

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

Planning & Development

ONE ORIGINAL |
ONLY STAPLED |

COMMITTEE: 02/20/2024
DATE
PUBLIC SESSION: 02/20/2024
DATE

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

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District, known as case number SUP 23-026

CASE NUMBER: SUP 23-026

LOCATION: 3545 South Third Street

COUNCIL DISTRICTS: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Al Moore

REPRESENTATIVE: Al Moore, Moore Towing and Recovery

REQUEST: Special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District

AREA: +/-0.922 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Hearing – February 20, 2024

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

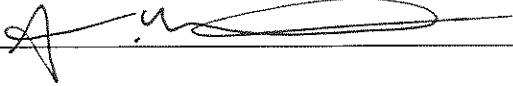

FUNDING:

(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>1/12/24</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	<u>1/12/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 23-026

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 3545 SOUTH THIRD STREET, KNOWN AS CASE NUMBER SUP 23-026

- This item is a resolution with conditions for a special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District; 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 2023-026

LOCATION: 3545 South Third Street

COUNCIL DISTRICT(S): District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Al Moore

REPRESENTATIVE: Al Moore, Moore Towing and Recovery

REQUEST: Special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District

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

AREA: +/-0.922 acres

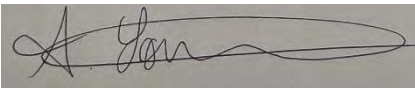
The following spoke in support of the application: None

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 23-026
CONDITIONS

1. The proposed fence must not exceed 8' in height.
2. All parking pads and curb cuts must be installed and improved to the standard of the UDC.
3. Parking pads must meet parking setback requirements.
4. Fence must be constructed of permissible material allowed within the CMU-1 zoning district.
5. 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



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 3545 SOUTH THIRD STREET, KNOWN AS CASE NUMBER SUP 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 special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Al Moore filed an application with the Memphis and Shelby County Division of Planning and Development to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District; 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. The proposed fence must not exceed 8' in height.
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3. Parking pads must meet parking setback requirements.
4. Fence must be constructed of permissible material allowed within the CMU-1 zoning district.
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SITE PLAN



AGENDA ITEM: 12

CASE NUMBER: SUP 2023-026 (ENF. 22-1908) **L.U.C.B. MEETING:** December 14, 2023

LOCATION: 3545 South Third Street

OWNER/APPLICANT: Al Moore, Moore Towing and Recovery

REPRESENTATIVE: Christine Donhardt, The Reaves Firm

REQUEST: Special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District

AREA: +/-0.922 acres

EXISTING ZONING: Commercial Mixed Use - 1

CONCLUSIONS

1. The applicant is seeking a special use permit to allow a towing service without an impound lot within CMU-1.
2. The current property is the primary location for Moore Towing and Recovery's employees and houses the company tow trucks.
3. The applicant did receive a citation for utilizing the property for a tow yard within CMU-1 zoning. They have since removed the vehicles.
4. The applicant would be utilizing the proposed gravel lot to park the company trucks within a proposed 8' fence.
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 *awaiting* of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: South Third Street +/-205.1 linear feet

Zoning Atlas Page:

Parcel ID: 075074 00089

Existing Zoning: Commercial Mixed Use - 1

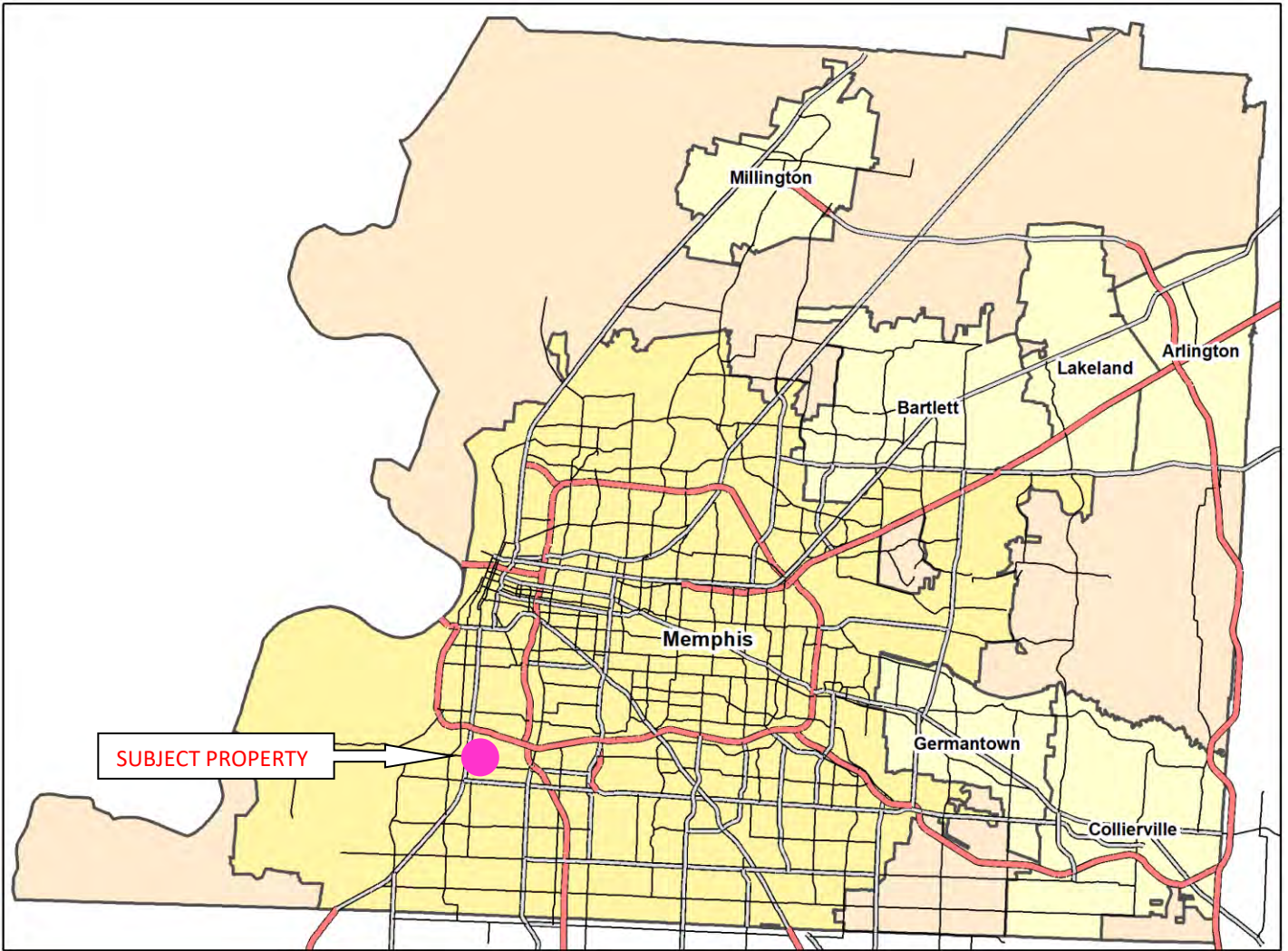
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Thursday, November 30, 2023, at Event Center, 3059 South Third Street.

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 32 notices were mailed on November 29, 2023, and a total of 1 sign was posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



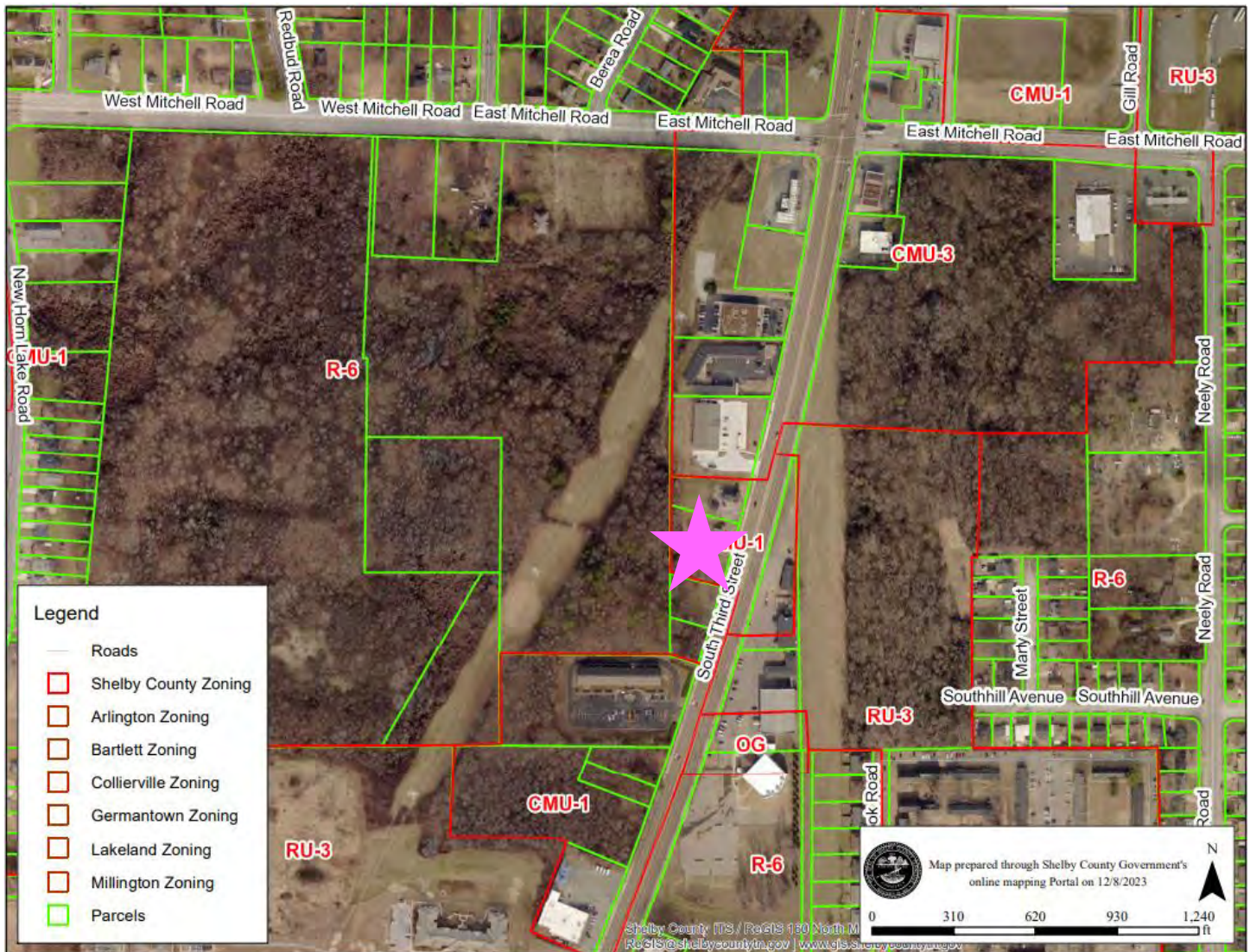
Subject property located within the pink circle, Valley Forge neighborhood

AERIAL



Subject property outlined in orange, imagery from 2023

ZONING MAP



Subject property indicated by a pink star.

Existing Zoning: Commercial Mixed Use - 1

Surrounding Zoning

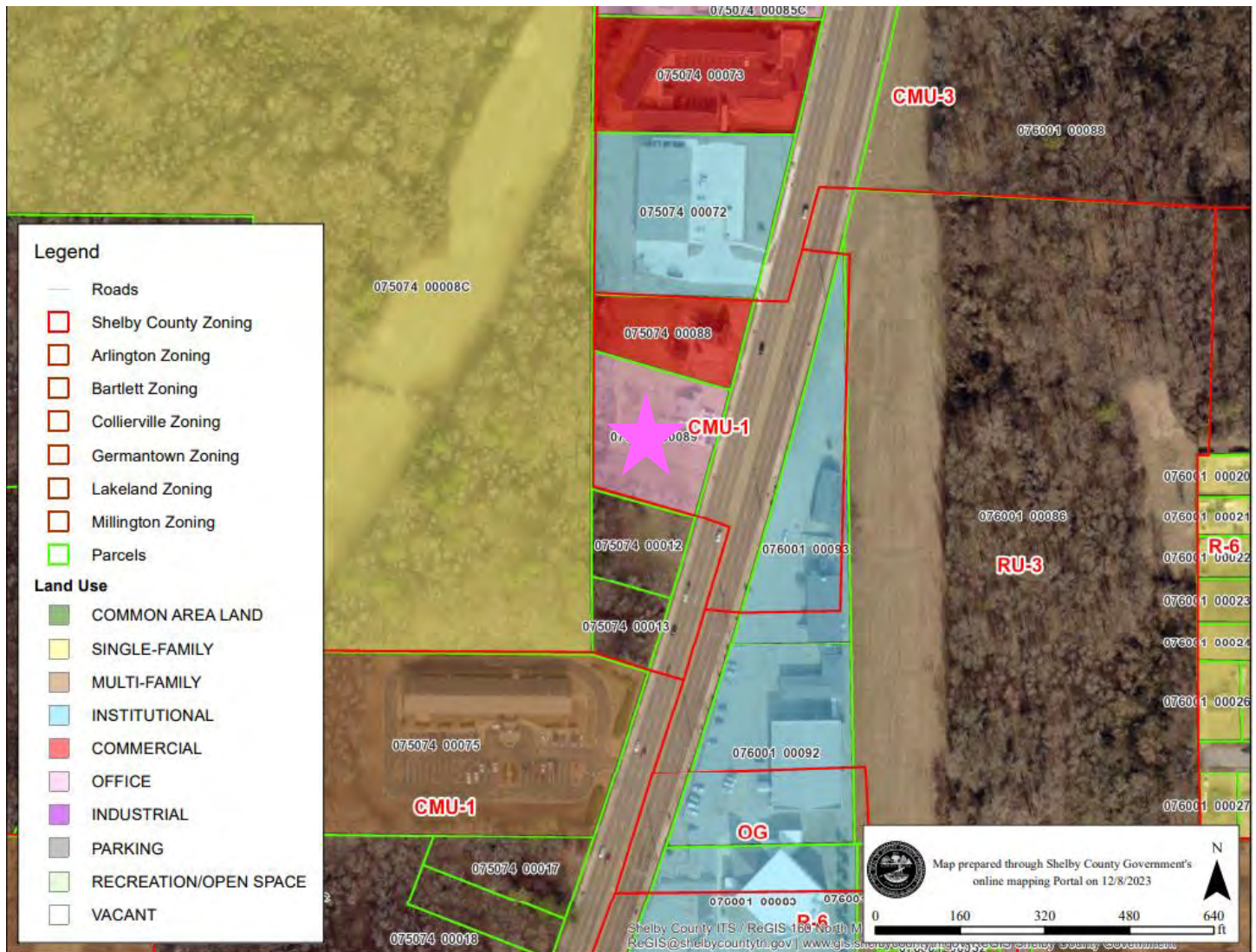
North: CMU-3

East: RU-3, R-6

South: CMU-1, OG, R-6

West: R-6

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property looking north South Third Street



View of subject property from South Third Street



View of subject property looking South Third Street

SITE PLAN



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 towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District

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.*

Conclusions

1. The applicant is seeking a special use permit to allow a towing service without an impound lot within CMU-1.
2. The current property is the primary location for Moore Towing and Recovery's employees and houses the company tow trucks.
3. The applicant did receive a citation for utilizing the property for a tow yard within CMU-1 zoning. They have since removed the vehicles.
4. The applicant would be utilizing the proposed gravel lot to park the company trucks within a proposed 8' fence.
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. The proposed fence must not exceed 8' in height.
2. All parking pads and curb cuts must be installed and improved to the standard of the UDC.
3. Parking pads must meet parking setback requirements.
4. Fence must be constructed of permissible material allowed within the CMU-1 zoning district.
5. 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.

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.

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

14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water

detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

General Notes:

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

17. Development is .922 acre and is located within a sensitive drainage basin. Detention is required.

18. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

19. All connections to the sewer shall be at manholes only.

20. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

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

City/County Fire Division:

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

· Fire apparatus access shall comply with section 503.

· Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).

· Fire protection water supplies (including fire hydrants) shall comply with section 507.

· Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.

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

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: No comments received.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: October 25, 2023

Record Number: SUP 2023-026

Expiration Date:

Record Name: Moore Towing and Recovery

Description of Work: The applicant is seeking Board of Adjustment approval for a use variance for general outdoor storage on the property (UDC 4.8.4.3). This business has operated at this location only recently. The company, which was at this location previously, McConnell Towing (Todd McConnell), was cited for having a tow yard in 2022 (citation ENF 22-1908).

Moore Towing and Recovery has made an investment in the community by locating his business here and signed a lease-to-own contract. Moore proposes to install an eight-foot site proof wood fence with a secure gate to block the view of the general outdoor storage.

Parent Record Number: BOA 2023-0117

Address:

3545 S THIRD ST, MEMPHIS 38109

Owner Information

Primary Owner Name

Y HARRIS J W JR DDS PC PENSION PLAN (TR)

Owner Address

135 MOSBY RD, OAKLAND, TN 38060

Owner Phone

9012471044

Parcel Information

075074 00089

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner Lucas
 Date of Meeting 07/31/2023
 Pre-application Meeting Type Email

GENERAL PROJECT INFORMATION

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

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 SEE APPLICATION

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

GIS INFORMATION

Case Layer Z00-125
 Central Business Improvement District No
 Class C
 Downtown Fire District No
 Historic District -
 Land Use -
 Municipality MEMPHIS
 Overlay/Special Purpose District -
 Zoning CMU-1
 State Route -
 Lot -
 Subdivision -
 Planned Development District -
 Wellhead Protection Overlay District No

Contact Information

Name	Contact Type
MOORE TOWING AND RECOVERY	APPLICANT
Address	
Phone	
(901)247-1044	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1512790	Single Family Detached Variance	1	150.00	INVOICED	150.00	10/25/2023
1512790	Office Commercial Industrial or Institutional Variance	1	1,000.00	INVOICED	1,000.00	10/25/2023
1512790	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	10/25/2023
1512790	Credit Card Use Fee (.026 x fee)	1	3.90	INVOICED	3.90	10/25/2023
1512790	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	26.00	10/25/2023

Total Fee Invoiced: \$1,179.90 Total Balance: \$1,179.90

LETTER OF INTENT



August 29, 2023

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

RE: 3545 S. 3rd Street – Moore Towing & Recovery

Dear Mr. Ragsdale:

On behalf of Aldoncy 'Al' Moore with Moore Towing and Recovery, we are submitting the enclosed application to the Office of Planning and Development. The applicant is seeking Board of Adjustment approval for a use variance for general outdoor storage on the property (UDC 4.8.4.3). This business has operated at this location only recently. The company, which was at this location previously, McConnell Towing (Todd McConnell), was cited for having a tow yard in 2022 (citation ENF 22-1908).

Moore Towing and Recovery has made an investment in the community by locating his business here and signed a lease-to-own contract. Moore proposes to install an eight-foot site proof wood fence with a secure gate to block the view of the general outdoor storage.

Your consideration of this application is greatly appreciated.

Sincerely,

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

Mike Davis, RLA

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Aldoncy MOORE, being duly sworn, depose and say that at 1:30 am on the 4th day of December, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. SUP 23-026 at 3545 S. Third 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.

Aldoncy Moore
Owner, Applicant or Representative

12-4-2023
Date

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

Michelle Cortese
Notary Public

My commission expires: 8/3/24



LETTERS RECEIVED

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



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Name of OPD Planner	Lucas
Date of Meeting	07/31/2023
Pre-application Meeting Type	Email

GENERAL PROJECT INFORMATION

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

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

GIS INFORMATION

Case Layer	Z00-125
Central Business Improvement District	No
Class	C
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CMU-1
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name
MOORE TOWING AND RECOVERY
Address

Contact Type
APPLICANT

Phone
(901)247-1044

Fee Information

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Total Balance: \$1,179.90



August 29, 2023

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

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Your consideration of this application is greatly appreciated.

Sincerely,

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

Mike Davis, RLA

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, J.W. HARRIS, JR. Trustee John W. Harris, Jr. Tr., 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)

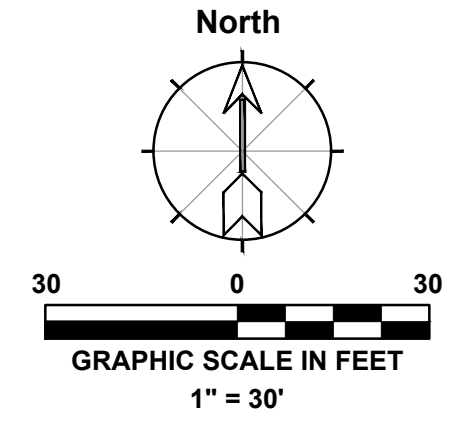
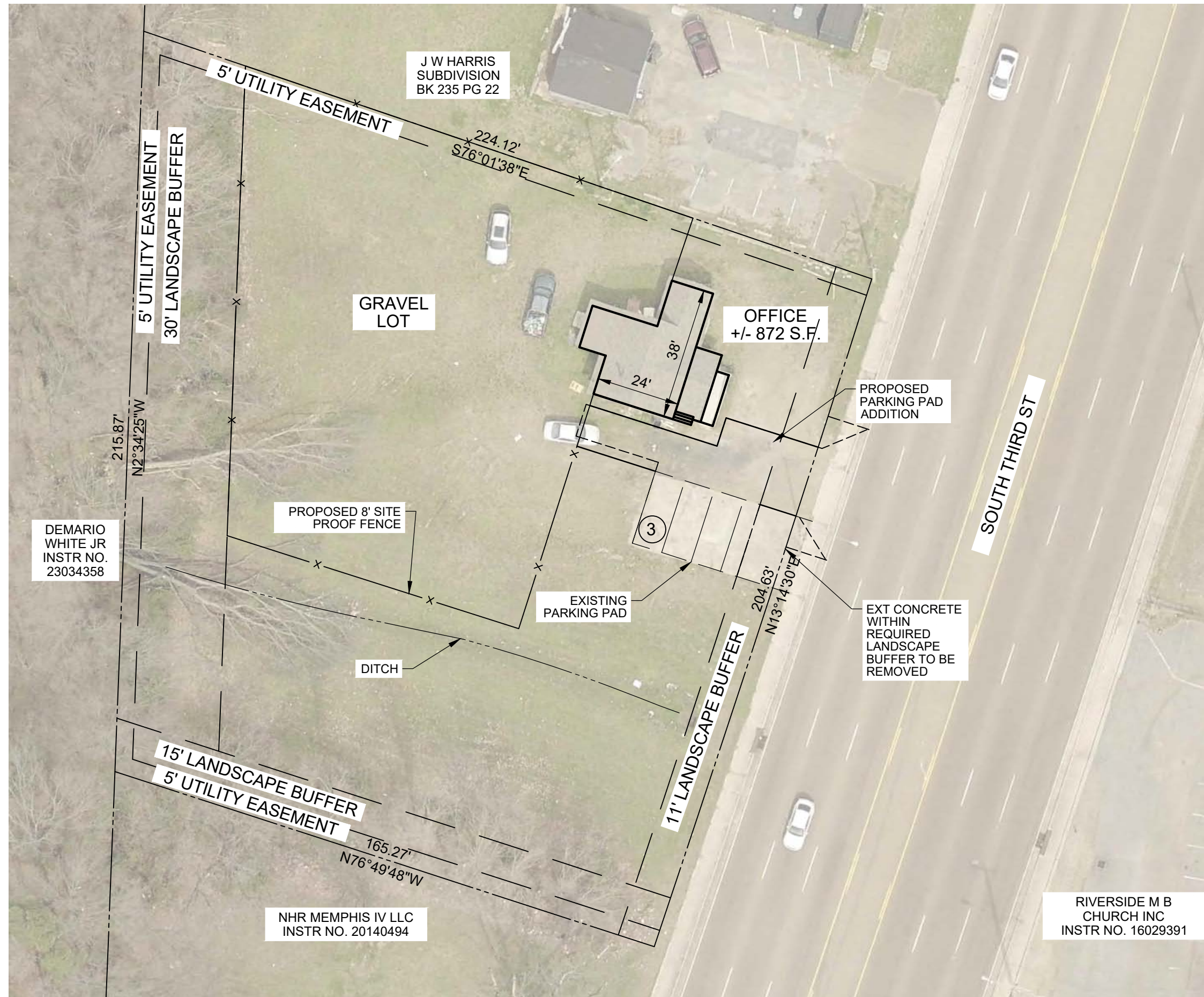
of the property located at 3535 So. Highway 61
and further identified by Assessor's Parcel Number 075-0740-0-00089-0
for which an application is being made to the Division of Planning and Development.

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

Kristen Mings
Signature of Notary Public



My Commission Expires _____



MOORE TOWING & RECOVERY

3545 S. THIRD ST

RIVERSIDE M B
CHURCH INC
INSTR NO. 16029391



The Reaves Firm
INCORPORATED

Engineering
Planning
Landscape Architecture
Land Surveying

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

NHR MEMPHIS IV LLC
INSTR NO. 20140494

DEMARIO WHITE JR
INSTR NO. 23034358

J W HARRIS
SUBDIVISION
BK 235 PG 22

" JOSEPH L. FACELLOW, ET AL "

JAMES C. JONES, SR.
INST. NO. FB-6891

LOT 1
0.619 AC.
26,963 S.F.

LOT 2
0.922 AC.
40,162 S.F.

