

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 12/05/2023.
DATE
PUBLIC SESSION: 12/05/2023
DATE

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on 5516 Raines Road. By taking the land out of the Residential Single-Family – 6 (R-6) Use District and including it in the Employment (EMP) Use District, known as case number Z 2023-012.

CASE NUMBER: Z 2023-012

LOCATION: 5516 Raines Road

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

OWNER/APPLICANT: Brooks James E and Odell Brooks III(RS)

REPRESENTATIVES: The Bray Firm

REQUEST: Rezoning of +/-70,070 SQF from Residential Single-Family – 6 (R-6) to Employment (EMP)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – December 5, 2023
Second reading – December 19, 2023
Third reading – January 10, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
<u>12/05/2023</u>	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____ Mahsan Ostadnia	11/27/2023	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2023-012

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 5516 RAINES ROAD FROM THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-012.

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

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: Z 2023-012

LOCATION: 5516 Raines Road

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

OWNER/APPLICANT: Brooks James E and Odell Brooks III(RS)

REPRESENTATIVE: The Bray Firm

REQUEST: Rezoning of +/-70,070 SQF from Residential Single-Family – 6 (R-6) to Employment (EMP)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

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

Respectfully,

Maksan Ostadnia

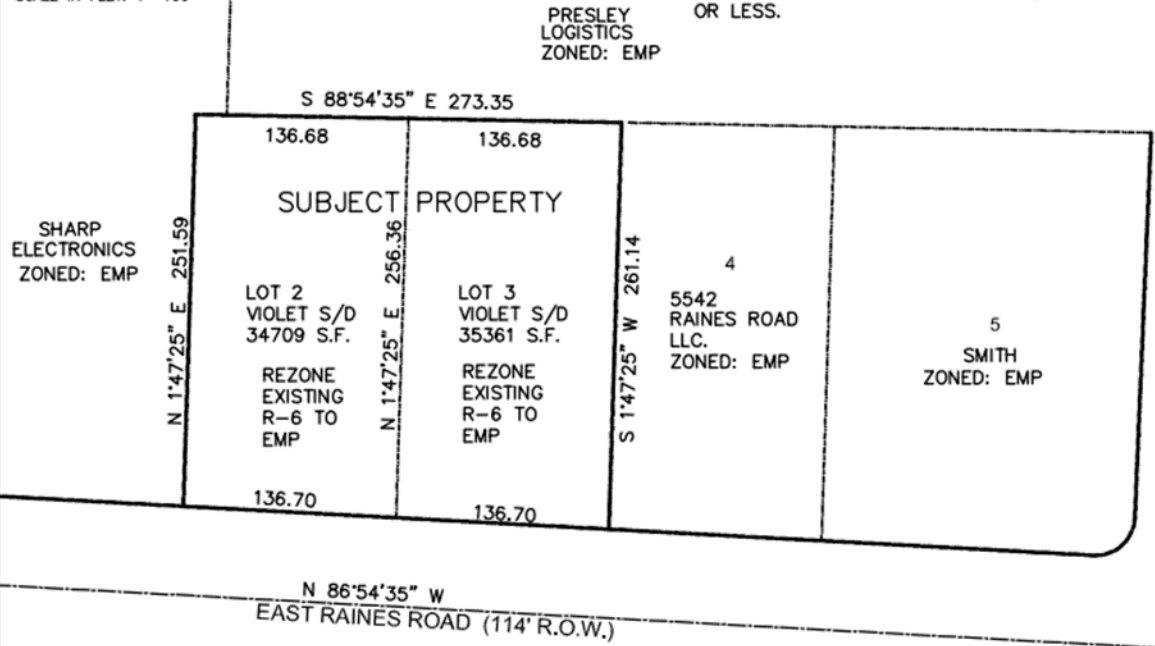
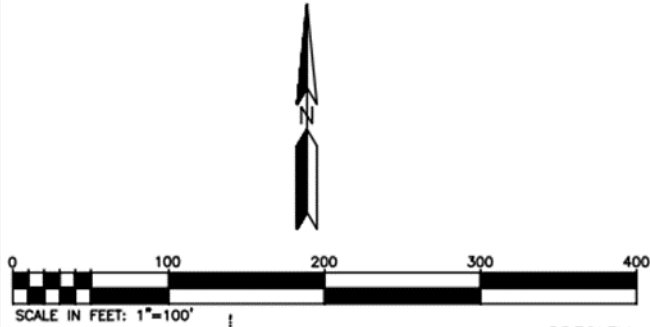
Planner II
Land Use & Development Services

Cc: Committee Members
File

PLOT PLAN

**PLOT PLAN
 LOTS 2 AND 3, VIOLET SUBDIVISION
 5516 & 5530 E. RAINES
 AS RECORDED AT THE
 SHELBY COUNTY REGISTER'S OFFICE
 P.B. 22, PAGE 13
 MEMPHIS, SHELBY COUNTY, TN**

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, VIOLET SUBDIVISION, SAID POINT BEING IN THE NORTH LINE OF EAST RAINES ROAD (57 FEET DEDICATED FROM CENTERLINE); THENCE ALONG THE WEST LINE OF SAID LOT 2 N 1°47'25" W A DISTANCE OF 251.59 FEET TO A POINT; THENCE ALONG THE NORTH LINE OF LOTS 2 AND 3 OF SAID VIOLET SUBDIVISION S 88°54'35" E A DISTANCE OF 273.35 FEET TO A POINT; THENCE ALONG THE EAST LI OF SAID LOT 3 S 1°47'25" W A DISTANCE OF 261.14 FEET TO A POINT IN THE SAID NORTH LINE OF EAST RAINES ROAD; THENCE ALONG SAID NORTH LINE N 86°54'35" W A DISTANCE OF 273.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.608 ACRES OF LAND, MORE OR LESS.



G & I
ZONED: EMP

SEALY-RAINES
ZONED: EMP

PREPARED FOR:
JAMES BROOKS/JAKE MANGUM

A PORTION OF THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0445 F DATED SEPTEMBER 28, 2007. BFE: 291

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

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5516 RAINES ROAD BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-012.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2023-012**; 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:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, VIOLET SUBDIVISION, SAID POINT BEING IN THE NORTH LINE OF EAST RAINES ROAD (57 FEET DEDICATED FROM CENTERLINE); THENCE ALONG THE WEST LINE OF SAID LOT 2 N 1°47'25" W A DISTANCE OF 251.59 FEET TO A POINT; THENCE ALONG THE NORTH LINE OF LOTS 2 AND 3 OF SAID VIOLET SUBDIVISION S 88°54'35" E A DISTANCE OF 273.35 FEET TO A POINT; THENCE ALONG THE EAST LI OF SAID LOT 3 S 1°47'25" W A DISTANCE OF 261.14 FEET TO A POINT IN THE

SAID NORTH LINE OF EAST RAINES ROAD; THENCE ALONG SAID NORTH LINE N 86°54'35" W A DISTANCE OF 273.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.608 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.

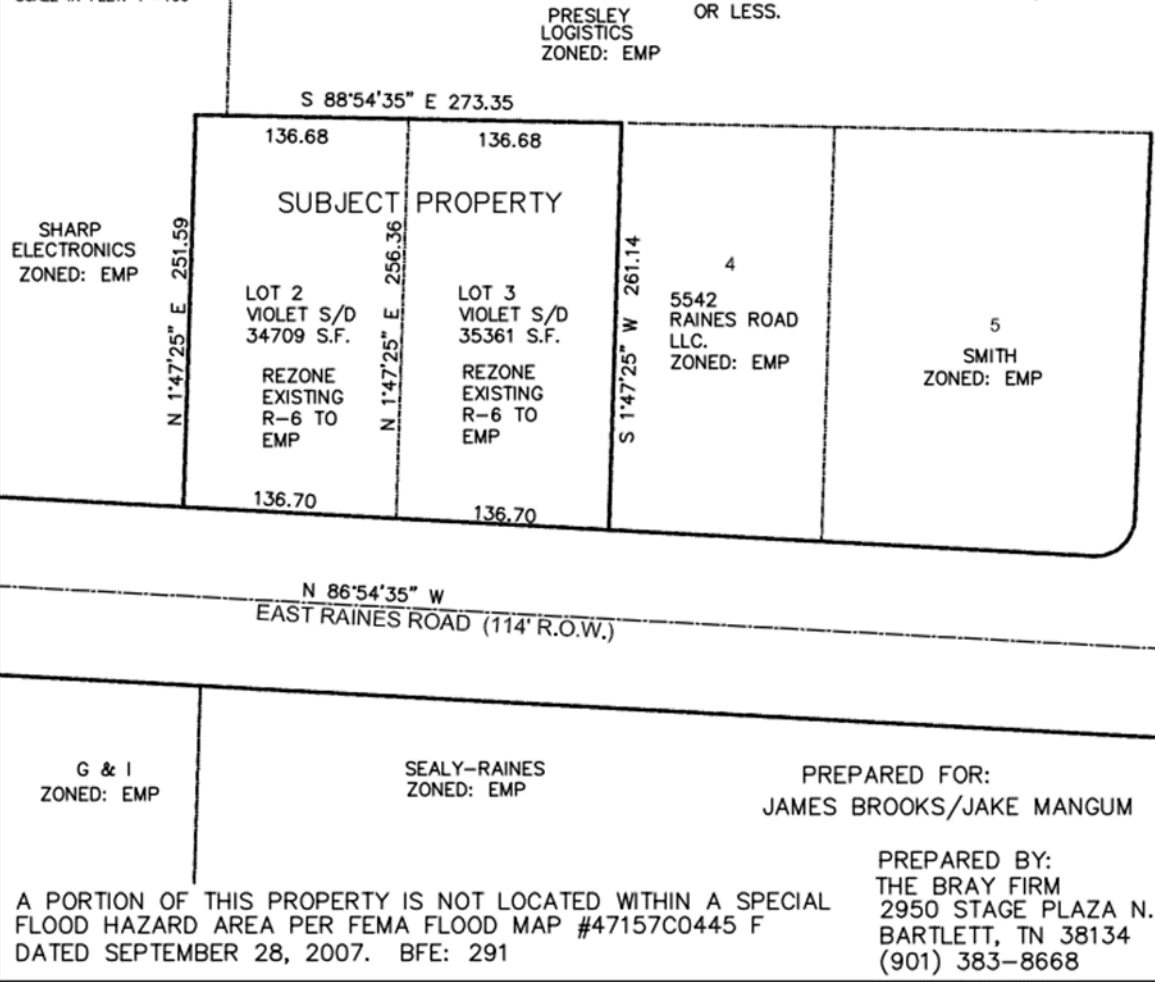
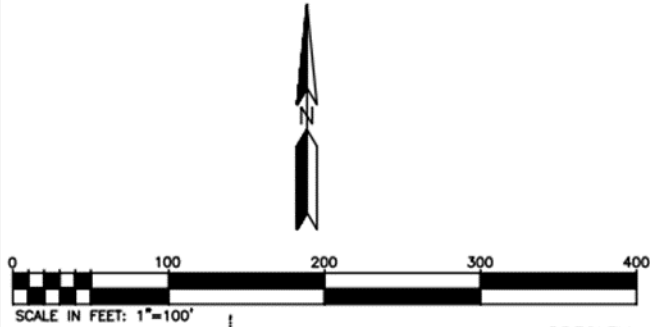
SECTION 3:

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.

