

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT  
STAFF REPORT # 7**

**CASE NUMBER: SR 08-901**

**L.U.C.B. MEETING: September 11, 2008**

**DEVELOPMENT NAME:**

**Countryside Center C.P., Phase 4  
Subdivision Revocation**

**LOCATION:**

Southeast corner of Van Leer Drive & U.S.  
Highway 64

**OWNER OF RECORD / APPLICANT:**

Buring/Thomas Partnership

**EQUITABLE OWNER / APPLICANT:**

Buring/Thomas Partnership

**REPRESENTATIVE:**

Cosntruction Engineering Services, Inc.

**REQUEST:**

Revoke Phase 4 of the Countryside Center C-P

**AREA:**

0.69 Acre (30,056 square feet)

**EXISTING LAND USE & ZONING:**

Vacant land area ~ Planned Commercial (C-P) District

**SURROUNDING LAND USE & ZONING:**

**North:** City of Bartlett (retail commercial uses)

**East:** Retail commercial uses ~ Planned Commercial (C-P) District

**South:** Single family dwellings ~ Single Family Residential (R-S6) District

**West:** Retail commercial and single family dwellings ~ Planned Commercial (C-P) District  
and Single Family Residential (R-S6)  
District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

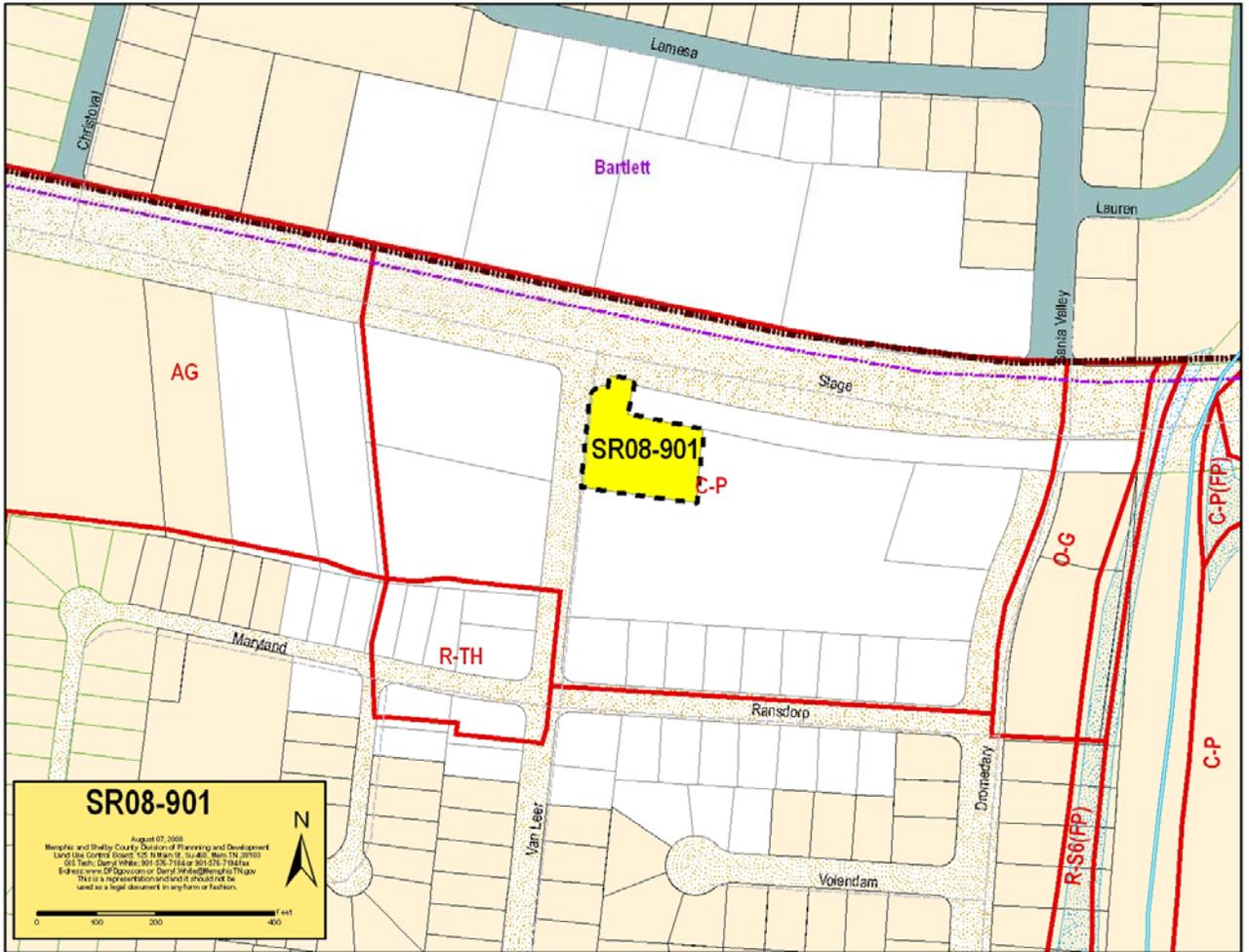
**Approval**

*Staff Writer: Carlos B. McCloud*

*E-mail Address: [carlos.mccloud@memphistn.gov](mailto:carlos.mccloud@memphistn.gov)*

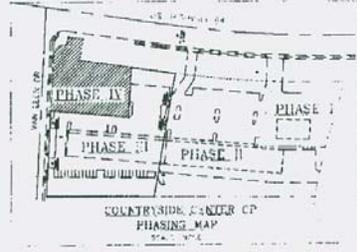
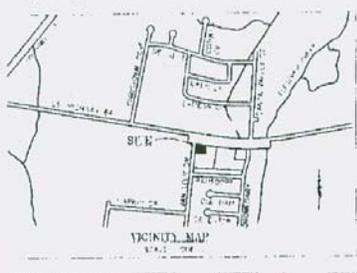
