHADY GROVE RD
MEMPHIS TN 38117 3325

Mile High TL Borrower 1 Core LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Lashunda Quinn-Metcalf
1109 VERSILIA CV
CORDOVA TN 38018 3629

John H Mcgee
1101 CORTONA PL
CORDOVA TN 38018

TRVK Investments LLC
1134 WILSHIRE LN
LAKE VILLA IL 60046 6470

Timothy L & Juliana J Kellogg
30 N GOULD ST STE R
SHERIDAN WY 82801 6317

Cynthia K High & Robert P Fischmann
12655 OLIVE BLVD STE 250
SAINT LOUIS MO 63141 6343

Sync In To Inc
2709 JACKSON PIKE
BIDWELL OH 45614 9361

8836 Cordova Oaks Cv Trust
6106 HARVARD AVE UNIT 216
GLEN ECHO MD 20812 7504

8840 Cordova Oaks CV Trust
6106 HARVARD AVE UNIT 216
GLEN ECHO MD 20812 7504

Linda B Richey
9014 ROCKY POINT RD
CORDOVA TN 38018 6508

Acacio Mireles
5610 CHESTER ST
ARLINGTON TN 38002 3804

James W III & Lee Ann C Hoppers
8929 ROCKY POINT RD
CORDOVA TN 38018 6557

William & Kimberly Whitehorn
8953 ROCKY POINT RD
CORDOVA TN 38018 6557

John S & Kristi k Long
8991 ROCKY POINT RD
CORDOVA TN 38018 6557

Grove at Red Oak Lake INC
849 ROCKY POINT RD
CORDOVA TN 38018 6503

City of Memphis
125 N MAIN RM 568
MEMPHIS TN 38103

John R Powell
868 SANGA CREEK RD N
CORDOVA TN 38018 6573

Board Of Education Of Memphis
2597 AVERY AVE
MEMPHIS TN 38112 4818

Kamleshkumar A Patel
8196 WINDERSVILLE DR
BARTLETT TN 38133 2870

David J & Gena L Acklin
8703 THOR RD
CORDOVA TN 38018 6403

Cordova Presbyterian Church USA
8707 FAY RD
CORDOVA TN 38016 6407

Isaura I Amill
3265 WETHERBY CV S
GERMANTOWN TN 38139 8050

Rassoul Real Estate Investments LLC
PO BOX 4090
SCOTTSDALE AZ 85261 4090

Luis M & Imelda Higreda
845 N SANGA RD
CORDOVA TN 38018 6553

Zhang-Ouyang Family Living Trust
1761 JOHN RIDGE DR
COLLIERVILLE TN 38017 7607

Lila Mehdian
1769 DICKENS CV
GERMANTOWN TN 38139 3600

Kannan & Radha Ramachandran
1415 ASBURY DR
COLLIERVILLE TN 38017

Basel Abdullah Ali & Muneera M AL
Hajjaji
872 TROPICANA DR
CORDOVA TN 38018 3571

Tracy L Lawson
880 TROPICANA DR E
CORDOVA TN 38018 3571

Michael C Smith
737 W WASHINGTON BLVD APT 3404
CHICAGO IL 60661 2781

BRAX2000 LLC
10542 CROCKETT ST
SUN VALLEY CA 91352 4120

Flora Hubbard
8706 TROPICANA DR N
CORDOVA TN 38018 1493

Rose M Parker & Nathaniel Daniel JR
8698 TROPICANA DR N
CORDOVA TN 38018 3563

Hadi & Chonour Al-Aboundy
1105 Blake Road
Cordova, TN 38018

Sarah Bazemore
1100 Blake Road
Cordova, TN 38018

Danny & Cheri Whisnant
1086 N. Sanga
Cordova, TN 38018

Kenneth and Dena Margolis
8768 Rocky Point
Cordova, TN 38018

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: November 21, 2023

DATE

PUBLIC SESSION: November 21, 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 2977 Broad Avenue, known as case number PD 2023-024

CASE NUMBER: PD 2023-024

DEVELOPMENT: Broad Arts Planned Development

LOCATION: 2977 Broad Ave.

COUNCIL DISTRICTS: District 5 and Super District 9

OWNER/APPLICANT: Broad Arts, LLC

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

REQUEST: Special use permit for a planned commercial development

AREA: +/-1.6 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 – November 21, 2023

PRIOR ACTION ON ITEM:

<u>(1)</u>	APPROVAL - (1) APPROVED (2) DENIED
<u>Nov. 9, 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:

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

PD 2023-024

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT 2977 BROAD AVENUE, KNOWN AS CASE NUMBER PD 2023-024

- This item is a resolution with conditions to allow a planned commercial development; and
- This resolution, if approved, will supersede the existing zoning for this property.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, November 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2023-024
DEVELOPMENT: Broad Arts Planned Development
LOCATION: 2977 Broad Ave.
COUNCIL DISTRICTS: District 5 and Super District 9
OWNER/APPLICANT: Broad Arts, LLC
REPRESENTATIVE: Josh Whitehead of Burch, Porter & Johnson, PLLC
REQUEST: Special use permit for a planned commercial development
AREA: +/-1.6 acres

The following spoke in support of the application: None

The following spoke in opposition to 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 unanimous vote on the consent agenda.**

Recommended Outline Plan Conditions

- I. USES PERMITTED
 - A. Any use permitted in the CMU-1 zoning district, with the following exceptions:
 1. Restaurants with drive-through windows shall be permitted.
 2. Convenience stores, with or without gas sales; pawnshops and vehicle service shall be prohibited.
- II. BULK REGULATIONS
 - A. The bulk regulations of the CMU-1 district shall apply except one restaurant or coffee establishment with a drive-through window is permitted (exception to UDC Para. 4.6.8A(3)).
 - B. Only one establishment with a drive-through window is permitted.
 - C. The minimum parking setback adjacent to the adjoining building addressed as 2953 Broad Avenue may be reduced to one (1) foot (exception to UDC Sub-Section 3.10.2B).
- III. ACCESS AND CIRCULATION
 - A. One vehicular access point shall be permitted on Broad and two access points shall be permitted to Sam Cooper Blvd. No vehicular access is permitted on Tillman Street.
- IV. LANDSCAPING AND SCREENING

- A. A Class III, Type B landscape screen shall be provided along the western property line adjacent to residential uses. Brick columns, as prescribed by UDC Item 4.6.5J(3)(b) shall not be required.
- B. A modified Streetscape Plate S-14 with a series of trees classified as Trees C or E according to UDC Sec. 4.6.9 planted within a 4.5-foot verge shall be installed along all adjacent roadways.
- C. A landscaping strip a minimum width of 4.5 feet planted with grass shall be installed between the parking area and the sidewalk along Broad Avenue.

V. DRAINAGE

- A. On-site detention shall not be required as the subject site is not located within a sensitive drainage basin.

VI. SIGNS

- A. Signs shall comply with the sign standards of the CMU-1 zoning district except that no individual user or tenant ground sign is permitted, with the following exceptions:
 - 1. One ground-mounted sign is permitted that advertises the restaurant or coffee establishment with a drive-through window.
 - 2. In the event lots are created for individual buildings, each lot shall be permitted ground signs in accordance with the CMU-1 zoning district regulations.

VII. FINAL PLAN REVIEW

- A. A Final Plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
 - 1. The Outline Plan Conditions
 - 2. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - 3. The location and ownership, whether public or private, of any easement.
 - 4. A landscape plan.
 - 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Zoning Administrator pursuant to UDC Para. 9.6.11D(3).
- D. Lots may be created administratively and are exempt from the minimum lot area prescribed in UDC Sec. 3.10.2B.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT 2977 BROAD AVENUE, KNOWN AS CASE NUMBER PD 2023-024

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

WHEREAS, the Broad Arts, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned commercial development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on November 9, 2023, and said Board has submitted its recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

OUTLINE PLAN CONDITIONS

I. USES PERMITTED

- A. Any use permitted in the CMU-1 zoning district, with the following exceptions:
 - 1. Restaurants with drive-through windows shall be permitted.
 - 2. Convenience stores, with or without gas sales; pawnshops and vehicle service shall be prohibited.

II. BULK REGULATIONS

- A. The bulk regulations of the CMU-1 district shall apply except one restaurant or coffee establishment with a drive-through window is permitted (exception to UDC Para. 4.6.8A(3)).
- B. Only one establishment with a drive-through window is permitted.
- C. The minimum parking setback adjacent to the adjoining building addressed as 2953 Broad Avenue may be reduced to one (1) foot (exception to UDC Sub-Section 3.10.2B).

III. ACCESS AND CIRCULATION

- A. One vehicular access point shall be permitted on Broad and two access points shall be permitted to Sam Cooper Blvd. No vehicular access is permitted on Tillman Street.

IV. LANDSCAPING AND SCREENING

- A. A Class III, Type B landscape screen shall be provided along the western property line adjacent to residential uses. Brick columns, as prescribed by UDC Item 4.6.5J(3)(b) shall not be required.
- B. A modified Streetscape Plate S-14 with a series of trees classified as Trees C or E according to UDC Sec. 4.6.9 planted within a 4.5-foot verge shall be installed along all adjacent roadways.
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- A. On-site detention shall not be required as the subject site is not located within a sensitive drainage basin.

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 2. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 3. The location and ownership, whether public or private, of any easement.
 4. A landscape plan.
 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Zoning Administrator pursuant to UDC Para. 9.6.11D(3).
- D. Lots may be created administratively and are exempt from the minimum lot area prescribed in UDC Sec. 3.10.2B.

AGENDA ITEM: 10

CASE NUMBER: PD 2023-024 **L.U.C.B. MEETING:** November 9, 2023

DEVELOPMENT: Broad Arts Planned Development

LOCATION: 2977 Broad Avenue

COUNCIL DISTRICT: District 5 and Super District 9

OWNER/APPLICANT: Broad Arts, LLC

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

REQUEST: Special use permit for a planned commercial development

AREA: 1.6 acres

EXISTING ZONING: Residential Single-Family – 6 and Commercial Mixed Use – 1

CONCLUSIONS

1. The applicant has requested a special use permit for a planned commercial development.
2. The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1.
3. This approval would allow the entire site to be developed as a unified commercial site, and would also allow a drive-through coffeeshop, which is not allowed by right in either R-6 or CMU-1.
4. Staff collaborated with the applicant on a revised design that keeps queued traffic from the right-of-way.
5. Staff recommends approval with outline plan conditions.

CONSISTENCY WITH MEMPHIS 3.0

According to the Office of Comprehensive Planning, this request is *consistent* with Memphis 3.0.

RECOMMENDATION

Approval with outline plan conditions

GENERAL INFORMATION

Street Frontage:	Tillman Street	(Minor Arterial)	169 linear feet
	Sam Cooper Boulevard	(Minor Arterial)	388 curvilinear feet
	Broad Avenue	(Major Collector)	258 linear feet

Zoning Atlas Page: 2035

Parcel ID: 037039 00009C

Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

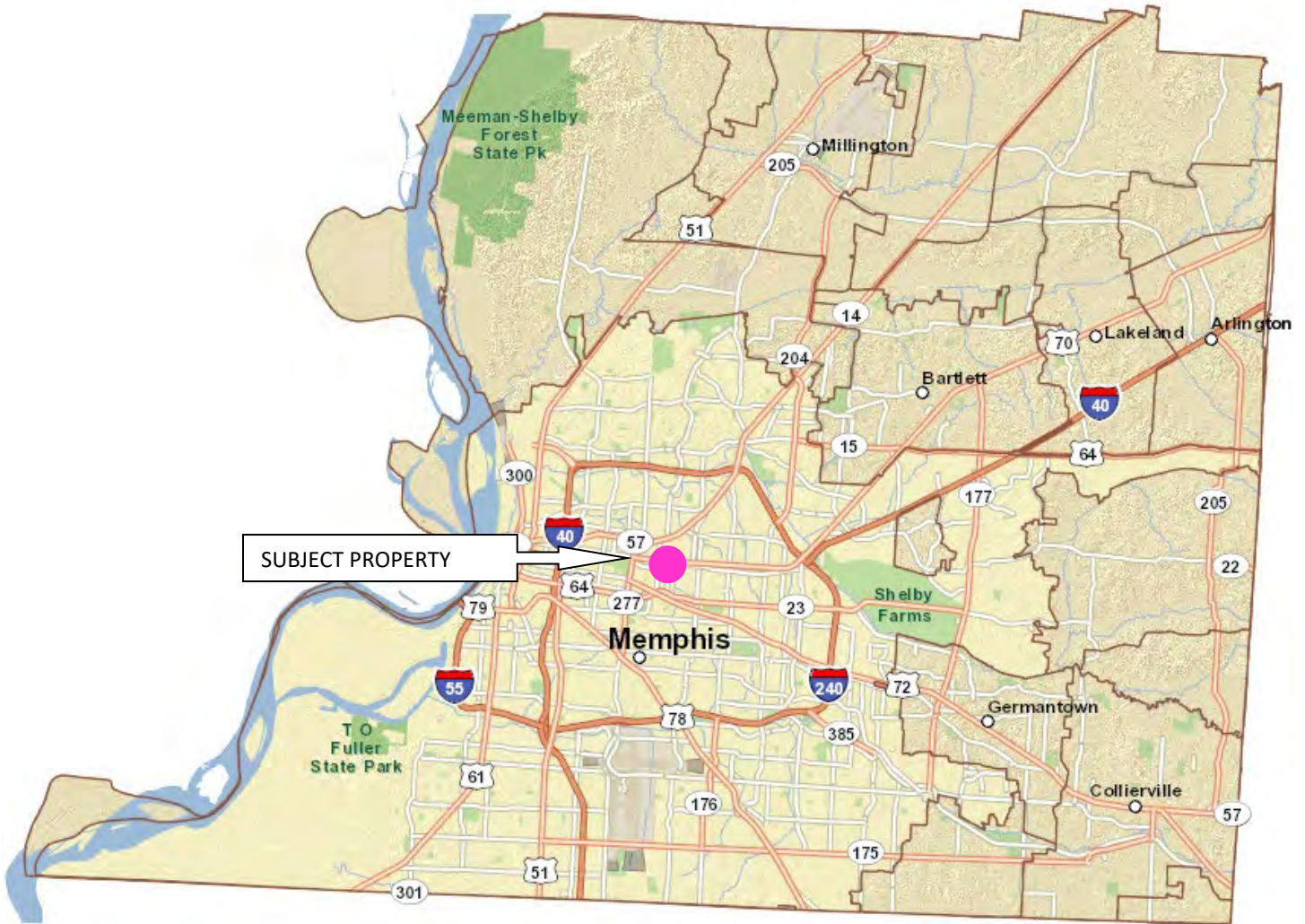
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at First Baptist Church Broad at 2835 Broad Ave. at 5:30 p.m. on October 30, 2023.

PUBLIC NOTICE

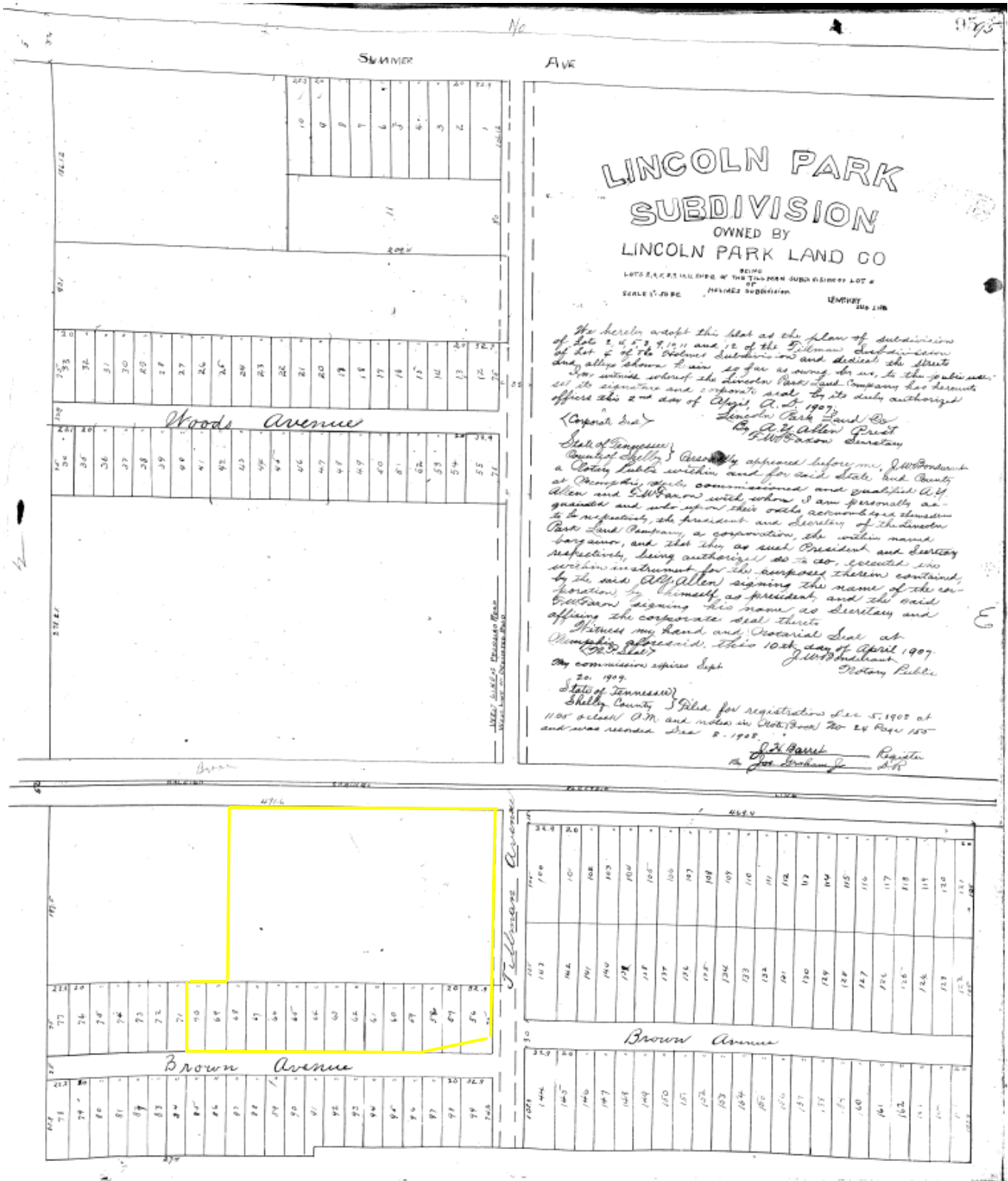
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 86 notices were mailed on October 26, 2023, and a total of 3 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



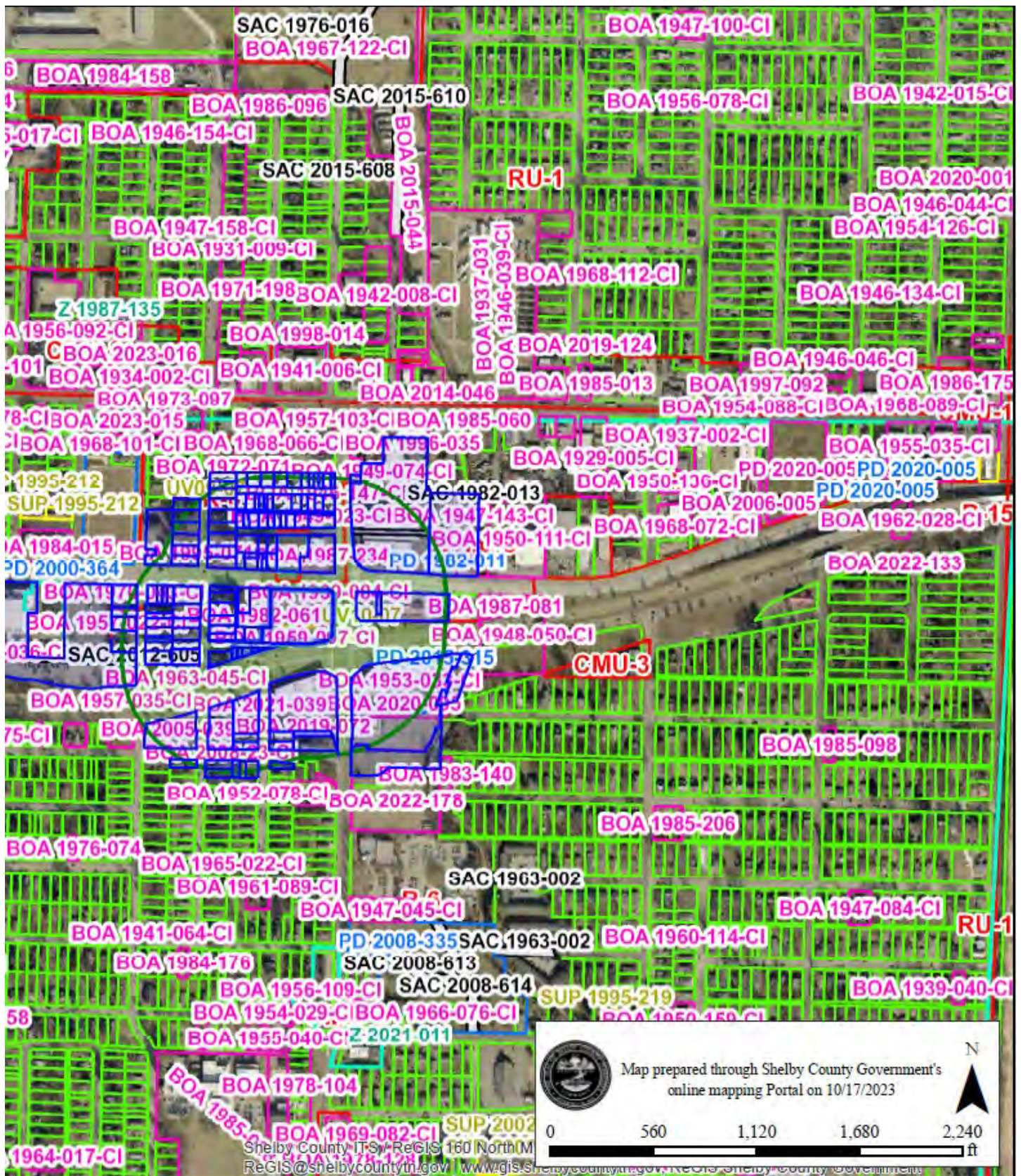
Subject property located in Binghamton

LINCOLN PARK SUBDIVISION (1908)

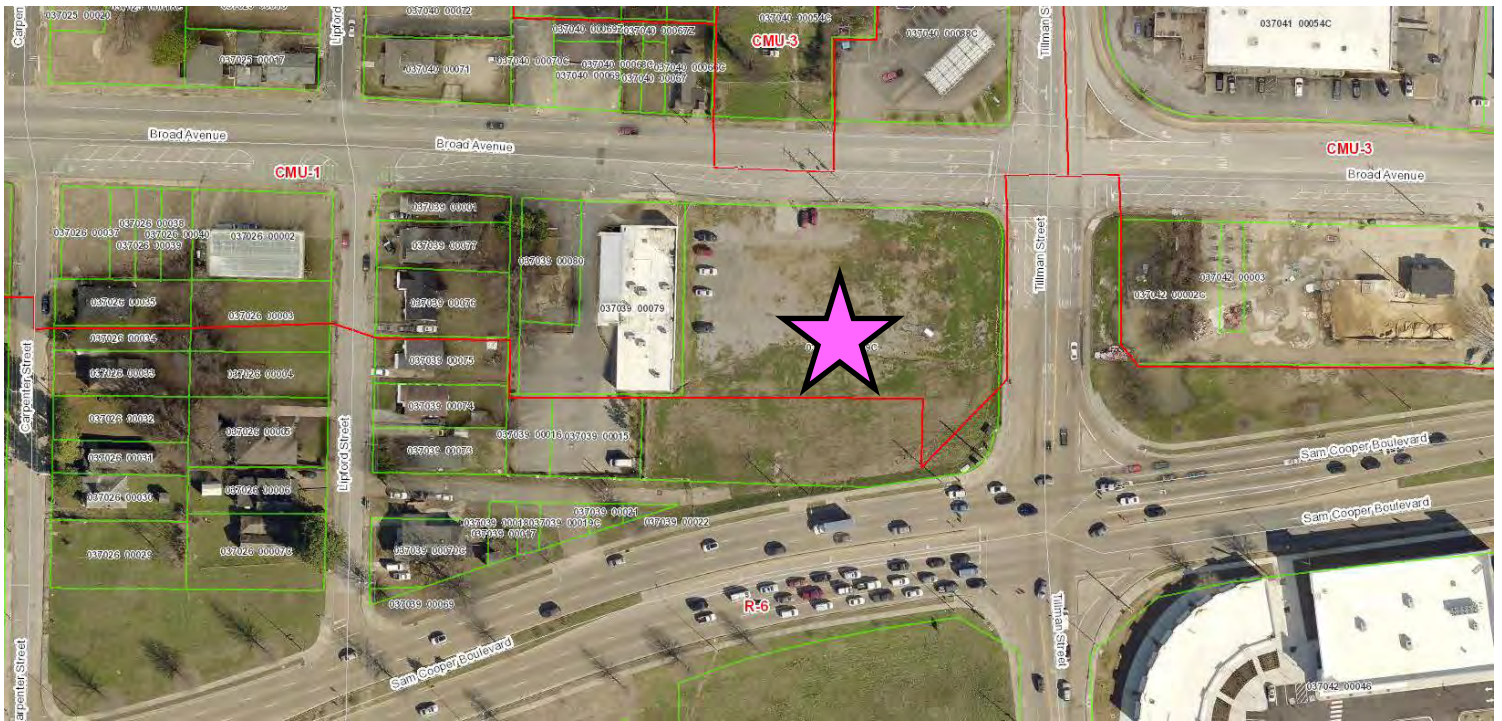


Property boundaries outlined roughly in yellow.

VICINITY MAP



AERIAL PHOTO WITH ZONING



Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

Surrounding Zoning

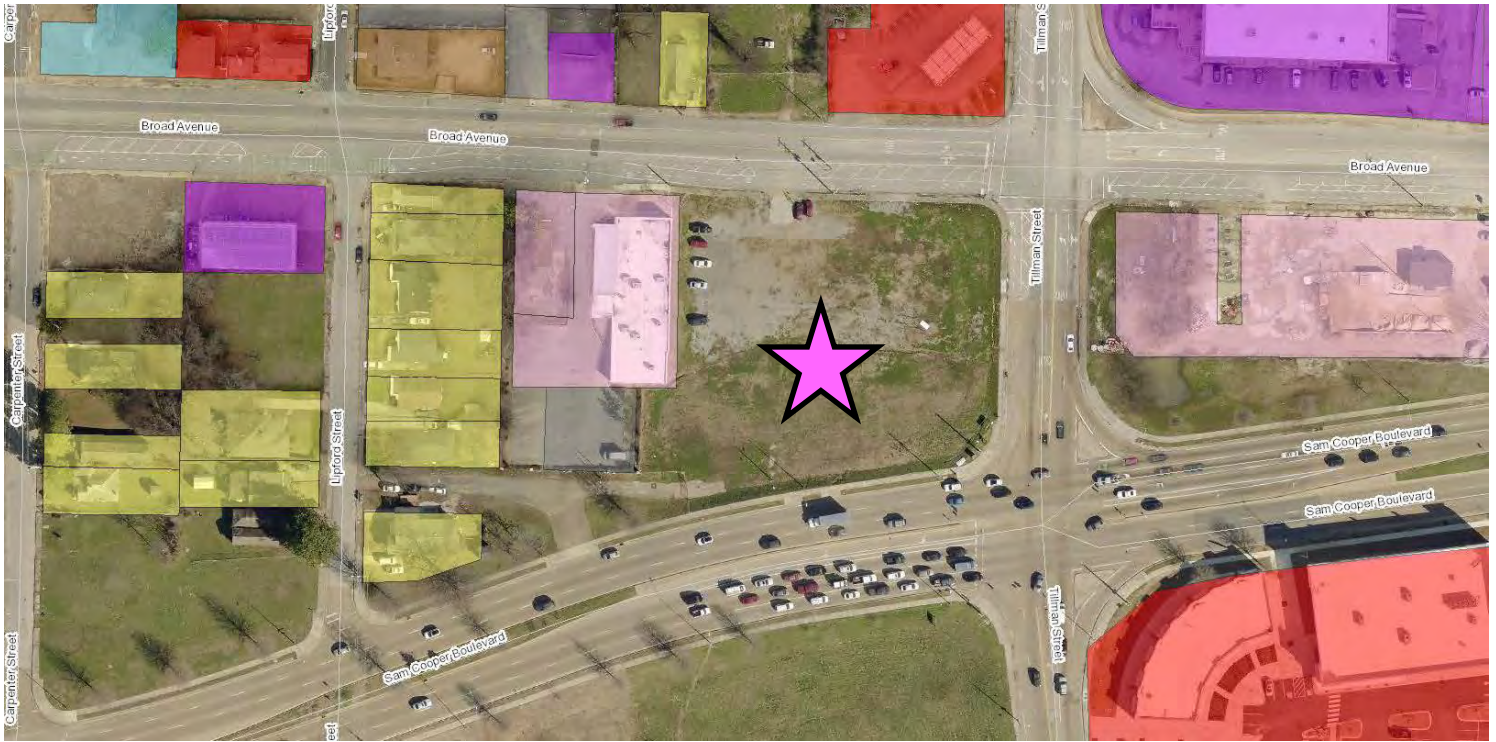
North: Commercial Mixed Use – 1 and Commercial Mixed Use – 3

East: Commercial Mixed Use – 3

South: Residential – 6

West: Residential – 6 and Commercial Mixed Use – 1

LAND USE MAP



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

SITE PHOTOS

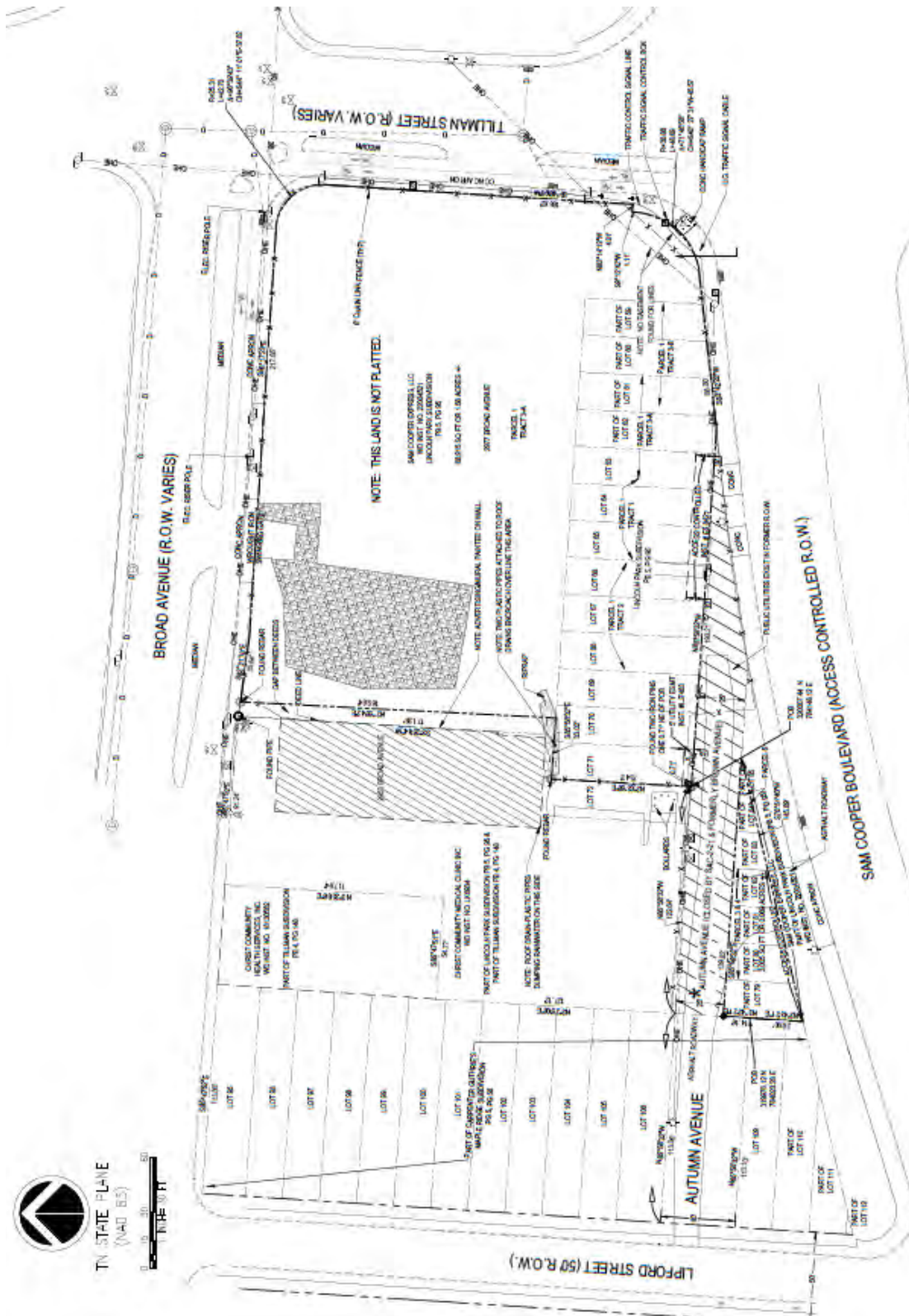


Aerial photograph of site looking westbound.

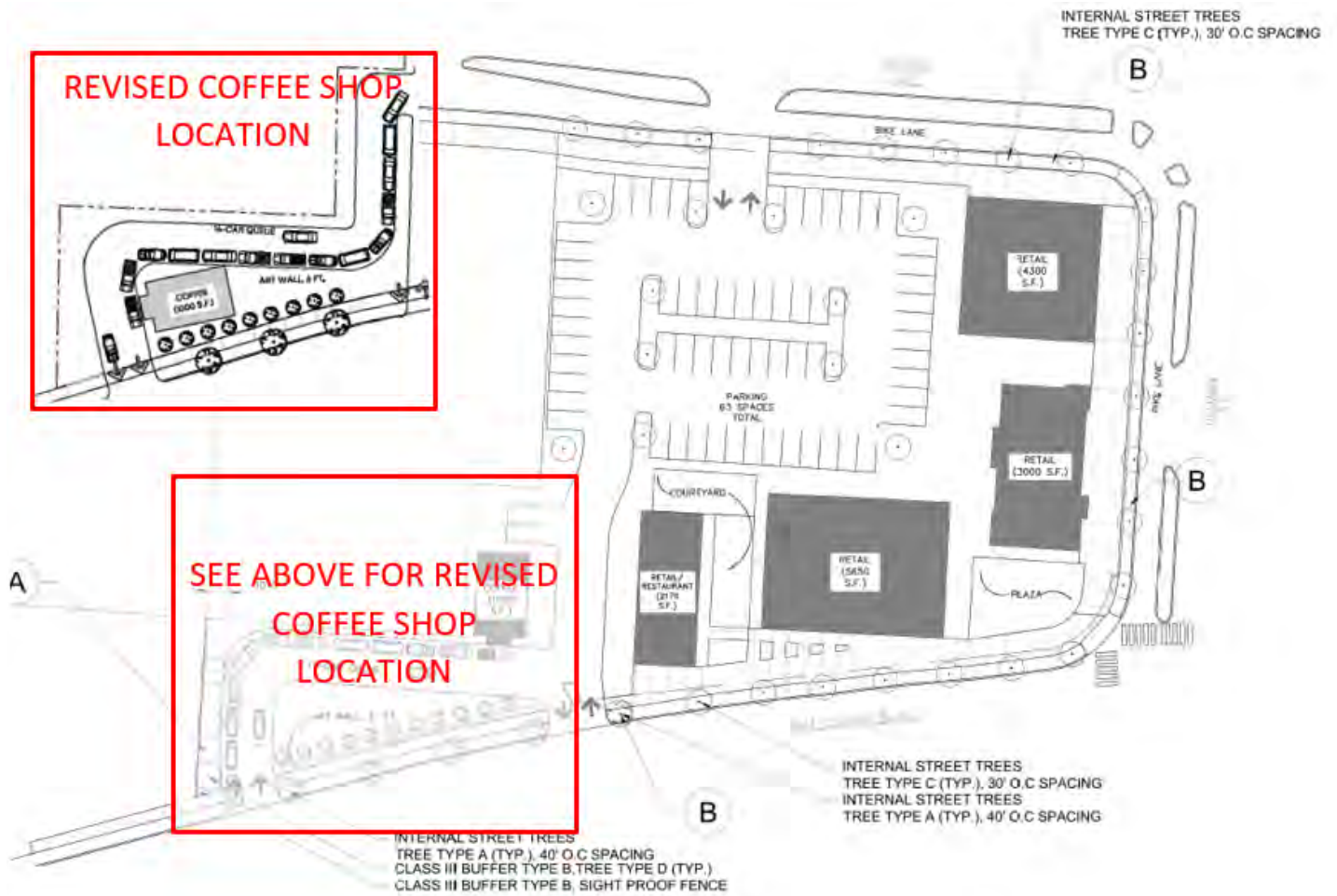


Aerial photograph of site looking eastbound.

SITE SURVEY



CONCEPT PLAN



RENDERINGS



Site



Tillman and Sam Cooper



Retail



Restaurant



Restaurant and retail



Plaza at Sam Cooper and Tillman



Retail and Chase



Restaurant and retail



Sam Cooper art wall



Chase and retail on Tillman



Chase and retail on Tillman

STAFF ANALYSIS

Request

The request is for a special use permit for a planned commercial development.

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

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the 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 agrees 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 about 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 agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

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

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to 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 site, within the Lincoln Park Subdivision, has an area of approximately 1.6 acres. It has three frontages: 169 feet on Tillman, a minor arterial; 388 feet on Sam Cooper, a minor arterial; and 258 feet on Broad, a major collector. The site is vacant.

Site Zoning History

- In 2010, the Memphis City Council approved UV 10-7, a use variance for a farmers market on part of this site. In 2015, Council approved PD 15-318, a special use permit for a planned development of a veterinary clinic. No outline plan was ever recorded and the Council approval expired in December 2021.
- In January 2021, the Council approved SAC 20-21, the physical closure of part of the adjacent Autumn Ave. right-of-way. Said land has been incorporated into the present development concept; however, the right-of-way was never actually closed and the approval is set to expire in January 2024. The applicant has filed a sister application for a time extension of that approval, known as MJR 2023-039.
- In January 2022, the Council rejected PD 21-15, a request for a special use permit for a planned development of a convenience store with gasoline sales.

Site Plan Review

A full plan review will take place during final plan review, if approved.

Conclusions

The applicant has requested a special use permit for a planned commercial development.

The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1.

This approval would allow the entire site to be developed as a unified commercial site, and would also allow a drive-through coffeeshop, which is not allowed by right in either R-6 or CMU-1.

Staff collaborated with the applicant on a revised design that keeps queued traffic from the right-of-way.

