

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 8/20/2024
DATE
PUBLIC SESSION: 9/10/2024
DATE

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

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 2899 Lamar Avenue, known as case number PD 2024-004

CASE NUMBER: PD 2024 – 004

DEVELOPMENT: Self-Storage Lamar Crossing Planned Development

LOCATION: 2899 Lamar Avenue

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

OWNER/APPLICANT: Lamar, Inc.

REPRESENTATIVE: Delinor Smith, Smith Building Design

REQUEST: Amendment to Lamar Crossing Planned Development to allow a mini storage

AREA: +/- 1.81 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – September 10, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
06/13/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

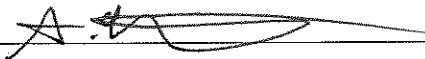

FUNDING:

(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>8/12/24</u>	PLANNER I
_____	_____	DEPUTY ADMINISTRATOR
	<u>8/12/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2024 – 004

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2899 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2024 – 004

- This item is a resolution with conditions to allow a planned development amendment to allow self-storage at the Lamar Crossing Planned Development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, June 13, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2024 – 004

LOCATION: 2899 Lamar Avenue

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

OWNER/APPLICANT: Lamar, Inc.

REPRESENTATIVE: Delinor Smith, Smith Building Design

REQUEST: Amendment to Planned Development to allow a mini storage

EXISTING ZONING: Governed by PD 06 – 313, Area B Commercial Mixed Use – 2 permitted uses

AREA: 1.81 acres

The following spoke in support of the application:
Delinor Smith

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 failed by a unanimous vote of 8-0-1 on the regular agenda.

Respectfully,



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

Cc: Committee Members
File

PD 2024 – 004
CONDITIONS

Outline Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~bold-strikethrough~~

Lamar Crossing Planned Development
P.D. 06-313
Outline Plan Conditions

I. Uses Permitted:

- A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
- B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.

C. Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2 (CMU-2) and the following use shall be permitted:

- a. **Mini storage**

~~D~~ ~~C.~~ Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

II. Bulk Regulations:

- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.
- D. **Area 'B-1': The bulk regulations of the CMU-2 District shall apply.**

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
- B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
- C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
- D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
- E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.

Area's 'B' and 'B-1'

- B. ~~Area 'B'~~ Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.

- C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking.

Area's 'B', 'B-1' and 'C'

- D. ~~Areas 'A, B, & C'~~ Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

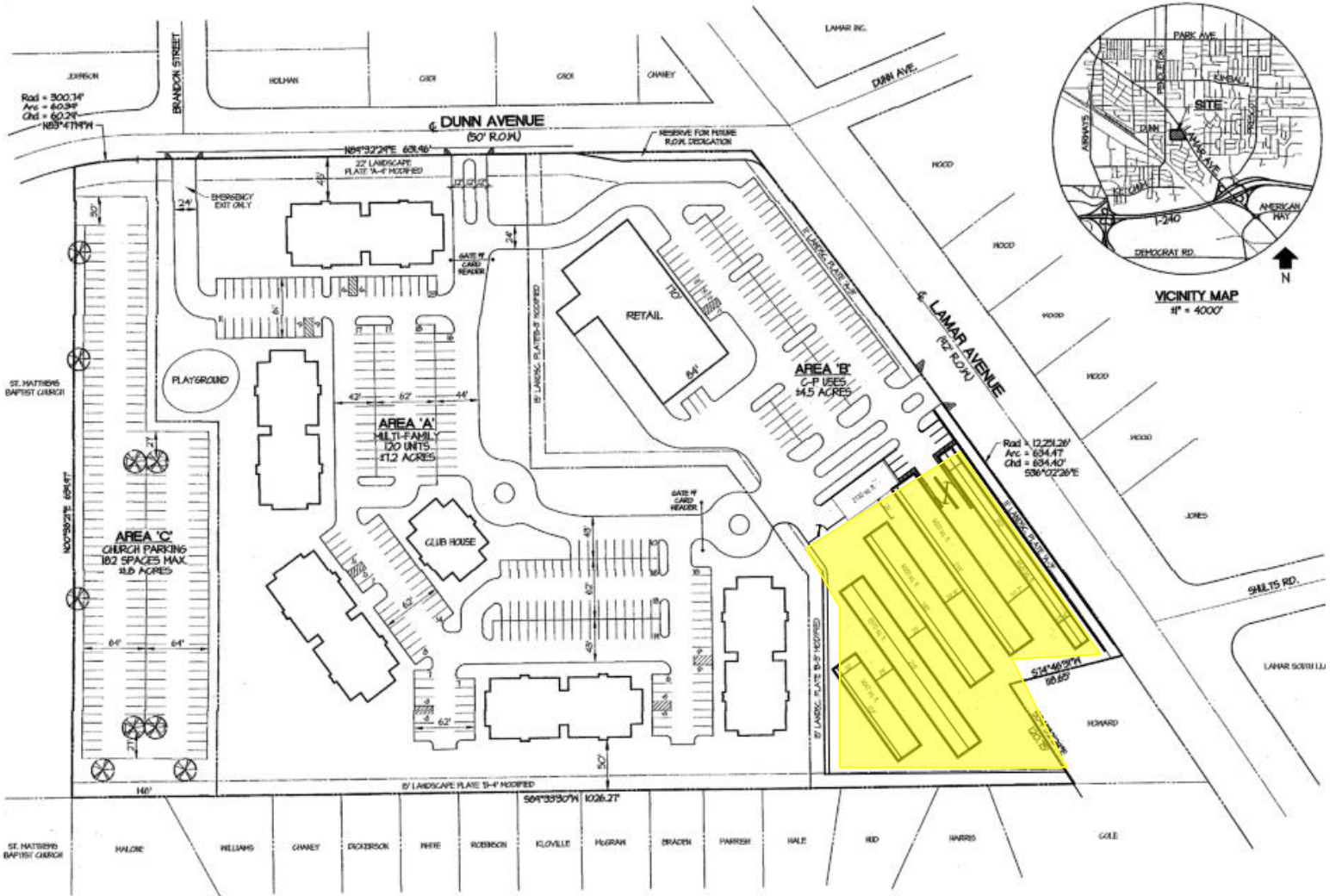
- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan.
The Land Use Control Board may grant extensions at the request of the applicant.

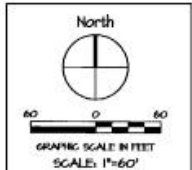
IX. Any final plan shall include the following:

- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/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.

CONCEPT PLAN

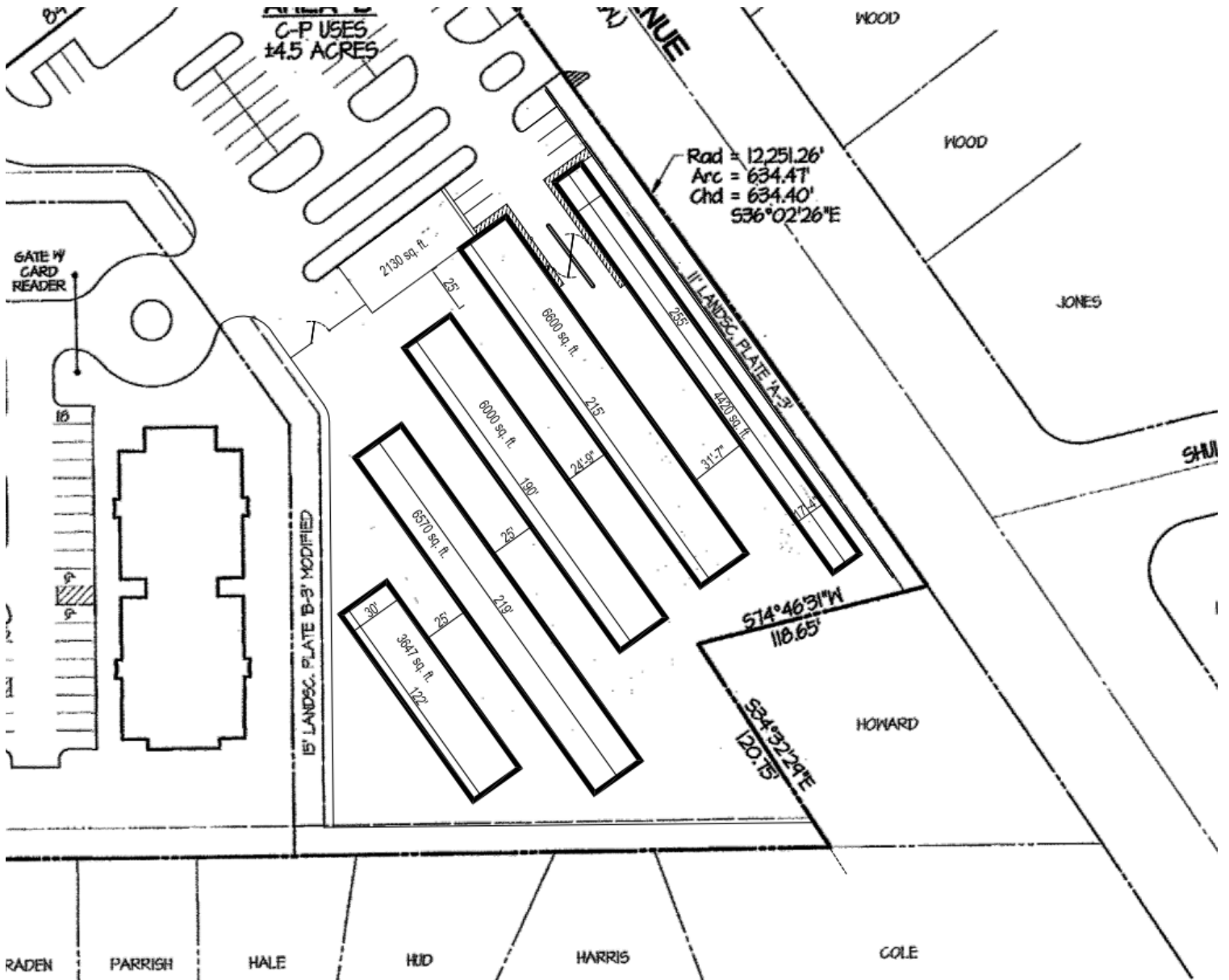


CONCEPTUAL SITE PLAN



OUTLINE PLAN
LAMAR CROSSING P.D.
 OWNER: LAMAR INC.
 837 AVENUE Z, BROOKLYN, NY 11235 6212
 PARCEL ID# 059021 00022
 1.81 ACRES @ 0 LAMAR AVE,
 MEMPHIS, TENNESSEE 38114
 STORAGE AREA 29,367 SQ. FT.
 FEBRUARY 23, 2024

CONCEPT PLAN - MAGNIFIED



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2899 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2024 – 004

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

WHEREAS, the Lamar, Inc. filed an application with the Memphis and Shelby County Division of Planning and Development for an amendment to allow self-storage within the Lamar Crossing planned development; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 13, 2024 and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

OUTLINE PLAN CONDITIONS - REVISED

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~bold-strikethrough~~

Lamar Crossing Planned Development
P.D. 06-313
Outline Plan Conditions

I. Uses Permitted:

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C. **Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use - 2 (CMU-2) and the following use shall be permitted:**

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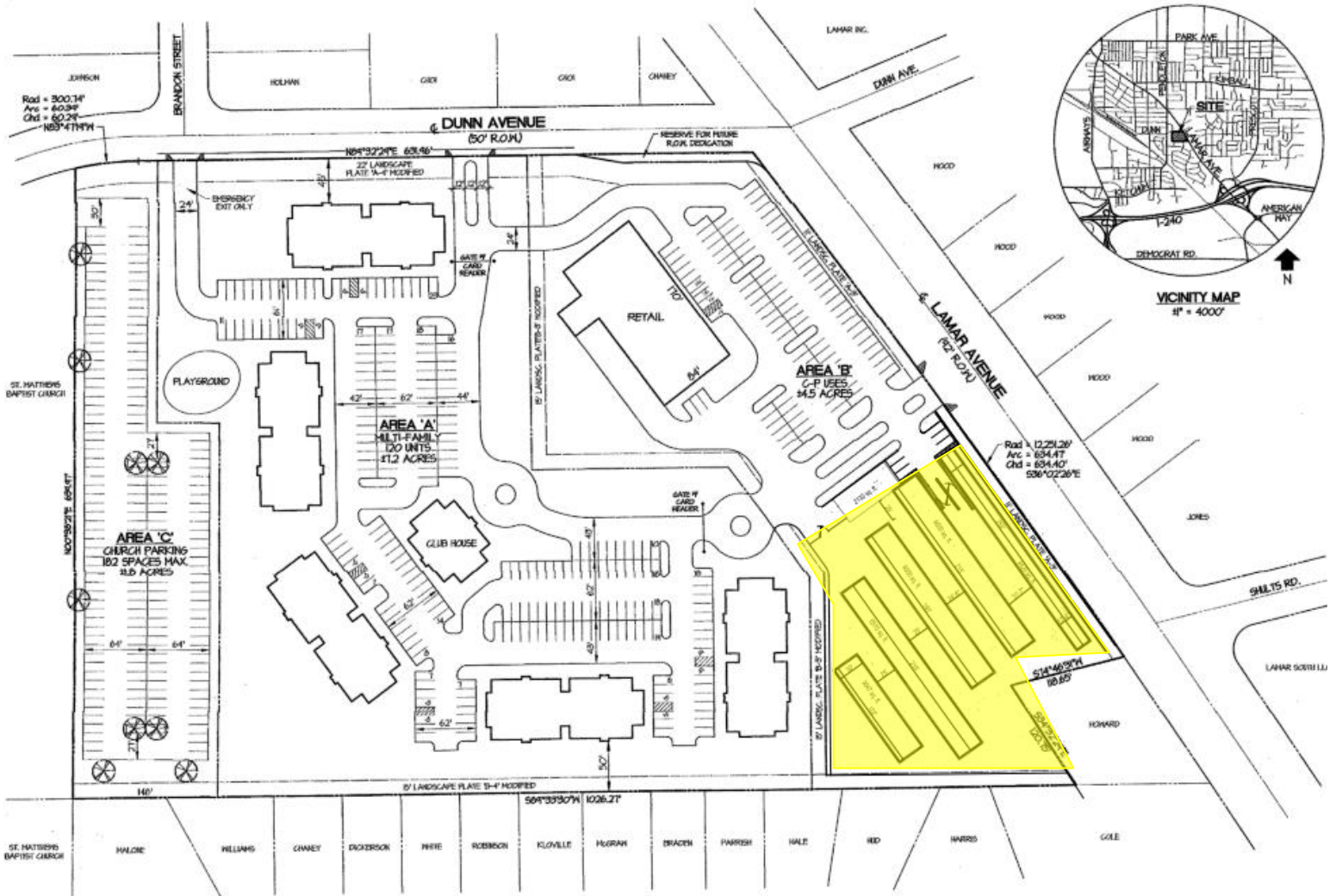
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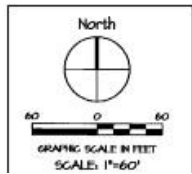
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CONCEPT PLAN



CONCEPTUAL SITE PLAN



OUTLINE PLAN P23100420
LAMAR CROSSING P.D.
 OWNER: LAMAR INC.
 837 AVENUE Z, BROOKLYN, NY 11235 6212

PARCEL ID# 059021 00022
 1.81 ACRES @ 0 LAMAR AVE,
 MEMPHIS, TENNESSEE 38114
 STORAGE AREA 29,367 SQ. FT.
 FEBRUARY 23, 2024

ATTEST:

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

AGENDA ITEM: 16 **L.U.C.B. MEETING:** June 13, 2024

CASE NUMBER: PD 2024 – 004

DEVELOPMENT: Self Storage at Lamar Crossing PD

LOCATION: 2899 Lamar Avenue

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

OWNER/APPLICANT: Lamar, Inc.

REPRESENTATIVE: Delinor Smith, Smith Building Design

REQUEST: Amendment to Planned Development to allow a mini storage

EXISTING ZONING: Governed by PD 06 – 313, Area B Commercial Mixed Use – 2 permitted uses.

CONCLUSIONS

1. The subject property is located within the Lamar Crossing Planned Development (PD 06 – 313) and designated as “Area B” which permits any Commercial Mixed Use – 2 uses.
2. The applicants proposed use of Mini-storage is allowed by the Special Use Permit (SUP) within the CMU – 2 zoning districts.
3. The applicants proposed use of Mini-storage is a special permitted use within the CMU – 2 zoning districts.
4. The project will 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.

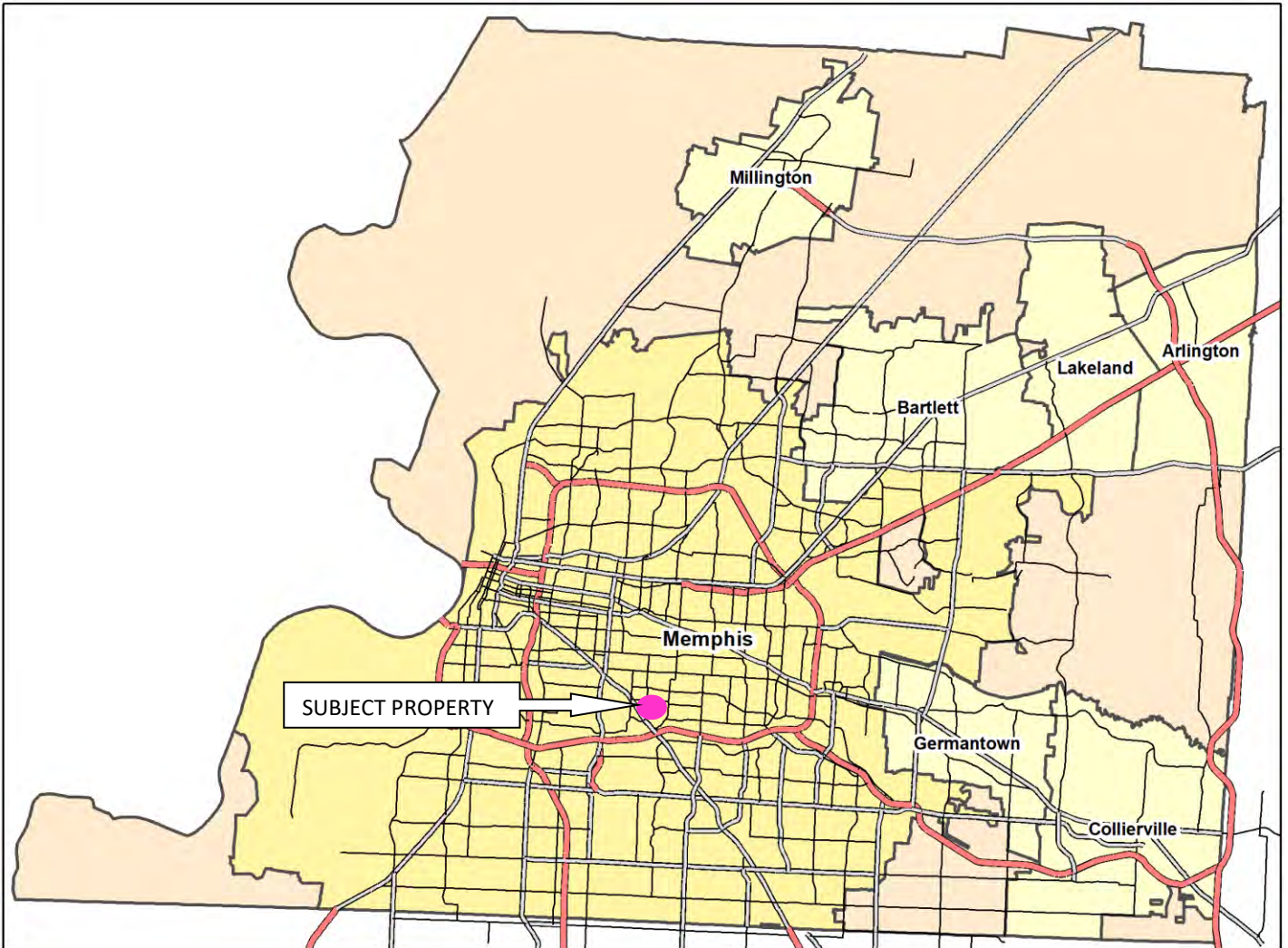
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 22 – 24 of this report.

RECOMMENDATION:

Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 57 notices were mailed on May 17, 2024, see pages 24 – 25 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 26 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 4:30 PM on Friday, May 31, 2024, at the Cherokee Library, 3300 Sharpe Avenue.

AERIAL



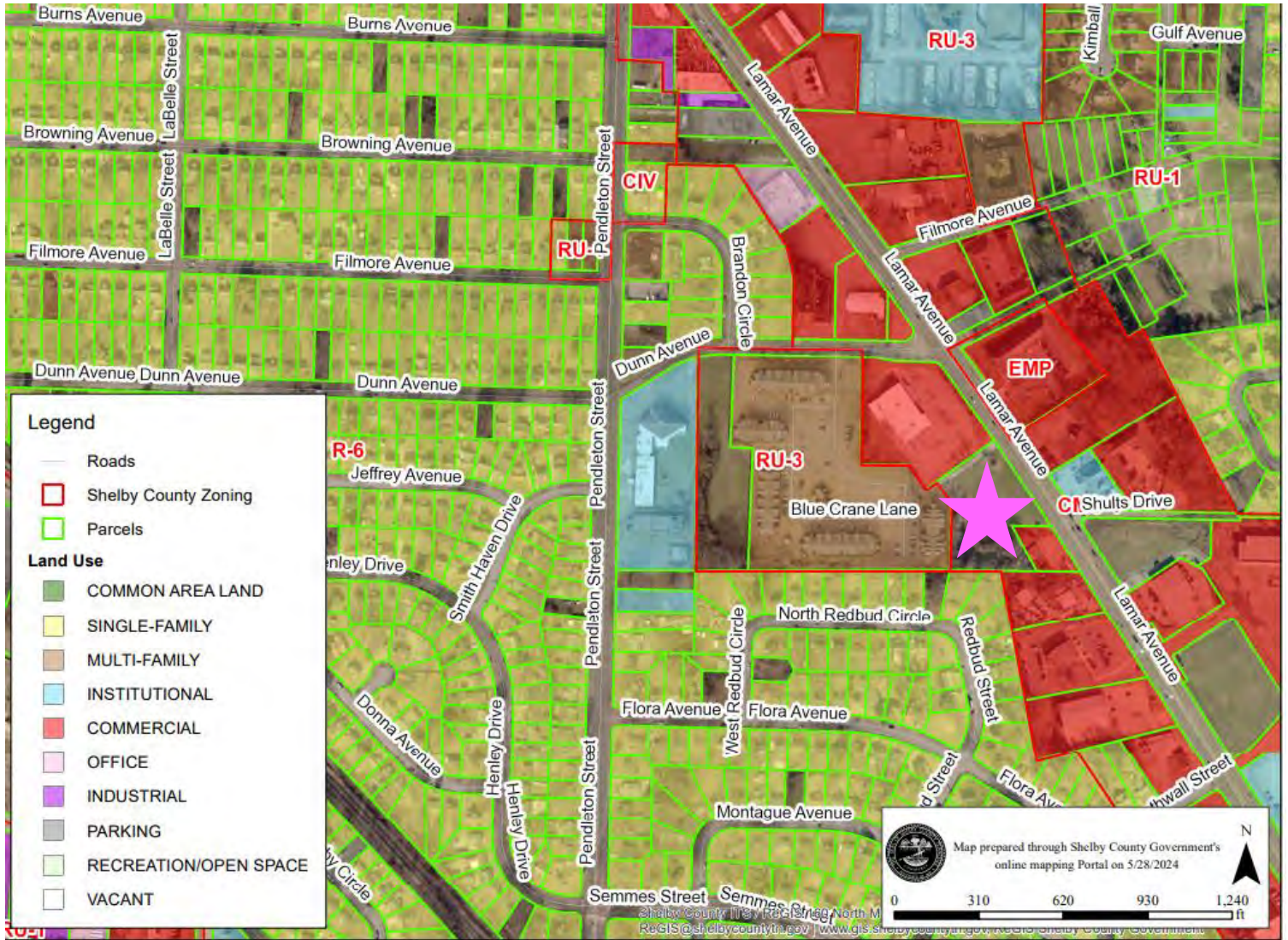
Subject property outlined in yellow, imagery from 2022

ZONING MAP



Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Lamar Avenue looking South.

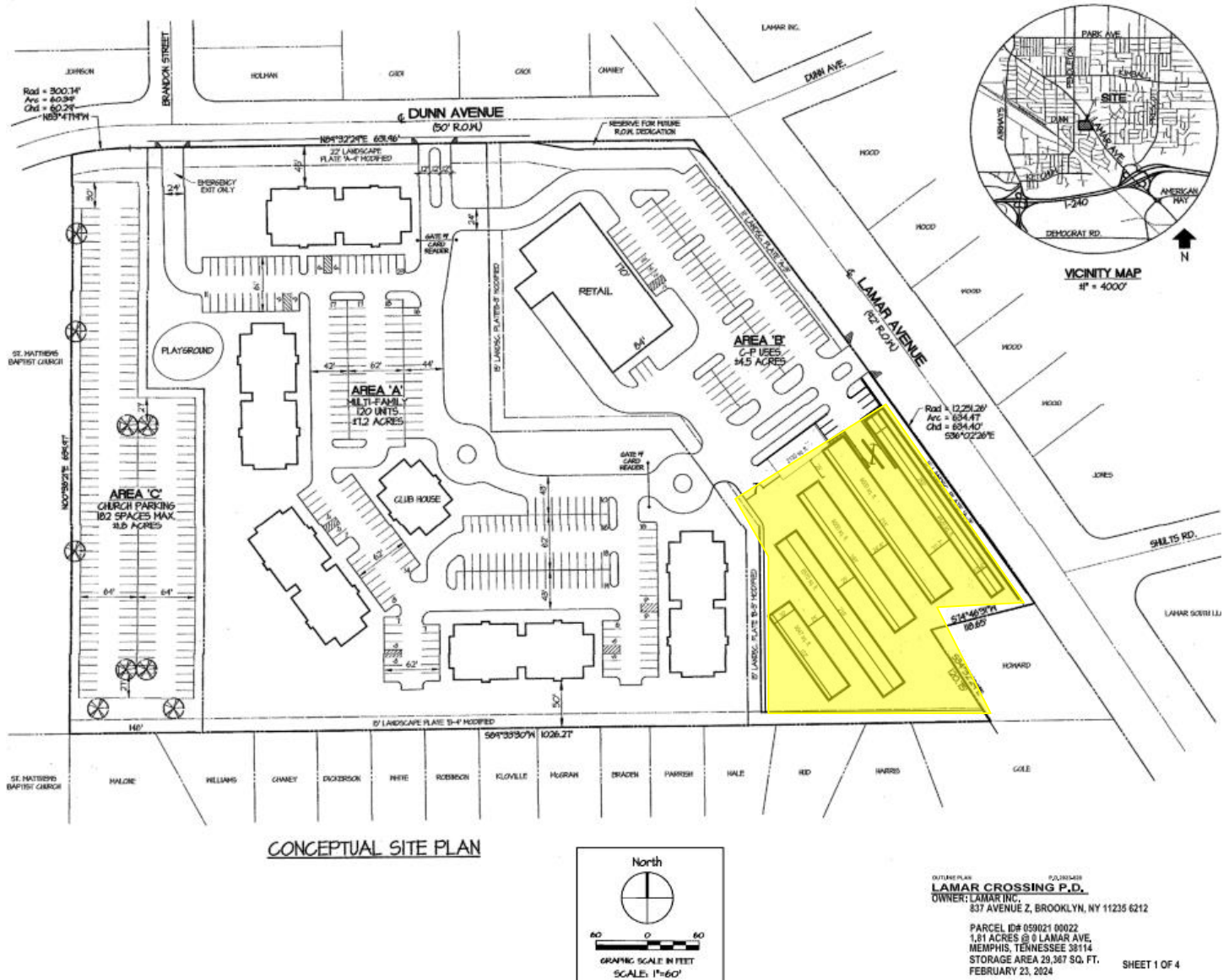


View of subject property from Lamar.

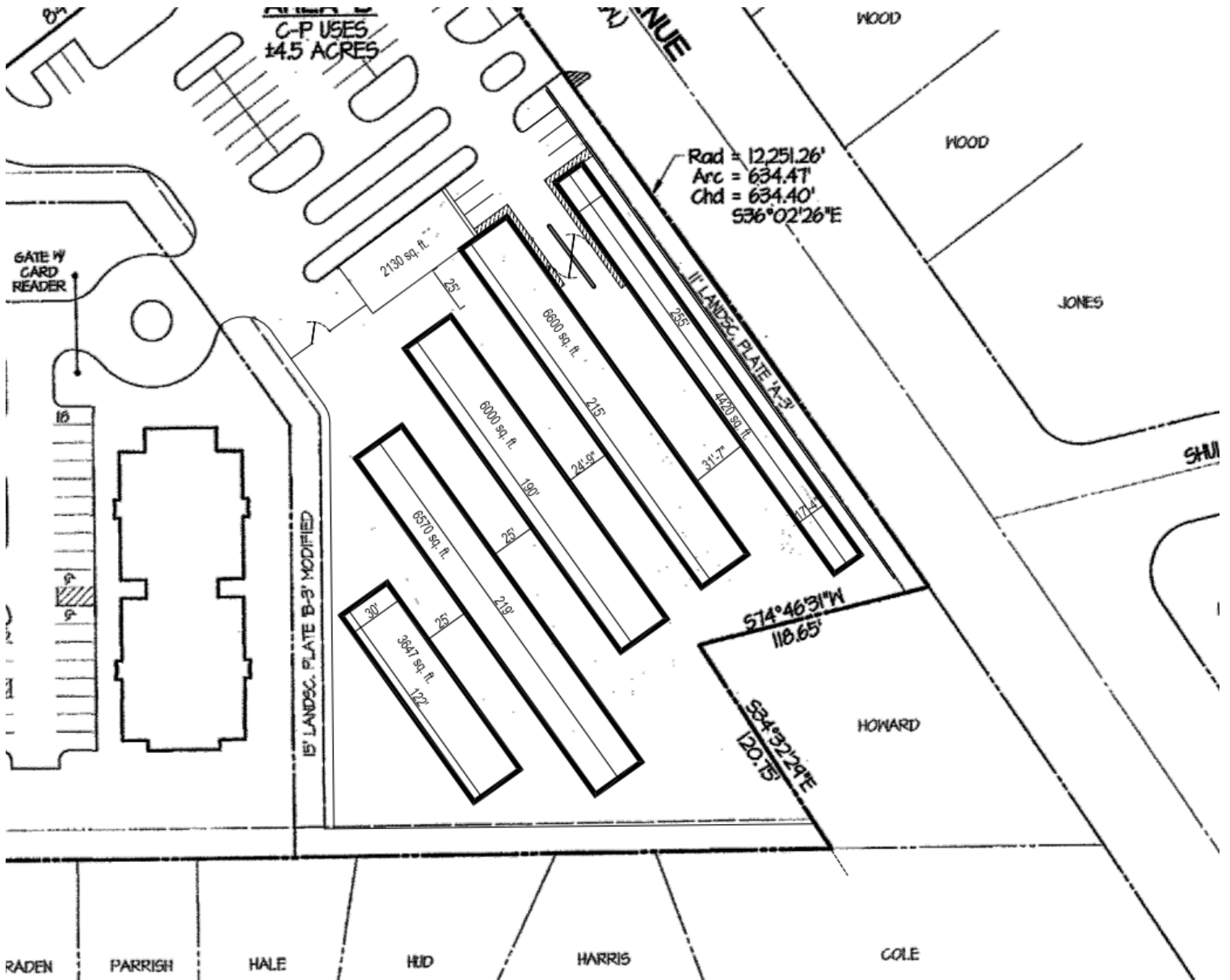


View of subject property from entrance point of abutting property.

CONCEPT PLAN



CONCEPT PLAN - MAGNIFIED



CASE REVIEW

Request

The request is an amendment to the Lamar Crossing Planned Development to allow mini-storage.

Applicability

Staff does not agree the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

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

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

General Provisions

Staff does not agree the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*

- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

Staff does not agree the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. Screening*

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. Display of Merchandise*

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. Accessibility*

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. Landscaping*

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff does not agree the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

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

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

Site Details

Address:
2899 Lamar Avenue

Parcel ID:
059021 00051

Area:
+/- 1.81 acres

Description:
The subject property is known as Area B of Lamar Crossing Planned Development (PD 06 – 313) with an underlying zoning of Commercial Mixed Use – 1 (CMU-1) for any regulation not stated within the PD.

Site Zoning History

On October 03, 2006, the Council of the City of Memphis approved Planned Development to allow +/- 35,000 square feet of retail space and one-hundred twenty (120) multi-family apartments in accordance with the Outline Plan and Conditions.

On September 1, 2020, the Council of the City of Memphis adopted Ordinance Number 5757 which approved the downzoning of several properties including the subject property from Commercial Mixed Use – 3 to Commercial Mixed Use – 1. Since the subject property is a part of the Lamar Crossing Planned Development, this downzoning does not supersede the designating zoning outlined in the approved planned conditions. The subject property is governed by Area B Commercial Mixed Use – 2 zoning uses.

Concept Plan Review

The applicant is proposing five (5) mini storage units ranging from +/- 3,647 square feet to +/- 6,570 square feet. The structure located along Lamar Avenue does not meet the CMU – 2 setback building requirements set out in subsection 3.10.2B of the Unified Development Code.

The development will utilize the existing curb cut along Lamar Avenue.

The development will have controlled access that will serve as main egress and ingress and one (1) proposed exit gate southwest of the main entrance.

The proposed landscaping plan is in keeping with the previously approved outline plan conditions.

Analysis

The proposed use of the subject property is in keeping with the previously projected use for Area B of the Lamar Crossing PD. The subject property currently has a vacant land use designation and Low Intensity Commercial future land use designation. The property is surrounded by commercial, institutional, and residential land use designations. The proposed amendment to allow mini storage density is not in keeping with the future land use designation as mini storage is not a permitted use in the CSL future land designation. Therefore, staff recommends rejection of the proposed amendment.

The proposed amendment was considered inconsistent with Memphis 3.0 based on the not being compatible with future land use and intensity. The Lamar Crossing Planned Development is near a proposed Safety Intersection Project boundary which encompasses Lamar/Kimball/Pendleton up to Dunn Avenue which is located at the beginning of the existing Planned Development.

The project will 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 rejection; however, if approved, staff recommends the following revisions to the outline plan conditions:

Note: The subject property used for mini storage will be Area B – 1 and indicated on the outline plan and final plat.

Outline Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~**bold strikethrough**~~

Lamar Crossing Planned Development
P.D. 06-313
Outline Plan Conditions

- I. Uses Permitted:
 - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
 - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. **Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2 (CMU-2) and the following use shall be permitted:**
 - a. **Mini-storage**

- D ~~C~~ Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

C

II. Bulk Regulations:

- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.

D. Area 'B-1': The bulk regulations of the CMU-2 District shall apply.

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
- B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
- C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
- D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
- E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- Area's 'B' and 'B-1'**
- B. ~~Area 'B'~~ Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- Area's 'B', 'B-1' and 'C'**
- D. ~~Areas 'A, B, & C'~~ Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

- VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan.
The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easements.
 - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
 - G. The one-hundred (100) year flood elevation.
 - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
 - I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/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.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

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

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.

City/County Fire Division:

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503.
- Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.

**Office of Comprehensive Planning:
Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [PD 2024-004: Lamar](#)

Site Address/Location: 2899 LAMAR AVE
Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone
Future Land Use Designation: Low Intensity Commercial and Services (CSL)
Street Type: Parkway

The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage.
The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

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

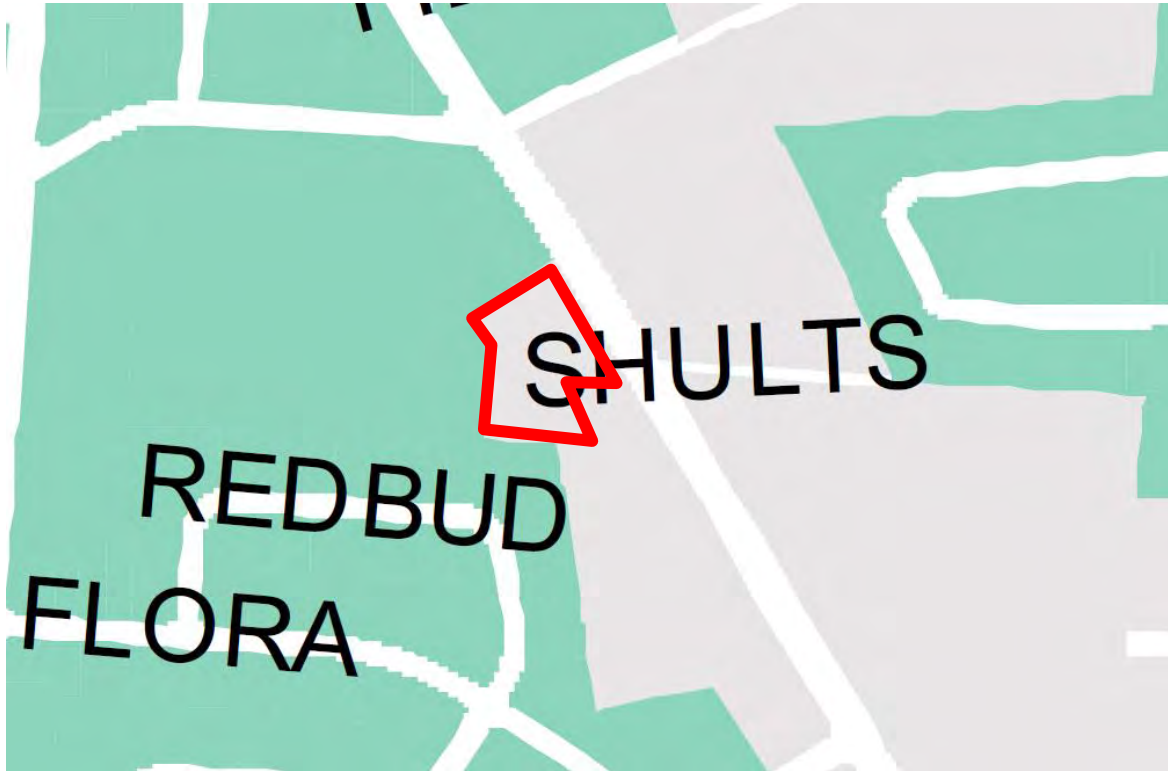
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

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

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

3. Degree of Change Map



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

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

Consistency Analysis Summary

The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

57 Notices Mailed on 05/17/2024.



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: PD 2024-004
LOCATION: 2899 Lamar Avenue
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Dejior Smith
REQUEST: Amendment to the Lamar Crossing PD to allow mini-storage

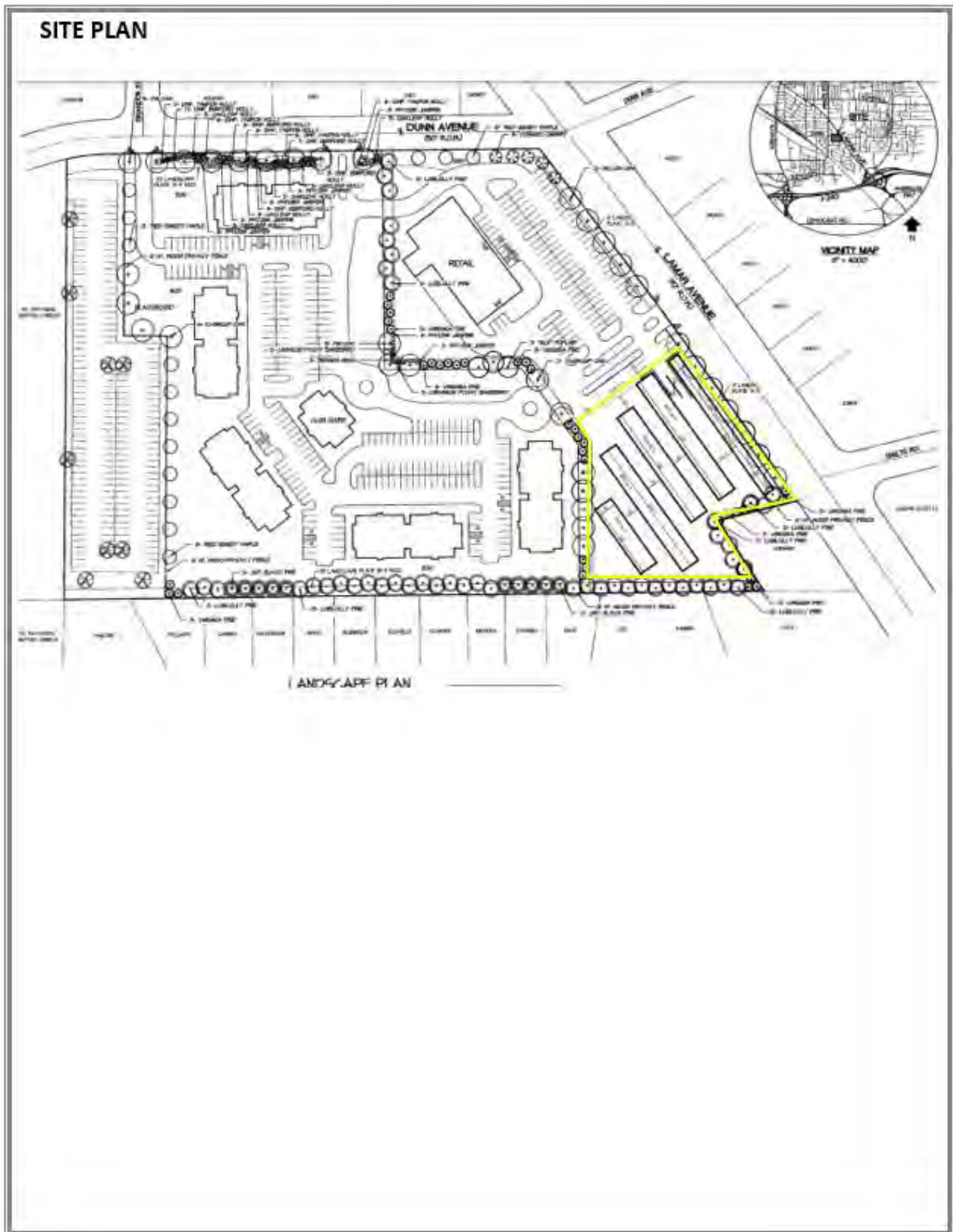
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, June 13, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may approve or reject this item or hold the item for a public hearing at a subsequent Board meeting.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 5, 2024, at 8 AM**.



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, DELNOR SMITH, being duly sworn, depose and say that at 2:00 PM am/pm on the 30 day of MAY, 2024, I posted 2 Public Notice Sign(s) pertaining to Case No. PD 2024-004 at 2899 LAMAR AVE.

providing notice of a Public Hearing before the (check one):

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

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

Delnor Smith
Owner, Applicant or Representative

5-30-24
Date

Subscribed and sworn to before me this 30th day of May, 2024.

Wendy Mosley
Notary Public

My Commission Expires **June 23, 2027**

My commission expires: _____



APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: April 7, 2024

Record Number: PD 2024-004

Expiration Date:

Record Name: SELF STORAGE - JUNE LUCB

Description of Work: THE CONSTRUCTION OF SELF STORAGE UNITES WITH AN ESTIMATED OF 29,367 SQ. FT. OF STORAGE AREAS AND A SMALL OFFICE.

Parent Record Number:

Address:

2899 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary Owner Name
Y LAMAR INC

Owner Address
837 AVENUE Z, BROOKLYN, NY 11235

Owner Phone:

Parcel Information

059021 00051

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner: ALEXIS LONGSTREET
Date of Meeting: 11/01/2023
Pre-application Meeting Type: Phone

GENERAL PROJECT INFORMATION

Planned Development Type: Amendment to Existing PD
Previous Docket / Case Number: PD 06-313
Medical Overlay / Uptown: No

GENERAL PROJECT INFORMATION

If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

SEE ATTACHED PDF FILE OF THE APPLICATION - THE TRACT IS NOT LOCATED IN UNINCORPORATED SHELBY COUNTY

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

No

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

SEE ATTACHED PDF FILE OF THE APPLICATION

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9B

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9C

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9D

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9E

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9F

SEE ATTACHED PDF FILE OF THE APPLICATION

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

SEE ATTACHED PDF FILE OF THE APPLICATION

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

SEE ATTACHED PDF FILE OF THE APPLICATION

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

SEE ATTACHED PDF FILE OF THE APPLICATION

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

SEE ATTACHED PDF FILE OF THE APPLICATION

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

SEE ATTACHED PDF FILE OF THE APPLICATION

GENERAL PROVISIONS

elements

F) Lots of record are created with the recording of a planned development final plan SEE ATTACHED PDF FILE OF THE APPLICATION

GIS INFORMATION

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

Contact Information

Name

DELINOR DELINOR, SMITH

Contact Type

APPLICANT

Address

Phone

(190)169-0394

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1553561	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	04/07/2024
1553561	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	04/07/2024

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

Payment Information

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

OWNER AFFIDAVIT

**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, MUHAMMAD U. NAWID, MUN, state that I have read the definition of LAMAR INC
(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 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 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 08th day of April in the year of 2024.

Tanweer A. Khan

Signature of Notary Public

My Commission Expires

05/31/2027

TANWEER AHMED KHAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01KH6242057
Qualified in Kings County
My Commission Expires 05-31-2027

LETTER OF INTENT

Dear Zoning Department,

I am writing to express my intent to open a self-storage facility at 2899 Lamar Ave, Memphis TN 38114. The proposed development is aimed at providing secure and convenient storage solutions for individuals and businesses in the local area.

The facility will consist of units of varying sizes to accommodate the diverse storage needs of our customers. The location of the facility is strategically chosen to serve the surrounding neighborhoods and businesses, with easy access to major highways and thoroughfares.

The proposed self-storage facility will offer 24/7 access and state-of-the-art security measures, including surveillance cameras, individual unit alarms, and secure gate access. Our goal is to provide a safe and secure storage environment for our customers' peace of mind.

We believe that the self-storage market in the local area is ripe for growth, with a growing population and booming economy creating a high demand for storage solutions. Furthermore, the ongoing trend of remote work and e-commerce is driving up the need for additional storage space, making our proposed facility an attractive option for potential customers.

We are committed to working closely with the division of planning and development to ensure that our proposed development meets all local zoning and building regulations. Our aim is to create a facility that is not only beneficial to our customers but also enhances the community in which it is located.

Thank you for your consideration of this letter of intent. If you require any further information or have any questions, please do not hesitate to contact me.

Sincerely,

Muhammad U Nawid

LETTERS RECEIVED

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



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: November 9, 2023

Record Number: PD 2023-028

Expiration Date:

Record Name: SELF STORAGE

Description of Work: DRIVE UP SELF STORAGE OR MINI STORAGE

Parent Record Number: MJR 2023-037

Address:

2899 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary	Owner Name
Y	LAMAR INC

Owner Address	Owner Phone
837 AVENUE Z, BROOKLYN, NY 11235	

Parcel Information

059021 00051

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	LUCAS SKINNER
---------------------	---------------

Date of Meeting	09/08/2022
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Pre-application Meeting Type	Phone
------------------------------	-------

GENERAL PROJECT INFORMATION

Planned Development Type	New Planned Development (PD)
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GENERAL PROJECT INFORMATION

Previous Docket / Case Number -
Medical Overlay / Uptown No
If this development is located in unincorporated Shelby County, is the tract at least three acres? SEE APPLICATION
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)
Is this application in response to a citation, stop work order, or zoning letter No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

APPROVAL CRITERIA

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

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A SEE APPLICATION
B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development SEE APPLICATION
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation SEE APPLICATION
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest SEE APPLICATION
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements SEE APPLICATION
F) Lots of record are created with the recording of a planned development final plan SEE APPLICATION

GIS INFORMATION

Central Business Improvement District No

GIS INFORMATION

Case Layer	-
Class	C
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	CMU-3
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name

MUHAMMAD U NAWID

Contact Type

APPLICANT

Address

Phone

(917)690-8686

Dear Zoning Department,

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Sincerely,

Muhammad U Nawid

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

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

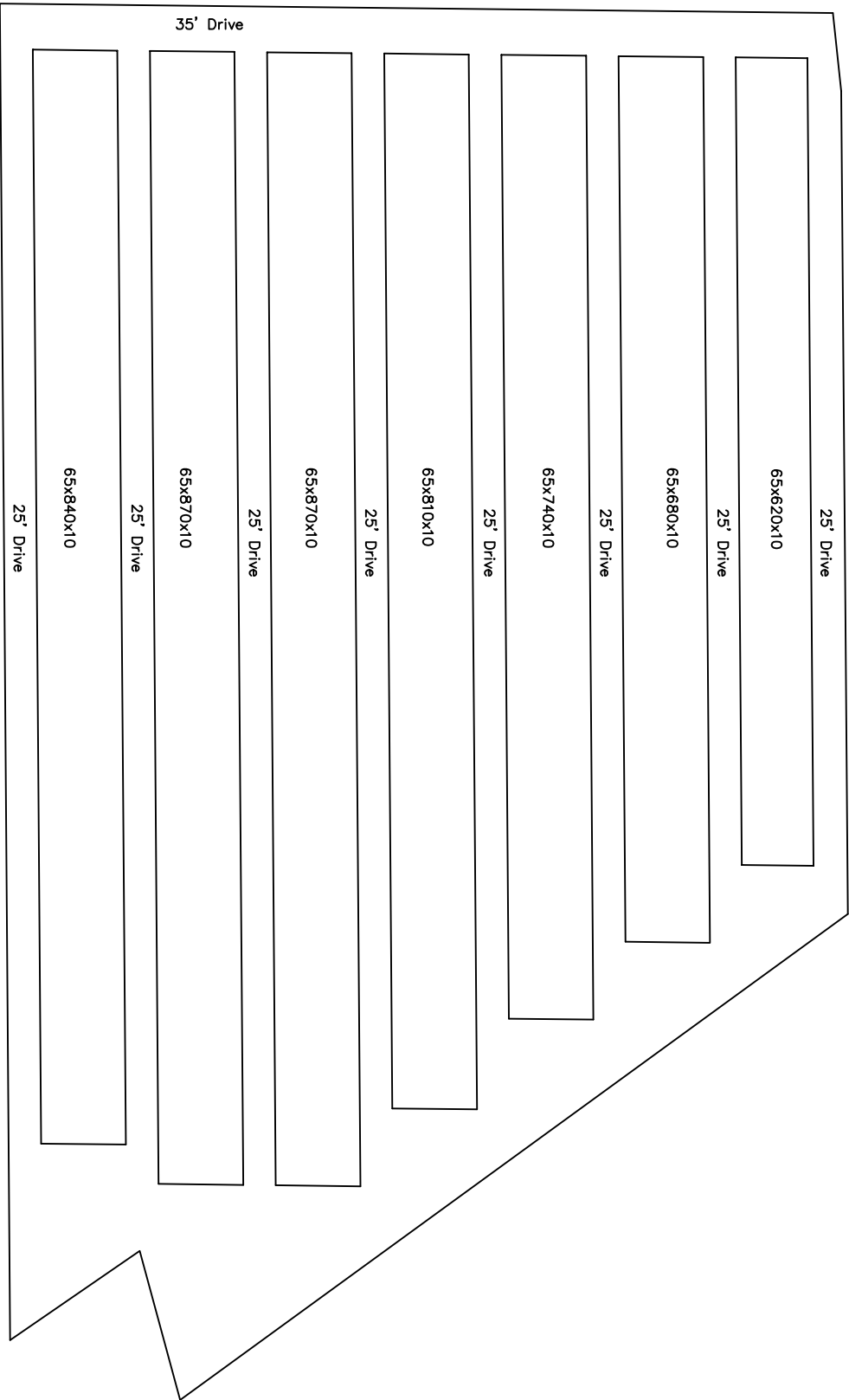
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate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

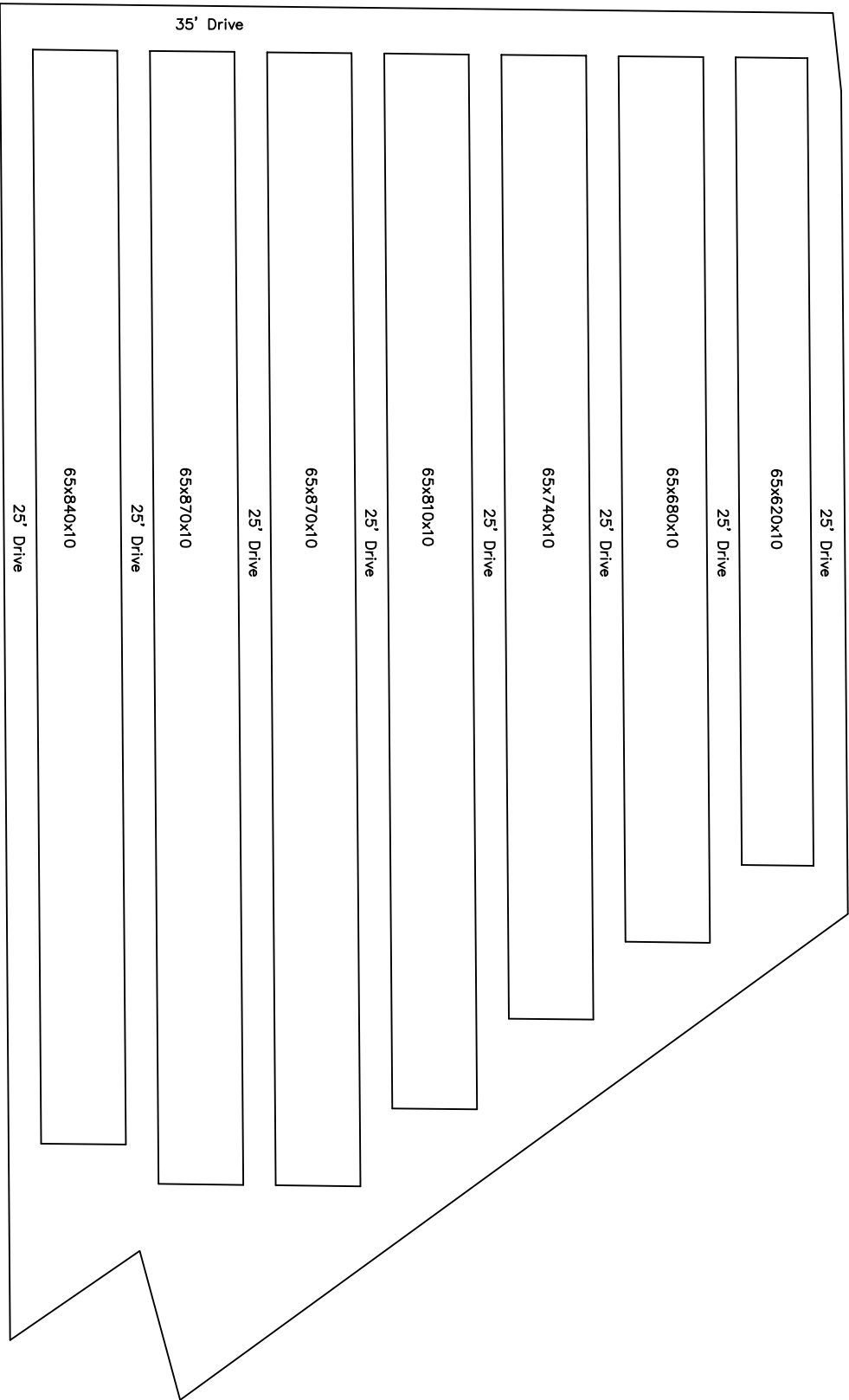
of the property located at _____
and further identified by Assessor's Parcel Number _____,
for which an application is being made to the Division of Planning and Development.

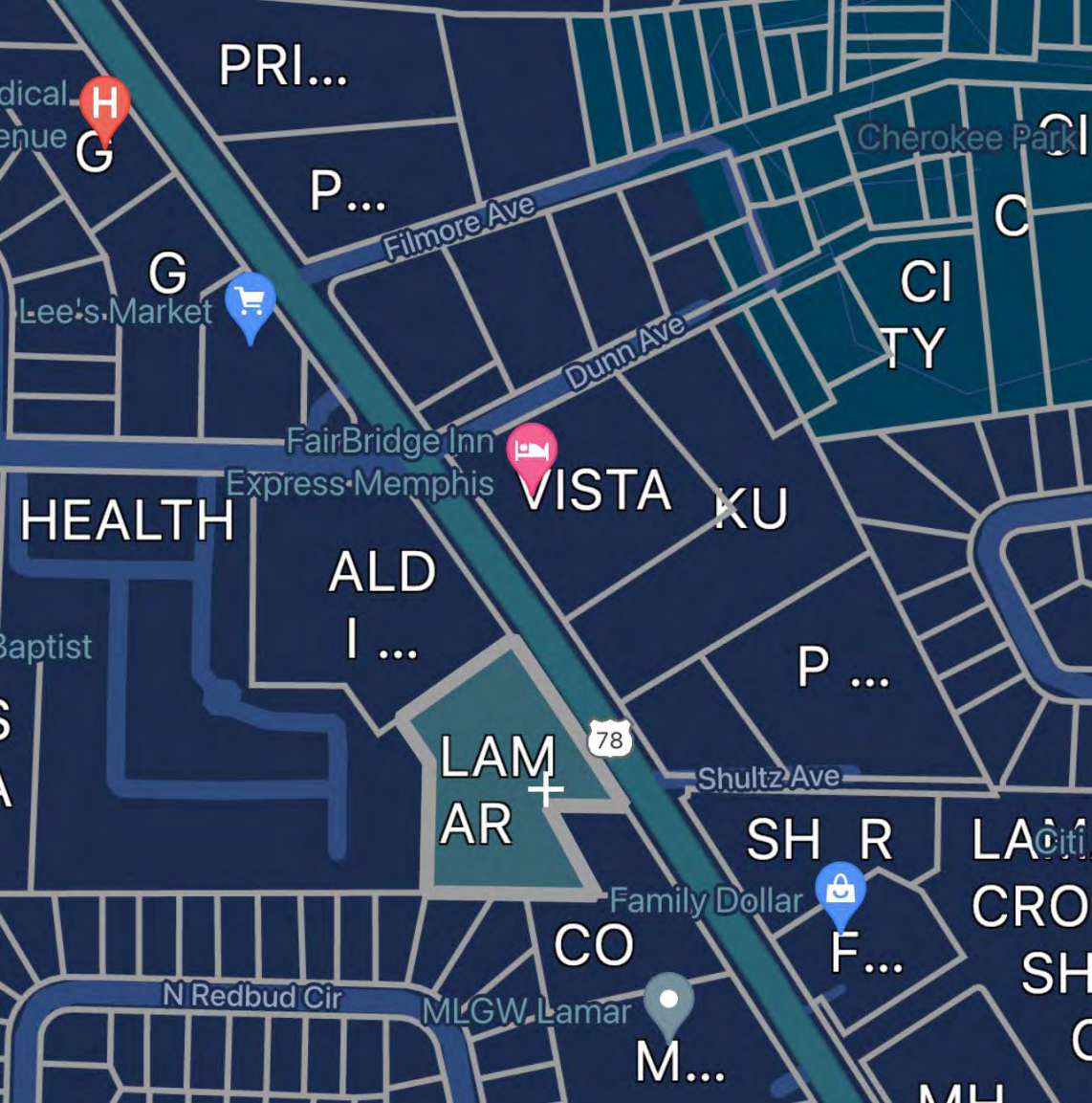
Subscribed and sworn to (or affirmed) before me this _____ day of _____ in the year of _____.

Signature of Notary Public

My Commission Expires







PRI...

Medical
avenue
G
H

P...

Filmore Ave

Cherokee Park

G

Lee's Market



Dunn Ave

CI
TY

FairBridge Inn
Express-Memphis



VISTA KU

HEALTH

ALD

Baptist

P ...



LAM
AR

Shultz Ave

SH R

LA

Family Dollar



F...

CRO

SH

N Redbud Cir

MLGW Lamar

CO


M...

MH




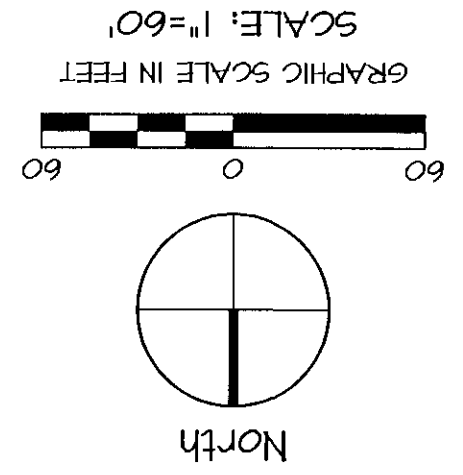
Tom Leatherwood
Shelby County Register

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

	
06177206	
10/30/2006 - 11:35 AM	
4 PGS : R - PLAT	
LIZ 445260-6177206	
PLAT BOOK : 229	
PAGE : 39	
RECORDING FEE	15.00
DP FEE	2.00
TOTAL AMOUNT	17.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

"NO BUILDING PERMIT SHALL BE ISSUED AS A RESULT OF THE RECORDING OF THIS PLAT"

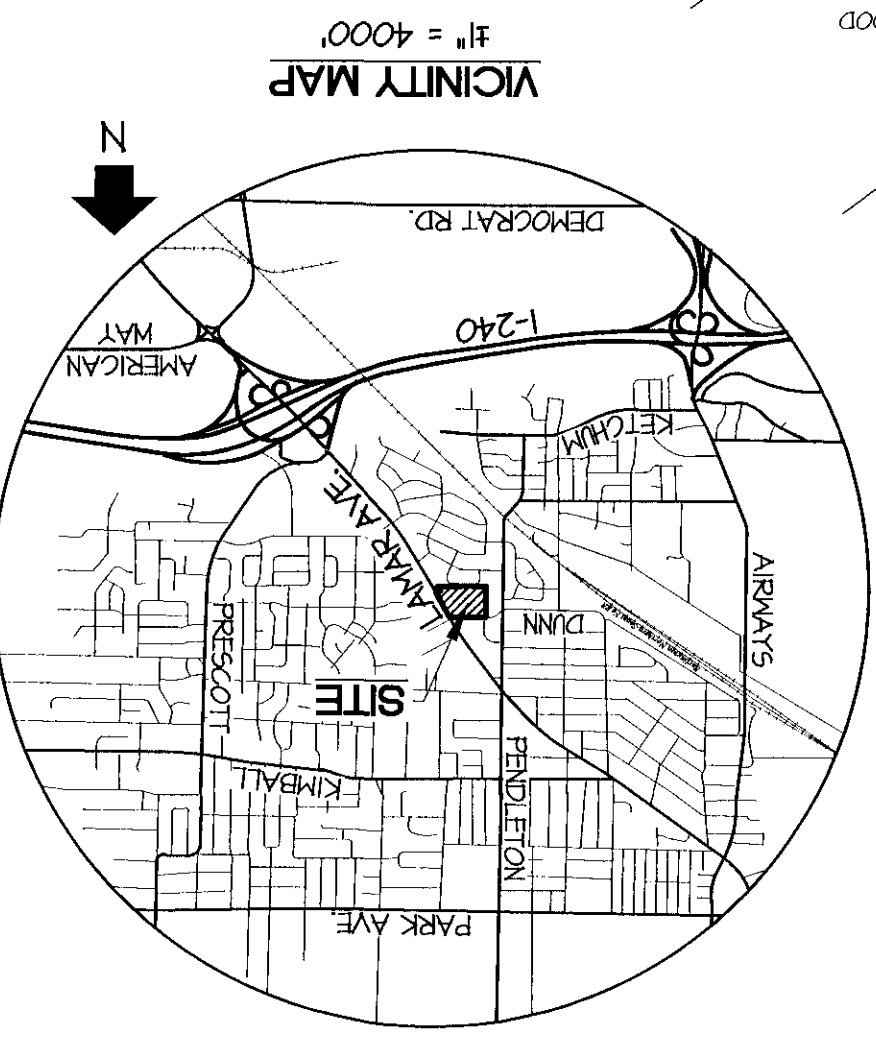
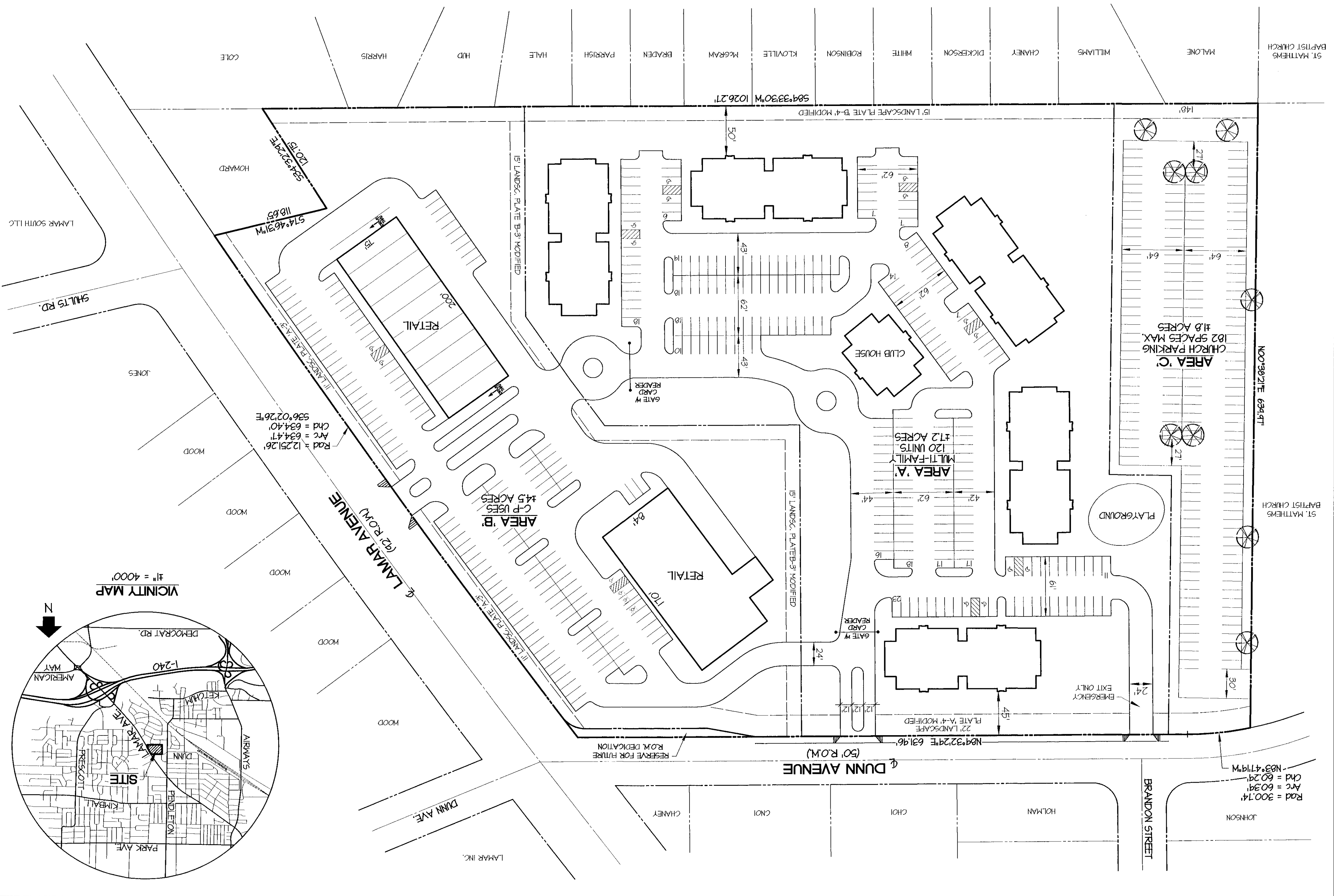
REGISTER OF DEEDS SHILLY COUNTY TENNESSEE
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The Firm
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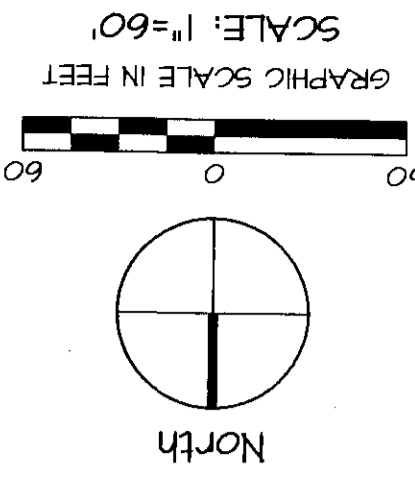
OUTLINE PLAN
 P.D. 06-313
LAMAR CROSSING P.D.
 OWNER: HORIZON HOLDING COMPANY, LLC
 DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
 13.5 ACRES ON LAMAR AVENUE
 MEMPHIS, TENNESSEE
 OCTOBER, 2006
 SHEET 1 OF 4

CONCEPTUAL SITE PLAN



OUTLINE PLAN
 OWNER: HORIZON HOLDING COMPANY, LLC
 DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
 13.5 ACRES ON LAMAR AVENUE
 MEMPHIS, TENNESSEE
 OCTOBER, 2006

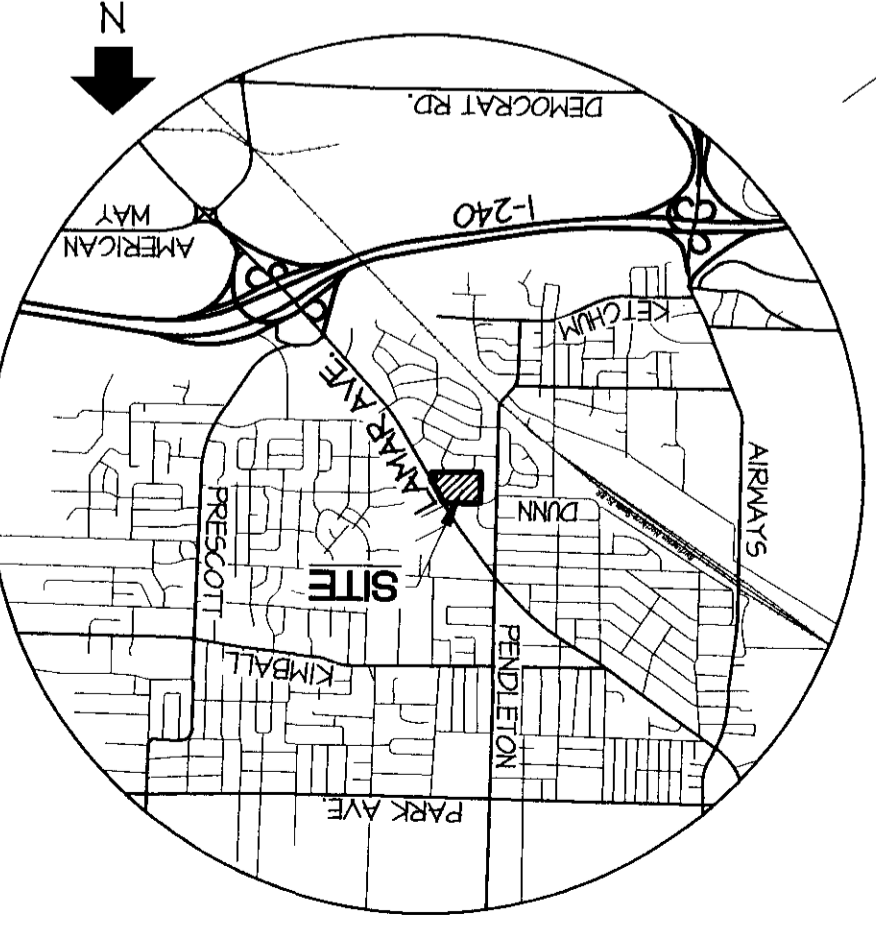
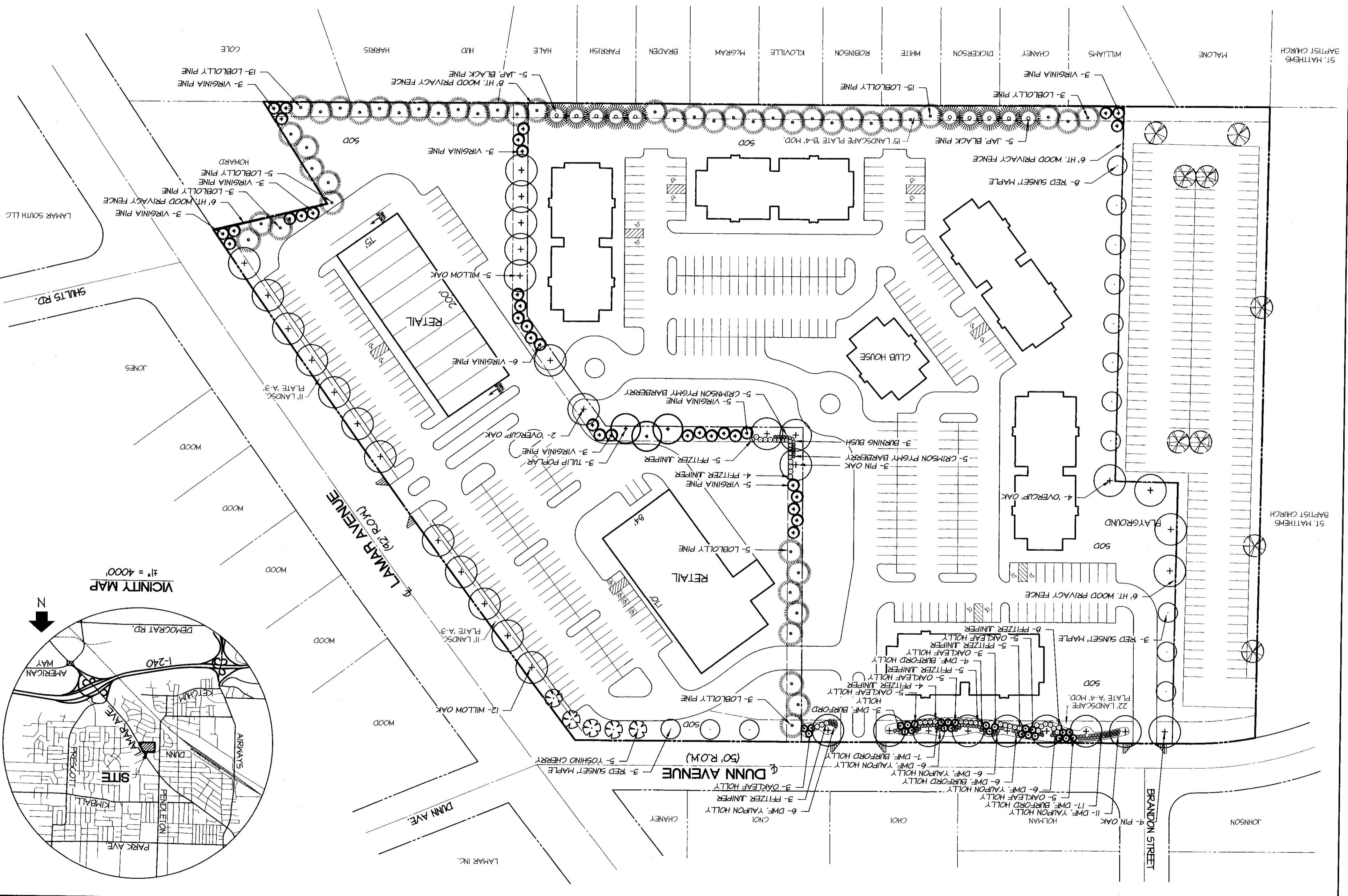
The Reaves Firm
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 Phone: (901) 561-2015 Fax: (901) 763-2847
 www.the-reaves.com



TOM LEATHERWOOD
 REGISTERED PROFESSIONAL ENGINEER
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LANDSCAPE PLAN



I. Uses Permitted:

- A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
- B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

II. Bulk Regulations:

- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40) feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50) feet.
- B. Dedicate a thirty (30) foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
- C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
- D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22) feet, exclusive of curb and gutter.
- E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A'. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8) feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

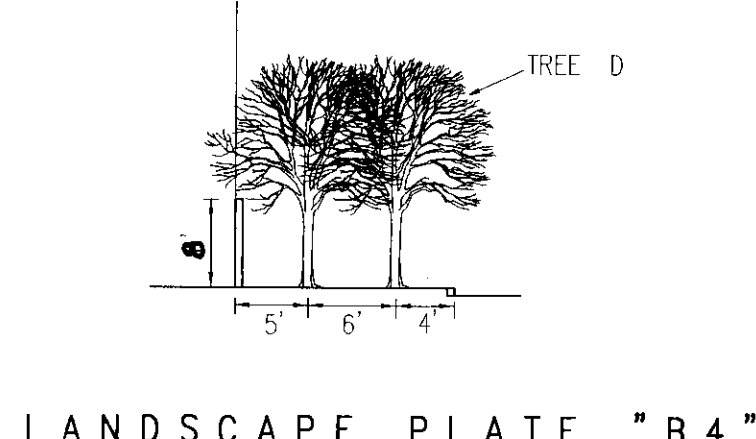
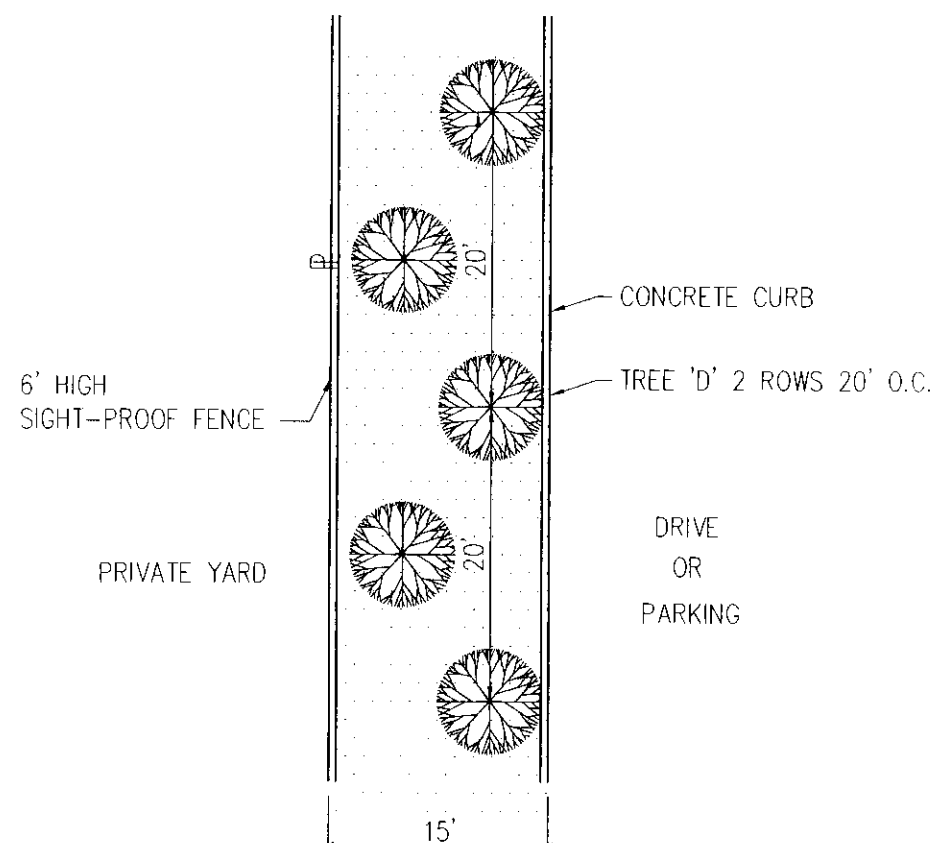
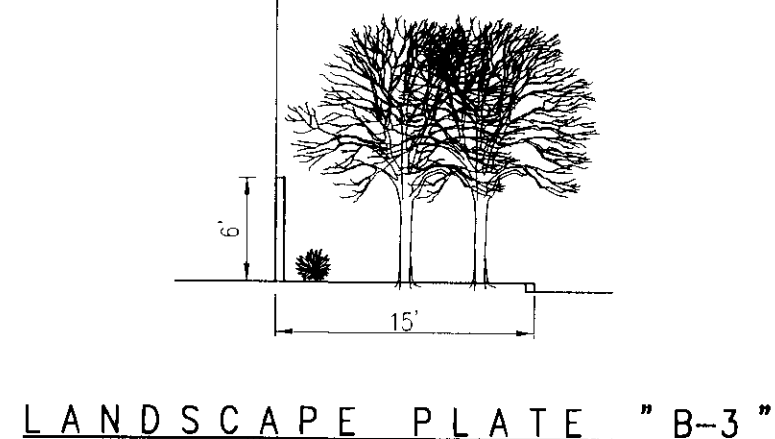
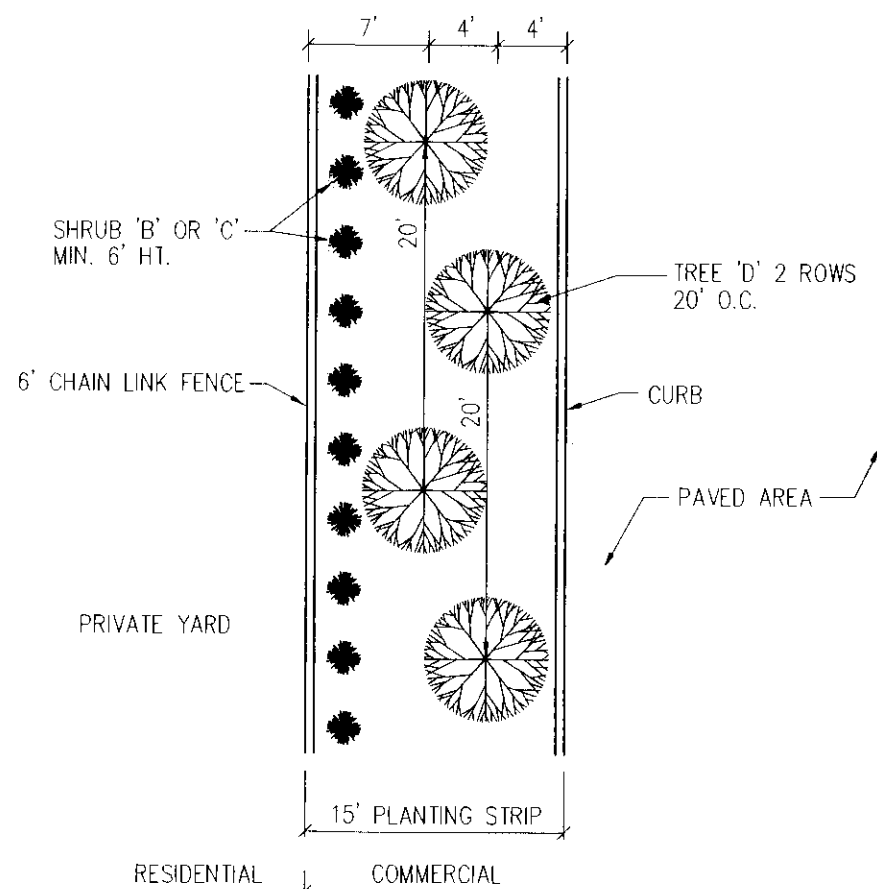
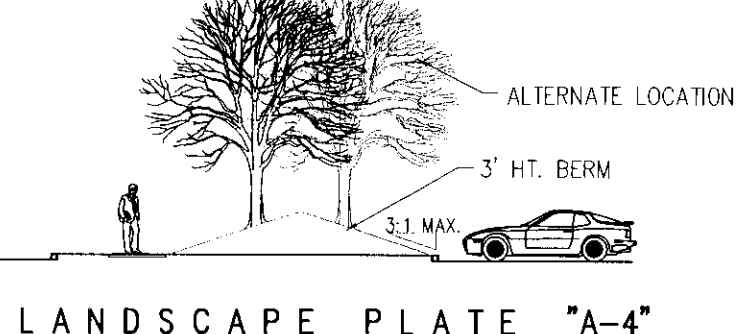
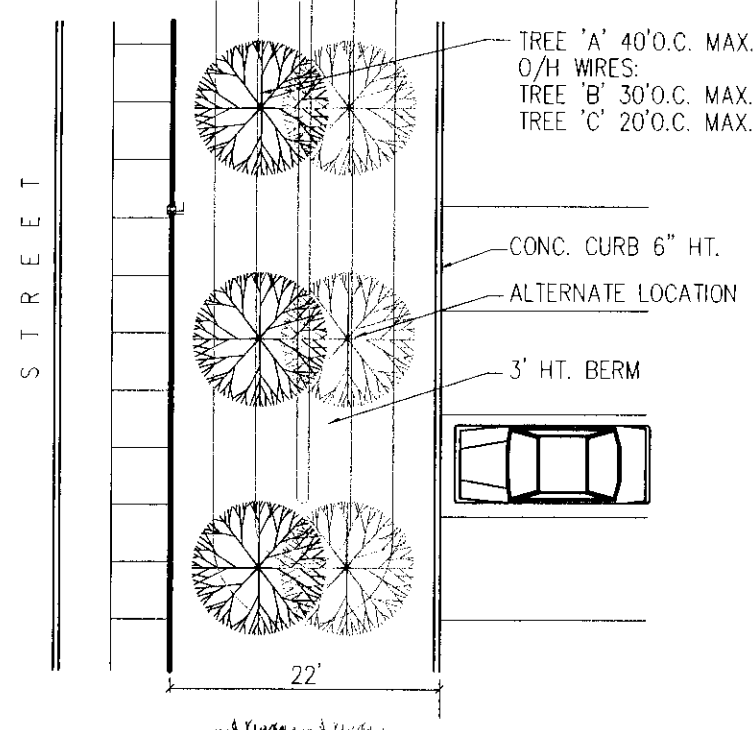
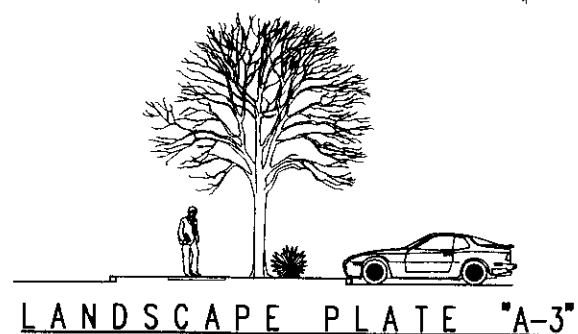
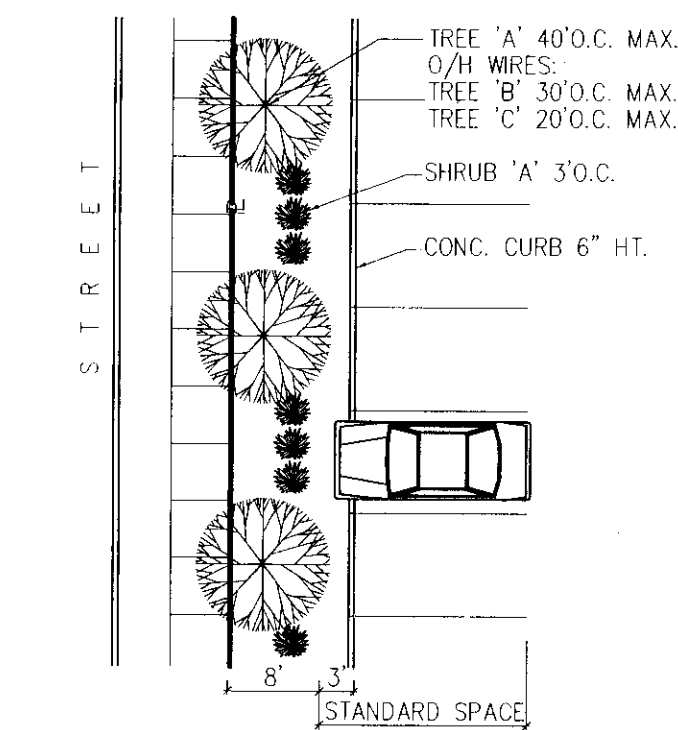
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/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.

