CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 07/23/2024

ONE ORIGINAL

| ONLY STAPLED | |TO DOCUMENTS|

 DATE

 PUBLIC SESSION:
 08/06/2024

	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 2606 Appling Road, known as case number PD 2024-006					
CASE NUMBER:	PD 2024-006					
DEVELOPMENT:	Bellevue Hills Commercial North Planned Development					
LOCATION:	2606 Appling Road					
COUNCIL DISTRICTS:	District 1 and Super District 9 – Positions 1, 2, and 3					
OWNER/APPLICANT:	Dawn Kinard					
REPRESENTATIVE:	David Bray, The Bray Firm					
REQUEST:	New planned development for commercial uses					
AREA:	+/-1.62 acres					
RECOMMENDATION:	The Division of Planning and Development recommended Approval with conditions The Land Use Control Board recommended Approval with conditions					
RECOMMENDED COUNC	CIL ACTION: Publ	c Hearin	g Not Required			
PRIOR ACTION ON ITEM: (1) 06/13/2024 (1) Land Use Control Board FUNDING: (2) \$ SOURCE AND AMOUNT O \$ \$ ADMINISTRATIVE APPLO LaTonya Hull		DATE ORGAN (2) GO REQUI AMOU REVEN OPERA CIP PR FEDER	NIZATION - (1)] V'T. ENTITY (3)	EIVED		
But P	-		<u>07/15/24</u>	DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY		
				CHIEF ADMINISTRATIVE OFFICER COMMITTEE CHAIRMAN		



Memphis City Council Summary Sheet

PD 2024-006

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 2606 APPLING ROAD, KNOWN AS CASE NUMBER PD 2024-006

- This item is a resolution with conditions to allow a new planned development for commercial uses; 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 2024-006
DEVELOPMENT:	Bellevue Hills Commercial North Planned Development
LOCATION:	2606 Appling Road
COUNCIL DISTRICT(S):	District 1 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Dawn Kinard
REPRESENTATIVE:	David Bray, The Bray Firm
REQUEST:	New planned development for commercial uses
EXISTING ZONING:	Residential Single-Family – 6 (R-6), Fletcher Creek Overlay
AREA:	+/-1.62 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,

Hen

LaTonya Hull Planner I Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

PD 2024-0006 CONDITIONS

I. USES PERMITTED:

Any use permitted in the CMU-1 District, and also to include food trucks, with the following exceptions:

- A. Hospital
- B. Lodge, club, or Country Club
- C. Recreation Field
- D. Amusements, commercial outdoor or indoor
- E. Gasoline sales
- F. Pawnshop
- G. Shops or sections of shops that are oriented to an "adults only" audience. These shops are characterized by carrying such merchandise as adult or intimate apparel, adult/exotic magazines/videos, adult games, and gifts.
- H. Automobile parking lots, except as an accessory use to a shopping center
- I. Bars, cocktail lounges, or taverns
- J. Drive-in or restaurants or any type of use that includes a drive-through window
- K. Day Care, unless the final plat provides for a separated, unpaved, outdoor play area, 50 square feet per child
- L. School
- M. Veterinary Clinic
- N. Vehicle Wash
- O. Vehicle sales or repair
- P. Convenience store
- Q. Coin-operated laundry
- R. Used goods, second-hand sales
- **II. BULK REGULATIONS:**

The bulk regulations of the CMU-1 shall apply except where further conditioned below:

- A. Building setbacks:
 - 1. From Appling Road and Appling Glen Drive 30 feet
 - 2. North and East property lines 30 feet
- B. Building Height One story, 20 feet
- C. All buildings shall be composed of brick and all buildings shall be of similar color.
- D. Elevations identifying the materials used shall be attached to the final plat.
- E. Any architectural feature, such as a wall or parapet, that is attached to the rear (east elevation) and north elevation shall have a similar color to the brick used for the wall. Reference to the color shall be included with the elevations as required in II.D. above.
- F. Required parking as shown on the site plan attached to the staff report.
- **III. ACCESS AND CIRCULATION:**

- A. The City/County Engineer shall approve the design, number, and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter, and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- IV. LANDSCAPING, SCREENING, AND LIGHTING:
- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. If the applicant cannot meet the requirements for the Matrix the following conditions shall be required as an equivalent alternative.
 - 1. Along the Appling Road and Appling Glen Drive frontages an A-5 Plate as shown in the Landscape Ordinance widened to 20 feet in width.
 - 2. Along the north and east property lines, a B-4 Plate. This plate includes Tree D's planted at 15 feet on the center or if overhead powerlines are present. Tree E's at 10 feet on center.
 - 3. Trees used to meet conditions IV.B.2 above shall not include the Loblolly Pine.
 - 4. If no trees greater than 10 inches in diameter are removed, then the A-5 Plate (as shown in the Landscape Ordinance) shall be required along the north and east property lines.
- C. All required landscaping shall be irrigated.
- D. Any dumpster or accessory buildings shall be contained within a brick building of similar color to the main buildings.
- E. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roofmounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- F. The required landscaping shall be exclusive of and in addition to any required easements.
- G. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires the landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- H. All landscaping shall be irrigated.
- I. All freestanding light poles shall not be located any closer than 50 feet to the adjoining residential development.
- J. All light poles shall be limited to a maximum of 15 feet in height.
- K. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining residential properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

VI. SITE PLAN REVIEW

A. A maximum of two (2) detached signs, one per phase, shall be permitted.

B. Each detached sign shall be limited to a maximum of 35 square feet in area.

- C. All detached signs shall be ground-mounted, monument in style, and limited to a height of 10 feet.
- D. All detached signs shall be composed of similar materials and colors to that of the principal building.
- E. No signage, attached or detached, shall be permitted along or oriented to Appling Glen Drive or to the residential properties to the north or east.
- F. No detached sign shall be located any closer than 50 feet from the north property line.
- G. Minimum setback for detached signs shall be 15 feet.
- H. No portable or temporary signs shall be permitted. In addition, no flashing signs or signs that are designed to portray movement shall be permitted.
- I. No attached signs shall be permitted on the east or north elevations.
- VII. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

- A. The Site plan shall include:
 - 1. The exact location and dimensions including height of all buildings.
 - 2. The number, location, and dimensions of parking spaces within proposed structures/lots.
 - 3. A detailed landscaping plan including the species and diameter of any new plants.
 - 4. A lighting plan showing the location of the freestanding poles, the type of fixtures, and if required by DPD, a photometric analysis that shows the trespass of light onto adjacent residential properties is no greater than 1.0 candle feet at the property line.
- B. The site plan shall be reviewed based on the following criteria:
 - 1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

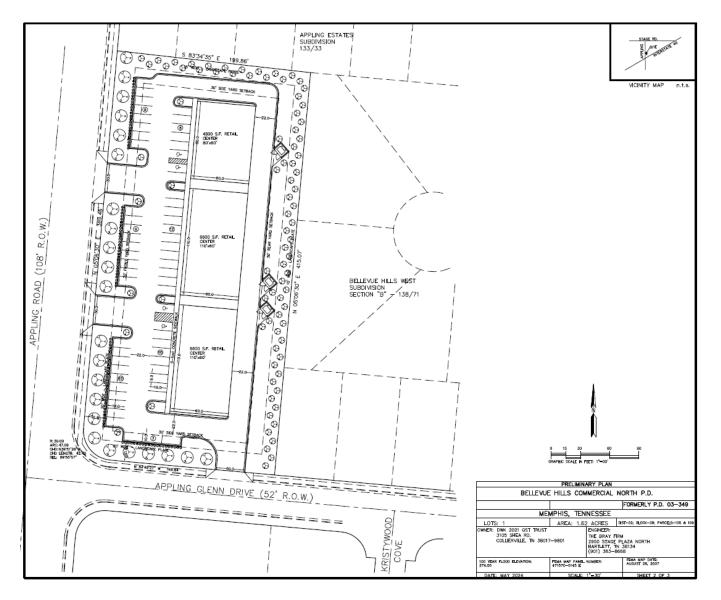
3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.

4. Adequate access shall be provided to the site as determined by the City Engineer.

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

- IX. Any final plan shall include the following:
- A. The Outline Plan Conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The areas denoted by "Reserved for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention 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 owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris, and trash, mowing, outlet cleaning, and repair of drainage structures.
- X. Any subsequent owner of property within this Planned Development may request amendments to the Planned Development. However, all property owners shall be notified of any such amendments prior to their being heard by the Land Use Control Board.

CONCEPT PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2606 APPLING ROAD, KNOWN AS CASE NUMBER PD 2024-006

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, Dawn Kinard filed an application with the Memphis and Shelby County Division of Planning and Development to allow a new planned development for commercial uses; 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 outline plan conditions.

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

OUTLINE PLAN CONDITIONS

I. USES PERMITTED:

Any use permitted in the CMU-1 District, and also to include food trucks, with the following exceptions:

- A. Hospital
- B. Lodge, club, or Country Club
- C. Recreation Field
- D. Amusements, commercial outdoor or indoor
- E. Gasoline sales
- F. Pawnshop
- G. Shops or sections of shops that are oriented to an "adults only" audience. These shops are characterized by carrying such merchandise as adult or intimate apparel, adult/exotic magazines/videos, adult games, and gifts.
- H. Automobile parking lots, except as an accessory use to a shopping center
- I. Bars, cocktail lounges, or taverns
- J. Drive-in or restaurants or any type of use that includes a drive-through window
- K. Day Care, unless the final plat provides for a separated, unpaved, outdoor play area, 50 square feet per child
- L. School
- M. Veterinary Clinic
- N. Vehicle Wash
- O. Vehicle sales or repair
- P. Convenience store
- Q. Coin-operated laundry
- R. Used goods, second-hand sales
- **II. BULK REGULATIONS:**

The bulk regulations of the CMU-1 shall apply except where further conditioned below:

- A. Building setbacks:
 - 1. From Appling Road and Appling Glen Drive 30 feet
 - 2. North and East property lines 30 feet
- B. Building Height One story, 20 feet
- C. All buildings shall be composed of brick and all buildings shall be of similar color.
- D. Elevations identifying the materials used shall be attached to the final plat.
- E. Any architectural feature, such as a wall or parapet, that is attached to the rear (east elevation) and north elevation shall have a similar color to the brick used for the wall. Reference to the color shall be included with the elevations as required in II.D. above.
- F. Required parking as shown on the site plan attached to the staff report.

III. ACCESS AND CIRCULATION:

- A. The City/County Engineer shall approve the design, number, and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter, and sidewalk.

C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. If the applicant cannot meet the requirements for the Matrix the following conditions shall be required as an equivalent alternative.
 - 1. Along the Appling Road and Appling Glen Drive frontages an A-5 Plate as shown in the Landscape Ordinance widened to 20 feet in width.
 - 2. Along the north and east property lines, a B-4 Plate. This plate includes Tree D's planted at 15 feet on the center or if overhead powerlines are present. Tree E's at 10 feet on center.
 - 3. Trees used to meet conditions IV.B.2 above shall not include the Loblolly Pine.
 - 4. If no trees greater than 10 inches in diameter are removed, then the A-5 Plate (as shown in the Landscape Ordinance) shall be required along the north and east property lines.
- C. All required landscaping shall be irrigated.
- D. Any dumpster or accessory buildings shall be contained within a brick building of similar color to the main buildings.
- E. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roofmounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- F. The required landscaping shall be exclusive of and in addition to any required easements.
- G. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires the landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- H. All landscaping shall be irrigated.
- I. All freestanding light poles shall not be located any closer than 50 feet to the adjoining residential development.
- J. All light poles shall be limited to a maximum of 15 feet in height.
- K. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining residential properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

VI. SITE PLAN REVIEW

- A. A maximum of two (2) detached signs, one per phase, shall be permitted.
- B. Each detached sign shall be limited to a maximum of 35 square feet in area.
- C. All detached signs shall be ground-mounted, monument in style, and limited to a height of 10 feet.
- D. All detached signs shall be composed of similar materials and colors to that of the principal building.
- E. No signage, attached or detached, shall be permitted along or oriented to Appling Glen Drive or to the residential properties to the north or east.

- F. No detached sign shall be located any closer than 50 feet from the north property line.
- G. Minimum setback for detached signs shall be 15 feet.
- H. No portable or temporary signs shall be permitted. In addition, no flashing signs or signs that are designed to portray movement shall be permitted.
- I. No attached signs shall be permitted on the east or north elevations.
- VII. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

- A. The Site plan shall include:
 - 1. The exact location and dimensions including height of all buildings.
 - 2. The number, location, and dimensions of parking spaces within proposed structures/lots.
 - 3. A detailed landscaping plan including the species and diameter of any new plants.
 - 4. A lighting plan showing the location of the freestanding poles, the type of fixtures, and if required by DPD, a photometric analysis that shows the trespass of light onto adjacent residential properties is no greater than 1.0 candle feet at the property line.
- B. The site plan shall be reviewed based on the following criteria:
 - 1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

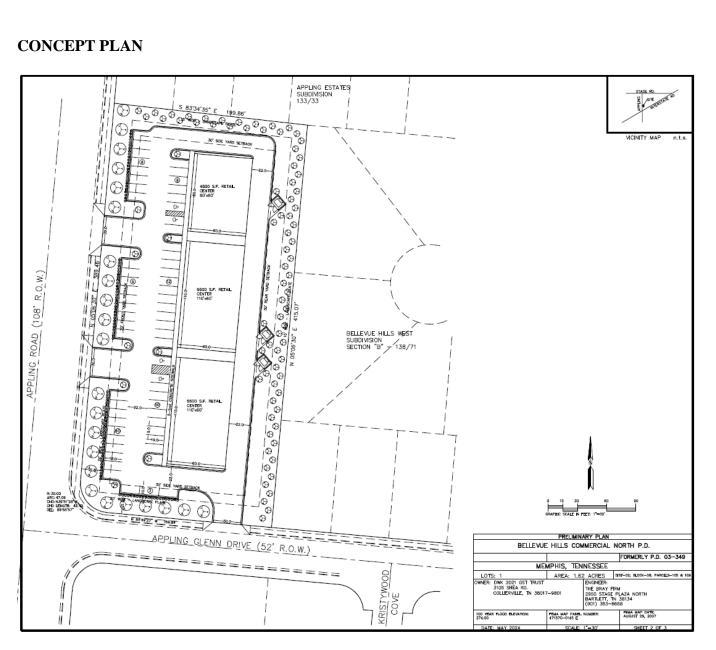
3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.

4. Adequate access shall be provided to the site as determined by the City Engineer.

- VIII. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. The Outline Plan Conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.

- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The areas denoted by "Reserved for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention 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 owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris, and trash, mowing, outlet cleaning, and repair of drainage structures.
- X. Any subsequent owner of property within this Planned Development may request amendments to the Planned Development. However, all property owners shall be notified of any such amendments prior to their being heard by the Land Use Control Board.

CONCEPT PLAN



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

AGENDA ITEM: 18 L.U.C.B. MEETING: June 13, 2024

AGENDA ITEM:	18	L.U.C.B. MEETING:	-	
CASE NUMBER:	PD 2024-006			
DEVELOPMENT:	Bellevue Hills Commercial North Planned Development			
LOCATION:	2606 Appling Road			
COUNCIL DISTRICT:	District 1 and Super District 9 – Positions 1, 2, and 3			
OWNER/APPLICANT:	Dawn Kinard			
REPRESENTATIVE:	David Bray, The Bray Firm			
REQUEST:	New planned development for comment	rcial uses		
EXISTING ZONING:	Residential Single Family – 6 (R-6), Fleto	cher Creek Overlay		

CONCLUSIONS

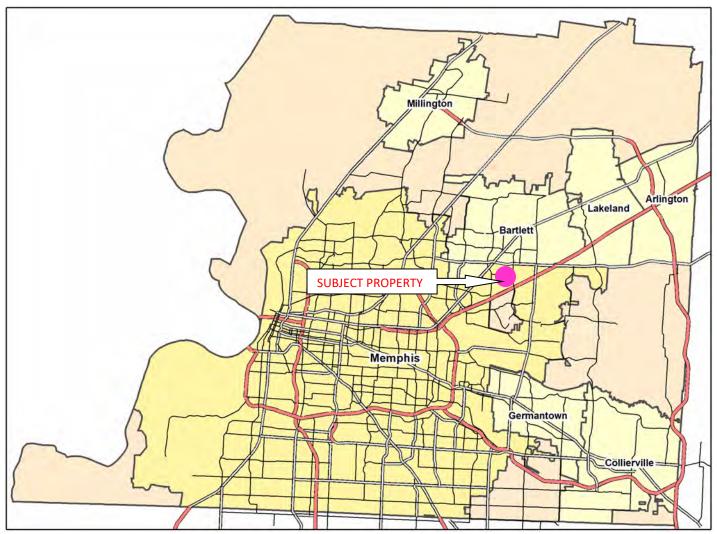
- 1. This request is for a new planned development on the subject property for limited commercial uses.
- 2. The Land Use Control Board approved a similar planned development (PD 03-0349) on the subject property in 2003. The outline plan was recorded on the property in 2007. However, the approval has expired since no final plat was filed and no building permit was issued.
- 3. The planned development allows uses permitted in the CMU-1 District with several exceptions that limit commercial uses to those that are neighborhood-oriented. This is appropriate because the subject property is located on a major road and backs up to a residential neighborhood. The proposed development is also consistent with other planned developments and commercial uses in the area.
- 4. 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:

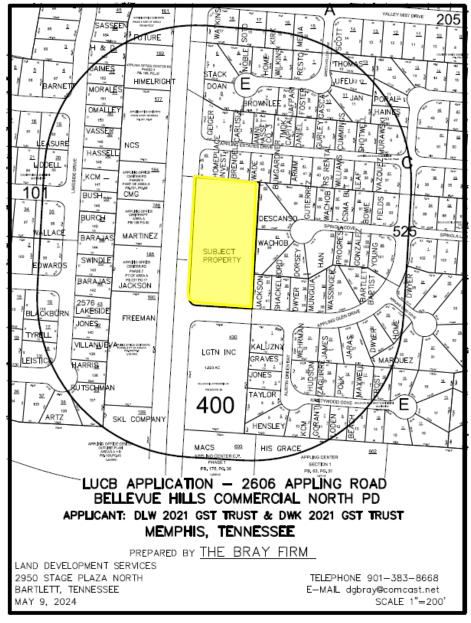
Approval with conditions



Subject property located within the pink circle

June 13, 2024 Page 3

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 165 notices were mailed on May 17, 2024, see pages 27-28 of this report for a copy of said notice. Additionally, two signs was posted at the subject property, see page 29 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Monday, June 3, 2024, at 7424 Stage Road, suite 124.

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property highlighted in yellow

FEMA MAP



Subject property outlined in yellow

June 13, 2024 Page 7

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from the intersection of Appling Road and Appling Glen Drive looking north



View of subject property from Appling Road looking southeast

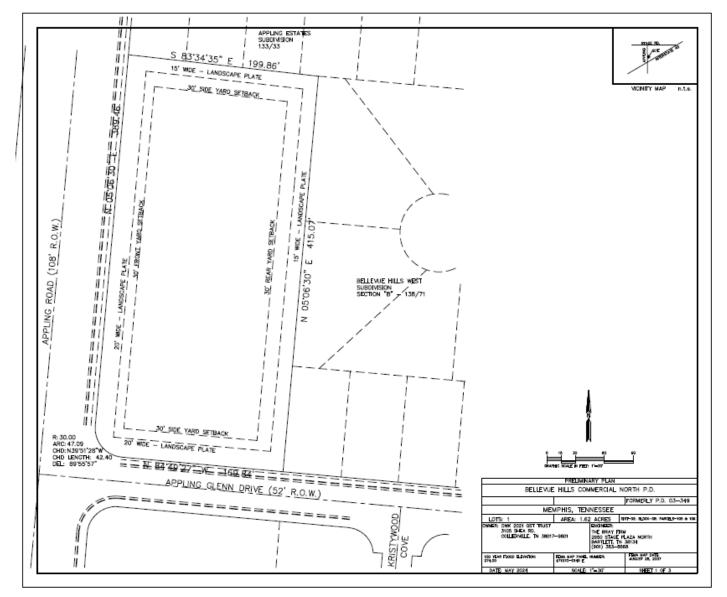


View of subject property from Apple Glen Drive looking North



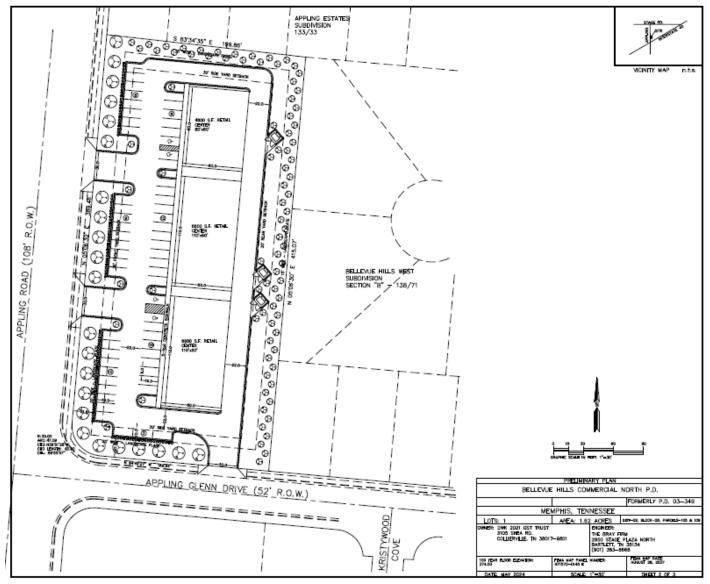
View of subject property from Appling Road looking northeast

OUTLINE PLAN

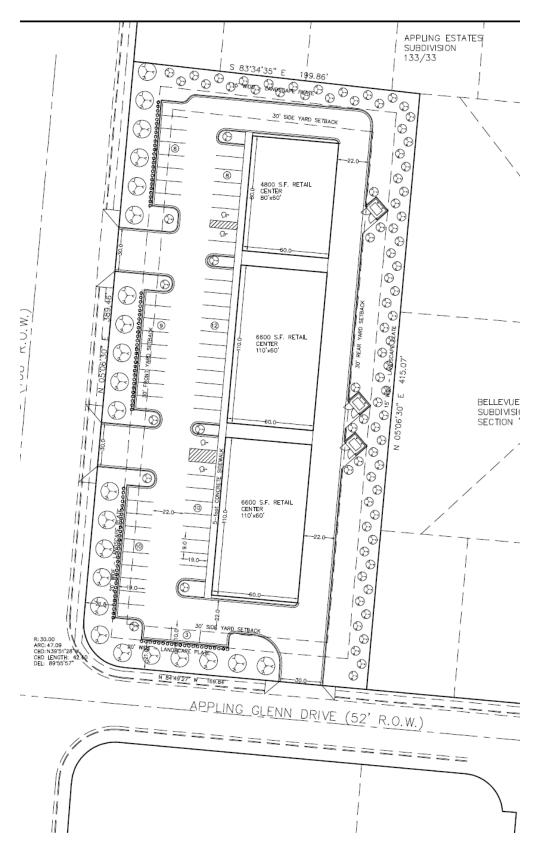


June 13, 2024 Page 11

CONCEPT PLAN



CONCEPT PLAN – MAGNIFIED



CASE REVIEW

The request is a new commercial planned development.

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

June 13, 2024 Page 14

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 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.

<u>Site Details</u>

Address: 2606 Appling Road

Parcel ID: 095200 00143, 095200 00143Z, 095200 00142Z, 095400 00426

Area: +/-1.62 acres

Description:

The subject property is formerly known as PD 2003-349, and before that, Parcel II of the Bellevue Hills Commercial Planned Development (PD 92-314CC) with an underlying zoning of Residential Single-Family – 6 for any regulation not stated within the PD. The property is just under 2 acres and contains one residential structure, a daycare center, and accessory buildings. The surrounding land uses are a mixture of single-family and commercial/office uses.

June 13, 2024 Page 16

Site Zoning History

On September 11, 2003, the Land Use Control Board approved with conditions the Bellevue Hills Commercial Planned Development North (PD 2003-0349), which allowed commercial uses regulated by the Neighborhood Commercial (C-N) District. The planned development expired because no final plat was ever recorded, nor was a building permit ever issued.

On March 9, 1992, the Land Use Control Board approved with conditions the Bellevue Hills Commercial Planned Development (PD 92-314CC), which allowed any office use permitted in the General Office District including a day center.

Concept Plan Review

The plan divides the site into a retail strip center with three buildings that affront Appling Road. The parking is located in front of the structures. The site plan includes a 20-foot-wide landscape strip along Appling Road and Appling Glen Drive and a 15-foot-wide landscape buffer along the east and north property lines.

Enclosed trash collection containers are located in the rear of the buildings within the first 15 feet of the 30-foot rear setback, which shall be of the same material and architectural style as the buildings. There are 2 driveways along Appling Road and one on Appling Glen Drive. Staff recommends reducing the number of driveways on Appling Road to one. The design, number, and location of curb cuts shall be approved by the City Engineer.

The existence of structures and mature trees on the site, grading, and clearing will be necessary. The applicant will be required to meet regulations related to the removal of mature trees. Additionally, since the development of this lot will add to the amount of impervious surface area, incorporating low-impact practices in the design of the site will help with stormwater mitigation and urban heat island effects.

The design of this planned development is subject to administrative site review by the division of planning and development.

<u>Analysis</u>

The applicant has requested the approval of a new planned development for limited commercial uses on the site which is located on the northeast corner of Appling Road and Appling Glen Drive approximately 600 feet from the intersection of Appling Road and Reese Road. In 2003, the Land Use Control Board approved a similar planned development on the site. The Outline Plan was recorded in 2007. However, the planned development expired because no final plat was ever recorded, nor was a building permit ever issued.

The planned development allows uses permitted in the CMU-1 District with several exceptions that limit commercial uses to those that are neighborhood-oriented. This is appropriate because the subject property is located on a major road and backs up to a residential neighborhood. The proposed development is also consistent with other planned developments and commercial uses in the area.

The property immediately south of the subject property at the corner of Appling Road and Appling Glen Drive is built as a small commercial center. Further south at the corner of Appling Road and Reese Road is a Convenience store with gas pumps. The Appling Office Center is located directly west of the subject property and extends northward from Reese Road to Oakfield Drive. Yet further North are heavy commercial developments along Appling Road. The property to the south is mostly vacant and zoned for commercial and

office use.

June 13, 2024 Page 17

Staff agrees that this planned development is appropriate for the area, as it is consistent with similar developments in the area and Memphis 3.0 future development plans.

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 outline plan conditions.

OUTLINE PLAN CONDITIONS

Bellevue Hills Commercial North Formerly P.D.03-349

I. USES PERMITTED:

Any use permitted in the CMU-1 District, and also to include food trucks, with the following exceptions:

- A. Hospital
- B. Lodge, club, or Country Club
- C. Recreation Field
- D. Amusements, commercial outdoor or indoor
- E. Gasoline sales
- F. Pawnshop
- G. Shops or sections of shops that are oriented to an "adults only" audience. These shops are characterized by carrying such merchandise as adult or intimate apparel, adult/exotic magazines/videos, adult games, and gifts.
- H. Automobile parking lots, except as an accessory use to a shopping center
- I. Bars, cocktail lounges, or taverns
- J. Drive-in or restaurants or any type of use that includes a drive-through window
- K. Day Care, unless the final plat provides for a separated, unpaved, outdoor play area, 50 square feet per child
- L. School
- M. Veterinary Clinic
- N. Vehicle Wash
- O. Vehicle sales or repair
- P. Convenience store
- Q. Coin-operated laundry
- R. Used goods, second-hand sales
- II. BULK REGULATIONS:

The bulk regulations of the CMU-1 shall apply except where further conditioned below:

- A. Building setbacks:
 - 1. From Appling Road and Appling Glen Drive 30 feet
 - 2. North and East property lines 30 feet

- B. Building Height One story, 20 feet
- C. All buildings shall be composed of brick and all buildings shall be of similar color.
- D. Elevations identifying the materials used shall be attached to the final plat.
- E. Any architectural feature, such as a wall or parapet, that is attached to the rear (east elevation) and north elevation shall have a similar color to the brick used for the wall. Reference to the color shall be included with the elevations as required in II.D. above.
- F. Required parking as shown on the site plan attached to the staff report.

III. ACCESS AND CIRCULATION:

- A. The City/County Engineer shall approve the design, number, and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter, and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. If the applicant cannot meet the requirements for the Matrix the following conditions shall be required as an equivalent alternative.
 - 1. Along the Appling Road and Appling Glen Drive frontages an A-5 Plate as shown in the Landscape Ordinance widened to 20 feet in width.
 - 2. Along the north and east property lines, a B-4 Plate. This plate includes Tree D's planted at 15 feet on the center or if overhead powerlines are present. Tree E's at 10 feet on center.
 - 3. Trees used to meet conditions IV.B.2 above shall not include the Loblolly Pine.
 - 4. If no trees greater than 10 inches in diameter are removed, then the A-5 Plate (as shown in the Landscape Ordinance) shall be required along the north and east property lines.
- C. All required landscaping shall be irrigated.
- D. Any dumpster or accessory buildings shall be contained within a brick building of similar color to the main buildings.
- E. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof-mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- F. The required landscaping shall be exclusive of and in addition to any required easements.
- G. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires the landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- H. All landscaping shall be irrigated.
- I. All freestanding light poles shall not be located any closer than 50 feet to the adjoining residential development.
- J. All light poles shall be limited to a maximum of 15 feet in height.

K. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining residential properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

VI. SITE PLAN REVIEW

- A. A maximum of two (2) detached signs, one per phase, shall be permitted.
- B. Each detached sign shall be limited to a maximum of 35 square feet in area.
- C. All detached signs shall be ground-mounted, monument in style, and limited to a height of 10 feet.
- D. All detached signs shall be composed of similar materials and colors to that of the principal building.
- E. No signage, attached or detached, shall be permitted along or oriented to Appling Glen Drive or to the residential properties to the north or east.
- F. No detached sign shall be located any closer than 50 feet from the north property line.
- G. Minimum setback for detached signs shall be 15 feet.
- H. No portable or temporary signs shall be permitted. In addition, no flashing signs or signs that are designed to portray movement shall be permitted.
- I. No attached signs shall be permitted on the east or north elevations.
- VII. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

- A. The Site plan shall include:
 - 1. The exact location and dimensions including height of all buildings.
 - 2. The number, location, and dimensions of parking spaces within proposed structures/lots.
 - 3. A detailed landscaping plan including the species and diameter of any new plants.
 - 4. A lighting plan showing the location of the freestanding poles, the type of fixtures, and if required by DPD, a photometric analysis that shows the trespass of light onto adjacent residential properties is no greater than 1.0 candle feet at the property line.
 - B. The site plan shall be reviewed based on the following criteria:
 - 1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.

4. Adequate access shall be provided to the site as determined by the City Engineer.

- VIII. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. The Outline Plan Conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The areas denoted by "Reserved for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention 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 owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris, and trash, mowing, outlet cleaning, and repair of drainage structures.

X. Any subsequent owner of property within this Planned Development may request amendments to the Planned Development. However, all property owners shall be notified of any such amendments prior to their being heard by the Land Use Control Board.

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. City sanitary sewers is unknown at this time and needs to be further assessed.

<u>Roads:</u>

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

Curb Cuts/Access:

8. The City Engineer shall approve the design, number, and location of curb cuts.

9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

10. Will require engineering ASPR.

Drainage:

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

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

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

14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

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

General Notes:

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

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

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

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

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

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

City Fire Division:

June 13, 2024 Page 23

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.

 \cdot 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.

 \cdot 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.

 \cdot 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.

 \cdot 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:

General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest

impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The application is a new planned development for commercial uses. The parcel is not located in a sensitive resilience zone or conservation priority area.

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

This application is consistent with the Mid-South Regional Resilience Master Plan. The site is located within Zone 1, where development is encouraged, which is consistent with Section 4.1 - Resilient Sites.

Consistent with the Memphis Area Climate Action Plan best practices: Yes.

This application is consistent with the Memphis Area Climate Action Plan, which encourages mixed-use development to reduce vehicle trips and support walking, biking, and transit.

Recommendations: Staff recommends incorporation of Electric Vehicle (EV) charging station infrastructure or conduits to be added in parking lot design for future charging stations.

Reducing Greenhouse Gas (GHG) emissions from the transportation sector starts with creating conditions where more trips can be completed by low-carbon and zero carbon modes. Implementing land use patterns that support low carbon transportation modes and bring destination closer together is fundamental to achieving significant reductions in carbon emissions (Memphis Area Climate Action

Plan Priority Action T.1). Furthermore, because mature trees offer greater ecological benefits compared to saplings, staff also suggests protecting any additional existing trees on the lot (Priority Action E.7 Nurture and Expand the Urban Tree Canopy). Since the development of this lot will add to the amount of impervious surface area, incorporating low-impact practices (see examples below) in the design of the site will help with stormwater mitigation and urban heat island effects.



Permeable Pavement

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



Linear/Ultra-Urban Bioretention

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

Mid-South Regional Resilience Master Plan: Section 2.3 Low Impact Development

June 13, 2024 Page 25

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: <u>PD 2024-006</u>

Site Address/Location: 2606 Appling Road Overlay District/Historic District/Flood Zone: Fletcher Creek Overlay Future Land Use Designation: Primarily Single-Unit Neighborhood (NS) Street Type: Parkway

The applicant is seeking approval to a change in a planned development to allow commercial retail services. 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

June 13, 2024 Page 26



Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.

"NS" Form & Location Characteristics

Primarily detached, House scale buildings, Primarily residential, 1 – 3 stories; Beyond ½ mile from a Community Anchor

"NS" Zoning Notes

Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Residential, Vacant, R-6

Adjacent Land Use and Zoning: Single-Family, Commercial, R-10

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

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**

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

The application is not consistent with Cordova District Priority: Improve pedestrian, transit and cyclist safety, accessibility, and infrastructure.

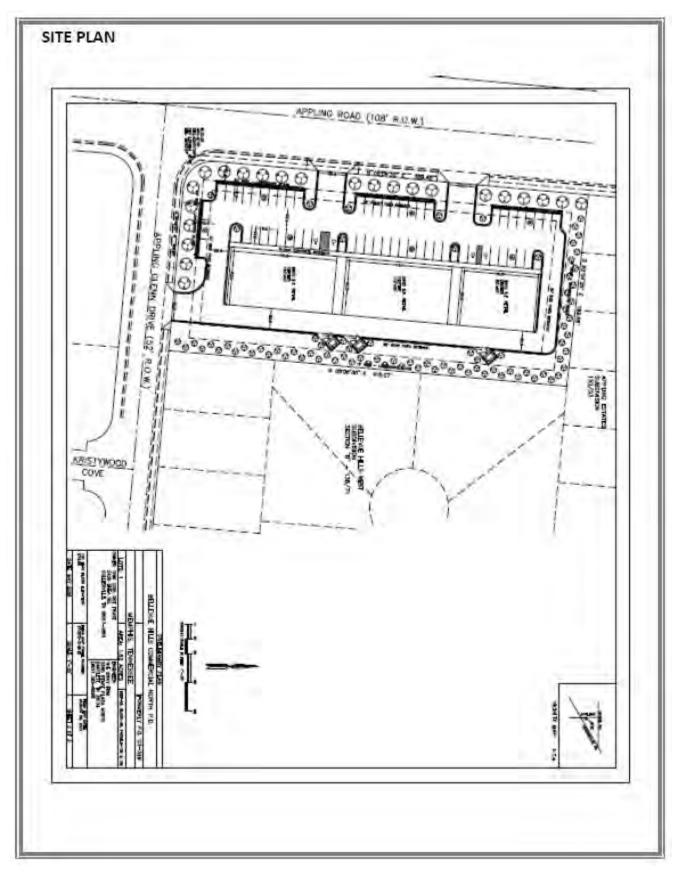
The site plan shows three curb cuts. Multiple curb cuts do not foster pedestrian and cyclist safety by increasing number of potential encounters with vehicles entering and exiting the development. If approved, the Office of Comprehensive Planning recommends closing one planned curb cut along Appling Road.