Staff recommends approval with outline plan conditions.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

- I. USES PERMITTED
 - A. Any use permitted in the CMU-1 zoning district, with the following exceptions:
 1. Restaurants with drive-through windows shall be permitted.
 2. Convenience stores, with or without gas sales; pawnshops and vehicle service shall be prohibited.
- II. BULK REGULATIONS
 - A. The bulk regulations of the CMU-1 district shall apply except one restaurant or coffee establishment with a drive-through window is permitted (exception to UDC Para. 4.6.8A(3)).
 - B. Only one establishment with a drive-through window is permitted.
 - C. The minimum parking setback adjacent to the adjoining building addressed as 2953 Broad Avenue may be reduced to one (1) foot (exception to UDC Sub-Section 3.10.2B).
- III. ACCESS AND CIRCULATION
 - A. One vehicular access point shall be permitted on Broad and two access points shall be permitted to Sam Cooper Blvd. No vehicular access is permitted on Tillman Street.
- IV. LANDSCAPING AND SCREENING
 - A. A Class III, Type B landscape screen shall be provided along the western property line adjacent to residential uses. Brick columns, as prescribed by UDC Item 4.6.5J(3)(b) shall not be required.
 - B. A modified Streetscape Plate S-14 with a series of trees classified as Trees C or E according to UDC Sec. 4.6.9 planted within a 4.5-foot verge shall be installed along all adjacent roadways.
 - C. A landscaping strip a minimum width of 4.5 feet planted with grass shall be installed between the parking area and the sidewalk along Broad Avenue.

V. DRAINAGE

- A. On-site detention shall not be required as the subject site is not located within a sensitive drainage basin.

VI. SIGNS

- A. Signs shall comply with the sign standards of the CMU-1 zoning district except that no individual user or tenant ground sign is permitted, with the following exceptions:
 - 1. One ground-mounted sign is permitted that advertises the restaurant or coffee establishment with a drive-through window.
 - 2. In the event lots are created for individual buildings, each lot shall be permitted ground signs in accordance with the CMU-1 zoning district regulations.

VII. FINAL PLAN REVIEW

- A. A Final Plan shall be filed within five (5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
 - 1. The Outline Plan Conditions
 - 2. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - 3. The location and ownership, whether public or private, of any easement.
 - 4. A landscape plan.
 - 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Zoning Administrator pursuant to UDC Para. 9.6.11D(3).
- D. Lots may be created administratively and are exempt from the minimum lot area prescribed in UDC Sec. 3.10.2B.

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 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.
10. Will require engineering ASPR.

Drainage:

11. 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.
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. The width of all existing off-street sewer easements shall be widened to meet current city standards.
16. Development is greater than 1 acre.
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:

- 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 Sustainability and Resilience:

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 currently vacant with little tree cover according to aerial photography.

The site plan as submitted will increase the amount of tree canopy on the site, which only has a couple trees on the southwest portion of the site currently.

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

This application is generally consistent with the Mid-South Regional Resilience Master Plan. The plan proposes development in Zone 1, which would be consistent with Section 4.1 – Resilient Sites. Adding tree canopy coverage to the site would be consistent with the recommendations in Section 5.7 - Trees.

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

Recommendations: Staff has no recommendations.

**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: LUCB PD 23-24: Binghampton

Site Address/Location: 2977 Broad Avenue, Parcels 037039 00009C, 037039 00022, 037039 00021, 037039 00019C, 037039 00018, 037039 00017

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

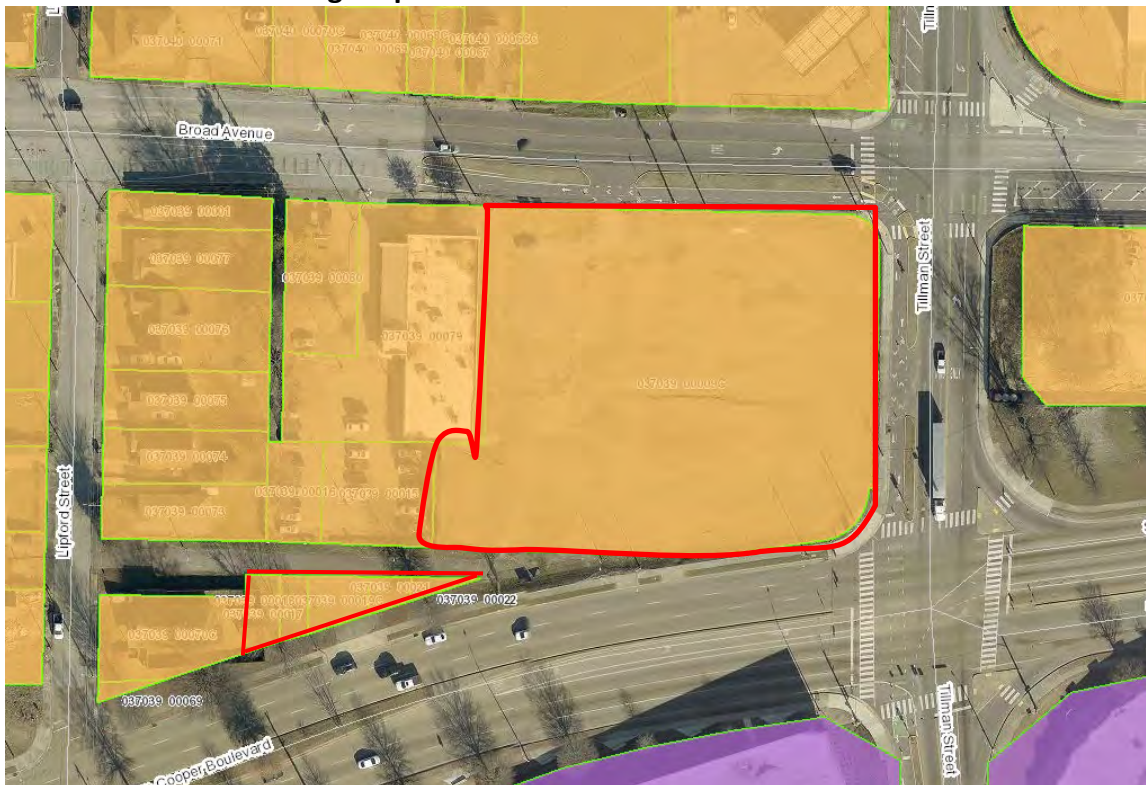
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

Street Type: Avenue & Parkway

The applicant is seeking a planned development to construct a small retail center with several buildings.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



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. It allows a greater mix of uses.

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

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.6 – Support the redevelopment and intensification of underutilized commercial properties within Community Anchors.

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

The parcel is located in the University Planning District and the requested use is consistent with long-term action for the Broad Avenue Anchor – Increase context sensitive development and infill.

Consistency Analysis Summary

The applicant is seeking a planned development to construct a small retail center with several buildings.

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. It allows a greater mix of uses.

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.6 – Support the redevelopment and intensification of underutilized commercial properties within Community Anchors.

The parcel is located in the University Planning District and the requested use is consistent with long-term action for the Broad Avenue Anchor – Increase context sensitive development and infill.

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: October 5, 2023

Record Number: PD 2023-024

Expiration Date:

Record Name: Sam Cooper and Tillman development

Description of Work: Planned development for the NW corner of Sam Cooper Blvd. and Tillman Street.

Parent Record Number:

Address:

2957 BROAD AVE, MEMPHIS 38112

Owner Information

Primary Owner Name

Y BROAD ARTS LLC

Owner Address

347 CLAWSON CV, MEMPHIS, TN 38117

Owner Phone

Parcel Information

037039 00009C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Brett Davis

Date of Meeting

05/02/2023

Pre-application Meeting Type

In Person

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

Previous Docket / Case Number PD 2021-015

Medical Overlay / Uptown No

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

(Note a tract of less than three acres is not 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

This PD represents the development of a long-vacant site, the southern portion of which has been vacant for more than 50 years due to the initial clearing for the planned construction of Interstate 40 through the area. The northern portion was last occupied by an Amoco gas station. This PD will have a positive effect upon the adjacent properties and neighborhood.

UDC Sub-Section 9.6.9B

Correct; the layout of the site will be arranged in such a way that aids in pedestrian activity along its adjacent roadways and harmonizes with adjacent properties.

UDC Sub-Section 9.6.9C

Correct.

UDC Sub-Section 9.6.9D

Correct.

UDC Sub-Section 9.6.9E

The northern portion of the site is currently zoned CMU-3 and will be effectively downzoned to the CMU-1 district. The southern portion of the site is currently zoned R-6 and will be effectively upzoned to CMU-1, creating a uniform zoning pattern connecting Sam Cooper and Broad.

UDC Sub-Section 9.6.9F

Correct; see letter of intent.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

Correct.

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

Correct.

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

Correct; the layout will accommodate both the pedestrian and vehicular customer, serving both the immediate vicinity and neighborhoods beyond.

GENERAL PROVISIONS

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 Correct.

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

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

GIS INFORMATION

Central Business Improvement District	No
Case Layer	-
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name	Contact Type
JOSH WHITEHEAD	APPLICANT
Address	
Phone	
(901)524-5127	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1507872	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	10/05/2023
Total Fee Invoiced: \$0.00			Total Balance: \$0.00			

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

October 5, 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 Members of the Board:

On behalf of High Mountain Investments and its principal Stuart Maxwell, I am pleased to submit this application for the Broad Arts Planned Development ("PD") for the property at the northwest corner of Sam Cooper Blvd. and Tillman.

Two planned developments have been filed for this site in the past eight years. The first, styled as PD 15-318, involved an animal hospital; the second, styled as PD 21-15, involved a convenience store with gas pumps. The current split zoning of the site, which necessitates the filing of a PD application, has been in place for several decades, predating the construction of Sam Cooper Blvd. (see image from the 1954 Zoning Atlas attached as Exhibit A). With the construction of Sam Cooper, residential uses along the southern portion of the site are no longer viable, particularly with the non-residential uses that have developed at the other corners of the Sam Cooper/Tillman intersection.

The proposed Broad Arts PD will effectively downzone the northern portion of the site from the CMU-3 commercial district to the CMU-1 district and upzone the southern portion from R-6 residential to CMU-1. The retail and service establishments allowed in the CMU-1 district will serve as a gateway into the core city from those traveling westbound along Sam Cooper Blvd. (see aerial photographs attached as Exhibits B and C). The most recent zoning text amendment to the Unified Development Code prohibits restaurants with drive-through windows in the CMU-1 district; we are requesting one such establishment given the high volume of vehicular traffic along Sam Cooper (according to TDOT, there was an average number of 12,659 vehicles traveling westbound on this block of the roadway per day). The PD has been thoughtfully designed to accommodate both pedestrian and vehicular customers arriving safely to the site.

Finally, given the adjacent industrial, commercial and institutional land uses and zoning at the other three corners of the Sam Cooper/Tillman intersection, as well as the designation of the properties on the south side of Sam Cooper as being within a Main Street Anchor, we feel this request is consistent with the Memphis 3.0 General Plan (see Exhibit D).

Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

October 5, 2023
Page 2

EXHIBIT A



This image from the 1954 Zoning Atlas shows the zoning of the subject site, which is outlined in yellow, was once located within the C-2, C-1 and R-3 zoning districts.

L E G E N D		
	R-1	SINGLE - FAMILY DWELLING DISTRICT
	R-2	SINGLE - FAMILY DWELLING DISTRICT
	R-3	TWO - FAMILY DWELLING DISTRICT
	R-4	MULTIPLE DWELLING DISTRICT
	R-5	MULTIPLE DWELLING DISTRICT
	C-1	NEIGHBORHOOD SHOPPING DISTRICT
	C-2	COMMERCIAL DISTRICT
	C-3	COMMERCIAL DISTRICT
	C-4	CENTRAL BUSINESS DISTRICT
	M-1	LIGHT INDUSTRIAL DISTRICT
	M-2	LIGHT INDUSTRIAL DISTRICT
	M-3	HEAVY INDUSTRIAL DISTRICT
	AG	AGRICULTURAL DISTRICT

October 5, 2023
Page 3

EXHIBIT B



Aerial photograph of site looking westbound.

October 5, 2023
Page 4

EXHIBIT C



Aerial photograph of site looking eastbound.

October 5, 2023
Page 5

EXHIBIT D



Memphis 3.0 General Plan showing future land use planning map of the Sam Cooper/Tillman intersection.

APPLICANT'S REQUESTED OUTLINE PLAN CONDITIONS

- IV. USES PERMITTED
 - A. Any use permitted in the CMU-1 zoning district, with the following exceptions:
 - 3. Restaurants with drive-through windows shall be permitted.
 - 4. Convenience stores, with or without gas sales; pawnshops and vehicle service shall be prohibited.

- V. BULK REGULATIONS
 - D. The bulk regulations of the CMU-1 district shall apply except one restaurant or coffee establishment with a drive-through window is permitted (exception to UDC Para. 4.6.8A(3)).
 - E. Only one establishment with a drive-through window is permitted.
 - F. The minimum parking setback adjacent to the adjoining building addressed as 2953 Broad Avenue may be reduced to one (1) foot (exception to UDC Sub-Section 3.10.2B).

- VI. ACCESS AND CIRCULATION
 - A. One vehicular access point shall be permitted on Broad and two access points shall be permitted to Sam Cooper Blvd. No vehicular access is permitted on Tillman Street.

- VIII. LANDSCAPING AND SCREENING
 - A. A Class III, Type B landscape screen shall be provided along the western property line adjacent to residential uses. Brick columns, as prescribed by UDC Item 4.6.5J(3)(b) shall not be required.
 - B. A modified Streetscape Plate S-14 with a series of trees classified as Trees C or E according to UDC Sec. 4.6.9 planted within a 4.5-foot verge shall be installed along all adjacent roadways.
 - C. A landscaping strip a minimum width of 4.5 feet planted with grass shall be installed between the parking area and the sidewalk along Broad Avenue.

- IX. DRAINAGE
 - A. On-site detention shall not be required as the subject site is not located within a sensitive drainage basin.

- X. SIGNS
 - A. Signs shall comply with the sign standards of the CMU-1 zoning district except that no individual user or tenant ground sign is permitted, with the following exceptions:
 - 1. One ground-mounted sign is permitted that advertises the restaurant or coffee establishment with a drive-through window.
 - 2. In the event lots are created for individual buildings, each lot shall be permitted ground signs in accordance with the CMU-1 zoning district regulations.

XI. FINAL PLAN REVIEW

- A. A Final Plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- B. Any Final Plan is subject to the administrative approval of DPD and shall include the following:
 - 1. The Outline Plan Conditions
 - 2. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - 3. The location and ownership, whether public or private, of any easement.
 - 4. A landscape plan.
 - 5. Building elevations with exterior finishes, including signage.
- C. Minor Deviations from this Outline Plan may be administratively approved by the Planning Director pursuant to UDC Para. 9.6.11D(3).
- D. Lots may be created administratively and are exempt from the minimum lot area prescribed in UDC Sec. 3.10.2B.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Stuart Maxwell, being duly sworn, depose and say that at 1:00 am/pm on the 27 day of October, 2023, I posted 3 Public Notice Sign(s) pertaining to Case No. PD 23-24 and MJR 23-39 at 2977 Broad Avenue, providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

10-27-23
Date

Subscribed and sworn to before me this 27th day of October, 2023.

[Signature]
Notary Public

My commission expires: 2/2/26



LETTERS RECEIVED

No letters of support and four letters of opposition were received at the time of completion of this report and have subsequently been attached.

To: Land Use Control Board
Re: PD 2023-024: BINGHAMPTON
Attn: Brett Davis brett.davis@memphistn.gov



LUCB:

Motivated by concerns about safety on Sam Cooper Blvd., we oppose the inclusion of a drive-thru coffee shop in this this application for a Planned Development. The probability of the line backing up onto Sam Cooper defeats the very purpose of that stretch of street and creates the potential for a dangerous traffic situation.

Please support the Binghampton and Lea's Woods neighborhoods that oppose this aspect of the Planned Development.

We are otherwise pleased to see the empty lot being developed.

Please do not allow a drive-through coffee shop as part of this PD.

Thank you,

Emily Bishop

Emily Bishop
President, MidtownMemphis.org

Robert Gordon
P&D Cmte Chair

CC: Robert Montague, Binghampton CDC
Vaughan Dewar, Lea's Woods
Christina Ross, Lea's Woods

EXECUTIVE COMMITTEE

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- Natasha Strong

66 S. Cooper St., Ste. 506
Memphis, TN 38104
info@midtownmemphis.org
MidtownMemphis.org

From: [Susan JENNINGS](#)
To: [Davis, Brett](#)
Cc: [Nicole Dorsey](#); [Joni Laney](#); [Robert Gordon](#); [Christina Ross \(Lea's Woods\)](#); [richard russell](#); [Steve Solomon](#); [kristin@inspirecafememphis.com](#); [Vaughan Dewar](#)
Subject: Opposition Letter to PD 2023-024
Date: Tuesday, October 31, 2023 9:56:16 AM

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

Mr. Davis,

I understand the need to support new business in Memphis, but am concerned about the increasing traffic volume on Sam Cooper.

Please add my opposition to the section of **PD 2023-024:Binghampton** (planned development to allow any use permitted in the CMU-1 zoning district in addition to Drive-thru restaurants east of Lipford Street at 2957 Broad Ave) that includes a proposal to include a drive-through restaurant which will potentially create a line of cars on Sam Cooper boulevard.

Thank you for your consideration of this matter which will contribute to the safety of Sam Cooper boulevard and the integrity of our neighborhood.

Best regards,

Susan

Susan Jennings

901-487-6467

From: [Vaughan Dewar](#)
To: [Davis, Brett](#)
Cc: [Nicole Dorsey](#); [Joni Laney](#); [Robert Gordon](#); [Christina Ross \(Lea's Woods\)](#); [richard russell](#); [Steve Solomon](#); [kristin@inspirecafememphis.com](#); [Susan Gennings](#)
Subject: Opposition Letter to PD 2023-024
Date: Saturday, October 28, 2023 10:53:18 AM
Attachments: [PD 2023-024 Binghampton Page 22.png](#)

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

Greetings Mr. Brett Davis,

Please register my strong opposition to the following section of **PD 2023-024**. It includes a **proposal to include a drive0through restaurant with potential of cars stopped in line ON SAM COOPER** (see attached photo from p. 21). Given the traffic volume and speeds of cars & trucks headed west on Sam Cooper, this concept is dangerous and downright ludicrous!

* **PD 2023-024: BINGHAMPTON:** planned development to allow any use permitted in the CMU-1 zoning district in addition to Drive-thru restaurants east of Lipford Street at 2957 Broad Ave.

If I am available when the City Council hearing is conducted by some small chance due to work, I intend to be there and speak out against it as well.

Thank you for your consideration of this matter and helping us preserve the safety of our traffic and integrity of our neighborhood.

Respectfully,
Vaughan Dewar 901 692 7777

From: [Joni Laney](#)
To: [Davis, Brett](#)
Subject: Opposition to part of PD2023-024
Date: Monday, October 30, 2023 8:30:05 AM

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

Greetings Mr. Brett Davis,

Please register my strong opposition to the following section of **PD 2023-024**. It includes a **proposal to include a drive through restaurant with potential of cars stopped in line ON SAM COOPER**. Given the traffic volume and speeds of cars & trucks headed west on Sam Cooper, this concept is dangerous and downright ludicrous!

Imagine the traffic jams on Sam Cooper when the drive through is backed up and folks can't get their orders quickly. That is an accident waiting to happen.

Please revise the plans so that the drive through occurs off of Broad Avenue which has much less traffic.

Sincerely,
Joan Laney
2529 Yale Avenue
Memphis, TN 38112

From: [christina ross](#)
To: [Davis, Brett](#)
Subject: Fwd: PD 2023-024
Date: Wednesday, November 1, 2023 4:43:51 PM
Attachments: [Outlook-tvupqiwp.png](#)

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

Get [Outlook for iOS](#)

From: christina ross
Sent: Wednesday, November 1, 2023 1:45:17 PM
To: Ragsdale, Brett <brett.ragsdale@memphistn.gov>
Subject: PD 2023-024

Hello-

I am a longtime resident of Lea's Woods in Binghampton, I am in support of **PD-2023-024** and **MJR 2023-039**, however the drive-thru location needs to be reconsidered or not allowed. I question the safety and logistics involved with a drive-thru establishment on Sam Cooper. Would cars back up on Sam Cooper or cause a hazard turning into the drive-thru? Have other options been explored for vehicular traffic?

This project is in **right direction** potentially providing light commercial services for the neighborhood, it aligns with the objectives of Memphis 3.0 and the UDC, and it is respectful of the bike lanes that are used here to connect Broad to Tillman with access to the Greenline. The current site is vacant, but an Amoco was once located here and other proposals have also been made for the site, most recently a gas station that was voted down in 2021 (PD 2021-015).

PD-2023-024 is a request to "down-zone" the northern portion of the site from CMU-3 (high density commercial) to CMU-1 (neighborhood services, lighter commercial). CMU-1 does not allow for drive-thru services and the developer is asking for permission to have one drive-thru on this site entering and exiting on Sam Cooper. As shown in the proposal, this drive-thru is a coffee shop. There is also a small sliver on the south side of the site that is currently zoned R-6 (residential) and the request is to zone this piece to CMU-1 to create a uniform zoning through the site.

Thank you,
Christina Ross



247 Williford Street
Memphis, Tennessee 38112
901-212-3083c

**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> </u>	<u> </u>	<u> </u>
	DATE	POSITION
<u> </u>	<u> </u>	PLANNER III
<u> </u>	<u> </u>	DEPUTY ADMINISTRATOR
<u> </u>	<u> </u>	ADMINISTRATOR
<u> </u>	<u> </u>	DIRECTOR (JOINT APPROVAL)
<u> </u>	<u> </u>	COMPTROLLER
<u> </u>	<u> </u>	FINANCE DIRECTOR
<u> </u>	<u> </u>	CITY ATTORNEY
<u> </u>	<u> </u>	CHIEF ADMINISTRATIVE OFFICER
<u> </u>	<u> </u>	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

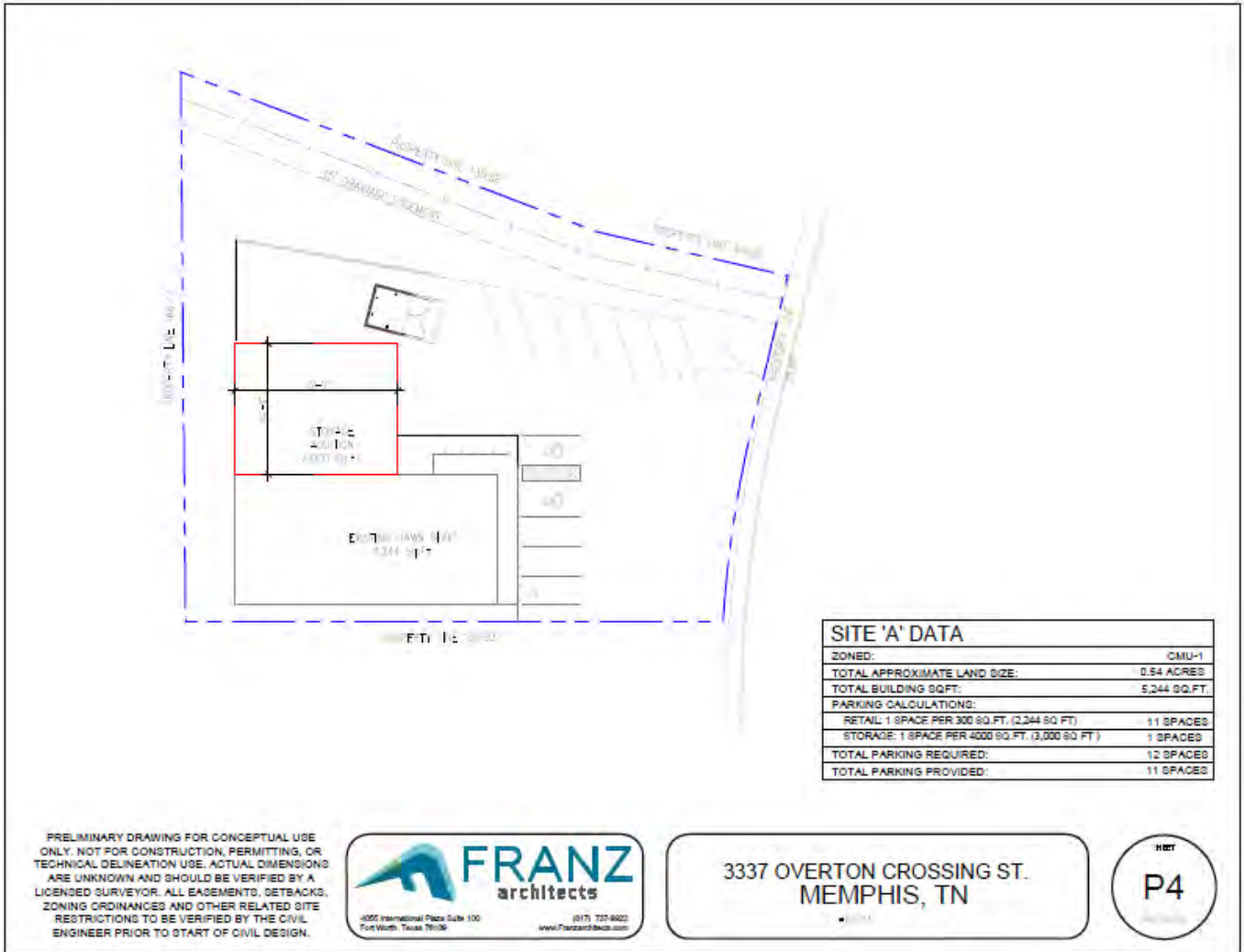
**PD 23-09
CONDITIONS**

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

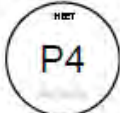


SITE 'A' DATA	
ZONED:	CMU-1
TOTAL APPROXIMATE LAND SIZE:	0.54 ACRES
TOTAL BUILDING SQFT:	5,244 SQ.FT.
PARKING CALCULATIONS:	
RETAIL: 1 SPACE PER 300 SQ.FT. (2,244 SQ.FT.)	11 SPACES
STORAGE: 1 SPACE PER 4000 SQ.FT. (2,000 SQ.FT.)	1 SPACES
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TOTAL PARKING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

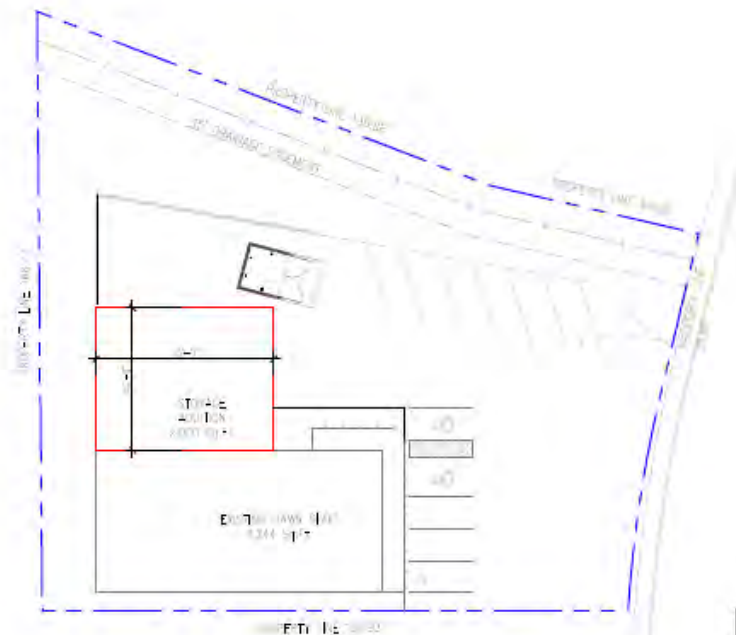
**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement**

Outline Plan Conditions

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 - 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



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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)

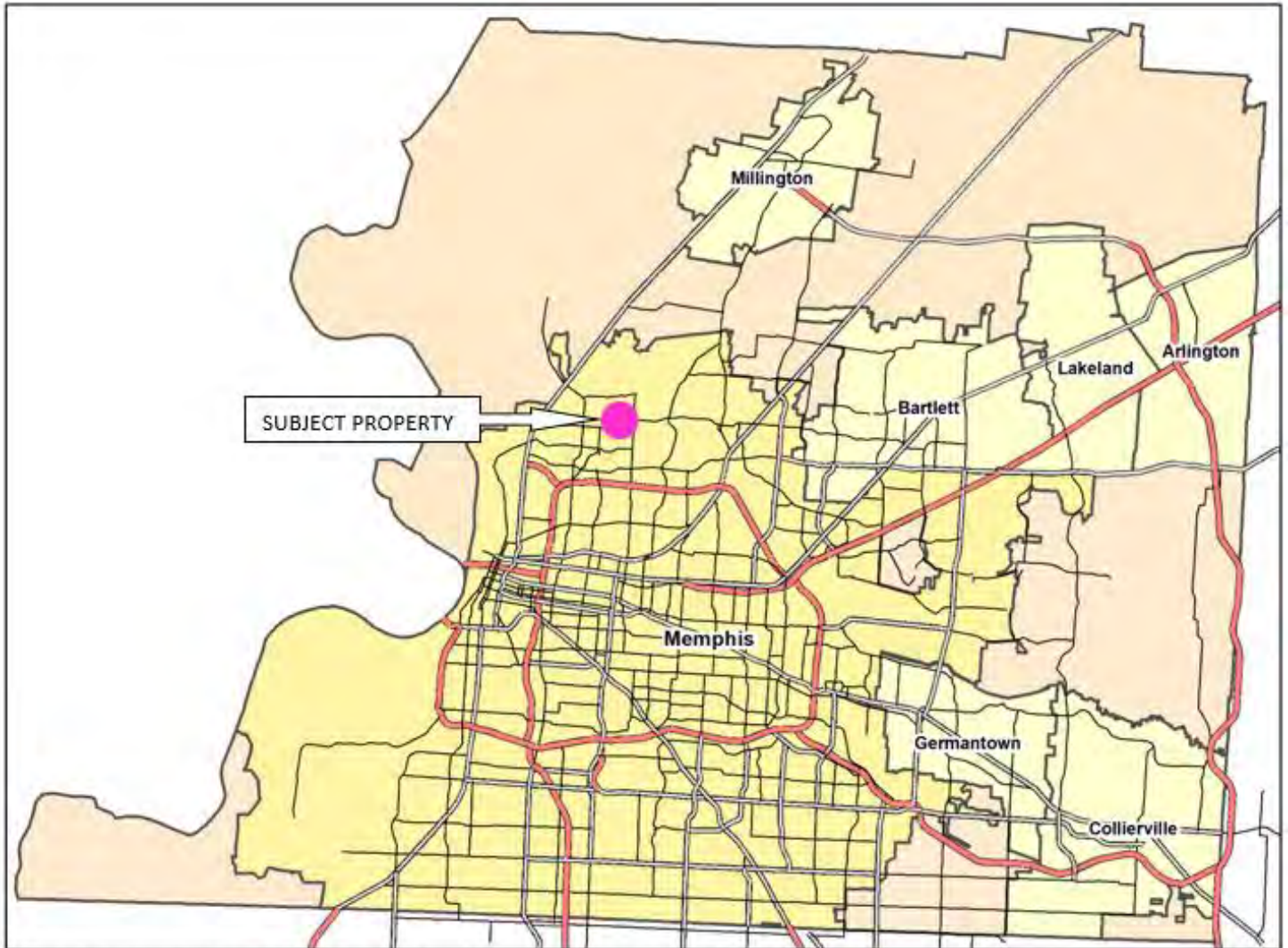
NEIGHBORHOOD MEETING

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



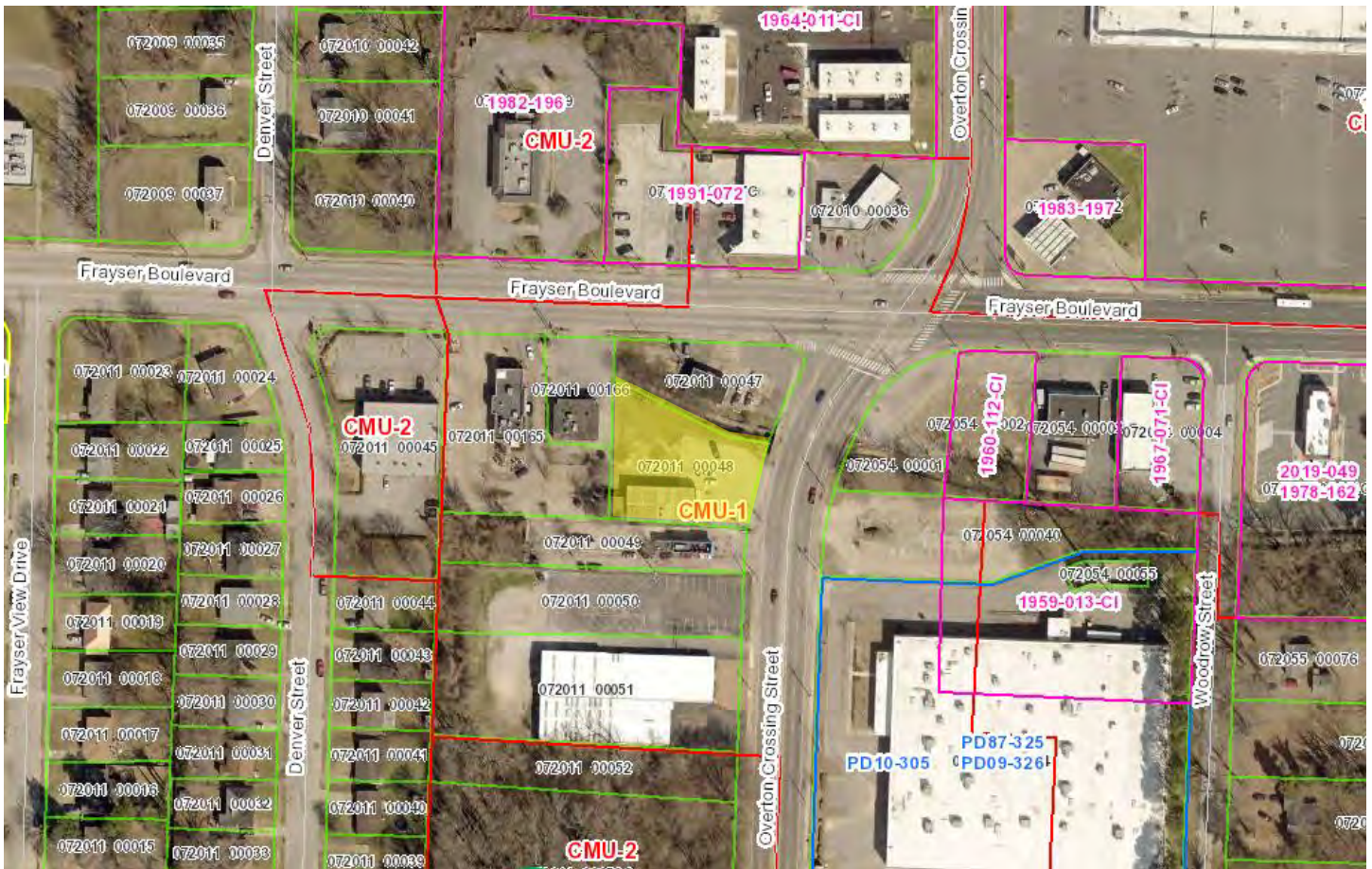
Subject property highlighted in yellow

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

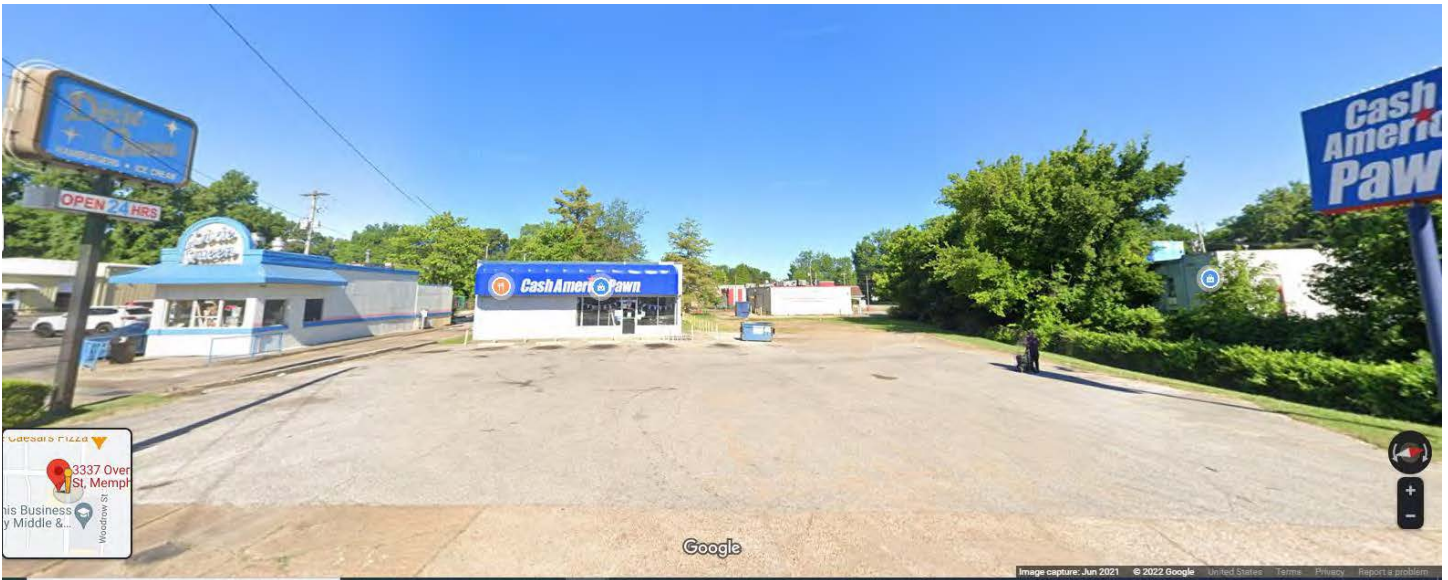


LandUse

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

Subject property indicated by a pink star

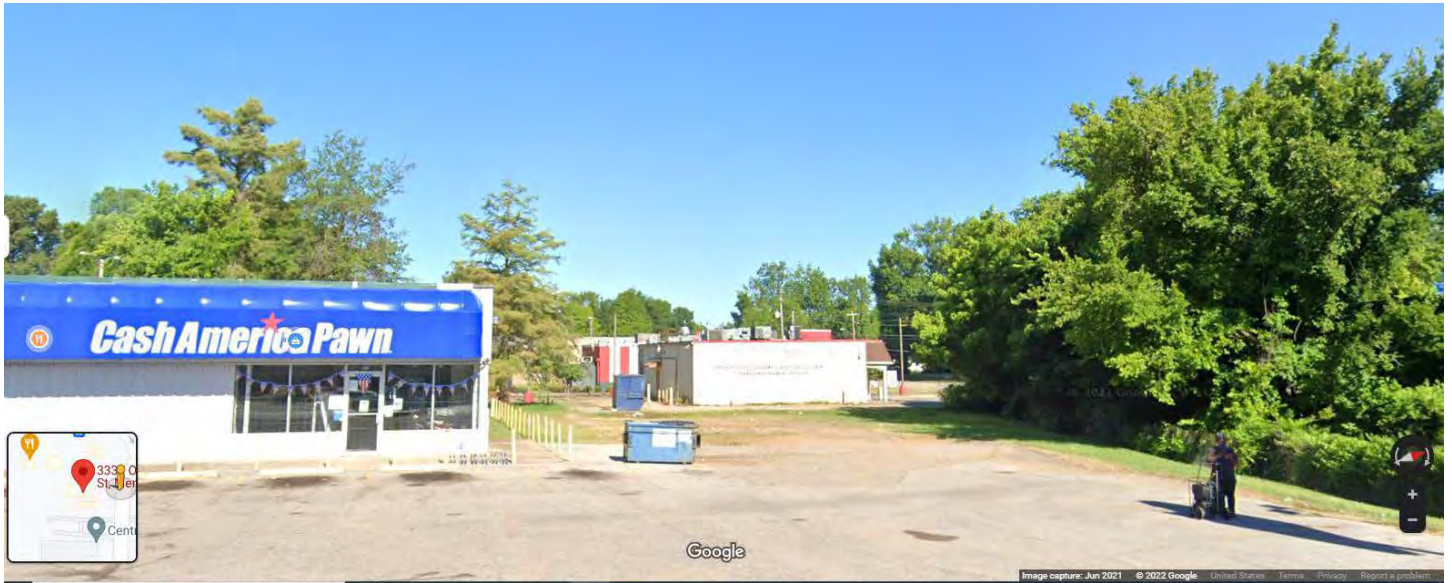
SITE PHOTOS



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	DESCRIPTION	MANUFACTURER	REMARKS
SP-1	SPRINKLER	Y	NO PRN
SP-2	SPRINKLER	Y	NO PRN
SP-3	SPRINKLER	Y	NO PRN
SP-4	SPRINKLER	Y	NO PRN
SP-5	SPRINKLER	Y	NO PRN
SP-6	SPRINKLER	Y	NO PRN
SP-7	SPRINKLER	Y	NO PRN
SP-8	SPRINKLER	Y	NO PRN
SP-9	SPRINKLER	Y	NO PRN
SP-10	SPRINKLER	Y	NO PRN
SP-11	SPRINKLER	Y	NO PRN
SP-12	SPRINKLER	Y	NO PRN
SP-13	SPRINKLER	Y	NO PRN
SP-14	SPRINKLER	Y	NO PRN
SP-15	SPRINKLER	Y	NO PRN
SP-16	SPRINKLER	Y	NO PRN
SP-17	SPRINKLER	Y	NO PRN
SP-18	SPRINKLER	Y	NO PRN
SP-19	SPRINKLER	Y	NO PRN
SP-20	SPRINKLER	Y	NO PRN

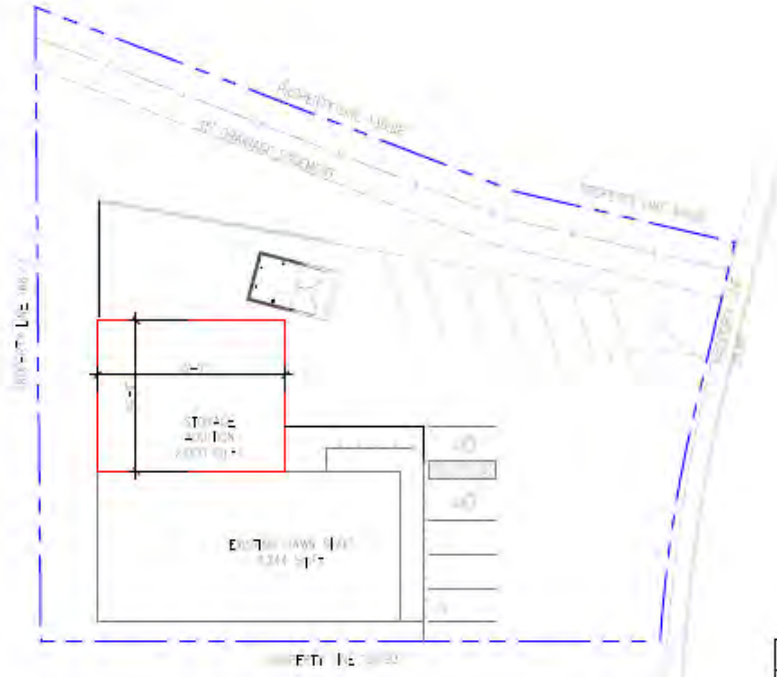


1 PROPOSED ELEVATION



2 EXISTING ELEVATION

SITE PLAN



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3337 OVERTON CROSSING ST.
 MEMPHIS, TN



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

General Provisions

Staff 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:
- 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.