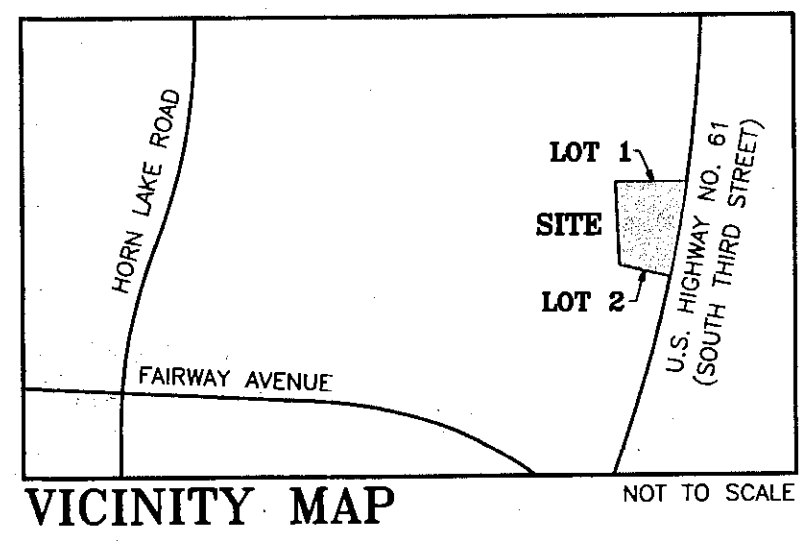
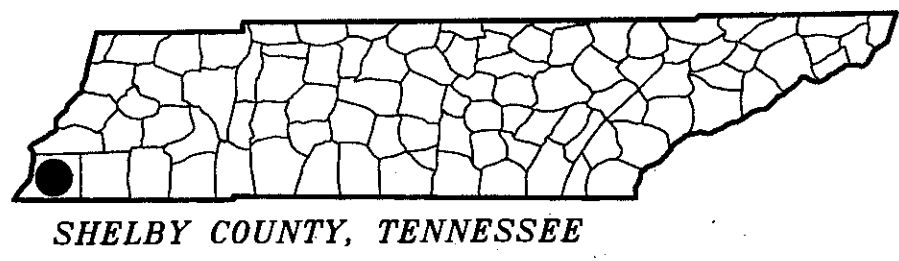
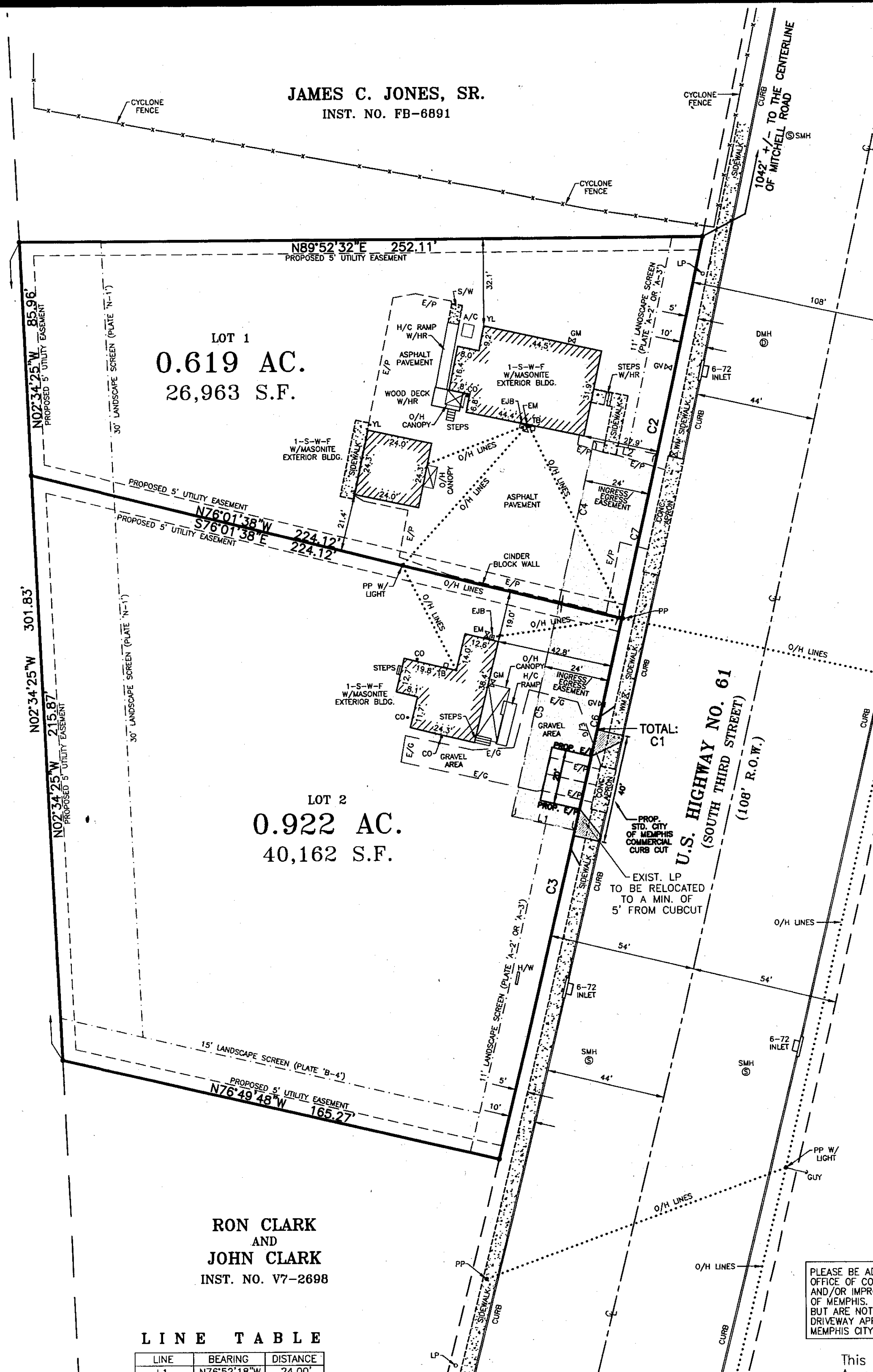
RON CLARK
AND
JOHN CLARK
INST. NO. V7-2698

LINE TABLE

LINE	BEARING	DISTANCE
L1	N76°52'18"W	24.00'
L2	S77°36'07"E	24.00'

CURVE TABLE

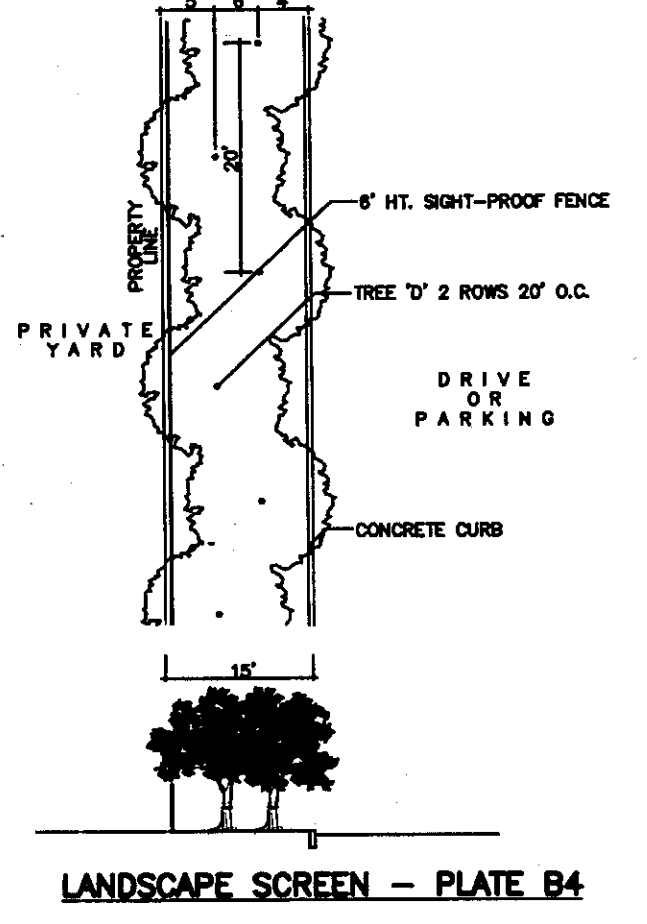
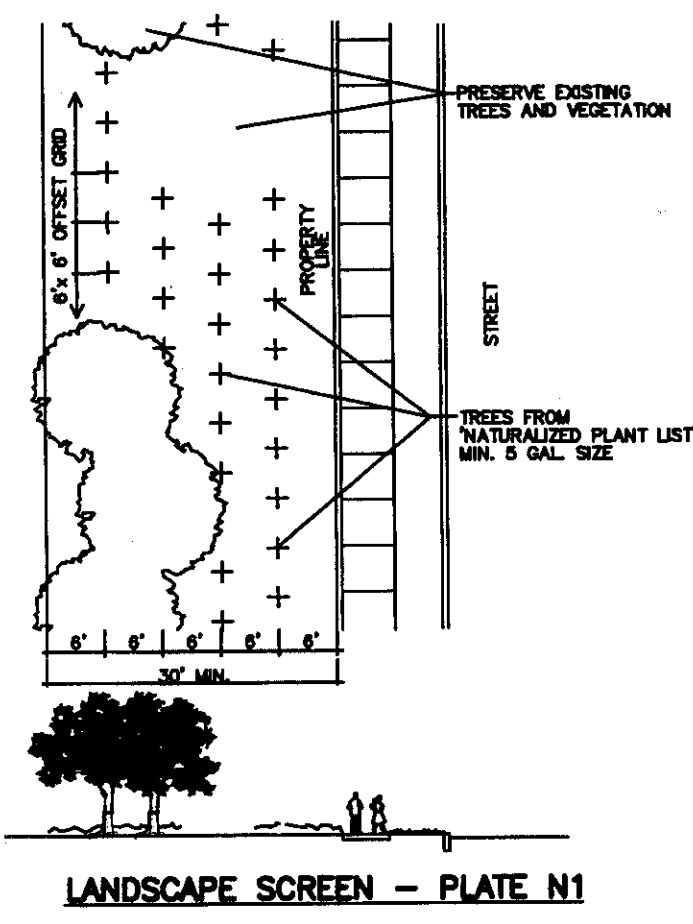
CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG	CHORD
C1	348.50'	11165.48'	1°47'18"	S12°52'21"W	348.48'
C2	143.87'	11165.48'	0°44'18"	S12°20'51"W	143.86'
C3	204.63'	11165.48'	1°03'00"	S13°14'30"W	204.63'
C4	61.42'	11141.48'	0°18'52"	N12°33'21"E	61.42'
C5	80.58'	11141.48'	0°24'52"	N12°55'16"E	80.58'
C6	80.23'	11165.48'	0°24'42"	S12°55'20"W	80.23'
C7	62.08'	11165.48'	0°19'07"	S12°33'26"W	62.08'



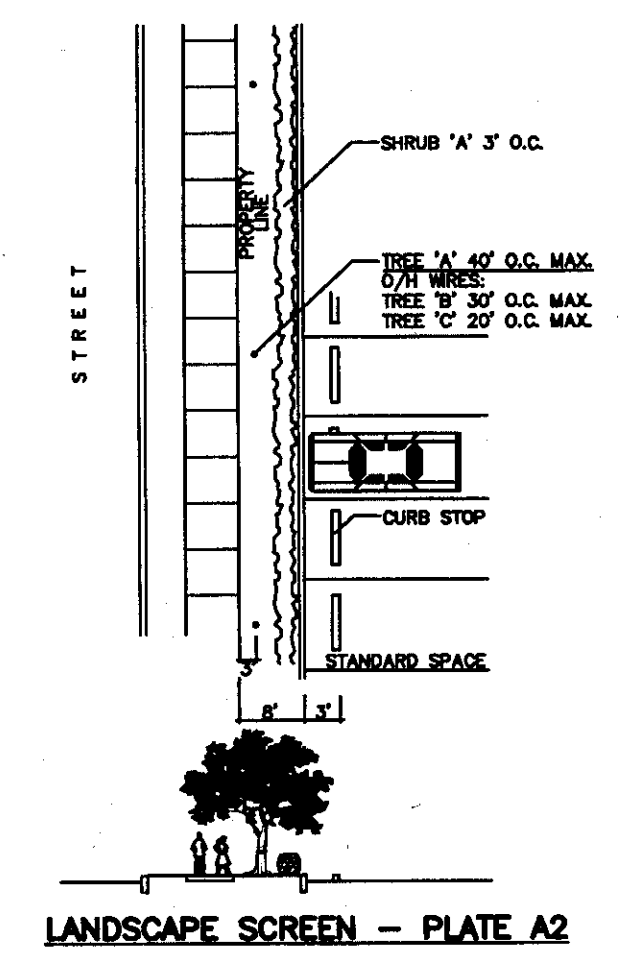
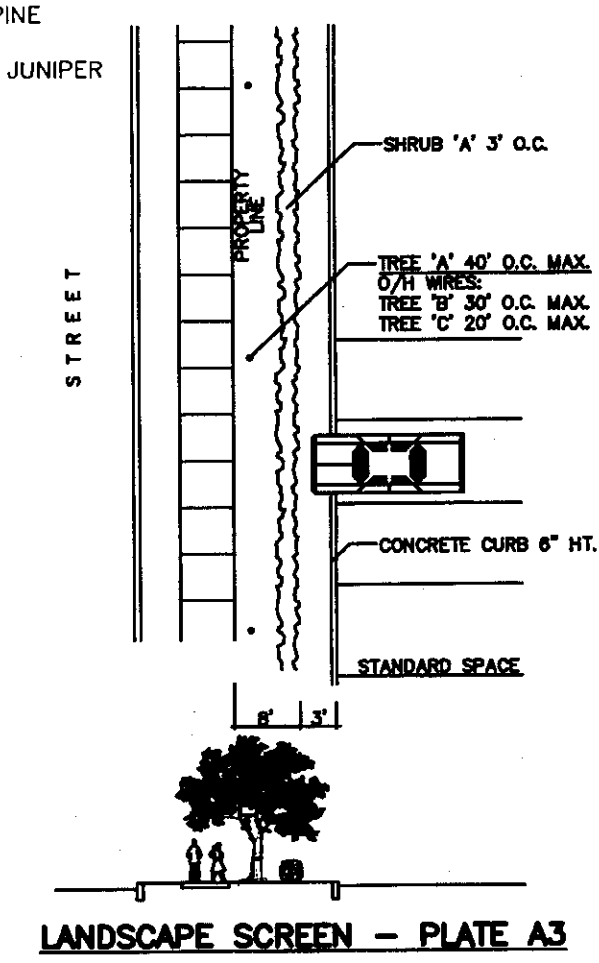
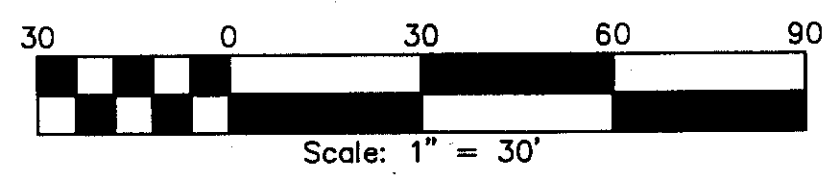
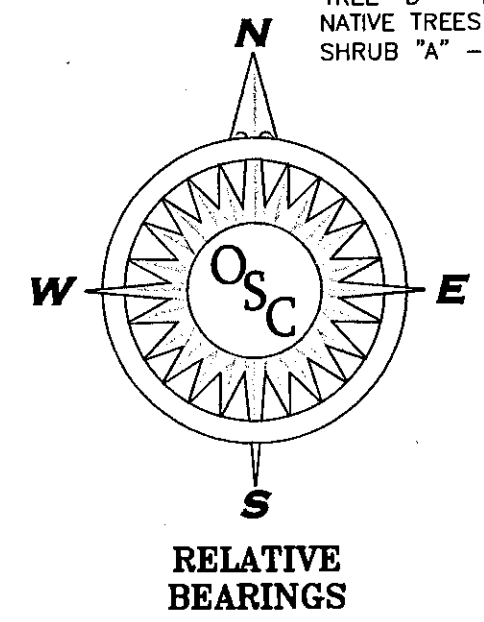
07149439
09/26/2007 03:54 PM
2 PGS : 8 - PLAT
DOKOBY 523092-7149439
PLAT BOOK : 235
PAGE : 22

RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00

TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



- LANDSCAPE NOTE:** TREE "A" - RED OAK
TREE "B" - THORNLESS HONEY LOCUST
TREE "C" - CRAPE MYRTLE
TREE "D" - EASTERN WHITE PINE
NATIVE TREES - OAKS
SHRUB "A" - DWARF PFITZER JUNIPER



PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY APRONS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PH. 576-6700.

This property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Community Panel No. 470177 0270 C, Effective Date: December 2, 1994.

REQUIRED SIDEWALKS

STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION
U.S. HIGHWAY 61 (S. THIRD ST)	5'	WEST	BACK OF CURB

NOTE: SIDEWALK ON U.S. HIGHWAY 61(S. THIRD ST) IS EXISTING.

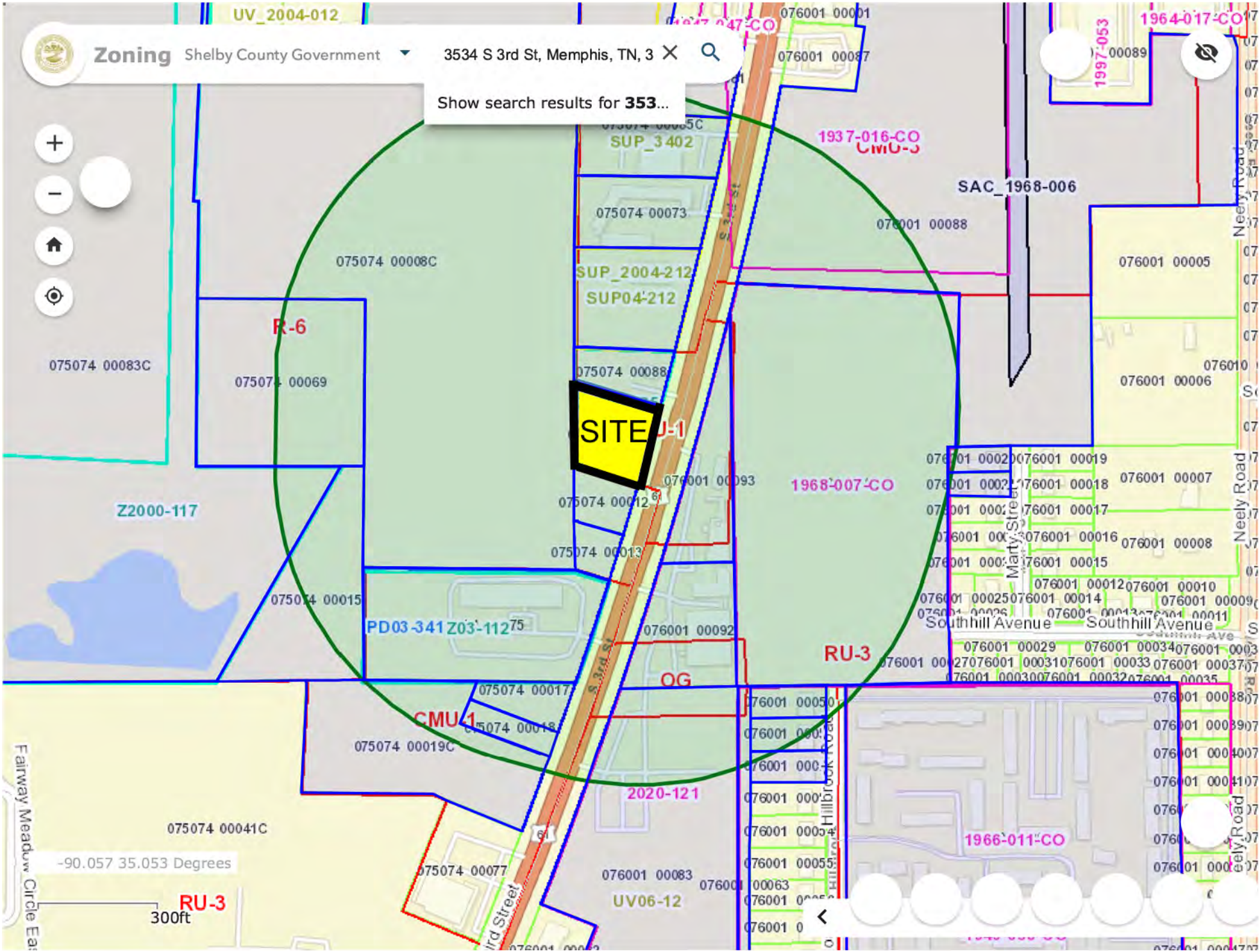
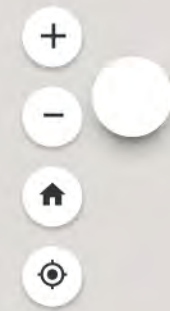
NOTE #1:
The minimum lot area located within this subdivision is 26,963 square feet.

CASE # S 07-006
FINAL PLAN
J W HARRIS SUBDIVISION
MEMPHIS, TENNESSEE

ZONED: C-L (LOCAL COMMERCIAL DISTRICT)	2 LOTS TOTAL: 1.541 ACRES	W-075, B-074, P-074
OWNER/DEVELOPER: JOHN W. HARRIS, JR., TRUSTEE 3015 N. WINDSTONE WAY LANE GERMANTOWN, TENNESSEE 38138	SURVEYOR/ENGINEER: OLLAR SURVEYING COMPANY 3161 U.S. HIGHWAY No. 64, SUITE 500 EADS, TENNESSEE 38028	
100 YEAR FLOOD ELEVATION 225.0	F.E.M.A. MAP PANEL NUMBER 47157C0270 E	F.E.M.A. MAP DATE: 12/02/94
JULY 2007	SCALE: 1"=30'	SHEET 1 OF 2



Show search results for 353...



-90.057 35.053 Degrees

300ft

Fairway Meadow Circle East

Neely Road

Marty Street

Hillbrook Road

S 3rd St

Z2000-117

R-6

RU-3

OG

CMU-1

SITE J-1

SUP_2004-212

1937-016-CO

SAC_1968-006

1968-007-CO

1966-011-CO

UV06-12

UV_2004-012

1967-047-CO

1997-053

1997-00089

1964-017-CO

076001 00001

076001 00087

075074 0005C

SUP_3402

075074 00073

076001 00088

075074 0008C

075074 00083C

075074 00069

075074 00088

076001 00005

076001 00006

075074 00012

076001 00093

076001 00019

076001 00018

076001 00007

076001 00017

076001 00016

076001 00008

076001 00015

076001 00012

076001 00010

076001 00025

076001 00014

076001 00009

076001 00026

076001 00013

076001 00011

076001 00029

076001 00034

076001 00003

076001 00027

076001 00031

076001 00033

076001 00037

076001 00030

076001 00032

076001 00035

075074 00017

076001 00050

076001 00088

075074 00018

076001 00051

076001 00089

075074 00019C

076001 00052

076001 00090

075074 00041C

076001 00053

076001 00091

075074 00077

076001 00054

076001 00092

076001 00083

076001 00055

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076001 00058

076001 00096

076001 00066

076001 00059

076001 00097

076001 00067

076001 00060

076001 00098

076001 00068

076001 00061

076001 00099

RICHARDSON WILLIE J & DORA L
3754 SHADY HOLLOW LN
MEMPHIS TN 38116

SHAI AKSHAR-SAI CORPORATION
1500 HIGHWAY 84 E
HAYTI MO 63851

PROCTOR LASHONDA
3563 MARTY ST
MEMPHIS TN 38109

RIVERSIDE M B CHURCH INC
3560 S 3RD ST
MEMPHIS TN 38109

LOUIE EDWIN G REVOCABLE LIVING TRUST
1815 BEACH PARK BLVD
SAN MATEO CA 94404

HARRIS J W JR DDS PC PENSION PLAN (TR)
135 MOSBY RD
OAKLAND TN 38060

RIVERSIDE M B CHURCH INC
3560 S 3RD ST
MEMPHIS TN 38109

WARE C E TOWERS INC
3571 S THIRD ST
MEMPHIS TN 38109

MEMPHIS POWER & LIGHT COMPANY
179 MADISON AVE
MEMPHIS TN 38103

RICHARDSON PRYCE
1728 FOX HUNT LN
MEMPHIS TN 38134

DAVIDSON RHONDA C
3673 S THIRD
MEMPHIS TN 38109

RIVERSIDE BAPTIST CHURCH
3560 S THIRD ST
MEMPHIS TN 38109

HOWLADER MOHAMMAD R
4100 BLACKHEATH DR
BARTLETT TN 38135

CRP INC
756 E BROOKHAVEN CIR
MEMPHIS TN 38117

DWJ HOLDINGS
1000 PARK AVE 2205
ATLANTA GA 30325

HENDERSON RAYMOND
3555 MARTY ST
MEMPHIS TN 38109

NHR MEMPHIS IV LLC
PO BOX 241865
MEMPHIS TN 38124

MAYES BOBBYE
5024 TEAL AVE
MEMPHIS TN 38118

BROWN LINDA K AND AQUIL ELAMIN
8928 BENT GRASS LOOP W
SOUTHAVEN MS 38671

VALLEY FORGE LLC
200 WITMER RD
HORSHAM PA 19044

DESAI MAYANKI
12857 NE 200TH PL
WOODINVILLE WA 98072

RIVERSIDE M B CHURCH INC
3560 S 3RD ST
MEMPHIS TN 38109

DWJ HOLDINGS
1000 PARK AVE 2205
ATLANTA GA 30325

HARRIS J W JR DDS PC PENSION PLAN (TR)
135 MOSBY RD
OAKLAND TN 38060

SOUTHWEST DEVELOPMENT GROUP LLC
1311 BRIGHTWATER AVE 18E
BROOKLYN NY 11235

HIGHWAY 61 SOUTH LLC
1010 JUNE RD
MEMPHIS TN 38119

RIVERSIDE M B CHURCH INC
3560 S 3RD ST
MEMPHIS TN 38109

RAINIER GSAP I - MEMPHIS LLC
13760 NOEL RD 800
DALLAS TX 75240

CHRISTINE DONHARDT
THE REAVES FIRM, INC.
6800 POPLAR AVE. SUITE 101
MEMPHIS, TN

075074 00013 - RICHARDSON WILLIE J & DORA L
075074 00073 - SHAI AKSHAR-SAI CORPORATION
076001 00021 - PROCTOR LASHONDA
076001 00063 - RIVERSIDE M B CHURCH INC
076001 00051 - LOUIE EDWIN G REVOCABLE LIVING TRUST
075074 00089 - HARRIS J W JR DDS PC PENSION PLAN (TR)
076001 00092 - RIVERSIDE M B CHURCH INC
075074 00075 - WARE C E TOWERS INC
075074 00015 - MEMPHIS POWER & LIGHT COMPANY
075074 00017 - RICHARDSON PRYCE
075074 00019C - DAVIDSON RHONDA C
076001 00088 - RIVERSIDE BAPTIST CHURCH
075074 00081 - HOWLADER MOHAMMAD R
075074 00072 - CRP INC
075074 00069 - DWJ HOLDINGS
076001 00020 - HENDERSON RAYMOND
075074 00012 - NHR MEMPHIS IV LLC
076001 00050 - MAYES BOBBYE
075074 00018 - BROWN LINDA K AND AQUIL ELAMIN
076001 00094 - VALLEY FORGE LLC
076001 00052 - DESAI MAYANKI
076001 00083 - RIVERSIDE M B CHURCH INC
075074 00008C - DWJ HOLDINGS
075074 00088 - HARRIS J W JR DDS PC PENSION PLAN (TR)
075074 00083C - SOUTHWEST DEVELOPMENT GROUP LLC

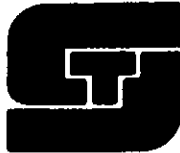
076001 00086 - HIGHWAY 61 SOUTH LLC

076001 00093 - RIVERSIDE M B CHURCH INC

075074 00085C - RAINIER GSAP I - MEMPHIS LLC

78 8520

Compliments of



Security Title Company, Inc.

5085 RIDGEWAY PARKWAY • SUITE 104 • PHONE 781-2830
MEMPHIS, TENNESSEE 38119

J

WARRANTY DEED

THIS INDENTURE, made and entered into this 1 day of July, 1987

by and between JOHN W. HARRIS, JR., TRUSTEE, for John W. Harris, Jr., Trust #1, party

of the first part, and THE J. W. HARRIS, JR., D.D.S., P.C. PENSION PLAN, JOHN W. HARRIS, JR., TRUSTEE, party, of the second part

WITNESSETH: That for the consideration hereinafter expressed the said part y of the first part has _____ bargained and sold and do es hereby bargain, sell, convey and confirm unto the said part y of the second part the following described real estate, situated and being in _____ County of Shelby, State of Tennessee to wit:

Part of the 3.165 acre parcel of land lying west of and fronting 355.4 feet on U.S. Highway 61 at 521.5 feet northwardly from the southeast corner of the Lee A. Alexander 9.34 acres of the Lucie Hutton 11.4 acres lying west of the U.S. Highway 61 and south of the Mitchell Road in the Newton Ford 40.27 acres in Section 5, Township 1, Range 8, west of Chickasaw Cession in Shelby County, Tennessee; being the same property conveyed to the party of the first part by warranty deed of record as Inst. No. P9-2890 in said the Register's Office of Shelby County, Tennessee. The party of the first part makes this conveyance as Trustee of and pursuant to the terms of a trust agreement for the benefit of Fannie R. Harris.

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

And the said part y of the first part do es hereby covenant with the said part y of the second part that he is lawfully seized in fee of the aforescribed real estate; that he has a good right to sell and convey the same; that the same is unencumbered, except taxes for the year 1987,

and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

THE CONSIDERATION for this conveyance is as follows: TEN (\$10.00) DOLLARS, cash in hand paid, and other good and valuable valuable considerations, the receipt and sufficiency of which is hereby acknowledged.

WITNESS the signature _____y of the said part y of the first part the day and year first above written.

John W. Harris, Jr. Trustee

John W. Harris, Jr., Trustee

STATE OF TENNESSEE, COUNTY OF SHELBY

78 8520

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared _____

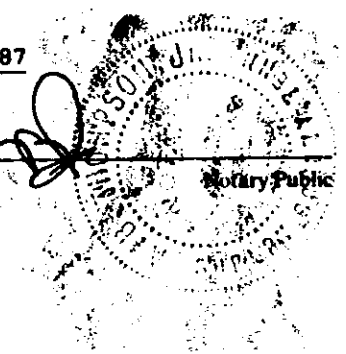
John W. Harris, Jr., Trustee

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 11th day of July 19 87

My commission expires 1-17-89

Arne B. Thompson



(FOR RECORDING DATA ONLY)

Property address 3533 Hwy. 61 So. Memphis, TN

Mail tax bills to: (Person or Agency responsible for payment of taxes) Dr. J. W. Harris 2128 Florida Street Memphis, TN 38109

This instrument prepared by: Arne B. Thompson, Jr. 1045 S. Yates Rd. Memphis, TN 38119

State Tax \$ Register's fee .50 Recording fee 6.00 Total T.G. #

Return to: Arne B. Thompson, Jr. 1045 S. Yates Rd. Memphis, TN 38119

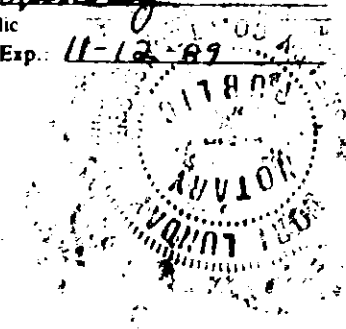
I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$45,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Arne B. Thompson, Agent
Affiant

Subscribed and sworn to before me this 16 day of July 19 87
Arne B. Thompson
Notary Public
My Comm. Exp.: 11-12-89

788520

STATE TAX 126.00
REGISTER'S FEE .50
RECORDING FEE 6.00
132.50
JUL 17 3 49 PM '87



STATE OF TENNESSEE
SHELBY COUNTY
Tom Leatherwood
REGISTER

126.00
6.50
132.50
The Printery/Form #632-50
02972

Description:

CITE TO COURT.Tow yard located in CMU-1 zone not allowed. Todd McConnell dob 10-13-1973 . phone 901-468-7398

Owner:

HARRIS J W JR DDS PC PENSION PLAN (TR) *
135 MOSBY RD
OAKLAND, TN
OAKLAND TN 38060



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

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

January 08, 2024

Al Moore, Moore Towing and Recovery
Christine Donhardt and Mike Davis, The Reaves Firm

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

Special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District

Case Number: SUP 2023-026

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 to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District at 3545 South Third Street, subject to the following conditions and waivers:

1. The proposed fence must not exceed 8' in height.
2. All parking pads and curb cuts must be installed and improved to the standard of the UDC.
3. Parking pads must meet parking setback requirements.
4. Fence must be constructed of permissible material allowed within the CMU-1 zoning district.
5. 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.