***Conclusions:***

1. The request is for an application to revoke and vacate Phase 4 in the Countryside Center C-P, recorded in May 2002 in Plat Book 198, Page 29. The lot was never built upon and remains vacant, as shown on pages 3 and 4. Mr. Maurice B. Buring and John H. Thomas of Buring and Thomas Partnership development plan was for a build-to-suit franchise for a A & W/Long John Silver's chain. After the recording of the final plat, the franchise fell through prior to the construction phase of the project. The owners (Buring and Thomas Partnership) signed a contract with the City of Memphis.
2. The owners signed a contract with Ferrell Paving, Inc. to complete the road improvements. Ferrell Paving bonded the work to the City of Memphis in order to record the plat. However, Mr. Maurice Buring, the managing partner for Buring and Thomas Partnership, has listed the subject property for sale and has no intentions to build the proposed restaurant on the subject property. The owner/contractor contract has expired and the contractor continues to pay for said bond for improvements.
3. The Buring and Thomas Partnership would like to abandon the subject site Phase 4, of the Countryside Center C-P. This application request is to revoke and vacate the subject subdivision and release the subject real property from all restrictions, building setback lines, and easements created by the recording of Phase 4 of the Countryside Center C-P. This request is recommended for approval due to the change of development plans that not longer exist for this site.









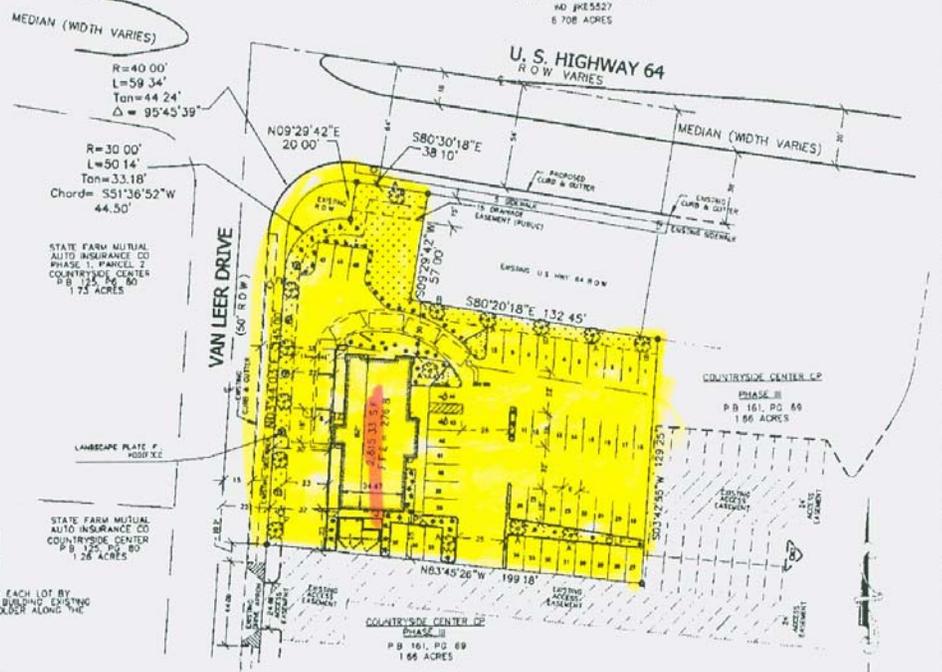
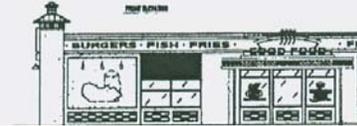
**REQUIRED SIDEWALKS**

