

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 01/23/2024
DATE
PUBLIC SESSION: 01/23/2024
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 planned development at the subject property located at 2868 Morning Sun Road, known as case number PD 2023-026

CASE NUMBER: PD 2023-026

DEVELOPMENT: Morning Sun Planned Development

LOCATION: 2868 Morning Sun Road

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

OWNER/APPLICANT: Chris Mathews

REPRESENTATIVE: The Bray Firm

REQUEST: New planned development for a retail center at the southeast corner of Highway 64 and Morning Sun

AREA: +/-7.06 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
12/14/2023 _____	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>Mehmet Oskutan</u>	<u>Jan 9, 2024</u>	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Burt Reynolds</u>	<u>1/9/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2023-026

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 2868 MORNING SUN ROAD, KNOWN AS CASE NUMBER PD 2023-026

- This item is a resolution with conditions to allow a New planned development for a retail center at the southeast corner of Highway 64 and Morning Sun; 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, December 14, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2023-026
DEVELOPMENT:	Morning Sun Planned Development
LOCATION:	2868 Morning Sun Road
COUNCIL DISTRICT(S):	District 1 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Chris Mathews
REPRESENTATIVE:	The Bray Firm
REQUEST:	New planned development for a retail center at the southeast corner of Highway 64 and Morning Sun
EXISTING ZONING:	Conservation Agriculture (CA)
AREA:	+/-3.773 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 unanimous vote of 9-0 on the consent agenda.**

Respectfully,

Mahsan Ostadnia

Planner II

Land Use & Development Services

Cc: Committee Members

File

PD 2023-026
CONDITIONS

Outline Plan Conditions

I. USES PERMITTED:

Any use permitted by right or administrative site plan review in the CMU-2 District except the following exclusions:

- A. Convenient Stores selling gas
- B. Tire stores
- C. Auto repair shops
- D. Group shelters
- E. Transitional homes
- F. Day, family, and group care center or home
- G. Nursery school
- H. Recreation field
- I. Amusements, commercial outdoors
- J. Motor vehicle sales or service
- K. Tavern, cocktail lounge, night club
- L. Pawn shop
- M. Used goods, second hand sales
- N. Outdoor storage of goods and materials
- O. Communication tower
- P. Communication mobile communications service (CMCS) tower and facilities.

II. BULK REGULATIONS:

The bulk regulations of the CMU-2 District shall apply except as follows:

- A. A minimum 30 foot front setback shall be maintained along U.S. Highway 64 and Morning Sun Road.
- B. A minimum of 40 foot setback shall be maintain along the southern property line adjacent to the residentially zoned and used property.

III. ACCESS, CIRCULATION, AND SIGNAGE:

- A. Dedicate 34 feet from centerline of Morning Sun Road and improve in accordance with Subdivision Regulations.

- B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- C. Any curb cut along the Hwy 64 frontage beginning closer than 300 feet from the centerline of Morning Sun Road shall be limited to right in/right access only.
- D. One (1) full movement curb cut, and 1 right-in, right-out only curb cut along the Highway 64 frontage will be permitted.
- E. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- F. Signs shall be as regulated by the CMU-2 District.

IV. LANDSCAPING AND SCREENING:

- A. Landscaping along the Highway 64 and Morning Sun Road frontage shall consist of a modified S-10 Plate expanded to 15 feet in width.
- B. A 50-foot non-disturb buffer shall be preserved along south property line.
- C. Required landscaping shall not be placed on sewer or drainage easements.

V. DRAINAGE & SEWER:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. 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.
- D. 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.
- E. This site is located within the area served by the Grays Creek/Interceptor Special Sewer Service Area. The developer must agree to pay all surcharges assessed upon his project as a part of the Special Sewer Service Area regulations.

VI. SITE PLAN REVIEW

- A. A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City agencies prior to approval of any final plan.
- B. The site plan shall include the following:
 - 1. The location and dimension of buildings, structures, signs, and parking areas;
 - 2. The location of streets and private drives and the number and general location of curb cuts;
 - 3. Landscaping;
 - 4. Drainage data as required by the City Engineer;
 - 5. Building floor areas, building materials, and other appropriate information.
- C. The site plan shall be reviewed based upon its conformance with the outline plan conditions.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing body.

VIII. A final plan shall be filed within five years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

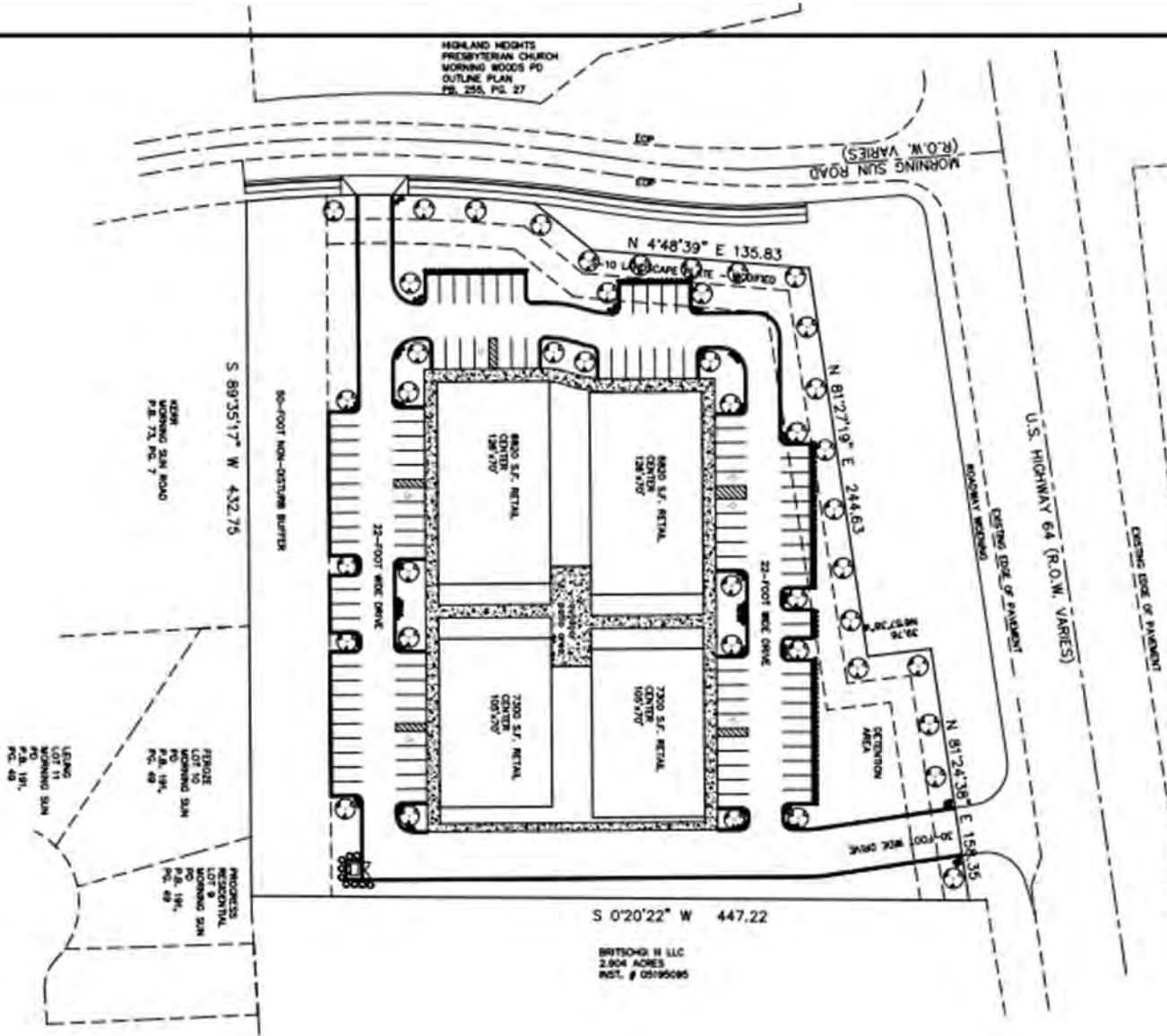
IX. Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. A standard improvement contract as defined by the Subdivision Regulations of any needed public improvements.
- C. The exact location and dimensions including height, of all buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. The number of parking spaces
- E. The location and ownership, whether public or private of any easement.
- F. If applicable, a statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- G. The following condition is required as a result of the action taken by the Memphis City Council, sitting in public session on November 18, 1997: Condition B: "The developer must demonstrate that he can provide adequate sewer service to the property."
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 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.

H. The final plat shall be in substantial conformance with the approved concept plan.

CONCEPT PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2868 MORNING SUN ROAD, KNOWN AS CASE NUMBER PD 2023-026

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 Chris Mathews filed an application with the Memphis and Shelby County Division of Planning and Development to allow a New planned development for a retail center at the southeast corner of Highway 64 and Morning Sun; 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 December 14, 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.

OUTLINE PLAN CONDITIONS

I. USES PERMITTED:

Any use permitted by right or administrative site plan review in the CMU-2 District except the following exclusions:

- A. Convenient Stores selling gas
- B. Tire stores
- C. Auto repair shops
- D. Group shelters
- E. Transitional homes
- F. Day, family, and group care center or home
- G. Nursery school
- H. Recreation field
- I. Amusements, commercial outdoors
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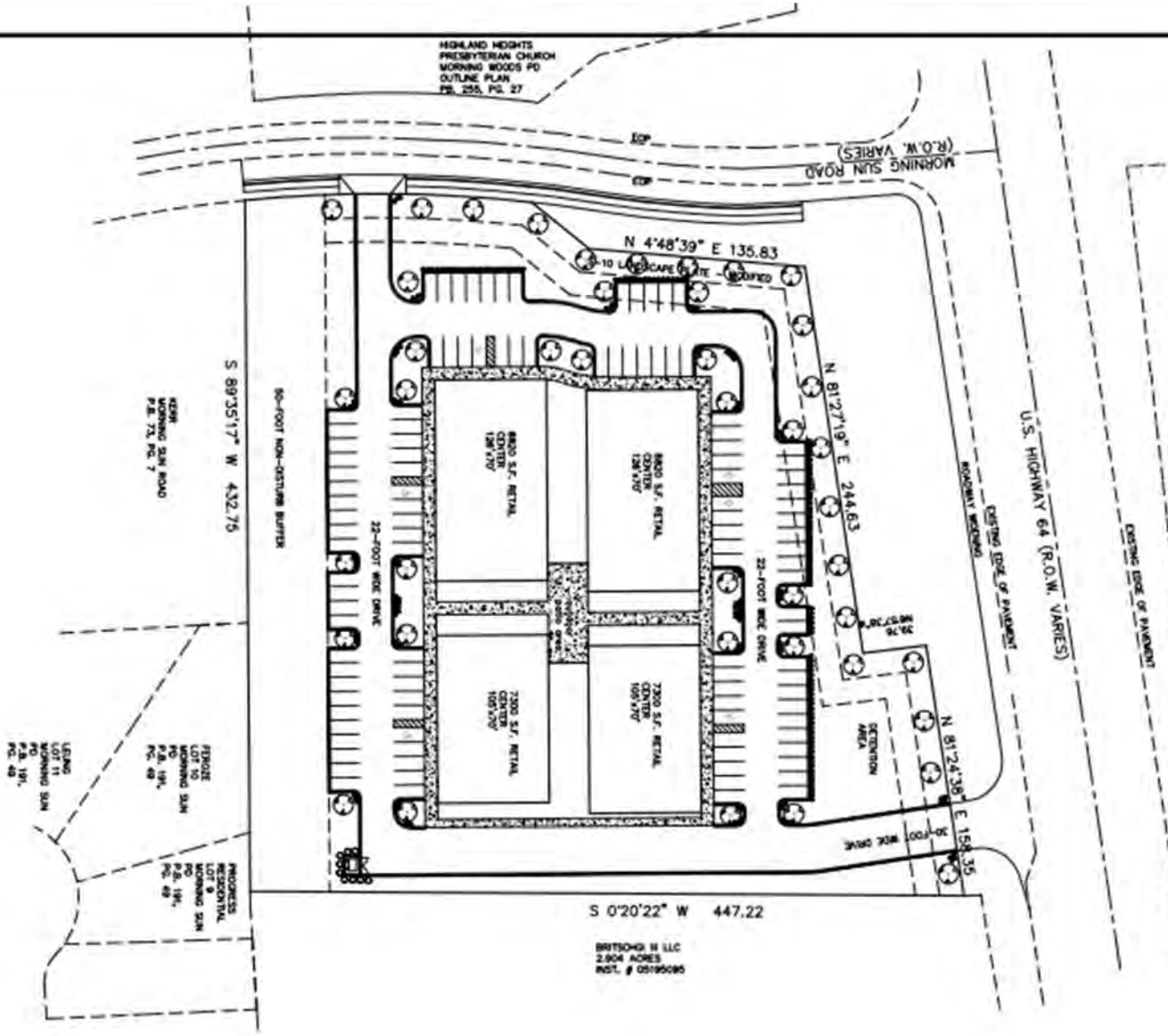
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 - H. The final plat shall be in substantial conformance with the approved concept plan.

CONCEPT PLAN



ATTEST:

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

AGENDA ITEM: 4

CASE NUMBER: PD 2023-026 **L.U.C.B. MEETING:** December 14, 2023

LOCATION: 2868 Morning Sun Road

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

OWNER/APPLICANT: Chris Mathews

REPRESENTATIVE: The Bray Firm

REQUEST: New planned development for a retail center at the southeast corner of Highway 64 and Morning Sun

AREA: +/-3.773 acres

EXISTING ZONING: Conservation Agriculture (CA)

CONCLUSIONS

1. The applicant is requesting a planned development to construct a retail center.
2. 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.
3. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

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 23-25 of this report.

RECOMMENDATION

Approval with Conditions

GENERAL INFORMATION

Street Frontage: North Second Street +/-244.63 linear feet

Zoning Atlas Page: 1860

Parcel ID: 096200 00043C

Existing Zoning: Conservation Agriculture, PD 2005-336

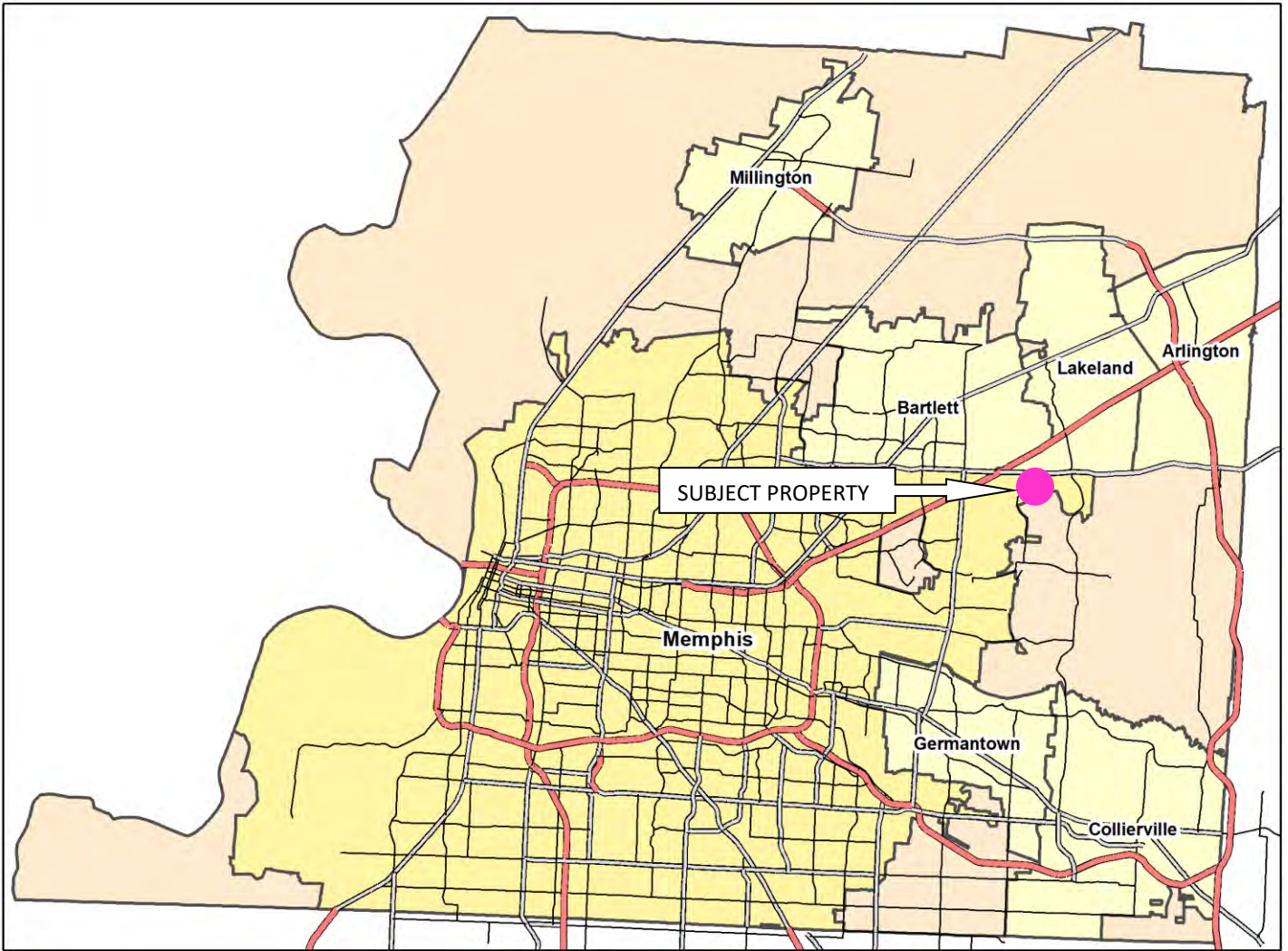
NEIGHBORHOOD MEETING

The meeting was held at 6:00 to 7:00 PM on Monday, October 30, 2023, at Highland Height Presbyterian Church, 2855 Morning Sun Road, Cordova, TN 38016.

PUBLIC NOTICE

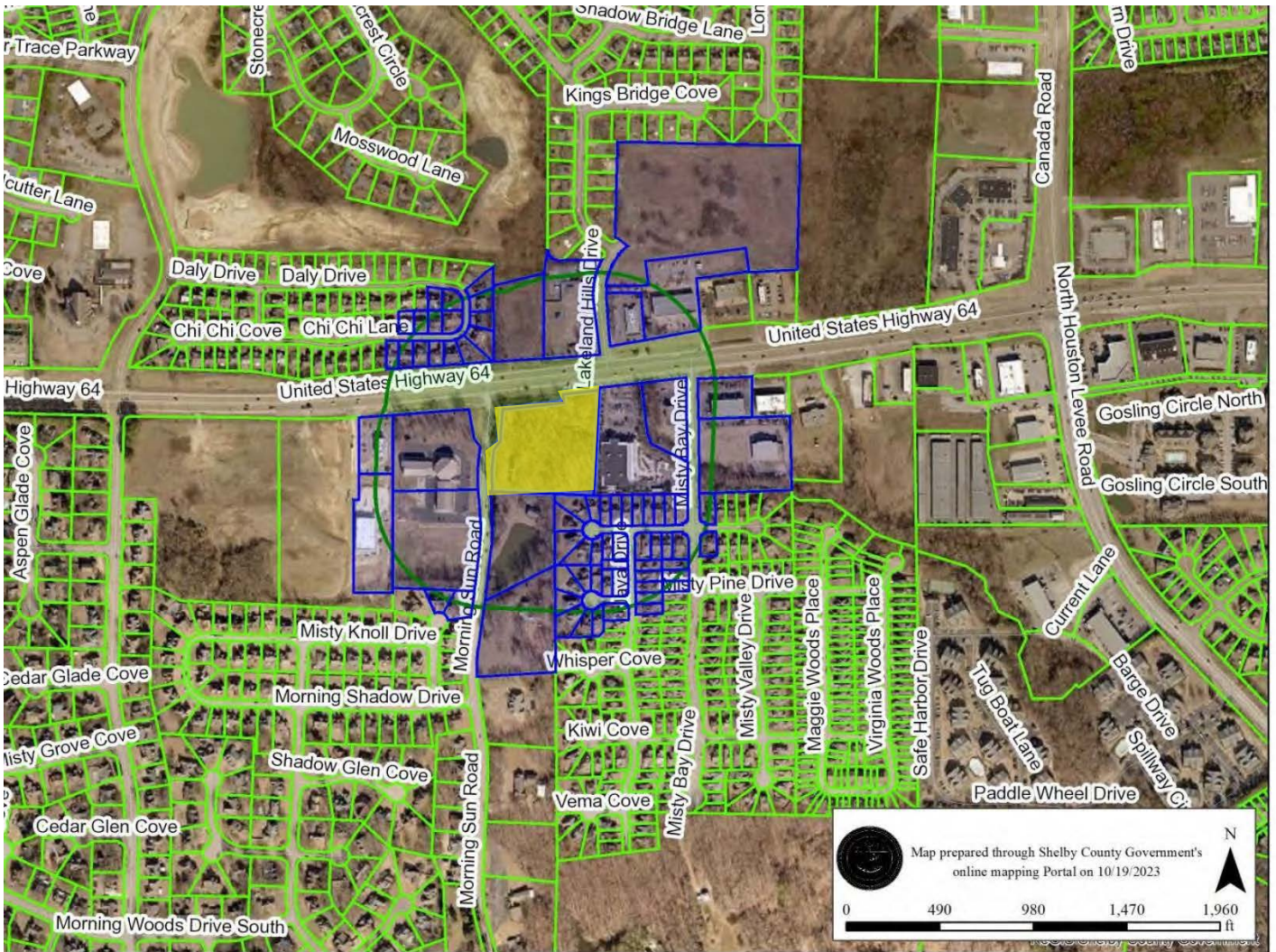
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 75 notices were mailed on October 20, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle.

VICINITY MAP



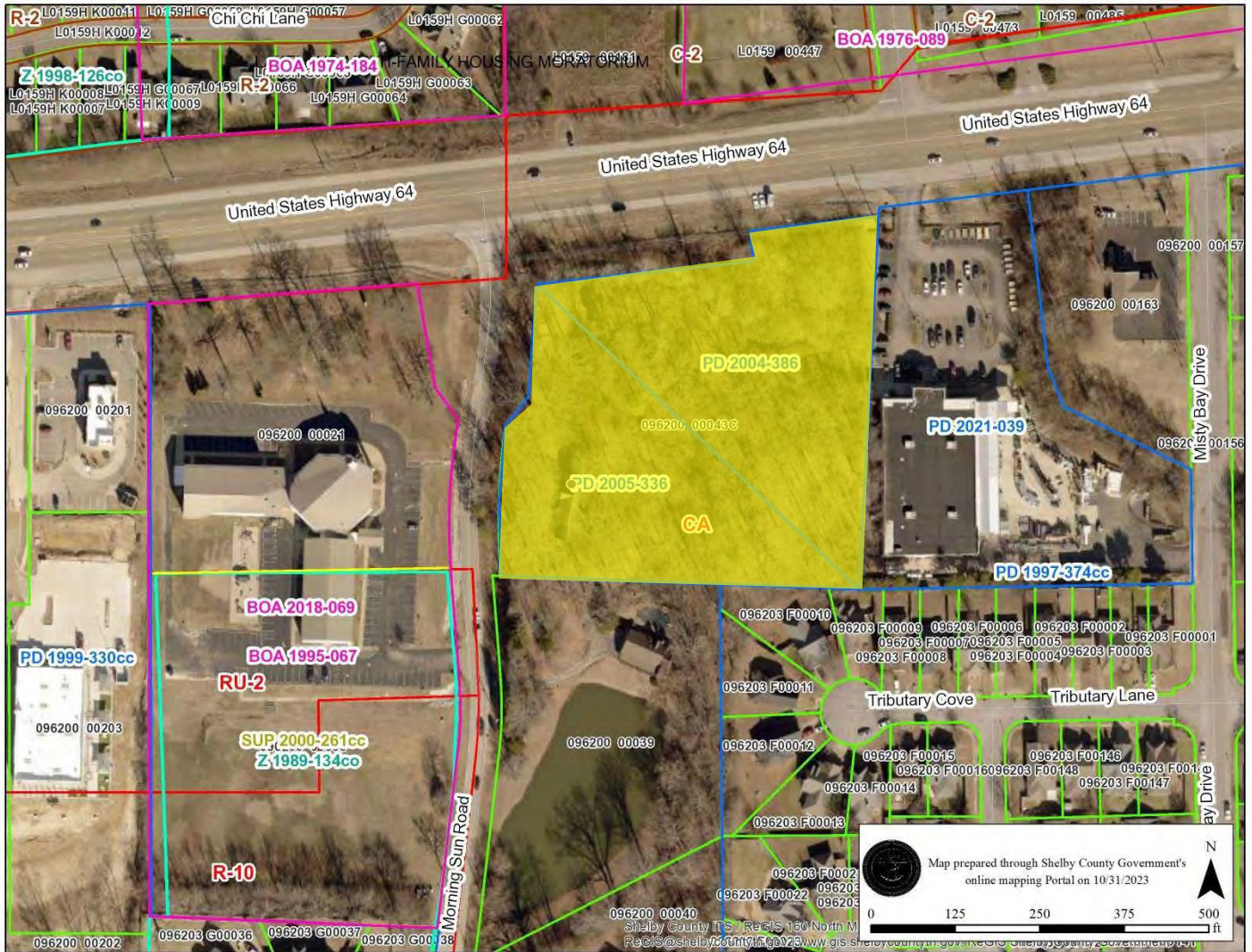
Subject property highlighted in yellow.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

Existing Zoning: Conservation Agriculture, PD 2005-336

Surrounding Zoning

North: C-2, R-2, BOA 1976-089, BOA 1974-184, PD 2004-386

East: CA, PD 2021-039

South: CA, PD 1997-374CC

West: CA, RU-2, BOA 2018-069, BOA 1995-067, Z 1989-134 CO, SUP 2000-261 CC

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star.

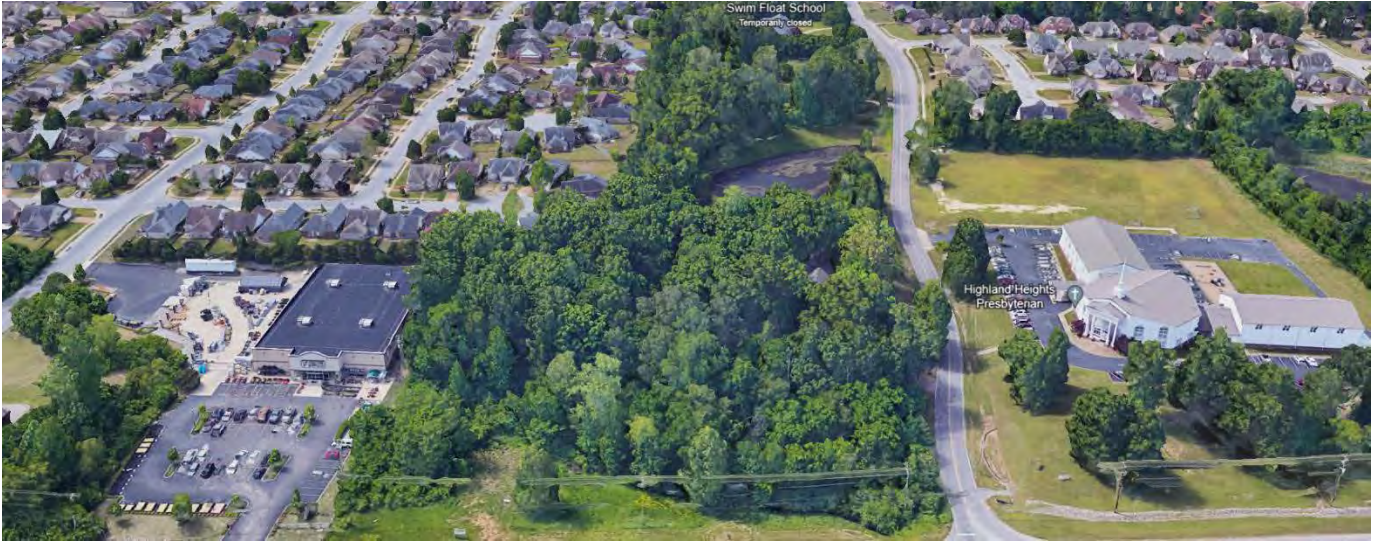
SITE PHOTOS



View of the center of the subject property from Morning Sun Road.