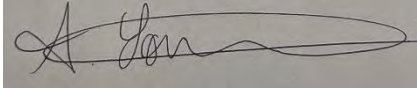
It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

Letter to Applicant
SUP 2023-026

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 handwritten signature in black ink, appearing to read "Alexis Longstreet", is written over a light gray rectangular background.

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

Letter to Applicant
SUP 2023-026
SITE PLAN



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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 02/20/2024
DATE
PUBLIC SESSION: 02/20/2024
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 special use permit at the subject property located 391 Western Park Drive, known as case number SUP 23-036

CASE NUMBER: SUP 23-036

LOCATION: 391 Western Park Drive

COUNCIL DISTRICTS: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Musleh Hefdallah

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 3 (CMU-3) District.

AREA: +/-0.346 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – January 11, 2024

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
01/11/2024 DATE
 (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE


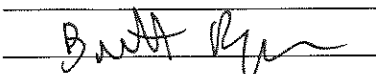
FUNDING:

(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>2/5/24</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
	<u>2/5/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 23-036

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 391 WESTERN PARK DRIVE, KNOWN AS CASE NUMBER SUP 23-036

- 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 – 3 (CMU-3) District.
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, January 11, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2023-036

LOCATION: 391 Western Park Drive

COUNCIL DISTRICT(S): District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Musleh Hefdallah

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 3 (CMU-3) District.

EXISTING ZONING: Commercial Mixed Use - 3

AREA: +/-0.346 acres

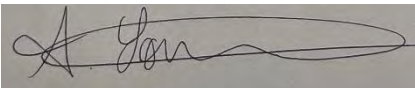
The following spoke in support of the application: None

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 8-0 on the consent agenda.

Respectfully,



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

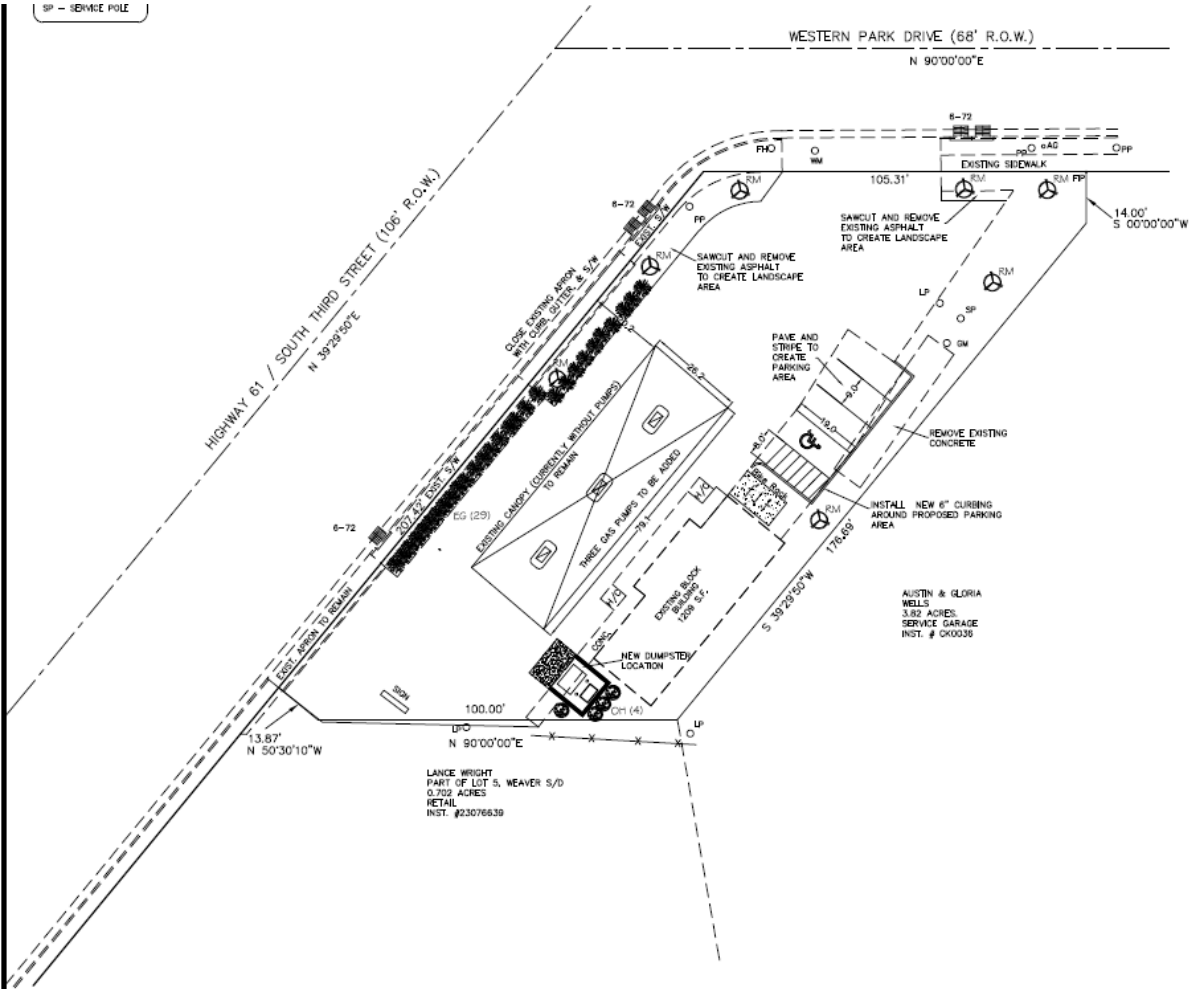
Cc: Committee Members
File

SUP 23-036
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. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of the Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
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

SP - SERVICE POLE



THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0455 F DATED SEPTEMBER 28, 2007.

STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION	ACTION
SOUTH THIRD STREET	5.5	EAST	ADJACENT TO CURB	REPAIR/REPLACE
WESTERN PARK DRIVE	5.0	SOUTH	4.5' GRASS STRIP	REPAIR/REPLACE

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY. REPAIR, REPLACE SIDEWALK THAT IS IN DISREPAIR OR A.D.A. NON-COMPLIANT. Install Compliant Curb Ramp. Survey sidewalk, replace broken and non-compliant areas along R.O.W.

PROPOSED PLANTS

SHAPE	SYM	COMMON NAME	BOTANICAL NAME	SIZE	QTY
EG		Emerald Green Arborvitae	<i>Thuja occidentalis 'Emerald Green'</i>	3 GAL	29
OH		Oak Leaf Holly	<i>Ilex x 'Consp'</i>	3-4 ft.	4
RM		October Glory Red Maple	<i>Acer rubrum 'October Glory'</i>	4-5 ft.	7

SITE PLAN		
391 WESTERN PARK		
PART OF LOT 5, WEAVER S/D (NOT RECORDED)		
EXISTING ZONING DISTRICT: CMU-3		
MEMPHIS, TENNESSEE		
LOTS: 1	AREA: 0.399 ACRES	
PREPARED FOR: HEFDALLAH MUSLEH 391 WESTERN PARK DR. MEMPHIS, TN 38109	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668	
DATE: DECEMBER 2023	SCALE: 1"=20'	SHEET 1 OF 1

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 391 WESTERN PARK DRIVE, KNOWN AS CASE NUMBER SUP 2023-036

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, Musleh Hefdallah 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 – 3 (CMU-3) District; 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 January 11, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

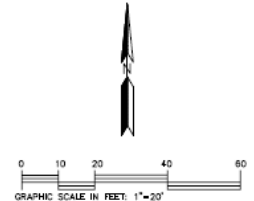
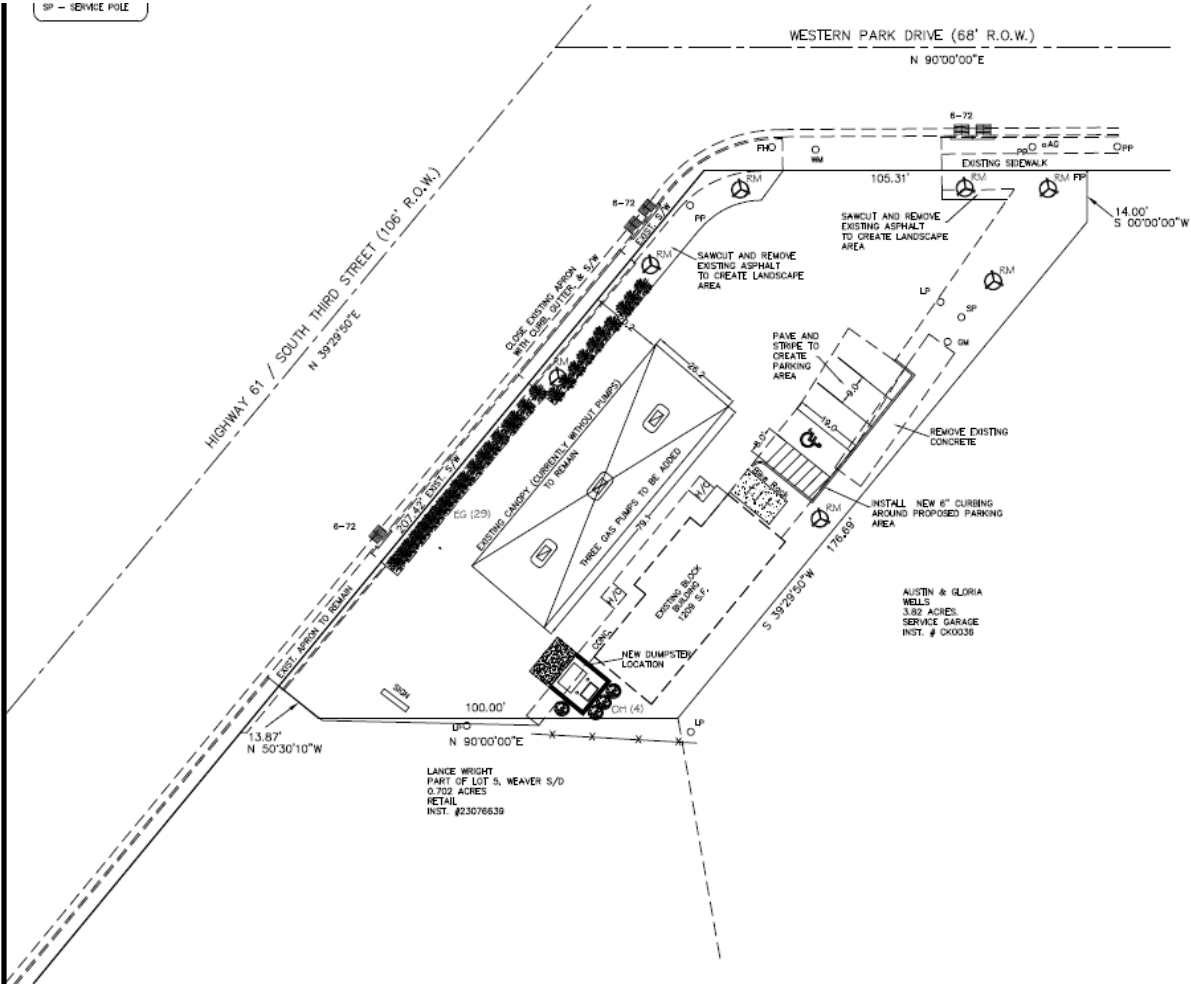
BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council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

CONDITIONS

1. 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. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of the Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
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

SP - SERVICE POLE



THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0455 F DATED SEPTEMBER 28, 2007.

STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION	ACTION
SOUTH THIRD STREET	5.5	EAST	ADJACENT TO CURB	REPAIR, REEF ACE
WESTERN PARK DRIVE	5.0	SOUTH	4.5' GRASS STRIP	REPAIR, REEF ACE

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY. REPAIR, REPLACE SIDEWALK THAT IS IN DISREPAIR OR A.S.A. NON-COMPLIANT Install Compliant Curb Ramp. Survey sidewalk, replace broken and non-compliant areas along R.O.W.

PROPOSED PLANTS

SHAPE	SYM	COMMON NAME	BOTANICAL NAME	SIZE	QTY
EG	EG	Emerald Green Arborvitae	Thuja occidentalis 'Emerald Green'	3 GAL	29
OH	OH	Oak Leaf Holly	Ilex x 'Conif'	3-4 ft.	4
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SITE PLAN		
391 WESTERN PARK		
PART OF LOT 5, WEAVER S/D (NOT RECORDED)		
EXISTING ZONING DISTRICT:	CMU-3	
MEMPHIS, TENNESSEE		
LOTS: 1	AREA: 0.399 ACRES	
PREPARED FOR:	ENGINEER:	
HEFDALLAH MUSLEH	THE BRAY FIRM	
391 WESTERN PARK DR.	2950 STAGE PLAZA NORTH	
MEMPHIS, TN 38109	BARTLETT, TN 38134	
	(901) 383-8668	
DATE: DECEMBER 2023	SCALE: 1"=20'	SHEET 1 OF 1

ATTEST:

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

AGENDA ITEM: 13

CASE NUMBER: SUP 2023-036

L.U.C.B. MEETING: January 11, 2024

LOCATION: 391 Western Park

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Musleh Hefdallah

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 3 (CMU-3) District.

AREA: +/-0.346 acres

EXISTING ZONING: Commercial Mixed Use - 3

CONCLUSIONS

1. The applicant is seeking a special use permit to allow a convenience store with gas sales in CMU-3.
2. The subject property isn't located at an intersection that is defined as two collectors or greater.
3. The property is an existing non-operating fuel station with a convenience store. It has not been operational for more than 365 days.
4. The applicant is looking to re-install three (3) fuel pumps.
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 14-16 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: South Third Street +/-194.7 linear feet
Western Park Drive +/-92.3 linear feet

Zoning Atlas Page:

Parcel ID: 075150 00093

Existing Zoning: Commercial Mixed Use - 3

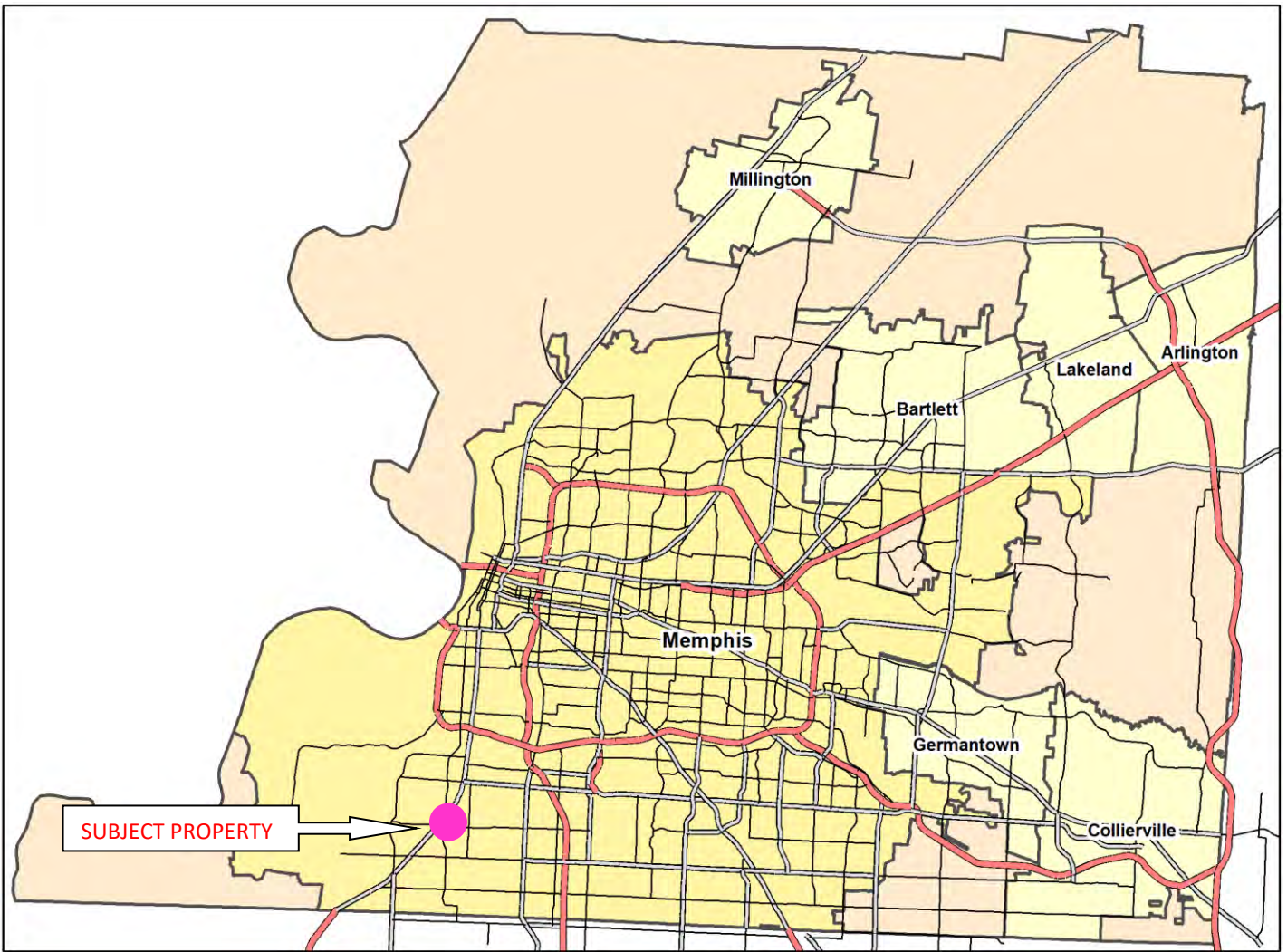
NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Wednesday, December 27, 2023, at Whitehaven Library.

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 29 notices were mailed on December 21, 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, Westwood neighborhood

VICINITY MAP



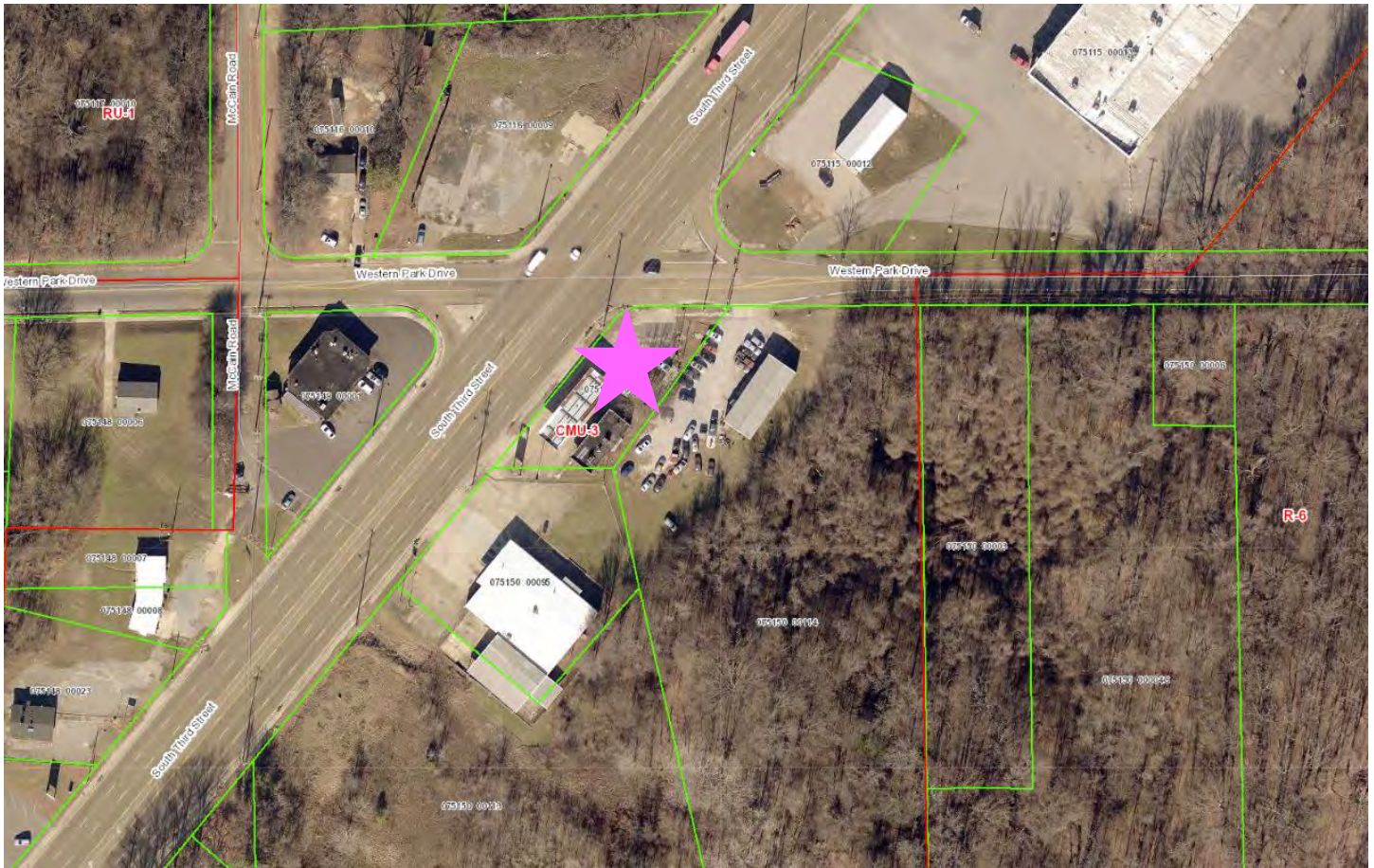
Site highlighted in yellow

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property indicated by a pink star.

Existing Zoning: Commercial Mixed Use – 3 (CMU-3)
Surrounding Zoning

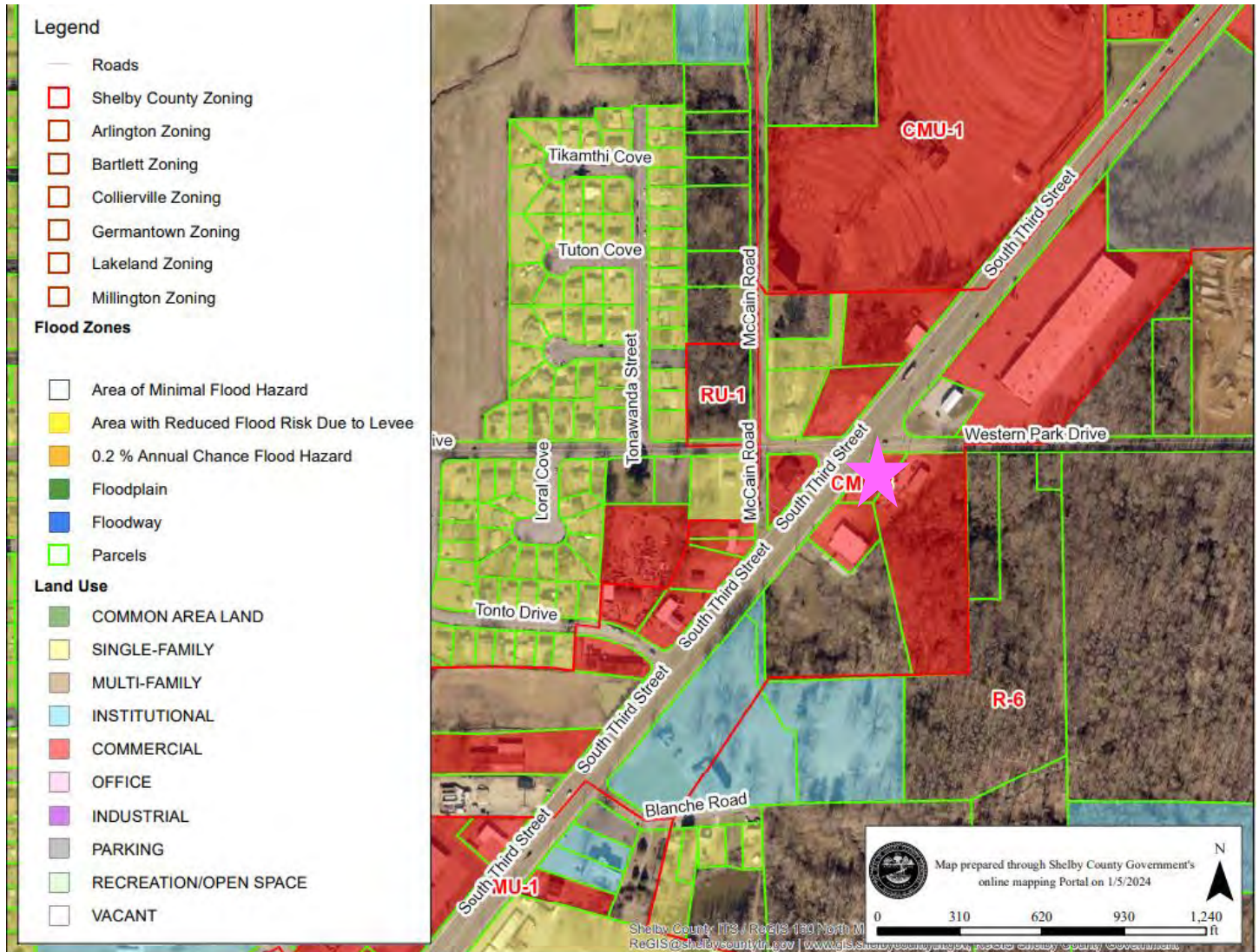
North: CMU-3

East: Residential Urban – 1 (RU-1)

South: CMU-3, Residential Single-Family – 6 (R-6)

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

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from South Third Street looking south, August 2023



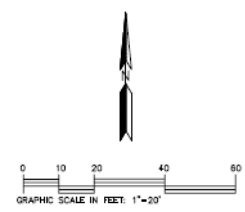
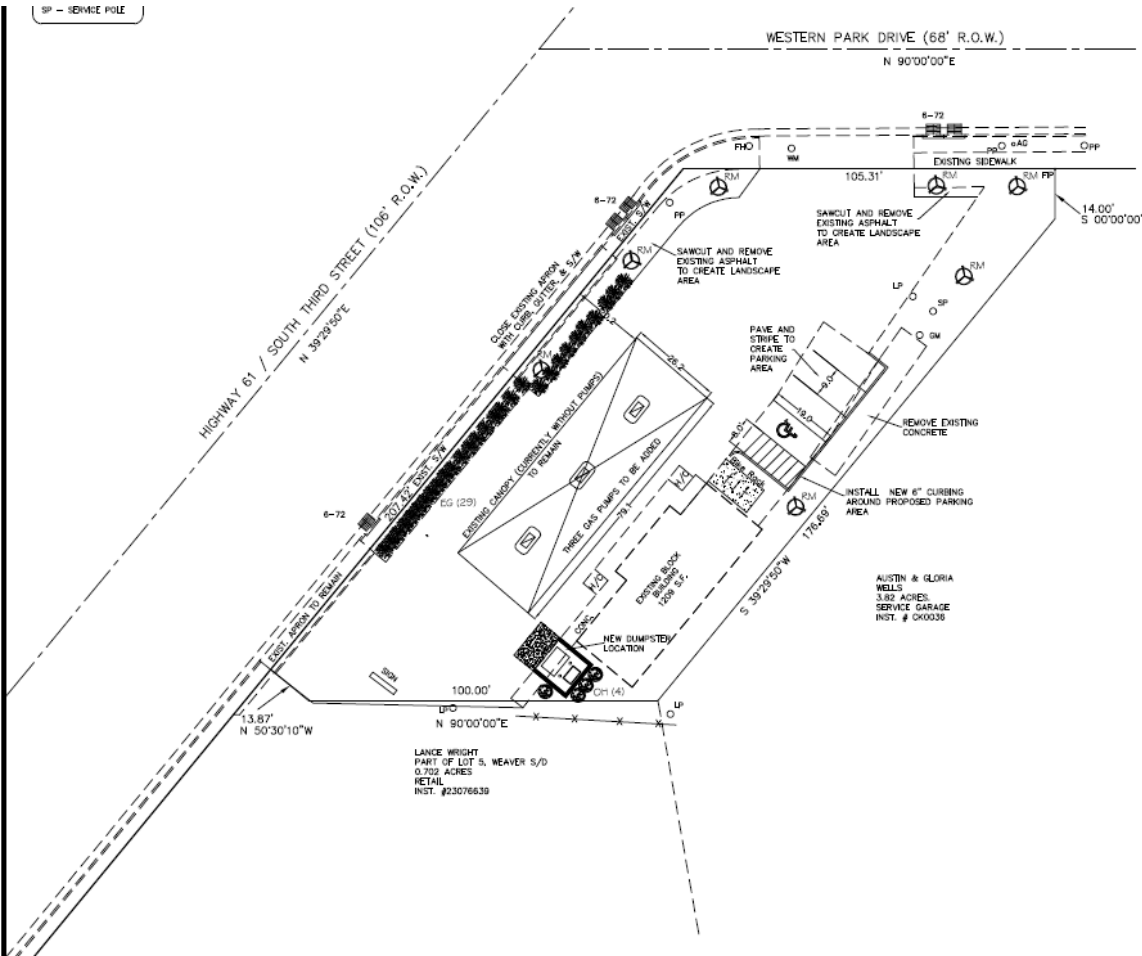
View of subject property from Western Park Drive, August 2023



View of subject property from South Third Street.

SITE PLAN

SP - SERVICE POLE



THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0455 F DATED SEPTEMBER 26, 2007.