" NO BUILDING PERMIT SHALL BE
ISSUED AS A RESULT OF THE
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06177206
10/30/2006 - 11:35 AM
4 PGS : R - PLAT
LIS 445260-6177206
PLAT BOOK : 229
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RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHREVEPORT, TENNESSEE



OUTLINE PLAN P.D. 06-313
LAMAR CROSSING P.D.
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
13.5 ACRES ON LAMAR AVENUE
MEMPHIS, TENNESSEE
OCTOBER, 2006 SHEET 3 OF 4



OWNER'S CERTIFICATE

I, Horizon Holding Company, LLC, the undersigned owner(s) of the property shown, hereby adopt this plat as my/our plan of development. We certify that we are the owner(s) of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

[Signature]
Signature

NOTARY'S CERTIFICATE

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared PRESTON BYRD with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be CHIEF MANAGER of the HORIZON HOLDING COMPANY LLC the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 30th day of OCTOBER, 2006.

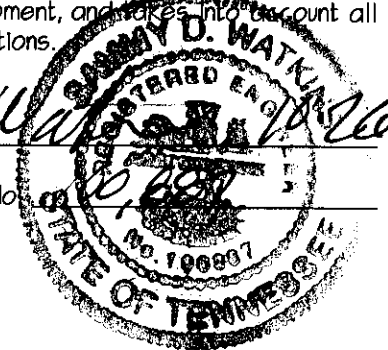
Notary Public *[Signature]*
My Commission Expires NOV 01 2008



ENGINEER'S CERTIFICATE

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and that it takes into account all applicable federal, state and local building laws and regulations.

By: *[Signature]*
Tennessee Certificate No. 06177206



06177206
10/30/2006 11:35 AM
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OF FEE 2.00
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TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

This outline plan conforms with the planned development acted on by the Memphis and Shelby County Land Use Control Board on August 10, 2006. Approved by the Memphis City Council on October 3, 2006.

By: *[Signature]* Date: 10/30/06
Director, Office of Planning and Development

The Reaves Firm
INCORPORATED
Planning
Engineering
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Land Surveying
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Phone: 901.763.2016 Fax: 901.763.2047
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OUTLINE PLAN P.D. 06-313
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SHEET 4 OF 4



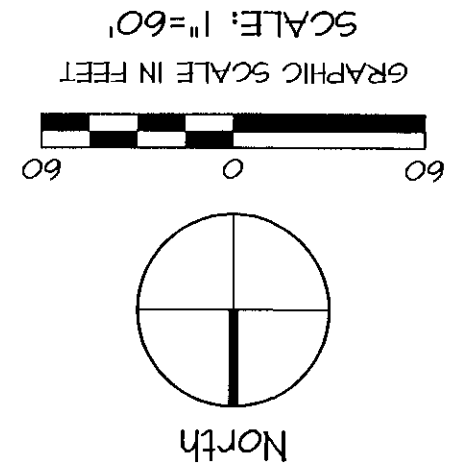
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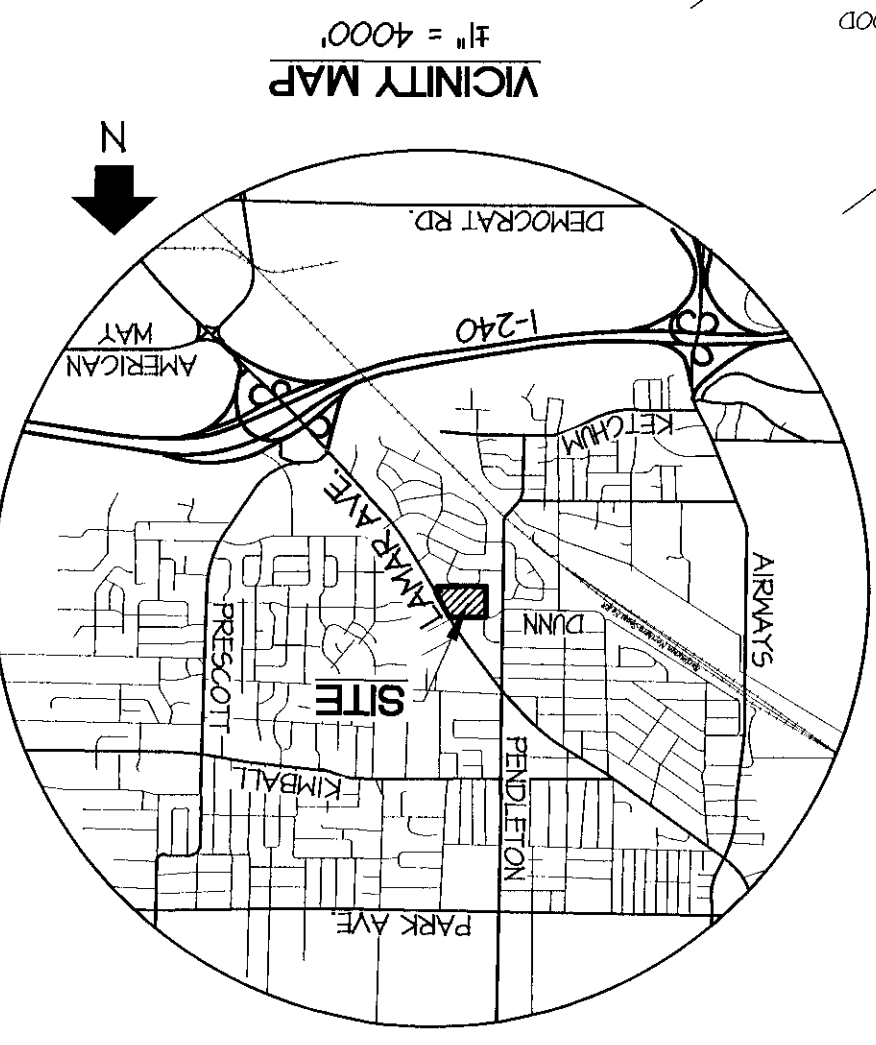
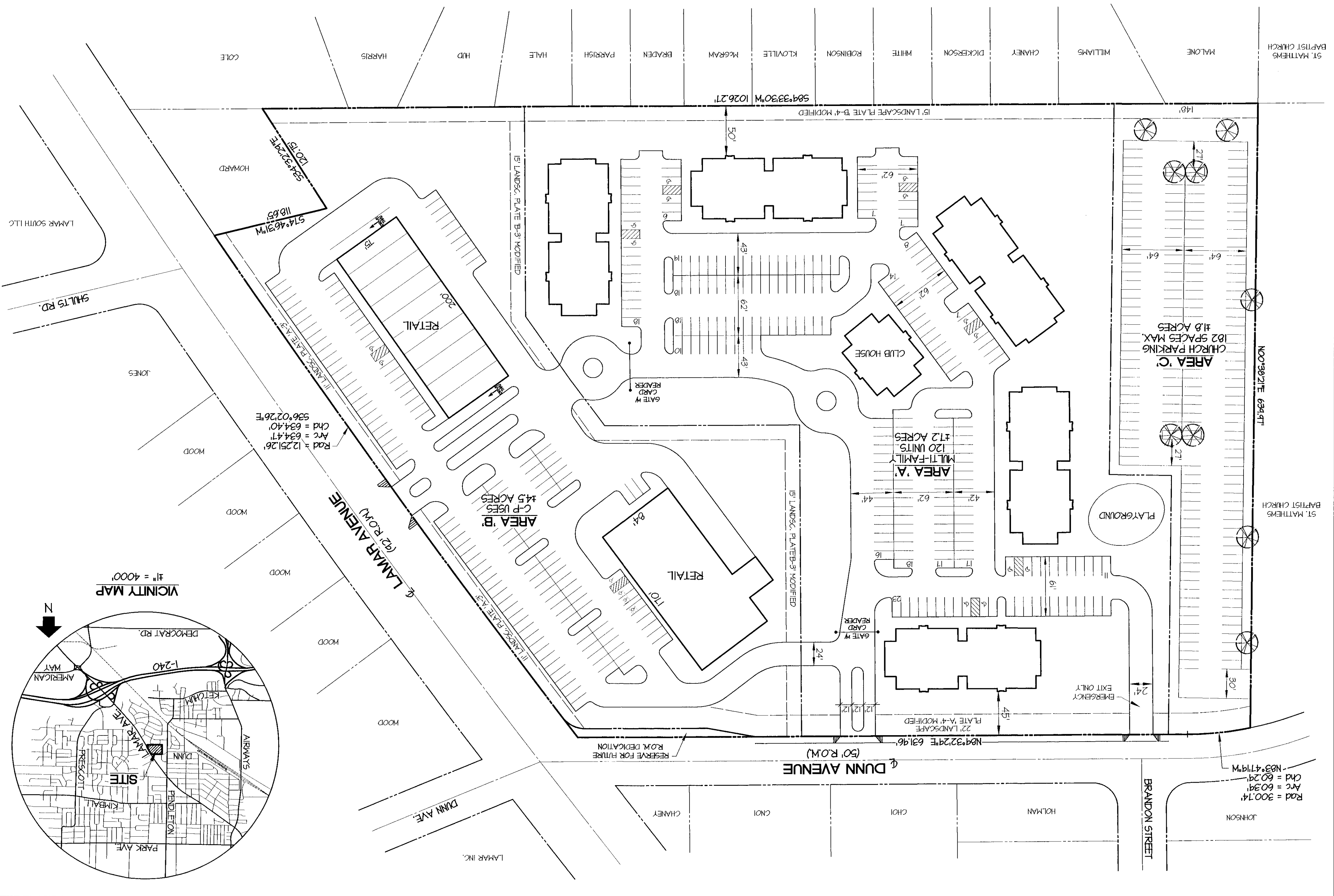
The Firm
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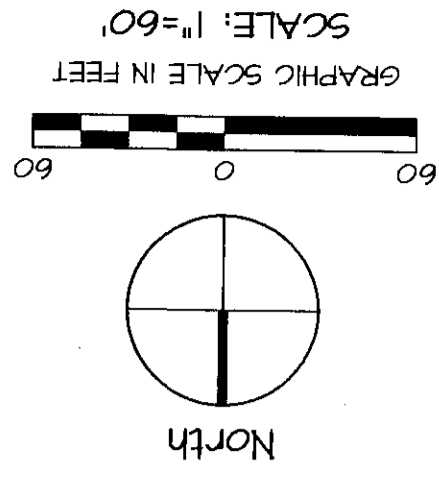
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 LIT. #6280-617206
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"NO BUILDING PERMIT SHALL BE ISSUED AS A RESULT OF THE RECORDING OF THIS PLAT"

CONCEPTUAL SITE PLAN



OUTLINE PLAN
 LAMAR CROSSING P.D.
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 DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
 MEMPHIS, TENNESSEE
 OCTOBER, 2006

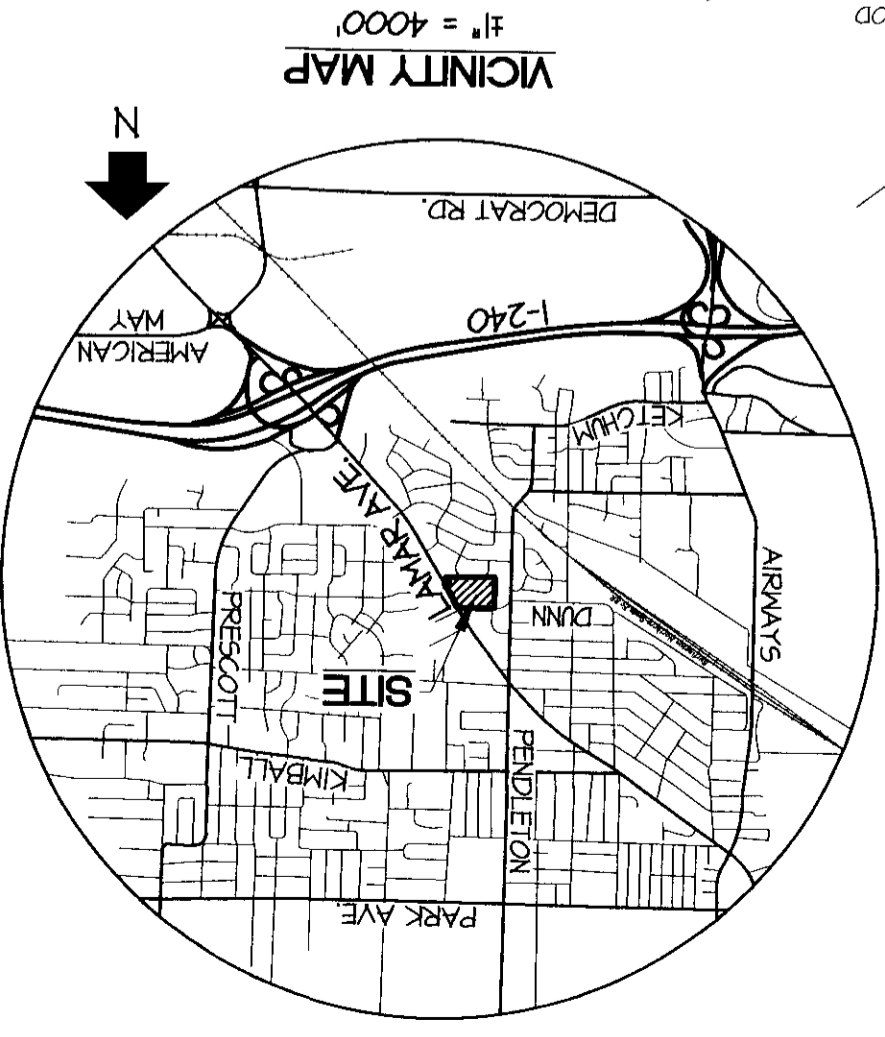
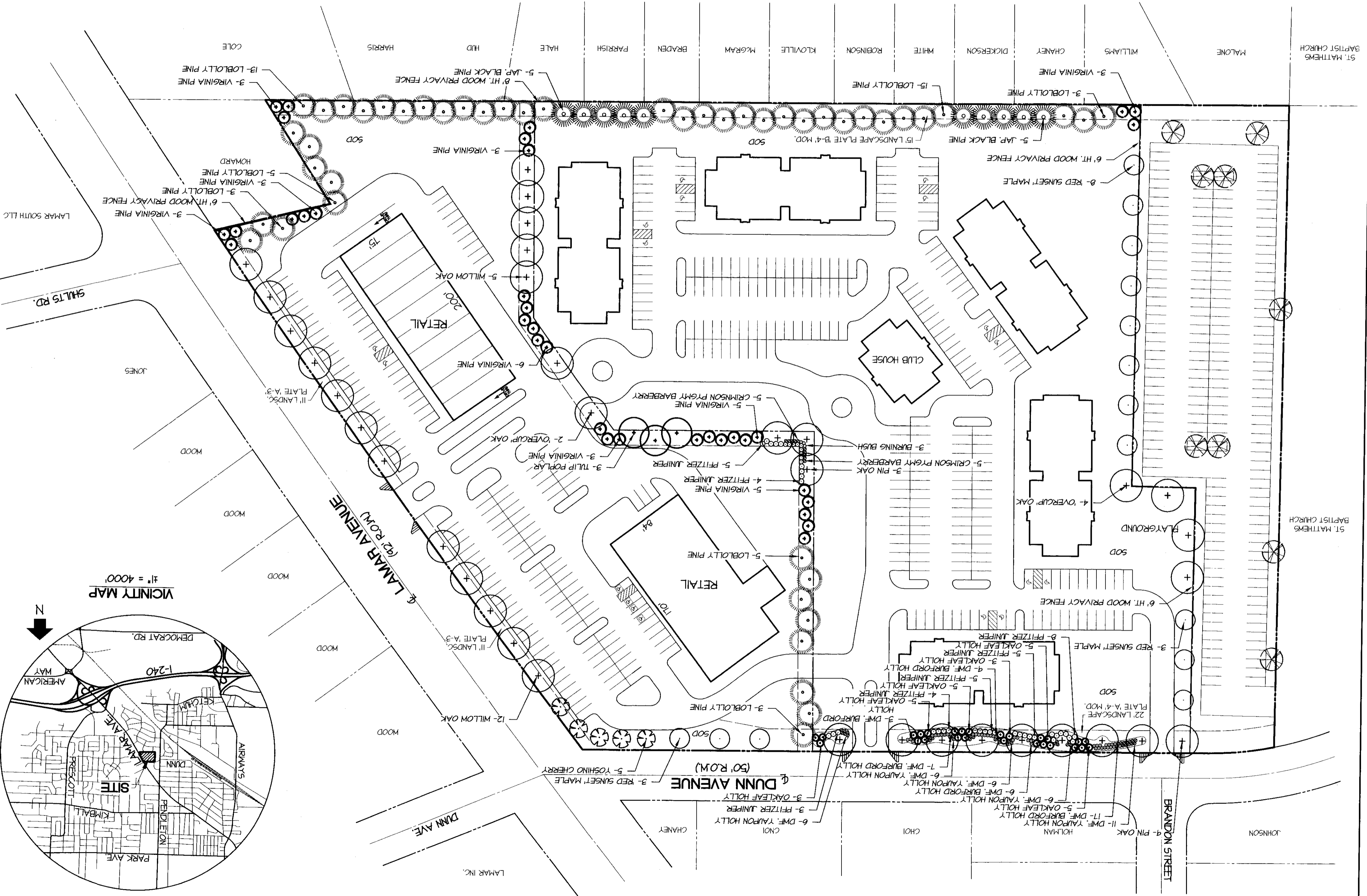


REGISTER OF DEEDS SHERIFF COUNTY TENNESSEE

TOTAL AMOUNT	17.00
RECORDING FEE	2.00
PLAT BOOK : 229	
PAGE : 39	
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4 PGS : 8 - PLAN	
LIT 445262-6177206	
TOM LEATHERWOOD	

NO BUILDING PERMIT SHALL BE ISSUED AS A RESULT OF THE RECORDING OF THIS PLAT

LANDSCAPE PLAN



DATE: 10/23/06 11:32 AM

I. Uses Permitted:

- A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
- B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

II. Bulk Regulations:

- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40) feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50) feet.
- B. Dedicate a thirty (30) foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
- C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
- D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22) feet, exclusive of curb and gutter.
- E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A'. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8) feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

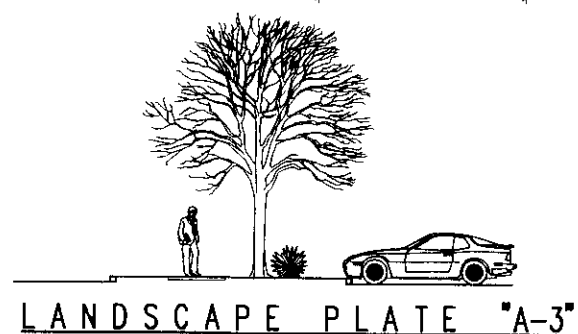
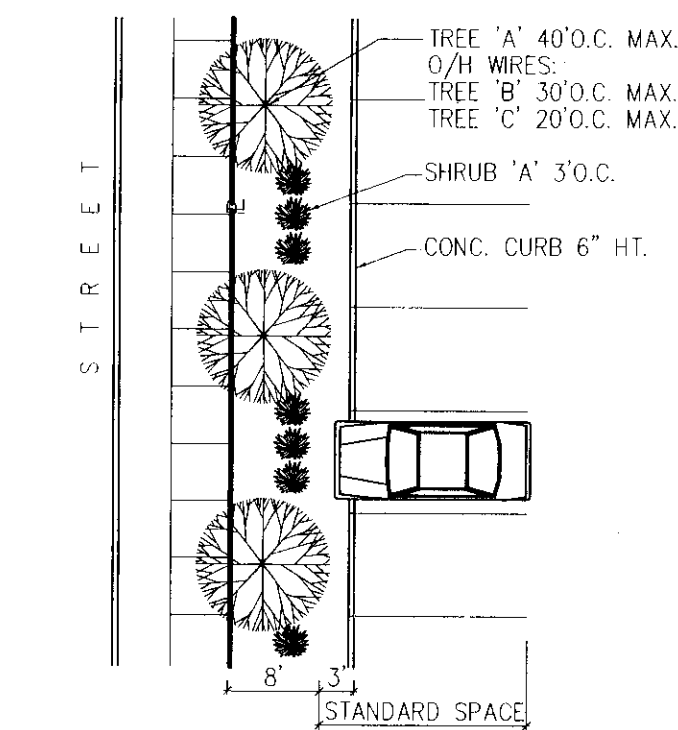
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/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.

" NO BUILDING PERMIT SHALL BE
ISSUED AS A RESULT OF THE
RECORDING OF THIS PLAT "

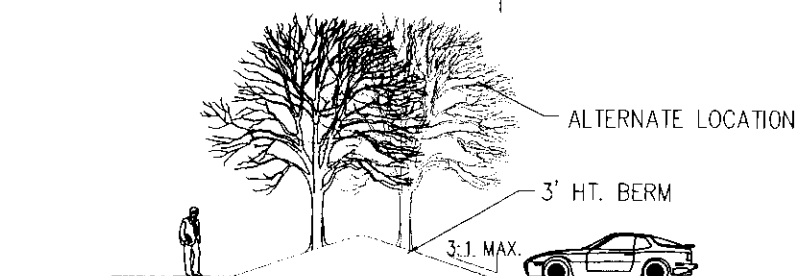
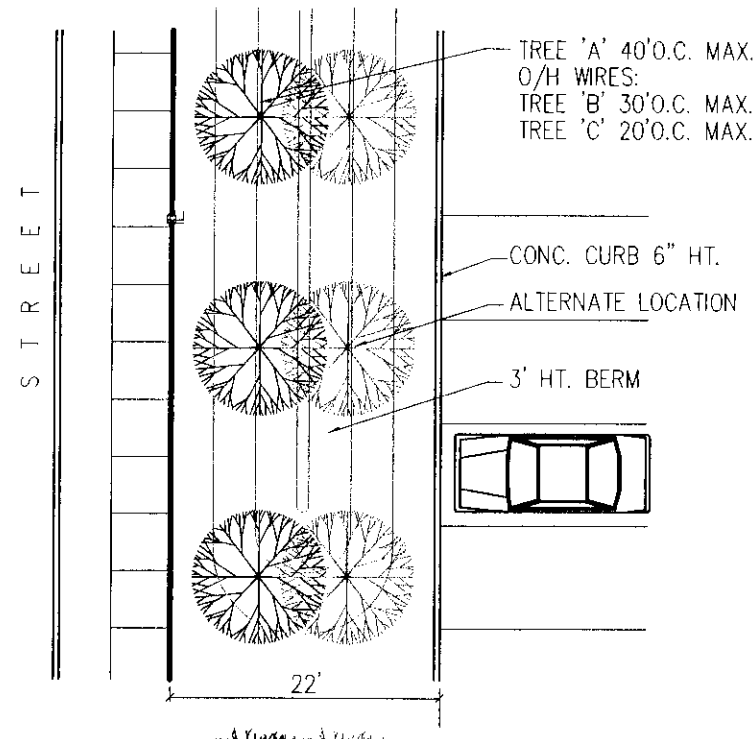
06177206
10/30/2006 - 11:35 AM
4 PGS : R - PLAT
LIS 445260-6177206
PLAT BOOK : 229
PAGE : 39
RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHREVEPORT, TENNESSEE



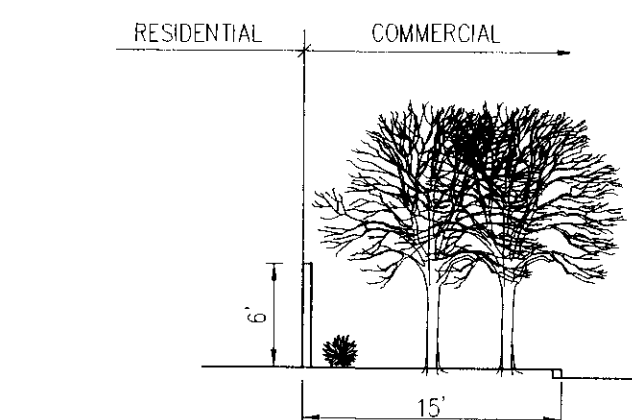
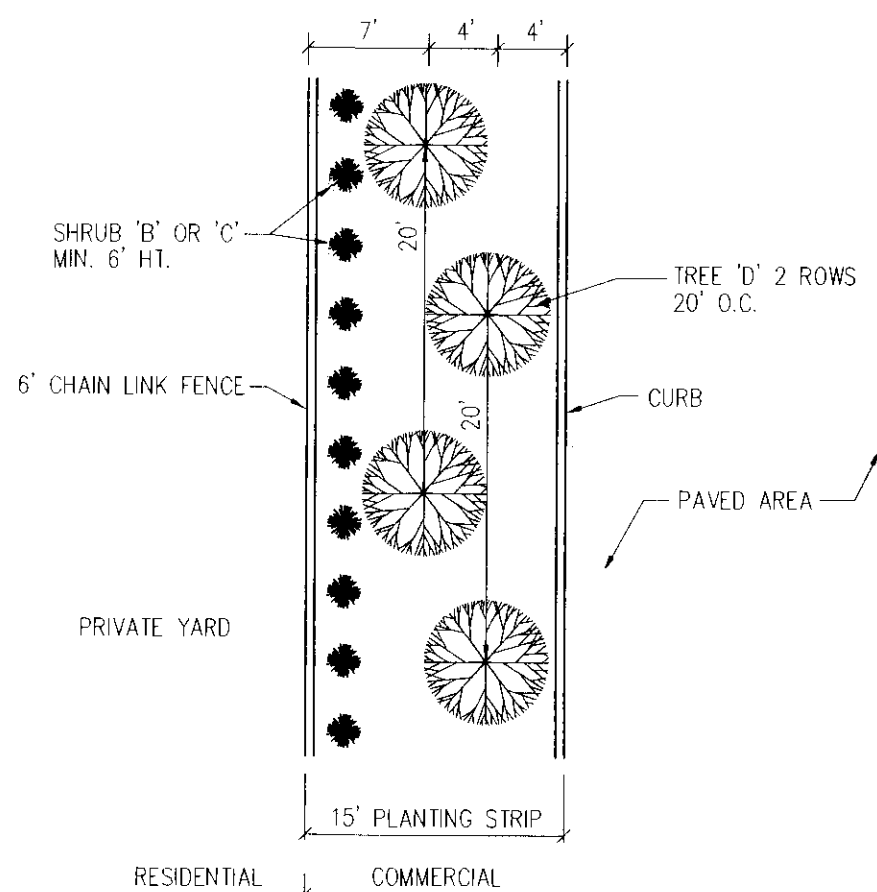
OUTLINE PLAN P.D. 06-313
LAMAR CROSSING P.D.
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
13.5 ACRES ON LAMAR AVENUE
MEMPHIS, TENNESSEE
OCTOBER, 2006 SHEET 3 OF 4



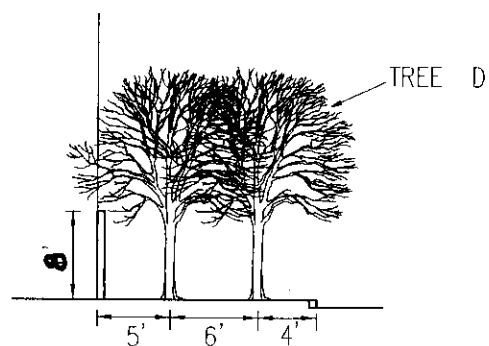
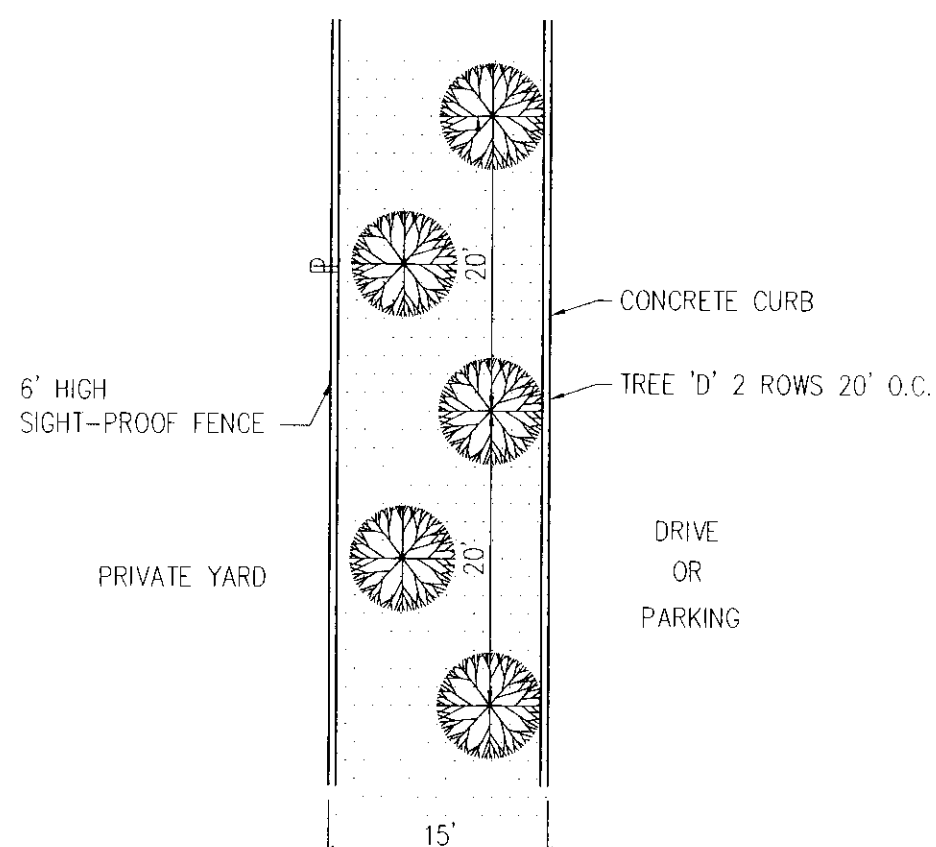
LANDSCAPE PLATE "A-3"



LANDSCAPE PLATE "A-4"



LANDSCAPE PLATE "B-3"



LANDSCAPE PLATE "B-4"

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

This outline plan conforms with the planned development acted on by the Memphis and Shelby County Land Use Control Board on August 10, 2006. Approved by the Memphis City Council on October 3, 2006.

By: Mary D. Baker Date: 10/30/06
Director, Office of Planning and Development

OWNER'S CERTIFICATE

I, Horizon Holding Company, LLC, the undersigned owner(s) of the property shown, hereby adopt this plat as my/our plan of development. We certify that we are the owner(s) of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

[Signature]
Signature

NOTARY'S CERTIFICATE

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared PRESTON BYRD with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be CHIEF MANAGER of the HORIZON HOLDING COMPANY LLC the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 30th day of OCTOBER, 2006.

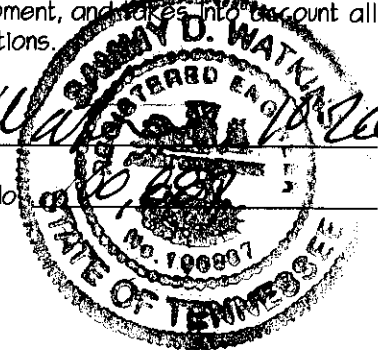
Notary Public [Signature]
My Commission Expires NOV 01 2008



ENGINEER'S CERTIFICATE

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and that it takes into account all applicable federal, state and local building laws and regulations.

By: [Signature]
Tennessee Certificate No. 06177206



06177206
10/30/2006 11:35 AM
PLAT BOOK : 229
PAGE : 39
RECORDING FEE 15.00
OF FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

The Reaves Firm INCORPORATED
Planning Engineering Landscape Architecture Land Surveying
5118 Park Avenue, Suite 400 Memphis, TN 38117
Phone: 901.761.2016 Fax: 901.763.2847
www.ReavesFirm.com

OUTLINE PLAN P.D. 06-313
LAMAR CROSSING P.D.
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
13.5 ACRES ON LAMAR AVENUE
MEMPHIS, TENNESSEE
OCTOBER, 2006
SHEET 4 OF 4



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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

20026259

03/11/2020 - 09:30:30 AM

3 PGS

LACY 1992319-20026259

VALUE	140000.00
MORTGAGE TAX	0.00
TRANSFER TAX	518.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	538.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

PREPARED BY: Home Surety Title & Escrow, LLC, 5583 Murray Road, Suite 120, Memphis, TN 38119, (901) 737-2100, File No.: 201281

WARRANTY DEED

THIS INDENTURE, made and entered as of this the 28th day of February, 2020 by and between:

Sherman Cole and Thomas L. Cole, an undivided 1/2 interest each as tenants in common, party of the first part, and Lamar Inc., a Tennessee corporation, party of the second part,

For and in consideration of One Hundred Forty Thousand and 00/100 Dollars (\$140,000.00), cash in hand paid by the party of the second part, hereinafter called GRANTEES, and other good and valuable considerations, the receipt of which is hereby acknowledged, the party of the first part, hereinafter called the GRANTORS, have bargained and sold, and by these presents do transfer and convey unto the GRANTEES, their heirs and assigns, a certain tract or parcel of land of Shelby County State of Tennessee, described as follows, to-wit:

COMMENCING AT A SET 1/2" REBAR (WITH ID CAP STAMPED "REAVES FIRM" AND TYPICAL OF ALL REBAR REFERRED TO HEREIN AS SET) AT INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DUNN AVENUE (50' PUBLIC R.O.W.) AND LAMAR AVENUE (US HIGHWAY 78) (92' PUBLIC R.O.W); THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 12,251.26 FEET AND AN ARC LENGTH OF 302.00 FEET (CHORD S36 DEGREES 49'04" E - 301.99 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 12,251.26 FEET AND AN ARC LENGTH OF 332.47 FEET (CHORD S35 DEGREES 20'03"E - 332.46 FEET) TO A FOUND CHISEL MARK AT THE NORTHEAST CORNER OF THE JAMES E. AND MARTHA HOWARD PROPERTY (INSTRUMENT NUMBER T9-1366); THENCE WITH THE NORTH LINE OF SAID HOWARD PROPERTY, S74 DEGREES 46'31" W A DISTANCE OF 118.65 FEET TO A FOUND IRON PIN; THENCE WITH THE WEST LINE OF SAID HOWARD PROPERTY, S34 DEGREES 32'29" E A DISTANCE OF 120.75 FEET TO A SET 1/2" REBAR IN THE NORTH LINE OF THE SHERMAN E. AND WILLIE JOE COLE PROPERTY (INSTRUMENT NUMBER JZ-7035); THENCE WITH THE NORTH LINE OF SAID COLE PROPERTY AND THE NORTH LINE OF SECTION "B" OF FAIRLAWN SUBDIVISION (PLAT BOOK 17, PAGE 15) S89 DEGREES 33'30"W A DISTANCE OF 271.10 FEET TO A POINT; THENCE N 0 DEGREES 27'31"W LEAVING SAID NORTH LINE A DISTANCE OF 212.59 FEET TO A POINT; THENCE N36 DEGREES 06'42"W A DISTANCE OF 80.00 FEET TO A POINT ON THE SOUTH LINE OF THE ALDI INC. (TENNESSEE) PROPERTY (INSTRUMENT 06177789); THENCE N53 DEGREES 53'18"E ALONG SAID SOUTH LINE A DISTANCE OF 215.00 FEET TO THE POINT OF BEGINNING,

Being the same property conveyed to Sherman Cole and Thomas L Cole, an undivided one half interest each as tenants in common herein by Warranty Deed filed for record November 20, 2014 at Instrument Number 14118269 as shown in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to:

2020 City of Memphis and 2020 Shelby County taxes, liens, not yet due and payable.

Subdivision Restrictions, Building Lines and Easements of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 24; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

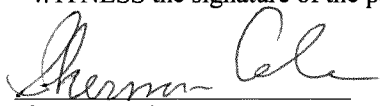
Easements recorded at Instruments E6 6980, T2 1290, 07010137, 12057432 and 15024820; and Book 2031, Page 191; Book 3027, Page 37; Book 3783, Page 633; Book 3799, Page 592; Book 3799, Page 594; and Book 5084, Page 100 as shown in the Register's Office of Shelby County, Tennessee.

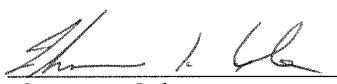
Outline Plan of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 34; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

This document was prepared from information furnished by the parties herein for which the preparer assumes no responsibility.

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


Sherman Cole


Thomas L. Cole

20-00073

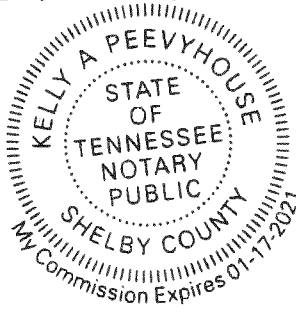
State of Tennessee

County of Shelby

Personally appeared before me, the undersigned Notary Public in and for said State and County, Sherman Cole and Thomas L. Cole, the within bargainer(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

WITNESS my hand and seal this 28th day of February, 2020.

Kelly A. Peevyhouse
Notary Public
My Commission Expires:



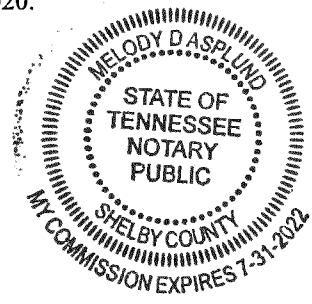
State of: Tennessee
County of: Shelby

I, or we, hereby swear or affirm that, to the best of Affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$140,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

Debra L. Keen
Affiant

Subscribed and sworn to before me this the 3 day of March ~~February~~ 2020.

Melody Dasplund
Notary Public
My Commission Expires:

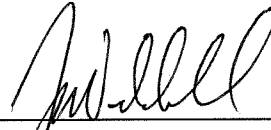


Property Owner & Address:
& Mail Tax Bills To:
Lamar Inc.
837 Avenue Z
Brooklyn, NY 11235

Tax ID No.: 059021 00051
Property Address
0 Lamar Ave. AKA 2899 Lamar
Memphis, TN 38114

After recording, return to:

I, J. Seth Waddell, 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.

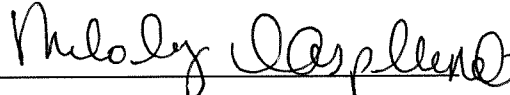


J. Seth Waddell

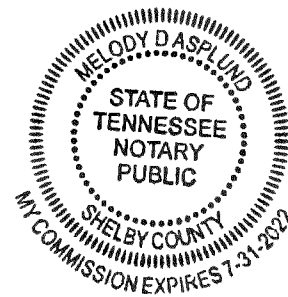
State of Tennessee

County of Shelby

Personally appeared before me, Melody D. Asplund, a notary public for this county and state, J. Seth Waddell, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.



Notary's Signature



GARCIA JOSE A
2903 MONTAGUE AVE #
MEMPHIS TN 38114

THOMAS JUANDA J
2821 REDBUD CL #
MEMPHIS TN 38114

SHELBY COUNTY TAX SALE 17.02
PO BOX 2751 #
MEMPHIS TN 38101

ROBINSON LINDA
2832 N REDBUD CIR #
MEMPHIS TN 38114

MYERS MATTIE
5075 ROYSTON LN #
MEMPHIS TN 38125

JAMERSON CLARA
2854 FLORA AVE #
MEMPHIS TN 38114

WILLIAMS JANICE
2826 N REDBUD CIR #
MEMPHIS TN 38114

EVANS LILLIE G
2833 REDBUD CL #
MEMPHIS TN 38114

PAYNE HORTON R & FLORA E
2718 KIMBALL AVE #
MEMPHIS TN 38114

WHITE GWENDOLYN Y
2820 N REDBUD CIR #
MEMPHIS TN 38114

FUNDERBURG WILLIAM B & ZOLA C
2839 REDBUD CL #
MEMPHIS TN 38114

TAO JENKANG
22 CHESTNUT PL #
BROOKLINE MA 2445

HANEY JAMES C
3617 PHILSDALE AVE #
MEMPHIS TN 38111

CLARK AND LANGE LLC
4745 POPLAR AVE #
MEMPHIS TN 38117

HIATT HAROLD AND TAMMY HIATT
385 KNOCO CV #
EADS TN 38028

ALDI INC
PO BOX 460049 #
HOUSTON TX 77056

THOMAS WILLIE E AND MARY THOMAS (RS)
2851 N REDBUD CIR #
MEMPHIS TN 38114

HIATT HAROLD & TAMMY
385 KNOCO CV #
EADS TN 38028

LAMAR INC
837 AVENUE Z #
BROOKLYN NY 11235

MAYS JOHNNIE (LE) AND SHEILA MAYS AND
2857 N REDBUD CIR #
MEMPHIS TN 38114

BROAD ST LLC
2595 BROAD AVE #
MEMPHIS TN 38112

HEALTH EDUCATIONAL AND HOUSING FACILITY
65 UNION AVE #
MEMPHIS TN 38103

WILLIAMS EVERLINA
2865 REDBUD CIR #
MEMPHIS TN 38114

REALTY INCOME PROPERTIES 30 LLC
11995 EL CAMINO REAL #
SAN DIEGO CA 92130

PRUITT DORIS H
2067 REDBUD CIR #
MEMPHIS TN 38114

MEMPHIS CITY OF L G & W
220 S MAIN ST #
MEMPHIS TN 38103

MOSS HERBERT W & PATRICIA T
2073 REDBUD ST #
MEMPHIS TN 38114

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

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

June 13, 2024

Delinor Smith, Smith Building Design

Sent via electronic mail to: dsmith920@comcast.net

Lamar Crossing Planned Development Amendment – Self Storage
Case Number: PD 2024-004
LUCB Recommendation: Rejection

Dear applicant,

On Thursday, June 13, 2024, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your planned development amendment application for the Lamar Crossing Planned Development.

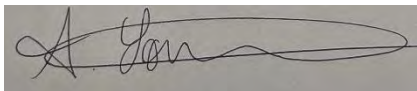
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



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

Letter to Applicant
PD 24-004

Cc:

File

Letter to Applicant

PD 24-004

Outline Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~bold-strikethrough~~

Lamar Crossing Planned Development
P.D. 06-313
Outline Plan Conditions

I. Uses Permitted:

- A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
- B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. **Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2 (CMU-2) and the following use shall be permitted:**
 - a. **Mini storage**

~~D~~ **D** Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

II. Bulk Regulations:

- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
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- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.
- D. **Area 'B-1': The bulk regulations of the CMU-2 District shall apply.**

Letter to Applicant
PD 24-004

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
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- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

Letter to Applicant
PD 24-004

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

Letter to Applicant
PD 24-004

VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan.
The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as building site or filled without first obtaining written permission from the City or County Engineer, as applicable. 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/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.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 9/10/2024

DATE

PUBLIC SESSION: 9/24/2024

DATE

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 3419 American Way, known as case number PD 2024-009

CASE NUMBER: PD 2024-009

DEVELOPMENT: RaceTrac Planned Development

LOCATION: 3419 American Way

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

OWNER/APPLICANT: Sam Patel, Daniel Brown

REPRESENTATIVE: Dedrick Brittenum

REQUEST: Planned Development to allow a RaceTrac travel center

AREA: +/-2.8 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – September 24, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
08/08/2024 _____	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>Chloe Christian</u>	<u>8/30/24</u>	PLANNER I
		DEPUTY ADMINISTRATOR
<u>Brett Regalado</u>	<u>08/30/24</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2024-009

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3419 AMERICAN WAY, KNOWN AS CASE NUMBER PD 2024-009

- This item is a resolution with conditions to allow a RaceTrac Travel Center; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: PD 2024-009

DEVELOPMENT: RaceTrac Planned Development

LOCATION: 3419 American Way

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

OWNER/APPLICANT: Sam Patel / Daniel Brown

REPRESENTATIVE: Dedrick Brittenum

REQUEST: Planned Development to allow a RaceTrac travel center

EXISTING ZONING: Commercial Mixed-Use -1 (CMU-1) and Commercial Mixed-Use -3 (CMU-3)

AREA: +/-2.8 acres

The following spoke in support of the application: Dedrick Brittenum and Kelly Harrington

The following spoke in opposition the application: Robin Brooks and Mary McLord

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

The motion passed by a unanimous vote of 9-0.

Respectfully,



Chloe Christion
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

**PD 2024-009
CONDITIONS**

Outline Plan Conditions

I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
 - 1. Truck Stop, Tractor Trailer (fueling of with no on-site bathing options, no on-site lodging facilities, nor overnight parking of Tractor Trailers.).
- B. The following uses are not allowed:
 - 1. Tattoo, palmist, psychic, or medium
 - 2. Hourly Rate Hotel or Motels

II. Bulk Regulations:

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
 - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
 - 2. Canopy can be setback greater than 20' from the property line.
 - 3. The convenience store canopy cannot exceed 20 feet in height. The diesel fuel pumps canopy cannot exceed 25 feet in height.

III. Access, Circulation and Parking:

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.
- G. A minimum of three EV Charging Stations shall be provided at the front or side of the convenience store building.
- H. A minimum of 6 bike spaces shall be provided.

IV. Landscaping and Screening:

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.

- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east near the residential zoning.
- D. Streetscaping Plate Type S-10 modified to 15 feet in width behind the existing curb-lined sidewalk shall be provided on both Lamar Avenue and American Way.
- E. A detailed landscaping plan shall be provided as a part of the Final Plat. The Division of Planning and Development may approve modifications administratively.

V. Signs:

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. The sign face area of any detached signs shall be regulated by Table I in UDC Item 4.9.7.D(2)(b).
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. No canopy signs are permitted.
- E. Landscaping at the base of any detached sign shall be provided at 2 times the size of the sign face.

VI. Outdoor Site Lighting:

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.
- B. A Photometric Lighting Analysis shall be required with a 0 foot candle intensity along the property line measuring 233.93 feet at the end of Venable Avenue.

VII. Drainage:

- A. 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.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

VIII. Building, Fuel Pumps Canopy, and Dumpster Enclosure Design

- A. A minimum 50% transparency shall be provided with the front-facing building elevation for the convenience store.
- B. A minimum 30% transparency shall be provided on the side building elevations of the convenience store.

- C. The support columns for the gas pumps canopy in front of the convenience store and the truck fueling canopy shall be covered in an exterior compatible with the exterior of the convenience store by using brick or stone cladding, or a combination thereof. Any fuel canopy shall be architecturally compatible with the convenience store building.
 - D. The dumpster location and enclosure shall meet the locational requirements in the Unified Development Code.
 - E. Striping is permitted on any fuel canopy.
 - F. All exterior building elevations, fuel pump island canopy elevations, dumpster enclosure elevations, and detached sign elevations shall be provided on the final plat including building materials and colors to be used.
- IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

X. Site Plan Review

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plat. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
 - B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
 - C. The site plan shall be reviewed and based upon the following criteria:
 - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
 - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
 - 4. Building elevations and materials.
- XI.** A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

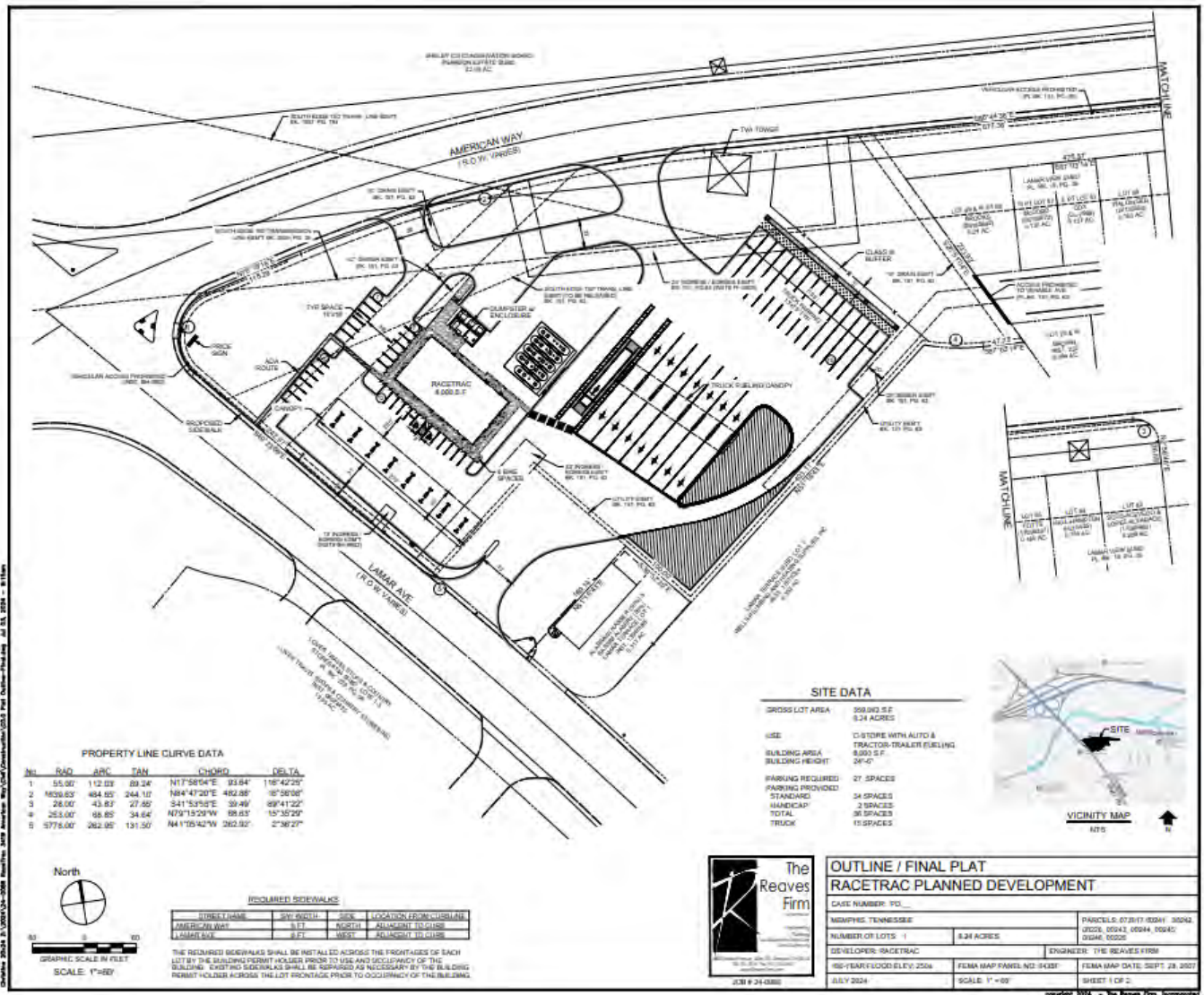
XII. Any final plat shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility

easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.

- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
- F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- I. 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.

OUTLINE PLAN



PROPERTY LINE CURVE DATA

NO.	RAD.	ARC	TAN	CHORD	DELTA
1	55.00	112.00	89.24	N17°58'04"E 93.84	18°42'25"
2	1839.83	484.00	244.10	N84°41'20"E 482.88	38°58'08"
3	281.00	43.87	27.80	S41°53'01"E 30.46	88°41'22"
4	253.00	68.85	34.64	N79°15'29"W 88.83	15°35'29"
5	1776.00	282.92	131.50	N41°25'42"W 282.92	2°38'27"

SITE DATA

GROSS LOT AREA	350,000 S.F.
	8.24 ACRES
USE	C-2 ZONE WITH AUTO & TRACTOR-TRAILER (E/EL) ZONING
BUILDING AREA	8,000 S.F.
BUILDING HEIGHT	26'-0"
PARKING REQUIRED	27 SPACES
PARKING PROVIDED	34 SPACES
HANDICAP	3 SPACES
TOTAL	36 SPACES
TRUCK	15 SPACES



GRAPHIC SCALE IN FEET
SCALE: 1"=80'

REQUIRED SIDEWALKS

STREET NAME	SW WIDTH	DIR.	LOCATION FROM CURBLINE
AMERICAN WAY	8 FT	NORTH	ADJACENT TO CURB
LAMAR AVE	8 FT	WEST	ADJACENT TO CURB

THE REQUIRED SIDEWALKS SHALL BE NOT ALLIED ACROSS THE FRONTSAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.



OUTLINE / FINAL PLAT			
RACETRAC PLANNED DEVELOPMENT			
CASE NUMBER:	PD	PARCELS:	072017 0204 0202
MEMPHIS, TENNESSEE		ZONES: 0204, 0204A, 0204C, 0204E, 0202	
NUMBER OF LOTS:	1	ACRES:	8.24 ACRES
DEVELOPER:	RACETRAC	ENGINEER:	THE REEVES FIRM
100-YEAR FLOOD ELEV:	250A	FEMA MAP PANEL NO:	84037
DATE:	JULY 2024	SCALE:	1"=80'
		FEMA MAP DATE:	SEPT. 28, 2022
			SHEET 1 OF 2

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RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3419 AMERICAN WAY, KNOWN AS CASE NUMBER PD 2024-009

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

WHEREAS, Dedrick Brittenum filed an application with the Memphis and Shelby County Division of Planning and Development to allow a RaceTrac Travel center; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on August 8, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

OUTLINE PLAN CONDITIONS

Outline Plan Conditions

I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
 - 1. Truck Stop, Tractor Trailer (fueling of with no on-site bathing options, no on-site lodging facilities, nor overnight parking of Tractor Trailers.).
- B. The following uses are not allowed:
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II. Bulk Regulations:

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- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
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- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.
- G. A minimum of three EV Charging Stations shall be provided at the front or side of the convenience store building.
- H. A minimum of 6 bike spaces shall be provided.

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- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.
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- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
 - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
 - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
 - 4. Building elevations and materials.

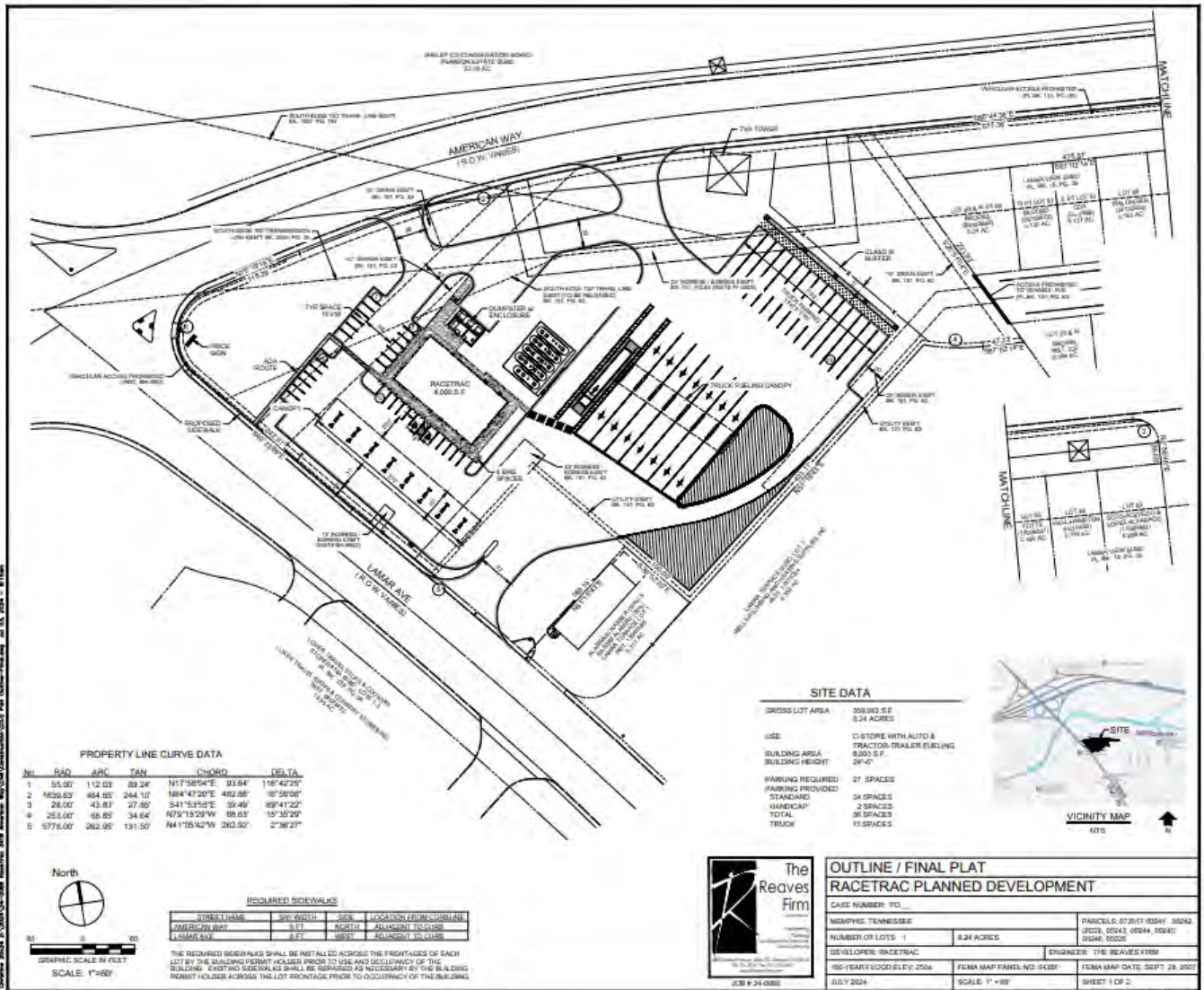
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- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
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OUTLINE PLAN



ATTEST:

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

AGENDA ITEM: 8 **L.U.C.B. MEETING:** August 8, 2024
CASE NUMBER: PD 2024-009
DEVELOPMENT: RaceTrac Travel Center Planned Development
LOCATION: 3419 American Way
COUNCIL DISTRICT: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Sam Patel, Daniel Brown
REPRESENTATIVE: Dedrick Brittenum
REQUEST: Planned Development to allow a truck stop
EXISTING ZONING: Commercial Mixed-Use – 3 (CMU-3) and Commercial Mixed-Use – 1 (CMU-1)

CONCLUSIONS

1. The request is a +/- 2.8 acre planned development to allow a RaceTrac Travel Center. The facility will contain a convenience store with fuel pumps for motorized vehicles including tractor trailers. No overnight amenities or bathing options will be provided on site.
2. The project will require the demolition of the existing Garden Inn Hotel to allow for the convenience store, two fueling canopies for trucks and standard cars, and enclosed dumpster. There are two curb cuts to be installed along American Way, and one curb cut to be installed along Lamar Avenue subject to City Engineering approval.
3. 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.

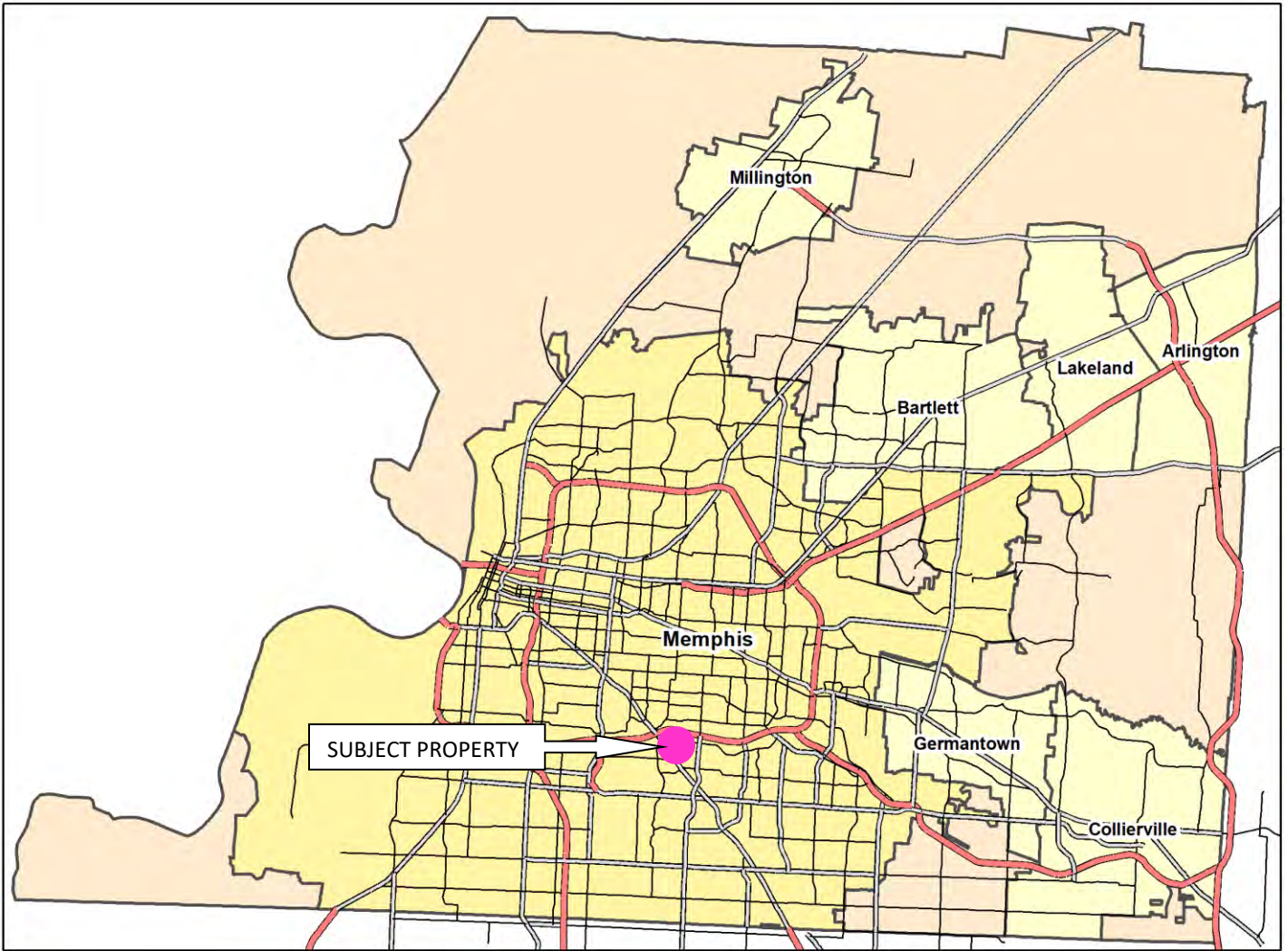
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 25-26 of this report.

RECOMMENDATION:

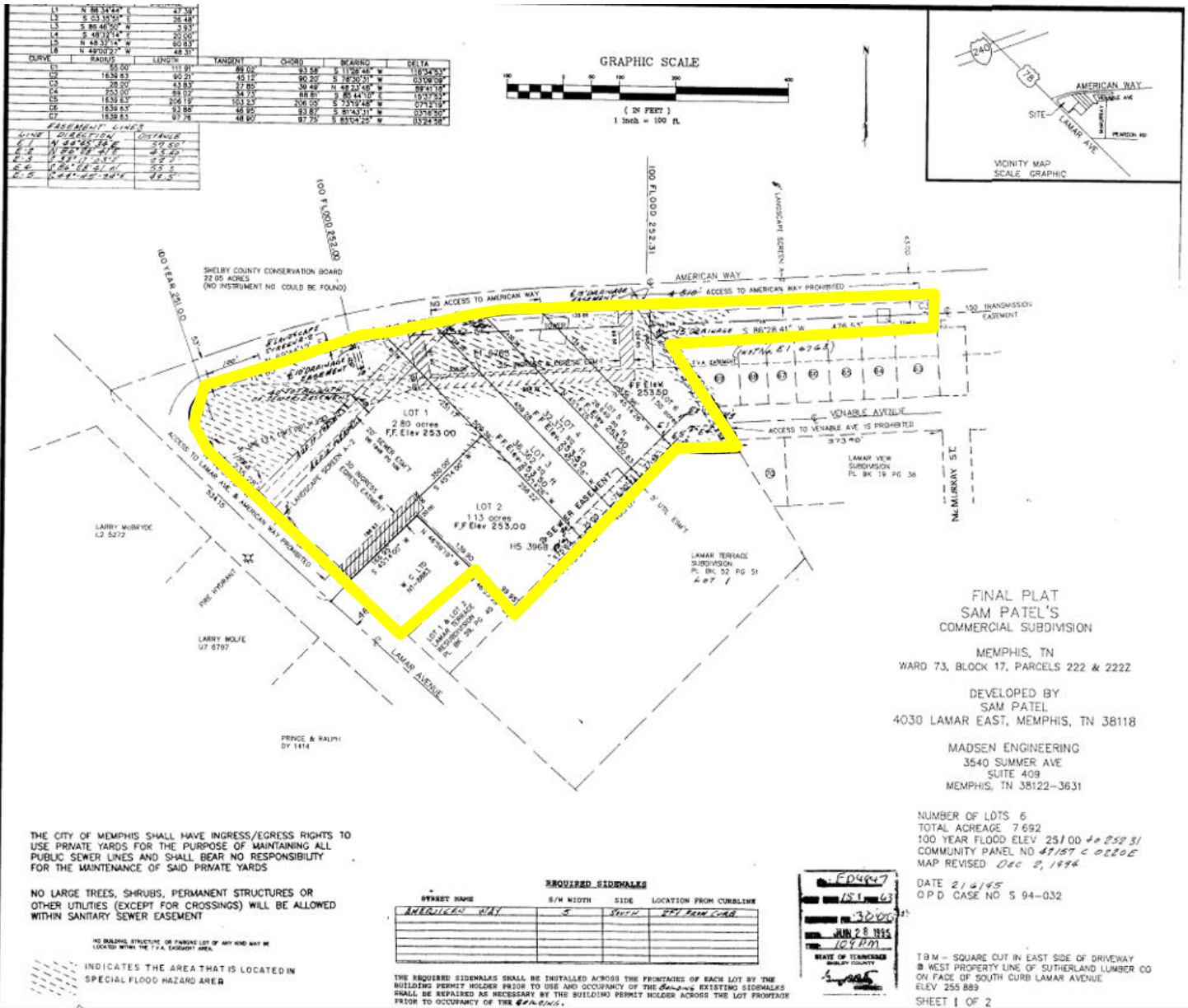
Approval with conditions

LOCATION MAP



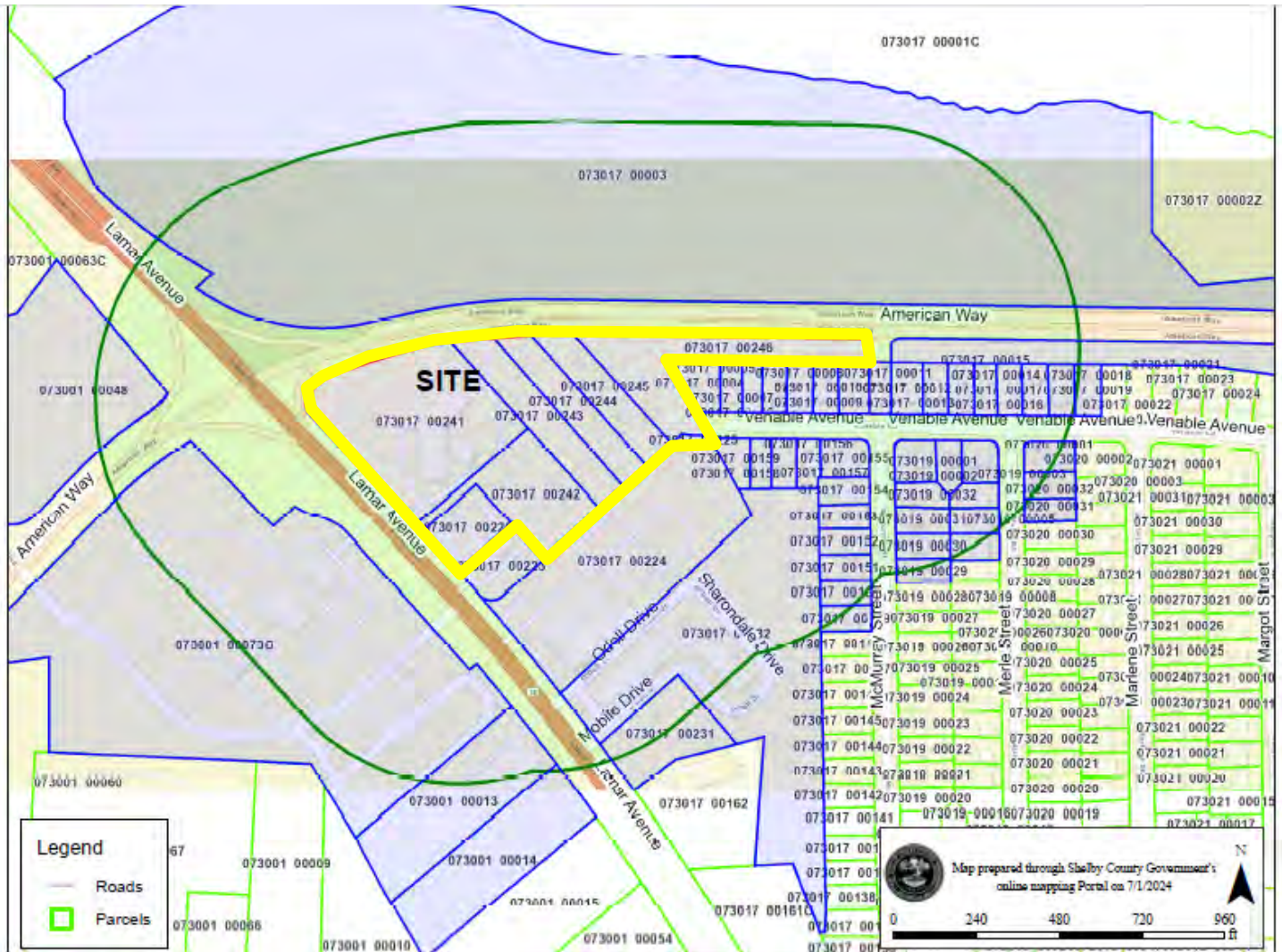
Subject property located within the pink circle

SAM PATEL'S COMMERCIAL SUBDIVISION



Subject property highlighted in yellow.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 57 notices were mailed on July 11, 2024, see page 27 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see page 34 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, July 23, 2024 at American Way Middle School, 3805 American Way.

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property highlighted in yellow

FEMA MAP

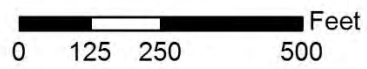











Subject property outlined in yellow

LAND USE MAP



LandUse



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



Subject property indicated by a pink star and outlined in yellow.

SITE PHOTOS



View of subject property from American Way looking south.



View of subject property from the parking lot.

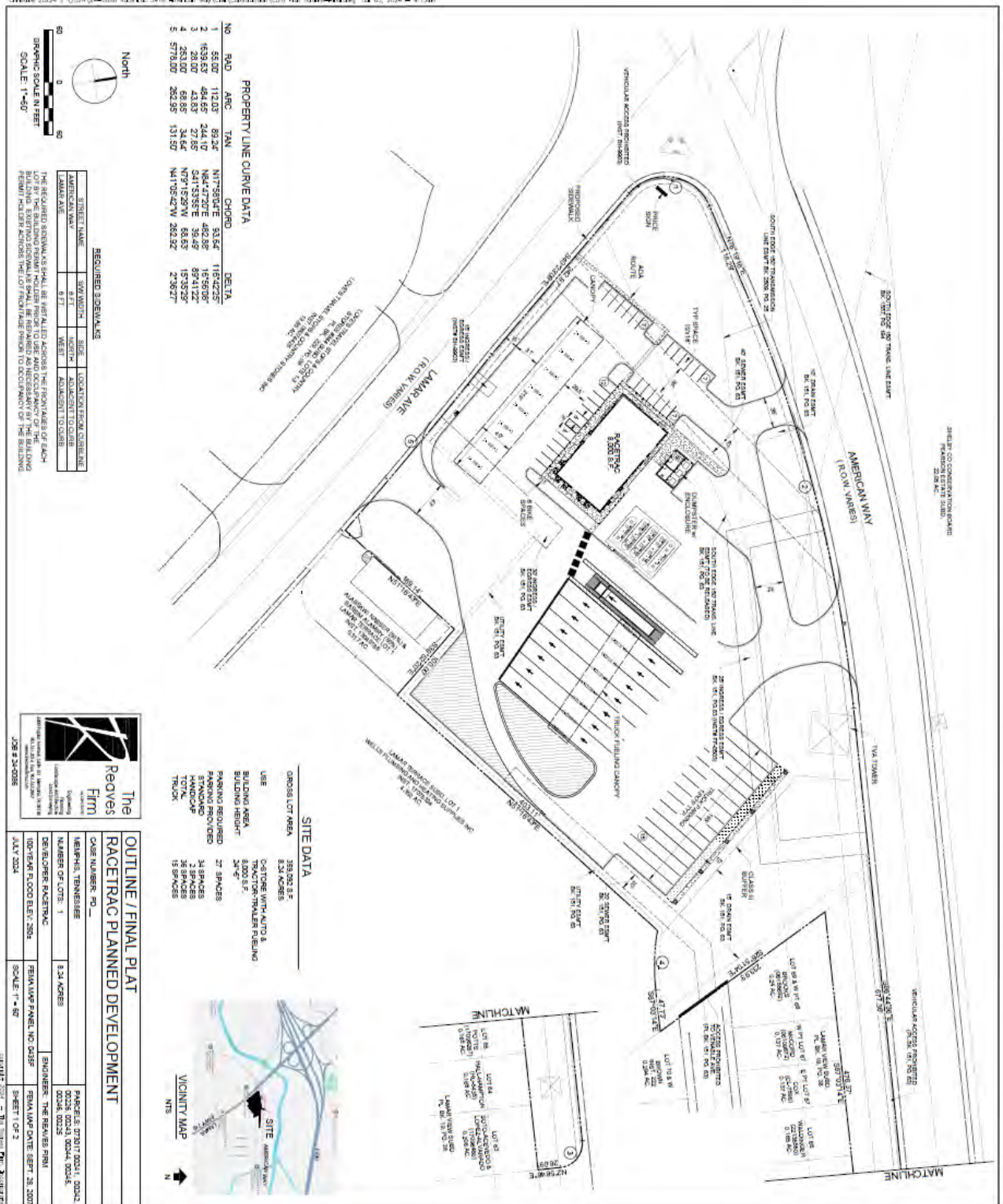


View of subject property from the parking lot



View of subject property from Lamar Avenue looking north

OUTLINE PLAN



1 FRONT ELEVATION

FRONT ELEVATION	
NO. OF WINDOWS	1
NO. OF DOORS	1
NO. OF SIGNAGE	1
NO. OF LIGHT FIXTURES	1
NO. OF VENTILATORS	1
NO. OF AIR CONDITIONERS	1
NO. OF OTHER FEATURES	1
TOTAL NO. OF FEATURES	6

2 REAR ELEVATION

REAR ELEVATION	
NO. OF WINDOWS	1
NO. OF DOORS	1
NO. OF SIGNAGE	1
NO. OF LIGHT FIXTURES	1
NO. OF VENTILATORS	1
NO. OF AIR CONDITIONERS	1
NO. OF OTHER FEATURES	1
TOTAL NO. OF FEATURES	6

3 LEFT ELEVATION

LEFT ELEVATION	
NO. OF WINDOWS	1
NO. OF DOORS	1
NO. OF SIGNAGE	1
NO. OF LIGHT FIXTURES	1
NO. OF VENTILATORS	1
NO. OF AIR CONDITIONERS	1
NO. OF OTHER FEATURES	1
TOTAL NO. OF FEATURES	6

4 RIGHT ELEVATION

RIGHT ELEVATION	
NO. OF WINDOWS	1
NO. OF DOORS	1
NO. OF SIGNAGE	1
NO. OF LIGHT FIXTURES	1
NO. OF VENTILATORS	1
NO. OF AIR CONDITIONERS	1
NO. OF OTHER FEATURES	1
TOTAL NO. OF FEATURES	6

EXTENSION MATERIAL SCHEDULE

NO.	DESCRIPTION	EXTENSION
1	CONCRETE	CONCRETE
2	BRICK	BRICK
3	GLASS	GLASS
4	ALUMINUM	ALUMINUM
5	STEEL	STEEL
6	WOOD	WOOD
7	ROOFING	ROOFING
8	MECHANICAL	MECHANICAL
9	ELECTRICAL	ELECTRICAL
10	PAINT	PAINT
11	LANDSCAPE	LANDSCAPE
12	OTHER	OTHER

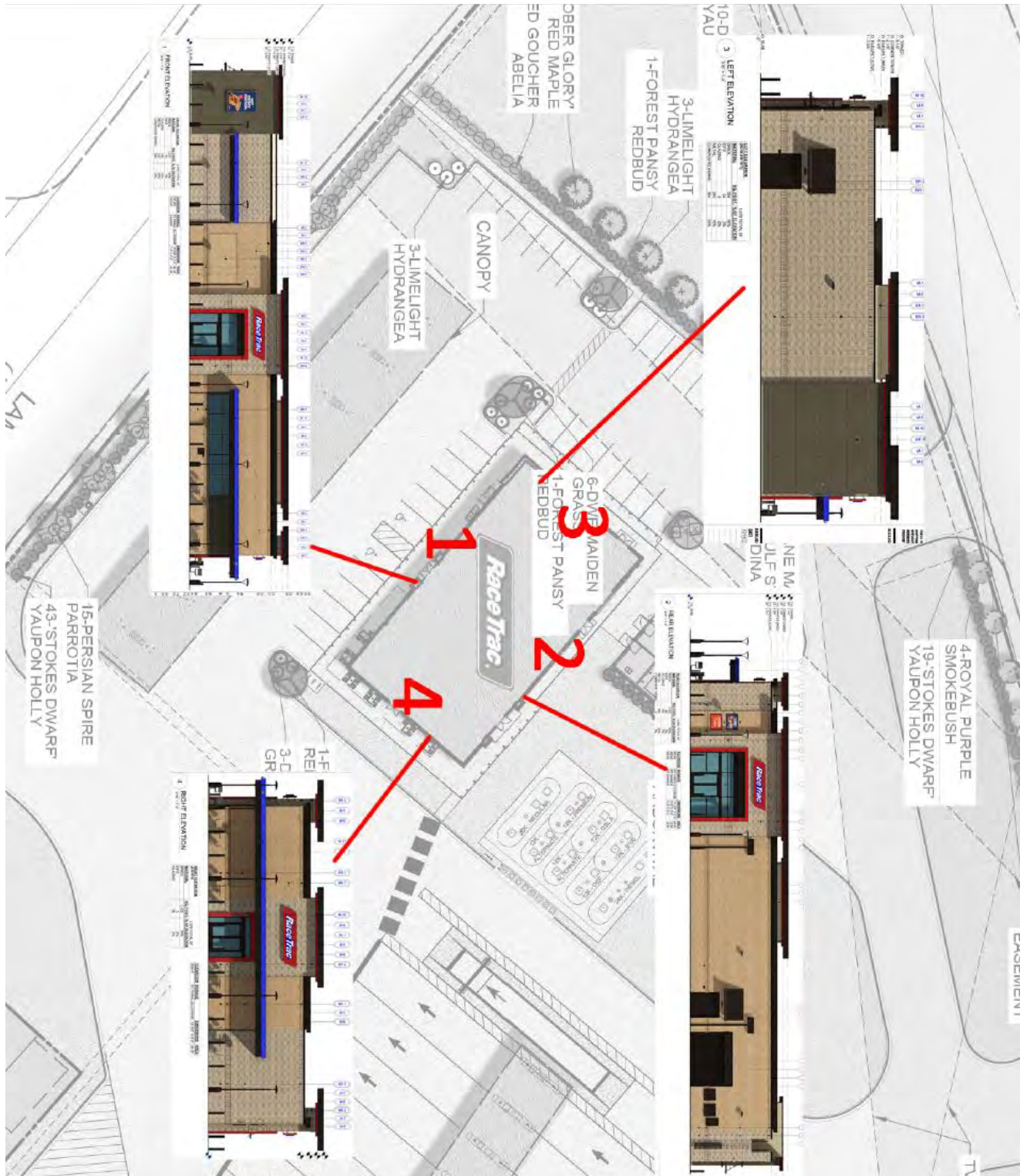
PROJECT INFORMATION

RaceTrac
 200 S. MAIN STREET
 ANYTOWN, CT 06000

PROJECT VALUE: \$1,000,000
CITY: ANYTOWN, CT
STATE: CT
ADDRESS: 200 S. MAIN STREET

DATE: 08/08/2024
PROJECT NUMBER: 300

ELEVATION MAP



CASE REVIEW

Request

The request is a mixed use planned development to allow a truck stop.

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of*

surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

Staff agrees the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. Screening*

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. Display of Merchandise*

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. Accessibility*

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. Landscaping*

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize

any adverse impact on adjoining low-rise buildings.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Details

Address:

3419 American Way

Parcel ID:

073017 00241

Area:

+/- 2.8 acres

Description:

The subject property is known as Lots 1 through 6 of Sam Patel's Commercial Subdivision (S 94-032) and has a zoning of Commercial Mixed-Use -1. Per the Assessor's website, the principal structure on Lot 1 was built in 1996 and has a square footage of 32,691. There is a sprinkling of mature trees along the eastern section of lot 6. The subject property has one street frontage along American Way and one along Lamar Avenue.

Concept Plan Review

The submitted plans indicate a RaceTrac Travel Center with fuel pumps and a convenience store situated at the southeast corner of Lamar Avenue and American Way. The project will require the demolition of the existing Garden Inn Hotel to allow for the convenience store, two fueling canopies for trucks and standard cars, and enclosed dumpster. There are two curb cuts to be installed along American Way, and one curb cut to be installed along Lamar Avenue subject to City Engineering approval.

With regards to landscaping, a landscaping plan has been submitted that indicates a Class III Buffer on a portion of the east side of the lot near residential uses. All rows of parking terminate in a curbed landscaping island. There are 34 standard parking spaces provided and 2 handicap spaces which exceeds the UDC requirement of a minimum of 27 spaces by 7.

Analysis

Although truck stops are not permitted within the CMU-1 or CMU-3 districts, staff finds the request to be compatible with surrounding land uses along American Way and Lamar. Directly adjacent to the west of the subject property, the land is zoned EMP, which does allow for truck stops by right. For example, a Love's Travel Stop currently occupies the space at the southwestern corner of American Way and Lamar Avenue.

It must be noted that the subject property does abut single family-residential lots on the east with R-6 zoning, however the property is not accessible through Venable Avenue. Furthermore, Outline Plan Condition III.F expressly prohibits any extension of Venable Avenue through the site. There shall also be a Class III Buffer installed along the eastern portion of the lot to increase compatibility with the surrounding district.

As there are proposed curb cuts, the proposed plans must undergo an administrative site plan approval process, known as a Final Plat Review. During the FPR, City Engineering will review the proposed curb cuts and the applicant will be required to submit necessary right-of-way permits for the project.

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.

RECOMMENDATION

Staff recommends approval with the outline plan conditions below. The applicant's proposed conditions at the time of filing the application are provided on pages 39-41 of this report.

I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
 - 1. Truck Stop, Tractor Trailer (fueling of with no on-site bathing options, no on-site lodging facilities,

nor overnight parking of Tractor Trailers.).

- B. The following uses are not allowed:
 - 1. Tattoo, palmist, psychic, or medium
 - 2. Hourly Rate Hotel or Motels

II. Bulk Regulations:

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
 - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
 - 2. Canopy can be setback greater than 20' from the property line.
 - 3. The convenience store canopy cannot exceed 20 feet in height. The diesel fuel pumps canopy cannot exceed 25 feet in height.

III. Access, Circulation and Parking:

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.
- G. A minimum of three EV Charging Stations shall be provided at the front or side of the convenience store building.
- H. A minimum of 6 bike spaces shall be provided.

IV. Landscaping and Screening:

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.
- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east near the residential zoning.
- D. Streetscaping Plate Type S-10 modified to 15 feet in width behind the existing curb-lined sidewalk shall be provided on both Lamar Avenue and American Way.
- E. A detailed landscaping plan shall be provided as a part of the Final Plat. The Division of Planning and Development may approve modifications administratively.

V. Signs:

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. The sign face area of any detached signs shall be regulated by Table I in UDC Item 4.9.7.D(2)(b).
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. No canopy signs are permitted.
- E. Landscaping at the base of any detached sign shall be provided at 2 times the size of the sign face.

VI. Outdoor Site Lighting:

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.
- B. A Photometric Lighting Analysis shall be required with a 0 foot candle intensity along the property line measuring 233.93 feet at the end of Venable Avenue.

VII. Drainage:

- A. 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.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

VIII. Building, Fuel Pumps Canopy, and Dumpster Enclosure Design

- A. A minimum 50% transparency shall be provided with the front-facing building elevation for the convenience store.
- B. A minimum 30% transparency shall be provided on the side building elevations of the convenience store.
- C. The support columns for the gas pumps canopy in front of the convenience store and the truck fueling canopy shall be covered in an exterior compatible with the exterior of the convenience store by using brick or stone cladding, or a combination thereof. Any fuel canopy shall be architecturally compatible with the convenience store building.
- D. The dumpster location and enclosure shall meet the locational requirements in the Unified Development Code.
- E. Striping is permitted on any fuel canopy.

- F. All exterior building elevations, fuel pump island canopy elevations, dumpster enclosure elevations, and detached sign elevations shall be provided on the final plat including building materials and colors to be used.

IX. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

X. Site Plan Review

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plat. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
 - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
 - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
 - 4. Building elevations and materials.

XI. A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

XII. Any final plat shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of

Planning and Development.

- F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- I. 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.

DEPARTMENTAL COMMENTS

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

City Engineer:

CASE 2: *PD-24-009

NAME: 3419 American Way

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

Sewers:

2. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
3. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.
4. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.
5. Payment of applicable sewer development fees should be paid to the Land Development Office.

Roads:

6. 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.
7. 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:

8. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
9. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
10. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use,

scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

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

Drainage:

14. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
15. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
16. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
17. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
18. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

General Notes:

19. Development is greater than 1 acre and detention is required.
20. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
21. All connections to the sewer shall be at manholes only.

22. 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.

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

City Fire Division:



DIVISION OF FIRE SERVICES ❖ FIRE PREVENTION BUREAU

2668 Avery Avenue · Memphis · Tennessee · 38112
(901) 636-5401 Fax (901) 320-5425

Case Number: [Title]

Date Reviewed: 8/8/24

Reviewed by: J. Stinson

Address or Site Reference: 3419 American Way

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503.
- Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.

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

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

**Office of Comprehensive Planning:
Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 2024-009 Parkway Village

Site Address/Location: 3419 American Way
Overlay District/Historic District/Flood Zone: Flood Zone
Future Land Use Designation: High Intensity Commercial & Services (CSH)
Street Type: Avenue

The applicant is requesting a planned development for use as a RaceTrac Travel Center with fuel pumps for passenger vehicles and freight trucks.

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

High Intensity Commercial and Service areas typically not associated with anchors. These areas may include commercial uses that serve a larger trade area; this may include large-scale retail, self-storage, vehicle sales, leasing and repair, water-oriented services, lodging, indoor recreation, and social service institutions. Graphic portrayal of CSH is to the right.