Consistency Analysis Summary

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

MAILED PUBLIC NOTICE

	165 Notices Mailed on 05/17/2024
MEM	PHIS AND DIVISION OF PLANNING
CHELD	Y COUNTY AND AND DEVELOPMENT
JHELD	
	City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103
	NOTICE OF PUBLIC HEARING
with the Division of P	his notice because you own or reside on a property that is near the site of a land use application filed Planning and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will hold a ne following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified
CASE NUMBER:	PD-2024-006
LOCATION:	2606 Appling Rd.
	(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT:	Dawn Kinard
REQUEST:	A new planned development for commercial uses
	USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:
DATE: TIME:	Thursday, June 13, 2024 9:00 AM
LOCATION	
hearing at a subsequ	aring, the Board may recommend the approval or rejection of this item or hold the item for a publi ent Board meeting. For this case, the Board will make a <i>recommendation</i> to the legislative body; the rake final action at a later date.
meeting. No individua	rd may place this item on the <u>Consent Agenda</u> , which is considered at the beginning of the Boar al public hearing will be held, nor will the Board debate items on the Consent Agenda unless a membe f or Board requests that the item be removed from the Consent Agenda.
application. You may	d to attend this hearing, although you are welcome to do so if you wish to speak for or against thi also contact LaTonya Hull at Latonya.hull@memphistn.gov or (901) 636-7179 to learn more about th ubmit 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. Dawn W. Kinard, be	ing duly sworn, depose and s	ay that at 2:00 am
on the 24th day of May	2024 1005120 4	
pertaining to Case No. 2024-006	at 2588 Appling Glen and 2	2606 Appling Rd 38133
providing notice of a Public Hean	ng before the (check one):	
X Land Use Control Board		
Board of Adjustment		
Memphis City Council		
Shelby County Board of C	ommissioners	onh of said sign(s) he
for consideration of a proposed attached hereon and a copy of	the sign purchase receipt of	rental contract attach
hereto.		
	()	111
& Aun W Kua	× ×	5/24/24
Owner, Applicant or Representat	ve D	ate
	14th M	ar and
Subscribed and sworn to before	ne thisday of	ay, 20_2
1. Daw Of Letter	2	
Notary Public Ti Hany O.	Jotham (NYC	LAR
indiana .	1187	ATE TE
My commission expires:COMN	ISSION EXPIRES:	F
NOV	MBER 13, 2027 NO	TARY A
	1000	JE /
	WTY	OF Sh

APPLICATION

June 13, 2024 Page 30



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: May 10, 2024

Record Number: PD 2024-006

Expiration Date:

Owner Phone

Record Name: Bellevue Hills Commercial North Planned Development

Description of Work: Commercial retail center (CMU-1 uses) in the R-6 zoning district

Parent Record Number:

Address: 2606 APPLING RD, MEMPHIS 38133

Owner Information

Primary **Owner Name**

Y DLW 2021 GST TRUST AND DWK 2021 GST

Owner Address 3105 SHEA RD, COLLIERVILLE, TN 38017

Parcel Information

095200 00143

Data Fields

PREAPPLICATION MEETING Name of DPD Planner 04/16/2024 Date of Meeting Pre-application Meeting Type Email GENERAL PROJECT INFORMATION Planned Development Type PD 03-349 Previous Docket / Case Number Medical Overlay / Uptown No If this development is located in unincorporated n/a Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not

Lucas Skinner

New Planned Development (PD)

Page 1 of 3

PD 2024-006

GENERAL PROJECT INFORMATION

eligible for a planned development in unincorporated Shelby County) Is this application in response to a citation, stop work order, or zoning letter 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

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

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 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 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 GIS INFORMATION

Page 2 of 3

No n/a

> This project will be compatible with previously approved but expired PD on this property and is consistent with the development patterns along Appling Road.

This project will be compatible with the surrounding commercial developments fronting on Appling and has landscape buffers along existing residential. All public utilities and services are available to this site.

Agreed Agreed

This project will be consistent with previously approved development patterns in the area. All necessary utilities are available to the site.

Project will be compatible to surrounding developments of similar type and is adequately buffered from existing residential.

Agreed.

Yes.

Agreed.

PD 2024-006

				SURVEY	ECT / ENGINEER
IRM					A STATE OF STATE OF STATE
				Conta	rt Type
RD, DAWN KINARD (TR), COLLIERVIL	LE, TN, COLLIE	RVILLE, TN, 38017			
RD				APPLICA	ANT
				Conta	ct Type
nformation					
		No			
Development District		PL			
ion		BELLEVUE	HILLS COMM N	ORTH PD	OUTLINE
oute		1.			
		R-6			
Special Purpose District			k Overlay		
-			112.1		
		SINGLE-EAN			
		NO			
m Eiro Diotriot					
Business Improvement Distric	t				
	vn Fire District District e ality Special Purpose District oute ion Development District d Protection Overlay District nformation RD RD, DAWN KINARD (TR), COLLIERVIL	District e ality Special Purpose District oute ion Development District d Protection Overlay District of Protection Overlay District formation RD RD, DAWN KINARD (TR), COLLIERVILLE, TN, COLLIE	R No District No e SINGLE-FAN MEMPHIS Special Purpose District Fletcher Cree R-6 pute - ion BELLEVUE H PL Development District - d Protection Overlay District No nformation RD RD, DAWN KINARD (TR), COLLIERVILLE, TN, 38017	R wn Fire District No District - e SINGLE-FAMILY ality MEMPHIS Special Purpose District Fletcher Creek Overlay R-6 oute - ion BELLEVUE HILLS COMM N PL Development District - d Protection Overlay District No nformation RD RD RD, DAWN KINARD (TR), COLLIERVILLE, TN, 0017	RD RD Contar RD Contar RD Contar RD Contar RM Fire District Di

Page 3 of 3

PD 2024-006

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY 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, full Development Code Section 12.3.1.

Downhor , state that I have read the definition of (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 <u>2588, 2606, 2616 0 Appling Rd Memphin 21 38133</u> and further identified by Assessor's Parcel Number <u>04540000426</u> 09520000143 095200001422 for which an application is being made to the Division of Planning and Development.

Subscribed and swom to (or efficied) in the year of 2024 day of Signature of Notary Public

10111

LETTER OF INTENT



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

May 9, 2024

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

RE: Bellevue Hills Commercial North Planned Development (formerly PD 03-349) 2606 Appling Road Memphis, Tennessee

Mr. Ragsdale:

Please find attached an application to allow CMU-1 uses for the above captioned planned development in the R-6 zoning district. The subject property is a 200-foot deep parcel fronting on Appling Road and Appling Glen Drive. Single family residences abut the property to the east but no street connectivity was provided in this area. The properties immediately across Appling Road and Appling Glen are developed with similar neighborhood compatible commercial uses. This planned development was originally approved in 2003 with a outline plan recorded on the property in 2007 but due to market conditions at the time, no final plat was ever filed nor building permit issued and the approval has expired. This proposed planned development mirrors the same conditions of approval originally granted for the site including a list of prohibited uses based on neighborhood requests at the time of original approval.

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 were 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 Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing Opened Date: May 10, 2024

Record Number: PD 2024-006

Expiration Date:

Record Name: Bellevue Hills Commercial North Planned Development Description of Work: Commercial retail center (CMU-1 uses) in the R-6 zoning district

Parent Record Number:

Address:

2606 APPLING RD, MEMPHIS 38133

Owner Information

Primary Owner Name

Y DLW 2021 GST TRUST AND DWK 2021 GST

Owner Address 3105 SHEA RD, COLLIERVILLE, TN 38017

Parcel Information

095200 00143

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION

Planned Development Type Previous Docket / Case Number Medical Overlay / Uptown 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 Lucas Skinner 04/16/2024 Email

New Planned Development (PD) PD 03-349 No n/a

Owner Phone

GENERAL PROJECT INFORMATION

eligible for a planned development in unincorporated Shelby County) Is this application in response to a citation, stop work order, or zoning letter 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

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

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 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 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 GIS INFORMATION No

n/a

This project will be compatible with previously approved but expired PD on this property and is consistent with the development patterns along Appling Road.

This project will be compatible with the surrounding commercial developments fronting on Appling and has landscape buffers along existing residential. All public utilities and services are available to this site.

Agreed Agreed Agreed

This project will be consistent with previously approved development patterns in the area. All necessary utilities are available to the site.

Project will be compatible to surrounding developments of similar type and is adequately buffered from existing residential.

Agreed.

Yes.

Agreed.

Case La	iyer		PD03-349,	PD02-347								
	Business Improvement Distri	ct	No									
Class			R									
	wn Fire District		No									
Historic Land Us												
-			MEMPHIS	SINGLE-FAMILY								
Municipa	/Special Purpose District		Fletcher Cree	ak Overlav								
Zoning	Special Pulpose District		R-6	ek Övenay								
State Ro	oute		-									
Lot	Jule		_									
Subdivis	sion		BELLEV/LIE	HILLS COMM N								
Subulvia	SION		PL			OUTLINE						
Planned	Development District		-									
	d Protection Overlay District		No									
	nformation											
Name					Conta	ct Type						
DAWN KINA	RD				APPLICA							
Address	RD, DAWN KINARD (TR), COLLIERVI	LLE, TN, COLLI	ERVILLE, TN, 38017									
Address 3105 SHEA F	RD, DAWN KINARD (TR), COLLIERVI	ILLE, TN, COLLI	ERVILLE, TN, 38017									
Address		ILLE, TN, COLLIE	ERVILLE, TN, 38017			:<u>t Type</u> ECT / ENGINEER /						
Address 3105 SHEA F Phone - Name THE BRAY F Address		ILLE, TN, COLLIE	ERVILLE, TN, 38017			ECT / ENGINEER /						
Address 3105 SHEA F Phone Name THE BRAY F Address 2950 STAGE Phone	FIRM E PLAZA NORTH,	ILLE, TN, COLLIE	ERVILLE, TN, 38017		ARCHITE	ECT / ENGINEER /						
Address 3105 SHEA F Phone Name THE BRAY F Address 2950 STAGE Phone 901)487-242	FIRM E PLAZA NORTH, 25	ILLE, TN, COLLI	ERVILLE, TN, 38017		ARCHITE	ECT / ENGINEER /						
Address 3105 SHEA F Phone Name THE BRAY F Address 2950 STAGE Phone (901)487-242 Fee Inforr nvoice #	FIRM E PLAZA NORTH, 25 mation Fee Item	Quantity	Fees	Status	ARCHITH SURVEY Balance	ECT / ENGINEER / 'OR Date Assessed						
Address 3105 SHEA F Phone - Name THE BRAY F Address	FIRM E PLAZA NORTH, 25 mation			Status INVOICED	ARCHITI SURVEY	ECT / ENGINEER / 'OR						
Address 3105 SHEA F Phone 	FIRM E PLAZA NORTH, 25 mation Fee Item Credit Card Use Fee (.026	Quantity	Fees		ARCHITH SURVEY Balance	ECT / ENGINEER / 'OR Date Assessed						
Address 3105 SHEA F Phone Mame THE BRAY F Address 2950 STAGE Phone (901)487-242 Fee Inforr Invoice # 1563551	FIRM E PLAZA NORTH, 25 mation Fee Item Credit Card Use Fee (.026 x fee) Planned Development - 5 acres or less	Quantity 1 1	Fees 39.00	INVOICED	ARCHITH SURVEY Balance 0.00	ECT / ENGINEER / 'OR Date Assessed 05/10/2024 05/10/2024						
Address 3105 SHEA F Phone THE BRAY F Address 2950 STAGE Phone 901)487-242 Fee Inforr nvoice # 1563551 1563551	FIRM E PLAZA NORTH, 25 mation Fee Item Credit Card Use Fee (.026 x fee) Planned Development - 5 acres or less	Quantity 1 1	Fees 39.00 1,500.00	INVOICED	ARCHITH SURVEY Balance 0.00 0.00	ECT / ENGINEER / 'OR Date Assessed 05/10/2024 05/10/2024						
Address 3105 SHEA F Phone 	FIRM PLAZA NORTH, 25 mation Fee Item Credit Card Use Fee (.026 x fee) Planned Development - 5 acres or less Information	Quantity 1 1 Total Fee Inv	Fees 39.00 1,500.00	INVOICED	ARCHITH SURVEY Balance 0.00 0.00	ECT / ENGINEER / 'OR Date Assessed 05/10/2024 05/10/2024						

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY 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.

, state that I have read the definition of (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 2588, 2606, 2616, O appling (Menchis In and further identified by Assessor's Parcel Number 09540000426 095200 095200 for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or af in the year of 202 day of

ature of Notary Public

My Commission Expire

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

THE BRAY FIRM

RE: Bellevue Hills Commercial North Planned Development (formerly PD 03-349) 2606 Appling Road Memphis, Tennessee

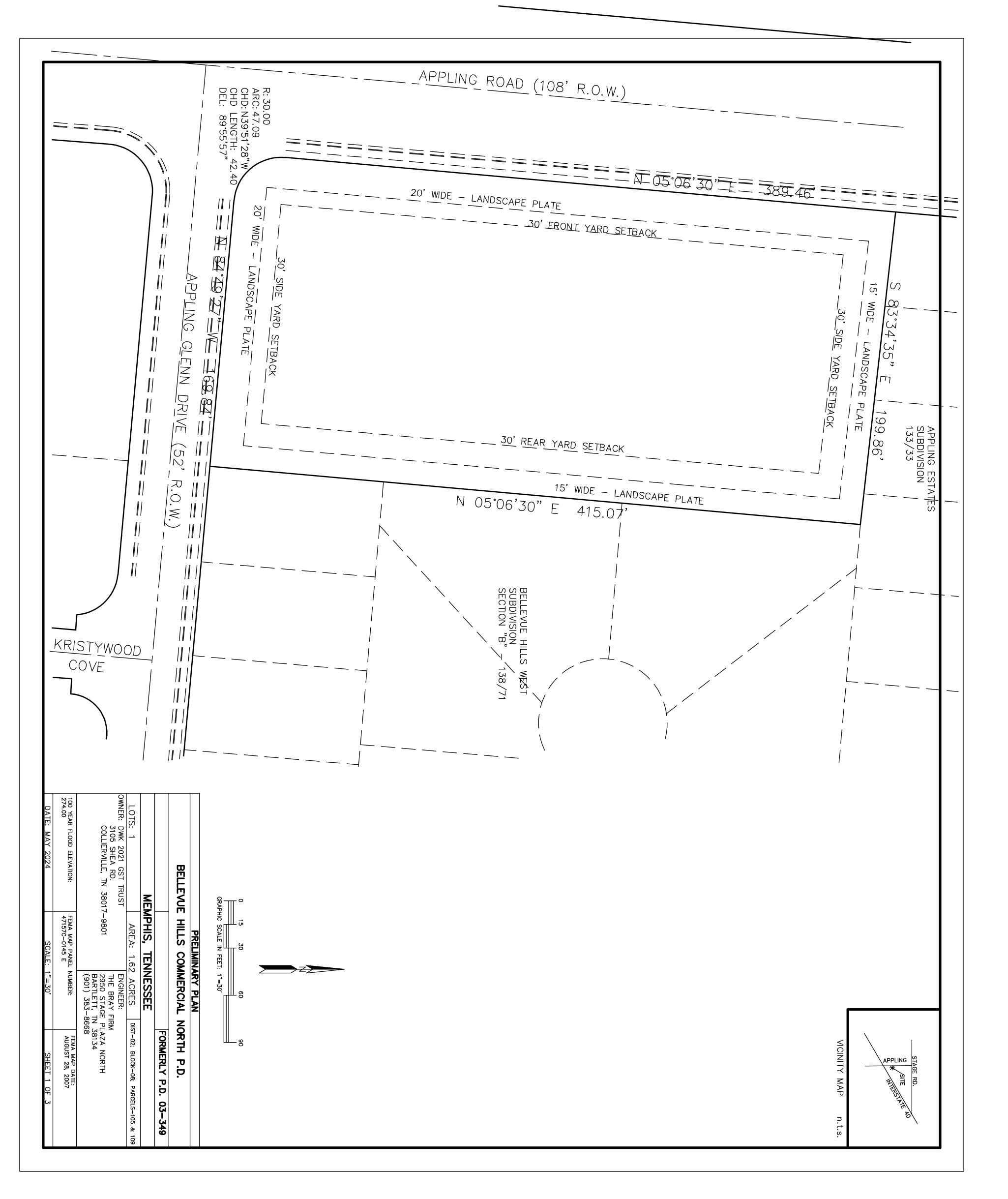
Mr. Ragsdale:

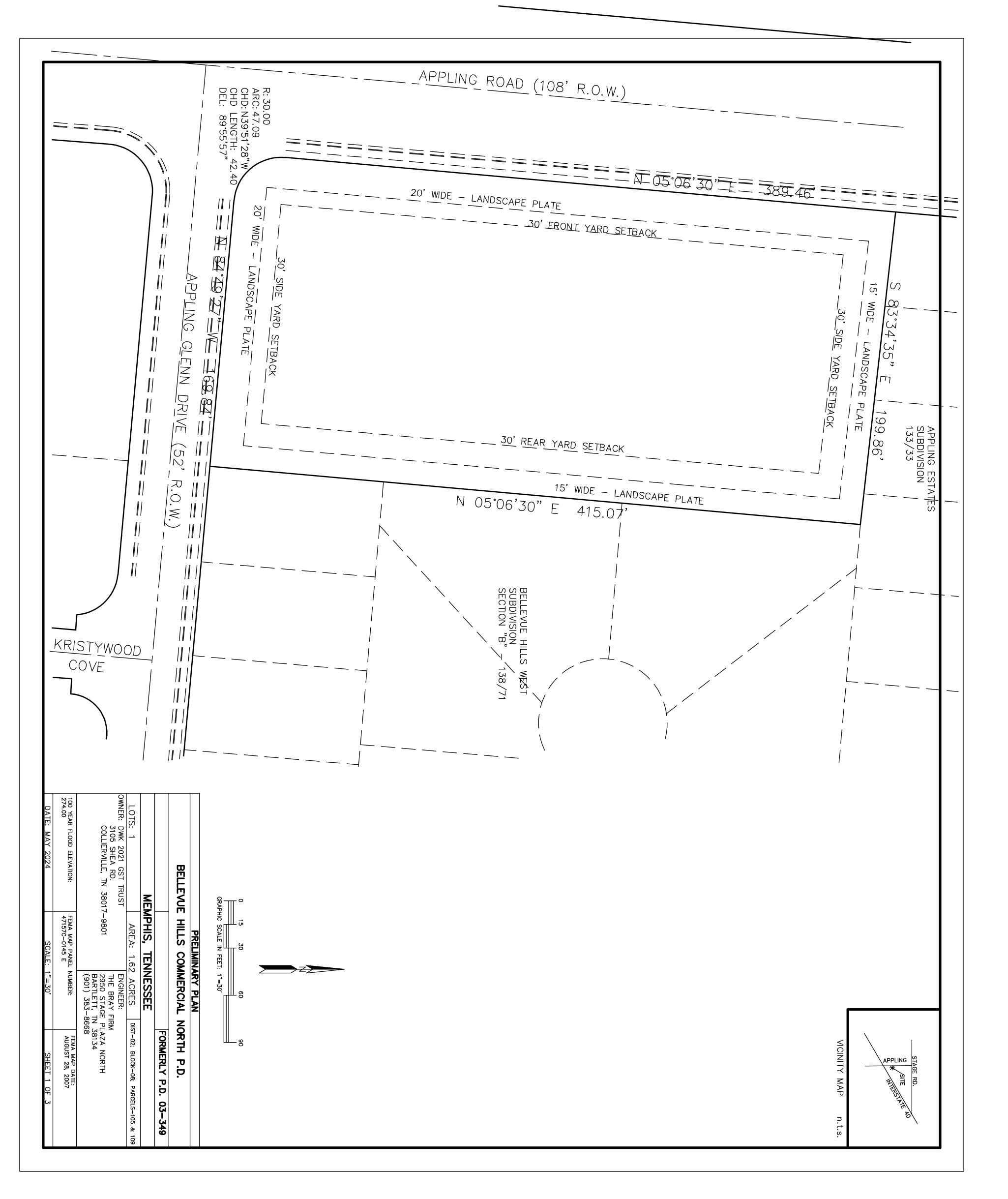
Please find attached an application to allow CMU-1 uses for the above captioned planned development in the R-6 zoning district. The subject property is a 200-foot deep parcel fronting on Appling Road and Appling Glen Drive. Single family residences abut the property to the east but no street connectivity was provided in this area. The properties immediately across Appling Road and Appling Glen are developed with similar neighborhood compatible commercial uses. This planned development was originally approved in 2003 with a outline plan recorded on the property in 2007 but due to market conditions at the time, no final plat was ever filed nor building permit issued and the approval has expired. This proposed planned development mirrors the same conditions of approval originally granted for the site including a list of prohibited uses based on neighborhood requests at the time of original approval.

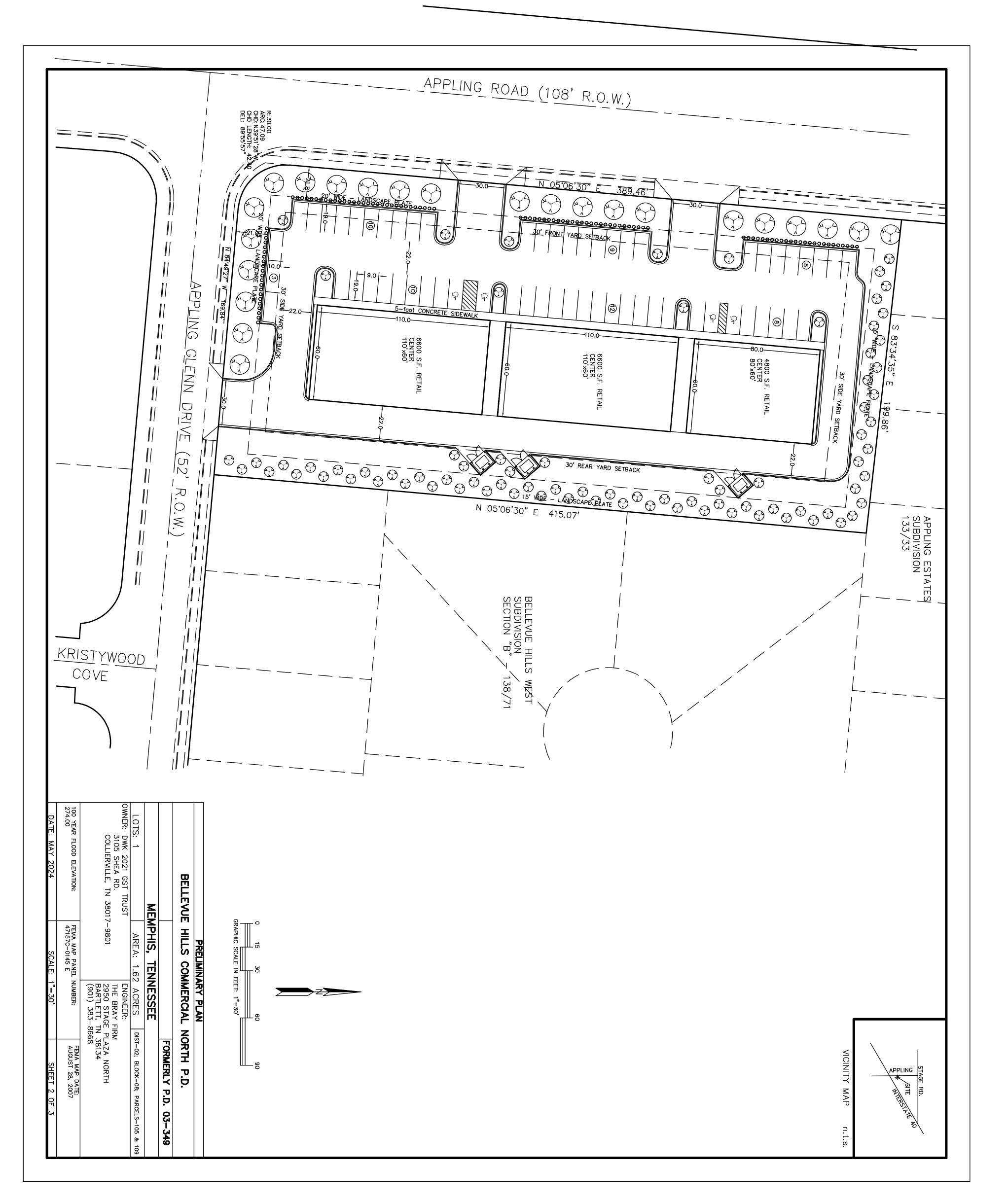
Thank you for considering this request. If you have any questions or need any additional information, please contact me.

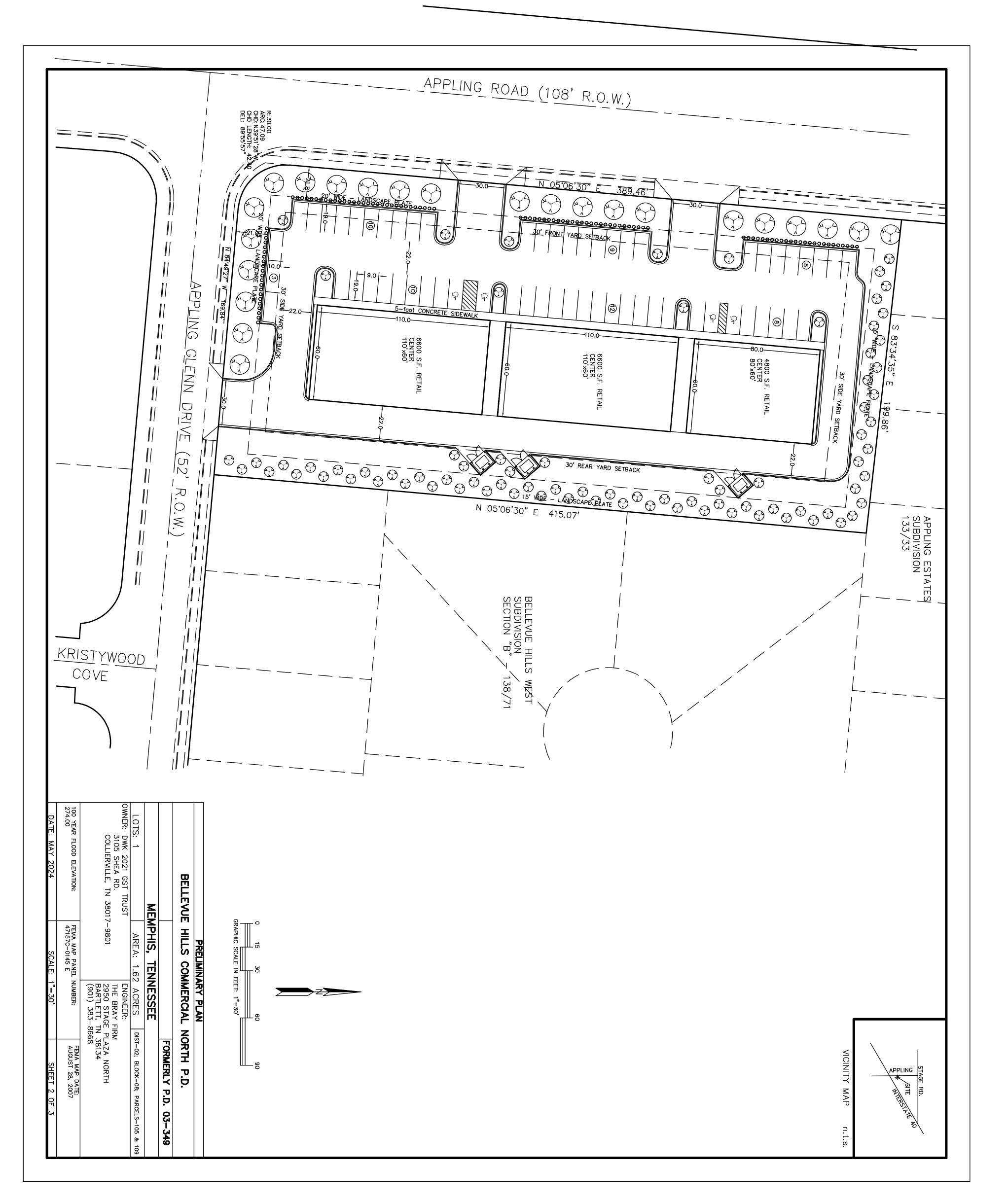
Sincerely,

David Gean Bray, P.E.









	ᄪ ൟ ഈ ൎ	ں <u>ت</u>	B. A	₹.	Ċ ġ Þ	₽	هن م س	A.	.=	<u>, א</u>	.P .O	₽.		⊨ . .	<u>ب</u>	י ייד. ו	⊓ .¤	с в	A.
All landscaping shall be irrigated. All freestanding light poles shall not be located any closer than 50 feet to the adjoining residential development. All light poles shall be limited to a maximum of 15 feet in height. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining residential properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.	The required landscaping shall be screened through the use of an architectural feature such as a parapet. The required landscaping shall be exclusive of and in addition to any required easements. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.	idened to 20 feet in width. rth and east property lines, a B-4 Plate. This plate includes Tree D's planted at 1 rerhead powerlines are present. Tree E's at 10 feet on center. D meet conditions IV.B.2 above shall not include the Loblolly Pine. Deter than 10 inch in diameter are removed, then the A-5 Plate (as shown in the nall be required along the north and east property lines. Indscaping shall be irrigated. or accessory buildings shall be contained within a brick building of similar color or accessory buildings shall be contained through the use of fear incomparison landscap	An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter. If the applicant cannot meet the requirements for the Matrix the following conditions shall be required as an equivalent alternative.	LANDSCAPING, SCREENING, AND LIGHTING:	The City / County Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter and sidewalk. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.	ACCESS AND CIRCULATION:	 Building Height - One story, 20 feet All buildings shall be composed of brick and all buildings shall be of similar color. Elevations identifying the materials used shall be attached to the final plat. Any architectural feature, such as wall or parapet, that is attached to the rear (east elevation) and north elevation shall have a similar color to the brick used for the wall. Reference to the color shall be included with the elevations as required in II.D. above. Required parking as shown on the site plan attached to the staff report. 	Building setbacks: 1. From Appling Road and Appling Glen Drive - 30 feet 2. North and East property lines - 30 feet	BULK REGULATIONS: The bulk regulations of the CMU-1 shall apply except where further conditioned below:	Coin operated laundry Used goods, second hand sales	Vehicle sales or repair Convenience store	Veterinary Clinic Vehicle Wash	are, unless the final plat provides for a separated, ol	Automobile parking lots, except as an accessory use to a snopping center Bars, cocktail lounge, or taverns Drive-in or restaurants or any type of use that includes a drive through window			Amusements, commercial outdoor or indoor Gasoline sales	Lodge, club, or Country Club Recreation Field	Any use permitted in the CMU-1 District, and also to include food truck, with the following exceptions: Hospital

	 IX. Any final plan shall include the following: A trandard subdivision contract as defined by the Subdivision Regulations for any needed public improvements. C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping. D. The number of parking spaces E. The following note shall be placed on the final plat of any development requiring on-site storm water detention located in these areas, except for those parts located in a public drainage easement, shall be parformed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and required drainage structures. X. Any subsequent owner of property within this Planed Development may request amendments prior to their being heard by the Land Use Control Board. 	 VII. Site Plan Review: A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council. A. The Site plan shall include: The exact location and dimensions including height of all buildings. The number, location, and dimensions of parking spaces within proposed structures / lots. A detailed landscaping plan including the species and diameter of any new plants. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line. B. The site plan shall be reviewed based on the following criteria: Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting. VIII. A final plan shall be field within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant. 	 VI. SITE PLAN REVIEW A. A maximum of two (2) detached signs, one per phase, shall be permitted. Each detached sign shall be limited to a maximum of 35 square feet in area. C. All detached signs shall be ground-mounted, monument in style, and limited to a height of 10 feet. D. All detached signs shall be composed of similar materials and color to that of the principal building. I. No signage, attached or detached, shall be permitted along or oriented to Appling Glen Drive or to the residential properties to the north or east. F. No detached sign shall be located any closer than 50 feet from the north property line. Minimum setback for detached signs shall be 15 feet. No portable or temporary signs shall be permitted. In addition no flashing signs or signs that are designed to portray movement shall be permitted. No attached signs shall be permitted on the east or north elevations.
0 15 30 60 90 GRAPHIC SCALE IN FEET: 1°=30' 90 PRELIMINARY PLAN PRELIMINARY PLAN BELLEVUE HILLS COMMERCIAL NORTH P.D. 90 MEMPHIS, TENNESSEE Inst-02: BLOCK-08; PARCELS-105 & 109 OWNER: DWK 2021 GST TRUST FILE ARD. S105 SHEA RD. AREA: 1.62 ACRES CULIERVILLE, TN 38017-9801 ENGINEER: 100 YEAR FLOOD ELEVATION: FILA MAP PANEL 100 YEAR FLOOD ELEVATION: FINA MAP PANEL 100 YEAR FLOOD ELEVATION: FINA MAP DATE: 100 YEAR FILA REA 100 YEAR FILA REA 100 YEAR SCALE: 1°=30'			

I. USES PERMITTED:

Any use permitted in the CMU-1 District, and also to include food truck, with the following exceptions:

- A. Hospital
- B. Lodge, club, or Country Club
- C. Recreation Field
- D. Amusements, commercial outdoor or indoor
- E. Gasoline sales
- F. Pawn shop
- G. Shops or sections of shops that are oriented to an "adults only" audience. These shops are characterized by carrying such merchandise as adult or intimate apparel, adult / exotic magazine / videos, adult games and gifts.
- H. Automobile parking lots, except as an accessory use to a shopping center
- I. Bars, cocktail lounge, or taverns
- J. Drive-in or restaurants or any type of use that includes a drive through window
- K. Day Care, unless the final plat provides for a separated, unpaved, outdoor play area, 50 square feet per child
- L. School
- M. Veterinary Clinic
- N. Vehicle Wash
- O. Vehicle sales or repair
- P. Convenience store
- Q. Coin operated laundry
- R. Used goods, second hand sales

II. BULK REGULATIONS:

The bulk regulations of the CMU-1 shall apply except where further conditioned below:

- A. Building setbacks:
 - 1. From Appling Road and Appling Glen Drive 30 feet
 - 2. North and East property lines 30 feet
- B. Building Height One story, 20 feet
- C. All buildings shall be composed of brick and all buildings shall be of similar color.
- D. Elevations identifying the materials used shall be attached to the final plat.
- E. Any architectural feature, such as wall or parapet, that is attached to the rear (east elevation) and north elevation shall have a similar color to the brick used for the wall. Reference to the color shall be included with the elevations as required in II.D. above.
- F. Required parking as shown on the site plan attached to the staff report.
- III. ACCESS AND CIRCULATION:
- A. The City / County Engineer shall approve the design, number and location of curb cuts.
- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress / egress easements shall be shown on the final plats.
- IV. LANDSCAPING, SCREENING, AND LIGHTING:
- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. If the applicant cannot meet the requirements for the Matrix the following conditions shall be required as an equivalent alternative.