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WESTERN PARK DRIVE	5.0	SOUTH	4.5' GRASS STRIP	REPAIR, REPLACE

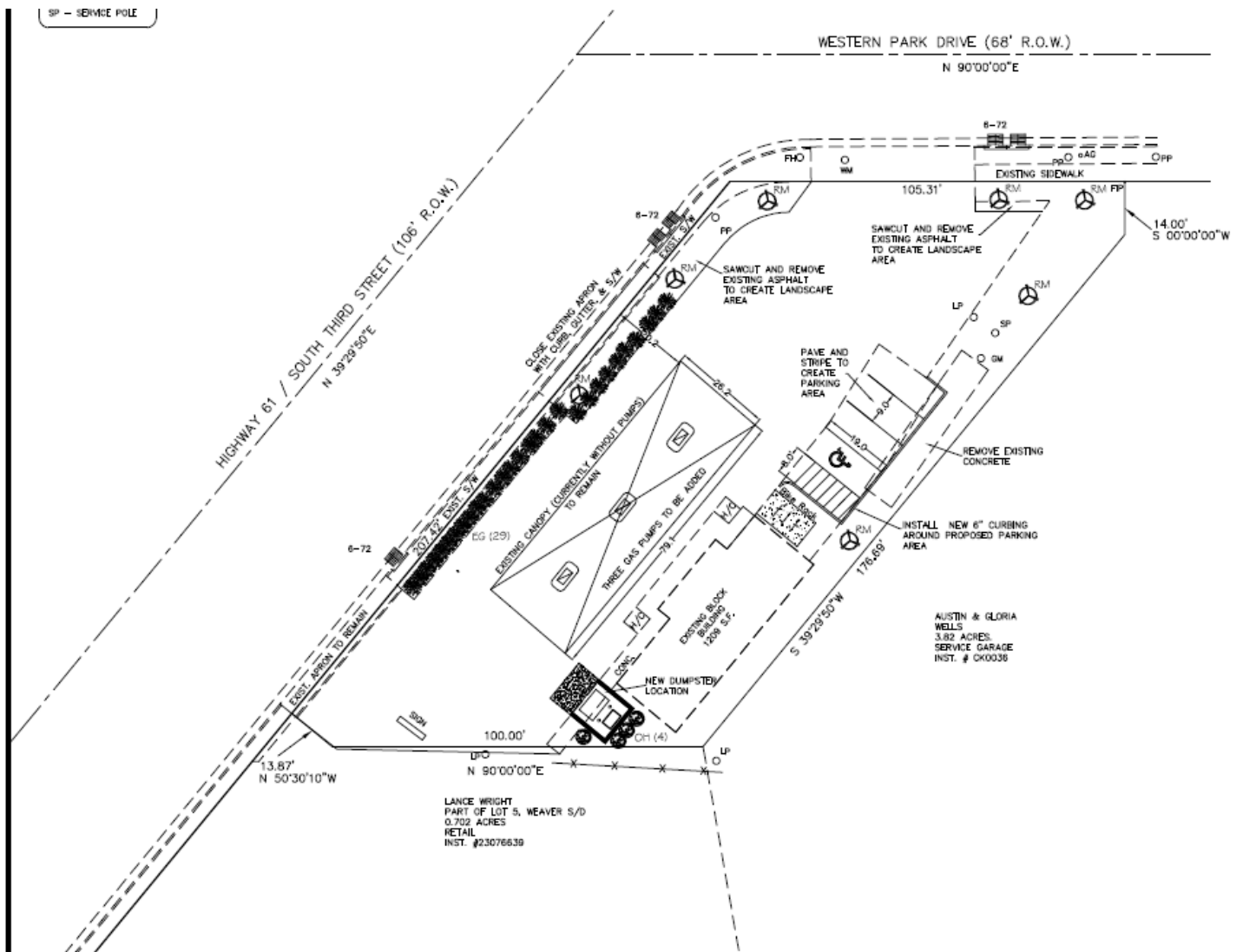
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SITE PLAN		
391 WESTERN PARK		
PART OF LOT 5, WEAVER S/D (NOT RECORDED)		
EXISTING ZONING DISTRICT: CMU-3	MEMPHIS, TENNESSEE	
LOTS: 1	AREA: 0.399 ACRES	
PREPARED FOR: HEFDALLAH MUSLEH 391 WESTERN PARK DR. MEMPHIS, TN 38109	ENGINEER: THE BRAY FIRM 2950 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 383-8668	
DATE: DECEMBER 2023	SCALE: 1"=20'	SHEET 1 OF 1

LANDSCAPE NOTES



STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION	ACTION
SOUTH THIRD STREET	5.5	EAST	ADJACENT TO CURB	REPAIR/REPLACE
WESTERN PARK DRIVE	5.0	SOUTH	4.5' GRASS STRIP	REPAIR/REPLACE

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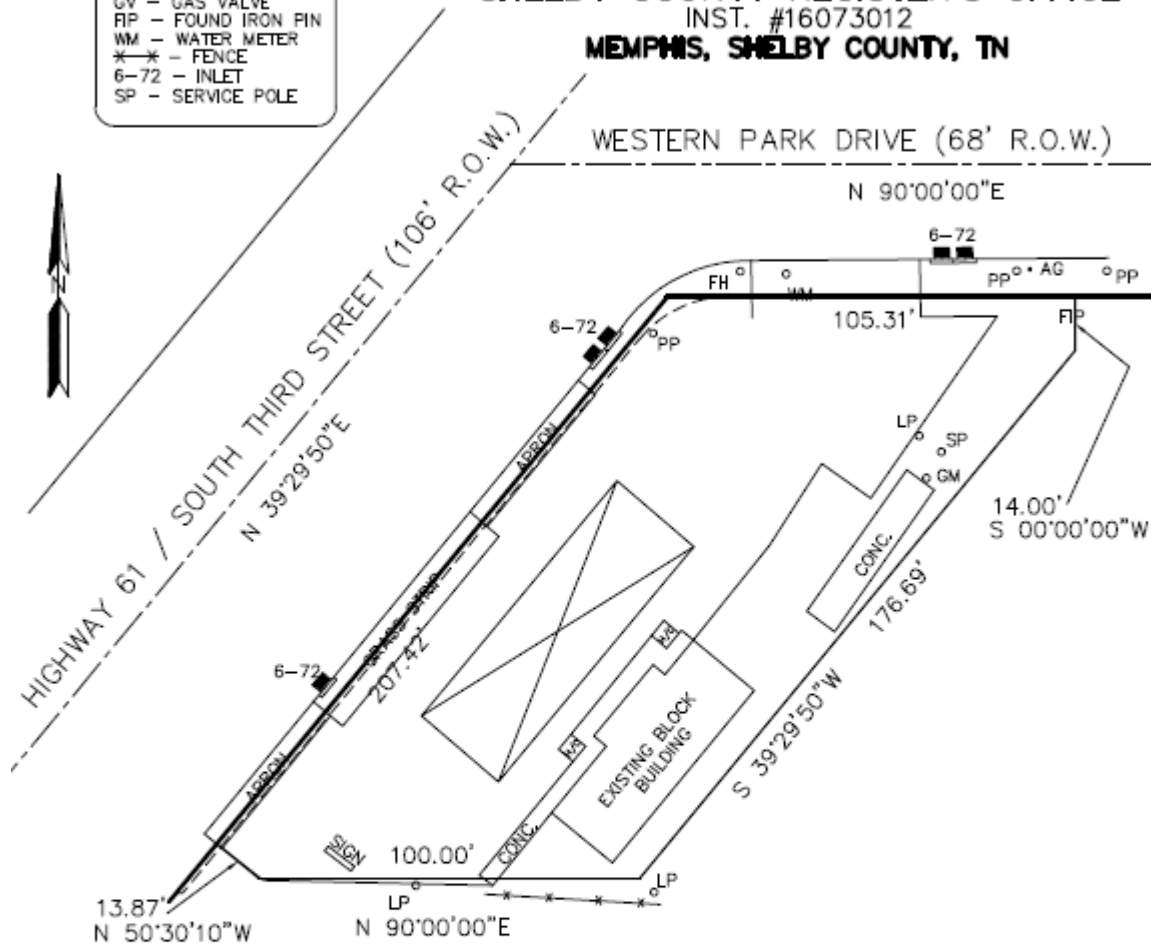
PROPOSED PLANTS

SHAPE	SYM	COMMON NAME	BOTANICAL NAME	SIZE	QTY
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	OH	Oak Leaf Holly	Ilex x 'Conif'	3-4 ft	4
	RM	October Glory Red Maple	Acer rubrum 'October Glory'	4-5 ft	7

SURVEY

LOT SURVEY
391 WESTERN PARK
A PORTION OF THE NELSON TRACT
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
INST. #16073012
MEMPHIS, SHELBY COUNTY, TN

- LEGEND**
- LP - LIGHT POLE
 - GM - GAS MAIN
 - CONC - CONCRETE
 - PP - POWER POLE
 - FH - FIRE HYDRANT
 - GV - GAS VALVE
 - FP - FOUND IRON PIN
 - WM - WATER METER
 - *-*- FENCE
 - 6-72 - INLET
 - SP - SERVICE POLE



NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

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

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

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0455 F DATED SEPTEMBER 28, 2007.

0 20 40
 DATE: 12/1/23
 SCALE: 1"=40'

PREPARED FOR:
COURTNEY CROSBY

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

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 –3 (CMU-3).

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 ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

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 2023-036: Westwood

Site Address/Location: 391 Western Park Dr

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

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

Street Type: Avenue & Parkway

The applicant is requesting a special use permit for a C-Store with gasoline sales in the CMU-3 zoning district at an intersection that is not designated as two collectors or greater.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



These housing.

“AN-M” Form & Location Characteristics

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

“AN-M” Zoning Notes

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

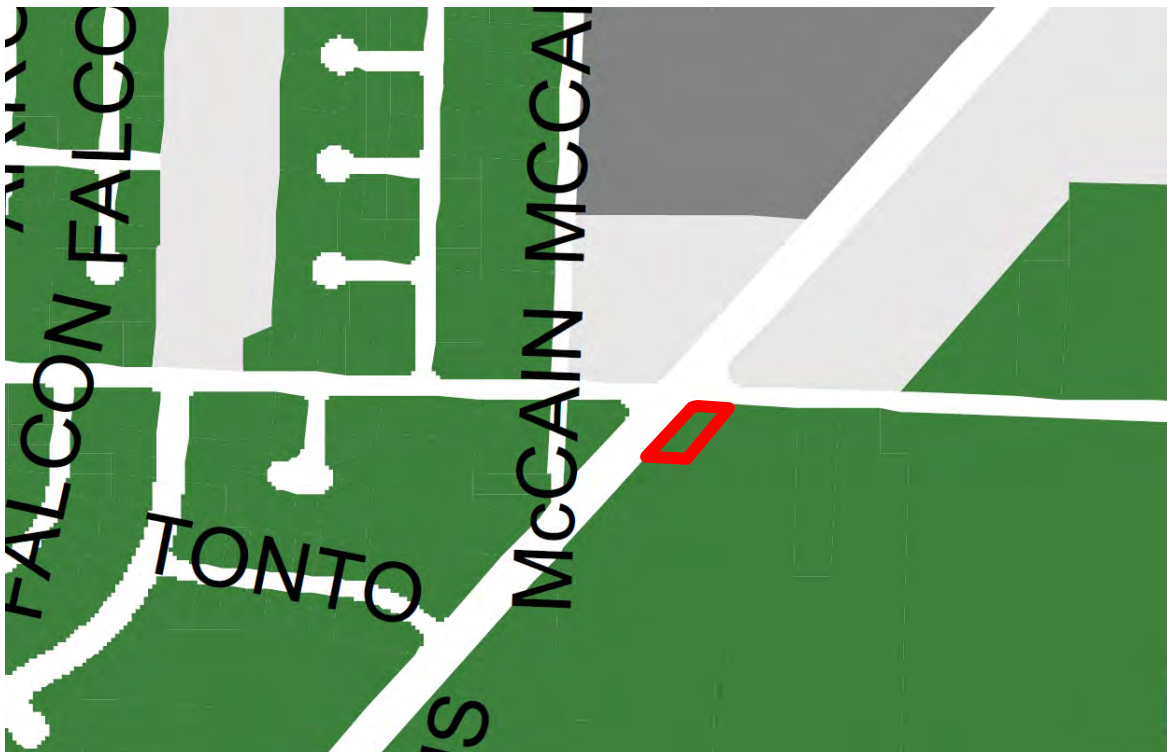
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-3

Adjacent Land Use and Zoning: Commercial, Vacant, Institutional and Single-Family; CMU-3, CMU-1, and RU-1

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.*

3. Degree of Change Map



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

4. Degree of Change Description

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

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

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

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

Consistency Analysis Summary

The applicant is requesting a special use permit for a C-Store with gasoline sales in the CMU-3 zoning district at an intersection that is not designated as two collectors or greater.

This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

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

However, the proposed site plan indicates that the existing condition of the site will be improved through better landscaping, curb cuts closure and restriping the site with additional ADA compliant facilities. Comprehensive Planning recommends conditional approval of this request to ensure that the development conforms to the proposed design.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

Conclusions

1. The applicant is seeking a special use permit to allow a convenience store with gas sales in CMU-3.
2. The property is an existing non-operating fuel station with convenience store. It has not been operational for more than 365 days.
3. The subject property isn't located at an intersection that is defined as two collectors or greater.
4. The applicant is looking to re-install three (3) fuel pumps.
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. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of the Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
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. Per City policy, sewer is not available to serve this proposed development. The City doesn't have a sewer at or in the vicinity of the proposed 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:

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:

See comments on page 14-16.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: December 8, 2023

Record Number: SUP 2023-036

Expiration Date:

Record Name: 391 Western Park

Description of Work: SUP application to permit C-Store with gasoline sales in the CMU-3 zoning district at intersection that is not designated as two collectors or greater.

Parent Record Number:

Address:

391 WESTERN PARK DR, MEMPHIS 38109

Owner Information

Primary Owner Name

Y MUSLEH HEFDALLAH M

Owner Address

391 WESTERN PARK DR, MEMPHIS, TN 38109

Owner Phone

Parcel Information

075150 00093

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Chip Saliba

Date of Meeting

10/17/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Application Type	New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site	n/a
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	n/a

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare	This site was previously the location of a c-store with gasoline sales but has been closed for more than 365 days. The existing structure and canopy will be used.
--	--

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations	This site has been previously developed. The existing improvements will be utilized.
---	--

UDC Sub-Section 9.6.9C	All utilities are located at the site. Drive aprons are existing. One drive apron will be closed as a result of this application.
------------------------	---

UDC Sub-Section 9.6.9D	Agreed
UDC Sub-Section 9.6.9E	Agreed
UDC Sub-Section 9.6.9F	Agreed

GIS INFORMATION

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

Contact Information

Name
MUSLEH HEFDALLAH M
Contact Type
APPLICANT

Address

Phone
-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1523231	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	12/08/2023
1523231	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	12/08/2023
			Total Fee Invoiced: \$513.00	Total Balance: \$0.00		

Payment Information

Payment Amount
\$513.00
Method of Payment
Credit Card

LETTER OF INTENT

The Bray Firm

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

December 7, 2023

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

**RE: Special Use Permit for C-store with gasoline sales in the CMU-3 zoning district
391 Western Park Drive
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application to permit a C-store with gasoline sales in the CMU-3 zoning district on the above captioned property at an intersection that is not defined as two collectors or greater. The site is on the southeast corner of South Third Street and Western Park Drive. Western Park Drive is not classified as a collector by the TDOT Functional Classification map. This site was previously the location of a convenience store with gasoline pumps but the site has not been operational in greater than 365 days. The original building and canopy are still located on the site. The owner would like to re-install three (3) gasoline pumps under the existing canopy and re-start operations at the site. Landscaping, as shown on the attached site plan, would be installed to bring the site into compliance with the current Unified Development Code.

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

LETTERS RECEIVED

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



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: December 8, 2023

Record Number: SUP 2023-036

Expiration Date:

Record Name: 391 Western Park

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Parent Record Number:

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391 WESTERN PARK DR, MEMPHIS 38109

Owner Information

Primary Owner Name

Y MUSLEH HEFDALLAH M

Owner Address

391 WESTERN PARK DR, MEMPHIS, TN 38109

Owner Phone

Parcel Information

075150 00093

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Chip Saliba

Date of Meeting

10/17/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)
List any relevant former Docket / Case Number(s) related to previous applications on this site n/a
Is this application in response to a citation, stop work order, or zoning letter No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information n/a

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare This site was previously the location of a c-store with gasoline sales but has been closed for more than 365 days. The existing structure and canopy will be used.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations This site has been previously developed. The existing improvements will be utilized.

UDC Sub-Section 9.6.9C All utilities are located at the site. Drive aprons are existing. One drive apron will be closed as a result of this application.

UDC Sub-Section 9.6.9D Agreed

UDC Sub-Section 9.6.9E Agreed

UDC Sub-Section 9.6.9F Agreed

GIS INFORMATION

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

Contact Information

Name
MUSLEH HEFDALLAH M

Contact Type
APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1523231	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	12/08/2023
1523231	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	12/08/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

The Bray Firm

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

December 7, 2023

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

**RE: Special Use Permit for C-store with gasoline sales in the CMU-3 zoning district
391 Western Park Drive
Memphis, Shelby County, Tennessee**

Mr. Ragsdale:

Please find attached an application to permit a C-store with gasoline sales in the CMU-3 zoning district on the above captioned property at an intersection that is not defined as two collectors or greater. The site is on the southeast corner of South Third Street and Western Park Drive. Western Park Drive is not classified as a collector by the TDOT Functional Classification map. This site was previously the location of a convenience store with gasoline pumps but the site has not been operational in greater than 365 days. The original building and canopy are still located on the site. The owner would like to re-install three (3) gasoline pumps under the existing canopy and re-start operations at the site. Landscaping, as shown on the attached site plan, would be installed to bring the site into compliance with the current Unified Development Code.

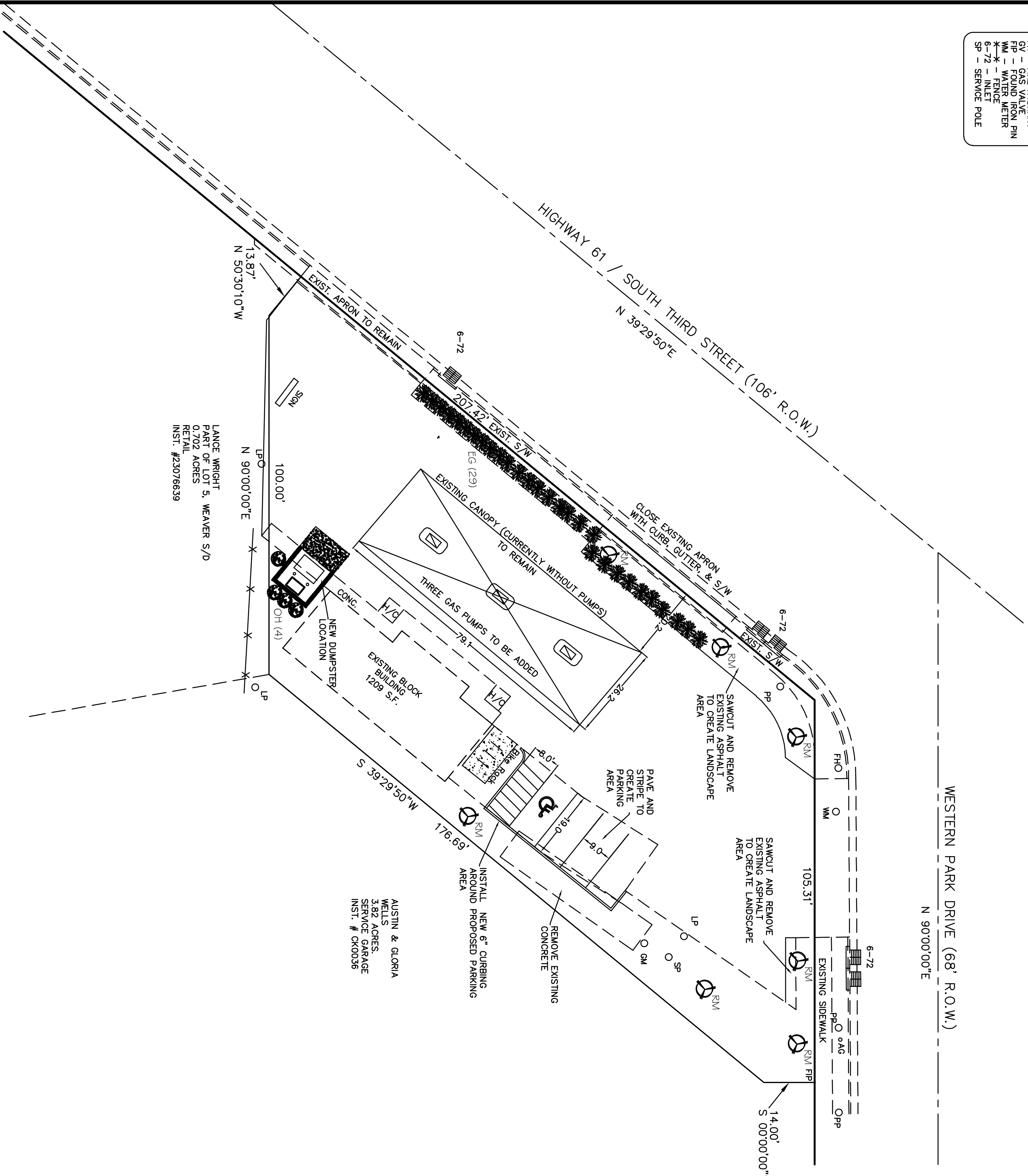
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

LEGEND

LP	- LIGHT POLE
CONC	- CONCRETE
PP	- POWER POLE
CV	- GAS VALVE
RM	- ROUND IRON PIN
K-X	- FENCE
6-72	- FINLET
SP	- SERVICE POLE



STREET NAME	SIDEWALK WIDTH	SIDE	LOCATION	ACTION
SOUTH THIRD STREET	5.5	EAST	ADJACENT TO CURB	REPAIR/REPLACE
WESTERN PARK DRIVE	5.0	SOUTH	4.5' GRASS STRIP	REPAIR/REPLACE

PROPOSED PLANTS

SYMBL	COMMON NAME	BOTANICAL NAME	SIZE	QTY
EG	Emerald Green Arborvitae	Thuja occidentalis 'Emerald Green'	3 GAL	29
OH	Oak Leaf Holly	Ilex x Cornif	3-4 ft	4
RM	October Glory Red Maple	Acer rubrum 'October Glory'	4-5 ft	7

391 WESTERN PARK
PART OF LOT 5, WEAVER S/D (NOT RECORDED)
MEMPHIS, TENNESSEE

EXISTING ZONING DISTRICT: CMU-3

LOTS: 1

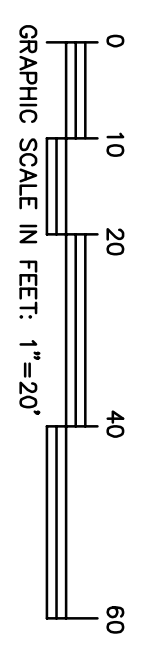
PREPARED FOR: HEFDALAH MUSLEH
 391 WESTERN PARK DR.
 MEMPHIS, TN 38109

ENGINEER: THE BRAY FIRM
 2950 STAGE PLAZA NORTH
 BARTLETT, TN 38134
 (901) 383-8868

DATE: DECEMBER 2023

SCALE: 1"=20'

SHEET 1 OF 1



THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0435 F DATED SEPTEMBER 28, 2007.

THE REQUIRED SIDEWALK SHALL BE INSTALLED ACROSS THE FRONTAGE OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY. THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO USE AND OCCUPANCY. REPAIR, REPLACE SIDEWALK THAT IS IN DISREPAIR OR A.D.A. NON-COMPLIANT. Install, Repair, Replace, Survey Sidewalk, Repair Broken and Non-Compliant Street Signs Risk

LOT SURVEY
391 WESTERN PARK
A PORTION OF THE NELSON TRACT
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
 INST. #16073012
MEMPHIS, SHELBY COUNTY, TN

LEGEND

- LP - LIGHT POLE
- GM - GAS MAIN
- CONC - CONCRETE
- PP - POWER POLE
- FH - FIRE HYDRANT
- GV - GAS VALVE
- FIP - FOUND IRON PIN
- WM - WATER METER
- *-*- FENCE
- 6-72 - INLET
- SP - SERVICE POLE

WESTERN PARK DRIVE (68' R.O.W.)

N 90°00'00"E

6-72

105.31'

LP

SP

GM

14.00'
S 00°00'00"W

176.69'

S 39°29'50"W

N 39°29'50"E

207.42'

6-72

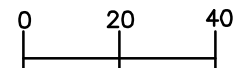
GM

100.00'

N 90°00'00"E

13.87'
N 50°30'10"W

HIGHWAY 61 / SOUTH THIRD STREET (106' R.O.W.)



DATE: 12/1/23
 SCALE: 1"=40'

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

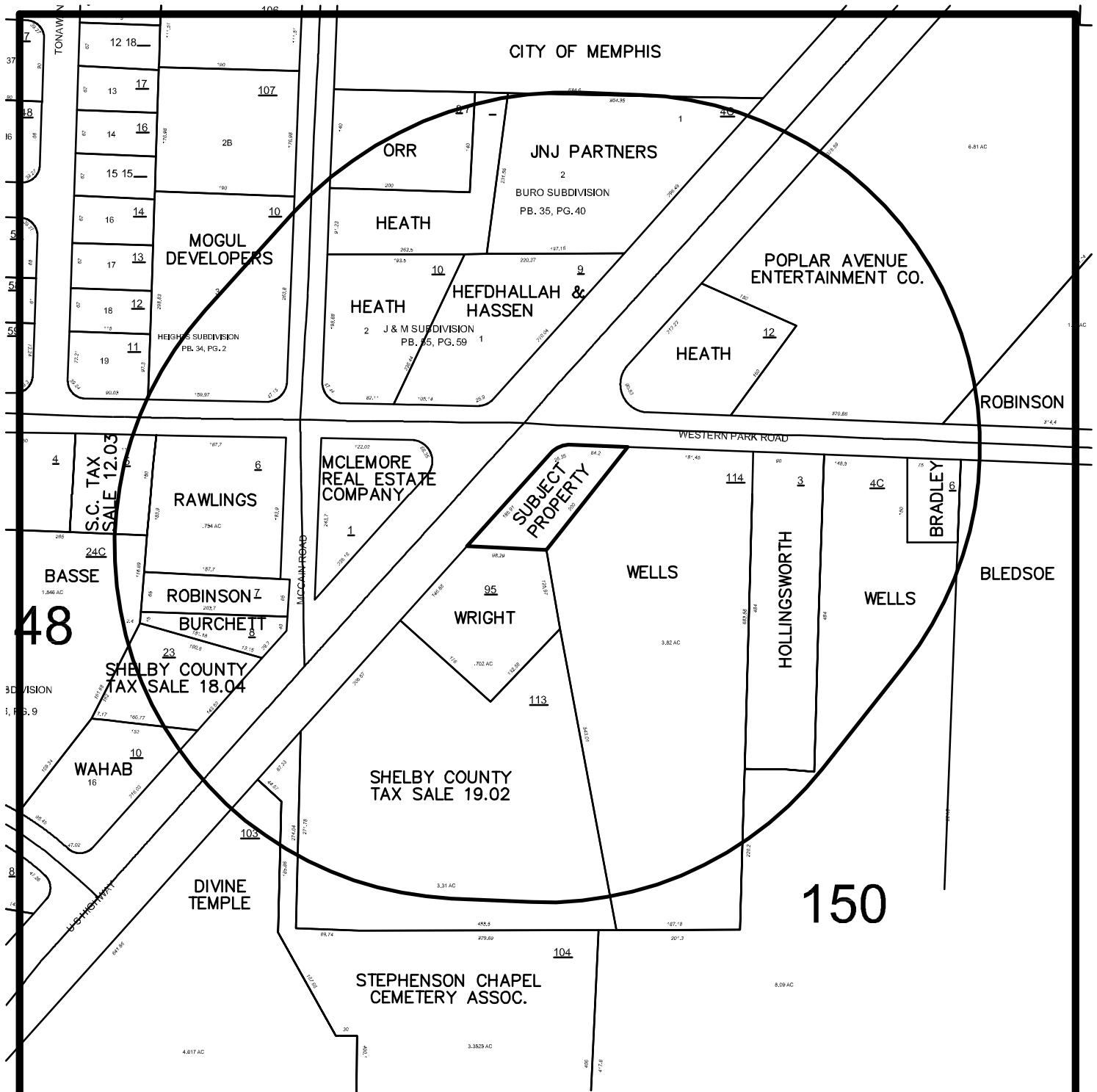
I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

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

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0455 F DATED SEPTEMBER 28, 2007.