TYP. OR STREET NAME	S/W WIDTH	SIZE	LOCATION FROM CURBLINE
U.S. HIGHWAY 64	5 FT	SOUTH	4.5 FT GRASS STRIP
VAN LEER DRIVE	5 FT	EAST	4.5 FT GRASS STRIP

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO THE USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ALONG THE LOT FRONTAGE PRIOR TO THE OCCUPANCY OF THE BUILDING.

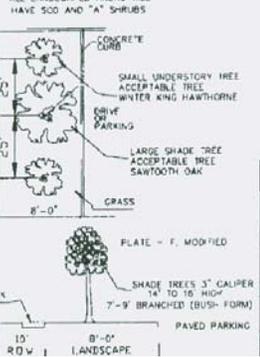
**100 YEAR FLOOD ELEVATION 289.5**  
 FLOOD INS. RATE MAP  
 PANEL 145 OF 300  
 SUBJECT SUBDIVISION IS NOT LOCATED IN A FLOOD HAZARD AREA AND IS NOT SUBJECT TO FLOODING AS PER FLOOD LINES ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITH A FLOOD INSURANCE RATE MAP NO. 47152C045 E  
 REVISED DECEMBER 2, 1994

**PLAN DATA**  
 USE - DRIVE-THRU RESTAURANT  
 PARKING REQUIRED AND PROVIDED - 47  
 RESTAURANT SEATING 93 SEATS  
 BUILDING HEIGHT - 20'-0"  
 BUILDING FOOTAGE - 2,825.33 SQ FT  
 PARKING LOT LIGHT HEIGHT - 20'-0"  
 BUILDING FINISHED FLOOR ELEVATION - 276.8



**INTERNAL LANDSCAPE PLANT LIST**

KEY	COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY
A	CREPE MYRTLE	LAGERSTROEMIA INDICA	6'-8'	6
B	GOLDENRAIN TREE	KOELREUTERIA PANICULATA	6'-8'	3
C	MIXTURE OF EDWARDS YALPOND HOLLY, COPACATA, BORDER GEM, GREEN LUSTRE, HELLER, REPANDENS, OR 'NAY' TM, CARRISSA HOLLY IN CURVATURE @ VAN LEER/64	SPACED 82.5' C C		3 GAL 66
D	SEASONAL COLOR BLOOMING PLANTS			
E	GRASS			
F	MONKEY GRASS	LIRIOPE SPICATA		



**FINAL PLAT**

**COUNTRYSIDE CENTER C.P.**

ZONING DISTRICT C-P	PHASE 4	CASE # 289-124
NEWBY, TENNESSEE		
NUMBER OF LOTS 1107	AREA 0.89 ACRES	WARD 02 BLOCK 03 PARCEL 7
DEVELOPER BUNN/THOMAS PARTNERSHIP 7221 HIGHWAY 64 NEWBY, TN 38133	CONSULTING ENGINEERING SERVICES, INC. 1183 COVERSTON ROAD MEMPHIS, TN 38134	TOWN MAP DATE DECEMBER 2, 1994
100 YEAR FLOOD ELEVATION FEMA MAP NUMBER 289.5	47152C045-E	

02091835  
 01/17/94 - CE:BN  
 PLAT BOOK 188  
 PAGE 29  
 THE LANDSDEED RECORD

## **STAFF ANALYSIS**

The request is for an application to revoke and vacate Phase 4 in the Countryside Center C-P, recorded in May 2002 in Plat Book 198, Page 29. The lot was never built upon and remains vacant, as shown on pages 3 and 4. Mr. Maurice B. Buring and John H. Thomas of Buring and Thomas Partnership development plan was for a build-to-suit franchise for a A & W/Long John Silver's chain. After the recording of the final plat, the franchise fell through prior to the construction phase of the project. The owners (Buring and Thomas Partnership) signed a contract with the City of Memphis.