PLOT PLAN

**PLOT PLAN
 LOTS 2 AND 3, VIOLET SUBDIVISION
 5516 & 5530 E. RAINES
 AS RECORDED AT THE
 SHELBY COUNTY REGISTER'S OFFICE
 P.B. 22, PAGE 13
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ATTEST:

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

AGENDA ITEM: 25

CASE NUMBER: Z 2023-012

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

LOCATION: 5516 Raines Road

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

OWNER/APPLICANT: Brooks James E and Odell Brooks III(RS)

REPRESENTATIVE: The Bray Firm

REQUEST: Rezoning of 5516 and 5530 E. Raines Road from R-6 to EMP

CONCLUSIONS

1. The request is to rezone +/- 1.608 acres of land from Residential Single-Family – 6 (R-6) to Employment (EMP).
2. The subject property includes two parcels, which is indicated as lot 2 and lot 3 on the site plan.
3. The surrounding parcels are all zoned as Employment (EMP), and it appears that these parcels remaining in the R-6 zoning district is an anomaly.
4. Staff believes the Employment District is consistent with this plan's recommendation and an appropriate zoning district for the area that is compatible with the surrounding land uses in which the subject property lies.
5. Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
6. The subject property is vacant at this time.

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 12-13 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage:	East Raines Road Lot 2	+/- 136.70 linear feet
	East Raines Road Lot 3	+/-136.70 linear feet
Zoning Atlas Page:	2445	
Parcel ID:	093407 A00002	
Area:	+/-70,070 SQF	
Existing Zoning:	Residential Single Family-6 (R-6)	
Requested Zoning:	Employment (EMP)	

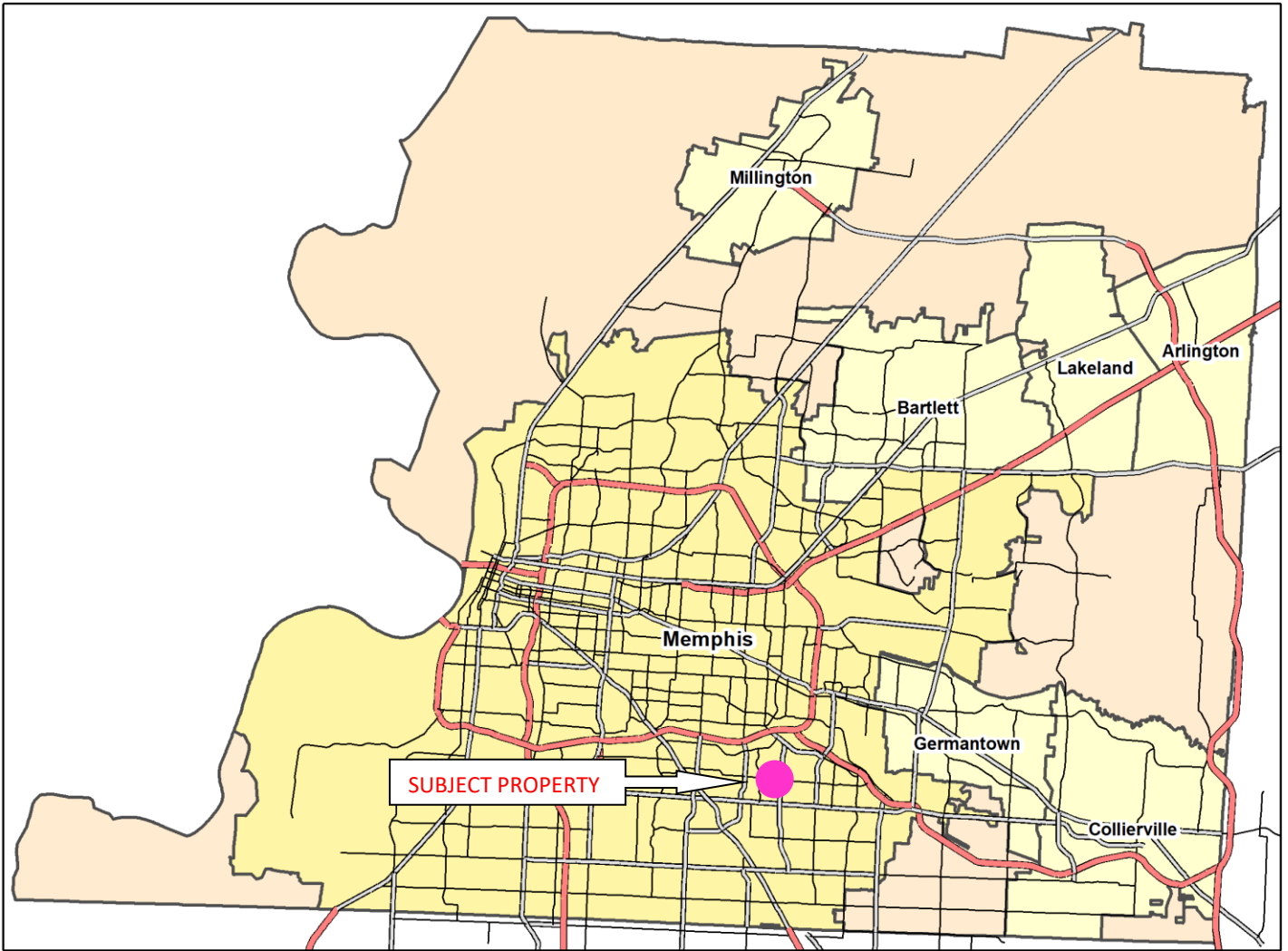
NEIGHBORHOOD MEETING

The meeting was held at 5:00 to 6:00 PM on Tuesday, August 29, 2023, at the East Shelby Library, 7200 East Shelby Dr.

PUBLIC NOTICE

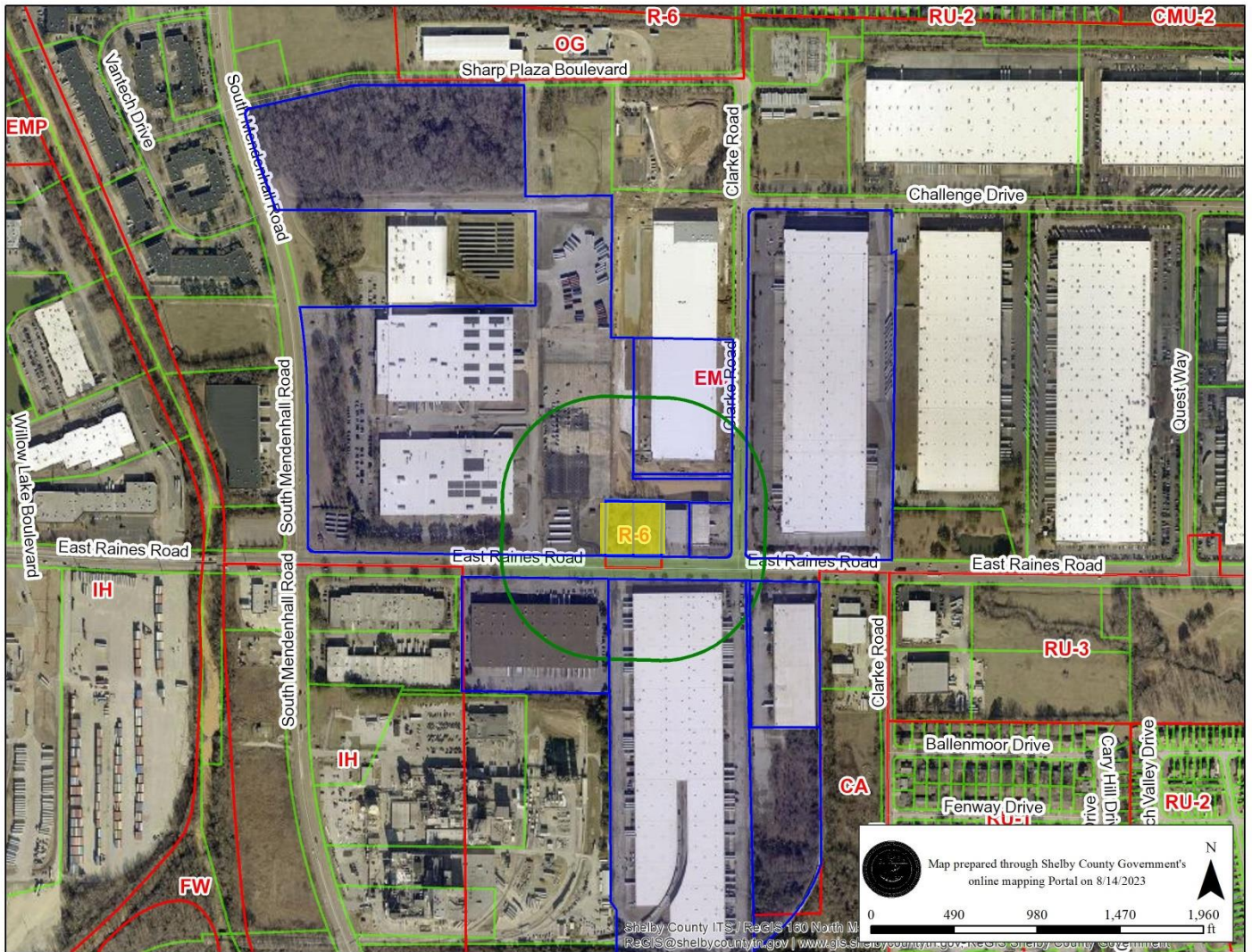
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 24 notices were mailed on August 15, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