“CSH” Form & Location Characteristics

Commercial and services uses with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-7 stories height

“CSH” Zoning Notes

Generally compatible with the following zone districts: CMU-2, CMU-3 without frontage requirements, C-G in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant Commercial; CMU-3, CMU-1

Adjacent Land Use and Zoning: Commercial, Industrial, Residential Single-Family, Open Space; EMP, CMU-2, CA, R-6

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.*

Degree of Change Map



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

3. Degree of Change Description

N/A

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

N/A

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

N/A

Consistency Analysis Summary

The applicant is requesting a planned development for use as a RaceTrac Travel Center with fuel pumps for passenger vehicles and freight trucks.

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

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

Summary Compiled by: Nick Wiggins, Comprehensive Planning.

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than **Wednesday, July 31, 2024 at 8 AM.**

CASE NUMBER: PD 2024-009
ADDRESS: 3419 American Way
REQUEST: New Planned Development to allow a truck stop
APPLICANT: Daniel Brown

Meeting Details

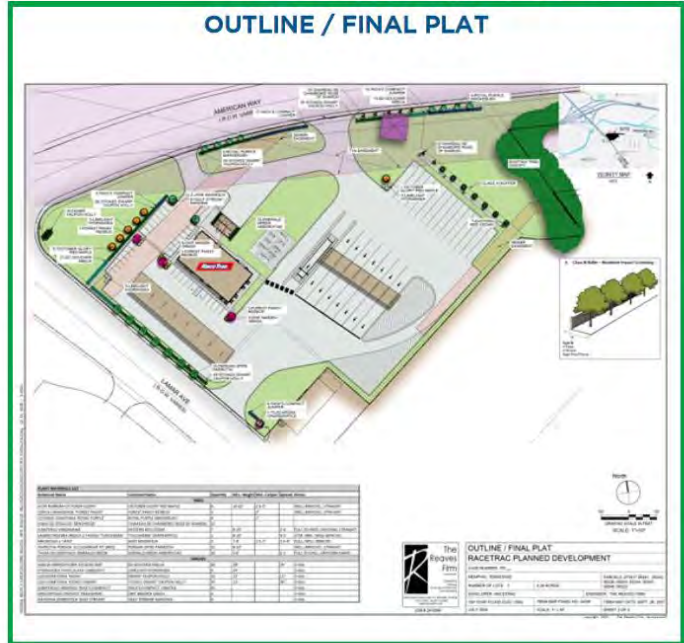
Location: Council Chambers
City Hall 1st Floor
125 N Main St.
Time: 9:00 AM
Date: Thursday, August 8, 2024

Staff Planner Contact:

Chloe Christian
✉ chloe.christion@memphistn.gov
☎ (901) 636-7494



OUTLINE / FINAL PLAT



To learn more about this proposal, contact the staff planner or use the QR code to view the full application.



APPLICATION



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

East Service Center: 6485 Mullins Station Rd; Memphis,
Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: June 17, 2024

Record Number: PD 2024-009

Expiration Date:

Record Name: RaceTrac Travel Center

Description of Work: Request for a Planned Development at 3419 American Way for use as RaceTrac Travel Center - Convenience Store with Fuel Pumps For Motorized Vehicles including Tractor-Trailers. The subject property is zoned CMU-1 and CMU-3. The current use is a hotel. The application requests approval of the planned development in an area that has employment zoning districts, distribution uses, freight facilities, warehouses with residential to the east. The vicinity has a long history and continuing trend of related fulfillment center employment activities. The proposed Travel Center will provide convenient access to food and fuel services for the various trucking, distribution, industrial facilities and motorists along US Highway 78.

The approved planned development project will complement and enhance the existing uses in the surrounding area. Enclosed is the Application for Planned Development Approval for your favorable consideration.

Parent Record Number:

Address:

3419 AMERICAN WAY, MEMPHIS 38118

Owner Information

Primary Owner Name

Y GARDEN INN AND SUITES INC

Owner Address

Owner Phone

3419 AMERICAN WAY, MEMPHIS, TN 38118

Parcel Information

073017 00241

Data Fields

PREAPPLICATION MEETING

PREAPPLICATION MEETING

Name of DPD Planner Chip & Jeffrey
Date of Meeting 04/29/2024
Pre-application Meeting Type In Person

GENERAL PROJECT INFORMATION

Planned Development Type New Planned Development (PD)
Previous Docket / Case Number S 94-032
Medical Overlay / Uptown No

If this development is located in unincorporated Shelby County, is the tract at least three acres?
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)
N/A

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

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

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A Proposed improvements to the corner of American Way and Lamar will improve the area both through landscape planting, new architecture, and elimination of a hotel that has long since been consigned as a public nuisance.

UDC Sub-Section 9.6.9B The proposed planned development will have no adverse effect on public utilities.
The property has been used for commercial purposes for years. The project will operate as refueling center for cars and diesel trucks and access to the property will be provided by private curb cuts. The use is compatible with the Love's Travel Stop across the street on Lamar Ave.

UDC Sub-Section 9.6.9C The RaceTrac Travel Center will have access to all public services which are available for the proposed use.

UDC Sub-Section 9.6.9D Correct.

UDC Sub-Section 9.6.9E Correct.

UDC Sub-Section 9.6.9F Correct.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A Correct.

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development
All utilities are existing on or near this property.

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be
Correct.

GENERAL PROVISIONS

compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest Correct.

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

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

GIS INFORMATION

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

Contact Information

Name
 DANIEL BROWN

Contact Type
 APPLICANT

Address

Phone
 -

Name
 MIKE DAVIS

Contact Type
 ARCHITECT / ENGINEER /
 SURVEYOR

Address

Phone
 (901)761-2016

Name
 SAM PATEL

Contact Type
 PROPERTY OWNER OF
 RECORD

Address
 MEMPHIS, TN, 38118

Phone
 (901)761-2016

Name
 DEDRICK BRITTENUM

Contact Type
 REPRESENTATIVE

Address

Phone
 (901)347-3978

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1575784	Planned Development - each additional or fractional acres above 5	4	400.00	INVOICED	0.00	07/03/2024
1575784	Credit Card Use Fee (.026 x fee)	1	49.40	INVOICED	0.00	07/03/2024
1575784	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	07/03/2024

Total Fee Invoiced: \$1,949.40 Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$1,949.40	Credit Card

OWNER AFFIDAVIT



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.

BERMAR ASSOCIATES-IV LLC

I, TRA Lipsey [Signature] state that I have read the definition of
(Print Name) (Sign Name)

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

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

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

of the property located at 0 LAMAR AVE, 0 AMERICAN WAY, 0 VENABLE AVE
and further identified by Assessor's Parcel Number 073017-00242, 00226, 00243,
00244, 00245, 00246, 00225
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 19 day of June in the year of 2024

[Signature]
Signature of Notary Public



**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

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I, Jitendra Patel (Print Name) John Patel (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 3419 AMERICAN WAY
and further identified by Assessor's Parcel Number 073017 00241,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 21st day of June in the year of 2024.

Rachul Hagel
Signature of Notary Public



June 10th 2025
Commission Expires

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Clay A. Nelson, being duly sworn, depose and say that at 2:00 am/pm on the 25 day of July, 2024, I posted 2 Public Notice Sign(s) pertaining to Case No. PD24-009 at 3419 American Way 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.

Clay A. Nelson
Owner, Applicant or Representative

7/26/24
Date

Subscribed and sworn to before me this 26 day of July, 2024.

Christine Donhardt
Notary Public

My commission expires: 9-8-27



LETTER OF INTENT

Brittenum

Law PLLC

ATTORNEY AT LAW
Airways Professional Center – Aerotropolis
3385 Airways Boulevard, Suite 229
Memphis, Tennessee 38116 USA
Telephone 901.347.3978
Facsimile 901.800.1927
db@brittenumlaw.com

5 July 2024

Via E-file

Mr. Brett Ragsdale
Administrator, Zoning / Urban Design
Memphis & Shelby County Office of Planning and Development
City Hall
125 North Main Street, Suite 476
Memphis, TN 38103

RE: 3419 American Way - Application for Planned Development Approval
Intersection with State Route 4 (US Highway 78, Lamar Avenue)
Requested Use: RaceTrac Travel Center - Convenience Store with Fuel Pumps
For Motorized Vehicles including Tractor-Trailers

Dear Administrator Ragsdale:

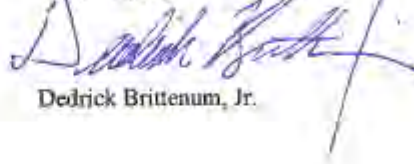
I represent RaceTrac, Inc. for approval of a Planned Development at the above tract for the requested use. The subject property is zoned CMU-1 and CMU-3. The current use is a hotel. The application requests approval of the planned development in an area that has employment zoning districts, distribution uses, freight facilities, warehouses with residential to the east. The vicinity has a long history and continuing trend of related fulfillment center employment activities. The proposed Travel Center will provide convenient access to food and fuel services for the various trucking, distribution, industrial facilities and motorists along US Highway 78. The approved planned development project will complement and enhance the existing uses in the surrounding area. Enclosed is the Application for Planned Development Approval for your favorable consideration.

The planning objective of the applicant provides for convenient, efficient and safe vehicle services with food and beverage to an important and growing employment district in the red-hot airport property sector. The Memphis 3.0 plan indicates the area shows low and high intensity commercial and service uses consistent with smart growth policies. The intersection of Highway 78 (Lamar Avenue) and American Way anchors a key activity node for north-south and east west interstate traffic. The heavily traveled routes supports a mix of freight and commute-oriented traffic. The development will incorporate the latest and most advanced designs, safety, security, refreshments and restrooms for the motoring public including electric charging stations. Like other RaceTrac Travel Centers, this location will not have any overnight amenities. This is a great opportunity to position the subject site for redevelopment to meet the growing demand

for services at the intersection of major transportation corridors while meeting the highest and best use criteria for land use. At construction and upon completion, the redevelopment will contribute to the economic impact the area is producing now and provide additional jobs without the benefit of a PILOT.

Thank you for time to review the application and setting it for hearing before the LUCB. On behalf of the applicant and the development team, support for approval is requested for this application. I appreciate your attention and should you have questions or comments, please advise. I remain,

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dedrick Brittenum, Jr.", is written over a faint, larger version of the same signature. The signature is fluid and cursive.

Dedrick Brittenum, Jr.

enclosure

APPLICANT'S PROPOSED CONDITIONS

Outline Plan Conditions

I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
 - 1. Tractor-trailer (fueling of, parking).
- B. The following uses are not allowed:
 - 1. Tattoo, palmist, psychic, or medium
 - 2. Hourly Rate Hotel or Motels

II. Bulk Regulations:

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
 - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
 - 2. Canopy can be setback greater than 20' from the property line.
 - 3. Canopy can have logos and stripes.

III. Access, Circulation and Parking:

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.

IV. Landscaping and Screening:

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.
- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east next to the residential zoning.

V. Signs:

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. Site shall have a maximum sign area of three hundred (300) square feet per face and a maximum height of thirty-five (35) feet.
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. Canopy signs shall have up to 55 SF sign on each canopy.

VI. Outdoor Site Lighting:

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.

VII. Drainage:

- A. 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.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

IX. Site Plan Review

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plan conforms to the site plan presented to the Land Use Control Board as part of the Planned

Development Outline Plan approval.

- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
 - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
 - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
 - 4. Building elevations and materials.

- X. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

- XI. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - C. The location and ownership, whether public or private, of any easement.
 - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
 - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
 - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
 - G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - H. The 100-year flood elevation.
 - I. 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.

LETTERS RECEIVED

One letter of opposition has been received at the time of completion of this report and has subsequently been attached.



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Pending

Opened Date: June 17, 2024

Record Number: PD 2024-009

Expiration Date:

Record Name: RaceTrac Travel Center

Description of Work: Request for a Planned Development at 3419 American Way for use as RaceTrac Travel Center - Convenience Store with Fuel Pumps For Motorized Vehicles including Tractor-Trailers. The subject property is zoned CMU-1 and CMU-3. The current use is a hotel. The application requests approval of the planned development in an area that has employment zoning districts, distribution uses, freight facilities, warehouses with residential to the east. The vicinity has a long history and continuing trend of related fulfillment center employment activities. The proposed Travel Center will provide convenient access to food and fuel services for the various trucking, distribution, industrial facilities and motorists along US Highway 78.

The approved planned development project will complement and enhance the existing uses in the surrounding area. Enclosed is the Application for Planned Development Approval for your favorable consideration.

Parent Record Number:

Address:

3419 AMERICAN WAY, MEMPHIS 38118

Owner Information

Primary Owner Name

Y GARDEN INN AND SUITES INC

Owner Address

3419 AMERICAN WAY, MEMPHIS, TN 38118

Owner Phone

Parcel Information

073017 00241

Data Fields

PREAPPLICATION MEETING

PREAPPLICATION MEETING

Name of DPD Planner Chip & Jeffrey
Date of Meeting 04/29/2024
Pre-application Meeting Type In Person

GENERAL PROJECT INFORMATION

Planned Development Type New Planned Development (PD)
Previous Docket / Case Number S 94-032
Medical Overlay / Uptown No

If this development is located in unincorporated Shelby County, is the tract at least three acres? N/A
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

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

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

APPROVAL CRITERIA

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UDC Sub-Section 9.6.9E Correct.

UDC Sub-Section 9.6.9F Correct.

UDC Sub-Section 9.6.9F Correct.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A Correct.

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GENERAL PROVISIONS

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

GIS INFORMATION

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

Contact Information

Name
DANIEL BROWN

Contact Type
APPLICANT

Address

Phone
-

Name
MIKE DAVIS

Contact Type
ARCHITECT / ENGINEER /
SURVEYOR

Address

Phone
(901)761-2016

Name
SAM PATEL

Contact Type
PROPERTY OWNER OF
RECORD

Address
MEMPHIS, TN, 38118

Phone
(901)761-2016

Name
DEDRICK BRITTENUM

Contact Type
REPRESENTATIVE

Address

Phone
(901)347-3978

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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1575784	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	07/03/2024

Total Fee Invoiced: \$1,949.40

Total Balance: \$0.00

Payment Information

Payment Amount
\$1,949.40

Method of Payment
Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, IRA Lipsey (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 0 LAMAR AVE, 0 AMERICAN WAY, 0 VENABLE AVE
and further identified by Assessor's Parcel Number 073017-00242, 00226, 00243,
00244, 00245, 00246, 00225
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 19 day of June in the year of 2024.

[Signature]
Signature of Notary Public


My Commission Expires

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

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

Property Owner's Affidavit

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I, Jitendra Patel (Print Name) John Patel (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 3419 AMERICAN WAY
and further identified by Assessor's Parcel Number 073017 00241,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 21st day of June in the year of 2024.

Rachel Haggerty
Signature of Notary Public



June 16th 2025
My Commission Expires

Brittenum

Law pllc

ATTORNEY AT LAW
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Memphis, Tennessee 38116 USA
Telephone 901.347.3978
Facsimile 901.800.1927
db@brittenumlaw.com

5 July 2024

Via E-file

Mr. Brett Ragsdale
Administrator, Zoning / Urban Design
Memphis & Shelby County Office of Planning and Development
City Hall
125 North Main Street, Suite 476
Memphis, TN 38103

RE: 3419 American Way - Application for Planned Development Approval
Intersection with State Route 4 (US Highway 78, Lamar Avenue)
Requested Use: RaceTrac Travel Center - Convenience Store with Fuel Pumps
For Motorized Vehicles including Tractor-Trailers

Dear Administrator Ragsdale:

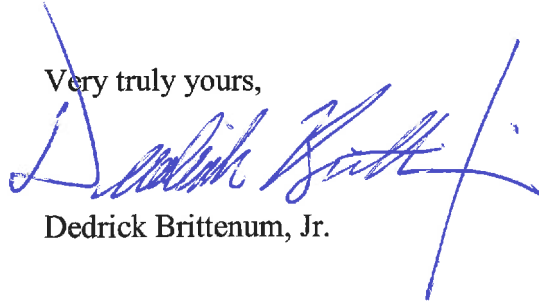
I represent RaceTrac, Inc. for approval of a Planned Development at the above tract for the requested use. The subject property is zoned CMU-1 and CMU-3. The current use is a hotel. The application requests approval of the planned development in an area that has employment zoning districts, distribution uses, freight facilities, warehouses with residential to the east. The vicinity has a long history and continuing trend of related fulfillment center employment activities. The proposed Travel Center will provide convenient access to food and fuel services for the various trucking, distribution, industrial facilities and motorists along US Highway 78. The approved planned development project will complement and enhance the existing uses in the surrounding area. Enclosed is the Application for Planned Development Approval for your favorable consideration.

The planning objective of the applicant provides for convenient, efficient and safe vehicle services with food and beverage to an important and growing employment district in the red-hot airport property sector. The Memphis 3.0 plan indicates the area shows low and high intensity commercial and service uses consistent with smart growth policies. The intersection of Highway 78 (Lamar Avenue) and American Way anchors a key activity node for north-south and east west interstate traffic. The heavily traveled routes supports a mix of freight and commute-oriented traffic. The development will incorporate the latest and most advanced designs, safety, security, refreshments and restrooms for the motoring public including electric charging stations. Like other RaceTrac Travel Centers, this location will not have any overnight amenities. This is a great opportunity to position the subject site for redevelopment to meet the growing demand

for services at the intersection of major transportation corridors while meeting the highest and best use criteria for land use. At construction and upon completion, the redevelopment will contribute to the economic impact the area is producing now and provide additional jobs without the benefit of a PILOT.

Thank you for time to review the application and setting it for hearing before the LUCB. On behalf of the applicant and the development team, support for approval is requested for this application. I appreciate your attention and should you have questions or comments, please advise. I remain,

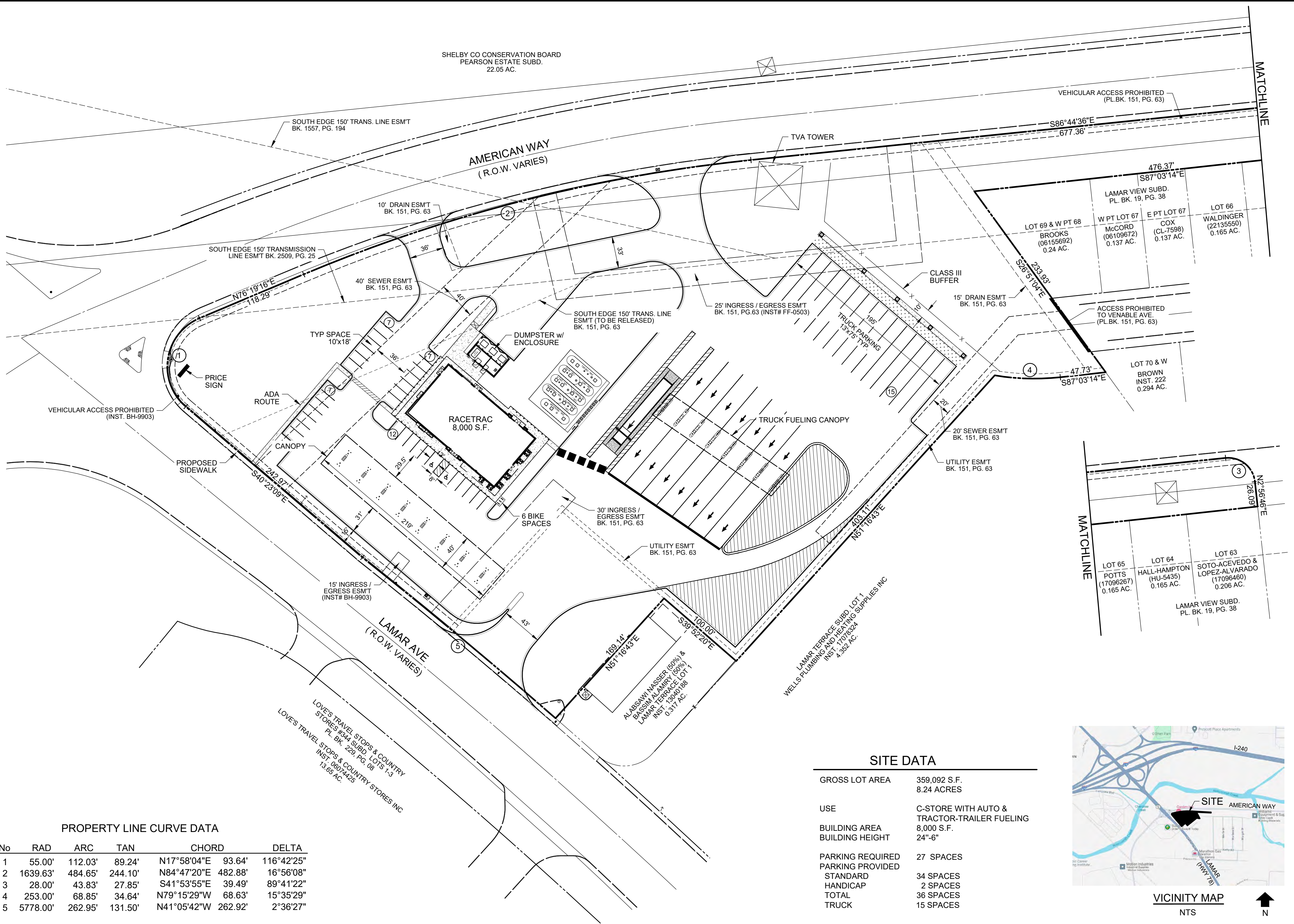
Very truly yours,

A handwritten signature in blue ink, appearing to read "Dedrick Brittenum, Jr.", with a large, sweeping flourish extending to the right.

Dedrick Brittenum, Jr.

enclosure

Christine 20x24 Z:\2024\24-0086 RaceTrac 3419 American Way\Civil\Construction\CO.0 Plot Outline-Final.dwg Jul 03, 2024 - 9:15am



PROPERTY LINE CURVE DATA

No	RAD	ARC	TAN	CHORD	DELTA
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2	1639.63'	484.65'	244.10'	N84°47'20"E 482.88'	16°56'08"
3	28.00'	43.83'	27.85'	S41°53'55"E 39.49'	89°41'22"
4	253.00'	68.85'	34.64'	N79°15'29"W 68.63'	15°35'29"
5	5778.00'	262.95'	131.50'	N41°05'42"W 262.92'	2°36'27"

REQUIRED SIDEWALKS

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
AMERICAN WAY	6 FT.	NORTH	ADJACENT TO CURB
LAMAR AVE	6 FT.	WEST	ADJACENT TO CURB

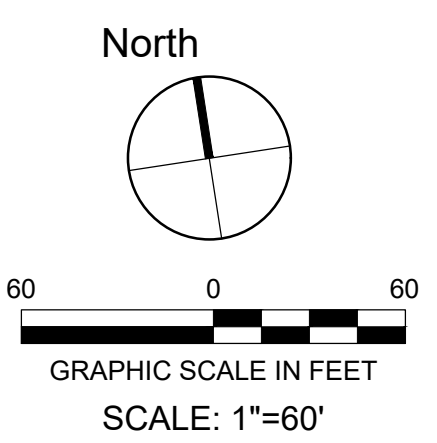
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BUILDING AREA	8,000 S.F.
BUILDING HEIGHT	24'-6"
PARKING REQUIRED	27 SPACES
PARKING PROVIDED	34 SPACES
STANDARD	2 SPACES
HANDICAP	2 SPACES
TOTAL	36 SPACES
TRUCK	15 SPACES



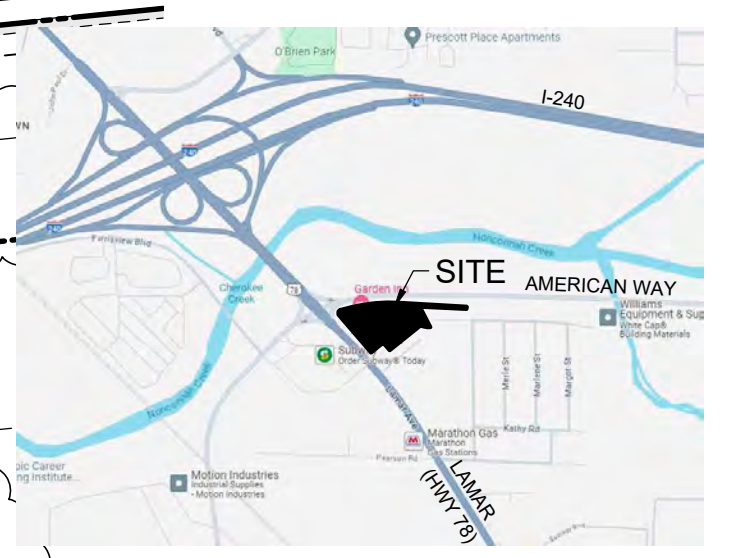
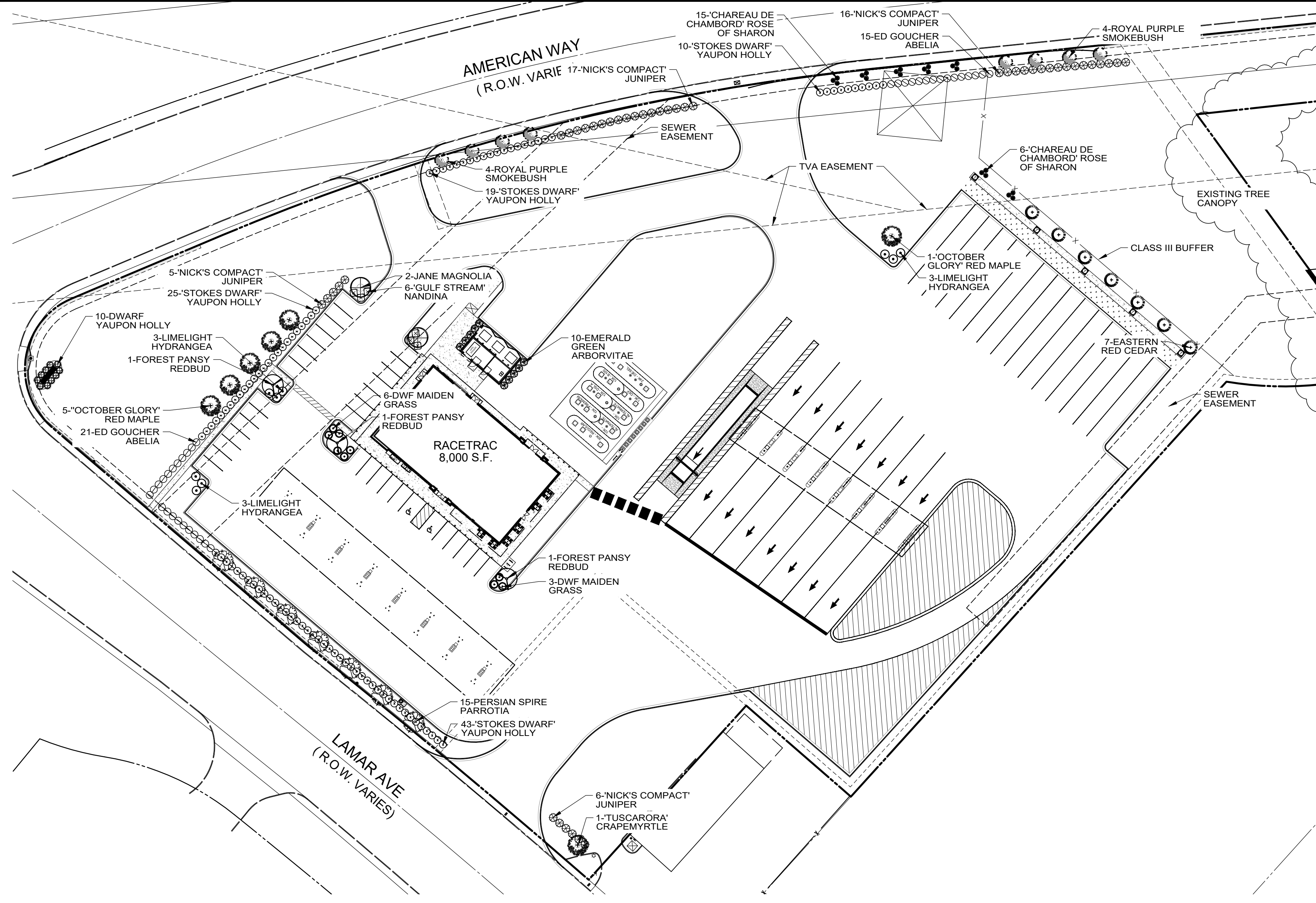
VICINITY MAP
NTS



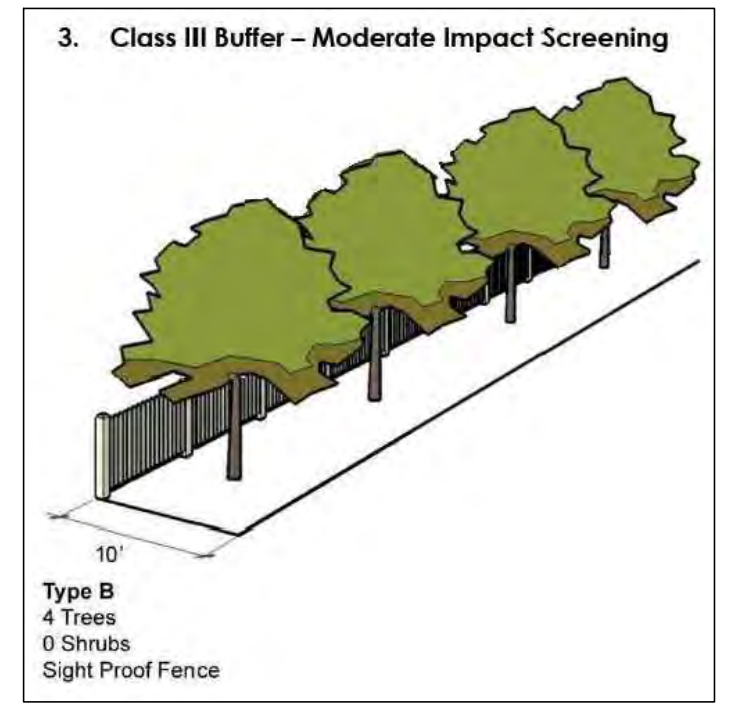
The Reaves Firm
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Land Surveying
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JOB # 24-0086

OUTLINE / FINAL PLAT		
RACETRAC PLANNED DEVELOPMENT		
CASE NUMBER: PD _		
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100-YEAR FLOOD ELEV: 250±	FEMA MAP PANEL NO: 0435F	FEMA MAP DATE: SEPT. 28, 2007
JULY 2024	SCALE: 1" = 60'	SHEET 1 OF 2

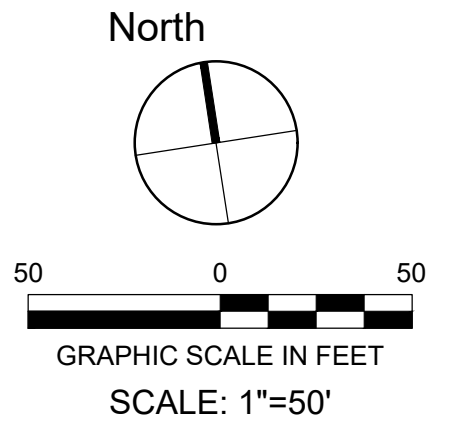
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VICINITY MAP
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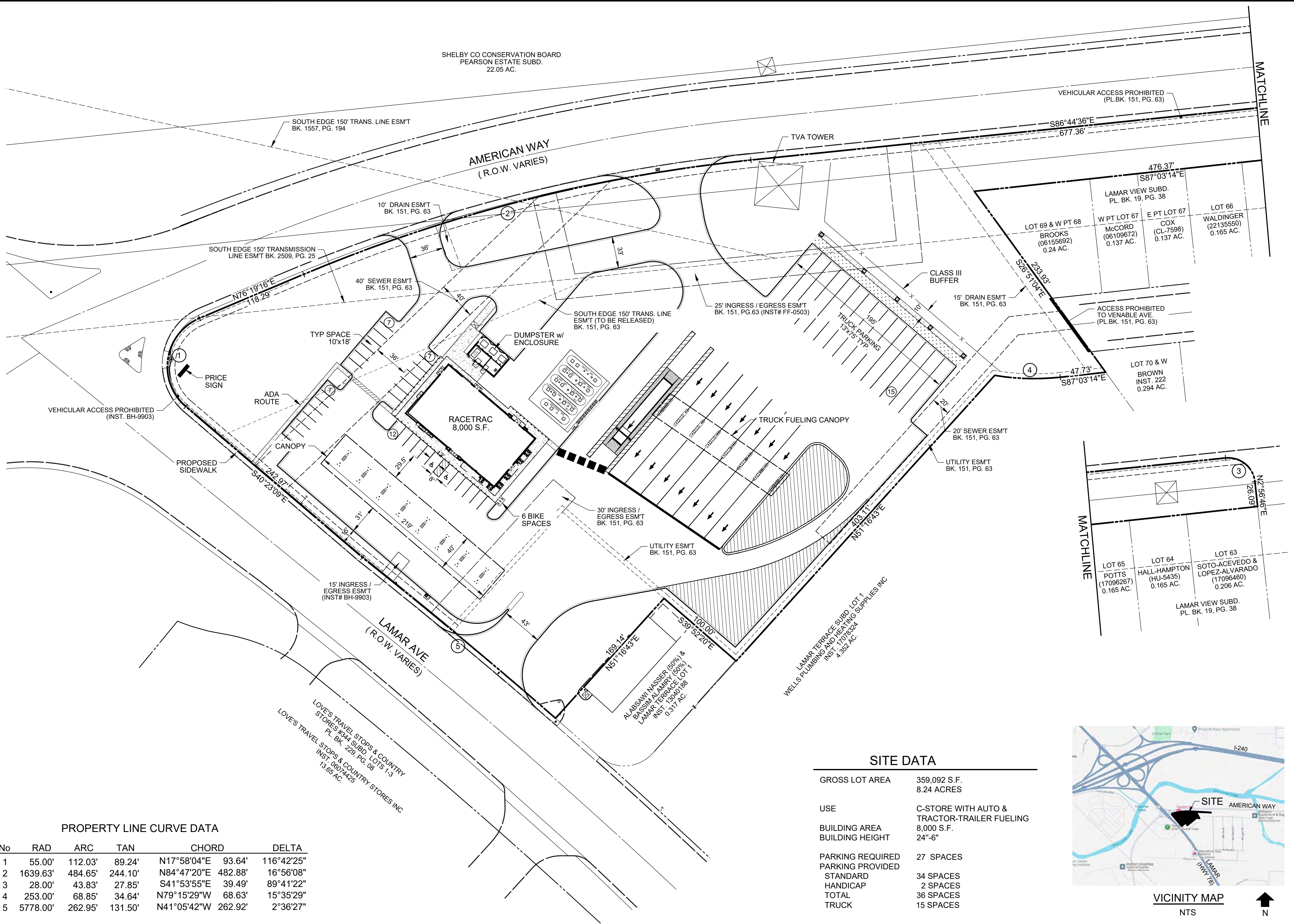


PLANT MATERIALS LIST						
Botanical Name	Common Name	Quantity	Min. Height	Min. Caliper	Spread	Notes
TREES						
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CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	3		2"		WELL-BRNCHD.; STRAIGHT
COTINUS COGGYGRIA 'ROYAL PURPLE'	ROYAL PURPLE SMOKEBUSH	8		2"		
HIBISCUS SYRIACUS 'MINSYRE10'	'CHAREAU DE CHAMBORD' ROSE OF SHARON	21				
JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	7	8-10'		3-4'	FULL TO GND.; UNIFORM, STRAIGHT
LAGERSTROEMIA INDICA x FAURIEI 'TUSCARORA'	'TUSCARORA' CRAPEMYRTLE	1	8-10'		4-5'	3-TR. MIN., WELL-BRNCHD.
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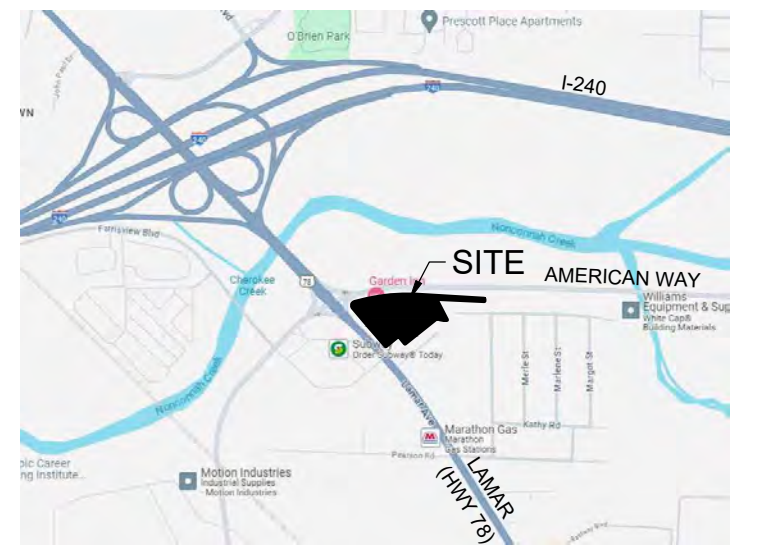
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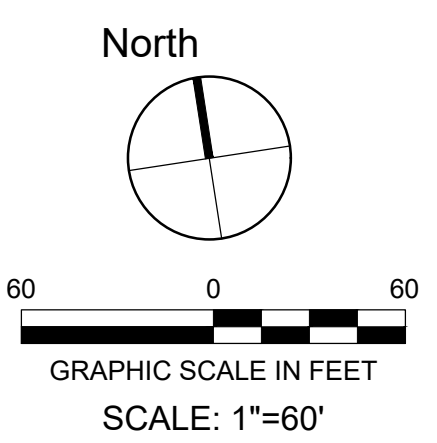
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RACETRAC PLANNED DEVELOPMENT

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MEMPHIS, TENNESSEE

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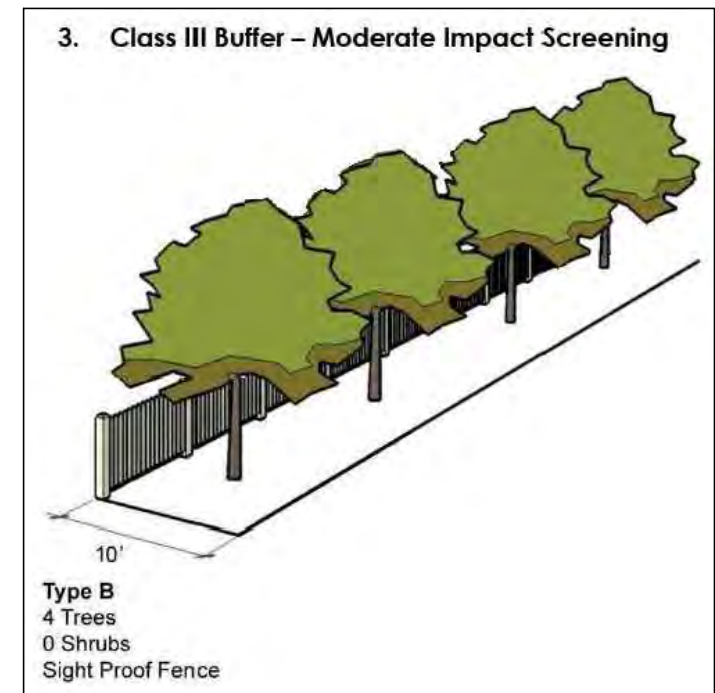
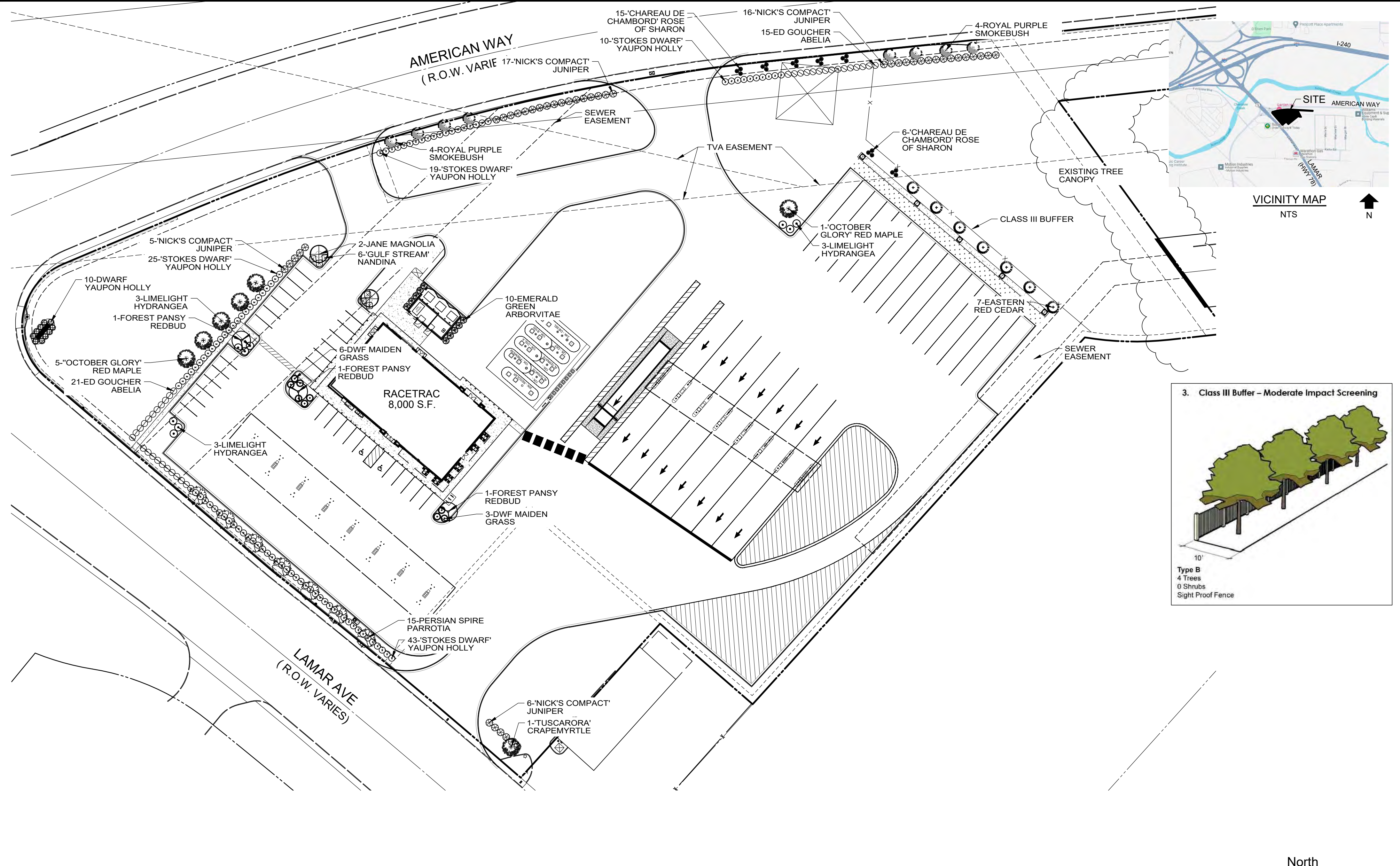
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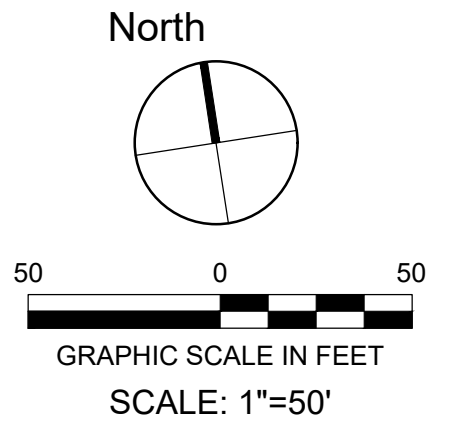
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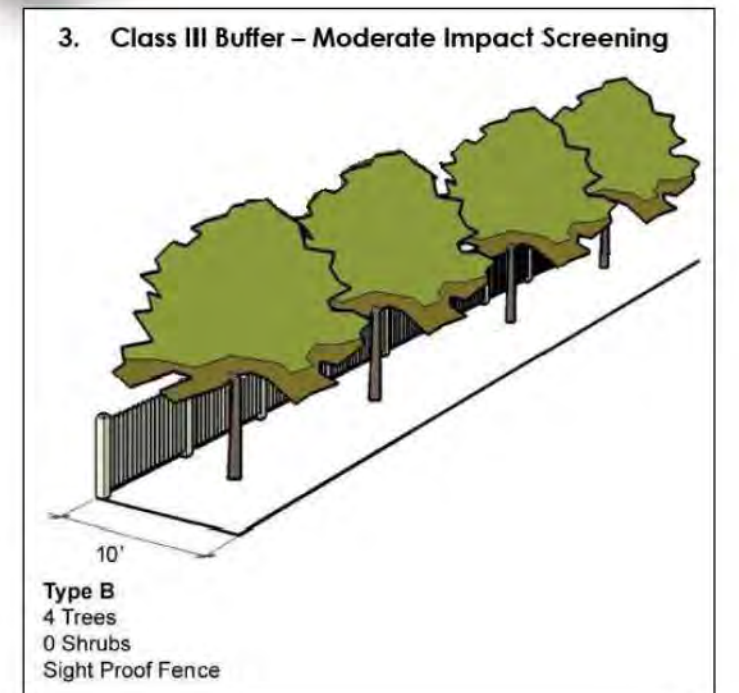
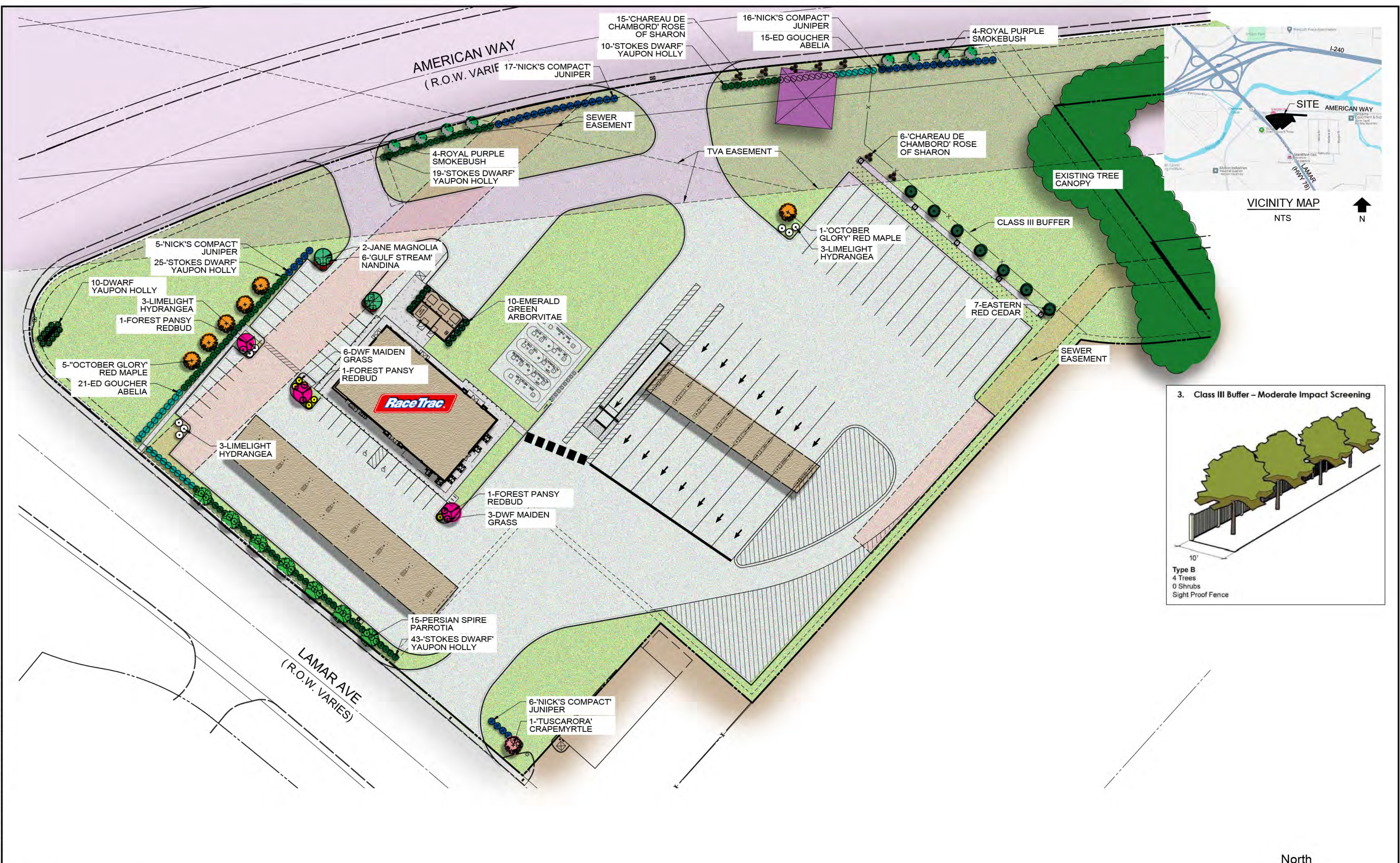
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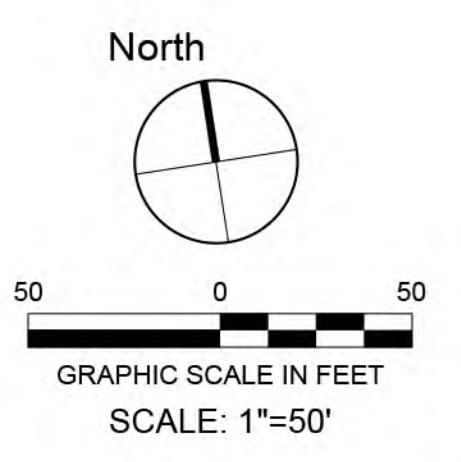
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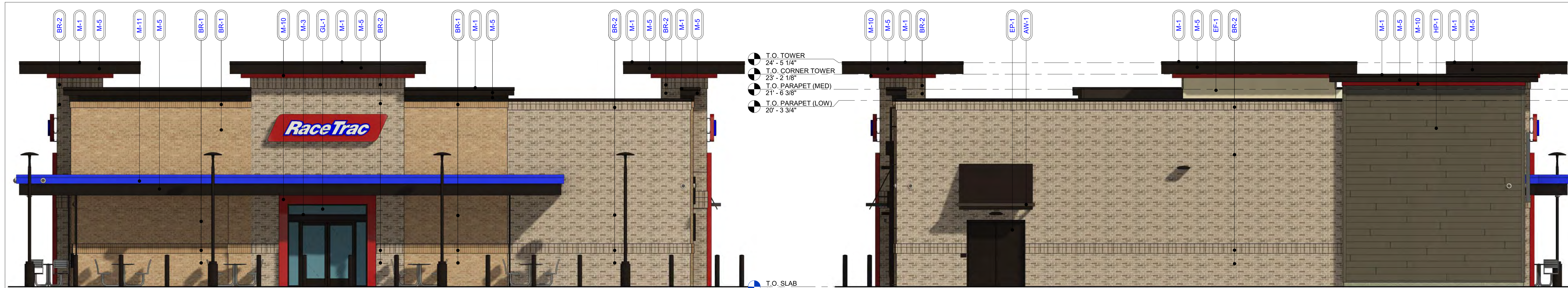
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RIGHT ELEVATION (ENTRY)
1,578 TOTAL SF

MATERIAL	SQ. FOOT.	% OF ELEVATION
BRICK	1,102	70%
EIFS	0	0%
GLAZING	78	5%
METAL	398	25%
COMPOSITE SIDING	0	0%

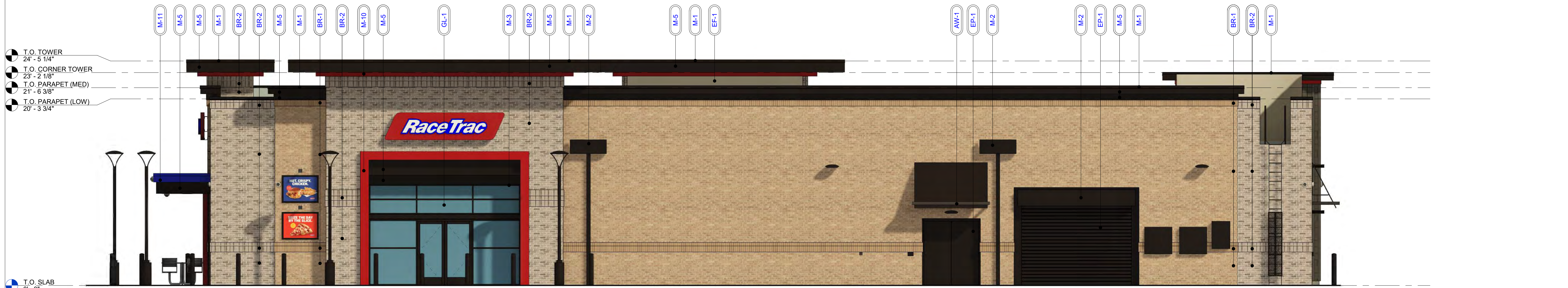
ELEVATION	SIGNAGE	DIMENSIONS	AREA
RIGHT	RT PARALLELOGRAM	13'-5/8" X 3'-0"	40 SF

LEFT ELEVATION (NON-ENTRY)
1,578 TOTAL SF

MATERIAL	SQ. FOOT.	% OF ELEVATION
BRICK	884	56%
EIFS	54	3%
GLAZING	0	0%
METAL	246	16%
COMPOSITE SIDING	394	25%

3 LEFT ELEVATION
3/16" = 1'-0"

4 RIGHT ELEVATION
3/16" = 1'-0"



REAR ELEVATION
2,680 TOTAL SF

MATERIAL	SQ. FOOT.	% OF ELEVATION
BRICK	1,754	65%
EIFS	48	2%
GLAZING	182	7%
METAL	696	26%
COMPOSITE SIDING	0	0%

ELEVATION	SIGNAGE	DIMENSIONS	AREA
REAR	RT PARALLELOGRAM	13'-5/8" X 3'-0"	40 SF
REAR	RT BANNER	4'-0" X 3'-0"	12 SF
REAR	RT BANNER	4'-0" X 3'-0"	12 SF

2 REAR ELEVATION
3/16" = 1'-0"



FRONT ELEVATION
2,695 TOTAL SF

MATERIAL	SQ. FOOT.	% OF ELEVATION
BRICK	1,471	55%
EIFS	53	2%
GLAZING	265	10%
METAL	512	19%
COMPOSITE SIDING	394	14%

ELEVATION	SIGNAGE	DIMENSIONS	AREA
FRONT	RT PARALLELOGRAM	13'-5/8" X 3'-0"	40 SF
FRONT	BANNER	7'-8" X 5'-6"	42 SF

1 FRONT ELEVATION
3/16" = 1'-0"

ISSUE/REVISION RECORD

DATE	DESCRIPTION
12/15/23	SPB NO. 0305

STANDARD PLAN BULLETINS (SPB) MODIFY THE PROTOTYPE SERIES SET NOTED ABOVE. THE LISTED SPB REPRESENTS THE LATEST MODIFICATION INCORPORATED TO THIS PROTOTYPE SERIES SET AT ORIGINAL RELEASE. THE ISSUE/REVISION RECORD COLUMN ABOVE LISTS ANY REVISIONS OR SPB INCORPORATED IN THIS SET AFTER THE ORIGINAL RELEASE. CONTACT RACETRAC ENGINEERING AND CONSTRUCTION FOR ANY SUBSEQUENT BULLETINS NOT INCORPORATED HEREIN.

PRELIMINARY DRAFT NOT
CONSTRUCTION, BID, RELIANCE,
RECORDING PURPOSES OR
IMPLEMENTATION.

EXTERIOR MATERIAL SCHEDULE

AWNING	ALUMINUM AWNING	SELECTED BY RACETRAC
BRICK	LAREDO (QUEEN 1/3 BOND)	MORTAR COLOR "LIGHT BUFF"
BR-1	MOUNT RUSHMORE (QUEEN 1/3 BOND)	MORTAR COLOR "LIGHT BUFF"
CEMENT BOARD		
HP-1	JAMES HARDIE SMOOTH LAP SIDING (OR APPROVED ALTERNATE)	PAINTED SHERWIN WILLIAMS "SEALSKIN" #7675, BLIND FASTEN AND STAGGER PLANKS PER MANUFACTURER'S RECOMMENDATION
EIFS		
EF-1	STO EIFS FASCIA AND SOFFIT	"FINE FINISH" APPLICATION; COLOR TO MATCH SW #6141 "SOFTER TAN"
GLAZING		
GL-1	1" NON-IMPACT RATED INSULATED GLAZING	CLIMATE ZONES 2 OR 3, IGU AT STOREFRONT 0.28 U-FACTOR, SHGC PF=0.25-0.27 (1/4" PPG SOLARBAN 70-XL LOW-E #2 +1/2" AIR +1/4" CLEAR) OR APPROVED ALTERNATE. SEE A600
METAL		
M-1	PREFINISHED 4" 2-PIECE COMPRESSION METAL COVER	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
M-2	VISTAWALL (OR APPROVED ALTERNATE)	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
M-3	ALCOA REYNOBOND PE	COLORWELD 500 "CLASSIC BRONZE"
M-5	ALCOA REYNOBOND PE	TRD RED
M-7	VERSATEX WP4 TONGUE AND GROOVE 1"x6"x8" (OR APPROVED ALTERNATE)	PAINTE SHERWIN WILLIAMS "SEALSKIN" #7675
M-10	ALCOA REYNOBOND PE	HYB BLUE
M-11	ALCOA REYNOBOND PE	
PAINT		
EP-1	SHERWIN WILLIAMS EXTERIOR PAINT TO SW #7020 "BLACK FOX"	
TREX		
TX-1	SELECT COMPOSITE 1"x 6"	WINCHESTER GRAY
WINDOW FILM		
WF-1	WINDOW FILM; 3M PRESTIGE 70 SOLAR FILM LOCATIONS	SEE A600 FOR WINDOW FILM LOCATIONS
WF-2	WINDOW FILM; OPAQUE	SEE A600 FOR WINDOW FILM LOCATIONS

Outline Plan Conditions

I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
 - 1. Tractor-trailer (fueling of, parking).
- B. The following uses are not allowed:
 - 1. Tattoo, palmist, psychic, or medium
 - 2. Hourly Rate Hotel or Motels

II. Bulk Regulations:

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
 - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
 - 2. Canopy can be setback greater than 20' from the property line.
 - 3. Canopy can have logos and stripes.

III. Access, Circulation and Parking:

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.

IV. Landscaping and Screening:

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.
- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east next to the residential zoning.

V. Signs:

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. Site shall have a maximum sign area of three hundred (300) square feet per face and a maximum height of thirty-five (35) feet.
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. Canopy signs shall have up to 55 SF sign on each canopy.

VI. Outdoor Site Lighting:

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.

VII. Drainage:

- A. 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.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

IX. Site Plan Review

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plan conforms to the site plan presented to the Land Use Control Board as part of the Planned

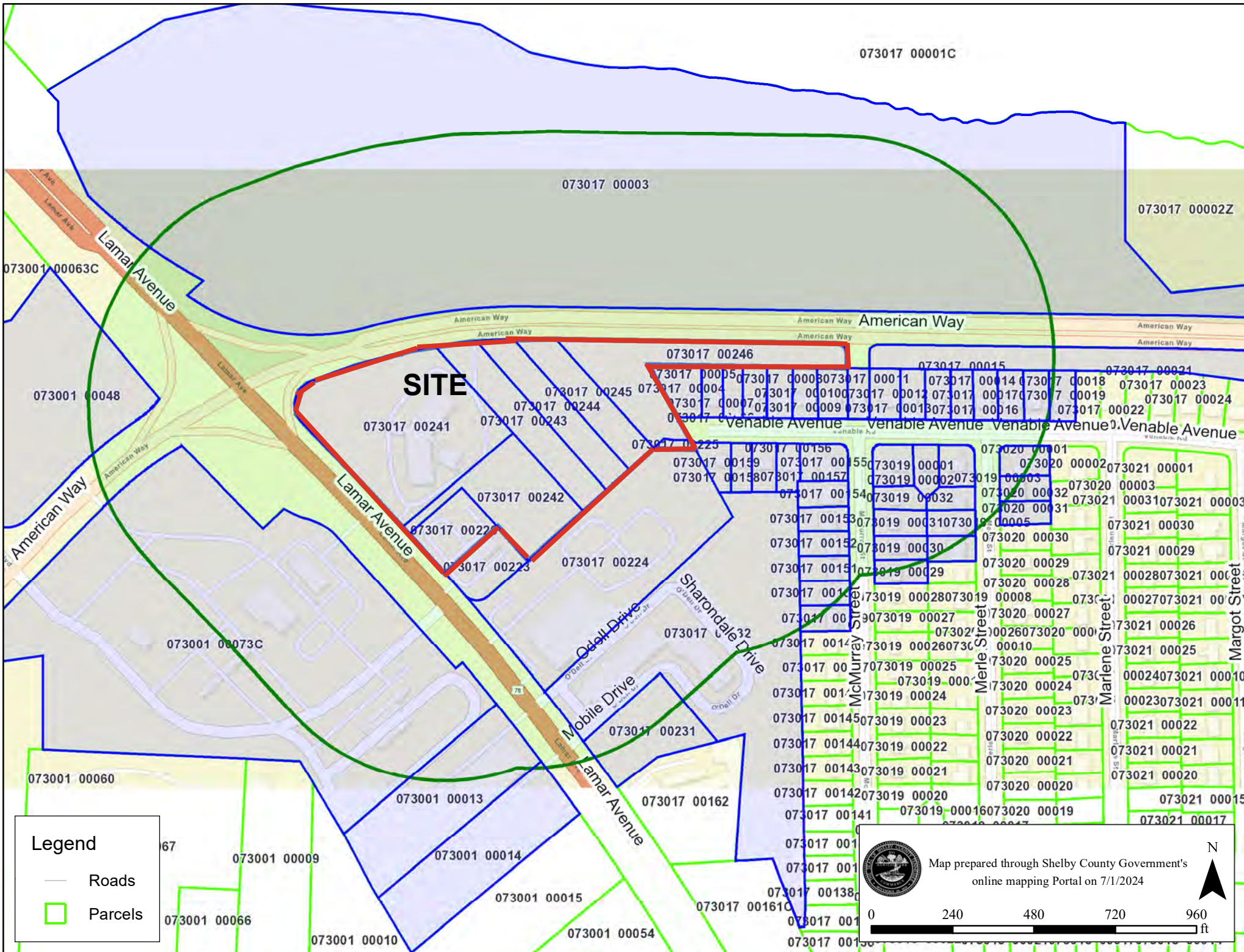
Development Outline Plan approval.

- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
 - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
 - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
 - 4. Building elevations and materials.

- X. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

- XI. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - C. The location and ownership, whether public or private, of any easement.
 - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
 - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
 - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
 - G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - H. The 100-year flood elevation.
 - I. 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.



073017 00001C

073017 00003

073017 00002Z

073001 00063C

073001 00048

SITE

073017 00241

073017 00243

073017 00244

073017 00245

073017 00246

073017 00225

073017 00159

073017 00158

073017 00242

073017 00227

073017 00223

073017 00224

073017 00156

073017 00157

073017 00226

073017 00224

073017 00156

073017 00157

073017 00158

073017 00159

073017 00160

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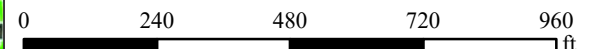
073019 00011

Legend

- Roads
- Parcels



Map prepared through Shelby County Government's online mapping Portal on 7/1/2024



073017 00244 - BERMAR ASSOCIATES-IV LLC
073017 00006 - COX WILLIAM & GLORIA D
073017 00007 - WALDINGER KEVIN
073017 00008 - POTTS ANGELETA
073017 00242 - BERMAR ASSOCIATES-IV LLC
073017 00225 - BERMAR ASSOCIATES-IV LLC
073017 00158 - MOORE NEWELL T & JENILARA
073017 00157 - MONIX ANTHONY & DORETHA
073019 00001 - RODAMA GROUP LLC
073019 00032 - BOWLES LORETHA O
073017 00223 - ALABSAWI NASSER (50%) AND BASSIM ALAMIRY
073017 00151 - BATTS DOROTHY J
073017 00150 - FROELICH THOMAS C
073017 00231 - VAYUDEV INC
073001 00013 - CAPITAL FUELS TENNESSEE 2 LLC
073017 00245 - BERMAR ASSOCIATES-IV LLC
073017 00243 - BERMAR ASSOCIATES-IV LLC
073017 00246 - BERMAR ASSOCIATES-IV LLC
073017 00241 - GARDEN INN AND SUITES INC
073017 00004 - BROOKS ROBERT L
073017 00005 - MCCORD DEANNA E
073017 00009 - HALL-HAMPTON ANDREA R
073017 00010 - SOTO-ACEVEDO NAHUN & YESSICA
073017 00012 - AESTHETIC REALTY LLC
073017 00013 - MARQUEZ JESSE

073017 00014 - MARTINEZ KEVIN I
073017 00015 - SHELBY COUNTY TAX SALE 19.03
073017 00016 - ANAYA MARIO I & DAISY E
073017 00017 - HAYS WILLIAM A & DOROTHY M
073017 00018 - HERRERA FRANCISCO A
073017 00019 - FOLEY CHRISTOPHER & VIRGINIA
073017 00159 - BROWN R L
073017 00156 - IRYTE INVESTMENTS LLC
073017 00224 - WELLS PLUMBING AND HEATING SUPPLIES INC
073017 00155 - PROVIDENT TRUST GROUP LLC
073019 00002 - BALDWIN JERRY S
073019 00003 - E & S RENTAL HOMES LLC
073020 00001 - COPPENS GREGORY C AND JENNY
073017 00226 - BERMAR ASSOCIATES IV LLC
073017 00154 - MARTIN DEBORAH K
073020 00032 - GOLDEN VIRGIE L
073017 00232 - VAYUDEV INC
073019 00004 - GUZMAN MARTHA D
073017 00153 - JT PROPERTY MANAGEMENT LLC
073020 00031 - JACKSON TROY
073019 00031 - GUZMAN MARTHA D
073019 00005 - LOFTON CALVIN C & EDNA R
073017 00152 - RIVERA EMMA C
073019 00030 - PATE CEDRIC
073019 00006 - BAILEY VENORA

073019 00029 - MYERS CURTIS

073017 00149 - BOSS INVESTMENTS LLC

073001 00014 - CAPITAL FUELS TENNESSEE 2 LLC

073001 00048 - SHELBY COUNTY

073017 00003 - SHELBY CO CONSERVATION BOARD

073017 00011 - GEIGER GRAHAM

073001 00073C - LOVE'S TRAVEL STOPS & COUNTRY STORES INC

BERMAR ASSOCIATES-IV LLC
4942 WILLIAM ARNOLD RD
MEMPHIS TN 38117

COX WILLIAM & GLORIA D
20 KILMORY DR
ROSSVILLE TN 38066

WALDINGER KEVIN
8343 E QUIET CANYON CT
ANAHEIM CA 92808

POTTS ANGELETA
434 WALNUT BEND RD
CORDOVA TN 38018

BROWN R L
3483 VENABLE RD
MEMPHIS TN 38118

IRYTE INVESTMENTS LLC
5704 WINTER TREE DR
MEMPHIS TN 38115

MOORE NEWELL T & JENILARA
3489 VENABLE RD
MEMPHIS TN 38118

MONIX ANTHONY & DORETHA
4069 ACORN RIDGE CV
MEMPHIS TN 38125

RODAMA GROUP LLC
6025 STAGE RD 42-106
BARTLETT TN 38134

BOWLES LORETHA O
2674 MCMURRAY ST
MEMPHIS TN 38118

ALABSAWI NASSER (50%) AND BASSIM
ALAMIRY
5657 DUNWOODY AVE
MEMPHIS TN 38120

BATTS DOROTHY J
2693 MCMURRAY ST
MEMPHIS TN 38118

FROELICH THOMAS C
2187 W GLENALDEN
GERMANTOWN TN 38139

VAYUDEV INC
3456 LAMAR AVE
MEMPHIS TN 38118

CAPITAL FUELS TENNESSEE 2 LLC
16350 PARK TEN PL 240
HOUSTON TX 77081

GARDEN INN AND SUITES INC
3419 AMERICAN WAY
MEMPHIS TN 38118

BROOKS ROBERT L
3476 VENABLE RD
MEMPHIS TN 38118

MCCORD DEANNA E
3480 VENABLE RD
MEMPHIS TN 38118

HALL-HAMPTON ANDREA R
3504 VENABLE RD
MEMPHIS TN 38118

SOTO-ACEVEDO NAHUN & YESSICA
3510 VENABLE RD
MEMPHIS TN 38118

AESTHETIC REALTY LLC
1136 VALLECITO LOOP
LOS LUNAS NM 87031

MARQUEZ JESSE
86 MOELIMA ST
WAIANAE HI 96792

MARTINEZ KEVIN I
3536 VENABLE RD
MEMPHIS TN 38118

SHELBY COUNTY TAX SALE 19.03
PO BOX 2751
MEMPHIS TN 38101

ANAYA MARIO I & DAISY E
5341 WEST BLVD
LOS ANGELES CA 90043

HAYS WILLIAM A & DOROTHY M
4512 ALABASTER CV
ARLINGTON TN 38002

HERRERA FRANCISCO A
3560 VENABLE RD
MEMPHIS TN 38118

FOLEY CHRISTOPHER & VIRGINIA
11387 LINDY PL
CUPERTINO CA 95014

SHELBY CO CONSERVATION BOARD
GENERAL DELIVERY
MEMPHIS TN 38101

GEIGER GRAHAM
21223 W FOUR MOUND RD
NINE MILE FALLS WA 99026

**WELLS PLUMBING &
HEATING SUPPLIES
916 W 21ST ST
CHICAGO IL 60608**

**PROVIDENT TRUST GROUP LLC
8880 W SUNSET RD 250
LAS VEGAS NV 89148**

**BALDWIN JERRY S
3533 VENABLE RD
MEMPHIS TN 38118**

**E & S RENTAL HOMES LLC
5363 RAGAN RIDGE DR
MEMPHIS TN 38141**

**COPPENS GREGORY C AND JENNY
2666 MERLE ST
MEMPHIS TN 38118**

**JACKSON TROY
2678 MERLE ST
MEMPHIS TN 38118**

**MARTIN DEBORAH K
2673 MCMURRAY ST
MEMPHIS TN 38118**

**GOLDEN VIRGIE L
2674 MERLE ST
MEMPHIS TN 38118**

**VAYUDEV INC
3456 LAMAR AVE
MEMPHIS TN 38118**

**GUZMAN MARTHA D
7226 STONE GARDEN DR
OLIVE BRANCH MS 38654**

**JT PROPERTY MANAGEMENT LLC
1831 TITUS RD
MEMPHIS TN 38111**

**RIVERA EMMA C
2685 MCMURRAY ST
MEMPHIS TN 38118**

**GUZMAN MARTHA D
7226 STONE GARDEN DR
OLIVE BRANCH MS 38654**

**LOFTON CALVIN C & EDNA R
2681 MERLE ST
MEMPHIS TN 38118**

**MYERS CURTIS
4866 CHUCK AVE
MEMPHIS TN 38118**

**PATE CEDRIC
1186 JESSICA LAUREN
CORDOVA TN 38018**

**BAILEY VENORA
2687 MERLE ST
MEMPHIS TN 38118**

**SHELBY COUNTY GOVERNMENT
160 N MAIN ST
MEMPHIS TN 38103**

**BOSS INVESTMENTS LLC
3425 FRANKLIN AVE
WACO TX 76710**

**CAPITAL FUELS TENNESSEE 2 LLC
16350 PARK TEN PL 240
HOUSTON TX 77081**

**LOVE'S TRAVEL STOPS & COUNTRY
STORES INC
15 W 6TH ST 2400
TULSA OK 74119**

**CHRISTINE DONHARDT
THE REAVES FIRM
6800 POPLAR AVE. SUITE 100
MEMPHIS, TN 38138**

**Dedrick Brittenum
Brittenum Law PLLC
Airways Professional Center-Aerotropolis
3385 Airways Blvd. Suite 229
Memphis, TN 38116**



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.

16119105

11/21/2016 - 11:16 AM

4 PGS

ALONZO	1535299-16119105
VALUE	50.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	22.00

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the County of Shelby, a political subdivision of the State of Tennessee, for and in consideration of:

FIFTY DOLLARS & NO/100

\$50.00 Dollars,

does hereby bargain, sell, remise, quit claim and convey unto the said:

BERMAR ASSOCIATES-IV, LLC

the following described real estate located in Shelby County, Tennessee, to-wit:

(SEE ATTACHED EXHIBIT "A")

Being the same property conveyed to Shelby County Government in Tax Sale **94.5** on which sale was confirmed in Docket #

Property Address: 0 VENABLE AVE.

Parcel # 07301700002250

Conveyance of the above described property is made without warranties of any sort.

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Trustee, this 18th day of September, 2016.

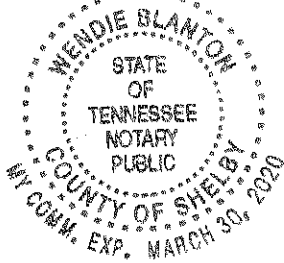
BY [Signature]

DAVID C. LENOIR, SHELBY COUNTY TRUSTEE

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared David C. Lenoir, as Trustee of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 18th day of September, 2016



[Signature]
NOTARY PUBLIC

My Commission Expires:

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by the duly authorized County Mayor, this 16th day of September, 2015.

BY [Signature]
MARK H. LUTTRELL, JR. SHELBY COUNTY MAYOR

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said County, duly commissioned and qualified, personally appeared Mayor of Shelby County, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

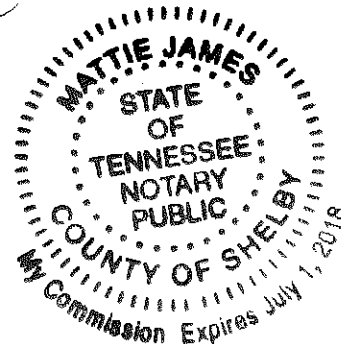
WITNESS my hand and Notarial Seal at office this 16th day of September, 2015.

[Signature]
NOTARY PUBLIC

My Commission Expires:

APPROVED AS TO FORM:

[Signature]
BY (ROBERTA KUSTOFF BPR#19519)
DELINQUENT TAX ATTORNEY



RECORDING DATA ONLY

Return Address:

Office of the Shelby County Trustee
157 Poplar Avenue - Third Floor
Memphis, TN 38103

ATTENTION: SABRINA SAMUELS

Property Address:

0 VENABLE AVE.
07301700002250

Mail Tax Bills To:

BERMAR ASSOCIATES-IV, LLC
3480 DEMOCRAT ROAD
MEMPHIS TN 38118

Property Owner:

BERMAR ASSOCIATES-IV, LLC
3480 DEMOCRAT ROAD
MEMPHIS TN 38118

I/We hereby swear/affirm that to the best of
affiant's knowledge, information, and belief,
the actual consideration for this transfer
is \$50.00

Fredie Blanton

AFFIANT

This instrument prepared by:
(ROBERTA KUSTOFF BPR#019519)
DELINQUENT TAX ATTORNEY
157 POPLAR AVENUE, 2ND FLOOR
MEMPHIS, TN 38103

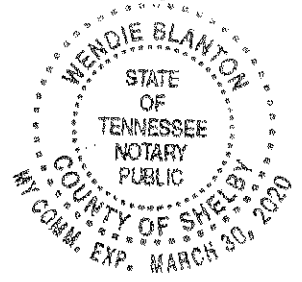
Subscribed and sworn to before me
this 18th day of NOVEMBER, 2016.

STATE TAX _____
REGISTER'S FEE _____
RECORDING FEE _____
TOTAL _____

Wendie Blanton

NOTARY

My Commission expires:



“Exhibit A”

Irregular lot measuring 27.89 feet, more or less, on the west; 34.29 feet, more or less, on the north; 27.89 feet, more or less, on the east and 116.44 feet, more or less, on the south. Containing 0.05 acres, more or less.

The intent is to combine this property with the Grantee's existing adjacent parcel number 07301700002460

Parcel: 03703500000030

Exhibit: 3475

I, Roberta Kustoff, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to § 47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

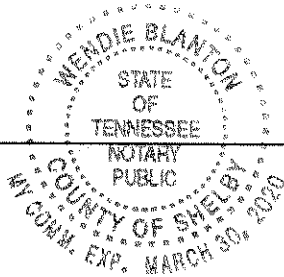

Signature

STATE OF TENNESSEE)
COUNTY OF SHELBY)

On this 10th day of July 2015, before me personally appeared Roberta Kustoff, to me known to be the person described in and who acknowledges that this certification is true and correct and whose signature I have witnessed.


NOTARY PUBLIC


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.

	
15003188	
01/12/2015 - 12:55 PM	
10 PGS	
TANYA 1287753-15003188	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	50.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	52.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

<p>THIS INSTRUMENT PREPARED BY AND RETURN TO:</p> <p>WEISSMAN & OSTROW Attorneys at Law 5118 Park Avenue, Suite 600 Memphis, TN 38117 (901) 763-2134</p>	<p>MAIL TAX BILLS TO:</p> <p>Bermar Associates IV, LLC 3480 Democrat Memphis, TN 38118</p>	<p>TAX PARCEL NUMBER:</p> <p>073-017-00226</p>
--	---	---

QUIT CLAIM DEED

Title to this property was not examined incidental to this conveyance

KNOW ALL MEN BY THESE PRESENTS, that, I, **BERNARD LIPSEY**, does hereby quit claim and convey unto **BERMAR ASSOCIATES IV, LLC**, all my right, title and interest in and to the following described real estate, lying in the Shelby County, State of Tennessee, to-wit:

PARCEL I

The following described property located on the north side of Lamar Avenue, south of the Interstate 240 in Memphis, Tennessee, known as Lot 2 of the re-subdivision of Lot 2, Lamar Terrance Subdivision, as shown on Plat of record in Plat Book 59, Page 40 in the Register's Office, Shelby County, Tennessee, being more particularly described as follows:

Beginning at a point on the northeast right of way line of Lamar Avenue and U.S. Highway 78, at its intersection with the northwest line of said subdivision; thence North 45 degrees 19 minutes 32 seconds East a distance of 157.1 feet to a point; thence south 42 degrees 50 minutes 06 seconds East a distance of 75 feet to a point marked by an iron pin found; thence South 48 degrees 15 minutes 50 seconds West a distance of 166.51 feet to a point on the northeast right of way line of Lamar Avenue; thence northwesterly along said right of way along the curve to the left having a radius of 5,780.28 feet a distance of 69.36 feet to the point of beginning.

PARCEL II

The following describe property located on the north side of Lamar Avenue, South of Interstate 240 in Memphis, Tennessee, known as Parcel 2, being part of the Billy L. Hensley Tract, being more particularly described as follows:

Beginning at a point in the northeast right of way line of Lamar Avenue (U.S. Highway 78) at the southwest corner of Lot 2 Re-subdivision of Section 2, Lamar Terrace Subdivision, as record in the Shelby County Register's Office in Plat Book 59, Page 40; thence in a northwesterly direction along the northeast right of way line of Lamar Avenue being the curve to the left having a radius of 5,780.28 feet a distance of 71 feet to a point; thence North 48 degrees 23 minutes 07 seconds East a distance of 167 feet to a point; thence South 44 degrees 14 minutes 14 seconds East a distance of 65 feet to the northwest corner of Lot 2 in the Re-subdivision of the Lamar Terrace Subdivision, as recorded in Plat Book 59, Page 40, in the Shelby County Register's Office; thence South 46 degrees 19 minutes 32 seconds West along the northwest line of Lot 2 a distance of 167.1 feet to the point of beginning.


Being the same property conveyed to the grantors herein by Special Warranty Deed of record at Instrument No. 14101646, said Register's Office.

This conveyance is made subject to:

1. Building and zoning ordinances, laws, regulations, and restrictions by municipal or other governmental authorities;
2. Any and all easements, right-of-ways, encumbrances, conditions, covenants, restrictions, reservations, exceptions, or other title matters of recording, including but not limited to the Plat of record in Book 59, Page 40, Register's Office, Shelby County, Tennessee, the Use and operating Restrictions and Affirmative Covenants set forth in the deed of record as Instrument No. 14101646, Register's Office, Shelby County, Tennessee, and the Release and Right of Entry Agreement of record as Instrument No. 06190727, Register's Office, Shelby County, Tennessee.
3. Any state of facts that an accurate survey and independent inspection of the Property would disclose.

TO HAVE AND TO HOLD said parcel of land, with the appurtenances, estate, title and interest thereto belonging to said Grantee and his heirs and assigns forever. Grantor warrants and will defend his title to the Property against all lawful claims and demands made against said title by all persons claiming by, from, through, or under grantors, and none other, except as noted above.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal this
8th day of January, 2015.


BERNARD LIPSEY

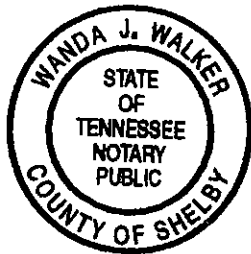
STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **BERNARD LIPSEY**, to me known to be the person described in and who executed for foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 8th day of January, 2015.

My commission expires:



My Commission Expires Oct. 17, 2018

Wanda J. Walker
NOTARY PUBLIC

Property Owner:
Bernar Associates IV, LLC
3480 Democrat
Memphis, TN 38118

Property Address:
3402 Lamar Avenue
Memphis, TN

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$10.00.

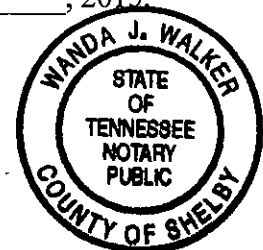
Televa Coult

AFFIANT

Subscribed and sworn to before me this the 8th day of January, 2015.

Wanda J. Walker

NOTARY PUBLIC



My Commission Expires Oct. 17, 2018

RESTRICTIONS

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, interest, claim or demand whatsoever, of Grantor, either at law or in equity, of, in and to the Property, with the hereditaments ad appurtenances;

TO HAVE AND TO HOLD the above granted and bargained Property with the easements and rights appurtenant thereunto belonging, unto Grantee and the heirs, devisees, legal representatives, successors and assigns of Grantor, as the case may be, forever, SUBJECT, however to: (a) taxes and assessments, both general and special, not then due and payable; (b) building and zoning ordinances, laws, regulations, and restrictions by municipal or other governmental authorities; (c) any and all leases, easements, rights-of-way, encumbrances, conditions, covenants, restrictions, reservations, exceptions and all other matters of record; (d) any state of facts that an accurate survey and independent inspection of the Property would disclose; and (e) the restrictions, covenants and representations set forth herein. Grantor warrants and will defend its title to the Property against all lawful claims and demands made against said title by all persons claiming by, from, through or under Grantor, and none other, except as above noted.

Use and Restrictions

This conveyance is made subject to the restrictions and covenants described on **Exhibit B** attached hereto ("Use and Restrictions"). Notwithstanding the foregoing, the Use and Operation Restrictions do not prohibit the installation or use of any compliance wells, or any underground monitoring, recovery or extraction wells or similar devices used for or related to the performance of any remediation or any corrective action work on the Property now or in the future. Grantee, for and on behalf of itself and its successors and assigns (including, without limitation, all successors in title to the Property (or any portion thereof) to Grantee (collectively, the "Grantee Parties"), by acceptance of this Deed, hereby agrees to indemnify, defend and hold harmless Grantors, its parents, affiliates and subsidiaries, and their respective directors, officers, partners, employees, contractors, agents, representatives, successors and assigns, (collectively, the "Grantor Parties"), from and against any and all actions or causes of action at law or in equity, claims, demands, expenses, obligations, losses, damages (including, without limitation, business interruption), costs, payments, liabilities, liens, environmental remediation costs and expenses, fines, penalties, and costs and expenses of litigation and reasonable attorneys' fees arising out of or relating to any use of the Property from and after the Transfer Date which is in violation of or inconsistent with the Use and Operation Restrictions. The Use and Operation Restrictions shall run with the Property and each portion thereof for the benefit of the Grantor Parties and shall bind Grantee, the Grantee Parties, and their respective directors, officers, employees, contractors, agents, representatives, lessees, licensees, invitees, and any user or occupant of all or any portion of the Property. Grantor may, in Grantor's sole and absolute discretion (but shall in no event be obligated to), release and/or waive any or all of

the Use and Operation Restrictions at any time, by written instrument duly executed and delivered by Grantor.

**EXHIBIT B
TO SPECIAL WARRANTY DEED**

(Use and Operating Restrictions, and Affirmative Covenants)

The Grantee herein covenants and agrees, for and on behalf of itself and the other Grantee Parties that the following use and operating restrictions, notices, acknowledgment and covenants shall run with the land and each portion thereof, shall bind and restrict the Property and each portion thereof, and shall be binding upon and inure to the benefit of the parties, including without limitation, Grantor, the other Grantor Parties, Grantee and other Grantee Parties, as the case may be, and their respective heirs, devisees, representatives, successors and assigns, and any other person or entity expressly noted herein, and shall bind and restrict the Property for the time periods set forth herein:

I. **This Section Intentionally Omitted.**

II. **Environmental Matters.**

A. **Environmental Restrictions.** To reduce risks to human health and/or the environment and to permit application of environmental corrective action standards or other protective activities that are consistent with applicable law, this conveyance is made by Grantor and accepted by Grantee on the express condition and subject to the following restrictions, notices, acknowledgments and covenants:

1. **Groundwater Exposure Restrictions.** No water supply wells of any kind (including, without limitation, water wells used for drinking, bathing or other human consumption purposes and water wells used for livestock, farming or irrigation) shall be installed or used on the Property (collectively, the "**Groundwater Exposure Restriction**"); provided, however, that the Groundwater Exposure Restriction does not prohibit the installation or use of any compliance wells or any groundwater monitoring, recovery or extraction wells or similar devices used for or related to the performance of any remediation or environmental corrective action work on the Property now or in the future.

2. **Residential Use Restrictions.** The property shall not be used or occupied (if used or occupied at all) for residential purposes, and additionally, no part of the Property shall be used for the purpose of operating a child care facility, a nursing home facility or hospice, a medical or dental facility, school, a church or other place of worship, a park or a hospital (collectively, the "**Residential Use Restriction**"). If applicable state environmental laws and regulations define residential use, any use that is deemed to be residential use by such laws and restrictions will also be a residential use as the terms are used herein.

3. **Construction and Excavation Restrictions.**

3.1 **Below-grade Restriction.** Any building or other improvements constructed on the Property shall have a slab-on-grade foundation, with the top of the slab at or above surface level, except for any building footings and/or underground utilities (the “**Below-grade Restriction**”).

3.2 **Construction Workers’ Caution Statement.** Prior to conducting any intrusive activities with respect to the Property, Grantee and the other Grantee Parties shall cause all construction workers performing or assisting with such activities to be notified of possible petroleum hydrocarbon encounters and appropriately trained and certified in accordance with all environmental, health and safety laws, rules, regulations and ordinances, including, without limitation, any and all Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) requirements (including, without limitation, those set forth in 29 CFR 1910.120) (collectively, the “**Workers’ Caution Restriction**”). Such training shall at a minimum include both an initial 40-hour and 8 hour refresher training and certifications in compliance with OSHA HAZWOPER requirements and any similar applicable requirements (whether existing as of the date of this conveyance or enacted or promulgated in the future).