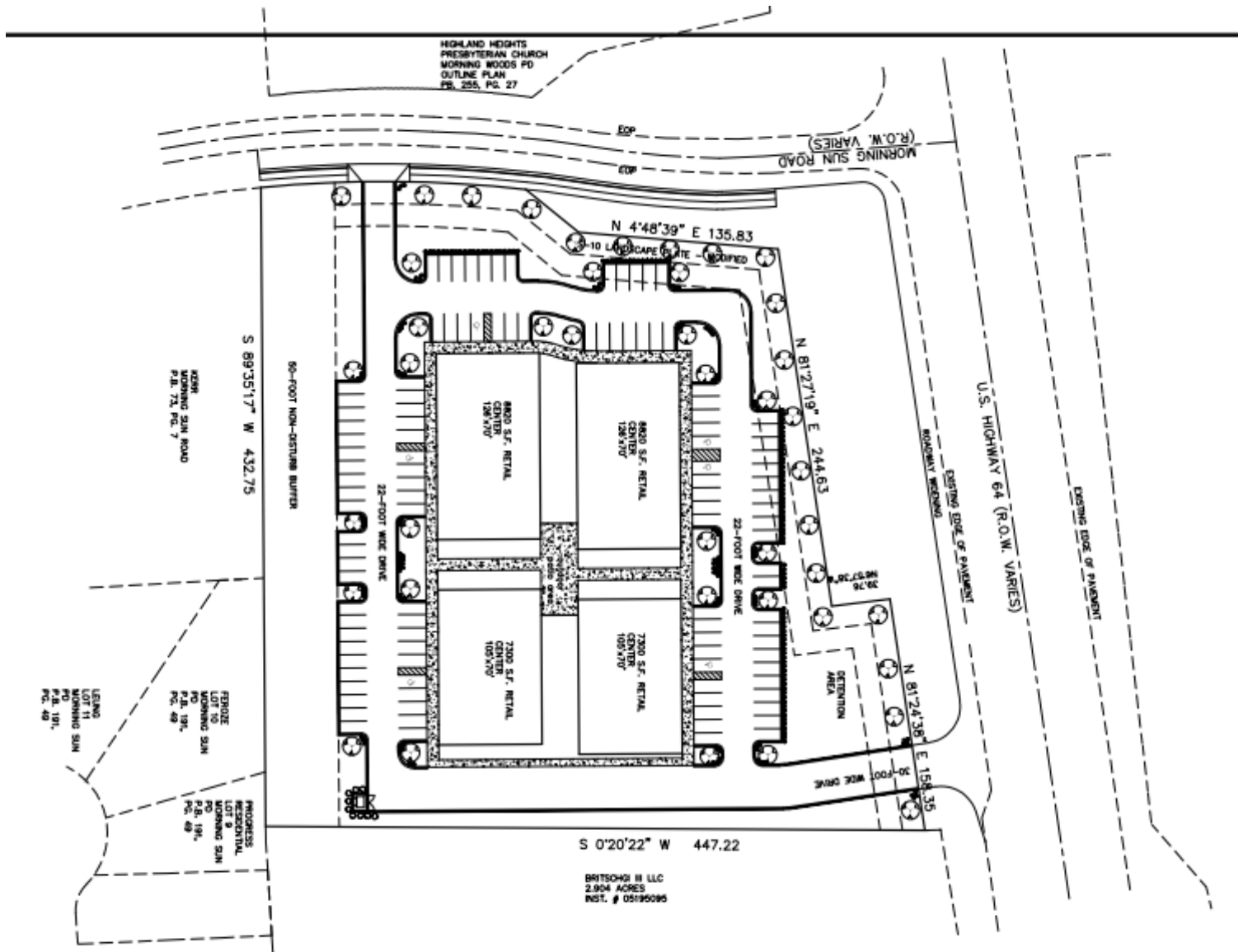


View of the southwest corner of the subject property from US Highway 64.



View of the southeast corner of the subject property from above.

CONCEPT PLAN



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 for a retail center at the southeast corner of Highway 64 and Morning Sun.

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 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 **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 +/-3.773 acres located on the Morning Sun Road. The site is a part of PD 2005-336. with the referenced underlying zoning of Conservation Agriculture (CA) and it is vacant land. The subject area consists of 2 lots.

The property was a previously approved planned development for which an outline plan was recorded, and a time extension was granted, but ultimately was never constructed and finally expired.

Site Zoning History

The current Conservation Agriculture (CA) District or its predecessor Agricultural (AG) date back to the adoption of zoning for Shelby County, circa 1960.

Site Plan Review

The subject property is +/-3.773 acres.

The current zoning is Conservation Agriculture (CA).

The site plan consists of 4 proposed retail centers.

Conclusions

1. The applicant is requesting a planned development to construct a retail center.
2. 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.
3. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

I. USES PERMITTED:

Any use permitted by right or administrative site plan review in the CMU-2 District except the following exclusions:

- A. Convenient Stores selling gas
- B. Tire stores
- C. Auto repair shops
- D. Group shelters
- E. Transitional homes
- F. Day, family, and group care center or home
- G. Nursery school
- H. Recreation field
- I. Amusements, commercial outdoors
- J. Motor vehicle sales or service
- K. Tavern, cocktail lounge, night club
- L. Pawn shop
- M. Used goods, second hand sales
- N. Outdoor storage of goods and materials
- O. Communication tower
- P. Communication mobile communications service (CMCS) tower and facilities.

II. BULK REGULATIONS:

The bulk regulations of the CMU-2 District shall apply except as follows:

- A. A minimum 30 foot front setback shall be maintained along U.S. Highway 64 and Morning Sun Road.
- B. A minimum of 40 foot setback shall be maintain along the southern property line adjacent to the residentially zoned and used property.

III. ACCESS, CIRCULATION, AND SIGNAGE:

- A. Dedicate 34 feet from centerline of Morning Sun Road and improve in accordance with Subdivision Regulations.
- B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- C. Any curb cut along the Hwy 64 frontage beginning closer than 300 feet from the centerline of Morning Sun Road shall be limited to right in/right access only.

- D. One (1) full movement curb cut, and 1 right-in, right-out only curb cut along the Highway 64 frontage will be permitted.
- E. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- F. Signs shall be as regulated by the CMU-2 District.

IV. LANDSCAPING AND SCREENING:

- A. Landscaping along the Highway 64 and Morning Sun Road frontage shall consist of a modified S-10 Plate expanded to 15 feet in width.
- B. A 50-foot non-disturb buffer shall be preserved along south property line.
- C. Required landscaping shall not be placed on sewer or drainage easements.

V. DRAINAGE & SEWER:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. 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.
- D. 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.
- E. This site is located within the area served by the Grays Creek/Interceptor Special Sewer Service Area. The developer must agree to pay all surcharges assessed upon his project as a part of the Special Sewer Service Area regulations.

VI. SITE PLAN REVIEW

- A. A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City agencies prior to approval of any final plan.
- B. The site plan shall include the following:

1. The location and dimension of buildings, structures, signs, and parking areas;
 2. The location of streets and private drives and the number and general location of curb cuts;
 3. Landscaping;
 4. Drainage data as required by the City Engineer;
 5. Building floor areas, building materials, and other appropriate information.
- C. The site plan shall be reviewed based upon its conformance with the outline plan conditions.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing body.
- VIII. A final plan shall be filed within five years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. The Outline Plan conditions.
 - B. A standard improvement contract as defined by the Subdivision Regulations of any needed public improvements.
 - C. The exact location and dimensions including height, of all buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
 - D. The number of parking spaces
 - E. The location and ownership, whether public or private of any easement.
 - F. If applicable, a statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - G. The following condition is required as a result of the action taken by the Memphis City Council, sitting in public session on November 18, 1997: Condition B: "The developer must demonstrate that he can provide adequate sewer service to the property."
 - F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 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.
 - H. The final plat shall be in substantial conformance with the approved concept plan.

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.

Roads:

2. 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.
3. 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.
4. Dedicate and improve 34' from centerline of Morning Sun Road.

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.
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.

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:

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 densely vegetated. Any development of the site will, by necessity, decrease the amount of vegetative cover. The submitted landscape plan shows some replanting on the site, though this will replace only a small fraction of the plants that are being removed.

The plan for the site, as submitted, increases the amount of impervious surface in the area. Impervious surfaces can increase the urban heat island effect and reduce the ability of the land to address stormwater naturally through absorption.

The applicant has included plans for an area reserved for stormwater detention.

Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This application is generally inconsistent with the Mid-South Regional Resilience Master Plan. The site is located within Zone 1, where development is encouraged, which is consistent with Section 4.1 – Resilient Sites. However, by decreasing the amount of tree canopy coverage of the site, the request conflicts with Section 5.7 – Trees. An increase in impervious surfaces also conflicts with the recommendations found in Section 2.3 – Low-Impact Development.

Consistent with the Memphis Area Climate Action Plan best practices: No

Development on this site would decrease the tree canopy coverage in the Memphis region, which would conflict with Priority Action E.7 – Nurture and Expand the Urban Tree Canopy.

Recommendations: Staff recommends the incorporation of Low-Impact Development practices (See below) in the design of the site. Some examples include vegetated strips such as linear/ultra-urban bioretention areas or bioswales, rain gardens, or the use of permeable pavers, all of which could easily be incorporated into the current landscaping plan. Increased quantity in the preservation of existing trees on the site is highly recommended. The benefits of preserving more mature trees includes increased shaded areas, stormwater absorption, soil erosion prevention, cooler temperatures, carbon sequestration, and aesthetics of the site.



Linear/Ultra-Urban Bioretention

Small vegetated areas that collect runoff through local inlets and drains. May be depressed areas in sidewalks and plazas.



Residential Rain Gardens

Small-scale basins designed to capture a target amount of water from the site. The water is treated through chemical and biophysical processes by vegetation and engineered media.



Permeable Pavement

Porous paving (such as porous concrete or gravel) or unit pavers set with permeable joints and on a permeable setting bed that allow water to infiltrate through to the subsoil, rather than run-off.

Office of Comprehensive Planning:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 2023-26: Arlington

Site Address/Location: US Highway 64 & Morning Sun Road

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

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

Street Type: Parkway

The applicant is requesting a planned development to construct a retail center.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CA

Adjacent Land Use and Zoning: Single-family and Vacant Land; RU-2

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed gas station is too intense for low-intensity commercial and is incompatible with the neighboring residential.*

3. Degree of Change Map



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

4. Degree of Change Description N/A

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

Consistency Analysis Summary

The applicant is requesting a planned development to construct a retail center.

This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use. The requested use is not compatible with the zoning notes and existing/adjacent zoning. However, the proposed use is not too intense for the surrounding neighborhood and the buffer zone shown on the site plan is sufficient to protect the existing neighborhood.

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

APPLICATION



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: October 6, 2023

Record Number: PD 2023-026

Expiration Date:

Record Name: Morning Sun @ Highway 64 Planned Development

Description of Work: New planned development for a retail center at the southeast corner of Highway 64 and Morning Sun

Parent Record Number:

Address:

38016

Owner Information

Primary	Owner Name
Y	SINIS BILL

Owner Address
105 HIGHPOINTE CV, ATOKA, TN 38004

Owner Phone

Parcel Information

096200 00043C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	help desk
Date of Meeting	09/06/2023
Pre-application Meeting Type	Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
Previous Docket / Case Number	Expired PD 05-336
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	This PD is located along a commercially developed stretch of Highway 64 and is compatible with surrounding uses. The proposed outline plan conditions are consistent with the previously approved conditions.
UDC Sub-Section 9.6.9B	This proposed PD has proposed conditions consistent with previous approvals. A landscape buffer is proposed along the SFR to the south.
UDC Sub-Section 9.6.9C	Existing utilities and street access are available to the site. Improvements to both Highway 64 and Morning Sun will be included with the development of this site.
UDC Sub-Section 9.6.9D	Agreed
UDC Sub-Section 9.6.9E	Agreed
UDC Sub-Section 9.6.9F	Agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	This plan is consistent with surrounding patterns of development.
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	Existing utilities are available to the site.
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	A 50 foot non-disturb landscape buffer is proposed along the south property line adjacent to SFR homes. The plan is compatible with existing patterns of development.
D) Any modification of the district standards that would otherwise be applicable to the site are	Agreed

GENERAL PROVISIONS

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 Yes

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
NATIONAL CITIES CORP I LP	APPLICANT
Address	
Phone	
-	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1508006	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	10/06/2023
1508006	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	10/06/2023

Total Fee Invoiced: \$1,539.00 Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$1,539.00	Credit Card

LETTER OF INTENT

The Bray Firm

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

October 6, 2023

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

RE: Morning Sun @ Highway 64 Planned Development
Southeast corner of Highway 64 and Morning Sun
Memphis, Shelby County, Tennessee

Mr. Ragsdale:

Please find attached an application for a new planned development at the southeast corner of Highway 64 and Morning Sun. This property was the subject of a previously approved planned development for which an outline plan was recorded, and a time extension was granted, but ultimately was never constructed and finally expired. We have updated the Outline Plan Conditions from the original approval to reflect changes to the Unified Development Code (zoning designations and landscape screens) but have left the intent of the OPC unchanged. This plan differs from the original approval in configuration but will have the same restrictions on uses as originally approved.

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

Shelby County
State of Tennessee

I, Martin Mathews, being duly sworn, depose and say that at 5:57 am/pm on the 3rd day of November, 2023, I posted 2 Public Notice Sign(s) pertaining to Case No. PD 2023-026 at 0 Hwy 64 Memphis, TN 38002 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

12/8/23

Date

Subscribed and sworn to before me this 8th day of December, 2023.

[Signature]

Notary Public



My commission expires: 8/3/25





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: Pending

Opened Date: October 6, 2023

Record Number: PD 2023-026

Expiration Date:

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Y	SINIS BILL

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Data Fields

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help desk

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Medical Overlay / Uptown	No
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UDC Sub-Section 9.6.9E	Agreed
UDC Sub-Section 9.6.9F	Agreed

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A	This plan is consistent with surrounding patterns of development.
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	Existing utilities are available to the site.
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	A 50 foot non-disturb landscape buffer is proposed along the south property line adjacent to SFR homes. The plan is compatible with existing patterns of development.
D) Any modification of the district standards that would otherwise be applicable to the site are	Agreed

GENERAL PROVISIONS

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 Yes

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

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Name NATIONAL CITIES CORP I LP	Contact Type APPLICANT
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Address

Phone

-

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Total Fee Invoiced: \$1,539.00

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Payment Information

Payment Amount \$1,539.00	Method of Payment Credit Card
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The Bray Firm

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

October 6, 2023

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

**RE: Morning Sun @ Highway 64 Planned Development
Southeast corner of Highway 64 and Morning Sun
Memphis, Shelby County, Tennessee**

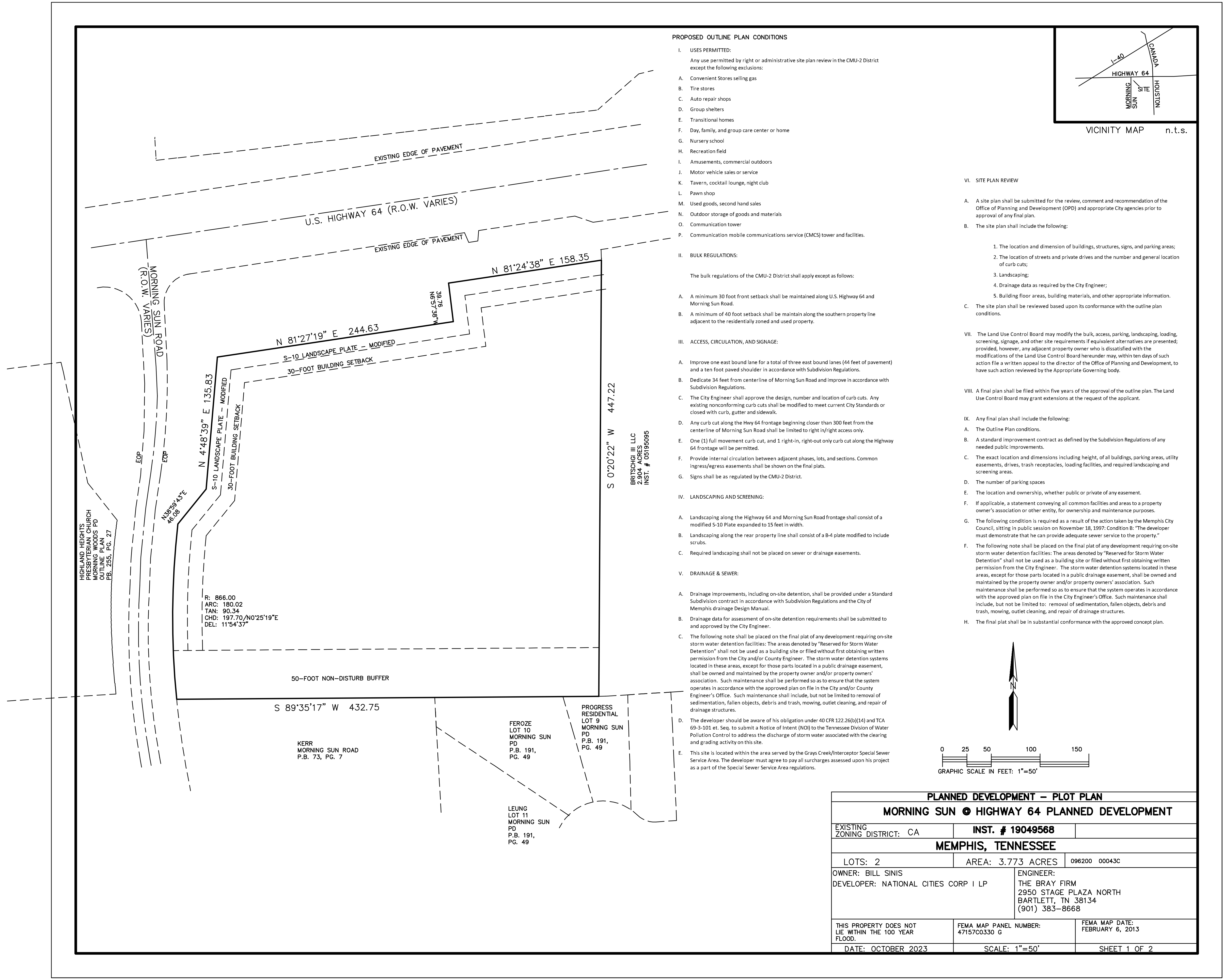
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David Gean Bray, P.E.

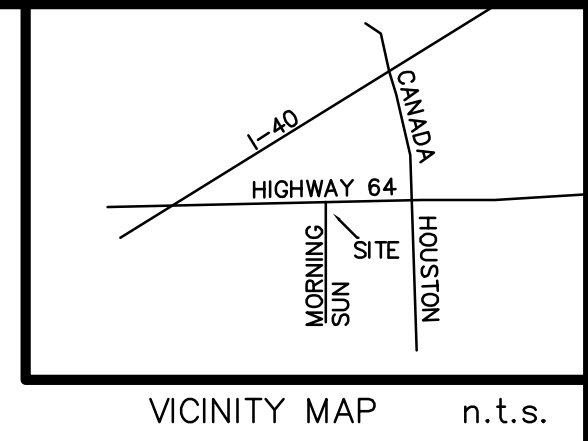


PROPOSED OUTLINE PLAN CONDITIONS

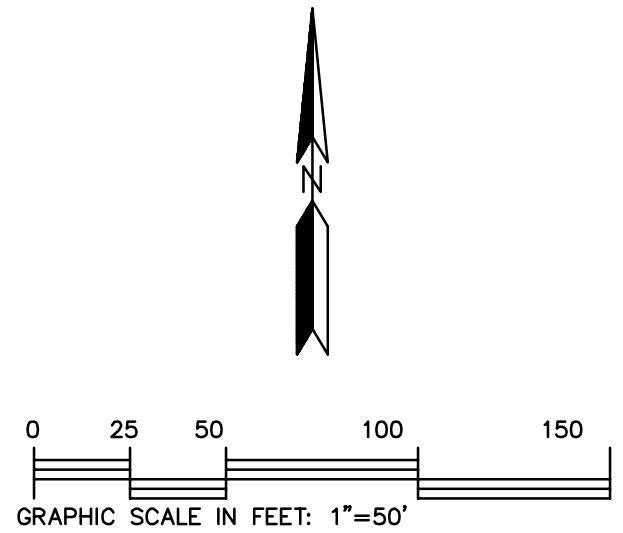
- I. **USES PERMITTED:**
 - Any use permitted by right or administrative site plan review in the CMU-2 District except the following exclusions:
 - A. Convenient Stores selling gas
 - B. Tire stores
 - C. Auto repair shops
 - D. Group shelters
 - E. Transitional homes
 - F. Day, family, and group care center or home
 - G. Nursery school
 - H. Recreation field
 - I. Amusements, commercial outdoors
 - J. Motor vehicle sales or service
 - K. Tavern, cocktail lounge, night club
 - L. Pawn shop
 - M. Used goods, second hand sales
 - N. Outdoor storage of goods and materials
 - O. Communication tower
 - P. Communication mobile communications service (CMCS) tower and facilities.
- II. **BULK REGULATIONS:**

The bulk regulations of the CMU-2 District shall apply except as follows:

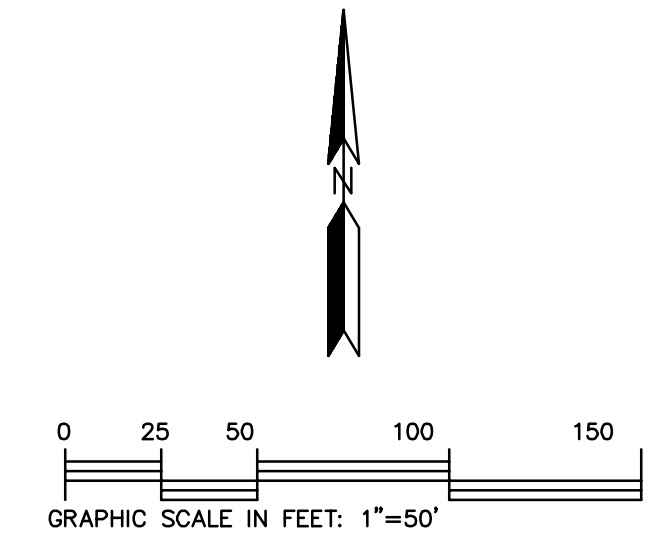
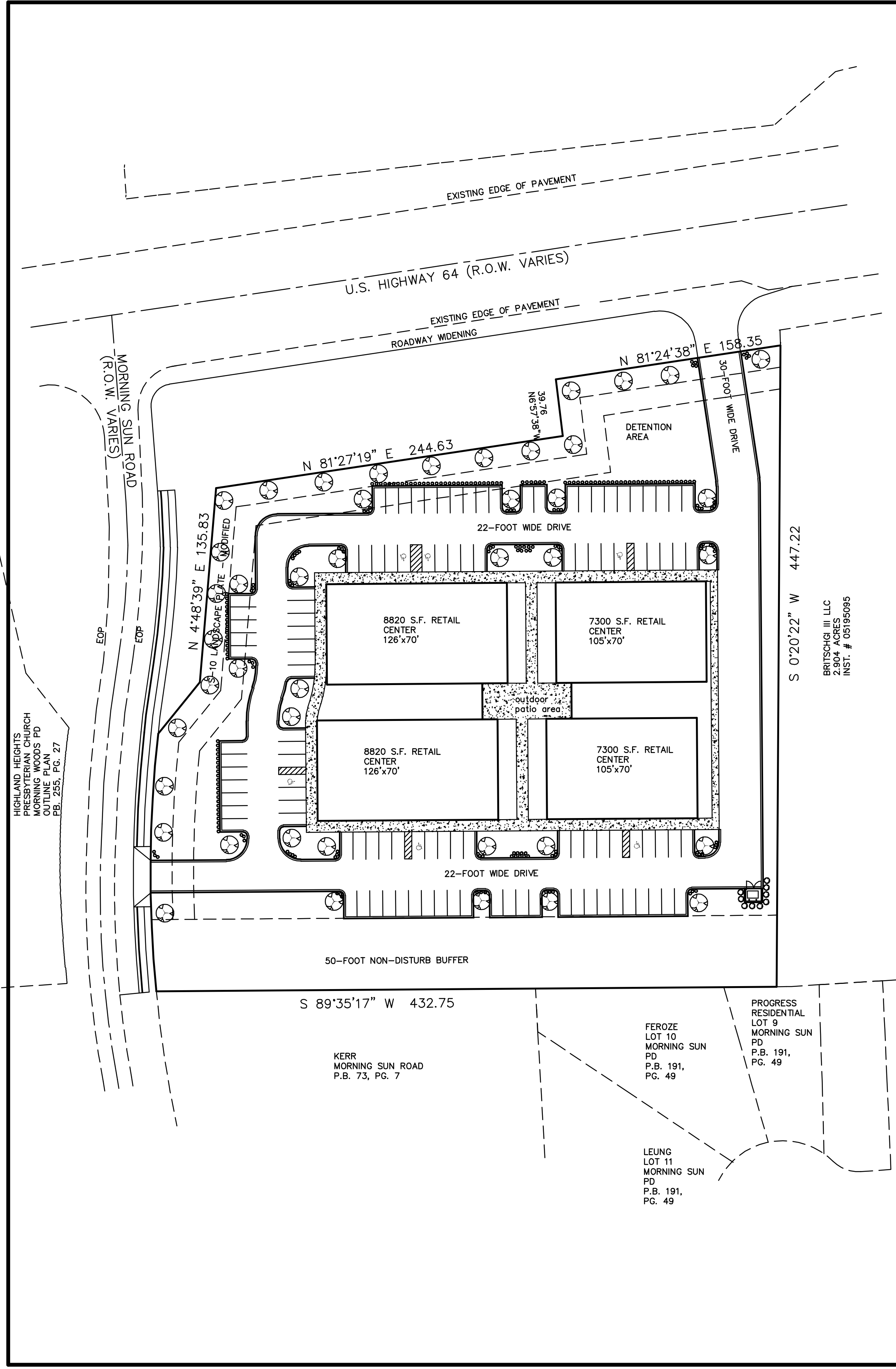
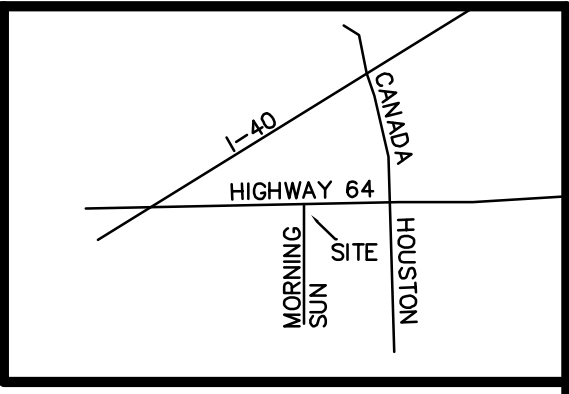
 - A. A minimum 30 foot front setback shall be maintained along U.S. Highway 64 and Morning Sun Road.
 - B. A minimum of 40 foot setback shall be maintained along the southern property line adjacent to the residentially zoned and used property.
- III. **ACCESS, CIRCULATION, AND SIGNAGE:**
 - A. Improve one east bound lane for a total of three east bound lanes (44 feet of pavement) and a ten foot paved shoulder in accordance with Subdivision Regulations.
 - B. Dedicate 34 feet from centerline of Morning Sun Road and improve in accordance with Subdivision Regulations.
 - C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - D. Any curb cut along the Hwy 64 frontage beginning closer than 300 feet from the centerline of Morning Sun Road shall be limited to right in/right access only.
 - E. One (1) full movement curb cut, and 1 right-in, right-out only curb cut along the Highway 64 frontage will be permitted.
 - F. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
 - G. Signs shall be as regulated by the CMU-2 District.
- IV. **LANDSCAPING AND SCREENING:**
 - A. Landscaping along the Highway 64 and Morning Sun Road frontage shall consist of a modified S-10 Plate expanded to 15 feet in width.
 - B. Landscaping along the rear property line shall consist of a B-4 plate modified to include scrubs.
 - C. Required landscaping shall not be placed on sewer or drainage easements.
- V. **DRAINAGE & SEWER:**
 - A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis drainage Design Manual.
 - B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
 - C. 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.
 - D. 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.
 - E. This site is located within the area served by the Grays Creek/Interceptor Special Sewer Service Area. The developer must agree to pay all surcharges assessed upon his project as a part of the Special Sewer Service Area regulations.