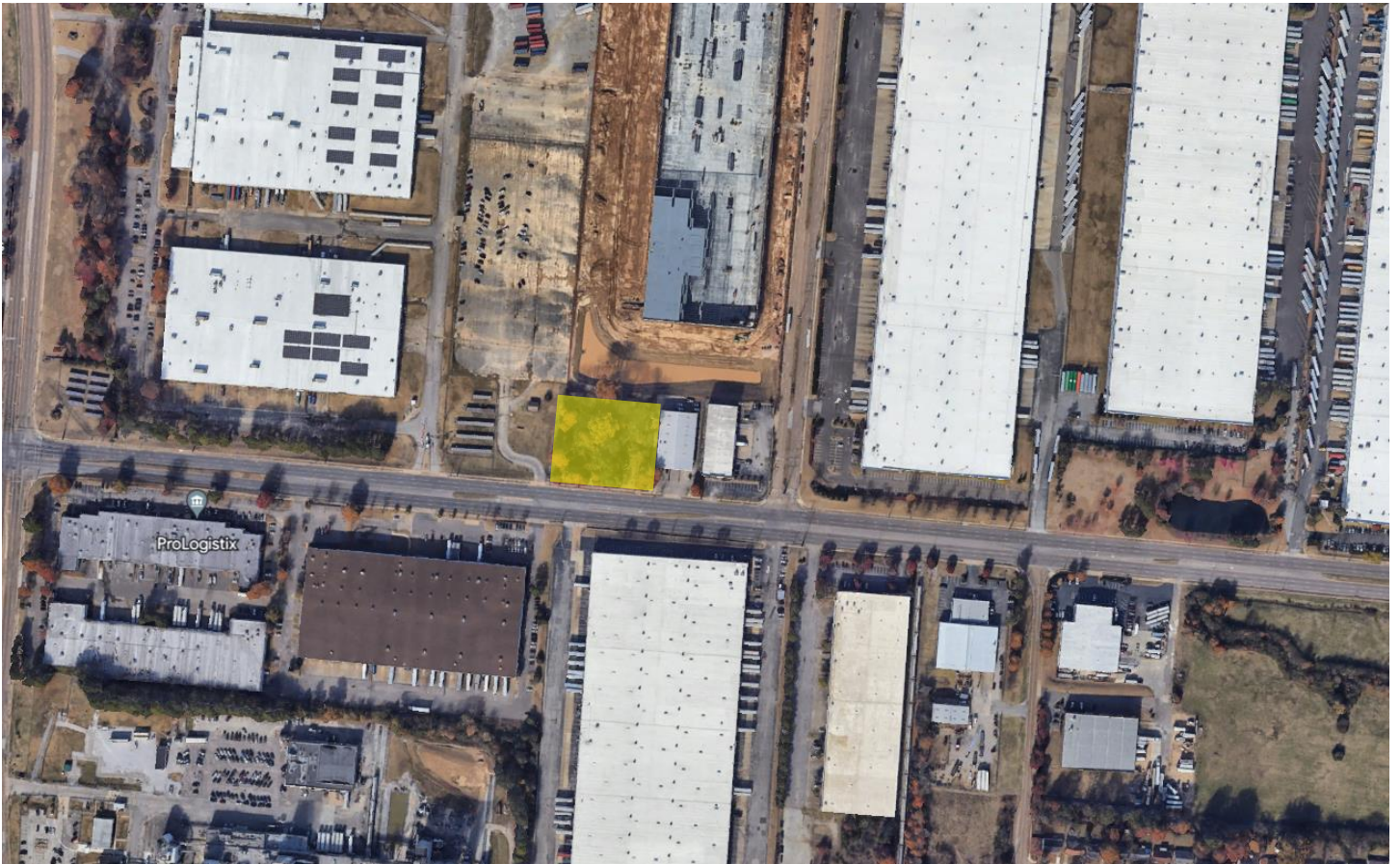
Subject property located within the pink circle.

VICINITY MAP



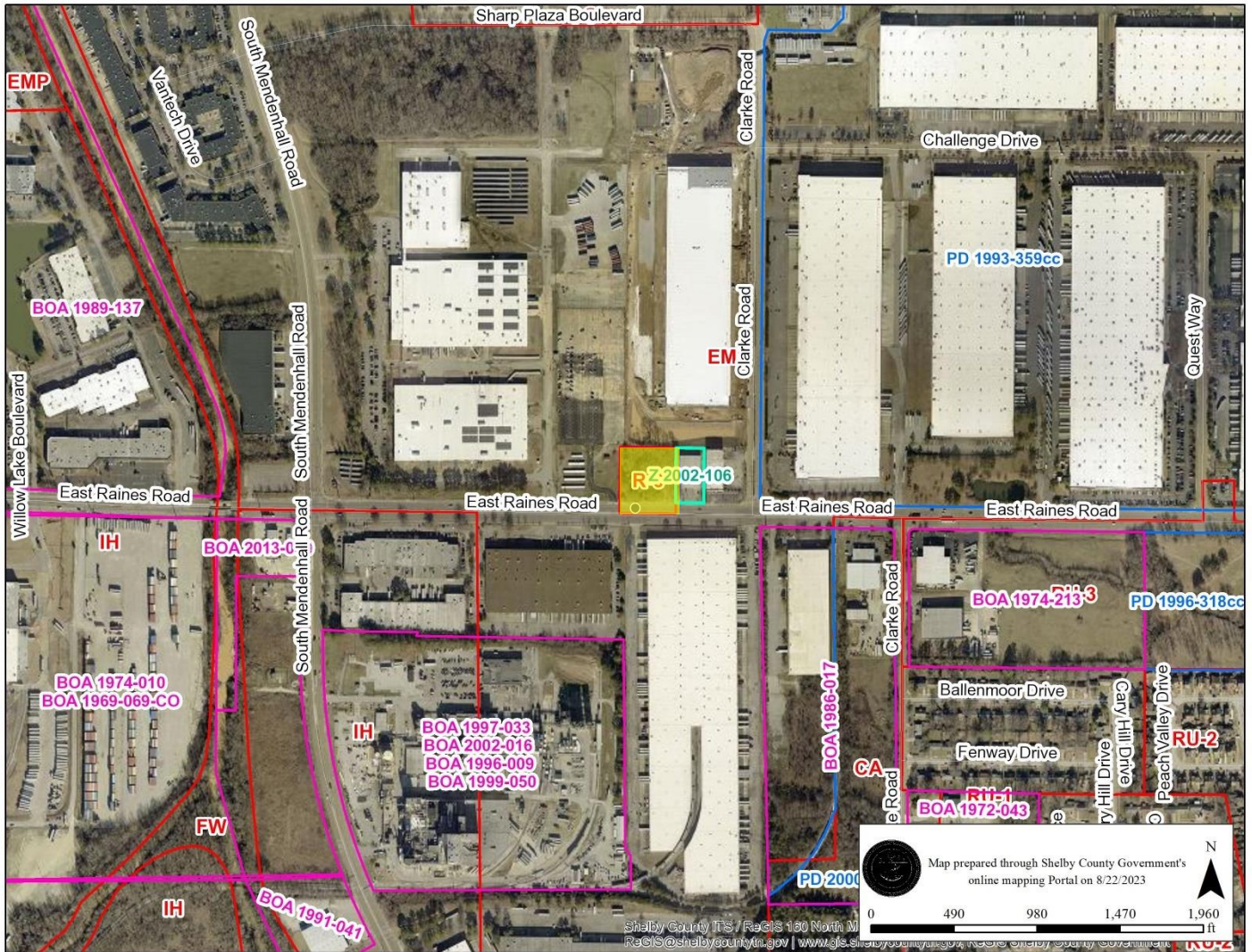
Subject property highlighted in yellow.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

Existing Zoning: Residential Single Family-6 (R-6)

surrounding Zoning

North: EMP

East: EMP

South: EMP, IH

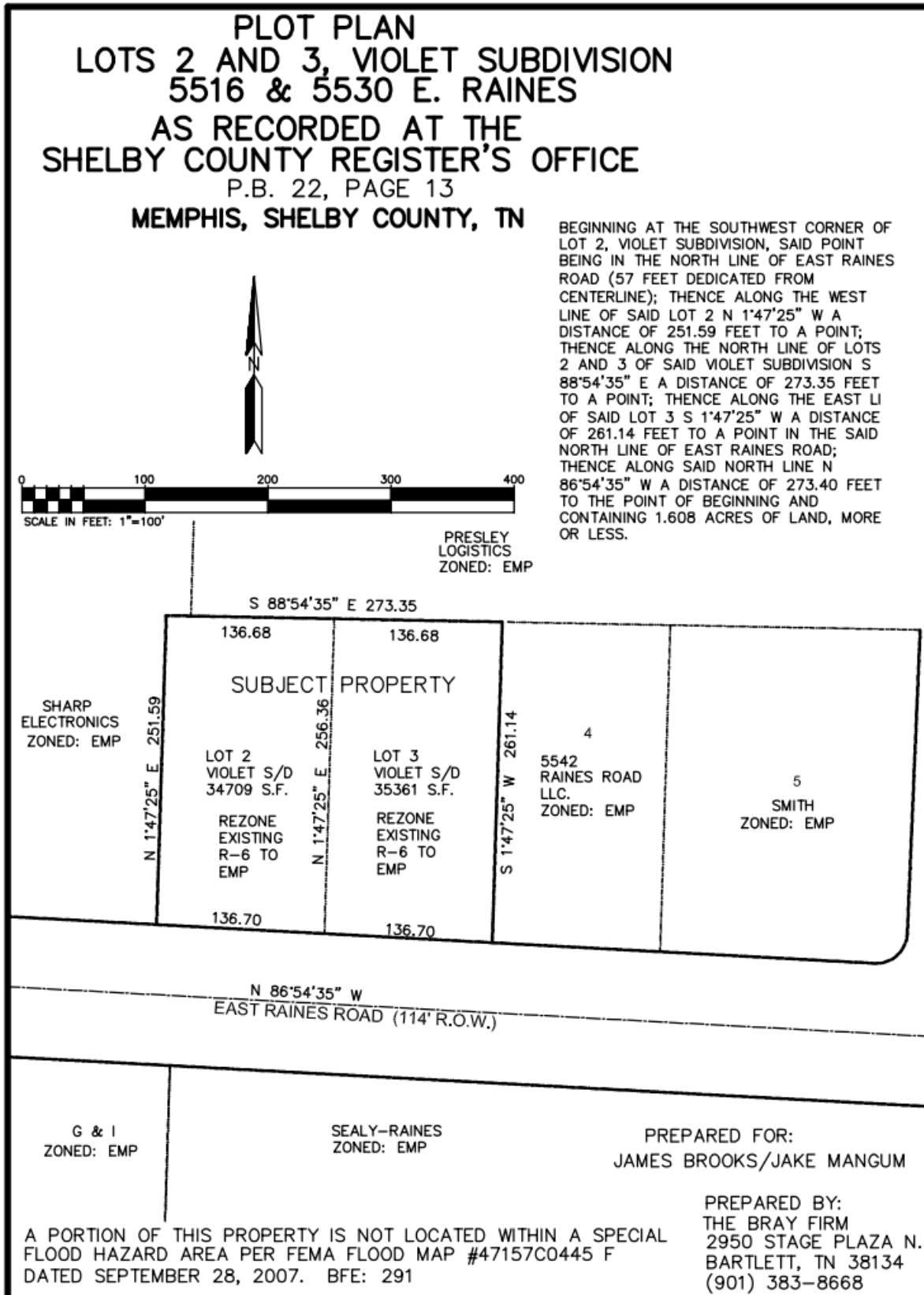
West: EMP

LAND USE MAP

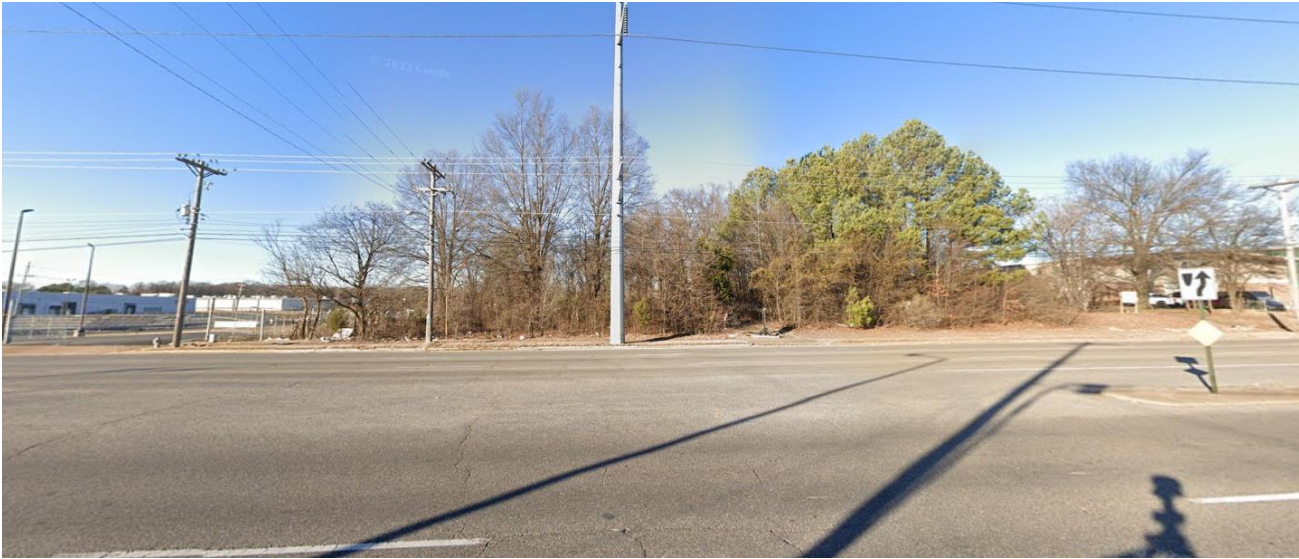


Subject property outlined in electric blue and indicated by pink star.