3.3 **Removal and Disposal of Soil and Groundwater.**

No soils shall be excavated at or removed from any portion of the Property, unless and until representative soil samples from such portion of the Property are first tested to determine whether any actionable levels of petroleum-related chemicals are present, and if such levels are present, then (a) the excavation, management, disposal and/or removal of any such soils at or from such portion of the Property shall be governed by a written soil management plan (“**Soil Management Plan**”) to be developed by Grantee or any other Grantee Party, as applicable, which shall comply with all applicable laws and regulatory requirements; (b) a copy of the Soil Management Plan shall be submitted by Grantor for review and approval; (c) Grantee, or any other Grantee Party, as applicable, obtains any required government approval of the Soil Management Plan. Grantee and the other Grantee Parties shall be solely responsible for the proper and lawful performance and payment of (d) any and all soil excavation, hauling, transportation and disposal pursuant to the Soil Management Plan or otherwise and (e) any extraction, dewatering and disposal of any groundwater to be extracted or removed from the Property arising out of or resulting from any development or other construction activities at the Property, including any required testing and treatment of such water (collectively, the “**Soil and Groundwater Removal Restriction**”). Except as may be otherwise expressly provided in the Soil Management Plan that has been approved by Grantor or in the Purchase and Sale Agreement, Grantor shall not be obligated to pay any costs related to such soil excavation or groundwater extraction or any soil or groundwater removal or disposal, and/or any development of the Property.

3.4 **Development: Relocation of Remediation Equipment.**

Grantee shall submit to the Grantor a copy of plans for any construction, relocation of improvements on the Property, or any excavation, demolition re-grading, repaving,

landscaping or other development activity at the Property (excluding any renovations solely to the interior of the building that have no impact on any government required environmental work) (“**Development**”) for Grantor’s review and consent at least thirty (30) days prior to the commencement by anyone of any Development activities on the Property, unless Grantor expressly waives this provision in writing and in advance of any such Development. In the event that monitoring or recovery wells, monitoring points, treatment equipment, mobile treatment units, and any other equipment, vehicles or improvements used or installed by Grantor for any government required environmental (collectively, “**Corrective Action Equipment**”) are present at the Property in the date of this conveyance or thereafter, no Grantee Party will interfere with the use or operation of the Corrective Action Equipment, or damage or destroy (or permit the damage or destruction of) any Corrective Action Equipment. In the event Grantee or any other Grantee Party damages or destroys any Corrective Action Equipment, Grantee or such other Grantee Party (as applicable) shall pay. Upon demand, Grantor’s costs in repairing or replacing it. No Grantee Party shall remove or relocate any Corrective Action Equipment without the prior written consent of Grantor. In the event that Grantor consents to any such removal or relocation, then either (at Grantor’s sole election): (a) Grantee (or such other Grantee Party (as applicable)) shall perform such removal and/or relocation at its sole cost and expense, pursuant to plans and specifications which have been approved in writing by Grantor, and using contractors acceptable to Grantor (in which event Grantor and its contractors and consultants shall have the right to be present at, and supervise, such removal or relocation); or (b) Grantor shall perform (or cause to be performed) such removal and/or relocation, but all costs and expenses of such removal or relocation shall be borne solely by Grantee or such other Grantee Party (as applicable), and Grantee or such other Grantee Party (as applicable) shall promptly reimburse Grantor for any such costs or expenses paid, sustained or incurred by Grantor.

3.5 Cooperation. Grantee and each of the other Grantee Parties agrees to cooperate with Grantor and with the Government in obtaining environmental site closure (to commercial standards, if applicable) for any Hydrocarbon Contamination. Said cooperation may include, but not limited to, the following: (a) execution of any and all documentation as may be necessary, in Grantor’s sole discretion, to obtain environmental site closure for the Property, which documentation may impose further use and operating restrictions similar to those set forth in this **Exhibit B**; (b) attendance at any meeting requested by Grantor relating to the Hydrocarbon Contamination and government required environmental work efforts; and /or (c) such further acts as may be required in order to obtain environmental site closure for any Hydrocarbon Contamination. Should Grantee or any Grantee Party fail or refuse to sign such documentation, or become unavailable to sign such documentation (after reasonable inquiry by Grantor), Grantee or Grantee Parties hereby irrevocably appoints any Environmental Business Manager of Grantor (or any successor corporation thereto) as its power-in-fact to sign and execute such documentation for and on behalf of Grantor to record one or more “No Further Remediation” or “No Further Action” letters or similar site closure documentation or notices against the Property, if required by the government or the laws, when the same are obtained by Grantor from the government.

3.6 Notice. Any notices required to be given to Grantor shall be given using the following address:

BP Products North America Inc.
c/o Atlantic Richfield Company, VP Operations
28100 Torch Parkway
Warrenville, IL 60555
Telephone No.: (630) 836-7138
Facsimile No.: (630) 836-7195
Site SS #: _____
Property Address: _____

3.7 Duration. The Groundwater Exposure Restriction, the Residential Use Restriction, the Below-grade Restriction, the Construction Workers' Restriction, and the Soil and Groundwater Removal Restriction, including their related restrictions, notices, acknowledgments and covenants and those restrictions, notices, acknowledgments and covenants set forth in sections 3.4 and 3.5 above (collectively, the "**Environmental Restrictions**"), shall run with land and each portion thereof and shall be binding upon and inure to the benefit of Grantor, the other Grantor Parties, Grantee and the other Grantee Parties, and shall remain in full force and effect and bind and restrict the Property, unless and until the Environmental Restrictions (or any portion thereof) are either: (1) waived in writing by Grantor under conditions which, in Grantor's sole discretion, demonstrate that specific risks to human health and the environment are, have been, and/or will be appropriately reduced; (2) released in writing by Grantor. Grantor may, at Grantee's request, release a portion or portions of the Environmental Restrictions from the Property upon Grantor's receipt from Grantee of an acknowledgment from the government, obtained by Grantee at its sole cost and expense, that test results demonstrate that the Property meets the then-current soil and groundwater standards for the Property without the portion or portions of the Environmental Restrictions and that the government approves the releasing of that portion or portions of the Environmental Restrictions.

II. Certain Environmental Acknowledgments, Covenants and Notices.

A. Prior Use. Grantee acknowledges that the Property has been used as a service station or for the storage, sale, transfer and distribution of motor vehicle fuels, petroleum products or derivatives containing hydrocarbons.

B. USTs. Grantee acknowledges that underground storage tanks and associated product piping systems ("**USTs**") included in, on or under the Property may contain explosive gases and may have been used for the storage of motor fuels containing tetraethyl lead or other "antiknock" compounds which have made such USTs unfit for the storage of water or any other article or commodity intended for human or animal contact or consumption. Grantee expressly agrees not to use or permit the use of any such USTs for such purposes.

C. Notice of Environmental Restrictions upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a recital acknowledging the Environmental Restrictions and providing the recording location of this Deed upon such conveyance substantially in the following form: "The real property described herein is subject to the Environmental Restrictions made by BP Products North America Inc., as Grantor, for its benefit and the benefit of other parties and persons as set forth therein, and recorded with the Office of the Recorder of Shelby County on the _____ day of _____, 2014, in Shelby County Deed Records at Volume _____, Page _____ and having Document No. _____ as if the same were fully set forth herein." Notwithstanding the foregoing, any failure to include such notice shall not, in itself and of itself, create any right or claim that any of the Environmental Restrictions or this Deed are void, voidable or otherwise unenforceable in accordance with their terms.

D. Defined Terms: Successors: Other. All capitalized terms used in this Exhibit B shall have the meanings ascribed to such terms as set forth in the Deed to which this Exhibit B is attached. By taking title to the Property (or otherwise succeeding, directly or indirectly, to any of Grantee's right, title or interest in or to the Property), each Grantee Party shall be conclusively deemed to have agreed to and accepted each and all of the terms, provisions and conditions of this Exhibit B, and to have agreed to be bound thereby. It is the intention of Grantor and Grantee that the terms, provisions, covenants and restrictions set forth in this Exhibit B shall be deemed to have vested upon the execution and delivery of this Deed by Grantor. If any of the covenants or restrictions contained herein shall be unlawful, void or voidable for violation of the rule against perpetuities, then any such covenants and restrictions shall continue only until twenty-one (21) years after the death of the survivor of the now living descendants of George W. Bush. If any of the covenants or restrictions contained herein shall be unlawful, void or voidable for violation of any other statutory or common law rule(s) imposing time limits, then any such covenants and restrictions shall continue only for the longest period permitted under such statutory or common law rule(s) or regulation(s). If any term, provision, condition, covenant or restriction in this Exhibit B shall, to any extent, be invalid or unenforceable, the remainder of this Exhibit B (or the application of such term, provision, condition, covenant or restriction to persons or circumstances other than in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision, condition, covenant and restriction set forth in this Exhibit B shall be valid and enforceable to the fullest extent permitted by law. Grantee acknowledges, for itself and the other Grantee Parties, that the breach of any of the covenants or restrictions contained in this Exhibit B on the part of Grantee or any other Grantee Party will result in irreparable harm and continuing damages to Grantor and Grantor's business, and that Grantor's remedy at law for any such breach or threatened breach would be inadequate. Accordingly, in addition to such remedies as may be available to Grantor at law or in equity in the event of any such breach, any court of competent jurisdiction may issue an injunction, (both preliminary and permanent), without bond, enjoining and restricting the breach or threatened breach of any such covenant or restriction by Grantee or any other Grantee Party. In the event that Grantee or any other Grantee Party shall breach any of the covenants or restrictions set forth in this Exhibit B, then Grantee or such other Grantee Party (as applicable) shall pay all of Grantor's costs and

expenses (including reasonable attorneys' fees) incurred in enforcing such covenants and restrictions.

[End of Exhibit B to Deed]



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.



22137545

12/27/2022 - 03:01:55 PM

3 PGS	
BRIAN 2529431 - 22137545	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

QUIT CLAIM DEED

MARUTI, INC. (aka Maruti of Memphis, Inc. by name change amendment filed with the Tennessee Secretary of State), a Tennessee corporation, "Grantor", does hereby quit claim unto GARDEN INN AND SUITES INC, a Tennessee corporation, "Grantee", all of Grantor's interest in and to that certain real estate located in the County of Shelby, State of Tennessee, which is more particularly described as follows, to-wit:

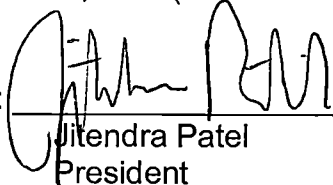
Lot 1, Sam Patel's Commercial Subdivision, as shown on plat of record in Plat Book 151, Page 63, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

This being the same property conveyed to the Grantor herein by Quit Claim Deed of record at Instrument No. HG 5143 in the Register's Office of Shelby County, Tennessee.

THIS DEED PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION.

WITNESS the signature of the Grantor as of the 21st day of December, 2022.

MARUTI, INC. (aka Maruti of Memphis, Inc.)

By: 

Jitendra Patel
President

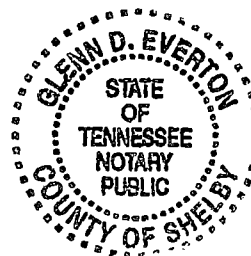
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public in the State and County aforesaid, personally appeared Jitendra Patel, known to me to be the President of MARUTI, INC., the within named bargainor, and that he, being authorized so to do, executed the foregoing for the purposes therein contained by signing the name of the Corporation by himself as such President.

WITNESS my hand and seal at office this 21st day of December, 2022.

Glenn D. Everton
Notary Public

My commission expires: 10/27/2024



STATE OF TENNESSEE
COUNTY OF SHELBY

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

Jitendra Patel
Affiant

WITNESS my hand and notarial seal at office this 21st day of December, 2022.

Glenn D. Everton
Notary Public

My commission expires: 10/27/2024



Tax Parcel No.: 073017 00241

Property Address: 3419 American Way, Memphis, TN 38118

Name and Address of New Property Owner
and mail tax notices to:

Garden Inn and Suites Inc
3419 American Way
Memphis, TN 38118

PREPARED BY:

Griffin, Clift, Everton & Maschmeyer, PLLC
6489 N. Quail Hollow Rd. #100
Memphis, TN 38120 *KA*


RETURN TO: Preparer FF 24697 (GDE)



Tom Leatherwood

Shelby County Register

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

	
12012340	
02/02/2012 - 12:08 PM	
4 PGS	
ALONZO 916587-12012340	
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	22.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

<p>THIS INSTRUMENT WAS PREPARED BY: WEISSMAN, OSTROW & MITCHELL Attorneys at Law 5118 Park Avenue, Suite 600 Memphis, TN 38117 Telephone: 901-763-2134 Fax: 901-763-3891</p>	<p>State of Tennessee County of Shelby</p> <p>The actual consideration or value, whichever is greater, for this transfer is \$10.00.</p> <p><i>[Signature]</i> Affiant</p> <p>Subscribed and sworn to before me, this the <u>30th</u> day of <u>January</u>, 2012.</p> <p><i>[Signature]</i> Notary Public</p> <p>My commission expires: _____ (AFFIX SEAL)</p>
--	---



QUIT CLAIM DEED

My Commission Expires April 6, 2014

Address of New Owner(s) as follows: Bermar Associates-IV, L.L.C.	Send Tax Bills To: Bermar Associates-IV, L.L.C.	Property Address: SEE LEGAL DESCRIPTION
3480 Democrat	3480 Democrat	Map-Parcel Number: SEE LEGAL DESCRIPTION
Memphis, TN 38118	Memphis, TN 38118	File Number:

Title to this property was not examined incidental to this conveyance

KNOW ALL MEN BY THESE PRESENTS, that, **BERMAR ASSOCIATES**, a Tennessee General Partnership, composed of General partners Bernard A. Lipsey and Mark Lurie of Memphis, TN, does hereby quit claim and convey unto **BERMAR ASSOCIATES-IV, L.L.C.**, a Tennessee limited liability company, all my right, title and interest in and to the following described real estate, lying in the Shelby County, State of Tennessee, to-wit:

PARCEL 1:

Beginning at a point of curvature in the present south line of Raines Road (123 feet R.O.W.) a tangent distance of 40.95 feet southwestwardly from the tangent intersection of the west line of Pilot Drive (80 feet R.O.W.) with the said south line of Raines Road; thence in a southeastwardly direction along a curve to the right having a radius of 40 feet, a distance of 63.77 feet to the end of said curve and being in the present line of Pilot Drive; thence due south along the said west line of Pilot Drive a distance of 149.47 feet (Deed call – 150.44 feet) to an iron pin set at the northeast corner of property in the name of Coleman Enterprises, Inc., thence south 88 degrees 39 minutes 00 seconds west, along the north line of said Coleman Enterprises, Inc. property a distance of 114.88 feet to an iron pin set at the southeast corner of a 0.297 acre parcel; thence North 0 degrees 09 minutes 00 seconds east, along the east line of said parcel, a distance of 190.44 feet to an iron pin set in the south line of Raines Road; thence north 88 degrees 39 minutes 00 seconds east, along the said south line of Raines Road, a distance of 73.43 feet, to the point of beginning, and containing 0.493 acre, more or less.

Property Address: 3939 Pilot, Memphis, TN

Tax ID: 073-101-00804

Being the same property conveyed to the grantors herein by Substitute Trustee's Deed of record in Instrument NO. DR 6378, Register's Office, Shelby County, Tennessee.

PARCEL 2:

A part of Lots 6 and 7 of R. P. Marr Subdivision described as follows: Commencing at the northeast corner of the intersection of North Parkway and Dunscomb Place and run thence in an easterly direction along the north right-of-way line of North Parkway a distance of 150 feet; thence in a northerly direction parallel to the east right-of-way line of Dunscomb Place a distance of 158 feet; thence in a westerly direction parallel to the north right-of-way line of North Parkway a distance of 150 feet to a point on the east right-of-way line of Dunscomb Place; thence in a southerly direction along the easterly right-of-way line of Dunscomb Place 158 feet to the point of beginning.

Property Address: 710 N. Parkway, Memphis, TN

Tax ID: 001-109-021

Being the same property conveyed to the grantors herein by Quit Claim Deed of record in Instrument NO. EW 7889, Register's Office, Shelby County, Tennessee.

PARCEL 3:

Part of Lot 1, Ben Paine (Payne) Farm Subdivision, as shown on plat of record in Plat Book 9, Page 30, and part of Tract 3, Chancery Court No. 40536 E. D. Division of Benj. Paine 74.83 acres of the Elizabeth Brown 139.69 acres and being more particularly described as follows; Beginning at a point in the south line of Lamar Avenue (100 feet wide) a distance of 111.5 feet eastwardly from its tangent intersection with the east line of Old Getwell Road; thence south 80 degrees 18 minutes 20 seconds east 163.96 feet to a point; thence south 04 degrees 48 minutes 09 seconds west 200.61 feet to a point; thence north 80 degrees 18 minutes 20 seconds west 187.99 feet to a point; thence north 11 degrees 40 minutes 40 seconds east 200.0 feet to the point of beginning, containing 0.807 acres.

This conveyance is made subject to easements of record as Instrument No. G7 6157 and G7 6158, said Register's Office.

Property Address: 3897 Lamar, Memphis, TN

Tax ID: 073-010-00004 and 073-010-00007

Being the same property conveyed to the grantors herein by Warranty Deed of record in Instrument NO. DZ 5182, Register's Office, Shelby County, Tennessee.

PARCEL 4:

Lot 8, W.F. McLemore Subdivision, as per plat of record in Plat Book 13, Page 19, Register's Office, Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lot.

Property Address: 3480 Democrat, Memphis, TN

Tax ID: 073-001-00029

Being the same property conveyed to the grantors herein by Warranty Deed of record in Instrument NO. X5 9755, Register's Office, Shelby County, Tennessee.

PARCEL 5:

Parts of Lots 1 and 2, Oaks Subdivision of Lot 5, Jay Madison Subdivision, and being more particularly described as follows: Beginning at a point in the intersection of the present north line of Park Avenue with the east line of Goodman Street, as shown on subdivision plat; thence eastwardly with said present north line of Park Avenue 102.5 feet to the line dividing Lots 2 and 3 of

said Oaks Subdivision; thence northwardly with said dividing line and parallel with Goodman Street 168.3 feet to an iron pipe; thence westwardly parallel with Park Avenue 102.5 feet to the east line of Goodman Street; thence southwardly with said east line of Goodman Street 168.3 feet to the point of beginning.

Property Address: 3824 Park, Memphis, TN

Tax ID: 046-037-00026

Being the same property conveyed to the grantors herein by Warranty Deed of record in Instrument NO. 04084603, Register's Office, Shelby County, Tennessee.

PARCEL 6:

Lot 2, 3, 4, 5, and 6, Sam Patel Subdivision, as shown on plat of record in Plat Book 151, Page 63, Register's Office, Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lot.

Property Address: 0 Lamar, Memphis, TN
0 American Way, Memphis, TN
0 American Way, Memphis, TN
0 American Way, Memphis, TN
0 American Way, Memphis, TN

Tax ID: 073-017-00242
073-017-00243
073-017-00244
073-017-00245
073-017-00246 * see Deed Restrictions

Being the same property conveyed to the grantors herein by Quit Claim Deed of record in Instrument NO. 03246405, Register's Office, Shelby County, Tennessee.

***Deed Restrictions**

1. No motel, hotel or any other type business providing transitory lodging shall be built or operated on the property conveyed herein.
2. Any development of the property conveyed, including the building or placing of any structures on said property, shall not obstruct the visibility of the motel building on Lot 1 of the Sam Patel Subdivision mentioned herein to American Way.
3. Development of the property conveyed herein shall not be of a nature to adversely affect the business of the motel on Lot 1 of the Sam Patel Subdivision.
4. These restrictions shall run with the land in perpetuity, shall be binding on the heirs, successors, personal and legal representatives and assigns of the grantee hereto.

PARCEL 7:

Commencing at the intersection of the centerline of Pleasant Hill Road (114 foot Right-of-Way) and the centerline of Old Pleasant Hill Road (80 foot Right-of-Way); thence North 52 minutes 17seconds East along the centerline of Old Pleasant Hill Road a distance of 172.37 feet to a point of curvature; thence continuing along said centerline along a curve to the left having a radius of 400.00 feet an arc distance of 296.36 feet (chord of North 31 degrees 04 minutes 05 seconds East 289.63 feet) to a point of tangency; thence North 09 degrees 50 minutes 35 seconds East continuing along said centerline a distance of 32.17 feet to a point on the east line of the property described by Instrument FF 4360; thence leaving said centerline South 00 degrees 38 minutes 44 seconds West along said east line a distance of 130.84 feet to a point; thence South 00 degrees 11 minutes 27 seconds East continuing along said east line a distance of 52.11 feet to the point of beginning; thence continuing along said east line South 00 degrees 11 minutes 27 seconds East a distance of 546.66 feet to a point; thence leaving said

east line North 88 degrees 26 minutes 39 seconds West a distance of 35.72 feet to a point on the east line of Pleasant Hill Road (114 foot Right-of-way); thence along said east line along a curve to the left having a radius of 1,457.00 feet an arc length of 307.48 feet (chord of North 26 degrees 39 minutes 18 seconds West 306.91 feet) to a point of reverse curvature; thence continuing along said east line along a curve to the right having a radius of 170.00 feet an arc length of 51.99 feet (chord of North 23 degrees 56 minutes 21 seconds West 51.79 feet) to a point of curvature; thence continuing along said line along a curve to the right having a radius of 50.00 feet an arc length of 43.00 feet (chord of North 09 degrees 27 minutes 37 seconds East 41.69 feet) to a point of compound curvature; thence along the south line of Old Pleasant Hill Road, along a curve to the right having a radius of 170.00 feet an arc length of 53.99 feet (chord of North 43 degrees 11 minutes 44 seconds East 53.76 feet) to a point of tangency; thence continuing along said south line North 52 degrees 17 minutes 35 seconds East a distance of 24.95 feet to a point of curvature; thence continuing along said south line along a curve to the left having a radius of 440.00 feet an arc length of 177.26 feet (chord of North 40 degrees 45 minutes 06 seconds East 176.07 feet) to a point; thence leaving said south line South 71 degrees 04 minutes 20 seconds East a distance of 15.08 feet to the point of beginning.

Property Address: 0 Pleasant View Road, Memphis, TN

Tax ID: 094-200-00450

Being the same property conveyed to the grantors herein by Warranty Deed of record in Instrument NO. 07163383, Register's Office, Shelby County, Tennessee.

30th IN TESTIMONY WHEREOF I have hereunto set my hand and seal this 30th day of Jan, 2012.

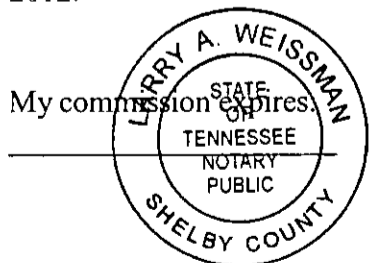
BERMAR ASSOCIATES
BY: Bernard Lipsey
Bernard Lipsey, Partner

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, a Notary Public, of the State and County aforesaid, personally appeared **Bernard Lipsey**, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be a partner of **BERMAR ASSOCIATES**, a Tennessee general partnership, the within named bargainor, a partnership and that he as such partners executed the foregoing instrument for the purpose therein contained, by signing the name of the partnership by himself as partner.

WITNESS my hand and Notarial Seal, this the 30th day of Jan, 2012.



My commission expires on

Larry A. Weissman
NOTARY PUBLIC

My Commission Expires April 6, 2014



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

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

August 9, 2024

Dedrick Brittenum, Brittenum Law pllc
3385 Airways Boulevard, Suite 229
Memphis, Tennessee 38116

Sent via electronic mail to: dbj@brittenumlaw.com

RaceTrac Planned Development
Case Number: PD 2024-009
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, August 9, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development amendment application for the RaceTrac Planned Development, subject to the attached outline plan conditions.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

Letter to Applicant
PD 2024-009

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at chloe.christion@memphistn.gov.

Respectfully,



Chloe Christion
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Christine Donhardt – cdonhardt@reavesfirm.com
Daniel Brown – dbrown@racetrac.com
Mike Davis – mdavis@reavesfirm.com
Brandon Allred – jallred@racetrac.com
File

Letter to Applicant

PD 2024-009

Outline Plan Conditions

I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use – 3 (CMU-3) District. Additionally, the following uses are allowed:
 - 1. Truck Stop, Tractor Trailer (fueling of with no on-site bathing options, no on-site lodging facilities, nor overnight parking of Tractor Trailers.).
- B. The following uses are not allowed:
 - 1. Tattoo, palmist, psychic, or medium
 - 2. Hourly Rate Hotel or Motels

II. Bulk Regulations:

- A. The Bulk Regulations of the CMU-3 shall apply except for the following:
 - 1. Location of structures shown on the concept plan may be repositioned on the site by as much as one hundred fifty (150) feet on the final plan in keeping with these conditions.
 - 2. Canopy can be setback greater than 20' from the property line.
 - 3. The convenience store canopy cannot exceed 20 feet in height. The diesel fuel pumps canopy cannot exceed 25 feet in height.

III. Access, Circulation and Parking:

- A. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- B. Two (2) curb cuts shall be allowed along American Way as indicated on the concept plan.
- C. One (1) curb cut shall be allowed along Lamar Ave as indicated on the on the concept plan.
- D. The design of the curb cuts shall be subject to the approval of the City Engineer.
- E. Parking shall be in accordance with the CMU-3 requirements of the UDC.
- F. No improvements or extension of Venable Avenue (or Lamar View SD) will be made.
- G. A minimum of three EV Charging Stations shall be provided at the front or side of the convenience store building.
- H. A minimum of 6 bike spaces shall be provided.

IV. Landscaping and Screening:

- A. Internal parking lot landscaping shall be provided in accordance with the requirements of the UDC. Landscaped areas shall not conflict with, wherever feasible, drainage, sewer, utility easements, including overhead wires.

Letter to Applicant

PD 2024-009

- B. All heating and air conditioning equipment, refuse dumpsters, and loading facilities shall be screened from adjacent properties and public view.
- C. Class III buffer will be installed on the east near the residential zoning.
- D. Streetscaping Plate Type S-10 modified to 15 feet in width behind the existing curb-lined sidewalk shall be provided on both Lamar Avenue and American Way.
- E. A detailed landscaping plan shall be provided as a part of the Final Plat. The Division of Planning and Development may approve modifications administratively.

V. Signs:

- A. Signage shall be provided in accordance with the CMU-3 requirements of the UDC.
- B. The sign face area of any detached signs shall be regulated by Table I in UDC Item 4.9.7.D(2)(b).
- C. Attached building signs shall be in accordance with the requirements of the UDC for the CMU-3.
- D. No canopy signs are permitted.
- E. Landscaping at the base of any detached sign shall be provided at 2 times the size of the sign face.

VI. Outdoor Site Lighting:

- A. Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height within 200 feet of adjacent residential and a maximum of thirty-five (35) feet otherwise.
- B. A Photometric Lighting Analysis shall be required with a 0 foot candle intensity along the property line measuring 233.93 feet at the end of Venable Avenue.

VII. Drainage:

- A. 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.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

VIII. Building, Fuel Pumps Canopy, and Dumpster Enclosure Design

Letter to Applicant

PD 2024-009

- A. A minimum 50% transparency shall be provided with the front-facing building elevation for the convenience store.
 - B. A minimum 30% transparency shall be provided on the side building elevations of the convenience store.
 - C. The support columns for the gas pumps canopy in front of the convenience store and the truck fueling canopy shall be covered in an exterior compatible with the exterior of the convenience store by using brick or stone cladding, or a combination thereof. Any fuel canopy shall be architecturally compatible with the convenience store building.
 - D. The dumpster location and enclosure shall meet the locational requirements in the Unified Development Code.
 - E. Striping is permitted on any fuel canopy.
 - F. All exterior building elevations, fuel pump island canopy elevations, dumpster enclosure elevations, and detached sign elevations shall be provided on the final plat including building materials and colors to be used.
- IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

X. Site Plan Review

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plat. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
 - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
 - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
 - 4. Building elevations and materials.

- XI.** A final plat shall be filed within five (5) years of the date of approval of the Outline Plan by the

Letter to Applicant
PD 2024-009

Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

XII. Any final plat shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
- F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- I. 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.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 09/10/2024
DATE
PUBLIC SESSION: 09/24/2024
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 at 4615 Quince Road, known as case number SUP 2024-017.

CASE NUMBER: SUP 2024-017

LOCATION: 4615 Quince Road

COUNCIL DISTRICTS: District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Ken Shin

REPRESENTATIVE: David Baker

REQUEST: Special use permit to allow a drive-thru restaurant

AREA: +/-1.001 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
08/08/2018 _____	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>mahan Catalin</u>	<u>Aug 29, 2024</u>	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Burt Ryan</u>	<u>8/29/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-017

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 4615 QUINCE ROAD, KNOWN AS CASE NUMBER SUP 2024-017.

- This item is a resolution with conditions for a special use permit to allow a drive-thru restaurant; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024-017

LOCATION: 4615 Quince Road

COUNCIL DISTRICT(S): District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Ken Shin

REPRESENTATIVE: David Baker

REQUEST: special use permit to allow a drive-thru restaurant

EXISTING ZONING: Commercial Mixed-1 (CMU-1), BOA 1969-043-CI

AREA: +/-1.001 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,

Mahsan Ostadnia

Planner II
Land Use & Development Services

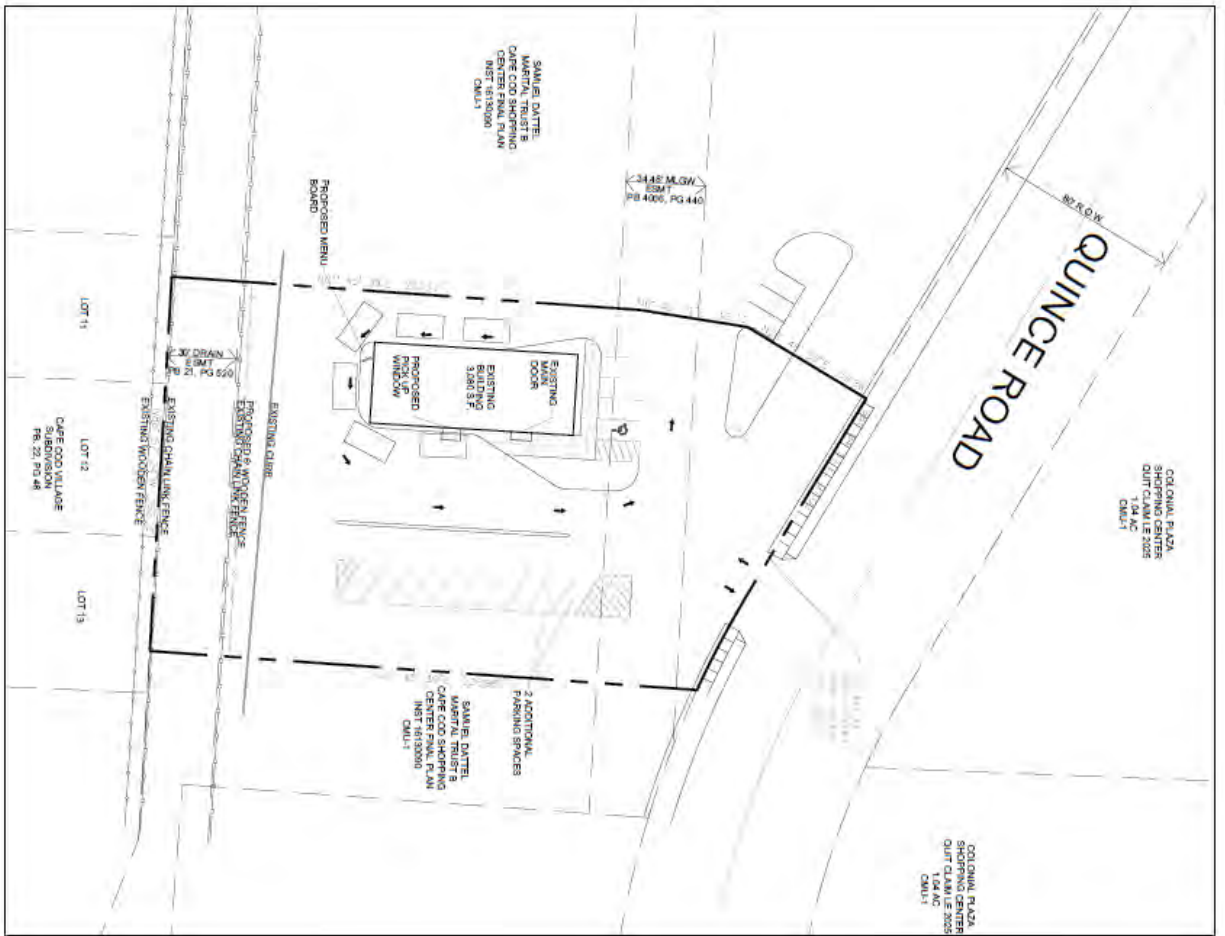
Cc: Committee Members
File

SUP 2024-017

CONDITIONS

1. The two parking islands on site shall be converted to landscaped islands with trees.
2. A final site plan shall be provided to the Division of Planning and Development if the Special Use Permit is approved by the City Council. The final site plan shall include a landscaping plan, the building elevations, and any approved conditions of the City Council.

SITE PLAN



PLAN DATA

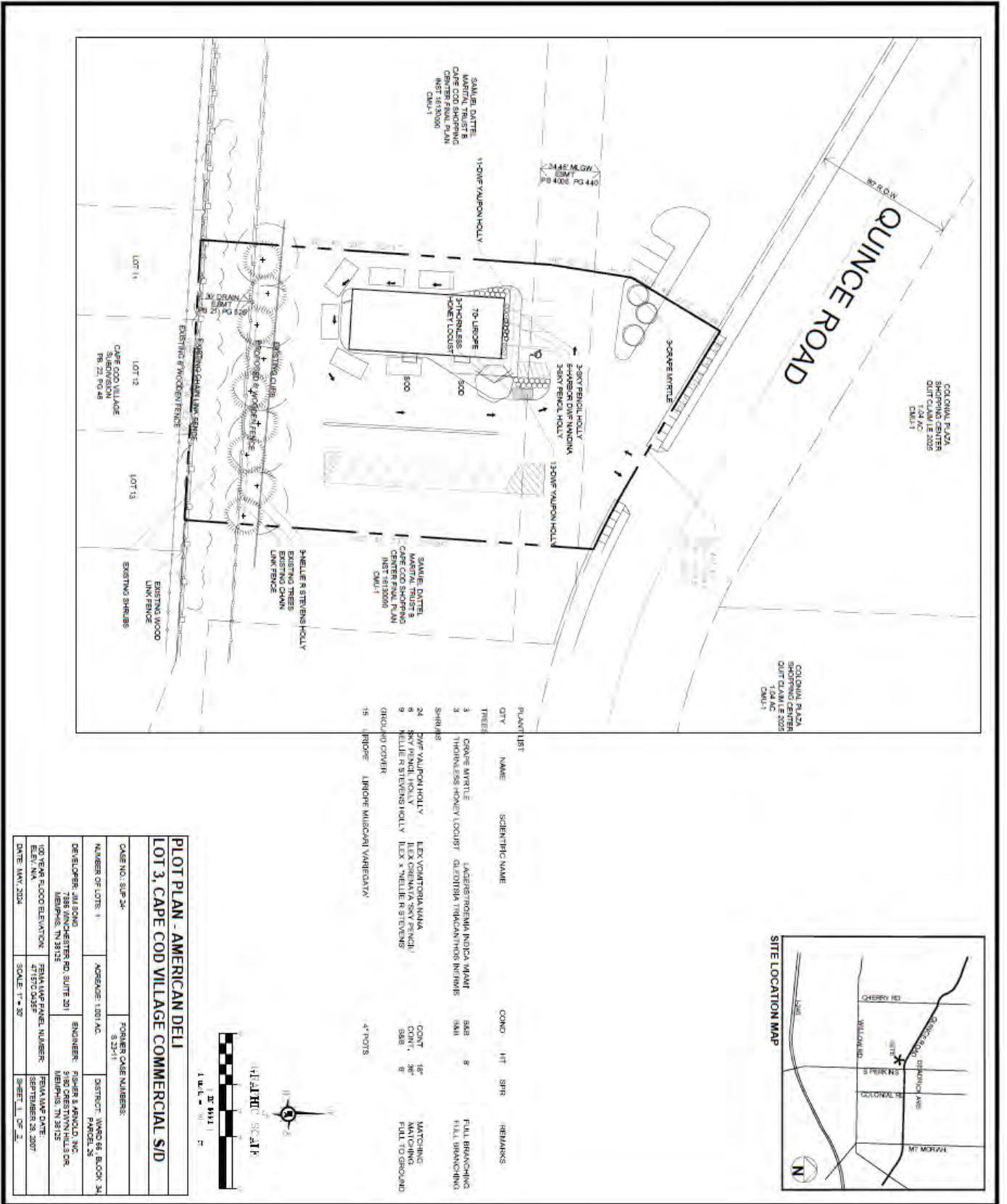
TOTAL AREA.....1.001 ACRES
 BUILDING SIZE.....3,080 S.F.
 DENSITY.....0.087 F.A.R.
 PARKING REQUIRED.....31 SPACES
 PARKING PROVIDED.....14 SPACES

*THERE IS A RECIPROCAL INGRESS/EGRESS PARKING AGREEMENT BETWEEN ALL LOTS IN THIS SHOPPING CENTER. TOTAL PARKING FOR ENTIRE SHOPPING CENTER IS 277 SPACES

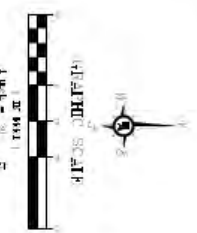


SITE PLAN - AMERICAN DELI		LOT 3, CAPE COD VILLAGE COMMERCIAL SID	
CASE NO.: SUP-24	FORFEIT CASE NUMBER: S-23-11	APPROX. 1.001 AC.	DISTRICT: WARD 51, BLOCK 24, PARCEL 25
NUMBER OF LOTS: 1	ENGINEER: FISHER & LANDOLINO INC.	DATE: MAY, 2024	SCALE: 1" = 20'
DEVELOPER: JILL SONG	7888 WINCHESTER RD, SUITE 201	MEMPHIS, TN 38125	
100 YEAR FLOOD ELEVATION:	715.0 DMSF		
FINAL MAP PANEL NUMBER:	SEPTEMBER 28, 2007		
DATE: MAY, 2024	SCALE: 1" = 20'		

PLOT PLAN



PLANT LIST	QTY	NAME	SCIENTIFIC NAME	COND.	HT.	SFR.	REMARKS
TREES	3	CRANE WARTLE	LAGERSTRÖMIA INDICA 'MAMM'	8AB	8'		FULL BRANCHING
	3	THUNBERG HONEY LOCUST	QUERCUS THUNBERGII	8AB	8'		FULL BRANCHING
SHRUBS	24	CAPE COD SHOPPING CENTER FULL PLAN	LEUCANTHUS VULGARIS	CONT.	18"		MATCHING
	8	CAPE COD SHOPPING CENTER FULL PLAN	LEUCANTHUS VULGARIS	CONT.	36"		MATCHING
	9	NELLIE R STEVENS HOLLY	ILEX X NELLIE R STEVENS	8AB	8'		PULL TO GROUND
	15	CRANE WARTLE	LAGERSTRÖMIA INDICA 'MAMM'	8AB	8'		FULL BRANCHING
	15	THUNBERG HONEY LOCUST	QUERCUS THUNBERGII	8AB	8'		FULL BRANCHING
	15	NELLIE R STEVENS HOLLY	ILEX X NELLIE R STEVENS	8AB	8'		PULL TO GROUND
	4	POTS					



LOT 3, CAPE COD VILLAGE COMMERCIAL S/D			
CASE NO.: SUP-24			
NUMBER OF LOTS: 1		ACRES: 1.001 AC.	
FORMER CASE NUMBER: S-23-11		DISTRICT: WARD 8, BLOCK 24	
PARCEL: 25		ENGINEER: FISHER & ARNOLD, INC.	
785 WAINCHESTER RD, SUITE 201		MEMPHIS, TN 38175	
DATE: MAY 2004		SCALE: 1" = 20'	

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 4615 QUINCE ROAD, KNOWN AS CASE NUMBER SUP 2024-017.

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, Ken Shin filed an application with the Memphis and Shelby County Division of Planning and Development to allow a drive-thru restaurant; 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 August 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 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. The two parking islands on site shall be converted to landscaped islands with trees.
2. A final site plan shall be provided to the Division of Planning and Development if the Special Use Permit is approved by the City Council. The final site plan shall include a landscaping plan, the building elevations, and any approved conditions of the City Council.

SITE PLAN



SITE LOCATION MAP

PLAN DATA
 TOTAL AREA.....1.001 ACRES
 BUILDING SIZE.....3,080 S.F.
 DENSITY.....0.087 F.A.R.
 PARKING REQUIRED.....31 SPACES
 PARKING PROVIDED.....14 SPACES

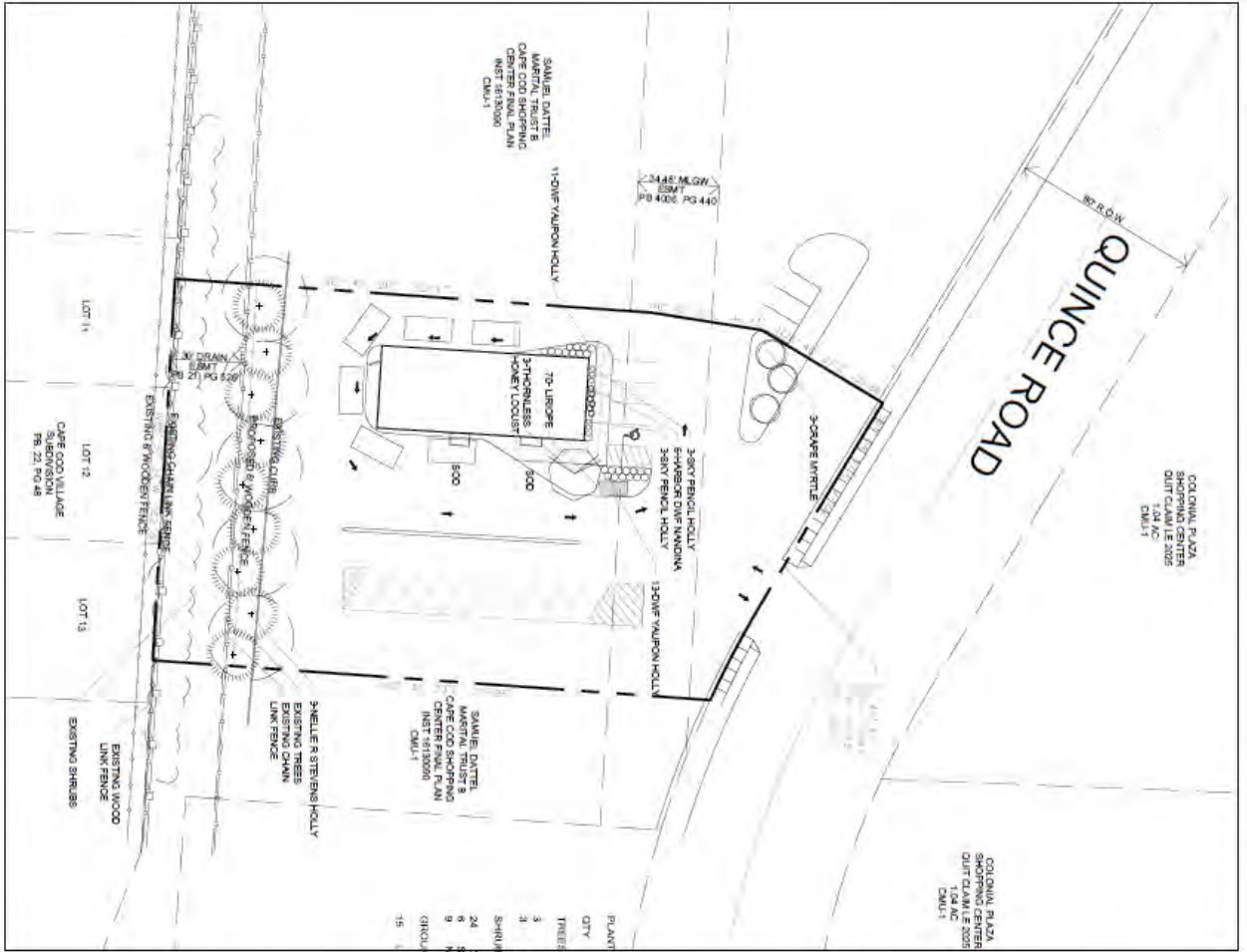
*THERE IS A RECIPROCAL INGRESS/EGRESS PARKING AGREEMENT BETWEEN ALL LOTS IN THIS SHOPPING CENTER. TOTAL PARKING FOR ENTIRE SHOPPING CENTER IS 277 SPACES



SITE PLAN - AMERICAN DELI LOT 3, CAPE COD VILLAGE COMMERCIAL SID

CASE NO.: SUP-24	FORNER CASE NUMBERS:
NUMBER OF LOTS: 1	ACREAGE: 1.001 AC.
DEVELOPER: JIM SONG	ENGINEER: FISHER & MARNOLO, INC.
DESIGNER: JIM SONG	MEMPHIS, TN 38125
DESIGNER FLOOD ELEVATION: 4 FT. ABOVE GROUND	DESIGNER PANEL NUMBER: 47100
DATE: MAY, 2024	SCALE: 1" = 30'

PLOT PLAN



COLONIAL PLAZA
SHOPPING CENTER
QUITMAN LE 2025
1.24 AC
CM-11

PLANT LIST	QTY	NAME	SCIENTIFIC NAME	COND	HT	SPR	REMARKS
TREES	3	GRAPE MYRTLE	LACERTROBIMA INDICA WAKAT	SBM	8'		FULL BRANCHING
	3	THORNLESS HONEY LOCUST	GLADSTONIA THORNLESS INDICATA	SBM	8'		FULL BRANCHING
SHRUBS	24	DRY YAPPOON HOLLY	LEX VORITROBANA	COBT	18"		MATCHING
	4	SHRUB	SHRUB	SBM	8'		FULL TO GROUND
	9	NELLE R STEVENS HOLLY	LEX X NELLE R STEVENS	SBM	8'		FULL TO GROUND
	15	GROUP COVER	LYRORAE MISCORAI VALEFOATVA	4" TOTS			



LOT 3, CAPE COD VILLAGE COMMERCIAL SID

CASE NO.: SUP-24	FORNER CASE NUMBERS:
NUMBER OF LOTS: 1	MOORAGE: 1.181 AC
DEVELOPER: JAI SONG 7388 WINCHESTER RD, SUITE 201 MEMPHIS, TN 38125	ENGINEER: FISHER & ARNOLD, INC. 5180 CRESTVIEW HILLS DR. MEMPHIS, TN 38125
100 YEAR FLOOD ELEVATION: 27 FT 0 IN	PREPARED BY: FISHER & ARNOLD, INC. SEPTEMBER 28, 2007
DATE: MAY, 2024	SCALE: 1" = 32'

ATTEST:

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

AGENDA ITEM: 1 **L.U.C.B. MEETING:** August 08, 2024
CASE NUMBER: SUP 2024-017
LOCATION: 4615 Quince Road
COUNCIL DISTRICT: District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Ken Shin
REPRESENTATIVE: David Baker
REQUEST: special use permit to allow a drive-thru restaurant
EXISTING ZONING: Commercial Mixed-1 (CMU-1), BOA 1969-043-CI

CONCLUSIONS

1. The original site plan proposed the drive-thru lane between the right-of-way along Quince Road. The applicant applied for variances from UDC Paragraphs 4.5.6B(2), queuing spaces impeding traffic movements, and 4.6.8A(2) requiring landscape plantings along the entire length of the drive-thru lane, located between the drive-thru lane and the right-of-way. The Board of Adjustment rejected the variance application, BOA 2024-0069, on July 24, 2024, requiring the applicant to apply the recommended site plan by the DPD Staff.
2. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

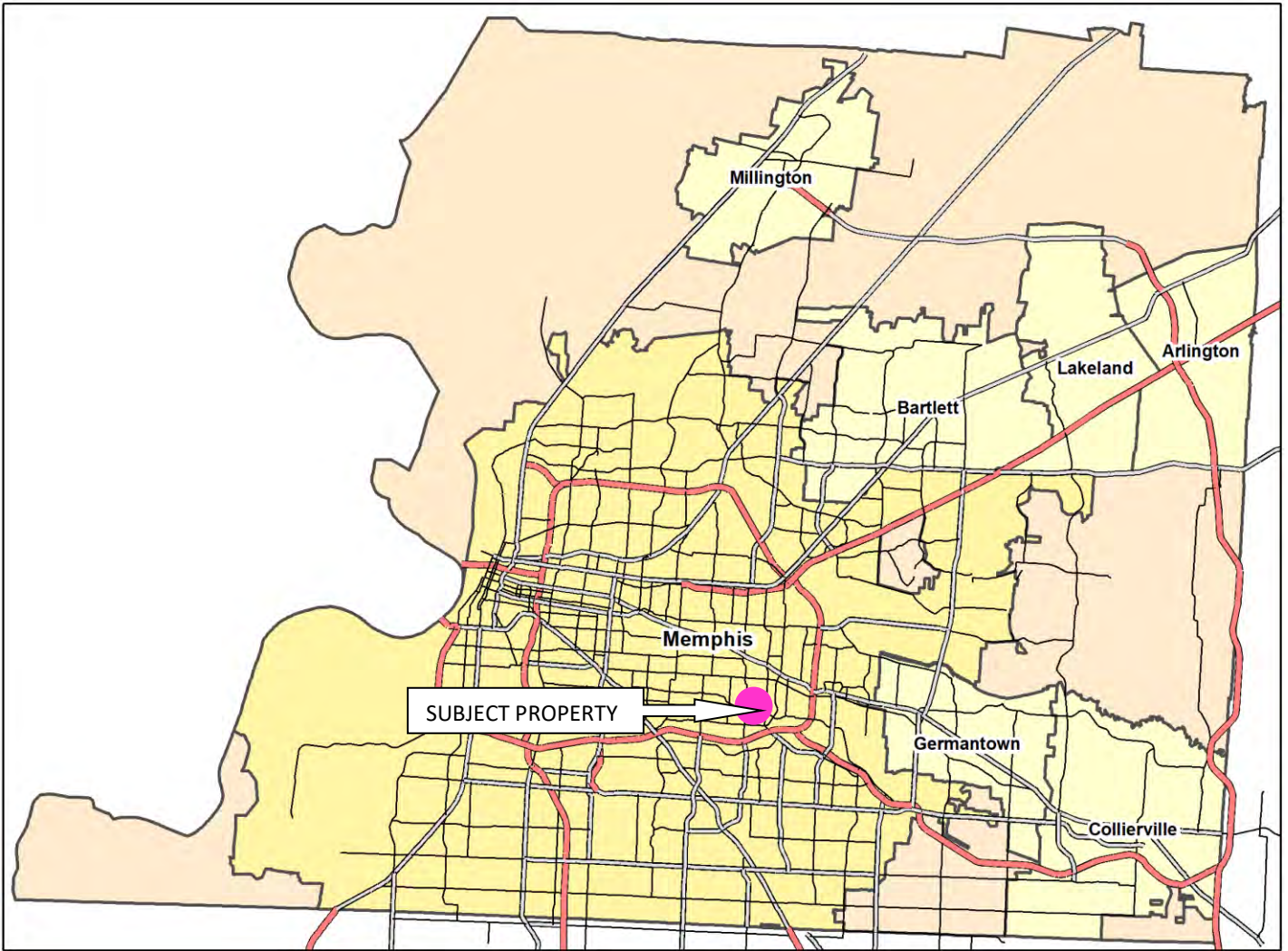
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-19 of this report.

RECOMMENDATION:

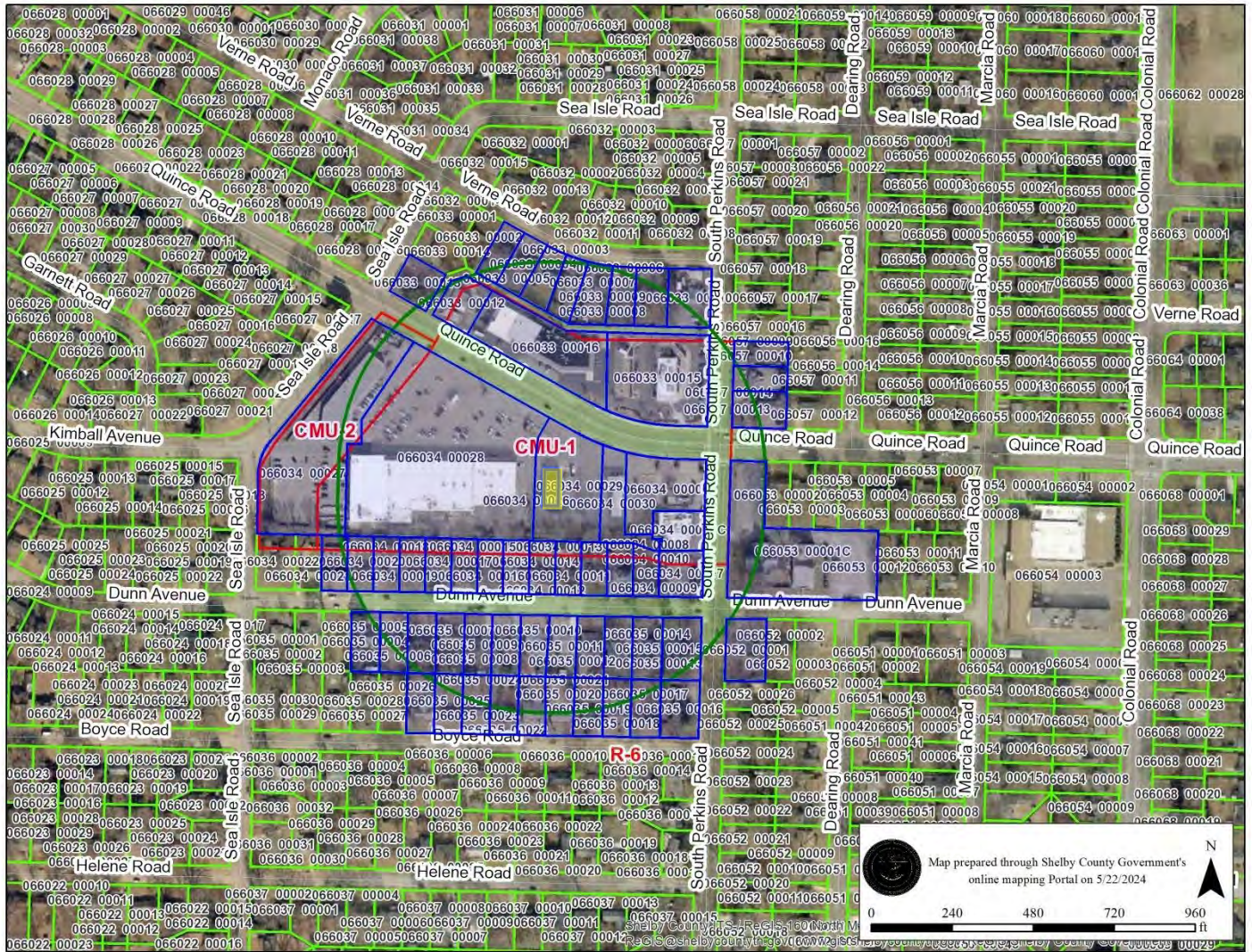
Approval with conditions

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 58 notices were mailed on May 15, 2024, see pages 20-21 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see pages 22-23 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

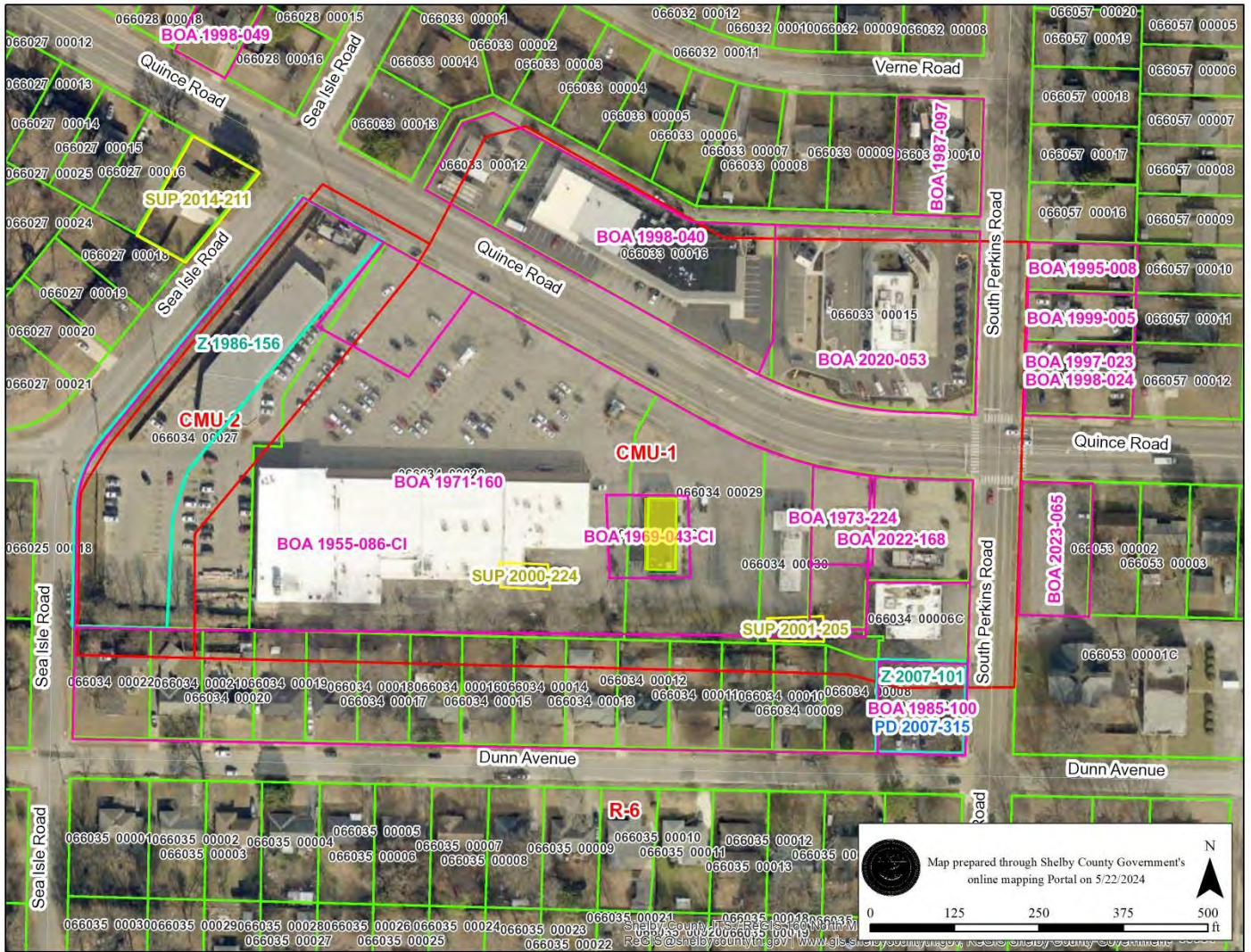
The meeting was held at 5:00 PM on Wednesday, May 29, 2024, at the American Deli at 4615 Quince Road.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star.

SITE PHOTOS



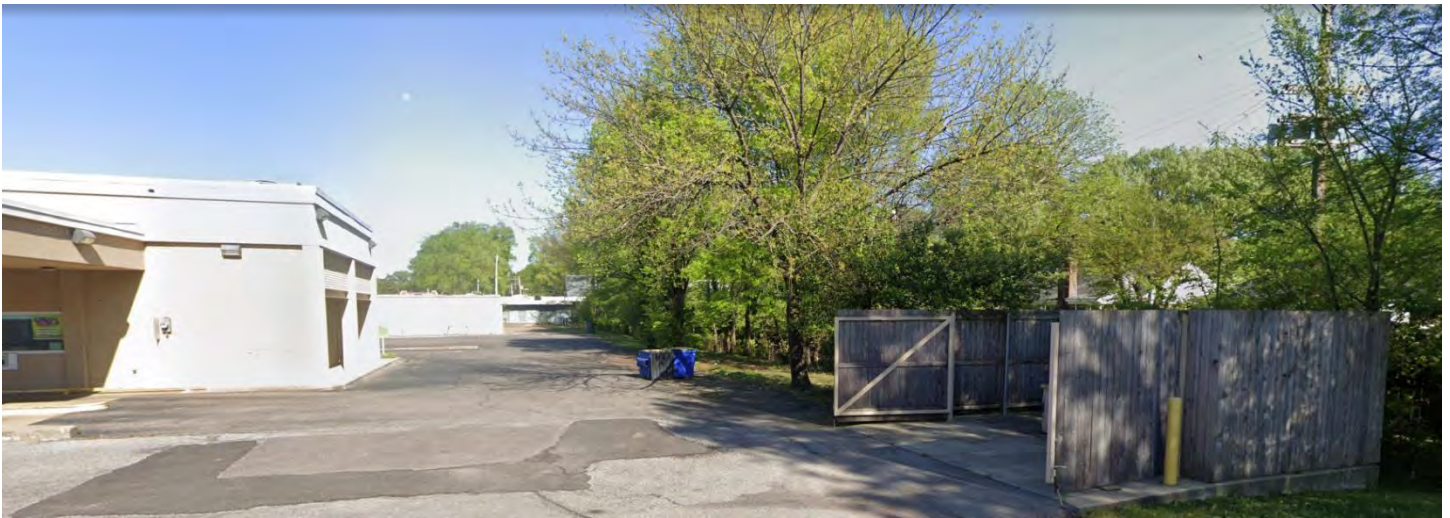
View of subject property from Quince Road.



View of subject property from Quince Road, a closer look to the subject property.



View of subject property from the west side.



View of subject property from the rear of the building and the surrounding.



View of subject property from above.

SITE PLAN



PLOT PLAN

PLANT LIST	QTY	NAME	SCIENTIFIC NAME	COND.	HGT.	SPR.	REMARKS
TREES							
	3	CAPE WYRTLE	JACOBINIA INDIANA MAHRT	S&B	8'		FULL BRANCHING
	3	THROUBLESS POPELY LOCUST	QUERCUS TINCANIHUS INHME	S&B	8'		FULL BRANCHING
SHRUBS							
	24	3000 YALPON HOLLY	LEXYOMITOPALANNA	CONT.	18"		MATCHING
	9	SHILLE R STEVENS HOLLY	LEX S SHILLE R STEVENS	CONT.	36"		
	15	LIPOPE	LIPOPE WISICANI VARECATY	S&B	8'		FULL TO GROUND

PLANT LIST

DATE: MAY 2024

SCALE: 1" = 20'

SHEET 1 OF 2

PROJECT: LOT 3, CAPE COD VILLAGE COMMERCIAL S/D

OWNER: AMERICAN DELI

DESIGNER: JAMES WILSON

ENGINEER: FISHER & ARNOLO, INC.

DATE: SEPTEMBER 23, 2007

PROJECT: LOT 3, CAPE COD VILLAGE COMMERCIAL S/D

OWNER: AMERICAN DELI

DESIGNER: JAMES WILSON

ENGINEER: FISHER & ARNOLO, INC.

DATE: SEPTEMBER 23, 2007

PROJECT: LOT 3, CAPE COD VILLAGE COMMERCIAL S/D

OWNER: AMERICAN DELI

DESIGNER: JAMES WILSON

ENGINEER: FISHER & ARNOLO, INC.

DATE: SEPTEMBER 23, 2007

CASE REVIEW

Request

The request is a special use permit to allow 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 Details

Address:

4615 Quince Road

Parcel ID:

066034 00026

Area:

+/-1.001 acres

Description:

The subject property is 1.001 acres lot at 4615 Quince Road. The existing structure was constructed circa 1962 and it was most recently operated as a bank (Regions Bank). Per the Assessor’s website the building total built out is 3800 square feet. There is also another structure on the property as an automated teller machine, which was built in 1993 with a dimension of 10 L x 9 W which is 90 square feet in total. the surrounding land uses are a mixture of single-family and commercial lots.

Relevant Unified Development Code Clauses

Section 2.5.2

2.5 Permitted Use Table

Article 2 Districts and Uses
2.5.2 Use Table Key

USE CATEGORY		PRINCIPAL USE																				Key: Blank Cell = Not Permitted ■ = Permitted □ = Special Use Approval C = Conditional Use Permit + = Significant Neighborhood Structure Conditional Use Permit									
		P	OS	FW	CA	CV	R-MP	R-E	R-15	R-10	R-8	R-6	R-3	RU-1	RU-2	RU-3	RU-4	RU-5	R-W	OG	MU*	CML-1	CML-2	CML-3	CBD	CMP-1	CMP-2	EMP	WD	IH	Use Standard
Indoor Recreation (see 2.9.4A)	Athletic, tennis, swim or health club																					■	■	■	■	■	■	■	■	■	2.6.3B
	Bar, Tavern, Cocktail Lounge, Nightclub																					■	■	■	■	■	■	■	■	■	
	Convention Center					■																■	■	■	■	■	■	■	■	■	
	Lodge, Private Club					□	■	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	
Office (see 2.9.4B)	Indoor Shooting Range																					■	■	■	■	■	■	■	■	■	
	All offices, except as listed below:																					■	■	■	■	■	■	■	■	■	
Overnight Lodging (see 2.9.4C)	Radio, TV, or Recording Studio					■																■	■	■	■	■	■	■	■	■	2.6.3C
	Bed and Breakfast																					■	■	■	■	■	■	■	■	■	
	Hotel or Motel																					■	■	■	■	■	■	■	■	■	2.6.3D
Outdoor Recreation (see 2.9.4D)	Youth Hostel																					■	■	■	■	■	■	■	■	■	
	All outdoor recreation, except as listed below:					□																	■	■	■	■	■	■	■	■	2.6.3E
	Home-Based Wedding and Event Center					□																	■	■	■	■	■	■	■	■	
	Golf Course, Country Club, Clubhouse	■				□																		■	■	■	■	■	■	■	2.6.3E
	Horse Stables, Riding Academy, Equestrian Center	□				■																		■	■	■	■	■	■	■	2.6.3E
	Riding Academy and Equestrian Center with Outdoor Lighting	□				□																		■	■	■	■	■	■	■	2.6.3E
	Outdoor Shooting Range	□				□																		■	■	■	■	■	■	■	2.6.3E
	Stadium or Arena, Commercial Amphitheater																							■	■	■	■	■	■	■	■
Outdoor Advertising Sign (see 2.9.4E)	Campground, travel trailer park, recreational vehicle park					□																	■	■	■	■	■	■	■	■	2.6.3E
	Permanent Off-Premise Advertising Sign (*Signs in CBD are only permitted outside of the CBD.)																							■	■	■	■	■	■	■	
Parking, Commercial (see 2.9.4F)	All commercial parking																					□		■	■	■	■	■	■	■	
	All restaurants, except as listed below:																						■	■	■	■	■	■	■	■	2.6.3F
Restaurant (see 2.9.4G)	Restaurant with sale of alcoholic beverages, Brew Pub																						■	■	■	■	■	■	■	■	2.6.3G
	Restaurant, Drive-Thru or Drive-in																						■	■	■	■	■	■	■	■	
Retail Sales & Service (see 2.9.4H)	All retail sales and service, except as listed below:																					■	■	■	■	■	■	■	■	■	
	Animal Hospital, Veterinary Clinic, Pet Clinic					□																	■	■	■	■	■	■	■	■	2.6.3H
	Animal Boarding, Animal Shelter, Kennel, Doggy Day Care					□																	■	■	■	■	■	■	■	■	2.6.3H
	Art or photo studio, gallery																						■	■	■	■	■	■	■	■	2.6.3I
	Bakery, retail																						■	■	■	■	■	■	■	■	
	Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon																						■	■	■	■	■	■	■	■	
	Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station																						■	■	■	■	■	■	■	■	2.6.3J
	Convenience store without gas pumps																						■	■	■	■	■	■	■	■	2.6.3K
Catering establishment, small-scale																						■	■	■	■	■	■	■	■		

Section 4.6.8A

A. Drive-Thru Facilities

Drive-thru windows and lanes must be designed to adhere to the following standards:

1. In the CBD, SCBID, Uptown, and CMU-1 districts and on any designated shopfront, pedestrian or urban frontage (see Section 3.10.3), drive-thru windows and lanes may not be placed between the right-of-way of the street and the associated building. Drive-thru windows and lanes associated with buildings must be placed to the side or rear of the building.
2. Drive-thru windows and lanes placed between the right-of-way and the associated building require landscape plantings installed and maintained along the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way (not including an alley). Such screening must be a compact evergreen hedge or other type of dense foliage as permitted in Section 4.6.9. At the time of installation, such screening must be at least 36 inches in height and reach a height of 48 inches within two years of planting.
3. No drive-thru window is permitted on the side of a building facing any residential district.

Site Plan Review

The building size provided by the applicant is 3,080 square feet, although per the Assessor's website, the building area is 3800 square feet. The subject property has a street frontage of 97.02 feet wide at Quince Road. Based on the use, 31 parking spaces on the site, but since there is a reciprocal ingress/egress parking agreement between all lots in this shopping center, the applicant only provided 18 parking spaces. A total of 277 parking spaces have been provided for the entire shopping center.

As the google street view shows, there is a dumpster location at the rear of the subject property, which has not been shown on the site plan. The picture of the rear of the building can be found in page 8 of this report. There is 30 feet setback to drain easement at the rear of the property and there is an existing screening which includes existing shrubs, existing chain link fence and existing trees. The existing trees on the rear of the subject property include 3 Crape Myrtle (8 feet tall), and 1 Thornless Honey Locust.

The shrubs also include 18 DFW Yaupon Hollies that are 18 inches tall and 6 Sky Pencil Hollies that are 36 inches tall. The front side of subject property also has been screened with some shrubs and trees.

Analysis

The subject property is governed by the Cape Cod Shopping Center General Plan that allows uses permitted in the Commercial Mixed Use – 2 District with certain restrictions.

The existing structure has been established since 1980's and has been used as a drive-thru bank with a drive-thru lane and window. The subject property is currently vacant, and the applicant is requesting to convert the existing building to a drive-thru restaurant.

The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. The two parking islands on site shall be converted to landscaped islands with trees.
2. A final site plan shall be provided to the Division of Planning and Development if the Special Use Permit is approved by the City Council. The final site plan shall include a landscaping plan, the building elevations, and any approved conditions of the City Council.

DEPARTMENTAL COMMENTS

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

- City/County Engineer:** No comments received.
- City/County Fire Division:** No comments received.
- City Real Estate:** No comments received.
- 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:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-017: University

Site Address/Location: 4615 Quince RD

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

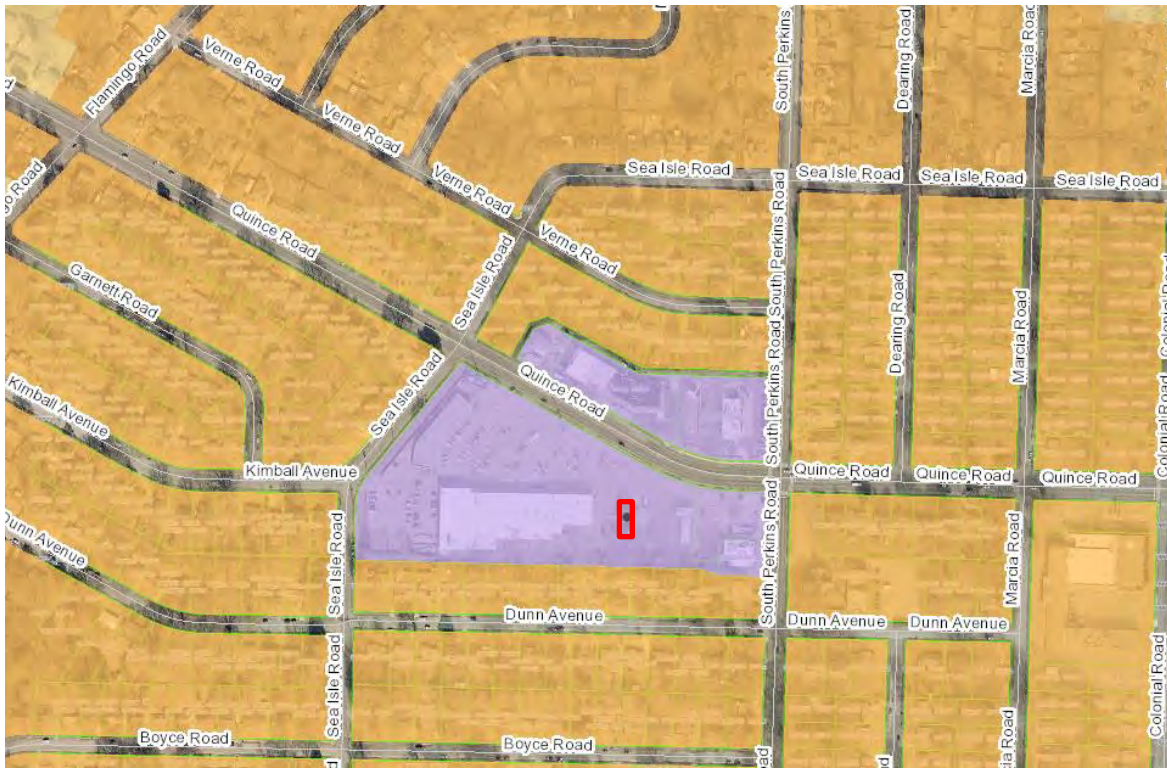
Future Land Use Designation: Anchor Neighborhood Main Street (A-NMS)

Street Type: Avenue

The applicant is seeking a special use permit to allow a drive-thru restaurant in a former ATM building.

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 Main Street (A-NMS) are walkable, mixed-use centers comprised of house-scale buildings, some of which may be attached, lining two facing blocks, sometimes extending for several adjacent blocks. Graphic portrayal of A-NMS is to the right.



“A-NMS” Form & Location Characteristics

NURTURE- Detached and attached single family, duplexes, triplexes, quadplexes, large homes and apartments, including those with active ground floor commercial uses (including live/work) along sidewalk, as well as commercial and institutional uses. Height: 1-5 stories. Scales: house-scale and block-scale.

“A-NMS” Zoning Notes

Generally compatible with the following zone districts: MU, NC, CMU-1, CMU-2 with frontage requirements (MO District) in accordance with Form and characteristics listed above.

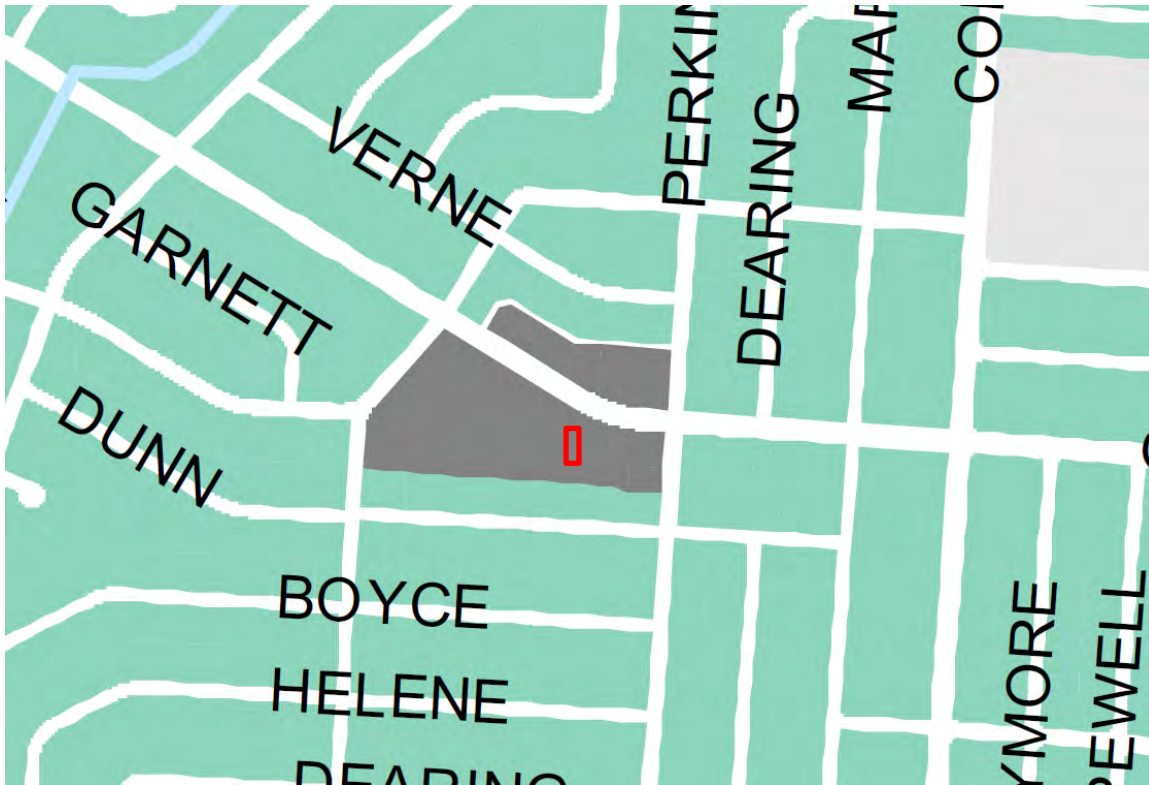
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial and Single-Family, CMU-1, CMU-2 and R-6

Overall Compatibility: *This requested use is not compatible with the future land use description/intent, form & location characteristics, however the use is consistent with the 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 Nurture.

4. Degree of Change Description

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

The proposed application is a private investment. However, the drive thru restaurant will hinder the process of reducing number of curb cuts to improve pedestrian and cyclist safety.

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

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

The proposed development is not consistent with the University District Priorities- *“Improve pedestrian and cyclist infrastructure to increase accessibility and support multi-modal transportation options.”*

Consistency Analysis Summary

The applicant is seeking a special use permit to allow a drive-thru restaurant in a former ATM building.

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

The proposed application is a private investment. However, the drive thru restaurant will hinder the process of reducing number of curb cuts to improve pedestrian and cyclist safety.

The proposed development is not consistent with the University District Priorities- “Improve pedestrian and cyclist infrastructure to increase accessibility and support multi-modal transportation options.”

However, the proposed drive-thru will repurpose an existing abandoned drive-thru ATM facility. Comprehensive Planning recommends approval provided that the proposed design should reflect an improved site plan, landscaping and better access control.

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

MAILED PUBLIC NOTICE

58 Notices Mailed on 05/15/2024



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: SUP 2024-017
LOCATION: 4615 Quince Rd
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Ken Shin-AD Memphis
REQUEST: Special use permit to allow a drive-thru restaurant in CMU-1 zoning

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, June 13, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

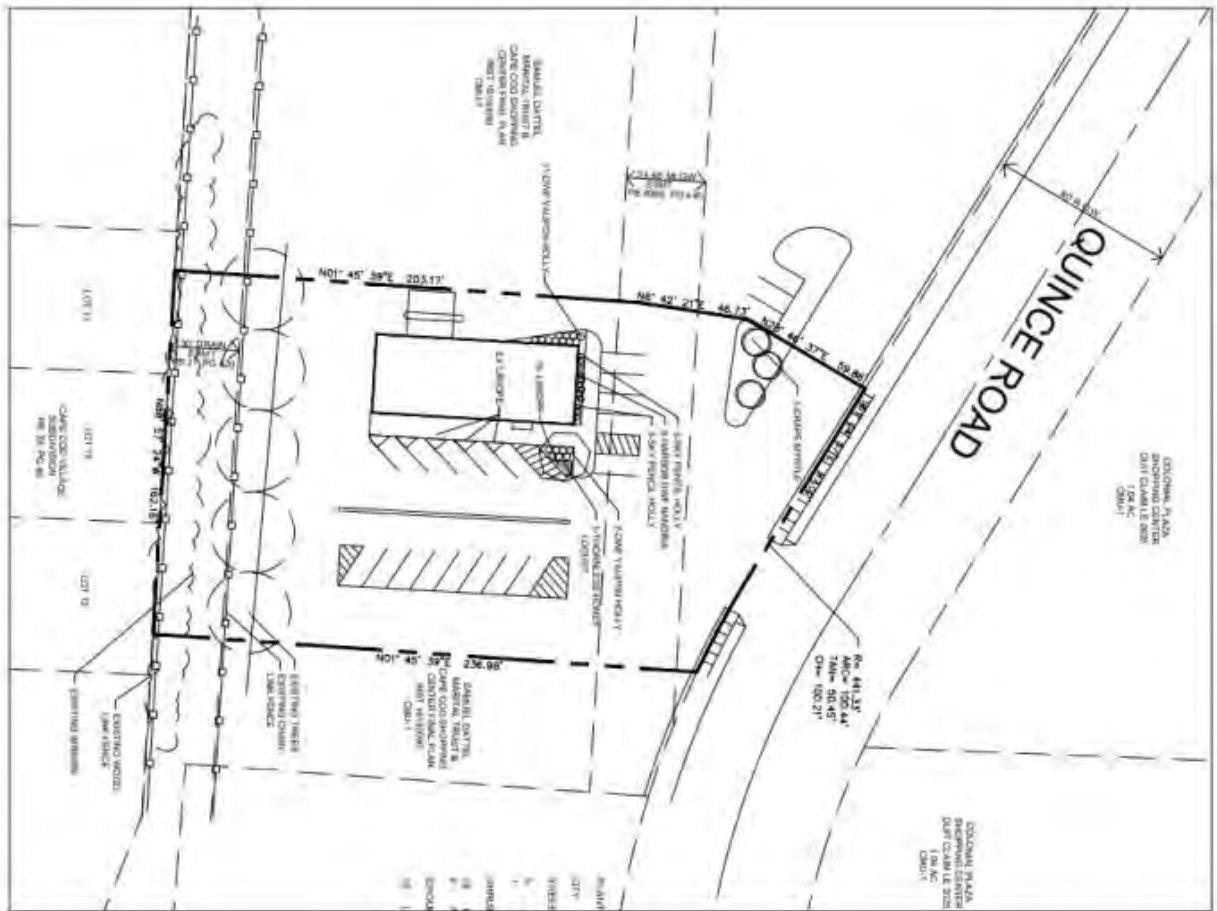
During the public hearing, the Board may approve or reject this item or hold the item for a public hearing at a subsequent Board meeting.

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a **recommendation** to the legislative body; the legislative body will take final action at a later date.

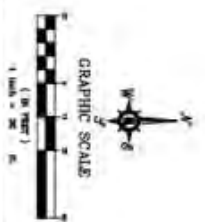
Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Mahsan Ostadnia at mahsan.ostadnia@memphistn.gov or (901) 636-7181 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 5, 2024, at 8 AM**.

SITE PLAN



NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	10/15/23	XXX
2	REVISED	11/15/23	XXX
3	REVISED	12/15/23	XXX
4	REVISED	01/15/24	XXX
5	REVISED	02/15/24	XXX
6	REVISED	03/15/24	XXX
7	REVISED	04/15/24	XXX
8	REVISED	05/15/24	XXX
9	REVISED	06/15/24	XXX
10	REVISED	07/15/24	XXX
11	REVISED	08/15/24	XXX



PLOT PLAN - AMERICAN DELI			
LOT 13, CAPE COD VILLAGE COMMERCIAL SID			
DATE: 08/23/24	SCALE: 1" = 20'	PROJECT: AMERICAN DELI	DATE: 08/23/24
DESIGNER: JACOBSON	APPLICANT: JACOBSON	REVISIONS:	DATE: 08/23/24
DATE: 08/23/24	SCALE: 1" = 20'	PROJECT: AMERICAN DELI	DATE: 08/23/24

SIGN AFFIDAVIT

PUBLIC NOTICE SIGN POSTING AFFIDAVIT

AFFIDAVIT
Shelby County
State of Tennessee

I, David Baker, being duly sworn, deposes and says that at 5:30 pm on the 29th day of May, 2024, he posted Public Notice Signs pertaining to SUP 24-017 at the following address: 0 Quince Road 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

Owner, Applicant or Representative

5/30/24

Date

Subscribed and sworn to before me this 30th day of May, 2024.

Hope Rogers

Notary Public

My commission expires: 11/29/2027





APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: May 9, 2024

Record Number: SUP 2024-017

Expiration Date:

Record Name: American Deli Quince

Description of Work: Seeking a special use permit to allow a drive thru restaurant

Parent Record Number:

Address:

4615 Quince RD, Memphis, Tennessee 38117

Owner Information

Primary	Owner Name
Y	Ken Shin

Owner Address

4417 Whisper Spring Dr, Collierville, TN 38017

Owner Phone

Parcel Information

066034 00026

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Chip Saliba
Date of Meeting	04/16/2024
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	Z-86-156
Is this application in response to a citation, stop work order, or zoning letter	No

GENERAL PROJECT INFORMATION

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

-

APPROVAL CRITERIA

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

The existing building was a bank with drive thru lanes and our proposed use is consistent with the prior use. The proposed use will not have an adverse effect on the neighborhood.

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

The existing building was a bank with drive thru lanes and our proposed use is consistent with the prior use. The proposed use will operate as the prior use.

UDC Sub-Section 9.6.9C

The existing roadway system is adequate to serve this use.

UDC Sub-Section 9.6.9D

The property will only have minor alterations and is not a historically significant property.

UDC Sub-Section 9.6.9E

The project will comply with current requirements of the UDC

UDC Sub-Section 9.6.9F

The existing building is complimentary to the existing overall shopping center and therefore will not alter the character of the existing properties.

GIS INFORMATION

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

BOA1955-086-CI, BOA1969-043-CI
 No
 -
 No
 -
 -
 MEMPHIS
 -
 -
 -
 -
 -
 -
 -
 Yes

Data Tables

AREA INFORMATION

Name: American Deli Quince
 Size (Acres): 1.001
 Existing Use of Property: vacant bank
 Requested Use of Drive Thru Restaurant

Property:

Contact Information

Name

KEN SHIN

Contact Type

APPLICANT

Address

Phone

-

Name

DAVID BAKER

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address

9180 CRESTWYN HILLS DR, MEMPHIS, TN 38125

Phone

(901)210-7988

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563146	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	05/09/2024
1563146	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	05/09/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount

\$513.00

Method of Payment

Credit Card

OWNER AFFIDAVIT



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, Eun Cheol (Ken) Shin [Signature], 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 4615 Quince Road
and further identified by Assessor's Parcel Number 066034 00026
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 11th day of May in the year of 2024

[Signature]
Signature of Notary Public



MY COMMISSION EXPIRES
AUGUST 17, 2025
My Commission Expires _____

LETTER OF INTENT



May 9, 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 QUINCE ROAD SPECIAL USE PERMIT
MEMPHIS, TENNESSEE**

Dear Chip:

On behalf of Mr. Ken Shin, we are pleased to submit this Special Use Permit Application for the American Deli on Quince Road. The subject property is located on the south side of Quince Road approximately 365 feet west of S Perkins Road. The subject property's address is 4615 Quince Road. The subject property is 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

Z:\Ken_Shin_0001\PI\planning\documents\application cover letter.doc

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: May 9, 2024

Record Number: SUP 2024-017

Expiration Date:

Record Name: American Deli Quince

Description of Work: Seeking a special use permit to allow a drive thru restaurant

Parent Record Number:

Address:

4615 Quince RD, Memphis, Tennessee 38117

Owner Information

Primary	Owner Name
Y	Ken Shin

Owner Address

4417 Whisper Spring Dr, Collierville, TN 38017

Owner Phone

Parcel Information

066034 00026

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Chip Saliba
Date of Meeting	04/16/2024
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	Z-86-156
Is this application in response to a citation, stop work order, or zoning letter	No

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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

The existing building was a bank with drive thru lanes and our proposed use is consistent with the prior use. The proposed use will not have an adverse effect on the neighborhood.