PREPARED FOR:
 COURTNEY CROSBY

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



LUCB APPLICATION – 391 WESTERN PARK DRIVE
LOT 5, WEAVER SUBDIVISION
APPLICANT: HEFDALLAH MUSHLEH
MEMPHIS, TENNESSEE

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 DECEMBER 7, 2023

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


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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

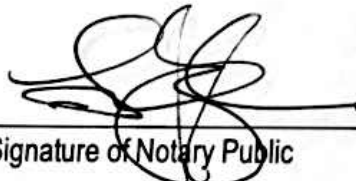
I, HEEDHALLAH MUSLEH (Print Name)  (Sign Name), state that I have read the definition of

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

Subscribed and sworn to (or affirmed) before me this 7th day of December in the year of 2023


Signature of Notary Public



03/03/2024
My Commission Expires



Tom Leatherwood
Shelby County Register / Archives

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.

16073012

07/19/2016 - 10:10 AM

<hr/>	
3 PGS	
<hr/>	
BUDDY	1486791-16073012
<hr/>	
VALUE	150000.00
MORTGAGE TAX	0.00
TRANSFER TAX	555.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	573.00
<hr/>	

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared by & Return to:
Fearley, Martin & McDonald, PLLC
6389 N. Quail Hollow Road - Suite 202
Memphis, TN 38120
Firm File No.: JR1606006

CORPORATE WARRANTY DEED

THIS INDENTURE made and entered into this 12th day of July, 2016, by and between **Road Enterprises, Inc.**, a Kentucky corporation, party of the first part, and **Hefdallah M Musleh**, a married person, party of the second part.

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

That certain tract of land being a portion of the S. Roy Nelson and wife, Nelle W. Nelson tract as described in the Warranty Deed of record in Book 2718, Page 287, of the Register's Office of Shelby County, Tennessee, being more particularly described as follows:

Beginning at the intersection of the easterly right-of-way line of Highway 61 South and southerly right-of-way line of Western Park Drive (formerly Hughey Road); thence easterly along the southerly right-of-way line of Western Park Drive, said line having a relative bearing of North 90 degrees 00 minutes 00 seconds East a distance of 105.31 feet to a point; thence southerly along a line having a relative bearing of South 00 degrees 00 minutes 00 seconds East a distance of 14.00 feet to a point; thence southwest along a line having a relative bearing of South 39 degrees 29 minutes 50 seconds West a distance of 200.0 feet to a point; thence westerly along a line having relative bearing of South 90 degrees 00 minutes 00 seconds West a distance of 100.0 feet to a point; thence westerly along a line having a relative bearing of North 50 degrees 30 minutes 10 seconds West a distance of 13.00 feet to a point in the easterly right-of-way line of Highway 61 South; thence northerly along the easterly right-of-way line of Highway 61 South, having a relative bearing of North 39 degrees 29 minutes 50 seconds East a distance of 207.42 feet to the place of beginning, said parcel containing approximately 0.4482 acres; being the same land conveyed to Allied Chemical Corporation, by S. Roy Nelson and wife, Nelle W. Nelson, by Deed dated October 29, 1970, recorded as Instrument No. F7 6988 in the Register's Office of Shelby County, Tennessee.

Less and Except Part sold at Instrument No. AT 7215 being further described as follows:

Being part of the property conveyed to Road Enterprises, Inc., a Kentucky Corporation, as recorded in Instrument No. M2 0989, in the Shelby County Register's Office, more particularly described as follows:

Beginning at a point which the intersection of the east right of way line of U.S. Highway 61 (53' CL-R.O.W.) and the south line of Western Park Drive (34' CL-R.O.W.); thence along said south line of Western Park Drive 87° 47' 33" E, 15.8 feet to a point of curvature; thence along a curve to the left having a radius of 30 feet an arc distance of 26.35 feet to a point of tangency; thence S 41° 52' 48" W, 185.91 feet to a point; thence N 87° 47' 33" W, 1.71 feet to a point in the existing east right of way line of U.S. Highway 61; thence N 41° 52' 48" E, 200 feet to the point of beginning. Containing 290 square feet.

Being all or part of the same property conveyed to Road Enterprises, Inc., a Kentucky Corporation, by virtue of that certain Special Warranty Deed dated April 20, 1977, at Instrument No. M2 0989 in the Register's Office of Shelby County, Tennessee.

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

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforesaid real estate; that it has a good right to sell and convey the same; that same is unencumbered, except for the following:

- The lien of the following general and special taxes for the year or years specified and subsequent years: 2017 City of Memphis taxes and 2016 Shelby County taxes, being liens not yet due and payable.
- Easements of record at Instrument No. Book 1139, Page 213, Book 1620, Page 37, Book 1751, Page 423, Book 4330, Page 35, Book 4946, Page 213, and Instrument No. F9 5707, as recorded in the said Register's Office.
- Terms and conditions of Lease Agreement at Instrument No. M3 0613 Amended at Instrument No. KS 9040, and Affidavit Regarding Corporate Names at Instrument No. 02130658.

- Certificate of Amendment of Certificate of Incorporation at Instrument No. 03044060.
- Terms and conditions of Lease at Instrument No. M7 7660.
- Terms and conditions of Lease at Instrument No. EH 7136 Assigned at Instrument No. EY 1621.

and that title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

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

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

Road Enterprises, Inc

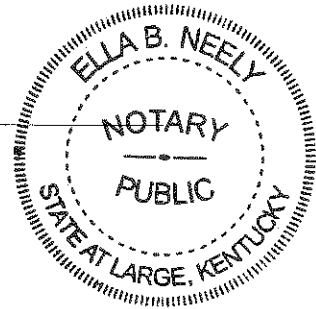
Jeffrey D. Uhling
By: Jeffrey D. Uhling
its: President

STATE OF Kentucky
COUNTY OF Jefferson

On this 12th day of July, 2016 before me the undersigned Notary Public of the State and County aforesaid, personally appeared Jeffrey D. Uhling, with whom I am personally acquainted, or proved to me to be on the basis of satisfactory proof, and who, upon oath, acknowledged himself/herself to be the President of the within named bargainor, Road Enterprises, Inc, and that he/she as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such President.

WITNESS my hand and official seal at office this 12th day of July, 2016.

ELLA B. NEELY
Notary Public



My Commission Expires: 1-5-2019

Property Owner(s) & Address: Hefdallah M Musleh
391 Western Park Dr.
Memphis, TN 38109
 075150 00093

Tax Parcel No:

Property Address: 391 Western Park Drive
 Memphis, TN 38109

Mail Tax Bills To: Hefdallah M Musleh
391 Western Park Dr.
Memphis, TN 38109

Firm File #: JR1606006/CMc

STATE OF TENNESSEE
COUNTY OF SHELBY

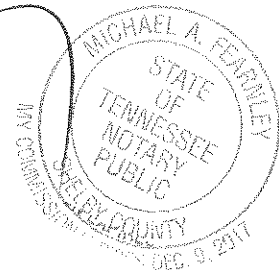
I, or we, hereby swear or affirm that to the best of Affiant's knowledge, information and belief the actual consideration for this transfer of value of the property transferred, whichever is greater is **\$150,000.00** which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

Affiant

SUBSCRIBED AND SWORN TO before me this 12th day of July, 2016.

Notary Public

My Commission Expires: 12/9/17



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



Signature Myra E. Martin

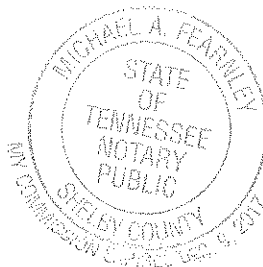
State of Tennessee
County of Shelby

On this the 15th day of July, 2016, personally appeared before me, Michael A. Fearnley, a Notary Public for this county and state, Myra E. Martin, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.



Notary Public

My Commission Expires: 12/9/17



391 Western Park Drive
Page 1 of 2

Hefdallah M Musleh
391 Western Park Dr.
Memphis, TN 38109-5308

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Lance Wright
500 W Shelby Dr.
Memphis, TN 38019-5368

Shelby County Tax Sale 19.02
P.O. Box 2751
Memphis, TN 38101-2751

Stephenson Chapel Cemetery
Association TRS
4360 S 3rd St.
Memphis, TN 38109-5265

Divine Temple
4360 S 3rd St.
Memphis, TN 38109-5265

Austin & Gloria Wells
4370 Wanatah St.
Memphis, TN 38109-5261

Rodney Hollingsworth
1990 Gwynn Rd.
Nesbit, MS 38651

Fredrick & Jacqueline Wells
5702 NW Rotherwood Dr.
Lawton, OK 73505

Carroll H & Kristina C Bledsoe
7713 Meadowside Cv.
Memphis, TN 38125-3104

Herman F Bradley
1000 River Landing Dr.
Memphis, TN 38103-8931

Torrian Heath
790 Dellrose Dr.
Memphis, TN 38116-5417

Poplar Avenue Entertainment Co. Inc.
5050 Poplar Ave.
Ste. 1510
Memphis, TN 38157-1510

Cooper Y Robinson Jr.
5557 Hackberry Cv.
Memphis, TN 38120-2408

Musleh Hefdhallah & Yousuf Hassen
4315 S 3rd St.
Memphis, TN 38109-5222

Resident
420 Western Park Dr.
Memphis, TN 38109

Resident
4268 McCain Rd.
Memphis, TN 38109

Rafael Orr Sr.
2810 Maggie Woods Pl
Arlington, TN 38002-6115

JNJ Partners
4564 Warden Rd.
Memphis, TN 38122-4120

City of Memphis
125 N Main St.
Memphis, TN 38103-2026

Mogul Developers
8638 Millbranch Rd.
Southaven, MS 38671-2316

Ruth Rawlings
P.O. Box 9505
Memphis, TN 38190-5050

Resident
445 Western Park Dr.
Memphis, TN 38109

391 Western Park Drive
Page 2 of 2

Shelby County Tax Sale 12.03
P.O. Box 2751
Memphis, TN 38101-2751

Ibrahima Basse
3252 Gill Rd.
Memphis, TN 38109-2921

Peggy Robinson
4323 S 3rd St.
Memphis, TN 38109-5269

Rickey R Burchett Sr.
4044 Hermitage Dr.
Memphis, TN 38116

Shelby County Tax Sale 18.04
P.O. Box 2751
Memphis, TN 38101-2751

Salam Wahab & Bilal Wahab
P.O. Box 343001
Memphis, TN 38184-3001

McLemore Real Estate Company II LP
19092 Highway 4 E
Senatobia, MS 38668-6581



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

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

January 15, 2024

Musleh Hefdallah
David Bray, The Bray Firm

Sent via electronic mail to: dqbray@comcast.net, hayel1120@yahoo.com

Special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 3 (CMU-3) District.

Case Number: SUP 2023-036

LUCB Decision: Approval with Conditions

Dear applicant,

On Thursday, January 11, 2024 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 – 3 (CMU-3) District located at 391 Western Park, subject to the following 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. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of the Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
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

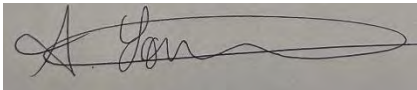
Letter to Applicant
SUP 2023-036

application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-7120 or via email at alexis.longstreet@memphistn.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Alexis Longstreet", is written over a light gray rectangular background.

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

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 02/20/2024
DATE
PUBLIC SESSION: 02/20/2024
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 special use permit at the subject property located 2426 Lamar Ave., known as case number SUP 2024-001

CASE NUMBER: SUP 2024-001

LOCATION: 2426 Lamar Ave.

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Jim Song

REPRESENTATIVE: David Baker, Fisher Arnold

REQUEST: To allow a drive-thru restaurant in the CMU-1 zoning district

AREA: +/-0.6 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – February 20, 2024

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
02/08/2024 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

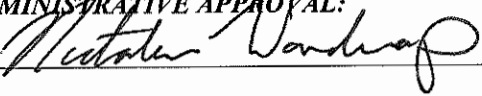
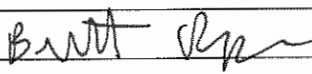
FUNDING:

(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>2/8/24</u>	STAFF PLANNER
		DEPUTY ADMINISTRATOR
	<u>2/8/24</u>	ZONING ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-001

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 2426 LAMAR AVENUE, KNOWN AS CASE NUMBER SUP 2024-001

- This item is a resolution with conditions for a special use permit to allow drive-thru restaurant in the Commercial Mixed Use – 1 (CMU-1) zoning district; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, February 8, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2024-001

LOCATION: 2426 Lamar Avenue

COUNCIL DISTRICT(S): District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Jim Song

REPRESENTATIVE: David Baker, Fisher Arnold

REQUEST: To allow a drive-thru restaurant in the CMU-1 zoning district

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

AREA: +/-0.6 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 8-0-0 on the consent agenda.

Respectfully,



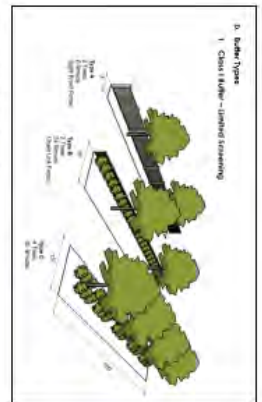
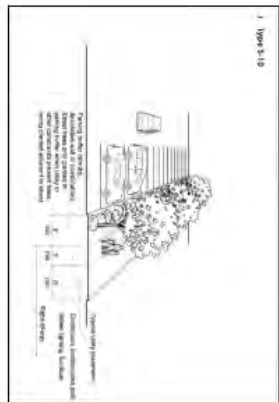
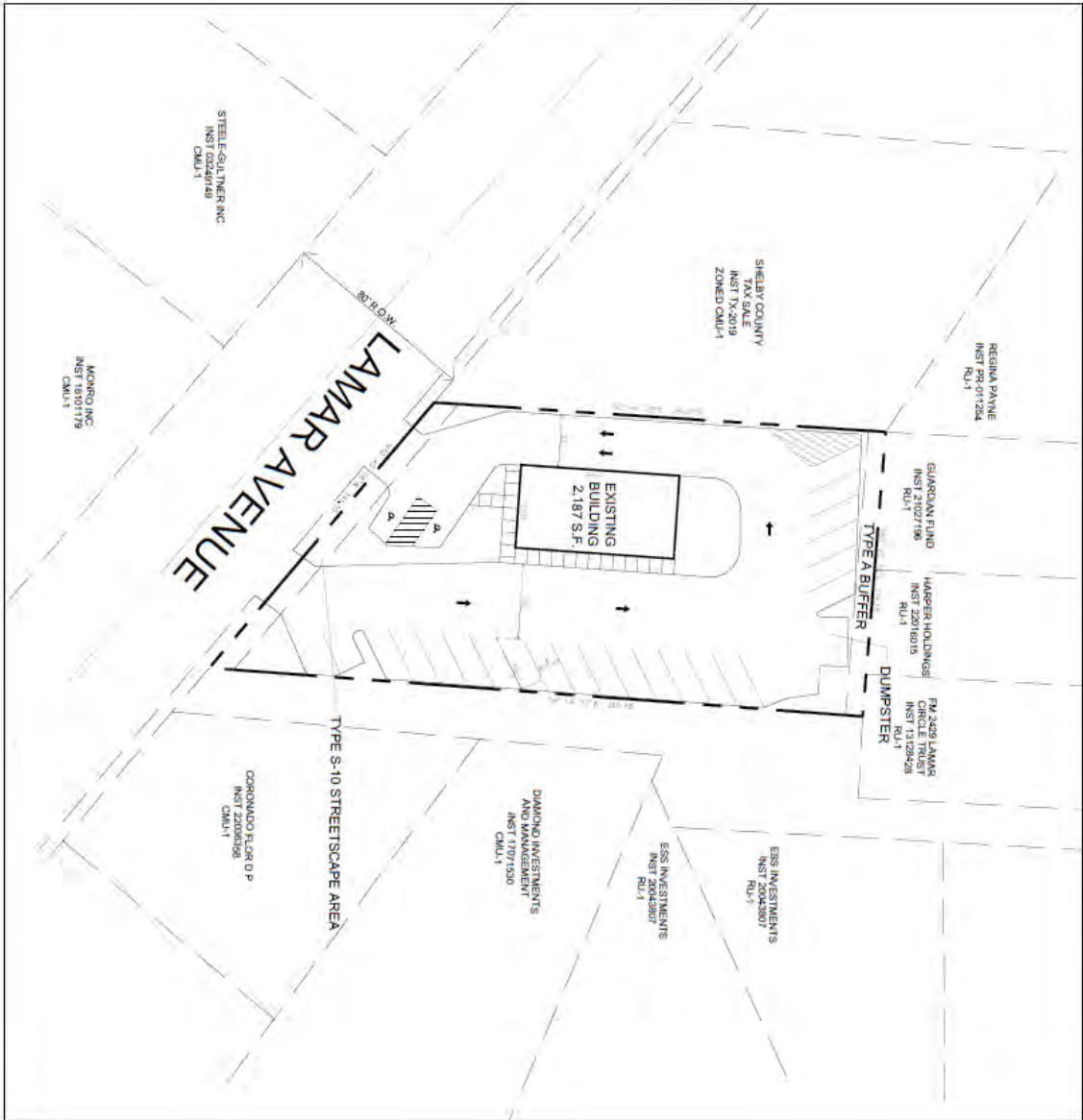
Nicholas Wardroup
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

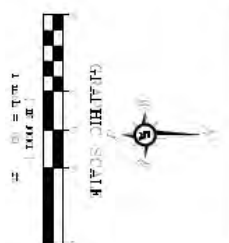
SUP 2024-001
CONDITIONS

1. The existing pole sign shall be removed.
2. At least six bicycle parking spaces (three racks) shall be installed in accordance with UDC Sub-Section 4.5.3C. They shall be of an inverted-U (“staple” or “loop”) design and shall be spaced at least 48” apart and set back at least 96” from any walls. They shall be located within 200’ of a functioning entrance.
3. All existing curb cuts and abutting sidewalks shall be repaired to City standards.
4. All refuse containers shall be completely screened from view from adjacent properties and public rights-of-way. They shall be enclosed by a fence or wall composed of an opaque matte material compatible with the dominant material of the principal structure. All such enclosures shall be a minimum 6’ in height.
5. A detailed landscaping plan shall be included as part of the final SUP site plan to be approved by DPD.

SITE PLAN



LANDSCAPE PLATES



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 2426 LAMAR AVENUE, KNOWN AS CASE NUMBER SUP 2024-001

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, Jim Song filed an application with the Memphis and Shelby County Division of Planning and Development to allow a drive-thru restaurant in the Commercial Mixed Use – 1 (CMU-1) zoning district; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 8, 2024, 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 requested use in accordance with the attached conditions.

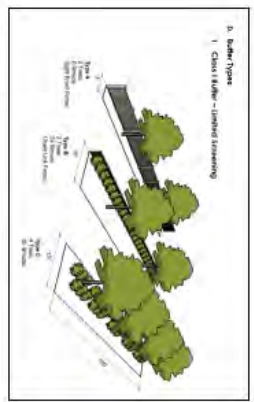
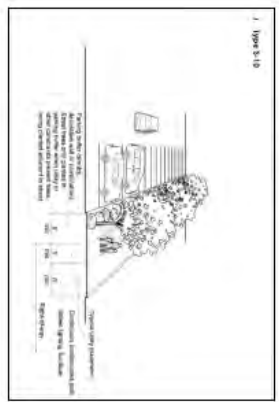
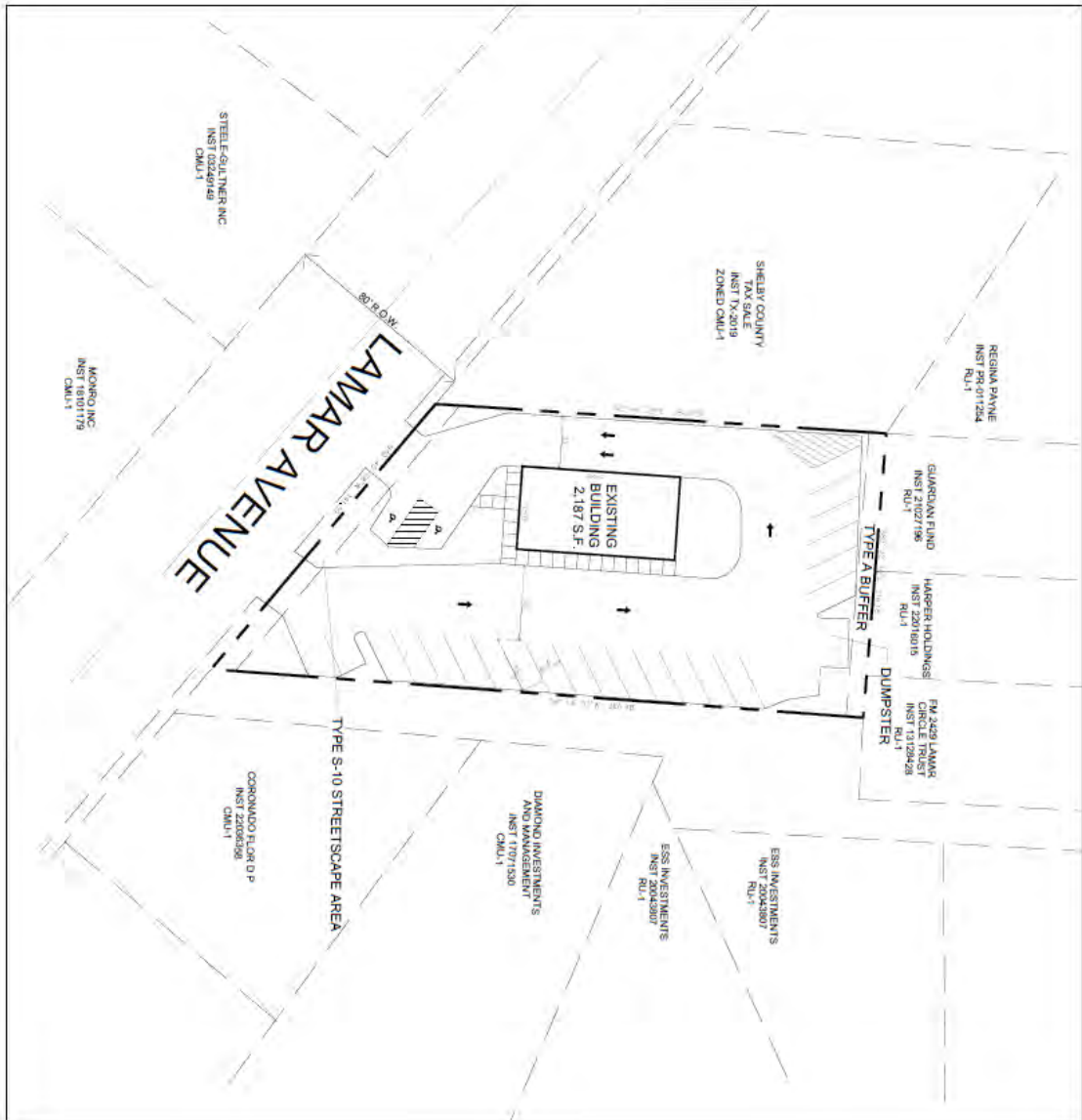
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by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

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

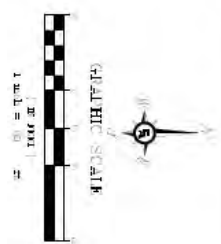
CONDITIONS

1. The existing pole sign shall be removed.
2. At least six bicycle parking spaces (three racks) shall be installed in accordance with UDC Sub-Section 4.5.3C. They shall be of an inverted-U (“staple” or “loop”) design and shall be spaced at least 48” apart and set back at least 96” from any walls. They shall be located within 200’ of a functioning entrance.
3. All existing curb cuts and abutting sidewalks shall be repaired to City standards.
4. All refuse containers shall be completely screened from view from adjacent properties and public rights-of-way. They shall be enclosed by a fence or wall composed of an opaque matte material compatible with the dominant material of the principal structure. All such enclosures shall be a minimum 6’ in height.
5. A detailed landscaping plan shall be included as part of the final SUP site plan to be approved by DPD.

SITE PLAN



LANDSCAPE PLATES



ATTEST:

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

AGENDA ITEM: 23

CASE NUMBER: SUP 2024-001 **L.U.C.B. MEETING:** February 8, 2024

LOCATION: 2426 Lamar Avenue

COUNCIL DISTRICT: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Jim Song

REPRESENTATIVE: David Baker, Fisher Arnold

REQUEST: Special Use Permit to establish a drive-thru restaurant in the Commercial Mixed Use – 1 (CMU-1) zoning district

AREA: +/-0.6 acres

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

CONCLUSIONS

1. The applicant is requesting a special use permit to establish a drive-thru restaurant.
2. This site was among those downzoned from CMU-3 to CMU-1 as part of the Lamar Avenue comprehensive rezoning (Z 20-04).
3. The applicant intends to reuse an existing vacant building which was formerly a laundromat.
4. Staff finds that this request meets the UDC standards regarding special use permits and therefore recommends approval with conditions.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Lamar Avenue +/-141.49 linear feet
Zoning Atlas Page: 2135
Parcel ID: 04761 00050
Existing Zoning: Commercial Mixed Use – 1 (CMU-1)

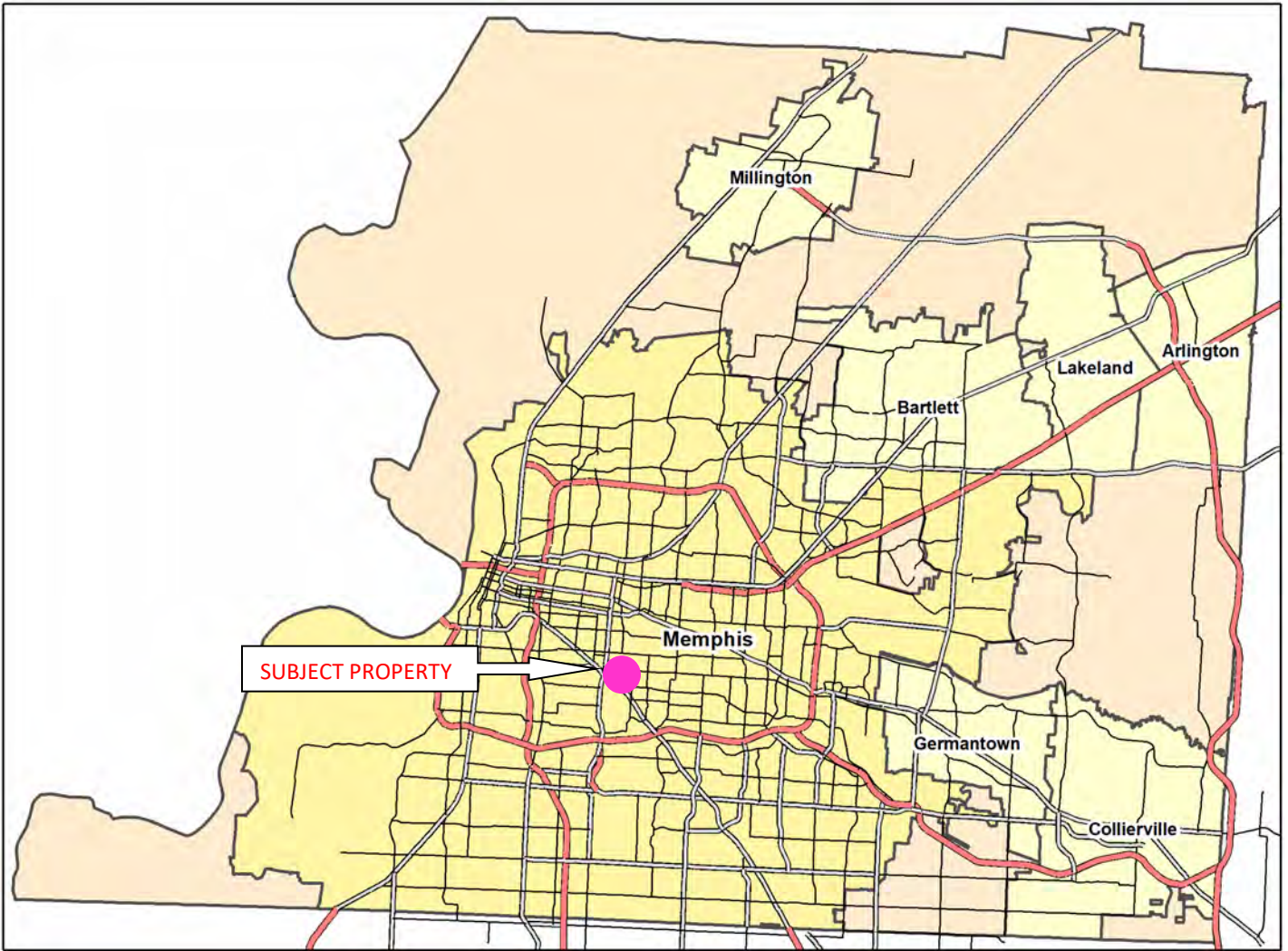
NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Tuesday, January 23, 2024, at the subject property.