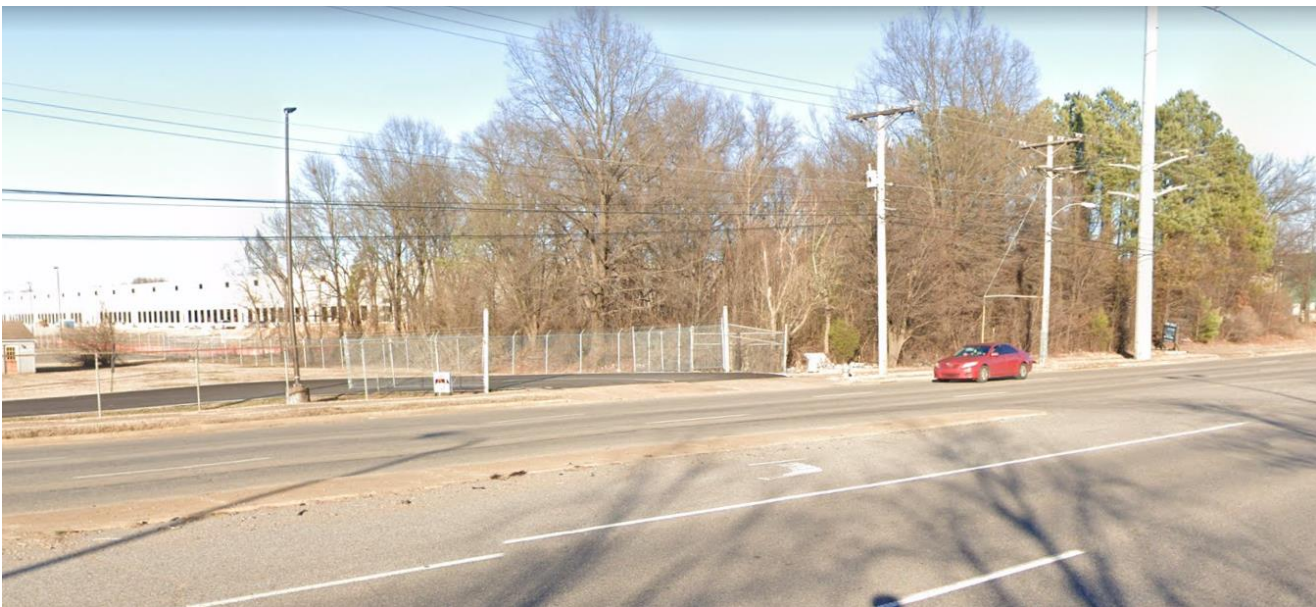
PLOT PLAN



SITE PHOTOS



View of subject property from East Raines Road (Front)



View of subject property from East Raines Road (West)



View of subject property from East Raines Road (East)

STAFF ANALYSIS

Request

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

Rezoning of 5516 and 5530 E. Raines Road from R-6 to EMP.

Review Criteria

Staff **agrees** 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.

Site Description

The subject property includes two parcels, which is indicated as lot 2 and lot 3 on the site plan. Lot 2 is +/- 34709 square feet and lot 3 is +/- 35361 square feet in total. The subject property is located on East Raines Road.

Beginning at the southwest corner of lot 2, violet subdivision, said point being in the north line of East Raines Road (57 feet dedicated from centerline); thence along the west line of said lot 2 n 1°47'25" w a distance of 251.59 feet to a point; thence along the north line of lots 2 and 3 of said violet subdivision s 88°54'35" e a distance of 273.35 feet to a point; thence along the east li of said lot 3 s 1°47'25" w a distance of 261.14 feet to a point in the said north line of East Raines Road; thence along said north line n 86°54'35" w a distance of 273.40 feet to the point of beginning and containing 1.608 acres of land, more or less.

A portion of this property is not located within a special flood hazard area per FEMA flood map #47157C0445 F, dated September 28, 2007.

Site Zoning History

The current zoning is Residential Single Family-6 (R-6). The surrounding parcels are all zoned as Employment (EMP), and it appears that these parcels remaining in the R-6 zoning district is an anomaly.

Conclusions

1. The request is to rezone +/- 1.608 acres of land from Residential Single-Family – 6 (R-6) to Employment (EMP).
2. The subject property includes two parcels, which is indicated as lot 2 and lot 3 on the site plan.
3. The surrounding parcels are all zoned as Employment (EMP), and it appears that these parcels remaining in the R-6 zoning district is an anomaly.
4. Staff believes the Employment District is consistent with this plan's recommendation and an appropriate zoning district for the area that is compatible with the surrounding land uses in which the subject property lies.
5. Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
6. The subject property is vacant at this time.

RECOMMENDATION

Staff recommends 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 sewers are available to serve this development.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [LUCB Case Z 23-012: SE Memphis](#)

Site Address/Location: 5516 and 5530 E. Raines Rd.

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

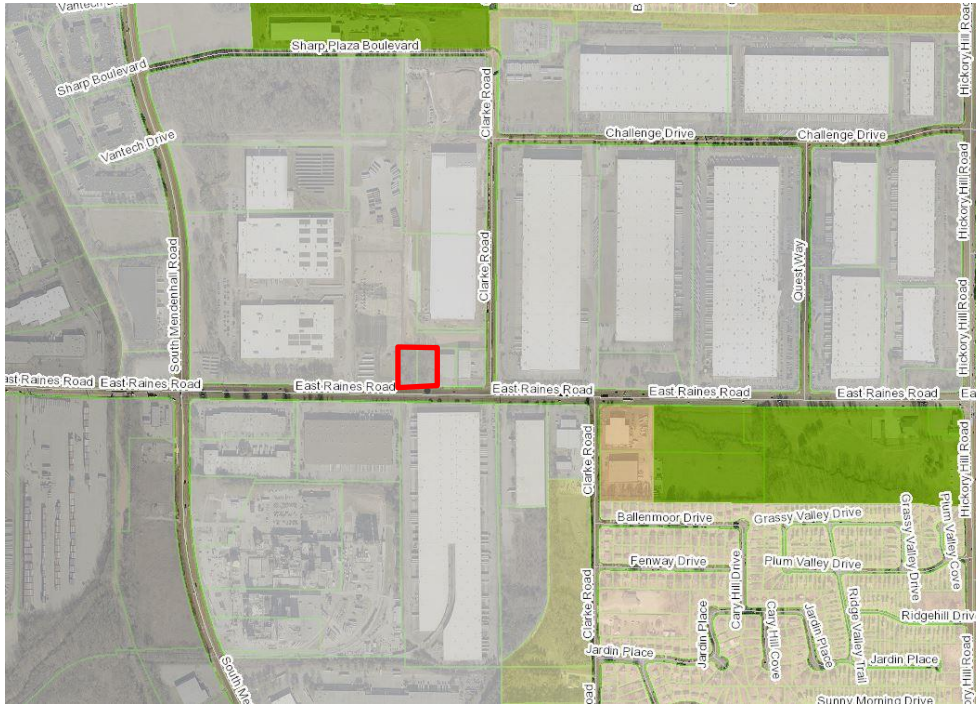
Future Land Use Designation: Industrial Flex (IF)

Street Type: Avenue

The applicant is proposing to rezone +/-1.6 acres from Residential Single-Family -6 (R-6) to Employment (EMP) at 5516 and 5530 E. Raines Rd.

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

Lower intensity industrial areas with a mix of uses and building scales that are generally compatible with nearby neighborhoods. Graphic portrayal of IF is to the right.

“IF” Form & Location Characteristics

Industrial with some commercial and service uses 1-6 stories.

“IF” Zoning Notes

Generally compatible with the following zone districts: EMP, IH in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

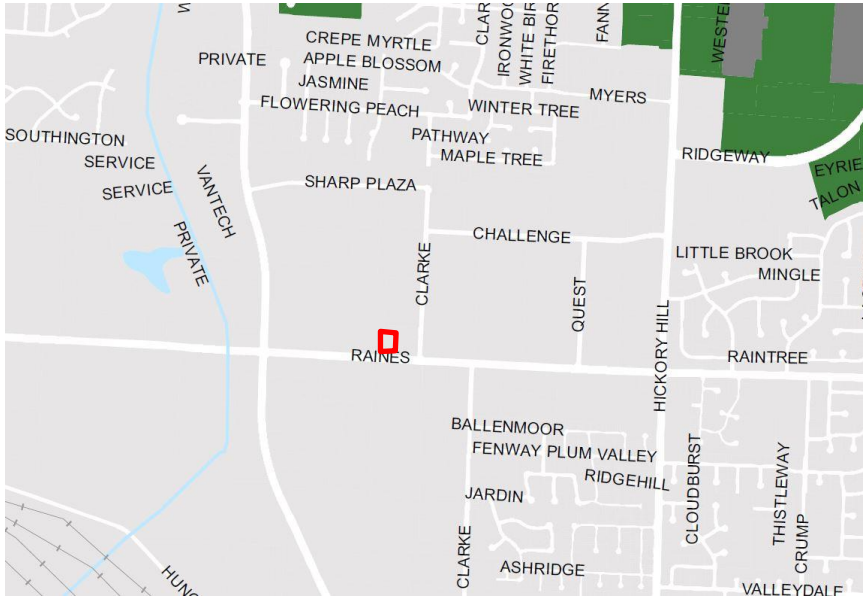
Existing Land Use and Zoning: Vacant, R-6

Adjacent Land Use and Zoning: Industrial, Vacant, and Commercial; IH, CA, and EMP

Overall Compatibility: *This request to rezone the two parcels from Residential Single-Family to Employment is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed rezoning will meet the criteria in form, scale, or use in the EMP Zoning District.*

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 proposing to rezone +/-1.6 acres from Residential Single-Family -6 (R-6) to Employment (EMP) at 5516 and 5530 E. Raines Rd.