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

The existing building was a bank with drive thru lanes and our proposed use is consistent with the prior use. The proposed use will operate as the prior use.

UDC Sub-Section 9.6.9C

The existing roadway system is adequate to serve this use.

UDC Sub-Section 9.6.9D

The property will only have minor alterations and is not a historically significant property.

UDC Sub-Section 9.6.9E

The project will comply with current requirements of the UDC

UDC Sub-Section 9.6.9F

The existing building is complimentary to the existing overall shopping center and therefore will not alter the character of the existing properties.

GIS INFORMATION

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

BOA1955-086-CI, BOA1969-043-CI
 No
 -
 No
 -
 -
 MEMPHIS
 -
 -
 -
 -
 -
 -
 Yes

Data Tables

AREA INFORMATION

Name: American Deli Quince
 Size (Acres): 1.001
 Existing Use of Property: vacant bank
 Requested Use of Drive Thru Restaurant

Property:

Contact Information

Name
KEN SHIN

Contact Type
APPLICANT

Address

Phone
-

Name
DAVID BAKER

Contact Type
ARCHITECT / ENGINEER /
SURVEYOR

Address
9180 CRESTWYN HILLS DR, MEMPHIS, TN 38125,

Phone
(901)210-7988

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563146	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	05/09/2024
1563146	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	05/09/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount \$513.00	Method of Payment Credit Card
-----------------------------------	---

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Eun Cheol (Ken) Shin (Print Name)  (Sign Name), state that I have read the definition of

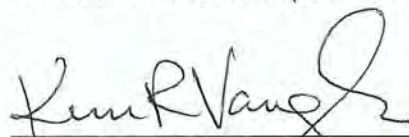
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

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 4615 Quince Road
and further identified by Assessor's Parcel Number 066034 00026,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 9 day of May in the year of 2024


Signature of Notary Public



MY COMMISSION EXPIRES
AUGUST 17, 2025

My Commission Expires _____



FISHER ARNOLD

ENGINEERS | ARCHITECTS | CONSULTANTS | PLANNERS

May 9, 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 QUINCE ROAD SPECIAL USE PERMIT
MEMPHIS, TENNESSEE**

Dear Chip:

On behalf of Mr. Ken Shin, we are pleased to submit this Special Use Permit Application for the American Deli on Quince Road. The subject property is located on the south side of Quince Road approximately 365 feet west of S Perkins Road. The subject property's address is 4615 Quince Road. The subject property is 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

Z:\Ken_Shin.0001PL\planning\documents\application cover letter.doc

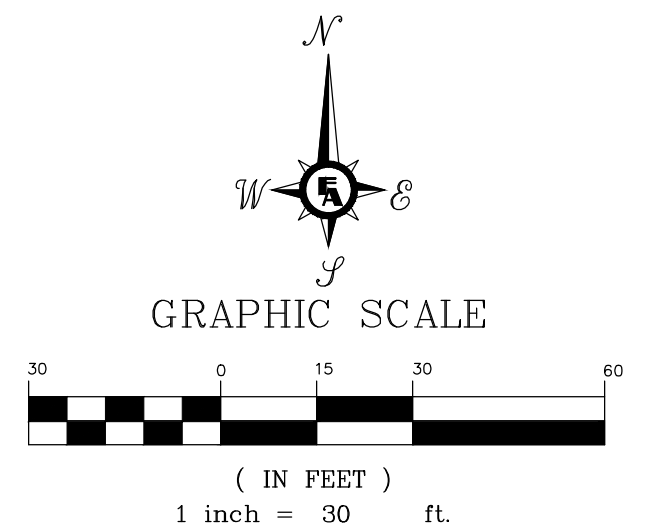
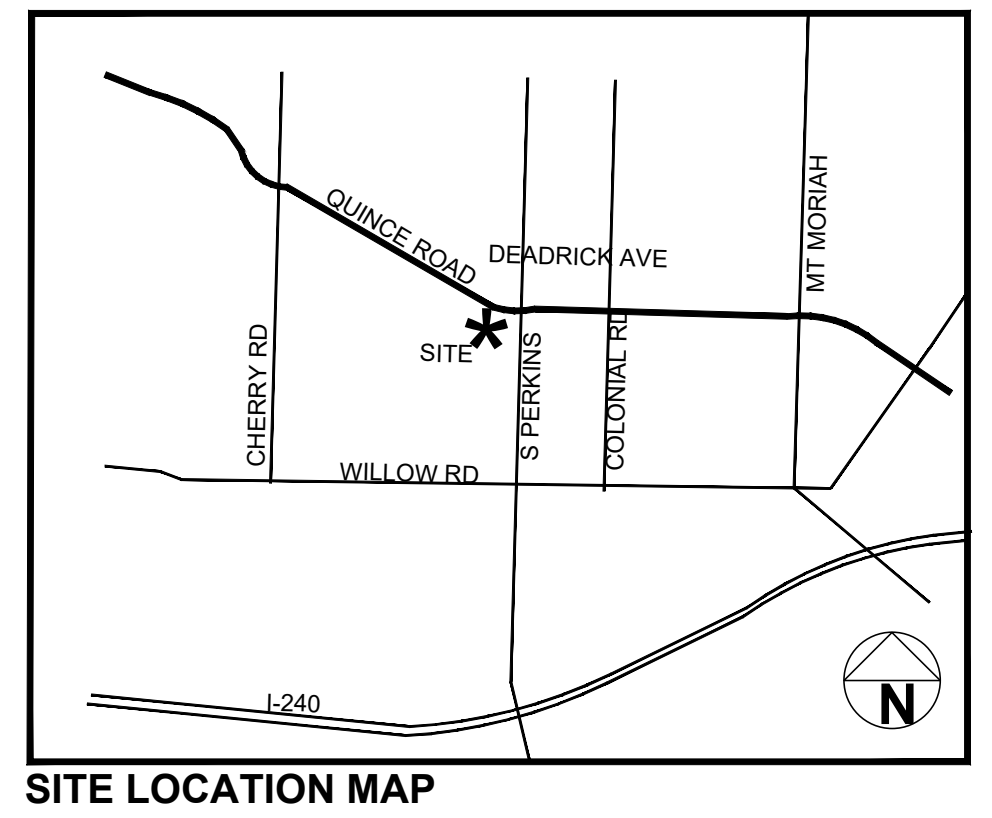
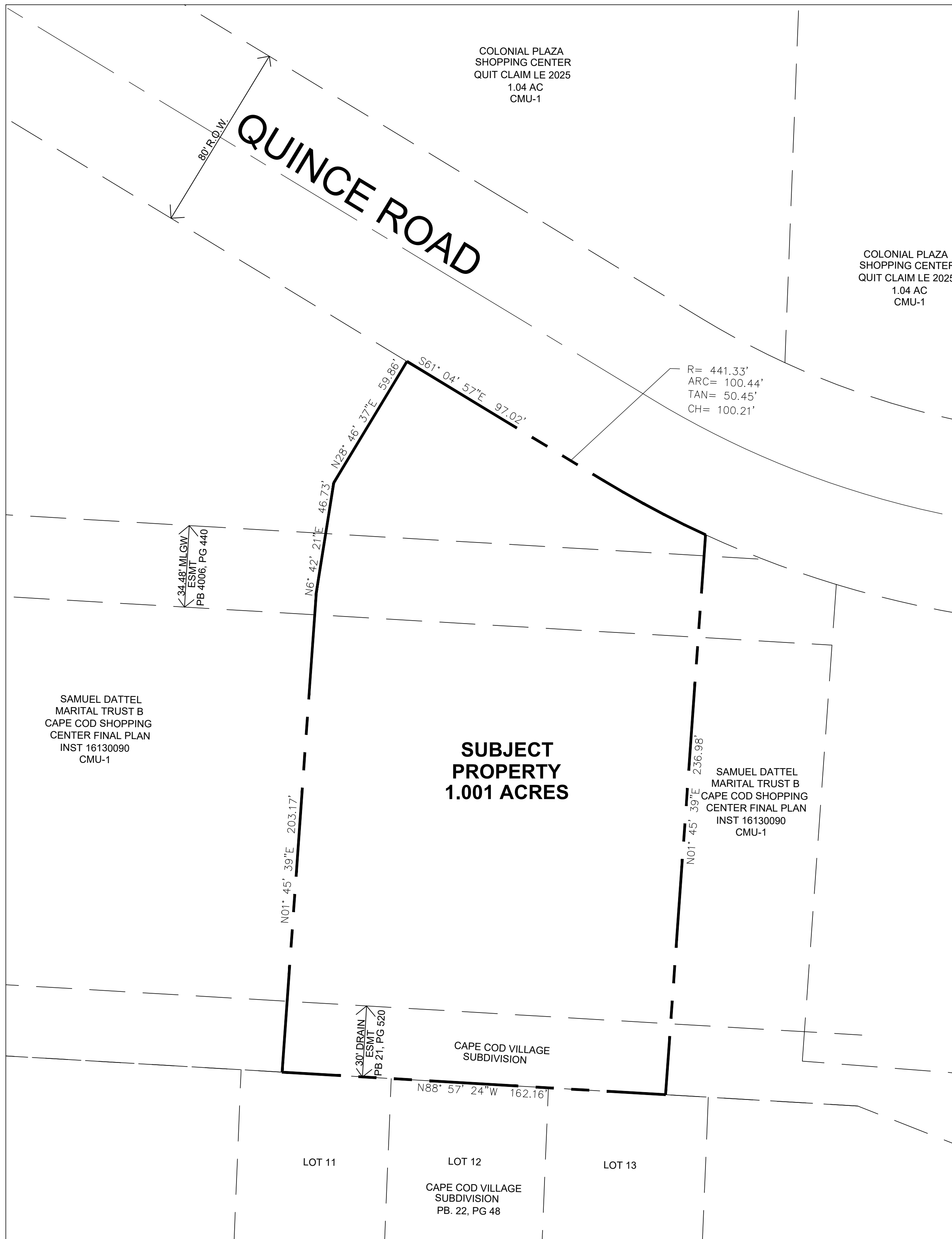
9180 Crestwyn Hills Drive
Memphis, TN 38125

901.748.1811

Fax: 901.748.3115

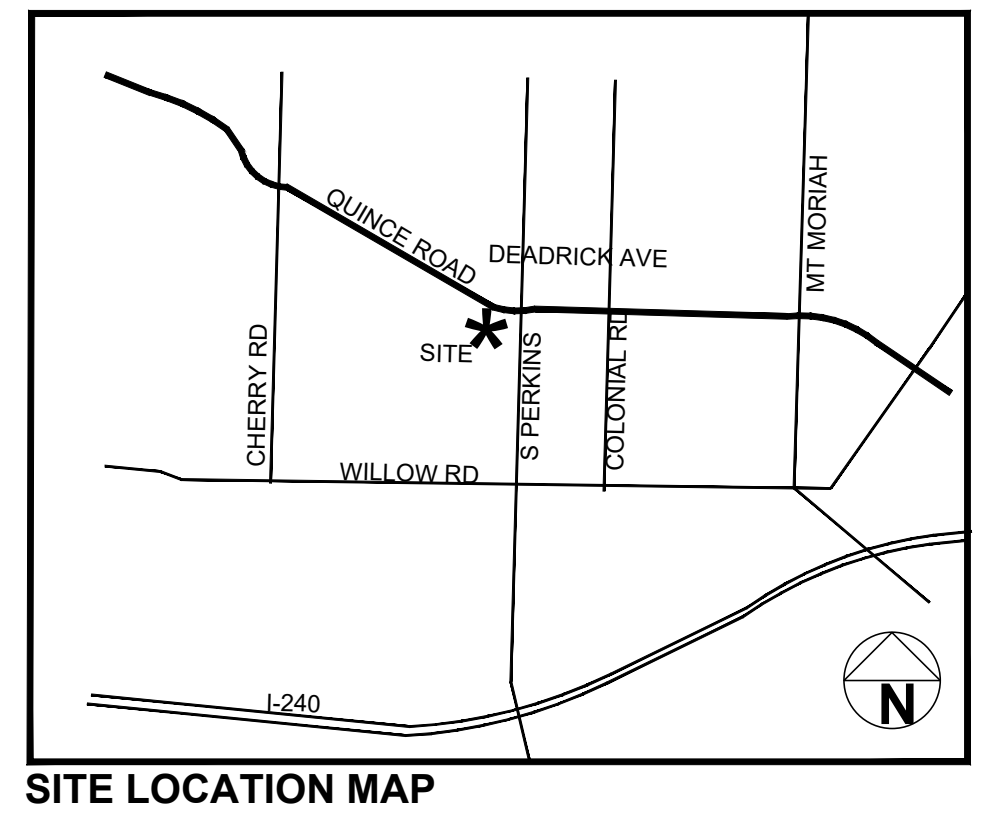
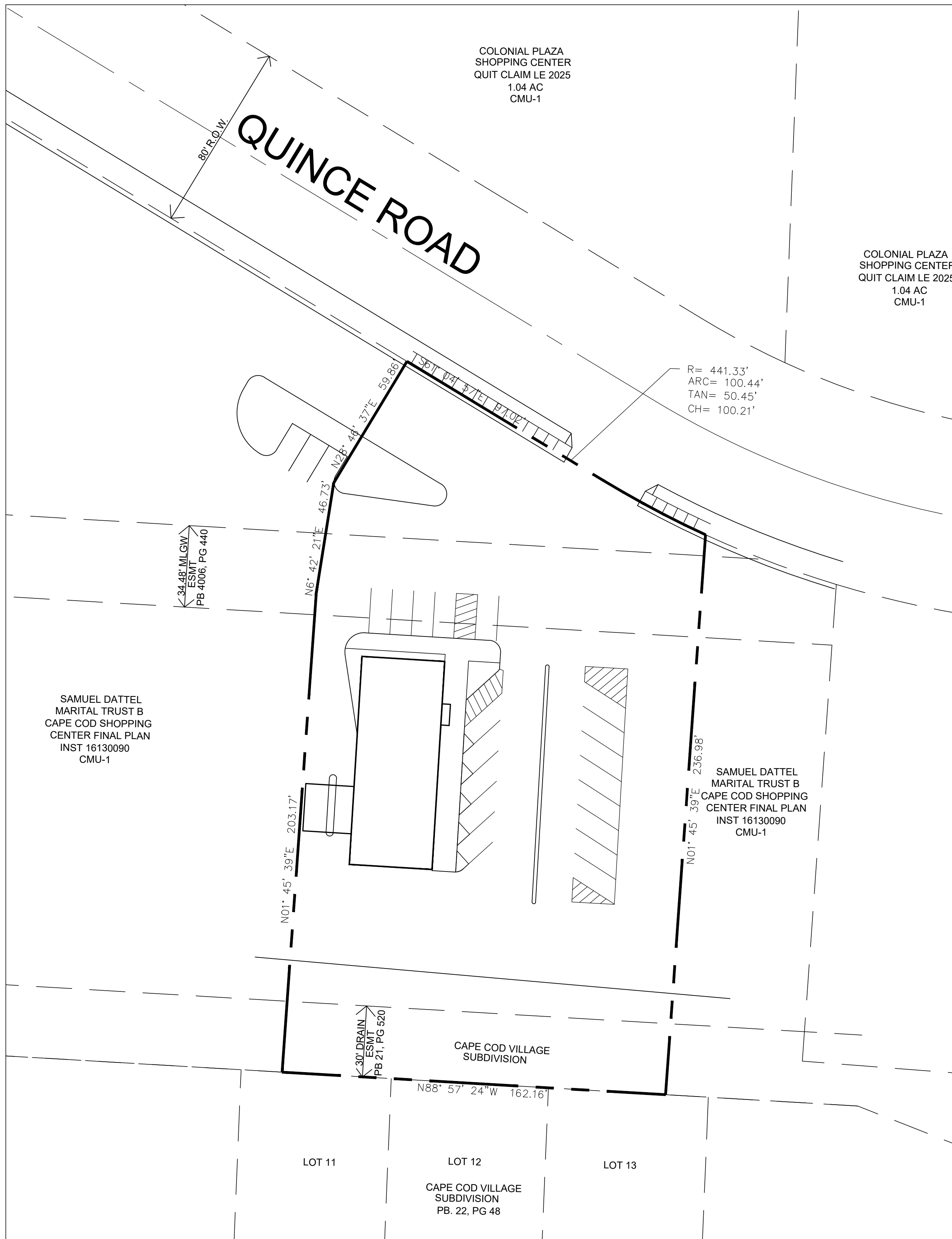
Toll Free: 1.888.583.9724

www.fisherarnold.com



PLOT PLAN - AMERICAN DELI
LOT 3, CAPE COD VILLAGE COMMERCIAL S/D

CASE NO.: SUP 24-		FORMER CASE NUMBERS: S 23-11
NUMBER OF LOTS: 1	ACREAGE: 1.001 AC.	DISTRICT: WARD 66, BLOCK 34, PARCEL 26
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 0435F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MAY, 2024	SCALE: 1" = 30'	SHEET 1 OF 3.

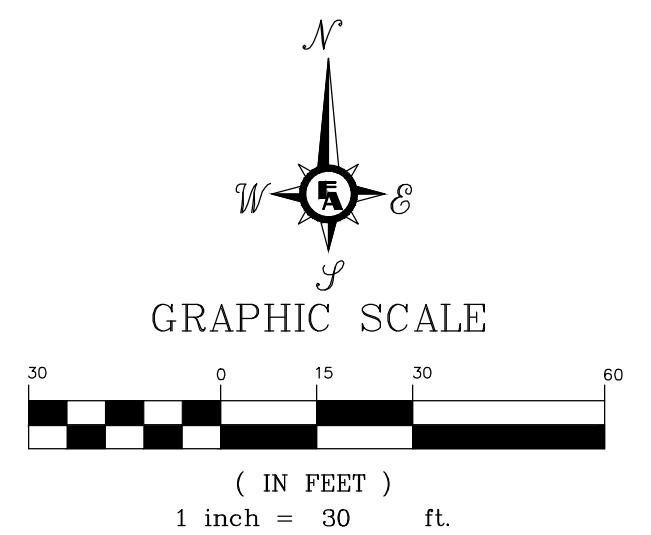


SITE LOCATION MAP

PLAN DATA

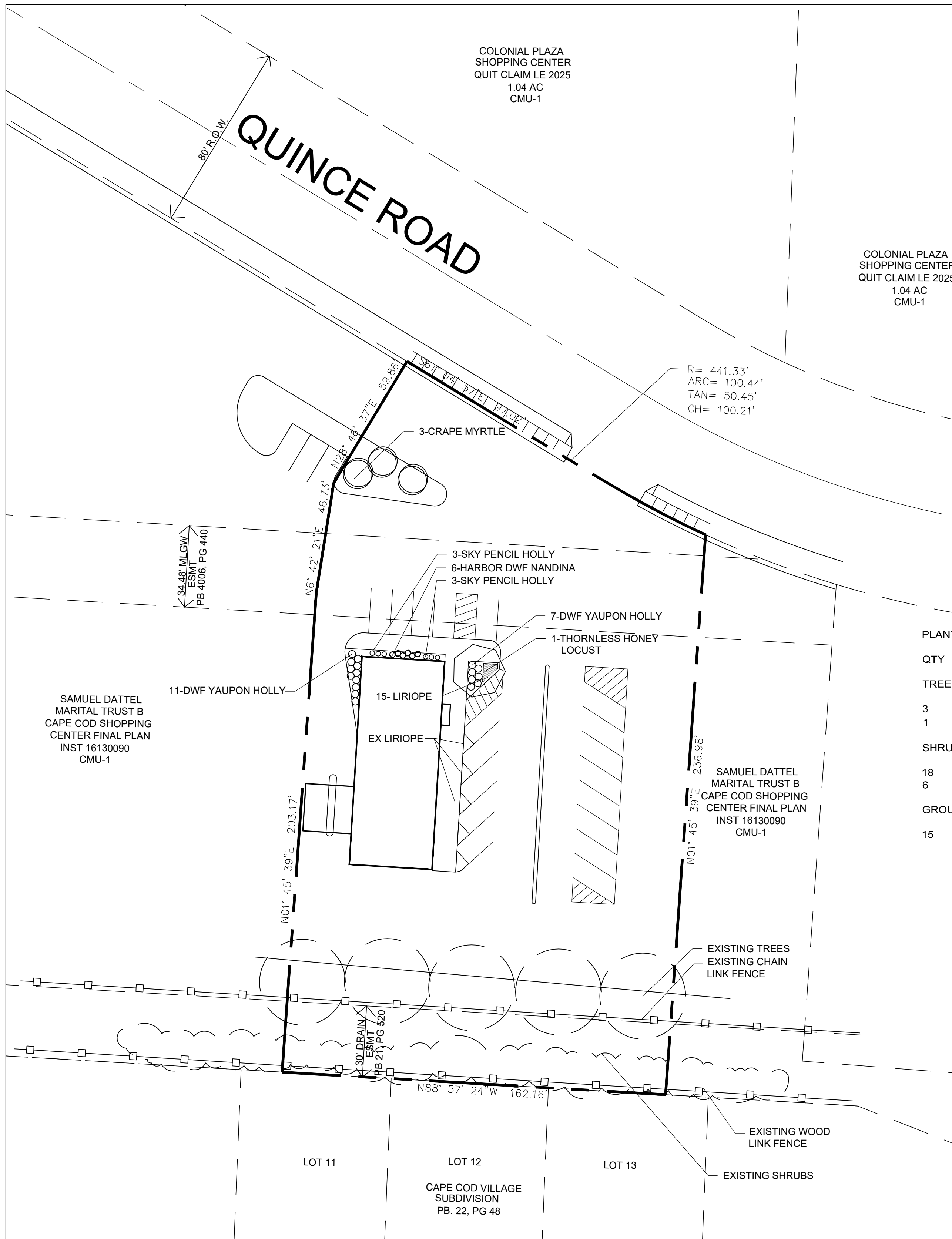
TOTAL AREA.....	1.001 ACRES
BUILDING SIZE	3,080 S.F.
DENSITY.....	0.087 F.A.R.
PARKING REQUIRED.....	31 SPACES
PARKING PROVIDED.....	18 SPACES

*THERE IS A RECIPROCAL INGRESS/EGRESS PARKING AGREEMENT BETWEEN ALL LOTS IN THIS SHOPPING CENTER. TOTAL PARKING FOR ENTIRE SHOPPING CENTER IS 277 SPACES



**SITE PLAN - AMERICAN DELI
LOT 3, CAPE COD VILLAGE COMMERCIAL S/D**

CASE NO.: SUP 24-		FORMER CASE NUMBERS: S 23-11
NUMBER OF LOTS: 1	ACREAGE: 1.001 AC.	DISTRICT: WARD 66 , BLOCK 34, PARCEL 26
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 0435F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MAY, 2024	SCALE: 1" = 30'	SHEET 2 OF 3.



COLONIAL PLAZA
SHOPPING CENTER
QUIT CLAIM LE 2025
1.04 AC
CMU-1

COLONIAL PLAZA
SHOPPING CENTER
QUIT CLAIM LE 2025
1.04 AC
CMU-1

SAMUEL DATTEL
MARITAL TRUST B
CAPE COD SHOPPING
CENTER FINAL PLAN
INST 16130090
CMU-1

SAMUEL DATTEL
MARITAL TRUST B
CAPE COD SHOPPING
CENTER FINAL PLAN
INST 16130090
CMU-1

LOT 11

LOT 12

LOT 13

CAPE COD VILLAGE
SUBDIVISION
PB. 22, PG 48

R= 441.33'
ARC= 100.44'
TAN= 50.45'
CH= 100.21'

34.48' MLGW
ESMT
PB 4006, PG 440

30" DRAIN
ESMT
PB 21, PG 420

N88° 57' 24" W 162.16'

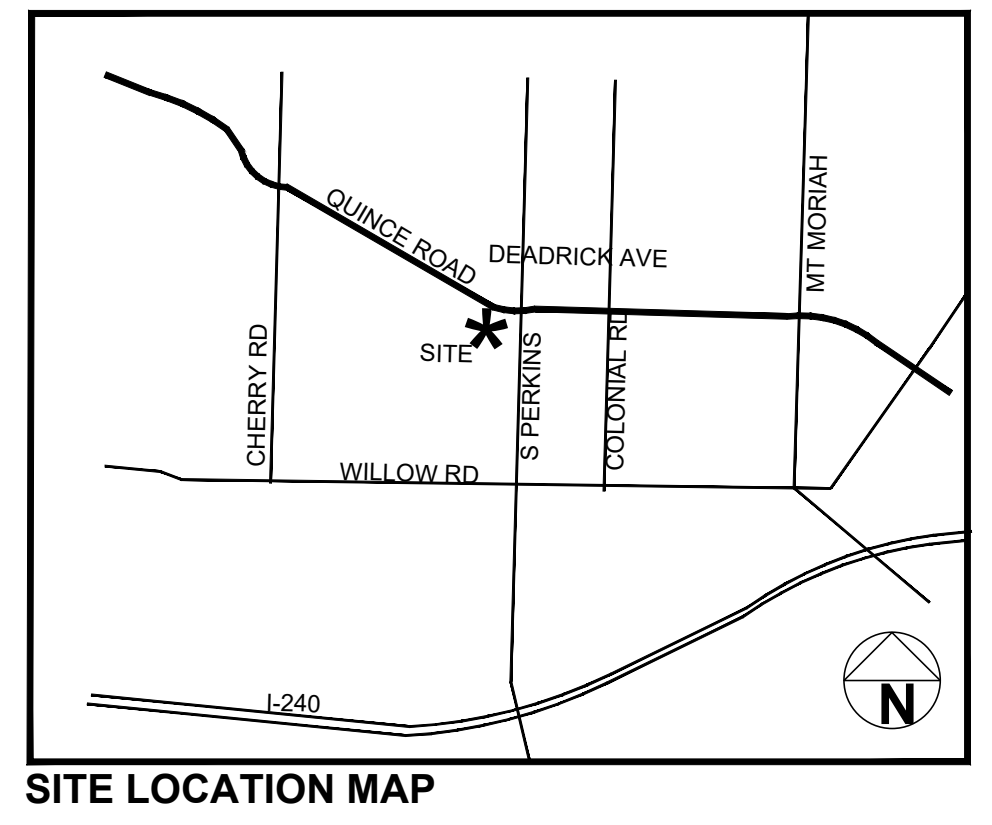
N01° 45' 39" E 203.17'

N01° 45' 39" E 236.98'

N6° 42' 21" E 46.73'

N28° 48' 37" E 59.86'

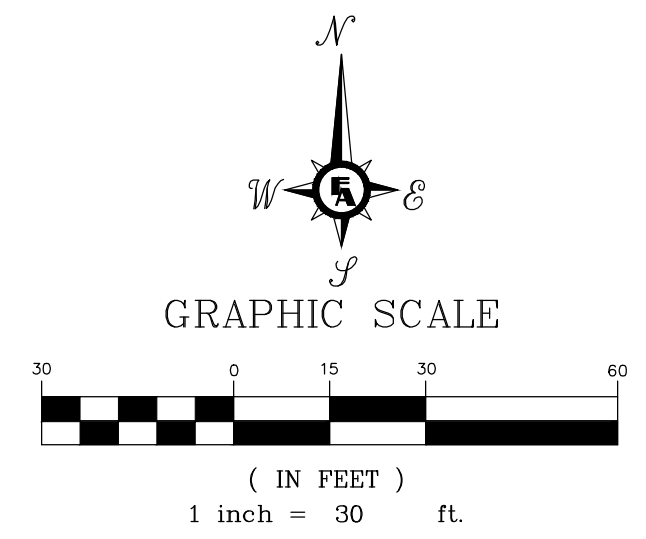
S67° 04' 37" E 97.02'



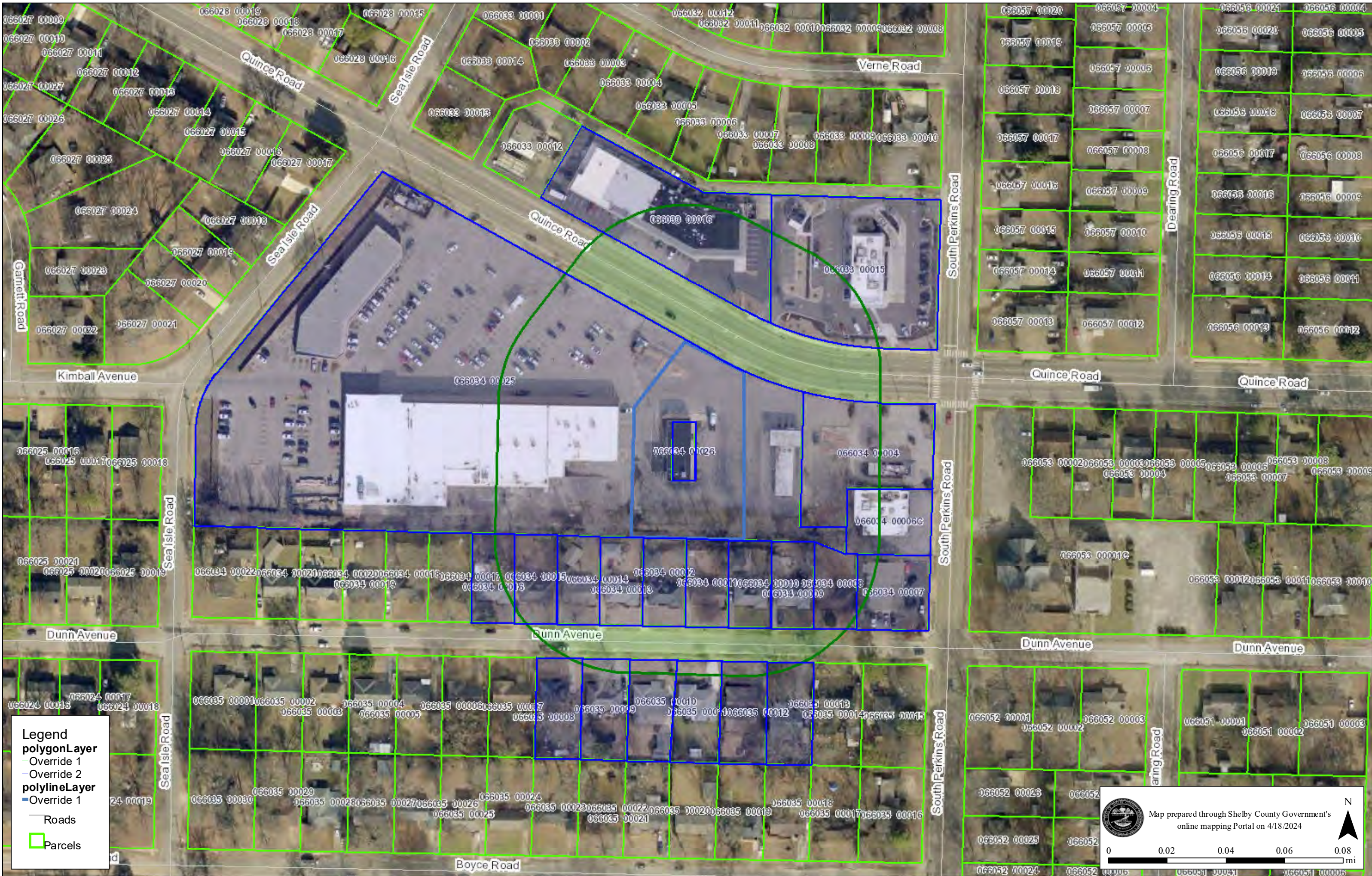
SITE LOCATION MAP

PLANT LIST

QTY	NAME	SCIENTIFIC NAME	COND	HT	SPR	REMARKS
TREES						
3	CRAPE MYRTLE	LAGERSTROEMIA INDICA 'MIAMI'	B&B	8'		FULL BRANCHING
1	THORNLESS HONEY LOCUST	GLEDITSIA TRIACANTHOS INERMIS	B&B			FULL BRANCHING
SHRUBS						
18	DWF YAUPON HOLLY	ILEX VOMITORIA NANA	CONT	18"		MATCHING
6	SKY PENCIL HOLLY	ILEX CRENATA 'SKY PENCIL'	CONT.	36"		MATCHING
GROUND COVER						
15	LIRIOPE	LIRIOPE MUSCARI 'VARIEGATA'		4" POTS		



PLOT PLAN - AMERICAN DELI		
LOT 3, CAPE COD VILLAGE COMMERCIAL S/D		
CASE NO.: SUP 24-	FORMER CASE NUMBERS: S 23-11	
NUMBER OF LOTS: 1	ACREAGE: 1.001 AC.	DISTRICT: WARD 66, BLOCK 34, PARCEL 26
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 0435F	FEMA MAP DATE: SEPTEMBER 28, 2007
DATE: MAY, 2024	SCALE: 1" = 30'	SHEET 1 OF 2.



Legend

polygonLayer


- Override 1
- Override 2

polylineLayer

- Override 1

— Roads

▭ Parcels



Map prepared through Shelby County Government's online mapping Portal on 4/18/2024

0 0.02 0.04 0.06 0.08 mi

N

066033 00015 - COLONIAL PLAZA SHOPPING CENTER
066033 00016 - COLONIAL PLAZA SHOPPING CENTER
066034 00004 - BERUK PROPERTIES INC
066034 00006C - HIZAM EMAD
066034 00007 - PRECISION PROSTHETICS INC
066034 00008 - SHELBY SEAN C
066034 00009 - SAENZ REYNA
066034 00010 - SUGGS PHILLIP E
066034 00011 - ROGERS DAVID A & JANET M
066034 00012 - PARRISH VIRGIL S & PATRICIA H
066034 00013 - WILLIAMS PAUL D & BONNIE T
066034 00014 - JAMES JULIUS A AND TIFFANY R BUKOWSKI
066034 00015 - BAY STREET HOMES LLC
066034 00016 - WADDICK KRISTEN M
066034 00025 - DATTEL SAMUEL MARITAL TRUST B
066034 00026 - DATTEL SAMUEL MARITAL TRUST B
066035 00008 - TENN TODD A AND LORI L TENN
066035 00009 - MNA INVESTMENTS LLC
066035 00010 - BYNOE KENSLEY & EDRIS
066035 00011 - FINANCIAL HEDGE LLC
066035 00012 - BEDWELL JIMMIE & DIANA
066035 00013 - FKH SFR PROPCO I LP

COLONIAL PLAZA SHOPPING CENTER
PO BOX 3165 #
HARRISBURG PA 17105

WILLIAMS PAUL D & BONNIE T
4604 DUNN AVE #
MEMPHIS TN 38117

BEDWELL JIMMIE & DIANA
4623 DUNN AVE #
MEMPHIS TN 38117

COLONIAL PLAZA SHOPPING CENTER
PO BOX 171133 #
MEMPHIS TN 38187

JAMES JULIUS A AND TIFFANY R BUKOWSKI
4598 DUNN AVE #
MEMPHIS TN 38117

FKH SFR PROPCO I LP
1850 PARKWAY PL #
MARIETTA GA 30067

BERUK PROPERTIES INC
3264 W SARAZENS CIR #
MEMPHIS TN 38119

BAY STREET HOMES LLC
300 MONTGOMERY ST #
SAN FRANCISCO CA 94104

GREG AND DAISY DIAZ
3895 E RAINES RD
MEMPHIS, TN 38118

HIZAM EMAD
685 SALEM AVE #
HOLLY SPRINGS MS 38635

WADDICK KRISTEN M
4586 DUNN AVE #
MEMPHIS TN 38117

RANDY STARK AND
JOHN GALLINA
4664 QUINCE RD
MEMPHIS, TN 38117

PRECISION PROSTHETICS INC
1505 S PERKINS RD #
MEMPHIS TN 38117

DATTEL SAMUEL MARITAL TRUST B
505 S PERKINS RD #
MEMPHIS TN 38117

4571 SEA ISLE LLC
128 WEATHERVANE
IRVINE, CA 92603

SHELBY SEAN C
4586 DUNN AVE #
MEMPHIS TN 38117

DATTEL SAMUEL MARITAL TRUST B
505 S PERKINS RD #
MEMPHIS TN 38117

COUNCILMAN CHASE CARLISLE
125 N MAIN ST, RM 514
MEMPHIS, TN 38103

SAENZ REYNA
4628 DUNN AVE #
MEMPHIS TN 38117

TENN TODD A AND LORI L TENN
525 WANAAO RD #
KAILUA HI 96734

COUNCILMAN PHILIP SPINOSA
125 N MAIN ST, RM 514
MEMPHIS, TN 38103

SUGGS PHILLIP E
4622 DUNN AVE #
MEMPHIS TN 38117

MNA INVESTMENTS LLC
4603 DUNN AVE #
MEMPHIS TN 38117

COLONIAL ACRES NEIGHBORHOOD
ASSOCIATION
4686 WILLOW ROAD
MEMPHIS, TN 38117

ROGERS DAVID A & JANET M
7223 EASTERN AVE #
GERMANTOWN TN 38138

BYNOE KENSLEY & EDRIS
PO BOX 419001 #
SAINT LOUIS MO 63141

COLONIAL ACRES NEIGHBORHOOD
ASSOCIATION
4634 MONACO ROAD
MEMPHIS, TN 38117

PARRISH VIRGIL S & PATRICIA H
4610 DUNN AVE #
MEMPHIS TN 38117

FINANCIAL HEDGE LLC
PO BOX 1690 #
COLLIERVILLE TN 38027

COLONIAL ACRES NEIGHBORHOOD
ASSOCIATION
4728 SPOTTSWOOD ROAD
MEMPHIS, TN 38117



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.



23080156

09/21/2023 - 11:41:14 AM

6 PGS	
LAQUITA 2622965 - 23080156	
VALUE	900000.00
MORTGAGE TAX	0.00
TRANSFER TAX	3330.00
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	3363.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This instrument prepared by:

Neil Harkavy, Esq.
Harkavy Shainberg Kaplan & Dunstan PLC
6060 Poplar Avenue, Suite 140
Memphis, Tennessee 38119

RETURN TO:

Please return to:
H. Mark Beanblossom, P.C.

1661 Aaron Brenner Drive # 301

Memphis, Tennessee 38120

901.758.0500

WARRANTY DEED

THIS INDENTURE, made and entered into as of the 20 day of September, 2023, by and between **ROSE MARIE J. DATTEL, MARK R. DATTEL AND AUBREY D. BELVIN**, Co-Trustees of The Samuel Dattel Marital Trust B u/a dated September 9, 2002 ("**Grantor**"), and **DAEBAK29 INC.**, a Tennessee corporation ("**Grantee**");

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee, to-wit:

Lot 3 as shown in the Final Plat of Cape Cod Village Commercial Sub. Re-Subdivision of Lots 1 and 3 of record in Book 302, Page 22, in the Register's Office of Shelby County, Tennessee to which plat reference is hereby made for a more particular description of said property (the "**Property**").

Being a portion of the property conveyed to Grantor herein by Quit Claim Deed of record in Instrument No. 16130090, in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD the Property, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Grantee, its successors and assigns, in fee simple forever.

Grantor does hereby covenant with Grantee that they are lawfully seized in fee of the Property; that they have a good right to sell and convey the same; that the same is unencumbered, except for those items shown on **Exhibit "A"** attached hereto and made a part hereof, and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons.

The Property shall be subject to the covenants and restrictions set forth in **Exhibit "B"** attached hereto and by reference, made a part hereof.

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

IN WITNESS WHEREOF, the undersigned have caused their names to be signed hereto by and through their proper Members authorized so to do as of the day and year first above written.

GRANTOR:

Rose Marie J. Dattel

Rose Marie J. Dattel, Co-Trustee of the Samuel Dattel Marital Trust B, created u/a dated September 9, 2002

Audrey D. Bevin

Audrey D. Bevin, Co-Trustee of the Samuel Dattel Marital Trust B, created u/a dated September 9, 2002

Mark R. Dattel

Mark R. Dattel, Co-Trustee of the Samuel Dattel Marital Trust B, created u/a dated September 9, 2002

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, Rose Marie J. Dattel, a Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the foregoing instrument on behalf of Rose Marie J. Dattel, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, acting as agent for, and in her capacity as Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, and acknowledged that she executed the same for the purposes therein contained as her free act and deed and as the free act and deed of Rose Marie J. Dattel, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002.

WITNESS my hand and seal at office this 20 day of September, 2023.

Neil Harkavy

Notary Public

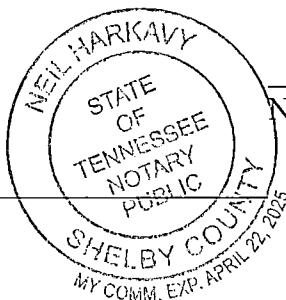
My commission expires:



STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, Aubrey D. Bevin, a Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the foregoing instrument on behalf of Aubrey D. Bevin, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, acting as agent for, and in her capacity as Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, and acknowledged that she executed the same for the purposes therein contained as her free act and deed and as the free act and deed of Aubrey D. Bevin, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002.

WITNESS my hand and seal at office this 20 day of September, 2023.



Neil Harkavy

Notary Public

My commission expires:

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, Mark R. Dattel, a Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the foregoing instrument on behalf of Mark R. Dattel, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, acting as agent for, and in his capacity as Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002, and acknowledged that he executed the same for the purposes therein contained as his free act and deed and as the free act and deed of Mark R. Dattel, Co-Trustee of The Samuel Dattel Marital Trust B, created u/a dated September 9, 2002.

WITNESS my hand and seal at office this 20 day of September, 2023.



Neil Harkavy

Notary Public

My commission expires:

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 \$900,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

B. P. Laen
AFFIANT

Subscribed and sworn to before me this 20th day of September, 2023.

Alison Grim
Notary Public



My Commission Expires _____

Tax Parcel Numbers: 066034 00026 and a portion of 066034 00025

Property Owner and Property Address:

DAEBAK29 INC
4615 Quince Road
Memphis, Tennessee

Mail Tax Notices to:

DAEBAK29 INC
~~3748 Chamblee Dunwoody Rd!~~
~~Atlanta, GA 30341~~ / / / / /
4417 Whisper Spring Drive
Collierville, TN 38017

EXHIBIT "A"
Permitted Encumbrances

1. Any lien for real estate taxes not yet due and payable; and any water and sewer taxes, rents, charges, and any other governmental charges and impositions not yet due and payable, which Grantee assumes.
2. Matters shown on the Plans of record in Book 19, Page 64; Book 21, Page 17; Book 39, Page 46; Book 118, Page 7; Book 284, Page 31; and Book 302, Page 22, in the Register's Office of Shelby County, Tennessee.
3. Easements of record in Book 2639, Page 44; Book 2989, Page 82; 3096, Page 11; Book 4006, Page 440; Book 4008, Page 30; Book 4008, Page 58; 4036, Page 455; Book 4046, Page 271; Book 4140, Page 639; Book 4598, Page 520; Book 4735, Page 17 and J5-7626, in said Register's Office.
4. Lease of record in Book 64, Page 171, in said Register's Office.
5. Easement of record in Instrument No. 04181228, in said Register's Office.
6. Assignment and Assumption of Easement in Instrument No. 05128163, in said Register's Office.
7. Memorandum of Site Supplement of record in Instrument No. 13149833, in said Register's Office.
8. Agreement of record in Book 3941, Page 7, in said Register's Office.

EXHIBIT "B"
Property Covenants and Restrictions

No part of the Property shall be used for "retail banking purposes" (the "Use Restriction"). The term "retail banking purposes" shall include, without limitation, commercial and/or retail banking activities, mortgage and/or brokerage activities, receiving deposits or making loans to the general public, trust operations, safe deposit box services, insurance activities, investment activities, or financially-related services, whether done by a state bank, national bank, savings and loan association, credit union or other entity, whether by walk-up or drive-in teller facility, ATM, or otherwise. In the event of a violation of the Use Restriction by Shin, Dattel shall be entitled to pursue all remedies available at law or in equity, including, without limitation, injunctive relief.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/20/2024
DATE
PUBLIC SESSION: 09/10/2024
DATE

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

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 3230 Commercial Parkway, known as case number SUP 2024 – 019

CASE NUMBER: SUP 2024 – 019

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugaa

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Special Use Permit to allow a convenience store with gas pumps

AREA: +/- 3.78 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – September 10, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
07/11/2024 _____	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>8/12/24</u>	PLANNER I
		DEPUTY ADMINISTRATOR
	<u>8/12/24</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024 – 019

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 3230 COMMERCIAL PARKWAY, KNOWN AS CASE NUMBER SUP 2024 – 019

- This item is a resolution with conditions for a special use permit to allow a convenience store with gas pumps; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024 – 019

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugaa

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Special use permit to allow a convenience store with gas pumps

EXISTING ZONING: Commercial Mixed Use – 1, Residential Single – Family – 15

AREA: +/- 3.78 acres

The following spoke in support of the application: David Bray and Aaron Robinson

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.

The motion failed by a vote of 8-1 on the regular agenda.

Respectfully,



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

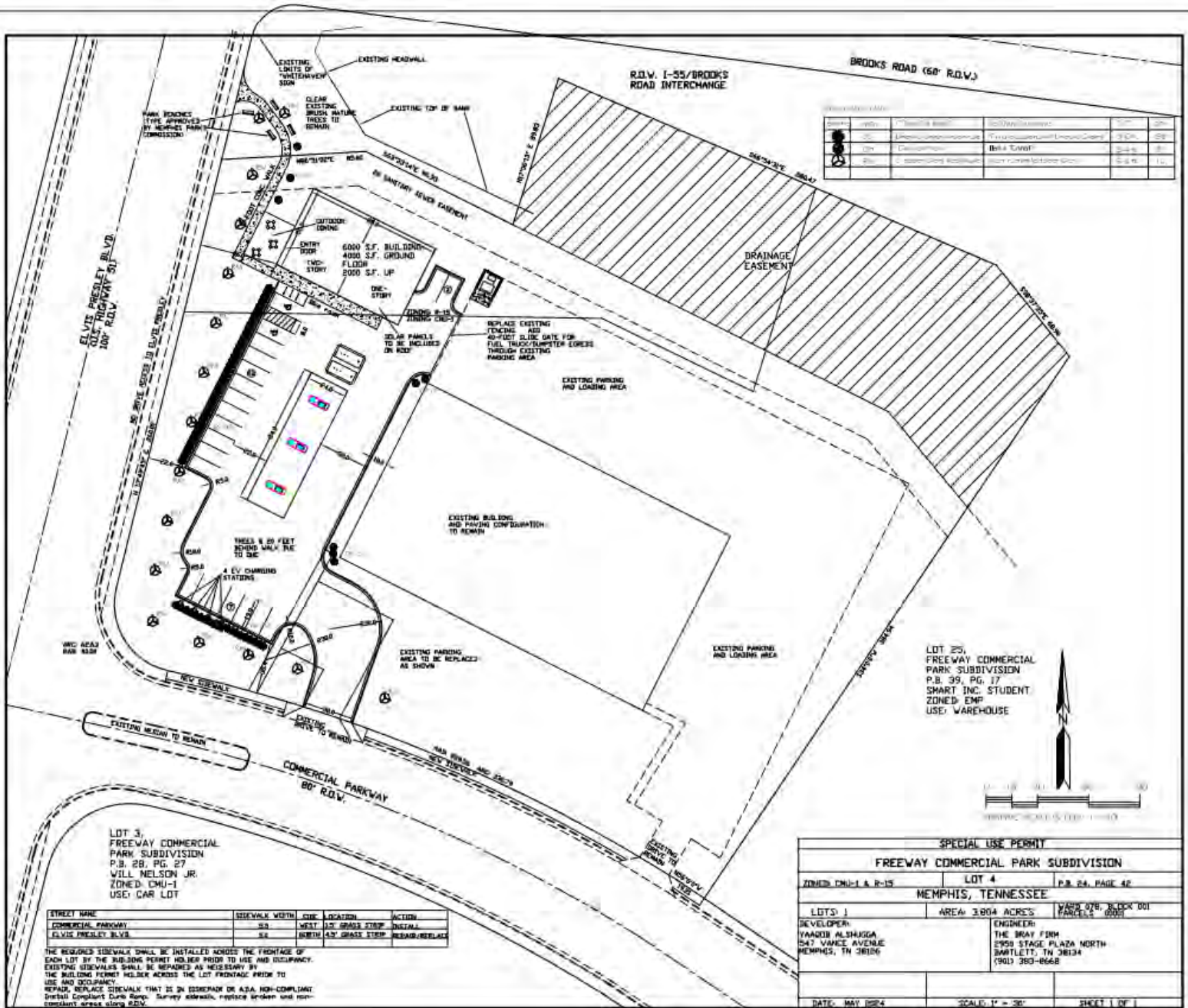
Cc: Committee Members
File

SUP 2024 – 019

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. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. 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 3230 COMMERCIAL PARKWAY, KNOWN AS CASE NUMBER SUP 2024 – 019

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, Yaaqob Al Shugaa filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience store with gas pumps; 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 July 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.

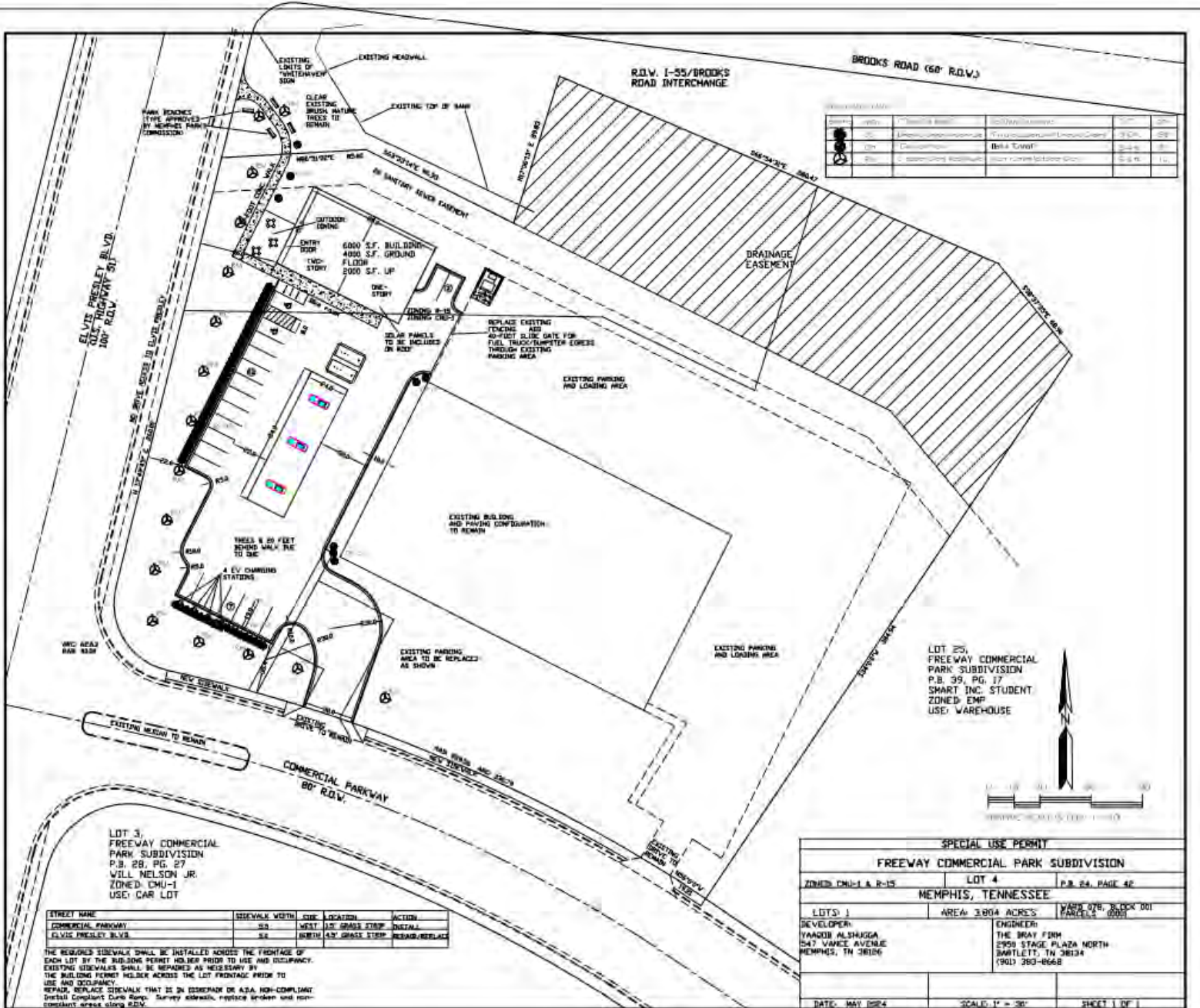
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by 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. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. 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



NO.	DESCRIPTION	DATE	BY	CHKD.
1	PREPARED	11/15/24	Y. ALSHAGGA	W. BRAY
2	REVISED	11/15/24	Y. ALSHAGGA	W. BRAY
3	REVISED	11/15/24	Y. ALSHAGGA	W. BRAY
4	REVISED	11/15/24	Y. ALSHAGGA	W. BRAY

LOT 3,
FREEWAY COMMERCIAL
PARK SUBDIVISION
P.B. 28, PG. 27
WILL NELSON JR.
ZONED CMU-1
USE: CAR LOT

STREET NAME	SEWERAL WIDTH	SIDE	LOCATION	ACTION
COMMERCIAL PARKWAY	80'	WEST	NEW GRASS STRIP	INSTALL
ELVIS PRESLEY BLVD.	100'	WEST	NEW GRASS STRIP	REPAIR/REPLACE

THE REQUIRED SIDEWALKS 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. REPAIRS: REPLACE SIDEWALK THAT IS IN DISREPAIR OR ALSO NON-COMPLIANT. Install compliant Curb Ramps. Survey address, replace broken and non-compliant areas along R.O.V.

LOT 25,
FREEWAY COMMERCIAL
PARK SUBDIVISION
P.B. 28, PG. 17
SMART INC. STUDENT
ZONED EMP
USE: WAREHOUSE



SPECIAL USE PERMIT			
FREEWAY COMMERCIAL PARK SUBDIVISION			
ZONED CMU-1 & R-15	LOT 4	P.B. 28, PAGE 42	
MEMPHIS, TENNESSEE			
LOTS: 1	AREA: 3.804 ACRES	PARCELS: 078, BLOCK 001 (PARCELS 000)	
DEVELOPER: YASOUB ALSHAGGA 547 VANCE AVENUE MEMPHIS, TN 38126	ENGINEER: THE BRAY FIRM 2959 STAGE PLAZA NORTH BARTLETT, TN 38134 (901) 353-8668		
DATE: MAY 2024	SCALE: 1" = 30'	SHEET 1 OF 1	

ATTEST:

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

AGENDA ITEM: 12 **L.U.C.B. MEETING:** July 11, 2024
CASE NUMBER: SUP 2024 – 019
LOCATION: 3230 Commercial Parkway
COUNCIL DISTRICT: District 3
OWNER/APPLICANT: Yaaqob Al Shugaa
REPRESENTATIVE: David Bray, The Bray Firm
REQUEST: Special use permit to allow a convenience store with gas pumps.
EXISTING ZONING: Commercial Mixed Use – 1, Residential Single – Family – 15

CONCLUSIONS

1. The applicant is requesting a stand-alone convenience store with gas sales and a two-story structure with an outdoor dining area.
2. The subject property is split zoned Commercial Mixed Use – 1 (CMU-1) and the northwest portion of the parcel is zoned Residential Single – Family – 15 (R-15).
3. The applicant is requesting a zoning change of the portion zoned R-15 to CMU-1 (see case # Z 2024 -006).
4. In May 2019, a variance (BOA 19-32) was granted by the Board of Adjustment to allow an established warehouse to continue operations at the same location as the proposed convenience store.
5. In May 2019, a special use permit (SUP 2019 – 06) was recommended for rejection by the Land Use Control Board to allow a convenience store with gasoline sales at the intersection of an arterial street and a local street. This application was subsequently withdrawn by the applicant.
6. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

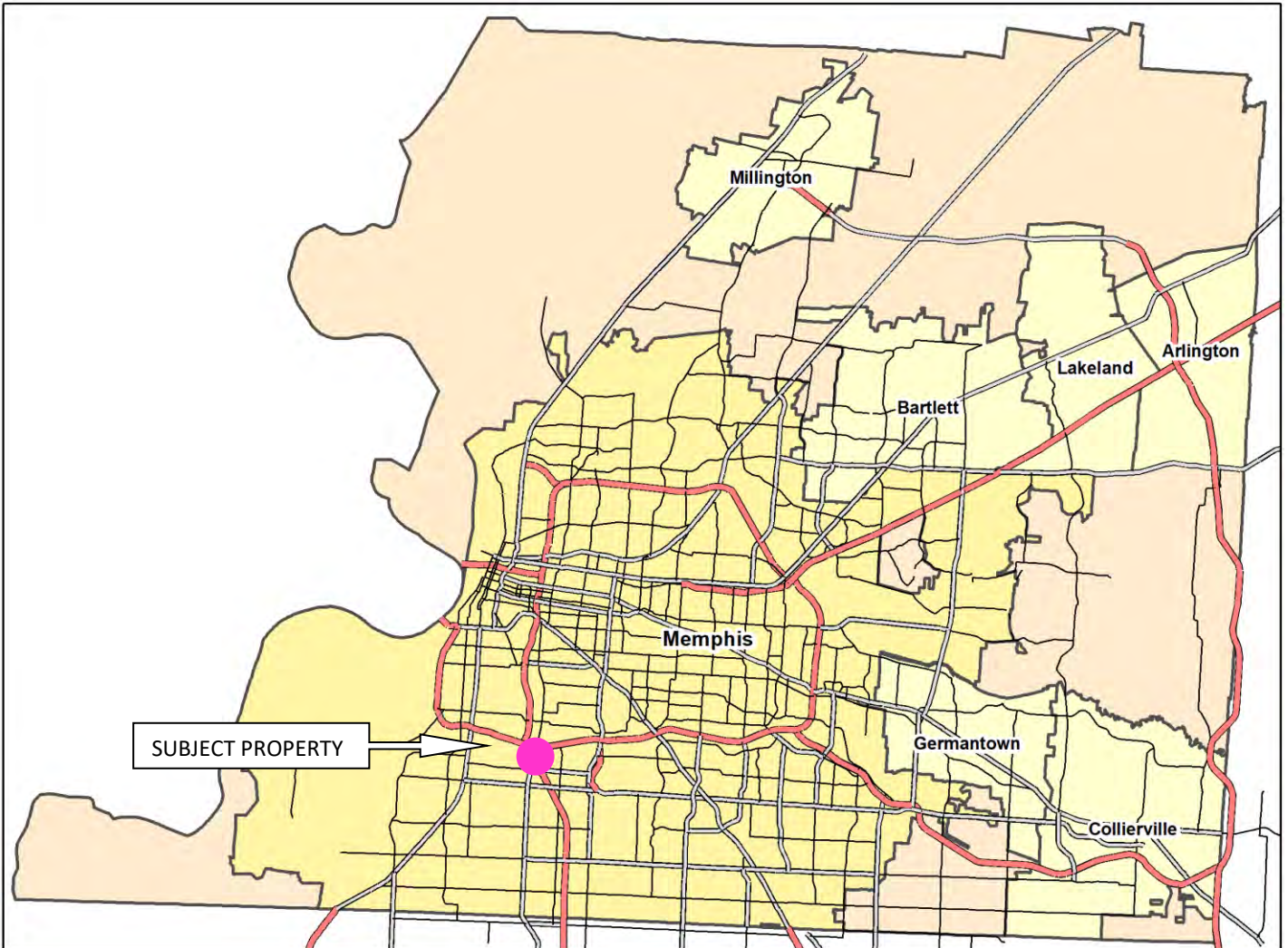
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 22 - 24 of this report.

RECOMMENDATION:

Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 28 notices were mailed on May 13, 2024, see pages 25 - 26 of this report for a copy of said notice. Additionally, xx sign was posted at the subject property, see page xx of this report for a copy of the sign affidavit (awaiting copy of sign affidavit from property owner).

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Thursday, July 1, 2024, at Southbrook Mall, 1254 East Shelby Drive.

AERIAL



Subject property outlined in yellow

ZONING MAP



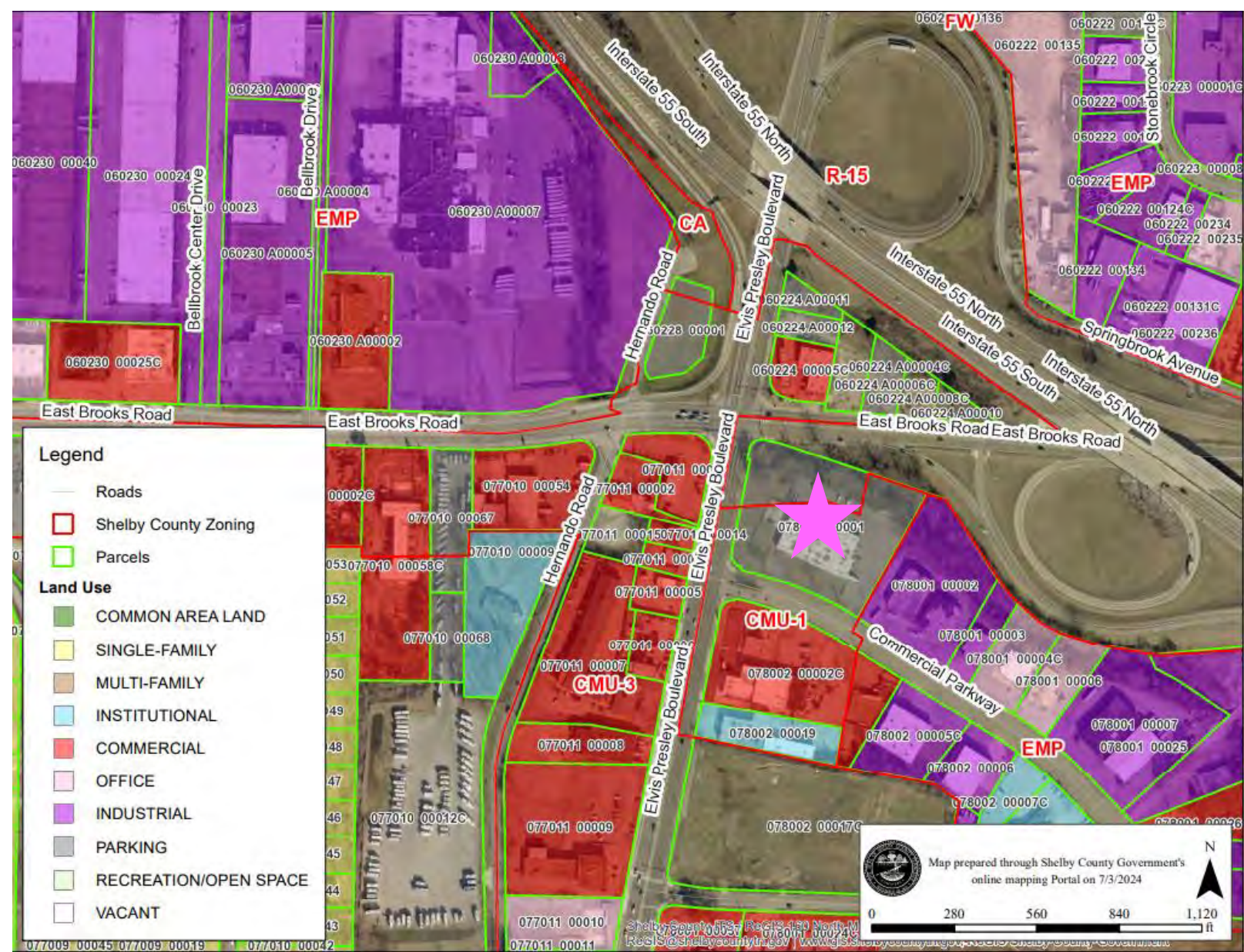
Subject property highlighted in yellow.

FEMA MAP



Subject property outlined in yellow.

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



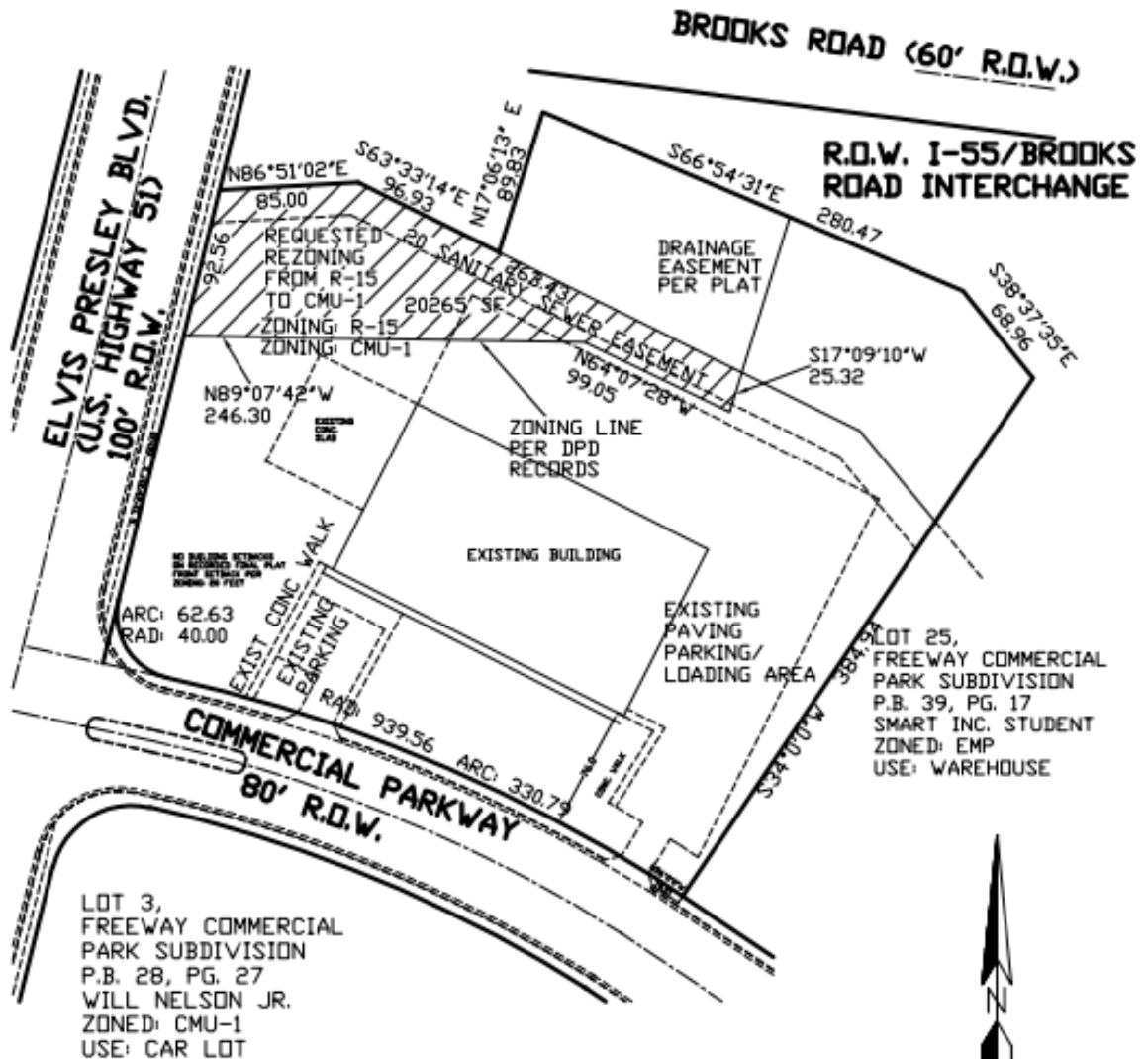
View of subject property from Elvis Presley.



View of subject property from Commercial Parkway looking North.

SURVEY

**LOT SURVEY
LOT 4
FREEWAY COMMERCIAL
PARK SUBDIVISION
PB. 24, PG 42
MEMPHIS, TN**

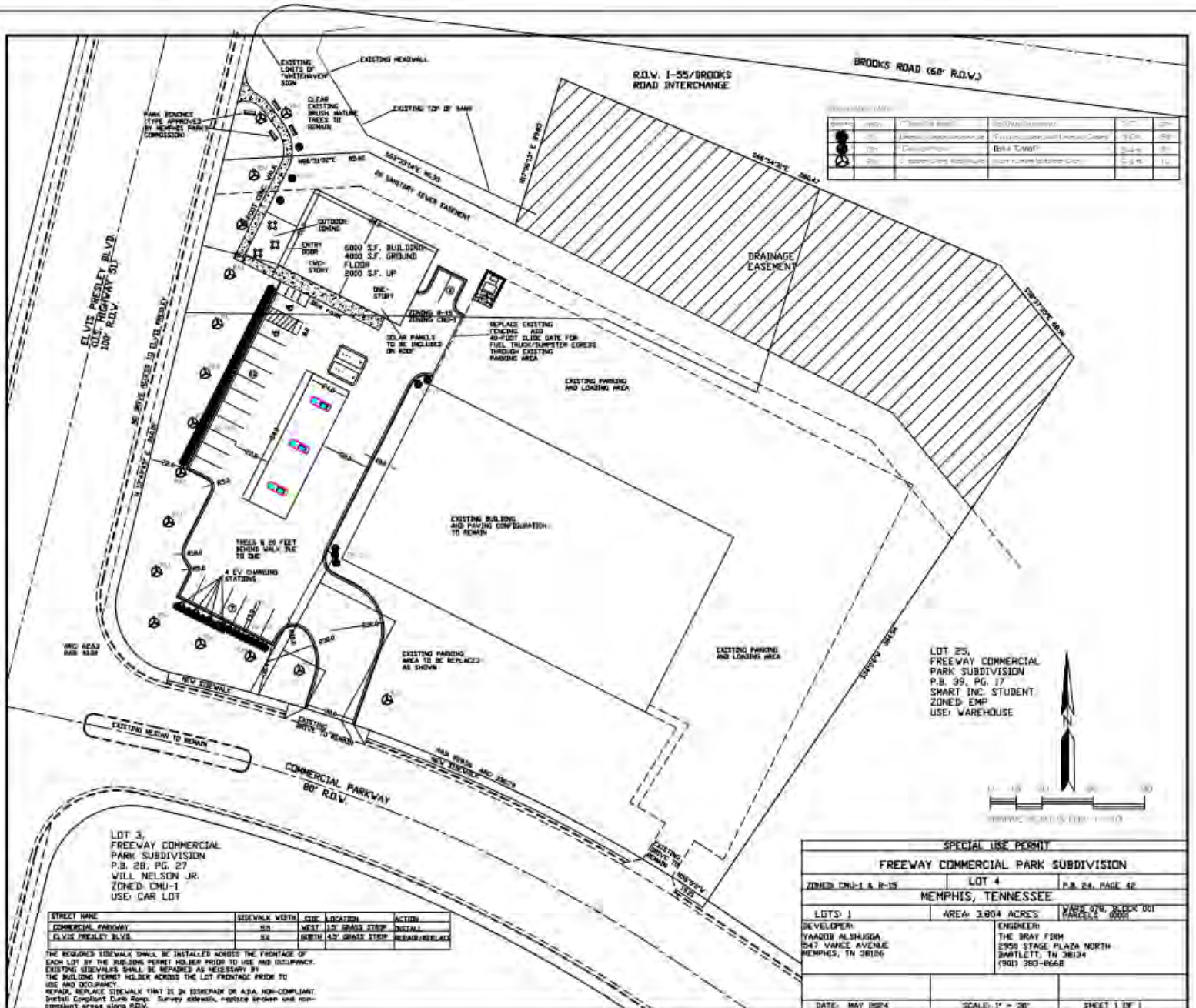


I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREDON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.
THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.
NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

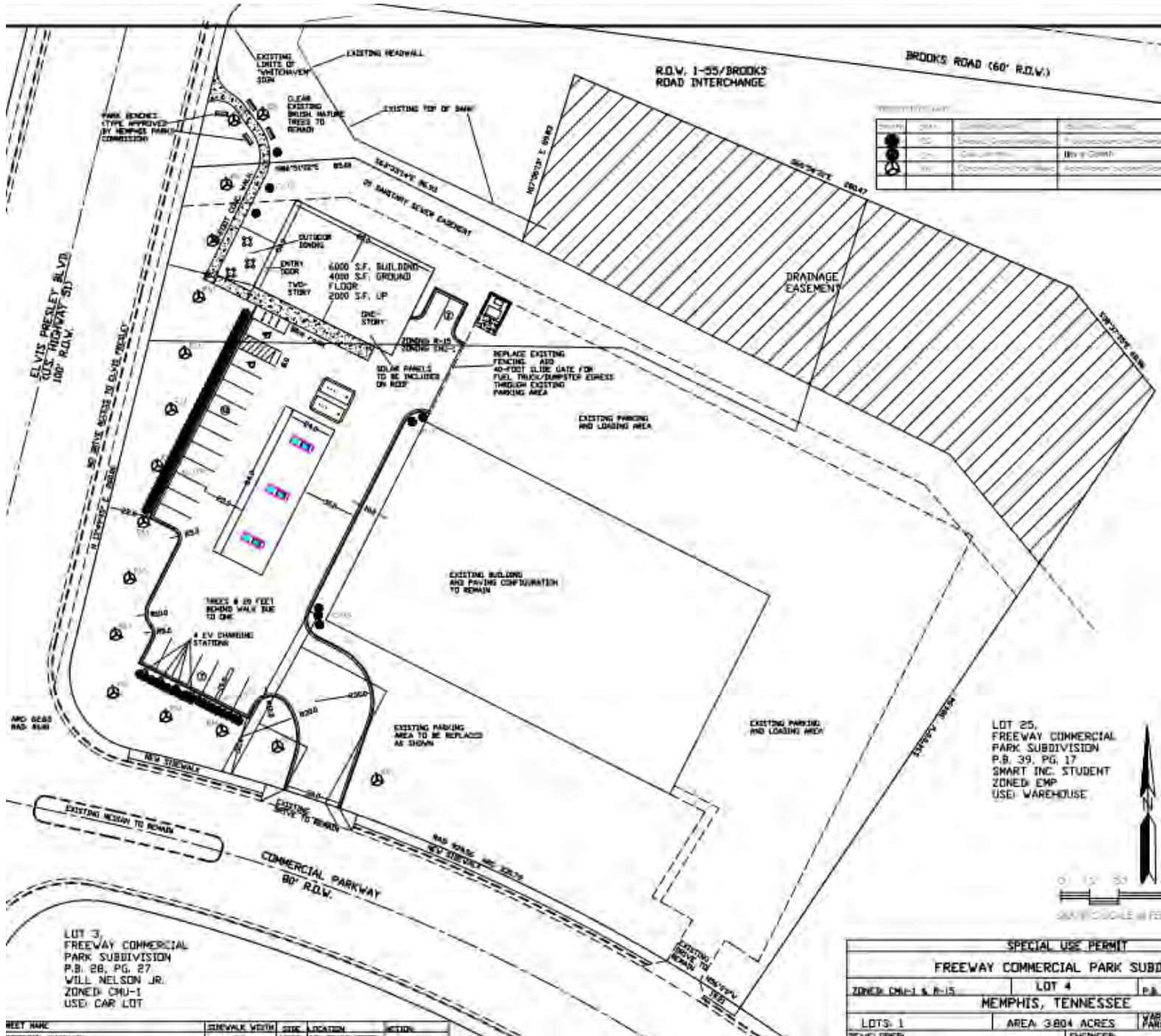
DATE: 05.09.2024
SCALE: 1"=100'

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

SITE PLAN

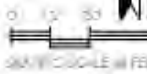


SITE PLAN – MAGNIFIED



NO.	DESCRIPTION	DATE	BY

LOT 25,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 39, PG. 17
 SMART INC. STUDENT
 ZONED EMP
 USE: WAREHOUSE



SPECIAL USE PERMIT			
FREEWAY COMMERCIAL PARK SUBD			
ZONED: CHU-1 & R-15	LOT 4	P.B.	
MEMPHIS, TENNESSEE			
LOTS: 1	AREA: 3.804 ACRES	VAR. PERM.	

RECY NAME	ORIGINATOR	DATE	REVISION

CASE REVIEW

Request

The request is a special use permit to allow a convenience store with gas pumps.

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to 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 Details

Address:
3230 Commercial Parkway

Parcel ID:
078001 00001

Area:
+/- 3.78 acres

Description:

The subject property is located along Elvis Presley and located within the Whitehaven neighborhood. The property is split zoned CMU-1 and R-15. There is currently a warehouse located on the property that would remain. Per the Assessor’s website, the principal structure on the site was built circa 1961 with a building area of +/- 8,000 square feet. The surrounding land uses are a mixture of commercial, industrial, institutional, and single-family and vacant lots. Additionally, this lot has two street frontages: one along Elvis Presley Boulevard and one along Commercial Parkway.

Relevant Unified Development Code Clauses

Sub-Section 2.6.3J

J. Convenience Store with Gas Pumps, Gas Station, Commercial Electric Vehicle Charge Station

1. General Standards

a. The primary building shall conform to all building envelope standards. It shall be sheathed with some form of masonry material on all facades of the building.

b. Gasoline pumps, tanks, vents, EV chargers and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.

c. No sign of any type or any gasoline pump, tank, or EV charger shall be located within 20 feet of any residential district. Furthermore, no gasoline pump, tank or tank vent pipe located at gasoline stations constructed on or after August 21, 2012, or at those gasoline stations that have been vacant for more than 365 days, shall be located within 125 feet of any single-family residential district. This Item shall not apply to any portion of a residential district that lies within a state, city or county right-of-way.

d. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to a residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.

e. Freestanding vents shall not be permitted.

f. CMU-3 district. Any convenience store with gas pumps or gas stations constructed in the CMU-3 district after January 28, 2013, or reactivated after one year of discontinuance, not located at the intersection of two arterials, an arterial and a collector or two collectors, according to the Functional Classification Map of the Long Range Transportation Plan, shall require the issuance of a Special Use Permit. Convenience stores with gas pumps and gas stations constructed in the CMU-3 district prior to January 28, 2013, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

g. CMU-1 district. Any convenience store with gas pumps or gas stations constructed in the CMU-1 district after January 1, 2021, reactivated after one year of discontinuance or whose convenience store is reconstructed or

relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-1 district prior to January 1, 2021, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the proposed convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

h. CMU-2 and CBD districts. Any convenience store with gas pumps or gas stations constructed in the CMU-2 and CBD districts after the effective date of this ordinance (ZTA 21-2) or reactivated after one year of discontinuance or whose convenience store is reconstructed or relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-2 and CBD districts prior to the effective date of this ordinance (ZTA 21-2), may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

i. Rope lighting subject to Paragraph 4.9.4A(10) is prohibited.

2. Fuel Canopies

a. Fuel canopies may be located within the required front yard of a lot. With the exception of those canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii), the canopy shall be located no closer than 10 feet to any side or rear property line or right-of-way. This Item shall not be construed to supersede the landscaping and streetscape provisions of Article 4.

b. The canopy shall not exceed a height of 20 feet.

c. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

d. Architectural compatibility of fuel canopies

i. Establishments permitted by right

The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be complementary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage. Examples of architecturally integrated and compatible fuel canopies are provided in Sub-Item (iv) below.

ii. Establishments that require a Special Use Permit

In addition to the requirements set forth above in Sub-Item (i), a fuel canopy associated with an establishment that requires a Special Use Permit or is eligible for a waiver from a Special Use Permit under Items 2.6.3J(1)(f), (g) or (h), shall also either:

a. Be 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 this Code. See Sub-Item (v) below for a photographic representation of a rear-loaded fuel canopy; or

b. Be 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. See Sub-Item (vi) below for photographic

representations of structurally integrated fuel canopies.

iii. Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.

iv. Examples of architecturally integrated and compatible fuel canopies.



v. Example of rear-loaded fuel canopy



vi. Examples of structural integrated fuel canopies



vii. Example of architecturally incompatible fuel canopy.



Site Plan Review

- The proposed development will utilize the existing access point along Commercial Parkway and there is no access point being proposed along Elvis Presley.
- The proposed canopy will be located with a 30-foot setback from the existing building.
- Three fuel pumps are being proposed.
- Three EV charging stations are being proposed along the southwest portion of the lot along Commercial Parkway.
- There is proper landscaping being proposed along Elvis Presley and Commercial Parkway providing proper screening to parking spaces.
- Any mature trees located near the existing 'Whitehaven' sign located on the corner of Elvis Presley and Brooks shall remain.
- The applicant is proposing to replace the existing fence on the property and add a 40-foot sliding gate for fuel truck and dumpster egress.
- The two-story structure housing the convenience store will have solar panels included on the roof.

Analysis

The proposal has been deemed inconsistent in accordance with the Memphis 3.0 Plan based on the land use intent of Low Intensity Commercial (CSL). The proposed use is also not in keeping with the land use designation noted as parking based on the Land Use Map. There is an existing warehouse facility that encompasses a

substantial portion of the parcel. The Office of Sustainability and Resilience (OSR) has deemed the proposal inconsistent with the Mid-South Regional Resilience Master Plan best practices as it discourages development within sensitive areas such as floodplains.

The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

RECOMMENDATION

Staff recommends rejection, however if approved, staff proposes the following 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. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. 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 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 sewer capacity will not be determined until the developer provide the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.

Drainage:

3. 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.

4. 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.

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

6. 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.

7. 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.

8. Development is greater than 1 acre and is located within a sensitive drainage basin.

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

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

11. 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.

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

City Fire Division:

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

2. Fire apparatus access shall comply with section 503.

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

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

5. 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.

6. IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
7. 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.
County Health Department: No comments received.
Shelby County Schools: No comments received.
Construction Code Enforcement: No comments received.
Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience:
MEMORANDUM

To: Alexis Longstreet, Planner I
From: Logan Landry, Planner I
Date: June 3, 2024
Subject: OSR Comments on SUP 24-019: WHITEHAVEN

General Comments & Analysis:

Located in Zones 1 and 4 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

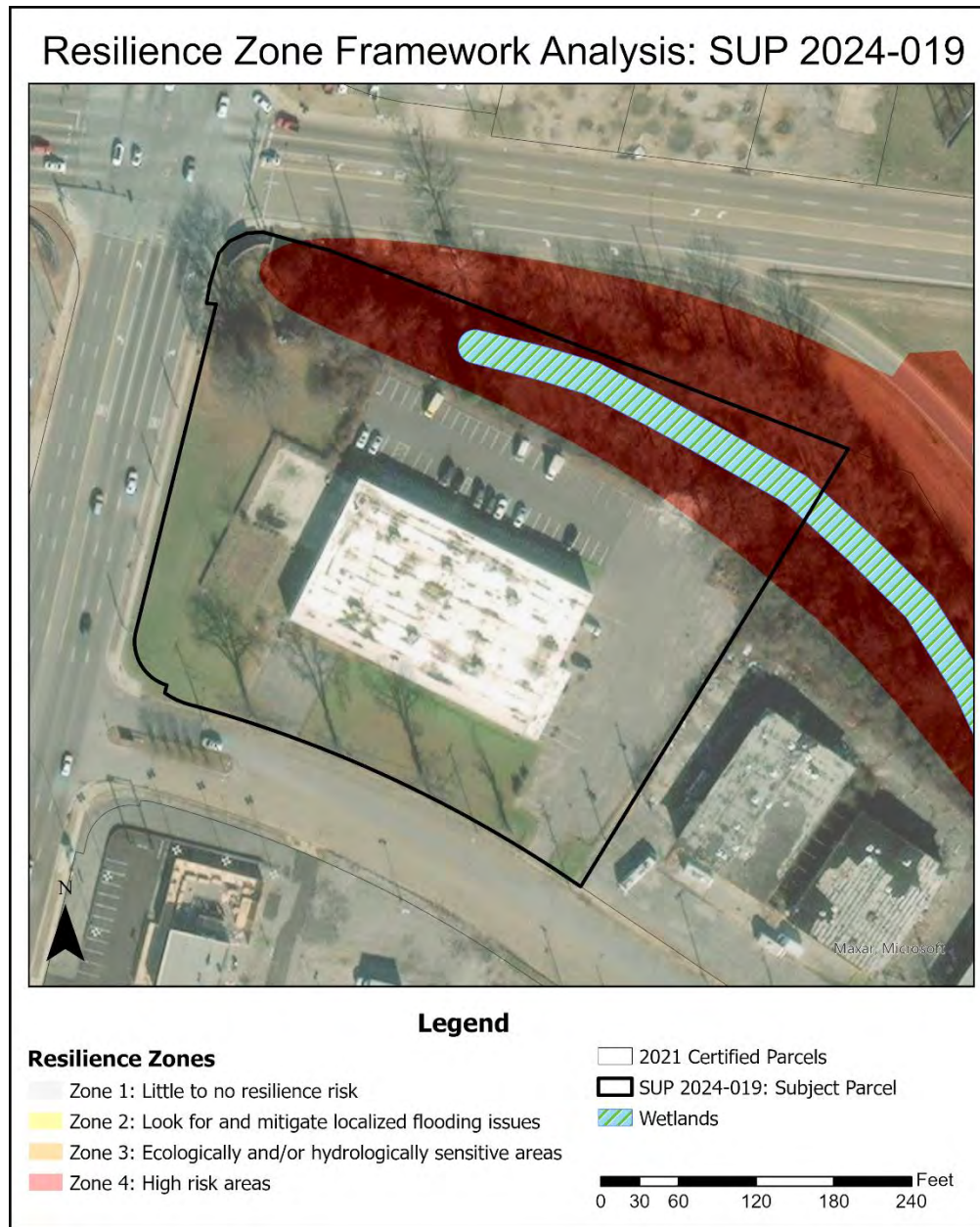
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

The site's designation in Zone 4 is due to its location within the 500-year floodplain for a wetland located in the northeast portion of the parcel.

The applicant is requesting a special use permit to allow a convenience store with gasoline sales in a parcel currently zoned as Commercial Mixed Use – 1 (CMU-1). Additionally, the applicant is planning on constructing a two-story restaurant space which will include a patio, a new sidewalk, park benches, landscaping, and solar panels on the roof.

According to the submitted site plan, the applicant plans to increase the amount of impervious surface by expanding existing parking areas. The expanded parking area will host three new EV charging stations.

The applicant plans to clear the existing brush in the northwest corner of the parcel and leave the existing mature trees. The landscaping plans include the addition of eighty-three new plants, according to the submitted site plan.



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

Section 4.1 – Resilient Sites of the Mid-South Regional Resilience Master Plan discourages development within sensitive areas such as floodplains, so this request for a special use permit is generally inconsistent with the Plan.

The proposed installation of solar panels is encouraged in Section 3.5 – Green Building Retrofits as it increases the building’s energy performance and promotes sustainable energy use.

Consistent with the Memphis Area Climate Action Plan best practices: Yes

The proposed site plan is generally consistent with the Memphis Area Climate Action Plan. The proposed addition of three new electric vehicle charging stations aligns with Action T.5: Encourage Electric Vehicle Adoption and the Development of Charging Infrastructure.

Recommendations: None

**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: SUP 2024 - 019 Whitehaven

Site Address/Location: 3230 Commercial Pkwy
Overlay District/Historic District/Flood Zone: Not in an Overlay District or Historic District
Future Land Use Designation: Low Intensity Commercial and Services (CSL)
Street Type: Parkway

The applicant is requesting a special use permit to build a convenience store with gas pumps.
The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height.