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.

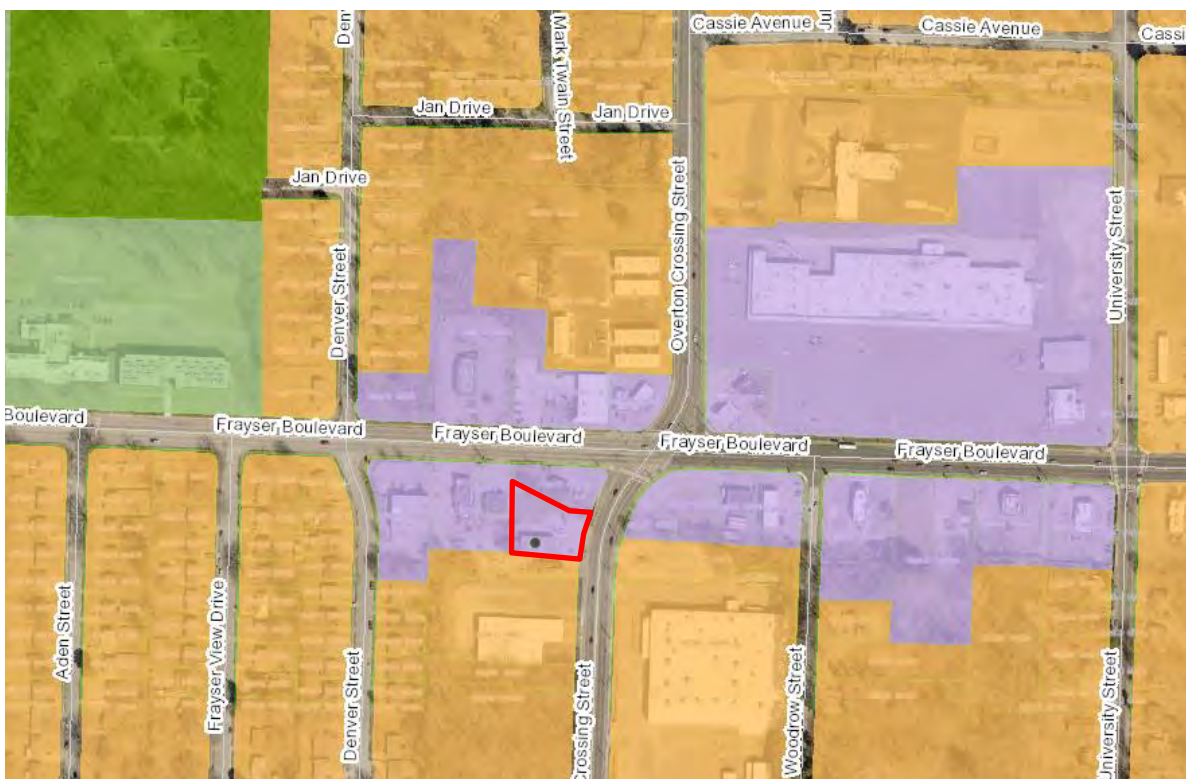
City/County Fire Division: No comments received.

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.

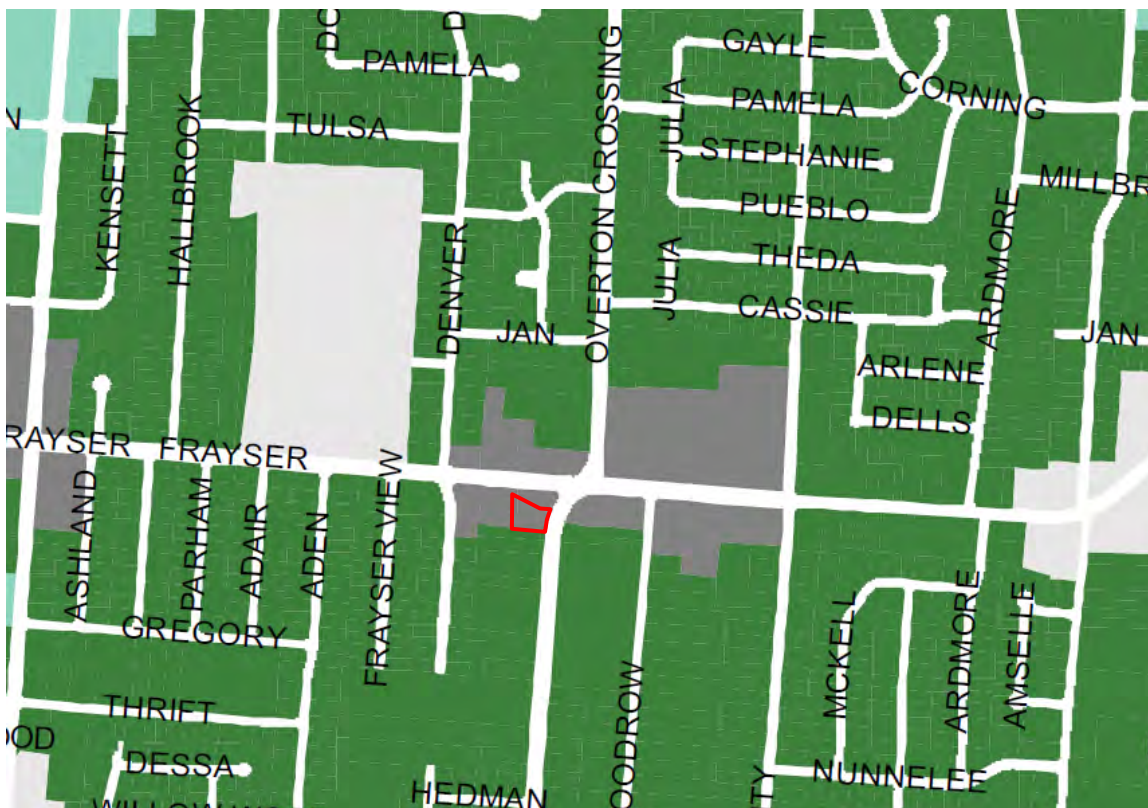
Existing, Adjacent Land Use and Zoning

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

CIS 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):

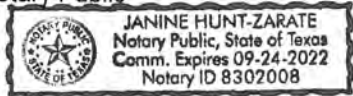
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate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

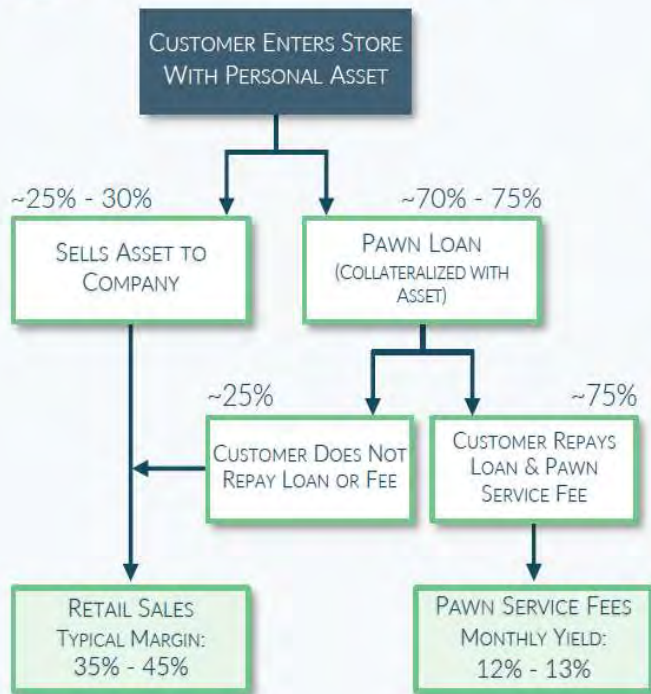


PAWN LOAN OVERVIEW

NON-RECOURSE LOANS FULLY COLLATERALIZED WITH PERSONAL PROPERTY

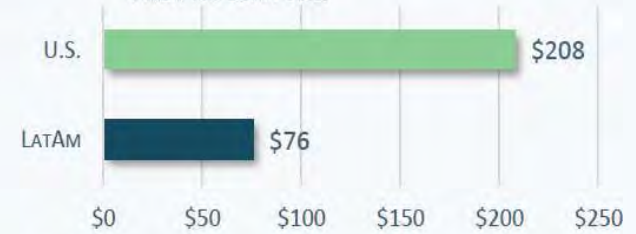
TYPICAL PAWN TRANSACTION CYCLE

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:



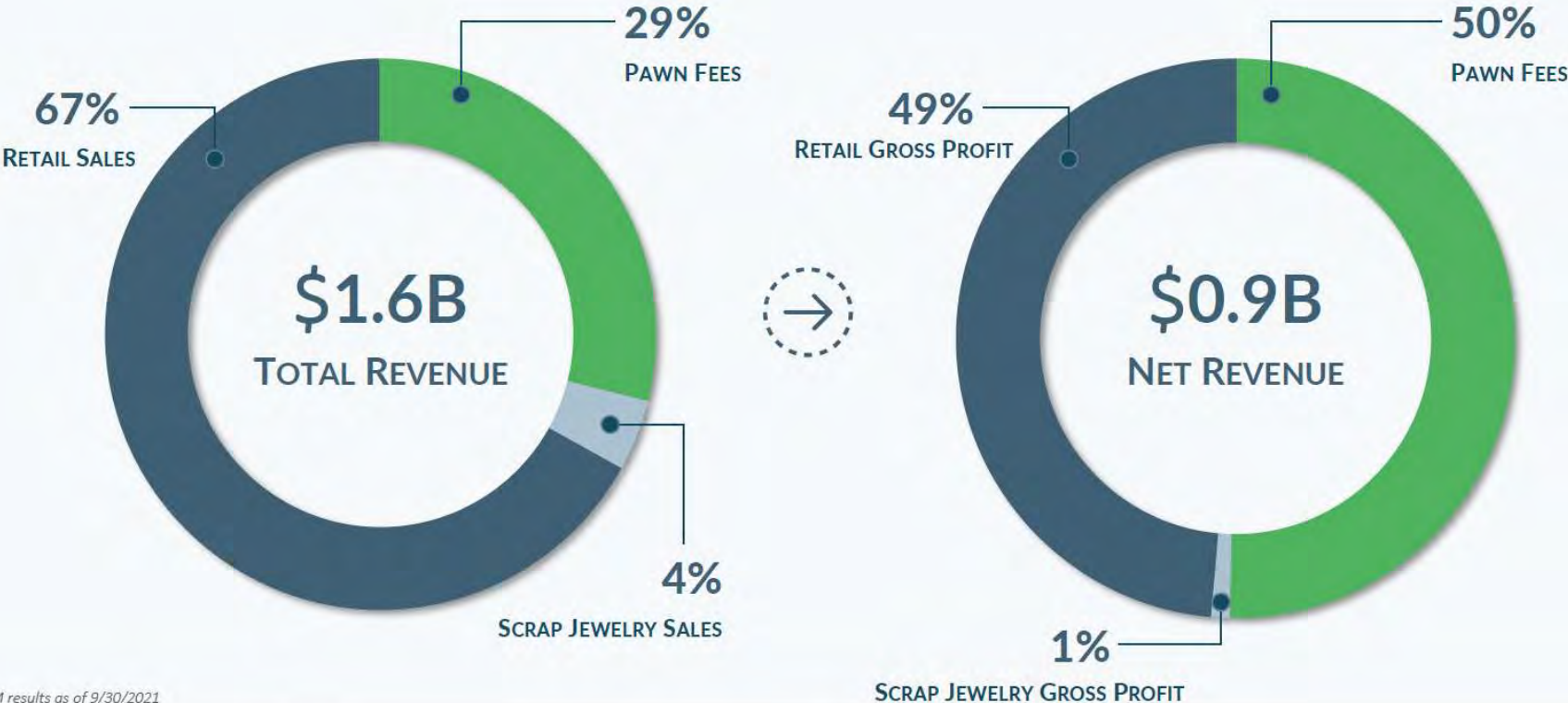
As of 9/30/2021

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

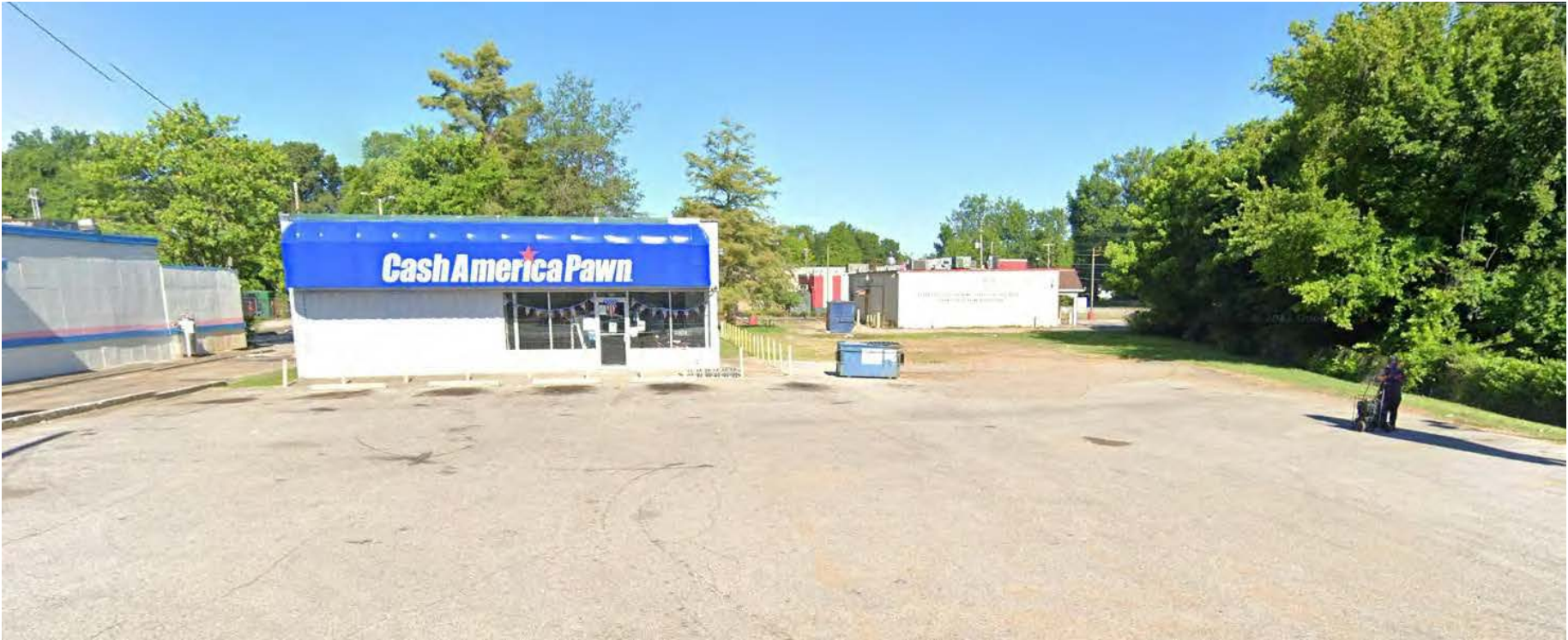
LOCAL SOURCING OF PRE-OWNED GOODS ELIMINATES CARBON FOOTPRINT OF MANUFACTURING FACILITIES, DISTRIBUTION CENTERS AND TRANSPORTATION SERVICES

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



Cash America®

Free Layaway
Pay 10% down on most merchandise at 0% interest and complete during 90 days.
Limits of Layaway:
- \$1000 - 60 days
- \$2000 - 120 days
- \$3000 - 180 days
- \$5000 - 240 days

WARNING
L-SOUND BROWN OND.
BANG

Delight in 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 purchase items please pay in full at the time of purchase. Layaway items are not eligible for return.







Untitled Map

Write a description for your map.

Legend

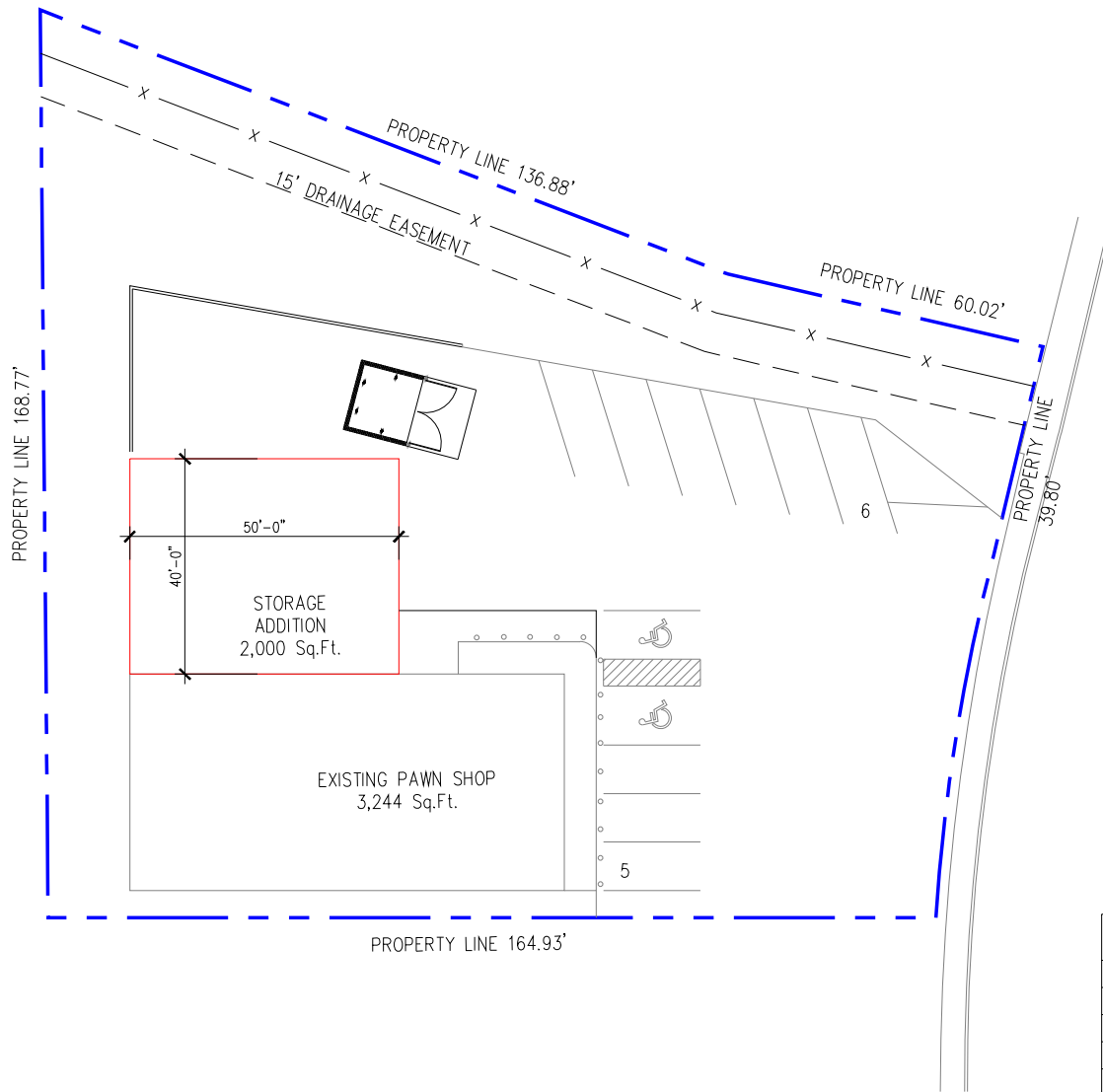
-  3337 Overton Crossing St
-  O'Reilly Auto Parts





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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	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	
Palmsist(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	



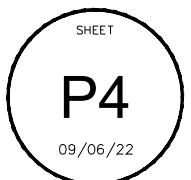
SITE 'A' DATA	
ZONED:	CMU-1
TOTAL APPROXIMATE LAND SIZE:	0.54 ACRES
TOTAL BUILDING SQFT:	5,244 SQ.FT.
PARKING CALCULATIONS:	
RETAIL: 1 SPACE PER 300 SQ.FT. (2,244 SQ FT)	11 SPACES
STORAGE: 1 SPACE PER 4000 SQ.FT. (3,000 SQ FT)	1 SPACES
TOTAL PARKING REQUIRED:	12 SPACES
TOTAL PARKING PROVIDED:	11 SPACES

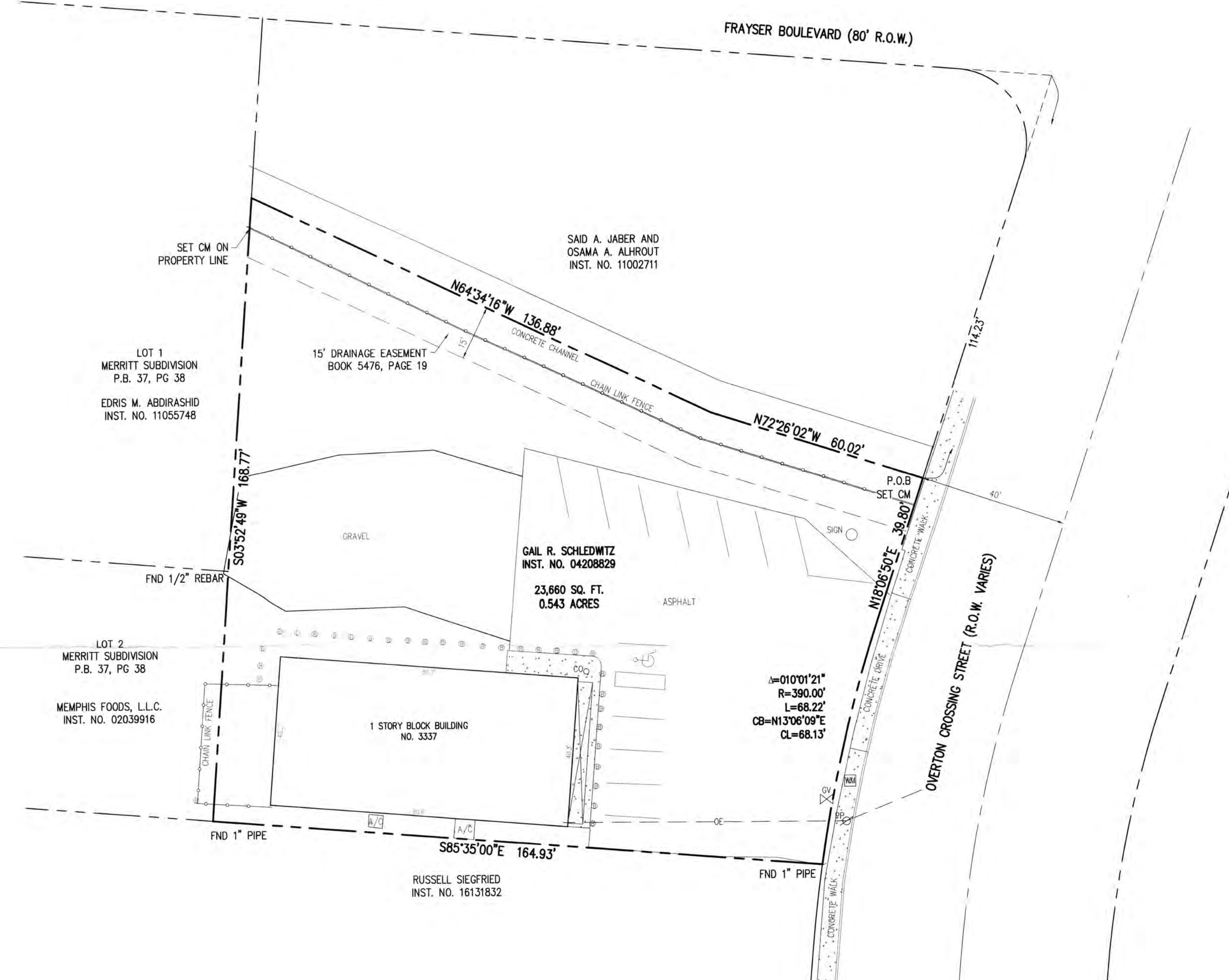
PRELIMINARY DRAWING FOR CONCEPTUAL USE ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR TECHNICAL DELINEATION USE. ACTUAL DIMENSIONS ARE UNKNOWN AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR. ALL EASEMENTS, SETBACKS, ZONING ORDINANCES AND OTHER RELATED SITE RESTRICTIONS TO BE VERIFIED BY THE CIVIL ENGINEER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



3337 OVERTON CROSSING ST.
MEMPHIS, TN

#22243





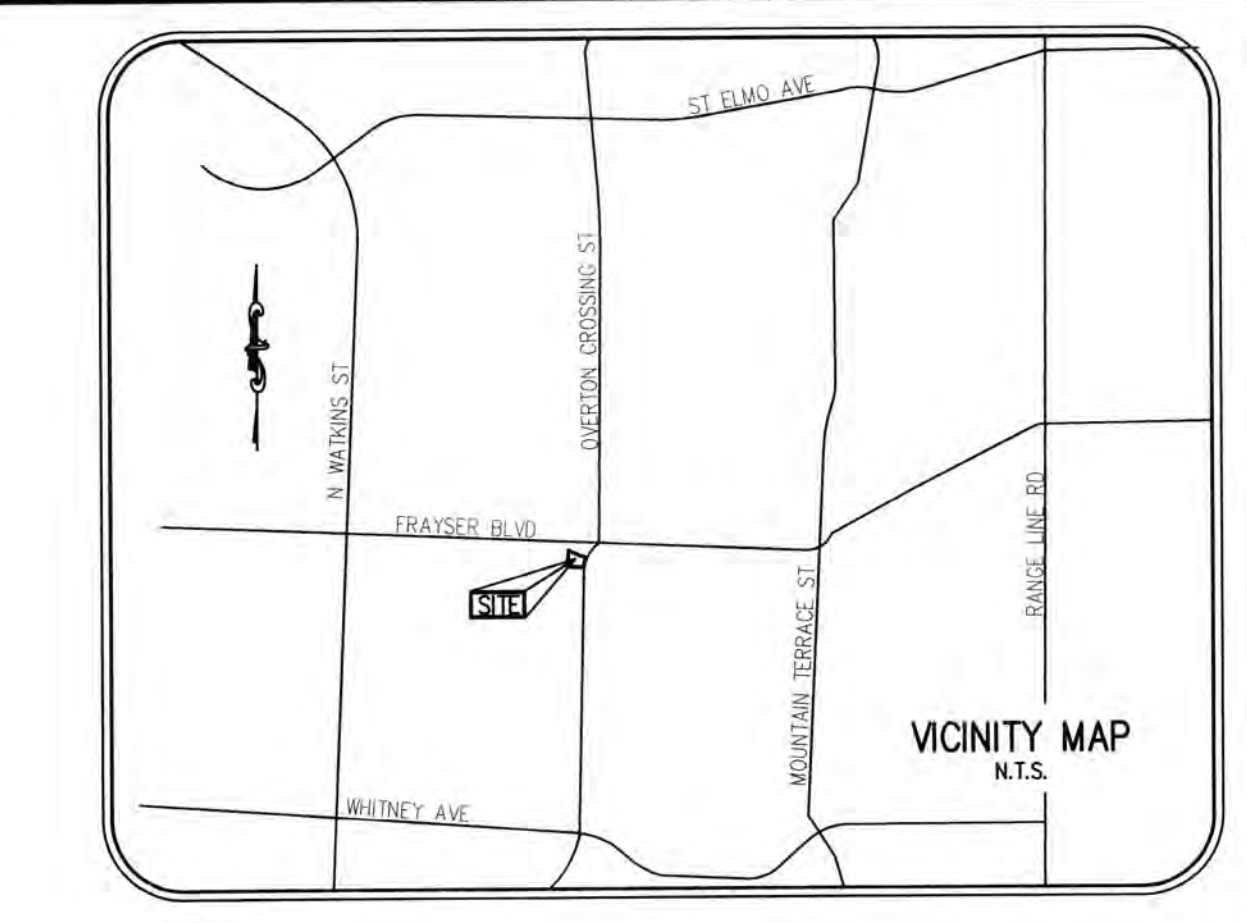
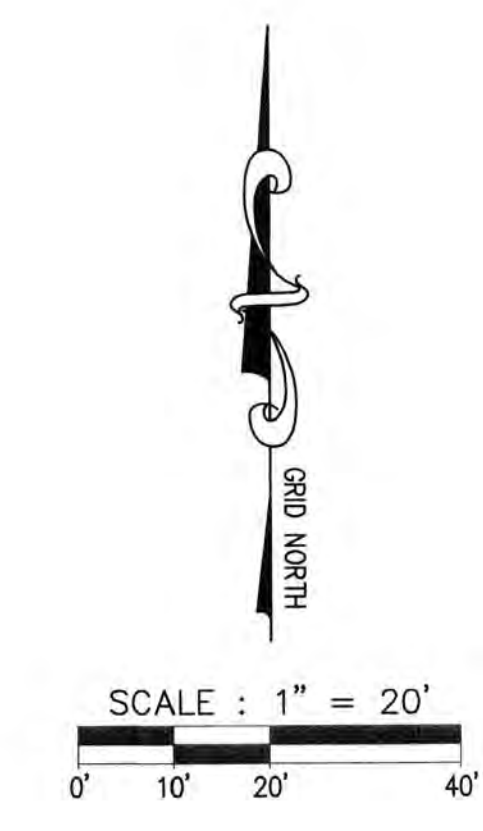
UTILITY NOTES

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

- Survey prepared for Cash America Central, Inc.
- This survey was prepared in accordance with the laws of the State of Tennessee.
- Property is in the name of the Gail R. Schledwitz per Instrument Number 04208829 in the Shelby County Register's Office, Shelby County, Tennessee.
- Bearings are relative to state plane coordinates (Tennessee NAD83).
- 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.
- 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.
- Some features shown on this plat may be shown out of scale for clarity.
- Visible address is 3337 Overton Crossing Street.
- The subject property has access to a public road.
- Subsurface and environmental conditions were not examined or considered as part of this survey.
- 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.



LEGEND

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

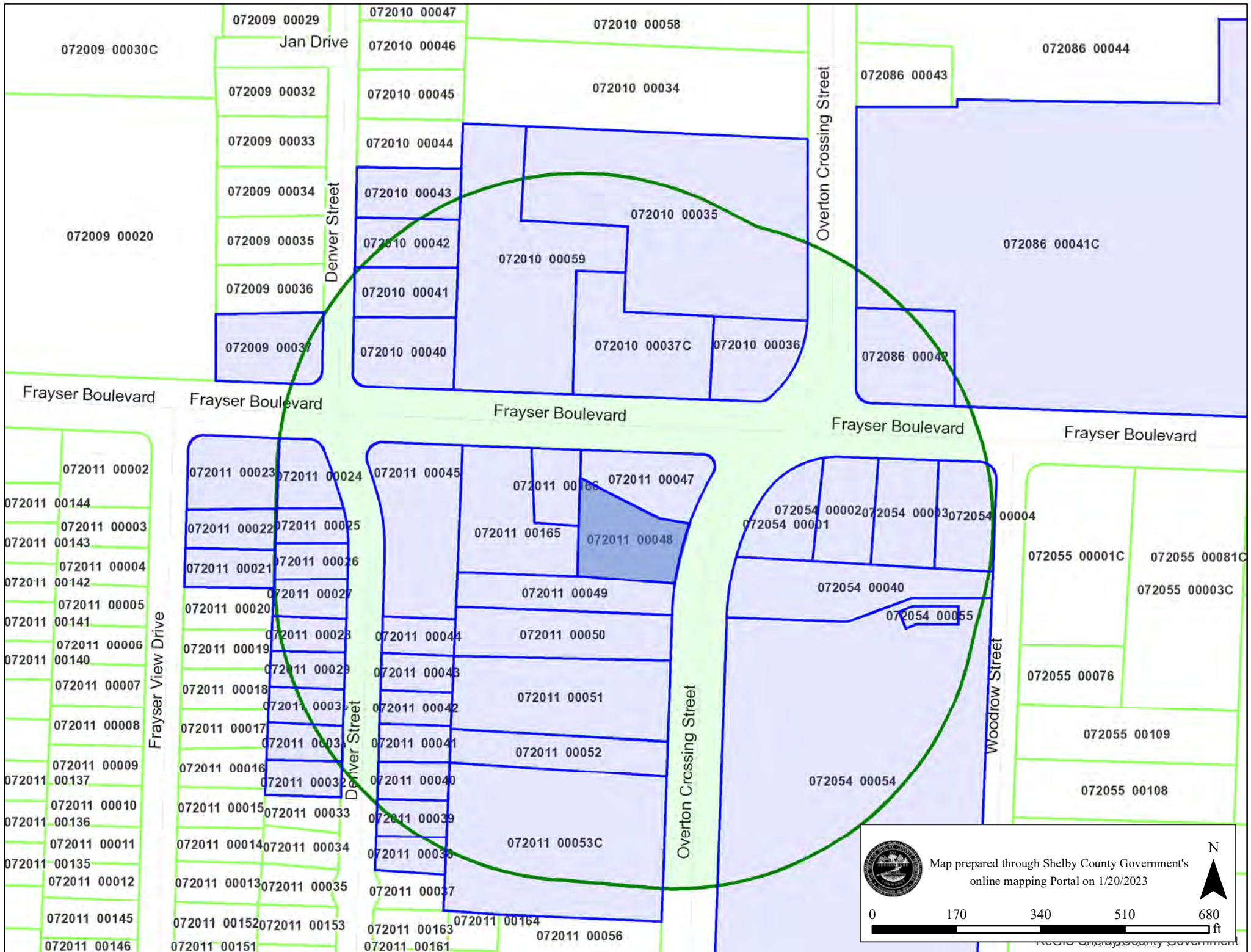



Kenneth E. Francis, Jr., R.L.S.
Tennessee Certificate Number 1567
Barge Waggoner Sumner & Cannon, Inc.

BWSC
BARGE WAGGONER SUMNER & CANNON, INC.
ENGINEERS ARCHITECTS PLANNERS SURVEYORS
69 Demeritte Lane, Suite 100, Memphis, Tennessee 38132
Phone: (901) 527-7146 Fax: (901) 527-7844


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


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

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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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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 §

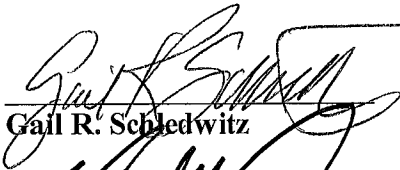
That **Gail R. Schledwitz** (“Grantor”) and spouse, **Karl Schledwitz**, for and in consideration of the sum of ten and no/100 dollars (\$10.00) and other good and valuable consideration to Grantor paid by **Cash America Central, Inc., a Tennessee corporation** (“Grantee”), the receipt and sufficiency 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.