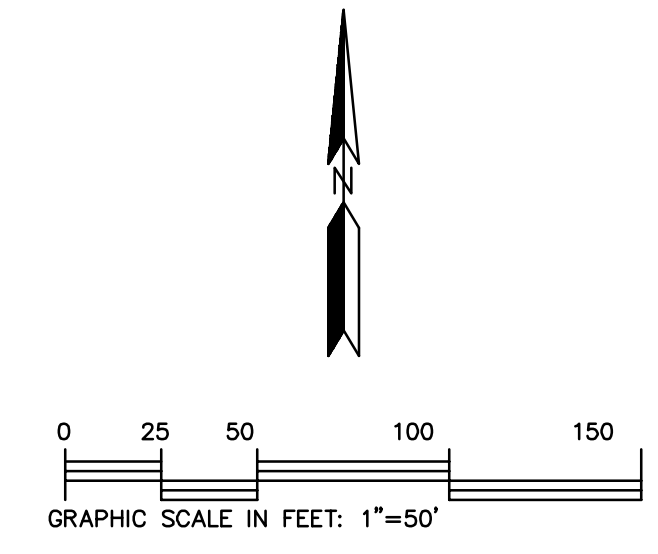
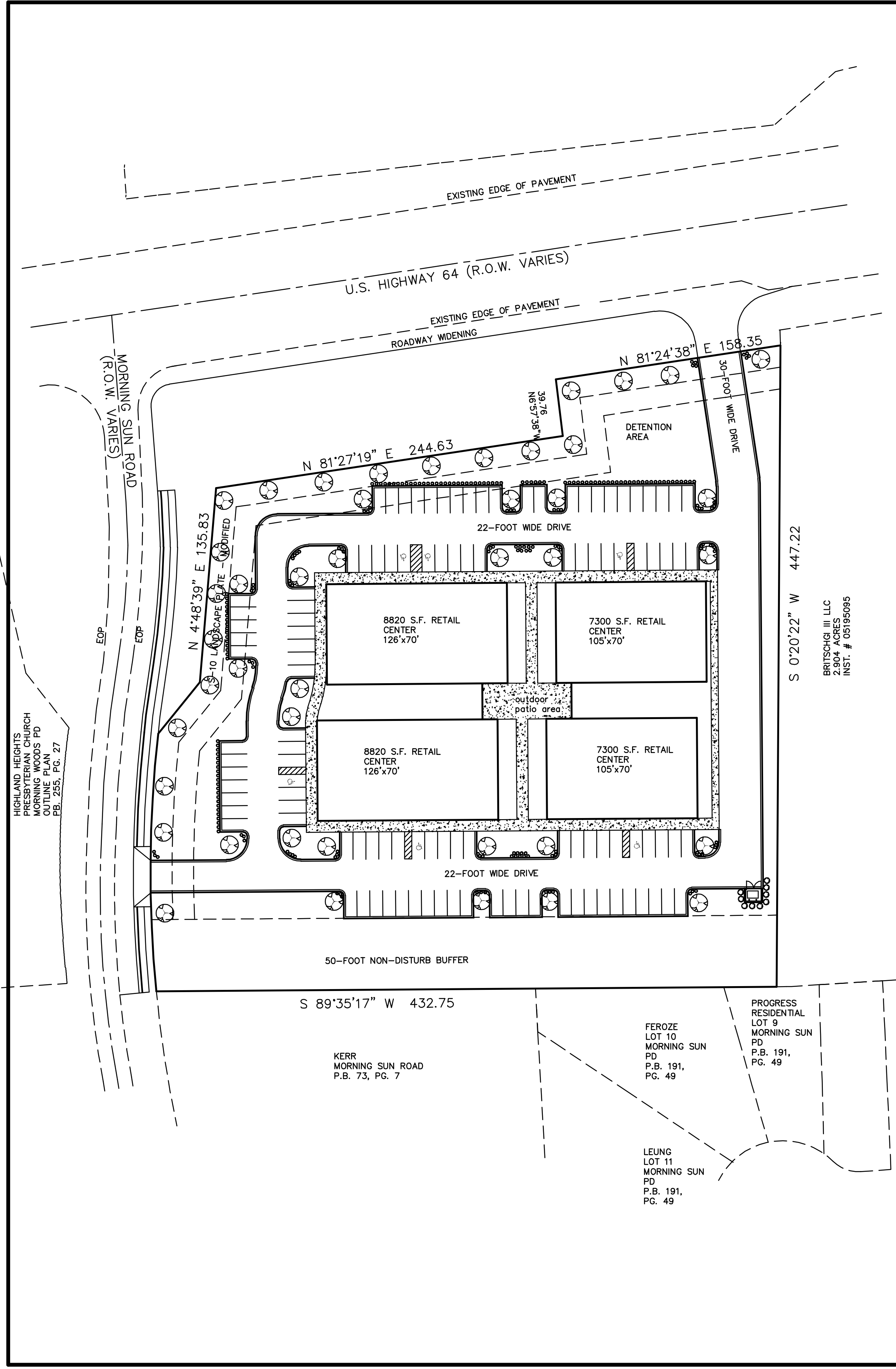
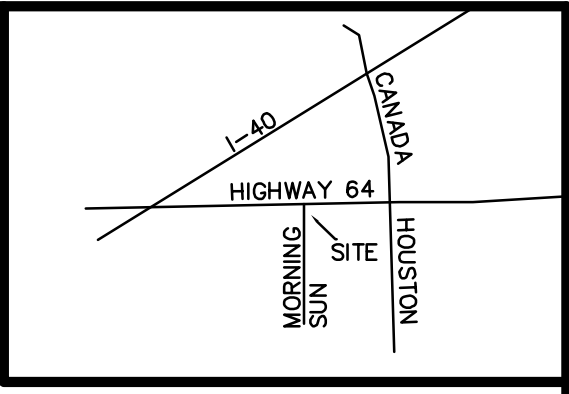
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 - B. The site plan shall include the following:
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 - 2. The location of streets and private drives and the number and general location of curb cuts;
 - 3. Landscaping;
 - 4. Drainage data as required by the City Engineer;
 - 5. Building floor areas, building materials, and other appropriate information.
 - C. The site plan shall be reviewed based upon its conformance with the outline plan conditions.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing body.
- VIII. A final plan shall be filed within five years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. The Outline Plan conditions.
 - B. A standard improvement contract as defined by the Subdivision Regulations of any needed public improvements.
 - C. The exact location and dimensions including height, of all buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
 - D. The number of parking spaces
 - E. The location and ownership, whether public or private of any easement.
 - F. If applicable, a statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - G. The following condition is required as a result of the action taken by the Memphis City Council, sitting in public session on November 18, 1997: Condition B: "The developer must demonstrate that he can provide adequate sewer service to the property."
 - F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 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.
 - H. The final plat shall be in substantial conformance with the approved concept plan.



PLANNED DEVELOPMENT - PLOT PLAN		
MORNING SUN @ HIGHWAY 64 PLANNED DEVELOPMENT		
EXISTING ZONING DISTRICT: CA	INST. # 19049568	
MEMPHIS, TENNESSEE		
LOTS: 2	AREA: 3.773 ACRES	096200 00043C
OWNER: BILL SINIS	ENGINEER:	
DEVELOPER: NATIONAL CITIES CORP I LP	THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668	
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD.	FEMA MAP PANEL NUMBER: 4715700330 G	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: OCTOBER 2023	SCALE: 1"=50'	SHEET 1 OF 2



PLANNED DEVELOPMENT – CONCEPT/LANDSCAPE PLAN		
MORNING SUN @ HIGHWAY 64 PLANNED DEVELOPMENT		
EXISTING ZONING DISTRICT: CA	INST. # 19049568	
MEMPHIS, TENNESSEE		
LOTS: 2	AREA: 3.773 ACRES	096200 00043C
OWNER: BILL SINIS DEVELOPER: NATIONAL CITIES CORP I LP	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668	
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD.	FEMA MAP PANEL NUMBER: 47157C0330 G	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: OCTOBER 2023	SCALE: 1"=50'	SHEET 2 OF 2



PLANNED DEVELOPMENT – CONCEPT/LANDSCAPE PLAN		
MORNING SUN @ HIGHWAY 64 PLANNED DEVELOPMENT		
EXISTING ZONING DISTRICT: CA	INST. # 19049568	
MEMPHIS, TENNESSEE		
LOTS: 2	AREA: 3.773 ACRES	096200 00043C
OWNER: BILL SINIS DEVELOPER: NATIONAL CITIES CORP I LP	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668	
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD.	FEMA MAP PANEL NUMBER: 47157C0330 G	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: OCTOBER 2023	SCALE: 1"=50'	SHEET 2 OF 2

I. USES PERMITTED:

Any use permitted by right or administrative site plan review in the CMU-2 District except the following exclusions:

- A. Convenient Stores selling gas
- B. Tire stores
- C. Auto repair shops
- D. Group shelters
- E. Transitional homes
- F. Day, family, and group care center or home
- G. Nursery school
- H. Recreation field
- I. Amusements, commercial outdoors
- J. Motor vehicle sales or service
- K. Tavern, cocktail lounge, night club
- L. Pawn shop
- M. Used goods, second hand sales
- N. Outdoor storage of goods and materials
- O. Communication tower
- P. Communication mobile communications service (CMCS) tower and facilities.

II. BULK REGULATIONS:

The bulk regulations of the CMU-2 District shall apply except as follows:

- A. A minimum 30 foot front setback shall be maintained along U.S. Highway 64 and Morning Sun Road.
- B. A minimum of 40 foot setback shall be maintain along the southern property line adjacent to the residentially zoned and used property.

III. ACCESS, CIRCULATION, AND SIGNAGE:

- A. Improve one east bound lane for a total of three east bound lanes (44 feet of pavement) and a ten foot paved shoulder in accordance with Subdivision Regulations.
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- C. Required landscaping shall not be placed on sewer or drainage easements.

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- D. 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.

- E. This site is located within the area served by the Grays Creek/Interceptor Special Sewer Service Area. The developer must agree to pay all surcharges assessed upon his project as a part of the Special Sewer Service Area regulations.

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 - 3. Landscaping;
 - 4. Drainage data as required by the City Engineer;
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- C. The site plan shall be reviewed based upon its conformance with the outline plan conditions.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing body.

VIII. A final plan shall be filed within five years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

- A. The Outline Plan conditions.
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- C. The exact location and dimensions including height, of all buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.

- D. The number of parking spaces
- E. The location and ownership, whether public or private of any easement.
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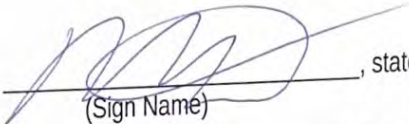
MEMPHIS AND SHELBY COUNTY  **DIVISION OF PLANNING AND DEVELOPMENT**

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, Martin Mathews , 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 0 Hwy 64 Memphis, TN
and further identified by Assessor's Parcel Number 096200 00043C
for which an application is being made to the Division of Planning and Development.



Subscribed and sworn to (or affirmed) before me this 5th day of October in the year of 2023

Dana Gaudin
Signature of Notary Public

June 28, 2027
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.

	
19049568	
05/21/2019 - 09:30 AM	
2 PGS	
BILL 1871789-19049568	
VALUE	0.00
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
Shelandra Y Ford	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

QUIT CLAIM DEED

THIS INSTRUMENT WAS PREPARED BY

Danny Goulder, Attorney
55 College St.,
Munford, TN 38058

THIS INDENTURE, made and entered into as of the 15th day of May, 2019 by and between

TOM SINIS and wife, SUSAN SINIS, and HARRY SINIS hereinafter referred to as Grantor, and
BILL SINIS, hereinafter referred to as Grantee

FOR AND IN CONSIDERATION OF ONE DOLLAR (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the GRANTOR does hereby quit claim all of their right, title and interest, to the GRANTEE, the following property situated and being in the County of SHELBY, State of Tennessee:

PARCEL 1:

Part of Lot 1, Riggins Subdivision as recorded in Plat Book 81, Page 56 of the Shelby County Register's Office and being further described hereon;

Beginning at a found concrete monument at the intersection of the East line of Morning Sun Road (right of way varies) with the South line of U.S. Highway 64 (right of way varies); thence North 81° 27' 19" East along said South line a distance of 13.11 feet to a found iron pin; thence South 47° 11' 54" East along the line dividing Lots 1 and 2 of said Riggins Subdivision a distance of 514.91 feet to a found iron pin in the North line of Lot 9, Morning Sun P.D. Area C, Phase 1 (P. B. 191, P 49) also being the Southwest corner of Morning Sun P.D. Area B, Phase 5 (P. B. 218, P 25); thence South 89° 35' 17" West along the North line of Lots 9 and 10 of said Morning Sun P.D. Area C, Phase 1 and the North line of Lot 1, Morning Sun Road Subdivision (P. B. 73, P 7) a distance of 432.91 feet to a found iron pin in the East line of Morning Sun Road; thence Northeastwardly along said East line on a curve to the right, having a radius of 866.00 feet, a chord bearing North 00° 00' 25" East, a chord distance of 182.03 feet an arc distance of 182.36 feet to a found concrete monument; thence continuing along said Morning Sun Road North 42° 24' 25" East a distance of 45.23 feet to a found concrete monument; thence North 04° 53' 44" East along said East line a distance of 136.10 feet to the point of beginning, containing 1.86 acres.

PARCEL 2:

Part of Lot 2, Riggins Subdivision as recorded in Plat Book 81, Page 56 of the Shelby County Register's Office and being further described hereon;

Commencing at a found concrete monument at the intersection of the East line of Morning Sun Road (right of way varies) with the South line of U.S. Highway 64 (right of way varies); thence North 81° 27' 19" East along said South line a distance of 13.11 feet to a found iron pin at the point of beginning; thence continuing along said South line North 81° 27' 19" East a distance of 231.52 feet; thence North 06° 57' 38" West a distance of 39.76 feet to a point in the South line of U.S. Highway 64; thence continuing along said South line North 81° 24' 38" East a distance of 159.69 feet to a found concrete monument at the Northwest corner of the Morning Sun P.D. Area B, Phase 5 (P. B. 218, P 25); thence South 00° 32' 30" West a distance of 447.60 feet to a found iron pin in the North line of Lot 9, Morning Sun P.D. Area C, Phase 1 (P. B. 191, P 49); thence North 47° 11' 54" West along the line dividing Lots 1 and 2 of said Riggins Subdivision a distance of 514.91 feet to the point of beginning, containing 1.92 acres.

Being the same property conveyed to GRANTORS and GRANTEE of record in Instrument No. 11032587, in the Register's Office of Shelby County, Tennessee.

THE GRANTOR makes no warranty, express or implied, as to the title to the property hereinabove described and hereby convey to the Grantee only such interest as the Grantor has.

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

Witness our signatures this 15th day of May 2019

[Signature]
TOM SINIS

[Signature]
SUSAN SINIS

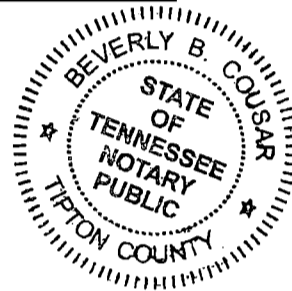
[Signature]
HARRY SINIS

STATE OF TENNESSEE)
COUNTY OF _____)

Personally appeared before me, the undersigned Notary Public of the aforesaid County and State, **TOM SINIS and wife, SUSAN SINIS, and HARRY SINIS**, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my signature this 15th day of May 2019.

[Signature]
Notary Public
Commission Expiration: 8/17/22



STATE OF TENNESSEE)
COUNTY OF _____)

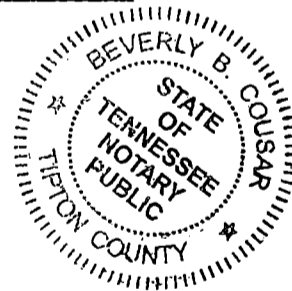
VALUATION AFFIDAVIT

I, or we, hereby swear or affirm that, the actual consideration for this transfer is \$ 0-

[Signature]
Affiant

Witness my signature this 15th day of May 2019

[Signature]
Notary Public
Commission Expiration: 8/17/22



RETURN TO:
Danny Goulder, Attorney
55 College Street
Munford, Tn 38058

**SEND TAX BILLS TO
NAME & ADDRESS OF
PROPERTY OWNER:**
BILL SINIS
105 Highpointe Cv
Atoka, TN 38004

PROPERTY ADDRESS:
9687 Hwy 64 and 2868 Morning Sun
MEMPHIS, TN 38002
3.773 acres
096200 00043C

18-0371

THIS INSTRUMENT PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION OR CLOSING. ANY REPORTING TO THE IRS IS THE SOLE RESPONSIBILITY OF THE GRANTOR AND GRANTEE.

Bill Sinis
105 Highpointe Cv.
Atoka, TN 38004-5146

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

National Cities Corp I LP
2641 Union Ave. Extended
Memphis, TN 38112

Owner

Engineer

Applicant

Britschgi III LLC
750 Chalk Hill Rd.
Solvang, CA 93463-2055

David Couch V
3218 Chapel Woods Cv.
Germantown, TN 38139-2502

Ninety Seven Fifty Five US 64 LLC
744 S White Station Rd.
Memphis, TN 38117-4577

Store Master Funding II LLC
2010 215th PL
Sammamish, WA 98075-9001

Connie Kerr
2840 Morning Sun Rd.
Cordova, TN 38016-4792

Sabrina Murphy
2812 Morning Sun Rd.
Cordova, TN 38016-4792

Highland Heights Presbyterian Church
Inc.
2855 Morning Sun Rd.
Cordova, TN 38016

NFH2 G P
5858 Ridgeway Center Parkway
Memphis, TN 38120-4004

RM Memphis 64 LLC
10 Lamar Blvd.
Hattiesburg, MS 39402-8102

Cordilia Barnes
2810 Hidden Falls Cv.
Cordova, TN 38016-6708

Michael Jr. & Antoinette Smith
2802 Hidden Falls Cv.
Cordova, TN 38016-6708

Gateway Properties LP
P.O. Box 720
Batesville, MS 38606

Ronald A Solbert, Patricia & Mason
Harrison & Jarrard Enterprises
P.O. Box 751510
Memphis, TN 38175

State of Tennessee
312 Rosa Parks Ave.
Floor 24
Nashville, TN 37243-1102

Gregory Realty GP
310 Germantown Bend Cv.
Cordova, TN 38018-4267

Tri State Investments LLC
821 Grayson Lane
Jackson, TN 38305-6904

Paula & Terry Russom
2918 Palmer Dr.
Lakeland, TN 38002-4290

Doug Starnes
2300 McCraw Loop
Mason, TN 38049

Resident
2924 Palmer Dr.
Lakeland, TN 38002

True North Property Owner B LLC
P.O. Box 4090
Scottsdale, AZ 85261-4090

Resident
2930 Palmer Dr.
Lakeland, TN 38002

Michael Eggleston & Lauren Rowland
2936 Palmer Dr.
Lakeland, TN 38002-4290

Timothy & Lauren West
9637 Daly Dr.
Lakeland, TN 38002-4288

Glenn & Ann Bisbee
9627 Daly Dr.
Arlington, TN 38002-4288

Larry & Laura McMillen
9640 Chi Chi Lane
Lakeland, TN 38002-4293

Christopher & Tomi Linebaugh
9630 Chi Chi Lane
Lakeland, TN 38002-4293

Mary Cashion
9620 Chi Chi Lane
Lakeland, TN 38002-4293

Subramanian & Meera Krishnan
9605 Chi Chi Lane
Lakeland, TN 38002

Laine Real Estate LLC
P.O. Box 17462
Memphis, TN 38187-0462

Resident
9611 Chi Chi Lane
Lakeland, TN 38002

Michael Lockett
9621 Chi Chi Lane
Arlington, TN 38002

Austin Smith
9631 Chi Chi Lane
Lakeland, TN 38002-4295

Tiffany Lucas
9641 Chi Chi Lane
Lakeland, TN 38002

Kimberly Keasler
2912 Palmer Dr.
Lakeland, TN 38002-4290

M Y & K Li Yang
1000 Stanhope Rd.
Collierville, TN 38017-3289

Resident
9752 Misty Bay Cv.
Lakeland, TN 38002

FKH SFR Propco I LP
1850 Parkway Pl
Ste. 900
Marietta, GA 30067-8261

Marcus & Lela Coleman
9738 Tributary Lane
Arlington, TN 38002

Franklin Jr. & Dana Dobbs
9734 Tributary Lane
Arlington, TN 38002-9859

Latoya Brewer
9730 Tributary Lane
Arlington, TN 38002-9859

Lyndzie Rae Hopkins
2461 Monroe Ave.
Memphis, TN 38112-4313

Resident
9724 Tributary Lane
Arlington, TN 38002

VB One LLC
3500 Park Center Dr.
Ste. 100
Dayton, OH 45414-2680

Resident
9720 Tributary Lane
Arlington, TN 38002

Sunwai J Ng
8450 Butterfly View Ln
Bartlett, TN 38133-2789

Resident
9716 Tributary Cv.
Arlington, TN 38002

Patricia Dixon
9712 Tributary Cv.
Arlington, TN 38002-9843

Keith Neely
9708 Tributary Cv.
Arlington, TN 38002-9843

Progress Residential Borrower 19 LLC
P.O. Box 4090
Scottsdale, AZ 85261-4090

Resident
9702 Tributary Cv.
Arlington, TN 38002

Ahmed Feroze
4795 Shady Grove Rd.
Memphis, TN 38117-3325

Resident
9696 Tributary Cv.
Arlington, TN 38002

Tracey Leung Trust
34295 Barnfield Pl.
Fremont, CA 94555-2328

Michael & Jamie Bialowitz
9691 Tributary Cv.
Arlington, TN 38002-9843

Resident
9697 Tributary Cv.
Arlington, TN 38002

Al Mueed Enterprises LLC
4795 Shady Grove Rd.
Memphis, TN 38117-3325

Catrina Bowens
8232 Lindsay Gardens
The Colony, TX 75056-6445

Resident
9709 Tributary Cv.
Arlington, TN 38002

FKH SFR C2 LP
1850 Parkway Pl
Ste. 900
Marietta, GA 30067-8261

Java Trust
4730 S Fort Apache Rd.
Ste. 300
Las Vegas, NV 89147

Resident
2823 Java Dr.
Arlington, TN 38002

Progress Residential Borrower 6 LLC
P.O. Box 4090
Scottsdale, AZ 85261-4090

Resident
9714 Java Cv.
Arlington, TN 38002

David Bohline
712 W Pine Ave.
El Segundo, CA 90245-2929

Resident
9708 Java Cv.
Arlington, TN 38002

Yamasa Co LTD
P.O. Box 4090
Scottsdale, AZ 85261-4090

Resident
9704 Java Cv.
Arlington, TN 38002

Gloria Douglas
9700 Java Cv.
Ste. 2000
Arlington, TN 38002-9847

Nicholas & Rebekah Sammons
9696 Java Cv.
Arlington, TN 38002-9846

Darryl Mitchell
9695 Java Cv.
Arlington, TN 38002-9846

Minda & Patricia Dotson
9699 Java Cv.
Arlington, TN 38002

RAF Holdings LLC
4795 Shady Grove Rd.
Memphis, TN 38117-3325

Resident
2803 Java Cv.
Arlington, TN 38002

Steven Cunningham
2806 Java Dr.
Arlington, TN 38002

Al-Mueed Enterprises LLC
4795 Shady Grove Rd.
Memphis, TN 38117-3325

Resident
2810 Java Dr.
Arlington, TN 38002

Matthew Davis
2814 Java Dr.
Arlington, TN 38002-9848

David Fransen
2818 Java Dr.
Arlington, TN 38002-9848

Brian Bone
2824 Java Dr.
Arlington, TN 38002-9848

Khemrak Khun
9723 Tributary Lane
Arlington, TN 38002-9861

Resident
9729 Tributary Lane
Arlington, TN 38002

Peter Lucas Revocable Trust
2228 Westminster Ave.
Alhambra, CA 91803-3727

Resident
9735 Tributary Lane
Arlington, TN 38002

Eugenio Najera
9739 Tributary Lane
Arlington, TN 38002-9861

Pepper Walker
2823 Misty Bay Dr.
Arlington, TN 38002-8218

Faith & Work LLC
9606 Silver Fox Ct.
Oakdale, CA 95361-9497

Resident
2817 Misty Bay Dr.
Arlington, TN 38002

Resident
2811 Misty Bay Dr.
Arlington, TN 38002

**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: 12/19/2023
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 of land municipally addressed as 3549, 3555, and 3561 Fuller Rd. from the Residential Single-Family – 6 (R-6) Use District and including it in the Employment (EMP) Use District, known as case number Z 2023-013

CASE NUMBER: Z 2023-013

LOCATION: 3549, 3555, and 3561 Fuller Rd.