1. Along the Appling Road and Appling Glen Drive frontages an A-5 Plate as shown in the Landscape Ordinance widened to 20 feet in width.

2. Along the north and east property lines, a B-4 Plate. This plate includes Tree D's planted at 15 feet on the c enter or if overhead powerlines are present. Tree E's at 10 feet on center.

3. Trees used to meet conditions IV.B.2 above shall not include the Loblolly Pine.

4. In no trees greater than 10 inch in diameter are removed, then the A-5 Plate (as shown in the Landscape Ordinance) shall be required along the north and east property lines.

- C. All required landscaping shall be irrigated.
- D. Any dumpster or accessory buildings shall be contained within a brick building of similar color to the main buildings.
- E. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- F. The required landscaping shall be exclusive of and in addition to any required easements.
- G. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires landscape to revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- H. All landscaping shall be irrigated.
- I. All freestanding light poles shall not be located any closer than 50 feet to the adjoining residential development.
- J. All light poles shall be limited to a maximum of 15 feet in height.
- K. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining residential properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

VI. SITE PLAN REVIEW

- A. A maximum of two (2) detached signs, one per phase, shall be permitted.
- B. Each detached sign shall be limited to a maximum of 35 square feet in area.
- C. All detached signs shall be ground-mounted, monument in style, and limited to a height of 10 feet.
- D. All detached signs shall be composed of similar materials and color to that of the principal building.
- E. No signage, attached or detached, shall be permitted along or oriented to Appling Glen Drive or to the residential properties to the north or east.
- F. No detached sign shall be located any closer than 50 feet from the north property line.
- G. Minimum setback for detached signs shall be 15 feet.
- H. No portable or temporary signs shall be permitted. In addition no flashing signs or signs that are designed to portray movement shall be permitted.
- I. No attached signs shall be permitted on the east or north elevations.

VII. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

A. The Site plan shall include:

1. The exact location and dimensions including height of all buildings.

2. The number, location, and dimensions of parking spaces within proposed structures / lots.

3. A detailed landscaping plan including the species and diameter of any new plants.

4. A lighting plan showing the location of the freestanding poles, the type of fixtures and if required by DPD, photometric analysis that shows the trespass of light onto adjacent residential properties is no great than 1.0 candle foot at the property line.

B. The site plan shall be reviewed based on the following criteria:

1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.

4. Adequate access shall be provided to the site as determined by the City Engineer.

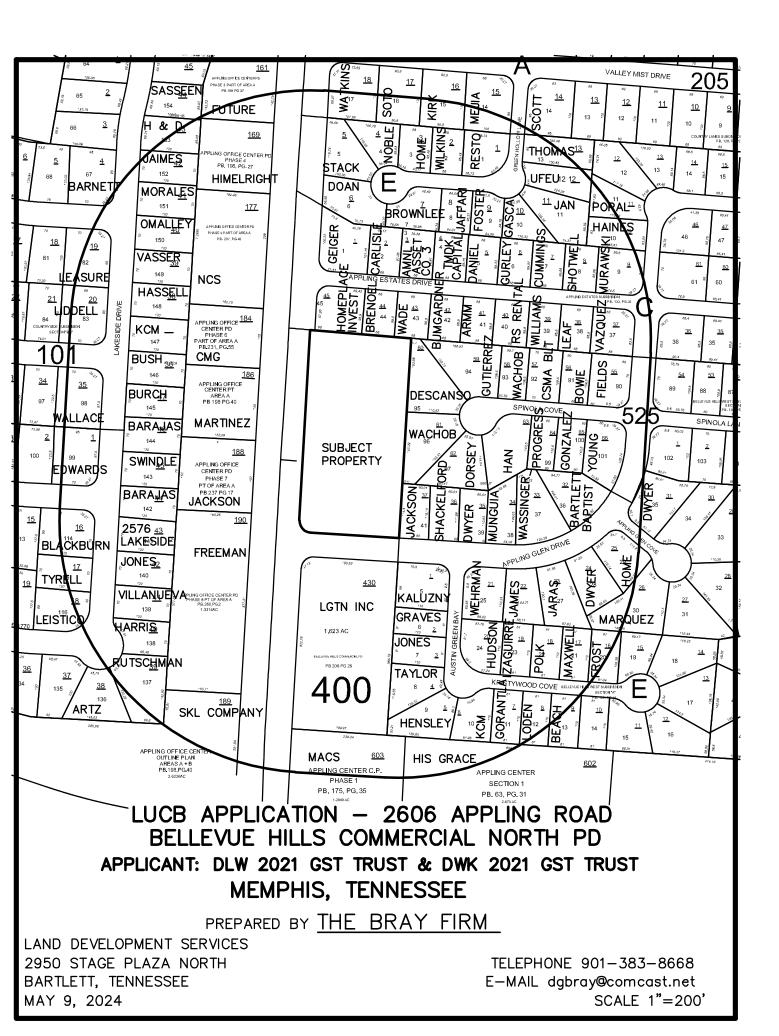
VIII. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

A. The Outline Plan conditions.

- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention 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 owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

X. Any subsequent owner of property within this Planned Development may request amendments to the Planned Development. However, all property owners shall be notified of any such amendments prior to their being heard by the Land Use Control Board.



Bellevue Hills Commercial North PD Page 1 of 6

DLW 2021 GST Trust & DLK 2021 GST Trust 3105 Shea Road Collierville, TN 38017

Applicant

Johnathon Geiger 7456 Appling Estate Dr. Memphis, TN 38133

TMDK Capital LLC 3740 E 1st Ave Unit B Denver CO 80206

Monica R Daniel 7482 Appling Estate Dr Memphis, TN 38133

Brenda & Willie Shotwell 7504 Appling Estate Dr Memphis, TN 38133

Homeplace Investments LLC 4449 Billy Maher Rd Bartlett, TN 38135

Belinda Wade 7467 Appling Estate Dr Memphis, TN 38133

Stephen Williams 7495 Appling Estate Dr Memphis, TN 38133 The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Engineer

Anita Carlisle 7462 Appling Estate Dr Memphis, TN 38133

Resident 7474 Appling Estate Dr Memphis, TN 38133

Robbie J Gurley 7490 Appling Estate Dr Memphis, TN 38133

Joseph & Amy Murawski 1415 Sheffield Dr Saginaw, MI 48638

Resident 7453 Appling Estate Dr Memphis, TN 38133

Terry & Deborah Bumgardner 7475 Appling Estate Dr Memphis, TN 38133

Ernest & Shachon Leaf 7503 Appling Estate Dr Memphis, TN 38133 Daniel Hamaker 2810 Coldwater Ct. Midlotihian, TX 76065

Owner

AMNL Asset CO 3 LLC 5001 Plaza On The Lake Ste 200 Austin, TN 78746

Resident 7468 Appling Estate Dr Memphis, TN 38133

Henry & Sandra Cummings 7496 Appling Estate Dr Bartlett, TN 38135

Resident 7512 Appling Estate Dr Bartlett, TN 38135

Cherie M Brenoel 7461 Appling Estate Dr Memphis, TN 38133

ARMM Asset Co 1 LLC 5001 Plaza on the Lake Ste 200 Austin, TX 78746

Vicente Vazquez 7509 Appling Estate Dr Memphis, TN 38133 Bellevue Hills Commercial North PD Page 2 of 6

Will Fields 7510 Spinola Cv Memphis, TN 38133

Resident 7498 Spinola Cv Memphis, TN 38133

Juan Gutierrez & Esperanza Mena 7486 Spinola Cv Memphis, TN 38133

Resident 7480 Spinola Cv Memphis, TN 38133

Resident 7493 Spinola Cv Memphis, TN 38133

Carmen Gonzalez 7505 Spinola Cv Memphis, TN 38133

Resident 2577 Appling Glen Dr Memphis, TN 38133

Juan & Karla Munguia 2551 Appling Glen Dr Memphis, TN 38133

Elbert Jackson 7750 Killdeer Ln Cordova, TN 38016 Kevin Bowie & Nicole Mantanona 7504 Spinola Cv Memphis, TN 38133

Shelley Wachob 8520 Macon Rd Cordova, TN 38018

Descanso Properties LLC PO Box 2739 Palos Verdes Peninsula, CA 90274

Pearlie & John Dorsey 7487 Spinola Cv Memphis, TN 38133

Progress Residential Borrower 8 LLC PO Box 4090 Scottsdale, AZ 85261

Jamie & Christina Young 2597 Appling Glen Dr Memphis, TN 38133

Arlene & Donna Wassinger 8049 Allbright Cv Bartlett, TN 38133

Bruce & Nancy Dwyer 2545 Appling Glen Dr Memphis, TN 38133

Resident 2531 Appling Glen Dr Memphis, TN 38133 CSMA BTL LLC 1850 Parkway Pl Ste 900 Marietta, GA 30067

Resident 7492 Spinola Cv Memphis, TN 38133

Resident 7481 Spinola Cv Memphis, TN 38133

Yu Han & Yi Huang 3237 Richland View Dr Bartlett, TN 38133

Resident 7499 Spinola Cv Memphis, TN 38133

Bartlett Baptist Church Inc 3465 Kirby Whitten Pkwy Bartlett, TN 38135

Resident 2559 Appling Glen Dr Memphis, TN 38133

Alison Shackelford 2539 Appling Glen Dr Bartlett, TN 38133

LGTN INC 1152 Paladin Way Pleasanton, CA 94566 Bellevue Hills Commercial North PD Page 3 of 6

Resident 2564 Appling Rd Memphis, TN 38133

Prince Jones 2555 Austin Green Bay Memphis, TN 38133

Resident 7475 Kristywood Cv Memphis, TN 38133

Siva Gorantla 1110 Castleton Way Sunnyvale, CA 94087

June Beach 7503 Kristywood Cv Memphis, TN 38133

His Grace LLC 1020 Center Ridge Rd Collierville, TN 38017

Michaele Jaras 11400 Long Rd Arlington, TN 38002

Resident 2570 Appling Glen Dr Memphis, TN 38133

Resident 2558 Austin Green Bay Memphis, TN 38133 David & Gwen Kaluzny 2567 Austin Green Bay Memphis, TN 38133

Jeanette & Mark Taylor 2547 Austin Green Bay Memphis, TN 38133

KCM Investments LLC PO Box 280 Bolivar, TN 38008

Resident 7491 Kristywood Cv Memphis, TN 38133

Macs Convenience Store LLC PO Box 347 Columbus, IN 47202

Richard Wehrman 2566 Austin Glen Bay Memphis, TN 38133

Resident 2562 Appling Glen Dr Memphis, TN 38133

Martha Marquez 7529 Appling Glen Cv Memphis, TN 38133

Israel & Sobeida Izaguirre 7492 Kristywood Cv Memphis, TN 38133 William Graves & Shelly Smith 2561 Austin Green Bay Memphis, TN 38133

Bill & Reba Hensley 784 Rocky Point Rd Cordova, TN 38018

Resident 7485 Kristywood Cv Memphis, TN 38133

Paul & Vicki Loden 7497 Kristywood Cv Memphis, TN 38133

Resident 2530 Appling Rd Memphis, TN 38133

Jasper & Taneka James 2554 Appling Glen Bay Memphis, TN 38133

Home SFR Borrower III LLC 3505 Kroger Blvd Ste 400 Duluth, GA 30096

Hudson SFR Property Holdings II LLC 2711 N Haskell Ave Ste 2100 Dallas, TX 75204

Bertha Polk 7498 Kristywood Cv Memphis, TN 38133 Bellevue Hills Commercial North PD Page 4 of 6

Francis Maxwell 7504 Kristywood Cv Memphis, TN 38133

Bruce Brownlee 2642 Green Hollow Cv Bartlett, TN 38133

Catina Foster 2650 Green Hollow Cv Memphis, 38133

Resident 2658 Green Hollow Cv Memphis, TN 38133

Resident 2666 Green Hollow Cv Memphis, TN 38133

Shahbano Popal & Akram Ramadan 2649 Appling Glen Dr Bartlett, TN 38133

Resident 2665 Green Hollow Cv Memphis, TN 38133

Resident 2641 Green Hollow Cv Memphis, TN 38133

Trevor Stack 2633 Green Hollow Cv Memphis, TN 38133 Latarsha Frost 7510 Kristywood Cv Memphis, TN 38133

Andy Jaffari 4657 Narcissus Dr Bartlett, TN 38135

Marco Gasca 2654 Green Hollow Cv Memphis, TN 38133

Emmanuel Ufeu 2662 Green Hollow Cv Memphis, TN 38133

David Haines 7555 Appling Center Dr Bartlett, TN 38133

Yvonne Scott 2670 Green Hollow Ln Memphis, TN 38133

Lawrence Wilkins 2645 Green Hollow Cv Memphis, TN 38133

Noble Family Trust 2745 Park Crest Cv Cordova, TN 38016

James Watkins & Tammy Barnes 7455 Valley Mist Dr Memphis, TN 38133 Michael Doan & Bachmai Nguyen 2636 Green Hollow Cv Bartlett, TN 38133

Resident 2646 Green Hollow Cv Bartlett, TN 38135

Adnan Jan 2365 Pagely Pl Memphis, TN 38134

Chanita Thomas 1057 Mount Vernon Rd Memphis, TN 38111

Resident 2643 Appling Glen Dr Memphis, TN 38133

Resto Real Estate Holdings 126 Main St Ste A Clarksville, TN 37040

Home SFR Borrower LLC 3505 Kroger BLVD Ste 400 Duluth, GA 30096

Resident 2637 Green Hollow Cv Memphis, TN 38133

Miguel Soto 7463 Valley Mist Dr Memphis, TN 38133 Bellevue Hills Commercial North PD Page 5 of 6

Jawana & Jacquelyn Kirk 7471 Valley Mist Dr Memphis, TN 38133

Daniel & Cynthia Freeman 2567 Appling Rd Memphis, TN 38133

CMG Real Estate Holdings LLC 2705 Appling Rd Ste 101 Memphis, TN 38133

Resident 2645 Appling Rd Memphis, TN 38133

Future LLC 1215 Burton St Silver Spring, MD 20910

Resident 2666 Lakeside Dr Memphis, TN 38133

Oliva Jaimes 6868 Locke Rd Millington, TN 38053

Brandon & Kimberlee O'Malley PSC 3 Box 8283 Apo, AP 96266

KCM Investments LLC PO Box 280 Cordova, TN 38088 Vilma Mejia 7483 Valley Mist Dr Memphis, TN 38133

William Jackson 2589 Appling Rd Memphis, TN 38133

Resident 2625 Appling Rd Memphis, TN 38133

Himelright Revocable Living Trust 11550 Amos St Eads, TN 38028

Resident 2671 Appling Rd Memphis, TN 38133

H and D Homes LLC 6491 Elmore Rd Memphis, TN 38134

Resident 2652 Lakeside Dr Memphis, TN 38133

Wayne Vasser 2632 Lakeside Dr Memphis, TN 38133

Resident 2618 Lakeside Dr Memphis, TN 38133 The SKL Company 3800 New Getwell Rd Memphis, TN 38118

Jonathan Martinez PO Box 1779 Memphis, TN 38119

NCS Properties LLC 7535 Bartlett Corporate Dr Bartlett, TN 38133

Resident 2657 Appling Rd Memphis, TN 38133

Jane Sasseen 6385 Cheshire Cv Bartlett, TN 38134

Resident 2658 Lakeside Dr Memphis, TN 38133

Maria Morales-Ortiz 2646 Lakeside Dr Memphis, TN 38133

Sharon & Samuel Hassell 2624 Lakeside Dr Memphis, TN 38133

Stephanie Bush 300 Woodlawn Pike A Knoxville, TN 37920 Bellevue Hills Commercial North PD Page 6 of 6

Resident 2610 Lakeside Dr Memphis, TN 38133

Sabina & Arturo Barajas 2598 Lakeside Dr Memphis, TN 38133

2576 Lakeside Drive Trust 6106 Harvard Ave Unit 216 Glen Echo Md 20812

Jose & Angelica Villanueva-Castaneda 2564 Lakeside Dr Memphis, TN 38133

Gregory & Teresa Artz 2546 Old Dutch Way Memphis, TN 38133

Resident 2565 Lakeside Dr Memphis, TN 38133

Shawn & Jennifer Wallace 7407 Guilder Cv Memphis, TN 38133

Raymond & Debra Barnett 6555 Stage Rd Ste 3 Bartlett, TN 38134 Burch Properties LLC 7657 Spirit Lake Cv Cordova, TN 38016

Roger & Carolyn Swindle 2590 Lakeside Dr Memphis, TN 38133

Resident 2576 Lakeside Dr Memphis, TN 38133

Kevin Harris 2556 Lakeside Dr Memphis, TN 38133

Susan Leistico 2545 Old Dutch Way Memphis, TN 38133

Phillip & Samrech Blackburn 7403 Twiller Cv Memphis, TN 38133

Stacey Liddell 7406 Guilder Cv Memphis, TN 38133

Resident 2651 Lakeside Dr Memphis, TN 38133 Resident 2604 Lakeside Dr Memphis, TN 38133

Arturo Barajas 2584 Lakeside Dr Memphis, TN 38133

Shajuna Jones 2570 Lakeside Dr Memphis, TN 38133

Mary Rutschman 2550 Lakeside Dr Memphis, TN 38133

Cole Tyrell 214 Windsor Ave Lombard, IL 60148

Tyrone Edwards 2593 Lakeside Dr Memphis, TN 38133

Randy Leasure 2633 Lakeside Dr Memphis, TN 38133



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.



21159817

12/29/2021 - 12:56:47 PM

3 PGS	
BRANDON 2359275 - 21159817	
VALUE	10.00
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

SHELANDRA Y FORD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100

Website: www.register.shelby.tn.us Email: register@shelbycountytn.gov

Shelandra Y Ford Shelby County Register of Deeds: Instrument# 21159817 Page 1 of 3

Prepared by and Return to: Linda J. Mathis, 6389 Quail Hollow - 201, Memphis, TN 38120 (901)682-5668

QUITCLAIM DEED

KNOW BY ALL MEN PRESENTS that LINDA MATHIS, TRUSTEE, for and in consideration of

the sum of \$10.00 (Ten Dollars), does hereby bargain, sell, remise, release, quitclaim and convey unto DLW

2021 GST TRUST and DWK 2021 GST TRUST, as Tenants in Common, the following described real estate

in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

THIS INSTRUMENT PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.

IN TESTIMONY WHEREOF I have executed this instrument this the $\frac{28}{1000}$ day of December 2021.

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared LINDA MATHIS, TRUSTEE, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that s/he executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and seal, this $\frac{28}{28}$ day of December 2021.

NOTAR

LINDA MATHIS, TRUSTEE



2606 Appling Memphis, Tennessee Owner and Mail Tax Bill To: Dawn Kinard, Trustee 3105 Shea Road Collierville, TN 38017

Tax Parcel No. 0952000001430

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

LINDA MATHIS, TRUS

SWORN TO AND SUBSCRIBED before me this the $\frac{28}{2}$ day of December 2021.

ones NOTARY PUBLIC

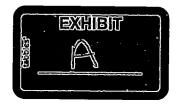


Parcel I:

Beginning at a point in the east line of Appling Road at the south line of Appling Estates Subdivision; thence South 83 degrees 46 minutes 44 seconds east along the south line of said subdivision, 1,454.20 feet; thence south 04 degrees 52 minutes 36 seconds east, 274.71 feet; thence north 83 degrees 46 minutes 44 seconds west, 1,453.51 feet to the east line of Appling Road, (25 feet from the centerline); thence north 05 degrees 01 minutes 16 seconds east, 274.71 feet to the point of beginning and containing 9.1687 acres.

Parcel II:

Beginning at a point in the east line of Appling Road (25 feet from the centerline), 129.71 feet south of the south line of Appling Estates Subdivision; thence east 150.0 feet along a line 25.0 feet north of the existing structure; thence south, 145.00 feet; thence west, 150.00 feet along the original south line of the Peter Spinola tract; thence north along the east line of Appling Road, 145.0 feet to the point of beginning and containing 0.499 acres.





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

June 13, 2024

Dawn Kinard 3105 Shea Road Collierville, TN 38017

Sent via electronic mail to: dgbray@comcast.net

Bellevue Hills Commercial North Planned Development Case Number: PD 2024-006 LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, June 13, 2024, the Memphis and Shelby County Land Use Control Board recommended *approval* of your planned development application for the Bellevue Hills Commercial North 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.

If you have questions regarding this matter, please feel free to contact me at (901) 636-7179 or via email at Latonya.hull@memphistn.gov.

Respectfully,

tongo HM

LaTonya Hull Planner I

Land Use and Development Services Division of Planning and Development

Cc: David Bray, The Bray Firm File

Outline Plan Conditions

I. USES PERMITTED:

Any use permitted in the CMU-1 District, and also to include food trucks, with the following exceptions:

- A. Hospital
- B. Lodge, club, or Country Club
- C. Recreation Field
- D. Amusements, commercial outdoor or indoor
- E. Gasoline sales
- F. Pawnshop
- G. Shops or sections of shops that are oriented to an "adults only" audience. These shops are characterized by carrying such merchandise as adult or intimate apparel, adult/exotic magazines/videos, adult games, and gifts.
- H. Automobile parking lots, except as an accessory use to a shopping center
- I. Bars, cocktail lounges, or taverns
- J. Drive-in or restaurants or any type of use that includes a drive-through window
- K. Day Care, unless the final plat provides for a separated, unpaved, outdoor play area, 50 square feet per child
- L. School
- M. Veterinary Clinic
- N. Vehicle Wash
- O. Vehicle sales or repair
- P. Convenience store
- Q. Coin-operated laundry
- R. Used goods, second-hand sales
- **II. BULK REGULATIONS:**

The bulk regulations of the CMU-1 shall apply except where further conditioned below:

- A. Building setbacks:
 - 1. From Appling Road and Appling Glen Drive 30 feet
 - 2. North and East property lines 30 feet
- B. Building Height One story, 20 feet
- C. All buildings shall be composed of brick and all buildings shall be of similar color.
- D. Elevations identifying the materials used shall be attached to the final plat.
- E. Any architectural feature, such as a wall or parapet, that is attached to the rear (east elevation) and north elevation shall have a similar color to the brick used for the wall. Reference to the color shall be included with the elevations as required in II.D. above.
- F. Required parking as shown on the site plan attached to the staff report.
- III. ACCESS AND CIRCULATION:
- A. The City/County Engineer shall approve the design, number, and location of curb cuts.

- B. Any existing nonconforming curb cuts shall be modified to meet current City / County Standards or closed with curb, gutter, and sidewalk.
- C. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

IV. LANDSCAPING, SCREENING, AND LIGHTING:

- A. An NOI as required by the Tree Ordinance shall be filed with the Office of Planning and Development at least 10 days prior to the removal of any tree that is 10 inches or greater in diameter.
- B. If the applicant cannot meet the requirements for the Matrix the following conditions shall be required as an equivalent alternative.
 - 1. Along the Appling Road and Appling Glen Drive frontages an A-5 Plate as shown in the Landscape Ordinance widened to 20 feet in width.
 - 2. Along the north and east property lines, a B-4 Plate. This plate includes Tree D's planted at 15 feet on the center or if overhead powerlines are present. Tree E's at 10 feet on center.
 - 3. Trees used to meet conditions IV.B.2 above shall not include the Loblolly Pine.
 - 4. If no trees greater than 10 inches in diameter are removed, then the A-5 Plate (as shown in the Landscape Ordinance) shall be required along the north and east property lines.
- C. All required landscaping shall be irrigated.
- D. Any dumpster or accessory buildings shall be contained within a brick building of similar color to the main buildings.
- E. Any HVAC equipment or utility meters shall be screened through the use of fencing or landscaping. If roof-mounted, the equipment shall be screened through the use of an architectural feature such as a parapet.
- F. The required landscaping shall be exclusive of and in addition to any required easements.
- G. A detailed landscaping plan shall be submitted with the final plat subject to the approval of the Office of Planning and Development. If the City Engineer's Office requires detention on this property that requires the landscape to be revised, no use Occupancy Permit shall be issued until a detailed landscaping plan has been approved by the DPD.
- H. All landscaping shall be irrigated.
- I. All freestanding light poles shall not be located any closer than 50 feet to the adjoining residential development.
- J. All light poles shall be limited to a maximum of 15 feet in height.
- K. All lighting shall be designed to direct light straight down and not to trespass onto the adjoining residential properties. A detailed lighting plan showing the location of the poles and other lighting fixtures and the photometric analysis shall be submitted with the final plat, subject to the review and approval of the DPD.

VI. SITE PLAN REVIEW

A. A maximum of two (2) detached signs, one per phase, shall be permitted.

- B. Each detached sign shall be limited to a maximum of 35 square feet in area.
- C. All detached signs shall be ground-mounted, monument in style, and limited to a height of 10 feet.
- D. All detached signs shall be composed of similar materials and colors to that of the principal building.
- E. No signage, attached or detached, shall be permitted along or oriented to Appling Glen Drive or to the residential properties to the north or east.
- F. No detached sign shall be located any closer than 50 feet from the north property line.
- G. Minimum setback for detached signs shall be 15 feet.
- H. No portable or temporary signs shall be permitted. In addition, no flashing signs or signs that are designed to portray movement shall be permitted.
- I. No attached signs shall be permitted on the east or north elevations.
- VII. Site Plan Review:

A site plan shall be submitted for the review, comment and recommendation of the Division of Planning and Development (DPD) and appropriate City Agencies prior to the approval of any plan. However, if there is a disagreement regarding the intention of any of the above conditions, either party may appeal to the Land Use Control Board and if necessary, the Memphis City Council.

- A. The Site plan shall include:
 - 1. The exact location and dimensions including height of all buildings.
 - 2. The number, location, and dimensions of parking spaces within proposed structures/lots.
 - 3. A detailed landscaping plan including the species and diameter of any new plants.
 - 4. A lighting plan showing the location of the freestanding poles, the type of fixtures, and if required by DPD, a photometric analysis that shows the trespass of light onto adjacent residential properties is no greater than 1.0 candle feet at the property line.
- B. The site plan shall be reviewed based on the following criteria:
 - 1. Conformance with the Outline Plan Conditions.

2. Compatibility with existing properties surrounding the site as well as a compatible internal arrangement of uses.

3. Elements of design such as building orientation, building mass and height, building materials, setback, access, parking and internal circulation, landscaping, and lighting.

4. Adequate access shall be provided to the site as determined by the City Engineer.

- VIII. A final plan shall be filed within five (5) years of the approval of the Outline Plan by the Memphis City Council. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. The Outline Plan Conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings (with elevations) or buildable areas, parking areas, drives, and required landscaping.
- D. The number of parking spaces
- E. The location and ownership, whether public or private, of any easement.
- F. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The areas denoted by "Reserved for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The stormwater detention 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 owners' association. Such maintenance shall be performed so as to ensure the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris, and trash, mowing, outlet cleaning, and repair of drainage structures.
- X. Any subsequent owner of property within this Planned Development may request amendments to the Planned Development. However, all property owners shall be notified of any such amendments prior to their being heard by the Land Use Control Board.

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 07/23/2024

PUBLIC SESSION: DATE DATE

ITEM (CHECK ONE)			
ORDINANCE	X_ RESOLUTION REQUEST FOR PUBLIC HEARING		
ITEM DESCRIPTION:	Resolution approving the closure of an east-west portion of First Avenue west of Shady Grove Road, known as		
	case number SAC 2024-001		
CASE NUMBER:	SAC 2024-001		
LOCATION:	909 Shady Grove Road		
COUNCIL DISTRICTS:	District 2 and Super District 9 – Positions 1, 2, and 3		
OWNER/APPLICANT:	Lynda Shea Living Trust		
REPRESENTATIVES:	Cindy Reaves, SR Consulting, LLC		
REQUEST:	Request to close and vacate an east-west portion of First Avenue west of Shady Grove Road		
AREA:	+/258 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

ONE ORIGINAL

| ONLY STAPLED |

TO DOCUMENTS

PRIOR ACTION ON ITEM:	************************	
(1)	APPROVAL - (1) APPROVED (2) DENIED	
03/14/2024	DATE	
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION	
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE
FUNDING:		
(2)		PENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPEN	
S AND ANOTHER OF EVENING	REVENUE TO BE RE	CEIVED
SOURCE AND AMOUNT OF FUNDS	OPED ATINIC DUDCE	Υ Γ
<u>e</u>	OPERATING BUDGE CIP PROJECT #	2
\$	FEDERAL/STATE/OT	THER
******	***************************************	***************************************
ADMINISTRATIVE APPROVAL:	<u>DATE</u>	<u>POSITION</u>
LaTonya Hull Harry III	7/15/2024	PRINCIPAL PLANNER
		DEPUTY ADMINISTRATOR
BUA KI	7/15/2	24 Administrator
,		– DIRĒCTOR (JOINT APPROVAL)
·		COMPTROLLER
	<u></u>	_ FINANCE DIRECTOR
		_ CITY ATTORNEY
		CHIEF ADMINISTRATIVE OFFICER
· · · · · · · · · · · · · · · · · · ·		
	<u> </u>	_ COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 2024-001

RESOLUTION APPROVING THE CLOSURE OF AN EAST-WEST PORTION OF FIRST AVENUE WEST OF SHADY GROVE ROAD LOCATED AT 909 SHADY GROVE ROAD, KNOWN AS CASE NUMBER SAC 2024-001

- This item is a resolution with conditions to allow the above; and
- This item may require a new public improvement contract.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, March 14, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SAC 2024-001
LOCATION:	East-west portion of First Avenue west of Shady Grove Road located at 909 Shady Grove Road
COUNCIL DISTRICT(S):	District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Lynda Shea Living Trust
REPRESENTATIVE:	Cindy Reaves, SR Consulting, LLC
REQUEST:	Right-of-way vacation
EXISTING ZONING:	Residential Single-Family – 15 (R-15)
AREA:	0.258 acres

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 with conditions of the application.

The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,

' Hell 4

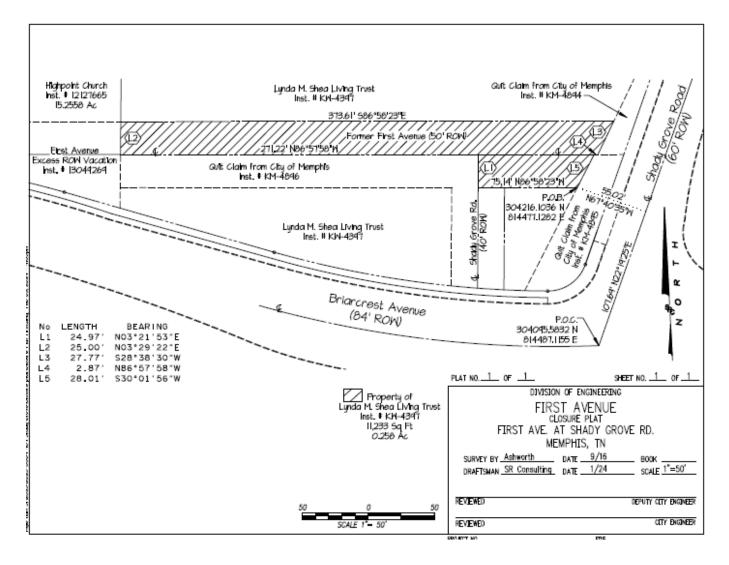
LaTonya Hull Planner I Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

SAC 2024-001 CONDITIONS

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.

CLOSURE PLAT





RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF AN EAST-WEST PORTION OF FIRST AVENUE WEST OF SHADY GROVE ROAD, KNOWN AS CASE NUMBER SAC 2024-001

WHEREAS, the City of Memphis is the owner of real property known as an east-west

portion of First Avenue west of Shady Grove Road in Memphis, Tennessee and being more

particularly described as follows:

Beginning at a point in the intersection of the centerline of Shady Grove Road (60' ROW) and Briarcrest Avenue (84' ROW) (304095.5832 N, 814487.1155 E); thence N22°19'25''E a distance of 107.69 feet to a point; thence N67°40'35''W a distance of 55.02 feet to the Point of Beginning; thence N86°58'23''W a distance of 75.14 feet to a point; thence N3°21'53''E a distance of 24.97 feet to a point; thence N86°57'58''W a distance of 271.22 feet to a point; thence N3°29'22''E a distance of 25.00 feet to a point; thence S86°58'23''E a distance of 373.61 feet to a point; thence S28°38'30''W a distance of 27.77 feet to a point; thence N86°57'58''W a distance of 2.87 feet to a point; thence S30°1'56''W a distance of 28.01 feet to the POINT OF BEGINNING and containing 11,233 square feet, or 0.258 acres of land more or less.

WHEREAS, 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 desires to close the hereinabove-described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby

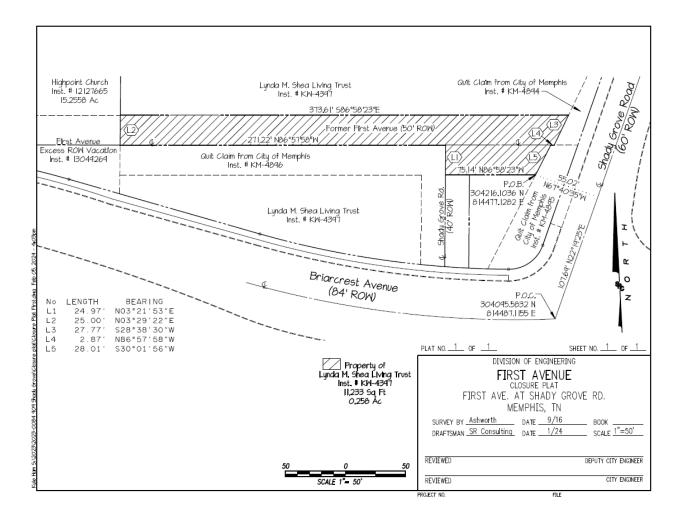
County Land Use Control Board on March 14, 2024, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above-described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above-described public right-of-way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.