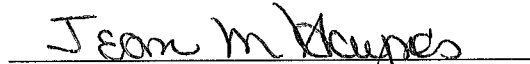
THOMAS TITLE & ESCROW
6 FF# 1089N7L


Gail R. Schledwitz

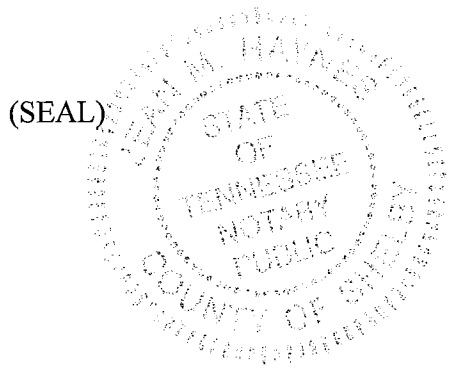

Karl Schledwitz

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



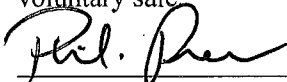
Property Address:
**3337 Overton Crossing Street,
Memphis, TN 38127
And
1302 Poplar Avenue
Memphis, TN 38104**

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**

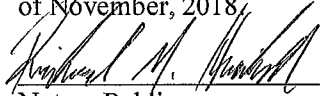
Tax Parcel ID Number.:
072011 0048 & 020025 00009

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:

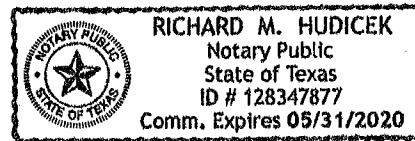


EXHIBIT "A"

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

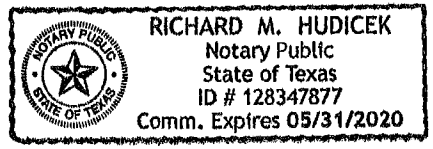
State of Texas
County of Dallas

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.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 11/21/2023
DATE
PUBLIC SESSION: 11/21/2023
DATE**

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

=====

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 1560 S Parkway East, known as case number SUP 23-014

CASE NUMBER: SUP 23-014

LOCATION: 1560 S Parkway East

COUNCIL DISTRICTS: District 4 and Super District 8

OWNER/APPLICANT: Alhrou Osama and Jaber Said

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: New Special Use Permit to allow a convenience store (without gas sales)

AREA: +/-0.046 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 – November 21, 2023

=====

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
09/14/2023 _____	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>
_____ Kendra Cobbs _____	11/13/23	PRINCIPAL PLANNER
_____		DEPUTY ADMINISTRATOR
_____ <i>Brett Repole</i> _____	11/13/23	ADMINISTRATOR
_____		DIRECTOR (JOINT APPROVAL)
_____		COMPROLLER
_____		FINANCE DIRECTOR
_____		CITY ATTORNEY
_____		CHIEF ADMINISTRATIVE OFFICER
_____		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 23-014

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 1560 S PARKWAY EAST, KNOWN AS CASE NUMBER SUP 23-014

- This item is a resolution with conditions for a special use permit to allow a convenience store (without gas sales); and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 14, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 23-014
LOCATION:	1560 S Parkway East
COUNCIL DISTRICT(S):	District 4 and Super District 8
OWNER/APPLICANT:	Alhrout Osama and Jaber Said
REPRESENTATIVE:	David Bray, The Bray Firm
REQUEST:	New Special Use Permit to allow a convenience store (without gas sales)
EXISTING ZONING:	Residential Urban - 1 (RU-1)
AREA:	+/-0.046 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

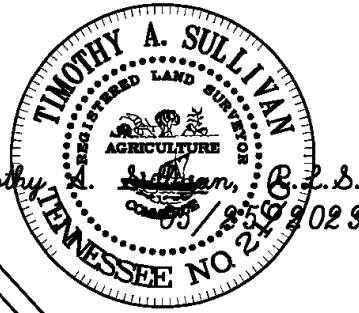
SUP 23-014
CONDITIONS

1. A site plan shall be submitted for administrative review and approval by Land Use and Development Services.
2. Outdoor lighting shall meet the requirements and standards of the Unified Development Code.
3. Any off-street parking shall only be located at the side or rear of the building.
4. Signage shall meet the sign regulations as provided in Unified Development Code Sections 4.9.6 and 4.9.7.

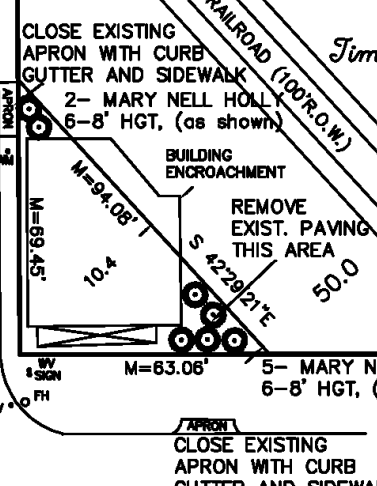
SITE PLAN

**SITE PLAN
LOT 1
HICKS AND SMITH SUBDIVISION
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
INST. #04124678
MEMPHIS, SHELBY COUNTY, TN**

NOTE: EXISTING BUILDING ENCROACHES ON
THE BURLINGTON NORTHERN R.R.



SOUTH WILLETT STREET (40'R.O.W.)



0 20 40
DATE: 5/5/23
SCALE: 1"=40'

N 89°56'03"E
SOUTH PARKWAY (150'R.O.W.)

PREPARED FOR:
OSAMA ALHROUT

PREPARED BY:
THE BRAY FIRM/
SULLIVAN SURVEYING
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD
HAZARD AREA PER FEMA FLOOD MAP #47157C0270 F
DATED SEPTEMBER 28, 2007.

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 1560 S PARKWAY EAST, KNOWN AS CASE NUMBER SUP 23-014

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

WHEREAS, Alhrou Osama and Jaber Said filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience store (without gas sales); and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 14, 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.

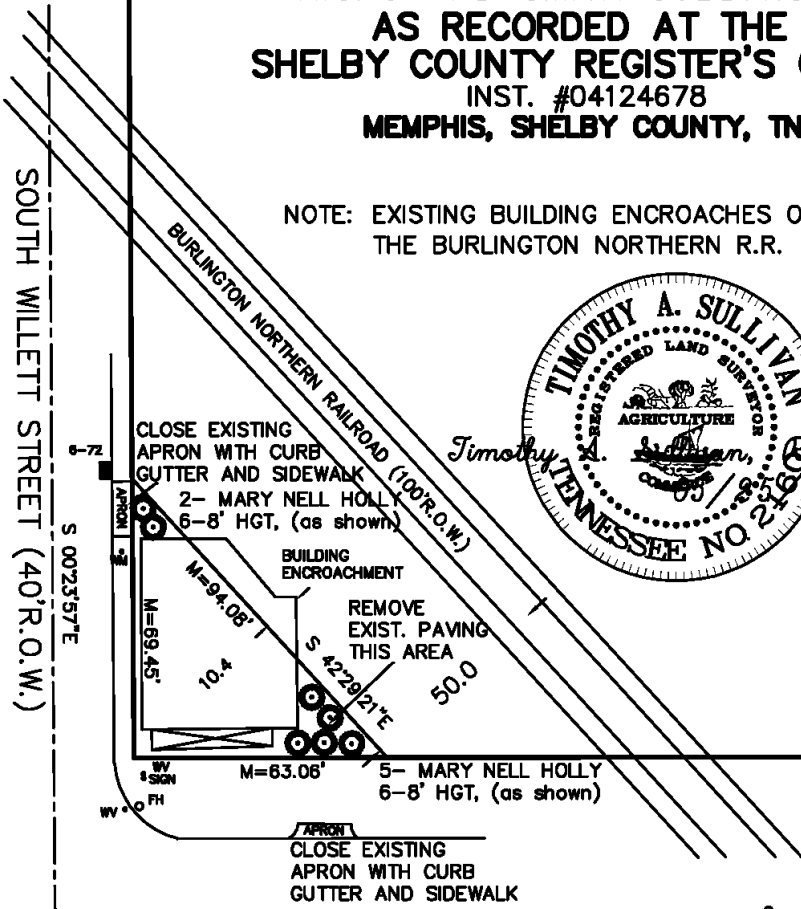
CONDITIONS

1. A site plan shall be submitted for administrative review and approval by Land Use and Development Services.
2. Outdoor lighting shall meet the requirements and standards of the Unified Development Code.
3. Any off-street parking shall only be located at the side or rear of the building.
4. Signage shall meet the sign regulations as provided in Unified Development Code Sections 4.9.6 and 4.9.7.

SITE PLAN

**SITE PLAN
LOT 1
HICKS AND SMITH SUBDIVISION
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
INST. #04124678
MEMPHIS, SHELBY COUNTY, TN**

NOTE: EXISTING BUILDING ENCROACHES ON
THE BURLINGTON NORTHERN R.R.



0 20 40
DATE: 5/5/23
SCALE: 1"=40'

SOUTH PARKWAY (150'R.O.W.)

PREPARED FOR:
OSAMA ALHROUT

PREPARED BY:
THE BRAY FIRM/
SULLIVAN SURVEYING
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD
HAZARD AREA PER FEMA FLOOD MAP #47157C0270 F
DATED SEPTEMBER 28, 2007.

ATTEST:

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

AGENDA ITEM: 8

CASE NUMBER: SUP 2023-014

L.U.C.B. MEETING: September 14, 2023

LOCATION: 1560 S Parkway East

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Alhrouh Osama and Jaber Said

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: New Special Use Permit to allow a convenience store (without gas sales)

AREA: +/-0.046 acres

EXISTING ZONING: Residential Urban - 1 (RU-1)

CONCLUSIONS

1. The applicant is requesting a special use permit to operate a convenience store without gasoline pumps.
2. The item was held at the July 13, 2023 and August 10, 2023 Board meetings per the applicant's request.
3. This item is also a companion case to RC 2023-001.
4. This location was the site of a neighborhood store for years prior, and per the Assessor's Office was constructed in 1933; also, the 1952 volume of the Sanborn Fire Insurance Maps shows the site existing as a store with the same lot configuration as present day.
5. According to the application packet the building had been in operation as a neighborhood store for 50+ years but has been closed since 2018.
6. According to the application packet the building had been in operation as a neighborhood store for 50+ years, but has been closed since 2018.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 14 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: South Parkway East +/-63.06 linear feet
South Willett Street +/-69.45 linear feet

Zoning Atlas Page: 2130

Parcel ID: 031010 00001

Existing Zoning: Residential Urban - 1 (RU-1)

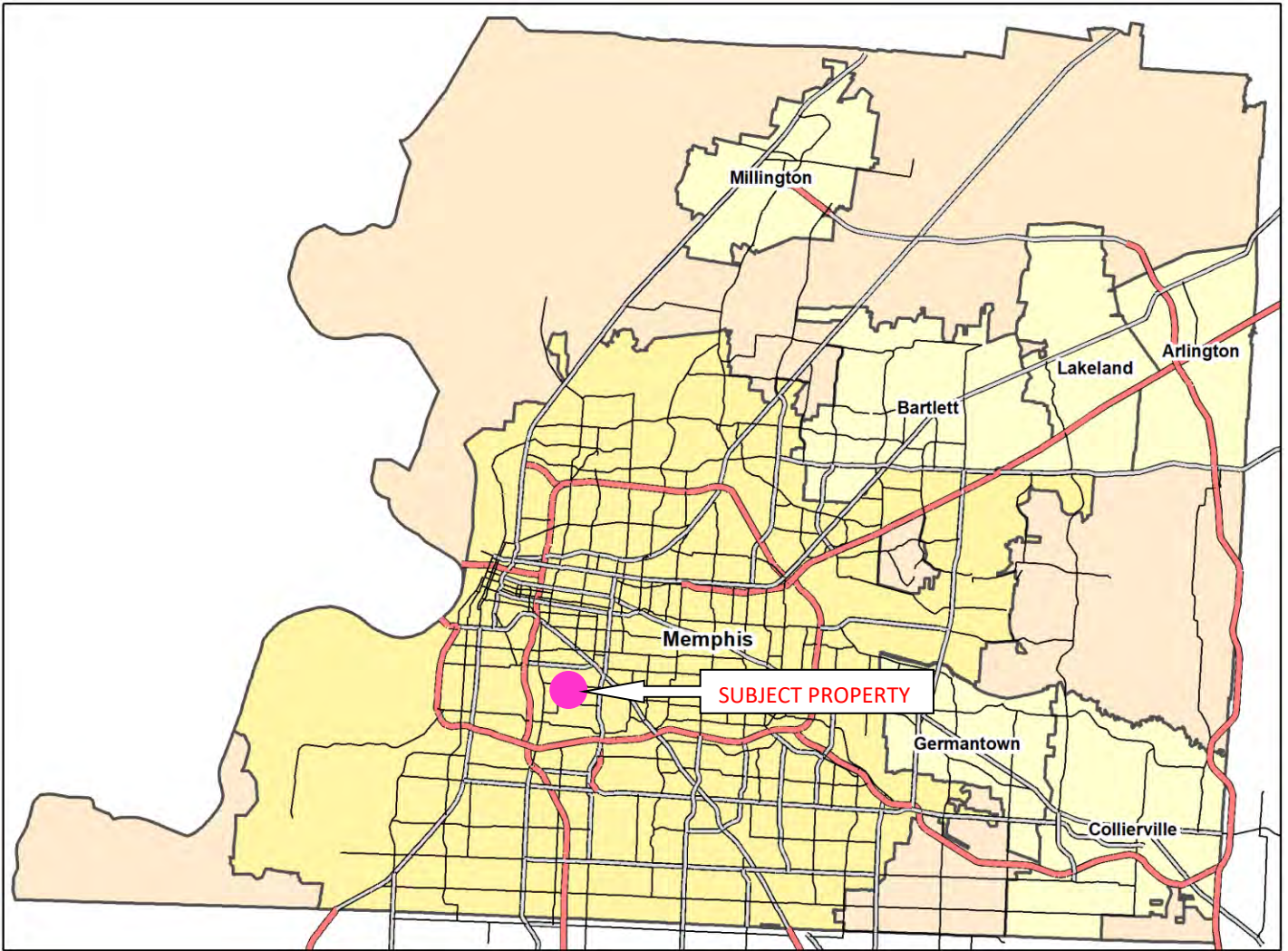
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, June 27, 2023, at the subject site, 1560 S Parkway East.

PUBLIC NOTICE

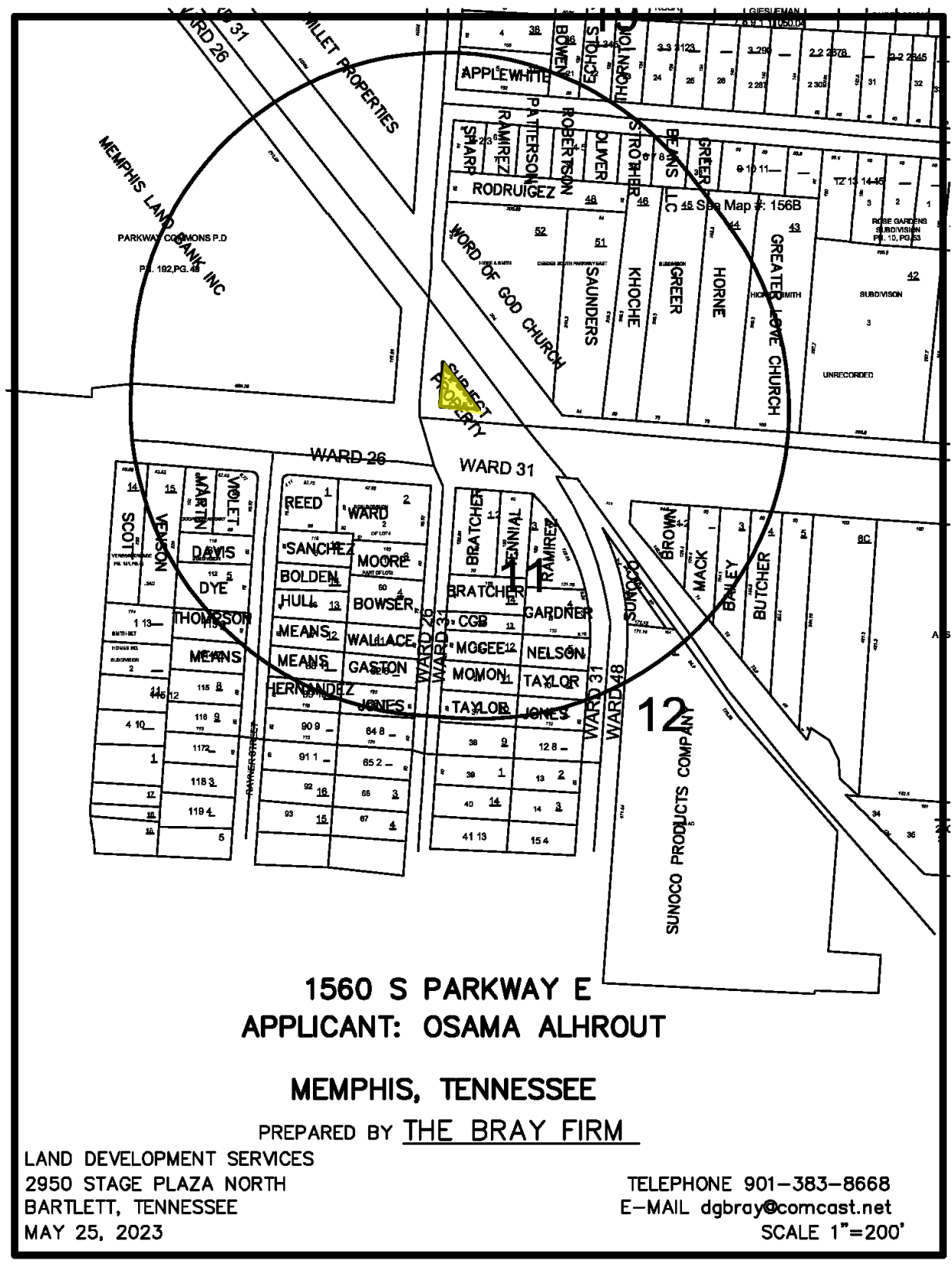
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 80 notices were mailed on June 22, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Glenview neighborhood

VICINITY MAP



1560 S PARKWAY E
APPLICANT: OSAMA ALHROUT

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
2950 STAGE PLAZA NORTH
BARTLETT, TENNESSEE
MAY 25, 2023

TELEPHONE 901-383-8668
E-MAIL dgbray@comcast.net
SCALE 1"=200'

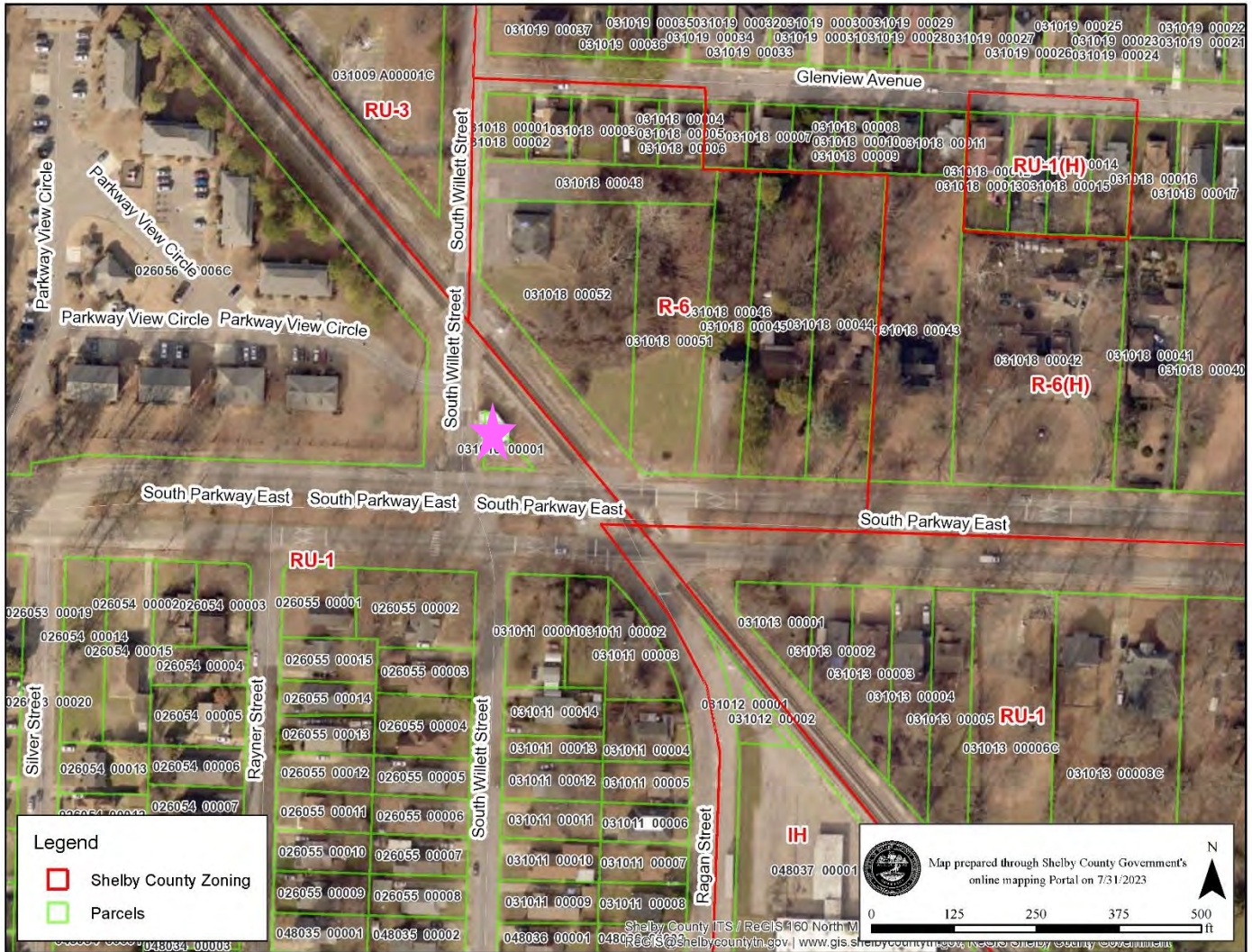
Site highlighted in yellow

AERIAL



Subject property outlined in orange

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Residential Urban - 1 (RU-1)

Surrounding Zoning

North: Residential Single-Family – 6 (R-6)

East: R-6

South: RU-1

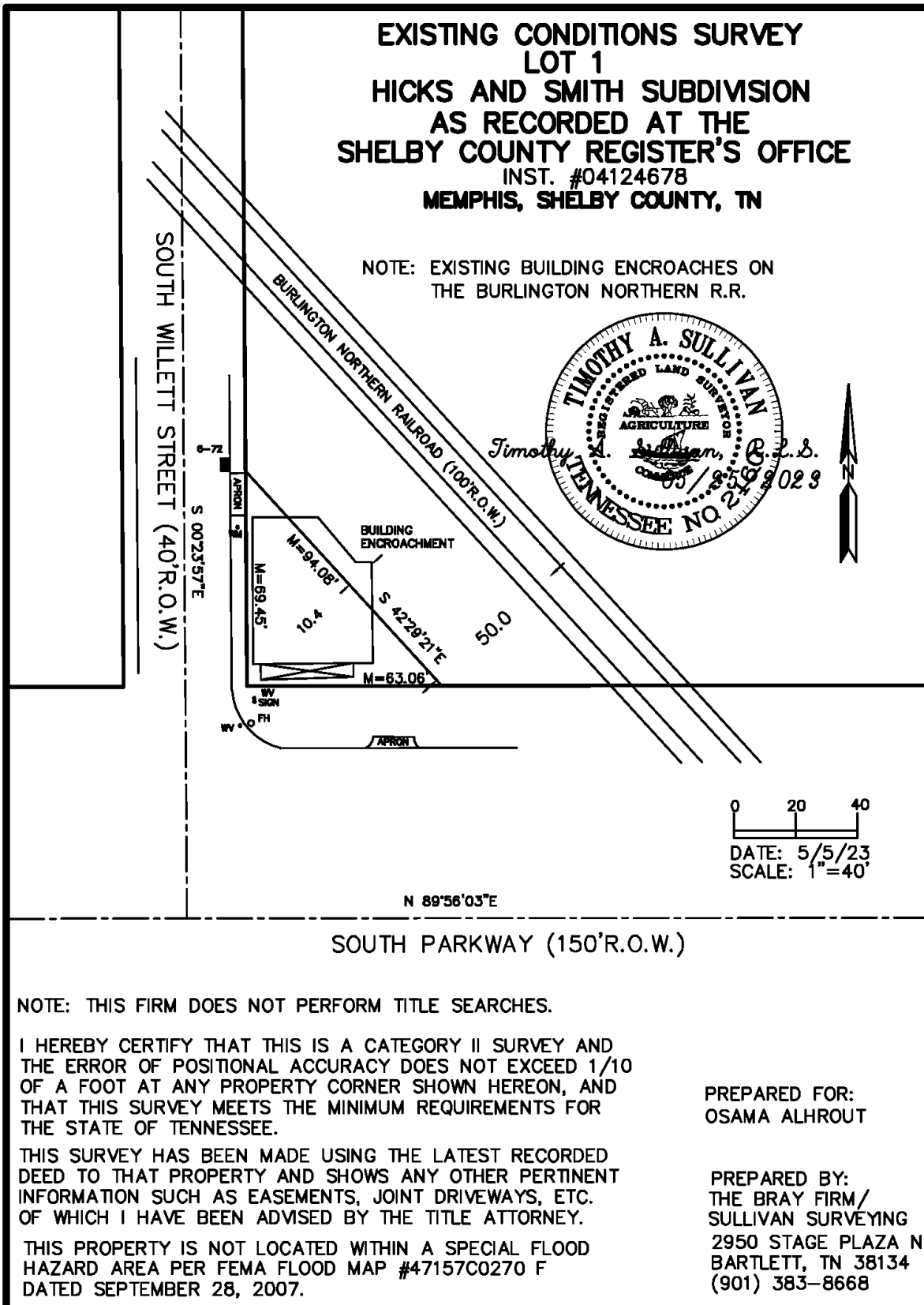
West: RU-1

LAND USE MAP



Subject property indicated by a pink star

BOUNDARY SURVEY



NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

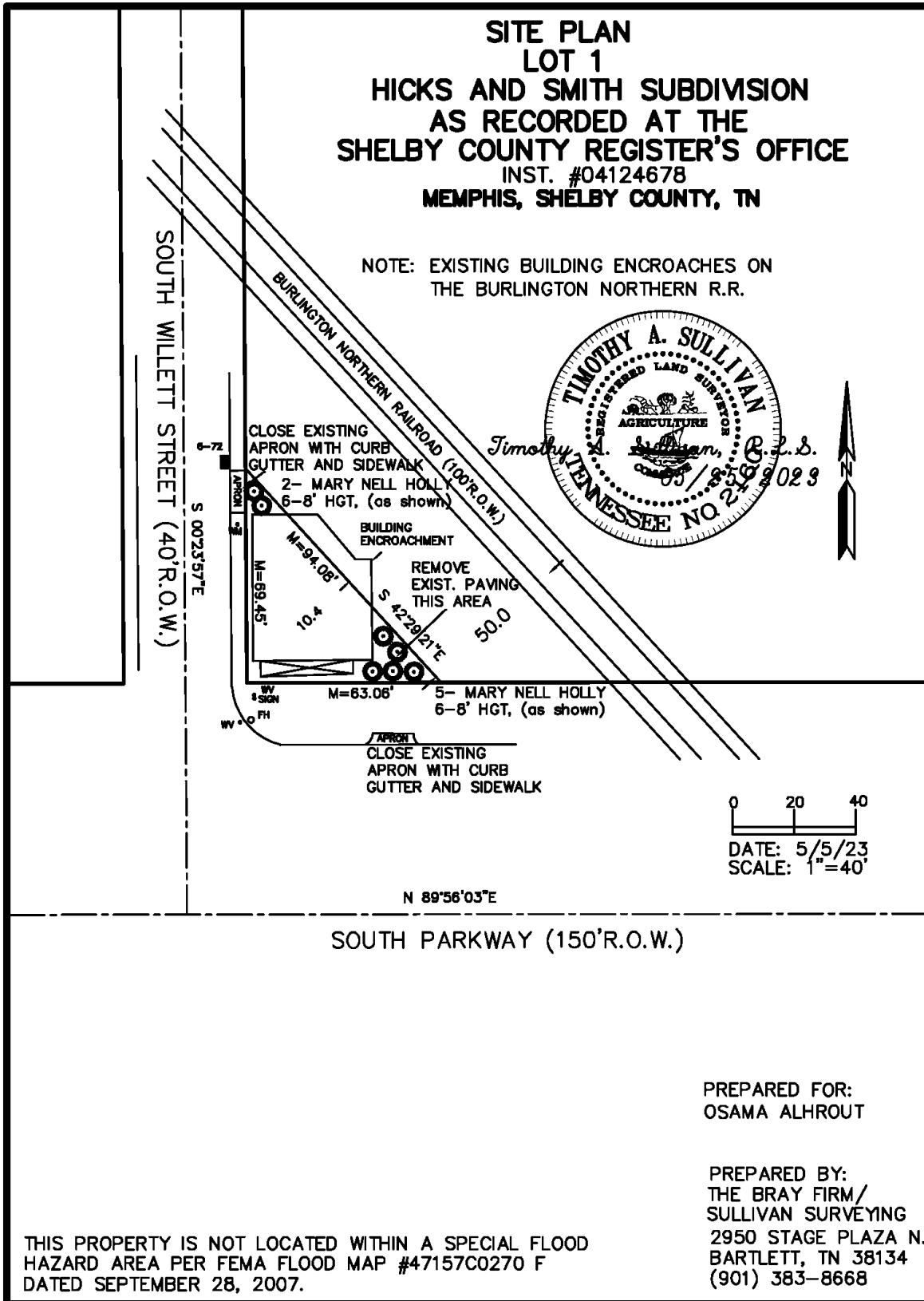
THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0270 F DATED SEPTEMBER 28, 2007.

PREPARED FOR:
OSAMA ALHROUT

PREPARED BY:
THE BRAY FIRM/
SULLIVAN SURVEYING
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

SITE PLAN



SITE PHOTOS



View of subject property from South Parkway East looking north



View of subject property from South Parkway East looking northeast



View of subject property from South Willett Street looking southeast



View of subject property from South Willett Street looking southeast

STAFF ANALYSIS

Request

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

The request is a special use permit to operate a convenience store without gasoline 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 +/-0.046 acres and is uniquely triangular-shaped abutting an active railway. There is an existing structure on-site that according to the Assessor's Office, was built in 1933. It is a one-story structure consisting of 1,585 square feet. The site is at the northeast corner of South Parkway East and South Willet Street. This is a primarily residential area; multi-family property exists to the west, while churches and single-family residential are to the north, south and east.

Conclusions

The applicant has requested a special use permit to operate a convenience store without gasoline pumps.

The item was held at the July 13, 2023 and August 10, 2023 Board meetings per the applicant's request.

This item is also a companion case to RC 2023-001.

This location was the site of a neighborhood store for years prior, and per the Assessor's Office was constructed in 1933; also, the 1952 volume of the Sanborn Fire Insurance Maps shows the site existing as a store with the same lot configuration as present day.

According to the application packet the building had been in operation as a neighborhood store for 50+ years, but has been closed since 2018.

The applicant's representative later submitted a letter of support with 22 signatures from residents within the neighborhood favoring the store's reopening.

Required parking of two spaces per the UDC shall be met via parking reductions as found in Sub-Section 4.5.3E.

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. A site plan shall be submitted for administrative review and approval by Land Use and Development Services.
2. Outdoor lighting shall meet the requirements and standards of the Unified Development Code.
3. Any off-street parking shall only be located at the side or rear of the building.
4. Signage shall meet the sign regulations as provided in Unified Development Code Sections 4.9.6 and 4.9.7.

DEPARTMENTAL COMMENTS

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

City Engineer: See comments as follows:
NAME: 1560 S Parkway; Convenience Store

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.

General Notes:

3. The width of all existing off-street sewer easements shall be widened to meet current city standards.
4. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
5. All connections to the sewer shall be at manholes only.
6. 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.
7. 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: See comment as follows:
SUP 20-014 – MLGW COMMENT- No street name changes.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: See comments as follows:
Site Address/Location: 1560 S Parkway

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

Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)

Street Type: Parkway

The applicant is seeking a special use permit to allow a convenience store without gas sales at 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

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



“AN-S” Form & Location Characteristics

NURTURE, ACCELERATE, and SUSTAIN

Primarily detached, single-family residences and commercial and institutional uses. Attached single-family, duplexes, triplexes, quadplexes and large homes (defined in the UDC as those apartment buildings with up to 6 units), including those with active ground floor commercial uses (including live/work) along sidewalk, are also permitted. Height: 1-3 stories. Scale: house-scale.

“AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed below.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, RU-1

Adjacent Land Use and Zoning: Multi-Family, Single-Family, Institutional, Vacant; RU-1, RU-3 and R-6

Overall Compatibility: *This requested use is not compatible with the land use description/intent as the proposed use is not residential. However, it is consistent with the form & location characteristics, zoning notes, and*

existing, adjacent land use and zoning as the proposed use is commercial, house-scale and located within a nurture degree of change area.

3. Degree of Change Map



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

4. Degree of Change Description

Nature areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed use is private investment and its approval will allow a broader mix of uses within the neighborhood.*

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

The requested use is consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.31 – Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation. The approval of this application would allow for the reuse of a currently vacant structure and locate a commercial use near a residential neighborhood.

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

The parcel is located in the South Planning District and the requested use is consistent with South Planning District Priority - Strategically address blight and vacancy with a mix of building redevelopment and open space and agricultural uses. The parcel currently remains vacant, and the approval of this application would allow for building redevelopment on the site.

Consistency Analysis Summary

The applicant is seeking a special use permit to allow a convenience store without gas sales at the subject parcel. This requested use is not compatible with the land use description/intent as the proposed use is not residential. However, it is consistent with the form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is commercial, house-scale and located within a nurture degree of change area. The proposed use is private investment and its approval will allow a broader mix of uses within the neighborhood. The requested use is consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.31 – Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation. The approval of this application would allow for the reuse of a currently vacant structure and locate a commercial use near a residential neighborhood.

The parcel is located in the South Planning District and the requested use is consistent with South Planning District Priority - Strategically address blight and vacancy with a mix of building redevelopment and open space and agricultural uses. The parcel currently remains vacant, and the approval of this application would allow for building redevelopment on 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: Pending

Opened Date: June 2, 2023

Record Number: SUP 2023-014

Expiration Date:

Record Name: 1560 S. Parkway East

Description of Work: Special Use Permit to allow a convenience store (without gas sales) in the RU-3 zoning district. Previously operated as a c-store/neighborhood market for 50+ years. Closed since 2018.

Parent Record Number:

Address:

1560 S PARKWAY, MEMPHIS 38106

Owner Information

Primary Owner Name

Y ALHROUT OSAMA AND JABER SAID

Owner Address

1560 S PARKWAY E, MEMPHIS, TN 38106

Owner Phone

Parcel Information

031010 00001

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Chip Saliba

Date of Meeting

09/19/2022

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	n/a
Is this application in response to a citation, stop 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	This site was a neighborhood market for a period of 50+ years. It was closed in 2018 and has been closed since. The existing building will remain if the SUP is approved.
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 an existing building that was previously used for the use requested.
UDC Sub-Section 9.6.9C	This is an existing building with existing utilities.
UDC Sub-Section 9.6.9D	This is an existing building previously used for the use requested.
UDC Sub-Section 9.6.9E	Agreed
UDC Sub-Section 9.6.9F	Agreed.

GIS INFORMATION

Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name	ALHROUT OSAMA AND JABER SAID	Contact Type	APPLICANT
Address			

LETTER OF INTENT

The Bray Firm

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

June 1, 2023

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

**RE: 1560 S Parkway E
Special Use Permit for C-store (without gas) in the RU-1 zoning district &
Residential Corridor Revocation
Memphis, Tennessee**

Mr. Ragsdale;

Please find attached the above referenced applications for the property identified as 1560 South Parkway East. The subject property is currently zoned RU-1 and is located in a Residential Corridor. The owner of the site previously operated a neighborhood convenience store in this location. He had leased it to another entity for operation while he was out of the country and during that time the business was closed. The closure has been for a long enough period that the property lost its existing non-conforming use status. At this time, the owner would like to re-open the business as a neighborhood convenience store/market (no gasoline sales are proposed at the site). To achieve this goal it is our understanding that first the City Council would have to agree to remove the Residential Corridor designation from the property and then approve the application for the Special Use Permit.

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

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, CATH JABEK, being duly sworn, depose and say that at 11 am/pm on the 16 day of JUNE, 2023, I posted Public Notice Sign(s) pertaining to Case No. SUP 2023-014 at 1560 S. PARKWAY, 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.

Cath Jabek
Owner, Applicant or Representative

8/09/23
Date

Subscribed and sworn to before me this 9th day of August, 2023.

Zira Williams
Notary Public

My commission expires: 8/16/2026



LETTERS RECEIVED

One letter of support with 22 signatures was received at the time of completion of this report and has subsequently been attached.

The Bray Firm

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

June 7, 2023

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

**RE: 1560 S Parkway E
Special Use Permit for C-store (without gas) in the RU-1 zoning district &
Residential Corridor Revocation
Memphis, Tennessee**

Mr. Ragsdale;

As residents of the surrounding neighborhood we support this application to allow the business at 1560 S Parkway E to reopen as a convenience store:

Name	Address	Phone/Email
1 Aaron Williams	1387 Willett	(901) 512-0025
2 Terrell Jones	1397 Willett	arontwinwilliams@gmail.com
3 Mildred Minor	1394 S Willett St	(901) 775-1625
4 Chris Branch	1429 Parkway	901 244 32 71
5 Angie Moore	1388 S. Willett	(901) 273-6352 (901) 585-1938
6 Jarrett Webb	1414 Rayner St	689-289-4517
7 Stanley Foster	1419 Rayner	901-267-7054
8 Antonio Taylor	1398 S. Willett	turktonio@gmail.com
9 Mattie Daniels	1535 Parkwayview Circle	901-708-0412
10 Grace Massie	1535 Parkwayview Circle	901-774-9720
11 Roth C Oyle	901 3108912	
Jamiece Jones	1395 Rayner	901-4126723

⑫ ERICA YOUNG 1478 PARKWAY VIEW CIR #201

⑬ STERNARD WANNABE

14. ANTHONY HILL - 1416 SILVER - 570-0295

15 BARRY FLYNN 1465 RANER ST

16. Alvin Mitchell 1494 Ranger Street - 390-7086

17. JARVIS Somerville 1418 RAYNER ST - (901) 831-1964

18. Tony Fields 1511 South Willett 901-825-3670

19 Eddie Caver 4506 Willett

20. Toni Haley 1397 RAYNER 901 210-0675

21. Rex Manning 1397 RAYNER 901 581-1453

22. Jasmine Johnson 901 427 9938



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

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

September 15, 2023

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Sent via electronic mail to: dgbray@comcast.net

Case Number: SUP 2023-014

LUCB Recommendation: Approval with conditions

Dear Applicant,

On Thursday, September 14, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow a convenience store without gasoline pumps located at 1560 S Parkway East, subject to the following conditions:

1. A site plan shall be submitted for administrative review and approval by Land Use and Development Services.
2. Outdoor lighting shall meet the requirements and standards of the Unified Development Code.
3. Any off-street parking shall only be located at the side or rear of the building.
4. Signage shall meet the sign regulations as provided in Unified Development Code Sections 4.9.6 and 4.9.7.