COUNCIL DISTRICTS: District 3 and Super District 8

OWNER/APPLICANT: Fleet Equipment, LLC

REPRESENTATIVES: Cindy Reaves of SR Consulting, LLC

REQUEST: Rezoning of +/-0.538 acres from Residential Single-Family – 6 (R-6) to Employment (EMP)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
First reading / Set date for public hearing – November 21, 2023
Second reading – December 5, 2023
Third reading / Public hearing – December 19, 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:

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



Memphis City Council Summary Sheet

Z 2023-013

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 OF LAND MUNICIPALLY ADDRESSED AS 3549, 3555, AND 3561 FULLER RD. FROM THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-013

- 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, November 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2023-013
LOCATION: 3549, 3555, and 3561 Fuller Rd.
COUNCIL DISTRICTS: District 3 and Super District 8
OWNER/APPLICANT: Fleet Equipment, LLC
REPRESENTATIVES: Cindy Reaves of SR Consulting, LLC
REQUEST: Rezoning of +/-0.538 acres from Residential Single-Family – 6 (R-6) to Employment (EMP)

The following spoke in support of the application: Cindy Reaves

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.

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 OF LAND MUNICIPALLY ADDRESSED AS 3549, 3555, AND 3561 FULLER RD. FROM THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-013

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: 2023-013**; 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 SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

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

BOUNDARY

Beginning at a point in the south line of Fuller Road (40' ROW), approximately 319 feet east of the east line of Lamar Avenue; thence S88°22'41"E a distance of 182.07 feet to a point; thence S00°05'01"W a distance of 126.31 feet to a point; thence N89°54'59"W a distance of 182.00 feet to a point; thence N00°05'01"E a distance of 131.20 feet to the point of beginning and containing 0.538 acres of land more or less.

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.



Memphis City Council Summary Sheet

SUP 23-031

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 3215 JACKSON AVENUE, KNOWN AS CASE NUMBER SUP 23-031

- This item is a resolution with conditions for a special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 1 (CMU-1); and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2023-031

LOCATION: 3215 Jackson Avenue

COUNCIL DISTRICT(S): District 7 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Rafat Khmous

REPRESENTATIVE: Christine Donhardt and Mike Davis, The Reaves Firm

REQUEST: Special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 1 (CMU-1)

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

AREA: +/-0.700 acres

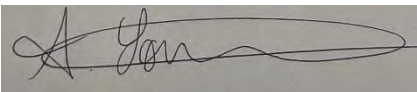
The following spoke in support of the application: None

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 9-0 on the consent agenda.

Respectfully,



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

Cc: Committee Members
File

SUP 23-031
CONDITIONS

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. The Macon Road elevation shall have a minimum transparency of 20% situated between 2 and 12 ft. above the adjacent sidewalk.
4. All lighting shall be installed and maintained up to code in respect to the residential zoning located south and east of the subject property.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing board(s).
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

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 3215 JACKSON AVENUE, KNOWN AS CASE NUMBER SUP 2023-031

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, Rafat Khmous filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience store with gas sales in the Commercial Mixed Use – 1 (CMU-1); 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 December 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.

ATTEST:

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

CONDITIONS

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. The Macon Road elevation shall have a minimum transparency of 20% situated between 2 and 12 ft. above the adjacent sidewalk.
4. All lighting shall be installed and maintained up to code in respect to the residential zoning located south and east of the subject property.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing board(s).
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

SITE PLAN NOTES

GENERAL SITE NOTES:

1. UNLESS NOTED OTHERWISE, ALL PAVEMENT DIMENSIONS ARE TO FACE OF CURB.
2. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL PROPERTIES.
3. CONTRACTOR SHALL NOT ENTER UPON, WORK UPON NOR CAUSE DAMAGE TO ANY ADJACENT PROPERTIES WITHOUT PRIOR PERMISSION FROM SAID PROPERTY OWNER.
4. 4,000 PSI 28 DAY COMPRESSIVE STRENGTH CONCRETE WITH CLASS A LIMESTONE AGGREGATE AND AIR ENTRAINED (6%) 6 BAG MIX, IS REQUIRED ON ALL CURBS AND GUTTER, SIDEWALK AND ANY OTHER FLATWORK UNLESS NOTED OTHER WISE (UNO), SEE DETAILS.
5. UPON COMPLETION OF PAVING OPERATIONS, THE CONTRACTOR SHALL INSTALL THE PAVEMENT STRIPES AND MARKINGS SHOWN HEREON. THE STANDARD PARKING STRIPES SHALL BE 4" WIDE WHITE PAINTED STRIPES (UNO). SEE SHEET C2.2.
6. LOCATION OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT NECESSARILY ALL THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE APPROPRIATE UTILITY AND UNDERGROUND COMPANY PRIOR TO THE INITIATION OF ANY CONSTRUCTION. CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR DAMAGE TO ANY UTILITIES ENCOUNTERED WITHIN CONSTRUCTION PERIMETERS. FOR SITE LOCATION OF EXISTING UTILITIES INVOLVING MLG&W SOUTH CENTRAL BELL AND/OR TEXAS GAS COMPANY, CALL 1-800-351-111. FOR SEWER LOCATIONS CALL 901-529-8025.
7. CONTRACTOR SHALL NOTIFY THE SHELBY COUNTY CONSTRUCTION INSPECTION OFFICE AT 901-576-4320 AND THE CITY CONSTRUCTION INSPECTION OFFICE AT 901-729-2462, AND THE CITY OF MEMPHIS ENGINEERING OFFICE AT 901-576-6710, A MINIMUM OF 24 HOURS PRIOR TO BEGINNING CONSTRUCTION.
8. PROTECT EXISTING OVERHEAD POWER LINES TO REMAIN IN SERVICE DURING ALL PHASES OF CONSTRUCTION. COORDINATE ANY REMOVAL OR RELOCATION AS NECESSARY WITH LOCAL UTILITY PROVIDERS, THE SITE ELECTRICAL PLANS AND THE OWNER.
9. PROTECT ON-SITE LIGHTING AND SECURITY COMPONENTS DURING CONSTRUCTION. COORDINATE THE REMOVAL OR RELOCATION IF NECESSARY WITH THE SITE ELECTRICAL PLANS.
10. CONTRACTOR SHALL OBTAIN STREET CUT PERMITS AS NECESSARY FROM THE CITY OF MEMPHIS.
11. ALL CONSTRUCTION WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAY SHALL MEET OR EXCEED THE CITY OF MEMPHIS STANDARD SPECIFICATIONS. CONSTRUCTION WITHIN PRIVATE DEVELOPMENTS SHALL BE REVIEWED ON A CASE-BY-CASE BASIS.
12. THE CONTRACTOR SHALL HAVE WRITTEN APPROVAL FROM THE CITY ENGINEER AND THE PROJECT ENGINEER BEFORE ANY CHANGE IN DESIGN IS MADE.
13. THE CONTRACTOR SHALL COORDINATE THE PHASING OF THIS PROJECT WITH THE ARCHITECT.
14. SEE ARCHITECT FOR HANDRAIL(S).
15. ALL CONSTRUCTION WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAY SHALL MEET OR EXCEED THE CITY OF MEMPHIS STANDARD SPECIFICATIONS. CONSTRUCTION WITHIN PRIVATE DEVELOPMENTS SHALL BE REVIEWED ON A CASE-BY-CASE BASIS.
16. ALL NEW SIDEWALKS AND RAMPS TO MEET ADA REQUIREMENTS.
17. SEE ARCH PLAN FOR FENCE AND GATE TYPE, LOCATIONS AND DETAILS.

SITE DATA:

ZONING:	CMU-1
LAND USE:	GAS STATION W/ CONVENIENCE STORE
SITE AREA:	0.700 ACRES (30,532 SF)
TOTAL BUILDING AREA:	3,111 SF
VEHICLE PARKING:	11 SPACES
REGULAR:	10
HANDICAP:	1 SPACES
BIKE PARKING:	4 SPACES
SETBACKS	
JACKSON:	60 FEET
MACON:	30 FEET
SIDE:	10 FEET
REAR:	10 FEET

AGENDA ITEM: 15

CASE NUMBER: SUP 2023-031

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

LOCATION: 3215 Jackson Avenue

OWNER/APPLICANT: Rafat Khmous

REPRESENTATIVE: Christine Donhardt and Mike Davis, The Reaves Firm

REQUEST: Special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 1 (CMU-1).

AREA: +/-0.700 acres

EXISTING ZONING: Commercial Mixed Use - 1

CONCLUSIONS

1. The applicant is seeking a special use permit to allow a convenience store with gas sales in CMU-1.
2. The property is an existing operating fuel station with a “kiosk style” facility under the canopy that will be replaced with two additional gas pumps.
3. There is an inoperable car wash on the property that is to be demolished which will contribute to the available space to construct the proposed convenience store.
4. This property abuts Residential Urban – 1 (RU-1) Zoning.
5. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 16 - 18 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Macon Road +/-187.4 linear feet
Jackson Avenue +/-154.9 linear feet

Zoning Atlas Page: 2425

Parcel ID: 038025 00014

Existing Zoning: Commercial Mixed Use - 1

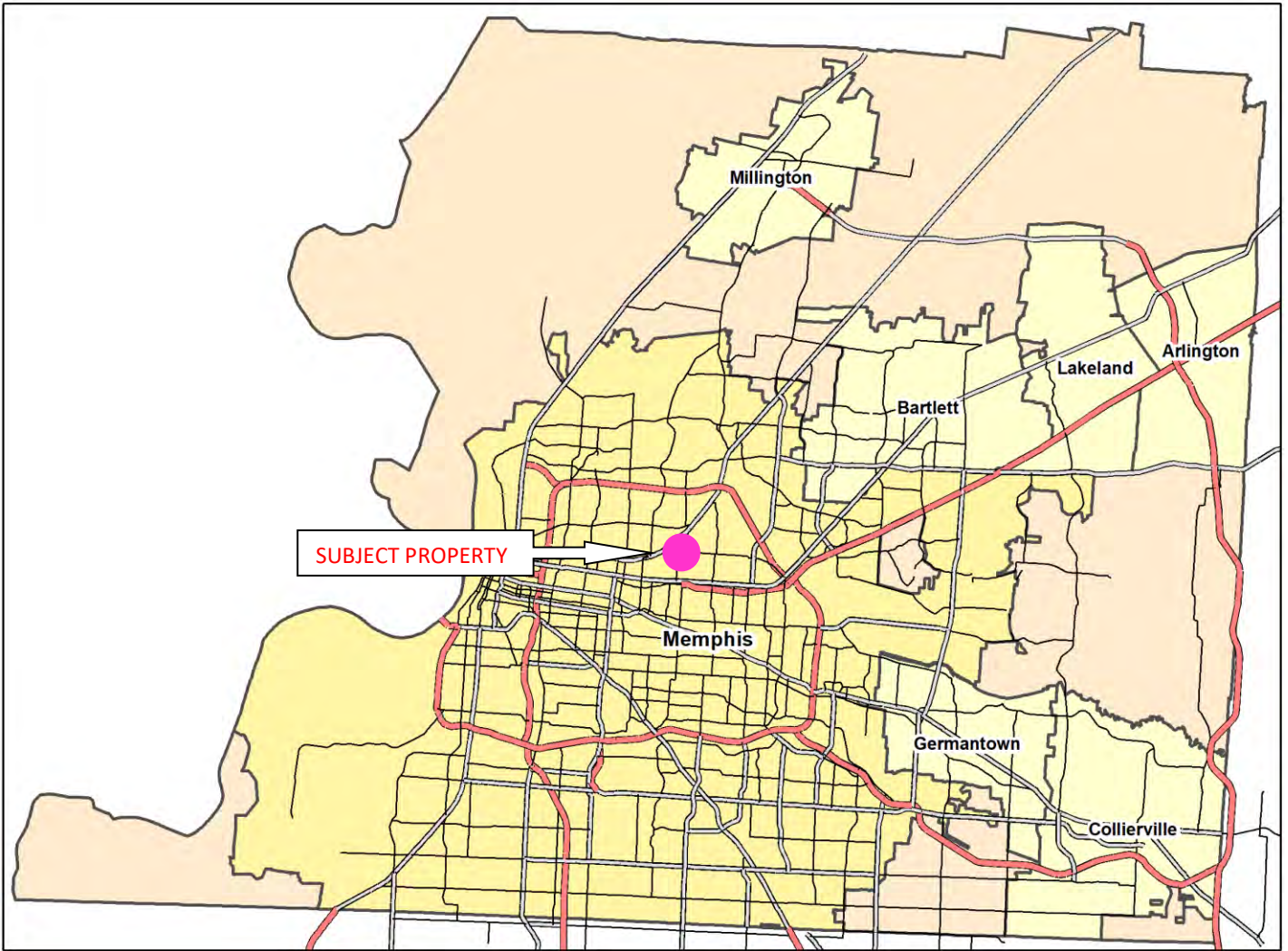
NEIGHBORHOOD MEETING

The meeting was held at 3:00 PM on Thursday, November 30, 2023, at Randolph Library, 3752 Given Avenue.

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 57 notices were mailed on November 29, 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, The Heights neighborhood

VICINITY MAP



Site highlighted in yellow

AERIAL



Subject property outlined in orange, imagery from 2023

ZONING MAP



Subject property indicated by a pink star.

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

Surrounding Zoning

North: CMU-1

East: Residential Urban – 1 (RU-1)

South: CMU-1

West: Employment (EMP)

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Jackson Avenue

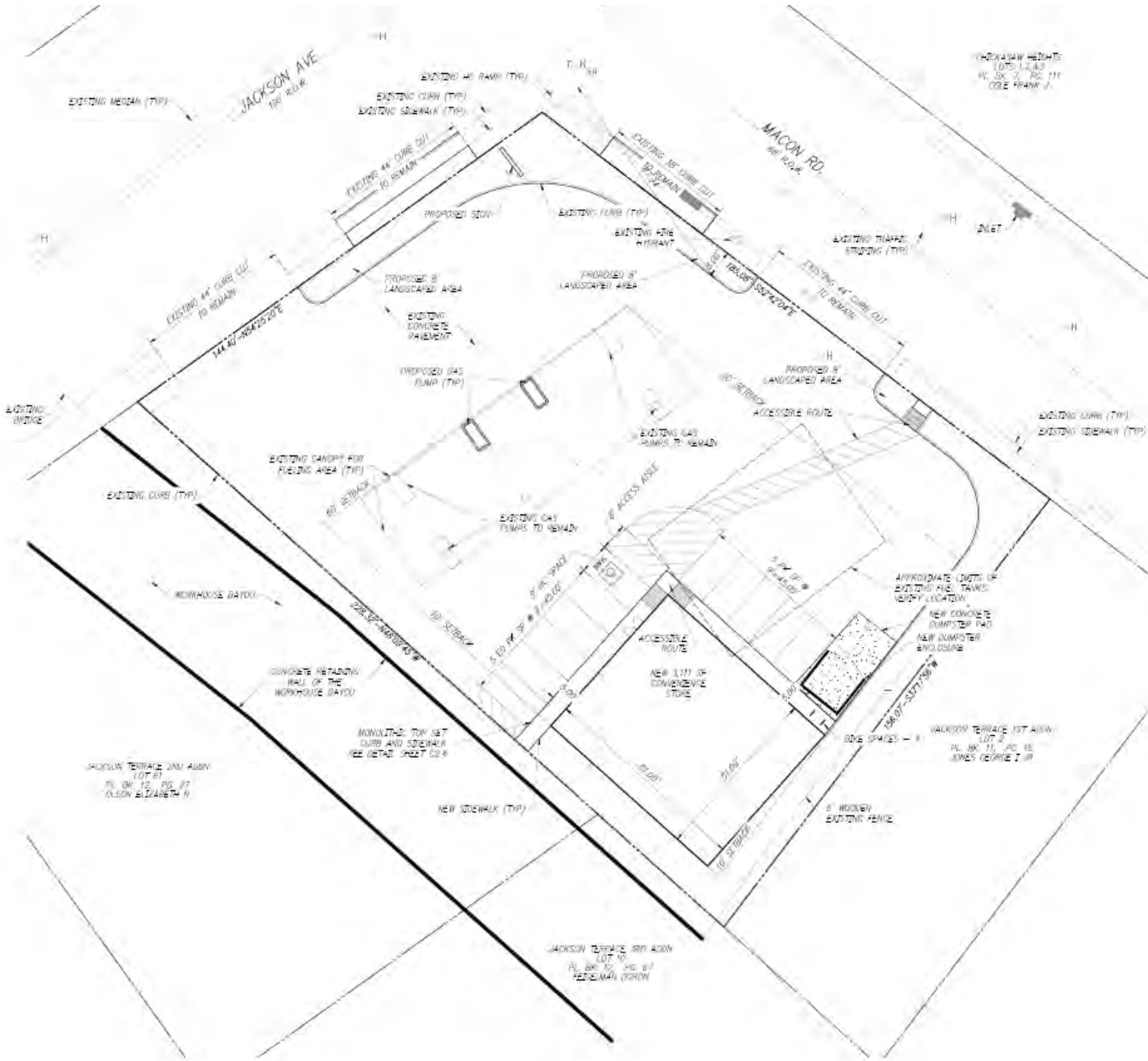


View of subject property from Macon Road



View of subject property from Macon Road

SITE PLAN



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HANDICAP:	1 SPACES
BIKE PARKING:	4 SPACES
SETBACKS	
JACKSON:	60 FEET
MACON:	30 FEET
SIDE:	10 FEET
REAR:	10 FEET

LANDSCAPE PLAN



Plant Materials List

Botanical Name	Common Name	Quantity	Height	Caliper	Spread	Notes
CARPINUS BETULUS 'COLUMNARIS'	COLUMNAR HORNBREAM	7	12-14'	2 1/2"	—	FULL, WELL-BRANCHED
ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	7	—	—	—	#3 CONTAINER
ILEX VOMITORIA 'CONDEAUX'	'BORDEAUX' DWARF YAUPON	20	—	—	—	#3 CONTAINER
ILEX 'FOSTERI NO. 2'	'FOSTER'S NO. 2' HOLLY	6	5-6'	—	2 1/2-3'	TREEFORM; FULL, WELL-BRANCHED
LIRIOPE MUSCARI VARIEGATA	VARIEGATED LIRIOPE	90	—	—	—	4" POTS
LOROPETALUM CHINENSE	LOROPETALUM	3	—	—	—	#3 CONTAINER
CYNODON DACTYLON 'TIFWAY'	'TIFWAY' BERMUDA SOD	REPAIR / REPLACE SOD WHERE NECESSARY TO INSURE GROUND COVER				

Planting Notes

- MULCH ALL BEDS AND TREE RINGS WITH A MINIMUM DEPTH OF 3" HARDWOOD MULCH
- STAKE ALL B & B TREES PER DETAIL
- TILL TOP 6" OF SOIL IN ALL BED AREAS AND AMEND WITH SAND AND PEAT TO ASSURE PROPER DRAINAGE AND PERCOLATION
- TEST pH OF SOIL AND AMEND ALL BED AREAS WITH CHEMICALS AND FERTILIZER TO ASSURE THE BEST POSSIBLE GROWTH ENVIRONMENT FOR THE SPECIFIED PLANT MATERIAL
- APPLY PREEMERGENTS IN ALL BED AREAS PRIOR TO PLANTING TO PREVENT WEED GROWTH
- ROLL, WATER AND FERTILIZE ALL SOD AREAS TO PROVIDE A SMOOTH MOWING SURFACE FREE OF GAPS AND IRREGULAR JOINTS
- CONTRACTOR RESPONSIBLE FOR A PERMANENT STAND OF TURFGRASS WHERE SEEDING IS SPECIFIED. SEED AS NECESSARY TO ESTABLISH TURF IN ALL AREAS DAMAGED BY CONSTRUCTION.
- LANDSCAPE ARCHITECT RETAINS THE RIGHT TO REJECT ANY PLANT MATERIAL AT ANY TIME IF IT DOES NOT MEET THE SPECIFICATIONS ON THE PLANT MATERIALS LIST
- PRUNE PLANTS AFTER PLANTING TO ASSURE CONSISTENCY IN GROWTH HABIT
- CONTRACTOR TO GUARANTEE ALL PLANT MATERIAL INCLUDING SOD FOR A PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE. REPLACEMENTS WILL ALSO BE GUARANTEED FOR A PERIOD OF ONE YEAR AFTER INSTALLATION
- CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO UTILITIES DURING THE COURSE OF THE WORK. CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO UTILITIES, SITE STRUCTURES, ETC. RESULTING FROM LANDSCAPE CONSTRUCTION.
- ALL PLANTS MUST BE VIGOROUS, HEALTHY MATERIAL, FREE OF PESTS AND DISEASE.
- ALL PLANTS AND TREES MUST MEET ALL REQUIREMENTS SPECIFIED IN THE PLANT MATERIALS LIST, THE DETAILS, AND SPECIFICATIONS
- ANY MATERIAL WHICH DIES, OR DEFOOLIATES (PRIOR TO ACCEPTANCE OF THE WORK) WILL BE PROMPTLY REMOVED AND REPLACED.
- STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GENERAL GUIDELINE SPECIFICATIONS ONLY AND WILL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
- LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIALS UNTIL SUBSTANTIAL COMPLETION OF THE INSTALLATION.



ELEVATIONS





STAFF ANALYSIS

Request

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

The request is for a special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 1 (CMU-1).

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.*

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2023-031 The Heights

Site Address/Location: 3215 Jackson Avenue

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

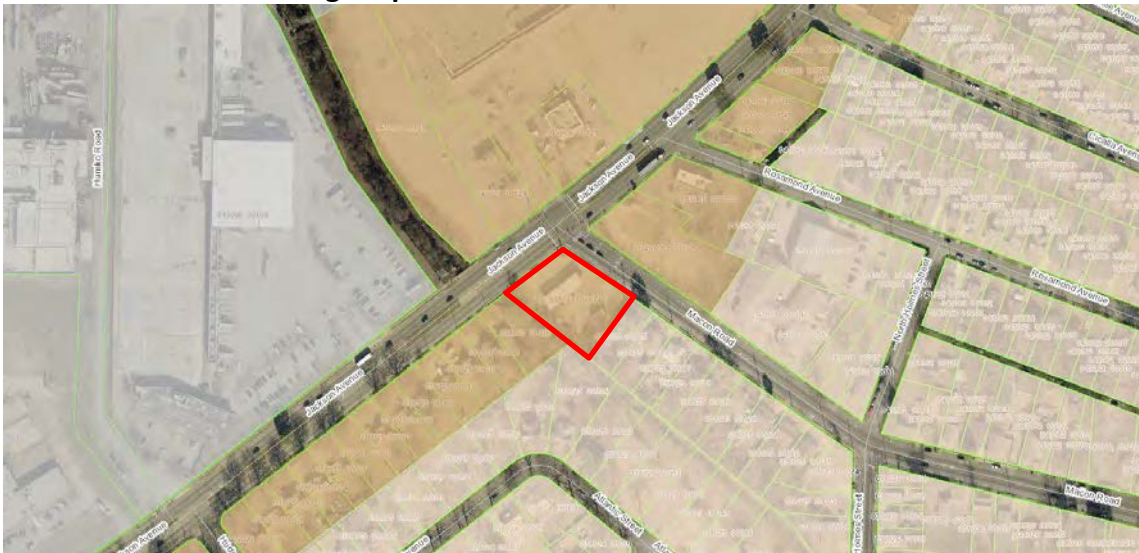
Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Avenue & Parkway

The applicant is requesting a special use permit to build a convenience store with gas sales.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height.

“CSL” Zoning Notes

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

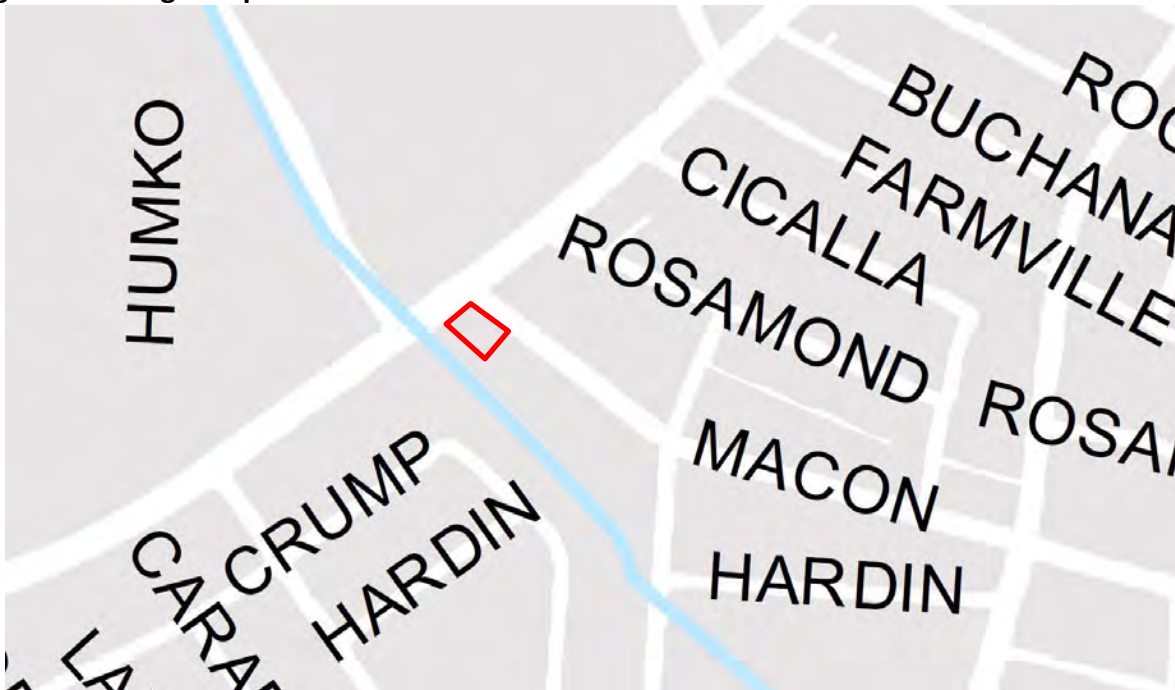
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Multi-family, Commercial, single-family, Industrial, Office, and Parking; RU-1, EMP, and CMU-1.

Overall Compatibility: *The requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes as a proposed gas station is too intense for low-intensity commercial. However, as the proposal is only to refurbish and update the existing convenience store with additional site improvements at a fully operational gas station, it will align with the updated standards of UDC. Additionally, the new site improvements will not interfere with the character of the surrounding neighborhoods. However, staff recommends developing a denser landscape buffer between the C-store and the abutting residential property at the southeast corner to maintain the safety and privacy of that property.*

Degree of Change Map



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

3. Degree of Change Description

N/A

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

N/A

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

N/A

Consistency Analysis Summary

The applicant is requesting a special use permit to build a convenience store with gas sales.

The requested use is incompatible with the land use description/intent, form & location characteristics, zoning

notes as a proposed gas station is too intense for low-intensity commercial. However, as the proposal is only to refurbish and update the existing convenience store with additional site improvements at a fully operational gas station, it will align with the updated standards of UDC. Additionally, the new site improvements will not interfere with the character of the surrounding neighborhoods. However, staff recommends developing a denser landscape buffer between the C-store and the abutting residential property at the southeast corner to maintain the safety and privacy of that property.

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

Conclusions

1. The applicant is seeking a special use permit to allow a convenience store with gas sales in CMU-1.
2. The property is an existing operating fuel station with a “kiosk style” facility under the canopy that will be replaced with two additional gas pumps.
3. There is an inoperable car wash on the property that is to be demolished which will contribute to the available space to construct the proposed convenience store.
4. This property abuts Residential Urban – 1 (RU-1) Zoning.
5. 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. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. The Macon Road elevation shall have a minimum transparency of 20% situated between 2 and 12 ft. above the adjacent sidewalk.
4. All lighting shall be installed and maintained up to code in respect to the residential zoning located south and east of the subject property.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing board(s).
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

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.