This request to rezone the two parcels from Residential Single-Family to Employment is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed rezoning will meet the criteria in form, scale, or use in the EMP Zoning District.

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

Summary Compiled by: Faria Army, Comprehensive Planning.

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: August 3, 2023

Record Number: Z 2023-012

Expiration Date:

Record Name: Lots 2 and 3, Violet Subdivision - Rezone from R-6 to EMP

Description of Work: Rezoning of 5516 and 5530 E. Raines Road from R-6 to EMP

Parent Record Number:

Address:

5516 RAINES RD, MEMPHIS 38115

Owner Information

Primary Owner Name

Y BROOKS JAMES E AND ODELL BROOKS III (RS)

Owner Address

13263 OLD LOCKE RD, OLIVE BRANCH, MS 38654

Owner Phone

Parcel Information

093407 A00002

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	help desk
Date of Meeting	06/20/2023
Pre-application Meeting Type	In Person

GENERAL INFORMATION

Is this application in response to a citation from	No
--	----

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?

Have you held a neighborhood meeting? No
If yes, please provide additional information n/a

GIS INFORMATION

Central Business Improvement District No
Case Layer -
Class I
Downtown Fire District No
Historic District -
Land Use VACANT
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning R-6
State Route -
Lot 2
Subdivision VIOLET OF W PT LOT 24 JAMES N BROWN
ESTA

Planned Development District -
Wellhead Protection Overlay District Yes

Contact Information

Name BROOKS JAMES E AND ODELL BROOKS III (RS) **Contact Type** APPLICANT
Address

Phone
-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1491531	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	08/03/2023
1491531	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	08/03/2023
			Total Fee Invoiced: \$1,026.00	Total Balance: \$0.00		

Payment Information

Payment Amount \$1,026.00 **Method of Payment** Credit Card



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, James E. Brooks James E. Brooks, 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 5516 E. Raines Rd Memphis TN 38118
and further identified by Assessor's Parcel Number 093-4070-A-00002-0
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 3rd day of August in the year of 2023.

[Signature]
Signature of Notary Public



03/30/2027
My Commission Expires

LETTER OF INTENT

The Bray Firm

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

August 2, 2023

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

**RE: Rezoning from R-6 to EMP: Lots 2 and 3, Violet Subdivision (P.B. 22, Pg. 13)
5516 and 5530 E. Raines
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application for to rezone the above captioned property from R-6 to EMP. The subject parcels are vacant tracts with 130+- feet (each) of frontage on E. Raines Road. The surrounding parcels are all zoned EMP and it appears that these parcels remaining in the R-6 zoning district is an anomaly.

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

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Jake Mangum Jr., being duly sworn, depose and say that at 6:27 am (pm) on the 26 day of August, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. Z23-12 at 5530 E. Raines providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

8/28/2023
Date

Subscribed and sworn to before me this 28th day of August, 2023.

[Signature]
Notary Public

My commission expires: 9/23/2026



AFFIDAVIT

Shelby County
State of Tennessee

I, James E. Brooks, being duly sworn, depose and say that at 6:28 am/pm on the 26 day of August, 2023, I posted one Public Notice Sign(s) pertaining to Case No. Z2023-012 at 5514 E. Raines Road, providing notice of a Public Hearing before the (check one):

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

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

James E. Brooks
Owner, Applicant or Representative

8-28-2023
Date

Subscribed and sworn to before me this 28th day of August, 2023

Jerry Campbell
Notary Public

My commission expires: 10-25-2026





LETTERS RECEIVED

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



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: August 3, 2023

Record Number: Z 2023-012

Expiration Date:

Record Name: Lots 2 and 3, Violet Subdivision - Rezone from R-6 to EMP

Description of Work: Rezoning of 5516 and 5530 E. Raines Road from R-6 to EMP

Parent Record Number:

Address:

5516 RAINES RD, MEMPHIS 38115

Owner Information

Primary Owner Name

Y BROOKS JAMES E AND ODELL BROOKS III (RS)

Owner Address

13263 OLD LOCKE RD, OLIVE BRANCH, MS 38654

Owner Phone

Parcel Information

093407 A00002

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

help desk

Date of Meeting

06/20/2023

Pre-application Meeting Type

In Person

GENERAL INFORMATION

Is this application in response to a citation from

No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?
Have you held a neighborhood meeting? No
If yes, please provide additional information n/a

GIS INFORMATION

Central Business Improvement District No
Case Layer -
Class I
Downtown Fire District No
Historic District -
Land Use VACANT
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning R-6
State Route -
Lot 2
Subdivision VIOLET OF W PT LOT 24 JAMES N BROWN ESTA

Planned Development District -
Wellhead Protection Overlay District Yes

Contact Information

Name BROOKS JAMES E AND ODELL BROOKS III (RS) **Contact Type** APPLICANT
Address

Phone
-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1491531	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	08/03/2023
1491531	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	08/03/2023

Total Fee Invoiced: \$1,026.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00 **Method of Payment** Credit Card

The Bray Firm

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

August 2, 2023

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

**RE: Rezoning from R-6 to EMP: Lots 2 and 3, Violet Subdivision (P.B. 22, Pg. 13)
5516 and 5530 E. Raines
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application for to rezone the above captioned property from R-6 to EMP. The subject parcels are vacant tracts with 130+- feet (each) of frontage on E. Raines Road. The surrounding parcels are all zoned EMP and it appears that these parcels remaining in the R-6 zoning district is an anomaly.

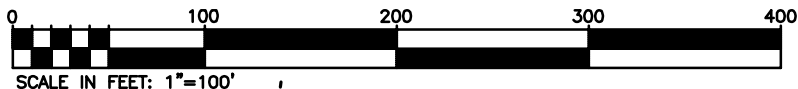
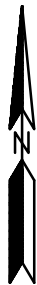
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

PLOT PLAN
LOTS 2 AND 3, VIOLET SUBDIVISION
5516 & 5530 E. RAINES
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
P.B. 22, PAGE 13
MEMPHIS, SHELBY COUNTY, TN

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, VIOLET SUBDIVISION, SAID POINT BEING IN THE NORTH LINE OF EAST RAINES ROAD (57 FEET DEDICATED FROM CENTERLINE); THENCE ALONG THE WEST LINE OF SAID LOT 2 N 1°47'25" W A DISTANCE OF 251.59 FEET TO A POINT; THENCE ALONG THE NORTH LINE OF LOTS 2 AND 3 OF SAID VIOLET SUBDIVISION S 88°54'35" E A DISTANCE OF 273.35 FEET TO A POINT; THENCE ALONG THE EAST LI OF SAID LOT 3 S 1°47'25" W A DISTANCE OF 261.14 FEET TO A POINT IN THE SAID NORTH LINE OF EAST RAINES ROAD; THENCE ALONG SAID NORTH LINE N 86°54'35" W A DISTANCE OF 273.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.608 ACRES OF LAND, MORE OR LESS.



PRESLEY LOGISTICS
 ZONED: EMP

S 88°54'35" E 273.35

SHARP ELECTRONICS
 ZONED: EMP

N 1°47'25" E 251.59

136.68

136.68

SUBJECT PROPERTY

LOT 2
 VIOLET S/D
 34709 S.F.

REZONE
 EXISTING
 R-6 TO
 EMP

N 1°47'25" E 256.36

LOT 3
 VIOLET S/D
 35361 S.F.

REZONE
 EXISTING
 R-6 TO
 EMP

S 1°47'25" W 261.14

4

5542
 RAINES ROAD
 LLC.
 ZONED: EMP

5

SMITH
 ZONED: EMP

136.70

136.70

N 86°54'35" W
 EAST RAINES ROAD (114' R.O.W.)

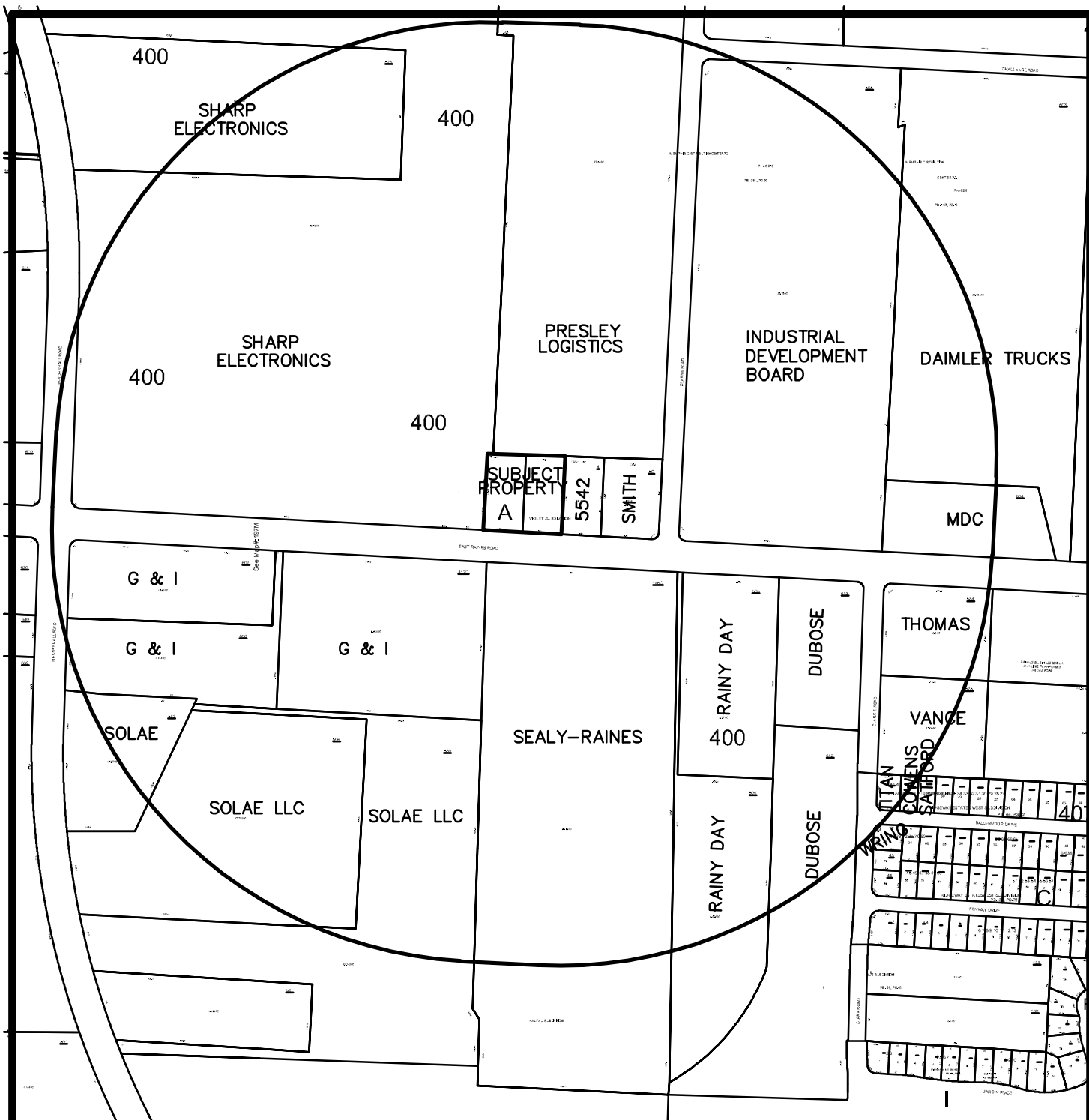
G & I
 ZONED: EMP

SEALY-RAINES
 ZONED: EMP

PREPARED FOR:
 JAMES BROOKS/JAKE MANGUM

A PORTION OF THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0445 F DATED SEPTEMBER 28, 2007. BFE: 291

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



**RE-ZONING APPLICATION FOR 5416/5530 E. RAINES
 APPLICANT: BROOKS & MANGUM**

MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 JULY 24, 2023

TELEPHONE 901-383-8668
 E-MAIL dgbray@comcast.net
 SCALE 1"=500'

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, James E. Brooks James E. Brooks, 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 5516 E. Raines Rd Memphis TN 38118
and further identified by Assessor's Parcel Number 093-4070-A-00002-0
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 3rd day of August in the year of 2003.