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.

Letter to Applicant
SUP 2023-014

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



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Pending

Opened Date: June 2, 2023

Record Number: SUP 2023-014

Expiration Date:

Record Name: 1560 S. Parkway East

Description of Work: Special Use Permit to allow a convenience store (without gas sales) in the RU-3 zoning district. Previously operated as a c-store/neighborhood market for 50+ years. Closed since 2018.

Parent Record Number:

Address:

1560 S PARKWAY, MEMPHIS 38106

Owner Information

Primary Owner Name

Y ALHROUT OSAMA AND JABER SAID

Owner Address

1560 S PARKWAY E, MEMPHIS, TN 38106

Owner Phone

Parcel Information

031010 00001

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Chip Saliba

Date of Meeting

09/19/2022

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	n/a
Is this application in response to a citation, stop 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	This site was a neighborhood market for a period of 50+ years. It was closed in 2018 and has been closed since. The existing building will remain if the SUP is approved.
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 an existing building that was previously used for the use requested.
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UDC Sub-Section 9.6.9E	Agreed
UDC Sub-Section 9.6.9F	Agreed.

GIS INFORMATION

Case Layer	-
Central Business Improvement District Class	No
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name	Contact Type
ALHROUT OSAMA AND JABER SAID	APPLICANT
Address	

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1474428	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	06/02/2023
1474428	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	06/02/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Osama Alhrouf al hrouf, state that I have read the definition of
(Print Name) (Sign Name)

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

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

of the property located at 1560 Southparkway east memphis TN-38106
and further identified by Assessor's Parcel Number 031-0100-0-00001-0
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 15 day of May in the year of 2023

[Signature]
Signature of Notary Public



March 14, 2024
My Commission Expires

The Bray Firm

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

June 1, 2023

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

**RE: 1560 S Parkway E
Special Use Permit for C-store (without gas) in the RU-1 zoning district &
Residential Corridor Revocation
Memphis, Tennessee**

Mr. Ragsdale;

Please find attached the above referenced applications for the property identified as 1560 South Parkway East. The subject property is currently zoned RU-1 and is located in a Residential Corridor. The owner of the site previously operated a neighborhood convenience store in this location. He had leased it to another entity for operation while he was out of the country and during that time the business was closed. The closure has been for a long enough period that the property lost its existing non-conforming use status. At this time, the owner would like to re-open the business as a neighborhood convenience store/market (no gasoline sales are proposed at the site). To achieve this goal it is our understanding that first the City Council would have to agree to remove the Residential Corridor designation from the property and then approve the application for the Special Use Permit.

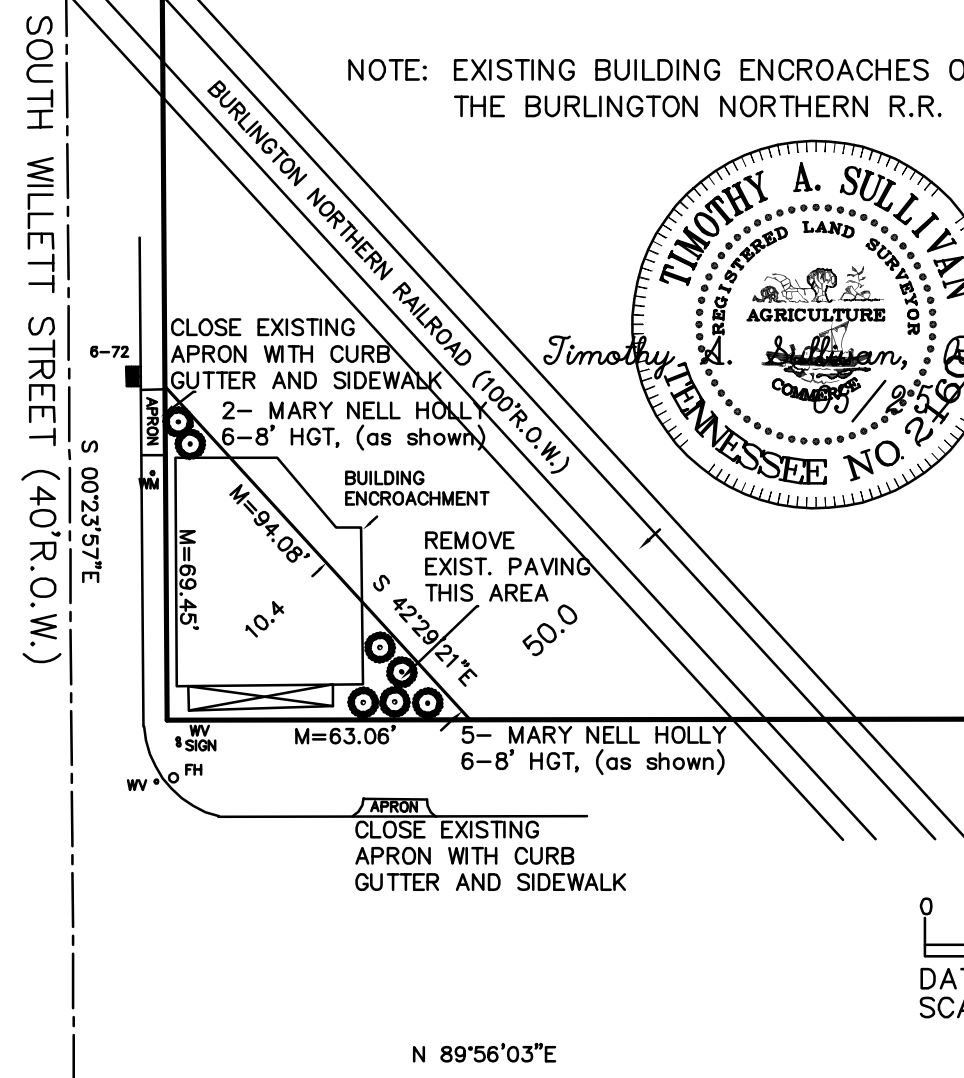
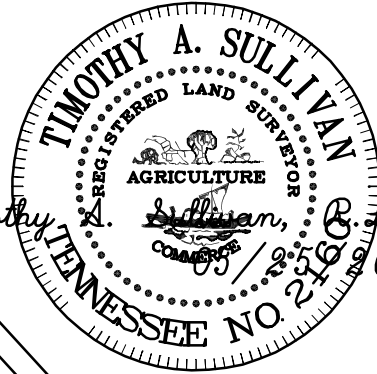
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

**SITE PLAN
LOT 1
HICKS AND SMITH SUBDIVISION
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
INST. #04124678
MEMPHIS, SHELBY COUNTY, TN**

NOTE: EXISTING BUILDING ENCROACHES ON
THE BURLINGTON NORTHERN R.R.



0 20 40
DATE: 5/5/23
SCALE: 1"=40'

SOUTH PARKWAY (150'R.O.W.)

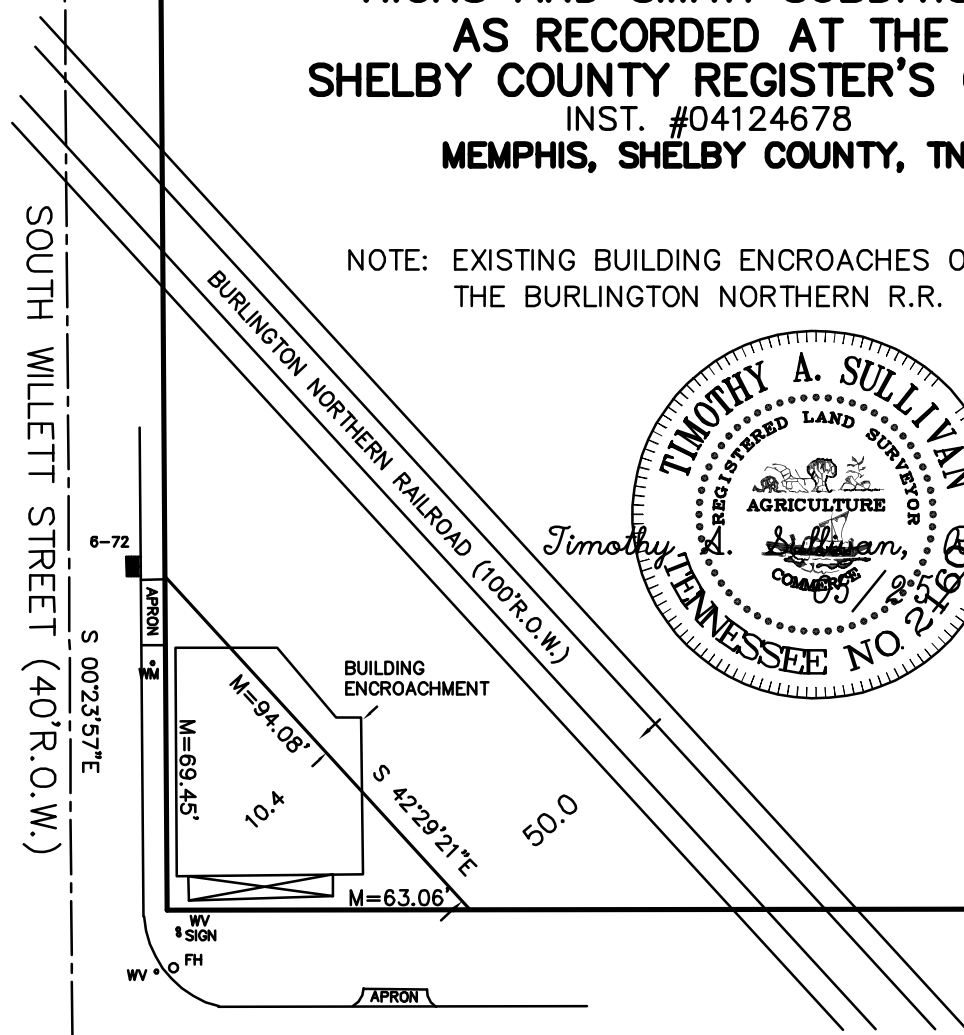
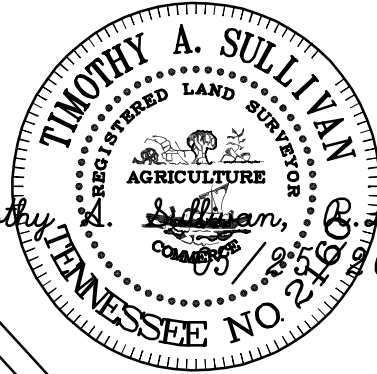
PREPARED FOR:
OSAMA ALHROUT

PREPARED BY:
THE BRAY FIRM/
SULLIVAN SURVEYING
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD
HAZARD AREA PER FEMA FLOOD MAP #47157C0270 F
DATED SEPTEMBER 28, 2007.

**EXISTING CONDITIONS SURVEY
LOT 1
HICKS AND SMITH SUBDIVISION
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
INST. #04124678
MEMPHIS, SHELBY COUNTY, TN**

NOTE: EXISTING BUILDING ENCROACHES ON
THE BURLINGTON NORTHERN R.R.



0 20 40
DATE: 5/5/23
SCALE: 1"=40'

N 89°56'03"E

SOUTH PARKWAY (150'R.O.W.)

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0270 F DATED SEPTEMBER 28, 2007.

PREPARED FOR:
OSAMA ALHROUT

PREPARED BY:
THE BRAY FIRM/
SULLIVAN SURVEYING
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

Osama Alhrouf
1560 S Parkway E
Memphis, TN 38106

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Word of God Deliverance Temple
Church
1874 FREEMONT
MEMPHIS TN 38114

George W Saunders
PO BOX 40582
MEMPHIS TN 38174 0582

Vivek Khoche
2496 EASY ST
SAN LEANDRO CA 94578 1107

Resident
1580 S Parkway E
MEMPHIS TN 38106

Janice R Greer
1019 VIA CALDERIA PL
HENDERSON NV 89011 0806

Resident
1584 S Parkway
MEMPHIS TN 38106

Merrick V Horne
9603 MALLARD LAKE RD
COLLIERVILLE TN 38017 9326

Greater Love Miracle Center Church
585 VANCE AVE
MEMPHIS TN 38126 2207

Resident
1608 S Parkway E
Memphis TN 38106

Resident
1601 Glenview Ave
Memphis, TN 38106

RA SFR Beans LLC
11 S ORLEANS ST
MEMPHIS TN 38103 3320

Resident
1595 Glenview Ave
MEMPHIS TN 38106

Betty J Strother
564 MONTEAGLE
MEMPHIS TN 38109

Resident
1589 Glenview Ave
MEMPHIS TN 38106

Barney L & Brice L & Deloise Oliver
1585 GLENVIEW AVE
MEMPHIS TN 38106 3803

Alice Robertson
1579 GLENVIEW AVE
MEMPHIS TN 38106

Louis C Patterson & Cecelia P Keys
1360 TREEBROOK CT
ROSWELL GA 30075 1827

Resident
1573 Glenview Ave
MEMPHIS TN 38106

Angelica Ramirez & Alfredo C Lopez
1567 GLENVIEW AVE
MEMPHIS TN 38106 3803

Clara Sharp
4465 TIPTON CV
MEMPHIS TN 38125 3563

Rachel Rodriguez
8425 HICKORY GLEN DR
GERMANTOWN TN 38138 6282

Willet Property LLC & 1221 Willet A
Series of Aspen Investing LLC
5021 MISTY RIVER RD
BARTLETT TN 38135 6179

Resident
1562 Glenview Ave
MEMPHIS TN 38106

Leah J Scott
1410 EASON AVE
MEMPHIS TN 38116 8929

Lawrence Martin
3247 PATRICIA ELLEN DR
MEMPHIS TN 38133

Resident
1523 S Parkway E
MEMPHIS TN 38106

Catrice T Dye
9728 WOODLAND EDGE LN
CORDOVA TN 38018 6695

James C Means & Jaroy R Means
2111 GLENMEADE DR
MEMPHIS TN 38116 7603

Resident
1392 Rayner St
MEMPHIS TN 38106

Paola A Sanchez
3924 S QUEMOY CT
AURORA CO 80018 3132

Memphis Land Bank INC
2600 THOUSAND OAKS BLVD STE
3210
MEMPHIS TN 38118 2457

Laryan Bowen
3976 TAYLOR RD
NASHVILLE TN 37211 4820

Clyde R Venson
1215 SLEDGE AVE
MEMPHIS TN 38104 4659

Resident
1515 S Parkway E
MEMPHIS TN 38106

Davie D Davis
16 TALL FOREST CV
BYHALIA MS 38611 7558

Resident
1381 Rayner St
MEMPHIS TN 38106

Resident
1393 Rayner St
MEMPHIS TN 38106

Tommie D Hull
1384 RAYNER ST
MEMPHIS TN 38106 5022

Resident
1374 Rayner St
MEMPHIS TN 38106

Kimberly S Applewhite
6579 MALLARD NEST CV
MEMPHIS TN 38141

Resident
1576 Glenview Rd
MEMPHIS TN 38106

Resident
1509 S Parkway East
MEMPHIS TN 38106

Violet Assets LLC
360 GRUNION CT
SAN MATEO CA 94404 1923

Resident
1377 Rayner St
Memphis TN 38106

Gussie L Thompson
1387 RAYNER ST
MEMPHIS TN 38106 5021

Nicholas Hernandez
1394 RAYNERS ST
MEMPHIS TN 38106 5022

Jacquelyn Bolden
1380 RAYNER ST
MEMPHIS TN 38106 5022

Beverly Reed
468 S LILLIAN DR
MEMPHIS TN 38109 4336

1560 Parkway
Page 3 of 4

Jack & Evelyn Ward
1291 ELLISTON RD
MEMPHIS TN 38106 7709

Resident
1367 S Willet St
MEMPHIS TN 38106

Ernest F Moore & Gwendolyn Marshall
1373 S WILLETT ST
MEMPHIS TN 38106 5031

Clarrether Bowser
1381 S WILLETT ST
MEMPHIS TN 38106 5031

Nancy Wallace & Cameron and Lacy D
Stevenson JR
4757 BLACKISTON CV
MEMPHIS TN 38109 6116

Resident
1387 S Willet St
MEMPHIS TN 38106

Janice D Gaston
1393 S WILLETT ST
MEMPHIS TN 38106 5031

Reginald D Jones
175 THUNDERBIRD DR
HARVEST AL 35749

Resident
1379 S Willet St
MEMPHIS TN 38106

Antonio D Taylor
1398 S WILLETT ST
MEMPHIS TN 38106 5032

Mildred Momon
1394 S WILLETT ST
MEMPHIS TN 38106 5032

Thomas Mcgee
4370 ECKOIS CV
MILLINGTON TN 38053 8258

Resident
1388 S Willet St
MEMPHIS TN 38106

CGB Partners LLC & Skytopia
Investments LLC
3310 LEBANON PIKE STE 203
HERMITAGE TN 37076 2027

Etta Mae Bratcher
1380 S WILLETT ST
MEMPHIS TN 38106 5032

Tennial Brothers Investments LLC
1033 W MONTEBELLO CIR
CORDOVA TN 38018 8403

Claude E Gardner
999 PARKLAND RD
MEMPHIS TN 38111

Resident
1381 Ragan St
MEMPHIS TN 38106

Jennetta J Nelson
1659 SILVER ST
MEMPHIS TN 38106

Resident
1387 Ragan St
Memphis, TN 38106

Jerry & Arand Taylor
1393 RAGAN ST
MEMPHIS TN 38106 6101

Ethel Jones
1397 RAGAN ST
MEMPHIS TN 38106 6101

Alex Brown
1591 S PARKWAY E
MEMPHIS TN 38106 5109

Irene B Mack
1597 S PARKWAY E
MEMPHIS TN 38106 5109

William H Bailey SR
4810 LUFKIN ST S
BEAUMONT TX 77703 1314

Resident
1603 S Parkway E
Memphis, TN 38106

Martin A Butcher JR
1607 S PARKWAY E
MEMPHIS TN 38106 5114

Sunoco Products company
1 N SECOND ST
HARTSVILLE SC 29550 3300

Lashonda Echols
1580 GLENVIEW AVE
MEMPHIS TN 38106 3804


1560 Parkway
Page 4 of 4

Thelma Thornton
1586 GLENVIEW AVE
MEMPHIS TN 38106 3804

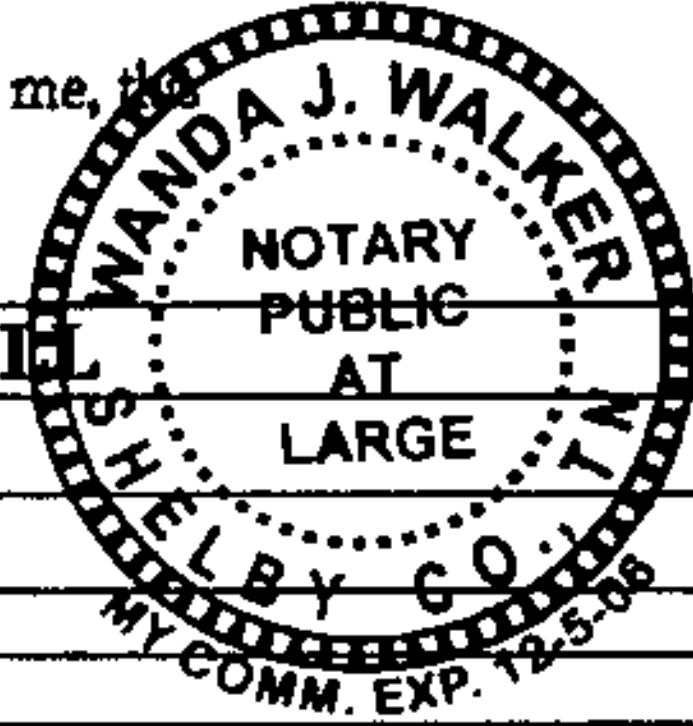


Tom Leatherwood
Shelby County Register

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.

	
04124678	
07/28/2004 - 10:37 AM	
2 PGS : R - WARRANTY DEED	
MICHELLE 246775-4124678	
VALUE	50000.00
MORTGAGE TAX	0.00
TRANSFER TAX	185.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	198.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

State of Tennessee County of Shelby The	
actual consideration or value, whichever is greater, for this transfer is.	
<u>George Smith</u>	Affiant Subscribed and sworn to before me, the
the 24th day of June, 2004.	<u>Wanda J Walker</u>
Notary Public My commission expires:	(AFFIX SEAL)
THIS INSTRUMENT WAS PREPARED BY WEISSMAN, OSTROW & MITCHELL	
Attorneys at Law 5118 Park Avenue Suite 600, Memphis, TN 38117-5710	
Address of New Owner(s) as follows: <u>Osama Alhrout Jaber Said</u>	Send Tax Bills To:
Map-Parcel Numbers 031-010-00001	
1560 S. Parkway East Memphis, Tennessee	PROPERTY ADDRESS



FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HERINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE COISDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGE, I/WE,

Sara Rose Segal, Harold Segal and Eileen Segal

HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO

Osama Alhrout, and, and Jaber Said

HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN Shelby COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

See attached Exhibit for legal description

And being the same property conveyed to Ronald H. Segal, deceased by Warranty Deed of record in Register's file Book 2234, Page 20. Ronald H. Segal, having died intestate on or about April 4, 1959 and was survived by his spouse, Sara Rose Segal and his two children, namely Harold Segal and Eileen the grantors herein and as shown in the Probate Administration in the Probate Court of Shelby County docket number 74461, Minute Book 269, Page 608.

This conveyance is subject to 2004 county taxes, a lien, but not yet due and payable and assumed by the Grantees; and is otherwise unencumbered.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same in unencumbered, unless otherwise herein set out above; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS my/our hand(s) this 24th day of June, 2004.

Sara Rose Segal
Sara Rose Segal
Harold Segal
Harold Segal
Eileen Segal
Eileen Segal

LEGAL

Part of Lot 1, Hicks and Smith Subdivision of Lot 5, Whitmore Tract, being the northeast corner of South Willett Street and South Parkway, more particularly described as follows: Beginning where the west line of the Frisco Railway right of way interests the east line of South Willett Street; thence southeast along the south line of said right of way 90 feet, more or less, to the north line of South Parkway East; thence west along the north line of South Parkway East 60 feet, more or less, to the east line of South Willett Street; thence north with the east line fo South Willett Street 89 feet, more or less, to the point of beginning.

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **Sara Rose Segal, Harold Segal and Eileen Segal**, to me known to be the person(s) described in and who executed for foregoing instrument, and acknowledged that they executed the same as their free act and deed.

WITNESS my hand and Notary Seal, in office the day and year above written.

My commission expires: _____



Wanda J. Walker
NOTARY PUBLIC

Mail Tax Bills To: Osama Alhrou
PROPERTY ADDRESS: 1560 S. Parkway East
Memphis, TN

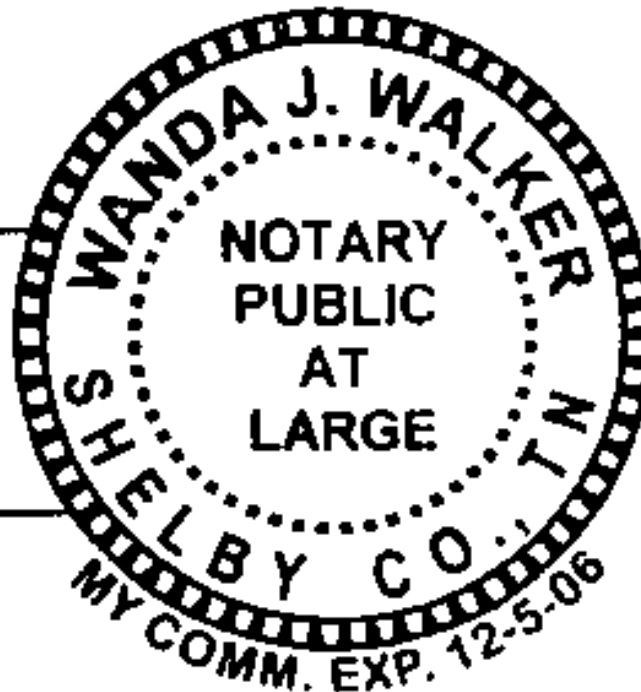
I, or we, hereby swear of affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred whichever is greater is \$50,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Terri G. Smith
AFFIANT

Subscribed and sworn to before me this the 24th day of June, 2004.

Wanda J. Walker
NOTARY PUBLIC

My commission expires: _____



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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 11/7/2023
DATE
PUBLIC SESSION: 11/7/2023
DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: A ordinance approving a residential corridor overlay deletion
CASE NUMBER: RC 2023-001
LOCATION: 1560 S Parkway East (southeast corner of S Parkway East and South Willett St)
COUNCIL DISTRICTS: District 4 and Super District 8
OWNER/APPLICANT: Alhrouh Osama and Jaber Said
REPRESENTATIVE: David Bray, The Bray Firm
REQUEST: Residential corridor overlay deletion at 1560 S Parkway East
AREA: +/-0.046 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 Required**
Add to consent agenda requesting public hearing – October 24, 2023
Public hearing – November 7, 2023

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
09/14/2023	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>Kendra Cobble</u>	<u>10/16/23</u>	PRINCIPAL PLANNER
		DEPUTY ADMINISTRATOR
<u>Burt Ryan</u>	<u>10/16/23</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 14, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	RC 2023-001
LOCATION:	1560 S Parkway East (southeast corner of S Parkway East and South Willett St)
COUNCIL DISTRICT(S):	District 4 and Super District 8
OWNER/APPLICANT:	Alhrout Osama and Jaber Said
REPRESENTATIVE:	David Bray, The Bray Firm
REQUEST:	Residential corridor overlay deletion at 1560 S Parkway East
EXISTING ZONING:	Residential Urban - 1 (RU-1)
AREA:	+/-0.046 acres

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous 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

ORDINANCE NO: _____

AN ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO DELETE A SECTION OF THE S PARKWAY EAST RESIDENTIAL CORRIDOR OVERLAY, KNOWN AS CASE NUMBER RC 23-001

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: RC 2023-001**; and

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

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

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

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

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Residential Corridors, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE S PARKWAY EAST RESIDENTIAL CORRIDOR DESIGNATION

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

Part of Lot 1, Hicks and Smith Subdivision of Lot 5, Whitmore Tract, being the northeast corner of South Willett Street and South Parkway, more particularly described as follows: Beginning where the west line of the Frisco Railway right of way interests the east line of South Willett Street; thence southeast along the south line of said right of way 90 feet, more or less, to the north line of South Parkway East; thence west along the north line of South Parkway East 60 feet, more or less, to the east line of South Willett Street; thence north with the east line of South Willett Street 89 feet, more or less, to the point of beginning.

SECTION 2:

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

SECTION 3:

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

ATTEST:

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

//: ATTACHMENTS

AGENDA ITEM: 1

CASE NUMBER: RC 2023-001 **L.U.C.B. MEETING:** September 14, 2023

LOCATION: 1560 S Parkway East

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Alhrout Osama and Jaber Said

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Residential corridor deletion at 1560 S Parkway East

AREA: +/-0.046 acres

EXISTING ZONING: Residential Urban - 1 (RU-1)

CONCLUSIONS

1. The item was held at the July 13, 2023 and August 10, 2023 Board meetings per the applicant's request.
2. This item is also a companion case to SUP 2023-014.
3. This location was the site of a neighborhood store for years prior, and per the Assessor's Office was constructed in 1933; also, the 1952 volume of the Sanborn Fire Insurance Maps shows the site existing as a store with the same lot configuration as present day.
4. The residential corridor serves as an additional layer of land use control which prohibits the approval of nonresidential developments within 200 feet on either side of a designated residential roadway. The land use exceptions are certain civic and institutional uses which may be permitted by filing a special use permit application. Therefore, the applicant's special use permit request to allow a convenience store would not be permitted without the deletion of the residential corridor from overlaying the subject property.
5. Ordinance No. 3077 was adopted on October 28, 1980, by the Council of the City of Memphis to establish the Residential Corridor Overlay on twenty-three specific segments of certain major roads within city limits. This overlay repealed, deleted, and replaced Ordinance No. 2070, adopted in July of 1974, which had established scenic drive designations on the same twenty-three specific segments of certain major roads within city limits.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 15 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: South Parkway East +/-63.06 linear feet
South Willett Street +/-69.45 linear feet

Zoning Atlas Page: 2130

Parcel ID: 031010 00001

Existing Zoning: Residential Urban - 1 (RU-1)

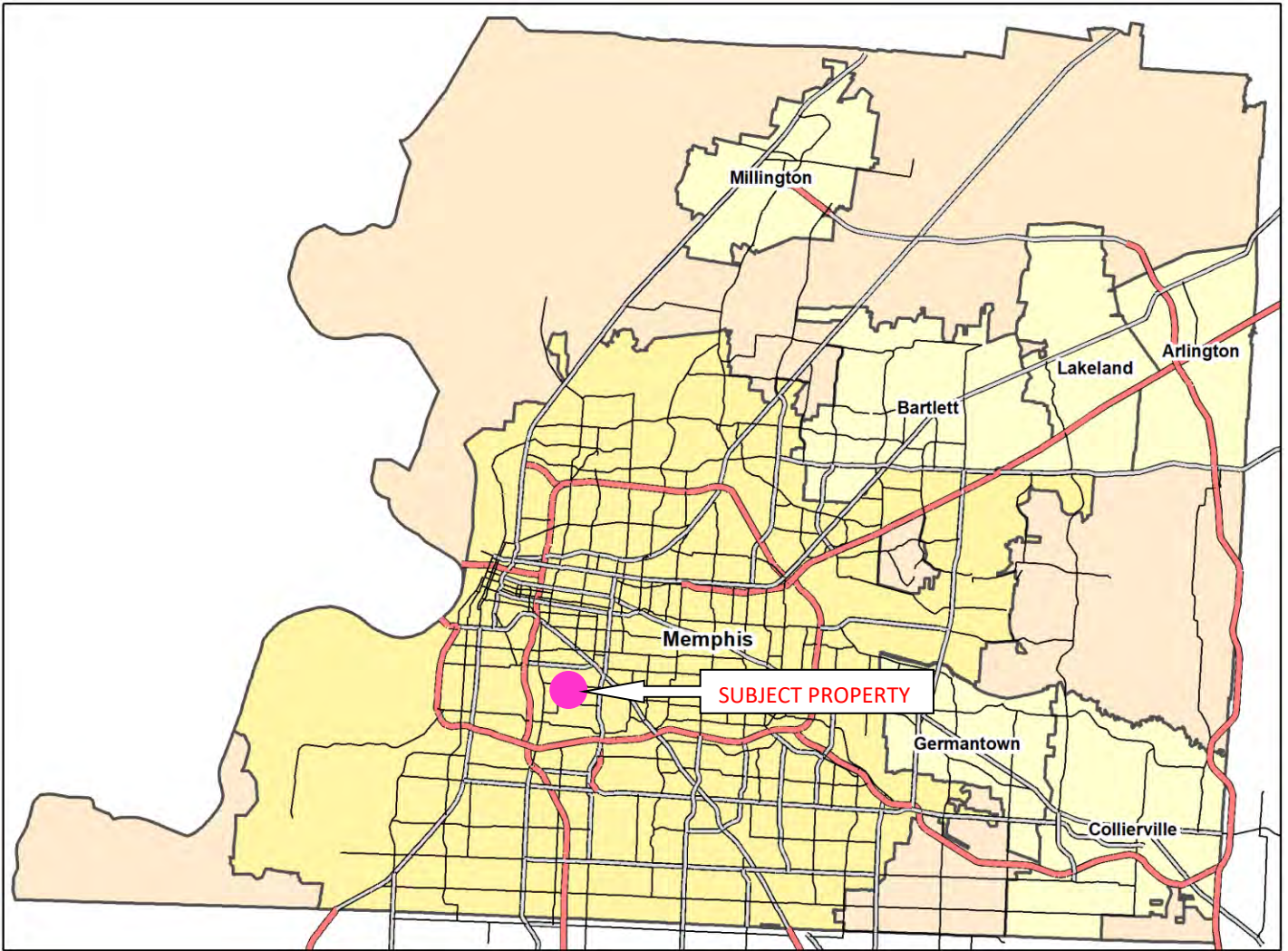
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, June 27, 2023, at the subject site, 1560 S Parkway East.

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 80 notices were mailed on June 22, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



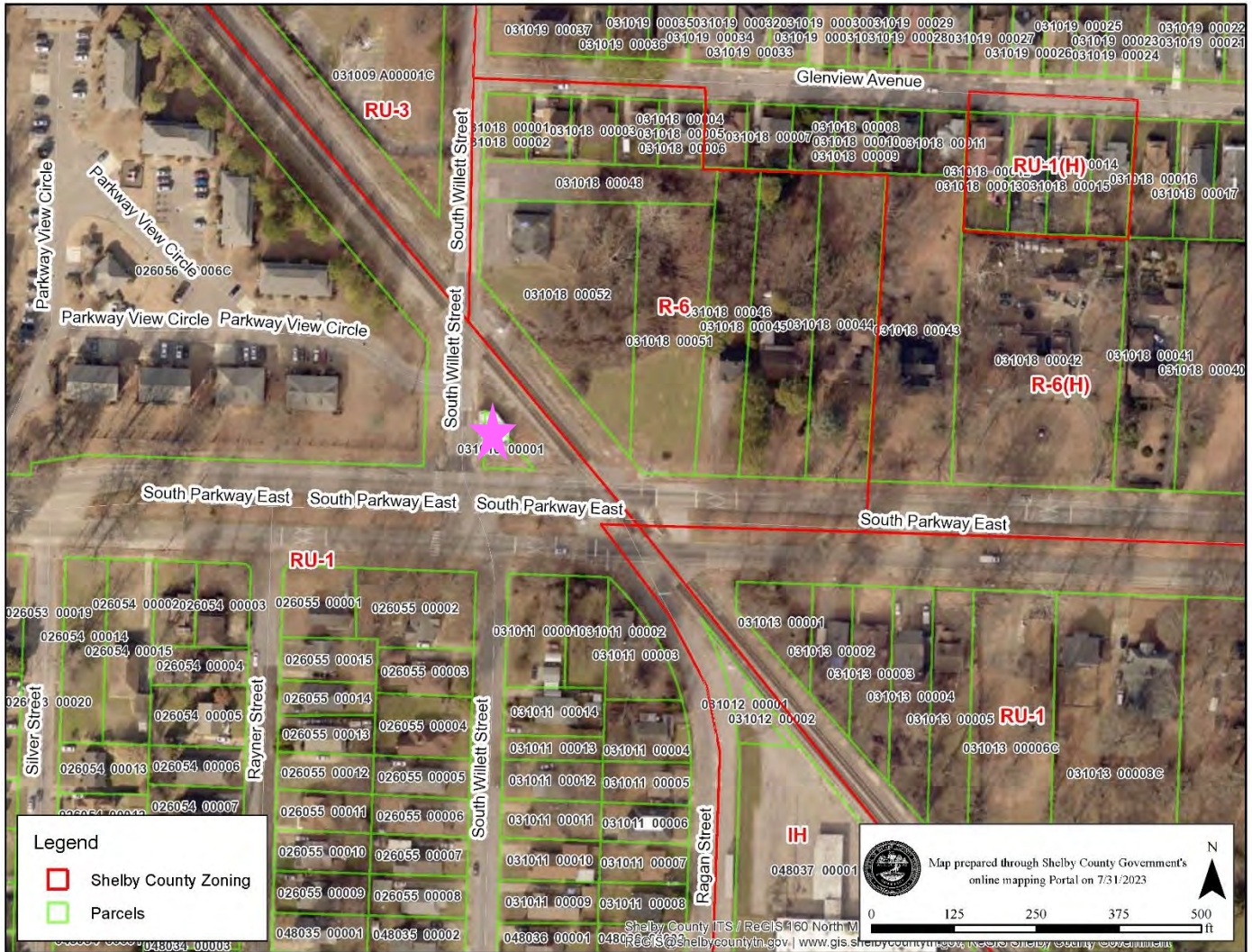
Subject property located within the pink circle, Glenview neighborhood

OVERLAY MAP



Subject property outlined in orange

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Residential Urban - 1 (RU-1)

Surrounding Zoning

North: Residential Single-Family – 6 (R-6)

East: R-6

South: RU-1

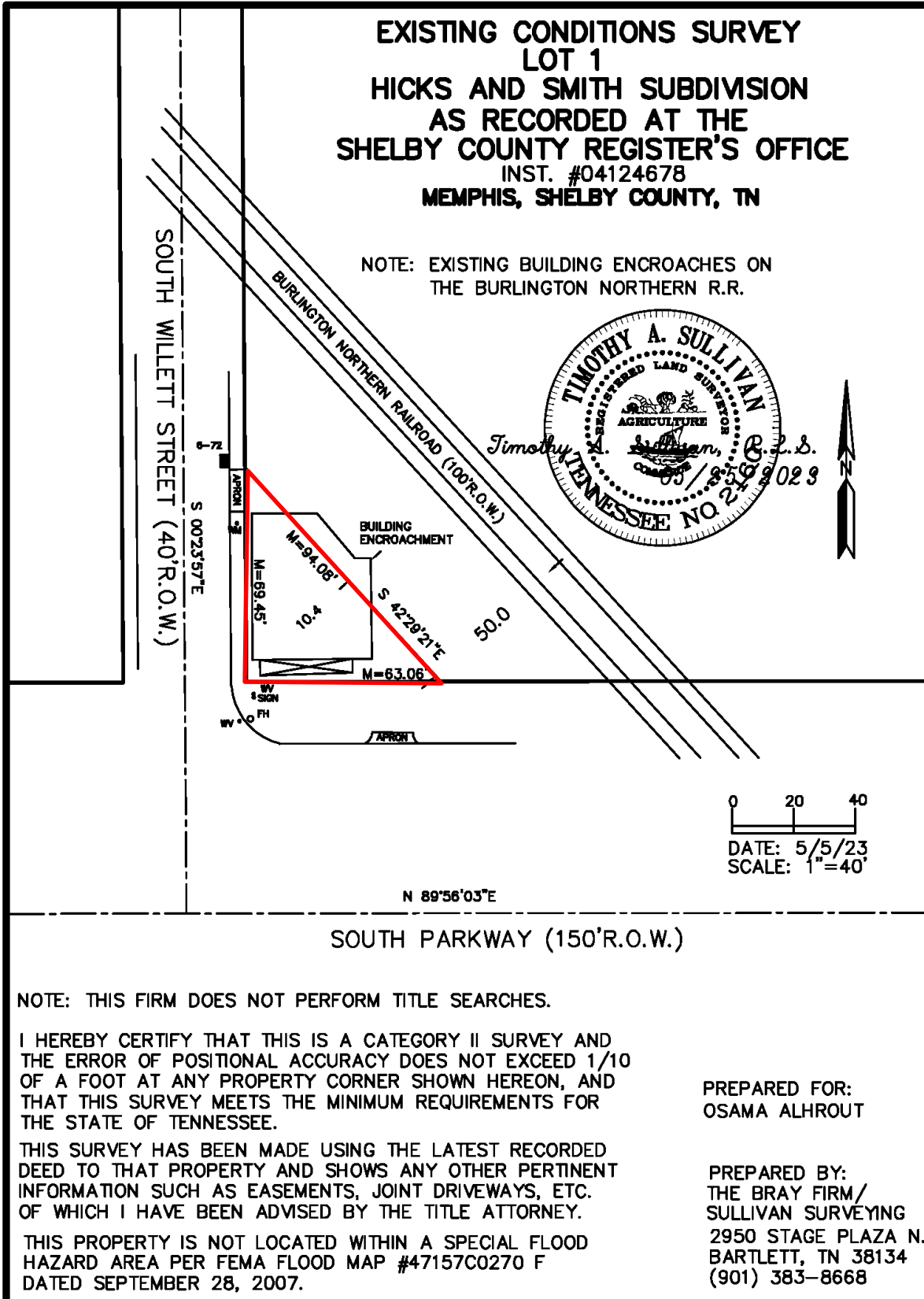
West: RU-1

LAND USE MAP



Subject property indicated by a pink star

BOUNDARY SURVEY



Residential Corridor Overlay outlined in red

LEGAL DESCRIPTION

Part of Lot 1, Hicks and Smith Subdivision of Lot 5, Whitmore Tract, being the northeast corner of South Willett Street and South Parkway, more particularly described as follows: Beginning where the west line of the Frisco Railway right of way interests the east line of South Willett Street; thence southeast along the south line of said right of way 90 feet, more or less, to the north line of South Parkway East; thence west along the north line of South Parkway East 60 feet, more or less, to the east line of South Willett Street; thence north with the east line of South Willett Street 89 feet, more or less, to the point of beginning.