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.

- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.

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

City Real Estate:	No comments received.
City/County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	See comments on page 19.
Office of Comprehensive Planning:	See comments on page 16 – 18.

OSR COMMENTS



Robin Richardson
Planner II
Office of Sustainability and Resilience
125 N. Main St., Memphis, TN 38103
Dorothy.Richardson1@memphistn.gov

MEMORANDUM

To: Alexis Longstreet, Planner I
From: Robin Richardson, Planner II
Date: December 4, 2023
Subject: OSR Comments on SUP 23-31: THE HEIGHTS

General Comments & Analysis:

Located in Zone 2 of the Resilience Zone Framework:

Zone 2 areas have risks that can be mitigated with enhanced infrastructure. This zone includes areas with known localized flash flooding and/or insufficient storm drainage. Developing in Zone 2 is risky, but the risk can be mitigated. Consider the impact of new and existing development on localized flooding and propose measures to mitigate runoff and utilize potential development to mitigate areas of flood risk.

The parcel's designation in Zone 2 is due to reported flooding nearby at the intersection of Jackson Ave. and Macon Rd., the intersection immediately adjacent to the parcel.

The parcel is also immediately adjacent to Workhouse Bayou to the south. This is a channelized stream that is a tributary of the Wolf River. The Tennessee Department of Environmental Conservation (TDEC) has determined that neither Workhouse Bayou nor the Wolf River are currently supporting its classified uses due to poor water quality.

The applicant is requesting a special use permit to allow the reconstruction of an existing gas station on the parcel. The new site plan calls for the removal of a car wash from the site, and it will increase the amount of permeable surfaces close to the street through the addition of landscaping.

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

This request for a special use permit is generally consistent with the Mid-South Regional Resilience Master Plan. Section 4.1 – Resilient Sites notes that development in Zone 2 can be risky due to the area's likelihood of flash flooding, though this risk can be mitigated by addressing drainage concerns and ensuring that the development does not exacerbate existing issues. A significant portion of the intersection where this site is located is impermeable surface, which may be contributing to reported flash flooding in the area, as water would be unable to absorb into the ground following a large rain

event. The addition of permeable surfaces at the corner of Jackson Avenue and Macon Road may help address some of these concerns.

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

Recommendations: Staff has no recommendations.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: November 9, 2023

Record Number: SUP 2023-031

Expiration Date:

Record Name: Jackson Ave Convenience Store

Description of Work: On behalf of Jackson Ave LLC, we are submitting the enclosed application to the Office of Planning and Development seeking Special Use Permit from the Land Use Control Board in order to reconstruct a convenience store that is at a fully operational gas station. Currently this gas station has the original, outdated convenience store under its canopy and a carwash. Our client would like to demolish both the carwash and convenience store to build a larger, brick convenience store and add two additional pumps under the canopy in its place.

Parent Record Number:

Address:

3215 JACKSON AVE, MEMPHIS 38122

Owner Information

Primary Owner Name

Y JACKSON AVENUE LLC

Owner Address

2903 S PERKINS RD, MEMPHIS, TN 38118

Owner Phone

Parcel Information

038025 00014

Data Fields

PREAPPLICATION MEETING

PREAPPLICATION MEETING

Name of OPD Planner Jeffrey
Date of Meeting 11/01/2023
Pre-application Meeting Type In Person

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)
List any relevant former Docket / Case ASPR 23-085
Number(s) related to previous applications on this site

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

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

APPROVAL CRITERIA

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

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations Our client is seeking to reconstruct a convenience store that is at a fully operational gas station. The use of the adjacent property will not be affected.

UDC Sub-Section 9.6.9C The area has all the public facilities needed for this use.

UDC Sub-Section 9.6.9D Agreed.

UDC Sub-Section 9.6.9E Agreed.

UDC Sub-Section 9.6.9F Agreed.

GIS INFORMATION

Case Layer BOA1984-085

Central Business Improvement District No

Class C

Downtown Fire District No

Historic District -

Land Use COMMERCIAL

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-3

State Route 1

Lot 0 1

Subdivision JACKSON TERRACE 1ST ADDITION

Planned Development District -

Wellhead Protection Overlay District No

Contact Information

Name
JACKSON AVENUE LLC

Contact Type
APPLICANT

Address

Phone
-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1516885	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	11/09/2023

Total Fee Invoiced: \$0.00

Total Balance: \$0.00

Comments

Date	Comment
11/13/2023	APPLICATION CLONED FROM RECORD # ASPR 2023-085.

LETTER OF INTENT



November 9, 2023

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

RE: Convenience Store, 3215 Jackson Ave

Dear Mr. Ragsdale:

On behalf of Jackson Avenue, LLC, we are submitting the enclosed Special Use Permit application for the referenced site. The existing convenience store facility at this location remains fully operational but is in need of refurbishment and updating. Our request includes preservation of the existing fuel pump canopy, demolition of the existing "kiosk" style facility under the canopy to be replaced by two additional gas pumps, demolition of a detached car wash and construction of a new modern brick convenience store north of the fuel canopy. In addition, the overall site will be renovated to meet today's UDC standards.

Your consideration of this application is greatly appreciated.

Sincerely,

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

Mike Davis, R.L.A.
Principal

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Noah Hall, being duly sworn, depose and say that at 4:30 am/pm on the 4th day of December, 2023, I posted 2 Public Notice Sign(s) pertaining to Case No. SUP 23-31 at 3215 Jackson Ave, 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

12-4-23
Date

Subscribed and sworn to before me this 4th day of Dec, 2023.

[Signature]
Notary Public

My commission expires: 9-8-27



LETTERS RECEIVED

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



Record Summary for Special Use Permit

Record Detail Information

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Record Status: Assignment

Opened Date: November 9, 2023

Record Number: SUP 2023-031

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UDC Sub-Section 9.6.9E Agreed.

UDC Sub-Section 9.6.9F Agreed.

GIS INFORMATION

Case Layer BOA1984-085

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Class C

Downtown Fire District No

Historic District -

Land Use COMMERCIAL

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-3

State Route 1

Lot 0 1

Subdivision JACKSON TERRACE 1ST ADDITION

Planned Development District -

Wellhead Protection Overlay District No

Contact Information

Name
JACKSON AVENUE LLC

Contact Type
APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Balance: \$0.00

Comments

Date	Comment
11/13/2023	APPLICATION CLONED FROM RECORD # ASPR 2023-085.



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

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Sincerely,

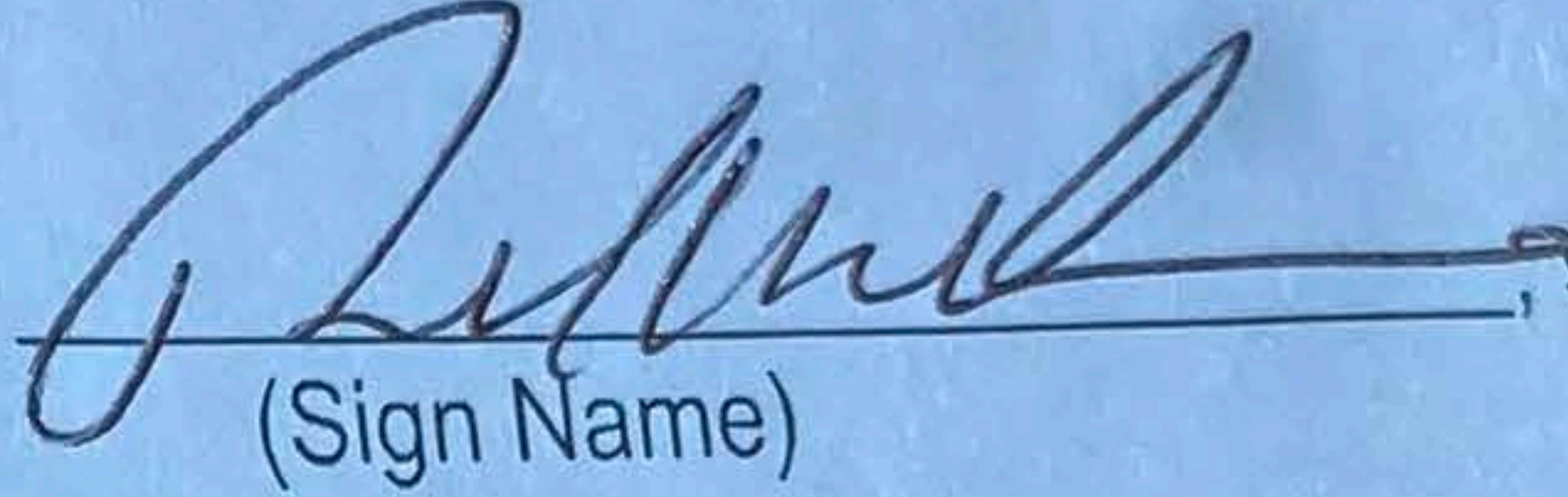
A handwritten signature in blue ink, appearing to read 'Mike Davis'.

Mike Davis, R.L.A.
Principal

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, RAFAT KHMOUS , 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):

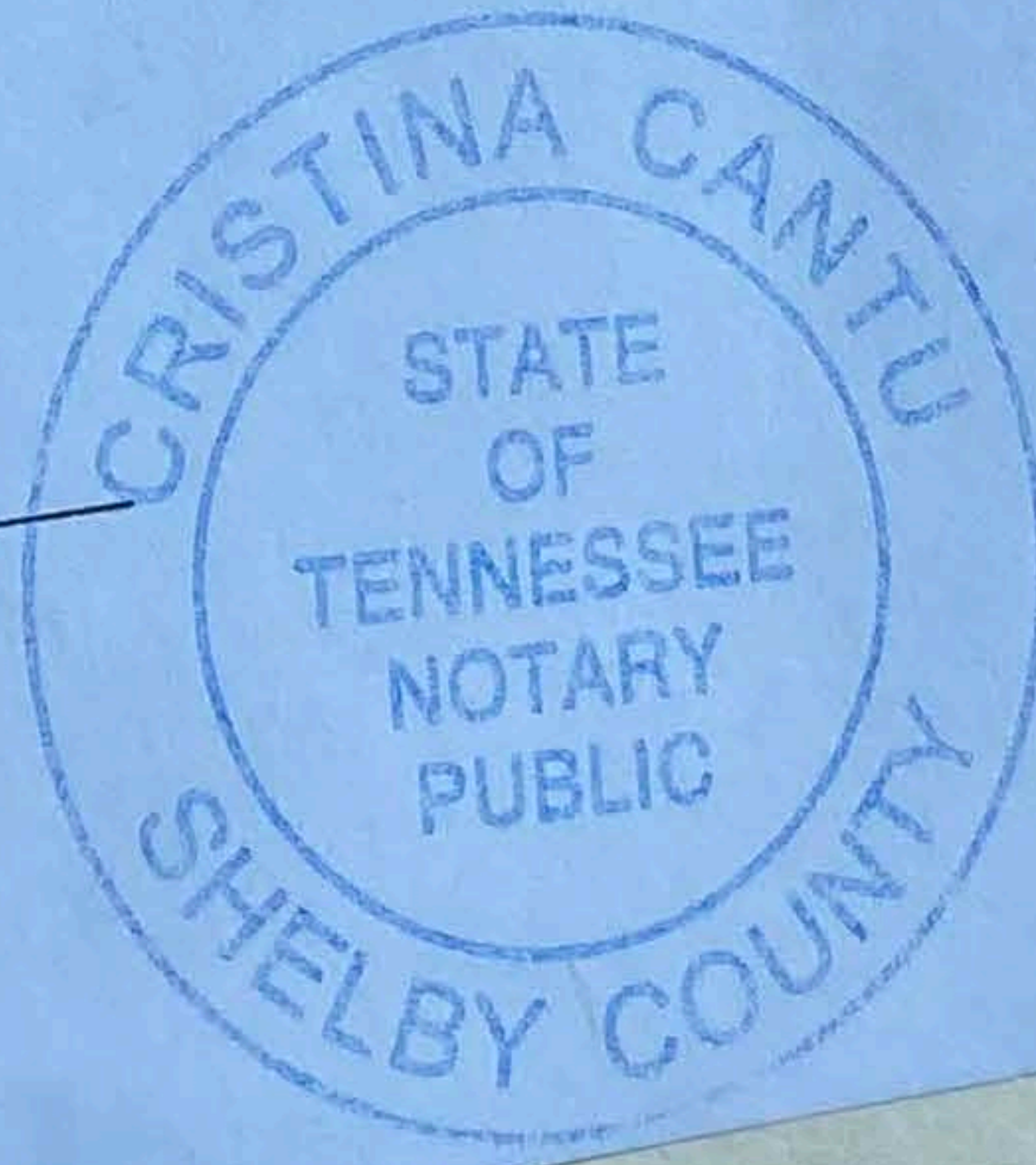
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in 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 3215 Jackson Ave
and further identified by Assessor's Parcel Number 038025 00014
for which an application is being made to the Division of Planning and Development.

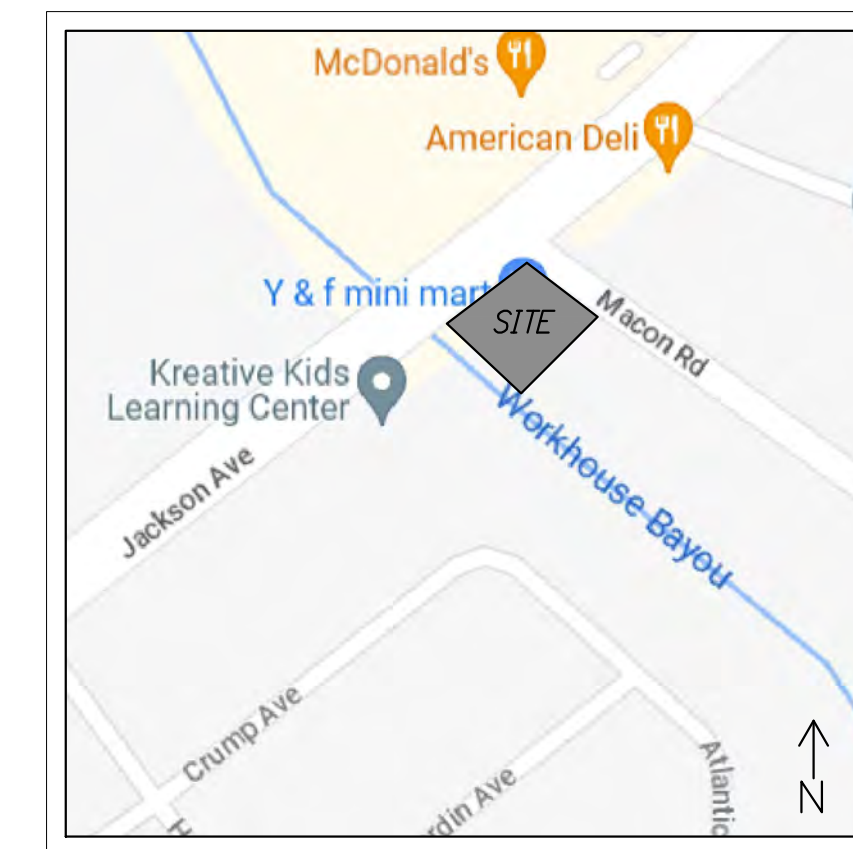
Subscribed and sworn to (or affirmed) before me this 26th day of September in the year of 2023.

Cristina Cantu
Signature of Notary Public

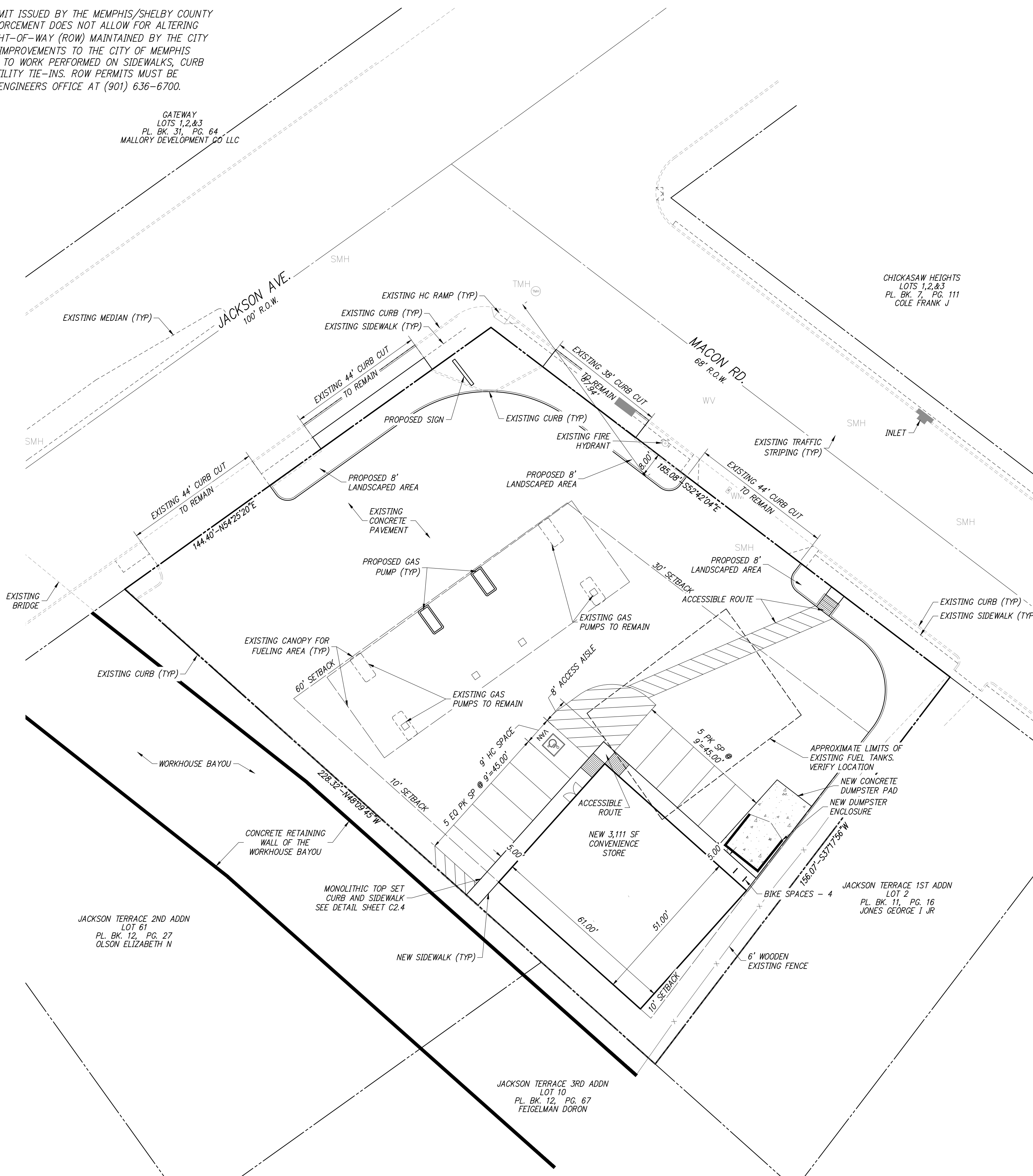


May 17, 2026
My Commission Expires

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



VICINITY MAP
NTS



GENERAL SITE NOTES:

- UNLESS NOTED OTHERWISE, ALL PAVEMENT DIMENSIONS ARE TO FACE OF CURB.
- CONTRACTOR SHALL MAINTAIN ACCESS TO ALL PROPERTIES.
- CONTRACTOR SHALL NOT ENTER UPON, WORK UPON NOR CAUSE DAMAGE TO ANY ADJACENT PROPERTIES WITHOUT PRIOR PERMISSION FROM SAID PROPERTY OWNER.
- 4,000 PSI 28 DAY COMPRESSIVE STRENGTH CONCRETE WITH CLASS A LIMESTONE AGGREGATE AND AIR ENTRAINED (6%) 6 BAG MIX, IS REQUIRED ON ALL CURBS AND GUTTER, SIDEWALK AND ANY OTHER FLATWORK UNLESS NOTED OTHERWISE (UNO). SEE DETAILS.
- UPON COMPLETION OF PAVING OPERATIONS, THE CONTRACTOR SHALL INSTALL THE PAVEMENT STRIPES AND MARKINGS SHOWN HEREON. THE STANDARD PARKING STRIPES SHALL BE 4" WIDE WHITE PAINTED STRIPES (UNO). SEE SHEET C2.2.
- LOCATION OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT NECESSARILY ALL THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE APPROPRIATE UTILITY AND UNDERGROUND COMPANY PRIOR TO THE INITIATION OF ANY CONSTRUCTION. CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR DAMAGE TO ANY UTILITIES ENCOUNTERED WITHIN CONSTRUCTION PERIMETERS. FOR SITE LOCATION OF EXISTING UTILITIES INVOLVING M/G&W SOUTH CENTRAL BELL AND/OR TEXAS GAS COMPANY, CALL 1-800-351-111. FOR SEWER LOCATIONS CALL 901-529-8025.
- CONTRACTOR SHALL NOTIFY THE SHELBY COUNTY CONSTRUCTION INSPECTION OFFICE AT 901-576-4320 AND THE CITY CONSTRUCTION INSPECTION OFFICE AT 901-729-2462, AND THE CITY OF MEMPHIS ENGINEERING OFFICE AT 901-576-6710, A MINIMUM OF 24 HOURS PRIOR TO BEGINNING CONSTRUCTION.
- PROTECT EXISTING OVERHEAD POWER LINES TO REMAIN IN SERVICE DURING ALL PHASES OF CONSTRUCTION. COORDINATE ANY REMOVAL OR RELOCATION AS NECESSARY WITH LOCAL UTILITY PROVIDERS, THE SITE ELECTRICAL PLANS AND THE OWNER.
- PROTECT ON-SITE LIGHTING AND SECURITY COMPONENTS DURING CONSTRUCTION. COORDINATE THE REMOVAL OR RELOCATION IF NECESSARY WITH THE SITE ELECTRICAL PLANS.
- CONTRACTOR SHALL OBTAIN STREET CUT PERMITS AS NECESSARY FROM THE CITY OF MEMPHIS.
- ALL CONSTRUCTION WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAY SHALL MEET OR EXCEED THE CITY OF MEMPHIS STANDARD SPECIFICATIONS. CONSTRUCTION WITHIN PRIVATE DEVELOPMENTS SHALL BE REVIEWED ON A CASE-BY-CASE BASIS.
- THE CONTRACTOR SHALL HAVE WRITTEN APPROVAL FROM THE CITY ENGINEER AND THE PROJECT ENGINEER BEFORE ANY CHANGE IN DESIGN IS MADE.
- THE CONTRACTOR SHALL COORDINATE THE PHASING OF THIS PROJECT WITH THE ARCHITECT.
- SEE ARCHITECT FOR HANDRAIL(S).
- ALL CONSTRUCTION WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAY SHALL MEET OR EXCEED THE CITY OF MEMPHIS STANDARD SPECIFICATIONS. CONSTRUCTION WITHIN PRIVATE DEVELOPMENTS SHALL BE REVIEWED ON A CASE-BY-CASE BASIS.
- ALL NEW SIDEWALKS AND RAMPS TO MEET ADA REQUIREMENTS.
- SEE ARCH PLAN FOR FENCE AND GATE TYPE, LOCATIONS AND DETAILS.

SITE DATA:

ZONING:	CMU-1
LAND USE:	GAS STATION W/ CONVENIENCE STORE
SITE AREA:	0.700 ACRES (30,532 SF)
TOTAL BUILDING AREA:	3,111 SF
VEHICLE PARKING:	11 SPACES
REGULAR:	10
HANDICAP:	1 SPACES
BIKE PARKING:	4 SPACES
SETBACKS:	
JACKSON:	60 FEET
MACON:	30 FEET
SIDE:	10 FEET
REAR:	10 FEET

SANITARY SEWER NOTES:

- NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) WILL BE ALLOWED WITHIN SANITARY SEWER EASEMENT. NO OTHER UTILITIES OR SERVICES MAY OCCUPY SANITARY SEWER EASEMENTS IN PRIVATE DRIVES AND YARDS EXCEPT FOR CROSSINGS.
- THE CITY OF MEMPHIS SHALL HAVE INGRESS/EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES AND YARDS.
- ANY IMPROVEMENTS ENCRDACHING SANITARY SEWER EASEMENTS WHICH ARE NOT AUTHORIZED BY THE CITY OF MEMPHIS MAY BE REMOVED BY THE CITY AT ANY TIME AND THE CITY SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID IMPROVEMENTS.

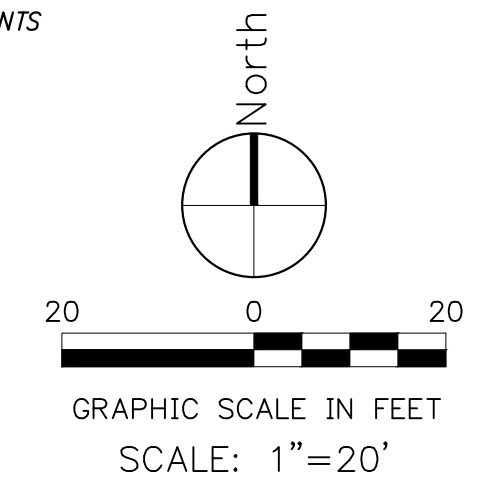
100-YEAR FLOODZONE INFORMATION:
NO PORTION OF THIS PROPERTY LIES WITHIN THE 100-YEAR FLOODPLAIN OR FLOODWAY AS SHOWN ON FEMA MAP NUMBER 47157C0290F DATED SEPTEMBER 28, 2007 FOR SHELBY COUNTY, TN. BASE FLOOD ELEVATION: ±233

THIS SITE LIES WITHIN THE WS-4 SEWER BASIN
THIS SITE LIES WITHIN THE WORKHOUSE 3-D DRAINAGE BASIN

SEE ARCH PLAN FOR BUILDING LAYOUT AND DIMENSION. VERIFY DOOR/ENTRY LOCATIONS AND ELEVATIONS WITH ARCH PLAN PRIOR TO CONSTRUCTION.

CITY BENCHMARK #364 JACKSON AVE. & MACON RD.
MAP & BLK: 028-G
PB & PG: 6424-64
CITY MONUMENT IS LOCATED ON THE NE COR., AT B/CURB, 14' E. OF ER ON MACON RD. SIDE, AT W. END OF A 6-72 INLET.
ELEVATION: 246.61

REVISION	DESCRIPTION of CHANGE	APPROVAL DATE



CONTRACTOR TO VERIFY SITE CONDITIONS AND EXISTING ELEMENTS PRIOR TO CONSTRUCTION. IF ANY DISCREPANCIES EXIST, NOTIFY THE ENGINEER OF RECORD PRIOR TO PROCEEDING WITH DEMOLITION/CONSTRUCTION.