The owners signed a contract with Ferrell Paving, Inc. to complete the road improvements. Ferrell Paving bonded the work to the City of Memphis in order to record the plat. However, Mr. Maurice Buring, the managing partner for Buring and Thomas Partnership, has listed the subject property for sale and has no intentions to build the proposed restaurant on the subject property. The owner/contractor contract has expired and the contractor continues to pay for said bond for improvements. The Buring and Thomas Partnership would like to abandon the subject site Phase 4, of the Countryside Center C-P. This application request is to revoke and vacate the subject subdivision and release the subject real property from all restrictions, building setback lines, and easements created by the recording of Phase 4 of the Countryside Center C-P. This request is recommended for approval due to the change of development plans that not longer exist for this site.

**RECOMMENDATION: Approval**

## GENERAL INFORMATION

**Planning District:** Raleigh-Bartlett  
**Census Tract:** 206  
**Municipal Annexation Reserve Area:** Memphis City Limits  
**Zoning Atlas Page:** 1850  
**Roadway Frontages:** 60' ~ U.S. Highway 64

## DEPARTMENTAL COMMENTS

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

**City Engineer:** No comments received.  
**City Fire Division:** No comments.  
**City Real Estate:** No comment.  
**Health Department:** The Water Quality Branch has no comments for OPD Case Number SR 08-901 Countryside Center.

### City Board of Education:

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests. Thank you for the opportunity to comment.

**Construction Code Enforcement:** No comments received.  
**Memphis Light, Gas and Water:** No comments received.  
**AT&T:** AT&T has no comment.  
**Memphis Area Transit Authority (MATA):** No comments received.

### OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on August 22, 2008. The MPO staff has determined that U.S. Highway is an existing major road consisting of 114 feet of right of way and 94 feet of pavement.

**OPD-Plans Development:** No comments received.  
**Memphis Park Commission:** No comments.

**Cordova Leadership:**

No comments.

**Cordova Community Watch:**

No comments.

SW-CMc



# *Memphis and Shelby County* *Office of Planning and Development*

CITY HALL 125 NORTH MID AMERICA MALL MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

09/26/08

Construction Engineering Services, Inc.  
1189 Dovecrest Road  
Memphis, TN. 38134

**RE:** Revocation of the Countryside Center C.P. Phase 4  
Case # SR 08-901

Dear Sir or Madam:

The Memphis and Shelby County Land Use Control Board on September 11<sup>th</sup>, 2008 recommended approval of your subdivision revocation application for the recorded subdivision known as the Countryside Center C.P. Phase 4 (recorded in Plat Book 198, Page 29) subject to the following condition:

1. The applicant shall retain easements for existing sanitary sewers, drainage facilities, and other utilities where required or relocate them at the applicant's expense.

Your application will be forwarded to the Memphis City Council for final disposition. The City Council's Planning and Zoning Committee will review the application first at its committee meeting preceding the full Council meeting. Both the committee meeting and full Council meeting are held the same day beginning normally with the committee meeting at 2:00 p.m. and the full Council meeting at 3:30 p.m. You or a representative should attend both meetings. Failure to appear at either meeting may result in delays for your project. You will be contacted when a specific hearing date before the Council has been established.

If you have questions regarding this matter, please contact me at 576-6619 or e-mail me at [carlos.mccloud@memphistn.gov](mailto:carlos.mccloud@memphistn.gov).