SITE PHOTOS



View of subject property from South Parkway East looking north



View of subject property from South Parkway East looking northeast



View of S Parkway E looking west



View of S Parkway E looking west

STAFF ANALYSIS

Request

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

The request is the deletion of the residential corridor overlay at 1560 S Parkway East.

Site Description

The subject property is +/-0.046 acres and is uniquely triangular-shaped abutting an active railway. There is an existing structure on-site that according to the Assessor's Office, was built in 1933. It is a one-story structure consisting of 1,585 square feet. The site is at the northeast corner of South Parkway East and South Willet Street. This is a primarily residential area; multi-family property exists to the west, while churches and single-family residential are to the north, south and east.

Conclusions

The item was held at the July 13, 2023 Board meeting per the applicant's request.

This item is also a companion case to SUP 2023-014.

This location was the site of a neighborhood store for years prior, and per the Assessor's Office was constructed in 1933; also, the 1952 volume of the Sanborn Fire Insurance Maps shows the site existing as a store with the same lot configuration as present day.

The residential corridor serves as an additional layer of land use control which prohibits the approval of nonresidential developments within 200 feet on either side of a designated residential roadway. The land use exceptions are certain civic and institutional uses which may be permitted by filing a special use permit application. Therefore, the applicant's special use permit request to allow a convenience store would not be permitted without the deletion of the residential corridor from overlaying the subject property.

Ordinance No. 3077 was adopted on October 28, 1980, by the Council of the City of Memphis to establish the Residential Corridor Overlay on twenty-three specific segments of certain major roads within city limits. This overlay repealed, deleted, and replaced Ordinance No. 2070, adopted in July of 1974, which had established scenic drive designations on the same twenty-three specific segments of certain major roads within city limits.

Staff finds that this residential corridor overlay deletion request is consistent with Sub-Section 8.5.5B of the Unified Development Code.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City Engineer: See comments as follows:
NAME: 1560 S Parkway; GLENVIEW

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

10. Will need to replace existing curb cuts with City of Memphis standard commercial curb cut.

Drainage:

11. 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.
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.
15. 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:

16. The width of all existing off-street sewer easements shall be widened to meet current city standards.
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: 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: See comment as follows:
RC 23-01 – MLGW COMMENT - No street name changes

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: See comments as follows:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [RC 23-1: Glenview](#)

Site Address/Location: 1560 S Parkway

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

Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)

Street Type: Parkway

The applicant is seeking revocation of a residential corridor designation for the subject parcel to allow a neighborhood market use at 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

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



“AN-S” Form & Location Characteristics

NURTURE, ACCELERATE, and SUSTAIN

Primarily detached, single-family residences and commercial and institutional uses. Attached single-family, duplexes, triplexes, quadplexes and large homes (defined in the UDC as those apartment buildings with up to 6 units), including those with active ground floor commercial uses (including live/work) along sidewalk, are also permitted. Height: 1-3 stories. Scale: house-scale.

“AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed below.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, RU-1

Adjacent Land Use and Zoning: Multi-Family, Single-Family, Institutional, Vacant; RU-1, RU-3 and R-6

Overall Compatibility: *This requested use is not compatible with the land use description/intent as the proposed use is not residential. However, it is consistent with the form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is commercial, house-scale and located within a nurture degree of change area.*

3. Degree of Change Map



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

4. Degree of Change Description

Nuture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

The proposed use is private investment and its approval will allow a broader mix of uses within the neighborhood.

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

The requested use is consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.31 – Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation. The approval of this application would allow for the reuse of a currently vacant structure and locate a commercial use near a residential neighborhood.

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

The parcel is located in the South Planning District and the requested use is consistent with South Planning District Priority - Strategically address blight and vacancy with a mix of building redevelopment and open space and agricultural uses. The parcel currently remains vacant, and the approval of this application would allow for building redevelopment on the site.

Consistency Analysis Summary

The applicant is seeking revocation of a residential corridor designation for the subject parcel to allow a neighborhood market use at the subject parcel.

This requested use is not compatible with the land use description/intent as the proposed use is not residential. However, it is consistent with the form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is commercial, house-scale and located within a nurture degree of change area. The proposed use is private investment and its approval will allow a broader mix of uses within the neighborhood.

The requested use is consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.31 – Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation. The approval of this application would allow for the reuse of a currently vacant structure and locate a commercial use near a residential neighborhood.

The parcel is located in the South Planning District and the requested use is consistent with South Planning District Priority - Strategically address blight and vacancy with a mix of building redevelopment and open space and agricultural uses. The parcel currently remains vacant, and the approval of this application would allow for building redevelopment on 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 Residential Corridor Revocation

Record Detail Information

Record Type: Residential Corridor Revocation

Record Status: Assignment

Opened Date: June 2, 2023

Record Number: RC 2023-001

Expiration Date:

Record Name: 1560 S. Parkway East

Description of Work: Residential Corridor Revocation request attendant to SUP application to allow a previously permitted neighborhood market that has been vacant for 5 years to operate in the RU-3 zoning district.

Parent Record Number:

Address:

1560 S PARKWAY, MEMPHIS 38106

Owner Information

Primary Owner Name

Y ALHROUT OSAMA AND JABER SAID

Owner Address

1560 S PARKWAY E, MEMPHIS, TN 38106

Owner Phone

Parcel Information

031010 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

chip saliba

Date of Meeting

09/19/2022

Pre-application Meeting Type

Email

GENERAL INFORMATION

What is the name of the Street, Alley or Right-of-Way? South Parkway East
 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 -

GIS INFORMATION

Case Layer -
 Central Business Improvement District No
 Class C
 Downtown Fire District No
 Historic District -
 Land Use COMMERCIAL
 Municipality MEMPHIS
 Overlay/Special Purpose District -
 Zoning RU-1
 Lot 1
 State Route -
 Subdivision HICKS & SMITH
 Planned Development District -
 Wellhead Protection Overlay District No

Contact Information

Name ALHROUT OSAMA AND JABER SAID Contact Type APPLICANT
 Address

Phone -

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1474430	Plat of Record Revocation	1	400.00	INVOICED	0.00	06/02/2023
1474430	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	06/02/2023

Total Fee Invoiced: \$410.40 Total Balance: \$0.00

Payment Information

Payment Amount \$410.40 Method of Payment Credit Card

LETTER OF INTENT

The Bray Firm

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

June 1, 2023

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

**RE: 1560 S Parkway E
Special Use Permit for C-store (without gas) in the RU-1 zoning district &
Residential Corridor Revocation
Memphis, Tennessee**

Mr. Ragsdale;

Please find attached the above referenced applications for the property identified as 1560 South Parkway East. The subject property is currently zoned RU-1 and is located in a Residential Corridor. The owner of the site previously operated a neighborhood convenience store in this location. He had leased it to another entity for operation while he was out of the country and during that time the business was closed. The closure has been for a long enough period that the property lost its existing non-conforming use status. At this time, the owner would like to re-open the business as a neighborhood convenience store/market (no gasoline sales are proposed at the site). To achieve this goal it is our understanding that first the City Council would have to agree to remove the Residential Corridor designation from the property and then approve the application for the Special Use Permit.

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

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, LATH JABOR, being duly sworn, depose and say that at 11 am on the 16 day of JUNE, 2023, I posted Public Notice Sign(s) pertaining to Case No. RC 2023-001 at 1560 S. PARKWAY, 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.

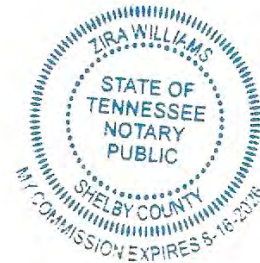
[Signature]
Owner, Applicant or Representative

8/09/23
Date

Subscribed and sworn to before me this 9th day of August, 2023.

[Signature]
Notary Public

My commission expires: 8/16/2026



LETTERS RECEIVED

One letter of support with 22 signatures was received at the time of completion of this report and has subsequently been attached.

The Bray Firm

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

June 7, 2023

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

**RE: 1560 S Parkway E
Special Use Permit for C-store (without gas) in the RU-1 zoning district &
Residential Corridor Revocation
Memphis, Tennessee**

Mr. Ragsdale;

As residents of the surrounding neighborhood we support this application to allow the business at 1560 S Parkway E to reopen as a convenience store:

Name	Address	Phone/Email
1 Aaron Williams	1387 Willett	(901) 512-0025
2 Terrell Jones	1397 Willett	arontwinwilliams@gmail.com
3 Mildred Minor	1394 S Willett St	(901) 775-1625
4 Chris Branch	1429 Parkway	901 244 32 71
5 Angie Moore	1388 S. Willett	(901) 273-6352 (901) 585-1938
6 Jarrett Webb	1414 Rayner St	689-289-4517
7 Stanley Foster	1419 Rayner	901-267-7054
8 Antonio Taylor	1398 S. Willett	turktonio@gmail.com
9 Mattie Daniels	1535 Parkwayview Circle	901-708-0412
10 Grace Massie	1535 Parkwayview Circle	901-774-9720
11 Roth C Oyle	901 3108912	
Jamiece Jones	1395 Rayner	901-4126723

⑫ ERICA YOUNG 1478 PARKWAY VIEW CIR #201

⑬ STERNARD WANNABO

14. ANTHONY HILL - 1416 SILVER - 570-0295

15 BARRY FLYNN 1465 RANER ST

16. Alvin Mitchell 1494 Ranger Street - 390-7086

17. JARVIS Somerville 1418 RAYNER ST - (901) 831-1964

18. Tony Fields 1511 South Willett 901-825-3670

19 Edie Caver 4506 Willett

20. Toni Haley 1397 RAYNER 901 210-0675

21. Rex Manning 1397 RAYNER 901 581-1453

22. Jasmine Johnson 901 427 9938



Record Summary for Residential Corridor Revocation

Record Detail Information

Record Type: Residential Corridor Revocation

Record Status: Assignment

Opened Date: June 2, 2023

Record Number: RC 2023-001

Expiration Date:

Record Name: 1560 S. Parkway East

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Owner Information

Primary Owner Name

Y ALHROUT OSAMA AND JABER SAID

Owner Address

1560 S PARKWAY E, MEMPHIS, TN 38106

Owner Phone

Parcel Information

031010 00001

Data Fields

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Name of DPD Planner

chip saliba

Date of Meeting

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Pre-application Meeting Type

Email

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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 -

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Case Layer -

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Class C

Downtown Fire District No

Historic District -

Land Use COMMERCIAL

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning RU-1

Lot 1

State Route -

Subdivision HICKS & SMITH

Planned Development District -

Wellhead Protection Overlay District No

Contact Information

Name ALHROUT OSAMA AND JABER SAID Contact Type APPLICANT

Address

Phone

-

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Total Fee Invoiced: \$410.40

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Payment Amount \$410.40 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, Osama Alhrouf al hrouf, state that I have read the definition of
(Print Name) (Sign Name)

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

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

of the property located at 1560 Southparkway east memphis TN-38106
and further identified by Assessor's Parcel Number 031-0100-0-00001-0
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 15 day of May in the year of 2023

[Signature]
Signature of Notary Public



March 14, 2024
My Commission Expires

The Bray Firm

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

June 1, 2023

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

**RE: 1560 S Parkway E
Special Use Permit for C-store (without gas) in the RU-1 zoning district &
Residential Corridor Revocation
Memphis, Tennessee**

Mr. Ragsdale;

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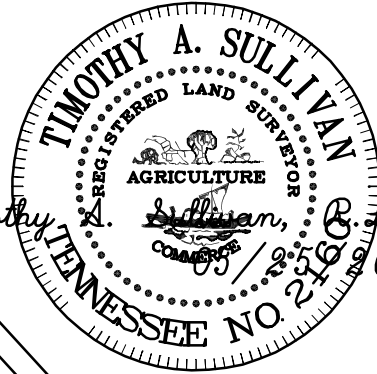
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

**SITE PLAN
LOT 1
HICKS AND SMITH SUBDIVISION
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
INST. #04124678
MEMPHIS, SHELBY COUNTY, TN**

NOTE: EXISTING BUILDING ENCROACHES ON
THE BURLINGTON NORTHERN R.R.

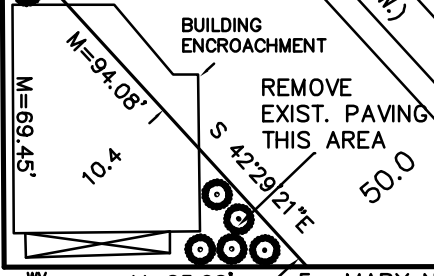


SOUTH WILLETT STREET (40'R.O.W.)

S 00°23'57"E

6-72

CLOSE EXISTING
APRON WITH CURB
GUTTER AND SIDEWALK
2- MARY NELL HOLLY
6-8' HGT, (as shown)



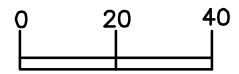
5- MARY NELL HOLLY
6-8' HGT, (as shown)

M=63.06'

APRON
CLOSE EXISTING
APRON WITH CURB
GUTTER AND SIDEWALK

N 89°56'03"E

SOUTH PARKWAY (150'R.O.W.)



DATE: 5/5/23
SCALE: 1"=40'

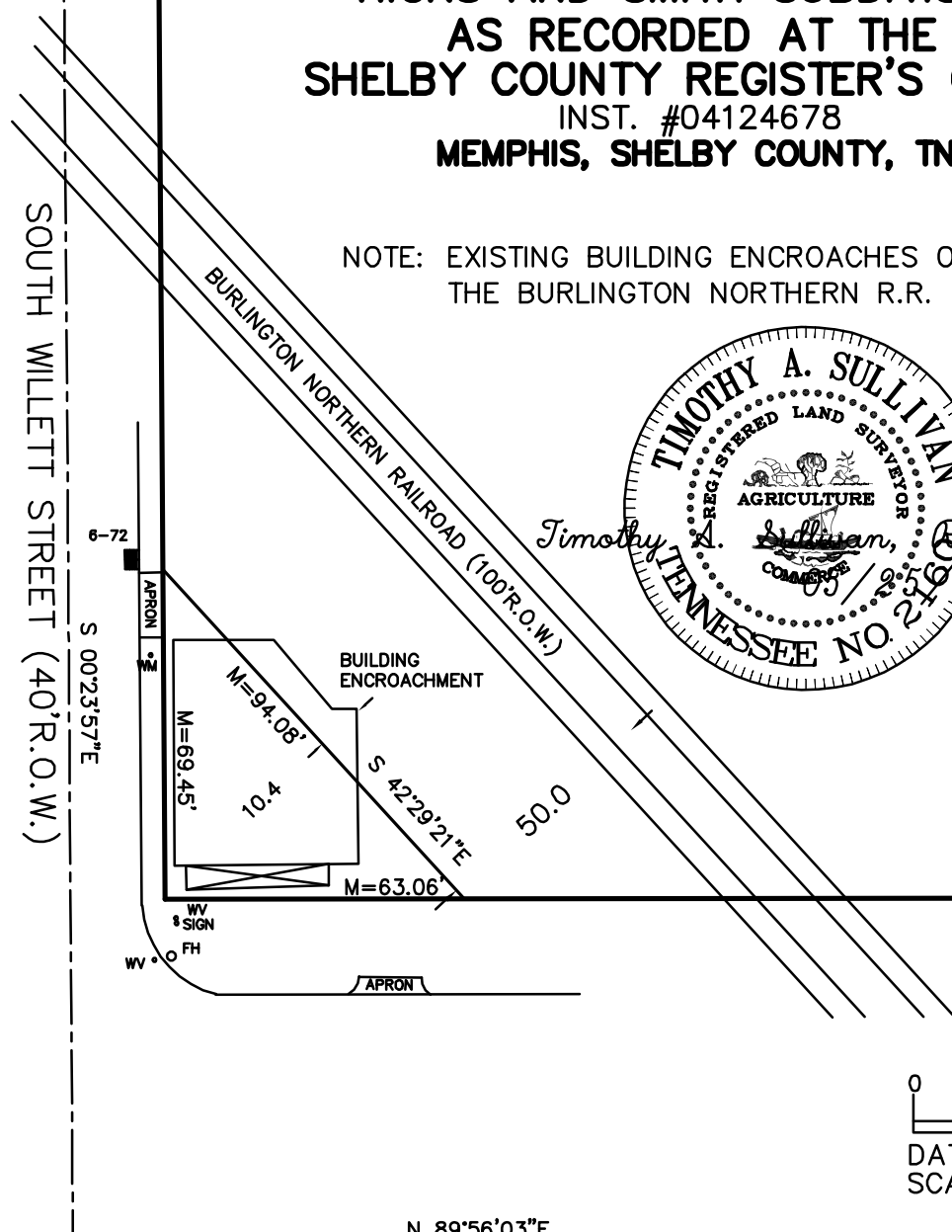
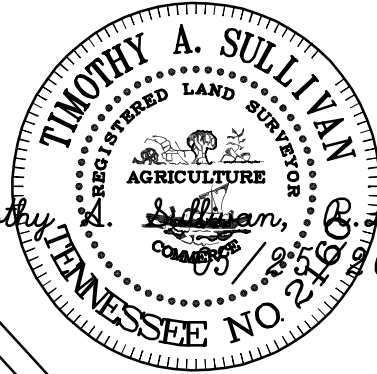
PREPARED FOR:
OSAMA ALHROUT

PREPARED BY:
THE BRAY FIRM/
SULLIVAN SURVEYING
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD
HAZARD AREA PER FEMA FLOOD MAP #47157C0270 F
DATED SEPTEMBER 28, 2007.

**EXISTING CONDITIONS SURVEY
LOT 1
HICKS AND SMITH SUBDIVISION
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
INST. #04124678
MEMPHIS, SHELBY COUNTY, TN**

NOTE: EXISTING BUILDING ENCROACHES ON
THE BURLINGTON NORTHERN R.R.



0 20 40
DATE: 5/5/23
SCALE: 1"=40'

SOUTH PARKWAY (150'R.O.W.)

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

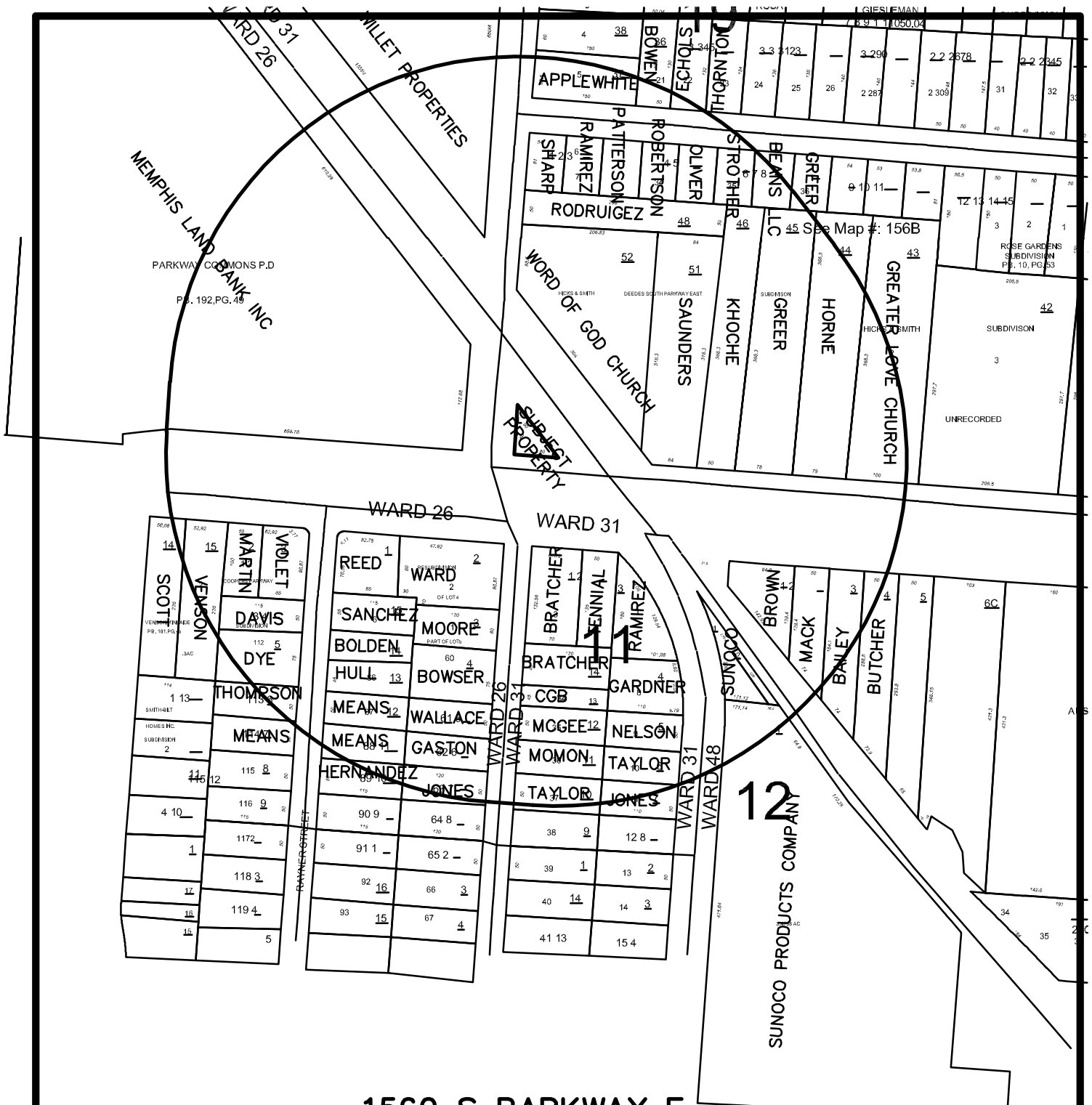
I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0270 F DATED SEPTEMBER 28, 2007.

PREPARED FOR:
OSAMA ALHROUT

PREPARED BY:
THE BRAY FIRM/
SULLIVAN SURVEYING
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668



1560 S PARKWAY E
APPLICANT: OSAMA ALHROUT

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 MAY 25, 2023

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=200'

Osama Alhrouf
1560 S Parkway E
Memphis, TN 38106

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Word of God Deliverance Temple
Church
1874 FREEMONT
MEMPHIS TN 38114

George W Saunders
PO BOX 40582
MEMPHIS TN 38174 0582

Vivek Khoche
2496 EASY ST
SAN LEANDRO CA 94578 1107

Resident
1580 S Parkway E
MEMPHIS TN 38106

Janice R Greer
1019 VIA CALDERIA PL
HENDERSON NV 89011 0806

Resident
1584 S Parkway
MEMPHIS TN 38106

Merrick V Horne
9603 MALLARD LAKE RD
COLLIERVILLE TN 38017 9326

Greater Love Miracle Center Church
585 VANCE AVE
MEMPHIS TN 38126 2207

Resident
1608 S Parkway E
Memphis TN 38106

Resident
1601 Glenview Ave
Memphis, TN 38106

RA SFR Beans LLC
11 S ORLEANS ST
MEMPHIS TN 38103 3320

Resident
1595 Glenview Ave
MEMPHIS TN 38106

Betty J Strother
564 MONTEAGLE
MEMPHIS TN 38109

Resident
1589 Glenview Ave
MEMPHIS TN 38106

Barney L & Brice L & Deloise Oliver
1585 GLENVIEW AVE
MEMPHIS TN 38106 3803

Alice Robertson
1579 GLENVIEW AVE
MEMPHIS TN 38106

Louis C Patterson & Cecelia P Keys
1360 TREEBROOK CT
ROSWELL GA 30075 1827

Resident
1573 Glenview Ave
MEMPHIS TN 38106

Angelica Ramirez & Alfredo C Lopez
1567 GLENVIEW AVE
MEMPHIS TN 38106 3803

Clara Sharp
4465 TIPTON CV
MEMPHIS TN 38125 3563

Rachel Rodriguez
8425 HICKORY GLEN DR
GERMANTOWN TN 38138 6282

Willet Property LLC & 1221 Willet A
Series of Aspen Investing LLC
5021 MISTY RIVER RD
BARTLETT TN 38135 6179

Resident
1562 Glenview Ave
MEMPHIS TN 38106

Leah J Scott
1410 EASON AVE
MEMPHIS TN 38116 8929

Lawrence Martin
3247 PATRICIA ELLEN DR
MEMPHIS TN 38133

Resident
1523 S Parkway E
MEMPHIS TN 38106

Catrice T Dye
9728 WOODLAND EDGE LN
CORDOVA TN 38018 6695

James C Means & Jaroy R Means
2111 GLENMEADE DR
MEMPHIS TN 38116 7603

Resident
1392 Rayner St
MEMPHIS TN 38106

Paola A Sanchez
3924 S QUEMOY CT
AURORA CO 80018 3132

Memphis Land Bank INC
2600 THOUSAND OAKS BLVD STE
3210
MEMPHIS TN 38118 2457

Laryan Bowen
3976 TAYLOR RD
NASHVILLE TN 37211 4820

Clyde R Venson
1215 SLEDGE AVE
MEMPHIS TN 38104 4659

Resident
1515 S Parkway E
MEMPHIS TN 38106

Davie D Davis
16 TALL FOREST CV
BYHALIA MS 38611 7558

Resident
1381 Rayner St
MEMPHIS TN 38106

Resident
1393 Rayner St
MEMPHIS TN 38106

Tommie D Hull
1384 RAYNER ST
MEMPHIS TN 38106 5022

Resident
1374 Rayner St
MEMPHIS TN 38106

Kimberly S Applewhite
6579 MALLARD NEST CV
MEMPHIS TN 38141

Resident
1576 Glenview Rd
MEMPHIS TN 38106

Resident
1509 S Parkway East
MEMPHIS TN 38106

Violet Assets LLC
360 GRUNION CT
SAN MATEO CA 94404 1923

Resident
1377 Rayner St
Memphis TN 38106

Gussie L Thompson
1387 RAYNER ST
MEMPHIS TN 38106 5021

Nicholas Hernandez
1394 RAYNERS ST
MEMPHIS TN 38106 5022

Jacquelyn Bolden
1380 RAYNER ST
MEMPHIS TN 38106 5022

Beverly Reed
468 S LILLIAN DR
MEMPHIS TN 38109 4336

1560 Parkway
Page 3 of 4

Jack & Evelyn Ward
1291 ELLISTON RD
MEMPHIS TN 38106 7709

Resident
1367 S Willet St
MEMPHIS TN 38106

Ernest F Moore & Gwendolyn Marshall
1373 S WILLETT ST
MEMPHIS TN 38106 5031

Clarrether Bowser
1381 S WILLETT ST
MEMPHIS TN 38106 5031

Nancy Wallace & Cameron and Lacy D
Stevenson JR
4757 BLACKISTON CV
MEMPHIS TN 38109 6116

Resident
1387 S Willet St
MEMPHIS TN 38106

Janice D Gaston
1393 S WILLETT ST
MEMPHIS TN 38106 5031

Reginald D Jones
175 THUNDERBIRD DR
HARVEST AL 35749

Resident
1379 S Willet St
MEMPHIS TN 38106

Antonio D Taylor
1398 S WILLETT ST
MEMPHIS TN 38106 5032

Mildred Momon
1394 S WILLETT ST
MEMPHIS TN 38106 5032

Thomas Mcgee
4370 ECKOIS CV
MILLINGTON TN 38053 8258

Resident
1388 S Willet St
MEMPHIS TN 38106

CGB Partners LLC & Skytopia
Investments LLC
3310 LEBANON PIKE STE 203
HERMITAGE TN 37076 2027

Etta Mae Bratcher
1380 S WILLETT ST
MEMPHIS TN 38106 5032

Tennial Brothers Investments LLC
1033 W MONTEBELLO CIR
CORDOVA TN 38018 8403

Claude E Gardner
999 PARKLAND RD
MEMPHIS TN 38111

Resident
1381 Ragan St
MEMPHIS TN 38106

Jennetta J Nelson
1659 SILVER ST
MEMPHIS TN 38106

Resident
1387 Ragan St
Memphis, TN 38106

Jerry & Arand Taylor
1393 RAGAN ST
MEMPHIS TN 38106 6101

Ethel Jones
1397 RAGAN ST
MEMPHIS TN 38106 6101

Alex Brown
1591 S PARKWAY E
MEMPHIS TN 38106 5109

Irene B Mack
1597 S PARKWAY E
MEMPHIS TN 38106 5109

William H Bailey SR
4810 LUFKIN ST S
BEAUMONT TX 77703 1314

Resident
1603 S Parkway E
Memphis, TN 38106

Martin A Butcher JR
1607 S PARKWAY E
MEMPHIS TN 38106 5114

Sunoco Products company
1 N SECOND ST
HARTSVILLE SC 29550 3300

Lashonda Echols
1580 GLENVIEW AVE
MEMPHIS TN 38106 3804


1560 Parkway
Page 4 of 4

Thelma Thornton
1586 GLENVIEW AVE
MEMPHIS TN 38106 3804

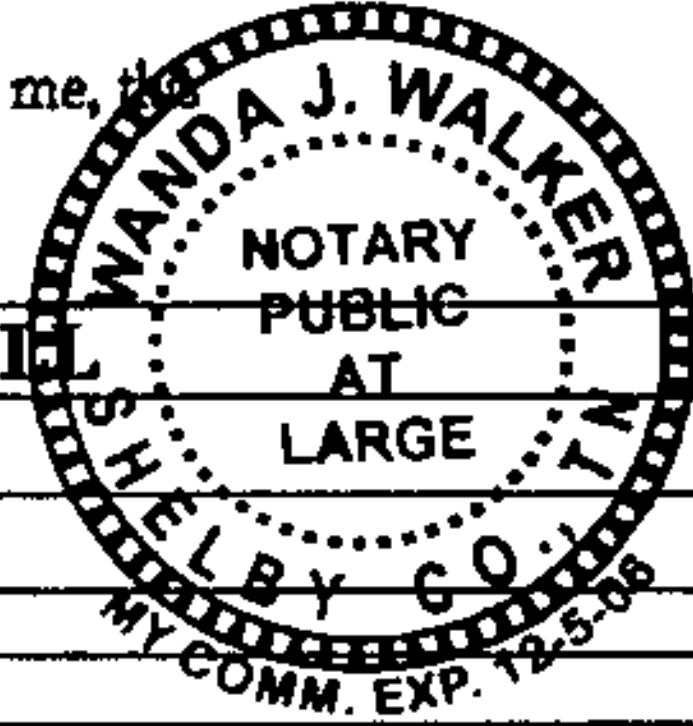


Tom Leatherwood
Shelby County Register

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.

	
04124678	
07/28/2004 - 10:37 AM	
2 PGS : R - WARRANTY DEED	
MICHELLE 246775-4124678	
VALUE	50000.00
MORTGAGE TAX	0.00
TRANSFER TAX	185.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	198.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

State of Tennessee County of Shelby The	
actual consideration or value, whichever is greater, for this transfer is.	
<u>George Smith</u>	Affiant Subscribed and sworn to before me, the
the 24th day of June, 2004.	<u>Wanda J Walker</u>
Notary Public My commission expires:	(AFFIX SEAL)
THIS INSTRUMENT WAS PREPARED BY WEISSMAN, OSTROW & MITCHELL	
Attorneys at Law 5118 Park Avenue Suite 600, Memphis, TN 38117-5710	
Address of New Owner(s) as follows: <u>Osama Alhrout Jaber Said</u>	
Map-Parcel Numbers <u>031-010-00001</u>	
<u>1560 S. Parkway East</u>	PROPERTY ADDRESS
<u>Memphis, Tennessee</u>	



FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HERINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE COISDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGE, I/WE,

Sara Rose Segal, Harold Segal and Eileen Segal

HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO

Osama Alhrout, and, and Jaber Said

HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN Shelby COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

See attached Exhibit for legal description

And being the same property conveyed to Ronald H. Segal, deceased by Warranty Deed of record in Register's file Book 2234, Page 20. Ronald H. Segal, having died intestate on or about April 4, 1959 and was survived by his spouse, Sara Rose Segal and his two children, namely Harold Segal and Eileen the grantors herein and as shown in the Probate Administration in the Probate Court of Shelby County docket number 74461, Minute Book 269, Page 608.

This conveyance is subject to 2004 county taxes, a lien, but not yet due and payable and assumed by the Grantees; and is otherwise unencumbered.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same in unencumbered, unless otherwise herein set out above; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS my/our hand(s) this 24th day of June, 2004.

Sara Rose Segal
Sara Rose Segal
Harold Segal
Harold Segal
Eileen Segal
Eileen Segal

LEGAL

Part of Lot 1, Hicks and Smith Subdivision of Lot 5, Whitmore Tract, being the northeast corner of South Willett Street and South Parkway, more particularly described as follows: Beginning where the west line of the Frisco Railway right of way interests the east line of South Willett Street; thence southeast along the south line of said right of way 90 feet, more or less, to the north line of South Parkway East; thence west along the north line of South Parkway East 60 feet, more or less, to the east line of South Willett Street; thence north with the east line fo South Willett Street 89 feet, more or less, to the point of beginning.

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **Sara Rose Segal, Harold Segal and Eileen Segal**, to me known to be the person(s) described in and who executed for foregoing instrument, and acknowledged that they executed the same as their free act and deed.

WITNESS my hand and Notary Seal, in my office the day and year above written.

My commission expires: _____



Wanda J. Walker
NOTARY PUBLIC

Mail Tax Bills To: Osama Alhrou
PROPERTY 1560 S. Parkway East
ADDRESS: Memphis, TN

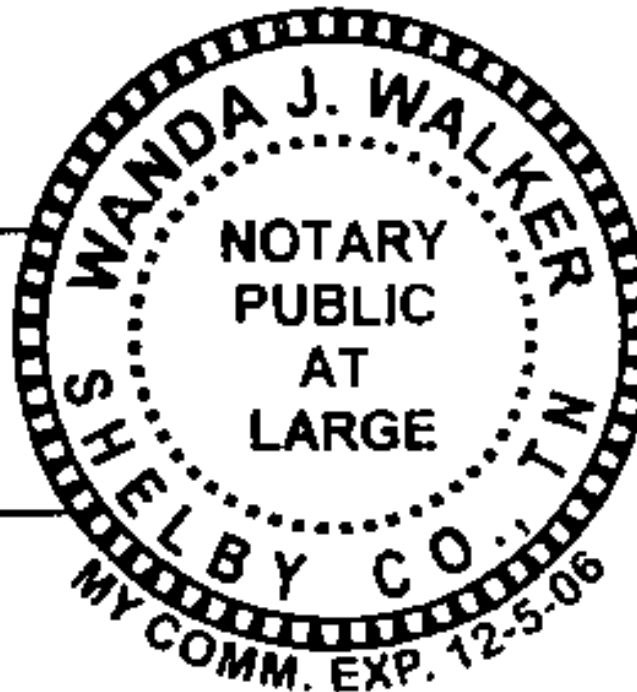
I, or we, hereby swear of affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred whichever is greater is \$50,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Terri G. Smith
AFFIANT

Subscribed and sworn to before me this the 24th day of June, 2004.

Wanda J. Walker
NOTARY PUBLIC

My commission expires: _____





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

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

September 15, 2023

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Sent via electronic mail to: dgbray@comcast.net

Case Number: RC 2023-001
LUCB Recommendation: Approval

Dear Applicant,

On Thursday, September 14, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your residential corridor revocation application to remove a portion of land from the Residential Corridor Overlay District located at 1560 S Parkway East.