STAFF REPORT

AGENDA ITEM: 21

CASE NUMBER:	SAC 2024-001	L.U.C.B. MEETING:	March 14, 2024
LOCATION:	909 Shady Grove Road (East-west p	oortion of First Avenu	e located on this property)
COUNCIL DISTRICT:	District 2 and Super District 9 – Po	sitions 1, 2, and 3	
OWNER/APPLICANT:	Lynda Shea Living Trust		
REPRESENTATIVE:	Cindy Reaves, SR Consulting		
REQUEST:	Close and vacate an east-west por	tion of First Avenue v	west of Shady Grove Road
AREA:	+/258 acres		
EXISTING ZONING:	Residential Single-Family – 15		

CONCLUSIONS

- 1. The applicant is seeking close and vacate an east-west portion of First Avenue west of Shady Grove Road which is located within the bounds of their property with their single-family residence.
- 2. With this closure it is the applicant's intent to subdivide the property for future development.
- 3. The right-of-way exists on paper only and will never be used for public streets as the public street network in the immediate area has already been established and improved to serve surrounding developments.
- 4. This divesture would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area as the subject public right-of-way exists only on paper and there are no existing physical roadway improvements.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 General Plan is not applicable as it does not address the divesture of paper streets.

RECOMMENDATION:

Approval with conditions

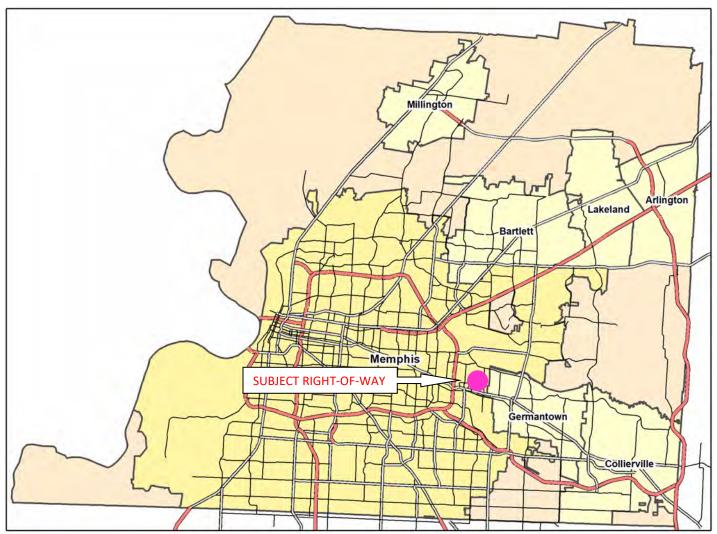
GENERAL INFORMATION

Zoning Atlas Page: 2145

Existing Zoning: Residential Single-Family – 15 (R-15)

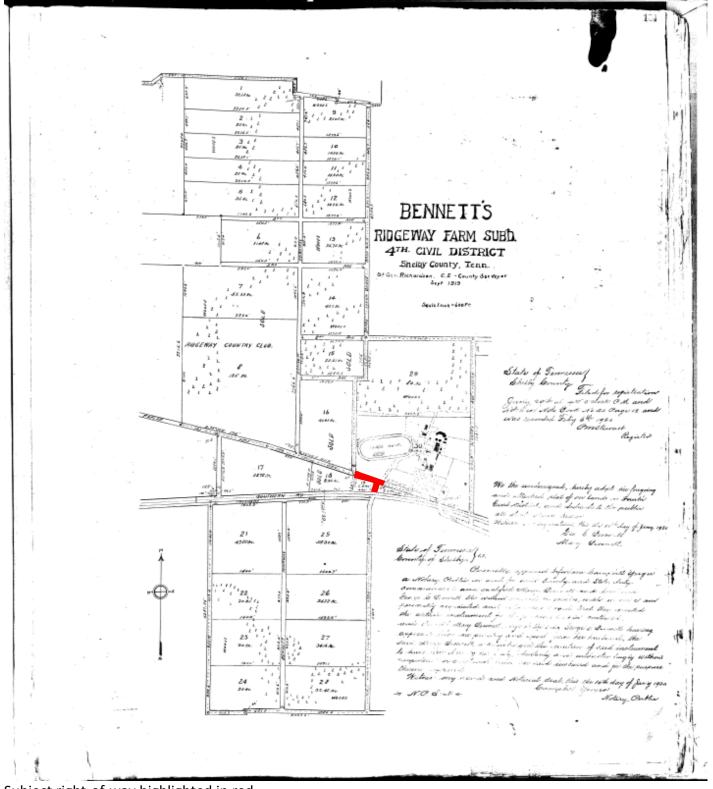
PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 9 notices were mailed on February 16, 2024.



Subject right-of-way located within the pink circle, East Planning District

BENNETT'S RIDGEWAY FARM SUBDIVISION



Subject right-of-way highlighted in red

VICINITY MAP



Subject property highlighted in yellow. Subject right of way highlighted in red.

AERIAL



Subject right-of-way outlined in red, imagery from 2023

ZONING MAP



Subject right-of-way outlined in red.

Existing Zoning:	Residential Single-Family – 15 (R-15)

Surrounding Zoning

North:	Residential Single-Family – 15 (R-15)
East:	Residential Single-Family – 15 (R-15)
South:	Residential Single-Family – 15 (R-15)
West:	Residential Single-Family – 15 (R-15)

LAND USE MAP



Subject right-of-way indicated by a red star

SITE PHOTOS



View of the subject property from the corner of Briarcrest Avenue and Shady Grove Road.

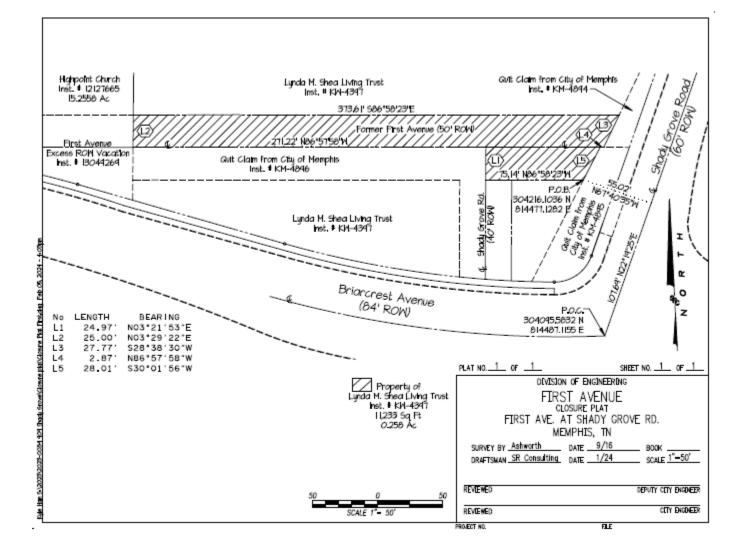


View of the location of the subject right-of-way looking west from Shady Grove Road.



View of the location of the subject right-of-way looking North from Briarcrest Avenue.

RIGHT-OF-WAY VACATION PLAT

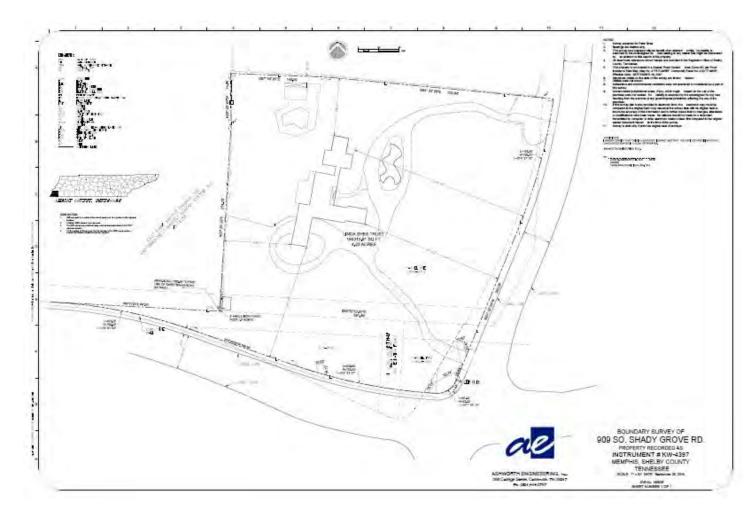


LEGAL DESCRIPTION

Being a closure of a portion of First Avenue and being more particularly described as follows:

Commencing at a point in the intersection of the centerline of Shady Grove Road (60° ROW) and Briarcrest Avenue (84° ROW) (304095.5832 N, 814487.1155 E); thence N22°19°25"E a distance of 107.69 feet to a point; thence N67°40°35"W a distance of 55.02 feet to the Point of Beginning; thence N86°58'23"W a distance of 75.14 feet to a point; thence N3°21'53"E a distance of 24.97 feet to a point; thence N86°57'58"W a distance of 271.22 feet to a point; thence N3°29'22"E a distance of 25.00 feet to a point; thence S86°58'23"E a distance of 373.61 feet to a point; thence S28°38'30"W a distance of 27.77 feet to a point; thence N86°57'58"W a distance of 2.87 feet to a point; thence S30°1'56"W a distance of 28.01 feet to the POINT OF BEGINNING and containing 11,233 square feet, or 0.258 acres of land more or less.

SURVEY



STAFF ANALYSIS

Request and Reason

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

The request is to close and vacate an east-west portion of First Avenue west of Shady Grove Road

Site Description

The subject right-of-way is a +/- 50-foot wide and +/- 373-foot-long east-west portion of First Avenue west of Shady Grove totaling +/- 11,233 square feet within the parcel bound by Shady Grove to the east and Briarcrest Avenue to the South. The subject right-of-way is located entirely within parcel (080021 00042C) which is owned by the applicant, Lynda Shea Living Trust, and exists on paper only. The zoning of the area is Residential Single-Family – 15 (R-15) and the surrounding land uses are a mixture of institutional, residential single-family, and offices.

Consistency with Memphis 3.0

The Memphis 3.0 General Plan is not applicable as it does not address the divesture of paper streets.

Analysis

The applicant is seeking close and vacate an east-west portion of First Avenue west of Shady Grove Road that is located within the bounds of their property with their single-family residence. The street exists on paper only, as the subject right-of-way was abandoned by the city due to improvements and realignment of Briarcrest Road and Shady Grove Roads.

The city has previously quit claimed several portions of the right-of-way immediately next to Briarcrest and Shady Grove roads that were deemed "excess" to the applicant, but did not quit claim the subject portions of the right-of-way. The right-of-way will never be used for public streets as the public street network in the immediate area has already been established and improved to serve surrounding developments.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.

March 14, 2024 Page 13

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. Dedicate 15' sewer easement for the sewer lines that crossing 1st Street and Shady Grove Road.

Street Closures:

3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.

4. City sanitary sewers/drainage facilities are located within the proposed closure area.

5. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.

6. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

7. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

8. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

City Fire Division:	No comments received.	
City Real Estate:	No comments received.	
City/County Health Department:	No comments received.	
Shelby County Schools:	No comments received.	
Construction Code Enforcement:	No comments received.	

Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	No comments received.

APPLICATION

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of Way Vacation) Record Status: Staff Report in Progress

Expiration Date:

Opened Date: February 9, 2024

Record Number: SAC 2024-001

Record Name: First Ave. Closure

Description of Work: Street Closure

Parent Record Number:

Address:

909 SHADY GROVE RD, MEMPHIS, TN 38120

Owner Information

Primary Owner Name N

Overser Addresss

Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPO Planner Date of Meeting Pre-application Meeting Type general, promotion Name of Street where closure will begin

Name of Street where closure will end What is the reason for the street closure? Chip Saliba

West side of property East side of property Abandon right-of-way

Page 1 of 2

SAC 2024-001

Fire District strict y becial Purpose District le n evelopment District Protection Overlay District tion les hern Right of Way Vacation/Closure Fee Credit Card Use Fee (.026 c fee)	Guentity 1	No - - - - - - No Fiers 400.00 10.40	status INVOICED INVOICED	Belance 0.00 0.00	Date Assessed 02/09/202 02/09/202						
strict y becial Purpose District le n evelopment District Protection Overlay District tion reation Right of Way Vacation/Closure Fee	Guentity 1	- - - - - No 	INVOICED	0.00	02/09/202						
strict y becial Purpose District e e velopment District Protection Overlay District tion res tem Right of Way		- - - No		and the second second	And the second second second						
strict ty becial Purpose District le r evelopment District Protection Overlay District tion		No	Status	Balance	Date Assessed						
strict y becial Purpose District le n evelopment District Protection Overlay District											
strict becial Purpose District le n evelopment District											
strict becial Purpose District le n evelopment District											
strict ly becial Purpose District le n		-									
strict ly pecial Purpose District		-									
strict ly pecial Purpose District		-									
strict ly		-									
strict ly		-									
strict		100									
		100									
		100									
Fire District		No									
	Class Downtown Fire District		No								
Previous Case Numbers ois INFORMATION Case Layer Central Business Improvement District		No									
		3÷-11									
		SE INFORMATION		19U-							
	mation	-									
What is the total area of the right-of-way being closed? What is the overall length of the street closure? Name of Street/Alley/ROW Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?		No									
		1 1233 373.61 First Avenue									
						FORMATION					
							e total area of the right-of- e overall length of the stre- treet/Alley/ROW loation in response to a cl on Code Enforcement or 2 ise provide additional info loation a time extension?	e overall length of the street closure? treet/Alley/ROW loation in response to a citation from on Code Enforcement or Zoning ise provide additional information loation a time extension? st information	e overall length of the street closure? 373.61 treet/Alley/ROW First Avenue loation in response to a citation from No on Code Enforcement or Zoning ise provide additional information - loation a time extension? No st information	e overall length of the street closure? 373.61 treet/Alley/ROW First Avenue loation in response to a citation from No on Code Enforcement or Zoning se provide additional information	e overall length of the street closure? 373.61 treet/Alley/ROW First Avenue loation in response to a citation from No on Code Enforcement or Zoning se provide additional information - loation a time extension? No st information

Payment I	information.
-----------	--------------

Payment Assound Nettool of Payment

\$410.40

Credit Card

LETTER OF INTENT

March 14, 2024 Page 18

ENGINEERING + PLANNING

CONSULTING, LLC

5009 Shelby Daks Orise Suite 200 Memphis Th SE134 Tel. 501.375-0580 Fax: 901-373-0370 www.SRCE-memphis.com

Data: January 25, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: First Ave. & Shady Grove Rd. Closure

LETTER OF INTENT

We are submitting a road closure application for a portion of First Avenue and Shady Grove Road located within the property at 909 Shady Grove Road. The Bennett's Ridgeway Farm Subdivision was recorded in 1919 and shows the streets as recorded on Plat Book 7 Page 104. Neither First Avenue or this portion of Shady Grove Road exists and are now included on the Shea property as shown on our survey.

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.

March 14, 2024 Page 19



Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of Way Vacation)

Record Status: Staff Report in Progress

Opened Date: February 9, 2024

Parent Record Number:

Record Number: SAC 2024-001

Record Name: First Ave. Closure Description of Work: Street Closure

Expiration Date:

Address:

909 SHADY GROVE RD, MEMPHIS, TN 38120

Owner Information
Primary Owner Name
N

Owner Phone

Data Fields

Owner Address

PREAPPLICATION MEETING	
Name of DPD Planner	Chip Saliba
Date of Meeting	-
Pre-application Meeting Type	-
GENERAL INFORMATION	
Name of Street where closure will begin	West side of property
Name of Street where closure will end	East side of property
What is the reason for the street closure?	Abandon right-of-way

Paymont	nformation	Total Fee Invoiced: \$410.40		Total Ba	llance: \$0.0	00
1536729	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	02/09/2024
	Vacation/Closure Fee					
1536729	Right of Way	1	400.00	INVOICED	0.00	02/09/2024
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
Fee Inforn	nation					
	d Protection Overlay District		No			
Planned	Development District		-			
Subdivis	ion		-			
Lot			-			
State Ro	ute		-			
Zoning			-			
-	Special Purpose District		-			
Municipa			-			
Land Us			-			
Historic I			-			
-	vn Fire District		- No			
Central E	Business Improvement District					
Case La	-		- No			
	Case Numbers		-			
•	CASE INFORMATION					
	ease provide additional inform pplication a time extension?	alion	- No			
Letter?		-				
	ction Code Enforcement or Zor					
	oplication in response to a citat	tion from	No			
	he overall length of the street Street/Alley/ROW	ciosure?	373.61 First Avenue			
closed?	he are an and the failer of the state	-l	070.04			
	0	y boing	11200			
	he total area of the right-of-wa	v heina	11233			

Payment Amount \$410.40

Method of Payment Credit Card ENGINEERING • PLANNING Succonsulting, LLC 5909 Shelby Oaks Drive Suite 200 Memphis TN 38134 ENGINEERING • PLANNING Tel: 901-373-0380 Fax: 901-373-0370 Www.SRCE-memphis.com

Date: January 25, 2024

To: Division of Planning & Development

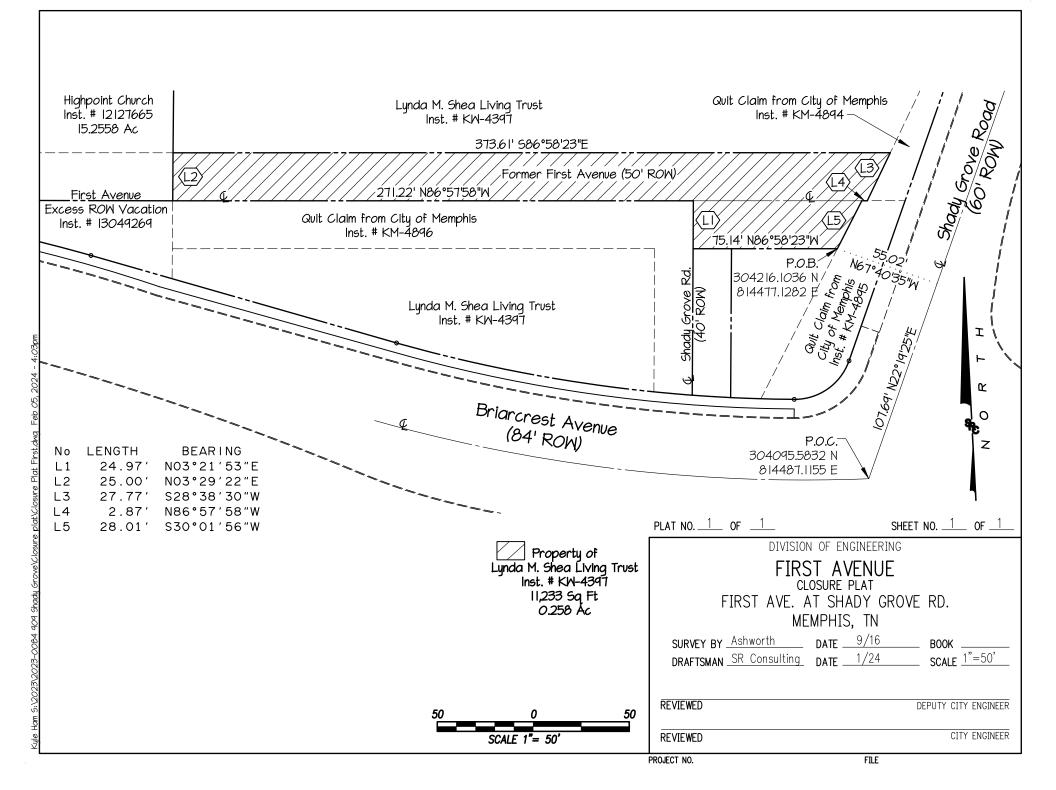
From: Cindy Reaves

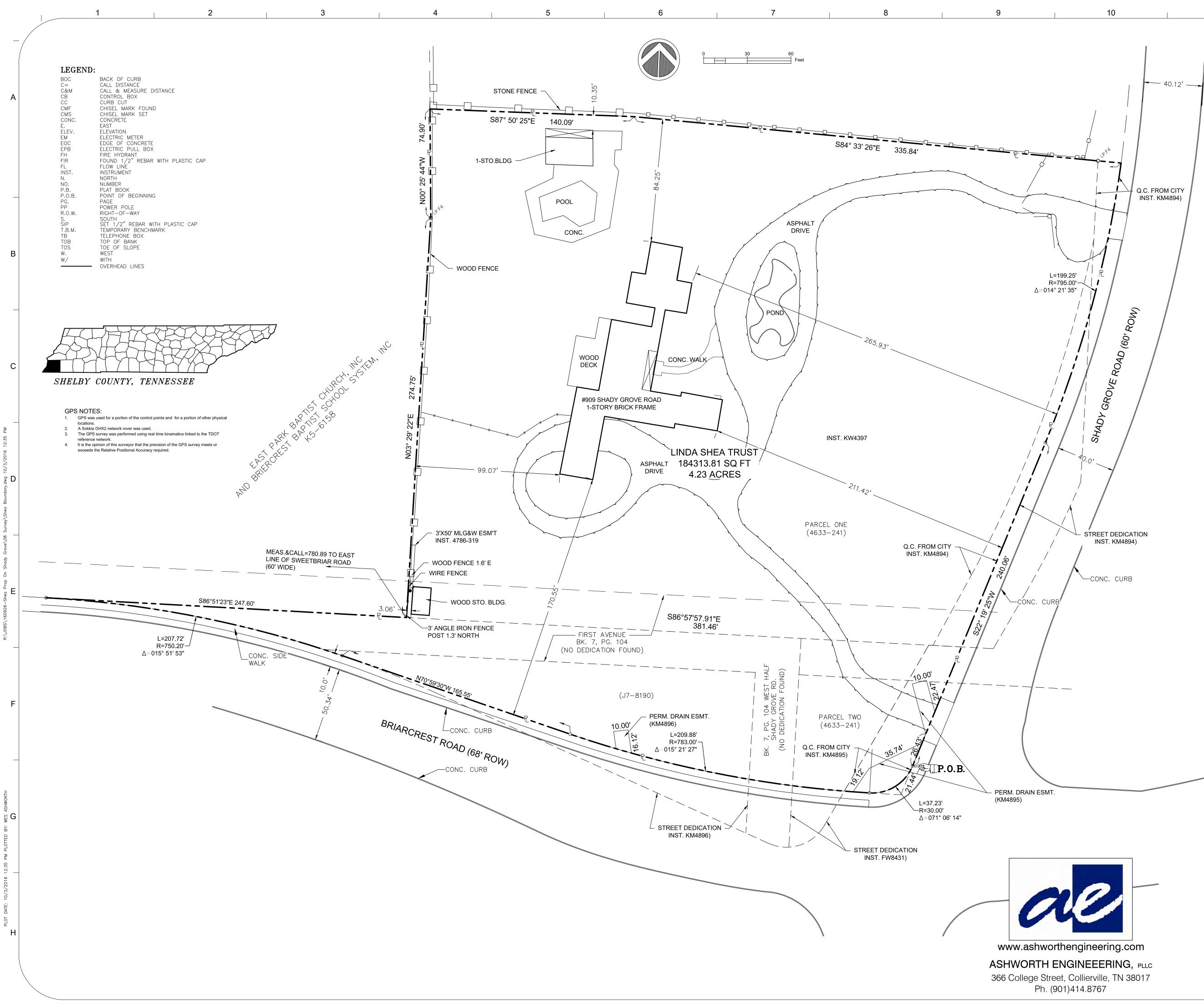
Re: First Ave. & Shady Grove Rd. Closure

LETTER OF INTENT

We are submitting a road closure application for a portion of First Avenue and Shady Grove Road located within the property at 909 Shady Grove Road. The Bennett's Ridgeway Farm Subdivision was recorded in 1919 and shows the streets as recorded on Plat Book 7 Page 104. Neither First Avenue or this portion of Shady Grove Road exists and are now included on the Shea property as shown on our survey.

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











11

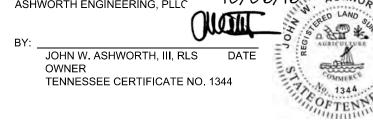


NOTES:

- Survey prepared for Peter Shea. Bearings are relative only.
- This survey was prepared without benefit of an abstract of title. No liability is 3. assumed by the undersigned for loss relating to any matter that might be discovered by an abstract or title search of the property.
- 4. All deed book references shown hereon are recorded in the Register's Office of Shelby County, Tennessee.
- This property is not located in a Special Flood Hazard Area (Zone AE) per Flood Insurance Rate Map, Map No. 47157C0455F, Community Panel No. 4701770455F, Effective Date: SEPTEMBER 28, 2007.
- Structures visible on the date of this survey are shown hereon.
- Utilities were not shown.
- Subsurface and environmental conditions were not examined or considered as a part of this survey. 9. Governmental jurisdictional areas, if any, which might impact on the use of the
- premises were not located. No liability is assumed by the undersigned for any loss resulting from the exercise of any governmental jurisdiction affecting the use of the premises.
- 10. If this survey plat is also provided in electronic form, the electronic copy must be compared to the original hard copy issued at the survey date with its original seal to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document issued at the time of the survey.
- 11. Survey is valid only if print has original seal of surveyor.

CERTIFICATE:

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10.000 OR GREATER 10/06/16 ASHWORTH ENGINEERING, PLLC



LEGAL DESCRIPTION OF THE LINDA SHEAL LIVING TRUST TRACT

BEGINNING AT A POINT IN THE WESTERLY RIGHT OF WAY OF SHADY GROVE ROAD (60' WIDE), SAID POINT BEING THE BEGINNING OF THE RETURN RADIUS OF THE NORTHWEST INTERSECTION OF THE WESTERLY LINE OF SHADY GROVE ROAD AND THE NORTHERLY LINE OF BRIARCREST ROAD (68' WIDE) AND BEING A TANGENT DISTANCE OF 21.44 FEET NORTHEAST OF THE NORTHERLY LINE OF BRIARCREST ROAD. THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 71DEGREES 06MINUTES 14SECONDS, HAVING A RADIUS OF 30.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 57DEGREES 52MINUTES 33SECONDS WEST FOR A DISTANCE OF 34.89 FEET AND AN ARC LENGTH OF 37.23 FEET TO THE BEGINNING OF A CURVE; THENCE NORTHWESTWARDLY ALONG THE NORTHEASTERLY LINE OF BRIARCREST RD. SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 15DEGREES 21MINUTES 27SECONDS, HAVING A RADIUS OF 783.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 78DEGREES 53MINUTES 37SECONDS WEST FOR A DISTANCE OF 209.25 FEET AND AN ARC LENGTH OF 209.88 FEET TO A POINT; THENCE, ALONG THE NORTHEASTERLY LINE OF BRIARCREST ROAD NORTH 70DEGREES 59MINUTES 30SECONDS WEST FOR A DISTANCE OF 165.55 FEET TO THE BEGINNING OF A CURVE; THENCE ALONG THE NORTHERLY LINE OF BRIARCREST ROAD, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 15DEGREES 51MINUTES 53SECONDS, HAVING A RADIUS OF 750.20 FEET, AND WHOSE LONG CHORD BEARS NORTH 78DEGREES 55MINUTES 27SECONDS WEST FOR A DISTANCE OF 207.06 FEET AND AN ARC LENGTH OF 207.72 FEET TO A POINT; THENCE, ALONG THE SOUTHERLY LINE OF THE EAST PARK BAPTIST CHURCH, INC AND BRIERCREST BAPTIST SCHOOL SYSTEM, INC (K6-6158) TRACT SOUTH 86DEGREES 51MINUTES 23SECONDS EAST FOR A DISTANCE OF 247.60 FEET TO A POINT BEING 1.3 FEET SOUTH OF AN ANGLE IRON FENCE POST, BEING THE SOUTHEASTERLY CORNER OF SAID EAST PARK, ETAL TRACT; THENCE, ALONG THE EASTERLY LINE OF SAID EAST PARK TRACT NORTH 03DEGREES 29MINUTES 22SECONDS EAST FOR A DISTANCE OF 274.75 FEET TO A 2" CRIMPED IRON PIN FOUND; THENCE, ALONG THE EASTERLY LINE OF SAID EAST PARK TRACT NORTH 00DEGREES 25MINUTES 44SECONDS WEST FOR A DISTANCE OF 74.90 FEET TO THE SOUTHWEST CORNER OF BEAU PRE P.U.D. (PB 132, PG 46) SAID POINT ALSO BEING THE SOUTHWEST CORNEF OF A STONE COLUMN WITH STONE FENCE; THENCE, ALONG THE SOUTHERLY LINE OF BEAU PRE SOUTH 87DEGREES 50MINUTES 25SECONDS EAST FOR A DISTANCE OF 140.09 FEET TO A POINT THENCE, CONTINUING ALONG THE SOUTH LINE OF BEAU PRE SOUTH 84DEGREES 33MINUTES. 26SECONDS EAST FOR A DISTANCE OF 335.84 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE IN THE WESTERI Y LINE OF SHADY GROVE ROAD. SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 14DEGREES 21MINUTES 35SECONDS. HAVING A RADIUS OF 795.00 FEE AND WHOSE LONG CHORD BEARS SOUTH 15DEGREES 08MINUTES 38SECONDS WEST FOR A DISTANCE OF 198.73 FEET AND AN ARC LENGTH OF 199.25 FEET TO A POINT IN A LINE; THENCE CONTINUING ALONG THE WEST LINE OF SHADY GROVE ROAD SOUTH 22DEGREES 19MINUTES 25SECONDS WEST A DISTANCE OF 240.06 FEET TO THE POINT OF BEGINNING, SAID TRACT HAVING AN AREA OF 184,313.81 SF OR 4.23 ACRES MORE OR LESS.

Q.C. FROM CITY INST. KM4894) - STREET DEDICATION

BOUNDARY SURVEY OF 909 SO. SHADY GROVE RD. PROPERTY RECORDED AS **INSTRUMENT # KW-4397** MEMPHIS, SHELBY COUNTY TENNESSEE SCALE: 1" = 30' DATE: September 26, 2016

> JOB No. 160926 SHEET NUMBER 1 OF 1



MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY 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.

L.SHEA L.SHEA 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, quardian or lessee (and have included documentation with this affidavit)

of the property located at 909 Shady Grove Rd.

and further identified by Assessor's Parcel Number 080021 00042C

for which an application is being made to the Division of Planning and Development.

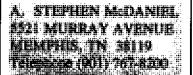
Subscribed and sworn to (or affirmed) before me this 26TH day of JANUARY ID KNE YEAT OF

~ Acred Am Signature of Notary Public

2024 My Commission

5

THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF ABSTRACT OR TITLE EXAMINATION



WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars, cash in hand paid by the hereinafter named Grantee and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, I, LYNDA M. SHEA, hereinafter called Grantor, have bargained, sold and by these presents do transfer and convey unto LYNDA M. SHEA, Trustee of the LYNDA M. SHEA LIVING TRUST, hereinafter called the Grantee, her heirs and assigns, a certain tract or parcel of land in Shelby County, State of Tennessee, and described as follows:

Parcel 1: The east part of Lot 15 of Bennett's Ridgeway Farms Subdivision and the south 25 feet of Second Avenue and the north 25 feet of First Avenue adjoining, more particularly described as follows:

BEGINNING at a point in the west line of Shady Grove Road, said point being 25 feet north of the northeast corner of said Lot 15; thence south 4 degrees 22 minutes east 710.8 feet to a point where the original west line of Shady Grove Road (4-0 feet wide); thence on a curve to the right with a radius of 677.27 feet 96.4 feet to a point; thence continuing with the east line of said Road 33.6 feet to a point in the center of First Avenue; thence with the center of First Avenue south 85 degrees 30 minutes west 898.8 feet to a point 780.8 feet east of the east line of Sweetbrier Road; thence north 4 degrees 14minutes west 274.4 feet to an iron pin; thence north 7 degrees 58 minutes west 555 feet to a point in Second Avenue 25 feet north of the north line of Lot 15; thence north 88 degrees 30 minutes east 487.6 feet to the beginning.

Parcel 2: That part of Lot 29 of Bennett's Ridgeway Farms Subdivision lying west of the west line of Shady Grove Road (40 Feet wide) being more particularly described as follows:

BEGINNING at an iron pin, the intersection of the original center lines of First Avenue 50 feet wide, a shown in Plat Book 7, Page 104, and Shady Grove Road; thence southwardly with the original west line of Lot 29 and the center line of Shady Grove Road 185 feet to an iron pin in the present west line of Shady Grove Road (40 feet wide); thence northwardly on a curve to the right with the present west line of Shady Grove Road 156.5 feet to a point; thence continuing with the west line of said Road 44.57 feet to a point in the center of First Avenue; thence westwardly with the center of First Avenue 77.3 feet to the beginning.

All right, title and interest, if any, in an easement in and to the south half of First Avenue and the west half of Shady Grove Road both as shown of record in Plat Book 7, Page 104 abutting the two parcels described above is hereby conveyed.

BEGINNING at the point of intersection of the existing northeast Parcel 3: right of way line of Briarcrest Avenue and south right of way line of First Avenue (50' ROW), said point also being the northwest corner of the property described in Deed recorded as Instrument J7 8190 (Plat of Lot 15, unrecorded S/D of Lot 16, Bennett's Ridgeway Farm S/D in Plat Book 7, page 104) in the Shelby County Register's Office; thence N 00 deg. 07 min. 20 sec. W a distance of 25 feet to a point in the centerline of First Avenue; thence N 89 deg. 52 min. 40 sec. E along said First Avenue centerline a call distance of 328.43 feet to a point; thence S 00 deg. 00 min. 00 sec. W a call distance of 101.7 feet to a point in the proposed north right of way line of Briarcrest Avenue; thence westwardly on a curve to the right having a radius of 783 feet an arc distance of 20.07 feet (chord bearing = N 85 deg. 12 min. 20 sec. W, chrod length = 20.07) to a point in the existing east line of said property described in Instrument J7 8190; thence N 00 deg. 00 min. 00 sec. E along said existing east property line a distance of 74.98 feet to a point; thence S 89 deg. 52 min. 40 sec. W along the north line of said property a calculated distance of 308.37 feet to the point of beginning, containing 9,728 square feet.

Being the same property and description conveyed to the Grantor herein by Warranty Deed recorded of even date herewith in the Shelby County Register's Office.

The property is unencumbered except for the year 2001 real estate taxes, not yet due and payable.

Tax Parcel Identification Number: 08002100042C

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the Grantee, her heirs and assigns forever; and we do covenant with the said Grantee 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 Grantee, her 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.

The Grantor states that the purpose of this Deed is to transfer her entire right, title and interest in and to said real property to the LYNDA M. SHEA LIVING TRUST. The trust is a revocable grantor trust established pursuant to the laws of the State of Tennessee. The Trustee and Successor Trustees are granted all right, power and authority, pursuant to Section 3, Chapter 110 of the Tennessee General Assembly of 1963, Tenn. Code Ann. Section 35-50-110 (including any amendments thereto) and further have the full discretionary power to purchase, sell, convey, alter, repair, improve, partition and mortgage or otherwise encumber any real estate, and to make and execute any leases thereon for any period, however long, and beyond the term of any trust, and to execute and deliver any deeds, conveyances, mortgages, deeds of trust, transfers and assignments, without the approval of any court, joinder of any beneficiary, and without disclosing any beneficiary of any trust.

In addition, the trust specifically provides that no person dealing with the Trustee in the capacity of purchaser, seller, acquirer, lender, tenant, lessor, lessee, contractant or otherwise shall be bound to inquire into the capacity to act on the part of the Trustee, or into the authority for, or the propriety of, any act thereof, or to see to the application or disposition of any money, or other property, paid, delivered or loaned to the Trustee.

This is a transfer into a Revocable Living Trust oy the Grantor. No actual monetary consideration is given by the Grantor and this conveyance is exempt from recordation tax under Tenn. Code Ann. Section 67-4-409(a)(3)(F).