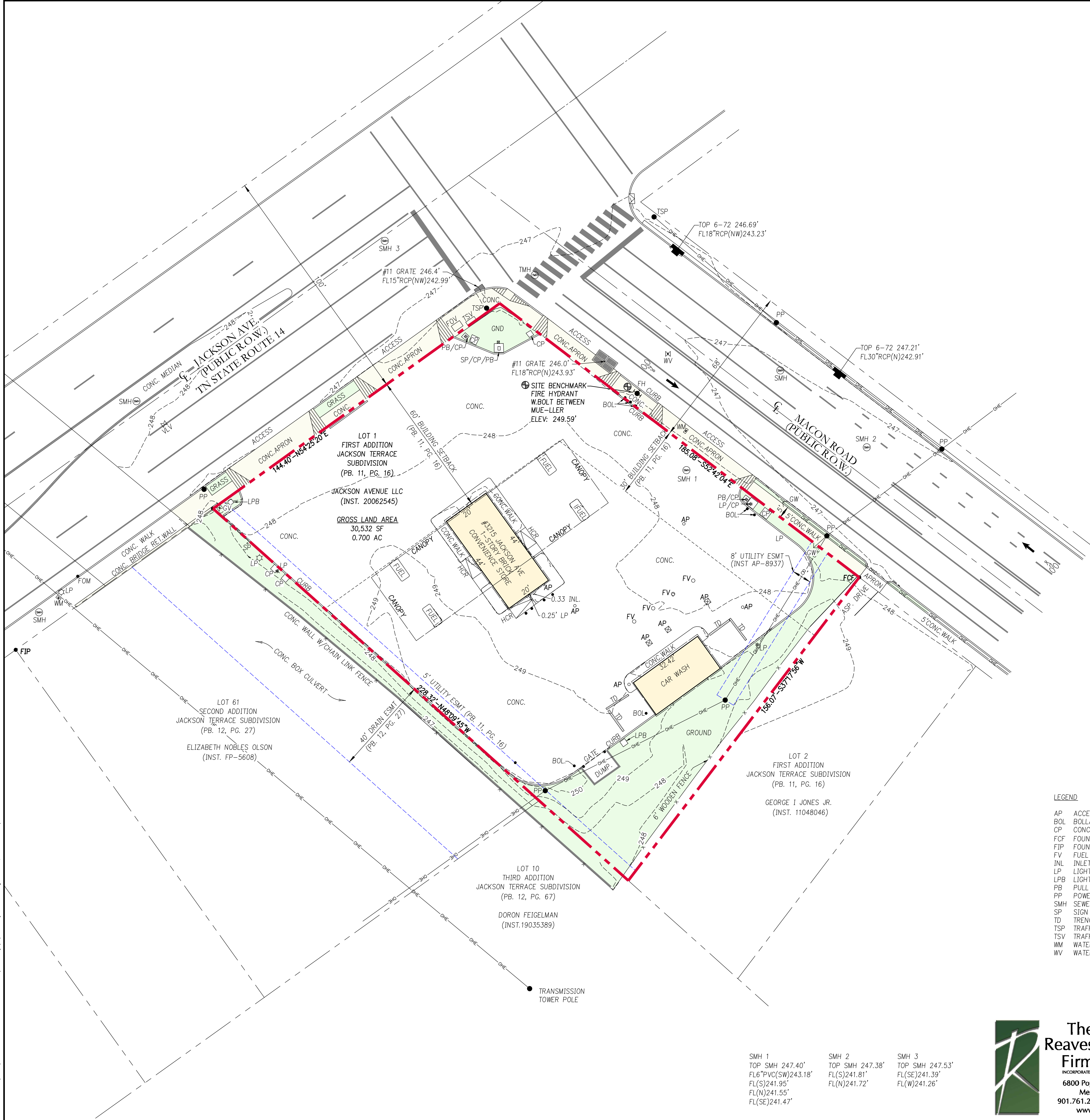
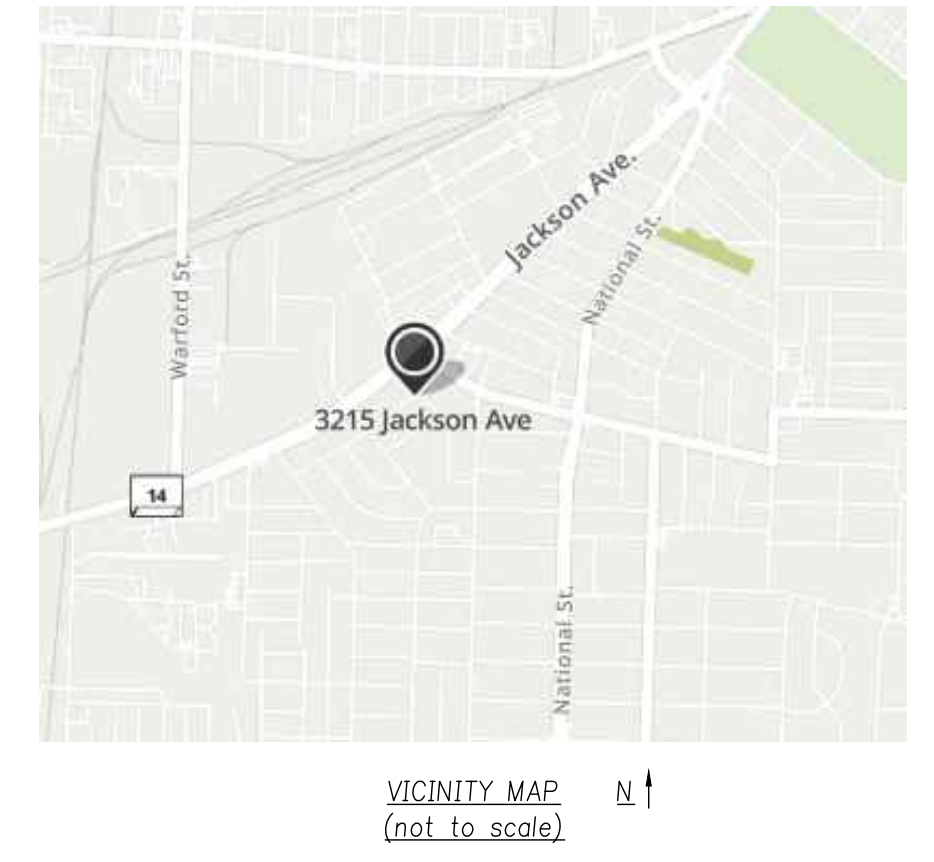
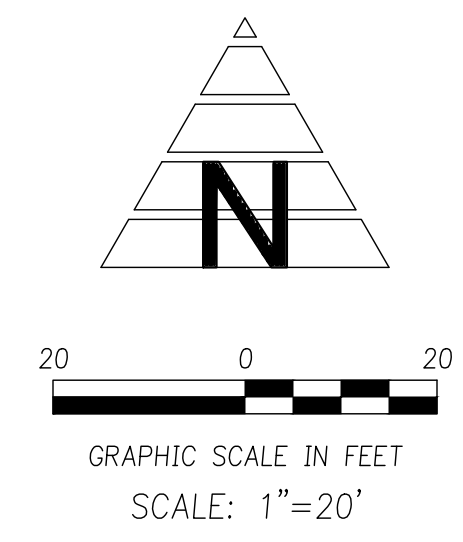
The Reaves Firm
Engineering
Planning
Landscape Architecture
Land Surveying
6800 Poplar Avenue, Suite 101 Memphis, TN 38138
901.761.2016 Fax: 901.763.2847
www.ReavesFirm.com

JACKSON TERRACE 1ST ADDITION LOT 01
DEVELOPER: RAFAT KHMIOUS
ENGINEER: THE REAVES FIRM, INC.

C2.0
DIVISION OF ENGINEERING
SITE PLAN
3215 JACKSON AVENUE
MEMPHIS, TENNESSEE
SURVEY TRF, INC. DATE 6/23 BOOK 1"=20'
DESIGN BY TRF, INC. DATE 9/23 SCALE
DEPUTY CITY ENGINEER DATE CITY ENGINEER DATE

Christine 24-36 Z:\2023\23-0102 3215 Jackson Ave C-store\03 Civil (Jackson)\C2.0.dwg Nov 09, 2023 - 10:05am

d:\m24\2023\23-0102_2015_Jackson_Ave_C-Street\01_Survey\Topo_Survey - 2023.dwg Nov 07, 2023 - 1:28pm



TITLE SEARCH EXCEPTIONS

THIS SURVEY WAS PREPARED USING CHICAGO TITLE INSURANCE COMPANY TITLE SEARCH DATED MAY 15, 2020. THIS SEARCH IS BEING RELIED UPON BY THE SURVEYOR TO BE A TRUE, ACCURATE AND COMPLETE REPRESENTATION OF THE CURRENT TITLE MATTERS THAT AFFECT THE SURVEYED PROPERTY. NO INDEPENDENT TITLE RESEARCH WAS UNDERTAKEN OR COMMISSIONED BY THE SURVEYOR IN THE PREPARATION OF THIS SURVEY. ANY DEED BOOK, PLAT BOOK, OR INSTRUMENT NUMBER REFERENCES NOTED BELOW ARE RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE UNLESS NOTED OTHERWISE. BELOW IS A LIST OF THE ITEMS LISTED IN SCHEDULE B EXCEPTIONS FROM COVERAGE OF THE ABOVE MENTIONED TITLE SEARCH AND THEIR AFFECT ON THE SURVEYED PROPERTY.

ITEMS 1-5 ARE NOT SURVEY RELATED

- THE SURVEYED PROPERTY IS SUBJECT TO SUBDIVISION RESTRICTIONS, BUILDING LINES AND EASEMENTS OF RECORD IN PLAT BOOK 11, PAGE 16 AS IT RELATES TO LOT 1. PLOTTABLE ITEMS ARE SHOWN.
- THE SURVEYED PROPERTY IS SUBJECT TO EASEMENTS OF RECORD AT BOOK 2558, PAGE 490. THE DOCUMENT IS PARTIALLY ILLEGIBLE, HOWEVER THE INTENTION IS TO INSTALL (1) GUY WIRE ANCHOR EAST OF THE WEST LINE AND (1) GUY WIRE ANCHOR NORTH OF THE SOUTH LINE.
- THE SURVEYED PROPERTY IS SUBJECT TO 8' WIDE MLGW EASEMENT OF RECORD IN INSTRUMENT NUMBER AP-8937. PLOTTED AND SHOWN HEREON.
- THE SURVEYED PROPERTY IS SUBJECT TO DEED RESTRICTIONS OF RECORD IN INSTRUMENT NUMBER 03249281 AND INSTRUMENT NUMBER 04012333. NOTHING TO SHOW OR PLOT.
- THE SURVEYOR HAS NO COMMENT.
- THE SURVEYOR HAS NO COMMENT.
- THE SURVEYOR HAS NO COMMENT.

SITE SPECIFIC NOTES:

- ALL BEARINGS ARE RELATIVE TO THE SHELBY COUNTY GEODETIC NETWORK ESTABLISHED BY THE CITY OF MEMPHIS SURVEY SERVICE CENTER.
- ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 47157C0290F, EFFECTIVE SEPTEMBER 28, 2007. THE SURVEYED PROPERTY HAS THE FOLLOWING ZONE CLASSIFICATION:

OTHER AREAS - ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
- NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR BY THE CLIENT.
- THERE ARE NO DESIGNATED PARKING STRIPES ON THE SURVEYED PROPERTY.
- THE SURVEYED PROPERTY IS CURRENTLY IMPROVED WITH A 1-STORY CONVENIENCE STORE GAS STATION BUILDING AND A CAR WASH STRUCTURE. (AS SHOWN). THERE WAS NO EVIDENCE OF ANY RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- THE SURVEYED PROPERTY IS ADJACENT TO, CONTIGUOUS WITH, AND HAS DIRECT PHYSICAL ACCESS TO JACKSON AVENUE AND MACON ROAD, BOTH ARE FULLY DEDICATED AND IMPROVED PUBLIC RIGHT-OF-WAY. JACKSON AVENUE IS ALSO KNOWN AS TN STATE ROUTE 14 AND MAINTAINED BY TDOT. MACON ROAD IS MAINTAINED BY THE CITY OF MEMPHIS. THE SURVEYOR OBSERVED NO EVIDENCE OF ANY RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS AND HAS NO KNOWLEDGE OF ANY PROPOSED CHANGES IN STREET RIGHT-OF-WAY LINES.
- THERE WAS NO ABOVE GROUND PHYSICAL EVIDENCE OF ANY CEMETERIES AT THE TIME OF THE SURVEY.
- THE PARCEL ID# FOR THIS SITE IS 038025 00014.

LEGAL DESCRIPTION

LOT 1, FIRST ADDITION TO JACKSON TERRACE, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 11, PAGE 16, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

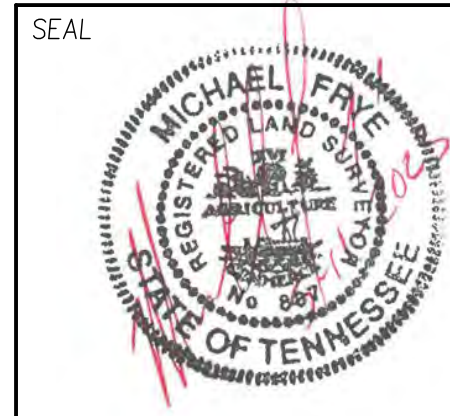
SURVEYOR'S CERTIFICATE

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

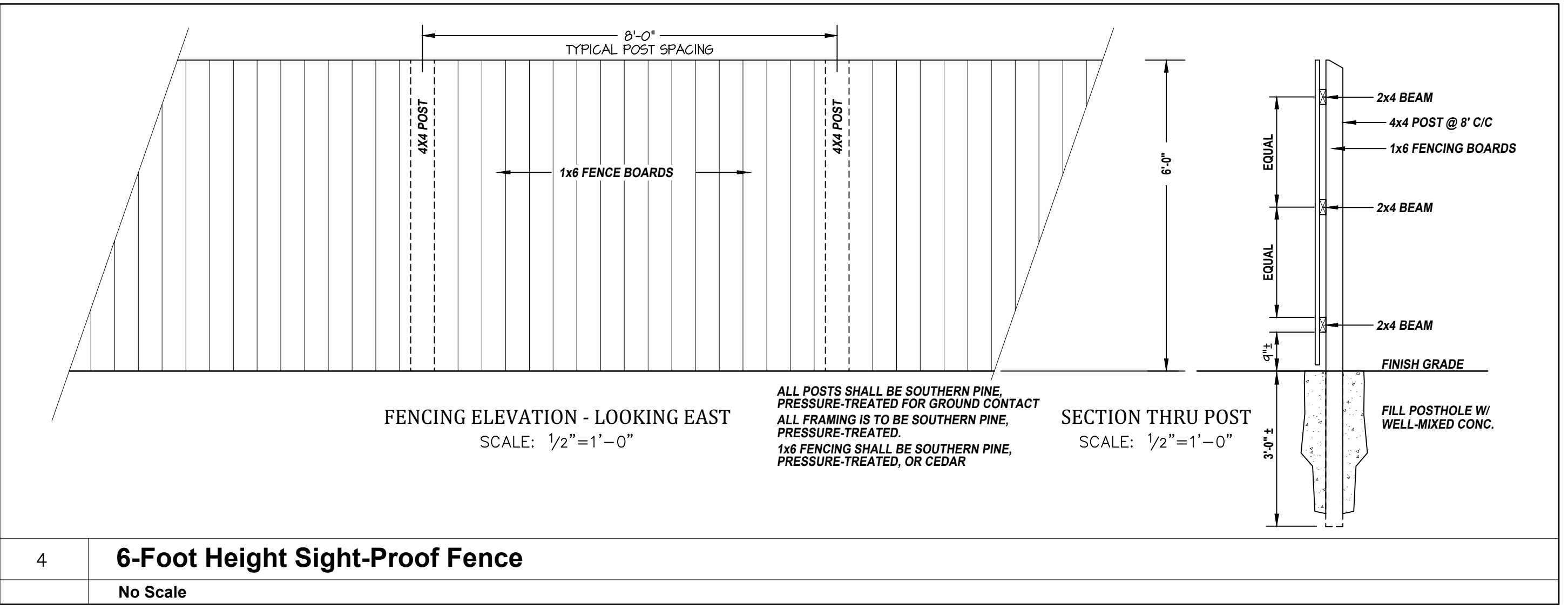
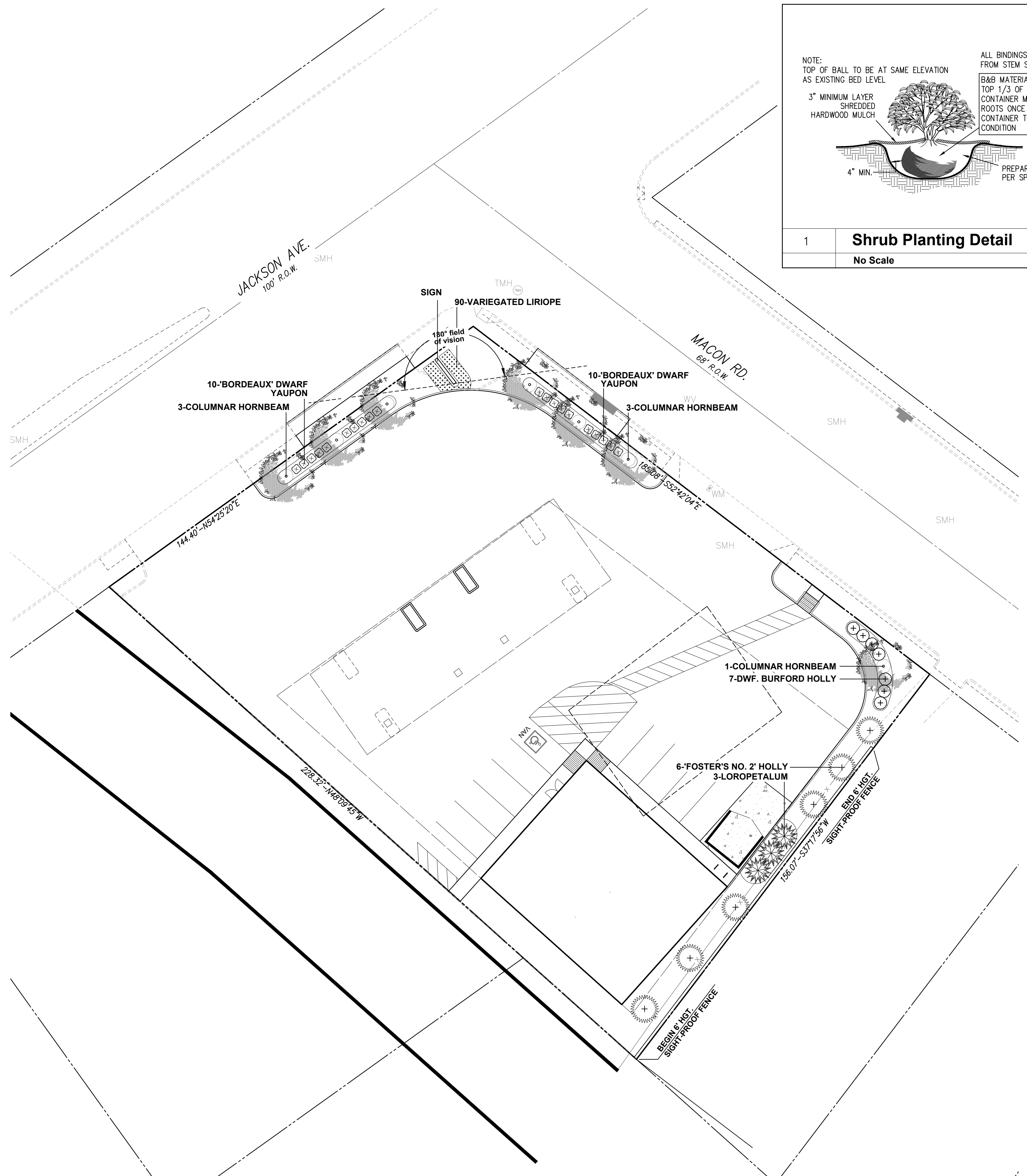
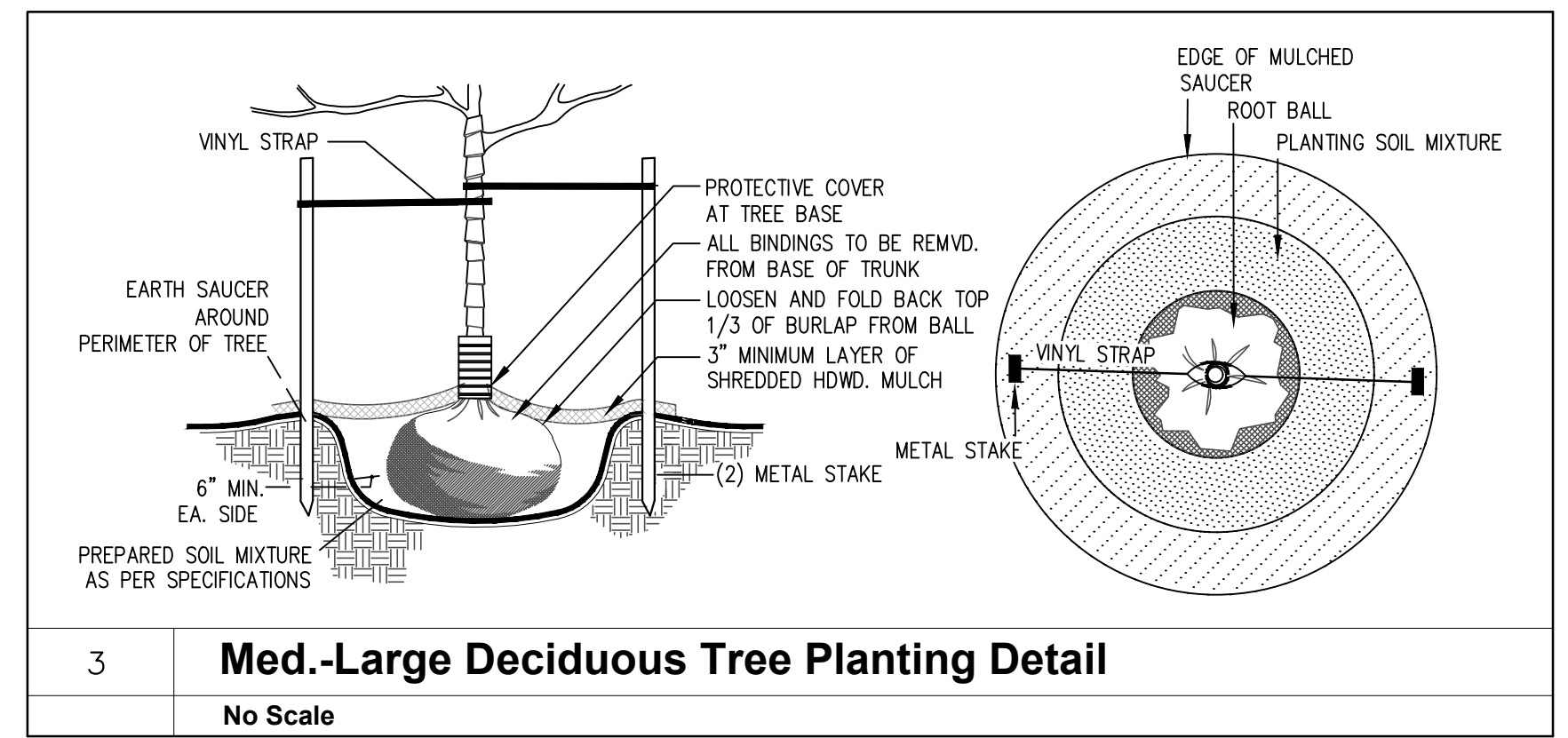
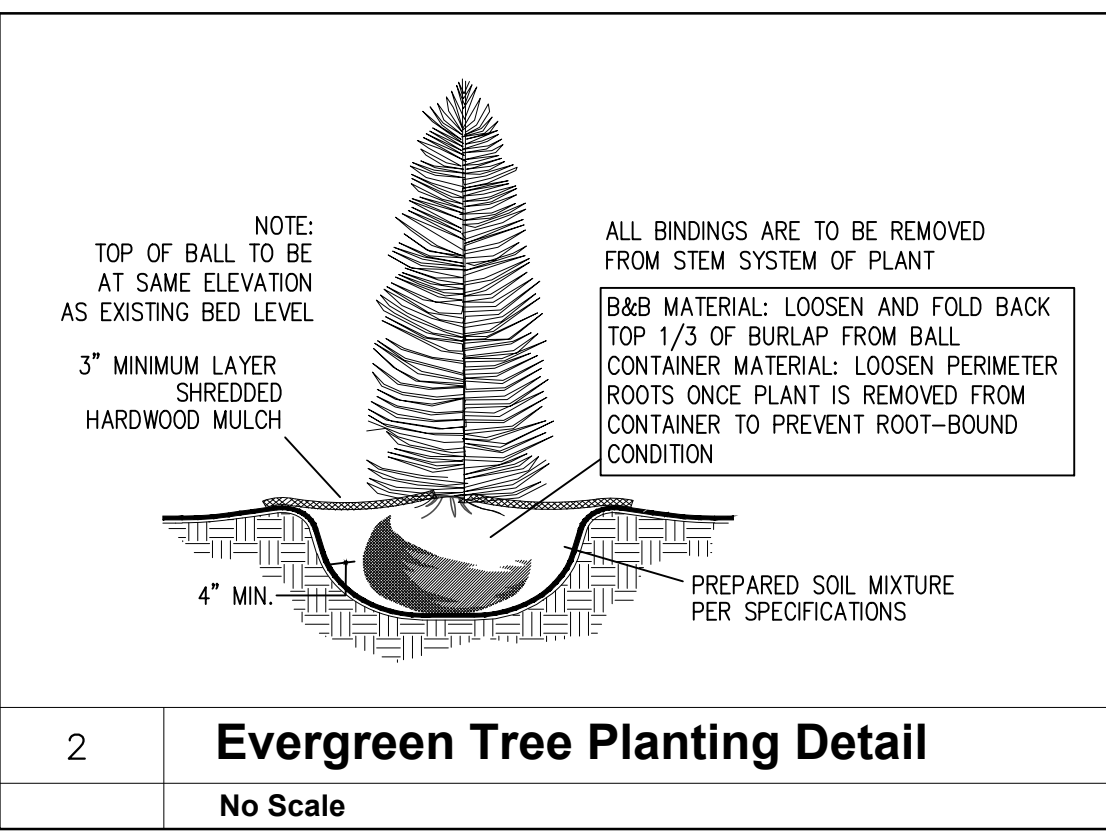
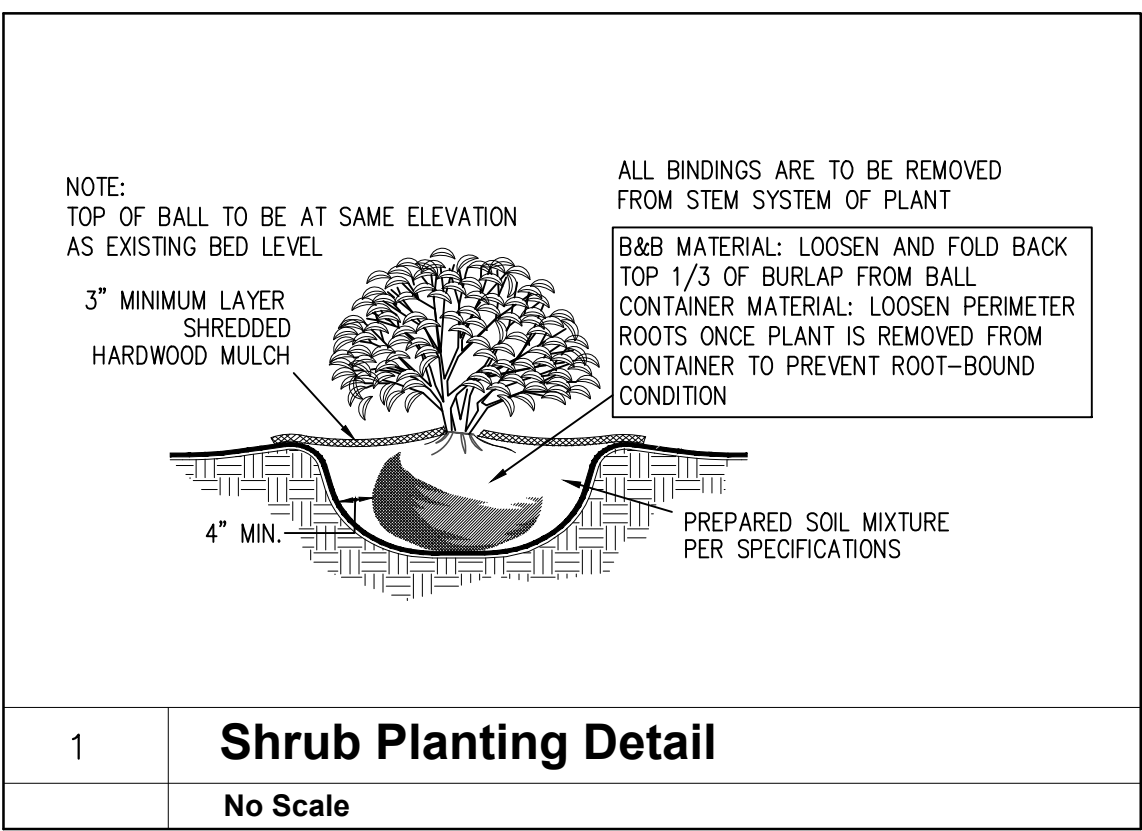
- LEGEND**
- AP ACCESS PANEL
 - BOL BOLLARD
 - CP CONCRETE PAD
 - FCF FOUND CROW'S FOOT
 - FIP FOUND IRON PIN
 - FIV FUEL VALVE
 - FV FUEL VALVE
 - INL INLET
 - LP LIGHT POLE
 - LPB LIGHT POLE BASE
 - PB PULL BOX
 - PP POWER POLE
 - SMH SEWER MANHOLE
 - SP SIGN POST
 - TD TRENCH DRAIN
 - TSP TRAFFIC SIGNAL POLE
 - TSV TRAFFIC SIGNAL VAULT
 - WM WATER METER
 - WV WATER VALVE