“CSL” Zoning Notes

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

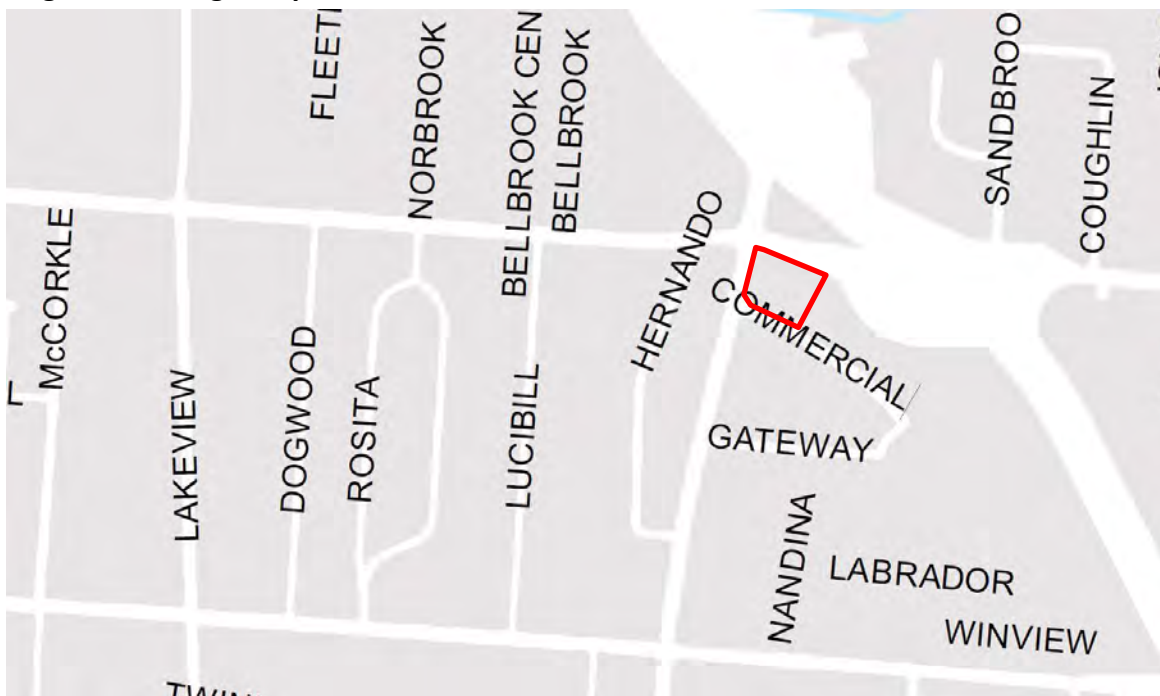
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Parking, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Industrial, and Institution; CMU-1

Overall Compatibility: *This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed gas station is too intense for low-intensity commercial and incompatible with the Whitehaven district priorities. As this node is the gateway to enter the Whitehaven neighborhood with Memphis Visitor Center located across the street from the requested property, the proposal would be detrimental to increasing multi-modal accessibility and safety along this node.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

N/A

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

The parcel is located in the Whitehaven Planning District and the requested use is inconsistent with Whitehaven priorities – “Improve pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors” and “Repurpose vacant lots and parking for public recreation and park development initiatives.”

Consistency Analysis Summary

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

This requested use is incompatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as a proposed gas station is too intense for low-intensity commercial and incompatible with the Whitehaven district priorities. As this node is the gateway to enter the Whitehaven neighborhood with Memphis Visitor Center located across the street from the requested property, the proposal would be detrimental to increasing multi-modal accessibility and safety along this node.

The parcel is located in the Whitehaven Planning District and the requested use is inconsistent with Whitehaven priorities – “Improve pedestrian and cyclist infrastructure to increase accessibility and safety along major corridors” and “Repurpose vacant lots and parking for public recreation and park development initiatives.”

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

MAILED PUBLIC NOTICE

28 Notices Mailed on 05/13/2024.



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: SUP 2024 – 019 and Z 2024 – 006
LOCATION: 3230 Commercial Parkway
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Shugga Yaaqob
REQUEST: Special use permit to allow a convenience store with gas pumps

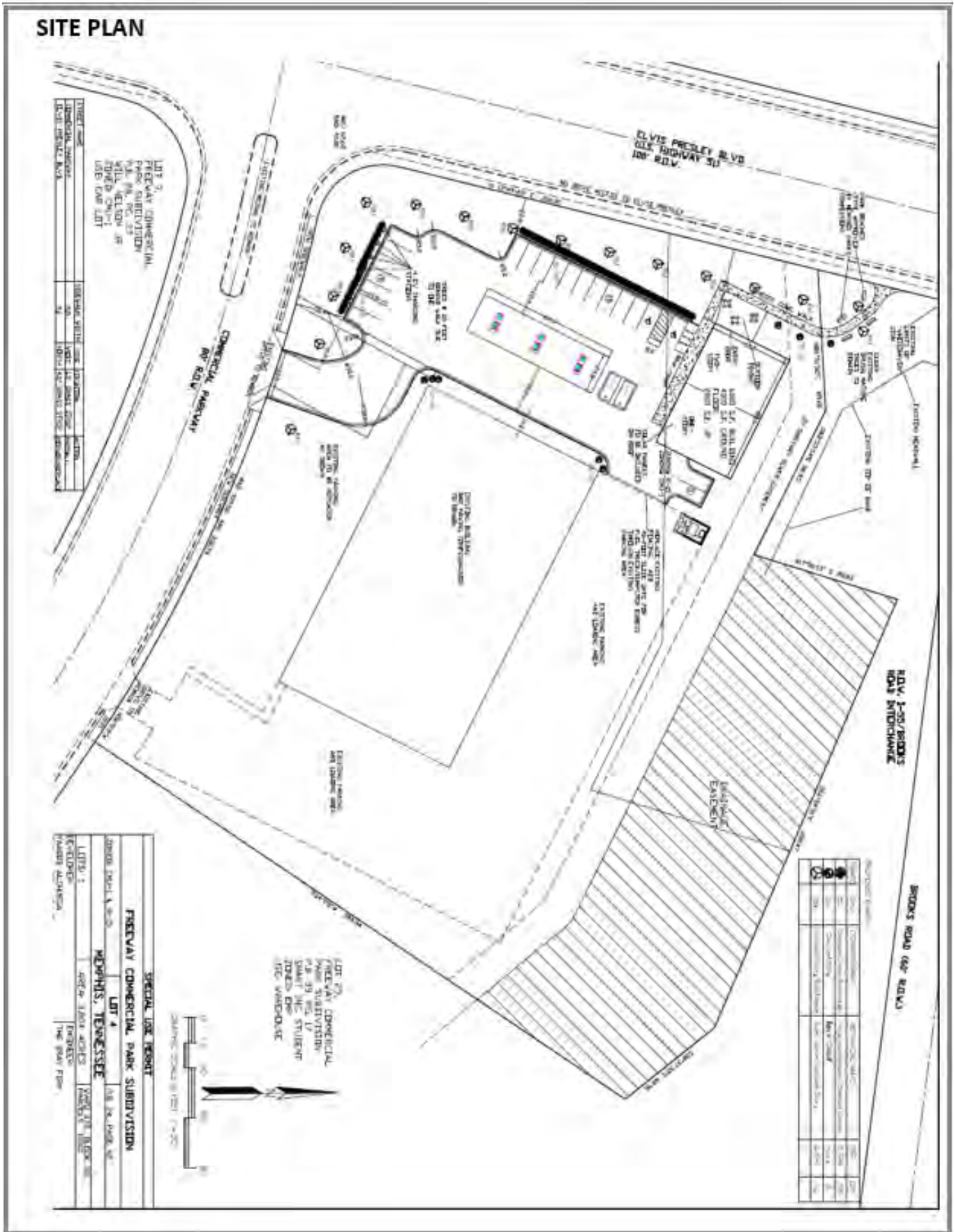
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, July 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a **recommendation** to the legislative body; the legislative body will take final action at a later date.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 19, 2024, at 8 AM**



APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134

Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: May 10, 2024

Record Number: SUP 2024-019

Expiration Date:

Record Name: Freeway Commercial Park Subdivision, Lot 4

Description of Work: SUP request for convenience store with gasoline sales.

Parent Record Number:

Address:

3230 COMMERCIAL PKWY, MEMPHIS 38116

Owner Information

Primary Owner Name

Y SHUGAA YAAQOB A

Owner Address

547 VANCE AVE, MEMPHIS, TN 38126

Owner Phone

Parcel Information

078001 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Chip Saliba

Date of Meeting 02/27/2024

Pre-application Meeting Type Email

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case n/a

Number(s) related to previous applications on this site

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

GENERAL PROJECT INFORMATION

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 project will be compatible with surrounding developments in the CMU-1 zoning district.

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 project will not impact surrounding properties in a negative fashion.

UDC Sub-Section 9.6.9C

All existing facilities and utilities are currently in place.

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

SUP19-006

Central Business Improvement District

No

Class

-

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
 SHUGAA YAAQOB A

Contact Type
 APPLICANT

Address
 547 VANCE AVE, MEMPHIS, TN, MEMPHIS, TN, 38126

Phone
 -

Name
 THE BRAY FIRM

Contact Type
 ARCHITECT / ENGINEER /
 SURVEYOR

Address
 2950 STAGE PLAZA NORTH,

Phone
 (901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563617	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	05/10/2024
1563617	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	05/10/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

OWNER AFFIDAVIT



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, Yaqub Shogaa (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 3220 Elvis Presley
and further identified by Assessor's Parcel Number 07806100001
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this _____ day of _____ in the year of _____.

Signature of Notary Public

My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

May 9, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision
3230 Elvis Presley Blvd.
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached a Special Use Permit application for the above captioned property. The subject property is located at the intersection of Elvis Presley and Commercial Avenue. This site was the subject of a previous application with a similar request in 2019 but the proposed configuration has changed significantly. After meeting with elected representatives from the area, the owners are proposing a two story structure located closer to Elvis Presley that will include a restaurant space. Additionally, a patio for outdoor dining will be added and a new sidewalk, park benches, and landscaping will be provided to provide pedestrian connectivity to Elvis Presley and the proposed business location. Finally, no drive access to Elvis Presley Boulevard is proposed.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

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Address:

3230 COMMERCIAL PKWY, MEMPHIS 38116

Owner Information

Primary	Owner Name
Y	SHUGAA YAAQOB A

Owner Address	Owner Phone
547 VANCE AVE, MEMPHIS, TN 38126	

Parcel Information

078001 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Chip Saliba
Date of Meeting	02/27/2024
Pre-application Meeting Type	Email

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

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UDC Sub-Section 9.6.9C All existing facilities and utilities are currently in place.

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 SUP19-006

Central Business Improvement District No

Class -

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
SHUGAA YAAQOB A

Contact Type
APPLICANT

Address
547 VANCE AVE, MEMPHIS, TN, MEMPHIS, TN, 38126

Phone
-

Name
THE BRAY FIRM

Contact Type
ARCHITECT / ENGINEER /
SURVEYOR

Address
2950 STAGE PLAZA NORTH,

Phone
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Property Owner's Affidavit

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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, Yaagob shugaa , 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 3230 Elvis Presley
 and further identified by Assessor's Parcel Number 07800100001
 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this _____ day of _____ in the year of _____.

 Signature of Notary Public

 My Commission Expires



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

May 9, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision
3230 Elvis Presley Blvd.
Memphis, Tennessee**

Mr. Ragsdale:

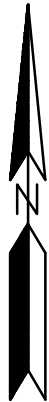
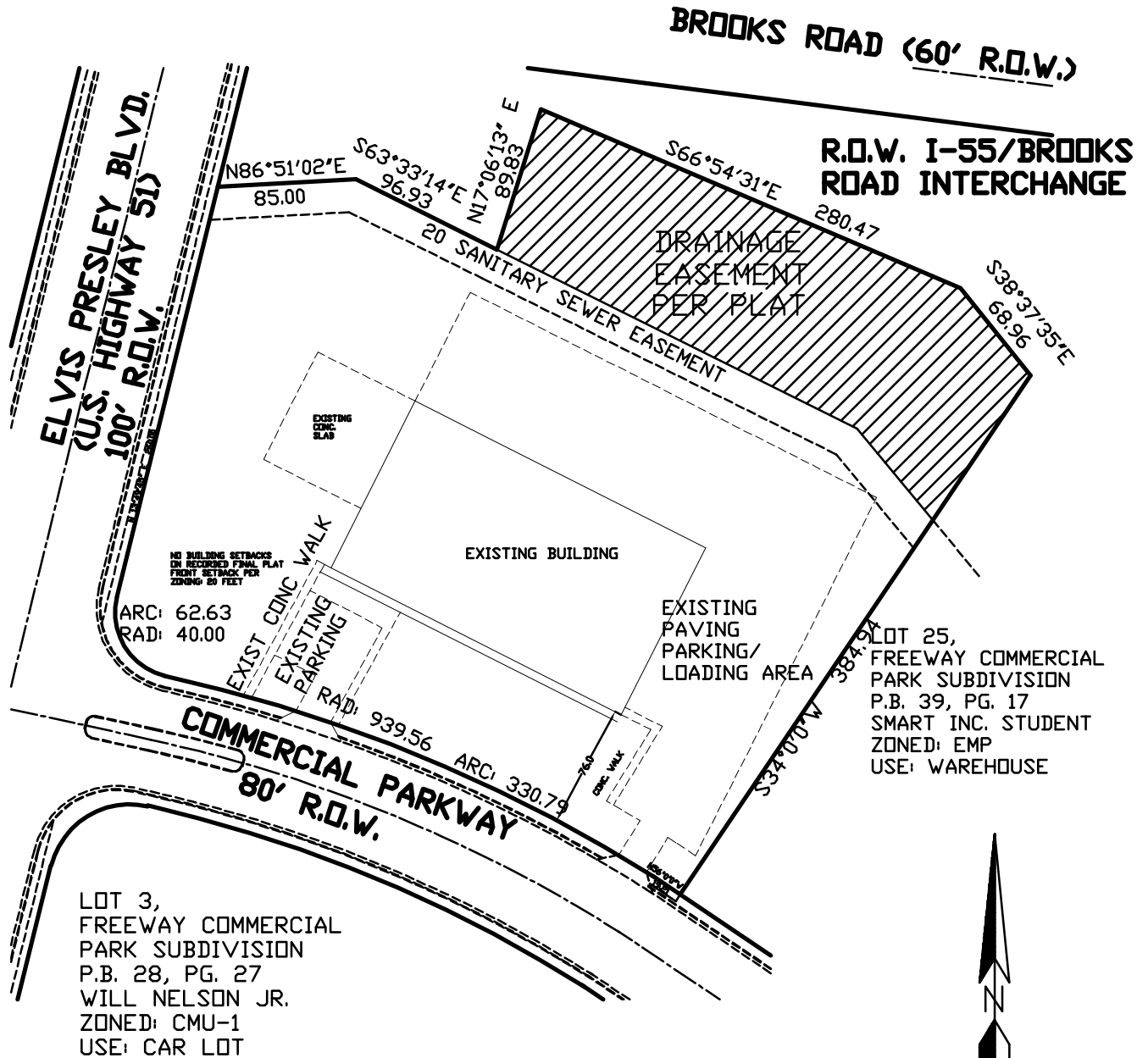
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Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.

LOT SURVEY
 LOT 4
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 PB. 24, PG 42
 MEMPHIS, TN



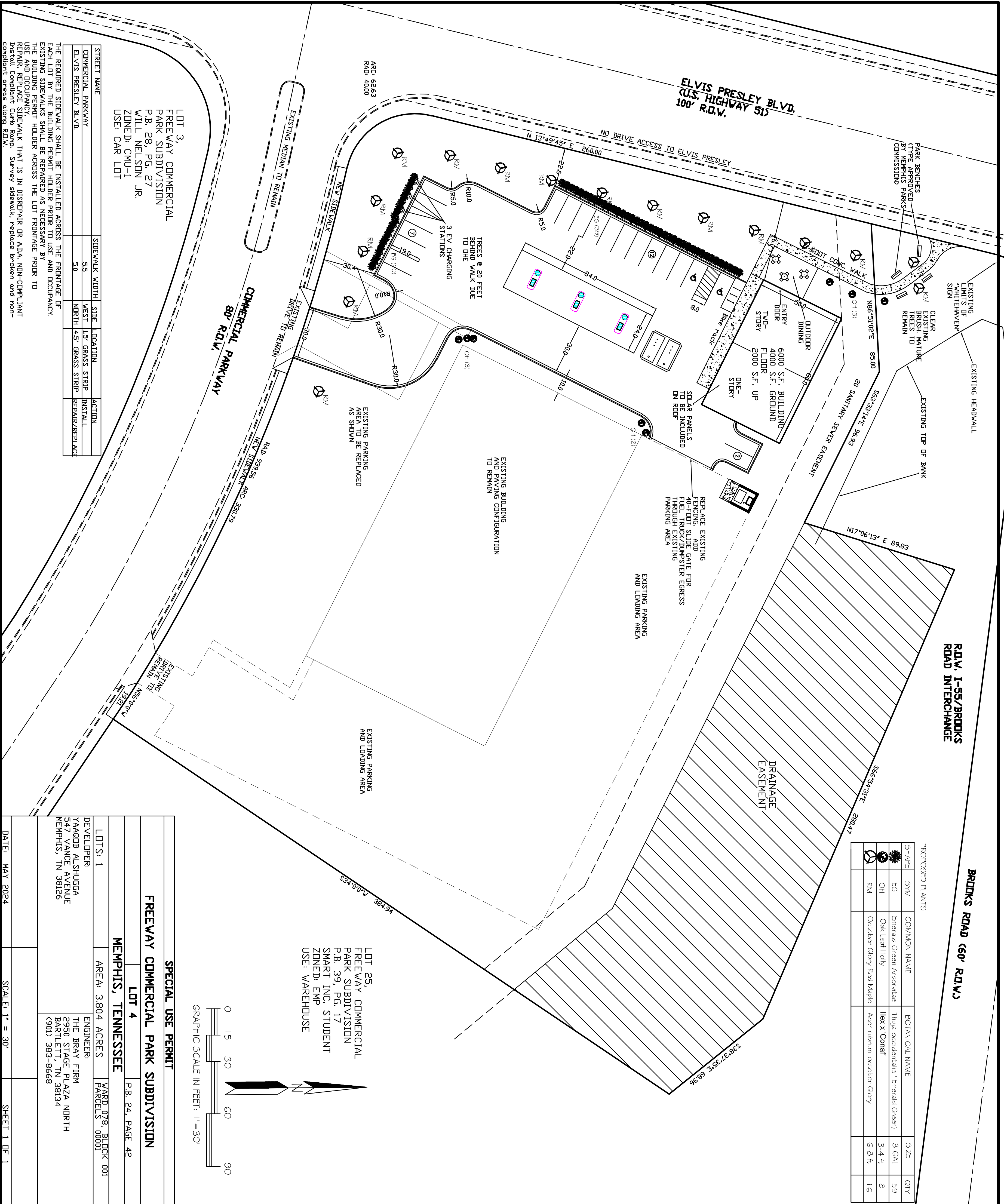
I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1:10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREON, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR THE STATE OF TENNESSEE.

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.

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024
 SCALE: 1"=100'

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



LOT 3,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 28, PG. 27
 WILL NELSON JR.
 ZONED: CMU-1
 USE: CAR LOT

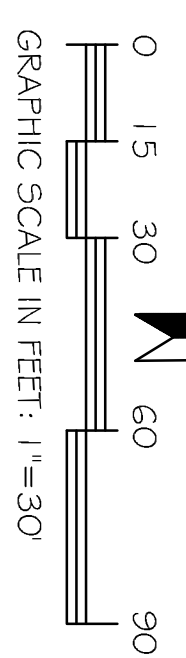
STREET NAME	SIDEWALK WIDTH	LOCATION	ACTION
COMMERCIAL PARKWAY	5.5	WEST	INSTALL
ELVIS PRESLEY BLVD.	5.0	NORTH	REPAIR/REPLACE

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.P.A. NON-COMPLIANT. CONSULT ALONG R.O.W. Survey sidewalk, reduce broken and non-

PROPOSED PLANTS

SHAPE	SYM	COMMON NAME	BOTANICAL NAME	SIZE	QTY
	EG	Emerald Green Arborvitae	Thuja occidentalis 'Emerald Green'	3 GAL	39
	OH	Oak Leaf Holly	Ilex x Cornif	3-4 ft	6
	RM	October Glory Red Maple	Acer rubrum 'October Glory'	6-8 ft	16

LOT 25,
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 P.B. 39, PG. 17
 SMART INC. STUDENT
 ZONED: EMP
 USE: WAREHOUSE



SPECIAL USE PERMIT
FREEWAY COMMERCIAL PARK SUBDIVISION

LOT 4
 MEMPHIS, TENNESSEE
 AREA: 3.804 ACRES
 VARI: 078, BLOCK 001
 PARCELS: 00001

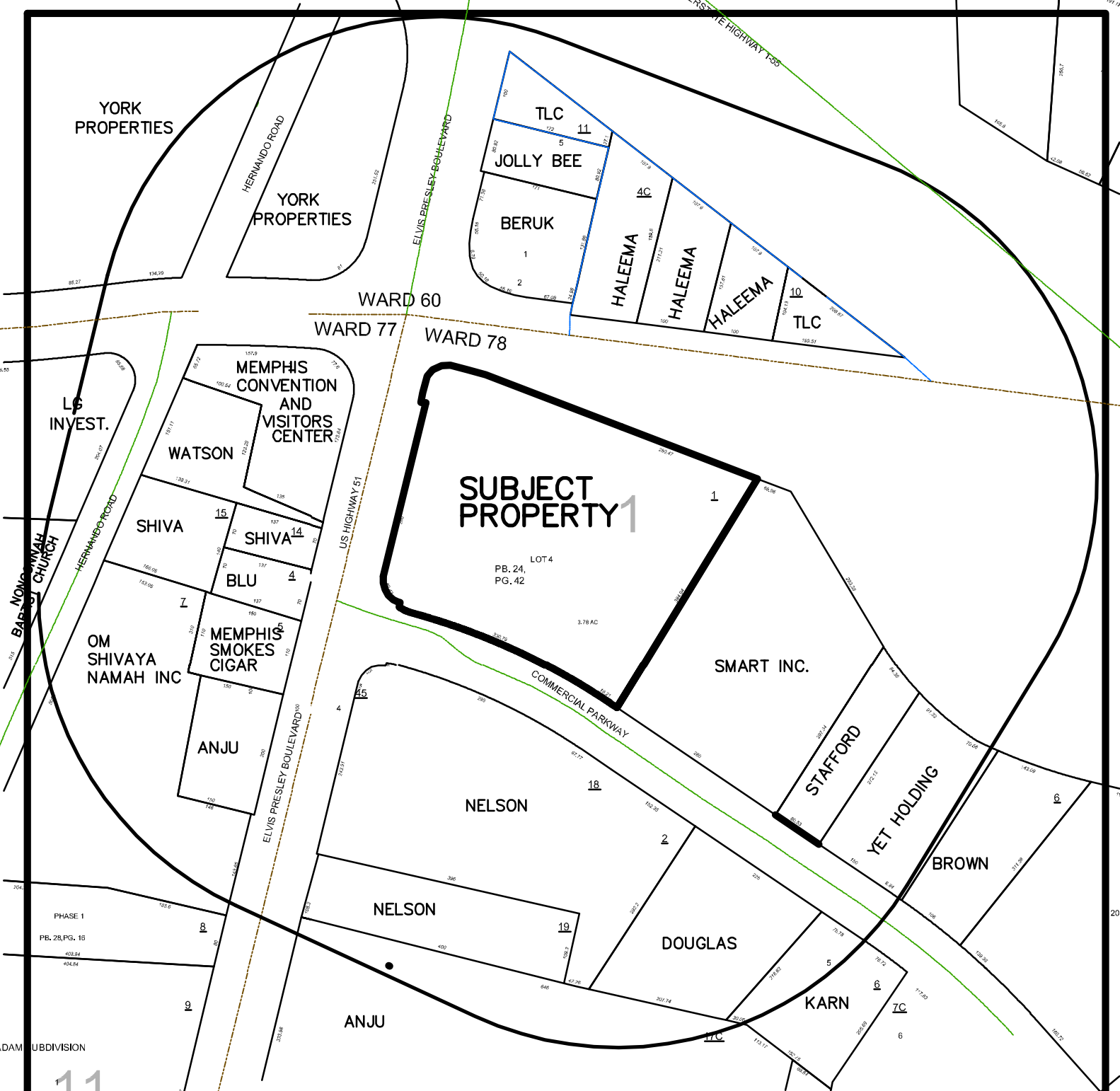
DEVELOPER:
 YAADB ALSHUGGA
 547 VANCE AVENUE
 MEMPHIS, TN 38126

ENGINEER:
 THE BRAY FIRM
 2950 STAGE PLAZA NORTH
 BARTLETT, TN 38134
 (901) 383-8668

DATE: MAY 2024

SCALE: 1" = 30'

SHEET 1 OF 1



**LUCB APPLICATION – 3230 ELVIS PRESLEY
 LOT 4, FREEWAY COMMERCIAL PARK S/D
 APPLICANT: YAAQOB SHUGAA
 MEMPHIS, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
 2950 STAGE PLAZA NORTH
 BARTLETT, TENNESSEE
 MAY 9, 2024

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

Applicant/Owner

Engineer/Surveyor

Yasqob El Shubba
547 Vance Ave.
Memphis, TN 38116

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Smart Inc. Student Making
A Rewarded
3242 Commerical Pkwy.
Memphis, TN 38116

Dell Stafford &
Edwin Stafford
3262 Commercial Pkwy.
Memphis, TN 38116

Yet Holding LLC
4920 Raleigh LaGrange
Ste. 9
Memphis, TN 38128

James Karn Jr.
3271 Commercial Parkway
Memphis, TN 38116

Paul Douglas &
George Douglas
3261 Commercial Pkwy.
Memphis, TN 38116

Will Nelson, Sr.
465 Tennesseeed
Memphis, TN 38103

Willie & Hattie Nelson
3360 Fontaine Rd.
Memphis, TN 38116

Anju Hotels LLC
8720 Somerset Ln.
Germantown, TN 38138

Om Shvaya Namah Inc.
3265 Elvis Presley
Memphis, TN 38116

Memphis Smokes Cigar Lounge
LLC
5341 Bradley Ridge Ln
Memphis, TN 38125-4141

BLU River LLC
119 So. Main
Ste. 500
Memphis, TN 38103

Kenneth Watson
8909 Georgia Dr.
Austin, TX 79753

Memphis Convention &
Visitors Bureau
47 Union Ave.
Memphis, TN 38103

LG Investmetns LLC
407 Saintt Tammany St.
Madisonville, LA 70447-9713

Nonconnah Baptist
Church Trust
3257 Hernando
Memphis, TN 38116

York Properties LLC
3100 Bellbrook Dr.
Memphis, TN 38116-1702

Artie Brown Revocable Living Trust
8585 Edenfield Cv.
Germantown, TN 38138

TLC Properties Inc.
1600 Century Center
Bartlett, TN 38134

Set No. 1
El Shugga
Page 2 of 2

Jolly Bee LLC
P.O. Box 400
Wheatley, AR 72392-0400

Beruk Properties
3264 W Sarazens CL
Memphis, TN 38125-0808


Cheryl Forbes
Whitehaven Development Corp.
P.O. Box 16005
Memphis, TN 38186

Shiva Properties
8720 Somerset Ln.
Germantown, TN 38138



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.

	
17103589	
10/06/2017	03:21 PM
2 PGS	
CHRISTINAM	1857071-17103589
VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This Instrument prepared by: Ronny Porter -- Quick Refund 3258 Commercial Freeway
Memphis Tenn, 38116

QUIT CLAIM DEED David K. Kemp

KNOW ALL MEN BY THESE PRESENTS, that _____ on this the 5 day of OCTOBER, 2017, for and in consideration of the sum of One and no/100 Dollars, do(es) hereby bargain, sell, release, remise, quit claim and convey unto (Student Making (A) ReWarded Today) 3242 Commercial ParkWay Memphis TN. 38116 (County Of Shelby. For the amount of \$10.00 dollars and service perform by ICA/ Student Making A's Rewarded Today. _____ all _____ right, title and interest in and to the following described real estate, to wit: 3230 HWY. 51. SOUTH. Memphis TN. 38116 (County Of Shelby TN.) Property Details as following RE:

1. Office Building, Subdivision :Freeway Comm. Park SEC B (home size: 0.65 Acres, lot size: 3.78 Acres, built in 1961:Parcel number 07800100001:County Shelby:Census:3, Tract:22023, Lot:4,Zoning:C-L

Being the same property Conveyed to grantor by 06106565

IN TESTIMONY WHEREOF I/we have hereunto set my/our hand(s) this 5 day of October, 2017.

Neil Shreat
Mr. Shreat

STATE OF TENNESSEE

COUNTY OF Shelby

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

for _____ witness my hand and seal this 5 day of October, 2017.

Mable Louise Williams
Notary Public
STATE OF TENNESSEE
NOTARY PUBLIC
SHELBY COUNTY

My commission expires:

~~I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$ 425,000.00 four hundred twenty-five thousand dollars Credit for service. Per David K. Kemp perform. (by ICA/ Student Making A'S Reward Today)~~

David K. Kemp
Affiant

STATE OF TENNESSEE
COUNTY OF SHELBY M L W

Subscribed and sworn before me this the 5 day of October, 2017

Mable Louise Williams
Notary Public
STATE OF TENNESSEE
NOTARY PUBLIC
MABLE LOUISE WILLIAMS

The following information is not a part of this Deed:

Property Address:

3230 Highway 51 South
Memphis Tenn 38116

Owner's Name and Address

Student Making A's Reward Today
3242 Commerical Parkway
Memphis Tenn 38116

Parcel Number

78-1-1

Mail Tax Bills to:

3242 Commerical Parkway
Memphis Tenn 38116

Student Making A's Reward Today

I, or we, hereby swear or affirm
that to the best of affiants
knowledge, information, and belief,
the actual consideration for
this transfer is \$ 10.00



Affiant

Subscribed and sworn to before
me this the 6th day of October
20 17

TOM LEATHERWOOD, REGISTER

by  D.R.



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

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

July 24, 2024

Yaaqob Shugaa
547 Vance Avenue
Memphis, TN 38126

Sent via electronic mail to: dqbray@comcast.net, Mustafashujaa2003@yahoo.com

Case Number: SUP 2024 – 019
LUCB Recommendation: Rejection

Dear applicant,

On Thursday, July 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your special use permit application to allow a convenience store with gas pumps, **however, if approved, the Board recommends 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. A minimum of 60% transparency shall be provided for both the Commercial Parkway and Elvis Presley building elevations.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing body.
6. A detailed rendering with elevations for the canopy and convenience store will need to be submitted for review during the Final Plat Review process.
7. A minimum of three (3) level 3 fast charging station shall be installed.
8. The fuel canopy shall be architecturally compatible with the convenience store building and be more than 20 feet in height.
9. 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.

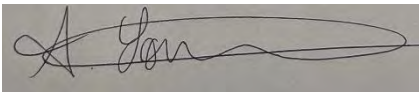
Letter to Applicant
SUP 2024 – 019

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at alexis.longstreet@memphistn.gov.

Respectfully,

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

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

Cc: David Bray, The Bray Firm
File

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 09/10/2024

DATE

PUBLIC SESSION: 09/24/2024

DATE

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 5700 Mt. Moriah Road, known as case number SUP 2024-023

CASE NUMBER: SUP 2024-023

LOCATION: 5700 Mt. Moriah Road

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

OWNER/APPLICANT: Wingli Cepeda Ochoa

REPRESENTATIVE: Maureen Valdez

REQUEST: Special use permit to allow motor vehicle sales

AREA: +/-0.57 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 – September 24, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
08/08/2024 _____	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>Chloe Christian</u>	<u>8/30/24</u>	PLANNER I
		DEPUTY ADMINISTRATOR
<u>Brett Regalado</u>	<u>08/30/24</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-023

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 5700 MT MORIAH ROAD, KNOWN AS CASE NUMBER SUP 2024-023

- This item is a resolution with conditions for a special use permit to allow motor vehicle sales; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2024-023

LOCATION: 5700 Mt. Moriah Road

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

OWNER/APPLICANT: Wingli Cepeda Ochoa

REPRESENTATIVE: Maureen Valdez

REQUEST: Special Use Permit to allow motor vehicle sales

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

AREA: +/-0.57 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,



Chloe Christion
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 2024-023

CONDITIONS

1. Any fence erected on the site shall comply with UDC Section 4.6.7 and no uncoated chain link fence shall be permitted.
2. No vehicle repair shall be permitted on site. Vehicle service may be performed in accordance with the principle use category of Vehicle Service in UDC Sub-Section 2.9.4J.
3. The vehicle sales facility shall comply with all Use Standards provided in UDC Paragraphs 2.6.3P(1) and 2.6.3P(3).
4. A type S-10 streetscape plate or an equivalent approved by the Division of Planning and Development shall be provided along the street frontage of Mount Moriah Road. Any approved fencing along Mount Moriah Road shall be located behind the streetscape plate.
5. The existing detached pole sign at the southwestern corner shall be upgraded to meet the requirements of UDC Sub-Section 4.9.7D or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
6. The existing driveway/curb opening is subject to reconstruction or repair to meet current City Standards.
7. All existing sidewalk and curbing along Mount Moriah Road is subject to reconstruction or repair to meet current City Standards.
8. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development in accordance with UDC Chapter 4.1.

SITE PLAN

SITE PLAN

5700 Mt Moriah Rd

Memphis, TN 38115

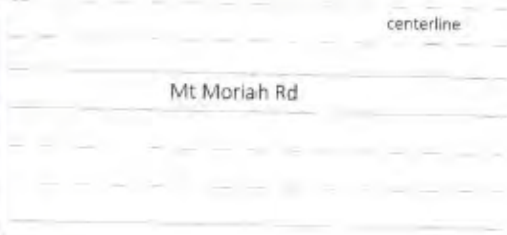
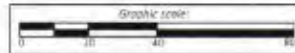
Parcel ID: 074-090- -D-00009-C

Lot area: 0.77 Acres

Paper Size: 11"x17"



scale 1"=30'



Calculating Building and Lot Coverage Percentages

Lot area: 33,715 sq. ft.

Total building coverage (gross floor area): 6,490 sq. ft.

Building Coverage Percentage: $6,490 \text{ sq. ft.} / 33,715 \text{ sq. ft.} = 0.19249 = 19.2\%$

Total Lot Coverage: 26,128 sq. ft.

Lot Coverage Percentage: $26,128 \text{ sq. ft.} / 33,715 \text{ sq. ft.} = 0.77496 = 77.4\%$

*Total landscape areas:

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 5700 MT MORIAH ROAD, KNOWN AS CASE NUMBER SUP 2024-023

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, Wingli Cepeda Ochoa filed an application with the Memphis and Shelby County Division of Planning and Development to motor vehicle sales; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on August 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 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. Any fence erected on the site shall comply with UDC Section 4.6.7 and no uncoated chain link fence shall be permitted.
2. No vehicle repair shall be permitted on site. Vehicle service may be performed in accordance with the principle use category of Vehicle Service in UDC Sub-Section 2.9.4J.
3. The vehicle sales facility shall comply with all Use Standards provided in UDC Paragraphs 2.6.3P(1) and 2.6.3P(3).
4. A Type S-10 streetscape plate or an equivalent approved by the Division of Planning and Development shall be provided along the street frontage of Mount Moriah Road. Any approved fencing along Mount Moriah Road shall be located behind the streetscape plate.
5. The existing detached pole sign at the southwestern corner shall be upgraded to meet the requirements of UDC Sub-Section 4.9.7D or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
6. The existing driveway/curb opening is subject to reconstruction or repair to meet current City Standards.
7. All existing sidewalk and curbing along Mt. Moriah Road is subject to reconstruction or repair to meet current City Standards.
8. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development in accordance with UDC Chapter 4.1.

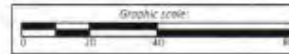
SITE PLAN

SITE PLAN

5700 Mt Moriah Rd
 Memphis, TN 38115
 Parcel ID: 074-090- -D-00009-C
 Lot area: 0.77 Acres
 Paper Size: 11"x17"



scale 1"=30'



Calculating Building and Lot Coverage Percentages
 Lot area: 33,715 sq. ft.
 Total building coverage (gross floor area): 6,490 sq. ft.
 Building Coverage Percentage: 6,490 sq. ft. / 33,715 sq. ft. = 0.19249 = 19.2%
 Total Lot Coverage: 26,128 sq. ft.
 Lot Coverage Percentage: 26,128 sq. ft. / 33,715 sq. ft. = 0.77496 = 77.4%
 *Total landscape areas:

ATTEST:

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

AGENDA ITEM: 16 **L.U.C.B. MEETING:** August 8, 2024
CASE NUMBER: SUP 2024-023
LOCATION: 5700 Mount Moriah Road
COUNCIL DISTRICT: District 4 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Wingli Cepeda Ochoa, Latin America Auto Sales
REPRESENTATIVE: N/A
REQUEST: Special use permit to allow motor vehicle sales
EXISTING ZONING: Commercial Mixed-Use – 1 (CMU-1)

CONCLUSIONS

1. The request is a special use permit to allow used car sales in the Commercial Mixed-use – 1 zoning district.
2. A Certificate of Occupancy for vehicle repair only was issued in error to the applicant on December 15, 2023 (COO-23-000608). Vehicle repair is only allowed by Special Use Permit. The Certificate of Occupancy is being corrected for vehicle service since vehicle service is permitted by right in CMU-1.
3. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

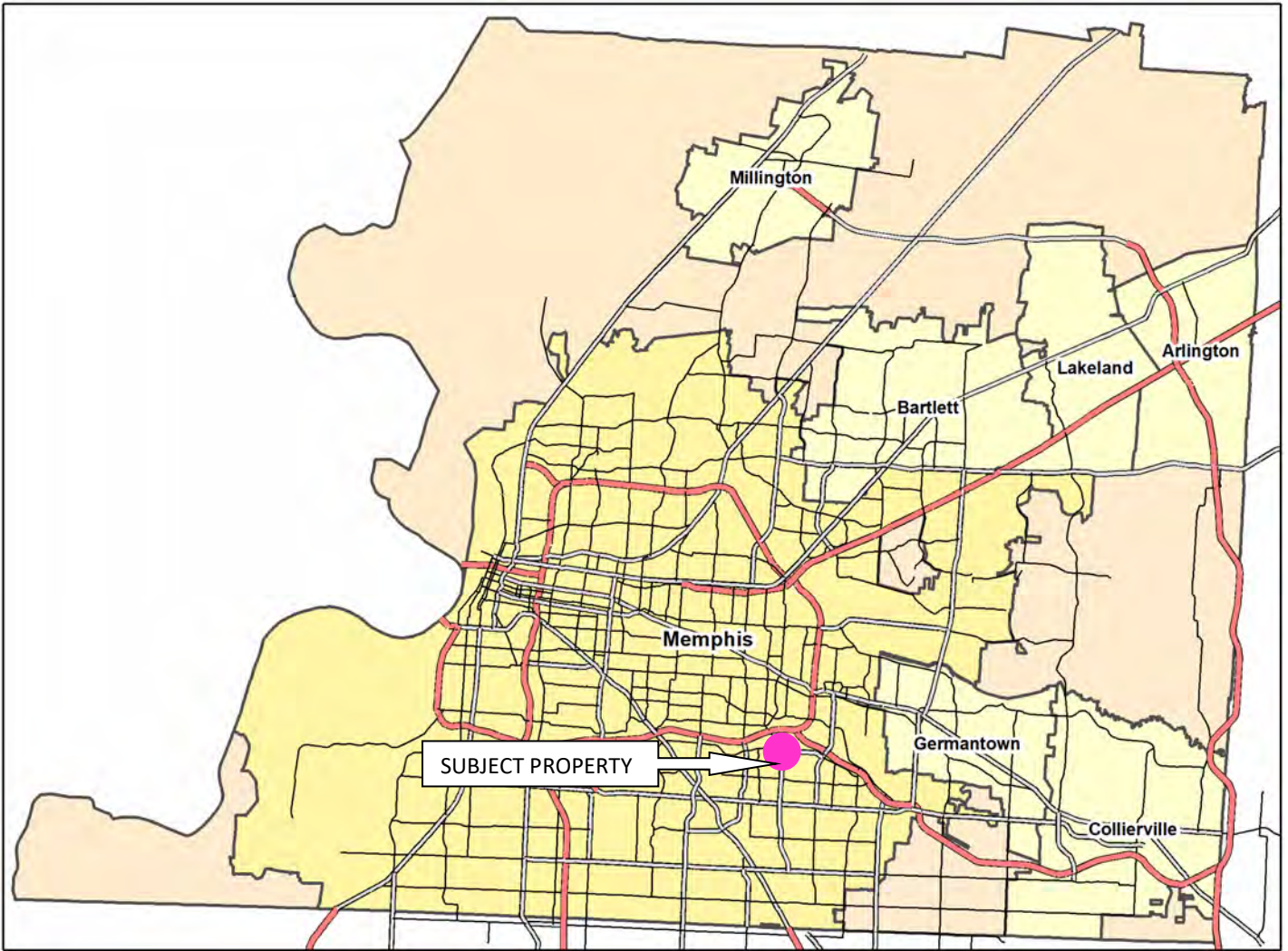
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 17-19 of this report.

RECOMMENDATION:

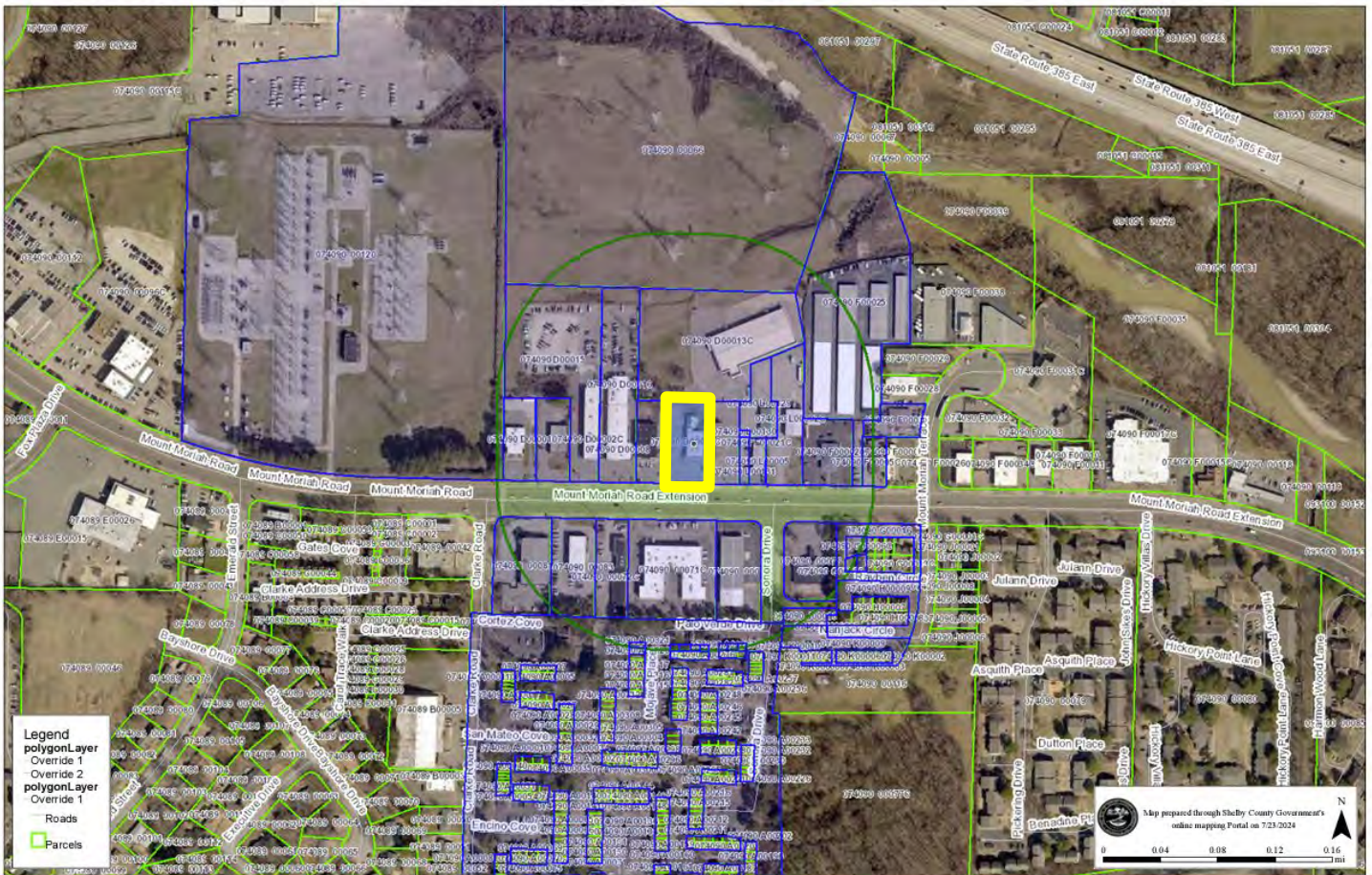
Approval with conditions

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 45 notices were mailed on July 11, 2024, see pages 19-20 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 21 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 12:00 PM on Sunday, July 28, 2024, at 5700 Mount Moriah Road.

AERIAL



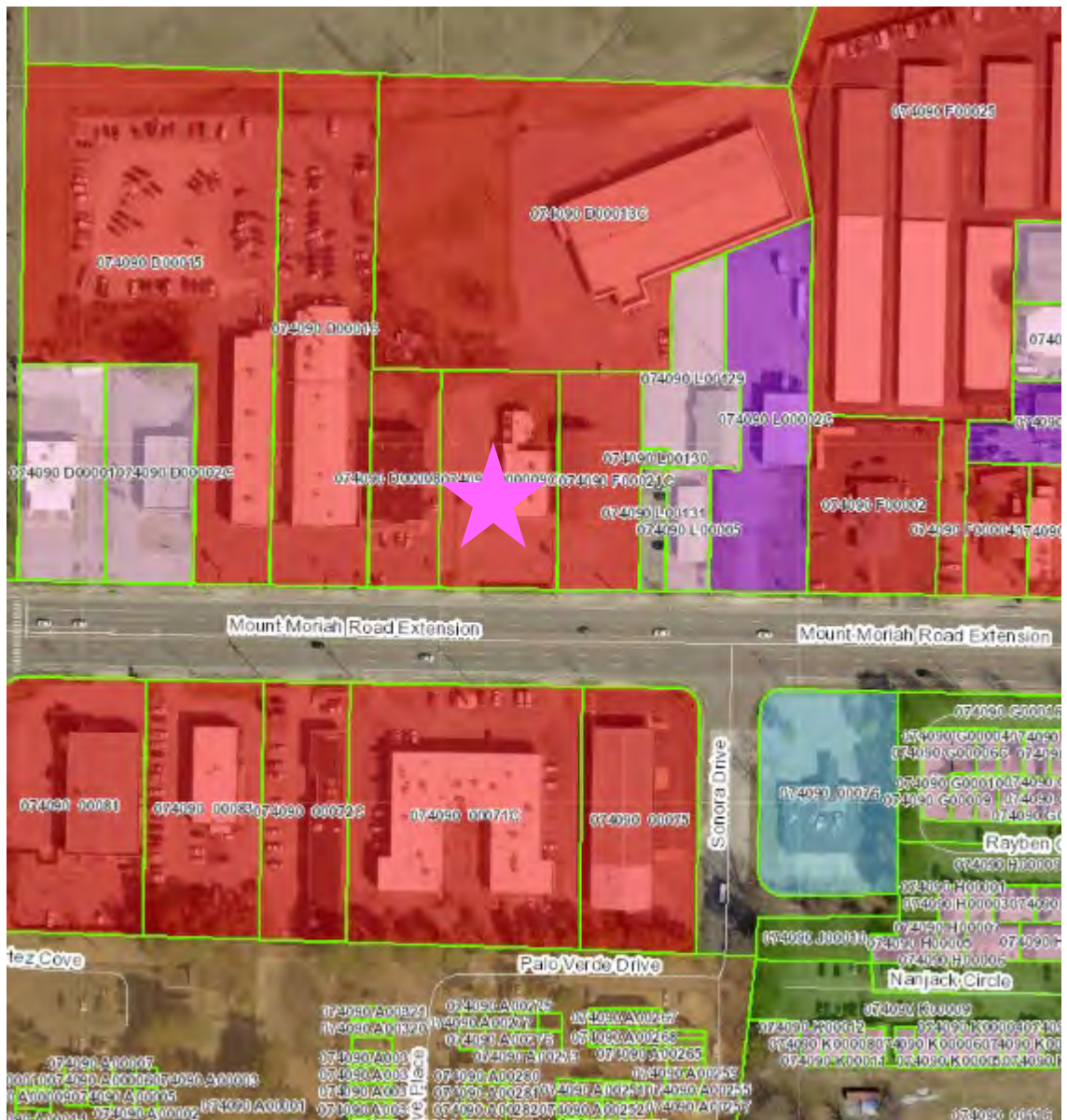
Subject property outlined in yellow, imagery from 2023

ZONING MAP












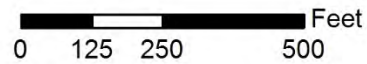
Subject property highlighted in yellow

LAND USE MAP



LandUse

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



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Mount Moriah Road looking north

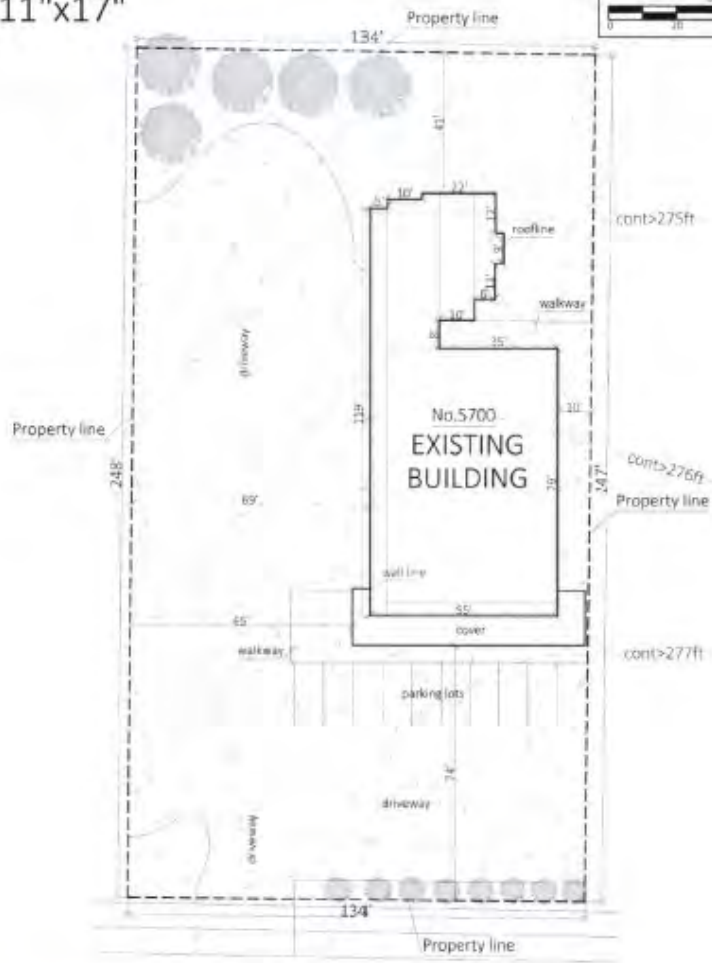


View of subject property from Moun Moriah Road looking northeast.

ORIGINAL SITE PLAN

SITE PLAN

5700 Mt Moriah Rd
 Memphis, TN 38115
 Parcel ID: 074-090- -D-00009-C
 Lot area: 0.77 Acres
 Paper Size: 11"x17"



centerline

Mt Moriah Rd

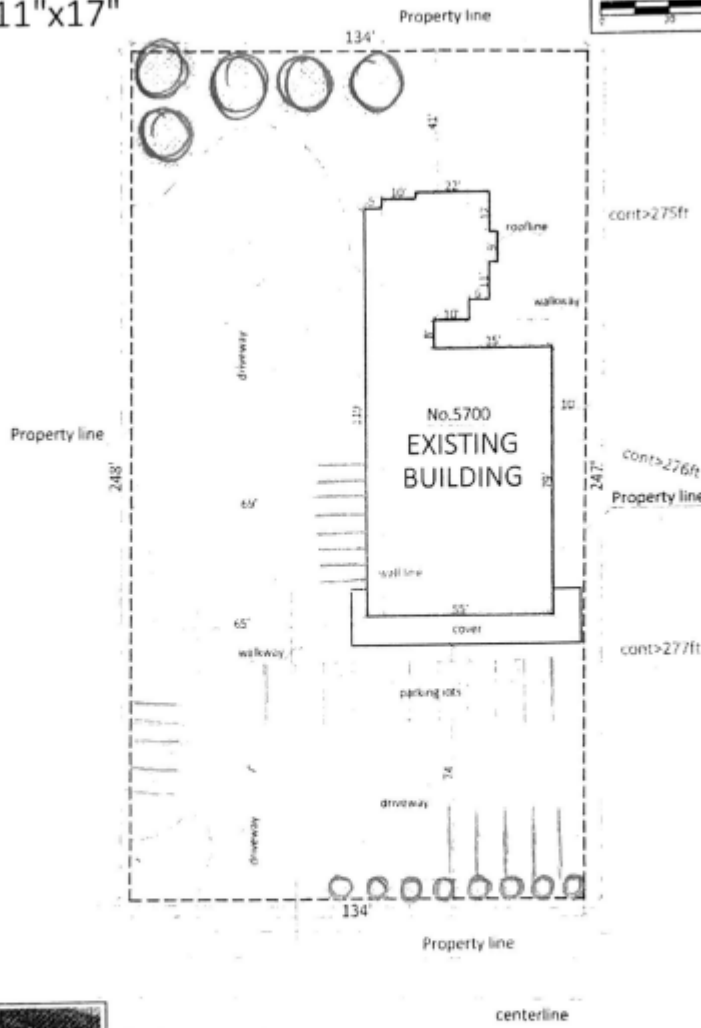
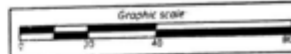


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 *Total landscape areas:

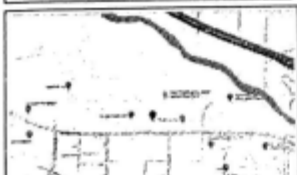
REVISED SITE PLAN ILLUSTRATING MORE STRIPED PARKING SPACES

SITE PLAN

5700 Mt Moriah Rd
 Memphis, TN 38115
 Parcel ID: 074-090- -D-00009-C
 Lot area: 0.77 Acres
 Paper Size: 11"x17"



Mt Moriah Rd



Emerald green Arborvitae Thuja (Evergreen shrub)

Calculating Building and Lot Coverage Percentages
 Lot area: 33,715 sq. ft.
 Total building coverage (gross floor area): 6,490 sq. ft.
 Building Coverage Percentage: 6,490 sq. ft. / 33,715 sq. ft. = 0.19249 = 19.2%

CASE REVIEW

Request

The request is a special use permit to allow motor vehicle sales

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 Details

Address:

4700 Mount Moriah Road

Parcel ID:

074090 D00009C

Area:

+/-0.57 acres

Description:

The subject property is zoned Commercial Mixed-Use – 1. Per the Assessor’s website, the principal structure on the site was built in 1979 as a restaurant containing 4,756 square feet. The surrounding land uses are a mix of commercial, industrial, and institutional. In terms of existing automotive related uses, on both sides of Mount Moriah Road between Clarke Road and Sonora Drive (a distance of 800 feet), the following businesses were found: Caliber Collision Body Shop, Union Auto Parts, Unidos Muffler and Auto Service, Pep Boys Auto Service, and Maaco Body Shop.

Site Zoning History

On February 19, 1991, the Council of the City of Memphis approved SUP 90-234 which authorized the Rib Ranch Café for the on-premise sale of beer and/or alcohol at this subject property, however this case is not necessarily relevant to the current request.

Site Plan Review

The proposed site plan indicates minimal changes to the existing lot, and the principal structure previously used as a restaurant is proposed to remain without any significant alteration or expansion. In regards to landscaping, a buffer of shrubs is proposed for the street frontage along Mount Moriah, and trees are proposed to be added to the northwest corner of the site. No fence is indicated on the submitted site plan.

Analysis

A Certificate of Occupancy for vehicle repair only was issued in error to the applicant on December 15, 2023 (COO-23-000608). Vehicle repair is only allowed by Special Use Permit. The Certificate of Occupancy is being corrected for vehicle service. Staff finds that allowing vehicle sales is a use that is compatible with the surrounding land uses along Mount Moriah.

A fence permit (COM-ACC-23-000163) for the site is currently under review, however the submitted plans do not indicate the fence type. In order to comply with UDC Section 4.6.7 – Fences and Walls, any fence erected on the site may not exceed 9 feet in height and must be constructed of high-quality materials such as brick, stone, wrought iron, treated wood, or PVC color-coated chain-link. Uncoated chain link fences are not permitted in the CMU-1 district.

In regard to parking, UDC Sub-Section 2.6.3P requires a minimum of 15 parking spaces for overnight service, repair storage, or on-going vehicle sales display as well as a minimum of three dedicated spaces for customer parking.

The landscaping plan that applicant proposed along Mt. Moriah Road is unacceptable. A minimum width of 8 feet behind the sidewalk must be planted with street trees and a row of shrubs.

It should also be noted that there appears to be an abandoned detached sign on the site. This sign cannot be re-used unless it complies with the current UDC requirements.

The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent

of the UDC.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Any fence erected on the site shall comply with UDC Section 4.6.7 and no uncoated chain link fence shall be permitted.
2. No vehicle repair shall be permitted on site. Vehicle service may be performed in accordance with the principle use category of Vehicle Service in UDC Sub-Section 2.9.4J.
3. The vehicle sales facility shall comply with all Use Standards provided in UDC Paragraphs 2.6.3P(1) and 2.6.3P(3).
4. A Type S-10 streetscape plate or an equivalent approved by the Division of Planning and Development shall be provided along the street frontage of Mount Moriah Road. Any approved fencing along Mount Moriah Road shall be located behind the streetscape plate.
5. The existing detached pole sign at the southwestern corner shall be upgraded to meet the requirements of UDC Sub-Section 4.9.7D or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
6. The existing driveway/curb opening is subject to reconstruction or repair to meet current City Standards.
7. All existing sidewalk and curbing along Mt. Moriah Road is subject to reconstruction or repair to meet current City Standards.
8. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development in accordance with UDC Chapter 4.1.

DEPARTMENTAL COMMENTS

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

City Engineer:

CASE 7: SUP-24-023

NAME: 5700 Mt. Moriah Road

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 sewer capacity will not be determined until the developer provides the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.
3. If new/upgraded meter is assigned by MLGW for this development as a result of redevelopment/renovation, a Sewer Development Fee may be required per Ordinance.

Roads:

4. 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.
5. 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:

6. 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.
7. 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.
8. 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:

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

City Fire Division:



DIVISION OF FIRE SERVICES ❖ FIRE PREVENTION BUREAU

2668 Avery Avenue · Memphis · Tennessee · 38112
(901) 636-5401 Fax (901) 320-5425

Case Number: [Title]

Date Reviewed: 8/8/24

Reviewed by: J. Stinson

Address or Site Reference: 5700 Mount Moriah

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503.
- Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

County Health Department: No comments received.

- Shelby County Schools:** No comments received.
- Construction Code Enforcement:** No comments received.
- Memphis Light, Gas and Water:** No comments received.
- Office of Sustainability and Resilience:** No comments received.

**Office of Comprehensive Planning:
Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024-023: Parkway Village

Site Address/Location: 5700 MT MORIAH RD.

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

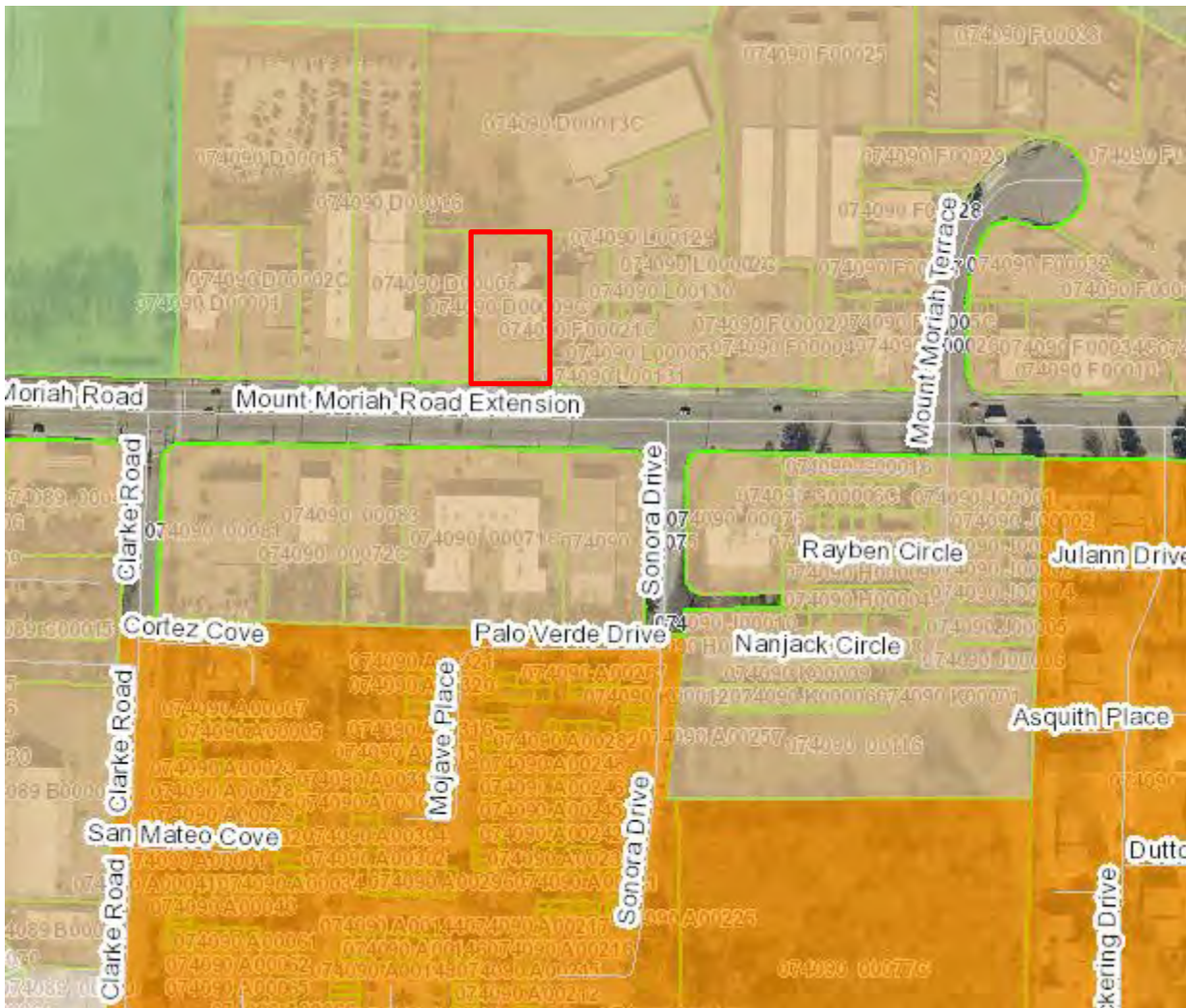
Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

The applicant is requesting a special use permit to allow motor vehicle sales.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

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

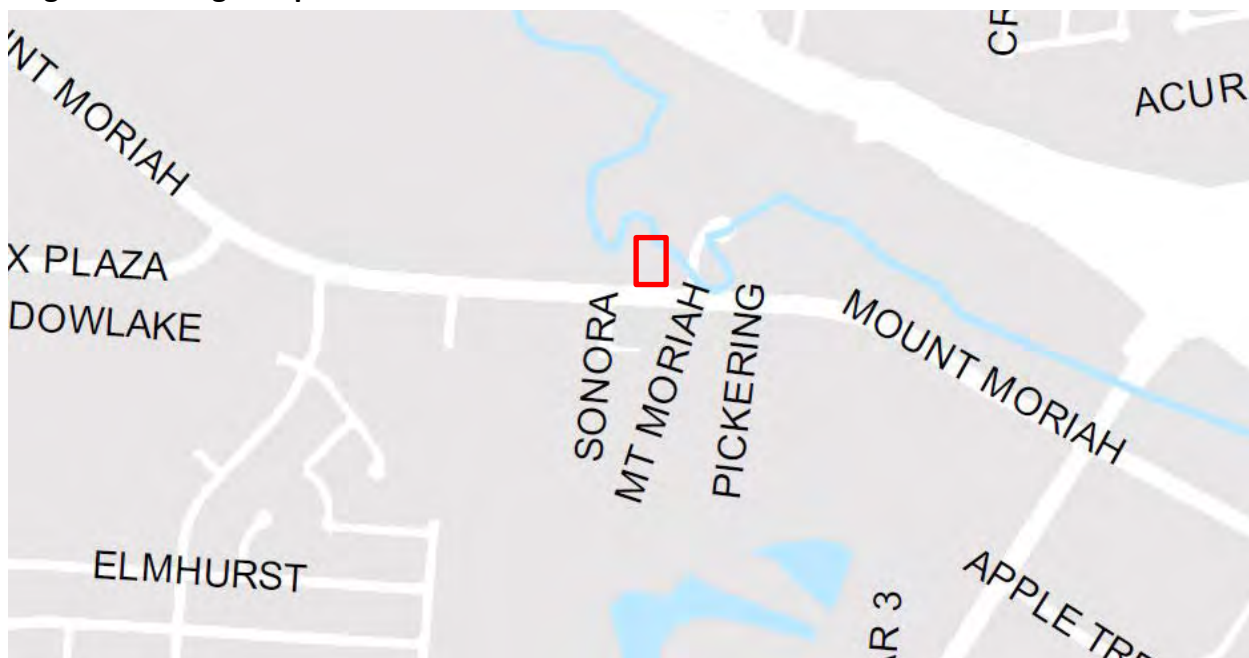
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1

Adjacent Land Use and Zoning: Commercial, Office, Industrial, and Institutional; CMU-1, R-6, R-8, and OG.

Overall Compatibility: *Although the requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning, it is compatible with the surrounding land uses.*

3. Degree of Change Map



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

4. Degree of Change Description

N/A

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

N/A

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

N/A

Consistency Analysis Summary

The applicant is requesting a special use permit to allow motor vehicle sales.

Although the requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning, it is compatible with the surrounding land uses.

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

Summary Compiled by: Negin Hamidi, Comprehensive Planning.

MAILED PUBLIC NOTICE

45 Notices Mailed on 7/11/2024



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: SUP 2024-023
LOCATION: 5700 Mount Moriah Rd
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Wuingli Cepeda Ochoa
REQUEST: Special Use Permit to allow motor vehicle sales

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, August 8, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a **recommendation** to the legislative body; the legislative body will take final action at a later date.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Chloe Christian at chloe.christian@memphistn.gov or (901) 636-7494 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, July 31, 2024, at 8 AM**.

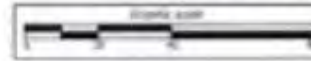
SITE PLAN

SITE PLAN

5700 Mt Moriah Rd
Memphis, TN 38115
Parcel ID: 074-090--D-00009-C
Lot area: 0.77 Acres
Paper Size: 11"x17"



scale 1"=30'



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

Manuela Cepeda being duly sworn, depose and say that at 5:03 am/PM
on the 24 day of July, 2024, I posted Public Notice Sign(s)
pertaining to Case No. SUP 2024-023 at 5700 Mt Hemphill Memphis TN 38115
providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

7-24-24
Date

Subscribed and sworn to before me this 25 day of July, 2024

[Signature]
Notary Public

My commission expires: 9-23-26



APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134

Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: June 17, 2024

Record Number: SUP 2024-023

Expiration Date:

Record Name: LATIN AMERICA AUTO SALES LLC

Description of Work: VEHICLE USED CAR SALES

Parent Record Number:

Address:

5700 MT MORIAH RD, MEMPHIS, TN 38115

Owner Information

Primary	Owner Name
Y	GOLDSTAR HOMES LLC

Owner Address	Owner Phone
5700 MT MORIAH RD, MEMPHIS, TN 38118	9016496598

Parcel Information

074090 D00009C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	WUINGLI CEPEDA
Date of Meeting	06/11/2024
Pre-application Meeting Type	In Person

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

GENERAL PROJECT INFORMATION

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 NO

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 NO

UDC Sub-Section 9.6.9C YES

UDC Sub-Section 9.6.9D NO

UDC Sub-Section 9.6.9E YES

UDC Sub-Section 9.6.9F NO

GIS INFORMATION

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

Contact Information

Name
 WUINGLI M CEPEDA OCHOA

Contact Type
 APPLICANT

Address
 MEMPHIS, TN, 38111

Phone
 (901)567-8383

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1571811	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	06/17/2024
1571811	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	06/17/2024
			Total Fee Invoiced: \$513.00	Total Balance: \$0.00		

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

OWNER AFFIDAVIT



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, WUINGLI CEPEDA *[Signature]*, 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 5700 MT MORIAH MEMPHIS TN 38115

and further identified by Assessor's Parcel Number 074090 D00009C
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 11 day of June in the year of 24

[Signature]
Signature of Notary Public



9-23-26
My Commission Expires

LETTER OF INTENT

LATIN AMERICA AUTO SALES & REPAIR LLC
5700 MT. MORIAH RD.
MEMPHIS TN. 38115

06/04/2024

Dear all members of the board:

We are writing this letter of intent for the improvement of commercial property and permission to gain a SUP for the location at 5700 Mt. Moriah Rd. to be used as a Used car dealer. We will keep up the maintenance on the site. Also, we will have affordable vehicles for customers throughout the surrounding area.

Respectfully,

Latin America Auto Sales & Repair LLC.

LETTERS RECEIVED

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



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

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5700 MT MORIAH RD, MEMPHIS, TN 38115

Owner Information

Primary Owner Name

Y GOLDSTAR HOMES LLC

Owner Address

5700 MT MORIAH RD, MEMPHIS, TN 38118

Owner Phone

9016496598

Parcel Information

074090 D00009C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

WUINGLI CEPEDA

Date of Meeting

06/11/2024

Pre-application Meeting Type

In Person

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

GENERAL PROJECT INFORMATION

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 NO

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 NO

UDC Sub-Section 9.6.9C YES
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UDC Sub-Section 9.6.9E YES
UDC Sub-Section 9.6.9F NO

GIS INFORMATION

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

Contact Information

Name
WUINGLI M CEPEDA OCHOA

Contact Type
APPLICANT

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Phone
(901)567-6363

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Payment Amount	Method of Payment
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MEMPHIS AND SHELBY COUNTY  **DIVISION OF PLANNING AND DEVELOPMENT**


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

Property Owner's Affidavit

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I, WUINGLI CEPEDA
(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)

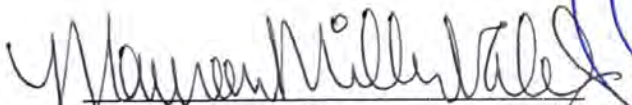
of the property located at 5700 MT MORIAH MEMPHIS TN 38115

and further identified by Assessor's Parcel Number 074090 D00009C

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 11 day of June in the year of 24.





Signature of Notary Public

9-23-26

My Commission Expires

LATIN AMERICA AUTO SALES & REPAIR LLC

5700 MT. MORIAH RD.

MEMPHIS TN. 38115

06/04/2024

Dear all members of the board:

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Respectfully,

Latin America Auto Sales & Repair LLC.

SITE PLAN

5700 Mt Moriah Rd

Memphis, TN 38115

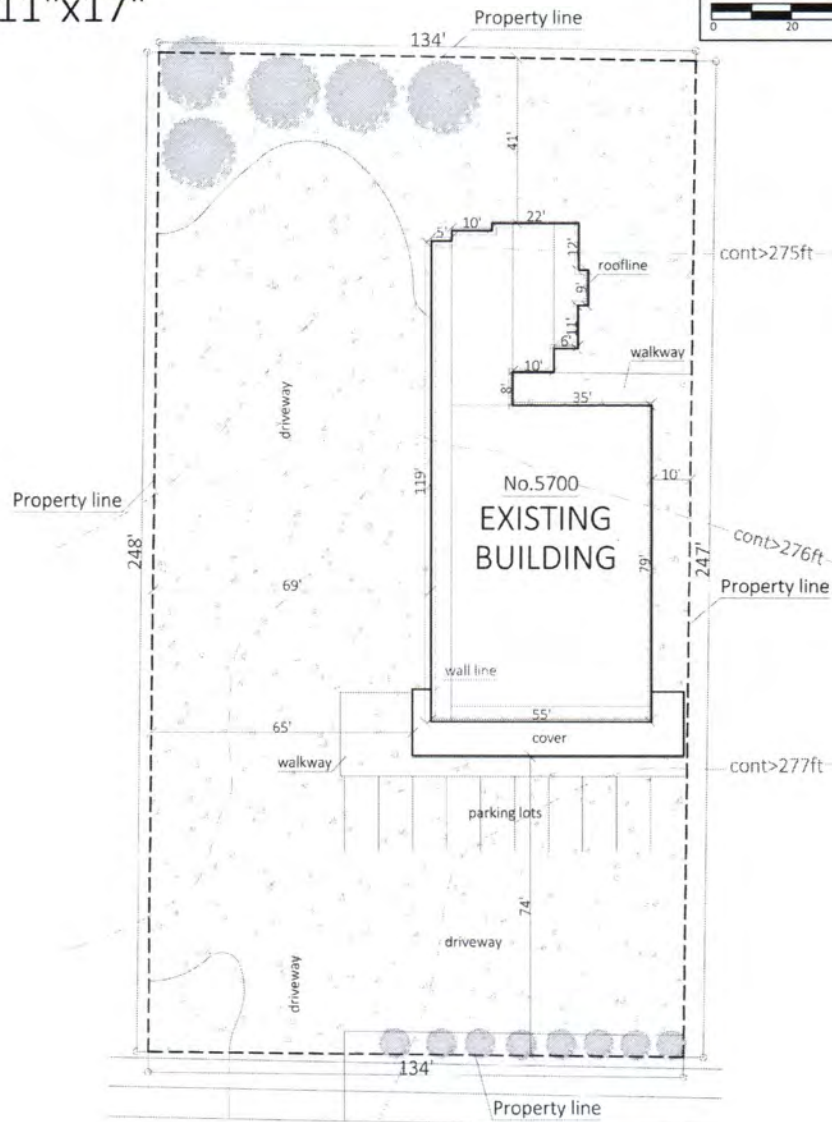
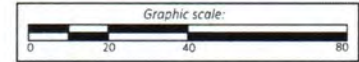
Parcel ID: 074-090- -D-00009-C

Lot area: 0.77 Acres

Paper Size: 11"x17"



scale 1"=30'



FLOOD ZONE



VICINITY MAP

Calculating Building and Lot Coverage Percentages

Lot area: 33,715 sq.ft.

Total building coverage (gross floor area): 6,490 sq.ft.

Building Coverage Percentage: $6,490 \text{ sq.ft} / 33,715 \text{ sq.ft} = 0.19249 = 19.2\%$

Total Lot Coverage: 26,128 sq.ft.

Lot Coverage Percentage: $26,128 \text{ sq.ft} / 33,715 \text{ sq.ft} = 0.77496 = 77.4\%$

*Total landscane areas:

SITE PLAN

5700 Mt Moriah Rd

Memphis, TN 38115

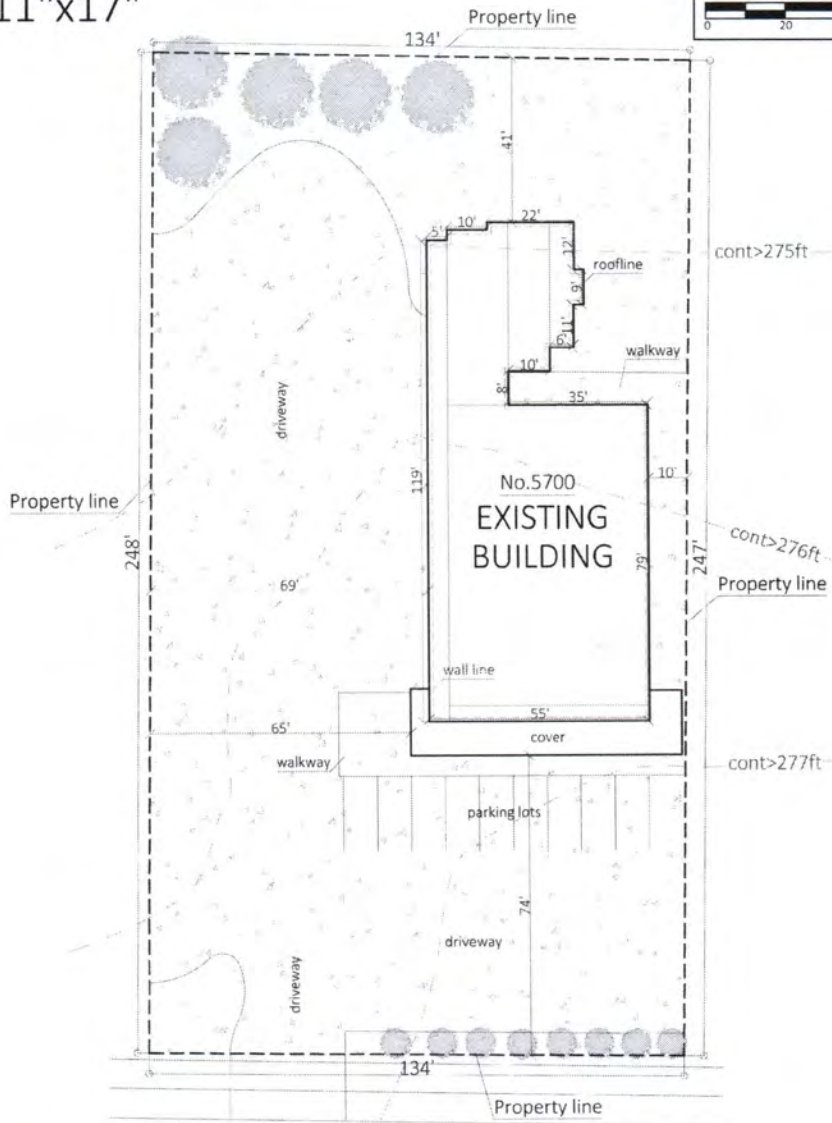
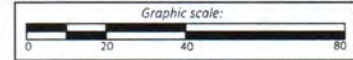
Parcel ID: 074-090- -D-00009-C

Lot area: 0.77 Acres

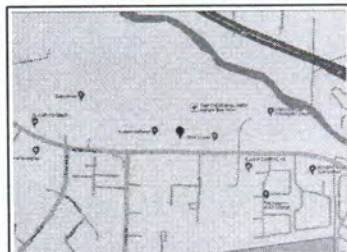
Paper Size: 11"x17"



scale 1"=30'



FLOOD ZONE



VICINITY MAP

Calculating Building and Lot Coverage Percentages

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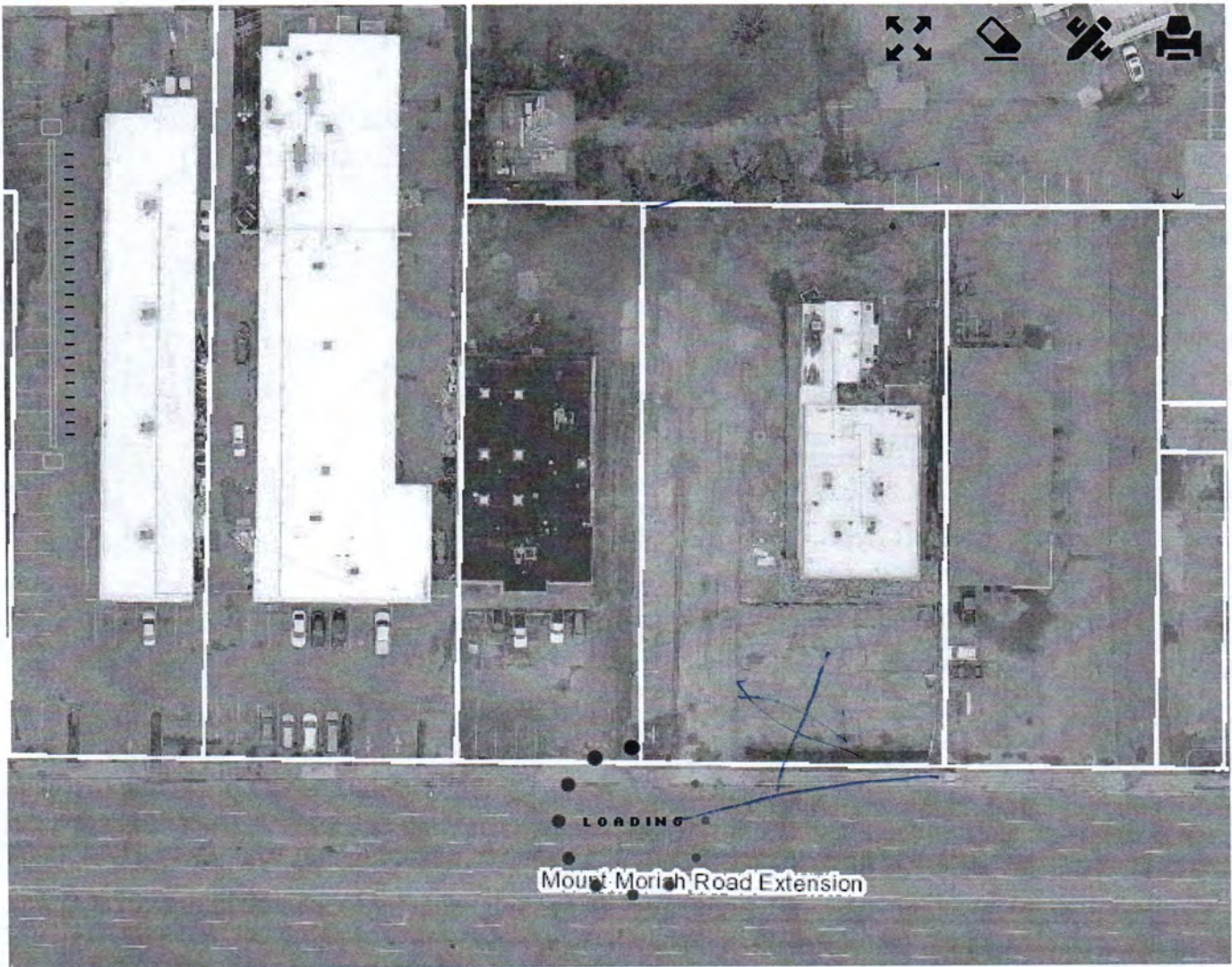
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*Total landscape areas:



-89.873, 35.075

[Search](#) [Details](#) [Layers](#)

Property Details

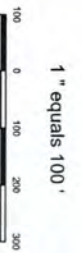
Owner GOLDSTAR HOMES LLC
Name:

Property 5700 MT MORIAH RD
Address:

Parcel ID: 074090 D00009C



**MELVIN BURGESS,
ASSESSOR
SHELBY COUNTY,
TENNESSEE**



- 1 PARCEL NUMBER
- 2 DEED ACREAGE
- 3 CALCULATED ACREAGE
- 4 DEED PLAT DIMENSION
- 5 SCALED DIMENSION
- 6 SUBDIVISION NAME

- 7 SUBDIVISION LOT NUMBER
- 8 SUBDIVISION ALPHA
- 9 BLOCK NUMBER
- 10 PARCEL LINE
- 11 PALM ROAD R.O.W.
- 12 CEMETARY
- 13 CORPORATE LIMIT
- 14 WARD/DISTRICT
- 15 BLOCK
- 16 SUBDY. ALPHA BOUNDARY
- 17 WATER BODIES

167M	168P	168D
180D	179A	179B
180E	179H	179G

SCALE: 1" = 100'	DATE OF MAP: April 1, 2023	MAP NO 179A
PHOTO DATE: March 2022	TN STATE PLANNING	
COMPILED: JUNE 2021	MAO 1991) MARV BE	
WARRANTY: 7/4	CITY: Memphis	

Disclaimer: This map is for property tax assessment purposes only. It is not a legal document and should not be relied upon for legal purposes. The assessor is not responsible for errors or omissions. The assessor is not a surveyor and does not guarantee the accuracy of the measurements or dimensions shown on this map. The assessor is not responsible for any loss or damage resulting from the use of this map. The assessor is not responsible for any loss or damage resulting from the use of this map.