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

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: RC 2023-001
LOCATION: 1560 S Parkway East (southeast corner of S Parkway East and South Willett St)
COUNCIL DISTRICTS: District 4 and Super District 8
OWNER/APPLICANT: Alhrou Osama and Jaber Said
REPRESENTATIVE: David Bray, The Bray Firm
REQUEST: Residential corridor overlay deletion at 1560 S Parkway East
AREA: +/-0.046 acres

RECOMMENDATIONS:
Memphis and Shelby County Division of Planning and Development: *Approval*
Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

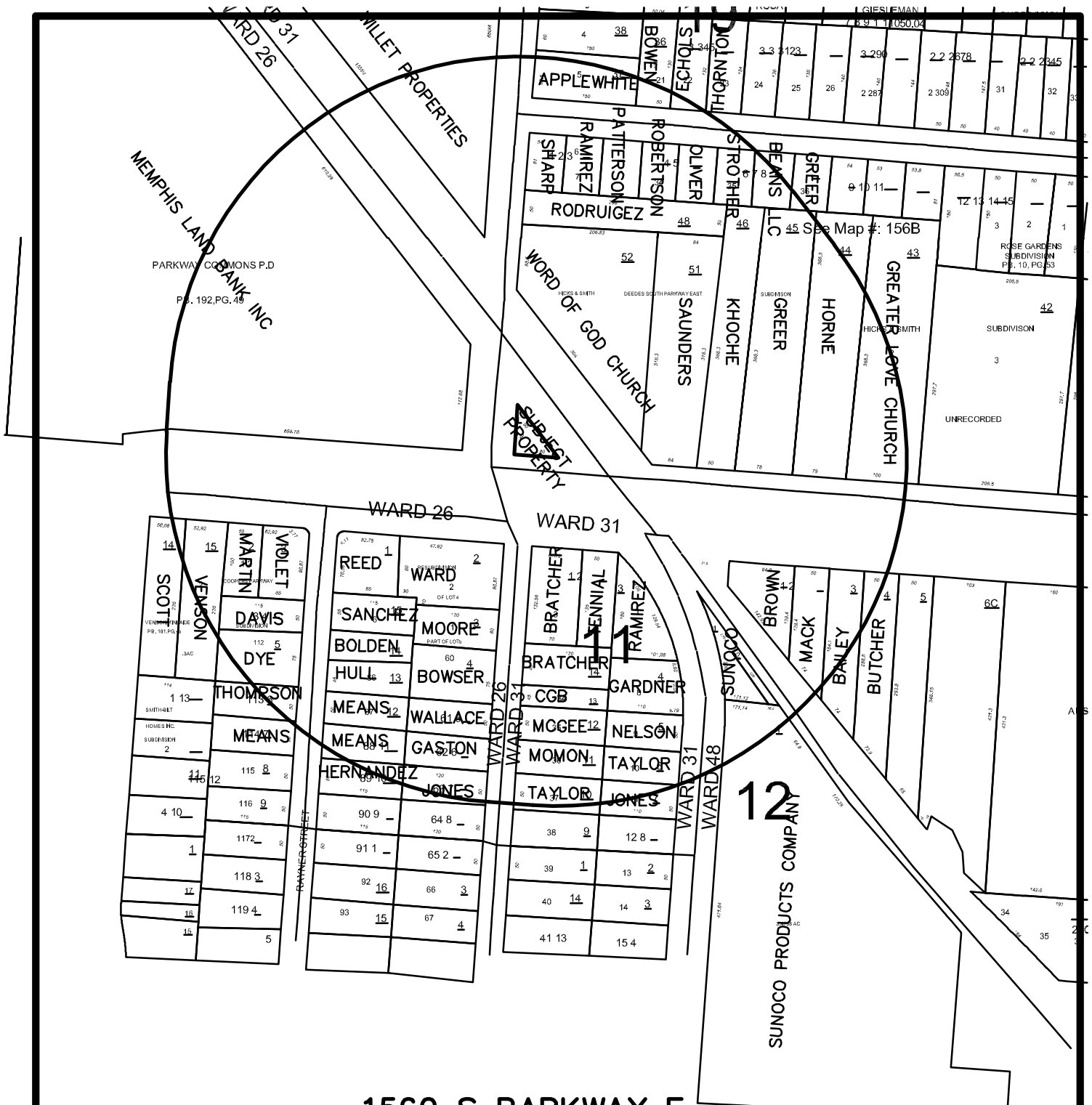
THIS THE _____, _____

MARTAVIUS JONES
CHAIRMAN OF COUNCIL

ATTEST:

JOEL PHILHOURS
CITY COMPTROLLER

TO BE PUBLISHED:



1560 S PARKWAY E
APPLICANT: OSAMA ALHROUT

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 MAY 25, 2023

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=200'

Osama Alhrouf
1560 S Parkway E
Memphis, TN 38106

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Word of God Deliverance Temple
Church
1874 FREEMONT
MEMPHIS TN 38114

George W Saunders
PO BOX 40582
MEMPHIS TN 38174 0582

Vivek Khoche
2496 EASY ST
SAN LEANDRO CA 94578 1107

Resident
1580 S Parkway E
MEMPHIS TN 38106

Janice R Greer
1019 VIA CALDERIA PL
HENDERSON NV 89011 0806

Resident
1584 S Parkway
MEMPHIS TN 38106

Merrick V Horne
9603 MALLARD LAKE RD
COLLIERVILLE TN 38017 9326

Greater Love Miracle Center Church
585 VANCE AVE
MEMPHIS TN 38126 2207

Resident
1608 S Parkway E
Memphis TN 38106

Resident
1601 Glenview Ave
Memphis, TN 38106

RA SFR Beans LLC
11 S ORLEANS ST
MEMPHIS TN 38103 3320

Resident
1595 Glenview Ave
MEMPHIS TN 38106

Betty J Strother
564 MONTEAGLE
MEMPHIS TN 38109

Resident
1589 Glenview Ave
MEMPHIS TN 38106

Barney L & Brice L & Deloise Oliver
1585 GLENVIEW AVE
MEMPHIS TN 38106 3803

Alice Robertson
1579 GLENVIEW AVE
MEMPHIS TN 38106

Louis C Patterson & Cecelia P Keys
1360 TREEBROOK CT
ROSWELL GA 30075 1827

Resident
1573 Glenview Ave
MEMPHIS TN 38106

Angelica Ramirez & Alfredo C Lopez
1567 GLENVIEW AVE
MEMPHIS TN 38106 3803

Clara Sharp
4465 TIPTON CV
MEMPHIS TN 38125 3563

Rachel Rodriguez
8425 HICKORY GLEN DR
GERMANTOWN TN 38138 6282

Willet Property LLC & 1221 Willet A
Series of Aspen Investing LLC
5021 MISTY RIVER RD
BARTLETT TN 38135 6179

Resident
1562 Glenview Ave
MEMPHIS TN 38106

Leah J Scott
1410 EASON AVE
MEMPHIS TN 38116 8929

Lawrence Martin
3247 PATRICIA ELLEN DR
MEMPHIS TN 38133

Resident
1523 S Parkway E
MEMPHIS TN 38106

Catrice T Dye
9728 WOODLAND EDGE LN
CORDOVA TN 38018 6695

James C Means & Jaroy R Means
2111 GLENMEADE DR
MEMPHIS TN 38116 7603

Resident
1392 Rayner St
MEMPHIS TN 38106

Paola A Sanchez
3924 S QUEMOY CT
AURORA CO 80018 3132

Memphis Land Bank INC
2600 THOUSAND OAKS BLVD STE
3210
MEMPHIS TN 38118 2457

Laryan Bowen
3976 TAYLOR RD
NASHVILLE TN 37211 4820

Clyde R Venson
1215 SLEDGE AVE
MEMPHIS TN 38104 4659

Resident
1515 S Parkway E
MEMPHIS TN 38106

Davie D Davis
16 TALL FOREST CV
BYHALIA MS 38611 7558

Resident
1381 Rayner St
MEMPHIS TN 38106

Resident
1393 Rayner St
MEMPHIS TN 38106

Tommie D Hull
1384 RAYNER ST
MEMPHIS TN 38106 5022

Resident
1374 Rayner St
MEMPHIS TN 38106

Kimberly S Applewhite
6579 MALLARD NEST CV
MEMPHIS TN 38141

Resident
1576 Glenview Rd
MEMPHIS TN 38106

Resident
1509 S Parkway East
MEMPHIS TN 38106

Violet Assets LLC
360 GRUNION CT
SAN MATEO CA 94404 1923

Resident
1377 Rayner St
Memphis TN 38106

Gussie L Thompson
1387 RAYNER ST
MEMPHIS TN 38106 5021

Nicholas Hernandez
1394 RAYNERS ST
MEMPHIS TN 38106 5022

Jacquelyn Bolden
1380 RAYNER ST
MEMPHIS TN 38106 5022

Beverly Reed
468 S LILLIAN DR
MEMPHIS TN 38109 4336

1560 Parkway
Page 3 of 4

Jack & Evelyn Ward
1291 ELLISTON RD
MEMPHIS TN 38106 7709

Resident
1367 S Willet St
MEMPHIS TN 38106

Ernest F Moore & Gwendolyn Marshall
1373 S WILLETT ST
MEMPHIS TN 38106 5031

Clarrether Bowser
1381 S WILLETT ST
MEMPHIS TN 38106 5031

Nancy Wallace & Cameron and Lacy D
Stevenson JR
4757 BLACKISTON CV
MEMPHIS TN 38109 6116

Resident
1387 S Willet St
MEMPHIS TN 38106

Janice D Gaston
1393 S WILLETT ST
MEMPHIS TN 38106 5031

Reginald D Jones
175 THUNDERBIRD DR
HARVEST AL 35749

Resident
1379 S Willet St
MEMPHIS TN 38106

Antonio D Taylor
1398 S WILLETT ST
MEMPHIS TN 38106 5032

Mildred Momon
1394 S WILLETT ST
MEMPHIS TN 38106 5032

Thomas Mcgee
4370 ECKOIS CV
MILLINGTON TN 38053 8258

Resident
1388 S Willet St
MEMPHIS TN 38106

CGB Partners LLC & Skytopia
Investments LLC
3310 LEBANON PIKE STE 203
HERMITAGE TN 37076 2027

Etta Mae Bratcher
1380 S WILLETT ST
MEMPHIS TN 38106 5032

Tennial Brothers Investments LLC
1033 W MONTEBELLO CIR
CORDOVA TN 38018 8403

Claude E Gardner
999 PARKLAND RD
MEMPHIS TN 38111

Resident
1381 Ragan St
MEMPHIS TN 38106

Jennetta J Nelson
1659 SILVER ST
MEMPHIS TN 38106

Resident
1387 Ragan St
Memphis, TN 38106

Jerry & Arand Taylor
1393 RAGAN ST
MEMPHIS TN 38106 6101

Ethel Jones
1397 RAGAN ST
MEMPHIS TN 38106 6101

Alex Brown
1591 S PARKWAY E
MEMPHIS TN 38106 5109

Irene B Mack
1597 S PARKWAY E
MEMPHIS TN 38106 5109

William H Bailey SR
4810 LUFKIN ST S
BEAUMONT TX 77703 1314

Resident
1603 S Parkway E
Memphis, TN 38106

Martin A Butcher JR
1607 S PARKWAY E
MEMPHIS TN 38106 5114

Sunoco Products company
1 N SECOND ST
HARTSVILLE SC 29550 3300

Lashonda Echols
1580 GLENVIEW AVE
MEMPHIS TN 38106 3804

1560 Parkway
Page 4 of 4

Thelma Thornton
1586 GLENVIEW AVE
MEMPHIS TN 38106 3804

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 11/07/2023

DATE

PUBLIC SESSION: 11/07/2023

DATE

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the south side of Cornell St. between Felts Station Rd. and Thomas St. By taking the land out of the Residential Urban – 3 (RU-3) Use District and including it in the Heavy Industrial (IH) Use District, known as case number Z 23-11

CASE NUMBER: Z 23-11

LOCATION: South side of Cornell St. between Felts Station Rd. and Thomas St.

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

OWNER/APPLICANT: Marcino Pigram

REPRESENTATIVES: The Bray Firm, David Bray

REQUEST: Rezoning of +/- 0.5 acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**

Set date for first reading – October 10, 2023

Second reading – October 24, 2023

Third reading – November 7, 2023

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
09/14/2023 _____	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>
_____	_____	LUDS STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 23-11

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE SOUTH SIDE OF CORNELL ST. BETWEEN FELTS STATION RD. AND THOMAS ST. BY TAKING THE LAND OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-11

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 14, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 23-11

LOCATION: South side of Cornell St. between Felts Station Rd. and Thomas St.

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

OWNER/APPLICANT: Marcino Pigram

REPRESENTATIVE: The Bray Firm, David Bray

REQUEST: Rezoning of +/- 0.5 acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH)


The following spoke in support of the application: David Bray, Marcino Pigram

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 8-0

Respectfully,

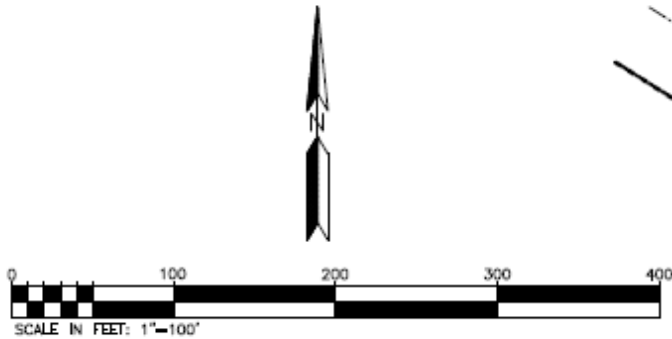


Nicholas Wardroup
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN

PLOT PLAN
PART OF LOT 1, OVERTON S/D
O CORNELL
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
21114498
MEMPHIS, SHELBY COUNTY, TN



JPR INC.
LOTS 3 & 7
OVERTON S/D
INST. EJ 9654
ZONED: CMU-3

SWAIN/SWAIN
GEORGETOWN
VILLAGE
ZONED: RU-3

CORNELL ROAD
635.0' TO EAST
LINE OF HIGHWAY 51
S58°02'26"E

Lots 1-7
OVERTON S/D
Inst. #
20072987
Mareo LLC.

Zoned: RU-3

AREA TO
BE RE-
ZONED
TO IH

RU-3

HAMILTON
LOT 1
OVERTON S/D
INST. # 06181066
ZONED: RU-3

Zoned: IH

IH

BEGINNING AT A POINT IN THE SOUTHWEST
LINE OF CORNELL AVENUE A DISTANCE OF
635.0 FEET SOUTHWARDLY AS MEASURED
ALONG THE SOUTHWEST LINE OF CORNELL
AVENUE FROM ITS TANGENT INTERSECTION
WITH THE EAST LINE OF U.S. HIGHWAY 51:
THENCE SOUTH 57 DEGREES 30 MINUTES
EAST A DISTANCE OF 90.0 FEET, MORE OR
LESS TO A POINT; THENCE SOUTH 45
DEGREES 3 MINUTES WEST A DISTANCE OF
630.6 FEET, MORE OR LESS TO A POINT;
THENCE SOUTH 86 DEGREES 30 MINUTES
WEST A DISTANCE OF 129.5 FEET, MORE
OR LESS TO A POINT; THENCE NORTH 44
DEGREES 40 MINUTES EAST A DISTANCE
OF 707.4 FEET, MORE OR LESS TO THE
POINT OF BEGINNING.

N 44°40'00"E 707.04'

approx. limits of zoning

S 45°03'00"W 630.06'

129.05'
S 86°30'00"W

MEMPHIS
BLUES PD
P.B. 298,
PG. 036
ZONED: R-MP

CITY OF MEMPHIS
LOT 1, OVERTON S/D
ZONED: RU-3

PREPARED FOR:
MARCINO PIGRAM

PREPARED BY:
THE BRAY FIRM
2950 STAGE PLAZA N.
BARTLETT, TN 38134
(901) 383-8668

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD
HAZARD AREA PER FEMA FLOOD MAP #47157C0260 F
DATED SEPTEMBER 28, 2007. BFE: 234

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE SOUTH SIDE OF CORNELL ST. BETWEEN FELTS STATION RD. AND THOMAS ST. BY TAKING THE LAND OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL USE DISTRICT, KNOWN AS CASE NUMBER Z 23-11

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 23-11**; and

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

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

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

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

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

PARCEL 1

PART OF THE R.L. PHELPS 27.6 ACRE TRACT, UNRECORDED, IN MEMPHIS, SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWEST LINE OF CORNELL AVENUE A DISTANCE OF

635 FEET SOUTHWESTARDLY AS MEASURED ALONG THE SOUTHWEST LINE OF CORNELL AVENUE FROM ITS TANGENT INTERSECTION WITH THE EAST LINE OF U.S. HIGHWAY 51; THENCE SOUTH 57 DEGREES 30 MINUTES EAST A DISTANCE OF 90 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 45 DEGREES 3 MINUTES WEST A DISTANCE OF 630.6 FEET, MORE OR LESS TO A POINT, THENCE SOUTH 86 DEGREES 30 MINUTES WEST A DISTANCE OF 129.5 FEET, MORE OR LESS TO A POINT; THENCE NORTH 44 DEGREES 40 MINUTES EAST A DISTANCE OF 707.4 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

SECTION 2:

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

SECTION 3:

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

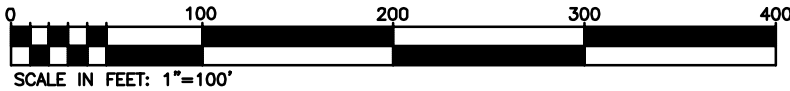
ATTEST:

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

**//: ATTACHMENTS
Plot Plan**

PLOT PLAN
PART OF LOT 1, OVERTON S/D
O CORNELL
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
21114498
MEMPHIS, SHELBY COUNTY, TN

JPR INC.
 LOTS 3 & 7
 OVERTON S/D
 INST. EJ 9654
 ZONED: CMU-3



SWAIM & SWAIM
 GEORGETOWN
 VILLAGE
 ZONED: RU-3

CORNELL ROAD
 S58°02'26"E
 635.0' TO EAST
 LINE OF HIGHWAY 51

Lots 1-7
 Overton S/D
 Inst. # 20072987
 Mateo LLC.

Zoned: RU-3

AREA TO
 BE RE-
 ZONED
 TO IH

HAMILTON
 LOT 1
 OVERTON S/D
 INST. # 06161066
 ZONED: RU-3

Zoned: IH

approx. limits of zoning

RU-3

IH

N 44°40'00"E 707.04'

S 45°03'00"W 630.06'

BEGINNING AT A POINT IN THE SOUTHWEST LINE OF CORNELL AVENUE A DISTANCE OF 635.0 FEET SOUTHWARDLY AS MEASURED ALONG THE SOUTHWEST LINE OF CORNELL AVENUE FROM ITS TANGENT INTERSECTION WITH THE EAST LINE OF U.S. HIGHWAY 51: THENCE SOUTH 57 DEGREES 30 MINUTES EAST A DISTANCE OF 90.0 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 45 DEGREES 3 MINUTES WEST A DISTANCE OF 630.6 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 86 DEGREES 30 MINUTES WEST A DISTANCE OF 129.5 FEET, MORE OR LESS TO A POINT; THENCE NORTH 44 DEGREES 40 MINUTES EAST A DISTANCE OF 707.4 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

129.05'
 S 86°30'00"W

MEMPHIS
 BLUES PD
 P.B. 298,
 PG. 036
 ZONED: R-MP

CITY OF MEMPHIS
 LOT 1, OVERTON S/D
 ZONED: RU-3

PREPARED FOR:
 MARCINO PIGRAM

PREPARED BY:
 THE BRAY FIRM
 2950 STAGE PLAZA N.
 BARTLETT, TN 38134
 (901) 383-8668

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0260 F DATED SEPTEMBER 28, 2007. BFE: 234

AGENDA ITEM: 10

CASE NUMBER: Z 2023-011 **L.U.C.B. MEETING:** September 14, 2023

LOCATION: 0 Cornell St, Frayser

COUNCIL DISTRICT: District 7 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Marcino Pigram

REPRESENTATIVE: David G. Bray, P.E., The Bray Firm

REQUEST: Rezone +/- 0.5 acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH)

AREA: +/-0.5 acres

EXISTING ZONING: Residential Urban – 3 (RU-3)

CONCLUSIONS

1. The request is to rezone +/- 0.5 Acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH).
2. Staff recommends **rejection** of this request due to its inconsistency with the Memphis 3.0 Comprehensive Plan.
3. Even if comprehensive plan consistency were not considered, staff would find the allowance of additional industrial uses in the proximity of nearby residences inappropriate.
4. This request is also inconsistent with the Mid-South Resiliency Plan, see Office of Sustainability and Resilience comments pg. 14.

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 page 16 of this report.

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage:	Cornell Street	+/- 90 linear feet
Zoning Atlas Page:	1630	
Parcel ID:	069065 00005	
Existing Zoning:	Residential Urban – 3 (RU-3)	
Requested Zoning:	Heavy Industrial (IH)	

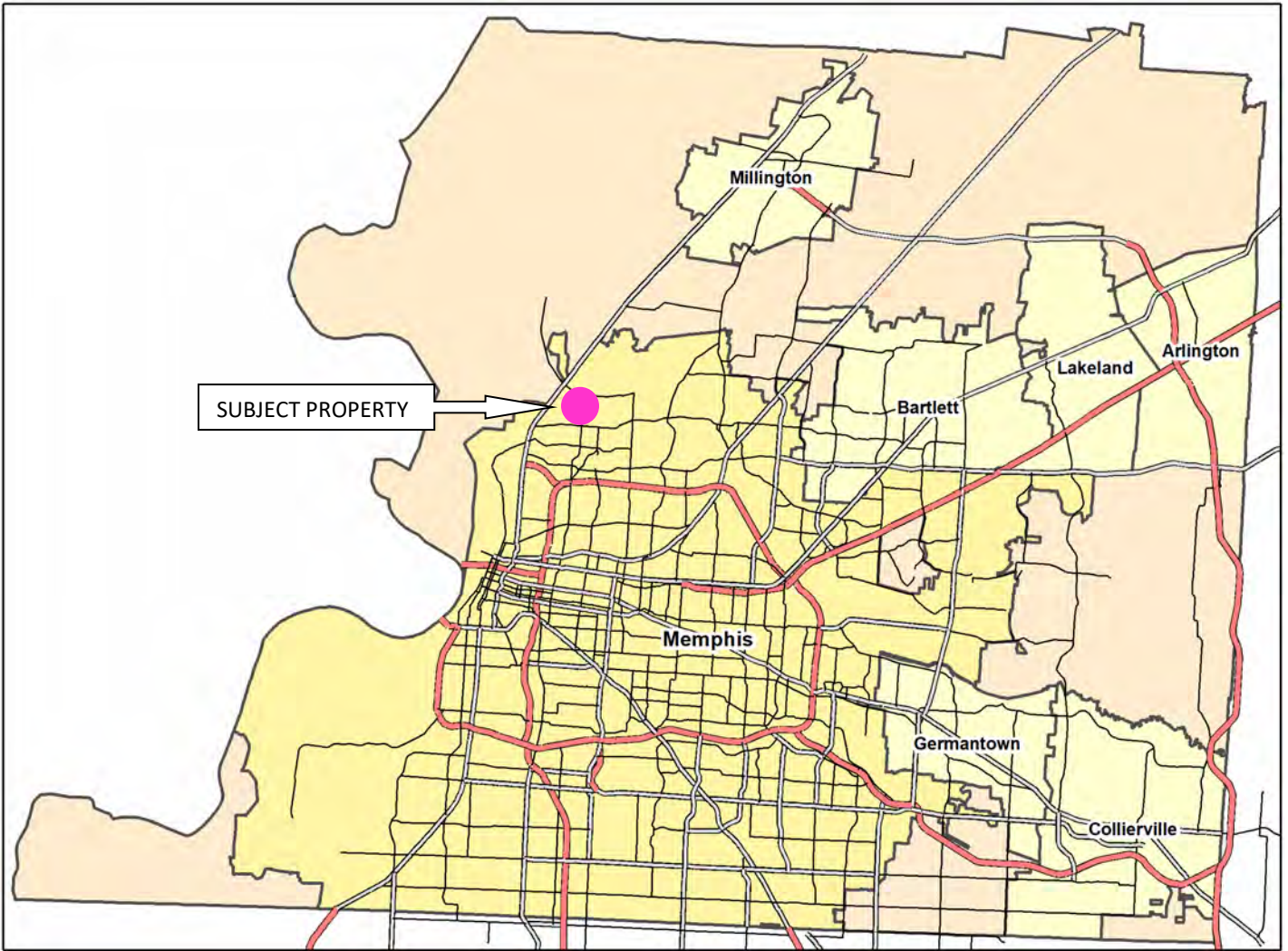
NEIGHBORHOOD MEETING

The meeting was held on Monday, July 24, 2023.

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 30 notices were mailed on August 24, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

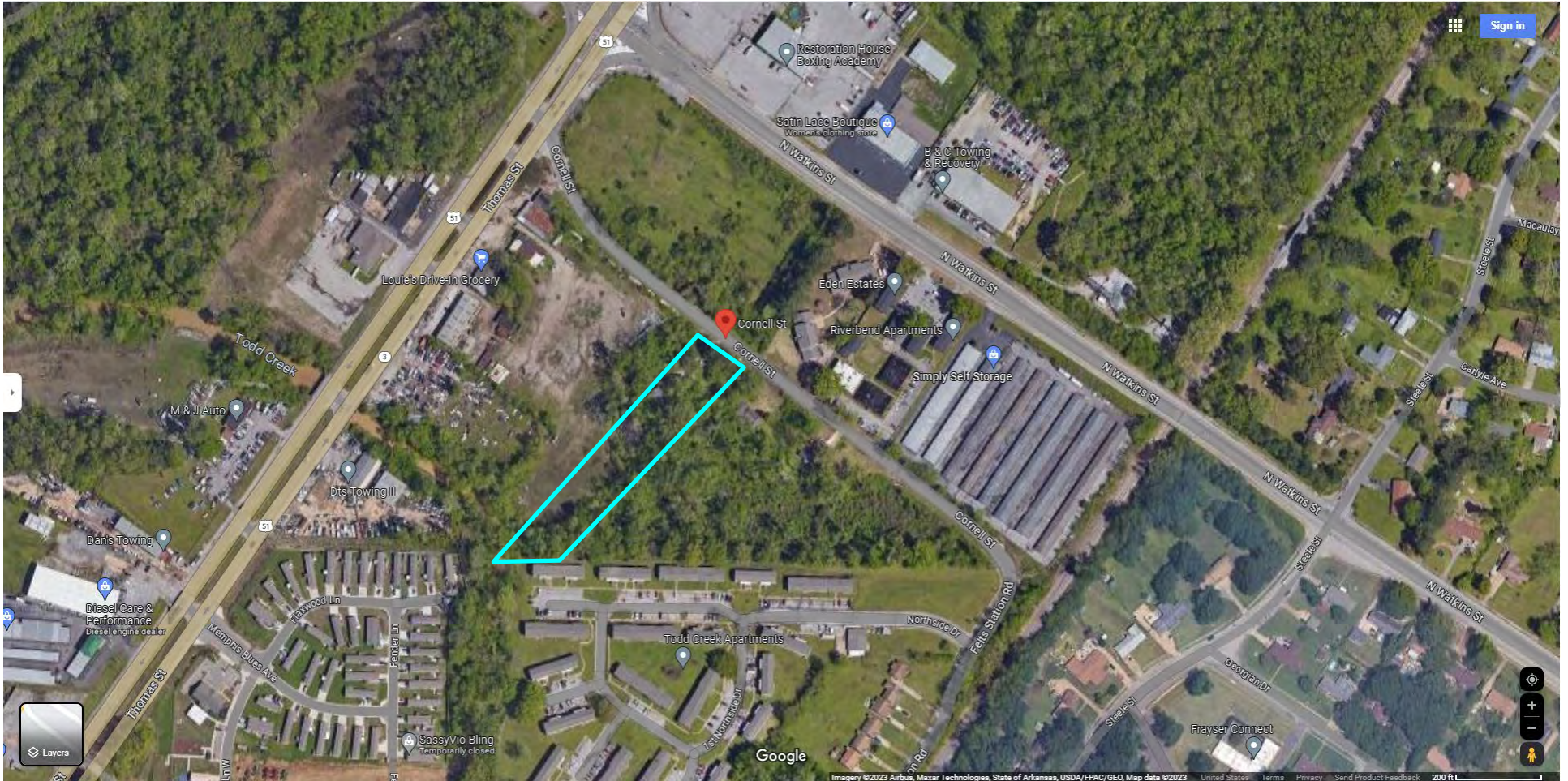
LOCATION MAP



Subject property located within the pink circle, Frayser

In the following maps, the subject property is outlined in cyan.

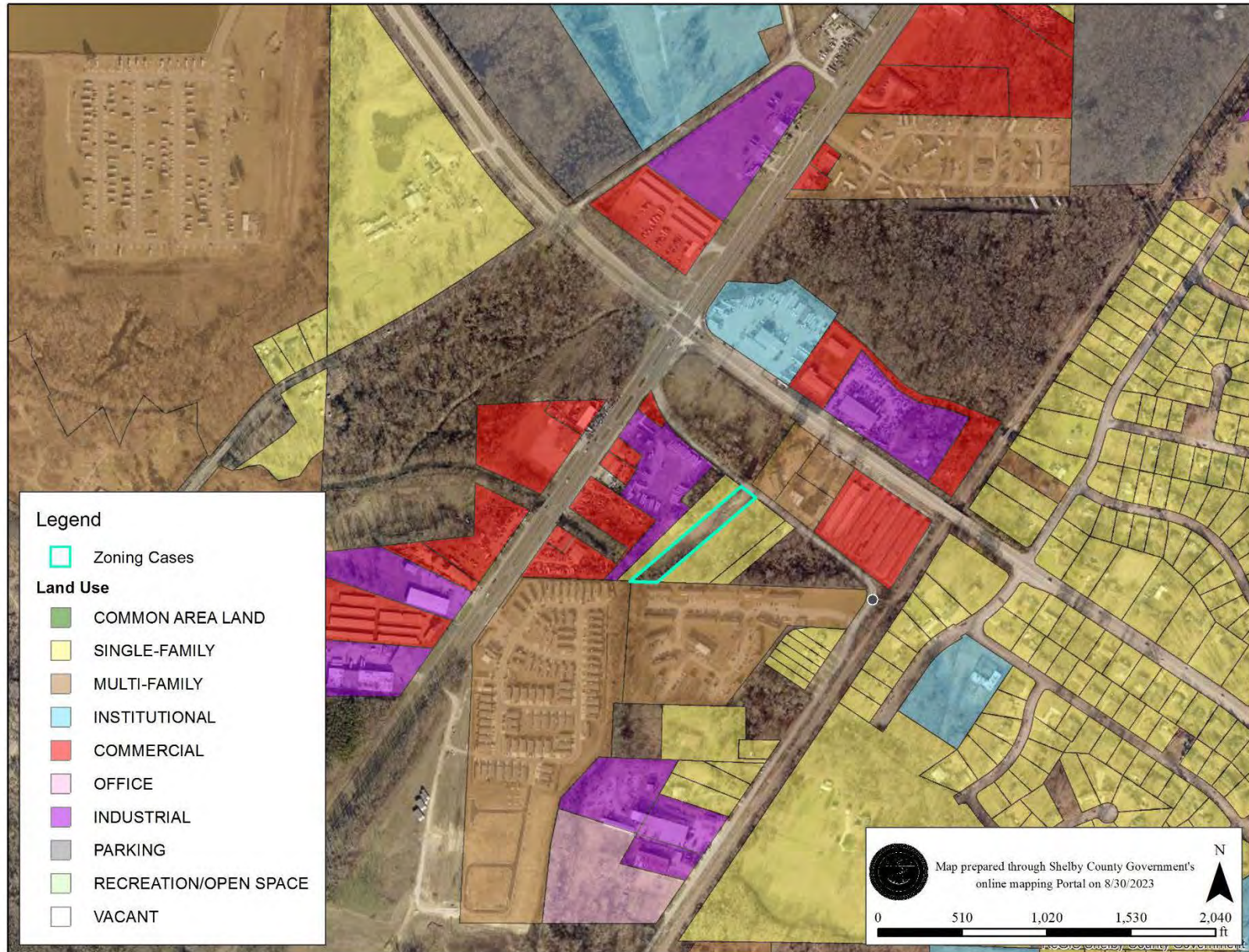
AERIAL



ZONING MAP



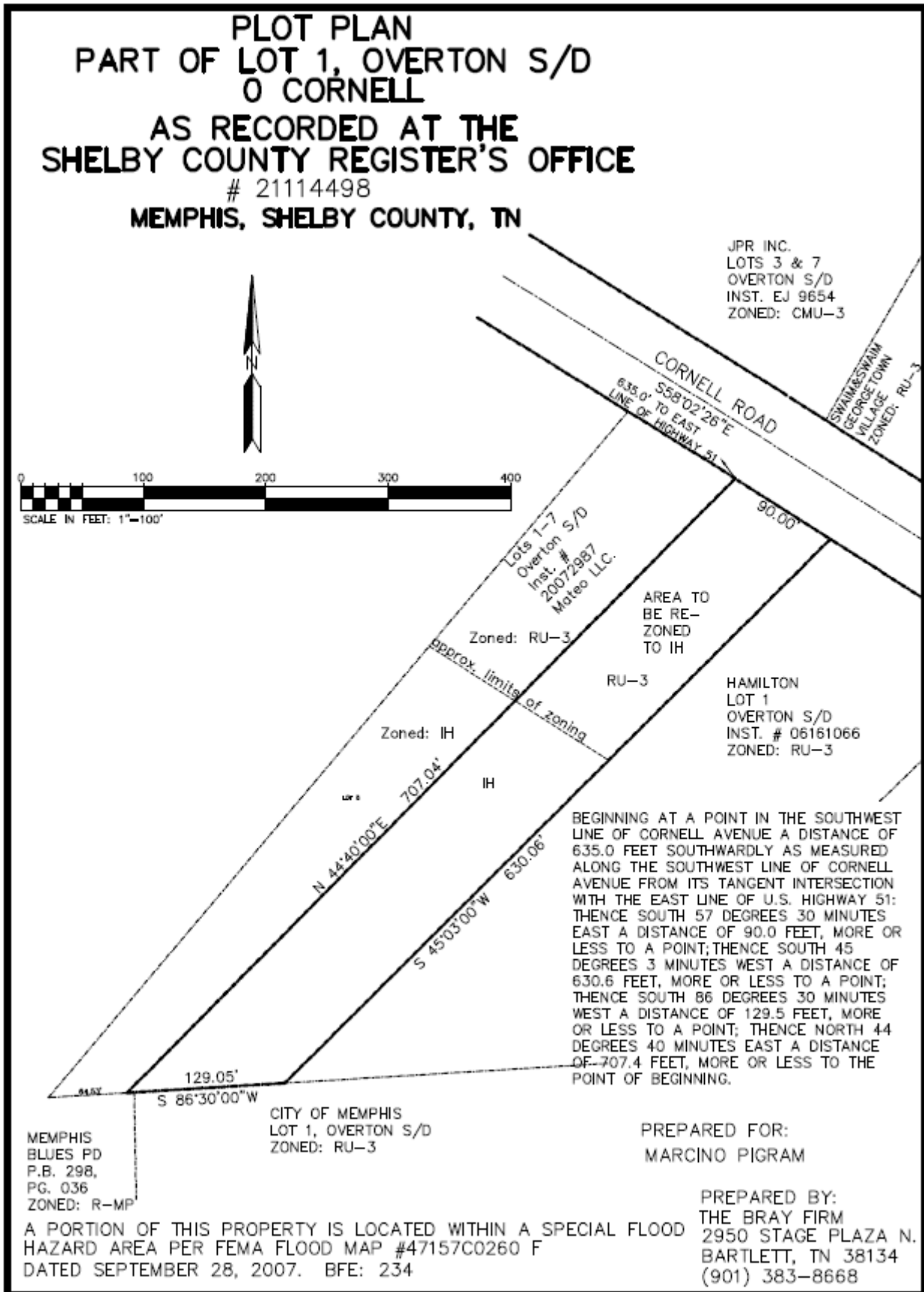
LAND USE MAP



MEMPHIS 3.0 FUTURE LAND USE



PLOT PLAN



SITE PHOTOS



View of subject property from Cornell St. looking southeast.



View of subject property from Cornell St. looking southwest.

STAFF ANALYSIS

Request

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

The request is to rezone +/- 0.5 acres from Residential Urban – 3 (RU-10) to Heavy Industrial (IH) zoning district.

Review Criteria

Staff **disagrees** the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met. The exact language of these criteria is listed below and followed by more detailed staff analysis.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Criteria Analysis

1. The requested rezoning is inconsistent with the Memphis 3.0 comprehensive plan. This site is designated as a primarily multifamily neighborhood by the future land use map. Memphis 3.0's land use decision criteria, in combination with Tennessee state law's requirement that zoning changes be consistent with the approved comprehensive plan (if one exists), are sufficient to recommend rejection of this request. The exact language of the Memphis 3.0 land use decision criteria is included on pages 19-20.

Staff recognizes that the site's proximity to future industrial uses may lead the Board to reasonably disagree with our consistency determination. We find however, that this request also falls short several of the other UDC 9.5.7B criteria (see below). Our recommendation, therefore, would stand even if comprehensive planning consistency were not to be considered.

2. Staff has determined that the allowance of additional IH uses would be incompatible with the existing multifamily land uses in the immediate vicinity, potentially damaging property owners and residents.
3. Staff cites the Memphis 3.0 future land use map, sewer availability, and proximity to existing multifamily developments in determining that this site is suitable for RU-3 uses. Our analysis of criterion #3 therefore supports our general recommendation of rejection.
4. Staff does not find that the proposed change would improve the balance of uses in the City. We are concerned that it would further undermine the potential for future residential development of the nearby vacant parcels zoned RU-3.

5. This site is adequately served by the necessary public services for both the existing and requested permissible uses.

Site Description

The subject site roughly the northeastern third of a lot known as parcel 069065 00006 located near the City of Memphis's northwestern boundary. The remainder of the lot already zoned IH and the applicant is seeking to rezone the subject portion to facilitate the use of the entire lot for similar uses. The site is currently vacant.

As shown by the land use map (pg. 7), the site primarily abuts single-family residential uses. Commercial, industrial, and auto-oriented uses exist to the west along Thomas St and to the north along N Watkins St. Three large multifamily complexes surround the site to the south and northeast.

Conclusions

1. The request is to rezone +/- 0.5 Acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH).
2. Staff recommends **rejection** of this request due to its inconsistency with the Memphis 3.0 Comprehensive Plan.
3. Even if comprehensive plan consistency were not considered, staff would find the allowance of additional industrial uses in the proximity of nearby residences undesirable.
4. This request is also inconsistent with the Mid-South Resiliency Plan, see Office of Sustainability and Resilience comments pg. 14.

RECOMMENDATION

Staff recommends rejection.

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.

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:



MEMORANDUM

To: Nicholas Wardroup, LUDS Intern
From: Robin Richardson, Planner
Date: August 28, 2023
Subject: OSR Comments on Z 23-011: FRAYSER

General Comments & Analysis:

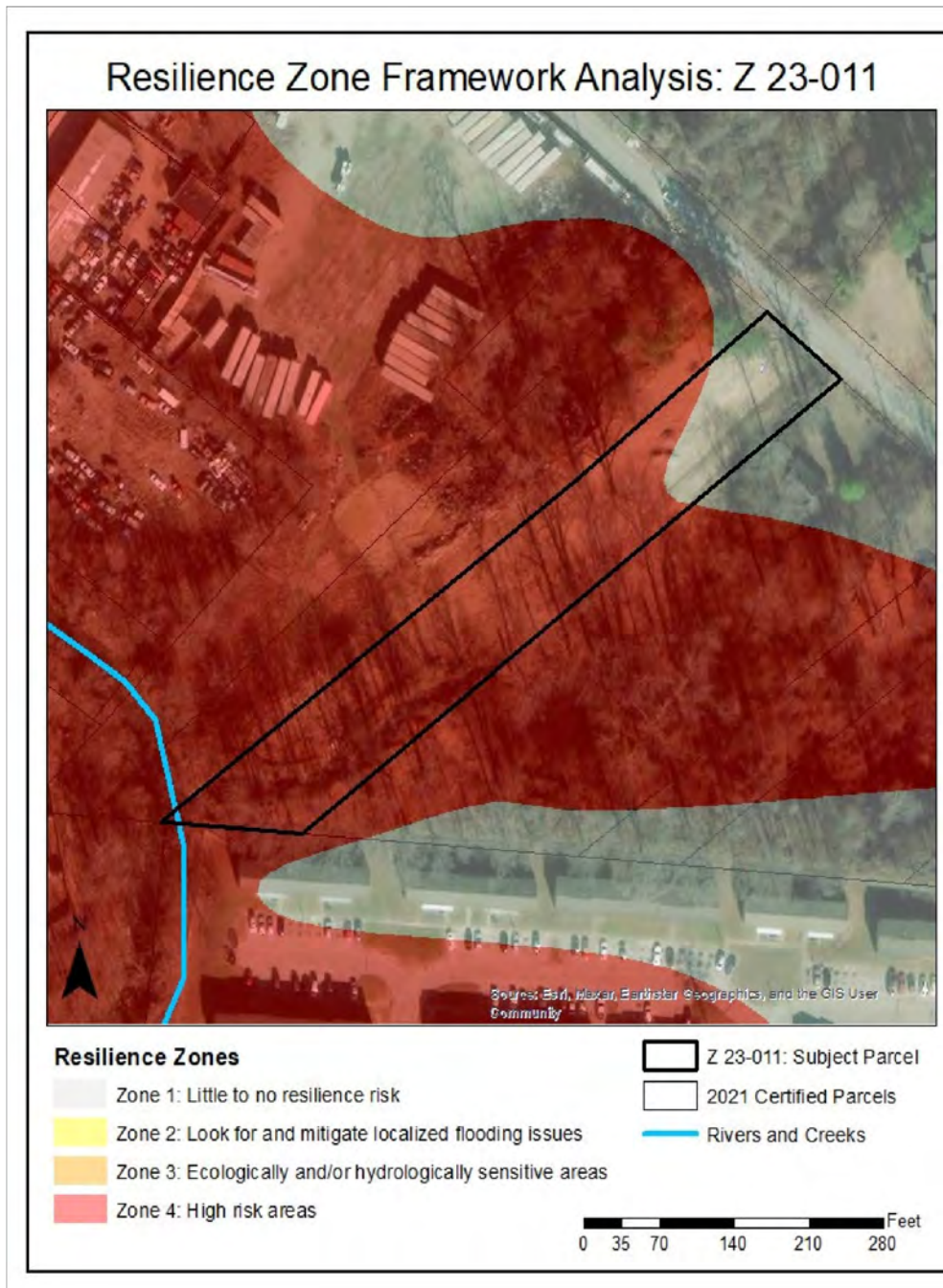
Located in Zones 1 and 4 of the Resilience Zone Framework:

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.

Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

The site's designation in Zone 4 is due to its location within the 100-year and 500-year floodplains for Todd Creek. This creek is a tributary of the Loosahatchie River, which is located just over a mile west of the site. The Tennessee Department of Environmental Conservation (TDEC) has determined that neither body of water is currently supporting its classified uses due to poor water quality.

The applicant is requesting a rezoning of this parcel to IH in order for the parcel to be located in only one zone as opposed to two. According to the Shelby County Zoning Atlas, this parcel is currently zoned in both Residential Urban-3 (RU-3) and Industrial-Heavy (IH).



Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This rezoning request is generally inconsistent with the Mid-South Regional Resilience Master Plan. Section 4.1 – Resilient Sites discourages development within sensitive areas such as floodplains, and increasing the intensity of zoning for a parcel within the floodplain would be in conflict with that part of the plan.

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

Recommendations: Staff recommends denial of this rezoning request.

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: LUCB Z 23-11: Frayser

Site Address/Location: 0 Cornell Avenue (Parcel 069065 00006)

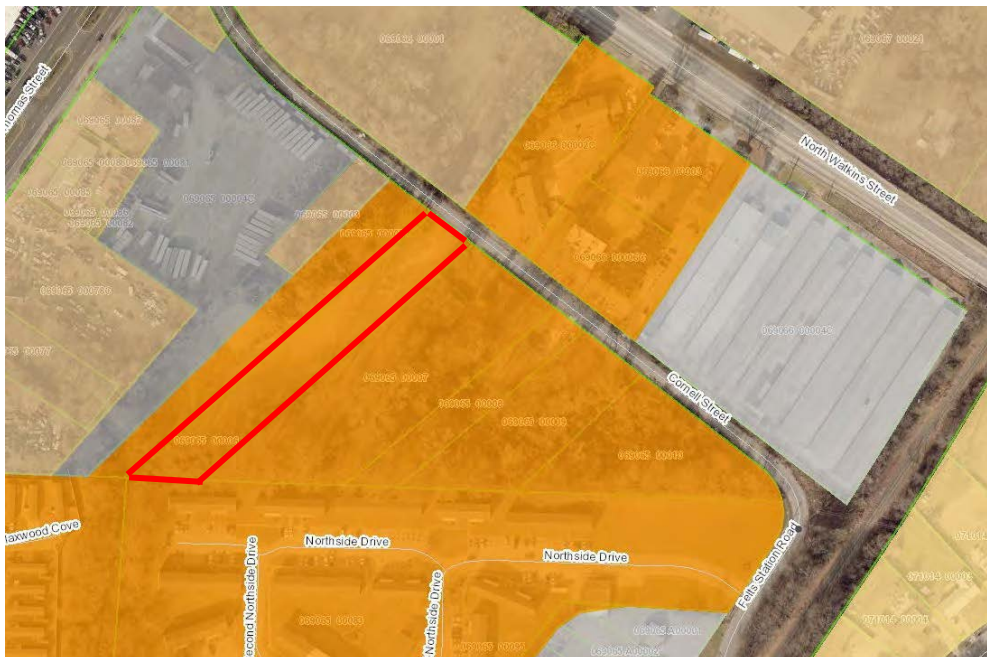
Overlay District/Historic District/Flood Zone: Not located in an overlay or historic district, Located in a floodplain and flood zone with a 0.2% Annual Chance Flood Hazard Future Land Use Designation: Primarily Multifamily Neighborhood (NM)

Street Type: N/A

The applicant is seeking to rezone a parcel with RU-3 zoning to EMP 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

Primarily Multifamily Neighborhood (NM) are residential neighborhoods consisting primarily of multi-unit buildings that are not near a Community Anchor. Graphic portrayal of NM is to the right. **“NM” Form & Location Characteristics**



Attached, semi-detached, and detached House-scale and some block-scale buildings, Primarily residential with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-3+ stories height; Beyond 1/2 mile from a Community Anchor

“NM” Zoning Notes

Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed above.

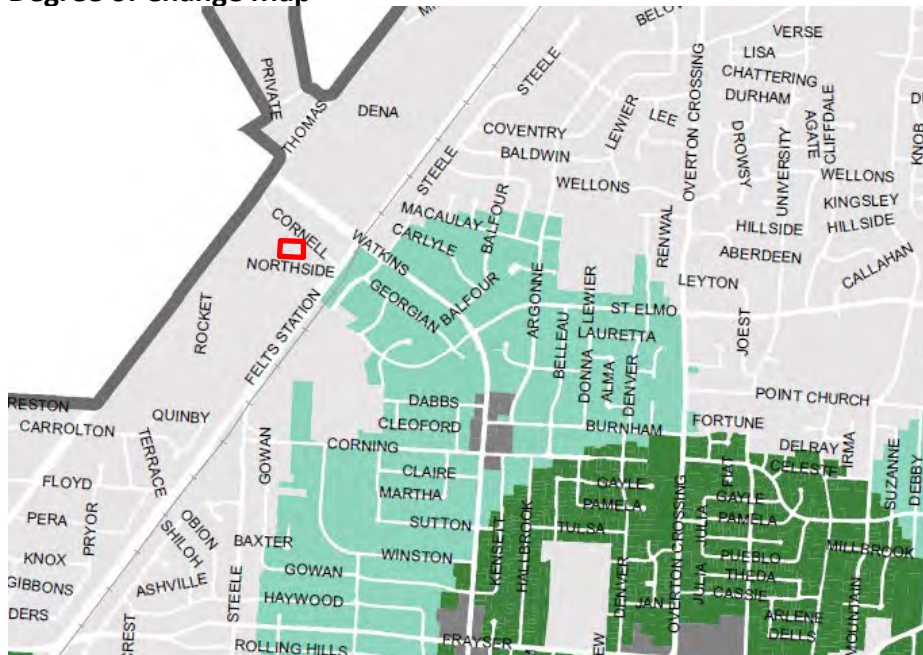
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant lot, RU-3

Adjacent Land Use and Zoning: Multifamily, Industrial, Vacant; IH, CMU-3

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics. Additionally, it is not compatible with zoning notes, and existing, adjacent land use and zoning.*

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 seeking to rezone a parcel with RU-3 zoning to EMP zoning. This requested use is not compatible with the land use description/intent, form & location characteristics. Additionally, it is not compatible with zoning notes, and existing, adjacent land use and zoning.

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

MEMPHIS 3.0 LAND USE DECISION CRITERIA

Using The Plan

Legal Basis

Tennessee Code Annotated Section 13-4-202 provides for the manner in which a general plan is adopted by the Board and the City Council. TCA Section 13-4-202(B)(2)(B)(iii) states once the general plan is adopted by the Council, all land use decisions in the City shall thereafter be consistent with the plan. For the purposes of defining "consistency," only those elements of the plan related to land use decisions become effective pursuant to the guidance on the following pages. **All other sections of the plan are intended as a guide and only for planning purposes.**

Future Land Use Planning Map Purpose

The heart of the Memphis 3.0 Comprehensive Plan is the Future Land Use Planning Map. The Future Land Use Planning Map helps guide the City on land use decisions, streets, transportation, transit, public investments in infrastructure and civic spaces, and investments and incentives in housing, neighborhoods, and job centers. The value of the Future Land Use Planning Map is its clarity and predictability in how these resources can be invested in Memphis.

Between November, 2017, through August, 2018, the planning team combined its efforts with various organizations, artists, and architects/designers to engage Memphians in all 14 districts in a series of three



USING THE PLAN

workshops conducted to envision the future of the neighborhoods that shaped the Future Land Use Planning Map. Each set of district workshops culminated in a draft map for the area.

It is important to understand what the Future Land Use Planning Map is not. The Future Land Use Planning Map does not replace or change zoning. The Future Land Use Planning Map does not have the authority to allow the uses shown to be built by-right; it guides. Only the zoning code (the Unified Development Code or UDC) and decision-making bodies such as the Memphis City Council, Memphis and Shelby County Land Use Control Board, and Memphis and Shelby County Board of Adjustment can allow uses to be built. In those instances where a request goes before one of these bodies, the Future land use planning map is a guide for the decisions made. The guidelines, review, and process for applications subject to historic zoning through the Memphis Landmarks Commission do not change as a result of the Comprehensive Plan.

Zoning and Overlays

Adopted land use does not alter, circumvent, or supersede established zoning or overlays in the Unified Development Code (UDC). The zoning map in the UDC is not changed as a result of the adoption of the Comprehensive Plan, nor does the effect of zoning change. Proposed developments that meet zoning standards are still by-right. And proposed developments requiring a variance from zoning standards still require approval from City Council, Land Use Control Board, Board of Adjustment, even if they conform to recommended land use.

Likewise, areas of the City that are zoned with an overlay (such as the Midtown Overlay) or historic overlay (or local Landmarks district) are not changed as a result of plan adoption. If anything, these areas are strengthened by the recommended land use, degree of change, and recommended actions of the plan. Any changes to zoning as a result of recommended land use will be addressed in a Small Area Plan, which is described in more detail in a later section of the plan.

In order to reinforce this point, the following language shall be added to the UDC: "The Memphis 3.0 General Plan shall be used to guide land use decisions but not in any way supplant the regulations of this Code [the UDC], including but not limited to its Zoning Map or Overlay Districts. A determination of consistency with Memphis 3.0 shall not supersede the approval criteria and findings of fact required for individual land use decisions, as provided in this Code."

Decision Criteria

Pursuant to the legal basis of the plan, the test of "consistency" with the plan is only applied to land use decisions, or when an application is made to change or deviate from zoning. The steps below describe the decision process that will be used to determine consistency, and that will be added to the UDC. This criteria is to be used by staff from Office of Planning and Development (OPD) and Office of Comprehensive Planning (OCP) to review development proposal applications submitted to OPD in order to make an interpretation of consistency in their staff recommendations. This criteria is intended to guide the various bodies in position of making decisions on applications in their interpretations of consistency, as well. In instances where a determination is made that consistency is met, this does not constitute or require approval of a proposal. A determination of consistency shall not supercede the approval criteria and findings of fact for individual land use decisions as provided in the Unified Development Code (UDC).

When making land use decisions, the Land Use Control Board, Memphis City Council and Board of Adjustment shall consider all of the following elements of the Memphis 3.0 General Plan in its determination of consistency:

1. The Future Land Use Planning Map;
2. The land use category descriptions and graphic portrayals, including whether the proposed use would be compatible with the zone districts listed in the zoning notes, the proposed building(s) fit the listed form and location characteristics, and existing, adjacent land uses and zoning;
3. The degree of change map;
4. The degree of change descriptions;
5. The objectives and actions articulated in Goal 1, Complete, Cohesive Communities; and
6. Any other pertinent sections of the Memphis 3.0 General Plan that address land use recommendations.
7. When making recommendations to the Land Use Control Board, Memphis City Council and Board of Adjustment and when consulting with applicants on the appropriateness of a particular land use application, the Office of Planning and Development shall consider all of the sections of the Memphis 3.0 General Plan cited in Paragraphs 1 through 6 of this Sub-Section in its determination of consistency.

LETTER OF INTENT



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

June 30, 2023

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

RE: Re-zoning application for 0 Cornell (Parcel ID 069065 00006)
Existing zoning: RU-3 on front ½ of property
Proposed zoning: IH to match rear of property

Mr. Ragsdale:

Please find attached the above referenced application for a rezoning of the front portion (approximately 250 feet deep) of the subject property, a 1.685 acre tract, from RU-3 to IH. The subject property has frontage on Cornell. The rear of the property is zoned IH but the property cannot be utilized in this manner as the front portion is zoned RU-3. Rezoning of the front portion of this tract would allow this property to be utilized in a similar fashion as the other parcels west of this site towards Thomas Street.

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

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

MARCINO PIGRAM, being duly sworn, depose and say that at 5:00 PM on the 9th day of August, 2023, I posted a Public Notice Sign(s) pertaining to Case No. Z 2023-11 at _____ 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.

Marcino Pigran
Owner, Applicant or Representative

8/10/2023
Date

Subscribed and sworn to before me this 10th day of August, 2023.

Lisa Nash
Notary Public

My commission expires: 08/08/24



LETTERS RECEIVED

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



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Pending

Opened Date: June 30, 2023

Record Number: Z 2023-011

Expiration Date:

Record Name: 0 Cornell Rezoning

Description of Work: Reznoning request for 0 Cornell from RU-3 to EMP

Parent Record Number:

Address:

0 cornell 38105

Owner Information

Primary Owner Name

Y PIGRAM MARCINO

Owner Address

21 NEELY ST, MEMPHIS, TN 38105

Owner Phone

Parcel Information

069065 00006

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

06/07/2023

Pre-application Meeting Type

In Person

GENERAL INFORMATION

Is this application in response to a citation from

No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?
 Have you held a neighborhood meeting? No
 If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
 Case Layer -
 Class -
 Downtown Fire District No
 Historic District -
 Land Use -
 Municipality -
 Overlay/Special Purpose District -
 Zoning -
 State Route -
 Lot -
 Subdivision -
 Planned Development District -
 Wellhead Protection Overlay District No

Contact Information

Name PIGRAM MARCINO **Contact Type** APPLICANT
Address

Phone
 (901)288-6437

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1482796	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	06/30/2023
1482796	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	06/30/2023

Total Fee Invoiced: \$1,026.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00 **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, MARCINO FIGRAM Marcino Figram, state that I have read the definition of (Print Name) (Sign Name)

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

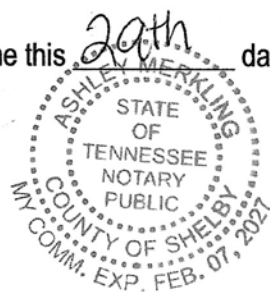
6/29/2023

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

of the property located at 0 Cornell st and further identified by Assessor's Parcel Number 0690650000060 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29th day of June in the year of 2023.

Ashley Merkling
Signature of Notary Public



02/07/2027
My Commission Expires



Record Summary for Rezoning

Record Detail Information

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Record Status: Pending

Opened Date: June 30, 2023

Record Number: Z 2023-011

Expiration Date:

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Parent Record Number:

Address:

0 cornell 38105

Owner Information

Primary Owner Name

Y PIGRAM MARCINO

Owner Address

21 NEELY ST, MEMPHIS, TN 38105

Owner Phone

Parcel Information

069065 00006

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

06/07/2023

Pre-application Meeting Type

In Person

GENERAL INFORMATION

Is this application in response to a citation from

No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?
 Have you held a neighborhood meeting? No
 If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
 Case Layer -
 Class -
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 Land Use -
 Municipality -
 Overlay/Special Purpose District -
 Zoning -
 State Route -
 Lot -
 Subdivision -
 Planned Development District -
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Phone
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Total Fee Invoiced: \$1,026.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00 **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

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I, MARCINO FIGRAM Marcino Figram, state that I have read the definition of (Print Name) (Sign Name)

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

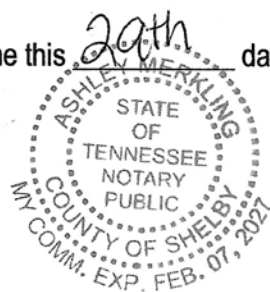
6/29/2023

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

of the property located at 0 Cornell st and further identified by Assessor's Parcel Number 0690650000060 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29th day of June in the year of 2023.

Ashley Merkling
Signature of Notary Public



02/07/2027
My Commission Expires



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

June 30, 2023

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

RE: Re-zoning application for 0 Cornell (Parcel ID 069065 00006)
Existing zoning: RU-3 on front ½ of property
Proposed zoning: IH to match rear of property

Mr. Ragsdale;

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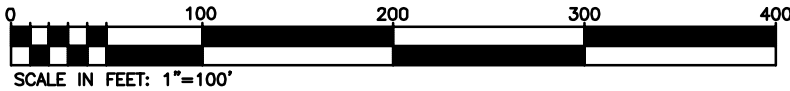
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

PLOT PLAN
PART OF LOT 1, OVERTON S/D
O CORNELL
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
21114498
MEMPHIS, SHELBY COUNTY, TN

JPR INC.
 LOTS 3 & 7
 OVERTON S/D
 INST. EJ 9654
 ZONED: CMU-3



SWAIM & SWAIM
 GEORGETOWN
 VILLAGE
 ZONED: RU-3

CORNELL ROAD
 S58°02'26"E
 635.0' TO EAST
 LINE OF HIGHWAY 51

Lots 1-7
 Overton S/D
 Inst. # 20072987
 Mateo LLC.

Zoned: RU-3

AREA TO
 BE RE-
 ZONED
 TO IH

HAMILTON
 LOT 1
 OVERTON S/D
 INST. # 06161066
 ZONED: RU-3

Zoned: IH

approx. limits of zoning

RU-3

IH

N 44°40'00"E 707.04'

S 45°03'00"W 630.06'

BEGINNING AT A POINT IN THE SOUTHWEST LINE OF CORNELL AVENUE A DISTANCE OF 635.0 FEET SOUTHWARDLY AS MEASURED ALONG THE SOUTHWEST LINE OF CORNELL AVENUE FROM ITS TANGENT INTERSECTION WITH THE EAST LINE OF U.S. HIGHWAY 51: THENCE SOUTH 57 DEGREES 30 MINUTES EAST A DISTANCE OF 90.0 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 45 DEGREES 3 MINUTES WEST A DISTANCE OF 630.6 FEET, MORE OR LESS TO A POINT; THENCE SOUTH 86 DEGREES 30 MINUTES WEST A DISTANCE OF 129.5 FEET, MORE OR LESS TO A POINT; THENCE NORTH 44 DEGREES 40 MINUTES EAST A DISTANCE OF 707.4 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

129.05'
 S 86°30'00"W

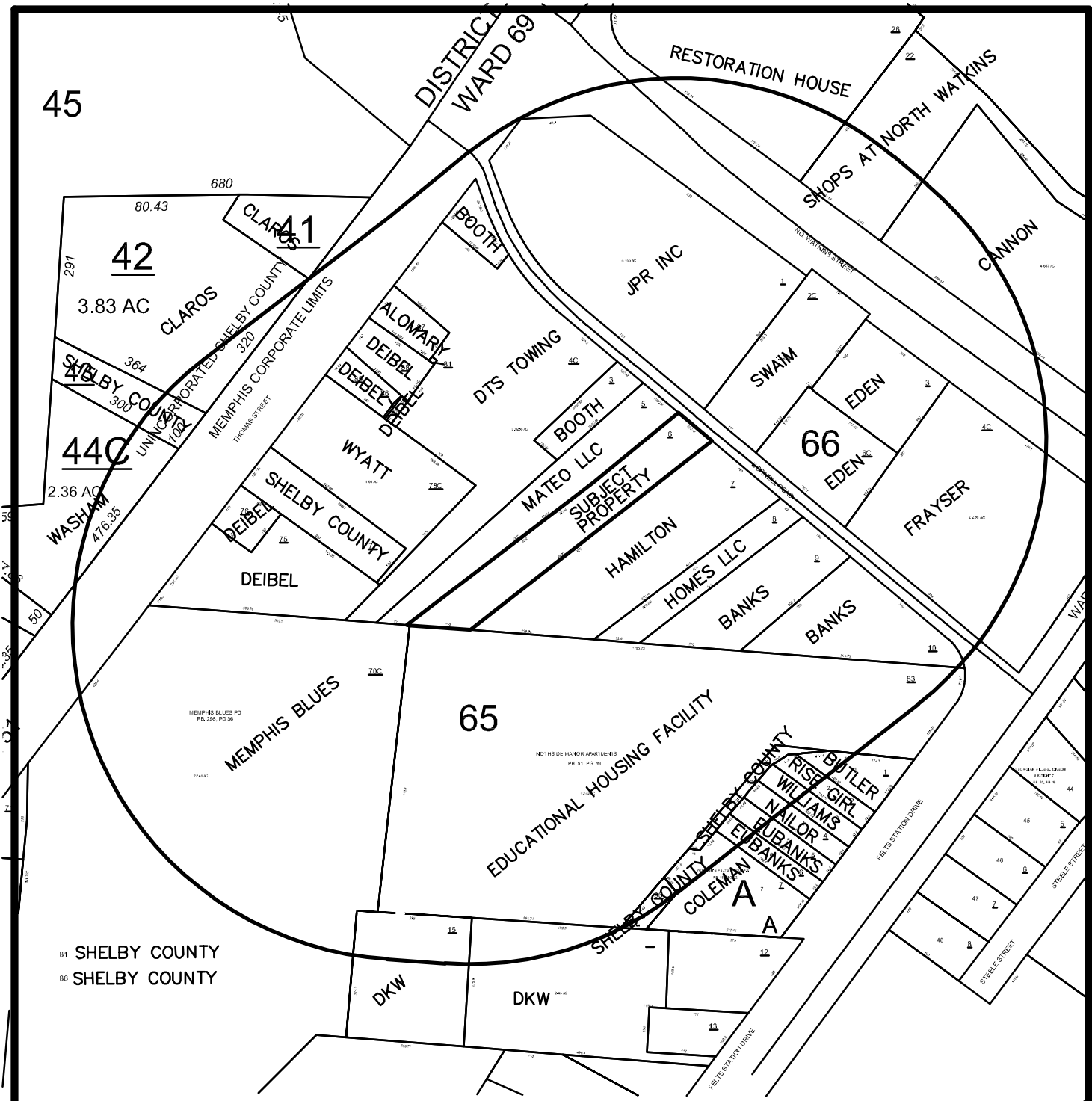
MEMPHIS
 BLUES PD
 P.B. 298,
 PG. 036
 ZONED: R-MP

CITY OF MEMPHIS
 LOT 1, OVERTON S/D
 ZONED: RU-3

PREPARED FOR:
 MARCINO PIGRAM

PREPARED BY:
 THE BRAY FIRM
 2950 STAGE PLAZA N.
 BARTLETT, TN 38134
 (901) 383-8668

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0260 F DATED SEPTEMBER 28, 2007. BFE: 234



**O CORNELL
 APPLICANT: MARCINO PIGRAM
 MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 JUNE 30, 2023

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=300'

Marcino Pigram
21 Neely Street
Memphis, TN 38105

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Mateo LLC
1735 SWANSEA CV
CORDOVA TN 38016 3541

Roy F Booth
6719 HOLSTON RD
SARDIS MS 38666 3384

DTS Towing LLC
3930 THOMAS ST
MEMPHIS TN 38127 3732

Ismail A Alomary
3990 THOMAS ST
MEMPHIS TN 38127 3732

Robert E Deibel III
1255 FITE RD
MILLINGTON TN 38053 6963

Shelby County
165 N MAIN ST
MEMPHIS TN 38103 1802

Connon D Wyatt
9330 NEW BETHEL RD
MILLINGTON TN 38053 8829

Memphis Blues
1401 MEMPHIS BLUES AVE N
MEMPHIS TN 38127

Health Educational and Housing Facility
Board of the City of Memphis
35 UNION AVE STE 200
MEMPHIS TN 38103

Vennie B Butler
3899 FELTS STATION RD
MEMPHIS TN 38127 3808

Rise Girl Walk Woman LLC
3737 OUTLAND RD
MEMPHIS TN 38118 6475

Resident
3893 Felts Station PD
MEMPHIS TN 38127

Canzater Williams
3887 FELTS STATION RD
MEMPHIS TN 38127 3808

Gloria Nailor
3881 FELTS STATION RD
MEMPHIS TN 38127 3808

Joyce Eubanks
3869 FELTS STATION RD
MEMPHIS TN 38127 3808

Resident
3875 FELTS STATION DR
MEMPHIS TN 38127

Coleman Enterprises and Holding
41 CALLOWAY CV
MEDINA TN 38355 8928

DKW Professional Removal Services
2262 SANTA FE AVE
TORRANCE CA 90501 4314

Joe Hamilton
1115 W 57TH ST
LOS ANGELES CA 90037

Ashley Homes LLC
924 DOLAN DR
DRUMMONDS TN 38023 6416

Dion M Banks
1735 SWANSEA CV
CORDOVA TN 38016

0 Cornell
Page 2 of 2

SS North Watkins Frayser LLC
PO BOX 800729
DALLAS TX 75380 0729

Eden Estates
3171 SIGNAL ST
MEMPHIS TN 38127 7273

Swaim and Swaim West LLC
PO BOX 33
MARTIN TN 38237

JPR INC
1208 FOXWOOD DR
MIDLAND MI 48642 7106

Shops at North Watkins LLC
4485 RAINFORD CV
MEMPHIS TN 38128 1919

Darren & Vealer L Cannon
4000 N WATKINS AVE
MEMPHIS TN 38127 4336

Erick Claros & Kriscia L P De Alas
8915 GERMANTOWN RD
OLIVE BRANCH MS 38654 8533

|

|



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.

21114498

09/14/2021 - 03:56:30 PM

4 PGS

LINDA 2299638-21114498

VALUE	3080.00
MORTGAGE TAX	0.00
TRANSFER TAX	11.40
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	34.40

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the County of Shelby, a political subdivision of the State of Tennessee, for and in consideration of:

THREE THOUSAND EIGHTY DOLLARS & NO/100 **\$3,080.00 Dollars,**

does hereby bargain, sell, remise, quit claim and convey unto the said:

MARCINO PIGRAM

the following described real estate located in Shelby County, Tennessee, to-wit:

(SEE ATTACHED EXHIBIT "A")

Being the same property conveyed to Shelby County Government in Tax Sale 1502 on 10/23/2018 which sale was confirmed in Docket # 2017-1

Property Address: 0 CORNELL Parcel # 06906500000060

Conveyance of the above described property is made without warranties of any sort.

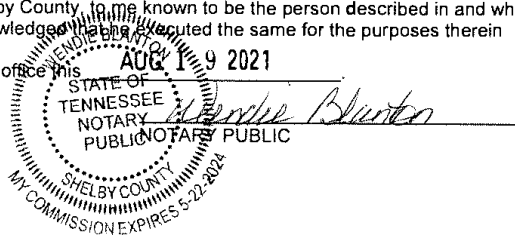
IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Trustee, this Aug 17, 2021

BY [Signature]
REGINA MORRISON NEWMAN, SHELBY COUNTY TRUSTEE

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Regina Morrison Newman, as Trustee of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this AUG 17 2021



My Commission Expires:

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Mayor, this 12 day of AUGUST, 2021.

BY [Signature]
LEE HARRIS, SHELBY COUNTY MAYOR

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Lee Harris as Mayor of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 12 day of AUGUST, 2021.

[Signature]
NOTARY PUBLIC

My Commission Expires:



APPROVED AS TO FORM:

BY [Signature]
Thomas Koelbl #037574
DELINQUENT TAX ATTORNEY

RECORDING DATA ONLY

Return Address:

Office of the Shelby County Trustee
157 Poplar Avenue - Third Floor
Memphis, TN 38103

ATTENTION: LESLIE BLESSIKE

Property Address:

0 CORNELL
0690650000060

Mail Tax Bills To:

MARCINO PIGRAM
21 NEELY STREET
MEMPHIS TN 38105

Property Owner:

MARCINO PIGRAM
21 NEELY STREET
MEMPHIS TN 38105

I/We hereby swear/affirm that to the best of
affiant's knowledge, information, and belief,
the actual consideration for this transfer
is \$3,080.00

Leslie Blessike

AFFIANT

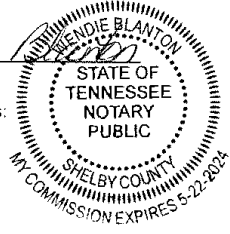
This instrument prepared by:
Thomas Koelbl #037574)
DELINQUENT TAX ATTORNEY
157 POPLAR AVENUE, 2ND FLOOR
MEMPHIS, TN 38103

Subscribed and sworn to before me

this AUG 19 2021

STATE TAX _____
REGISTER'S FEE _____
RECORDING FEE _____
TOTAL _____

Wendie Blanton

NOTARY
My Commission expires: _____


“Exhibit A”

Part of the R. L. Phelps 27.6 Acre Tract, Unrecorded, in Memphis, Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the southwest line of Cornell Avenue a distance of 635.0 feet southwardly as measured along the southwest line of Cornell Avenue from its tangent intersection with the east line of U.S. Highway 51; thence south 57 degrees 30 minutes east a distance of 90.0 feet, more or less to a point; thence south 45 degrees 3 minutes west a distance of 630.6 feet, more or less to a point; thence south 86 degrees 30 minutes west a distance of 129.5 feet, more or less to a point; thence north 44 degrees 40 minutes east a distance of 707.4 feet, more or less to the point of beginning.

Being part of the same property as described in Instrument No. M8 7253. The above description is the same as found in prior deed of record as a boundary line survey was not done at the time of this conveyance.

PARCEL ID: 06906500000060

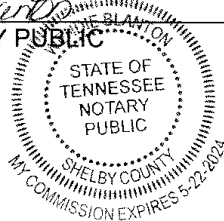
I, Thomas Koelbl, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to § 47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

Thomas Koelbl
Signature

STATE OF TENNESSEE)
COUNTY OF SHELBY)

On this AUG 05 2021 before me personally appeared Thomas Koelbl, to me known to be the person described in and who acknowledges that this certification is true and correct and whose signature I have witnessed.

Wendie Blanton
NOTARY PUBLIC



My Commission Expires: _____



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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

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LINDA 2299638-21114498

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REGISTER'S FEE	1.00
TOTAL AMOUNT	34.40

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the County of Shelby, a political subdivision of the State of Tennessee, for and in consideration of:

THREE THOUSAND EIGHTY DOLLARS & NO/100 **\$3,080.00 Dollars,**
does hereby bargain, sell, remise, quit claim and convey unto the said:

MARCINO PIGRAM

the following described real estate located in Shelby County, Tennessee, to-wit:

(SEE ATTACHED EXHIBIT "A")

Being the same property conveyed to Shelby County Government in Tax Sale 1502 on 10/23/2018 which sale was confirmed in Docket # 2017-1

Property Address: 0 CORNELL Parcel # 06906500000060

Conveyance of the above described property is made without warranties of any sort.

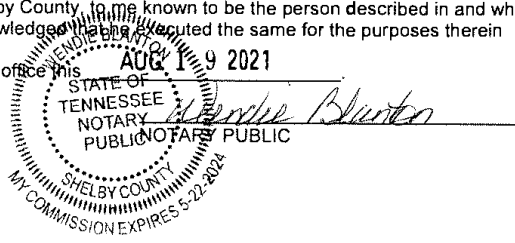
IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Trustee, this Aug 17, 2021

BY [Signature]
REGINA MORRISON NEWMAN, SHELBY COUNTY TRUSTEE

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Regina Morrison Newman, as Trustee of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this AUG 19 2021



My Commission Expires:

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Mayor, this 12 day of AUGUST, 2021.

BY [Signature]
LEE HARRIS, SHELBY COUNTY MAYOR

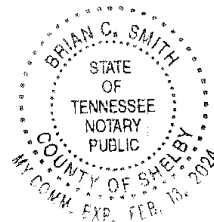
STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Lee Harris as Mayor of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 12 day of AUGUST, 2021.

[Signature]
NOTARY PUBLIC

My Commission Expires:



APPROVED AS TO FORM:

BY Thomas Koelbl
Thomas Koelbl #037574)
DELINQUENT TAX ATTORNEY

RECORDING DATA ONLY

Return Address:

Office of the Shelby County Trustee
157 Poplar Avenue - Third Floor
Memphis, TN 38103

ATTENTION: LESLIE BLESSIKE

Property Address:

0 CORNELL
0690650000060

Mail Tax Bills To:

MARCINO PIGRAM
21 NEELY STREET
MEMPHIS TN 38105

Property Owner:

MARCINO PIGRAM
21 NEELY STREET
MEMPHIS TN 38105

I/We hereby swear/affirm that to the best of
affiant's knowledge, information, and belief,
the actual consideration for this transfer
is \$3,080.00

Leslie Blessike

AFFIANT

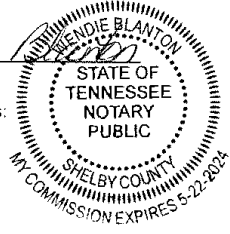
This instrument prepared by:
Thomas Koelbl #037574)
DELINQUENT TAX ATTORNEY
157 POPLAR AVENUE, 2ND FLOOR
MEMPHIS, TN 38103

Subscribed and sworn to before me

this AUG 19 2021

STATE TAX _____
REGISTER'S FEE _____
RECORDING FEE _____
TOTAL _____

Wendie Blanton

NOTARY
My Commission expires: _____


“Exhibit A”

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Being part of the same property as described in Instrument No. M8 7253. The above description is the same as found in prior deed of record as a boundary line survey was not done at the time of this conveyance.

PARCEL ID: 06906500000060

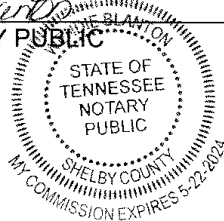
I, Thomas Koelbl, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to § 47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

Thomas Koelbl
Signature

STATE OF TENNESSEE)
COUNTY OF SHELBY)

On this AUG 05 2021 before me personally appeared Thomas Koelbl, to me known to be the person described in and who acknowledges that this certification is true and correct and whose signature I have witnessed.

Wendie Blanton
NOTARY PUBLIC



My Commission Expires: _____

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, November 27, 2023 at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 23-11
- LOCATION:** South side of Cornell St. between Felts Station Rd. and Thomas St.
- COUNCIL DISTRICTS:** District 7 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Marcino Pigram
- REPRESENTATIVE:** The Bray Firm, David Bray
- REQUEST:** Rezoning of +/- 0.5 acres from Residential Urban – 3 (RU-3) to Heavy Industrial (IH)
- RECOMMENDATIONS:**

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

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, November 27, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

THIS THE _____, _____

MARTAVIUS JONES
CHAIRMAN OF COUNCIL


ATTEST:

WALTER PERSON
CITY COMPTROLLER

TO BE PUBLISHED:



Legend
polygonLayer
-Override 1
-Override 2
polygonLayer
-Override 1
■ Parcels

 Map prepared through Shelby County Government's online mapping Portal on 10/2/2023

0 0.06 0.12 0.18 0.24 mi

N

CLAROS ERICK & KRISCIA PARADA
4182 BRIGHTON DR #
HORN LAKE MS 38637

ASHLEY HOMES LLC
924 DOLAN DR #
DRUMMONDS TN 38023

SHELBY COUNTY TAX SALE #83.1 EXH #6841
160 N MAIN ST #
MEMPHIS TN 38103

CLAROS ERICK & KRISCIA L P DE ALAS
8915 GERMANTOWN RD #
OLIVE BRANCH MS 38654

BANKS DION M
1735 SWANSEA CV #
CORDOVA TN 38016

DEIBEL ROBERT E III
1255 FITE RD #
MILLINGTON TN 38053

SHELBY COUNTY
160 N MAIN ST #
MEMPHIS TN 38103

BANKS DION M
1735 SWANSEA CV #
CORDOVA TN 38016

HEALTH EDUCATIONAL AND HOUSING FACILITY
35 UNION AVE #
MEMPHIS TN 38103

WASHAM SHIRLEY
6930 HEDGEWOOD LN #
BARTLETT TN 38135

DKW PROFESSIONAL REMOVAL SERVICES
2262 SANTA FE AVE #
TORRANCE CA 90501

DEIBEL ROBERT E III
1255 FITE RD #
MILLINGTON TN 38053

BOOTH ROY F
6719 HOLSTON RD #
SARDIS MS 38666

DKW PROFESSIONAL REMOVAL SERVICES
2262 SANTA FE AVE #
TORRANCE CA 90501

SHELBY COUNTY TAX SALE 15.02
PO BOX 2751 #
MEMPHIS TN 38101

BOOTH ROY F
6719 HOLSTON RD #
SARDIS MS 38666

MEMPHIS BLUES
1401 MEMPHIS BLUES AVE #
MEMPHIS TN 38127

ALOMARY ISMAIL A A
3990 THOMAS ST #
MEMPHIS TN 38127

DTS TOWING LLC
3930 THOMAS ST #
MEMPHIS TN 38127

DEIBEL ROBERT E III
1255 FITE RD #
MILLINGTON TN 38053

DEIBEL ROBERT E III
1255 FITE RD #
MILLINGTON TN 38053

MATEO LLC
1735 SWANSEA CV #
CORDOVA TN 38016

DEIBEL ROBERT
1255 FITE RD #
MILLINGTON TN 38053

SHELBY COUNTY TAX SALE 16.03
PO BOX 2751 #
MEMPHIS TN 38101

PIGRAM MARCINO
21 NEELY ST #
MEMPHIS TN 38105

SHELBY COUNTY
165 N MAIN ST #
MEMPHIS TN 38103

SHELBY COUNTY TAX SALE 16.03
PO BOX 2751 #
MEMPHIS TN 38101

HAMILTON JOE
1115 W 57TH ST #
LOS ANGELES CA 90037

WYATT CONNON D IRREVOCABLE TRUST
9330 NEW BETHEL RD #
MILLINGTON TN 38053

BUTLER VENNIE B
3899 FELTS STATION RD #
MEMPHIS TN 38127

RISE GIRL WALK WOMAN INC
3737 OUTLAND RD #
MEMPHIS TN 38118

EDEN ESTATES INC
3171 SIGNAL ST #
MEMPHIS TN 38127

WILLIAMS CANZATER
3887 FELTS STATION RD #
MEMPHIS TN 38127

CANNON DARREN & VEALER L
4000 N WATKINS AVE #
MEMPHIS TN 38127

NAILOR GLORIA
3881 FELTS STATION RD #
MEMPHIS TN 38127

SHOPS AT NORTH WATKINS LLC
4485 RAINFORD CV #
MEMPHIS TN 38128

EUBANKS JOYCE
3869 FELTS STATION RD #
MEMPHIS TN 38127

RESTORATION HOUSE
4050 THOMAS ST #
MEMPHIS TN 38127

EUBANKS JOYCE
3869 FELTS STATION RD #
MEMPHIS TN 38127

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PO BOX 33 #
MARTIN TN 38237

EDEN ESTATES INC
3171 SIGNAL ST #
MEMPHIS TN 38127

SS NORTH WATKINS FRAYSER LLC
PO BOX 800729 #
DALLAS TX 75380