PUBLIC NOTICE

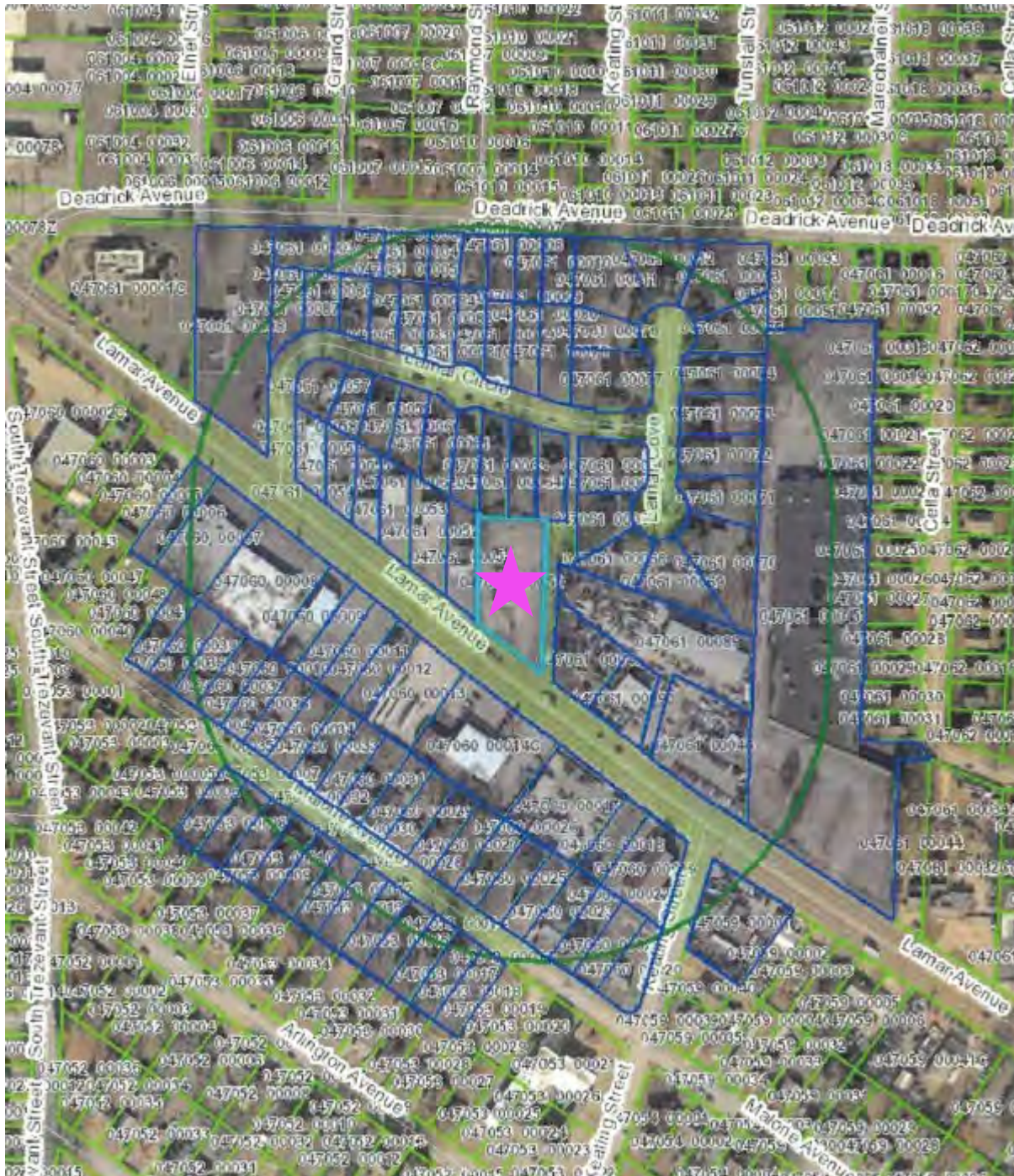
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 152 notices were mailed on January 25, 2024 and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



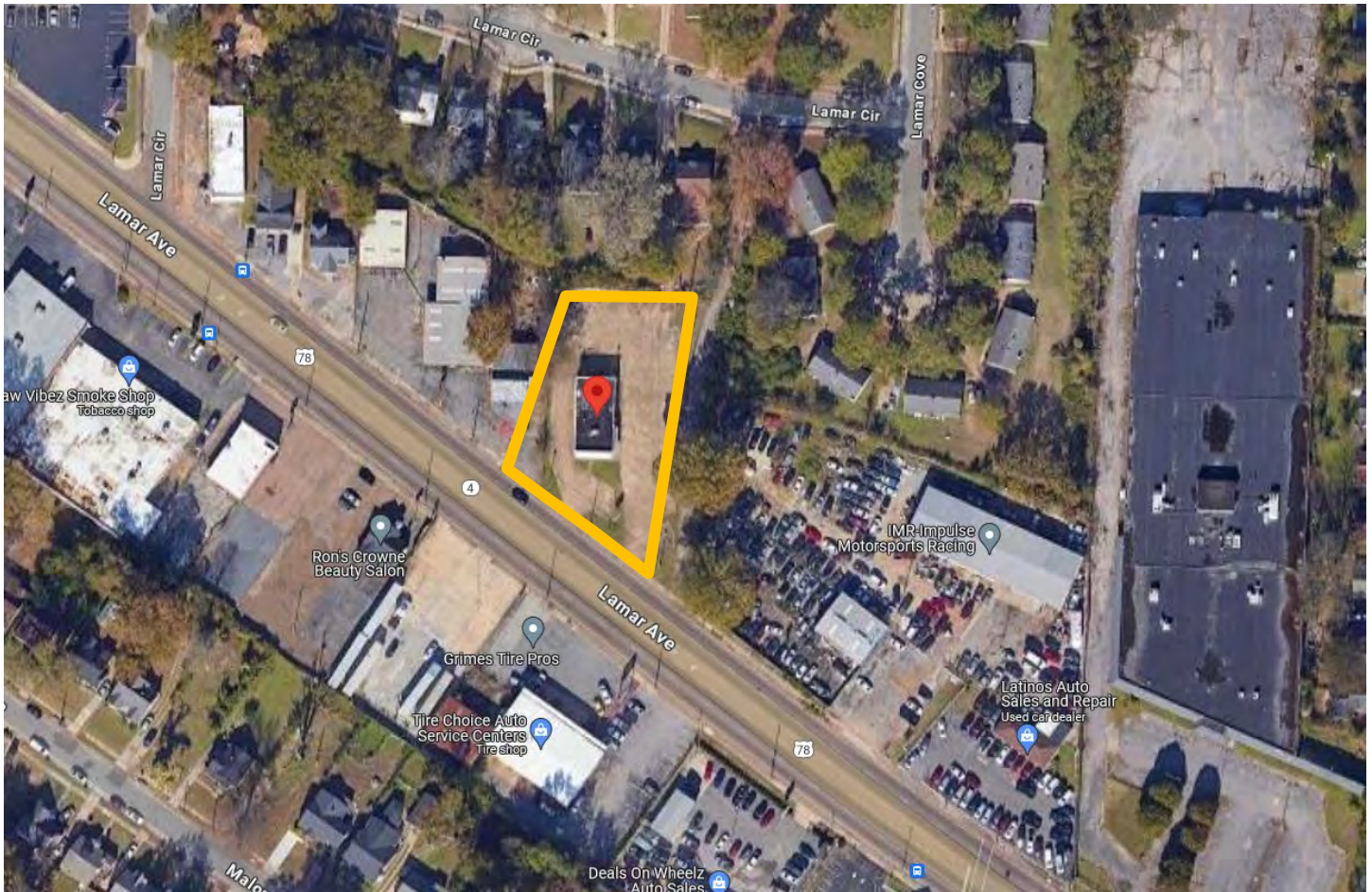
Subject property located within the pink circle, Orange Mound

VICINITY MAP



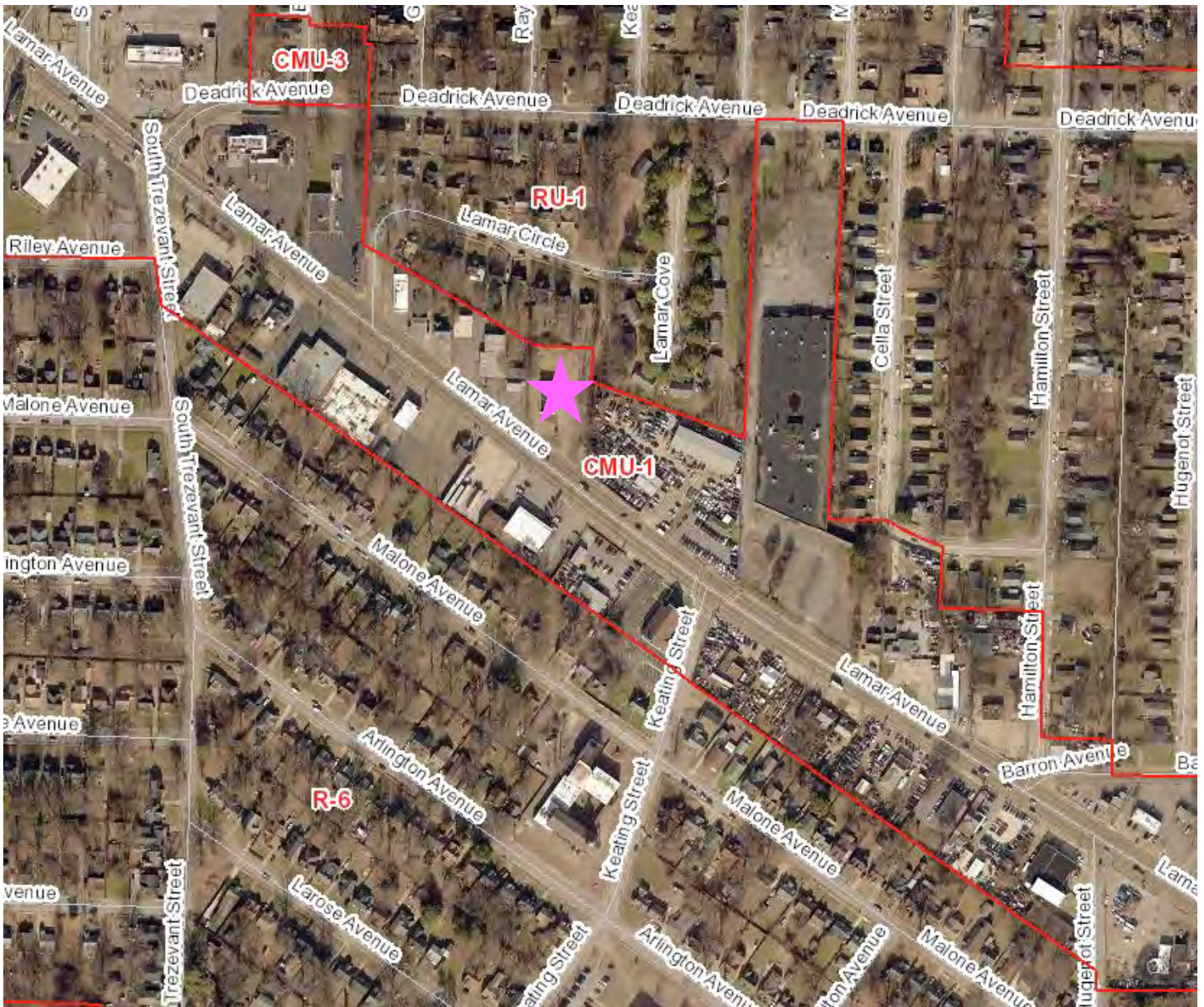
Site outlined in cyan and indicated by pink star.

AERIAL



Subject property outlined in orange.

ZONING MAP



Subject property indicated by a pink star

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

Surrounding Zoning

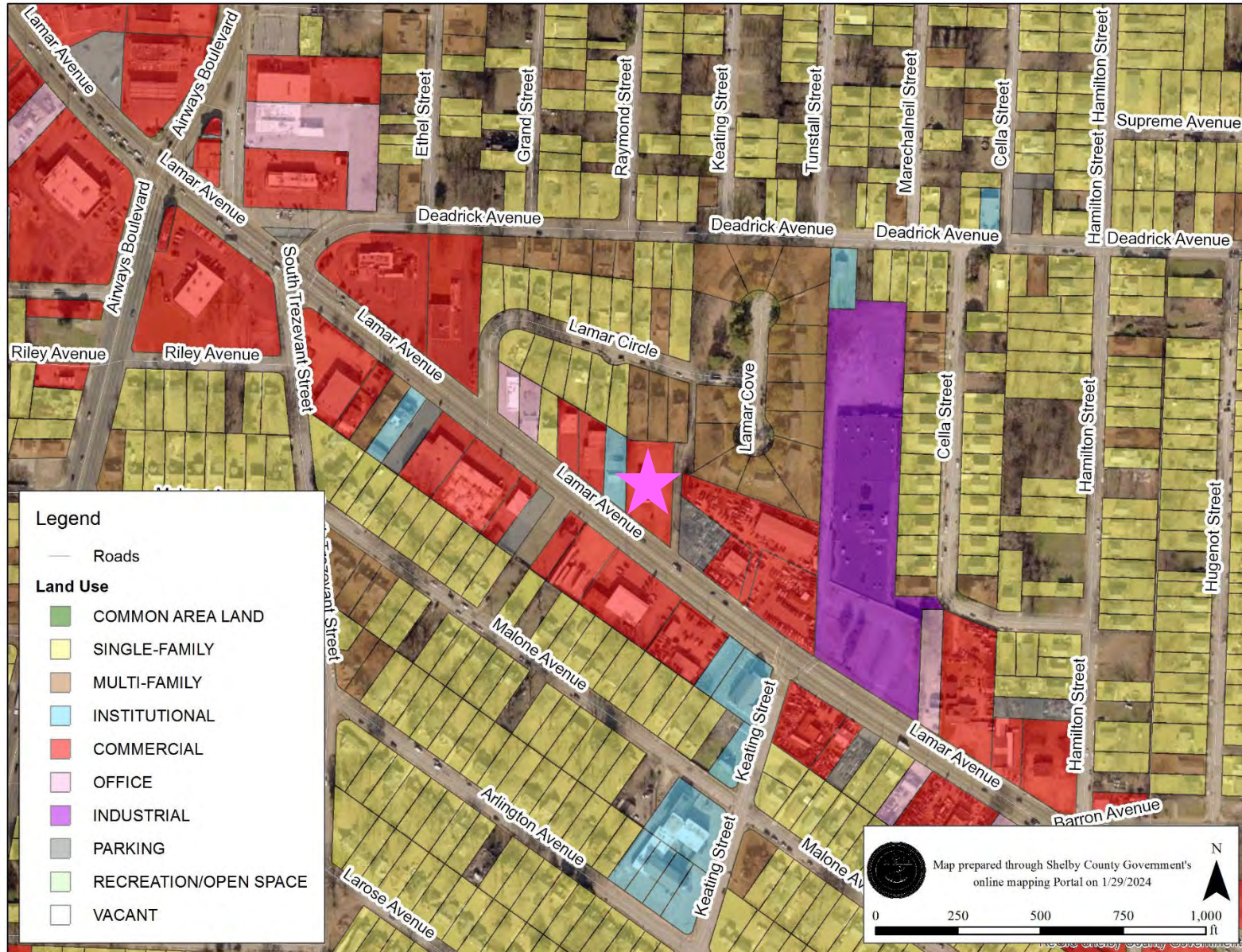
North: Residential Urban – 1 (RU-1)

East: CMU-1 and RU-1

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

West: CMU-1 and R-6

LAND USE MAP



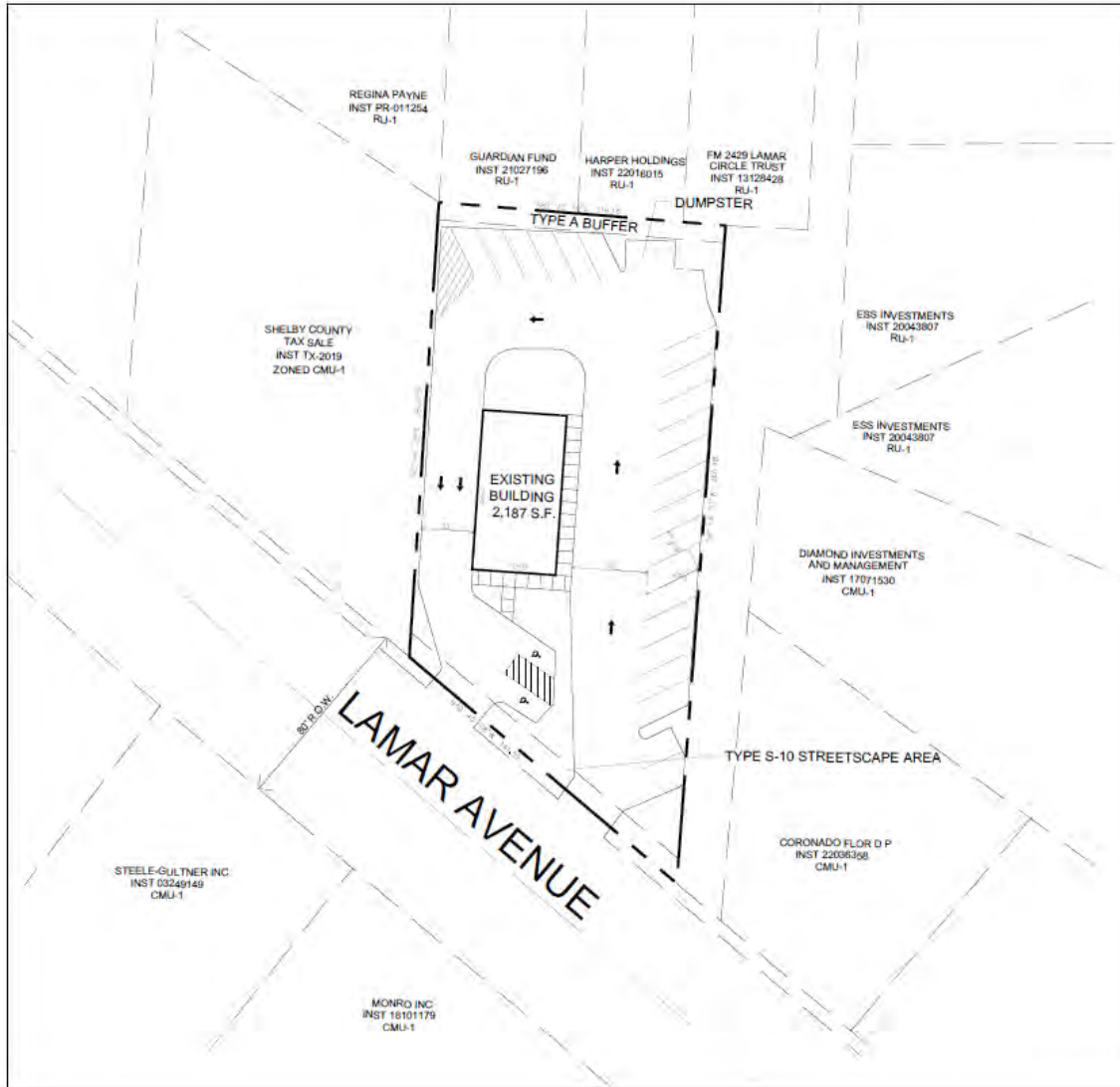


View of subject property (former Washtown Coin Laundry) looking along Lamar Ave to the northwest.

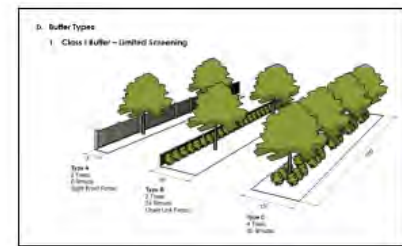
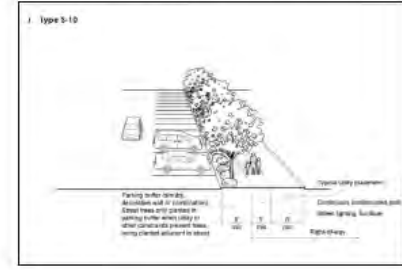


View of subject property from Lamar Ave. looking northeast.

SITE PLAN



SITE LOCATION MAP



LANDSCAPE PLATES



STAFF ANALYSIS

Request

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

The request is for a special use permit to establish a drive-thru restaurant.

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 ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description and Site Plan Review

This site is a +/- 0.6 acre parcel (047061 00050) along the westbound side of Lamar Ave. It features two curb cuts along Lamar as well as a pole sign. The applicant intends to reuse the existing structure on the site, which was constructed in 1982. The site plan shows 26 on-site parking spaces, well in excess of the 8 which are required under UDC Chapter 4.5. While the site plan does not indicate the required six bicycle parking spaces, staff recommended conditions ensure clarity on this matter.

Site Zoning History

This property was one of 200 downzoned in 2020 as part of the Lamar Ave. comprehensive rezoning (Z 20-4). These properties were downzoned from CMU-3 to CMU-1 in order to increase restrictions on auto-oriented uses, primarily vehicle repair. At the same time, a zoning text amendment removed the by-right status of drive thru restaurants in the CMU-1 district in favor of special use review, necessitating the subject application.

Conclusions

The applicant is requesting a special use permit to establish a drive-thru restaurant.

This site was among those downzoned from CMU-3 to CMU-1 as part of the Lamar Avenue comprehensive rezoning (Z 20-04).

The applicant intends to reuse an existing vacant building which was formerly a laundromat.

Staff finds that this request meets the UDC standards regarding special use permits and therefore recommends approval with conditions.

RECOMMENDATION

Staff recommends **approval** of a special use permit to establish a drive thru restaurant subject to the following five (5) conditions.

Conditions

1. The existing pole sign shall be removed.
2. At least six bicycle parking spaces (three racks) shall be installed in accordance with UDC Sub-Section 4.5.3C. They shall be of an inverted-U (“staple” or “loop”) design and shall be spaced at least 48” apart and set back at least 96” from any walls. They shall be located within 200’ of a functioning entrance.
3. All existing curb cuts and abutting sidewalks shall be repaired to City standards.
4. All refuse containers shall be completely screened from view from adjacent properties and public rights-of-way. They shall be enclosed by a fence or wall composed of an opaque matte material compatible with the dominant material of the principal structure. All such enclosures shall be a minimum 6’ in height.
5. A detailed landscaping plan shall be included as part of the final SUP site plan to be approved by DPD.

DEPARTMENTAL COMMENTS

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

City/County Engineer:	See following page.
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:	See page 14

CITY ENGINEERING COMMENTS

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

Sewers:

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

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

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 24-01: Orange Mound

Site Address/Location: 2830 Chelsea Avenue

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

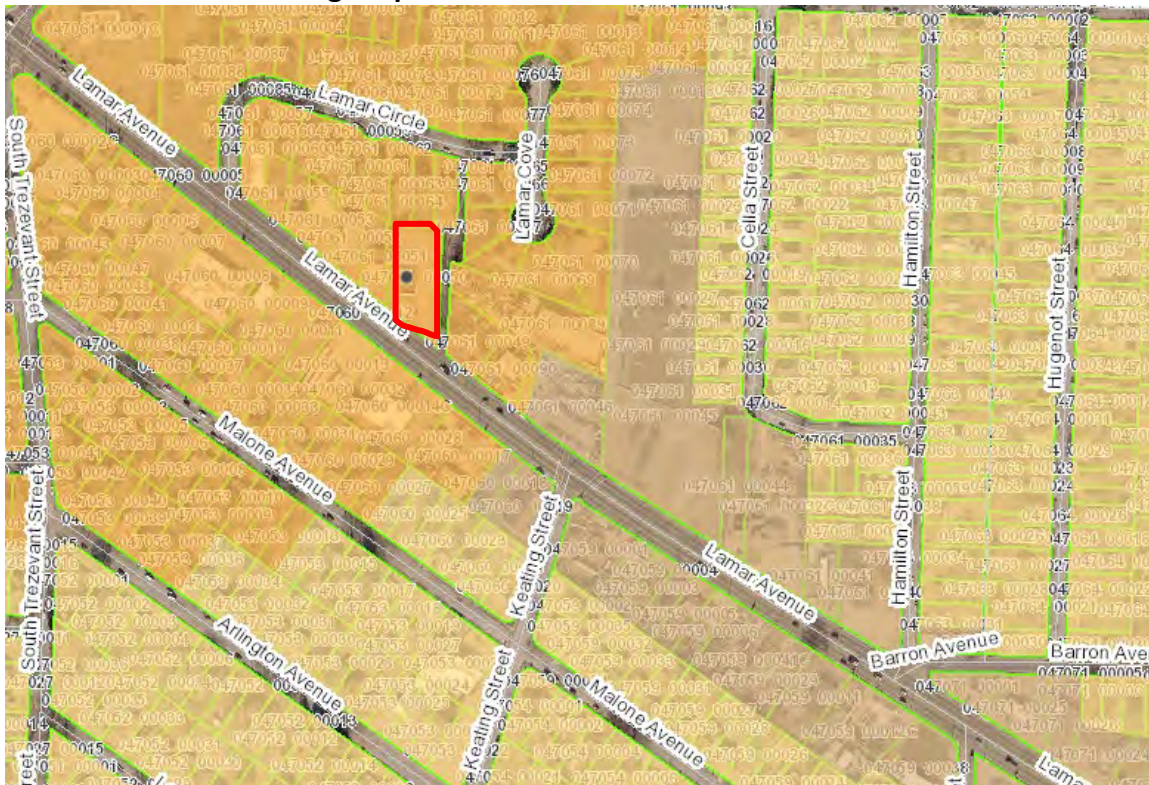
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

Street Type: Parkway

The applicant is seeking approval to construct a restaurant with a drive-thru in a CMU-1 district.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



These housing.

“AN-M” Form & Location Characteristics

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

“AN-M” Zoning Notes

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

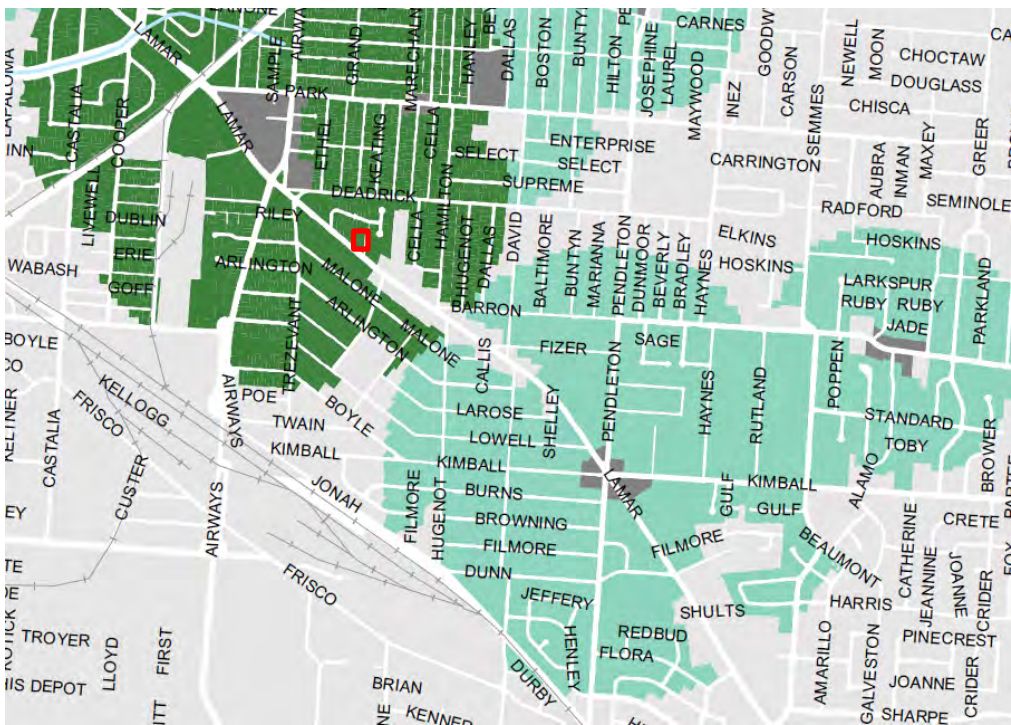
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

Adjacent Land Use and Zoning: Commercial, Vacant, Single Family; RU-1, CMU-3

Overall Compatibility: This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. However, the use is compatible with adjacent land uses.

3. Degree of Change Map



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

4. Degree of Change Description

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

The proposed application is a private investment and the reuse of a vacant structure has the potential to attract further redevelopment of the neighborhood.

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

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

Consistency Analysis Summary

The applicant is seeking approval to construct a restaurant with a drive-thru in a CMU-1 district. This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes. However, the use is compatible with adjacent land uses. The proposed application is a private investment and the reuse of a vacant structure has the potential to attract further redevelopment of the neighborhood.

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

APPLICATION SUMMARY

See full application [here](#), which includes full-resolution site plans.



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: January 4, 2024

Record Number: SUP 2024-001

Expiration Date:

Record Name: American Deli Lamar

Description of Work: Requesting a Special Use Permit to allow a restaurant with drive-thru or drive-in services as stipulated in Article 2.5.2 of the UDC.

Parent Record Number:

Address:

2426 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary Owner Name

Y S KING HOLDING INC

Owner Address

1674 PREAKNESS RUN LN, COLLIERVILLE, TN 38017

Owner Phone

Parcel Information

047061 00050

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Lucas Slinner

Date of Meeting

12/04/2023

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

List any relevant former Docket / Case Number(s) related to previous applications on this site

COM-ALT-23-000828

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

Yes

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

COM-ALT-23-000828

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 prior use was a drop off cleaner, and the property is vacant. The proposed use is compatible with commercial uses and reuse of the building improves the community over a vacant, deteriorating building.

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

The project will be utilizing the existing building, parking and other facilities and has been established in the neighborhood and is compatible with the community.