The Grantor's spouse, JOHN J. SHEA, JR., joins into this deed for the purpose of conveying any and all right, title and interest he may have in and to the herein described property, including marital rights, to the LYNDA M. SHEA LIVING TRUST.

This trust contains spendthrift provisions.

WITNESS our hands this 22 day of Lehrwary, 2001. \sim ٩. M. SHEA, Grantor OH VJ. HEA, IR **STATE OF TENNESSEE** COUNTY OF SHELBY

BEFORE ME, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared LYNDA M. SHEA and JOHN J. SHEA, JR., to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and notarial Seal at office 22TARY PUBLIC My Commission expi COUNTY.

Property known as: 909 Shady Grove Road Memphis, TN 38117

Mail Tax Notice to: Lynda M. Shea, Trustee 6133 Poplar Pike Memphis, TN 38119-4707

New Owner: Lynda M. Shea, Trustee 6133 Poplar Pike Memphis, TN 38119-4707

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 \$-0-.

EXEMPT

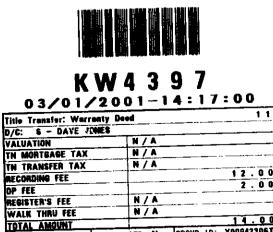
}*,

Subscribed and sworn to before me this ___ day of **_, 200**1.

NOTARY PUBLIC

My Commission expires:

\\WMWNT01\GP\docs\1962\WtoTrustDeed.doc



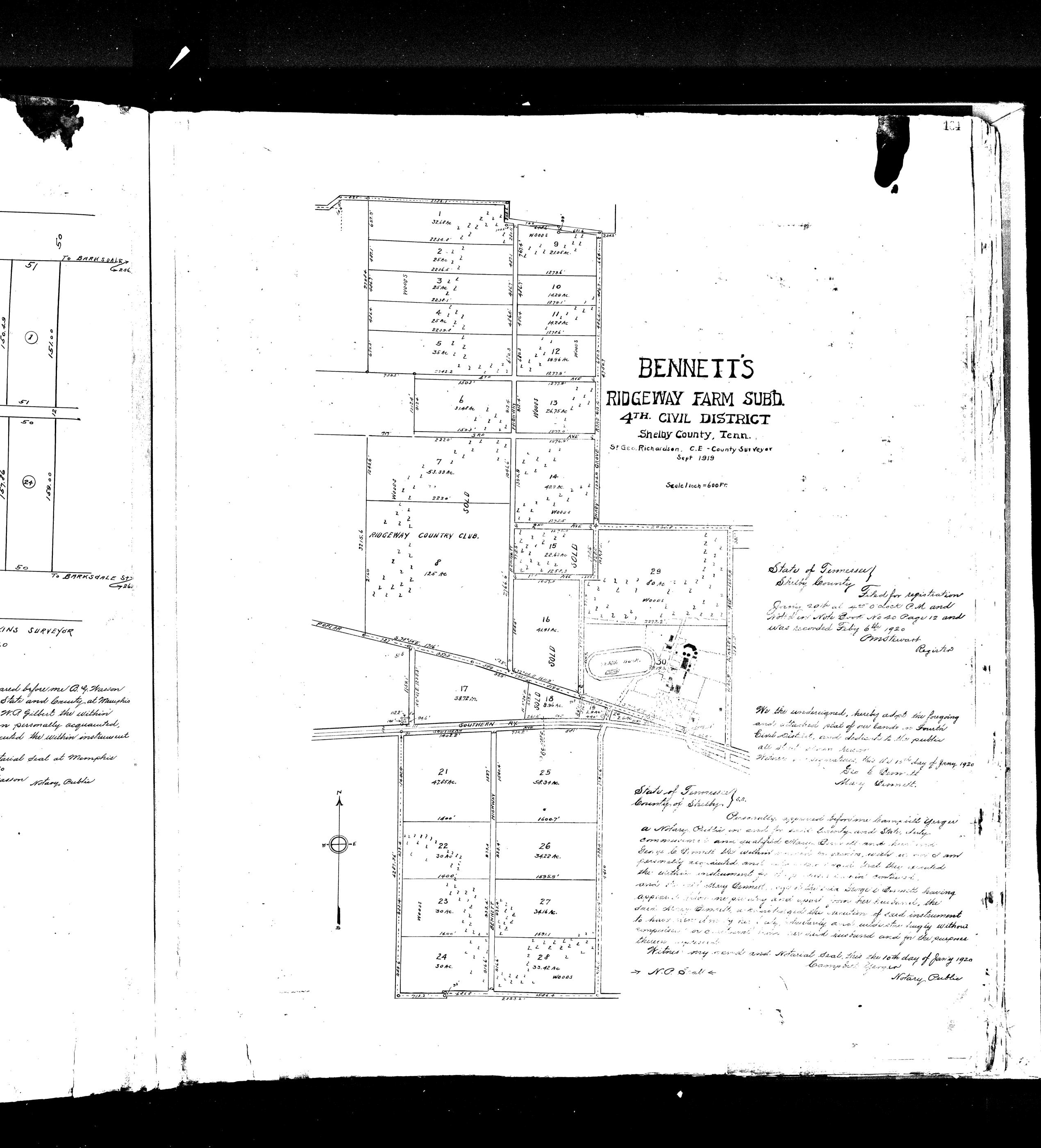
14.00 GROUP 10: X000423061 3 PAGE ADDED: No

STATE of TENHESSEE, COUNTY of SHELBY Tom Leatherwood, REGISTER

PAGE COUNT:

3

WD



HIGHPOINT CHURCH 6000 BRIARCREST AVE # MEMPHIS TN 38120

ORION MEMPHIS TN LLC 2325 E CAMELBACK RD # PHOENIX AZ 85016

DEWEESE EDWIN D & RITA B 867 BEAU PRE # MEMPHIS TN 38120

WELLER ANN F REVOCABLE TRUST 857 BEAU PRE # MEMPHIS TN 38120

DICKERSON NELL C 847 BEAU PRE # MEMPHIS TN 38120

MCNAMEE W SCOTT JR AND MARION W MCNAMEE 837 BEAU PRE # MEMPHIS TN 38120

NORMANDY PARK HOMEOWNERS ASSOC INC 5140 WHEELIS DR # MEMPHIS TN 38117

ECONOMIC DEVELOPMENT GROWTH ENGINE 100 PEABODY PL # MEMPHIS TN 38103

SHEA LYNDA M LIVING TRUST 909 SHADY GROVE RD # MEMPHIS TN 38120 Being a closure of a portion of First Avenue and being more particularly described as follows:

Commencing at a point in the intersection of the centerline of Shady Grove Road (60' ROW) and Briarcrest Avenue (84' ROW) (304095.5832 N, 814487.1155 E); thence N22°19'25"E a distance of 107.69 feet to a point; thence N67°40'35"W a distance of 55.02 feet to the Point of Beginning; thence N86°58'23"W a distance of 75.14 feet to a point; thence N3°21'53"E a distance of 24.97 feet to a point; thence N86°57'58"W a distance of 271.22 feet to a point; thence N3°29'22"E a distance of 25.00 feet to a point; thence S86°58'23"E a distance of 373.61 feet to a point; thence S28°38'30"W a distance of 27.77 feet to a point; thence N86°57'58"W a distance of 2.87 feet to a point; thence S30°1'56"W a distance of 28.01 feet to the POINT OF BEGINNING and containing 11,233 square feet, or 0.258 acres of land more or less.



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

June 10, 2024

Lynda Shea Living Trust 909 Shady Grove Road Memphis, TN 38120

Sent via electronic mail to: cindy.reaves@srce-memphis.com

Case Number: SAC 2024-001 LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, March 14, 2024, the Memphis and Shelby County Land Use Control Board recommended *approval* of your right-of-way vacation application to close and vacate an east-west portion of First Avenue west of Shady Grove Road, subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.

The 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) 636-6619 or via email at latonya.hull@memphistn.gov.

Respectfully,

somp HM

LaTonya Hull Planner I Land Use and Development Services Division of Planning and Development

Letter to Applicant SAC 2024-001

Cc: Cindy Reaves, SR Consulting, LLC File

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & ZoningCOMMITTEE:07/23/2024DATEDATEPUBLIC SESSION:08/6/2024DATE

ONE ORIGINAL

ONLY STAPLED

TO DOCUMENTS

ITEM (CHECK ONE)	X RESOLUTION REQUEST FOR PUBLIC HEARING		
	Resolution approving the closure of a north-south portion of Shady Grove Road north of Briarcrest Avenu		
ITEM DESCRIPTION:	known as case number SAC 2024-002		
CASE NUMBER:	SAC 2024-002		
LOCATION:	909 Shady Grove Road.		
COUNCIL DISTRICTS:	District 2 and Super District 9 – Positions I, 2, and 3		
OWNER/APPLICANT:	Lynda Shea Living Trust		
REPRESENTATIVES:	Cindy Reaves, SR Consulting, LLC		
REQUEST:	Request close and vacate a north-south portion of Shady Grove Road north of Briarcrest Avenue		
AREA:	+/035 acres		
RECOMMENDATION:	The Division of Planning and Development recommended Approval with conditions The Land Use Control Board Recommended Approval with conditions		
RECOMMENDED COUN	CIL ACTION: Public Hearing Not Required		
	-		
PRIOR ACTION ON ITEM (1)			
03/14/2024	DATE		
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE		
<i>FUNDING:</i> (2)	REQUIRES CITY EXPENDITURE - (1) YES (2) NO		
<u>\$</u>	AMOUNT OF EXPENDITURE		
<u>\$</u> SOURCE AND AMOUNT (REVENUE TO BE RECEIVED		
SOURCE AND AMOUNT O	OPERATING BUDGET		
\$	CIP PROJECT #		
<u>\$</u>	FEDERAL/STATE/OTHER		
ADMINISTRATIVE APPR	OVAL: <u>MATE</u> <u>POSITION</u>		
LaTonya Hull	<u>DATE</u> <u>POSITION</u> 7/15/2024 PRINCIPAL PLANNER		
$\langle \rangle$	DEPUTY ADMINISTRATOR		
But Kir	$-\frac{1}{24}$ Administrator		
	DIRECTOR (JOINT APPROVAL)		
	COMPTROLLER		
	FINANCE DIRECTOR		
	CITY ATTORNEY		
	CHIEF ADMINISTRATIVE OFFICER		
	COMMITTEE CHAIRMAN		



Memphis City Council Summary Sheet

SAC 2024-002

RESOLUTION APPROVING THE CLOSURE OF A NORTH-SOUTH PORTION OF SHADY GROVE ROAD NORTH OF BRIARCREST AVENUE LOCATED AT 909 SHADY GROVE ROAD, KNOWN AS CASE NUMBER SAC 2024-002

- This item is a resolution with conditions to allow the above; and
- This item may require a new public improvement contract.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, March 14, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SAC 2024-002
LOCATION:	A NORTH-SOUTH PORTION OF SHADY GROVE ROAD NORTH OF BRIARCREST AVENUE LOCATED AT 909 SHADY GROVE ROAD.
COUNCIL DISTRICT(S):	District 2 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Lynda Shea Living Trust
REPRESENTATIVE:	Cindy Reaves, SR Consulting, LLC
REQUEST:	Right-of-way vacation
EXISTING ZONING:	Residential Single-Family – 15 (R-15)
AREA:	0.035 acres

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 with conditions of the application.

The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,

All

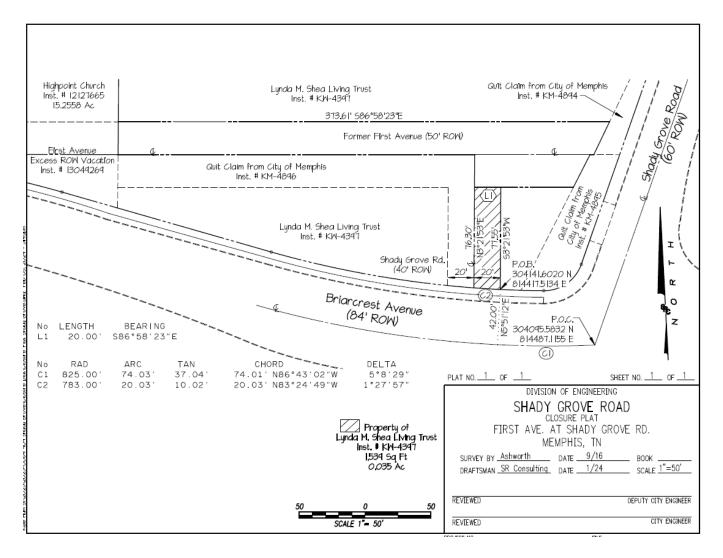
LaTonya⁴Hull Planner I Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

SAC 2024-002 CONDITIONS

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.

CLOSURE PLAT





RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF A NORTH-SOUTH PORTION OF SHADY GROVE ROAD NORTH OF BRIARCREST AVENUE, KNOWN AS CASE NUMBER SAC 2024-002

WHEREAS, the City of Memphis is the owner of real property known as the north-south

portion of Shady Grove Road north of Briarcrest Avenue in Memphis, Tennessee and being more

particularly described as follows:

Beginning at a point in the intersection of the centerline of Shady Grove Road (60' ROW) and Briarcrest Avenue (84' ROW) (304095.5832 N, 814487.1155 E); thence along a 825.00 foot radius curve to the right an arc distance of 74.03 feet (chord N86°43'02"W 74.01 feet) to a point; thence N05°51'12"E a distance of 42.00 feet to a point on the north line of said Briarcrest Avenue, said point being the Point of Beginning (304141.6020 N, 814417.5134 E); thence along a 783.00 foot radius curve to the right an arc distance of 20.03 feet (chord N83°24'49"W 20.03 feet) to a point; thence N03°21'53"E a distance of 76.30 feet to a point; thence S86°58'23"E a distance of 20.00 feet to a point; thence S03°21'53"W a distance of 77.55 feet to the point of beginning and containing 1,539 square feet, or 0.035 acres of land more or less.

WHEREAS, 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 desires to close the hereinabove-described public right-of-way and it is deemed to be in the

best interest of the City of Memphis that said public right-of-way be vacated, and revert to the

abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby

County Land Use Control Board on March 14, 2024, and said Board has submitted its findings

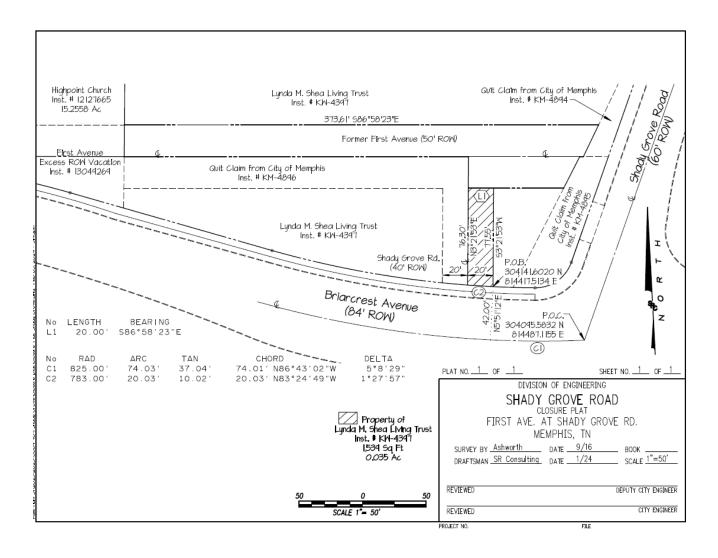
and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above-described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above-described public right-of-way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.



STAFF REPORT

AGENDA ITEM: 22

CASE NUMBER:	SAC 2024-002	L.U.C.B. MEETING: March 14, 2024
LOCATION:	909 Shady Grove Road (North-sou property)	uth portion of Shady Grove Road located on this
COUNCIL DISTRICT:	District 2 and Super District 9 – Po	ositions 1, 2, and 3
OWNER/APPLICANT:	Lynda Shea Living Trust	
REPRESENTATIVE:	Cindy Reaves, SR Consulting	
REQUEST:	Close and vacate a north-south p Avenue	oortion of Shady Grove Road north of Briarcrest
AREA:	+/035 acres	
EXISTING ZONING:	Residential Single-Family – 15	

CONCLUSIONS

- 1. The applicant is seeking close and vacate a north-south portion of Shady Grove Road north of Briarcrest Avenue which is located within the bounds of their property with their single-family residence.
- 2. With this closure it is the applicant's intent to subdivide the property for future development.
- 3. The right-of-way exists on paper only and will never be used for public streets as the public street network in the immediate area has already been established and improved to serve surrounding developments.
- 4. This divesture would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area as the subject public right-of-way exists only on paper and there are no existing physical roadway improvements.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 General Plan is not applicable as it does not address the divesture of paper streets.

RECOMMENDATION:

Approval with conditions

GENERAL INFORMATION

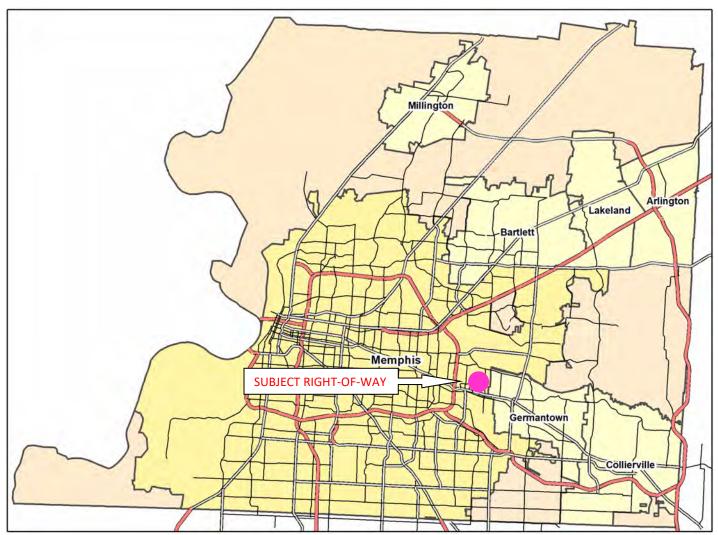
Zoning Atlas Page: 2145

Existing Zoning: Residential Single-Family – 15 (R-15)

PUBLIC NOTICE

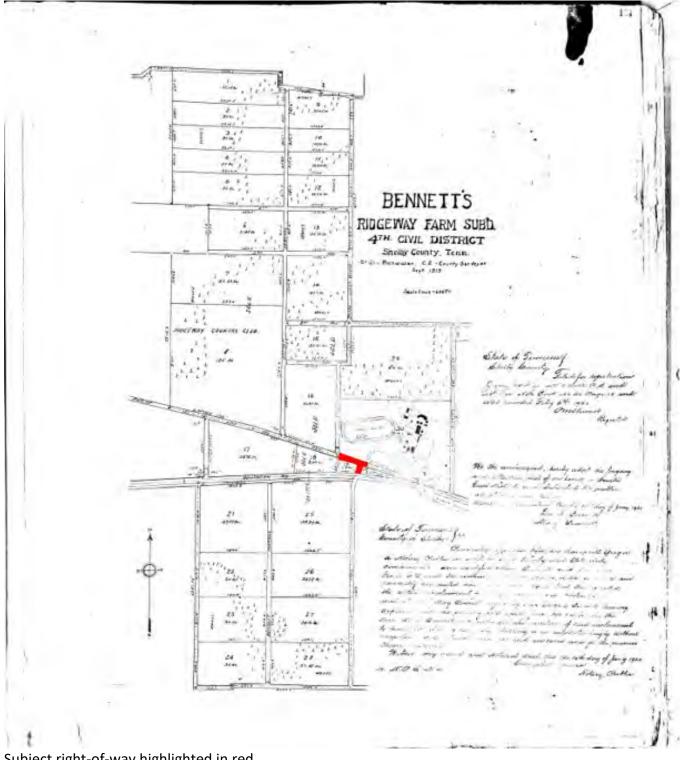
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 9 notices were mailed on February 16, 2024.

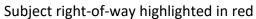
LOCATION MAP



Subject right-of-way located within the pink circle, East Planning District

BENNETT'S RIDGEWAY FARM SUBDIVISION

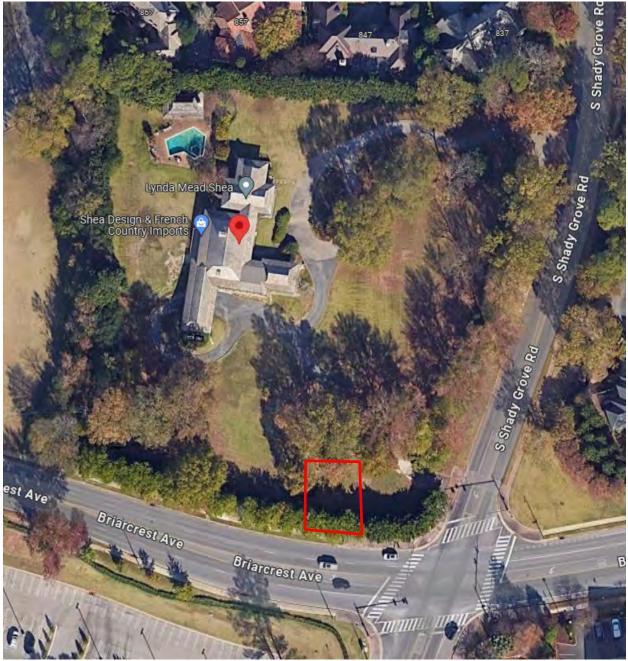




VICINITY MAP



Subject property highlighted in yellow. Subject right of way highlighted in red.



Subject right-of-way outlined in red, imagery from 2023

ZONING MAP



Subject right-of-way outlined in red

Existing Zoning:	Residential Single-Family – 15 (R-15)
	Residential single runny 15 (R 15)

Surrounding Zoning

North:	Residential Single-Family – 15 (R-15)
East:	Residential Single-Family – 15 (R-15)
South:	Residential Single-Family – 15 (R-15)
West:	Residential Single-Family – 15 (R-15)

LAND USE MAP



Subject right-of-way indicated by a red star

SITE PHOTOS



View of the subject property from the corner of Briarcrest Ave and Shady Grove Road.

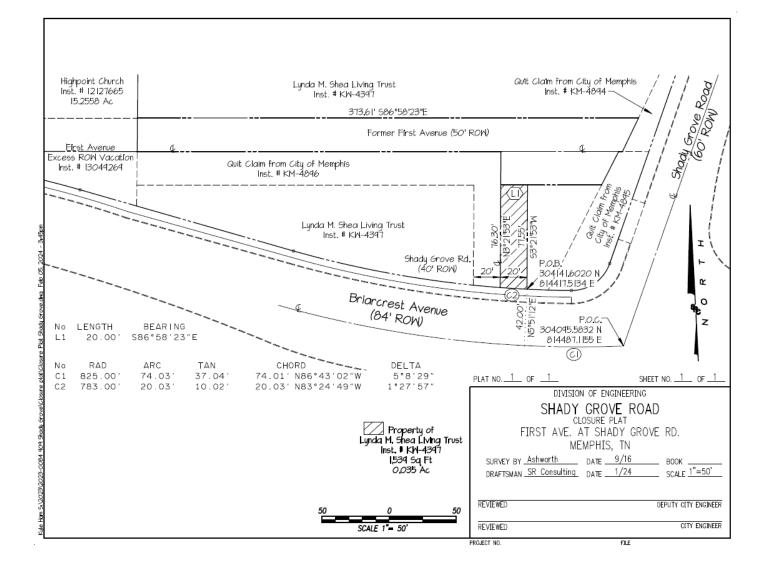


View of the location of the subject right-of-way looking west from Shady Grove Road.



View of the location of the subject right-of-way looking North from Briarcrest Avenue.

RIGHT-OF-WAY VACATION PLAT

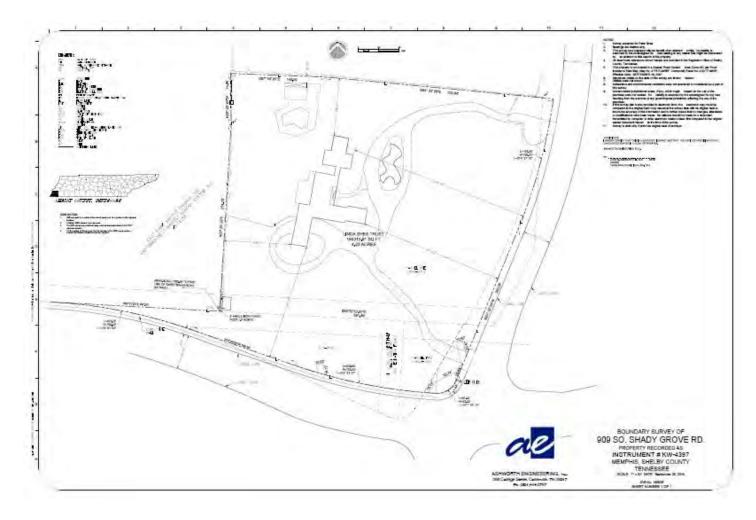


LEGAL DESCRIPTION

Being a closure of a portion of Shady Grove Road and being more particularly described as follows:

Commencing at a point in the intersection of the centerline of Shady Grove Road (60° ROW) and Briarcrest Avenue (84° ROW) (304095.5832 N, 814487.1155 E); thence along a 825.00 foot radius curve to the right an arc distance of 74.03 feet (chord N86°43'02"W 74.01 feet) to a point; thence N05°51'12"E a distance of 42.00 feet to a point on the north line of said Briarcrest Avenue, said point being the Point of Beginning (304141.6020 N, 814417.5134 E); thence along a 783.00 foot radius curve to the right an arc distance of 20.03 feet (chord N83°24'49"W 20.03 feet) to a point; thence N03°21'53"E a distance of 76.30 feet to a point; thence S86°58'23"E a distance of 20.00 feet to a point; thence S03°21'53"W a distance of 77.55 feet to the point of beginning and containing 1,539 square feet, or 0.035 acres of land more or less.

SURVEY



STAFF ANALYSIS

Request and Reason

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

The request is to close and vacate a north-south portion of Shady Grove Road north of Briarcrest Avenue.

Site Description

The subject right-of-way is a +/-20-foot wide and +/-78-foot-long north-south portion of Shady Grove totaling +/- 1,539 square feet within the parcel bound by Shady Grove to the east and Briarcrest Avenue to the South. The subject right-of-way is located entirely within parcel (080021 00042C) which is owned by the applicant, Lynda Shea Living Trust and exists on paper only. The zoning of the area is Residential Single-Family – 15 (R-15) and the surrounding land uses are a mixture of institutional, residential single-family, and offices.

Consistency with Memphis 3.0

The Memphis 3.0 General Plan is not applicable as it does not address the divesture of paper streets.

Analysis

The applicant is seeking close and vacate a north-south portion of Shady Grove Road north of Briarcrest Avenue that is located within the bounds of their property with their single-family residence. The street exists on paper only, as the subject right-of-way was abandoned by the city due to improvements and realignment of Briarcrest Road and Shady Grove Roads.

The city has previously quit claimed several portions of right-of-way immediately next to Briarcrest and Shady Grove roads that were deemed "excess" to the applicant, but did not quit claim the subject portions of the right-of-way. The right-of-way will never be used for public streets as the public street network in the immediate area has already been established and improved to serve surrounding developments.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.

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. Dedicate 15' sewer easement for the sewer lines that crossing both streets.

Street Closures:

3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.

4. City sanitary sewers/drainage facilities are located within the proposed closure area.

5. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.

6. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

7. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

8. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion

City Fire Division:	No comments received.	
City Real Estate:	No comments received.	
City/County Health Department:	No comments received.	
Shelby County Schools:	No comments received.	
Construction Code Enforcement:	No comments received.	

Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.
Office of Comprehensive Planning:	No comments received.

APPLICATION



Record Summary for Street an	d Alley Closure (Right of Way Vacation)			
Record Detail Information				
necord type: Street and Alley Closure (Right of Way Vacation)	Record Status: Staff Report in Progress			
	Operand Date: February 9, 2024			
Record Number: SAC 2024-002	Expiration Date:			
Record Name: Shady Grove Rd. Closure				
Description of Work: Abandon excess right-of-way				
and Generation and a second	Parent Record Number:			
Address: 909 SHADY GROVE RD, MEMPHIS 38120 Owner Information Primery Owner Name Y SHEA LYNDA M LIVING TRUST Owner Address 909 SHADY GROVE RDS, MEMPHIS, TN 38120 Parcel Information	Owner Phone			
080021 00042C				
Data Fields PREAPPLICATION MEETING Name of DPD Planner Date of Meeting Pre-application Meeting Type	Chip Saliba			
GENERAL INFORMATION				
Page 1 of 2	SAC 2024-002			

		Total Fee Invo	xiced: \$410.40	Total Ba	lance: 50.	00	
1536731	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	02/09/2024	
1536731	Pee Bern Right of Way Vacation/Closure Fee	Gisenfly 1	Fees 400.00	Status INVOICED	0.00	Date Assessed 02/09/2024	
Fee Inform							
	d Protection Overlay District		No				
Contraction of the second	Development District		-				
Subdivisi	lon		1				
State Ro	ute		-				
Zoning			(T)				
	Special Purpose District		-				
Municipa			1				
Land Us	e		- A				
Historic			-				
Class	in Fire District		No				
Central Business Improvement District		ct	No				
Case La		a-	200				
Previous dis iniform	Case Numbers		÷				
is this ap	plication a time extension?		No				
Letter?	ction Code Enforcement or Z ease provide additional infor		1				
	plication in response to a cli		No				
Name of	Street/Alley/ROW		Shady Grow	ie Rd.			
closed? What is f	he overall length of the stree	t closure?	77.55				
	he total area of the right-of-v		1539				
Name of Street where closure will end What is the reason for the street closure?		-		icess right-of-way			
	Street where closure will be		Briarcrest First Ave.				
1 M M							

Payment information

Payment Amount	Nethod of Payment
\$410.40	Credit Card

Page 2 of 2

SAC 2024-002

LETTER OF INTENT

ENGINEERING + PLANNING SPOG Shelby Oaks Drive Suite 200 Memphis TN 38134 ENGINEERING + PLANNING Tel: 901-373-0380 Tax: 901-373-0380 Tax: 901-373-0380 Www.SRCE-memphis.com

Date: January 25, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: First Ave. & Shady Grove Rd. Closure

LETTER OF INTENT

We are submitting a road closure application for a portion of First Avenue and Shady Grove Road located within the property at 909 Shady Grove Road. The Bennett's Ridgeway Farm Subdivision was recorded in 1919 and shows the streets as recorded on Plat Book 7 Page 104. Neither First Avenue or this portion of Shady Grove Road exists and are now included on the Shea property as shown on our survey.

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.

March 14, 2024 Page 19



Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of Way Vacation)

Record Status: Staff Report in Progress

Expiration Date:

Opened Date: February 9, 2024

Record Number: SAC 2024-002

Record Name: Shady Grove Rd. Closure Description of Work: Abandon excess right-of-way

Parent Record Number:

Address:

909 SHADY GROVE RD, MEMPHIS 38120

Owner Information

Primary Owner Name Y SHEA LYNDA M LIVING TRUST

Owner Address

909 SHADY GROVE RDS, MEMPHIS, TN 38120

Parcel Information

080021 00042C

Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Chip Saliba
Date of Meeting	-
Pre-application Meeting Type	-
GENERAL INFORMATION	

Owner Phone

GENERAL	INFORMATION						
Name of Street where closure will begin			Briarcrest				
Name of Street where closure will end		First Ave.					
What is t	the reason for the street closu	re?	Abandon ex	cess right-of-way			
What is t	the total area of the right-of-wa	ay being	1539				
closed?							
What is t	the overall length of the street	closure?	77.55				
Name of	Street/Alley/ROW		Shady Grove Rd.				
	oplication in response to a cita		No				
	ction Code Enforcement or Zor	ning					
Letter?							
	ease provide additional inform	ation	-				
	oplication a time extension?		No				
GIS INFOR	Case Numbers		-				
Case La	-		- No				
Class	Business Improvement District		-				
-	vn Fire District		- No				
Historic			-				
Land Us			_				
Municipa			-				
	Special Purpose District		-				
Zoning			-				
State Ro	oute		-				
Lot -							
Subdivis	Subdivision -						
Planned Development District		-					
Wellhead Protection Overlay District			No				
Fee Inform	nation						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	
1536731	Right of Way	1	400.00	INVOICED	0.00	02/09/2024	
	Vacation/Closure Fee						
1536731	Credit Card Use Fee (.026	1	10.40	INVOICED	0.00	02/09/2024	

Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

x fee)

Payment Amount \$410.40

Method of Payment Credit Card

ENGINEERING • PLANNING Succonsulting, LLC 5909 Shelby Oaks Drive Suite 200 Memphis TN 38134 ENGINEERING • PLANNING Tel: 901-373-0380 Fax: 901-373-0370 Www.SRCE-memphis.com

Date: January 25, 2024

To: Division of Planning & Development

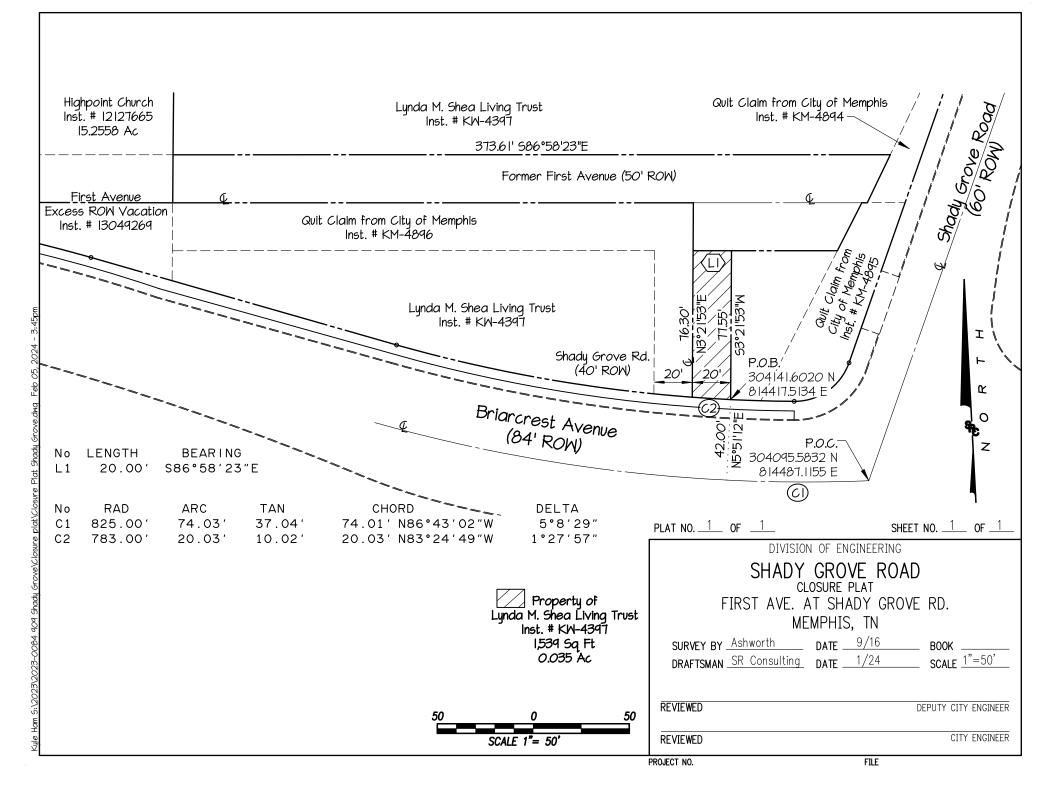
From: Cindy Reaves

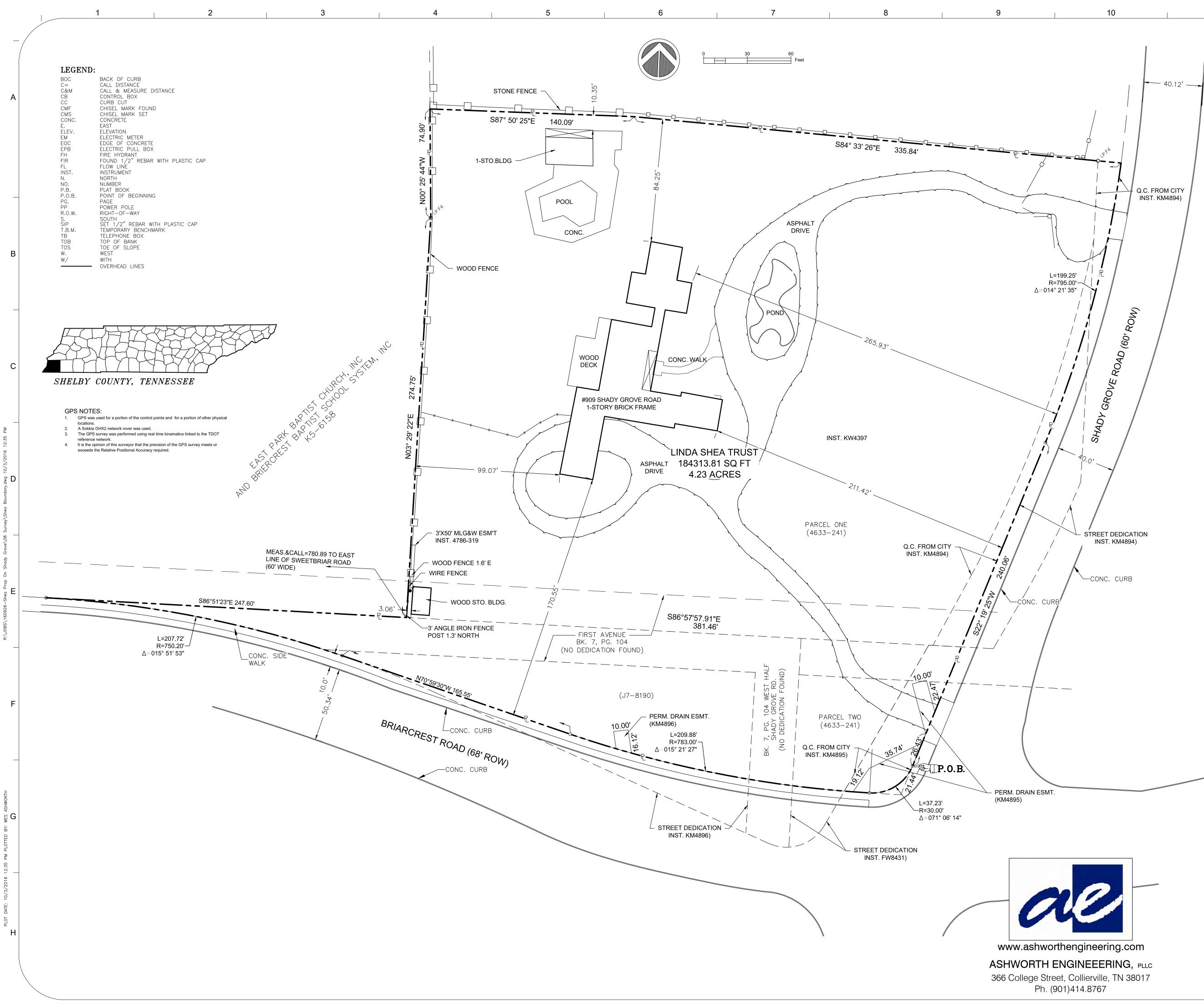
Re: First Ave. & Shady Grove Rd. Closure

LETTER OF INTENT

We are submitting a road closure application for a portion of First Avenue and Shady Grove Road located within the property at 909 Shady Grove Road. The Bennett's Ridgeway Farm Subdivision was recorded in 1919 and shows the streets as recorded on Plat Book 7 Page 104. Neither First Avenue or this portion of Shady Grove Road exists and are now included on the Shea property as shown on our survey.