Charva C. Gyp
Signature of Notary Public



03/30/2027
My Commission Expires

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

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

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, Jake Mangum Jr.
(Print Name)


(Sign Name)

, state that I have read the definition of

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

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

of the property located at 5530 E. Raines Rd., Memphis, Tn.
and further identified by Assessor's Parcel Number 093407 A00003
for which an application is being made to the Division of Planning and Development.

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


Signature of Notary Public



5-4-27
My Commission Expires



Shelby County Tennessee

Willie F. Brooks Jr

Shelby County Register

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



23009030

02/03/2023 - 02:44:31 PM

2 PGS	
HERTHA 2538889 - 23009030	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared By:
Marie A. Washington, Attorney At Law
P. O. Box 2221, Memphis, Tennessee 38103
(901) 774-6046

AFFIDAVIT AS TO SURVIVORSHIP

STATE OF TENNESSEE:
COUNTY OF SHELBY:

PARCEL IDENTIFICATION NUMBER: 093407 A00002

On this 25 Day of January, 2023 before me personally
appeared Oteria Sowell who address is 4253 Hickory Grove Dr.
and who being first duly sworn states the following: Mphs. TN 38141

That **HATTIE BROOKS AND LINDA REED** whom last known address and
homestead was **5516 E. RAINES ROAD, MEMPHIS, TN. 38115**.

PARCEL IDENTIFICATION NUMBER: 093407 A00002

That **HATTIE BROOKS** died in MEMPHIS, TN. on NOVEMBER 9, 2009
at the age of 95 years. That **LINDA REED** died in MEMPHIS, TN. on MARCH 24
2022 at the age of 66 years.

That on the date of death of **HATTIE BROOKS AND LINDA REED**, they were partial
owners of certain described real estate more commonly known as 5516 RAINES ROAD,
MEMPHIS, TN. 38115

On the date of death of **HATTIE BROOKS AND LINDA REED**, they did not have
valid Last Wills and Testaments that disposed of there interests in the above-described real
estate.

That pursuant to Tennessee Code Annotated Section 31-2-101, Intestate Estate (Any part
of the estate of a decedent not effectively disposed of by the deceased's will passes to the
deceased heirs).

Being the same property conveyed to Hattie Brooks and Linda Reed as recorded in the
Register's Office of Shelby County, Tennessee under Instrument Number DA-8117.

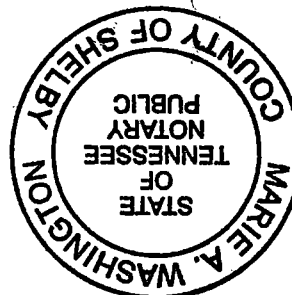
That the surviving equal and joint owners for the above described real estate are;
JAMES ERVIN BROOKS
13263 OLD LOCKE RD.
OLIVE BRANCH, MS. 38654.

ODELL BROOKS, III
5553 KINDLE CREEK DRIVE
MEMPHIS, TN. 38141

Otera Knell

Dated: 1/25/2023

Affiant



State of Tennessee:

County of Shelby:

25th January, 2023

On this 25th day of January, 2023, before me, a Notary Public in and for said county of Shelby, State of Tennessee, personally appeared OTERIA DOWELL

to me known that he/she executed the foregoing document as his/her free act and will.

Sworn to and subscribed before me this 25th Day of January, in witness thereof, I have set my hand and official seal.

Marie A. Washington February 23, 2025

Marie A. Washington, Notary Public

My Commission Expires

MAIL TAX NOTICES TO:

JAMES ERVIN BROOKS
13263 OLD LOCKE RD
OLIVE BRANCH, MS 38654



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.



201906250062435

06/25/2019 - 09:38:26 AM

1 PGS	
KRISTIN 1884203 - 201906250062435	
VALUE	1.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by: Jake Mangum, Jr., 1377 Craft RD, South, Hernando, MS 38632

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that All Siblings on this the 20th day of June, 2019, for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, quit claim and convey unto Jake Mangum, Jr. all their right, title, and interest in and to the following described real estate, to wit:

Beginning a point in the centerline of New Raines Road and located a distance of 1642.82 feet, more or less. Eastwardly from the intersection of Raines Road and Mendenhall Road; thence commencing in a northwardly direction a distance of 39.72 feet, more or less, to the said point of beginning; thence continuing in a northwardly direction along the east property line of the Elder D. and Hattie Brooks property a distance of 17.29 feet, more or less, to a point in the new north right-of-way line of Raines Road; thence along the new right-of-way line an eastwardly direction a distance of 136.72 feet, more or less, to a point in the west property line of the Earnest and Lena Anderson property; thence along the said Anderson west property line in a southwardly direction a distance of 19.6 feet, more or less, to a point in the old right-of-way line; thence in a westwardly direction along said old right-of-way line a distance of 136.7 feet, more or less, to the said point of beginning. ALL BEARINGS ARE RELATIVE. The above described property contains 2521 square feet, more or less.

Last deed of Record 201906250062432 | 201906250062434
201906250062433

IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 20th day of June, 2019.

STATE OF TENNESSEE
COUNTY OF Shelby

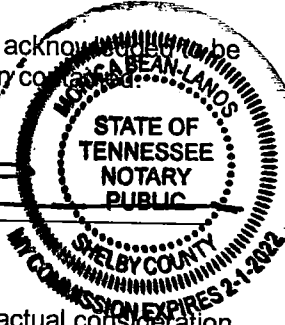
Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared

Lila Mangum
Dorothy J. Mangum
Annette M. Fields
Mary Steinberg
[Signature]

Melvin Mangum
Gloria M. Brown
Felix Mangum
Marvin Mangum
[Signature]

with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledge to be person(s) within named and that executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal this 20th day of June, 2019.



My commission expires: 02.01.2022

Notary Public

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ 1.00

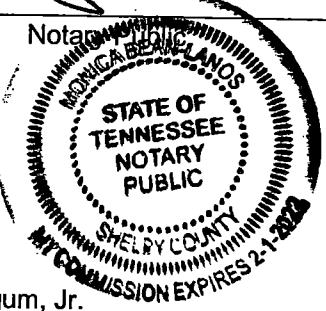
All Siblings [Signature] Affiant

*Mary A. Steinberg- 1349 Gill, Memphis, TN, 38106; Gloria M. Brown- 4082 Eagle River RD, Memphis, TN 38118; Marvin Mangum- 605 Andrew Rucker Lane, Nashville, TN 37211; Melvin Mangum- 3815 Maulden Dr., Memphis, TN 38116; Jake Mangum Jr.- 1377 Craft RD, Hernando, MS 38632; Annette M. Fields- 2578 Bridgeport, Memphis, TN 38114; Elbert Mangum- 4960 Royston Loop, Memphis, TN 38125; Felix Mangum- 2427 Warren St, Memphis, TN 38106; Dorothy J. Mangum-4743 Bradford Dr, Memphis, TN 38109; Linda Mangum- 2427 Warren St, Memphis, TN 38106.

STATE OF TENNESSEE
COUNTY OF Shelby

Subscribed and sworn before me this the 20th day of June, 2019.

My commission expires: 02.01.2022



The following information is not a part of this Deed:

Property Address: 5530 E. Raines RD
Memphis, TN

Owner's Name and Address
Marvin Mangum
605 Andrew Rucker Lane
Nashville, TN 37211
Jake Mangum, Jr.
1377 Craft Road
Hernando, MS 38632

Parcel Number
093407 A00003

Mail Tax Bills to:
Dorothy Jean Mangum
4743 Bradford Drive
Memphis, TN 38109

Brooks & Mangum
1377 Craft Road
Hernando, MS 38632

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Fifty Five Fourty Two Raines Road LLC
4633 SANFORD ST
METAIRIE LA 70006

Henry T Smith Co Inc.
4141 CLARKE RD
MEMPHIS TN 38115 5021

TPP 419 Presley Logistics LLC
1717 MAIN ST 2600
DALLAS TX 75201

Sharp Electronics Corporation
SHARP PLAZA BLVD
MEMPHIS TN 38115

Sharp Electronics Corp
4020 S MENDENHALL RD
MEMPHIS TN 38115

Economic Development Growth Engine
Industrial Development Board
100 PEABODY PL STE 1100
MEMPHIS TN 38103 3652

Daimler Trucks North America LLC
4555 N CHANNEL AVE
PORTLAND OR 97217

MDC Association Inc.
2620 THOUSAND OAKS BLVD STE
4000
MEMPHIS TN 38118

James R Thomason Jr.
PO BOX 751376
MEMPHIS TN 38175

Owen H Jr. & Lisa M Vance
4226 CLARKE RD
MEMPHIS TN 38141

Titan Legacy Holdings LLC
3225 MCLEOD DR STE 100
LAS VEGAS NV 89121 2257

Resident
5656 Ballenmoor Dr
MEMPHIS TN 38115

Lorraine Cowans
5664 BALLEENMOOR DR
MEMPHIS TN 38141 6802

Satford LLC / Resident
5668 Ballenmoor Dr
MEMPHIS TN 38115

Dubose-5625 LLC
3333 MOUNT PROSPECT RD
FRANKLIN PARK IL 60131

Rainy Day II LLC and Joel A Fulmer Jr.
2030 HARRISON ST
SAN FRANCISCO CA 94110 1310

Sealy Raines Road LLC
8401 N CENTRAL EXPY STE 150
DALLAS TX 75225 4404

G & I IX Raines LLC
10123 ALLIANCE RD STE 300
CINCINNATI OH 45242 4714

Solae LLC
2045 W GRAND PMB 27091 AVE STE B
CHICAGO IL 60612 1577

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, VIOLET SUBDIVISION, SAID POINT BEING IN THE NORTH LINE OF EAST RAINES ROAD (57 FEET DEDICATED FROM CENTERLINE); THENCE ALONG THE WEST LINE OF SAID LOT 2 N 1°47'25" W A DISTANCE OF 251.59 FEET TO A POINT; THENCE ALONG THE NORTH LINE OF LOTS 2 AND 3 OF SAID VIOLET SUBDIVISION S 88°54'35" E A DISTANCE OF 273.35 FEET TO A POINT; THENCE ALONG THE EAST LI OF SAID LOT 3 S 1°47'25" W A DISTANCE OF 261.14 FEET TO A POINT IN THE SAID NORTH LINE OF EAST RAINES ROAD; THENCE ALONG SAID NORTH LINE N 86°54'35" W A DISTANCE OF 273.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.608 ACRES OF LAND, MORE OR LESS.