UDC Sub-Section 9.6.9C

Because it is a reuse of an existing building, existing public facilities and services will be utilized and not cause a burden to those existing facilities.

UDC Sub-Section 9.6.9D

There aren't any significant natural or historical features on the site.

UDC Sub-Section 9.6.9E

The project complies with the requirements of the CMU-1 District of the UDC.

UDC Sub-Section 9.6.9F

The proposed use will not have a negative impact on adjacent properties and provides a needed use for the community.

GIS INFORMATION

Case Layer

BOA1953-103-CI

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

6

Subdivision

M P DEADRICK

Planned Development District

-

Wellhead Protection Overlay District

No

Contact Information

Name

JIM SONG

Contact Type

APPLICANT

Address

7886 WINCHESTER RD, SUITE 201, MEMPHIS, TN, 38125

Phone

(901)493-6785

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1528806	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	01/04/2024
1528806	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	01/04/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$513.00

Method of Payment

Credit Card

LETTER OF INTENT



January 5, 2024

Mr. Chip Saliba, Deputy Administrator, Development Services
Memphis and Shelby County Office of Planning and Development
Land Use Controls
125 N Main Street, Suite 468
Memphis, TN 38104

**RE: AMERICAN DELI LAMAR AVE SPECIAL USE PERMIT
MEMPHIS, TENNESSEE**

Dear Chip:

On behalf of S King Holdings, Inc. and Mr. Jim Song, we are pleased to submit this Special Use Permit Application for the American Deli on Lamar Avenue. The subject property is located on the north side of Lamar Avenue approximately 1,044 feet east of Trezevant Street. The subject property is located in the CMU-1 Commercial Mixed Use Zoning District. Our application requests a Special Use Permit to allow a restaurant with a drive thru as required by Article 2.5.2 of the Unified Development Code.

Attached with our application is a preliminary site plan that illustrates the reuse of the existing building and site conditions.

As always, we look forward to working with the Office of Planning and Development and appreciate your consideration of our request. If there is anything you may need to assist in your review of our proposal, please do not hesitate to contact me.

Sincerely

FISHER & ARNOLD, INC.

David Baker
Manager - Planning and Landscape Architecture

DBB/dbb

SIGN AFFIDAVIT

PUBLIC NOTICE SIGN POSTING AFFIDAVIT

AFFIDAVIT
Shelby County
State of Tennessee

I, David Baker, being duly sworn, deposes and says that at 5:00 pm on the 23rd day of January 2024, he posted Public Notice Signs pertaining to Case Number SUP 24-0001 at the following address: 2426 Lamar Avenue, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Use Variance, Zoning District Map Amendment), photograph of said sign being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

David Baker _____ Date 1/24/24
Owner, Applicant or Representative

Subscribed and sworn to before me this 24th day of January, 2024.

Hope Rogers _____
Notary Public
My commission expires: 3/2/2024



LETTERS RECEIVED

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



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: January 4, 2024

Record Number: SUP 2024-001

Expiration Date:

Record Name: American Deli Lamar

Description of Work: Requesting a Special Use Permit to allow a restaurant with drive-thru or drive-in services as stipulated in Article 2.5.2 of the UDC.

Parent Record Number:

Address:

2426 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary Owner Name

Y S KING HOLDING INC

Owner Address

1674 PREAKNESS RUN LN, COLLIERVILLE, TN 38017

Owner Phone

Parcel Information

047061 00050

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Lucas Slinner

Date of Meeting

12/04/2023

Pre-application Meeting Type

Email

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

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

New Special Use Permit (SUP)
COM-ALT-23-000828

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GIS INFORMATION

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Central Business Improvement District
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Downtown Fire District
Historic District
Land Use
Municipality
Overlay/Special Purpose District
Zoning
State Route
Lot
Subdivision
Planned Development District
Wellhead Protection Overlay District

BOA1953-103-CI
No
C
No
-
COMMERCIAL
MEMPHIS
-
CMU-3
1
6
M P DEADRICK
-
No

Contact Information**Name**

JIM SONG

Contact Type

APPLICANT

Address

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Phone(901)493-6785

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Total Balance: \$0.00

Payment Information**Payment Amount**

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Method of Payment

Credit Card



FISHER ARNOLD

ENGINEERS | ARCHITECTS | CONSULTANTS | PLANNERS

January 5, 2024

Mr. Chip Saliba, Deputy Administrator, Development Services
Memphis and Shelby County Office of Planning and Development
Land Use Controls
125 N Main Street, Suite 468
Memphis, TN 38104

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Sincerely

FISHER & ARNOLD, INC.

David Baker
Manager – Planning and Landscape Architecture

DBB/dbb

Z:\Jim_Song.0004PL\planning\documents\application cover letter.doc

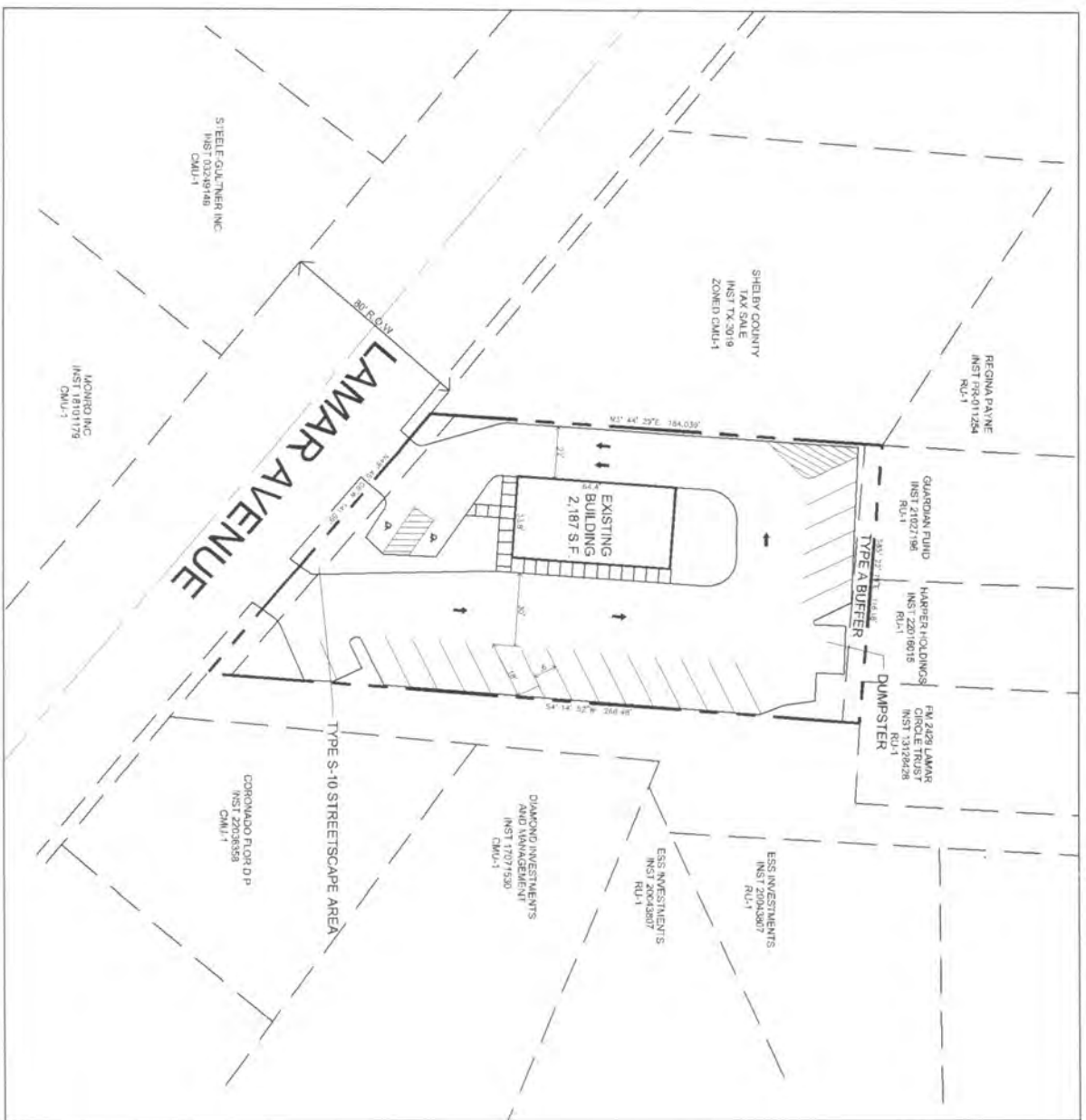
9180 Crestwyn Hills Drive
Memphis, TN 38125

901.748.1811

Fax: 901.748.3115

Toll Free: 1.888.583.9724

www.fisherarnold.com

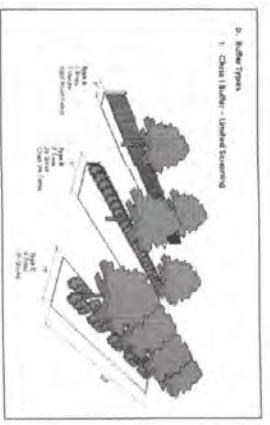
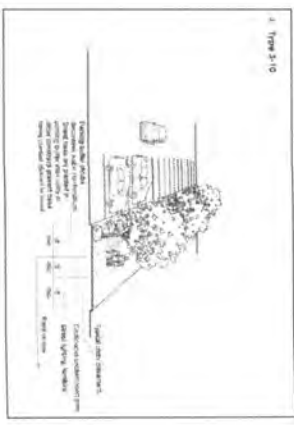


PLAN DATA

TOTAL AREA..... 0.60 ACRES

BUILDING SIZE..... 2,187 S.F.

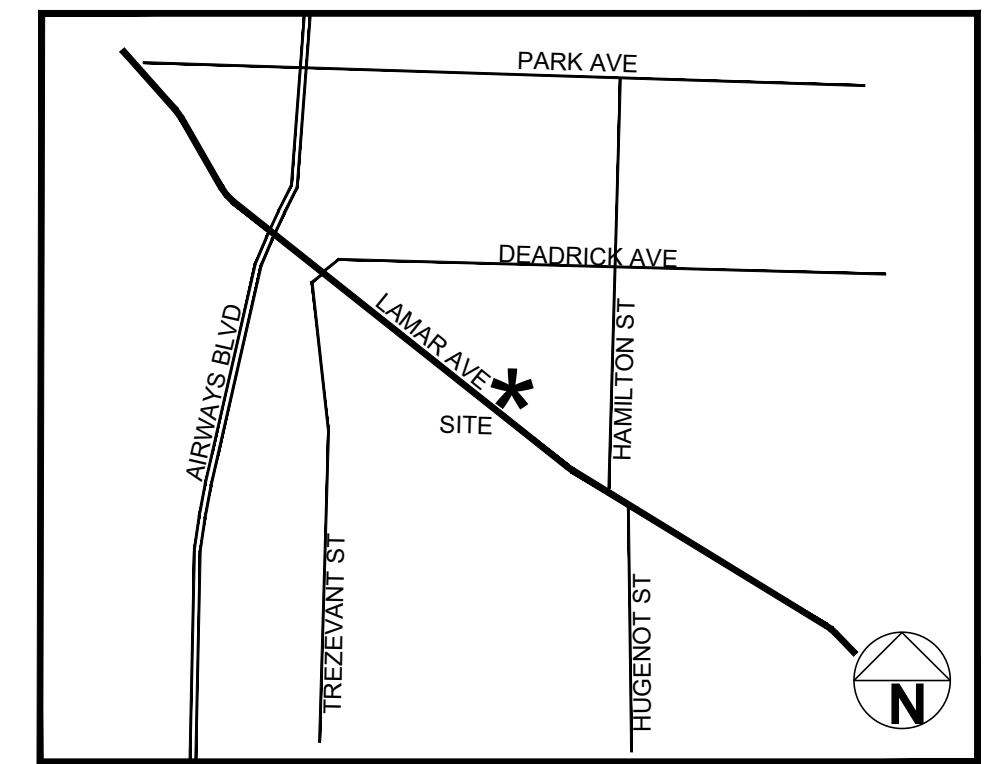
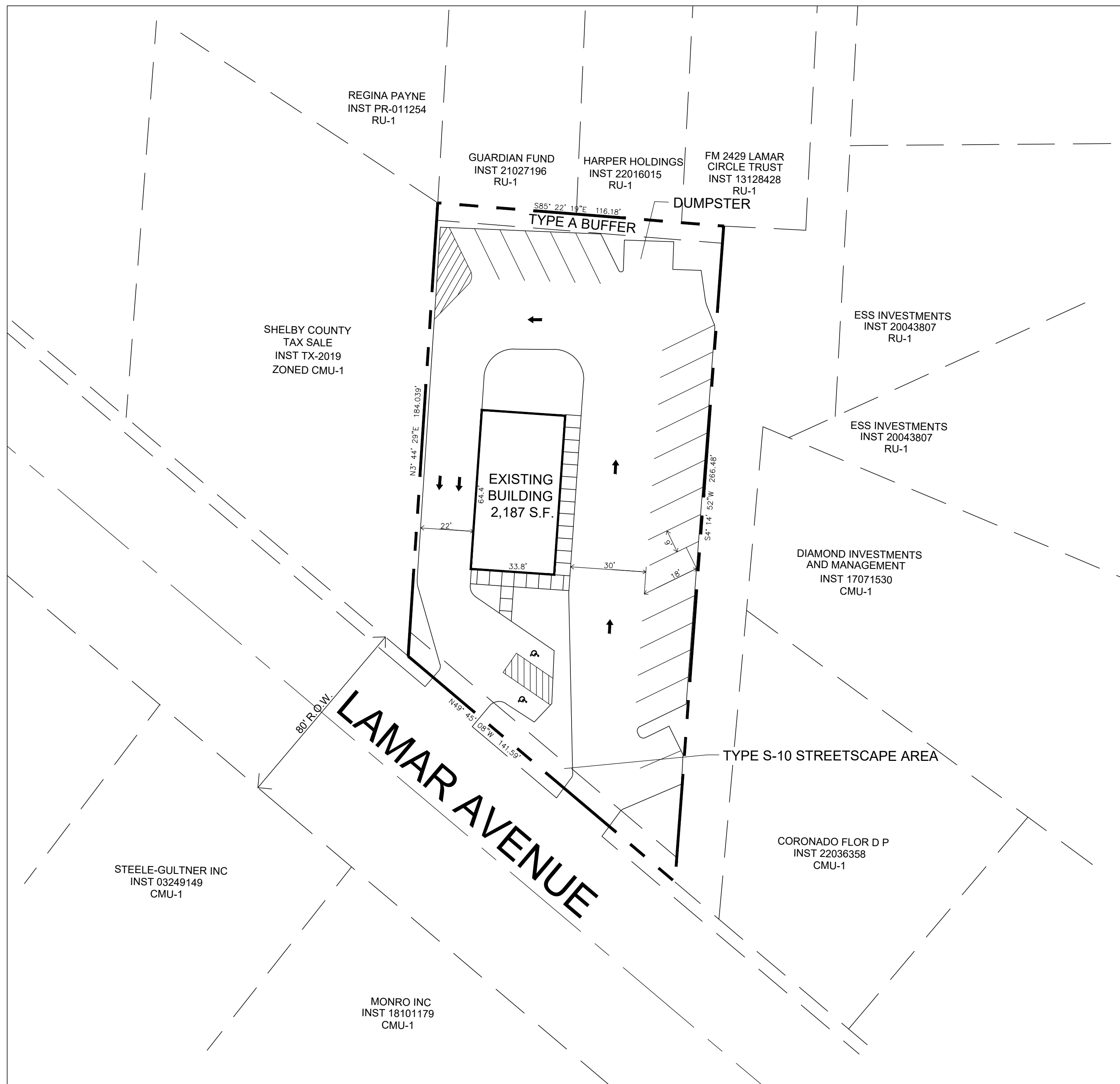
DENSITY..... 0.08 F.A.R.



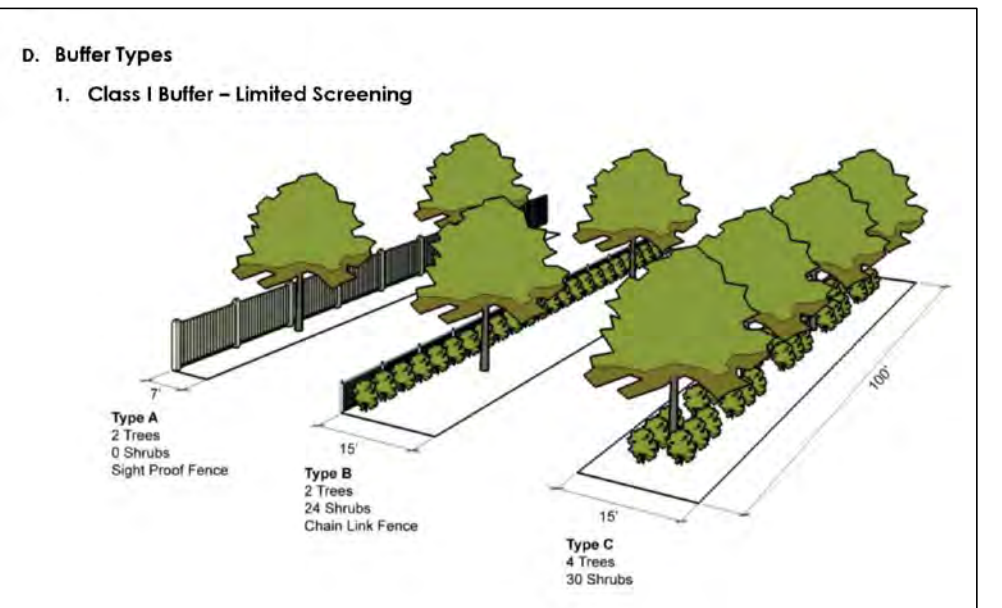
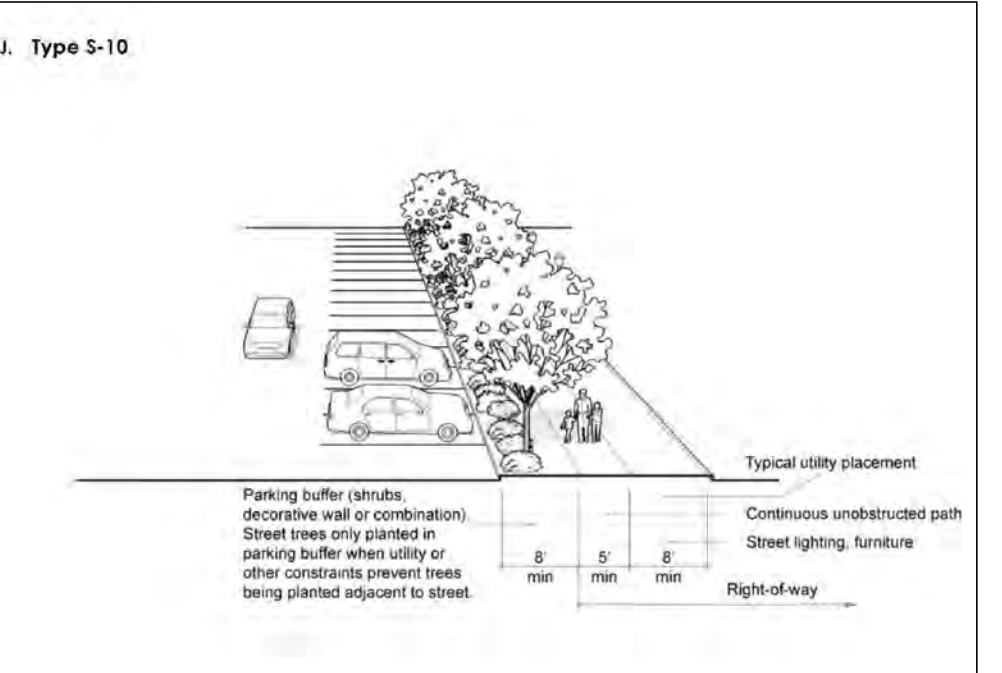
SPECIAL USE PERMIT

AMERICAN DELI

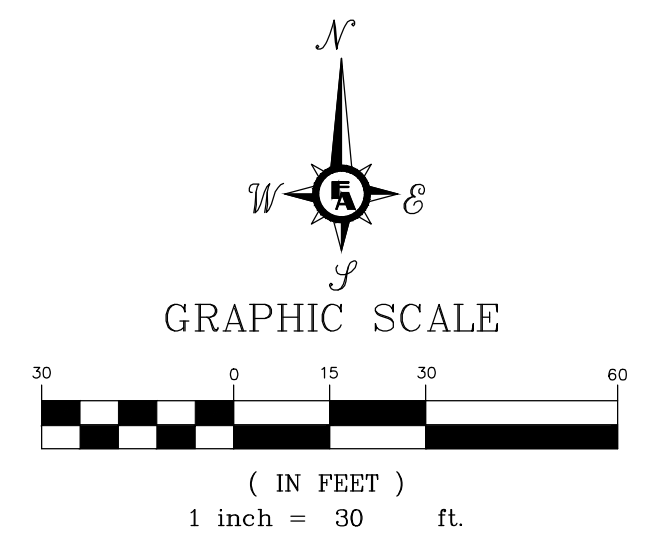
CASE NO.: SUP-24-	FORGEMER CASE NUMBERS
NUMBER OF LOTS: 1	ASFRANGE: 0.60 AC
DEVELOPER: JIM SONG 7866 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125	ENGINEER: FISHER & ASKOLD, INC. 9180 CRESTVIEW HILLS DR. MEMPHIS, TN 38125
100-YEAR FLOOD ELEVATION: ELEV. MA	FEHA MAP PANEL NUMBER: SEPTEMBER 24, 2007
DATE: DECEMBER, 2023	SCALE: 1" = 30'



SITE LOCATION MAP



LANDSCAPE PLATES

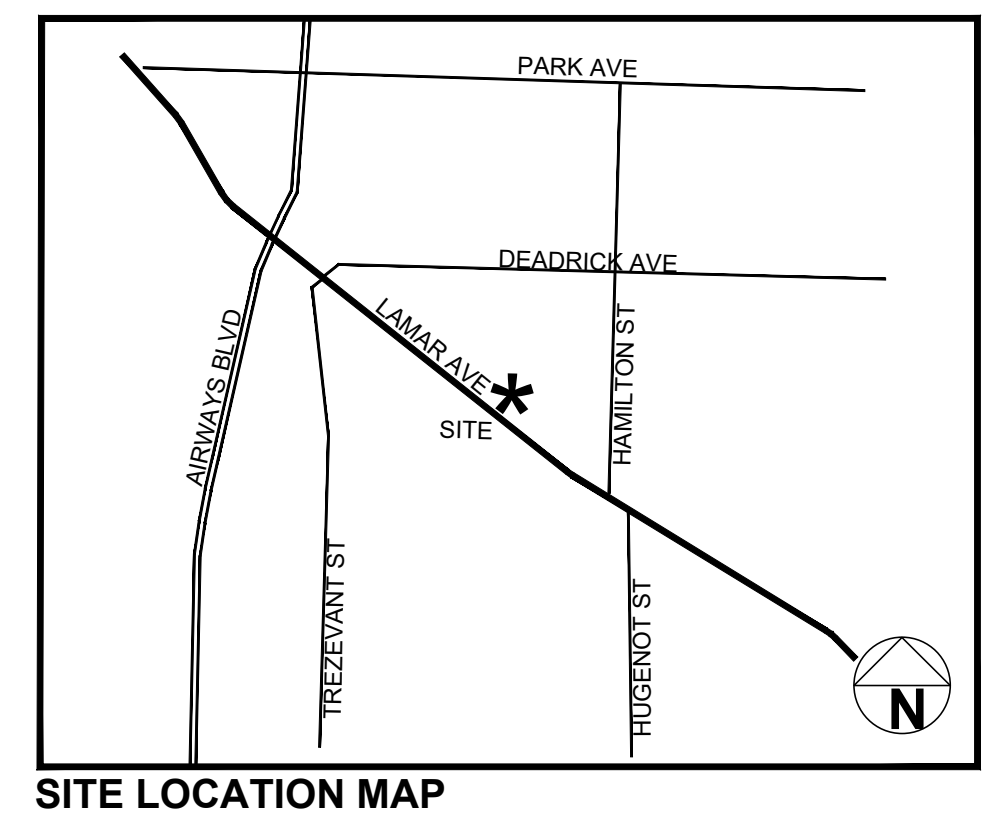
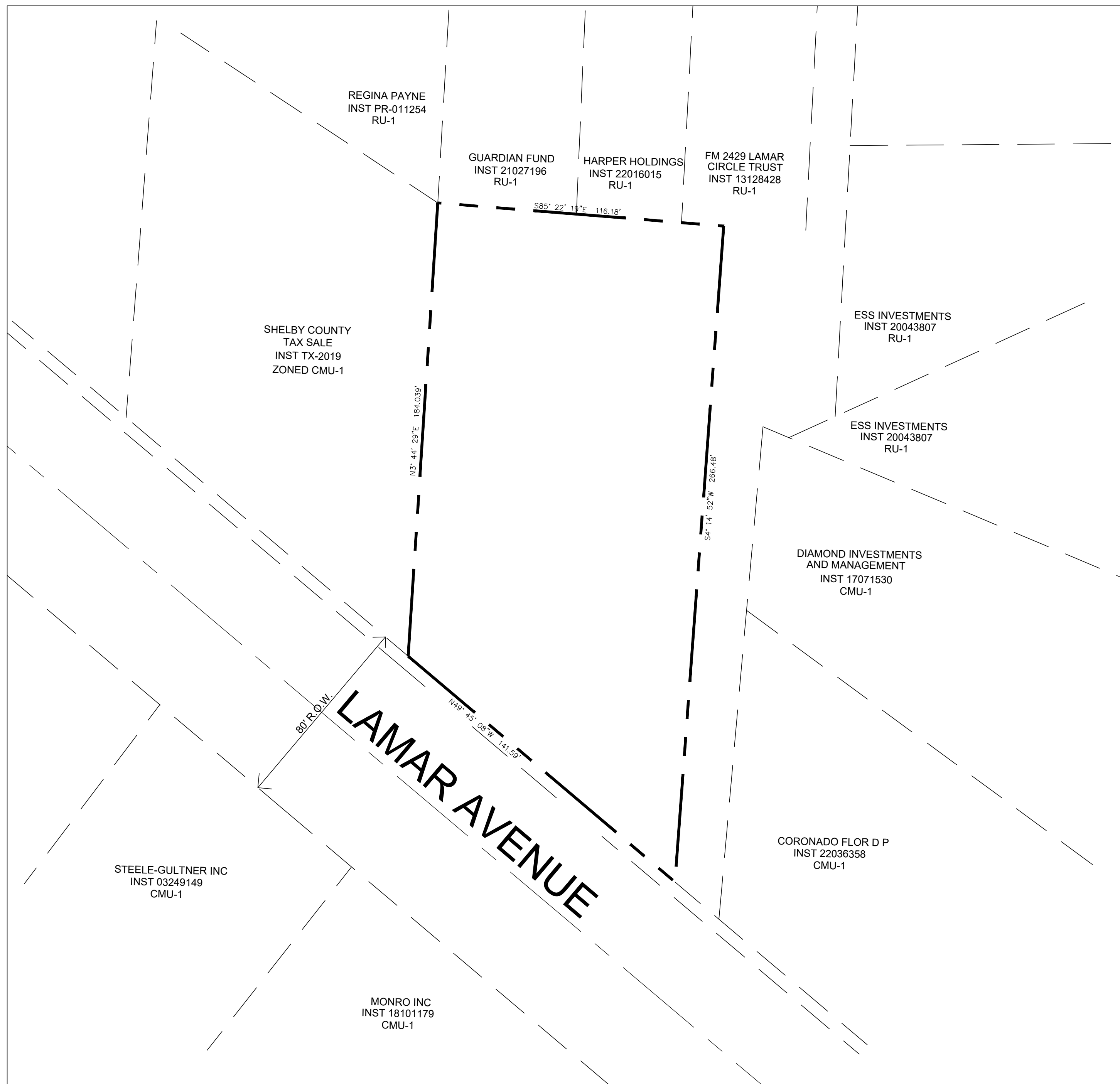


PLAN DATA

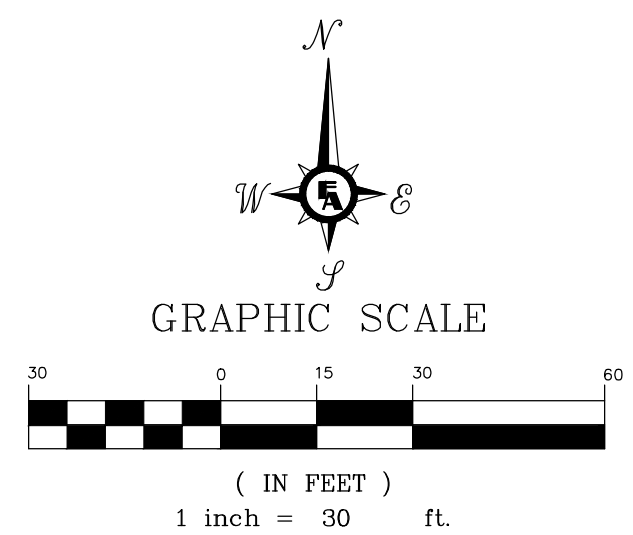
TOTAL AREA.....0.60 ACRES
 BUILDING SIZE2,187 S.F.
 DENSITY.....0.08 F.A.R.