- SMH 1
TOP SMH 247.40'
FL6"PVC(SW)243.18"
FL(S)241.95'
FL(N)241.55'
FL(SE)241.47'
- SMH 2
TOP SMH 247.38'
FL(S)241.81'
FL(N)241.72'
- SMH 3
TOP SMH 247.53'
FL(SE)241.39'
FL(W)241.26'

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



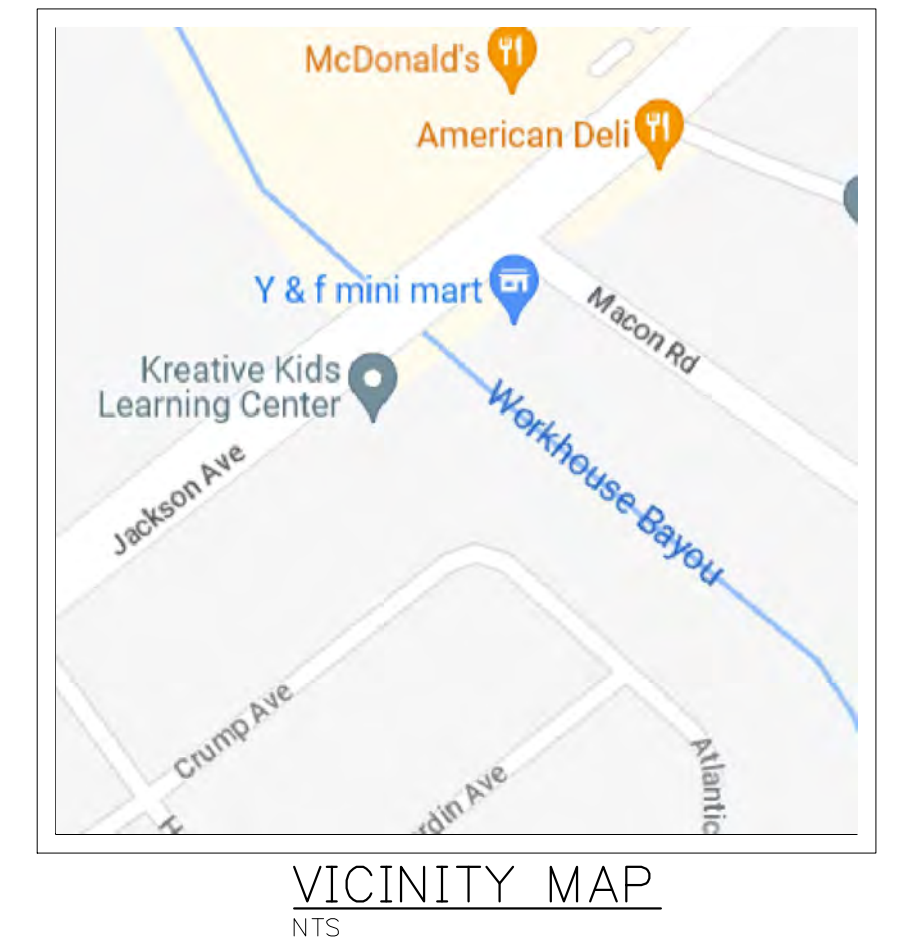
PROJECT:	SURVEY OF 3215 JACKSON AVENUE MEMPHIS, SHELBY COUNTY, TENNESSEE 38122	SCALE:	1"=20'
FOR:	RAFAT KHMOS	FIELD DATE:	05/11/2023
SHEET TITLE:	BOUNDARY AND TOPOGRAPHIC SURVEY	ISSUE DATE:	06/20/2023
		PREPARED BY:	GAM/DS/CE
		TRF JOB NO.:	23-0102
		SHEET NO.:	Sht 1 of 1



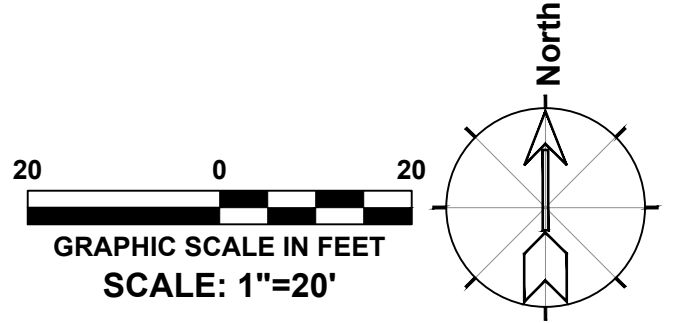
Plant Materials List

Botanical Name	Common Name	Quantity	Height	Caliper	Spread	Notes
CARPINUS BETULUS 'COLUMNARIS'	COLUMNAR HORNBEAM	7	12-14'	2 1/2"	-	FULL, WELL-BRANCHED
ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	7	-	-	-	#3 CONTAINER
ILEX VOMITORIA 'CONDEAUX'	'BORDEAUX' DWARF YAUPON	20	-	-	-	#3 CONTAINER
ILEX 'FOSTERI NO. 2'	'FOSTER'S NO. 2' HOLLY	6	5-6'	-	2 1/2-3'	TREEFORM; FULL, WELL-BRANCHED
LIRIOPE MUSCARI VARIEGATA	VARIEGATED LIRIOPE	90	-	-	-	4" POTS
LOROPETALUM CHINENSE	LOROPETALUM	3	-	-	-	#3 CONTAINER
CYNODON DACTYLON 'TIFWAY'	'TIFWAY' BERMUDA SOD	REPAIR / REPLACE SOD WHERE NECESSARY TO INSURE GROUND COVER				

- Planting Notes**
- MULCH ALL BEDS AND TREE RINGS WITH A MINIMUM DEPTH OF 3" HARDWOOD MULCH
 - STAKE ALL B & B TREES PER DETAIL
 - TILL TOP 6" OF SOIL IN ALL BED AREAS AND AMEND WITH SAND AND PEAT TO ASSURE PROPER DRAINAGE AND PERCOLATION
 - TEST PH OF SOIL AND AMEND ALL BED AREAS WITH CHEMICALS AND FERTILIZER TO ASSURE THE BEST POSSIBLE GROWTH ENVIRONMENT FOR THE SPECIFIED PLANT MATERIAL
 - APPLY PREEMERGENTS IN ALL BED AREAS PRIOR TO PLANTING TO PREVENT WEED GROWTH
 - ROLL, WATER AND FERTILIZE ALL SOD AREAS TO PROVIDE A SMOOTH MOWING SURFACE FREE OF GAPS AND IRREGULAR JOINTS
 - CONTRACTOR RESPONSIBLE FOR A PERMANENT STAND OF TURFGRASS WHERE SEEDING IS SPECIFIED. SEED AS NECESSARY TO ESTABLISH TURF IN ALL AREAS DAMAGED BY CONSTRUCTION.
 - LANDSCAPE ARCHITECT RETAINS THE RIGHT TO REJECT ANY PLANT MATERIAL AT ANY TIME IF IT DOES NOT MEET THE SPECIFICATIONS ON THE PLANT MATERIALS LIST
 - PRUNE PLANTS AFTER PLANTING TO ASSURE CONSISTENCY IN GROWTH HABIT
 - CONTRACTOR TO GUARANTEE ALL PLANT MATERIAL INCLUDING SOD FOR A PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE. REPLACEMENTS WILL ALSO BE GUARANTEED FOR A PERIOD OF ONE YEAR AFTER INSTALLATION
 - CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO UTILITIES DURING THE COURSE OF THE WORK. CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO UTILITIES, SITE STRUCTURES, ETC. RESULTING FROM LANDSCAPE CONSTRUCTION.
 - ALL PLANTS MUST BE VIGOROUS, HEALTHY MATERIAL, FREE OF PESTS AND DISEASE
 - ALL PLANTS AND TREES MUST MEET ALL REQUIREMENTS SPECIFIED IN THE PLANT MATERIALS LIST, THE DETAILS, AND SPECIFICATIONS
 - ANY MATERIAL WHICH DIES, OR DEFOLIATES (PRIOR TO ACCEPTANCE OF THE WORK) WILL BE PROMPTLY REMOVED AND REPLACED.
 - STANDARDS SET FORTH IN 'AMERICAN STANDARD FOR NURSERY STOCK' REPRESENT GENERAL GUIDELINE SPECIFICATIONS ONLY AND WILL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
 - LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIALS UNTIL SUBSTANTIAL COMPLETION OF THE INSTALLATION.



CONTRACTOR TO VERIFY SITE CONDITIONS AND EXISTING ELEMENTS PRIOR TO CONSTRUCTION. IF ANY DISCREPANCIES EXIST, NOTIFY THE ENGINEER OF RECORD PRIOR TO PROCEEDING WITH DEMOLITION/CONSTRUCTION.



REVISION	DESCRIPTION of CHANGE	APPROVAL DATE



JACKSON TERRACE 1ST ADDITION
LOT 01
DEVELOPER: RAFAT KHMIOUS
ENGINEER: THE REAVES FIRM, INC.

1 OF 5
DIVISION OF ENGINEERING
LANDSCAPE PLAN
3215 JACKSON AVENUE
MEMPHIS, TENNESSEE
SURVEY TRF, INC. DATE 6/23 BOOK
DESIGN BY TRF, INC. DATE 9/23 SCALE 1"=20'
DEPUTY CITY ENGINEER DATE CITY ENGINEER DATE

LA1.0

Christine 24-36 Z:\2023\23-0102 3215 Jackson Ave C-store\03 Civil (Jackson)\Landscape.dwg Nov 09, 2023 - 11:22am



Street and Alley Closure

Zoning Cases - Label

- Zoning Cases
- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning

Overlay Districts

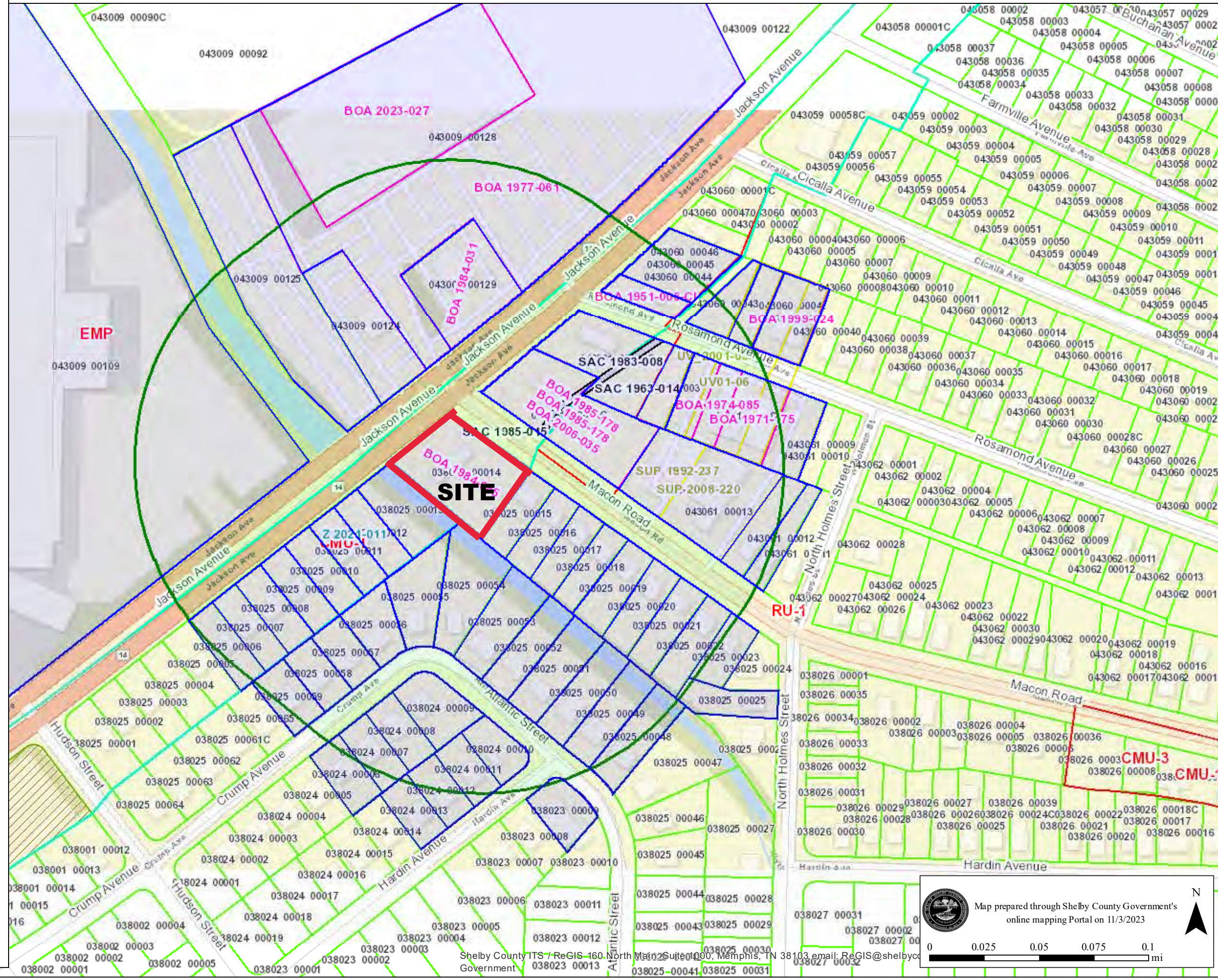
- Central Business Improvement District
- Fletcher Creek Overlay
- Medical District Overlay
- Midtown Overlay
- Transit Overlay District Overlay
- University District Overlay
- Residential Corridors
- Moratorium Zones
- Brown Field Properties

Street Frontage Overlay District

- Shopfront
- Pedestrian
- Urban
- Transitional
- Commercial
- Contextual Infill

Flood Zones

- Area of Minimal Flood Hazard
- Area with Reduced Flood Risk Due to Levee
- 0.2 % Annual Chance Flood Hazard
- Floodplain
- Floodway
- Parcels



Map prepared through Shelby County Government's online mapping Portal on 11/3/2023



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.

20062545

06/18/2020 - 12:12:30 PM

4 PGS

TAMMY 2039859-20062545

VALUE	850000.00
MORTGAGE TAX	0.00
TRANSFER TAX	3145.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	3170.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

WARRANTY DEED

THIS INDENTURE, made **GEORGIA COMMERCIAL STORES, INC.**, a Georgia corporation formerly known as GA. C-Store, Inc. (hereinafter referred to as "Party of the First Part"), and **JACKSON AVENUE, LLC**, a Tennessee limited liability company (hereinafter referred to collectively as "Party of the Second Part"),

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Party of the First Part has bargained and sold, and does hereby bargain, sell, convey and confirm unto the said Party of the Second Part, as equal tenants in common, all of the Party of the First Part's right, title and interest in and to the following real estate situate, lying and being in Memphis, Shelby County, Tennessee (the "Property"), and being more particularly described as follows, to wit:

Lot 1, First Addition to Jackson Terrace, as shown on plat of record in Plat Book 11, Page 16, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said Land.

BEING THE SAME PROPERTY previously conveyed to the Party of the First Part by deed recorded in Instrument Number 04012333 in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid property, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said Party of the Second Part, its successors and assigns in fee simple forever.

And the said Party of the First Part does hereby covenant with the said Party of the Second Part that it is lawfully seized in fee of the afore-described property; that it has a good right to sell and convey the same; that the same is unencumbered, except for the following: (a) the lien of 2020 county and city taxes, which are not yet due and payable and are being assumed by the Party of the Second Part; (b) the deed restrictions contained in Instrument Numbers 03249281 and 04012333 recorded in the Register's Office of Shelby County, Tennessee; (c) building lines, easements and set back recorded in Plat Book 11 at Page 16 in the Register's Office of Shelby County, Tennessee; (d) easements of record at Book 2558, Page 490 and Instrument Number AP 8937 in the Register's Office of Shelby County, Tennessee; (e) rights of tenants in possession under the unrecorded Commercial Lease Agreement dated March 1, 2006, by and between GA C-Store, Inc., as landlord, and B. and H. Oil, Inc., and Hani Subhi Falah, as tenants, and assigned to Al Gaile, Inc., and Yasser Mohammed Alnajjar by that certain Assignment and Assumption of Lease dated March 1, 2007 and as extended; (f) any encroachment, encumbrance, violation, variation, or adverse circumstance affecting title that would be disclosed by an accurate and complete land survey of the aforesaid property; (g) any right, interest, or claim that may exist, arise, or be asserted against title to the property under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 U.S.C. 499a, et seq., the Packers and Stockyard Act of 1921, as amended, 7 U.S.C. 181, et. seq., or any similar state laws; and that the Party of the First Part will forever warrant and defend title thereto against the lawful claims of all person whomsoever. **THE REAL PROPERTY AND ALL IMPROVEMENTS THEREON AND EQUIPMENT AFFIXED THERETO ARE BEING CONVEYED IN THEIR AS-IS, WHERE-IS PHYSICAL CONDITION, WITH NO WARRANTIES AS TO SUCH CONDITION BEING MADE, INCLUDING (WITHOUT LIMITATION): (A) ANY WARRANTIES AS TO FITNESS FOR ANY PARTICULAR PURPOSE; AND (B) ANY**

WARRANTIES AS TO THE ABSENCE OF ANY SURFACE AND/OR SUBSURFACE CONTAMINANTS, HAZARDOUS MATERIALS, OR POLLUENTS.

WITNESS the signature of the said Party of the First Part the day and year first above written.

GEORGIA COMMERCIAL STORES, INC.

By: [Signature]
Ramzan Ali Karimi, its President

STATE OF GA
COUNTY OF Fulton

Before me, a Notary Public of the said County and State, personally appeared RAMZAN ALI KARIMI, with whom I am personally acquainted and who, upon oath, acknowledged himself to be the President of GEORGIA COMMERCIAL STORES, INC., a Georgia corporation, the within named bargainer, and that he as such President of said corporation, being so authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such President.

WITNESS my hand and seal, at office, on the 12th day of June, 2020.

[Signature]
NOTARY PUBLIC Karina Zametin
Notary Public
My Commission Expires:
May 18, 2020
State of Georgia
Fulton County

My Commission Expires: May 18, 2020

Valuation Oath

I, 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 \$850,000 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

[Signature]
Affiant

Subscribed and sworn to before me this 12th day of June, 2020.

[Signature]
Notary Public

My commission expires: May 18, 2020

Karina Zametin
Notary Public
My Commission Expires:
May 18, 2020
State of Georgia
Fulton County

Property Address: 3215 Jackson Avenue, Memphis, Tennessee
Tax Parcel ID #: 038-025-00014

Name and address of property owner:

Jackson Avenue, LLC
2903 S. Perkins
Memphis, TN 38118

Send tax bills to:

~~Jackson Avenue, LLC~~ Financial Federal Bank
1715 Aaron Brenner Dr
Ste 100
Memphis, TN 38120

Prepared by:

Mark J. Grai, Attorney at Law
The Winchester Law Firm, PLLC
6060 Poplar Avenue, Suite 295
Memphis, Tennessee 38119
Tel: (901)685-9222
Fax: (901)685-9260
Direct email: mgrai@2winchesterlawfirm.com

After recording, please return to:

Michael O. Christoff, Attorney at Law
Memphis Title Company
7518 Enterprise Avenue
Germantown, Tennessee 38138
Tel: (901)754-2080
Fax: (901)751-1135
Direct email: mike@memphistitleco.com

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



Kristina Ackerman

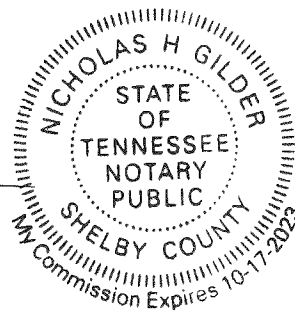
State of Tennessee
County of Shelby

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



Notary's Signature

MY COMMISSION EXPIRES: _____



THE CITY OF MEMPHIS TN BRD OF
EDUCATION
2597 AVERY AVE
MEMPHIS TN 38112

MALLORY DEVELOPMENT CO LLC
PO BOX 3661
MEMPHIS TN 38173

SHELBY COUNTY TAX SALE 16.03
PO BOX 2751
MEMPHIS TN 38101

MALLORY DEVELOPMENT CO LLC
100 PEABODY PL
MEMPHIS TN 38103

MALLORY DEVELOPMENT CO LLC
PO BOX 4457
GREENVILLE MS 38704

NEW LIFE MINISTRIES CHURCH AND MORE
3231 HARDIN AVE
MEMPHIS TN 38112

FEIGELMAN DORON
706 NE 191ST ST
MIAMI FL 33179

COLE FRANK J
30 OLIVER LN
MOSCOW TN 38057

FEIGELMAN DORAN
706 NE 191ST ST
MIAMI FL 33179

BRINKLEY HEIGHTS URBAN ACADEMY INC
3275 ROSAMOND AVE
MEMPHIS TN 38122

HERNANDEZ MARIA G R
3230 HARDIN AVE
MEMPHIS TN 38112

NGOZI IHEANYI J
3830 CEDAR PATH DR
MEMPHIS TN 38115

RUBICK INC
3220 HARDIN AVE
MEMPHIS, TN 38112

AKIRA LLC
4003 MISTY WATERS LN
KATY TX 77494

AYITI PROPERTIES MANAGEMENT LLC
1339 AGNES PL
MEMPHIS TN 38104

SUNLAND HOMES LLC
830 CAMINO REAL
REDONDO BEACH CA 90277

WINDOWS OF HEAVEN LLC
1289 E KETTLE PL
CENTENNIAL CO 80122

YALE ROAD LEARNING CENTER LLC
7455 WOOD RAIL CV
MEMPHIS TN 38119

TUGGLE PAMELA D
3187 JACKSON AVE
MEMPHIS TN 38112

GAP ASSETS LLC
11615 HIGHWAY 70
ARLINGTON TN 38002

ECHOLS DONNA L
667 VAUGHN RD
MEMPHIS TN 38122

OLSON ELIZABETH N
9468 DOGWOOD ESTATES DR
GERMANTOWN TN 38139

JACKSON AVENUE LLC
2903 S PERKINS RD
MEMPHIS TN 38118

JONES GEORGE I JR
PO BOX 1891
CORDOVA TN 38088

ABCD REALTY LLC
PO BOX 1891
CORDOVA TN 38088

CARBAJAL OLIVA J AND ADALBERTO
JAIMES JR
6868 LOCKE RD
MILLINGTON TN 38053

GARCIA JAIME & GUADALUPE RAMIREZ
3098 E GLENGARRY AVE
MEMPHIS TN 38128

SAITO HARRISON
2714 KAHOALOHA LN
HONOLULU HI 96826

CARRILLO MANUEL
6270 CAROLOT LN
BARTLETT TN 38135

LK INVESTMENTS LLC
3265 MACON RD
MEMPHIS TN 38122

**MENDEZ ALFREDO
3271 MACON RD
MEMPHIS TN 38122**

**PHAM FAMILY PROPERTY LLC
375 STONEWALL ST
MEMPHIS TN 38112**

**KING DAMIEN L AND ANGELA N PARKS
4908 LONGLEAF OAK CV
ARLINGTON TN 38002**

**SHELBY COUNTY TAX SALE 16.01
PO BOX 2751
MEMPHIS TN 38101**

**RICHARDSON INEZ C
1126 ATLANTIC ST
MEMPHIS TN 38112**

**BRINKLEY HEIGHTS MINISTRIES INC
3275 ROSAMOND
MEMPHIS TN 38122**

**GARCIA JAIME AND GUADALUPE RAMIREZ
3452 COLEMAN AVE
MEMPHIS TN 38122**

**ALADE LIVING TRUST
3251 JACKSON AVE
MEMPHIS TN 38122**

**LINDER PROPERTIES (DBA)
6310 MASSEY WOODS CV
MEMPHIS TN 38120**

**BRINKLEY HEIGHTS MINISTRIES INC
3275 ROSAMOND AVE
MEMPHIS TN 38122**

**BAXTER GEORGE
3275 ROSAMOND AVE
MEMPHIS TN 38122**

**Christine Donhardt
The Reaves Firm, Inc.
6800 Poplar Ave. Suite 101
Memphis, TN 38138**

**Binghampton / Lester Association
557 Lester
Memphis, TN 38112**

**The Heights Coalition
3053 Guernsey
Memphis, TN 38112**

038023 00009 - NEW LIFE MINISTRIES CHURCH AND MORE
038024 00006 - SHELBY COUNTY TAX SALE 16.03
038024 00007 - SHELBY COUNTY TAX SALE 16.03
038024 00008 - FEIGELMAN DORAN
038024 00009 - MAAYAN DOR
038024 00010 - HERNANDEZ MARIA G R
038024 00011 - NGOZI IHEANYI J
038024 00012 - RUBICK INC
038024 00013 - AKIRA LLC
038025 00006 - AYITI PROPERTIES MANAGEMENT LLC
038025 00007 - SUNLAND HOMES LLC
038025 00008 - WINDOWS OF HEAVEN LLC
038025 00009 - YALE ROAD LEARNING CENTER LLC
038025 00010 - TUGGLE PAMELA D
038025 00011 - GAP ASSETS LLC
038025 00012 - ECHOLS DONNA L
038025 00013 - OLSON ELIZABETH N
038025 00014 - JACKSON AVENUE LLC
038025 00015 - JONES GEORGE I JR
038025 00016 - ABCD REALTY LLC
038025 00017 - CARBAJAL OLIVA J AND ADALBERTO JAIMES JR
038025 00018 - GARCIA JAIME & GUADALUPE RAMIREZ
038025 00019 - SAITO HARRISON
038025 00020 - CARRILLO MANUEL
038025 00021 - LK INVESTMENTS LLC

038025 00022 - MENDEZ ALFREDO
038025 00023 - PHAM FAMILY PROPERTY LLC
038025 00025 - KING DAMIEN L AND ANGELA N PARKS
038025 00048 - SHELBY COUNTY TAX SALE 16.03
038025 00049 - SHELBY COUNTY TAX SALE 16.03
038025 00050 - SHELBY COUNTY TAX SALE 16.03
038025 00051 - SHELBY COUNTY TAX SALE 16.01
038025 00052 - SHELBY COUNTY TAX SALE 16.01
038025 00053 - RICHARDSON INEZ C
038025 00054 - FEIGELMAN DORON
038025 00055 - GARCIA JAIME AND GUADALUPE RAMIREZ
038025 00056 - SHELBY COUNTY TAX SALE 16.03
038025 00057 - SHELBY COUNTY TAX SALE 16.03
038025 00058 - SHELBY COUNTY TAX SALE 16.01
038025 00059 - SHELBY COUNTY TAX SALE 16.03
043009 00109 - THE CITY OF MEMPHIS TN BRD OF EDUCATION
043009 00124 - MALLORY DEVELOPMENT CO LLC
043009 00125 - MALLORY DEVELOPMENT CO LLC
043009 00128 - MALLORY DEVELOPMENT CO LLC
043009 00129 - MALLORY DEVELOPMENT CO LLC
043060 00041 - BRINKLEY HEIGHTS MINISTRIES INC
043060 00042 - BRINKLEY HEIGHTS MINISTRIES INC
043060 00043 - BRINKLEY HEIGHTS MINISTRIES INC
043060 00044 - ALADE LIVING TRUST
043060 00045 - BRINKLEY HEIGHTS MINISTRIES

043061 00002C - LINDER PROPERTIES (DBA)

043061 00003 - ALADE LIVING TRUST

043061 00008C - BRINKLEY HEIGHTS MINISTRIES INC

043061 00012 - BRINKLEY HEIGHTS MINISTRIES INC

043061 00013 - BAXTER GEORGE

043061 00014C - BRINKLEY HEIGHTS URBAN ACADEMY INC

043061 00019C - COLE FRANK J



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

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

January 03, 2024

Rafat Khmous
Christine Donhardt and Mike Davis, The Reaves Firm

Sent via electronic mail to: cdonhardt@reavesfirm.com, mdavis@reavesfirm.com

Special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 1 (CMU-1).