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











11

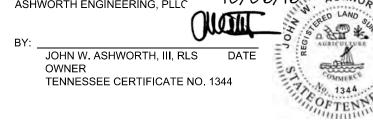


NOTES:

- Survey prepared for Peter Shea. Bearings are relative only.
- This survey was prepared without benefit of an abstract of title. No liability is 3. assumed by the undersigned for loss relating to any matter that might be discovered by an abstract or title search of the property.
- 4. All deed book references shown hereon are recorded in the Register's Office of Shelby County, Tennessee.
- This property is not located in a Special Flood Hazard Area (Zone AE) per Flood Insurance Rate Map, Map No. 47157C0455F, Community Panel No. 4701770455F, Effective Date: SEPTEMBER 28, 2007.
- Structures visible on the date of this survey are shown hereon.
- Utilities were not shown.
- Subsurface and environmental conditions were not examined or considered as a part of this survey. 9. Governmental jurisdictional areas, if any, which might impact on the use of the
- premises were not located. No liability is assumed by the undersigned for any loss resulting from the exercise of any governmental jurisdiction affecting the use of the premises.
- 10. If this survey plat is also provided in electronic form, the electronic copy must be compared to the original hard copy issued at the survey date with its original seal to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document issued at the time of the survey.
- 11. Survey is valid only if print has original seal of surveyor.

CERTIFICATE:

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10.000 OR GREATER 10/06/16 ASHWORTH ENGINEERING, PLLC



LEGAL DESCRIPTION OF THE LINDA SHEAL LIVING TRUST TRACT

BEGINNING AT A POINT IN THE WESTERLY RIGHT OF WAY OF SHADY GROVE ROAD (60' WIDE), SAID POINT BEING THE BEGINNING OF THE RETURN RADIUS OF THE NORTHWEST INTERSECTION OF THE WESTERLY LINE OF SHADY GROVE ROAD AND THE NORTHERLY LINE OF BRIARCREST ROAD (68' WIDE) AND BEING A TANGENT DISTANCE OF 21.44 FEET NORTHEAST OF THE NORTHERLY LINE OF BRIARCREST ROAD. THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 71DEGREES 06MINUTES 14SECONDS, HAVING A RADIUS OF 30.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 57DEGREES 52MINUTES 33SECONDS WEST FOR A DISTANCE OF 34.89 FEET AND AN ARC LENGTH OF 37.23 FEET TO THE BEGINNING OF A CURVE; THENCE NORTHWESTWARDLY ALONG THE NORTHEASTERLY LINE OF BRIARCREST RD. SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 15DEGREES 21MINUTES 27SECONDS, HAVING A RADIUS OF 783.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 78DEGREES 53MINUTES 37SECONDS WEST FOR A DISTANCE OF 209.25 FEET AND AN ARC LENGTH OF 209.88 FEET TO A POINT; THENCE, ALONG THE NORTHEASTERLY LINE OF BRIARCREST ROAD NORTH 70DEGREES 59MINUTES 30SECONDS WEST FOR A DISTANCE OF 165.55 FEET TO THE BEGINNING OF A CURVE; THENCE ALONG THE NORTHERLY LINE OF BRIARCREST ROAD, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 15DEGREES 51MINUTES 53SECONDS, HAVING A RADIUS OF 750.20 FEET, AND WHOSE LONG CHORD BEARS NORTH 78DEGREES 55MINUTES 27SECONDS WEST FOR A DISTANCE OF 207.06 FEET AND AN ARC LENGTH OF 207.72 FEET TO A POINT; THENCE, ALONG THE SOUTHERLY LINE OF THE EAST PARK BAPTIST CHURCH, INC AND BRIERCREST BAPTIST SCHOOL SYSTEM, INC (K6-6158) TRACT SOUTH 86DEGREES 51MINUTES 23SECONDS EAST FOR A DISTANCE OF 247.60 FEET TO A POINT BEING 1.3 FEET SOUTH OF AN ANGLE IRON FENCE POST, BEING THE SOUTHEASTERLY CORNER OF SAID EAST PARK, ETAL TRACT; THENCE, ALONG THE EASTERLY LINE OF SAID EAST PARK TRACT NORTH 03DEGREES 29MINUTES 22SECONDS EAST FOR A DISTANCE OF 274.75 FEET TO A 2" CRIMPED IRON PIN FOUND; THENCE, ALONG THE EASTERLY LINE OF SAID EAST PARK TRACT NORTH 00DEGREES 25MINUTES 44SECONDS WEST FOR A DISTANCE OF 74.90 FEET TO THE SOUTHWEST CORNER OF BEAU PRE P.U.D. (PB 132, PG 46) SAID POINT ALSO BEING THE SOUTHWEST CORNEF OF A STONE COLUMN WITH STONE FENCE; THENCE, ALONG THE SOUTHERLY LINE OF BEAU PRE SOUTH 87DEGREES 50MINUTES 25SECONDS EAST FOR A DISTANCE OF 140.09 FEET TO A POINT THENCE, CONTINUING ALONG THE SOUTH LINE OF BEAU PRE SOUTH 84DEGREES 33MINUTES. 26SECONDS EAST FOR A DISTANCE OF 335.84 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE IN THE WESTERI Y LINE OF SHADY GROVE ROAD. SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 14DEGREES 21MINUTES 35SECONDS. HAVING A RADIUS OF 795.00 FEE AND WHOSE LONG CHORD BEARS SOUTH 15DEGREES 08MINUTES 38SECONDS WEST FOR A DISTANCE OF 198.73 FEET AND AN ARC LENGTH OF 199.25 FEET TO A POINT IN A LINE; THENCE CONTINUING ALONG THE WEST LINE OF SHADY GROVE ROAD SOUTH 22DEGREES 19MINUTES 25SECONDS WEST A DISTANCE OF 240.06 FEET TO THE POINT OF BEGINNING, SAID TRACT HAVING AN AREA OF 184,313.81 SF OR 4.23 ACRES MORE OR LESS.

Q.C. FROM CITY INST. KM4894) - STREET DEDICATION

BOUNDARY SURVEY OF 909 SO. SHADY GROVE RD. PROPERTY RECORDED AS **INSTRUMENT # KW-4397** MEMPHIS, SHELBY COUNTY TENNESSEE SCALE: 1" = 30' DATE: September 26, 2016

> JOB No. 160926 SHEET NUMBER 1 OF 1



MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY 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.

L.SHEA L.SHEA 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, quardian or lessee (and have included documentation with this affidavit)

of the property located at 909 Shady Grove Rd.

and further identified by Assessor's Parcel Number 080021 00042C

for which an application is being made to the Division of Planning and Development.

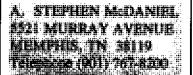
Subscribed and sworn to (or affirmed) before me this 26TH day of JANUARY In the year of

~ Acred Am Signature of Notary Public

2024 My Commission

٩.

THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF ABSTRACT OR TITLE EXAMINATION



WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars, cash in hand paid by the hereinafter named Grantee and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, I, LYNDA M. SHEA, hereinafter called Grantor, have bargained, sold and by these presents do transfer and convey unto LYNDA M. SHEA, Trustee of the LYNDA M. SHEA LIVING TRUST, hereinafter called the Grantee, her heirs and assigns, a certain tract or parcel of land in Shelby County, State of Tennessee, and described as follows:

Parcel 1: The east part of Lot 15 of Bennett's Ridgeway Farms Subdivision and the south 25 feet of Second Avenue and the north 25 feet of First Avenue adjoining, more particularly described as follows:

BEGINNING at a point in the west line of Shady Grove Road, said point being 25 feet north of the northeast corner of said Lot 15; thence south 4 degrees 22 minutes east 710.8 feet to a point where the original west line of Shady Grove Road (4-0 feet wide); thence on a curve to the right with a radius of 677.27 feet 96.4 feet to a point; thence continuing with the east line of said Road 33.6 feet to a point in the center of First Avenue; thence with the center of First Avenue south 85 degrees 30 minutes west 898.8 feet to a point 780.8 feet east of the east line of Sweetbrier Road; thence north 4 degrees 14minutes west 274.4 feet to an iron pin; thence north 7 degrees 58 minutes west 555 feet to a point in Second Avenue 25 feet north of the north line of Lot 15; thence north 88 degrees 30 minutes east 487.6 feet to the beginning.

Parcel 2: That part of Lot 29 of Bennett's Ridgeway Farms Subdivision lying west of the west line of Shady Grove Road (40 Feet wide) being more particularly described as follows:

BEGINNING at an iron pin, the intersection of the original center lines of First Avenue 50 feet wide, a shown in Plat Book 7, Page 104, and Shady Grove Road; thence southwardly with the original west line of Lot 29 and the center line of Shady Grove Road 185 feet to an iron pin in the present west line of Shady Grove Road (40 feet wide); thence northwardly on a curve to the right with the present west line of Shady Grove Road 156.5 feet to a point; thence continuing with the west line of said Road 44.57 feet to a point in the center of First Avenue; thence westwardly with the center of First Avenue 77.3 feet to the beginning.

All right, title and interest, if any, in an easement in and to the south half of First Avenue and the west half of Shady Grove Road both as shown of record in Plat Book 7, Page 104 abutting the two parcels described above is hereby conveyed.

BEGINNING at the point of intersection of the existing northeast Parcel 3: right of way line of Briarcrest Avenue and south right of way line of First Avenue (50' ROW), said point also being the northwest corner of the property described in Deed recorded as Instrument J7 8190 (Plat of Lot 15, unrecorded S/D of Lot 16, Bennett's Ridgeway Farm S/D in Plat Book 7, page 104) in the Shelby County Register's Office; thence N 00 deg. 07 min. 20 sec. W a distance of 25 feet to a point in the centerline of First Avenue; thence N 89 deg. 52 min. 40 sec. E along said First Avenue centerline a call distance of 328.43 feet to a point; thence S 00 deg. 00 min. 00 sec. W a call distance of 101.7 feet to a point in the proposed north right of way line of Briarcrest Avenue; thence westwardly on a curve to the right having a radius of 783 feet an arc distance of 20.07 feet (chord bearing = N 85 deg. 12 min. 20 sec. W, chrod length = 20.07) to a point in the existing east line of said property described in Instrument J7 8190; thence N 00 deg. 00 min. 00 sec. E along said existing east property line a distance of 74.98 feet to a point; thence S 89 deg. 52 min. 40 sec. W along the north line of said property a calculated distance of 308.37 feet to the point of beginning, containing 9,728 square feet.

Being the same property and description conveyed to the Grantor herein by Warranty Deed recorded of even date herewith in the Shelby County Register's Office.

The property is unencumbered except for the year 2001 real estate taxes, not yet due and payable.

Tax Parcel Identification Number: 08002100042C

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the Grantee, her heirs and assigns forever; and we do covenant with the said Grantee 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 Grantee, her 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.

The Grantor states that the purpose of this Deed is to transfer her entire right, title and interest in and to said real property to the LYNDA M. SHEA LIVING TRUST. The trust is a revocable grantor trust established pursuant to the laws of the State of Tennessee. The Trustee and Successor Trustees are granted all right, power and authority, pursuant to Section 3, Chapter 110 of the Tennessee General Assembly of 1963, Tenn. Code Ann. Section 35-50-110 (including any amendments thereto) and further have the full discretionary power to purchase, sell, convey, alter, repair, improve, partition and mortgage or otherwise encumber any real estate, and to make and execute any leases thereon for any period, however long, and beyond the term of any trust, and to execute and deliver any deeds, conveyances, mortgages, deeds of trust, transfers and assignments, without the approval of any court, joinder of any beneficiary, and without disclosing any beneficiary of any trust.

In addition, the trust specifically provides that no person dealing with the Trustee in the capacity of purchaser, seller, acquirer, lender, tenant, lessor, lessee, contractant or otherwise shall be bound to inquire into the capacity to act on the part of the Trustee, or into the authority for, or the propriety of, any act thereof, or to see to the application or disposition of any money, or other property, paid, delivered or loaned to the Trustee.

This is a transfer into a Revocable Living Trust oy the Grantor. No actual monetary consideration is given by the Grantor and this conveyance is exempt from recordation tax under Tenn. Code Ann. Section 67-4-409(a)(3)(F).

The Grantor's spouse, JOHN J. SHEA, JR., joins into this deed for the purpose of conveying any and all right, title and interest he may have in and to the herein described property, including marital rights, to the LYNDA M. SHEA LIVING TRUST.

This trust contains spendthrift provisions.

WITNESS our hands this 22 day of Lehrwary, 2001. \sim ٩. M. SHEA, Grantor OH VJ. HEA, IR **STATE OF TENNESSEE** COUNTY OF SHELBY

BEFORE ME, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared LYNDA M. SHEA and JOHN J. SHEA, JR., to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and notarial Seal at office 22TARY PUBLIC My Commission expi COUNTY.

Property known as: 909 Shady Grove Road Memphis, TN 38117

Mail Tax Notice to: Lynda M. Shea, Trustee 6133 Poplar Pike Memphis, TN 38119-4707

New Owner: Lynda M. Shea, Trustee 6133 Poplar Pike Memphis, TN 38119-4707

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 \$-0-.

EXEMPT

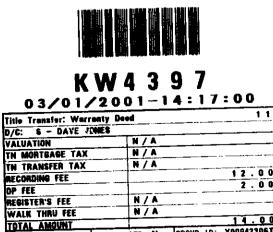
}*,

Subscribed and sworn to before me this ___ day of **_, 200**1.

NOTARY PUBLIC

My Commission expires:

\\WMWNT01\GP\docs\1962\WtoTrustDeed.doc



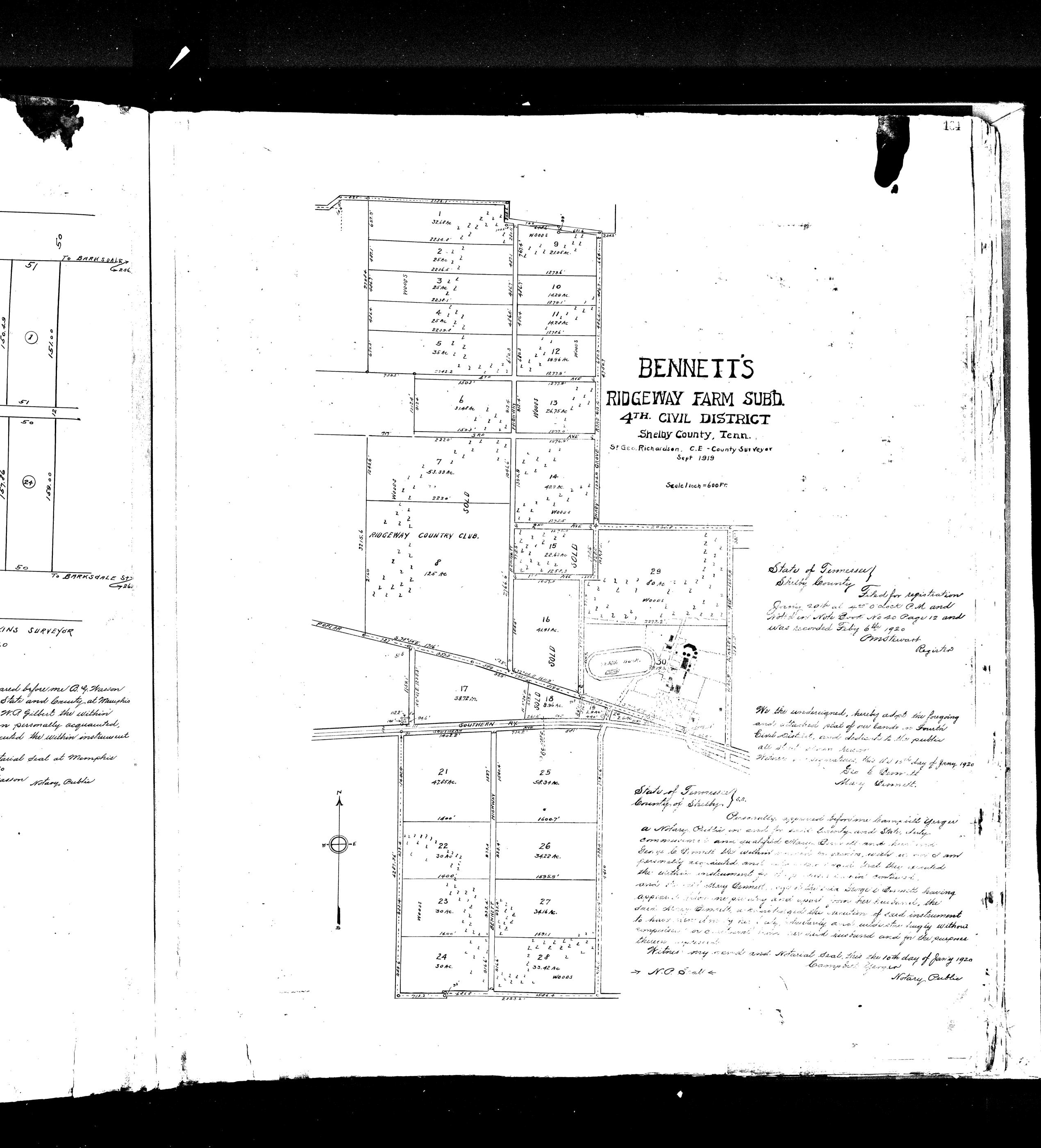
14.00 GROUP 10: X000423061 3 PAGE ADDED: No

STATE of TENHESSEE, COUNTY of SHELBY Tom Leatherwood, REGISTER

PAGE COUNT:

3

WD



HIGHPOINT CHURCH 6000 BRIARCREST AVE # MEMPHIS TN 38120

ORION MEMPHIS TN LLC 2325 E CAMELBACK RD # PHOENIX AZ 85016

DEWEESE EDWIN D & RITA B 867 BEAU PRE # MEMPHIS TN 38120

WELLER ANN F REVOCABLE TRUST 857 BEAU PRE # MEMPHIS TN 38120

DICKERSON NELL C 847 BEAU PRE # MEMPHIS TN 38120

MCNAMEE W SCOTT JR AND MARION W MCNAMEE 837 BEAU PRE # MEMPHIS TN 38120

NORMANDY PARK HOMEOWNERS ASSOC INC 5140 WHEELIS DR # MEMPHIS TN 38117

ECONOMIC DEVELOPMENT GROWTH ENGINE 100 PEABODY PL # MEMPHIS TN 38103

SHEA LYNDA M LIVING TRUST 909 SHADY GROVE RD # MEMPHIS TN 38120 Being a closure of a portion of Shady Grove Road and being more particularly described as follows:

Commencing at a point in the intersection of the centerline of Shady Grove Road (60' ROW) and Briarcrest Avenue (84' ROW) (304095.5832 N, 814487.1155 E); thence along a 825.00 foot radius curve to the right an arc distance of 74.03 feet (chord N86°43'02"W 74.01 feet) to a point; thence N05°51'12"E a distance of 42.00 feet to a point on the north line of said Briarcrest Avenue, said point being the Point of Beginning (304141.6020 N, 814417.5134 E); thence along a 783.00 foot radius curve to the right an arc distance of 20.03 feet (chord N83°24'49"W 20.03 feet) to a point; thence N03°21'53"E a distance of 76.30 feet to a point; thence S86°58'23"E a distance of 20.00 feet to a point; thence S03°21'53"W a distance of 77.55 feet to the point of beginning and containing 1,539 square feet, or 0.035 acres of land more or less.



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

March 14, 2024

Shea Living Trust C/O Cindy Reaves 5909 Shelby Oaks Drive - Suite 200 Memphis, TN 38134

Sent via electronic mail to: pshea3@me.com and cindy@srce-memphis.com

Case Number: SAC 2024-002 LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, March 14, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval with conditions** of your right-of-way vacation application to close and vacate a north-south portion of Shady Grove Road north of Briarcrest Avenue, subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at the developer's expense.

The 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) 636-7179 or via email at Latonya.hull@memphistn.gov.

Letter to Applicant SAC 2024-002

Respectfully,

, All tongo

LaTonya Hull, Municipal Planner Land Use and Development Services Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC File

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 07/23/2024

PUBLIC SESSION: DATE DATE

ITEM (CHECK ONE)	
ORDINANCE	X RESOLUTION REQUEST FOR PUBLIC HEARING
ITEM DESCRIPTION:	Resolution approving the closure of a portion of Jackson Avenue and Lauderdale Street between N. Third Street and Interstate 40, known as case number SAC 2024-004
CASE NUMBER:	SAC 2024-004
LOCATION:	A portion of Jackson Ave. and Lauderdale Street between N. Third Street and Interstate 40
COUNCIL DISTRICTS:	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	American Lebanese Syrian Associated Charities (St. Jude)
REPRESENTATIVES:	Josh Whitehead, Burch, Porter & Johnson
REQUEST:	Request close and vacate a portion of Jackson Ave. and Lauderdale Street south of N. Third Street
AREA:	+/- 1.55 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) 04/11/2024 (I) Land Use Control Board	APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE		
FUNDING: (2) \$	AMOU REVEN OPERA CIP PRO	RES CITY EXPE NT OF EXPEND IUE TO BE REC TING BUDGET OJECT # AL/STATE/OTH	EIVED
ADMINISTRATIVE APPROVAL:	********	<u>DATE</u>	<u>POSITION</u>
LaTonya Hull Joseph Ar Butt Ny		<u>7/15/2024</u> <u>7/15/24</u>	PRINCIPAL PLANNER DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY
			CHIEF ADMINISTRATIVE OFFICER COMMITTEE CHAIRMAN

ONE ORIGINAL | ONLY STAPLED | TO DOCUMENTS



Memphis City Council Summary Sheet

SAC 2024-004

RESOLUTION APPROVING THE CLOSURE OF A PORTION OF JACKSON AVENUE AND LAUDERDALE STREET BETWEEN N. THIRD STREET AND INTERSTATE 40, KNOWN AS CASE NUMBER SAC 2024-004

- This item is a resolution with conditions to allow the above; and
- This item may require a new public improvement contract.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SAC 2024-004
LOCATION:	A portion of Jackson Ave. and Lauderdale Street between N. Third Street and Interstate 40
COUNCIL DISTRICT(S):	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	American Lebanese Syrian Associated Charities (St. Jude)
REPRESENTATIVE:	Josh Whitehead, Burch, Porter & Johnson
REQUEST:	Right-of-way vacation
EXISTING ZONING:	Uptown Hospital District (UH)
AREA:	1.55 acres

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 with conditions of the application.

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

Respectfully,

Somy Hell

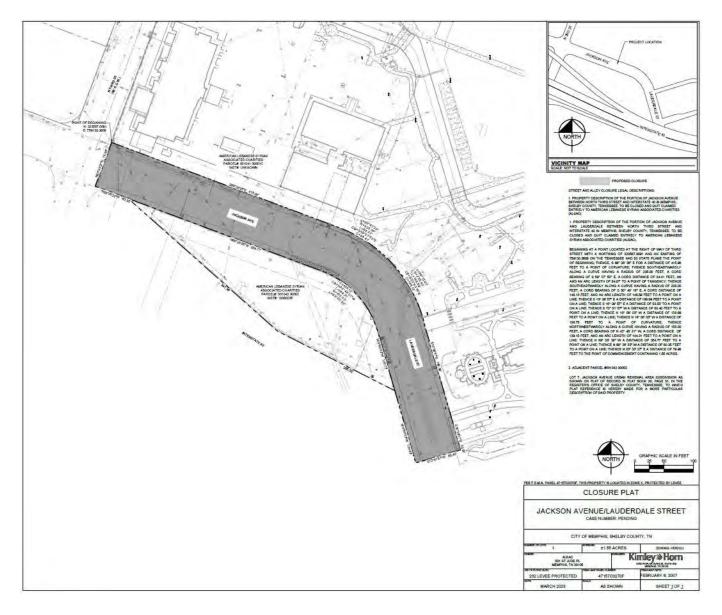
LaTonya Hull Planner I Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

SAC 2024-004 CONDITIONS

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above-required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.
- 5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

CLOSURE PLAT





RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF A PORTION OF JACKSON AVENUE AND LAUDERDALE STREET BETWEEN NORTH THIRD STREET AND INTERSTATE 40, KNOWN AS CASE NUMBER SAC 2024-004

WHEREAS, the City of Memphis is the owner of real property known as a portion of

Jackson Avenue and Lauderdale Street between N. Third Street and Interstate 40 in Memphis,

Tennessee and being more particularly described as follows:

BEGINNING AT A POINT LOCATED AT THE RIGHT OF WAY OF THIRD STREET WITH A NORTHING OF 323567.0091 AND AN EASTING OF 759133.3606 ON THE TENNESSEE NAD 83 STATE PLANE THE POINT OF BEGINNING; THENCE, S 69° 28' 38" E FOR A DISTANCE OF 415.98 FEET А POINT OF CURVATURE; TO THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 235.00 FEET, A CORD BEARING OF S 59° 07' 53'' E, A CORD DISTANCE OF 84.41 FEET, AN AND AN ARC LENGTH OF 84.87' TO A POINT OF TANGENCY; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 235.00 FEET, A CORD BEARING OF S 30° 40' 16" E, A CORD DISTANCE OF 146.13 FEET, AND AN ARC LENGTH OF 148.59 FEET TO A POINT ON A LINE; THENCE S 16° 09' 57'' E A DISTANCE OF 166.69 FEET TO A POINT ON A LINE; THENCE S 16° 09' 57" E A DISTANCE OF 53.53' TO A POINT ON A LINE; THENCE S 73° 51' 57'' W A DISTANCE OF 80.40 FEET TO A POINT ON A LINE; THENCE N 16° 08' 03'' W A DISTANCE OF 128.69 FEET TO A POINT ON A LINE; THENCE N 16° 08' 03" W A DISTANCE OF 106.75 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTWARDLY ALONG A CURVE HAVING A RADIUS OF 155.00 FEET, A CORD BEARING OF N 42° 48' 21" W, A CORD DISTANCE OF 139.15 FEET, AND AN ARC LENGTH OF 144.31 FEET TO A POINT ON A LINE; THENCE N 69° 28' 38'' W A DISTANCE OF 354.77 FEET TO A POINT ON A LINE; THENCE N 69° 26' 33'' W A DISTANCE OF 60.35 FEET TO A POINT ON A LINE; THENCE N 20° 33' 27'' E A DISTANCE OF 79.96 FEET TO THE POINT OF COMMENCEMENT CONTAINING 1.55 ACRES.

WHEREAS, 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 desires to close the hereinabove described public right-of-way and it is deemed to be in the

best interest of the City of Memphis that said public right-of-way be vacated, and revert to the

abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby

County Land Use Control Board on April 11, 2024, and said Board has submitted its findings and

recommendation to the Council of the City of Memphis subject to the following conditions:

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above-required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.
- 5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that

the above described public right-of-way be and is hereby closed for public use, subject to the

aforementioned conditions.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all

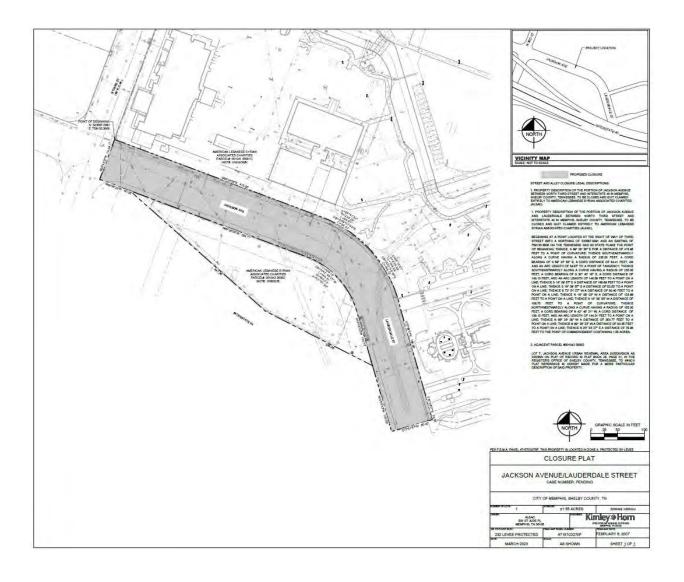
Quitclaim Deed(s) to the owners of the properties abutting on the above-described public right-of-

way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers

Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security

Title Company and the Shelby County Property Assessor's Office.



dpd MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT		
AGENDA ITEM:	20	L.U.C.B. MEETING:	April 11, 2024		
CASE NUMBER:	SAC 2024-004				
LOCATION:	Jackson Avenue and Lauderdale Street south of N. Third Street				
COUNCIL DISTRICT:	District 7 and Super District 8 – Positions 1, 2, and 3				
OWNER/APPLICANT:	American Lebanese Syrian Associated Charities (St. Jude)				
REPRESENTATIVE: REQUEST:	Josh Whitehead, Burch, Porter & Johnson Close and vacate a portion of Jackson Ave. and Lauderdale Street south of N. Third Street				
EXISTING ZONING:	Uptown Hospital District (UH)				

CONCLUSIONS

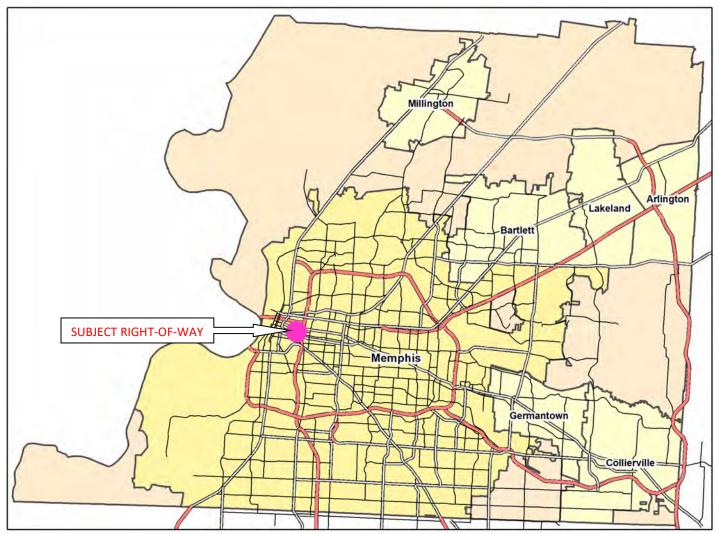
- 1. This applicant is requesting the closure of a portion of Jackson Avenue east of North Third Street and a portion of Lauderdale Street north of Alabama Avenue.
- 2. The closure will support the implementation of its campus master plan, which calls for developing several controlled access/exit points, and repurposing the area for campus operations, including the proposed construction of a campus visitor.
- 3. Approving the closure of the street for use by the general public is appropriate because it supports the planned growth and development of St. Jude and the UH district. It also helps to improve, secure, and control circulation in and around St. Jude.
- 4. The closure of the intersection at N. Lauderdale Street was previously modeled in the Memphis Tourism Development Zone (TDZ) Traffic Study for the City of Memphis and did not show significant impacts to the surrounding network and intersections. The primary anticipated effect of the closure of the subject right of way is that it will cause some drivers an inconvenience because Jackson Avenue/Lauderdale Street is utilized as an alternate route to east downtown. Drivers will now be required to take one of several alternative routes depending on their trip origin or destination, including Danny Thomas Boulevard.
- 5. Access to utility easements and for emergency vehicles will be retained.
- 6. The divestiture/abandonment of the subject right-of-way will not have any undue or substantial effect on the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 General Plan is not applicable as it does not address the divesture of streets and alleys.