Zoning Cases - Label

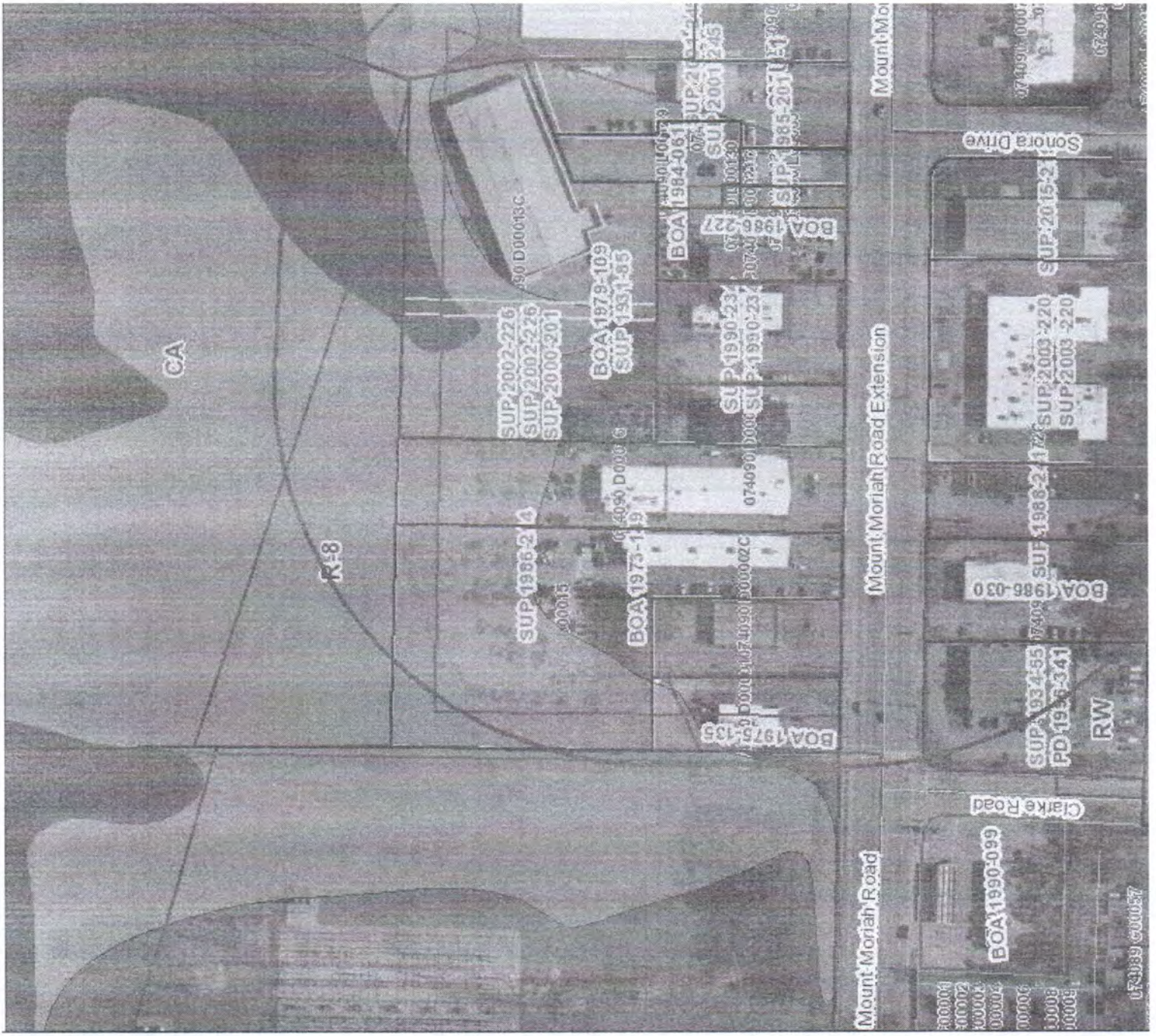
- Zoning Cases
- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning

Overlay Districts

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

Street Frontage Overlay District

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



Invitation to Neighborhood Meeting

Meeting Date: Monday, June 10, 2024

Meeting Time: 4 pm – 5 pm

Meeting Location: 5700 Mt Moriah Rd Memphis, TN 38115

Date & Location of Land Use Control Board Public Hearing

Meeting Date: July 11, 2024

Meeting Time: 9 am

Meeting Location: City Council Chambers, 1st Floor, 125 N Main St., Memphis, TN 38103

To our interested Neighbors,

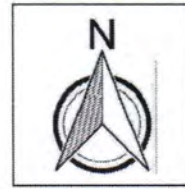
This letter is to notify you of the Special Use Permit application, Case Number

We will host a meeting for the building's neighboring owners & businesses, to come learn about & discuss the project. The meeting will be at the date, time, & location noted above. The project building is located at 5700 Mt. Moriah Rd Memphis TN 38115 The project is seeking Special Use permit as a Used Car Dealership

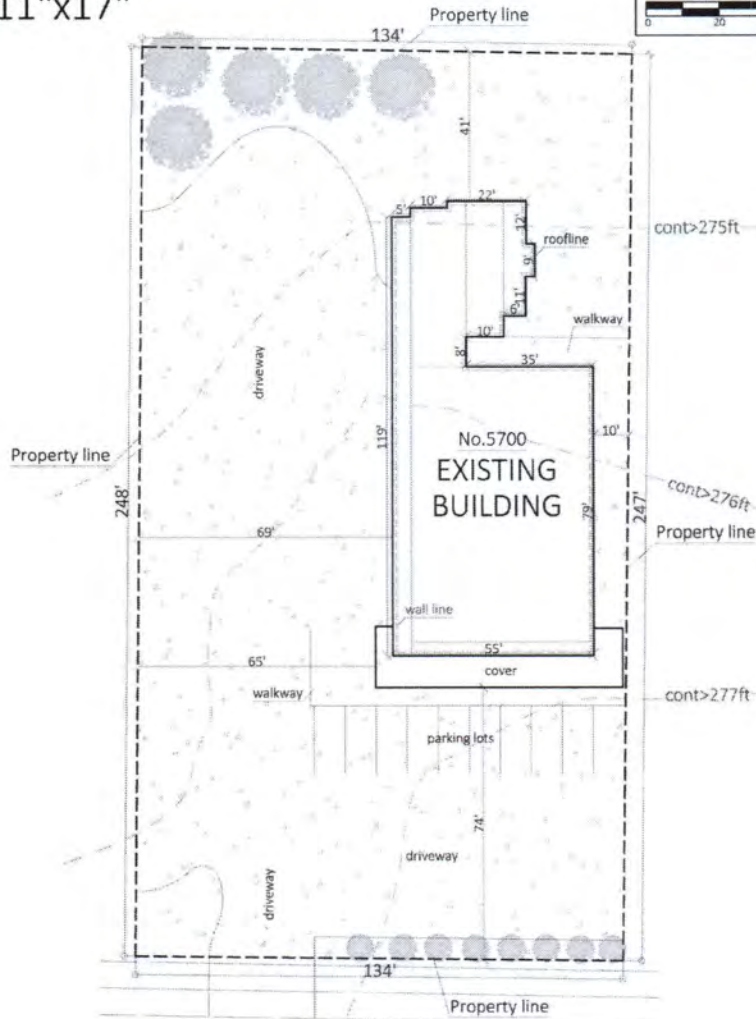
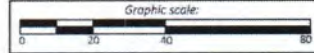
There will be a Public Hearing on 07/11/2024, as also indicated above.

SITE PLAN

5700 Mt Moriah Rd
 Memphis, TN 38115
 Parcel ID: 074-090- -D-00009-C
 Lot area: 0.77 Acres
 Paper Size: 11"x17"



scale 1"=30'



centerline

Mt Moriah Rd



FLOOD ZONE



VICINITY MAP

Calculating Building and Lot Coverage Percentages

Lot area: 33,715 sq.ft.

Total building coverage (gross floor area): 6,490 sq.ft.

Building Coverage Percentage: 6,490 sq.ft / 33,715 sq.ft = 0.19249 = 19.2%

Total Lot Coverage: 26,128 sq.ft.

Lot Coverage Percentage: 26,128 sq.ft / 33,715 sq.ft = 0.77496 = 77.4%

*Total landscape areas:

074090 D00008 - DISTRIBUTORS INVESTMENT CO
074090 F00027 - HAYZON LLC
074090 00071C - KOSTEN ALAN L AND M SUSAN KOSTEN LIVING
074090 00075 - BARTON GST TRUST FBO FRANK G BARTON III
074090 A00270 - BRUNSON PHILLIP
074090 A00274 - MEMPHIS PASSIVE 6 LLC
074090 A00267 - SHORES LAMAR H & ALMEDIA
074090 A00320 - DAVIS CRYSTAL C
074090 H00009 - MT MORIAH OFFICE PROJECT ASSOCIATION INC
074090 A00001 - COUNCIL OF CO OWNERS OF
074090 00066 - TENNGREEN LAND CONSERVANCY
074090 D00015 - CHURCHILL CHRIS
074090 D00016 - CHURCHILL CHRIS
074090 D00001 - ALLIANCE SALES ASSOCIATES LLC
074090 D00002C - CRISLER REVOCABLE LIVING TRUST
074090 D00009C - GOLDSTAR HOMES LLC
074090 F00002 - REESE LARRY T & JENNIE L
074090 F00004 - CHASE PROPERTIES LLC
074090 L00005 - BILLY CHARLES BLAKE LIVING TRUST
074090 00081 - ROOZBEH LLC
074090 00083 - PARKWAY PROPERTIES LLC
074090 00072C - ASH HOLDINGS GP
074090 00076 - ISLAND HOME LLC
074090 G00016 - BAUM PHILLIP
074090 G00009 - SAXONY LIVING TRUST

074090 G00010 - SIEGFRIED RUSSELL
074090 A00321 - REED HOLDINGS LLC
074090 A00278 - COLEMAN THOMAS
074090 A00275 - DAVID AND REBECCA CORPORATION
074090 A00271 - BROWN HELEN C
074090 A00266 - KUYKENDALL GLAUD R AND ELIZABETH M
074090 J00010 - BAUM PHILLIP
074090 K00009 - SIMMONS FIRST NATIONAL BK OF PINE BLUFF
074090 00120 - CITY OF MEMPHIS LG&W DIV
074090 F00025 - STORAGE PORTFOLIO II SUBSIDIARY LLC
074090 L00130 - MESSICK GRANVILLE E & EUGENIA L
074090 L00129 - TPB REAL ESTATE LLC
074090 L00002C - TPB REAL ESTATE LLC
074090 F00021C - 5 LIFT VENTURES GP
074090 D00013C - HENDERSON ENTERPRISES MEMPHIS LLC
074090 L00131 - BILLY CHARLES BLAKE LIVING TRUST
074090 G00006C - ELLIOTT ROMEO

DISTRIBUTORS INVESTMENT CO
60 S FRONT ST #201
MEMPHIS TN 38103

TENNGREEN LAND CONSERVANCY
1213A 16TH AVE #
NASHVILLE TN 37212

PARKWAY PROPERTIES LLC
6399 STAGE RD #
BARTLETT TN 38134

HAYZON LLC
230 E CHERRY CIR #
MEMPHIS TN 38117

CHURCHILL CHRIS
2830 HALLE PKWY #
COLLIERVILLE TN 38017

ASH HOLDINGS GP
2966 ELEMORE PARK RD #341637
MEMPHIS TN 38184

KOSTEN ALAN L AND M SUSAN KOSTEN LIVING
2025 MILLER FARMS RD #
GERMANTOWN TN 38138

CHURCHILL CHRIS
2830 HALLE PKWY #
COLLIERVILLE TN 38017

ISLAND HOME LLC
PO BOX 508 #
MOSCOW TN 38057

BARTON GST TRUST FBO FRANK G BARTON III
116 ALTA VISTA DR #
MARION AR 72364

ALLIANCE SALES ASSOCIATES LLC
5650 MOUNT MARIAH RD #
MEMPHIS TN 38115

BAUM PHILLIP
336 WINTER OAK LN #
MEMPHIS TN 38120

BRUNSON PHILLIP
35 TALFORD CV #
EADS TN 38028

CRISLER REVOCABLE LIVING TRUST
5660 MOUNT MORIAH RD #
MEMPHIS TN 38115

SAXONY LIVING TRUST
1819 SAXONY CV #
CORDOVA TN 38016

MEMPHIS PASSIVE 6 LLC
1850 POPLAR CREST CV #202
MEMPHIS TN 38119

GOLDSTAR HOMES LLC
3840 WINCHESTR RD #
MEMPHIS TN 38111

SIEGFRIED RUSSELL
5764 RAYBEN CIR #
MEMPHIS TN 38115

SHORES LAMAR H & ALMEDIA
7626 SAND CROSSING CV #
MEMPHIS TN 38125

REESE LARRY T & JENNIE L
1292 BRAYSHORE DR #
COLLIERVILLE TN 38017

REED HOLDINGS LLC
PO BOX 751164 #
MEMPHIS TN 38175

DAVIS CRYSTAL C
1225 MINOR ST #
MEMPHIS TN 38111

CHASE PROPERTIES LLC
PO BOX 159 #
COLLIERVILLE TN 38027

COLEMAN THOMAS
1046 CHURCH RD #106
SOUTHAVEN MS 38671

MT MORIAH OFFICE PROJECT ASSOCIATION INC
5744 RAYBEN CIR #
MEMPHIS TN 38115

BILLY CHARLES BLAKE LIVING TRUST
5724 MOUNT MORIAH RD #
MEMPHIS TN 38115

DAVID AND REBECCA CORPORATION
5384 POPLAR AVE #105
MEMPHIS TN 38119

COUNCIL OF CO OWNERS OF
PO BOX 387 #
MEMPHIS TN 38147

ROOZBEH LLC
6211 RANDI AVE #
WOODLAND HILLS CA 91367

BROWN HELEN C
3755 DEER FOREST DR #
MEMPHIS TN 38115

KUYKENDALL GLAUD R AND ELIZABETH M
19592 CARLTON AVE #
CASTRO VALLEY CA 94546

BILLY CHARLES BLAKE LIVING TRUST
PO BOX 1600 #
MEMPHIS TN 38101

BAUM PHILLIP
5744 RAYBEN CIR #
MEMPHIS TN 38115

ELLIOTT ROMEO
5774 RAYBEN CIR #
MEMPHIS TN 38115

SIMMONS FIRST NATIONAL BK OF PINE BLUFF
320 N CAPITOL AVE #
LITTLE ROCK AR 72201

CITY OF MEMPHIS LG&W DIV
220 S MAIN ST #
MEMPHIS TN 38103

STORAGE PORTFOLIO II SUBSIDIARY LLC
PO BOX 71870 #
SALT LAKE CITY UT 84171

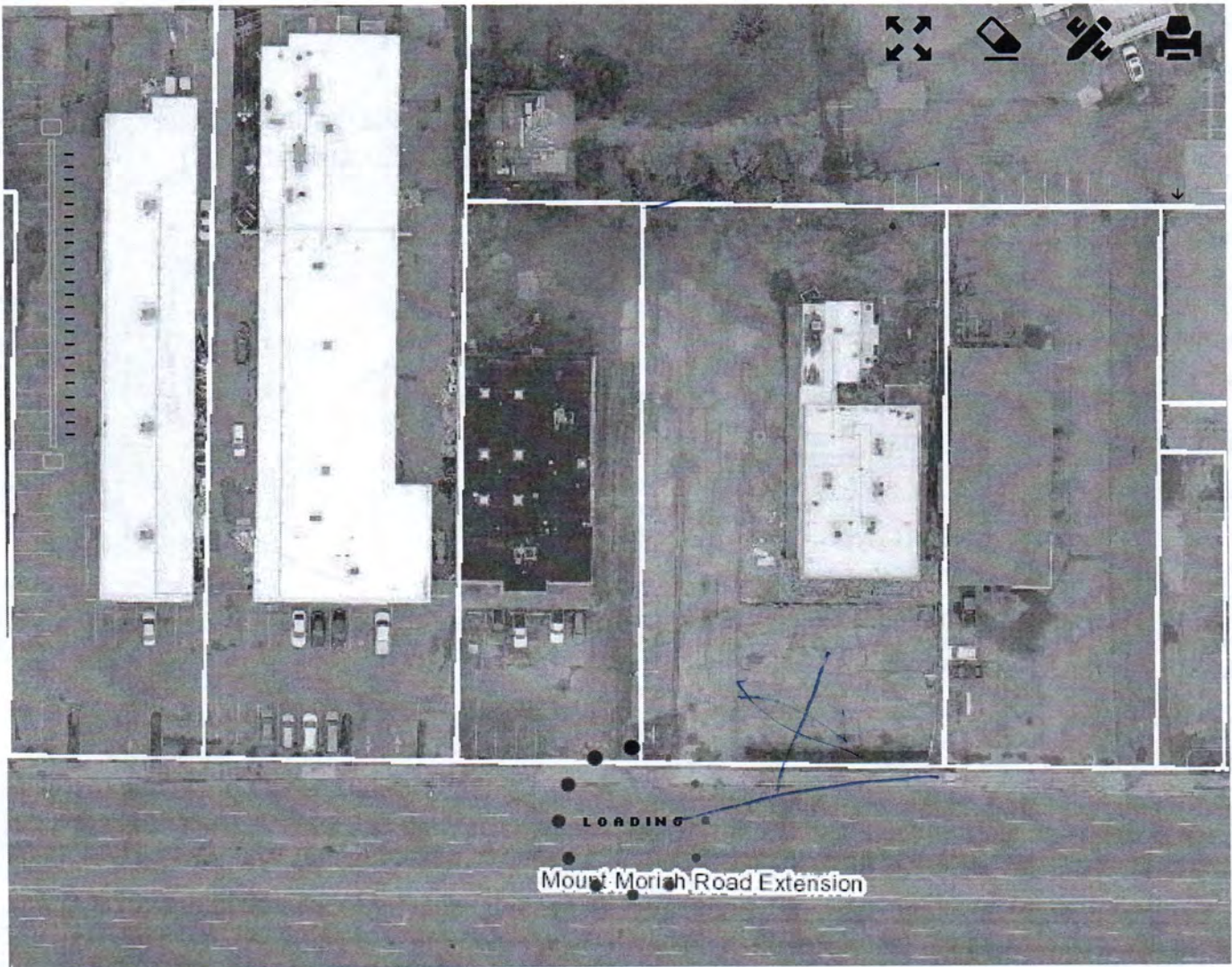
MESSICK GRANVILLE E & EUGENIA L
5720 MOUNT MORIAH RD #
MEMPHIS TN 38115

TPB REAL ESTATE LLC
5840 FAIRWOOD LN #
MEMPHIS TN 38120

TPB REAL ESTATE LLC
5840 FAIRWOOD LN #
MEMPHIS TN 38120

5 LIFT VENTURES GP
2800 GARDEN LN #
MEMPHIS TN 38111

HENDERSON ENTERPRISES MEMPHIS LLC
PO BOX 1942 #
OREM UT 84059



-89.873, 35.075

[Search](#) [Details](#) [Layers](#)

Property Details

Owner GOLDSTAR HOMES LLC
Name:

Property 5700 MT MORIAH RD
Address:

Parcel ID: 074090 D00009C



**MELVIN BURGESS,
ASSESSOR
SHELBY COUNTY,
TENNESSEE**

Disclaimer: This map is for property tax assessment purposes only. It is not a deed, nor does it constitute any warranty of accuracy or representation of ownership. It is not to be used as a basis for any legal action. The assessor's office is not responsible for any errors or omissions on this map. The assessor's office is not responsible for any errors or omissions on this map.



1" equals 100'

- LEGEND**
- 1 PARCEL NUMBER
 - 2 DEED ACRES
 - 3 CALCULATED ACRES
 - 4 DEED PLAT DIMENSION
 - 5 SCALED DIMENSION
 - 6 SUBDIVISION NAME
 - 7 SUBDIVISION LOT NUMBER
 - 8 SUBDIVISION ALPHA
 - 9 BLOCK NUMBER
 - 10 PARCEL LINE
 - 11 PALM ROAD R.O.W.
 - 12 CEMETARY
 - 13 CORPORATE LIMIT
 - 14 WARD/DISTRICT
 - 15 BLOCK
 - 16 SUBDY. ALPHA BOUNDARY
 - 17 WATER BODIES

See Map#: 179H

167M	168P	168D
180D	179A	179B
180E	179H	179G

SCALE: 1" = 100'	DATE OF MAP: April 1, 2023	MAP NO 179A
PHOTO DATE: March 2022	TN STATE PLANNING	
COMPILED: JUNE 2021	MAO 19911 MAVO 21	
WARRANTY: 7/4		
CITY: Memphis		



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

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

August 8, 2024

Latin American Auto Sales & Repair
5700 Mt. Moriah Road
Memphis, TN 38115

Sent via electronic mail to: maureenvaldez72@gmail.com

Case Number: SUP 2024-023

LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, August 8, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your special use permit application to allow motor vehicle sales at 5700 Mount Moriah Road, subject to the following conditions:

1. Any fence erected on the site shall comply with UDC Section 4.6.7 and no uncoated chain link fence shall be permitted.
2. No vehicle repair shall be permitted on site. Vehicle service may be performed in accordance with the principle use category of Vehicle Service in UDC Sub-Section 2.9.4J.
3. The vehicle sales facility shall comply with all Use Standards provided in UDC Paragraphs 2.6.3P(1) and 2.6.3P(3).
4. A type S-10 streetscape plate or an equivalent approved by the Division of Planning and Development shall be provided along the street frontage of Mount Moriah Road. Any approved fencing along Mount Moriah Road shall be located behind the streetscape plate.
5. The existing detached pole sign at the southwestern corner shall be upgraded to meet the requirements of UDC Sub-Section 4.9.7D or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
6. The existing driveway/curb opening is subject to reconstruction or repair to meet current City Standards.
7. All existing sidewalk and curbing along Mount Moriah Road is subject to reconstruction or repair to meet current City Standards.
8. A Final Site Plan including a landscaping plan shall be filed with the Division of Planning and Development in accordance with UDC Chapter 4.1.

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.

Letter to Applicant
SUP 2024-023

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at chloe.christion@memphistn.gov.

Respectfully,



Chloe Christian
Planner I
Land Use and Development Services
Division of Planning and Development

Cc:
File

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/20/2024

DATE

PUBLIC SESSION: 09/10/2024

DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION:

Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at 1351 Williams Avenue. By taking the land out of the Employment (EMP) Use District and including it in the Heavy Industrial (IH) Use District, known as case number Z 2024-004.

CASE NUMBER:

Z 2024-004

LOCATION:

1352 Williams Avenue

COUNCIL DISTRICTS:

District 6 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT:

Richardson Oilseed Products

REPRESENTATIVES:

Cindy Reaves, SRC Consulting

REQUEST:

Rezoning of +/-6.2 acres from Employment (EMP) to Heavy Industrial (IH)

RECOMMENDATION:

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

RECOMMENDED COUNCIL ACTION:

Public Hearing Required

Set date for first reading – August 6, 2024

Second reading – August 20, 2024

Third reading – September 10, 2024

PRIOR ACTION ON ITEM:

(1) _____

APPROVAL - (1) APPROVED (2) DENIED

5/9/2024 _____

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:

DATE

POSITION

PRINCIPAL PLANNER

DEPUTY ADMINISTRATOR

ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2024-004

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 1351 WILLIAMS AVENUE. BY TAKING THE LAND OUT OF THE EMPLOYMENT (EMP) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-004.

- 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, May 9, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2024-004

LOCATION: 1351 Williams Avenue

COUNCIL DISTRICT(S): District 6 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Richardson Oilseed Products US Limited

REPRESENTATIVE: Cindy Reaves, SRC Consulting

REQUEST: Rezoning of +/-6.2 acres from Employment (EMP) to Heavy Industrial (IH)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 8-0 on the consent agenda.

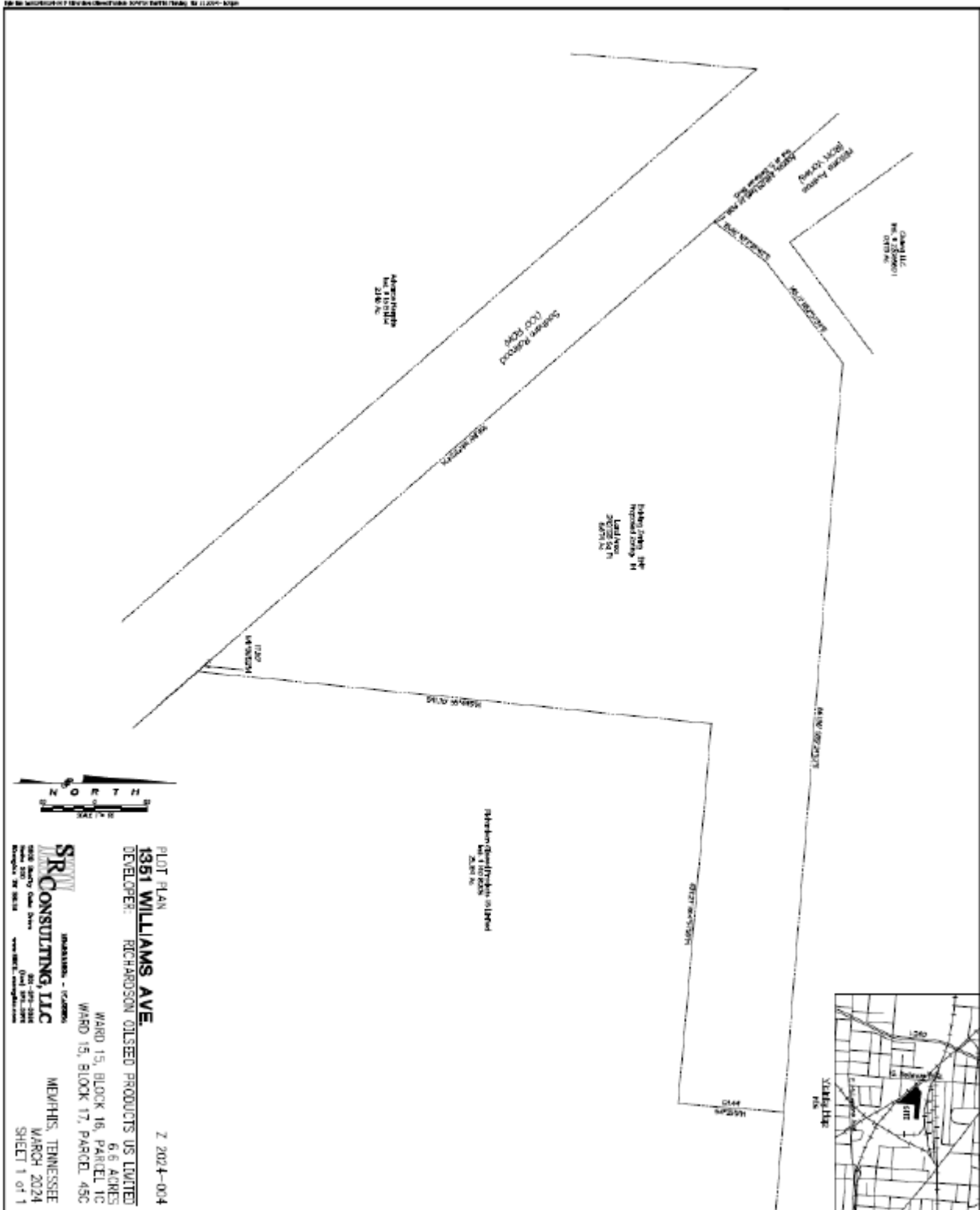
Respectfully,



Chloe Christion
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 1351 WILLIAMS AVENUE BY TAKING THE LAND OUT OF THE EMPLOYMENT (EMP) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-004.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2024-004**; 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 EMPLOYMENT (EMP) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) USE DISTRICT.

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

Beginning at a point on the south line of Williams Avenue, approximately 248.09 feet southeast of the east line of S. Bellevue Boulevard; thence N37°35'42"E a distance of 75.46 feet to a point; thence N52°51'34"E a distance of 145.11 feet to a point; thence S85°29'52"E a distance of 861.36 feet to a point; thence S4°25'5"W a distance of 121.44 feet to a point; thence N84°57'55"W a distance of 437.27 feet to a point; thence S5°49'5"W a distance of 591.70 feet to a point; thence N41°36'52"W a

distance of 17.80 feet to a point; thence N41°3'24"W a distance of 766.86 feet to the point of beginning and containing 290,725 square feet or 6.674 acres of land more or less.

SECTION 2:

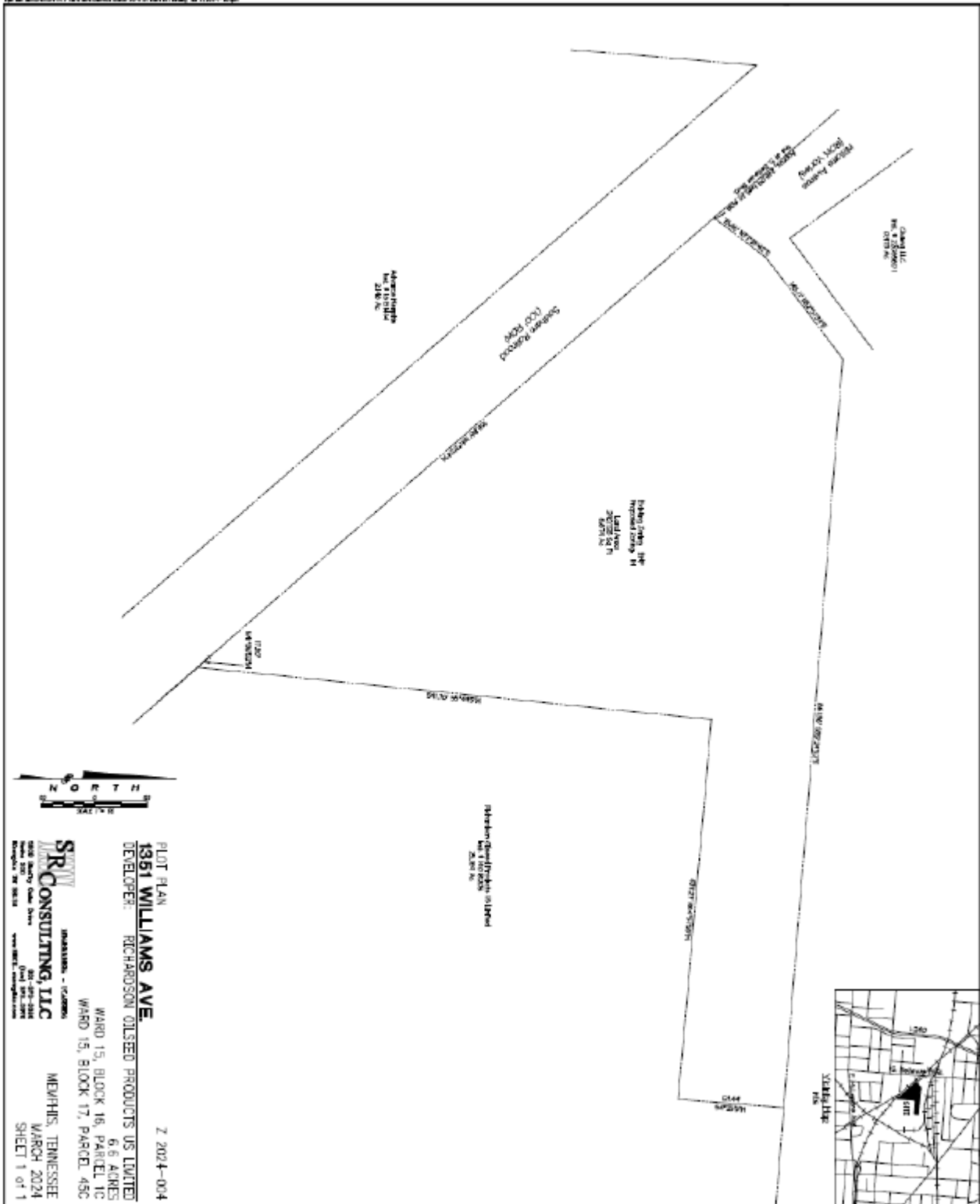
THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the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

SECTION 3:

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

PLOT PLAN

For the use of the engineer only. Do not reproduce without the consent of the engineer.



PLOT PLAN
1351 WILLIAMS AVE
DEVELOPER: RICHARDSON OILSEED PRODUCTS US LIMITED

WARD 15, BLOCK 16, PARCEL 1C
WARD 15, BLOCK 17, PARCEL 45C

SR CONSULTING, LLC
MEMPHIS - TENNESSEE
300 South Main Street
Memphis, TN 38102
901-525-3344
www.srconsulting.com

MEMPHIS, TENNESSEE
MARCH 2024
SHEET 1 of 1

ATTEST:

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

AGENDA ITEM: 8 **L.U.C.B. MEETING:** May 9, 2024
CASE NUMBER: Z 2024-004
LOCATION: 1351 Williams
COUNCIL DISTRICT: District 6 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Richardson Oilseed Products US Limited
REPRESENTATIVE: Cindy Reaves, SRC Consulting
REQUEST: Rezoning of +/- 6.2 acres from Employment (EMP) to Heavy Industrial (IH)

CONCLUSIONS

1. The rezoning of the +/- 6.2-acre subject property to Heavy Industrial (IH) is consistent with the existing IH zoning that exists on the majority of the Richardson Oilseed Products +/- 30.8-acre campus.
2. The subject property is used as an accessory parking lot for Richardson Oilseed Products manufacturing mill in the northeastern adjacent property and has two street frontages on Williams Avenue and Mansfield Drive.
3. This rezoning will allow for the entirety of the Richardson Oilseed campus to have a consistent zoning of IH.
4. The proposed rezoning is compatible with the surrounding industrial land uses.

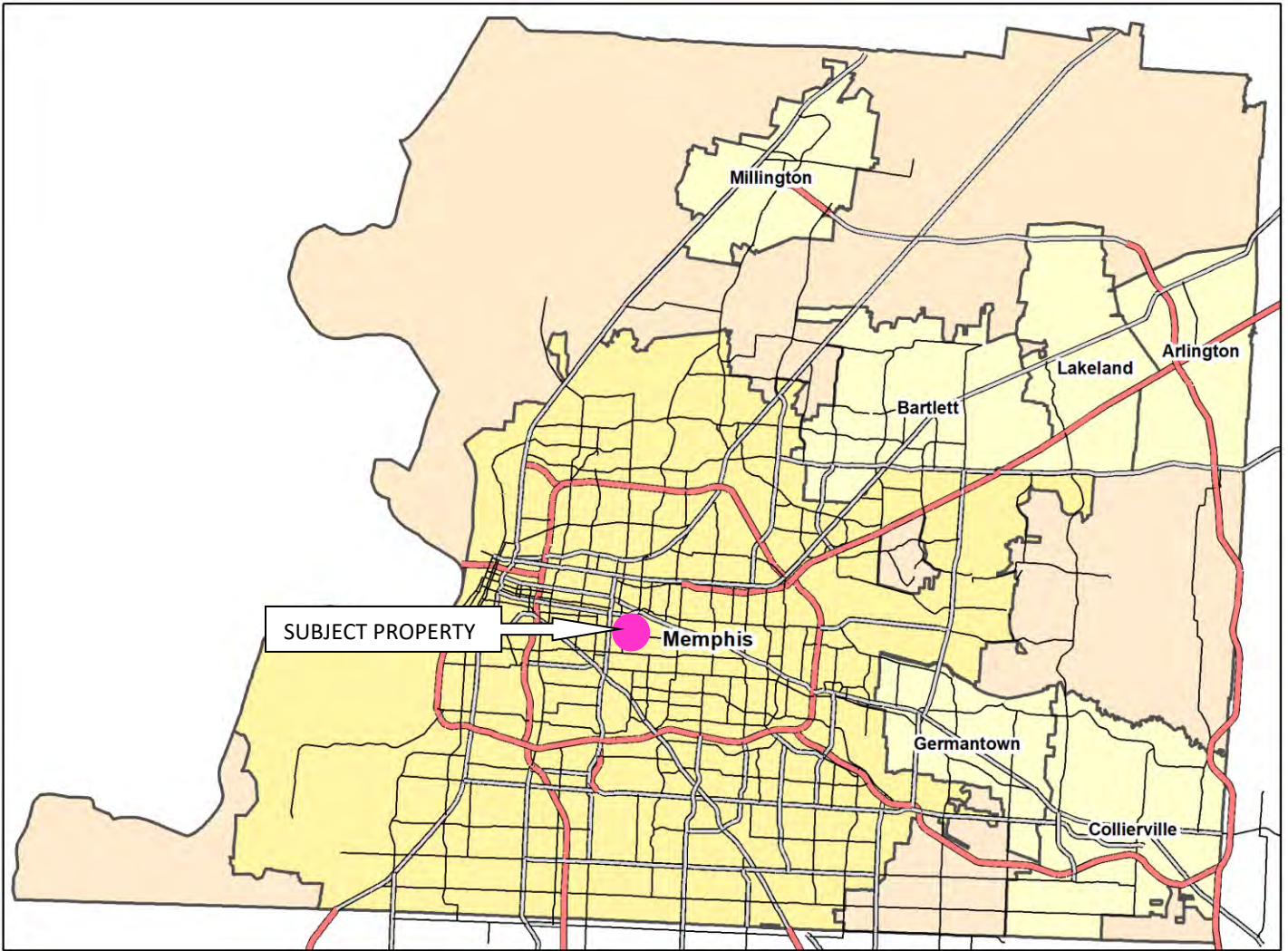
CONSISTENCY WITH MEMPHIS 3.0

This proposal 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:

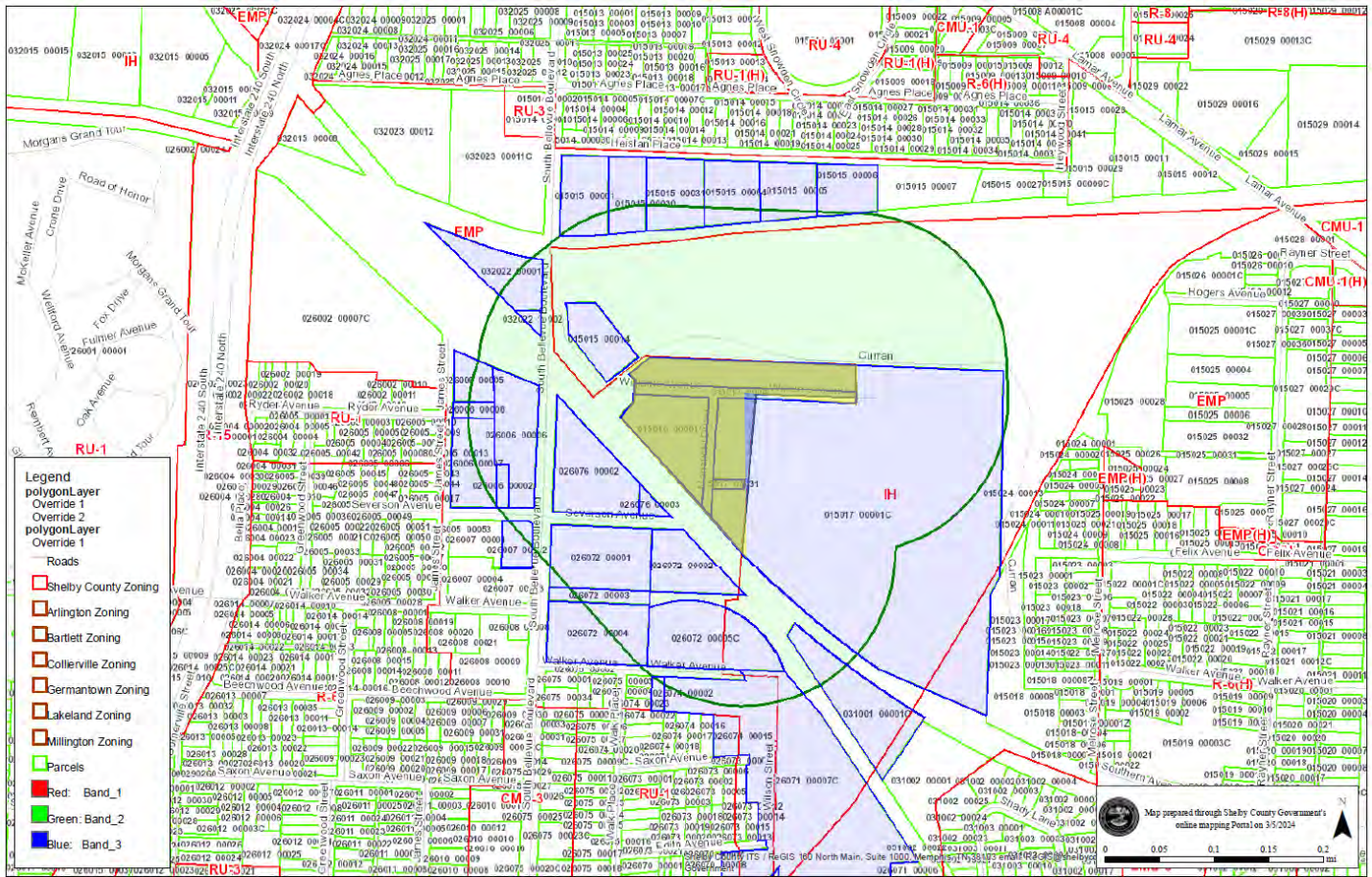
Approval

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

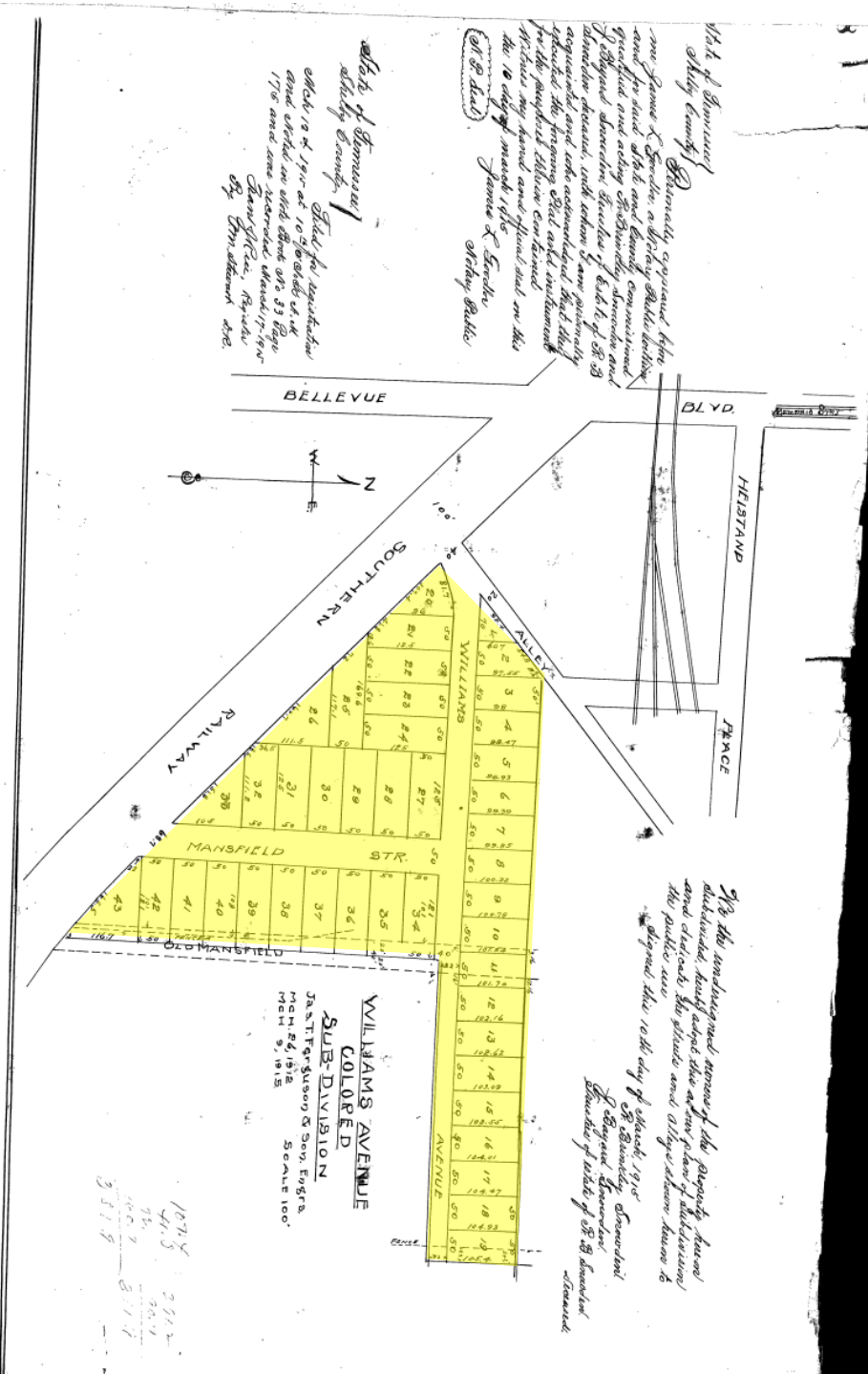
PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 33 notices were mailed on April 10, 2024, see pages 17-18 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 19 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Wednesday, April 17, 2024, at 1351 Williams Avenue.

WILLIAMS AVENUE SUBDIVISION (1919) (PLAT BOOK 7 PAGE 38)



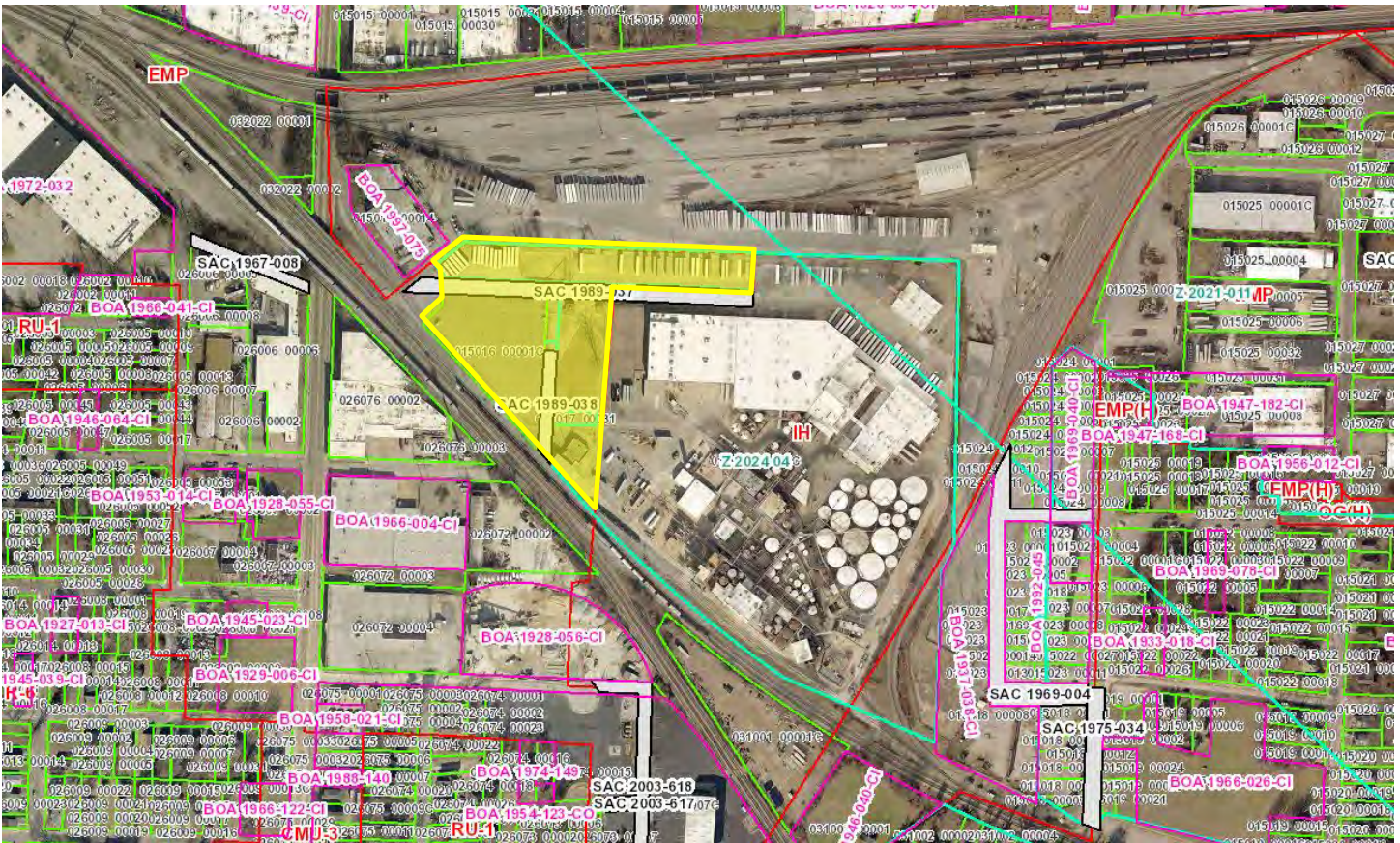
Subject property highlighted in yellow, Lots 1-43

AERIAL



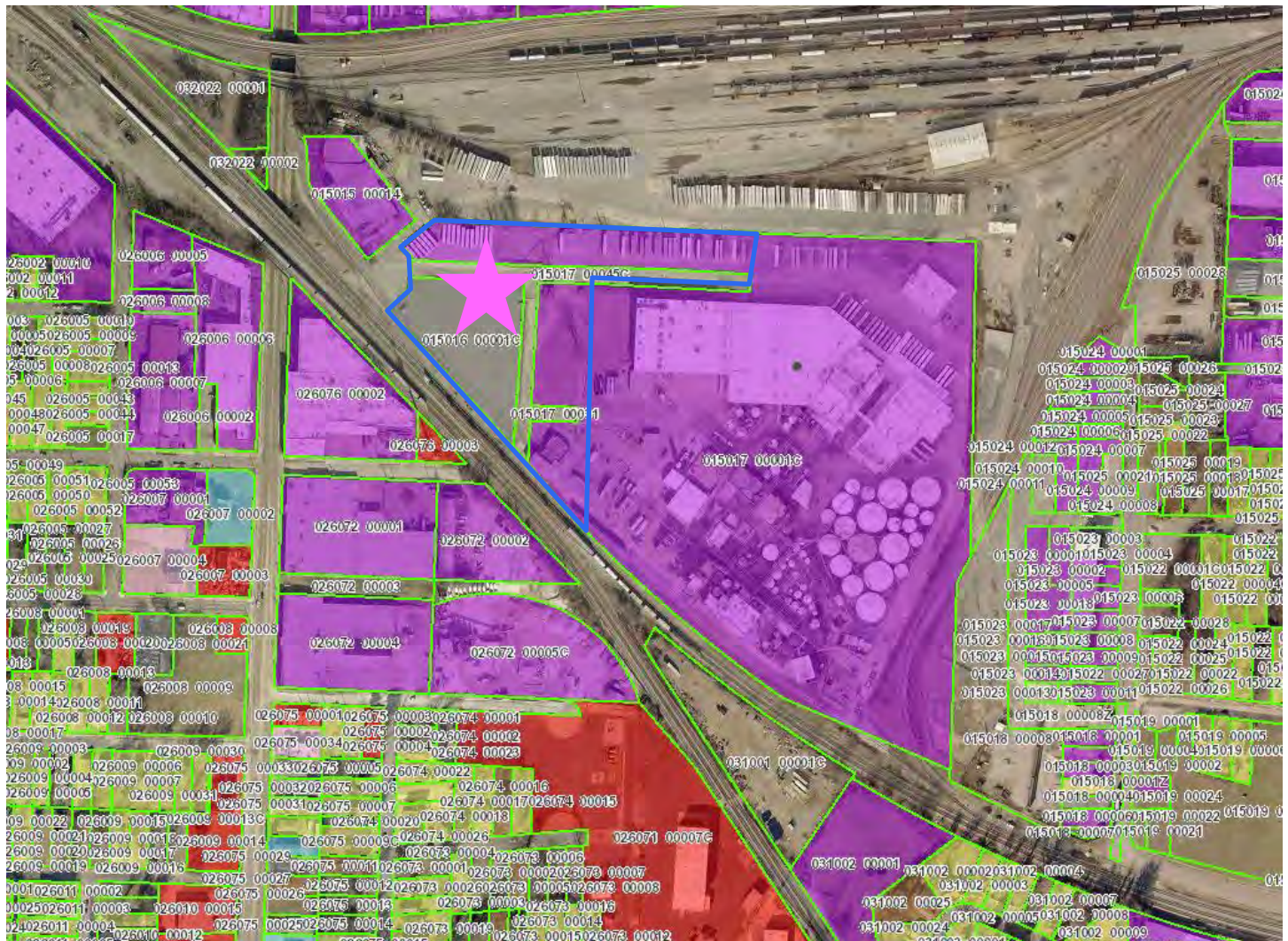
Subject property outlined in yellow, imagery from 2023

ZONING MAP












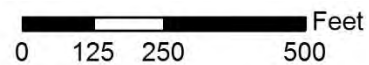
Subject property highlighted in yellow

LAND USE MAP



LandUse

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

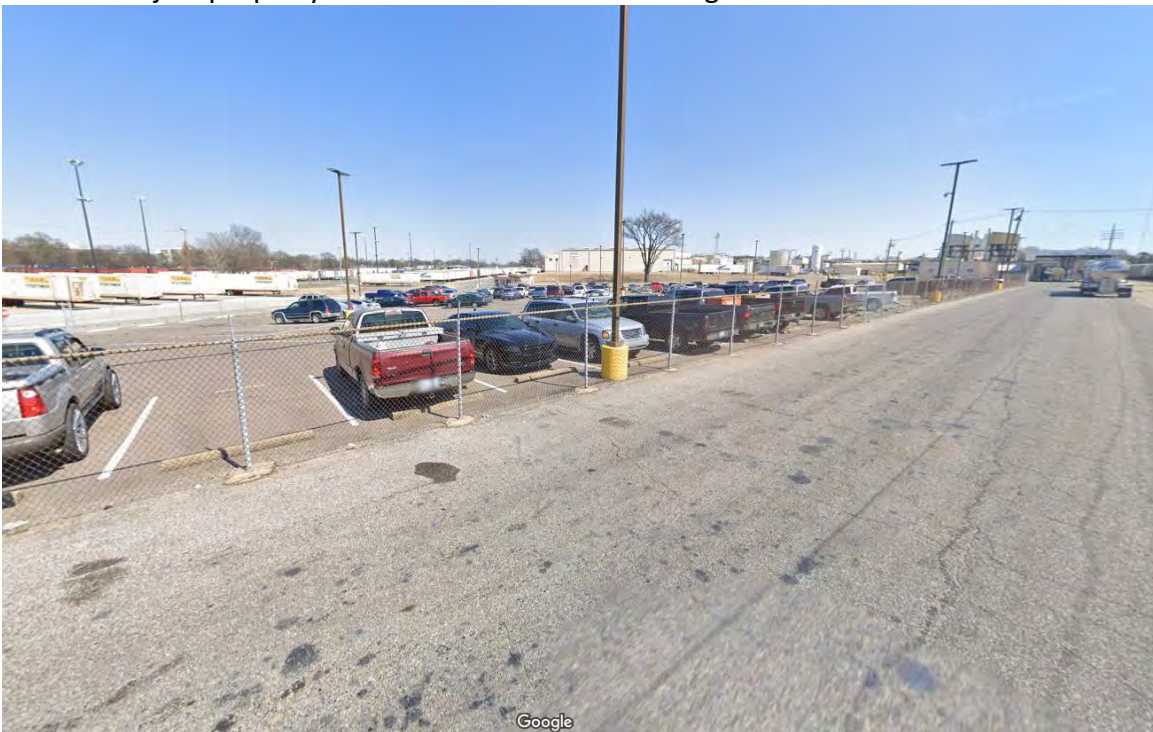


Subject property outlined in blue and indicated by a pink star

SITE PHOTOS



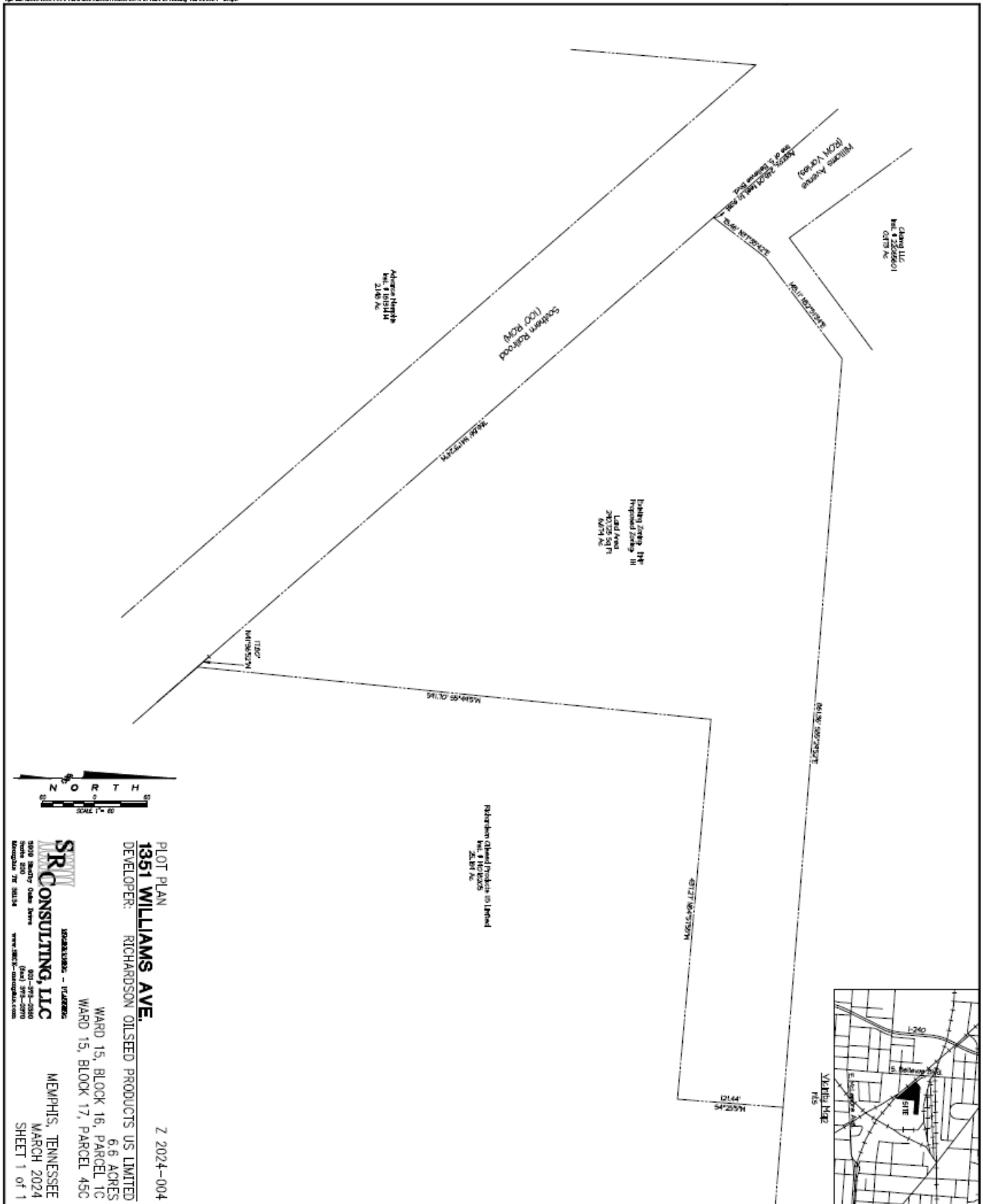
View of subject property from Williams Avenue looking southeast.



View of subject property from Williams Avenue looking east.

PLOT PLAN

File No: 2024-004-001 Richard Olsted Products ROPF 50 Year 50 Planning Use 21, 2024 - 40pp



PLOT PLAN
1351 WILLIAMS AVE.
DEVELOPER: RICHARDSON OLSTED PRODUCTS US LIMITED
WARD 15, BLOCK 16, PARCEL 1C
WARD 15, BLOCK 17, PARCEL 45C

6.6 ACRES
MARCH 2024
SHEET 1 of 1

SR CONSULTING, LLC
MEMPHIS, TENNESSEE
MARCH 2024
SHEET 1 of 1

LEGAL DESCRIPTION

Beginning at a point on the south line of Williams Avenue, approximately 248.09 feet southeast of the east line of S. Bellevue Boulevard; thence N37°35'42"E a distance of 75.46 feet to a point; thence N52°51'34"E a distance of 145.11 feet to a point; thence S85°29'52"E a distance of 861.36 feet to a point; thence S4°25'5"W a distance of 121.44 feet to a point; thence N84°57'55"W a distance of 437.27 feet to a point; thence S5°49'5"W a distance of 591.70 feet to a point; thence N41°36'52"W a distance of 17.80 feet to a point; thence N41°3'24"W a distance of 766.86 feet to the point of beginning and containing 290,725 square feet or 6.674 acres of land more or less.

CASE REVIEW

Request

The request is a Rezoning of +/-6.2 acres from Employment (EMP) to Heavy Industrial (IH).

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

Review Criteria

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

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Site Details

Address:

1351 Williams Avenue

Parcel ID:

015016 00001C, 015017 00045C, 015017 00031, and 015017 00001C

Area:

+/- 6.2 acres

Description:

The subject property is +/- 6.2 acres and is located at the corner of Williams Avenue and Mansfield Drive. The property is currently zoned Employment (EMP). The lots are designated as parking and industrial on the land use map and are used as accessory parking for Richardson Oilseed Products to the east of the parking lot. The site has one public street frontage on Williams Avenue and private drive access through Mansfield Drive.

Analysis

The rezoning of the +/- 6.2-acre subject property to Heavy Industrial (IH) is consistent with the existing IH zoning that exists on the majority of the Richardson Oilseed Products +/- 30.8-acre campus.

The subject property is used as an accessory parking lot for Richardson Oilseed Products manufacturing mill in the northeastern adjacent property and has two street frontages on Williams Avenue and Mansfield Drive.

This rezoning will allow for the entirety of the Richardson Oilseed campus to have a consistent zoning of IH.

The proposed rezoning is compatible with the surrounding industrial land uses.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

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 will not be determined until the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept then, a determination can be made as to available sewer capacity.
3. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
4. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.
5. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.

City Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

**Office of Comprehensive Planning:
Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: Z 24-004: Core City

Site Address/Location: 1351 Williams St & 0 Williams St.

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

Future Land Use Designation: Industrial (I) and Industrial Flex (IF)

Street Type: NA

The applicant is seeking approval to rezone +/-6.2 acres from the Employment (EMP/light industrial) District to the Heavy Industrial (IH) District.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Industrial (I): Higher intensity industrial areas. Graphic portrayal of I is to the right.



“I” Form & Location Characteristics

Industrial, 1-10 stories.

“I” Zoning Notes

Generally compatible with the following zone districts: IH in accordance with Form and characteristics listed

below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings, as appropriate, at the time of a small area plan to limit the use of this district specifically to noxious and/or incompatible high-intensity industrial uses.

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



“IF” Form & Location Characteristics

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

“IF” Zoning Notes

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

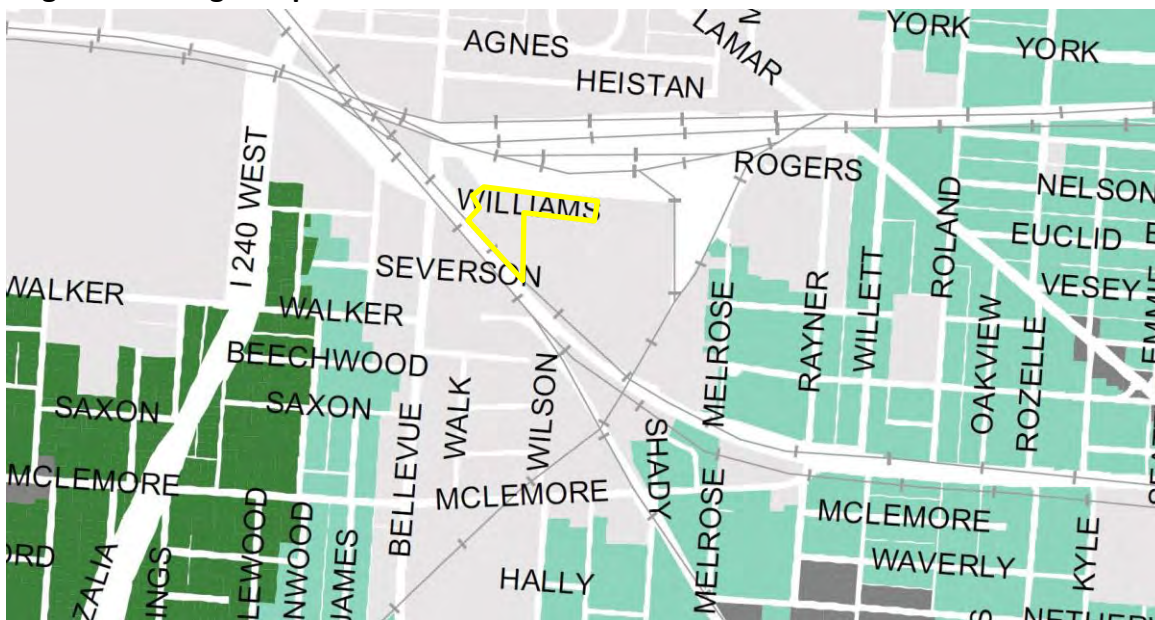
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Industrial and Parking, EMP

Adjacent Land Use and Zoning: Industrial, EMP and IH

Overall Compatibility: *This request to rezone +/-6.2 acres from the Employment (EMP/light industrial) District to the Heavy Industrial (IH) District is compatible with the land uses description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as to make the campus of Richardson Oilseed a consistent zoning.*

3. Degree of Change Map



Yellow polygon denotes the proposed site in Degree of Change area. There is no Degree of Change.

4. Degree of Change Description

NA

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

NA

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

NA

Consistency Analysis Summary

The applicant is seeking approval to rezone +/-6.2 acres from the Employment (EMP/light industrial) District to the Heavy Industrial (IH) District

This request to rezone +/-6.2 acres from the Employment (EMP/light industrial) District to the Heavy Industrial (IH) District is compatible with the land uses description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as to make the campus of Richardson Oilseed a consistent zoning.

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

Summary Compiled by: Faria Urmy, Comprehensive Planning.

MAILED PUBLIC NOTICE

33 Notices Mailed on 3/12/2024



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: Z 2024-004
LOCATION: 1351 Williams
(SEE PROPOSED ZONING MAP ON REVERSE SIDE)
APPLICANT: Richardson Oilseed Products U.S. Limited
REQUEST: Rezoning of +/- 6.2 acres from the Employment (EMP) District to the Heavy Industrial (IH) District

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, April 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a *recommendation* to the legislative body; the legislative body will take final action at a later date.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Chloe Christian at chloe.christion@memphistn.gov or (901) 636-7494 to learn more about the proposal and/or to submit a letter of support or opposition no later than Wednesday, April 3, 2024, at 8 AM. **Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.**

PROPOSED ZONING MAP



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 5:27 pm on the 17th day of April, 2024 I posted one Public Notice Sign pertaining to Case No. Z 2024-004 at the end of Williams Cove providing notice of a Public Hearing before the May 9, 2024 Land Use Control Board for consideration of a proposed Land Use Action (Rezoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Kristin Reaves
Owner, Applicant or Representative

04/22/2024

Date

Subscribed and sworn to before me this 22 day of April, 2024

Cynthia J. Reaves
Notary Public
My commission expires: 9/26/27



APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: March 8, 2024

Record Number: Z 2024-004

Expiration Date:

Record Name: 1351 Williams

Description of Work: Rezoning from EMP to IH

Parent Record Number:

Address:

1351 WILLIAMS AVE, MEMPHIS 38104

Owner Information

Primary Owner Name

Y RICHARDSON OILSEED PRODUCTS US LIMITED

Owner Address

Owner Phone

2800 ONE LOMBARD PL, WINNIPEG, MB

Parcel Information

015017 00001C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Jeffrey Penzes

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Have you held a neighborhood meeting? No

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No
If yes, please provide additional information -

GIS INFORMATION

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

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1544402	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	03/08/2024
1544402	Non-Residential Rezoning - each additional acre or fraction above 5	2	200.00	INVOICED	0.00	03/08/2024
1544402	Credit Card Use Fee (.026 x fee)	1	31.20	INVOICED	0.00	03/08/2024
Total Fee Invoiced: \$1,231.20				Total Balance: \$0.00		

Payment Information

Payment Amount	Method of Payment
\$1,231.20	Credit Card

OWNER AFFIDAVIT



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, Darwin Sobkow, , state that I have read the definition of
(Print Name) (Sign Name)

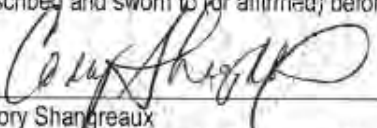
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the Chief Operating Officer of 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 1351 Williams Ave, Memphis TN 38104 and further identified by Assessor's Parcel Number 015017 00001C, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 23 day of January in the year of 2024


R. Cory Shangreux
Notary Public in and for the Province of Manitoba
My commission does not expire

LETTER OF INTENT



Date: March 5, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: Williams Ave. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 1351 Williams Avenue for Richardson Oilseed Products. We are requesting a rezoning from EMP to IH due to the split zoning on the property owned by Richadson Oilseed Products. They currently own over 25 acres and the IH zoning over the entire property will make the campus of Richardson Oilseed a consistent zoning for their uses.

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

LETTERS RECEIVED

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



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: March 8, 2024

Record Number: Z 2024-004

Expiration Date:

Record Name: 1351 Williams

Description of Work: Rezoning from EMP to IH

Parent Record Number:

Address:

1351 WILLIAMS AVE, MEMPHIS 38104

Owner Information

Primary Owner Name

Y RICHARDSON OILSEED PRODUCTS US LIMITED

Owner Address

2800 ONE LOMBARD PL, WINNIPEG, MB

Owner Phone

Parcel Information

015017 00001C

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Jeffrey Penzes

Date of Meeting

-

Pre-application Meeting Type

-

GENERAL INFORMATION

Have you held a neighborhood meeting?

No

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No

If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No

Case Layer -

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality -

Overlay/Special Purpose District -

Zoning -

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

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Payment Amount	Method of Payment
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I, **Darwin Sobkow**, , state that I have read the definition of
(Print Name) (Sign Name)

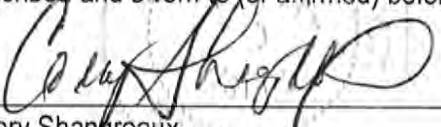
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I am the **Chief Operating Officer** of the owner of record as shown on the current tax rolls of the county Assessor of Property; ~~the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land 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 **1351 Williams Ave, Memphis TN 38104** and further identified by Assessor's Parcel Number **015017 00001C**, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this **23** day of **January** in the year of **2024**.


R. Cory Shangreaux
Notary Public in and for the Province of Manitoba
My commission does not expire



ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: March 5, 2024

To: Division of Planning & Development

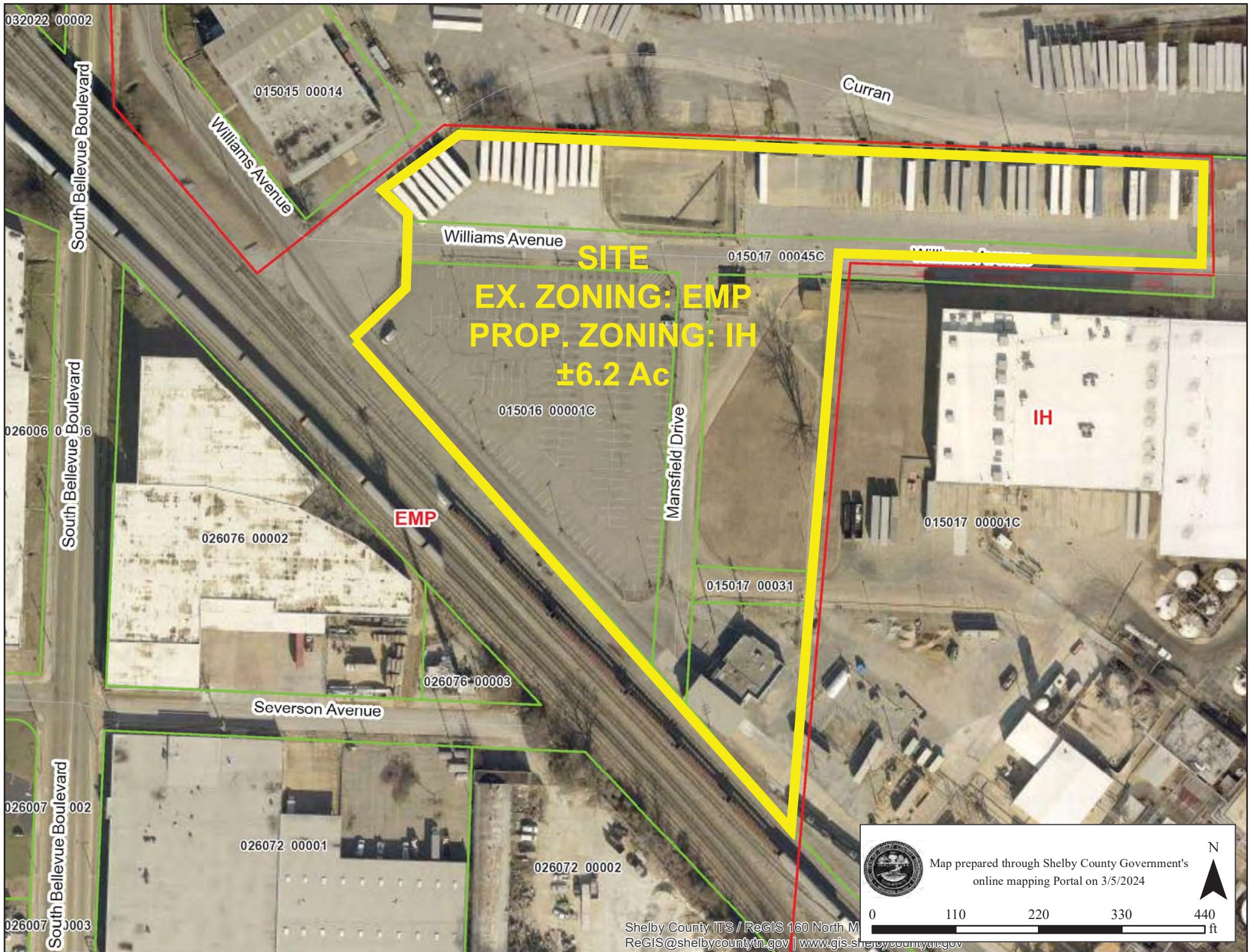
From: Cindy Reaves

Re: Williams Ave. Rezoning


LETTER OF INTENT

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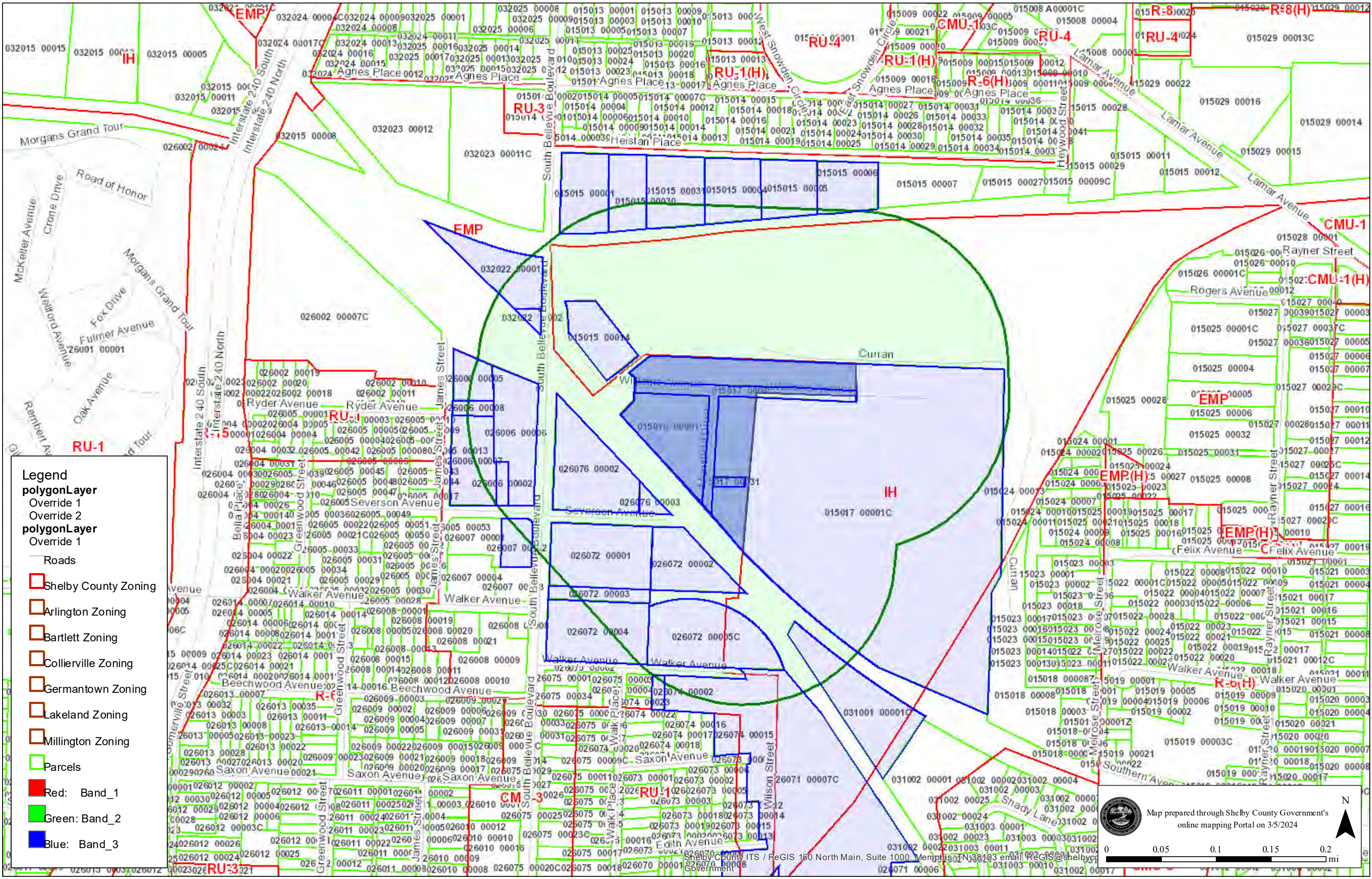


SITE
EX. ZONING: EMP
PROP. ZONING: IH
±6.2 Ac

 Map prepared through Shelby County Government's online mapping Portal on 3/5/2024

0 110 220 330 440 ft

N



Legend

polygonLayer
 - Override 1
 - Override 2

polygonLayer
 - Override 1

— Roads

- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning
- Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Map prepared through Shelby County Government's online mapping Portal on 3/5/2024

0 0.05 0.1 0.15 0.2 mi

Shelby County ITS / ReGIS 160 North Main, Suite 1000, Memphis, TN 38103 email: ReGIS@shelbycountygov.com

026071 00007C - ROBERTS FAMILY COMPANIES INC
026072 00001 - SHELBY COUNTY TENNESSEE
026072 00002 - SOUTHERN MAINTENANCE LLC
026072 00003 - BNSF RAILWAY COMPANY
026072 00004 - SOUTH MEMPHIS ALLIANCE INC
026072 00005C - BUZZI READY MIX LLC
026074 00002 - PLEASANT CHAPEL MB (TR)
026076 00002 - ADVANCE MEMPHIS
026076 00003 - PINNACLE TOWER ACQUISITION LLC
032022 00001 - UNION RAILWAY COMPANY
032022 00002 - CITY OF MEMPHIS
015015 00001 - HECHINGER RICHARD A
015015 00004 - SHERRILL EARL
015015 00005 - NEW WAY AQUAPONIC FARMS LLC
015015 00006 - NEW WAY AQUAPONIC FARMS LLC
015015 00014 - CHARNG LLC
015015 00030 - HECHINGER RICHARD A
015015 00031 - TERRY CLYDE
015016 00001C - RICHARDSON OILSEED PRODUCTS US LIMITED
015017 00001C - RICHARDSON OILSEED PRODUCTS US LIMITED
015017 00031 - RICHARDSON OILSEED PRODUCTS US LIMITED
015017 00045C - RICHARDSON OILSEED PRODUCTS US LIMITED
031001 00001C - WASTE CONNECTIONS OF TENNESSEE INC
026006 00002 - KNIGHT JACK G AND GENE E WILSON
026006 00005 - SHIBEROU ERMYIAS

026006 00006 - KNIGHT JACK G AND GENE E WILSON

026006 00007 - KNIGHT JACK AND GENE WILSON

026006 00008 - KNIGHT JACK AND GENE WILSON

026007 00002 - MEMPHIS BLACK ARTS ALLIANCE INC

UNION RAILWAY COMPANY
1400 DOUGLAS ST #
OMAHA NE 68179

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

SHELBY COUNTY TENNESSEE
584 ADAMS AVE #
MEMPHIS TN 38103

CITY OF MEMPHIS
GENERAL DELIVERY #
MEMPHIS TN 38101

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

SOUTHERN MAINTENANCE LLC
1267 SEVERSON AVE #
MEMPHIS TN 38106

HECHINGER RICHARD A
830 S BELLEVUE BLVD #
MEMPHIS TN 38104

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

BNSF RAILWAY COMPANY
P O BOX 961089 #
FORT WORTH TX 76161

SHERRILL EARL
1301 HEISTAN PL #
MEMPHIS TN 38104

KNIGHT JACK G AND GENE E WILSON
PO BOX 40406 #
MEMPHIS TN 38174

SOUTH MEMPHIS ALLIANCE INC
1048 S BELLEVUE BLVD #
MEMPHIS TN 38103

NEW WAY AQUAPONIC FARMS LLC
461 TENNESSEE ST #
MEMPHIS TN 38103

SHIBEROU ERMAYAS
1788 MADISON AVE #
MEMPHIS TN 38104

BUZZI READY MIX LLC
1029 JOHN A DENIE DR #
MEMPHIS TN 38134

NEW WAY AQUAPONIC FARMS LLC
461 TENNESSEE ST #
MEMPHIS TN 38103

KNIGHT JACK G AND GENE E WILSON
PO BOX 40406 #
MEMPHIS TN 38174

PLEASANT CHAPEL MB (TR)
4813 BENJESTOWN RD #
MEMPHIS TN 38127

CHARNG LLC
1979 FELIX AVE #
MEMPHIS TN 38104

KNIGHT JACK AND GENE WILSON
P O BOX 40406 #
MEMPHIS TN 38174

ADVANCE MEMPHIS
PO BOX 2201 #
MEMPHIS TN 38101

HECHINGER RICHARD A
830 S BELLEVUE BLVD #
MEMPHIS TN 38104

KNIGHT JACK AND GENE WILSON
PO BOX 40406 #
MEMPHIS TN 38174

PINNACLE TOWER ACQUISITION LLC
4017 WASHINGTON RD #
MCMURRAY PA 15317

TERRY CLYDE
8443 FREIDEN TRL #
MEMPHIS TN 38125

MEMPHIS BLACK ARTS ALLIANCE INC
PO BOX 40854 #
MEMPHIS TN 38174

WASTE CONNECTIONS OF TENNESSEE INC
3 WATERWAY SQUARE WAY #
THE WOODLANDS TX 77380

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

ROBERTS FAMILY COMPANIES INC
670 S COOPER ST #
MEMPHIS TN 38104

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

David Nuessler
1351 Williams Ave.
Memphis, TN 38104

David Nuessler
1351 Williams Ave.
Memphis, TN 38104

David Nuessler
1351 Williams Ave.
Memphis, TN 38104

Richardson Oilseed Products (US) Limited
2800 One Lombard Place
Winnipeg/MB R3B0X8

Richardson Oilseed Products (US) Limited
2800 One Lombard Place
Winnipeg/MB R3B0X8

Richardson Oilseed Products (US) Limited
2800 One Lombard Place
Winnipeg/MB R3B0X8

Shoemaker Haaland/ John Ostola
329 10th Ave. SE Suite 215
Cedar Rapids, IA 52401

Shoemaker Haaland/ John Ostola
329 10th Ave. SE Suite 215
Cedar Rapids, IA 52401

Shoemaker Haaland/ John Ostola
329 10th Ave. SE Suite 215
Cedar Rapids, IA 52401



Shelby County Tennessee
Shelandra Y. Ford
 Shelby County Register

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

19018205

02/26/2019 - 08:17 AM

23 PGS	
BRANDON	1839806-19018205
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	115.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	117.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Quitclaim Deed

Instrument Prepared by:

Andrew M. Hodgson, Esquire
Husch Blackwell LLP
736 Georgia Avenue, Suite 300
Chattanooga, Tennessee 37402

Grantor: Conagra Foods Packaged Foods, LLC, a Delaware limited liability company, One
ConAgra Drive, Omaha, Nebraska 68102-5003

Grantee: Richardson Oilseed Products (US)Limited, a Delaware corporation, 2800 One Lombard
Place, Winnipeg, MB, Canada R3B 0X8, Attn: Property Tax Department

Send Tax Bills To: Richardson Oilseed Products (US)Limited, a Delaware corporation, 2800 One
Lombard Place, Winnipeg, MB, Canada R3B 0X8, Attn: Property Tax
Department

Property Address: 1351 Williams Avenue, Memphis, Tennessee 38104

Legal Description: See Exhibit A

Tax Parcel No.: 015-017-00001C, 015-016-00001C, 015-017-00031, 015-017-00045C

THIS INSTRUMENT PREPARED BY:

Andrew M. Hodgson, Esquire
HUSCH BLACKWELL LLP
736 Georgia Avenue, Suite 300
Chattanooga, Tennessee 37402

New Owner's Address:

2800 One Lombard Place
Winnipeg, MB, Canada R3B 0X8

Send Tax Bills To:

2800 One Lombard Place
Winnipeg, MB, Canada R3B 0X8
ATTN: Property Tax Department

Tax Parcel No.

015-017-00001C
015-016-00001C
015-017-00031
015-017-00045C

QUITCLAIM DEED

IN CONSIDERATION of One Dollar (\$1.00) cash in hand paid and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **CONAGRA FOODS PACKAGED FOODS, LLC** a Delaware limited liability company ("Grantor"), does hereby transfer, convey, remise, release and forever quitclaim unto **RICHARDSON OILSEED PRODUCTS (US) LIMITED**, a Delaware corporation ("Grantee"), all of the Grantor's right, title and interest in and to that certain real property located in Shelby County, Tennessee, more particularly described on Exhibit "A" attached hereto and made a part hereof.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed this 14th day of February, 2019.

GRANTOR:

CONAGRA FOODS PACKAGED FOODS, LLC, a Delaware limited liability company,

By: *Rick Vosik*

Name: Rick Vosik

Title: Authorized Representative

STATE OF Nebraska)

COUNTY OF Douglas)

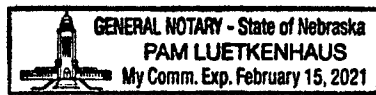
Before me, Pam Luotkenhaus, of the state and county aforesaid, personally appeared Rick Vosik, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Authorized Representative of CONAGRA FOODS PACKAGED FOODS, LLC, the within named bargainor, a limited liability company, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained by personally signing the name of said limited liability company.

14th WITNESS my hand and seal at office in Omaha, Nebraska, this day of February, 2019.

My commission expires:

February 15, 2021

Pam Luotkenhaus
Notary Public



IN WITNESS WHEREOF, I hereby swear or affirm that the actual consideration for this transfer is \$-0-.

GRANTEE:

Richardson Oilseed Products (US) Limited,
a Delaware corporation,

By: [Signature]

Name: Jean - Marc Ruest

Title: Secretary

By: [Signature]

Name: Darwin Sobkow

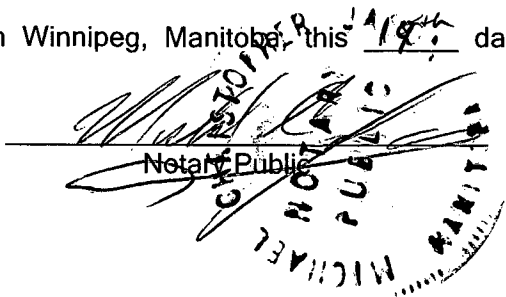
Title: Vice President

CITY OF WINNIPEG)

PROVINCE OF MANITOBA)

Before me, Michael Jason, of the city and province aforesaid, personally appeared Jean-Marc Ruest and Darwin Sobkow, each of which with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Secretary or vice president of Richardson Oilseed Products (US) Limited, the within named bargainor, a corporation, and that as such officer, being authorized so to do, each executed the foregoing instrument for the purpose therein contained by personally signing the name of said corporation.

WITNESS my hand and seal at office in Winnipeg, Manitoba, this 19th day of February, 2019.