Case Number: SUP 2023-031

LUCB Decision: Approval with Conditions

Dear applicant,

On Thursday, December 14, 2023, the Memphis and Shelby County Land Use Control Board **approved** your special use permit application requesting a convenience store with gas sales in the Commercial Mixed Use – 1 (CMU-1) at 3215 Jackson Avenue, subject to the following conditions and waivers:

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. The Macon Road elevation shall have a minimum transparency of 20% situated between 2 and 12 ft. above the adjacent sidewalk.
4. All lighting shall be installed and maintained up to code in respect to the residential zoning located south and east of the subject property.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing board(s).
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

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.

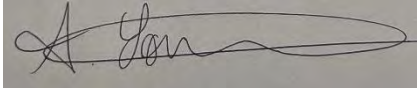
It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

Letter to Applicant
SUP 2023-031

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) 636-7120 or via email at alexis.longstreet@memphistn.gov.

Respectfully,

A rectangular box containing a handwritten signature in black ink. The signature appears to be "Alexis Longstreet" written in a cursive style.

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

AGENDA ITEM: 21

CASE NUMBER: Z 2023-013 **L.U.C.B. MEETING:** November 9, 2023

LOCATION: 3549, 3555, and 3561 Fuller Rd.

COUNCIL DISTRICT: District 3 and Super District 8

OWNER/APPLICANT: Fleet Equipment, LLC

REPRESENTATIVE: Cindy Reaves of SR Consulting, LLC

REQUEST: Rezone from Residential Single-Family – 6 to Employment

AREA: 0.538 acres

CONCLUSIONS

1. The applicant has requested the rezoning of three properties on Fuller Rd. from Residential Single-Family – 6 to Employment.
2. This request is inconsistent with the Memphis 3.0 Comprehensive Plan.
3. Additionally, it would have a significantly injurious impact on adjacent residential properties, while providing little benefit to the applicant other than legitimizing illegal work and occupancy.
4. For these reasons, staff recommends rejection.

CONSISTENCY WITH MEMPHIS 3.0

This request is *inconsistent* with the Memphis 3.0 Comprehensive Plan, according to the Office of Comprehensive Planning.

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage: Fuller Rd. 182'
Zoning Atlas Page: 2235
Parcel ID: 073017 00117, 073017 00118, and 073017 00119
Existing Zoning: Residential Single-Family – 6
Requested Zoning: Employment

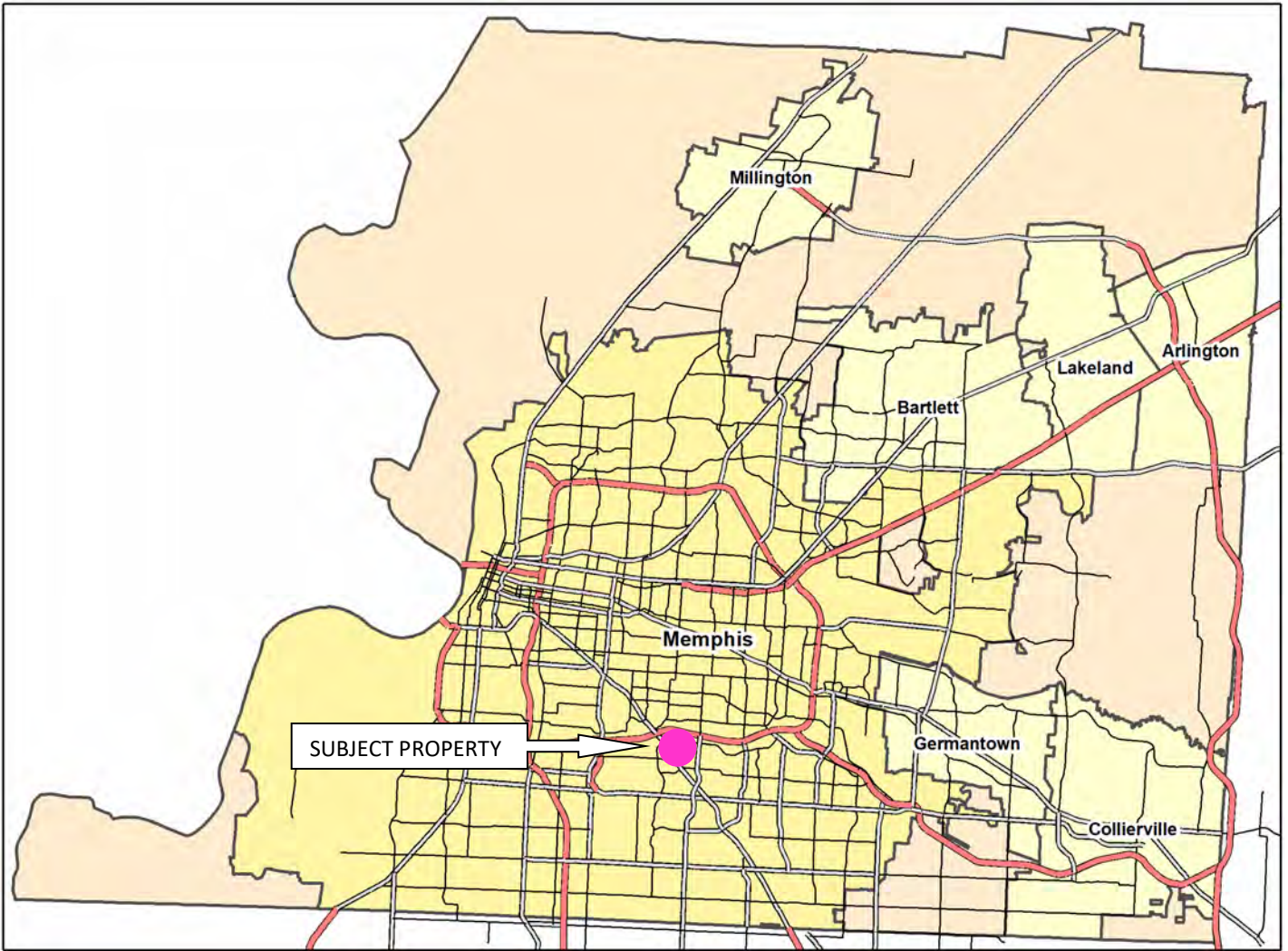
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 5:30 p.m. at 3549 Fuller Rd. on October 25, 2023.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 38 notices were mailed on October 26, 2023, and one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



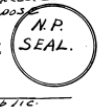
FULLER SUBDIVISION (1945)

We, C. H. Fuller and wife Emily Scott Fuller the undersigned owners of the property shown hereon, hereby adopt this as our plan of Subdivision and dedicate the streets as shown hereon to the public use forever and hereby certify that we are the owners in fee simple of the property, and that said tract is not encumbered by any mortgage or delinquent taxes.

C. H. Fuller Emily Scott Fuller
owners

State of Tennessee, County of Shelby.
Personally appeared before me the undersigned A. Notary Public, in and for said State and County, duly commissioned and qualified, C. H. Fuller and wife Emily Scott Fuller with whom I am personally acquainted and who under oath acknowledged that they executed the foregoing instrument for the purpose therein contained.

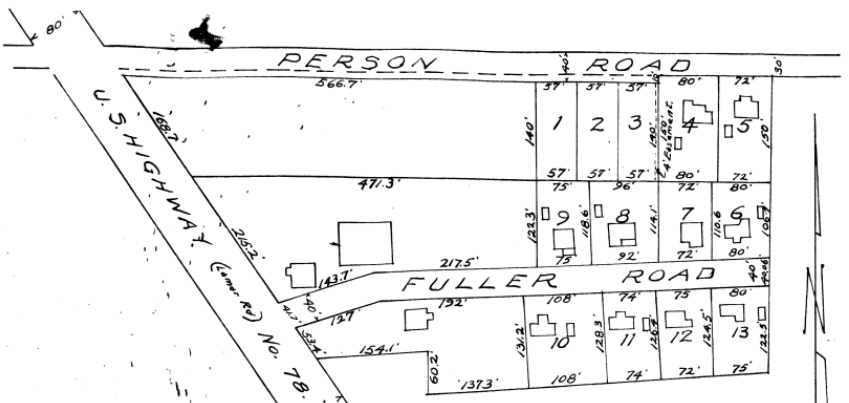
Witness my hand and Notarial Seal.
This 25 day of July 1945.
A. C. Humphrey
Notary Public.
My Commission expires April 28-1949.



RESTRICTIONS

No person of any race other than the Caucasian race shall use or occupy any building on the lots except that this covenant shall not prevent occupancy by domestic servants of a different race or color.
Easement as may be necessary as to be reserved for public utilities and maintenance.

#1538
SEPT-11-45
107 38
SEPT-17-45
11 12
Buy E. Jopner
L. H. Nelson



FULLER SUBDIVISION
OF PART OF LOTS 2 AND 4, OF CONNELL TRACT EAST OF HIGHWAY NO. 78 IN THE SECOND CIVIL DISTRICT OF SHELBY COUNTY, TENNESSEE.
AUG 1945 SCALE 1"=100'
SAM W. MCLESKEY
COUNTY SURVEYOR.

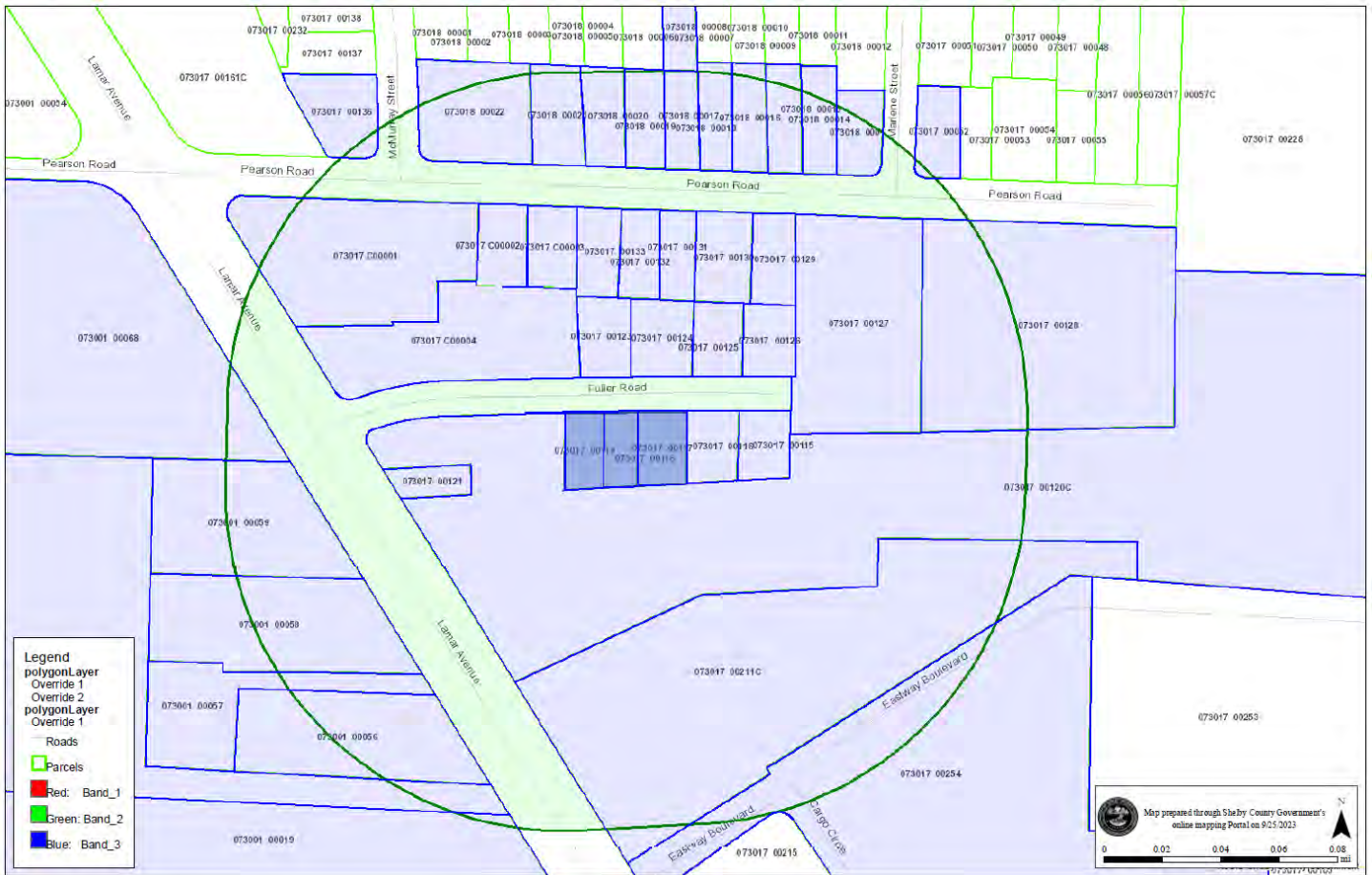
Approved by the City of Memphis Planning Commission
7-25-45 L. P. Cockrill
DATE Engineer & Secretary.

Approved by the Shelby County Commission
Sept. 10, 1945 B. J. Bellie
DATE Commissioner of Roads.

This is to certify that I have surveyed the above plan of Subdivision and that same is true and correct.
Sam W. McLeskey
Civil Engineer
State of Tennessee Certificate No. 27.

ZONED A. RESIDENTIAL.

VICINITY MAP



ZONING MAP



Existing Zoning: Residential Single-Family – 6

Surrounding Zoning

North: Residential Single-Family – 6

East: Residential Single-Family – 6

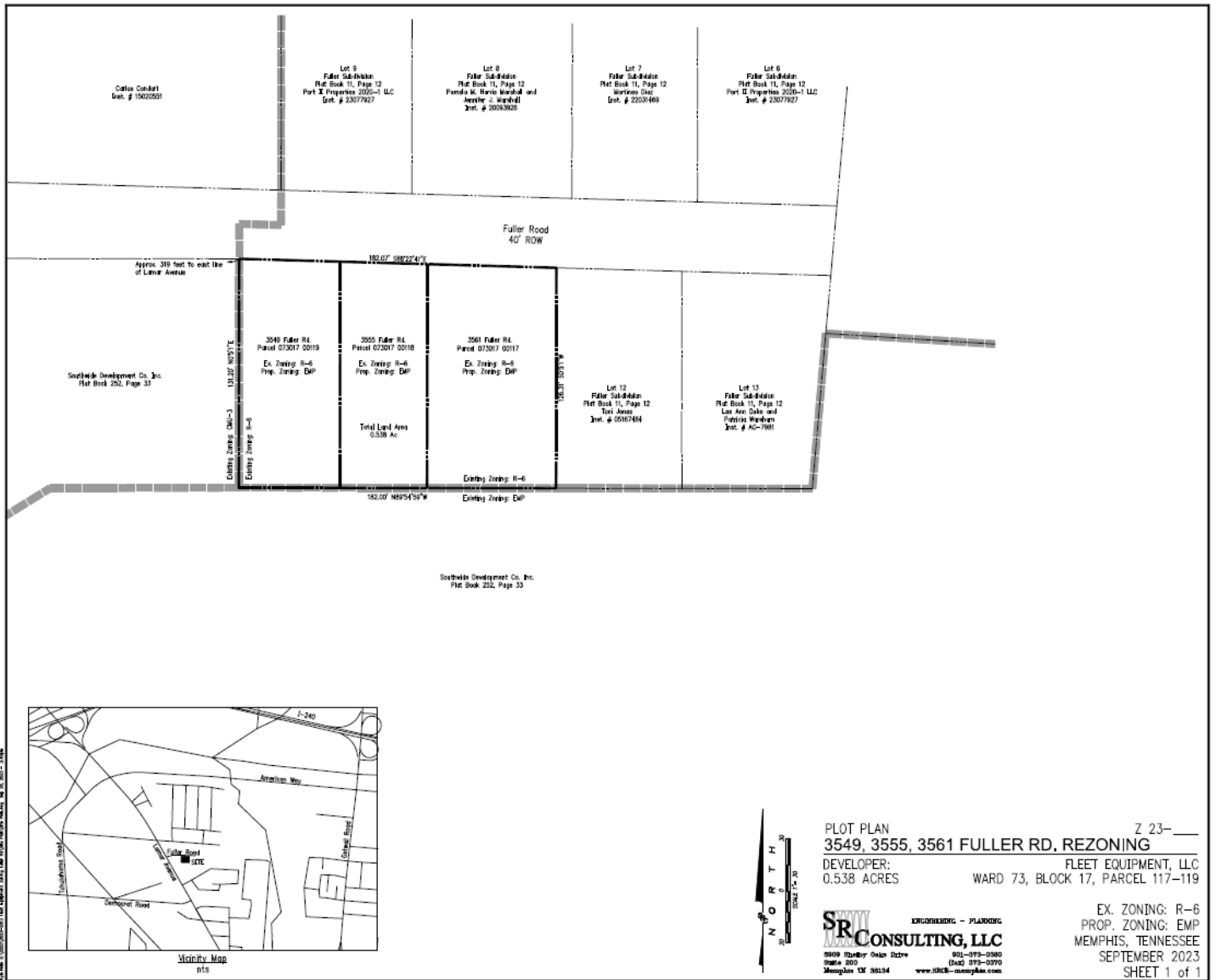
South: Employment

West: Commercial Mixed Use – 3

LAND USE MAP



PLOT PLAN



PLOT PLAN Z 23-____
3549, 3555, 3561 FULLER RD. REZONING
 DEVELOPER: FLEET EQUIPMENT, LLC
 0.538 ACRES WARD 73, BLOCK 17, PARCEL 117-119

SR CONSULTING, LLC
 ENGINEERING - PLANNING
 809 Stoney Oak Drive 801-373-0180
 Suite 200 (Fax) 870-0970
 Memphis TN 38134 www.srcc-tenn.com

EX. ZONING: R-6
 PROP. ZONING: EMP
 MEMPHIS, TENNESSEE
 SEPTEMBER 2023
 SHEET 1 of 1

SITE PHOTOS



3549 Fuller



3555 Fuller



3561 Fuller



View west down Fuller



Adjacent houses

STAFF ANALYSIS

Request

The request is to rezone 0.538 acres from Residential Single-Family – 6 to Employment.

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

Review Criteria

Staff **disagrees** the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

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.

Conclusions

The applicant has requested the rezoning of three properties on Fuller Rd. from Residential Single-Family – 6 to Employment.

This request is inconsistent with the Memphis 3.0 Comprehensive Plan.

Additionally, it would have a significantly injurious impact on adjacent residential properties, while providing little benefit to the applicant other than legitimizing illegal work and occupancy.

For these reasons, staff recommends rejection.

RECOMMENDATION

Staff recommends **rejection**.

DEPARTMENTAL COMMENTS

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

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 23-13: Oakville

Site Address/Location: 3549, 3555, 3561 Fuller Road

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

Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: N/A

The applicant is seeking approval to rezone three parcels located in R-6 zoning district to EMP.

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 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.

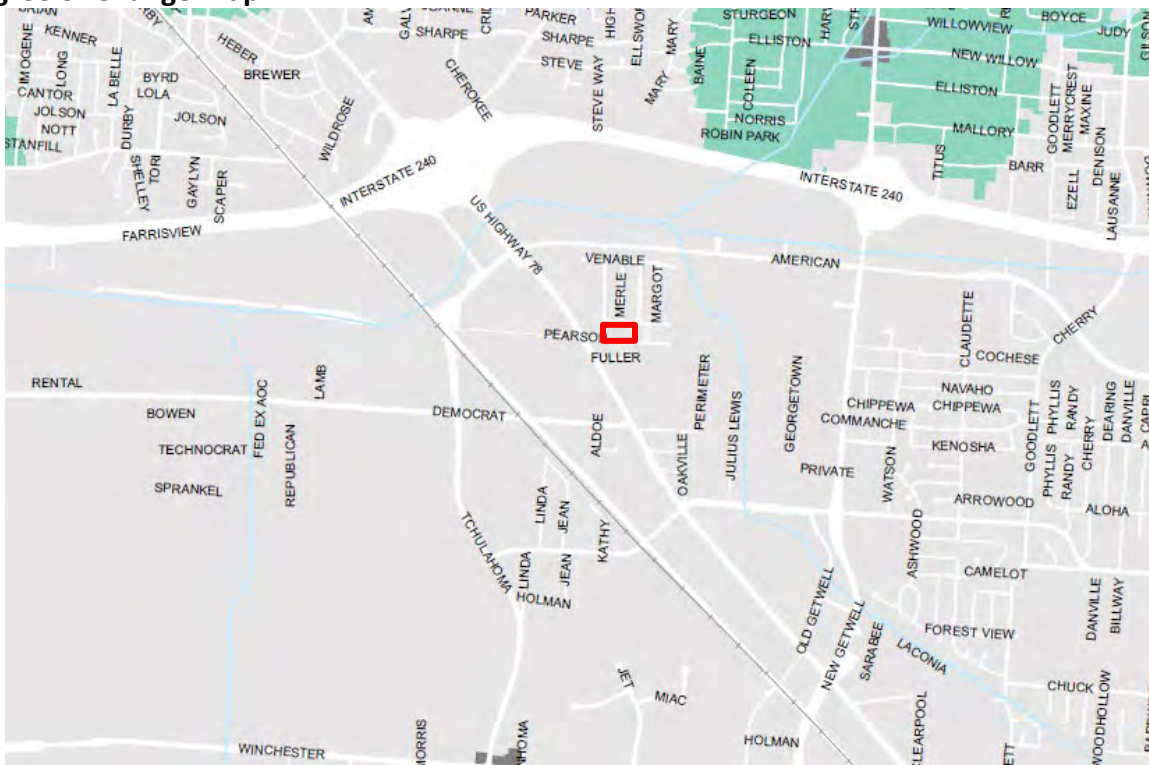
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, R-6

Adjacent Land Use and Zoning: Single-Family, Truck Storage; EMP

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not a single-family home.*

Degree of Change Map



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

3. Degree of Change Description N/A

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

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

Consistency Analysis Summary

The applicant is seeking approval to rezone three parcels located in R-6 zoning district to EMP.

This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not a single-family home.

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

City Engineer:

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

Sewers:

2. The availability of City sanitary sewer capacity is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
3. No further comments from City Engineering.

APPLICATION FORM



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: October 2, 2023

Record Number: Z 2023-013

Expiration Date:

Record Name: 3549, 3555, 3561 Fuller Rd. Rezoning

Description of Work: Rezoning from R-6 to EMP

Parent Record Number:

Address:

3549 FULLER RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y INTERSTATE DROP YARD LLC

Owner Address

2505 FARRISVIEW BLVD, MEMPHIS, TN 38118

Owner Phone

Parcel Information

073017 00119

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Chip Saliba

Date of Meeting 09/22/2023

Pre-application Meeting Type -

GENERAL INFORMATION

Is this application in response to a citation from No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter? No
Have you held a neighborhood meeting? -
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

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 3549 Fuller Rd.
Property Parcel Number: 073017 00119

Property Address: 3555 Fuller Rd.
Property Parcel Number: 073017 00118

Property Address: 3561 Fuller Rd.
Property Parcel Number: 073017 00117

Contact Information

Name	Contact Type
FLEET EQUIPMENT LLC	APPLICANT
Address	
Phone	
-	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1507377	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	26.00	10/04/2023
1507377	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	1,000.00	10/04/2023
1506407	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	10/02/2023

Total Fee Invoiced: \$1,026.00

Total Balance: \$1,026.00

LETTER OF INTENT



Date: September 25, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 3549, 3555, 3561 Fuller Rd. Rezoning

LETTER OF INTENT

We are submitting a rezoning application for property at 3549, 3555, and 3561 Fuller Rd. The property is within the R-6 zoning district. We are requesting a rezoning to EMP to incorporate the property into the adjacent property of Interstate Drop Yard.

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Cindy Reaves, being duly sworn, depose and say that at 5:46 pm on the 25th day of October, 2023 I posted one Public Notice Signs pertaining to Case No. Z 2023-013 along the property located 3555 Fuller Road providing notice of a Public Hearing before the November 9, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Subdivision), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy Reaves
Owner, Applicant or Representative

10/26/23
Date

Subscribed and sworn to before me this 26th day of October, 2023

Robert M. Sweeney
Notary Public
My commission expires: 9/26/2027



LETTERS RECEIVED

No letters received by the comment deadline.