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

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, December 05, 2023 at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: Z 2023-012
LOCATION: 5516 Raines Road
COUNCIL DISTRICTS: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Brooks James E and Odell Brooks III(RS)
REPRESENTATIVE: The Bray Firm
REQUEST: Rezoning of +/-70,070 SQF from Residential Single-Family – 6 (R-6) to Employment (EMP)

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, December 05, 2023, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

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

THIS THE _____, _____

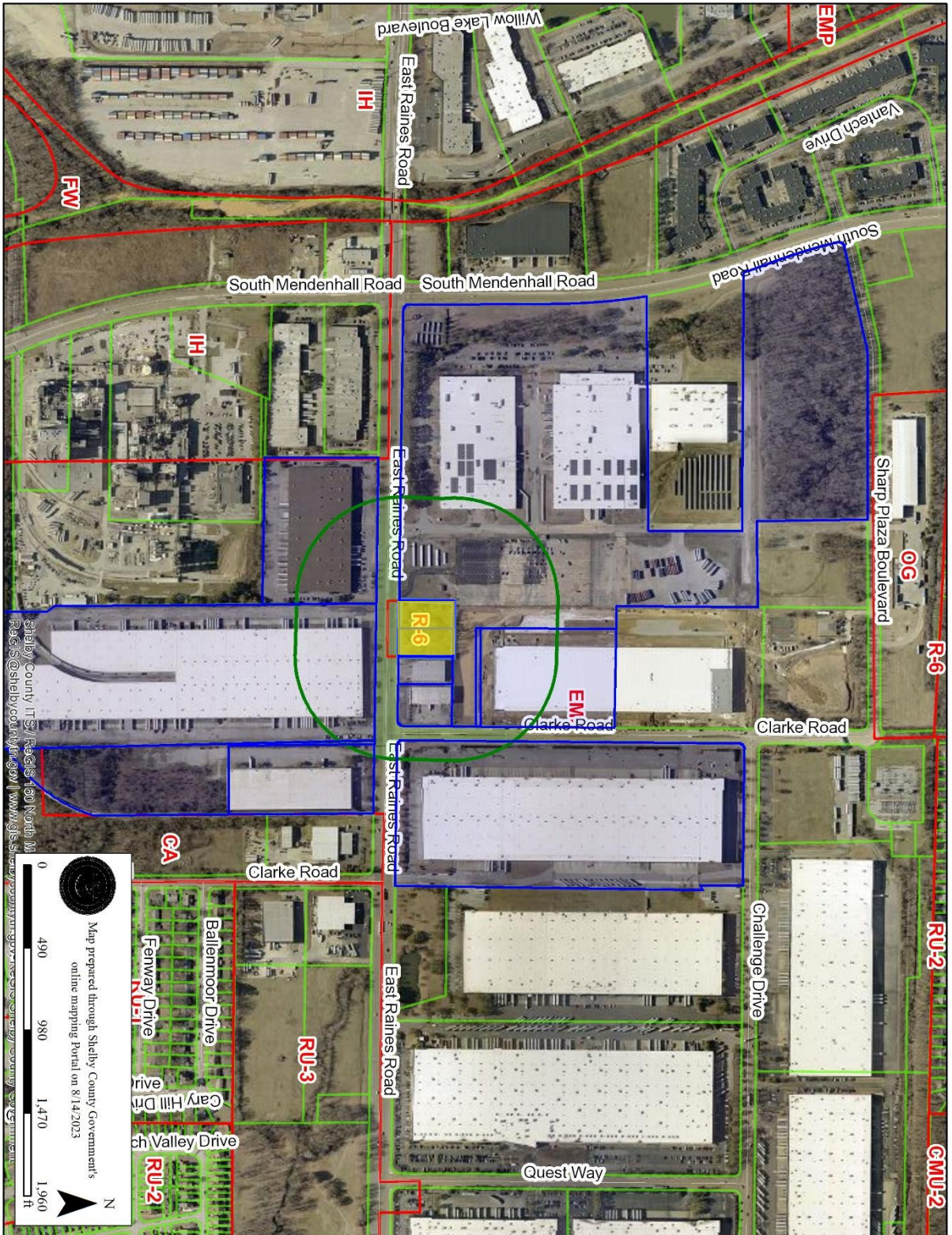
CHAIRMAN OF COUNCIL

ATTEST:

CITY COMPTROLLER

TO BE PUBLISHED:

VICINITY MAP



SHARP ELECTRONICS CORP
SHARP PLAZA BLVD #
MEMPHIS TN 38118

G & I X E RAINES LLC
10123 ALLIANCE RD #300
CINCINNATI OH 45242

SHARP ELECTRONICS CORP
SHARP PLAZA BLVD #
MEMPHIS TN 38193

SEALY RAINES ROAD L L C
8401 N CENTRAL EXPY #150
DALLAS TX 75225

FIFTY FIVE FOURTY TWO RAINES ROAD LLC
4633 SANFORD ST #
METAIRIE LA 70006

RAINY DAY II LLC
2030 HARRISON ST #
SAN FRANCISCO CA 94110

SHARP ELECTRONICS CORPORATION
SHARP PLAZA BLVD #
MEMPHIS TN 38115

BROOKS HATTIE (LE) AND JAMES E BROOKS
13263 OLD LOCKE RD #
OLIVE BRANCH MS 38654

STEINBERG MARY A AND GLORIA M BROWN AND
2427 WARREN ST #
MEMPHIS TN 38106

HENRY T SMITH CO INC
905 GLADE SPRINGS DR
SOMERVILLE TN 38068

RAINY DAY II LLC AND JOEL A FULMER JR
2030 HARRISON ST #
SAN FRANCISCO CA 94110

ECONOMIC DEVELOPMENT GROWTH ENGINE
100 PEABODY PL #1100
MEMPHIS TN 38103



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.

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

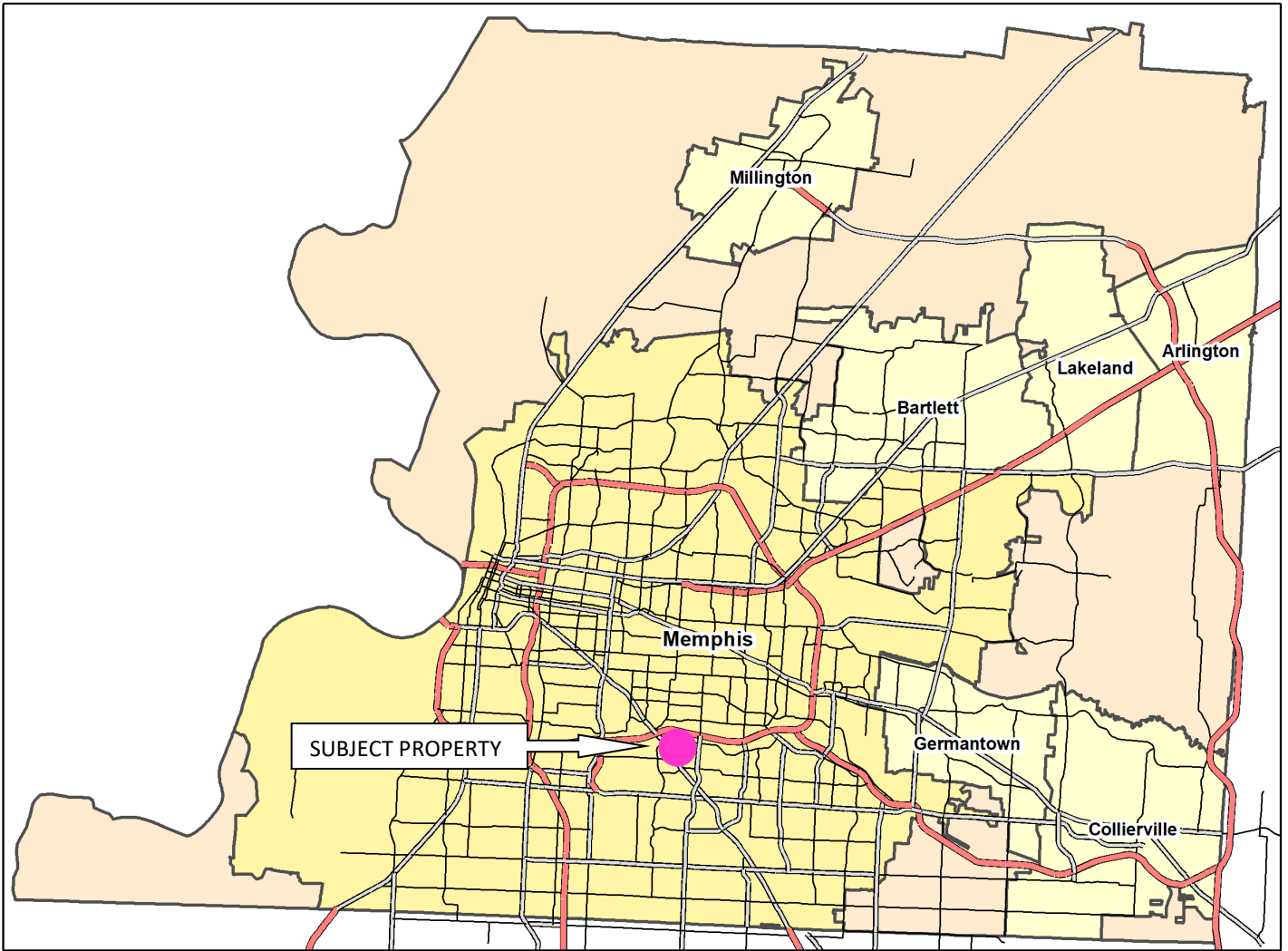
NEIGHBORHOOD MEETING

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



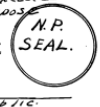
FULLER SUBDIVISION (1945)

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.

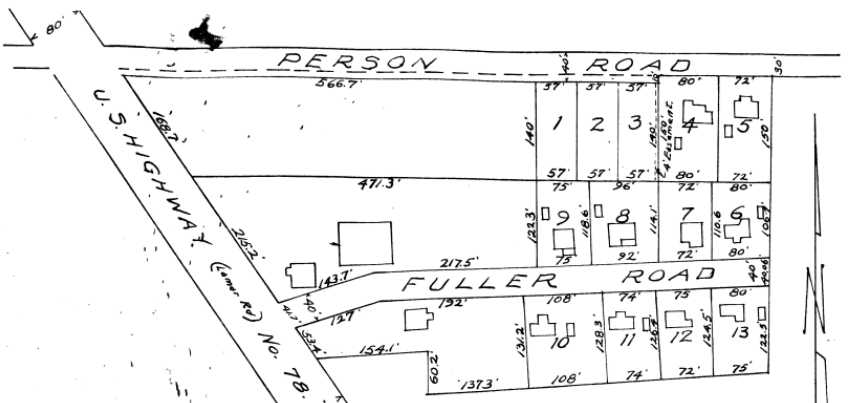


RESTRICTIONS

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
S. 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.