RECOMMENDATION:

Approval with conditions



Subject right-of-way located within the pink circle

PUBLIC NOTICE VICINITY MAP

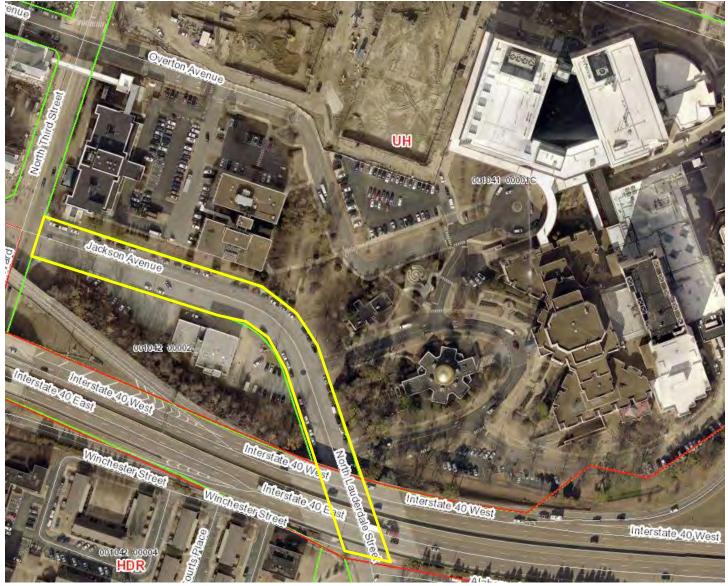


Subject right-of-way highlighted in yellow

PUBLIC NOTICE DETAILS

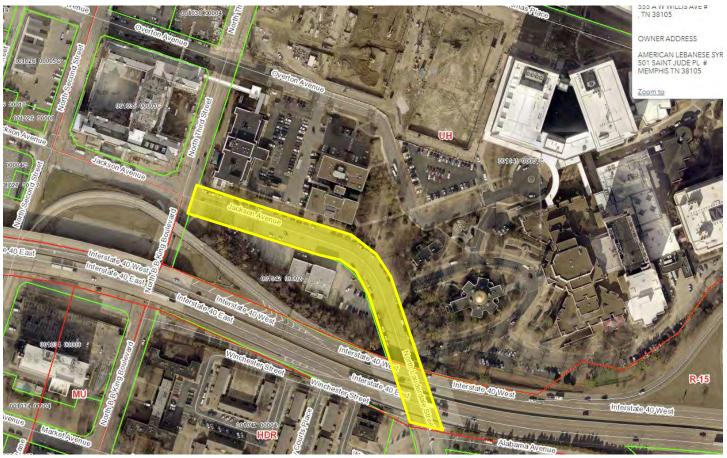
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 14 notices were mailed on March 15, 2024, see pages 15-16 of this report for a copy of said notice.

AERIAL



Subject right-of-way outlined in yellow, imagery from 2023

ZONING MAP



Subject right-of-way highlighted in yellow

LAND USE MAP



Subject right-of-way indicated by a red star

SITE PHOTOS



View of subject right-of-way, Jackson Avenue from N. third looking east towards N. Lauderdale Street



View of subject right-of-way, N. Lauderdale from Jackson Avenue looking south towards the I-40

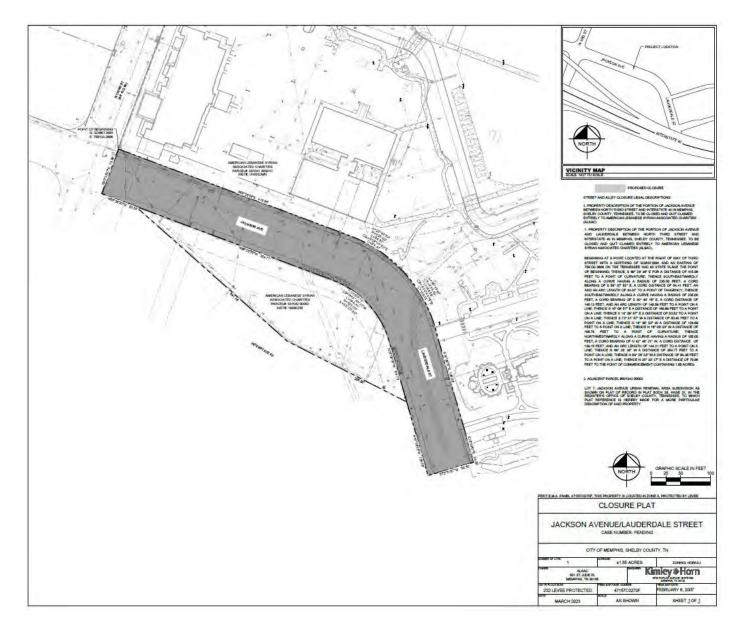


View of subject right-of-way, N. Lauderdale Street looking northwest towards Jackson Avenue



View of subject right-of-way, Jackson Ave looking west towards Third street

RIGHT-OF-WAY VACATION PLAT



LEGAL DESCRIPTION

1. PROPERTY DESCRIPTION OF THE PORTION OF JACKSON AVENUE AND LAUDERDALE BETWEEN NORTH THIRD STREET AND INTERSTATE 40 IN MEMPHIS, SHELBY COUNTY, TENNESSEE. TO BE CLOSED AND QUIT CLAIMED ENTIRELY TO AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES (ALSAC).

BEGINNING AT A POINT LOCATED AT THE RIGHT OF WAY OF THIRD STREET WITH A NORTHING OF 323567.0091 AND AN EASTING OF 759133.3606 ON THE TENNESSEE NAD 83 STATE PLANE THE POINT OF BEGINNING; THENCE, S 69° 28' 38" E FOR A DISTANCE OF 415.98 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 235.00 FEET, A CORD BEARING OF S 59° 07' 53" E, A CORD DISTANCE OF 84.41 FEET, AN AND AN ARC LENGTH OF 84.87' TO A POINT OF TANGENCY; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 235.00 FEET, A CORD BEARING OF \$ 30° 40' 16" E, A CORD DISTANCE OF 146.13 FEET, AND AN ARC LENGTH OF 148.59 FEET TO A POINT ON A LINE; THENCE S 16° 09' 57" E A DISTANCE OF 166.69 FEET TO A POINT ON A LINE; THENCE S 16° 09' 57" E A DISTANCE OF 53.53' TO A POINT ON A LINE; THENCE S 73° 51' 57" W A DISTANCE OF 80.40 FEET TO A POINT ON A LINE; THENCE N 16° 08' 03" W A DISTANCE OF 128.69 FEET TO A POINT ON A LINE; THENCE N 16° 08' 03" W A DISTANCE OF 106.75 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTWARDLY ALONG A CURVE HAVING A RADIUS OF 155.00 FEET, A CORD BEARING OF N 42° 48' 21" W, A CORD DISTANCE OF 139.15 FEET, AND AN ARC LENGTH OF 144.31 FEET TO A POINT ON A LINE; THENCE N 69° 28' 38" W A DISTANCE OF 354.77 FEET TO A POINT ON A LINE; THENCE N 69° 26' 33" W A DISTANCE OF 60.35 FEET TO A POINT ON A LINE; THENCE N 20° 33' 27" E A DISTANCE OF 79.96 FEET TO THE POINT OF COMMENCEMENT CONTAINING 1.55 ACRES.

CASE REVIEW

Request

Close and vacate a portion of Jackson Ave. and Lauderdale Street south of N. Third Street

Site Details

Address: Jackson Avenue and Lauderdale Street south of N. Third Street

Area: +/-1.55 acres

Description:

The subject right-of-way is a +/-80-foot wide and +/-1,000-foot-long east-southerly public street for a total area of +/-1.55 acres within the block bounded by N. Third Street and Alabama Avenue. The subject right-of-way is located between two parcels (001042 00002, 001041 00001C) both of which are owned by the applicant. A copy of the deeds for each parcel is included in the application. The zoning of the adjacent properties is Uptown Hospital (UH), and Residential Single-Family 15 – R-15 (Interstate 40) to the South.

Analysis

This applicant is requesting the closure of a portion of Jackson Avenue east of North Third Street and a portion of Lauderdale Street north of Alabama Avenue. Jackson Avenue runs east/west for +/-415 feet east of North Third Street, then bends southeasterly and becomes Lauderdale Street, which passes under the 1-40 overpass.

Closing both right-of-ways will allow St. Jude to implement its campus master plan, which calls for developing several controlled access/exit points to the St. Jude campus. One of these points is at Jackson Avenue at North Third Street. The applicant intends to install guard-controlled access structures and gates at this location. A concrete band will be inserted at BB King and Jackson Avenue demarcating the public right of way. The Lauderdale Street access will be closed, and an emergency gate will be installed.

The closure will also allow the applicant to repurpose the area for campus operations, including the proposed construction of a campus visitor center to be constructed on Parcel 001042 00002 located on the south side of the right of way to be vacated. The gate on Jackson Avenue will serve as the entrance point for clients and patients visiting the center and campus.

Approving the closure of the street to preclude use by the general public is appropriate because it supports the planned growth and development of St. Jude and the UH district. It also helps to improve, secure, and control circulation in and around St. Jude. The change corresponds with planned improvements around Campus Gate 1 and adjacent to the existing campus.

Additionally, the closure will have minimal impact on vehicular and pedestrian traffic flow. The closure of the intersection at N. Lauderdale Street was previously modeled in the Memphis Tourism Development Zone (TDZ) Traffic Study for the City of Memphis and did not show significant impacts to the surrounding network and intersections. A memo of the traffic impact of the closure is located on pages (22-25) of this report. The primary anticipated effect of the closure of the subject right of way is that it will cause some drivers an inconvenience because Jackson Avenue/Lauderdale Street is utilized as an alternate route to east downtown. Drivers will now

be required to take one of several alternative routes depending on their trip origin or destination, including Danny Thomas Boulevard. Access to utility easements and for emergency vehicles will be retained.

The divestiture/abandonment of the subject right-of-way will not have any undue or substantial effect on the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above-required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.
- 5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

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 is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

3. 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.

Street Closures:

6. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.

7. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.

8. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

Site Plan Notes:

9. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

10. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

City Fire Division:

City Real Estate:

County Health Department:

Shelby County Schools:

Construction Code Enforcement:

Memphis Light, Gas and Water:

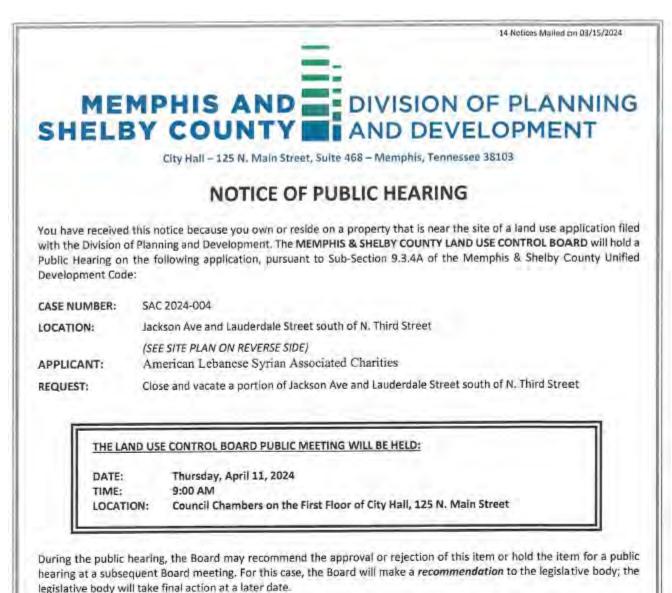
Office of Sustainability and Resilience:

Office of Comprehensive Planning: No comments received.

April 11, 2024 Page 14

No comments received.

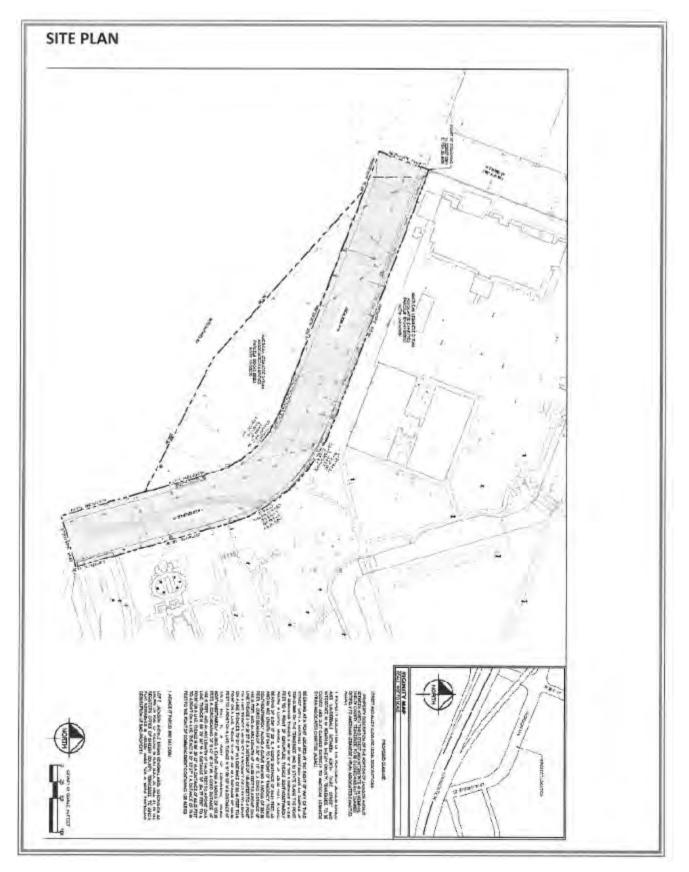
MAILED PUBLIC NOTICE



Please note the Board may place this item on the <u>Consent Agenda</u>, 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 LaTonya Hull Latonya.hull@memphistn.gov or (901) 636-7179 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.



APPLICATION



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date:	Ca	se #:			
PLEASE TYPE	OR PRINT				
Name of/Street/Alley/ROW:Jackson_Ave/Lauderd	ale St				
Property Owner of Record:ALSAC		Phone #:	90	1-57	78-2007
Mailing Address: 501 St Jude Pl	City/State:	Memphis,	TN	Zip	38105
Property Owner E-Mail Address:sara.hall@alsac.	.stjude.or	g			
Applicant: ALSAC		Phone #	90	1-51	78-2007
	City/State:	Memphis,	TN	Zip	38105
Applicant E- Mail Address: sara.hall@alsac.stju	ide.org				
Representative: Sara Hall		Phone #:	90	1-57	78-2007
	City/State:				
Representative E-Mail Address: sara.hall@alsac.s					_
Engineer/Surveyor: Kimley-Horn and Associate	s	Phone #	901	-334	1-5319
Mailing Address: 6750 Poplar Ave Ste 600					
Engineer/Surveyor E-Mail Address: jennifer.perego	y@kimley-h	norn.com		10.40	
Closure Street Address Location: 211 Jackson Ave	5				
Inside of Memphis City Limits		0.1			
Unincorporated Shelby County	Yes X No	6			
City of Reserve Area	Yes X No				
Distance to nearest intersecting street: 0 ft from the 3rd St	intersect	ion of Ja	acks	on 1	Ave and
Area of ROW: <u>1.55 acres</u> Square-Feet/Acres Closure starts at: <u>3rd</u> St Proceeds to Interstate 40	s Length x W	Vidth of ROW:	87	0'x	80' Feet and
Reason for Closure: Jackson Avenue between 3:					
proposed to be closed because of the f on both sides of this portion of Jacks					
campus expansion, a new entrance and v location. Closure of this road will in	visitor's	center is	pla	anne	d at thi
experience by providing space to gree streets. Closing the street is necess and investment.	t and dire	ect visito	ors	off	of city

1

.

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: _10/17/2023 _with _Brett Ragsdale

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Aara Hall, CLO, 1 Property Reproperty Reprop	ALSKC 2 3/8/24	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. Conversions (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

- 2. Physical closures (street and alley closures that involve the physical closure of an existing street or alley)
- 3. Abandonment (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

LETTER OF INTENT

April 11, 2024 Page 19



Josh Whitehead Senior Attorney Direct: 901,524,5127 jwhitehead@bpjlaw.com LAW OFFICES Burch, Porter & Johnson, PLLC 130 North Court Avenue Memphis, TN 38103 Phone: 901.524.5000 Fax: 901.524.5024 bpjlaw.com

March 8, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development Mary W. Sharp and Members Memphis and Shelby County Land Use Control Board

Dear Mr. Ragsdale, Chair Sharp and Members of the Board:

On behalf of the American Lebanese Syrian Associated Charities ("ALSAC"), the fundraising and awareness organization for St. Jude Children's Research Hospital, I am pleased to submit this application for a Street and Alley Closure ("SAC") for the stretch of Jackson Avenue/Lauderdale Street between B.B. King Blvd. (formerly known as Third Street) and Interstate 40.

St. Jude Children's Research Hospital is currently undergoing a multi-billion-dollar expansion, representing the largest single investment in downtown Memphis since the City's founding. As a key part of this expansion, ALSAC purchased the former Fire Station No. 1 on the south side of Jackson Avenue from the City of Memphis in 2018. The purpose of this acquisition was to facilitate growth at the southwest quadrant of the campus by allowing the construction of a visitors' center and a new entrance to the St. Jude campus, both proposed in the area of the subject road closure (see Campus Plan below).

A traffic study commissioned in conjunction with this application shows that the closure of Jackson Avenue/Lauderdale Street will not adversely impact traffic patterns of the area. In fact, eliminating this stretch of roadway from the public roadway system will prevent through traffic in the adjacent neighborhood while accommodating new construction and investment associated with the St. Jude campus expansion.

Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

/, Josh Whitehead	being duly sworn, depose and say that at 3:00amom
on the 19th day of March	, 2024 , I posted Public Notice Sign(s)
pertaining to Case No. SAC 202	4-004 at the SE corner of B.B. King Blvd and Jackson Ave.
providing notice of a Public Hea	aring before the (check one):

x 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.

Owner, Applicant or Representative

\$ 2025

Date

Subscribed and sworn to before me this 201 day of march , 2024.

Notary Public

My commission expires:



April 11, 2024 Page 21

CAMPUS PLAN



Kimley »Horn

MEMORANDUM

 To:
 LaTonya Hull

 Date:
 April 5, 2024

 Subject:
 N. Lauderdale Street Closure Traffic Memo

1. Introduction

St. Jude Children's Research Hospital (SJCRH) is requesting the closure of N. Lauderdale Street / Jackson Avenue to through traffic from Third Street to Alabama Avenue. This change corresponds with planned improvements around campus Gate 1 and adjacent to the existing SJCRH campus. The closure of N. Lauderdale Street would allow SJCRH to repurpose the area for campus operations. The closure of this section of N. Lauderdale Street was previously modeled in the Memphis Tourism Development Zone (TDZ) Traffic Study for the City of Memphis, and did not show significant impacts to the surrounding intersections. The sub-area travel demand model created in the TDZ Study was used as a base for this analysis.

1.1 Project Location

The segment of N. Lauderdale Street / Jackson Avenue from Third Street to Alabama Avenue is shown in Figure 1. This segment is primarily used as a connection between I-40 and the SJCRH campus / Pinch District. It currently has a 4-lane cross-section with additional width available for on-street parking.

kimley-horn.com

6750 Poplar Avenue, Suite 600, Memphis, TN 38138

Kimley »Horn

Page 2



Figure 1: Vicinity Map

kimley-horn.com 6750 Poplar Avenue, Suite 600, Memphis, TN 38138

Kimley »Horn

Page 3

1.2 Data Collection and Methodology

Additional traffic counts were conducted during the AM, MD, and PM peak hours. Turning movement traffic counts were performed at the following study intersections.

- Mill Avenue at Front Street
- Mill Avenue at Main Street
- Mill Avenue at Second Street
- Mill Avenue at Third Street
- Mill Avenue at Fourth Street

Existing traffic counts for the study intersections were taken from the existing traffic models developed in the TDZ Traffic Study.

This analysis used the Downtown Memphis TDZ TransModeler and Synchro microscopic models to conduct an evaluation of the roadway network in the study area. Separate models were developed in TransModeler and Synchro for existing and future year conditions, as well as for each time-of-day period. Origin and destination data developed from the Memphis Metropolitan Planning Organization's (MPO's) Travel Demand Model (TDM) was imported to the TransModeler models to run microsimulations that provided more detailed definition of the travel patterns and determined future turning movement volumes for the study intersections. The turning movement volumes from the TransModeler models to conduct intersection level traffic analyses.

2. Existing Conditions

To evaluate existing traffic conditions and network deficiencies and to establish a baseline to compare future year results, existing conditions traffic analysis models were created in Synchro for AM and PM peak hours. The existing conditions model from the TDZ study was used as a base for these models. These models contained all intersections and roads within the study area. Updated signal timing information and peak hour turning movement counts were input into each model.

3. Future Conditions

To determine the direct impact of closing N. Lauderdale Street on the surrounding network, the future full-build out subarea model was analyzed with and without the roadway closure. This model includes all committed and proposed roadway projects and socioeconomic data from proposed developments in and around the study area that was collected for the TDZ study. Major changes to the roadway network within the study area include the introduction of a bus-only lane on both Second Street and Third Street and the reduction of one through lane in each direction on Poplar Avenue from the Poplar Avenue Streetscape Project.

kimley-horn.com 6750 Poplar Avenue, Suite 600, Memphis, TN 38138

Kimley »Horn

Page 4

4. Summary

Based on the results of the analyses, it was determined that the closure will have minimal impacts on the surrounding road network and study intersections in a future build out condition. As noted, there are multiple alternate routes that can be taken to access the Pinch District and SJCRH besides N. Lauderdale Street depending on the trip origin or destination. Signal timing adjustments can be implemented at many of the intersections to improve overall delay and LOS. In many instances, the signal timing and geometric improvements identified in the TDZ Traffic Study are applicable as well and will improve the overall system in the area if future developments are completed.

April 11, 2024 Page 26

LETTERS RECEIVED

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



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date:	Case #:
Р	LEASE TYPE OR PRINT
Name of/Street/Alley/ROW:Jackson_Ave/	/Lauderdale St
Property Owner of Record: ALSAC	Phone #. 901-578-2007
Mailing Address:501 St Jude Pl	City/State:Memphis, TN Zip38105
Property Owner E-Mail Address: <u>sara.hal</u>	l@alsac.stjude.org
Applicant: ALSAC	Phone #901-578-2007
-	City/State: Memphis, TNZip38105
Applicant E- Mail Address: sara.hall@als	
Representative: Sara Hall	Phone #: 901-578-2007
Mailing Address: 501 St Jude Pl	City/State:Memphis, TN Zip38105
Representative E-Mail Address: sara.hall@	
Engineer/Surveyor: Kimley-Horn and As	ssociatesPhone #901-334-5319
Mailing Address: 6750 Poplar Ave St	city/State: Memphis, TN Zip 38138
Engineer/Surveyor E-Mail Address: jennifer	.peregoy@kimley-horn.com
Closure Street Address Location: 211 Jac	kson Ave
Inside of Memphis City Limits	
Unincorporated Shelby County	Yes XNo
City of Reserve	Area Yes XNo
Distance to nearest intersecting street: 0 ft f 3rd St	rom the intersection of Jackson Ave and
Area of ROW: <u>1.55 acres Squar</u> Closure starts at: <u>3rd St</u> Proceeds to Interstate 40	e-Feet/Acres Length x Width of ROW: 870'x 80' Feet and
Reason for Closure: Jackson Avenue be	tween 3rd St and Interstate 40 is
	of the following: ALSAC owns the property
	of Jackson Ave. As part of the St. Jude ce and visitor's center is planned at this
	will improve the patient and visitor
	to greet and direct visitors off of city
	necessary to accommodate this growth

and investment.

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 10/17/2023 with Brett Ragsdale

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Aara Hall, CLO, Property Dynepoisment in K	ALSAC 2 3/8/24	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. Conversions (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

- 2. Physical closures (street and alley closures that involve the physical closure of an existing street or alley)
- 3. Abandonment (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

GUIDE FOR SUBMITTING RIGHT-OF-WAY VACATION/CLOSURE APPLICATION

- A <u>**THE APPLICATION**</u> Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the preliminary closure plat, shall be provided on sheets of 8.5"x11" in size. The application with original signatures of the applicant and adjacent property owners to the street or alley to be closed shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
 - This application, 8.5"x11" Preliminary Closure Plat, Metes & Bounds Descriptions, Vicinity Maps, Property Deeds & Easements of Record, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Preliminary Closure Plat (folded), Original Instrument of Dedication.
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B METES AND BOUNDS DESCRIPTION

Two (2) copies of a metes and bounds description of the right-of-way to be closed, and four (4) copies of metes & bounds descriptions of those portions of the right-of-way which are to be quit claimed to adjacent property owners. Descriptions must read to the centerline unless the properties on either side of the right-of-way are under the same ownership.

CLOSURE PLAT*

C Two (2) prints 20" x 24", two (2) 8.5" x 11" reduced copies of the closure plat drawn to scale (1"=50' or =100') and prepared, certified and sealed by a Civil Engineer or Surveyor registered in the State of Tennessee. The plat must show the names of abutting property owners, all bearings and dimensions of the alley or street, dimensions and legal descriptions of abutting lots, existing buildings on adjacent lots, driveways, utilities, easements to be retained and a vicinity map.

*A closure plat is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

VICINITY MAP

D Two (2) copies showing the subject property (boldly outlined) and all parcels adjacent to the section of the street or alley being closed. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

E LIST OF NAMES AND ADDRESSES

1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x $2^{5/8}$ " self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.

2) Two (2) self-adhesive mailing labels $(1"x 2^{5/8"})$ each for the owner of record, applicant, representative and/or engineer/surveyor.

DEDICATION INSTRUMENT

F A copy of the instrument which dedicated the right-of-way for public use must be submitted with the application.

*A dedication instrument is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

G <u>FILING FEES</u> (All Fees Are Subject To Change without Prior Notice)

Submit a non-refundable check or money order in the amount of \$400.00. Make check payable to "M/SC Office of Planning and Development"

H. **<u>SIGNATURES</u>** (from Section 9.8.2 of the Unified Development Code)

The official application form shall include the signatures of all abutting property owners. If any abutting property owners refuse to sign the application, the governing body may delete that portion of the right-way if they so choose. Abutting property owners are those owners who will be recipients of all or a portion of the right-of-way proposed to be vacated and are the owners of record at the time the right-of-way vacation application is filed with the Planning Director. To qualify as a recipient of all or a portion of former right-of-way, an abutting property owner's parcel must be identified on the subdivision plat or Planned Development final plan through which the right-of-way proposed for vacation was originally dedicated to the City or County and that parcel must abut the right-of-way proposed for vacation. See graphics below for explanation. *Note: After an application has been filed with the Planning Director, the withdrawal of consent to the closure by an abutting property owner is prohibited.*

TYPES OF STREET CLOSURES

Example 1: Oak Street Closure.

Oak Street is a paper street that was never constructed. It is now strewn with weeds and undergrowth and the abutting owners now wish to take the area over and make it part of their rear yards. Oak Street was dedicated to the public with the recording of Oak Street Subdivision. This portion of Oak Street is abutted by Lots 1-14 of Oak Street Subdivision. Owners of Lots 1-14 will be required to sign off the application and be deeded their half of the street, unless the governing bodies approve the closure specifically allotting their half of the street to another property owner who has signed the application.

LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7
		OAK STI	REET (PUBL	лс)		
LOT 14	LOT 13	LOT 12	LOT 11	LOT 10	LOT 9	LOT 8

LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7
t	1	Ť	1	1	1	Ĩ
1		1.0	1	1	1	1
LOT 14	LOT 13	LOT 12	LOT 11	LOT 10	LOT 9	LOT 8

PLAT FOR OAK STREET SUBDIVISION

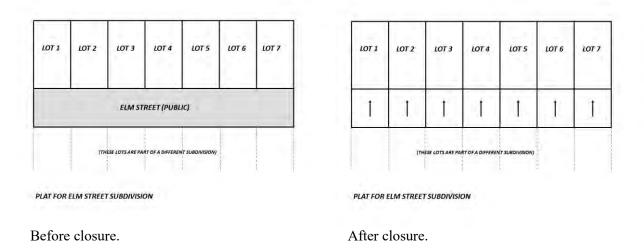
Before closure.

PLAT FOR OAK STREET SUBDIVISION

After closure.

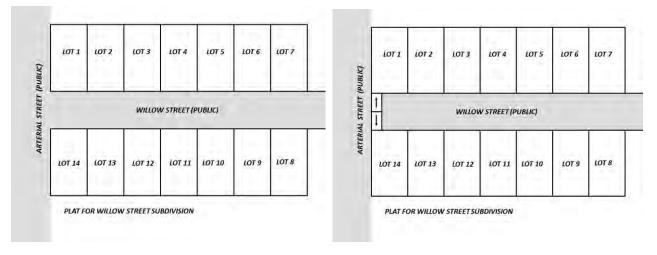
Example 2: Elm Street Closure.

Like Oak Street, Elm Street is a paper street and was never constructed. Unlike Oak Street, Elm Street was dedicated through a plat with lots on only one side of it. Therefore, only the lot owners on that side of the street will be required to sign the application.



Example 3: Willow Street Closure.

Unlike Oak and Elm Streets, Willow Street is a built City street open to the public. Concerned with the traffic that cuts through the neighborhood from Arterial Street, the owners of Willow Street have proposed that the street remain public, but that the street be closed off at Arterial Street. Willow Street connects to the system of city streets from the other direction. With this scenario, only the owners of Lot 1 and 14 will be required to sign the application since only a small portion of Willow Street will be deeded to them.

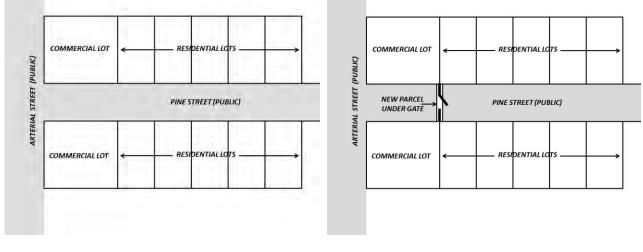


Before closure.

After closure.

Example 4: Pine Street Closure

Like Willow Street, Pine Street is a built City street open to the public. Unlike Willow Street, the owners along Pine Street do not want to vacate any right-of-way; instead, they wish to erect a gate for emergency access only in the public street. Pine Street connects to the system of city streets from another direction. This will require that the right-of-way under the gate be deeded to an established Homeowners Association to which the adjacent owners are members (the City will first deed the property to the adjacent owners, who can then immediately transfer it to the HOA). It will also require covenants to be recorded that will bind either the adjacent property owner(s), all lot owners within the subdivision or a homeowners association to take full responsibility and ownership of the gate and to hold the City or County harmless for any damages to the gate or vehicles that have struck the gate.



Before closure.

After closure.

Example 5: Street Closures with active Homeowners Associations.

If a street is to be closed and converted to a private drive that will be maintained by a duly chartered homeowners or property owners association, only the representative of the association will be required to sign the application.

ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 10/17/2023 with Brett Ragsdale

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Aqua Hall, CLO, Property Owner of Meronin	ALSAC 3/0/2	Applicant	Date
Property Owner of Record*	Date Date	Applicant S	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. Conversions (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

- 2. Physical closures (street and alley closures that involve the physical closure of an existing street or alley)
- 3. Abandonment (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.



Josh Whitehead Senior Attorney Direct: 901.524.5127 jwhitehead@bpjlaw.com LAW OFFICES Burch, Porter & Johnson, PLLC 130 North Court Avenue Memphis, TN 38103 Phone: 901.524.5000 Fax: 901.524.5024 bpjlaw.com

March 8, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development Mary W. Sharp and Members Memphis and Shelby County Land Use Control Board

Dear Mr. Ragsdale, Chair Sharp and Members of the Board:

On behalf of the American Lebanese Syrian Associated Charities ("ALSAC"), the fundraising and awareness organization for St. Jude Children's Research Hospital, I am pleased to submit this application for a Street and Alley Closure ("SAC") for the stretch of Jackson Avenue/Lauderdale Street between B.B. King Blvd. (formerly known as Third Street) and Interstate 40.

St. Jude Children's Research Hospital is currently undergoing a multi-billion-dollar expansion, representing the largest single investment in downtown Memphis since the City's founding. As a key part of this expansion, ALSAC purchased the former Fire Station No. 1 on the south side of Jackson Avenue from the City of Memphis in 2018. The purpose of this acquisition was to facilitate growth at the southwest quadrant of the campus by allowing the construction of a visitors' center and a new entrance to the St. Jude campus, both proposed in the area of the subject road closure (see Campus Plan below).

A traffic study commissioned in conjunction with this application shows that the closure of Jackson Avenue/Lauderdale Street will not adversely impact traffic patterns of the area. In fact, eliminating this stretch of roadway from the public roadway system will prevent through traffic in the adjacent neighborhood while accommodating new construction and investment associated with the St. Jude campus expansion.

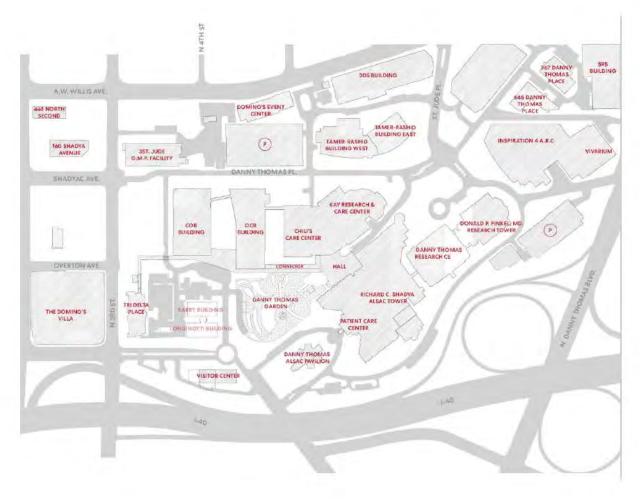
Thank you for your consideration of this matter.