Sincerely,

Carlos B. McCloud ~ Senior Planner  
Land Use Controls

cc: Buring/Thomas Partnership

**NOTICE TO INTERESTED OWNERS OF PROPERTY  
(PLAT REVOCATION)**

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 N. Mid America Mall, Memphis, Tennessee, 38103, on \_\_\_\_\_ at \_\_\_\_\_ p.m., in the matter of granting an application for a subdivision final plat revocation pursuant to Section 604 of the Memphis and Shelby County Subdivision Ordinance Regulations adopted by the Shelby County Board of Commissioners on December 19, 1983, and the City Council of the City of Memphis on December 20, 1983, applying to all territory within the corporate limits of the City of Memphis and to all unincorporated territory in Shelby County, Tennessee, outside of but within three (3) miles of the corporate limits of the City of Memphis, Tennessee. In accordance the above-cited ordinance-regulations, the following Subdivision Final Plat Revocation is requested:

<b>CASE NUMBER:</b>	SR 08-901
<b>DEVELOPMENT NAME:</b>	Countryside Center C.P. Phase 4
<b>LOCATION:</b>	Southeast corner of Van Leer Drive & U.S. Highway 64
<b>OWNER OF RECORD / APPLICANT:</b>	Buring/Thomas Partnership
<b>REPRESENTATIVE: REQUEST:</b>	Cosntruction Engineering Services, Inc. Revoke Phase 4 of the Countryside Center C-P
<b>AREA:</b>	0.69 Acre (30,056 square feet)
<b>EXISTING LAND USE &amp; ZONING:</b>	Vacant land area ~ Planned Commercial (C-P) District

**NOW, THEREFORE,** you will take notice that on \_\_\_\_\_, at \_\_\_\_\_ the City Council of the City of Memphis, Tennessee, will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee, to hear remonstrances or protests against the making of such changes; such remonstrances or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

**MYRON LOWERY**  
CHAIRMAN OF COUNCIL

**ATTEST**

PATRICE THOMAS  
CITY COMPTROLLER

\_\_\_\_\_  
**TO BE PUBLISHED:**

A RESOLUTION APPROVING THE REVOCATION OF COUNTRYSIDE CENTER C.P. PHASE 4 AS RECORDED IN PLAT BOOK 198, PAGE 29 PURSUANT TO SECTION 604 OF THE JOINT CITY OF MEMPHIS AND SHELBY COUNTY SUBDIVISION REGULATIONS.

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WHEREAS, Buring/Thomas Partnership has filed with the Memphis/Shelby County Office of Planning and Development an application to revoke the Plat of COUNTRYSIDE CENTER C.P. PHASE 4 (Case SR 08-901) as described in the attached REVOCATION INSTRUMENT; and

WHEREAS, Buring/Thomas Partnership finds it necessary that the Final Plat of said development be revoked, because the owner/contractor contract has expired and the contractor continues to pay for said bond for improvements; and

WHEREAS, Buring/Thomas Partnership owns all of the property comprising the Final Plat of COUNTRYSIDE CENTER C.P. PHASE 4 as evidenced by the attached revocation instrument; and

WHEREAS, the MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD recommended approval of the revocation of the Final Plat of subdivision as described in the attached REVOCATION INSTRUMENT, at its September 11, 2008 meeting; and

WHEREAS, SECTION 604 of the Memphis and Shelby County Subdivision Regulations provides that, upon the application of all property owners of a subdivision, the City Council of the City of Memphis may approve, approve with conditions, or reject the revocation of such plat;

NOW, THEREFORE, BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE:

THAT, the attached REVOCATION INSTRUMENT which vacates Phase 4 created by the Final Plat of COUNTRYSIDE CENTER C.P. PHASE 4 as found in Plat Book 198, Page 29 in the Shelby County Registers Office be and is hereby in all things approved as recommended by the Memphis/Shelby County Land Use Control Board.

THAT, The Plat of COUNTRYSIDE CENTER C.P. PHASE 4 as approved by the Memphis City Council on July 23, 1985 and filed for registration on May 31, 2002 be revoked, and the same is hereby declared void.

THAT, A certified copy of this resolution be attached to the original REVOCATION INSTRUMENT and filed for record with the Shelby County Register's Office.

THAT, The execution and recordation of certified copies of this resolution and the attached REVOCATION INSTRUMENT in the records of the Shelby County Register shall operate to destroy the force and effect of the recording of the Plat of COUNTRYSIDE CENTER C.P. PHASE 4 in the Shelby County Register's Office thereby returning said tract of land to its former legal status as Lot 102 in the recorded "First Addition to Otisdale Subdivision" which remains as a recorded lot and is part of the current property.