My Commission Expires:

does not expire

EXHIBIT "A"

LEGAL DESCRIPTION

Real property located in Shelby County, Tennessee, more particularly described as follows:

PARCEL I

TRACT 1

BEGINNING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE (32 FEET WIDE) 534 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET SAID BEGINNING POINT BEING IN THE WEST LINE OF THAT PART OF THE FORMER SOUTHERN COTTON OIL COMPANY PROPERTY KNOWN AS LOT 10 OF THE A. B. CARR SUBDIVISION; AND RUNNING THENCE NORTHWARDLY ALONG SAID WEST LINE A DISTANCE OF 137.17 FEET TO A POINT IN THE SOUTH LINE OF THE TRACT CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 1108, PAGE 152; THENCE EASTWARDLY ALONG SAID SOUTH LINE BY AN INTERIOR ANGLE OF 89 DEGREES 39 MINUTES A DISTANCE OF 568.45 FEET TO AN OLD RAILROAD IRON AT THE NORTHWEST CORNER OF THE TRACT CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 364, PAGE 9; THENCE SOUTHWARDLY ALONG THE WEST LINE OF SAID UNION RAILWAY COMPANY TRACT BY AN INTERIOR ANGLE OF 90 DEGREES 15 MINUTES A DISTANCE OF 672.10 FEET TO AN INTERSECTION WITH THE NORTHWEST LINE OF THE 66 FT. WIDE STRIP OF LAND CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 318, PAGE 463; THENCE SOUTHWESTWARDLY ALONG THE NORTHWEST LINE OF SAID 66 FT. WIDE STRIP BY AN INTERIOR ANGLE OF 155 DEGREES 04 MINUTES A DISTANCE OF 642 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY (100 FEET WIDE); THENCE NORTHWESTWARDLY (BY AN INTERIOR ANGLE OF 80 DEGREES 43 MINUTES AS MEASURED TO THE CHORD) ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE SOUTHERN RAILWAY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 3769.83 FEET A DISTANCE OF 524.61 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO A POINT; THENCE IN A NORTHEASTWARDLY DIRECTION (BY AN INTERIOR ANGLE OF 87 DEGREES 15 MINUTES AS MEASURED FROM THE CHORD) 171.90 FEET TO A POINT; THENCE NORTHWESTWARDLY BY A RIGHT ANGLE 73.08 FEET TO A POINT; THENCE NORTHWESTWARDLY BY AN EXTERIOR ANGLE OF 181 DEGREES 00 MINUTES A DISTANCE OF 70.38 FEET TO A POINT; THENCE NORTHWESTWARDLY BY AN EXTERIOR ANGLE OF 179 DEGREES 00 MINUTES A DISTANCE OF 62.25 FEET TO A POINT; THENCE NORTHEASTWARDLY BY AN EXTERIOR ANGLE OF 269 DEGREES 31 MINUTES A DISTANCE OF 102.18 FEET TO A POINT; THENCE NORTHWESTWARDLY BY AN EXTERIOR ANGLE OF 90 DEGREES 29 MINUTES A DISTANCE OF 41.97 FEET TO A POINT; THENCE NORTHEASTWARDLY BY A RIGHT ANGLE A DISTANCE OF 136.67 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY A RIGHT ANGLE 95.72 FEET TO A POINT; THENCE NORTHEASTWARDLY BY AN EXTERIOR ANGLE OF 91 DEGREES 49 MINUTES A DISTANCE OF 136.13 FEET TO A POINT; THENCE NORTHWESTWARDLY BY A RIGHT ANGLE 98.90 FEET TO A POINT; THENCE NORTHWARDLY BY AN EXTERIOR ANGLE OF 231 DEGREES 44 MINUTES A DISTANCE OF 235.73 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE RIGHTS OF WAY TRANSFERRED BY THE SOUTHERN COTTON OIL COMPANY TO SOUTHERN RAILWAY COMPANY BY INDENTURE DATED JULY 8, 1902 AND RECORDED IN RECORD BOOK 208, PAGE 187, SHELBY COUNTY REGISTER'S OFFICE, CONTAINING THEREIN AN EXPRESS REVERSIONARY CLAUSE WHEREBY SAID RIGHTS OF WAY WILL REVERT TO OWNERS OF THE LAND AT SUCH TIME AS SAID RIGHTS OF WAY ARE NO LONGER USED OR OCCUPIED BY RAILROAD INDUSTRIAL TRACKS, SAID RIGHTS OF WAY DESCRIBED AS FOLLOWS:

ALL THOSE THREE (3) CERTAIN STRIPS, PIECES OF PARCELS OF LAND OF THE SOUTHERN COTTON OIL COMPANY, SITUATED, LYING AND BEING AT KANSAS CITY JUNCTION, NEAR MEMPHIS, IN THE COUNTY OF SHELBY, AND STATE OF TENNESSEE, PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

PARCEL 1: A STRIP OF LAND SIX (6) FEET IN WIDTH ON EITHER SIDE OF THE CENTER LINE OF A CERTAIN INDUSTRIAL TRACK, DESIGNATED FOR CONVENIENCE AS TRACK NO. 1, WHICH SPRINGS FROM THE MAIN TRACK OF THE RAILWAY COMPANY RUNNING BETWEEN MEMPHIS AND CHATTANOOGA, AT A POINT 1474 FEET WEST OF MILE POST NO. 594-A, AND EXTENDS THENCE IN A GENERAL NORTHWESTERLY DIRECTION, THROUGH THE LAND OF THE PARTY OF THE FIRST PART: BEGINNING AT THE NORTHERLY LIMIT OF THE RIGHT OF WAY OF THE RAILWAY COMPANY, 50 FEET DISTANT FROM THE CENTER LINE OF SAID MAIN TRACK, AND RUNNING THENCE NORTHWESTWARDLY, FOLLOWING THE ALIGNMENT OF SAID INDUSTRIAL TRACK, AS THE SAME IS LOCATED UPON THE SAID LANDS OF THE PARTY OF THE FIRST PART, AND HAVING A UNIFORM WIDTH OF TWELVE (12) FEET, FOR A DISTANCE OF 1076 FEET, BE THE SAME MORE OR LESS;

PARCEL 2: A STRIP OF LAND SIX (6) FEET IN WIDTH ON EITHER SIDE OF THE CENTER LINE OF A SIDE-TRACK, DESIGNATED HEREIN FOR CONVENIENCE AS NO. 2, WHICH, SPRINGS FROM SAID TRACK NO. 1, AT A POINT 800 FEET NORTHWESTERLY OF THE POINT OF CONNECTION OF SAID TRACT NO. 1 WITH THE SAID MAIN TRACK OF THE RAILWAY COMPANY, AND EXTENDS THENCE NORTHWESTWARDLY, THROUGH THE LANDS OF THE PARTY OF THE FIRST PART, THAT IS TO SAY: BEGINNING AT A POINT OF CONNECTION OF SAID TRACK NO. 2 WITH SAID TRACK NO. 1, AND RUNNING THENCE NORTHWESTWARDLY, FOLLOWING THE ALIGNMENT OF SAID TRACT NO. 2, AS THE SAME IS LOCATED UPON THE SAID LANDS OF THE PARTY OF THE FIRST PART, AND HAVING A UNIFORM WIDTH OF TWELVE (12) FEET, FOR A DISTANCE OF 493 FEET, BE THE SAME MORE OR LESS;

PARCEL 3: A STRIP OF LAND ABUTTING UPON THE NORTH SIDE OF SAID RIGHT OF WAY OF THE RAILWAY COMPANY, AND BEING ALL THE LAND INCLUDED WITHIN A LINE (THE NORTHERLY BOUNDARY LINE OF SAID STRIP) RUNNING PARALLEL WITH AND AT ALL POINTS SIX (6) FEET NORTHEAST OF THE CENTER LINE OF A SIDE-TRACK, DESIGNATED HEREIN FOR CONVENIENCE AS NO. 3, WHICH SPRINGS FROM SAID TRACK NO. 1 AT A POINT THEREON 305 FEET WEST OF THE POINT OF CONNECTION OF SAID TRACK NO. 1 WITH THE SAID MAIN TRACK, AND EXTENDS THENCE NORTHWESTWARDLY, THROUGH THE SOUTHERLY PORTION OF THE LANDS OF THE PARTY OF THE FIRST PART, AND 1888 FEET, TO A SECOND POINT OF CONNECTION WITH SAID MAIN TRACK, AND A LINE (BEING THE SOUTHERLY BOUNDARY LINE OF SAID STRIP) RUNNING PARALLEL WITH AND AT ALL POINTS 50 FEET NORTH OF THE CENTER LINE OF SAID MAIN TRACK; THE SAID STRIP OF LAND BEING TWENTY-EIGHT (28) FEET, MORE OR LESS, IN WIDTH, AT THE WIDEST POINT; BEING OCCUPIED BY SAID TRACT NO. 3 AND A SIDE TRACK LYING SOUTH OF AND PARALLEL THEREWITH DESIGNATED HEREIN FOR CONVENIENCE AS NO. 4; THE NORTHERLY AND SOUTHERLY BOUNDARY LINES OF SAID STRIP CONVERGING TOGETHER AT EITHER END THEREOF.

SUBJECT TO EASEMENT OR RIGHT OF WAY FOR A WATER MAIN, GRANTED TO THE CITY OF MEMPHIS ACTING THROUGH MEMPHIS LIGHT, GAS & WATER DIVISION BY INDENTURE ACKNOWLEDGE ON JUNE 2, 1941.

SUBJECT TO EASEMENTS FOR UTILITIES GRANTED TO THE CITY OF MEMPHIS ACTING THROUGH MEMPHIS LIGHT, GAS & WATER DIVISION AS RECORDED IN BOOK 4150, PAGE 571 AND BOOK 5423, PAGE 437, SHELBY COUNTY REGISTER'S OFFICE.

TRACT 2:

THE EAST 17 FEET OF LOT 3 AND WEST 23 FEET OF LOT 4, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

TRACT 3:

THE EAST 10 FEET OF LOT 6 AND THE WEST 30 FEET OF LOT 7, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF WILLIAMS AVENUE 310 FEET EAST OF THE INTERSECTION OF SAID NORTH LINE WITH THE SOUTHEAST LINE OF A 20 FOOT ALLEY BOUNDING THIS SUBDIVISION ON THE WEST; THENCE EAST WITH SAID NORTH LINE OF WILLIAMS AVENUE 40 FEET TO A POINT 20 FEET WEST OF THE EAST LINE OF LOT 7; THENCE NORTH PARALLEL WITH SAID EAST LINE 99.53 FEET TO THE NORTH LINE OF SAID SUBDIVISION; THENCE WESTWARDLY WITH SAID NORTH LINE 40 FEET TO A POINT; THENCE SOUTH 99.35 FEET TO THE POINT OF BEGINNING.

TRACT 4:

THE EAST 25 FEET OF THE WEST 30 FEET OF LOT 8, WILLIAMS AVENUE COLORED SUBDIVISION AS PER PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, DESCRIBED AS:

BEGINNING IN THE NORTH LINE OF WILLIAMS AVENUE 5 FEET EAST FROM THE SOUTHEAST CORNER OF LOT 7 OF SAID SUBDIVISION; THENCE EAST WITH THE NORTH LINE OF WILLIAMS AVENUE 25 FEET; THENCE NORTHWARDLY AND PARALLEL WITH THE DIVISION LINE BETWEEN LOTS 7 AND 8, 99 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID LOT 8; THENCE WEST PARALLEL WITH WILLIAMS AVENUE 25 FEET; THENCE SOUTH PARALLEL WITH THE DIVISION LINE BETWEEN LOTS 7 AND 8, 99 FEET MORE OR LESS, TO THE NORTH LINE OF WILLIAMS AVENUE, THE BEGINNING.

TRACT 5:

PART OF LOT 9 OF THE WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF WILLIAMS AVENUE 5 FEET EAST OF THE EAST LINE OF LOT #6 (SHOULD BE LOT #8) OF SAID SUBDIVISION; THENCE NORTH 100.32 FEET, MORE OR LESS; THENCE EAST 40 FEET; THENCE SOUTH 100.78 FEET, MORE OR LESS, TO SAID NORTH LINE OF WILLIAMS AVENUE; THENCE WEST ALONG SAID NORTH LINE OF WILLIAMS AVENUE 40 FEET TO THE POINT OF BEGINNING.

TRACT 6:

THE EAST FIVE FEET OF LOT 9 AND WEST 25 FEET OF LOT 10, WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

TRACT 7:

THE EAST 25 FEET OF LOT 10, OF THE WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT RECORDED IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

TRACT 8:

THE WEST 25 FEET OF LOT 12, OF THE WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

TRACT 9:

THE EAST ONE HALF (1/2) OF LOT 12 OF WILLIAMS AVENUE COLORED SUBDIVISION AS PER PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING 25 X 102 FEET, MORE OR LESS, ON THE NORTH SIDE OF WILLIAMS STREET.

TRACT 10:

THE WEST 25 FEET OF LOT 13, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

TRACT 11:

THE EAST 35 FEET OF LOT 17 IN WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE, REFERENCE BEING HEREBY MADE TO SAID PLAT FOR A MORE PARTICULAR DESCRIPTION.

TRACT 12:

THE EAST 10 FEET OF LOT NO. 18 AND WEST 25 FEET OF LOT NO. 19 OF THE WILLIAMS AVENUE SUBDIVISION AS SHOWN BY PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT E7 8190, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL II

THE EAST 25 FEET OF LOT 5 AND THE WEST 40 FEET OF LOT 6 OF WILLIAMS AVENUE COLORED SUBDIVISION, A PLAT OF SAID SUBDIVISION BEING OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF WILLIAM AVENUE 245 FEET EAST OF THE EAST LINE OF THE 20 FOOT WIDE ALLEY RUNNING ALONG THE WEST LINE OF THE SUBDIVISION; THENCE EAST WITH SAID NORTH LINE OF WILLIAM AVENUE 65 FEET TO A POINT, THE SOUTHWEST CORNER OF THE PROPERTY CONVEYED TO HUNT FOOD & INDUSTRIES, INC., AND DESCRIBED IN DEED OF RECORD IN BOOK 5868, PAGE 152, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE; THENCE NORTH WITH THE WEST LINE OF THE HUNT FOODS & INDUSTRIES, INC. TRACT 98.35 TO A PONT IN THE NORTH LINE OF SAID SUBDIVISION; THENCE WESTWARDLY WITH SAID NORTH LINE 65 FEET TO A POINT; THENCE SOUTH 98.7 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT G9 9727, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL III

THE EAST ONE HALF (25 FEET) OF LOT 13 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H1 1529, IN

THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL IV

PART OF LOT 7 AND 8 OF WILLIAMS AVENUE SUBDIVISION AS SHOWN AND DESCRIBED IN PLAT OF SUBDIVISION OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EAST 20 FEET OF SAID LOT 7 AND WEST 5 FEET OF SAID LOT 8 OF WILLIAMS AVENUE SUBDIVISION; SAID PROPERTY FRONTS 25 FEET ON THE NORTH SIDE OF WILLIAMS AVENUE AND EXTENDS NORTHWARDLY BETWEEN PARALLEL LINES 100 FEET.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H1 6631, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL V

THE EAST 8 FEET OF LOT 2 AND THE WEST 33 FEET OF LOT 3, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H2 8305, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL VI

THE EAST 20 FEET OF LOT 8 AND THE WEST 5 FEET OF LOT 9, OF THE WILLIAMS AVENUE COLORED SUBDIVISION, A MAP OR PLAT OF WHICH IS OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF WILLIAMS AVENUE 30 FEET EAST OF THE EAST LINE OF LOT 7 OF SAID SUBDIVISION; RUNNING THENCE EAST ALONG THE NORTH LINE OF WILLIAMS AVENUE 25 FEET; THENCE NORTH AND PARALLEL WITH THE WEST LINE OF SAID LOT 8, 100.38 FEET; THENCE WEST ALONG THE NORTH LINE OF SAID LOTS 9 AND 8, 25 FEET; THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H3 5002, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL VII

THE EAST 25 FEET OF LOT 15, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID LOT. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H4 2401, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL VIII

EAST PART OF LOT 20 AND WEST PART OF LOT 21 OF THE WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE 380 FEET WEST OF THE WEST LINE OF SOUTH MANSFIELD STREET; THENCE SOUTH 96 FEET, MORE OR LESS, TO A POINT IN THE NORTHEASTWARDLY LINE OF SOUTHERN R.R. RIGHT OF WAY; THENCE SOUTHEASTWARDLY WITH SAID LINE OF SOUTHERN R. R. RIGHT OF WAY 45.2 FEET; THENCE NORTH 125 FEET, MORE OR LESS, TO THE SOUTH LINE OF WILLIAMS AVENUE; THENCE WEST ALONG SAID SOUTH LINE OF WILLIAMS AVENUE 35 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H8 6693, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL IX

THE EAST 40 FEET OF LOT 24 OF WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID LOT. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H8 9476, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL X

THE WEST 25 FEET OF LOT 23 OF WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN BY PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID LOT. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT H8 9477, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XI

THE NORTH 25 FEET OF LOT 27, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT J2 0504, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XII

THE SOUTH 15 FEET OF LOT 29 AND THE NORTH 10 FEET OF LOT 30, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT J3 0081, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XIII

PART OF LOT 30 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF MANSFIELD STREET, 160 FEET SOUTH OF THE SOUTH

LINE OF WILLIAMS AVENUE; RUNNING THENCE NORTHWESTWARDLY 125 FEET, MORE OR LESS, TO A POINT 10 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 30; THENCE SOUTHWARDLY 25 FEET; THENCE SOUTHEASTWARDLY 125 FEET, MORE OR LESS, TO A POINT 15 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 30; THENCE NORTHWARDLY WITH THE WEST LINE OF MANSFIELD STREET 25 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT J8 0192 AND CORRECTED BY FINAL ORDER QUIETING TITLE AND REFORMING DEED OF RECORD IN INSTRUMENT 18090795, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XIV

THE SOUTH 15 FEET OF LOT 30 AND THE NORTH 25 FEET OF LOT 31, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT J8 8901, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XV

THE SOUTH 35 FEET OF LOT 28, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT K5 8939, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XVI

THE WEST 35 FEET OF LOT 14, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT K7 9792, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XVII

THE EAST 15 FEET OF LOT 14 AND THE WEST 25 FEET OF LOT 15, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT K7 9794, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XVIII

THE WEST 35 FEET OF LOT 16, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT M1 8017, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XIX

COMMENCING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE AT THE NORTHEAST CORNER OF SAID THE SOUTHERN COTTON OIL CO., INC. TRACT, SAID POINT BEING 534 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET, THENCE SOUTHWARDLY ALONG THE EAST LINE OF SAID THE SOUTHERN COTTON OIL CO., INC. TRACT 235.73 FEET TO A CORNER OF THE SOUTHERN COTTON OIL CO., INC. TRACT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 231 DEGREES 44 MINUTES A DISTANCE OF 85.85 FEET TO THE BEGINNING POINT OF THE PARCEL HEREINAFTER DESCRIBED:

THENCE CONTINUING SOUTHEASTWARDLY ON THE LAST DESCRIBED BEARING 13.05 FEET TO A CORNER OF THE SOUTHERN COTTON OIL CO., INC. TRACT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE AND CONTINUING ALONG THE LINE OF THE SOUTHERN COTTON OIL CO., INC. TRACT 136.13 FEET TO A CORNER OF SAID TRACT; THENCE NORTHWESTWARDLY BY AN INTERIOR ANGLE OF 91 DEGREES 49 MINUTES AND CONTINUING ALONG THE LINE OF SAID TRACT 95.72 FEET TO A CORNER OF SAID TRACT; THENCE LEAVING THE LINE OF SAID TRACT AND RUNNING NORTHEASTWARDLY BY A RIGHT ANGLE 92.14 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 117 DEGREES 00 MINUTES A DISTANCE OF 97.64 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT M3 5405, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XX

THE EAST 15 FEET OF LOT 16 AND THE WEST 15 FEET OF LOT 17, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT M3 8693, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXI

THE WEST 40 FEET OF LOT 18, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT M8 5377, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXII

THE NORTH 35 FEET OF LOT 29, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO

WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT N3 7934, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXIII

THE EAST 25 FEET OF LOT 23 AND THE WEST 10 FEET OF LOT 24 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT N9 7581, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXIV

THE SOUTH 25 FEET OF LOT 27 AND THE NORTH 15 FEET OF LOT 28, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT R3 0858, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXV

THE EAST 27 FEET OF LOT 4 AND THE WEST 25 FEET OF LOT 5, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT R9 1262, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXVI

TRACT 1

THE SOUTH 10 FEET OF LOT 34 AND THE NORTH 25 FEET OF LOT 35, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

TRACT 2

THE SOUTH 40 FEET OF LOT 39, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

TRACT 3

THAT PROPERTY IDENTIFIED AS LOT NO. 2 AND THAT PART OF LOT NO. 3 OF THE WETHERED SUBDIVISION OF LOT ELEVEN (11), A. B. CARR TRACT, AND STRIP TWENTY (20) FEET WIDE LYING WEST THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STAKE IN THE SOUTH LINE OF WILLIAMS AVENUE (32 FEET WIDE), EIGHT (8) FEET NORTH OF THE NORTHEAST CORNER OF LOT THIRTY-FOUR (34), WILLIAMS AVENUE COLORED SUBDIVISION; THENCE EAST ALONG THE SOUTH LINE OF WILLIAMS AVENUE, FOUR HUNDRED THIRTEEN FEET (413) TO A STAKE IN THE WEST LINE OF THE SOUTHERN COTTON OIL COMPANY'S PROPERTY; THENCE SOUTH WITH SAID WEST LINE 255.2 FEET TO A STAKE; THENCE WEST ALONG THE NORTH LINE OF PROPERTY OF SOUTHERN COTTON OIL COMPANY 417.9 FEET TO A STAKE; THENCE NORTH 252.3 FEET TO THE POINT OF BEGINNING.

TRACT 4

PART OF LOTS 25 AND 26 OF WILLIAMS AVENUE COLORED SUBDIVISION: BEGINNING AT A STAKE AT THE NORTHWEST CORNER OF LOT 25, SAID POINT BEING IN THE NORTH RIGHT OF WAY LINE OF SOUTHERN RAILWAY 149.2 FEET IN A SOUTHEASTERLY DIRECTION FROM THE EAST OR SOUTH LINE OF WILLIAMS AVENUE, AS MEASURED ALONG SAID RIGHT OF WAY LINE; THENCE IN A SOUTHEASTERLY DIRECTION WITH SAID RIGHT OF WAY LINE 92 FEET TO A STAKE; THENCE IN A NORTHEASTWARDLY DIRECTION 86 FEET MORE OR LESS TO A POINT IN THE NORTH LINE OF LOT 25, 124.6 FEET EAST OF THE NORTHWEST CORNER OF SAME, AS MEASURED ALONG SAID LOT LINE, SAID POINT ALSO BEING 125 FEET SOUTH OF THE SOUTH LINE OF WILLIAMS AVENUE; THENCE WEST AND PARALLEL TO WILLIAMS AVENUE 124.6 FEET TO THE POINT OF BEGINNING.

TRACT 5

THE NORTH 31 FEET OF LOT 33, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE. BEGINNING AT A POINT IN THE WEST LINE OF SOUTH MANSFIELD STREET, 300 FEET SOUTH OF THE SOUTH LINE OF WILLIAMS AVENUE; THENCE SOUTHWARDLY WITH THE WEST LINE OF SOUTH MANSFIELD STREET 31 FEET TO A POINT; THENCE WESTWARDLY PARALLEL WITH WILLIAMS AVENUE 78.37 FEET TO THE EAST LINE OF SOUTHERN RAILWAY RIGHT OF WAY; THENCE NORTHWARDLY WITH SAID EAST LINE 45.15 FEET TO A POINT; THENCE EASTWARDLY 111.2 FEET TO THE POINT OF BEGINNING.

TRACT 6

THE SOUTH PART OF LOT 33 OF WILLIAMS AVENUE COLORED SUBDIVISION, AS RECORDED IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE, AND DESCRIBED AS:

BEGINNING AT A POINT IN THE WEST LINE OF SOUTH MANSFIELD STREET, 74 FEET NORTH OF THE INTERSECTION OF THE WEST LINE OF SOUTH MANSFIELD STREET WITH THE NORTHEAST LINE OF SOUTHERN AVENUE; THENCE WEST 82 FEET MORE OR LESS TO A POINT IN THE NORTHEAST LINE OF SOUTHERN AVENUE; THENCE SOUTHEASTWARDLY ALONG SAID NORTHEAST LINE OF SOUTHERN AVENUE 113 FEET MORE OR LESS, TO THE POINT OF INTERSECTION OF THE NORTHEAST LINE OF SOUTHERN AVENUE WITH THE WEST LINE OF SOUTH MANSFIELD STREET, THENCE NORTH ALONG SAID WEST LINE OF SOUTH MANSFIELD STREET, 74 FEET TO THE POINT OF BEGINNING.

TRACT 7

THE NORTH 34 FEET OF LOT 36, WILLIAMS AVENUE COLORED SUBDIVISION AS PER PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

TRACT 8

THE SOUTH SIXTEEN (16) FEET OF LOT 36 AND THE NORTH TEN (10) FEET OF LOT 37 OF WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38 OF SHELBY COUNTY REGISTER'S OFFICE.

BEGINNING AT A POINT IN THE EASTERLY LINE OF MANSFIELD STREET 134.0 FEET SOUTHERLY FROM THE SOUTHERLY LINE OF WILLIAMS AVENUE AS MEASURED ALONG THE SAID EASTERLY LINE OF MANSFIELD STREET; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF WILLIAMS AVENUE 121.0 FEET TO A POINT; THENCE SOUTHERLY PARALLEL WITH THE EASTERLY LINE OF MANSFIELD STREET 26.0 FEET TO A POINT; THENCE WESTERLY PARALLEL WITH THE SOUTHERLY LINE OF WILLIAMS AVENUE 121.0 FEET TO A POINT IN THE EASTERLY LINE OF MANSFIELD STREET; THENCE NORTHERLY ALONG THE EASTERLY LINE OF MANSFIELD STREET 26.0 FEET TO POINT OF BEGINNING.

TRACT 9

THE SOUTH 40 FEET OF LOT 37 WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE.

TRACT 10

THE SOUTH 31 1/2 FEET OF LOT 41 AND THE NORTH 2.5 FEET OF LOT 42 OF WILLIAMS AVENUE COLORED SUBDIVISION AS PER PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 OF SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE.

TRACT 11

PART OF LOT 42 OF WILLIAMS AVENUE COLORED SUBDIVISION, AS RECORDED IN PLAT BOOK 7, PAGE 38, OF SHELBY COUNTY REGISTER'S OFFICE. BEGINNING AT A POINT IN THE EAST LINE OF SOUTH MANSFIELD STREET 16.2 FEET NORTH OF THE INTERSECTION OF THE NORTHEASTERLY LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY, WITH SAID EAST LINE OF SOUTH MANSFIELD STREET; THENCE EAST 108 FEET, MORE OR LESS; THENCE NORTH, PARALLEL WITH THE EAST LINE OF SOUTH MANSFIELD STREET 34 FEET; THENCE WEST 108 FEET MORE OR LESS; THENCE SOUTH 33.5 FEET ALONG SAID EAST LINE OF SOUTH MANSFIELD STREET TO POINT OF BEGINNING.

TRACT 12

THE SOUTH PART OF LOT 43 OF WILLIAMS AVENUE COLORED SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38 OF SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE. BEGINNING AT A POINT IN THE NORTHEAST LINE OF SOUTHERN RAILWAY RIGHT OF WAY, 27 FEET SOUTHEAST OF THE INTERSECTION OF THE EAST LINE OF SOUTH MANSFIELD STREET WITH THE NORTHEAST LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY; THENCE SOUTHEASTWARDLY 121.5 FEET, MORE OR LESS, WITH SAID NORTHEAST LINE OF SOUTHERN RAILWAY RIGHT OF WAY; THENCE NORTH 82 FEET, MORE OR LESS; THENCE WEST 89 FEET, MORE OR LESS, TO POINT OF BEGINNING.

TRACT 13

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF MANSFIELD STREET AND THE NORTH LINE OF SOUTHERN RAILWAY RIGHT OF WAY; THENCE IN A SOUTHEAST DIRECTION WITH THE SAID SOUTHERN RAILWAY RIGHT OF WAY 27 FEET; THENCE EAST PARALLEL WITH WILLIAMS AVENUE 89 FEET MORE OR LESS; THENCE NORTH PARALLEL WITH MANSFIELD STREET 35 FEET; THENCE WEST

108 FEET, MORE OR LESS, TO THE EAST LINE OF MANSFIELD STREET; THENCE SOUTH 16.2 FEET TO THE POINT OF BEGINNING, BEING PART OF LOTS 42 AND 43 OF WILLIAMS AVENUE COLORED SUBDIVISION RECORDED IN PLAT BOOK 7, PAGE 38, OF SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE.

TRACT 14

LOT 38 AND THE NORTH 10 FEET OF LOT 39, WILLIAMS COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

TRACT 15

THE SOUTH 15 FEET OF LOT 40 AND THE NORTH 18.5 FEET OF LOT 41, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT S5 1873, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE.

PARCEL XXVII

TRACT 1

BEGINNING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE (32 FEET WIDE) 8 FEET NORTH OF THE NORTHEAST CORNER OF LOT 34 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, SAID BEGINNING POINT BEING 121 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET, AND RUNNING THENCE EASTWARDLY ALONG THE SOUTH LINE OF WILLIAMS AVENUE 413 FEET TO A POINT IN THE WEST LINE OF THAT PART OF THE FORMER SOUTHERN COTTON OIL COMPANY PROPERTY KNOWN AS LOT 10 OF THE A. B. CARR SUBDIVISION; THENCE SOUTHWARDLY BY A RIGHT ANGLE 235.73 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 231 DEGREES 44 MINUTES A DISTANCE OF 98.90 FEET TO A POINT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE 136.13 FEET TO A POINT; THENCE NORTHWESTWARDLY BY AN INTERIOR ANGLE OF 91 DEGREES 49 MINUTES A DISTANCE OF 95.72 FEET TO A POINT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE 136.67 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY A RIGHT ANGLE 41.97 FEET TO A POINT; THENCE SOUTHWESTWARDLY BY AN INTERIOR ANGLE OF 90 DEGREES 29 MINUTES A DISTANCE OF 102.18 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 269 DEGREES 31 MINUTES A DISTANCE OF 62.25 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 179 DEGREES 00 MINUTES A DISTANCE OF 70.38 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 181 DEGREES 00 MINUTES A DISTANCE OF 73.08 FEET TO A POINT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE OF 171.90 FEET TO A POINT IN THE NORTHERLY LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY (100 FEET WIDE); THENCE NORTHWESTWARDLY (BY AN INTERIOR ANGLE OF 85 DEGREES 28 MINUTES AS MEASURED TO THE CHORD) ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE SOUTHERN RAILWAY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 3769.83 FEET A DISTANCE OF 434.80 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO A POINT OF TANGENCY; THENCE CONTINUING NORTHWESTWARDLY (BY AN INTERIOR ANGLE OF 177 DEGREES 07 MINUTES AS MEASURED FROM THE CHORD) ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE SOUTHERN RAILWAY 116 FEET TO AN INTERSECTION WITH THE EAST LINE OF MANSFIELD STREET; THENCE NORTHWARDLY ALONG THE EAST LINE OF MANSFIELD STREET BY AN INTERIOR ANGLE OF 133 DEGREES 06 MINUTES A DISTANCE OF 50.23 FEET TO A POINT THAT IS 2.5 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 42 OF THE

WILLIAMS AVENUE COLORED SUBDIVISION; THENCE EASTWARDLY ON A LINE 2.5 FEET SOUTHWARDLY FROM AND PARALLEL WITH THE NORTH LINE OF LOT 42 BY AN INTERIOR ANGLE OF 90 DEGREES 46 MINUTES A DISTANCE OF 121 FEET TO A POINT IN THE EAST LINE OF THE WILLIAMS AVENUE COLORED SUBDIVISION; THENCE NORTHWARDLY ALONG THE EAST LINE OF SAID SUBDIVISION BY AN INTERIOR ANGLE OF 269 DEGREES 14 MINUTES AND RUNNING PARALLEL WITH MANSFIELD STREET 410.5 FEET TO THE POINT OF BEGINNING.

EXCEPTED FROM THE CONVEYANCE OF THE ABOVE IDENTIFIED PROPERTY IS THE FOLLOWING PROPERTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE AT THE NORTHEAST CORNER OF SAID THE SOUTHERN COTTON OIL CO., INC. TRACT, SAID POINT BEING 534 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET, THENCE SOUTHWARDLY ALONG THE EAST LINE OF SAID THE SOUTHERN COTTON OIL CO., INC. TRACT 235.73 FEET TO A CORNER OF THE SOUTHERN COTTON OIL CO., INC. TRACT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 231 DEGREES 44 MINUTES A DISTANCE OF 85.85 FEET TO THE BEGINNING POINT OF THE PARCEL HEREINAFTER DESCRIBED:

THENCE CONTINUING SOUTHEASTWARDLY ON THE LAST DESCRIBED BEARING 13.05 FEET TO A CORNER OF THE SOUTHERN COTTON OIL CO., INC. TRACT; THENCE SOUTHWESTWARDLY BY A RIGHT ANGLE AND CONTINUING ALONG THE LINE OF THE SOUTHERN COTTON OIL CO., INC. TRACT 136.13 FEET TO A CORNER OF SAID TRACT; THENCE NORTHWESTWARDLY BY AN INTERIOR ANGLE OF 91 DEGREES 49 MINUTES AND CONTINUING ALONG THE LINE OF SAID TRACT 95.72 FEET TO A CORNER OF SAID TRACT; THENCE LEAVING THE LINE OF SAID TRACT AND RUNNING NORTHEASTWARDLY BY A RIGHT ANGLE 92.14 FEET TO A POINT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 117 DEGREES 00 MINUTES A DISTANCE OF 97.64 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT THAT PROPERTY ALREADY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT S5 1873 LABELED AS PARCELS 3, 11, 12 AND 13, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE.

TRACT 2

COMMENCING AT A POINT IN THE SOUTH LINE OF WILLIAMS AVENUE AT THE NORTHEAST CORNER OF THE 6.36 ACRE TRACT CONVEYED TO THE SOUTHERN COTTON OIL CO., INC., PER DEED OF RECORD IN INSTRUMENT E7 8189, SAID POINT BEING 534 FEET EASTWARDLY FROM THE EAST LINE OF MANSFIELD STREET, THENCE SOUTHWARDLY ALONG THE EAST LINE OF SAID THE SOUTHERN COTTON OIL CO., INC., A TRACT 21.90 FEET TO THE BEGINNING POINT OF THE PARCEL HEREINAFTER DESCRIBED:

THENCE SOUTHWARDLY ALONG THE EAST LINE OF THE SOUTHERN COTTON OIL CO., INC., 213.83 FEET TO A CORNER OF SAID TRACT; THENCE SOUTHEASTWARDLY BY AN INTERIOR ANGLE OF 128 DEGREES 16 MINUTES CONTINUING ALONG THE EASTERLY LINE OF SAID TRACT, 85.85 FEET TO A POINT; THENCE LEAVING SAID EASTERLY LINE AND RUNNING EASTWARDLY BY AN INTERIOR ANGLE OF 151 DEGREES 11 MINUTES A DISTANCE OF 44.52 FEET TO A POINT; THENCE NORTHEASTWARDLY BY AN INTERIOR ANGLE OF 116 DEGREES 35 MINUTES A DISTANCE OF 144.16 FEET TO A POINT; THENCE NORTHWARDLY BY AN INTERIOR ANGLE OF 153 DEGREES 29 MINUTES A DISTANCE OF 144 FEET TO A POINT; THENCE WESTWARDLY BY AN INTERIOR ANGLE OF 84 DEGREES 37 MINUTES A DISTANCE OF 220.20 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT S5 1874, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXVIII

LOT 1 AND THE WEST 42 FEET OF LOT 2, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF WILLIAMS AVENUE WITH THE EAST LINE OF A CERTAIN ALLEY SHOWN ON SAID PLAT, AND RUNNING THENCE EAST WITH THE NORTH LINE OF WILLIAMS AVENUE 112 FEET TO A POINT; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID LOT 2, 97 ½ FEET TO THE SOUTH LINE OF AFORESAID ALLEY; THENCE SOUTHWESTWARDLY WITH SAID SOUTH LINE 146.9 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT T1 3660, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXIX

THE NORTH 40 FEET OT LOT 34, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT OF THE INTERSECTION OF EAST LINE OF SOUTH MANSFIELD STREET, WITH THE SOUTH LINE OF WILLIAMS AVENUE; THENCE SOUTH WITH THE EAST LINE OF SAID S. MANSFIELD STREET 40 FEET TO A POINT; THENCE EAST PARALLEL WITH WILLIAMS AVENUE 121 FEET; THENCE NORTH PARALLEL WITH S. MANSFIELD STREET 40 FEET; THENCE WEST WITH THE SAID SOUTH LINE OF WILLIAMS AVENUE 121 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT U1 5850, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXX

LOT 11, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT U3 1310, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXI

PARTS OF LOTS 31 AND 32, WILLIAMS AVENUE COLORED SUBDIVISION, IN THE CITY OF MEMPHIS AS PER PLAT RECORDED IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE SHELBY COUNTY, TENNESSEE: BEGINNING AT A POINT IN THE WEST LINE OF SOUTH MANSFIELD STREET 153 FEET NORTHWARDLY FROM THE NORTH LINE OF THE SOUTHERN RAILWAY 100 FOOT RIGHT OF WAY; THENCE NORTHWARDLY ALONG THE WEST LINE OF SOUTH MANSFIELD STREET 27 FEET TO A POINT IN THE SOUTH LINE OF THE BARTHOLOMEW LOT AS PER BOOK 1255 PAGE 613, IN THE REGISTER'S OFFICE SHELBY COUNTY, TENNESSEE, SAID POINT BEING 225 FEET SOUTHWARDLY FROM THE SOUTH LINE OF WILLIAMS AVENUE; THENCE WESTWARDLY ALONG SAID SOUTH LINE OF THE BARTHOLOMEW LOT AND PARALLEL TO WILLIAMS AVENUE 125 FEET TO A POINT IN THE EAST LINE OF LOT 26; THENCE SOUTHWARDLY ALONG SAID EAST LINE OF LOT 26 AND PARALLEL TO SOUTH MANSFIELD STREET 22.2 FEET TO A POINT IN THE NORTH LINE OF THE BUTLER LOT AS PER BOOK 1275, PAGE 609, IN THE SAID REGISTER'S OFFICE; THENCE EASTWARDLY ALONG SAID NORTH LINE OF THE BUTLER LOT 125.09 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT U8 4655, IN

THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXII

PART OF LOTS 31 AND 32 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF MANSFIELD STREET 153 FEET NORTH OF THE INTERSECTION OF THE WEST LINE OF MANSFIELD STREET AND THE NORTHERLY LINE OF SOUTHERN RAILWAY 100 FOOT RIGHT OF WAY; THENCE WESTWARDLY 125 FEET, MORE OR LESS, TO A POINT 2.8 FEET NORTH OF THE INTERSECTION OF THE NORTH LINE OF LOT 32 WITH THE EAST LINE OF LOT 26 OF SAID SUBDIVISION; THENCE SOUTH 39.3 FEET TO THE SOUTHERN RAILWAY RIGHT OF WAY; THENCE SOUTHEASTWARDLY ALONG SAID RIGHT OF WAY 18.5 FEET; THENCE EASTWARDLY 111.2 FEET; THENCE ALONG SAID WEST LINE OF MANSFIELD STREET 48 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT U9 2854, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXIII

THE WEST 76.7 FEET OF LOT 20, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT V3 8818, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXIV

PART OF LOTS 25 AND 26 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STAKE IN THE NORTH LINE OF THE RIGHT OF WAY OF THE SOUTHERN RAILWAY COMPANY, 241.2 FEET EASTWARDLY FROM THE INTERSECTION OF THE SOUTH LINE OF WILLIAMS AVENUE WITH THE NORTH RIGHT OF WAY LINE OF THE SOUTHERN RAILWAY COMPANY; THENCE NORTHEASTWARDLY WITH THE FENCE AT RIGHT ANGLES TO THE SOUTHERN RAILWAY COMPANY RIGHT OF WAY, 86 FEET TO A POINT IN THE SOUTH LINE OF LOT 24, SAID SUBDIVISION; THENCE EASTWARDLY WITH SAID SOUTH LINE 45 FEET TO A POINT WHICH IS THE NORTHEAST CORNER OF LOT 25, SAID SUBDIVISION; THENCE SOUTHWESTWARDLY WITH A FENCE 118 FEET TO A POINT IN THE NORTH LINE OF THE SOUTHERN RAILWAY COMPANY RIGHT OF WAY; THENCE WESTWARDLY ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT V9 2307, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE

PARCEL XXXV

THE SOUTH 25 FEET OF LOT 35, WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF

RECORD IN PLAT BOOK 7, PAGE 38 IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR OF SAID PROPERTY. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT V9 9808, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXVI

PART OF LOTS 25 AND 26 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF THE RIGHT OF WAY OF THE SOUTHERN RAILROAD, SAID POINT BEING 291.2 FEET SOUTHEASTWARDLY FROM THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTHERN RAILROAD RIGHT OF WAY AND THE SOUTH LINE OF WILLIAMS AVENUE, AND BEING THE SOUTHEAST CORNER OF THE PROPERTY CONVEYED TO ROBINSON BY WARRANTY DEED OF RECORD IN BOOK 810, PAGE 373, SAID REGISTER'S OFFICE; THENCE SOUTHEASTWARDLY ALONG THE NORTH LINE OF THE SOUTHERN RAILROAD RIGHT OF WAY 90.7 FEET TO THE SOUTHEAST CORNER OF LOT 26 OF SAID SUBDIVISION; THENCE NORTHWARDLY ALONG THE EAST LINE OF LOTS 26 AND 25 A DISTANCE OF 165 FEET TO THE NORTHEAST CORNER OF LOT 25; THENCE SOUTHWESTWARDLY 118 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT W4 4935, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXVII

THE NORTH 35 FEET OF LOT 40 OF THE WILLIAMS AVENUE COLORED SUBDIVISION, AS SHOWN BY PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE EAST LINE OF MANSFIELD STREET 300 FEET SOUTH OF THE SOUTH LINE OF WILLIAMS AVENUE; THENCE SOUTHWARDLY WITH THE EAST LINE OF MANSFIELD STREET 35 FEET; THENCE EASTWARDLY PARALLEL WITH THE SOUTH LINE OF WILLIAMS AVENUE 108 FEET, MORE OR LESS; THENCE NORTHWARDLY PARALLEL WITH MANSFIELD STREET 35 FEET; THENCE WESTWARDLY 108 FEET MORE OR LESS TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT Z3 4557, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXVIII

THE EAST 20 FEET OF LOT 21 AND THE WEST 15 FEET OF LOT 22 OF THE WILLIAMS AVENUE SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38, IN THE OFFICE OF THE REGISTER OF SHELBY COUNTY, TENNESSEE. FRONTING 35 FEET ON THE SOUTH SIDE OF WILLIAMS AVENUE BY A DEPTH BETWEEN PARALLEL LINES OF 125 FEET MORE OR LESS.

BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT Z4 3183, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XXXIX

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF MANSFIELD STREET (50' WIDE) AND THE SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE (40' WIDE); THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE N 89 DEG. 59 MIN. 19 SEC. E A DISTANCE OF 50

FEET TO THE EAST RIGHT OF WAY LINE OF MANSFIELD STREET; THENCE ALONG SAID EAST RIGHT OF WAY LINE S 00 DEG. 46 MIN. 19 SEC. W A DISTANCE OF 452.73 FEET TO THE INTERSECTIONS OF SAID EAST RIGHT OF WAY LINE AND THE NORTHEAST RIGHT OF WAY LINE OF THE SOUTHERN RAILROAD (100' WIDE); THENCE ALONG SAID NORTHEAST RIGHT OF WAY LINE N 46 DEG. 07 MIN. 07 SEC. W A DISTANCE OF 68.49 FEET TO THE INTERSECTION OF THE SAID NORTHEAST RIGHT OF WAY LINE AND THE WEST RIGHT OF WAY LINE OF MANSFIELD STREET; THENCE ALONG SAID WEST RIGHT OF WAY LINE N 00 DEG. 46 MIN. 19 SEC. E A DISTANCE OF 405.24 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED IN QUIT CLAIM DEED OF RECORD IN INSTRUMENT BV 7234, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XL

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF WILLIAMS AVENUE (40' WIDE) AND THE NORTHEAST RIGHT OF WAY LINE OF THE SOUTHERN RAILROAD (100' WIDE); THENCE N 32 DEG. 33 MIN. 14 SEC. E A DISTANCE OF 75.46 FEET TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF WILLIAMS AVENUE AND THE EAST RIGHT OF WAY LINE OF AN ALLEY (CURRAN STREET) (20' WIDE); THENCE ALONG SAID NORTH RIGHT OF WAY LINE N 89 DEG. 59 MIN. 19 SEC. E A DISTANCE OF 970 FEET TO THE EAST LINE OF THE WILLIAMS AVENUE SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 38 (SCRO); THENCE S 00 DEG. 37 MIN. 41 SEC. E A DISTANCE OF 32 FEET TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE (32' WIDE); THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE S 89 DEG. 59 MIN. 19 SEC. W A DISTANCE OF 437.66 FEET; THENCE S 00 DEG. 46 MIN. 19 SEC. W A DISTANCE OF 8 FEET TO THE SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE (40' WIDE); THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE S 89 DEG. 59 MIN. 19 SEC. W A DISTANCE OF 529.73 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF WILLIAMS AVENUE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 45 FEET AN ARC DISTANCE OF 33.04 FEET TO A POINT; THENCE CONTINUING S 47 DEG. 55 MIN. 21 SEC. W A DISTANCE OF 17.92 FEET TO THE POINT OF BEGINNING. BEING THE SAME PROPERTY CONVEYED IN WARRANTY DEED OF RECORD IN INSTRUMENT CD 4980, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL XLI

THE EAST 35 FEET OF LOT 22 OF THE WILLIAMS AVENUE COLORED SUBDIVISION RECORDED IN PLAT BOOK 7, PAGE 38, OF THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH SIDE OF WILLIAMS AVENUE 225 FEET WEST OF THE WEST LINE OF MANSFIELD STREET; THENCE RUNNING WEST WITH THE SAID SOUTH LINE OF WILLIAMS AVENUE 35 FEET; THENCE SOUTH AND PARALLEL WITH MANSFIELD STREET 125 FEET; THENCE EAST AND PARALLEL WITH WILLIAMS AVENUE 35 FEET; THENCE NORTH AND PARALLEL WITH MANSFIELD STREET 125 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY VESTED TO CONAGRA FOODS PACKAGED FOOD, LLC, BY FINAL ORDER QUIETING TITLE AND REFORMING DEED OF RECORD IN INSTRUMENT 18090795, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

Also described according to a survey prepared by Commercial Due Diligence Services dated February 16, 2017, last revised December 20, 2018, project No. 17-01-0222 as follows:

A PARCEL OF LAND SITUATED AT KANSAS CITY JUNCTION, NEAR THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND AT THE MOST NORTHERLY, NORTHWEST CORNER OF LOT 2, WILLIAMS AVENUE COLORED SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 7, PAGE 38, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, SAID CORNER BEING LOCATED ON THE SOUTHEASTERLY LINE OF A 20 FOOT WIDE ALLEY AS SHOWN ON SAID PLAT; THENCE S85°29'52"E WITH THE NORTH LINE OF SAID SUBDIVISION AND EXTENDING FOR A TOTAL DISTANCE OF 1404.50 FEET TO AN OLD RAILROAD IRON SET IN CONCRETE AT THE NORTHWEST CORNER OF THE TRACT CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 364, PAGE 9; THENCE S04°15'08"W ALONG THE WEST LINE OF SAID UNION RAILWAY COMPANY TRACT FOR A DISTANCE OF 672.10 FEET TO AN INTERSECTION WITH THE NORTHWEST LINE OF THE 66 FT. WIDE STRIP OF LAND CONVEYED TO THE UNION RAILWAY COMPANY BY DEED OF RECORD IN BOOK 318, PAGE 463; THENCE S29°11'08"W ALONG THE NORTHWEST LINE OF SAID 66 FT. WIDE STRIP FOR A DISTANCE OF 642.00 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF THE SOUTHERN RAILWAY RIGHT OF WAY (100 FEET WIDE); THENCE NORTHWESTWARDLY WITH THE NORTHEASTERLY LINE OF SAID RAILWAY RIGHT OF WAY, 524.61 FEET WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3769.83 FEET AND A CHORD BEARING AND DISTANCE OF N51°31'52"W, 524.19 FEET; THENCE CONTINUING NORTHWESTWARDLY WITH SAID RAILWAY RIGHT OF WAY, 406.18 FEET WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3769.83 FEET AND A CHORD BEARING AND DISTANCE OF N44°33'57"W, 405.98 FEET; THENCE CONTINUING WITH SAID RAILWAY RIGHT OF WAY N41°04'43"W A DISTANCE OF 767.17 FEET TO THE INTERSECTION OF THE SOUTHERLY LINE OF WILLIAMS AVENUE (40 FEET WIDE) AND THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID SOUTHERN RAILROAD (100 FEET WIDE); THENCE N37°36'05"E A DISTANCE OF 75.46 FEET TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF WILLIAMS AVENUE AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF AN ALLEY (CURRAN STREET-20 FEET WIDE); THENCE WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID ALLEY, N52°58'11"E A DISTANCE OF 145.42 FEET TO THE POINT OF BEGINNING.

True Copy Certification

I, James R. O'Donnell, 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.

James R. O'Donnell
Signature

State of Nebraska

County of Douglas

Personally appeared before me, [Name of Notary], a notary public for this county and state, [name of person making certification] who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Debra J. Saxton



Notary's Signature

My Commission Expires: _____
Notary' Seal (if on paper)



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

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

May 10, 2024

SR Consulting, LLC
5909 Shelby Oaks Drive, Suite 200
Memphis, TN 38134

Sent via electronic mail to: cindy.reaves@srce-memphis.com

Case Number: Z 2024-004
LUCB Recommendation: Approval

Dear applicant,

On Thursday, May 9, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at 1351 Williams Ave to be included in the Heavy Industrial (IH) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at chloe.christion@memphistn.gov.

Respectfully,



Chloe Christion

Letter to Applicant
Z 2024-004

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

Cc: Melanie Jones, SR Consulting LLC
Erik Bute, FWS Industrial Projects USA
File

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

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

- CASE NUMBER:** Z 2024-004
- LOCATION:** 1351 Williams Avenue
- COUNCIL DISTRICTS:** District 6 and Super District 9 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Richardson Oilseed Products US Limited
- REPRESENTATIVE:** Cindy Reaves, SRC Consulting
- REQUEST:** Rezoning of +/-6.2 acres from Employment (EMP) to Heavy Industrial (IH)
- RECOMMENDATIONS:**

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

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

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

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

THIS THE _____, _____

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

polygonLayer


- Override 1
- Override 2

polygonLayer



- Override 1

Roads

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



Map prepared through Shelby County Government's online mapping Portal on 7/29/2024

CHARNG LLC
1979 FELIX AVE #
MEMPHIS TN 38104

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

BUZZI READY MIX LLC
1029 JOHN A DENIE DR #
MEMPHIS TN 38134

KNIGHT JACK G AND GENE E WILSON
PO BOX 40406 #
MEMPHIS TN 38174

PINNACLE TOWER ACQUISITION LLC
4017 WASHINGTON RD #353
MCMURRAY PA 15317

HECHINGER RICHARD A
830 S BELLEVUE BLVD #
MEMPHIS TN 38104

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

KNIGHT JACK AND GENE WILSON
P O BOX 40406 #
MEMPHIS TN 38174

KNIGHT JACK AND GENE WILSON
PO BOX 40406 #
MEMPHIS TN 38174

KNIGHT JACK G AND GENE E WILSON
PO BOX 40406 #
MEMPHIS TN 38174

RICHARDSON OILSEED PRODUCTS US LIMITED
2800 ONE LOMBARD PL #
WINNIPEG MB

ROBERTS FAMILY COMPANIES INC
P.O BOX 771385 #
MEMPHIS TN 38177

SHELBY COUNTY TENNESSEE
584 ADAMS AVE #
MEMPHIS TN 38103

ADVANCE MEMPHIS
PO BOX 2201 #
MEMPHIS TN 38101

SOUTHERN MAINTENANCE LLC
1267 SEVERSON AVE #
MEMPHIS TN 38106

UNION RAILWAY COMPANY
1400 DOUGLAS ST #
OMAHA NE 68179

BNSF RAILWAY COMPANY
P O BOX 961089 #
FORT WORTH TX 76161

CITY OF MEMPHIS
GENERAL DELIVERY #
MEMPHIS TN 38101

SOUTH MEMPHIS ALLIANCE INC
1048 S BELLEVUE BLVD #
MEMPHIS TN 38103

SHIBEROU ERMYIAS
1788 MADISON AVE #
MEMPHIS TN 38104

WASTE CONNECTIONS OF TENNESSEE INC
3 WATERWAY SQUARE WAY #110
THE WOODLANDS TX 77380

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 08/06/2024
DATE
PUBLIC SESSION: 08/20/2024
DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the east side of Elvis Presley Boulevard, +/- 208 feet north of Commercial Parkway. By taking the land out of the Residential Single-Family – 15 (R-15) Use District and including it in the Commercial Mixed Use – 1 (CMU-1) District, known as case number Z 2024 – 006

CASE NUMBER: Z 2024 – 006

LOCATION: 3230 Commercial Parkway

COUNCIL DISTRICTS: District 3

OWNER/APPLICANT: Yaaqob Al Shugga

REPRESENTATIVES: David Bray, The Bray Firm

REQUEST: Rezoning of +/-20, 265 square feet from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1) located at 3230 Commercial Parkway

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – August 06, 2024
Second reading – August 20, 2024
Third reading – September 10, 2024

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
07/11/2024 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>
_____	_____	PLANNER I
_____	_____	DEPUTY ADMINISTRATOR
<u>Brett Regada</u>	<u>July 29, 2024</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2024 - 006

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3230 COMMERCIAL PARKWAY ON THE EAST SIDE OF ELVIS PRESLEY BOULEVARD, +/- 208 FEET NORTH OF COMMERCIAL PARKWAY ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 15 (R-15) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 1 (CMU-1) DISTRICT, KNOWN AS CASE NUMBER Z 2024 – 006

- 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, July 11, 2024** the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2024 – 006

LOCATION: 3230 Commercial Parkway

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

OWNER/APPLICANT: Yaaqob Al Shugga

REPRESENTATIVE: David Bray, The Bray Firm

REQUEST: Rezoning of +/-20, 265 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1)

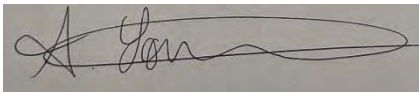
The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,

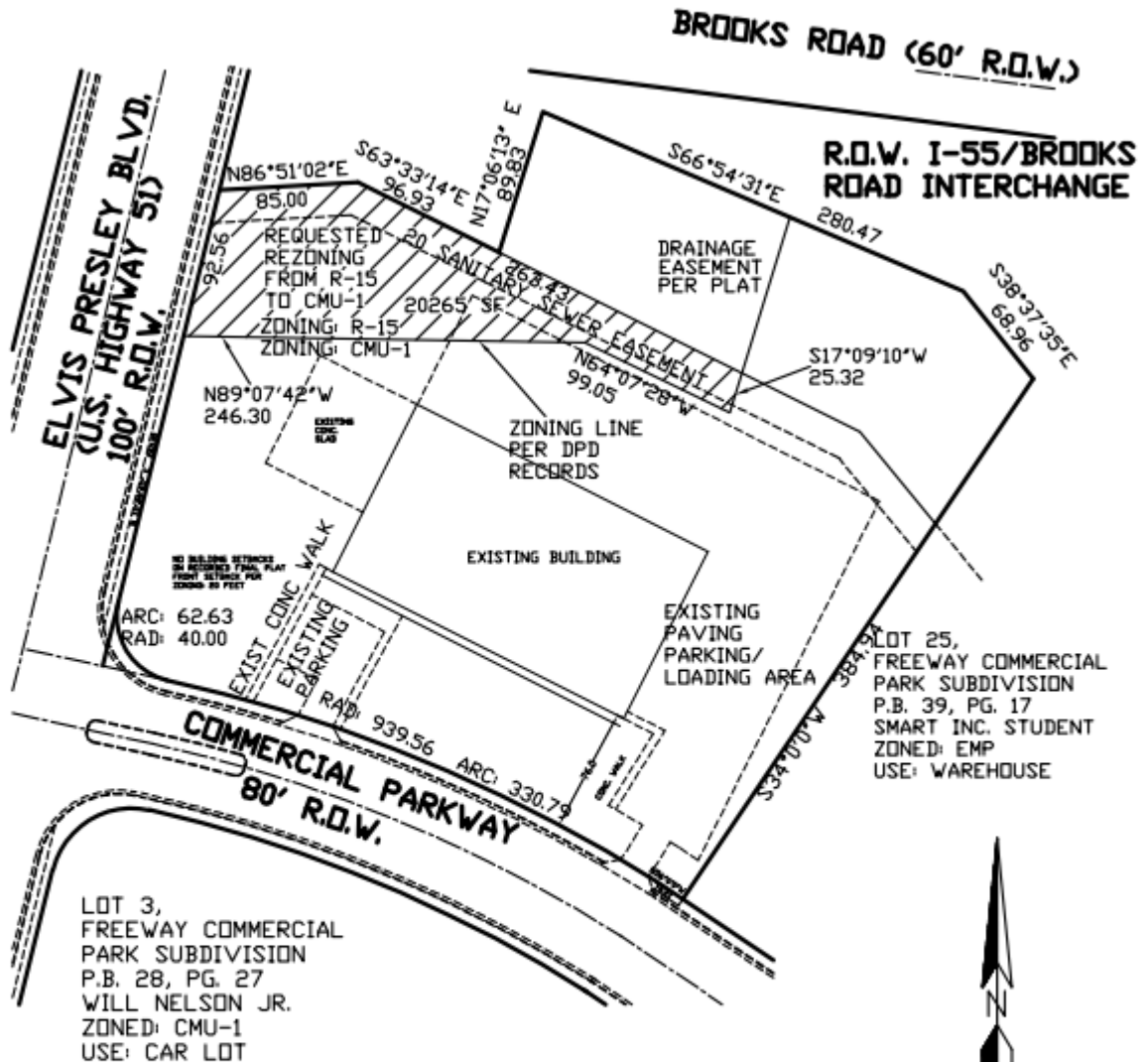


Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN

LOT SURVEY
 LOT 4
 FREEWAY COMMERCIAL
 PARK SUBDIVISION
 PB. 24, PG 42
 MEMPHIS, TN



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1:10,000 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.

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024
 SCALE: 1"=100'

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

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3230 COMMERCIAL PARKWAY BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE FAMILY – 15 (R-15) TO COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT, KNOWN AS CASE NUMBER Z 2024-006.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2024-006**; 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 – 15 (R-15) TO COMMERCIAL MIXED USE – 1 (CMU-1) USE DISTRICT.

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

Commencing at the intersection of the north line of Commercial Parkway (80-foot right of-way) and the east line of Elvis Presley Boulevard (U.S. Highway 51) (100-foot right of-way); then along the

said east line of Elvis Presley North 13 degrees 49 minutes 45 seconds East a distance of 208.49 feet to the Point of Beginning; thence continuing along said east line North 13 degrees 49 minutes 45 seconds East a distance of 92.56 feet to a point; thence South 63 degrees 33 minutes 14 seconds East a distance of 263.43 feet to a point; thence south 17 degrees 9 minutes 10 seconds West a distance of 25.32 feet to a point; thence North 64 degrees 7 minutes 28 seconds West a distance of 99.05 feet to a point; thence North 89 degrees 7 minutes 42 seconds West a distance of 246.30 feet to the Point of Beginning and containing 20265 square feet of land, more or less.

SECTION 2:

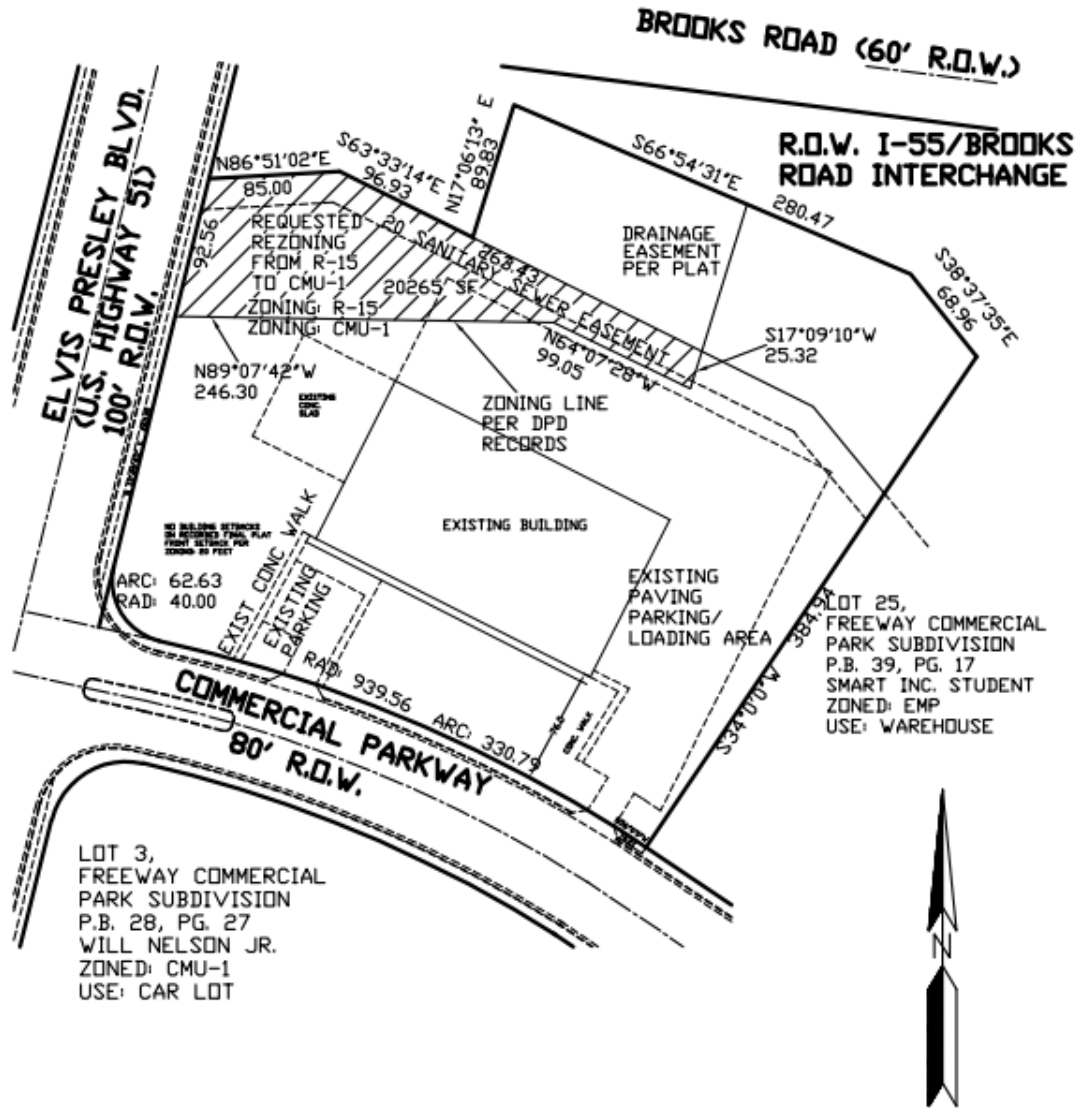
THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the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

SECTION 3:

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

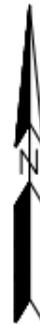
PLOT PLAN

**LOT SURVEY
LOT 4
FREEWAY COMMERCIAL
PARK SUBDIVISION
PB. 24, PG 42
MEMPHIS, TN**



LOT 3,
FREEWAY COMMERCIAL
PARK SUBDIVISION
P.B. 28, PG. 27
WILL NELSON JR.
ZONED: CMU-1
USE: CAR LOT

LOT 25,
FREEWAY COMMERCIAL
PARK SUBDIVISION
P.B. 39, PG. 17
SMART INC. STUDENT
ZONED: EMP
USE: WAREHOUSE



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1:10,000 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.

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024
SCALE: 1"=100'

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

ATTEST:

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

AGENDA ITEM: 16 **L.U.C.B. MEETING:** July 11, 2024
CASE NUMBER: Z 2024 – 006
LOCATION: 3230 Commercial Parkway
COUNCIL DISTRICT: District 3
OWNER/APPLICANT: Yaaqob Al Shugaa
REPRESENTATIVE: David Bray, The Bray Firm
REQUEST: Rezoning from Residential Single Family – 15 to Commercial Mixed Use – 1.
EXISTING ZONING: Commercial Mixed Use – 1, Residential Single – Family – 15

CONCLUSIONS

1. The applicant is requesting rezoning of a +/- 20, 265 square feet portion of the +/- 3.78-acre lot.
2. The subject property is split zoned Commercial Mixed Use – 1 (CMU-1) and the northwest portion of the parcel is zoned Residential Single – Family – 15 (R-15).
3. The applicant is requesting a zoning change of the portion zoned R-15 to CMU-1.

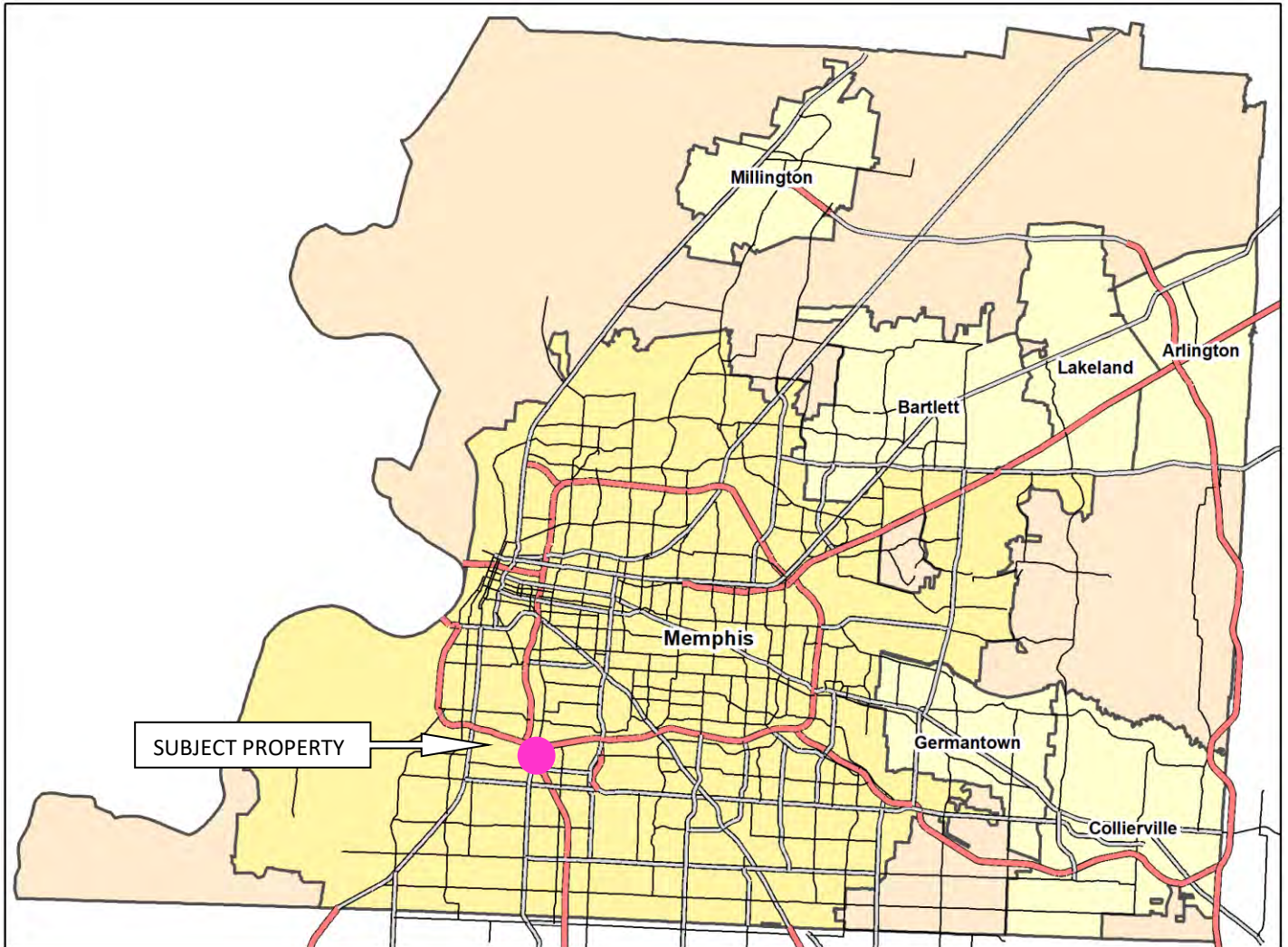
CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 15 – 16 of this report.

RECOMMENDATION:

Approval

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 28 notices were mailed on May 13, 2024, see pages 25 - 26 of this report for a copy of said notice. Additionally, xx sign was posted at the subject property, see page xx of this report for a copy of the sign affidavit (awaiting copy of sign affidavit from property owner).

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Thursday, July 1, 2024, at Southbrook Mall, 1254 East Shelby Drive.

AERIAL



Subject property outlined in yellow. The northwest portion of this site is currently zoned R-15.

ZONING MAP



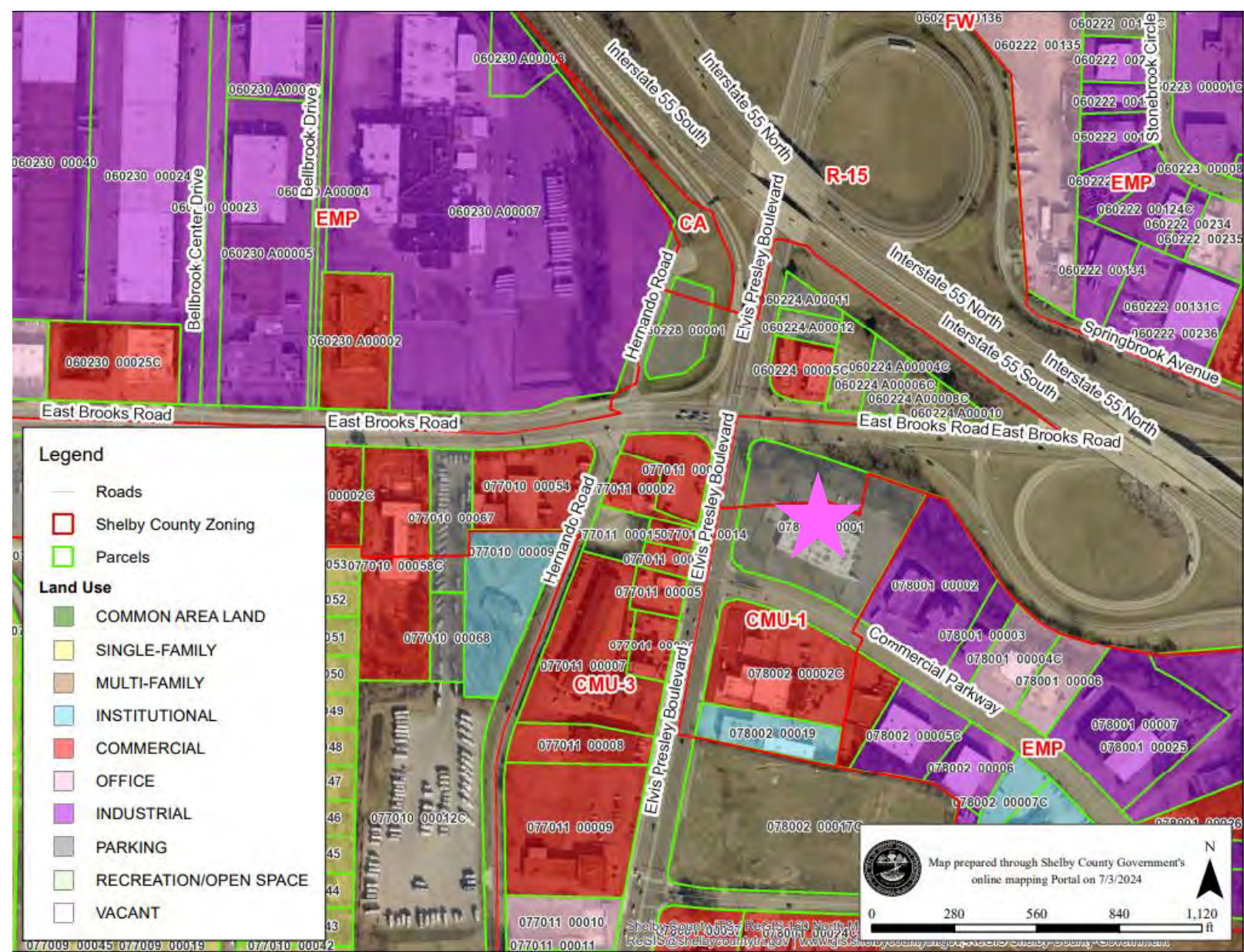
Subject area of proposed rezoning highlighted in yellow.

FEMA MAP



Subject area of proposed rezoning highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



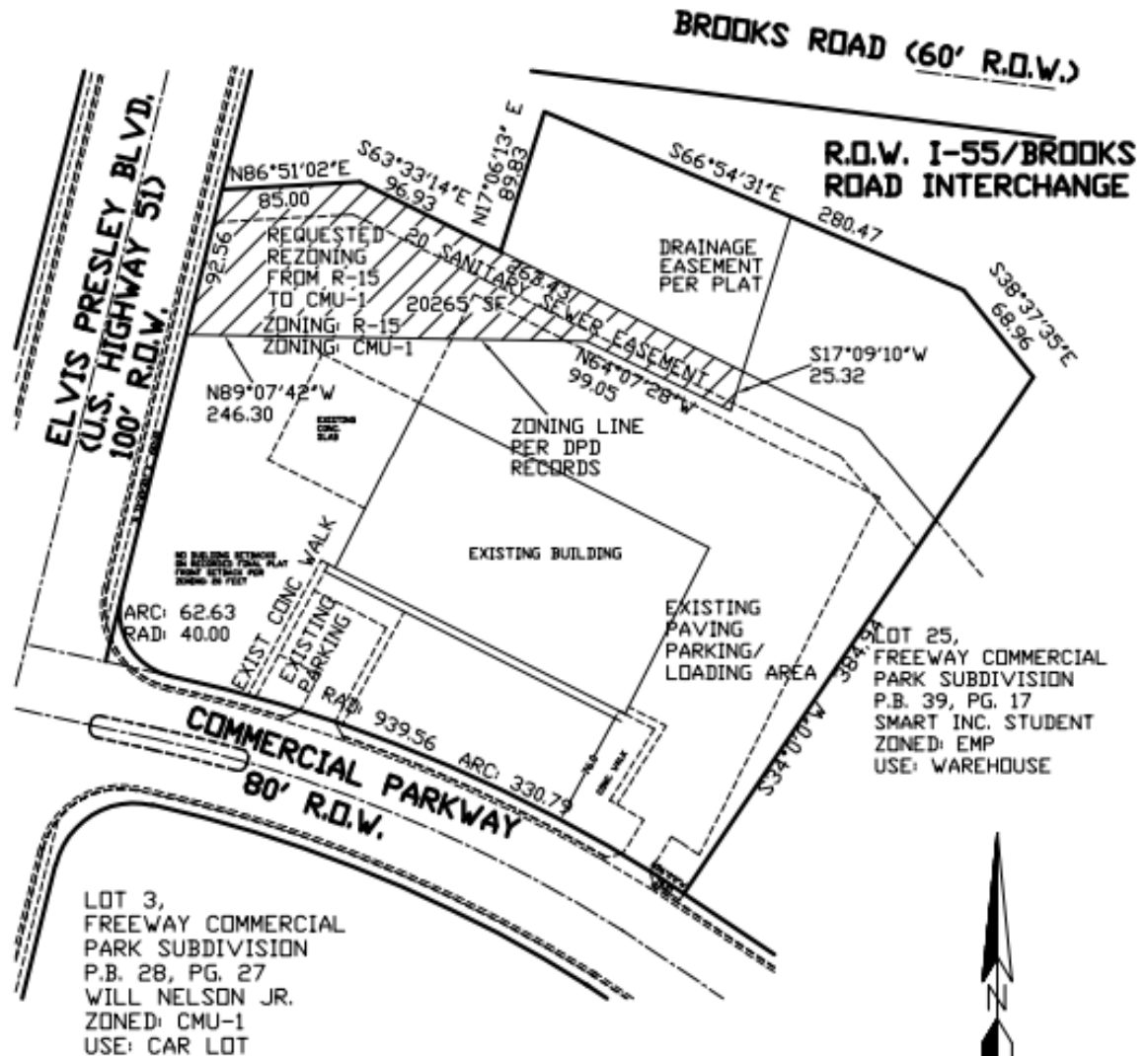
View of subject property from Elvis Presley.



View of subject property from Commercial Parkway looking North.

SURVEY

**LOT SURVEY
LOT 4
FREEWAY COMMERCIAL
PARK SUBDIVISION
PB. 24, PG 42
MEMPHIS, TN**



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE ERROR OF POSITIONAL ACCURACY DOES NOT EXCEED 1/10,000 OF A FOOT AT ANY PROPERTY CORNER SHOWN HEREDON, 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.
NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP # 47157C0420F DATED: SEPTEMBER 28, 20017

DATE: 05.09.2024
SCALE: 1"=100'

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

LOT DESCRIPTION

*Property Line Description
of
Part of Lot 4,
Freeway Commercial Park Subdivision
as recorded by
Plat Book 24, Page 42
in the
Shelby County Registers Office;
Property located in Memphis, Shelby County, Tennessee
and being more particularly described as follows:*

Commencing at the intersection of the north line of Commercial Parkway (80-foot right-of-way) and the east line of Elvis Presley Boulevard (U.S. Highway 51) (100-foot right-of-way); then along the said east line of Elvis Presley North 13 degrees 49 minutes 45 seconds East a distance of 208.49 feet to the Point of Beginning; thence continuing along said east line North 13 degrees 49 minutes 45 seconds East a distance of 92.56 feet to a point; thence South 63 degrees 33 minutes 14 seconds East a distance of 263.43 feet to a point; thence south 17 degrees 9 minutes 10 seconds West a distance of 25.32 feet to a point; thence North 64 degrees 7 minutes 28 seconds West a distance of 99.05 feet to a point; thence North 89 degrees 7 minutes 42 seconds West a distance of 246.30 feet to the Point of Beginning and containing 20265 square feet of land, more or less.

CASE REVIEW

Request

The request is a rezoning from Residential Single Family – 15 to Commercial Mixed Use – 1.

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Site Details

Address:
3230 Commercial Parkway

Parcel ID:
078001 00001

Area:
+/- 3.78 acres

Description:

The subject property is located along Elvis Presley and located within the Whitehaven neighborhood. The property is split zoned CMU-1 and R-15. There is currently a warehouse located on the property that would remain. Per the Assessor’s website, the principal structure on the site was built circa 1961 with a building area of +/- 8,000 square feet. The surrounding land uses are a mixture of commercial, industrial, institutional, and single-family and vacant lots. Additionally, this lot has two street frontages: one along Elvis Presley Boulevard and one along Commercial Parkway.

Analysis

The applicant is proposing a rezoning of +/- 20,265 square feet of the subject property that is included in the Residential Single – Family – 15 zoning district to Commercial Mixed Use – 1. The surrounding areas support the rezoning proposal as majority of the surrounding areas have land designations of similar intensities.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

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 sewer capacity will not be determined until the developer provide the proposed discharge to the Engineering Div/Sewer Design Dept. to check the capacity of the existing system.

Drainage:

3. 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.

4. 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.

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

6. 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.

7. 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.

8. Development is greater than 1 acre and is located within a sensitive drainage basin.

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

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

11. 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.

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

City Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	See pages 15 – 16.

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: Z 2024-006 Whitehaven

Site Address/Location: 3230 highway 51

Overlay District/Historic District/Flood Zone: Located in a 0.2% Annual Flood Hazard Zone, but not in an Overlay District or Historic District

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

Street Type: Parkway

The applicant is requesting rezoning of a portion of the lot from R-15 to CMU-1.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

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

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-1 and R-15

Adjacent Land Use and Zoning: Commercial, Industrial, Institutional, Office and Vacant; R-15, CMU-1 and EMP

Overall Compatibility: *This requested use is compatible with the future 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 on the Degree of Change Map. There is no Degree of Change.

4. Degree of Change Description: N/A

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

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

Consistency Analysis Summary

The applicant is requesting rezoning of a portion of the lot from R-15 to CMU-1.

This requested use is compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

28 Notices Mailed on 05/13/2024.



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: SUP 2024 – 019 and Z 2024 – 006
LOCATION: 3230 Commercial Parkway
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Shugga Yaaqob
REQUEST: Special use permit to allow a convenience store with gas pumps

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, July 11, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a **recommendation** to the legislative body; the legislative body will take final action at a later date.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 19, 2024, at 8 AM**

ZONING APPLICATION



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

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Processing

Opened Date: June 7, 2024

Record Number: Z 2024-006

Expiration Date:

Record Name: Freeway Commercial Park Subdivision, Lot 4

Description of Work: Rezone request of a portion of the lot from R-15 to CMU-1

Parent Record Number:

Address:

3230 highway 51 38116

Owner Information

Primary Owner Name

Y SHUGAA YAAQOB A

Owner Address

, MEMPHIS, TN 38126

Owner Phone

Parcel Information

078001 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Alexis Longstreet

Date of Meeting

06/03/2024

Pre-application Meeting Type

Email

GENERAL INFORMATION

Have you held a neighborhood meeting?

Yes

Is this application in response to a citation from
Construction Code Enforcement or Zoning
Letter?

No

If yes, please provide additional information

n/a

GIS INFORMATION

GIS INFORMATION

Central Business Improvement District No
 Case Layer SUP19-006
 Class -
 Downtown Fire District No
 Historic District -
 Land Use -
 Municipality -
 Overlay/Special Purpose District -
 Zoning CMU-1
 State Route -
 Lot 0 4
 Subdivision -
 Planned Development District -
 Wellhead Protection Overlay District No

Contact Information

Name

SHUGAA YAAQOB A

Contact Type

APPLICANT

Address

MEMPHIS, TN, 38126

Phone

-

Name

THE BRAY FIRM

Contact Type

ARCHITECT / ENGINEER /
SURVEYOR

Address

2950 STAGE PLAZA NORTH,

Phone

(901)487-2425

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1569821	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	06/07/2024
1569925	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	06/07/2024
1569925	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	06/07/2024

Total Fee Invoiced: \$1,026.00

Total Balance: \$0.00

Payment Information

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

OWNER AFFIDAVIT



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, Yaqub Shogaa (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 3220 Elvis Presley
and further identified by Assessor's Parcel Number 07806100001
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this _____ day of _____ in the year of _____.

Signature of Notary Public

My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North
Bartlett, Tennessee 38134

June 7, 2024

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

**RE: Lot 4, Freeway Commercial Park Subdivision
3230 Elvis Presley Blvd.
Memphis, Tennessee**

Mr. Ragsdale:

Please find attached an application to rezone a portion of the above captioned property from R-15 to CMU-1. The subject property is located at the intersection of Elvis Presley and Commercial Avenue. A Special Use Permit is currently under consideration for this property. It does not appear from the 1980 comprehensive rezoning that the intention was for a portion of this property (currently used as commercial) to have an area designated R-15 but the zoning map as currently drawn reflect the split zoning.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.

LETTERS RECEIVED

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

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

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

July 24, 2024

Yaaqob Shugaa
547 Vance Avenue
Memphis, TN 38126

Sent via electronic mail to: dqbray@comcast.net, Mustafashujaa2003@yahoo.com

Case Number: Z 24-006
LUCB Recommendation: Approval

Dear applicant,

On Thursday, July 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application for a portion of property located on 3230 Commercial Parkway to be included in the Commercial Mixed Use – 1 Zoning District.

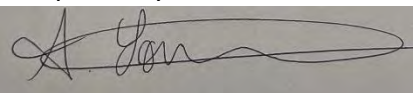
This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development
Cc: David Bray, The Bray Firm
File

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

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

- CASE NUMBER:** Z 2024 – 006
- LOCATION:** 3230 Commercial Parkway
- COUNCIL DISTRICTS:** District 3 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Yaaqob Al Shugga
- REPRESENTATIVE:** David Bray, The Bray Firm
- REQUEST:** Rezoning of +/-20, 265 acres from Residential Single-Family – 15 (R-15) to Commercial Mixed Use – 1 (CMU-1)

RECOMMENDATIONS:

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

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

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

THIS THE _____, _____

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

CRYSTAL GIVENS
CITY COMPTROLLER

TO BE PUBLISHED:



Datsun Drive

Lakeview Road

Connahbrook Drive

Fleetbrook Drive

Norbrook Drive

Bellbrook Center Drive

Bellbrook Drive

Interstate 55 South

Interstate 55 North

Springbrook Avenue

East Brooks Road

East Brooks Road

East Brooks Road

East Brooks Road

East Brooks Road

Interstate 55 South

Lakeview Road

Dogwood Lane

West Rosita Circle

West Rosita Circle

East Rosita Circle

Lucibill Road

Hernando Road

Elvis Presley Boulevard

Commercial Parkway

Gateway Drive

Gateway Drive

Elmview Lane

Ashleyhurst Lane

Legend

— Roads

□ Parcels



Map prepared through Shelby County Government's online mapping Portal on 7/29/2024



TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

OM SHIVAYA NAMAH INC
3265 ELVIS PRESLEY BLVD #
MEMPHIS TN 38116

MEMPHIS SMOKES CIGAR LOUNGE LLC
5341 BRADLEY RIDGE LN #
MEMPHIS TN 38125

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

STAFFORD W DELL AND EDWIN W STAFFORD
3262 COMMERCIAL PKWY #
MEMPHIS TN 38116

SHIVA PROPERTIES
8720 SOMERSET LN #
GERMANTOWN TN 38138

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

YET HOLDING LLC
4970 RALEIGH LAGRANGE RD #9
MEMPHIS TN 38128

SHUGAA YAAQOB A
547 VANCE AVE #
MEMPHIS TN 38126

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

NELSON WILL J SR
465 TENNESSEE ST #
MEMPHIS TN 38103

BERUK PROPERTIES INC
3264 W SARAZENS CL #
MEMPHIS TN 38125

ANJU HOTELS LLC
8720 SOMERSET LN #
GERMANTOWN TN 38138

DOUGLAS PAUL M AND GEORGE R DOUGLAS V
3261 COMMERCIAL PKWY #
MEMPHIS TN 38116

NONCONNAH BAPTIST CHURCH TR
3257 HERNANDO RD #
MEMPHIS TN 38116

JOLLY BEE LLC
PO BOX 400 #
WHEATLEY AR 72392

NELSON WILLIE J & HATTIE
3360 FONTAINE RD #
MEMPHIS TN 38116

ANJU PROPERTIES LLC
8720 SOMERSET LN #
GERMANTOWN TN 38138

TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

KARN JAMES JR
3271 COMMERCIAL PKWY #
MEMPHIS TN 38116

YORK PROPERTIES LLC
3100 BELLBROOK DR #
MEMPHIS TN 38116

LG INVESTMENTS LLC
407 SAINTT TAMMANY ST #
MADISONVILLE LA 70447

WATSON KENNETH D
8909 GEORGIAN DR #
AUSTIN TX 78753

YORK PROPERTIES LLC
3100 BELLBROOK DR #
MEMPHIS TN 38116

SMART INC STUDENT MAKING A REWARDED
3242 COMMERCIAL PKWY #
MEMPHIS TN 38116

MEMPHIS CONVENTION AND VISTORS BUREAU
47 UNION AVE #
MEMPHIS TN 38103

BLU RIVER LLC
119 S MAIN ST #500
MEMPHIS TN 38103

SHIVA PROPERTIES
8720 SOMERSET LN #
GERMANTOWN TN 38138