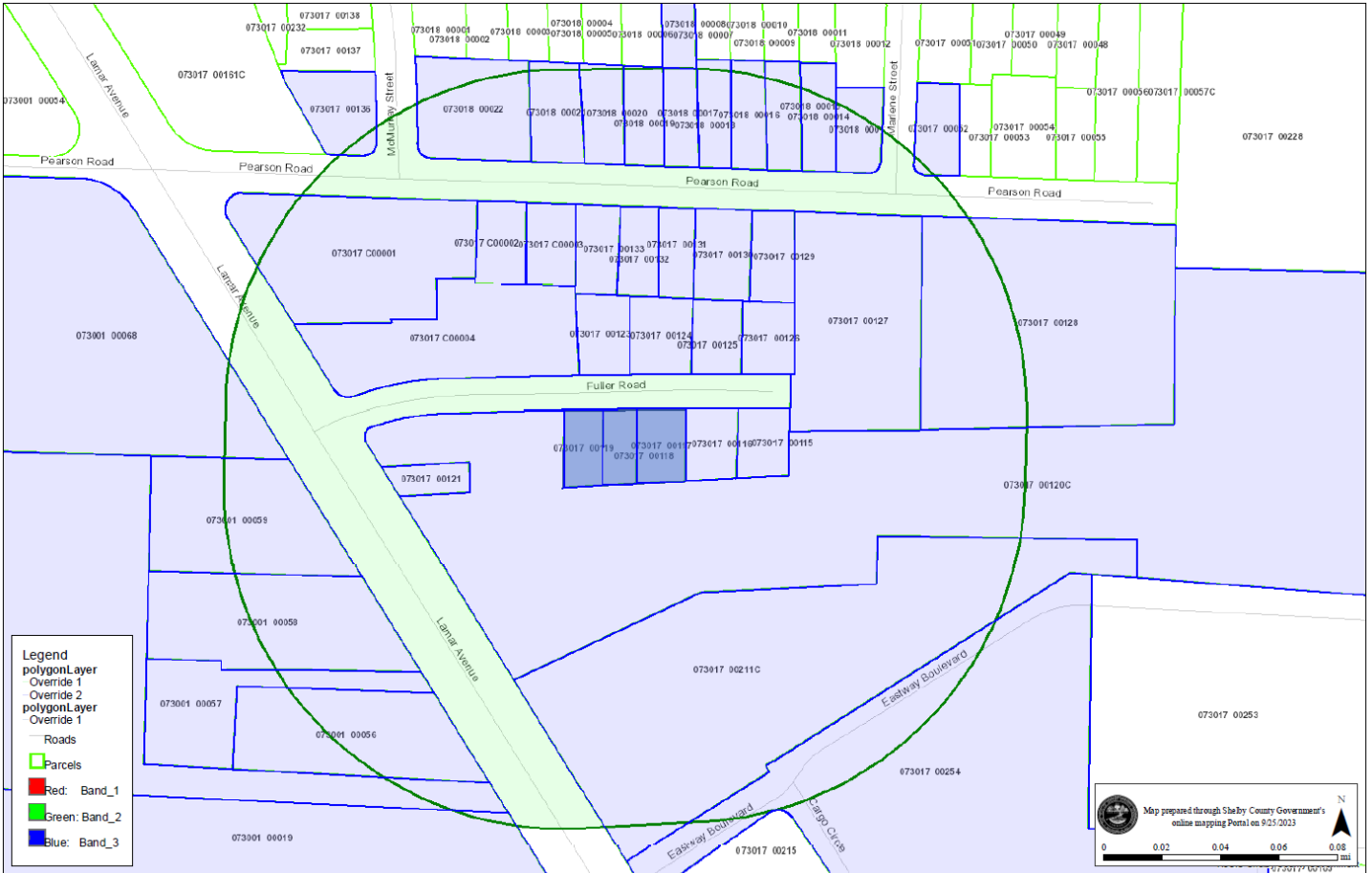
Approved by the City of Memphis Planning Commission
7-25-45 L. P. Cockrill
DATE Engineer & Secretary.

Approved by the Shelby County Commission
Sept. 10, 1945 B. J. Bell
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

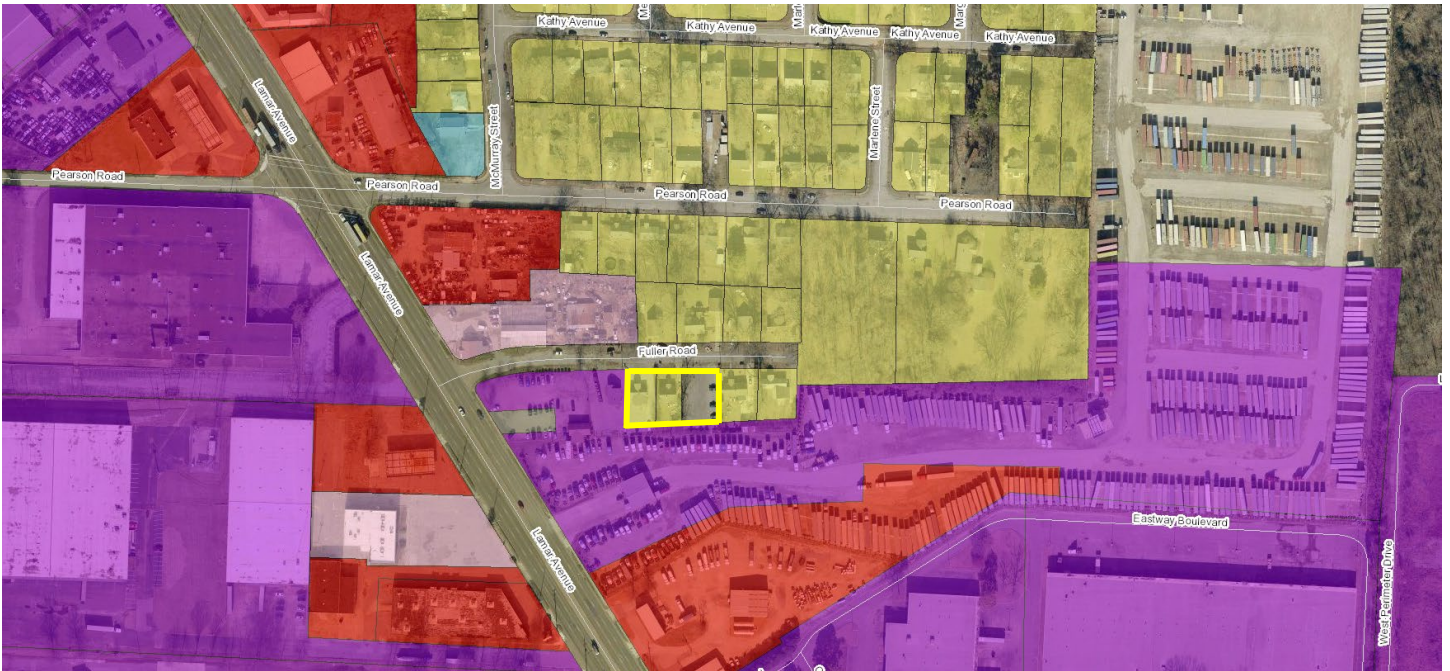
North: Residential Single-Family – 6

East: Residential Single-Family – 6

South: Employment

West: Commercial Mixed Use – 3

LAND USE MAP



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.

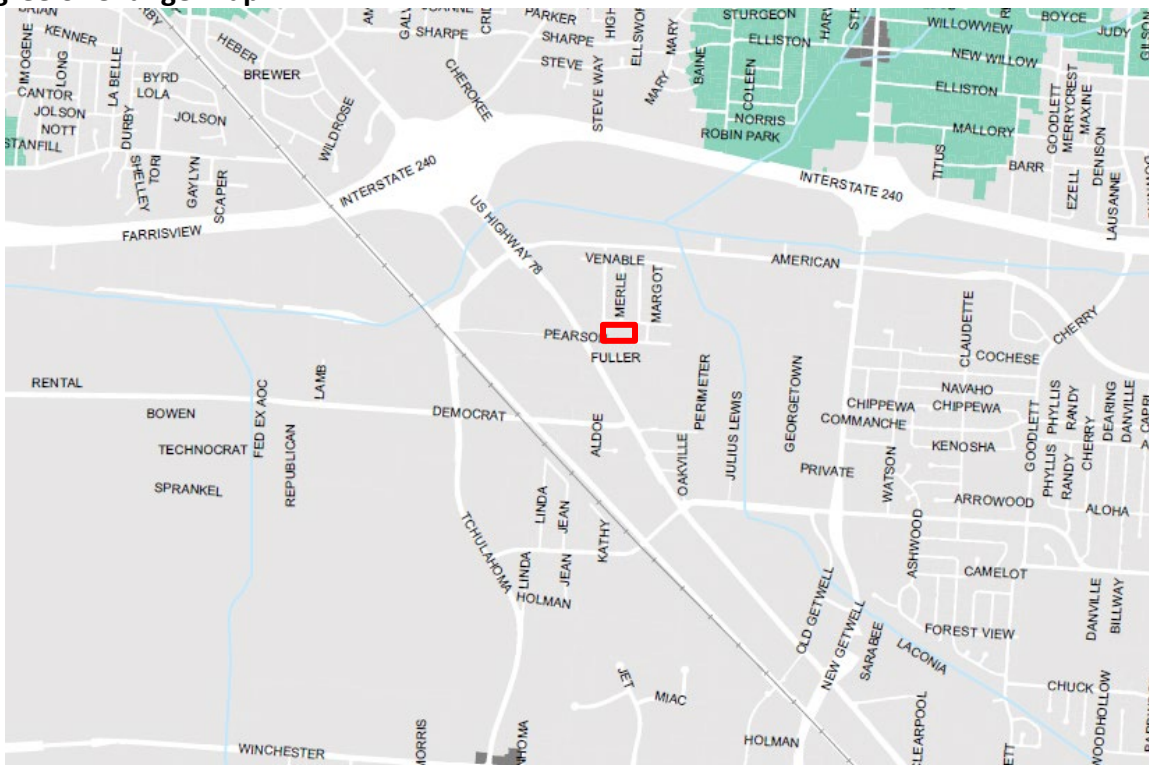
Existing, Adjacent Land Use and Zoning

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?
Have you held a neighborhood meeting? No
If yes, please provide additional information -

GIS INFORMATION

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

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 FLEET EQUIPMENT LLC Contact Type 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 Sweeney
Notary Public
My commission expires: 9/26/2027



LETTERS RECEIVED

No letters received by the comment deadline.