ATTEST:

LAND USE CONTROL BOARD RECOMMENDATION  
Case No. SR 08-901

At its regular meeting on September 11, 2008, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting a subdivision plat revocation described as follows:

<b>DEVELOPMENT NAME:</b>	<b><u>Countryside Center C.P., Phase 4</u></b> <b><u>Subdivision Revocation</u></b>
<b>LOCATION:</b>	Southeast corner of Van Leer Drive & U.S. Highway 64
<b>OWNER OF RECORD / APPLICANT:</b>	Buring/Thomas Partnership
<b>EQUITABLE OWNER / APPLICANT:</b>	Buring/Thomas Partnership
<b>REPRESENTATIVE:</b>	Cosntruction Engineering Services, Inc.
<b>REQUEST:</b>	Revoke Phase 4 of the Countryside Center C-P
<b>AREA:</b>	0.69 Acre (30,056 square feet)
<b>EXISTING LAND USE &amp; ZONING:</b>	Vacant land area ~ Planned Commercial (C-P) District

No one support in support of the application:  
Consent Agenda

No one spoke in opposition to the application:

The Land Use Control Board reviewed the application requesting a subdivision plat revocation and the report of the staff. A motion was made and seconded to recommend approval of the application as recommended by staff.

The motion passed by a unanimous vote 9 to 0. The Board accepted the conclusions of the staff as contained in the staff report.

Respectfully submitted,

Carlos B. McCloud- Senior Planner  
Land Use Controls Manager



CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL ONLY STAPLED TO DOCUMENTS

Planning & Zoning COMMITTEE: DATE
PUBLIC SESSION: DATE

ITEM (CHECK ONE)
ORDINANCE
[X] RESOLUTION
OTHER:
COMMENDATIONS
GRANT APPLICATION [X] GRANT ACCEPTANCE / AMENDMENT
REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: A resolution approving a plat revocation. The following item was heard and a recommendation made by the Land Use Control Board.
CASE NUMBER: SR 08-901
DEVELOPMENT NAME: Countryside Center C.P., Phase 4 Subdivision Revocation
LOCATION: Southeast corner of Van Leer Drive & U.S. Highway 64
OWNER OF RECORD / APPLICANT: Buring/Thomas Partnership
EQUITABLE OWNER / APPLICANT: Buring/Thomas Partnership
REPRESENTATIVE: Cosntruction Engineering Services, Inc.
REQUEST: Revoke Phase 4 of the Countryside Center C-P
AREA: 0.69 Acre (30,056 square feet)
EXISTING LAND USE & ZONING: Vacant land area ~ Planned Commercial (C-P) District
RECOMMENDATION: OPD & Land Use Control Board recommend Approval with conditions
RECOMMENDED COUNCIL ACTION: Set Date for Public Hearing - Notation 10/07/08, Hearing 10/21/08

PRIOR ACTION ON ITEM:
APPROVAL - (1) APPROVED (2) DENIED
DATE
ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

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

SOURCE AND AMOUNT OF FUNDS
\$ OPERATING BUDGET
\$ CIP PROJECT #

\$ \_\_\_\_\_ FEDERAL/STATE/OTHER

=====

**ADMINISTRATIVE APPROVAL:**

DATE

POSITION

_____	_____	<u>Principal Planner</u>
_____	_____	<u>Deputy Director</u>
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

=====

**CHIEF ADMINISTRATIVE OFFICER:**

\_\_\_\_\_



# *Memphis and Shelby County Office of Planning and Development*

CITY HALL 125 NORTH MID AMERICA MALL

MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

## **MEMORANDUM**

**TO:** Shelby County Register's Office

**FROM:** Chip Saliba  
Land Use Controls Manager

**DATE:** 06/06/07

**SUBJECT:** Recording Of Revocation Instrument & Approved City Council Resolution  
Byron Estates Subdivision  
OPD Case # SR 06-901

The Memphis City Council on 12/05/06 approved the revocation of the Byron Estates Subdivision recorded in Plat Book 52, Page 67. Section 604.2.C of the Memphis/Shelby County Subdivision Regulations requires the Office of Planning and Development to record a revocation instrument in the Shelby County Register's Office after receipt of the certified resolution from the Memphis City Council.

You will find attached the executed revocation instrument and the certified resolution. Please record these items together. A check to your office in the amount of \$22 from Royston's Design Construction is attached to cover the recording expense.

Please call me at 576-7152 or e-mail me at [chip.saliba@memphistn.gov](mailto:chip.saliba@memphistn.gov) should you have questions or need further information.