**SPECIAL USE PERMIT
 AMERICAN DELI**

CASE NO.: SUP 24-		FORMER CASE NUMBERS:
NUMBER OF LOTS: 1	ACREAGE: 0.60 AC.	DISTRICT: WARD 47, BLOCK 61, PARCEL 50
DEVELOPER: JIM SONG 7886 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125		ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125
100 YEAR FLOOD ELEVATION: ELEV. N/A	FEMA MAP PANEL NUMBER: 47157C 0430F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: DECEMBER, 2023	SCALE: 1" = 30'	SHEET 1 OF 1.



SITE LOCATION MAP



PLOT PLAN		
AMERICAN DELI		
CASE NO.: SUP 24-		FORMER CASE NUMBERS:
NUMBER OF LOTS: 1	ACREAGE: 0.60 AC.	DISTRICT: WARD 47, BLOCK 61, PARCEL 50
DEVELOPER: JIM SONG 7886 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125		ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125
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DATE: DECEMBER, 2023	SCALE: 1" = 30'	SHEET 1 OF 1.

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, Dae cheol Shin (Print Name) [Signature] (Sign Name), state that I have read the definition of

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

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

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

of the property located at 2426 Lamar Ave, Memphis, TN 38114
and further identified by Assessor's Parcel Number 047061 00050
for which an application is being made to the Division of Planning and Development.

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

[Signature]
Signature of Notary Public



MY COMMISSION EXPIRES SEPTEMBER 23, 2026
My Commission Expires _____

January 8, 2024

You are invited to a neighborhood meeting to discuss questions you may have about a Proposed Special Use Permit Application filed with the Memphis and Shelby County Division of Planning and Development. The site is located at 2624 Lamar. We are requesting the approval of a Special Use Permit to allow a restaurant (American Deli) that provides drive thru services.

NEIGHBORHOOD MEETING NOTICE

SUBJECT: AMERICAN DELI LAMAR
OPD CASE # SUP 24-001

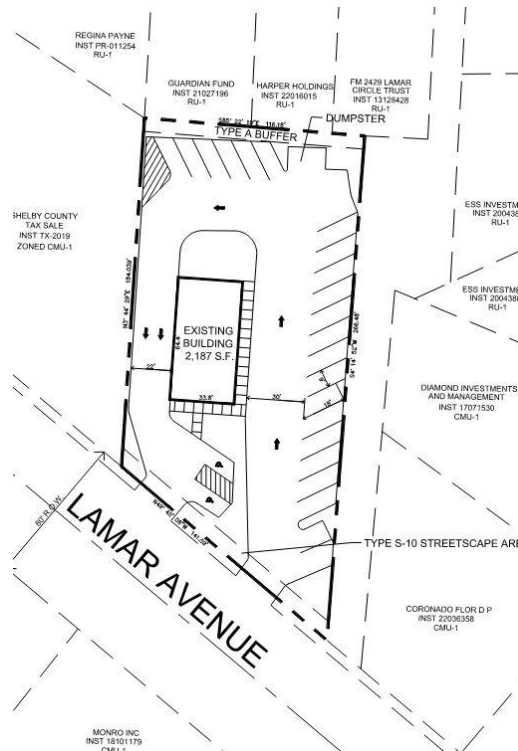
DATE: January 23, 2024
TIME: 5:30 P.M.
PLACE: American Deli
2624 Lamar Avenue
Memphis, TN 38114

THIS SPECIAL USE APPLICATION WILL ALSO BE HEARD AT **THE LAND USE CONTROL BOARD MEETING:**

CASE NUMBER: SUP 2024-001
DATE: Tuesday February 8, 2024
LOCATION: CITY HALL
COUNCIL CHAMBERS
125 N MAIN STREET
MEMPHIS, TENNESSEE
TIME: 9:00 a.m.

OR CAN BE VIEWED LIVE ON THE FOLLOWING LINK: <https://www.youtube.com/c/divisionofplanninganddevelopment>

I am available by phone or email should you have any questions concerning the neighborhood meeting or application. You can reach me, David Baker, at 901-748-1811 or via email at dbaker@fisherarnold.com. If you have questions concerning the application, you may also contact the Memphis and Shelby County Division of Planning and Development at 901-636-6619.



JAMES LARRY
10406 RIVER BEND DR #
ROWLETT TX 75089

MASON BOBBY L & JOYCE
2423 MALONE AVE #
MEMPHIS TN 38114

STEELE-GULTNER INC
100 N MISSOURI ST #
WEST MEMPHIS AR 72301

LAWSON FRIZZELL L
2393 MALONE AVE #
MEMPHIS TN 38114

GRIMES ROSIE M
2427 MALONE AVE #
MEMPHIS TN 38114

MONRO INC
200 HOLLEDER PKWY #
ROCHESTER NY 14615

BLOCKER ROSIE L & KEITH A
2397 MALONE AVE #
MEMPHIS TN 38114

LE PHUONG
453 N WHITE STATION RD #
MEMPHIS TN 38117

TAYLOR DEREK & ZIAN
2443 LAMAR AVE #
MEMPHIS TN 38114

BLOCKER KEITH A & ROSIE L
2401 MALONE AVE #
MEMPHIS TN 38114

GREGORY REALTY GP
310 GERMANTOWN BEND CV #
MEMPHIS TN 38018

NEW HOPE CHURCH OF GOD IN CHRIST (TRS)
2455 LAMAR AVE #
MEMPHIS TN 38114

HOLMAN ROSIE L AND ROOSEVELT H LUNDY AND
2405 MALONE AVE #
MEMPHIS TN 38114

GREGORY REALTY GP
310 GERMANTOWN BEND CV #
MEMPHIS TN 38018

NEW HOPE CHURCH OF GOD IN CHRIST (TRS)
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MEMPHIS TN 38114

BLOCKER KEITH A & ROSIE L
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MEMPHIS TN 38114

GREGORY REALTY GP
310 GERMANTOWN BEND CV #
MEMPHIS TN 38018

NEW HOPE CHURCH OF GOD IN CHRIST (TRS)
2455 LAMAR AVE #
MEMPHIS TN 38114

WARE MICHAEL A & ALTA R
1 FIRST AMERICAN DFW-1-5 WAY #
WESTLAKE TX 76262

BLOCH EIGENTUM LLC
928 OLSON SPRING CLOSE #
BELVIDERE IL 61008

NEW HOPE CHURCH OF GOD IN CHRIST (TRS)
2455 LAMAR AVE #
MEMPHIS TN 38114

RANKIN WILLIAM
2415 MALONE AVE #
MEMPHIS TN 38114

BLOCH EIGENTUM LLC
928 OLSON SPRING CLOSE #
BELVIDERE IL 61008

NEW HOPE CHURCH OF GOD IN CHRIST (TRS)
2455 LAMAR AVE #
MEMPHIS TN 38114

RANKIN WILLIAM H
2415 MALONE CIR #
MEMPHIS TN 38114

MITCHELL RONNIE L
PO BOX 140117 #
MEMPHIS TN 38111

RAY-RAY KIDDIE CARE LLC
2436 MALONE AVE #
MEMPHIS TN 38114

MONIX ANTHONY T & DORETHA H
4069 ACORN RIDGE CV #
MEMPHIS TN 38125

MITCHELL RONNIE
P O BOX 140117 #
MEMPHIS TN 38111

TENNESSEE LLC
13465 BRAUN RD #
GOLDEN CO 80401

COULOUBARITSIS JERRY
756 E BROOKHAVEN CIR #
MEMPHIS TN 38117

SMITH GERRILYN
4781 ROSEWOOD CV #
SOUTHAVEN MS 38672

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

SHELBY COUNTY TAX SALE 17.04
PO BOX 2751 #
MEMPHIS TN 38101

VANPELT CASSANDRA
5000 S FLUSS CV #
BARTLETT TN 38135

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

WARREN MARLON
1006 N 7TH ST #
MEMPHIS TN 38107

PAYNE REGINA R J
6794 BEAGLE RUN LN #
ARLINGTON TN 38002

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

WARREN MARLON
1006 N 7TH ST #
MEMPHIS TN 38107

GUARDIAN FUND LLC
PO BOX 12430 #
RENO NV 89510

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

MOSLEY MELANIE L
39 E WYNDSOR RD #
MEMPHIS TN 38109

HARPER HOLDINGS LLC SERIES 1
132 MARIE ST #
NASHVILLE TN 37207

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

GRAY THURMAN & BONNIE J
2394 LAMAR AVE #
MEMPHIS TN 38114

FM 2429 LAMAR CIRCLE TRUST
11781 MAGNOLIA PARK CT #
LAS VEGAS NV 89141

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

RENTALS R US LLC
PO BOX 1722 #
COLLIERVILLE TN 38027

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

JONES MELVINA L
2391 LAMAR CIR #
MEMPHIS TN 38114

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

TRIBBLE HOMES LLC
PO BOX 302 #
LYNNVILLE TN 38472

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

STROWDER PAMELA J
2430 LAMAR CIR #
MEMPHIS TN 38114

BALLARD PHILLIP
2410 LAMAR CIR #
MEMPHIS TN 38114

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

HOUSE & YOU BUSINESS AND INVESTMENTS LLC
756 E BROOKHAVEN CIR #
MEMPHIS TN 38117

KNOX LEVON
3078 ATMORE ST #
MEMPHIS TN 38118

STUART JOHN W
1907 CRUMP AVE #
MEMPHIS TN 38107

LIONHEART PROPERTIES LLC
1926 GEMINI CT #
LOVELAND CO 80537

HARLEY TONY
7597 PARKMONT AVE #
MEMPHIS TN 38125

MIDGETT SAMUEL L AND LARRY MIDGETT (RS)
2390 MALONE AVE #
MEMPHIS TN 38114

JACKSON GWENDOLYN F
4229 PAULA DR #
MEMPHIS TN 38116

PLUMMER FREDERICK JR
5939 SPRINGBRANCH CV #
MEMPHIS TN 38115

ELITE GROUP INVESTMENTS LLC
#

MOSBY NATHANIEL III & DECUBANICE
2425 DEADRICK AVE #
MEMPHIS TN 38114

SEVERSON RUSSELL M
1406 N SPRING MOUNTAIN DR #
SPRINGVILLE UT 84663

SANDERS RAMECO & LYKSCIA
4305 MICKEY DR #
MEMPHIS TN 38116

BROOKS DEADRICK & CYNTHIA B
14223 ASHMORE REEF CT #
SUGAR LAND TX 77478

CARRUTHERS DENNIS R & SCHERVONE W
9076 HERVAY LN #
CORDOVA TN 38016

INGRAM GLENDA R T
2023 BELMAR ST #
MEMPHIS TN 38106

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

MCINTYRE CORA N
2412 MALONE AVE #
MEMPHIS TN 38114

WARDLEY WILLIAM JR
2372 MALONE AVE #
MEMPHIS TN 38114

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

JEFFRIES JACQUELINE A
2410 MALONE AVE #
MEMPHIS TN 38114

COLLINS JEANINE M
PSC 115 BOX 1047 #
DPO AE 9213

ESS INVESTMENTS LLC
2109 PEABODY AVE #
MEMPHIS TN 38104

BROWN CLARENCE JR
2408 MALONE AVE #
MEMPHIS TN 38106

MARSHALL LUEELLA
2393 DEADRICK AVE #
MEMPHIS TN 38114

CHURCH OF GOD IN CHRIST INC
938 MASON ST #
MEMPHIS TN 38126

MCKENZIE VESSIE (ESTATE OF)
2404 MALONE AVE #
MEMPHIS TN 38114

HARDIN NELLIE M W AND COREY R GARRISON
2403 DEADRICK AVE #
MEMPHIS TN 38114

DIAMOND INVESTMENTS AND MANAGEMENT INC
1140 BELLEWOOD CV #
COLLIERVILLE TN 38017

SHELBY COUNTY TAX SALE 18.01
PO BOX 2751 #
MEMPHIS TN 38101

ELASHERY AHMAD & ALAA BAKR
208 YORKTOWNE PL #
CHARLESTON WV 25309

CORONADO FLOR D P
PO BOX 25084 #
MEMPHIS TN 38125

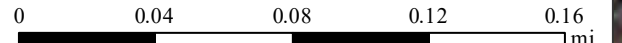


Legend

- polygonLayer
- Override 1
- Override 2
- polylineLayer
- Override 1
- Roads
- Parcels



Map prepared through Shelby County Government's online mapping Portal on 12/14/2023



PUBLIC NOTICE SIGN POSTING AFFIDAVIT

AFFIDAVIT
Shelby County
State of Tennessee

I, David Baker, being duly sworn, deposes and says that at 5:00 pm on the 23rd day of January 2024, he posted Public Notice Signs pertaining to Case Number SUP 24-0001 at the following address: 2426 Lamar Avenue, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Use Variance, Zoning District Map Amendment), photograph of said sign being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

David Baker _____ Date 1/24/24
Owner, Applicant or Representative

Subscribed and sworn to before me this 24th day of January, 2024.

Hope Rogers _____
Notary Public

My commission expires: 3/2/2024





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.


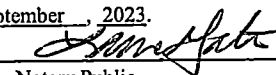
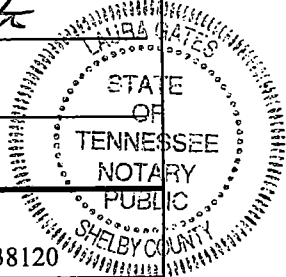


23081902

09/26/2023 - 03:12:49 PM

2 PGS	
LAQUITA 2624107 - 23081902	
VALUE	250000.00
MORTGAGE TAX	0.00
TRANSFER TAX	925.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	938.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

WARRANTY DEED	STATE OF TENNESSEE COUNTY OF Shelby THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$ <u>250,000.00</u> <div style="text-align: right; margin-top: 10px;">  _____ Grantor </div> SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE <u>15</u> DAY OF <u>September</u> , 2023. <div style="text-align: right; margin-top: 10px;">  _____ Notary Public </div> My Commission Expires: <u>5/22/24</u> <div style="text-align: right; margin-top: 10px;">  (AFFIX SEAL) </div>
----------------------	--

THIS INSTRUMENT WAS PREPARED BY
 H. MARK BEANBLOSSOM, P.C., 1661 Aaron Brenner Drive, Suite 301, Memphis, TN 38120

ADDRESS NEW OWNER AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS:
S.King Holding INC	S.King Holding INC	047-061-00050
<u>1674 Preakness Run Ln.</u>	<u>1674 Preakness Run Ln.</u>	
<u>Collierville TN 38017</u>	<u>Collierville TN 38017</u>	

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, **Amir S. Puauti**

HEREINAFTER CALLED THE GRANTOR, HAS BARGAINED AND SOLD, AND BY THESE PRESENTS DOES TRANSFER AND CONVEY UNTO **S.King Holding INC**

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

Beginning at a point in the northeast line of Lamar Avenue (80 ft. wide) a distance of 404.33 ft. (deed call 460.35 ft., tax map plant call 404.45 ft.) southeastwardly from the intersection of said northeast line of Lamar Ave. with the east line of Lamar Circle; thence run north 3 deg. 21 min. 56 sec. west 175.92 ft. (call 176.0 ft.) to a 1 iron pipe found; thence run north 86 deg. 32 min. 39 sec. east 121.90 feet to a point (set iron pin); thence run south 2 deg. 32 min. 52 sec. east 216.35 ft. to a point in the northeast line of Lamar Avenue (cut chisel mark); thence run north 57 deg. 14 min. 39 sec. west along said line 144.50 ft. to a point (found chisel mark) being the point of beginning.

Being the same property conveyed to Grantor herein by Warranty Deed of record at Instrument No. 23062964, in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to Easements of record at Instrument No. U1-0534, in the Register's Office of Shelby County, Tennessee; and also subject to 2024 City of Memphis taxes and 2024 Shelby County taxes, not now due or payable, which Grantee herein assumes and agrees to pay.

Property Address: 2426 Lamar Avenue, Memphis, TN 38114

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

WITNESS my hand(s) this 14th day of September, 2023.

[Signature]
Amir S. Puauti

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Amir S. Puauti to me known (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 14th day of September, 2023.

[Signature]
Notary Public

My Commission Expires: 9-6-26



**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:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
Nov. 9, 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>
_____	_____	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.

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

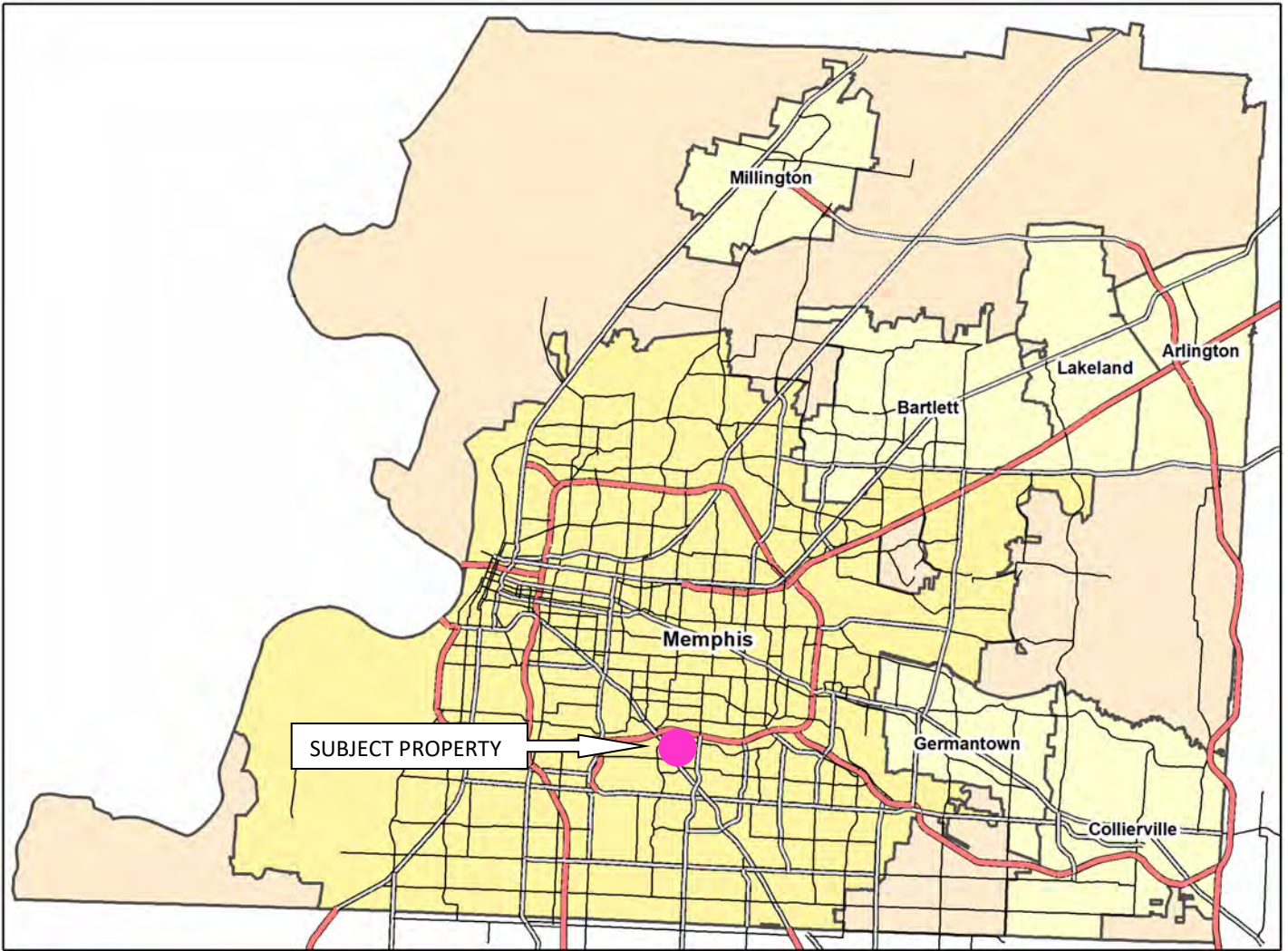
NEIGHBORHOOD MEETING

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.

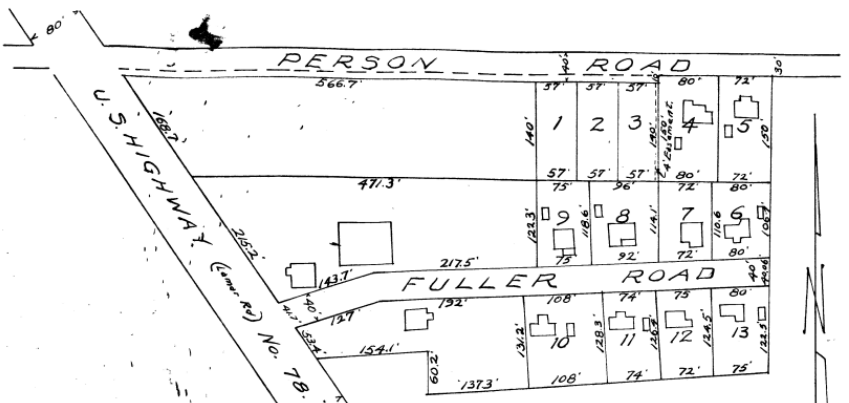


RESTRICTIONS

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.

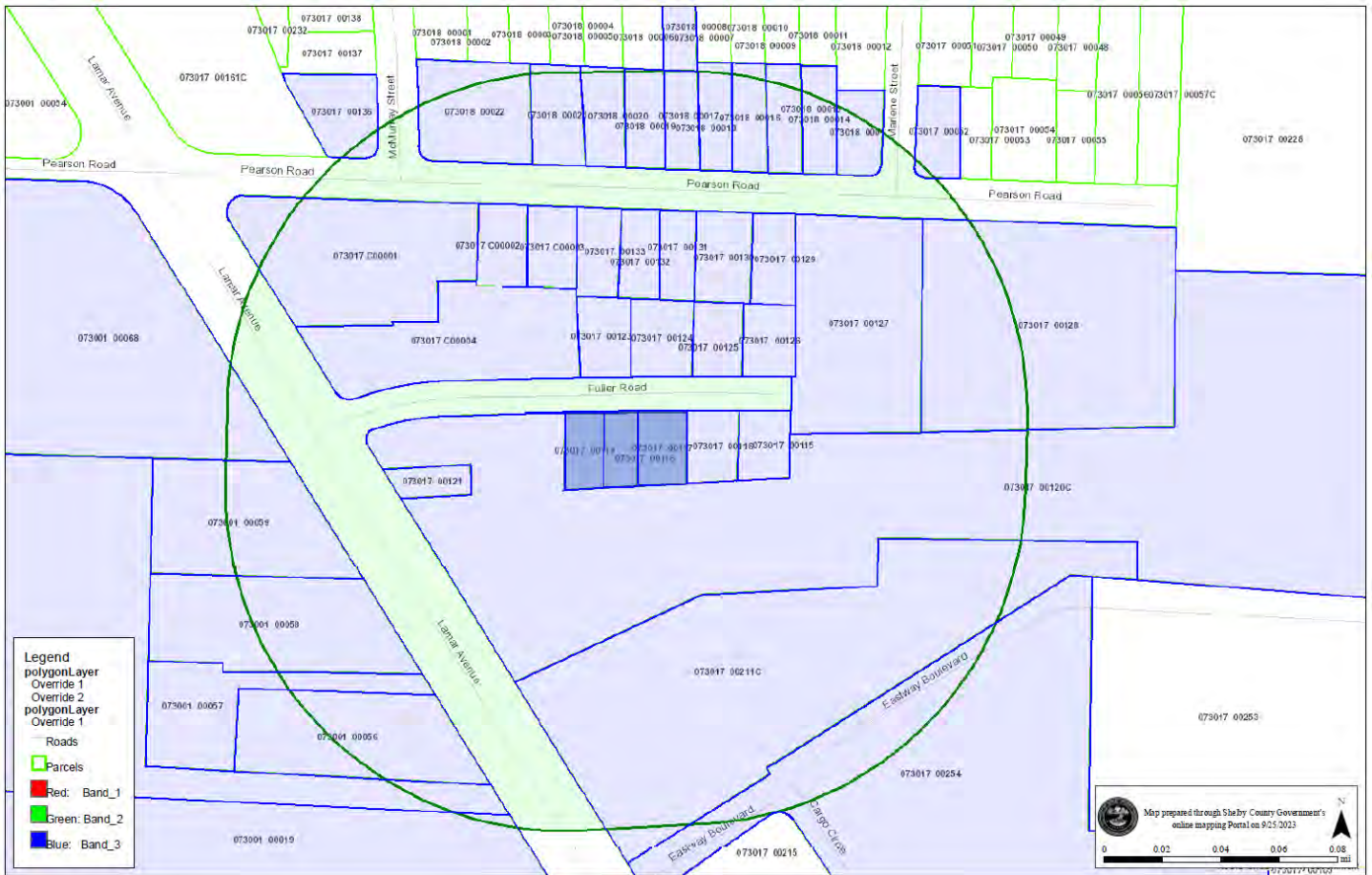
Approved by the City of Memphis Planning Commission
7-25-45 L. P. Cockrill
DATE Engineer & Secretary.

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

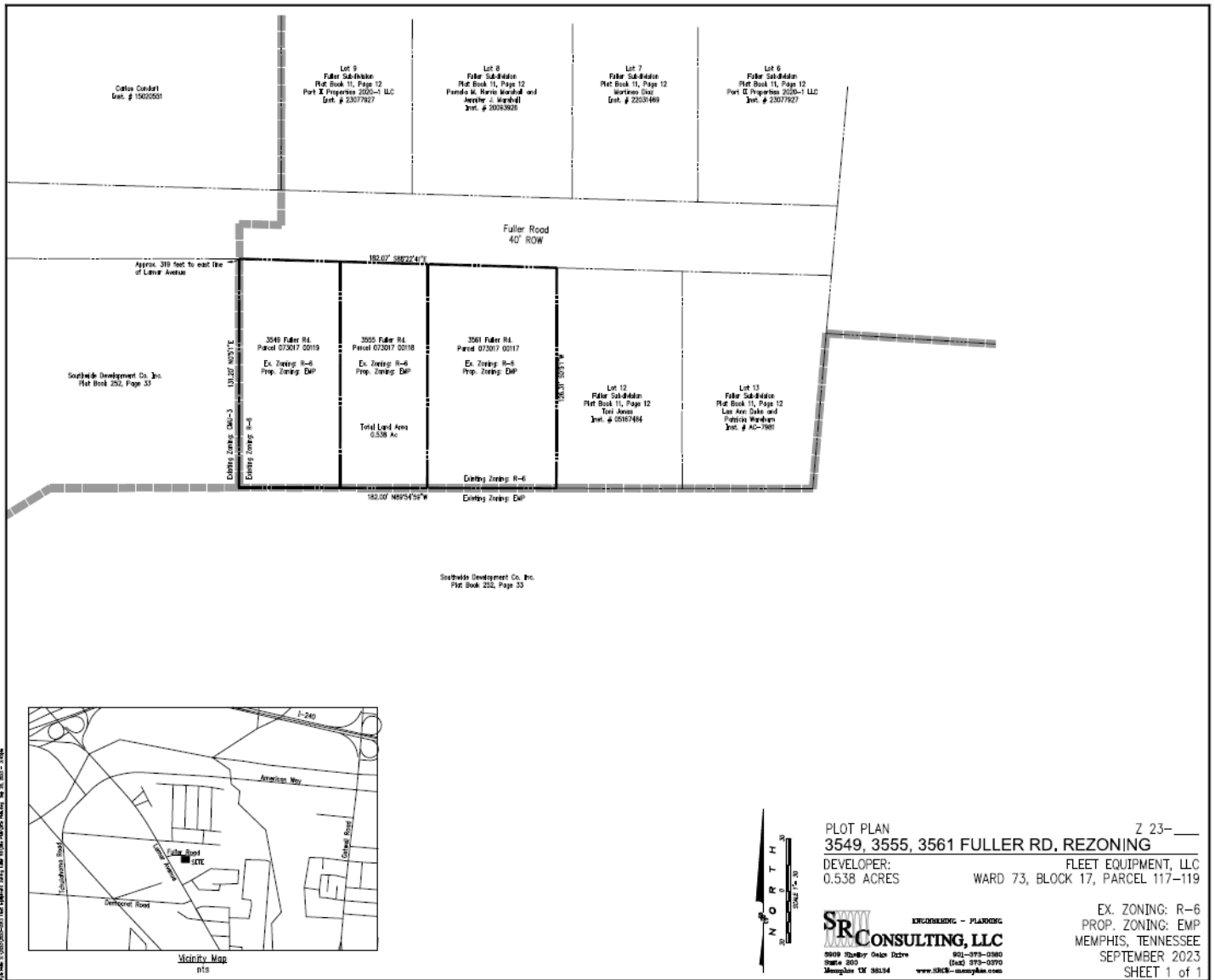
South: Employment

West: Commercial Mixed Use – 3

LAND USE MAP



PLOT PLAN



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

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 Sweeney
Notary Public
My commission expires: 9/26/2027



LETTERS RECEIVED

No letters received by the comment deadline.