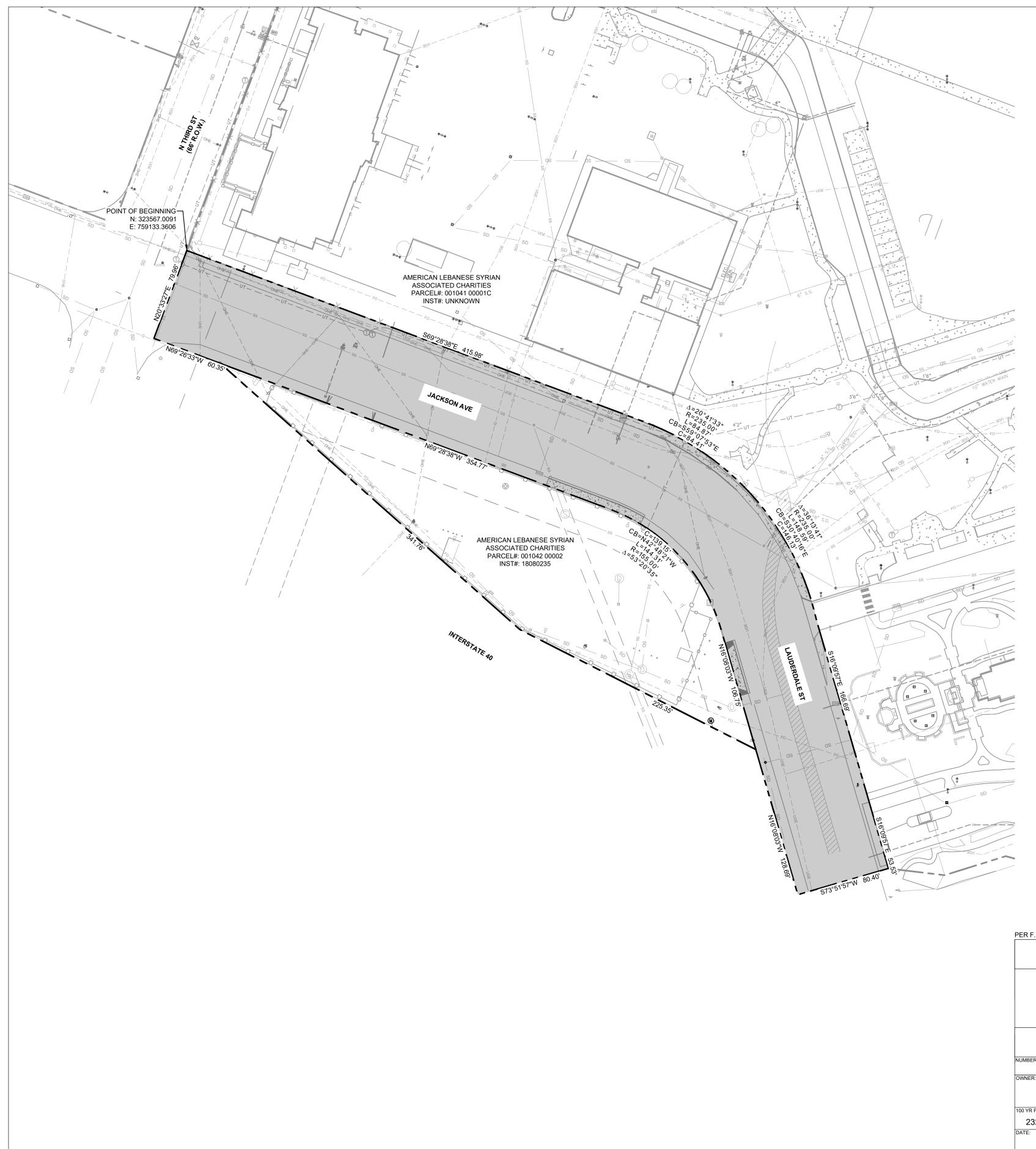
Very truly yours,

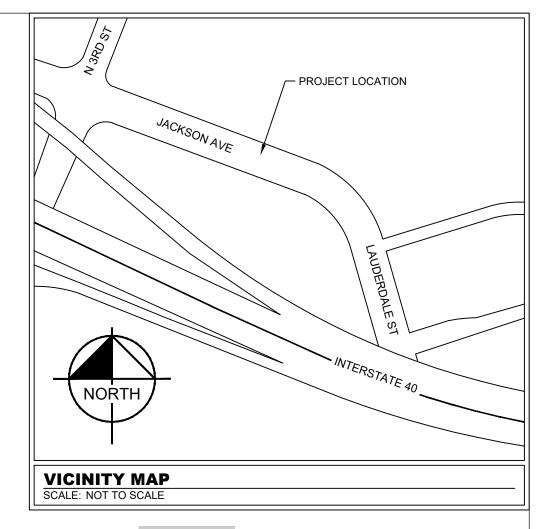
Josh Whitehead

March 8, 2024 Page 2

CAMPUS PLAN







PROPOSED CLOSURE

STREET AND ALLEY CLOSURE LEGAL DESCRIPTIONS:

1. PROPERTY DESCRIPTION OF THE PORTION OF JACKSON AVENUE BETWEEN NORTH THIRD STREET AND INTERSTATE 40 IN MEMPHIS, SHELBY COUNTY, TENNESSEE. TO BE CLOSED AND QUIT CLAIMED ENTIRELY TO AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES (ALSAC).

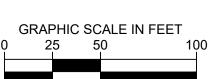
1. PROPERTY DESCRIPTION OF THE PORTION OF JACKSON AVENUE AND LAUDERDALE BETWEEN NORTH THIRD STREET AND INTERSTATE 40 IN MEMPHIS, SHELBY COUNTY, TENNESSEE. TO BE CLOSED AND QUIT CLAIMED ENTIRELY TO AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES (ALSAC).

BEGINNING AT A POINT LOCATED AT THE RIGHT OF WAY OF THIRD STREET WITH A NORTHING OF 323567.0091 AND AN EASTING OF 759133.3606 ON THE TENNESSEE NAD 83 STATE PLANE THE POINT OF BEGINNING; THENCE, S 69° 28' 38" E FOR A DISTANCE OF 415.98 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 235.00 FEET, A CORD BEARING OF S 59° 07' 53" E, A CORD DISTANCE OF 84.41 FEET, AN AND AN ARC LENGTH OF 84.87' TO A POINT OF TANGENCY; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 235.00 FEET, A CORD BEARING OF S 30° 40' 16" E, A CORD DISTANCE OF 146.13 FEET, AND AN ARC LENGTH OF 148.59 FEET TO A POINT ON A LINE; THENCE S 16° 09' 57" E A DISTANCE OF 166.69 FEET TO A POINT ON A LINE; THENCE S 16° 09' 57" E A DISTANCE OF 53.53' TO A POINT ON A LINE; THENCE S 73° 51' 57" W A DISTANCE OF 80.40 FEET TO A POINT ON A LINE; THENCE N 16° 08' 03" W A DISTANCE OF 128.69 FEET TO A POINT ON A LINE; THENCE N 16° 08' 03" W A DISTANCE OF 106.75 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTWARDLY ALONG A CURVE HAVING A RADIUS OF 155.00 FEET, A CORD BEARING OF N 42° 48' 21" W, A CORD DISTANCE OF 139.15 FEET, AND AN ARC LENGTH OF 144.31 FEET TO A POINT ON A LINE; THENCE N 69° 28' 38" W A DISTANCE OF 354.77 FEET TO A POINT ON A LINE; THENCE N 69° 26' 33" W A DISTANCE OF 60.35 FEET TO A POINT ON A LINE; THENCE N 20° 33' 27" E A DISTANCE OF 79.96 FEET TO THE POINT OF COMMENCEMENT CONTAINING 1.55 ACRES.

2. ADJACENT PARCEL #001042 00002

LOT 7, JACKSON AVENUE URBAN RENEWAL AREA SUBDIVISION AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 26, PAGE 31, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.





FEBRUARY 6, 2007

SHEET <u>1</u> OF <u>1</u>

PER F.E.M.A. PANEL 47157C0270F, THIS PROPERTY IS LOCATED IN ZONE X, PROTECTED BY LEVEE

CLOSURE PLAT

JACKSON AVENUE/LAUDERDALE STREET

CASE NUMBER: PENDING

 CITY OF MEMPHIS, SHELBY COUNTY, TN

 NUMBER OF LOTS:
 1
 ACREAGE:
 ±1.55 ACRES
 ZONING: HDR/ULI

 OWNER:
 ALSAC
 501 ST JUDE PL
 ENGINEER:
 Kimley >> Horn

 MEMPHIS, TN 38105
 6750 POPLAR AVENUE, SUITE 600
 MEMPHIS, TN 38138

 100 YR FLOOD ELEV:
 FEMA MAP PANEL NUMBER:
 FEMA MAP DATE:

47157C0270F

AS SHOWN

CALE

232 LEVEE PROTECTED

MARCH 2023



001041 00001C - AMERICAN LEBANESE SYRAIN ASSOCIATED 001042 00002 - AMERICAN LEBANESE SYRIAN ASSOCIATED

AMERICAN LEBANESE SYRIAN ASSOCIATED	MEMPHIS HOUSING AUTHORITY
501 SAINT JUDE PL #	700 ADAMS AVE #
MEMPHIS TN 38105	MEMPHIS TN 38105

501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATION OF MEMPHIS HOUSING AUTHORITY 700 ADAMS AVE # MEMPHIS TN 38105

PINCH PARTNERS INVESTMENT CO 65 UNION AVE # MEMPHIS TN 38103

MEMPHIS HOUSING AUTHORITY 700 ADAMS AVE # MEMPHIS TN 38105

PINCH PARTNERS INVESTMENT COMPANY MEMPHIS HOUSING AUTHORITY 700 ADAMS AVE # 65 UNION AVE # MEMPHIS TN 38103 MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE CORP 2727 LBJ FREEWAY # DALLAS TX 75234

AMERICAN LEVANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRAIN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

001120 00001 - MEMPHIS HOUSING AUTHORITY
001026 00005C - AMERICAN LEBANESE SYRIAN ASSOCIATED
001026 00008 - AMERICAN LEBANESE SYRIAN ASSOCIATION OF
001027 00004C - PINCH PARTNERS INVESTMENT CO
001027 00007 - PINCH PARTNERS INVESTMENT COMPANY
001034 00003 - MEMPHIS CENTER CITY REVENUE FINANCE CORP
001035 00001C - AMERICAN LEVANESE SYRIAN ASSOCIATED
001036 00004 - AMERICAN LEBANESE SYRIAN ASSOCIATED
001036 00005 - AMERICAN LEBANESE SYRIAN ASSOCIATED
001041 00001C - AMERICAN LEBANESE SYRIAN ASSOCIATED
001042 00002 - AMERICAN LEBANESE SYRIAN ASSOCIATED
001042 00004 - MEMPHIS HOUSING AUTHORITY
001042 00005 - MEMPHIS HOUSING AUTHORITY

001042 00006 - MEMPHIS HOUSING AUTHORITY



ā) i

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.

18080 08/08/2018	235 02:04 PM
5 PGS	
TAMMY 1769384-18080235	
VALUE	1725000.0
MORTGAGE TAX	0.0
TRANSFER TAX	6382.1
RECORDING FEE	25.0
DP FEE	2.0
REGISTER'S FEE	1.0
WALK THRU FEE	0.0
TOTAL AMOUNT	64 <u>10.</u>
TOM LEATH REGISTER OF DEEDS SHELB	

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080235

This instrument prepared by: Monice Hagler, Esquire HAGLER LAW GROUP, PLLC 2650 Thousand Oaks Boulevard Suite 2140 Memphis, Tennessee 38118 (901) 290-6620

Real Estate Department Return to: RoomStal

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into on this, the 31^{ST} day of July, 2018, by the CITY OF MEMPHIS, a Tennessee Municipality, ("Grantor") whose address is 125 N. Main Street, Room 568, Memphis, TN 38103 and AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES, INC., aka ALSAC, a Tennessee not for profit corporation ("Grantee") whose address is 501 St. Jude Place, Memphis, Tennessee 38105.

WITNESSESTH:

A. Grantor holds legal title to that certain real property commonly known as 0 North Third Street sometimes referred to as 211 Jackson Avenue (parcel number 001042-00002) and are more particularly described in Exhibit A attached hereto and situated in the County of Shelby, Tennessee (the "Property"):

Being the same property conveyed to Grantor by Deed of record at Book 5163, Page 106 dated September 23, 1963 and filed in the Register's Office of Shelby County, Tennessee.

B. Property is being sold by Grantor to Grantee "AS-IS, WHERE IS" with all faults, with no representation or warranty whatsoever, express or implied as to the condition of the property or any other matter relating to the property. Grantor desires to convey to Grantee in fee simple all of its right, title and interest in and to the Property with exceptions to title being described herein as attached **Exhibit B**, "Exceptions to Title."

NOW, THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto Grantee, its heirs, successors and assigns, in fee simple the Property;

TO HAVE AND TO HOLD the Property, together with all the rights of way, easements, rights, privileges, appurtenances, hereditaments, improvements, estate, title interests and claims thereunto belonging or in any wise appertaining thereto, at law or in equity, forever. Notwithstanding the foregoing, this conveyance is subject to all those matters shown on Exhibit B, attached hereto.

Grantor hereby covenants with Grantee that the title to the afore-described real estate and the quiet enjoyment thereof it will warrant and forever defend against the lawful claims of all persons whomsoever claiming by, through or under Grantor, and such persons only; and that Grantor will execute such further assurances of the Property as may be required.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by his or her own hand or its duly authorized representative on the day and year first above written.

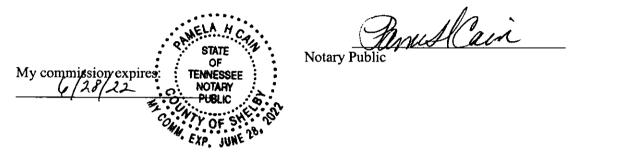
Grantor: £ Memphis APPROVED: Horney OW ficer Cit ∕egal ATTEST: City Comptroller City Engineer fector of General Services Real Estate Manager

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and County duly commissioned and qualified personally appeared JIM STRICKLAND, Mayor of the City of Memphis, with whom I am personally acquainted, and who, upon his oath, acknowledges himself to be the Mayor of the City of Memphis, the within named bargainor, a Municipal Corporation of the State of Tennessee, and that he as such Mayor of said City, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such Mayor of said City.

WITNESS my hand and Notarial Seal at office on this, the 3/ day of July, 2018.



VALUE AFFIDAVIT

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 the value of the property transferred, whichever is greater, is \$1,725,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

A GRASH before me on this, the Subscribe day of July, 2018 My commission expine Weight of countries Parc Notary Public Property Address (and Tax Parcel No.): Name and Address of Grantor, and Mail Tax Bills To: **0 North Third** (parcel number 001042-00002) American Lebanese Syrian Associated Charities, Inc.

Property also known as 211 Jackson Avenue Memphis, Tennessee

501 St. Jude Place MEMPHIS, TN 38105

EXHIBIT A - LEGAL DESCRIPTION

Lot 7, Jackson Avenue Urban Renewal Area Subdivision as shown on plat of record in Plat Book 26, Page 31, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Q

.

EXHIBIT B – EXCEPTIONS

All matters of record and all taxes and similar items not yet due and payable including those Easements found of record at Plat Book 26, Page 31 and Deed Restrictions found at Instrument Number 5163-106, filed in the Register's Office of Shelby County, Tennessee.

,



a} i

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.

18080 08/08/2018	235 02:04 PM
5 PGS	
TAMMY 1769384-18080235	
VALUE	1725000.0
MORTGAGE TAX	0.0
TRANSFER TAX	6382.5
RECORDING FEE	25.0
DP FEE	2.0
REGISTER'S FEE	
WALK THRU FEE	0.0
TOTAL AMOUNT	64 <u>10.</u>
TOM LEATH REGISTER OF DEEDS SHELB	

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080235

This instrument prepared by: Monice Hagler, Esquire HAGLER LAW GROUP, PLLC 2650 Thousand Oaks Boulevard Suite 2140 Memphis, Tennessee 38118 (901) 290-6620

Real Estate Department Return to: RoomStal

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into on this, the 31^{ST} day of July, 2018, by the CITY OF MEMPHIS, a Tennessee Municipality, ("Grantor") whose address is 125 N. Main Street, Room 568, Memphis, TN 38103 and AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES, INC., aka ALSAC, a Tennessee not for profit corporation ("Grantee") whose address is 501 St. Jude Place, Memphis, Tennessee 38105.

WITNESSESTH:

A. Grantor holds legal title to that certain real property commonly known as 0 North Third Street sometimes referred to as 211 Jackson Avenue (parcel number 001042-00002) and are more particularly described in Exhibit A attached hereto and situated in the County of Shelby, Tennessee (the "Property"):

Being the same property conveyed to Grantor by Deed of record at Book 5163, Page 106 dated September 23, 1963 and filed in the Register's Office of Shelby County, Tennessee.

B. Property is being sold by Grantor to Grantee "AS-IS, WHERE IS" with all faults, with no representation or warranty whatsoever, express or implied as to the condition of the property or any other matter relating to the property. Grantor desires to convey to Grantee in fee simple all of its right, title and interest in and to the Property with exceptions to title being described herein as attached **Exhibit B**, "Exceptions to Title."

NOW, THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto Grantee, its heirs, successors and assigns, in fee simple the Property;

TO HAVE AND TO HOLD the Property, together with all the rights of way, easements, rights, privileges, appurtenances, hereditaments, improvements, estate, title interests and claims thereunto belonging or in any wise appertaining thereto, at law or in equity, forever. Notwithstanding the foregoing, this conveyance is subject to all those matters shown on Exhibit B, attached hereto.

Grantor hereby covenants with Grantee that the title to the afore-described real estate and the quiet enjoyment thereof it will warrant and forever defend against the lawful claims of all persons whomsoever claiming by, through or under Grantor, and such persons only; and that Grantor will execute such further assurances of the Property as may be required.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by his or her own hand or its duly authorized representative on the day and year first above written.

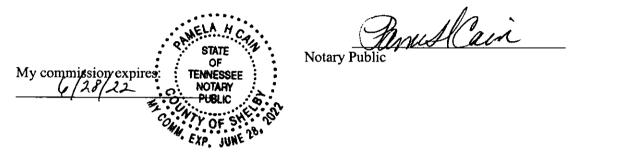
Grantor: £ Memphis APPROVED: Horney OW ficer Cit ∕egal ATTEST: City Comptroller City Engineer fector of General Services Real Estate Manager

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and County duly commissioned and qualified personally appeared JIM STRICKLAND, Mayor of the City of Memphis, with whom I am personally acquainted, and who, upon his oath, acknowledges himself to be the Mayor of the City of Memphis, the within named bargainor, a Municipal Corporation of the State of Tennessee, and that he as such Mayor of said City, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such Mayor of said City.

WITNESS my hand and Notarial Seal at office on this, the 3/ day of July, 2018.



VALUE AFFIDAVIT

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 the value of the property transferred, whichever is greater, is \$1,725,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

A GRASH before me on this, the Subscribe day of July, 2018 My commission expine Weight of countries Parc Notary Public Property Address (and Tax Parcel No.): Name and Address of Grantor, and Mail Tax Bills To: **0 North Third** (parcel number 001042-00002) American Lebanese Syrian Associated Charities, Inc.

Property also known as 211 Jackson Avenue Memphis, Tennessee

501 St. Jude Place MEMPHIS, TN 38105

EXHIBIT A - LEGAL DESCRIPTION

Lot 7, Jackson Avenue Urban Renewal Area Subdivision as shown on plat of record in Plat Book 26, Page 31, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Q

.

EXHIBIT B – EXCEPTIONS

All matters of record and all taxes and similar items not yet due and payable including those Easements found of record at Plat Book 26, Page 31 and Deed Restrictions found at Instrument Number 5163-106, filed in the Register's Office of Shelby County, Tennessee.

,

1. PROPERTY DESCRIPTION OF THE PORTION OF JACKSON AVENUE AND LAUDERDALE BETWEEN NORTH THIRD STREET AND INTERSTATE 40 IN MEMPHIS, SHELBY COUNTY, TENNESSEE. TO BE CLOSED AND QUIT CLAIMED ENTIRELY TO AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES (ALSAC).

BEGINNING AT A POINT LOCATED AT THE RIGHT OF WAY OF THIRD STREET WITH A NORTHING OF 323567.0091 AND AN EASTING OF 759133.3606 ON THE TENNESSEE NAD 83 STATE PLANE THE POINT OF BEGINNING; THENCE, S 69° 28' 38" E FOR A DISTANCE OF 415.98 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 235.00 FEET, A CORD BEARING OF S 59° 07' 53'' E, A CORD DISTANCE OF 84.41 FEET, AN AND AN ARC LENGTH OF 84.87' TO A POINT OF TANGENCY; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 235.00 FEET, A CORD BEARING OF S 30° 40' 16" E, A CORD DISTANCE OF 146.13 FEET, AND AN ARC LENGTH OF 148.59 FEET TO A POINT ON A LINE; THENCE S 16° 09' 57" E A DISTANCE OF 166.69 FEET TO A POINT ON A LINE; THENCE S 16° 09' 57" E A DISTANCE OF 53.53' TO A POINT ON A LINE; THENCE S 73° 51' 57" W A DISTANCE OF 80.40 FEET TO A POINT ON A LINE; THENCE N 16° 08' 03'' W A DISTANCE OF 128.69 FEET TO A POINT ON A LINE; THENCE N 16° 08' 03" W A DISTANCE OF 106.75 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTWARDLY ALONG A CURVE HAVING A RADIUS OF 155.00 FEET, A CORD BEARING OF N 42° 48' 21" W, A CORD DISTANCE OF 139.15 FEET, AND AN ARC LENGTH OF 144.31 FEET TO A POINT ON A LINE; THENCE N 69° 28' 38" W A DISTANCE OF 354.77 FEET TO A POINT ON A LINE; THENCE N 69° 26' 33" W A DISTANCE OF 60.35 FEET TO A POINT ON A LINE; THENCE N 20° 33' 27" E A DISTANCE OF 79.96 FEET TO THE POINT OF COMMENCEMENT CONTAINING 1.55 ACRES.



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

April 11, 2024

American Lebanese Syrian Associated Charities (St. Jude) C/O Josh Whitehead Burch, Porter & Johnson 130 North Court Avenue Memphis, TN 3813

Sent via electronic mail to: jwhitehead@bpjlaw.com

Case Number: SAC 2024-004 LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, April 11, 2024, the Memphis and Shelby County Land Use Control Board recommended approval with conditions of your right-of-way vacation application to close and vacate a portion of Jackson Ave. and Lauderdale Street south of N. Third Street, subject to the following conditions:

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above-required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.

Letter to Applicant SAC 2024-004

5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

The 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) 636-7179 or via email at Latonya.hull@memphistn.gov.

Respectfully,

Hen

LaTonya Hull, Planner I Land Use and Development Services Division of Planning and Development

Cc: File

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

Planning & Zoning COMMITTEE: 07/23/2024

PUBLIC SESSION: DATE DATE

ITEM (CHECK ONE) ORDINANCE	X_RESOLUTION REQUEST FOR PUBLIC HEARING
ITEM DESCRIPTION:	Resolution approving the closure of a portion of St. Jude Place east of Danny Thomas Blvd, known as case number SAC 2024-005
CASE NUMBER:	SAC 2024-005
LOCATION:	The entirety of St. Jude Place between Danny Thomas Boulevard and Lane Avenue.
COUNCIL DISTRICTS:	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	American Lebanese Syrian Associated Charities (St. Jude)
REPRESENTATIVES:	Josh Whitehead, Burch, Porter & Johnson
REQUEST:	Request close and vacate a portion of St. Jude Place east of Danny Thomas Blvd
AREA:	+/- 1.11 acres
RECOMMENDATION:	The Division of Planning and Development recommended <i>Approval with conditions</i> The Land Use Control Board Recommended <i>Approval with conditions</i>

RECOMMENDED COUNCIL ACTION: Public Hearing Not Required

PRIOR ACTION ON ITEM: (1)		ROVED (2) DENIED
04/11/2024	_ APPROVAL - (1) APPROVED (2) DENIED DATE	
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION	
(1) Land Use Control Board		B) COUNCIL COMMITTEE

FUNDING:		
(2)		'ENDITURE - (1) YES (2) NO
<u>\$</u>	AMOUNT OF EXPENDITURE	
\$	REVENUE TO BE REC	CEIVED
SOURCE AND AMOUNT OF FUNDS		
\$	OPERATING BUDGE	Г
\$	CIP PROJECT #	
<u>\$</u>	FEDERAL/STATE/OT	HER
ADMINISTRATIVE APPROVAL:	<u>DATE</u>	POSITION
LaTonya Hull Killing	7/15/2024	PRINCIPAL PLANNER
		PEPUTY ADMINISTRATOR
Butthe	_ 7/15/2	Administrator
	· · · · · · · · · · · · · · · · · · ·	DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY
***************************************		CHIEF ADMINISTRATIVE OFFICER
·		COMMITTEE CHAIRMAN

ONE ORIGINAL | ONLY STAPLED | TO DOCUMENTS



Memphis City Council Summary Sheet

SAC 2024-005

RESOLUTION APPROVING THE CLOSURE OF THE ENTIRETY OF ST. JUDE PLACE BETWEEN DANNY THOMAS BOULEVARD AND LANE AVENUE, KNOWN AS CASE NUMBER SAC 2024-005

- This item is a resolution with conditions to allow the above; and
- This item may require a new public improvement contract.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SAC 2024-005
LOCATION:	The entirety of St. Jude Place between Danny Thomas Boulevard and Lane Avenue.
COUNCIL DISTRICT(S):	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	American Lebanese Syrian Associated Charities (St. Jude)
REPRESENTATIVE:	Josh Whitehead, Burch, Porter & Johnson
REQUEST:	Right-of-way vacation
EXISTING ZONING:	Uptown Hospital District (UH)
AREA:	1.11 acres

The following spoke in support of the application: Sarah Hall

The following spoke in opposition of the application: Jimmy Rout, Graham Perry

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

The motion passed by a unanimous vote of 7-0.

Respectfully,

atompo Hill

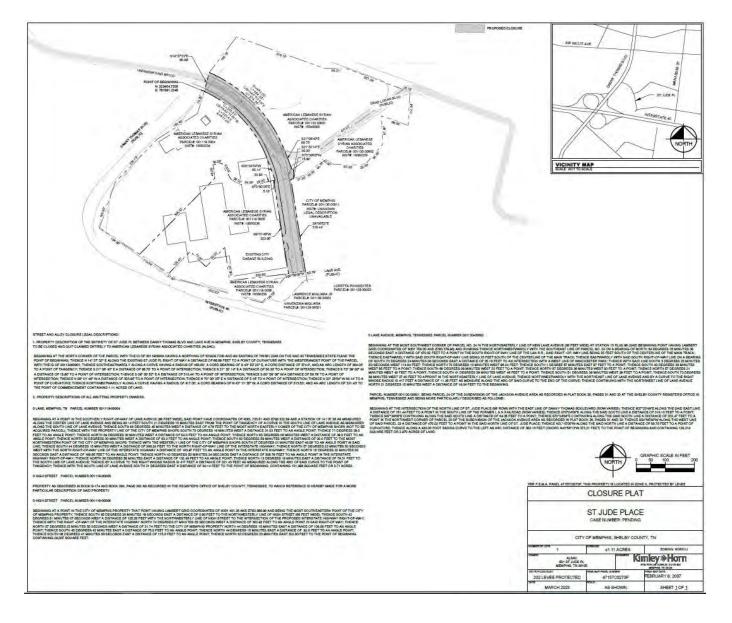
LaTonya Hull Planner I Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

SAC 2024-005 CONDITIONS

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb-cut permit from the City Engineer to cover the above-required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.
- 5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 6. The applicant will modify the existing cul de sac to a 96' diameter to comply with the requirements of IFC 503.2.5 Dead Ends(amended).

CLOSURE PLAT





RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF ST. JUDE PLACE BETWEEN DANNY THOMAS BLVD. AND LANE AVENUE, KNOWN AS CASE NUMBER SAC 2024-005

WHEREAS, the City of Memphis is the owner of real property known as St. Jude Place

between Danny Thomas Blvd. and Lane Ave. in Memphis, Tennessee and being more particularly

described as follows:

BEGINNING AT THE NORTH CORNER OF THE PARCEL WITH THE ID OF 0011900004 HAVING A NORTHING OF 323404.7200 AND AN EASTING OF 761581.2248 ON THE NAD 83 TENNESSEE STATE PLANE THE POINT OF BEGINNING; THENCE N 14° 37' 33" E ALONG THE EXISTING ST JUDE PL RIGHT OF WAY A DISTANCE OF 66.89 FEET TO A POINT OF CURVATURE WITH THE WESTERNMOST POINT OF THE PARCEL WITH THE ID OF 00113000001; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 483.00', A CORD BEARING OF S 43° 53' 20" E, A CORD DISTANCE OF 374.0', AND AN ARC LENGTH OF 384.03' TO A POINT OF TANGENCY; THENCE S 21° 06' 40" E A DISTANCE OF 68.78' TO A POINT OF INTERSECTION; THENCE S 21° 32' 14" E A DISTANCE OF 30.30' TO A POINT OF INTERSECTION; THENCE S 73° 39' 00" W A DISTANCE OF 15.90' TO A POINT OF INTERSECTION; THENCE S 09° 00' 52" E A DISTANCE OF 318.44' TO A POINT OF INTERSECTION; THENCE S 80° 59' 08" W A DISTANCE OF 58.79' TO A POINT OF INTERSECTION; THENCE N 09° 01' 46" W A DISTANCE OF 323.95' TO A POINT OF INTERSECTION; THENCE N 70° 00' 25" E A DISTANCE OF 5.16' TO A POINT OF INTERSECTION; THENCE N 20° 28'54" W 80.14' TO A POINT OF CURVATURE; THENCE NORTHWESTWARDLY ALONG A CURVE HAVING A RADIUS OF 417.00', A CORD BEARING OF N 43° 11' 35" W, A CORD DISTANCE OF 313.53', AND AN ARC LENGTH OF 321.43' TO THE POINT OF COMMENCEMENT CONTAINING 1.11 ACRES OF LAND.

WHEREAS, 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 desires to close the hereinabove described public right-of-way and it is deemed to be in the

best interest of the City of Memphis that said public right-of-way be vacated, and revert to the

abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby

County Land Use Control Board on April 11, 2024, and said Board has submitted its findings and

recommendation to the Council of the City of Memphis subject to the following conditions:

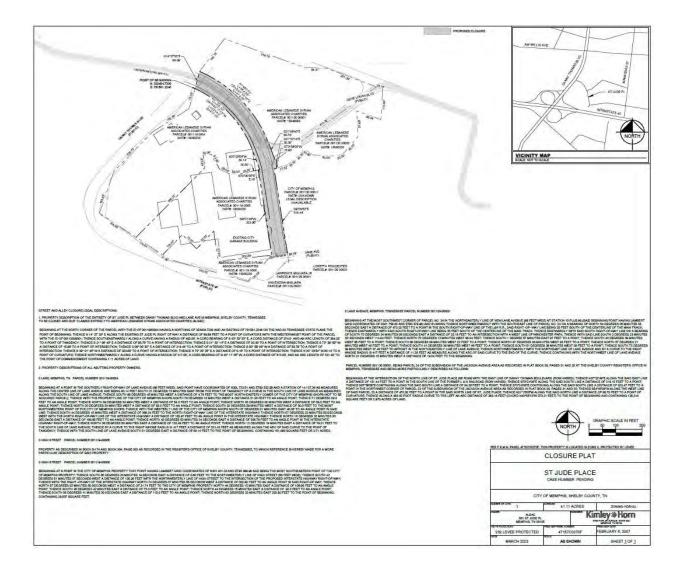
- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb-cut permit from the City Engineer to cover the above-required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.
- 5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 6. The applicant will modify the existing cul de sac to a 96' diameter to comply with the requirements of IFC 503.2.5 Dead Ends(amended).

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that

the above-described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-of-way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.



d DC MEMPHIS AND SHELBY COUNTY	TAFF	REP	ORT
AGENDA ITEM:	21	L.U.C.B. MEETING:	April 11, 2024
CASE NUMBER:	SAC 2024-005		
LOCATION:	St. Jude Place East of Danny Thor	nas Blvd.	
COUNCIL DISTRICT:	District 7 and Super District 8 – Positions 1, 2, and 3		
OWNER/APPLICANT:	American Lebanese Syrian Associated Charities		
REPRESENTATIVE: REQUEST:	Josh Whitehead, Burch, Porter & Johnson Close and vacate a portion of St. Jude Place east of Danny Thomas Blvd.		
EXISTING ZONING:	Uptown Hospital District (UH)		

CONCLUSIONS

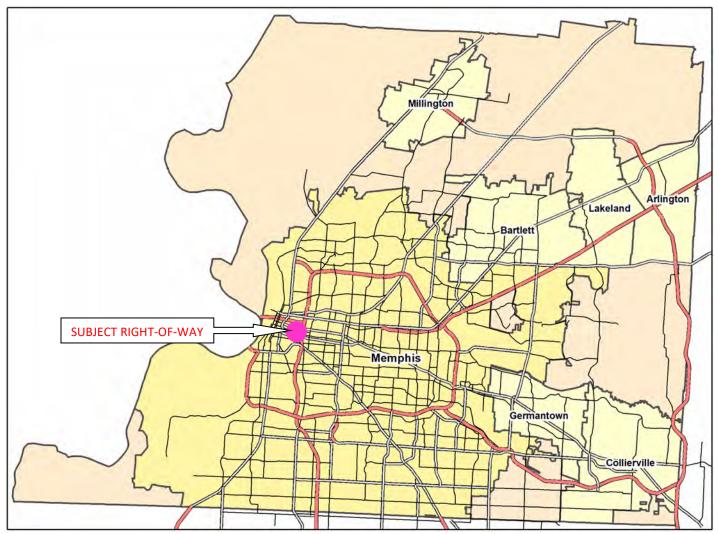
- 1. This applicant is requesting the closure of a portion of St. Jude Place that runs east of North Danny Thomas Boulevard and bends southeasterly to Lane Avenue.
- 2. The closure will support the implementation of its campus master plan, which calls for developing several controlled access/exit points on campus, and increasing parking for employees, including the proposed construction of a 2,400-vehicle parking garage on the east side of campus.
- 3. Approving the closure of the street for use by the general public and restricting access to employees and deliveries only is appropriate because it supports the planned growth and development of St. Jude and the UH district. It also helps to improve, secure, and control circulation in and around St. Jude.
- 4. A traffic analysis suggests that the closure will have minimal impact on vehicular and pedestrian traffic flow. The primary impact of closing the subject right of ways, traffic flow changes, construction of the garage, and installation of the gate on Gene Logan Blvd is increased queuing during the PM peak hour exiting the campus onto North Manassas Street. Additional improvements will need to be made at the intersections of Gene Logan Blvd at N. Manassas Street and North Parkway at N. Manassas Street to accommodate the additional traffic.
- 5. Access to utility easements and for emergency vehicles will be retained.
- 6. The divestiture/abandonment of the subject right-of-way will not have any undue or substantial effect on the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 General Plan is not applicable as it does not address the divesture of streets and alleys.

RECOMMENDATION:

Approval with conditions



Subject right-of-way located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject right-of-way 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. A total of 46 notices were mailed on March 15, 2024, see pages 16-17 of this report for a copy of said notice.

AERIAL



Subject right-of-way outlined in yellow, imagery from 2023

ZONING MAP



Subject right-of-way highlighted in yellow

LAND USE MAP



Subject right-of-way indicated by a red star

April 11, 2024 Page 7

SITE PHOTOS

Views of subject right-of-way looking northeastward toward Danny Thomas Blvd.



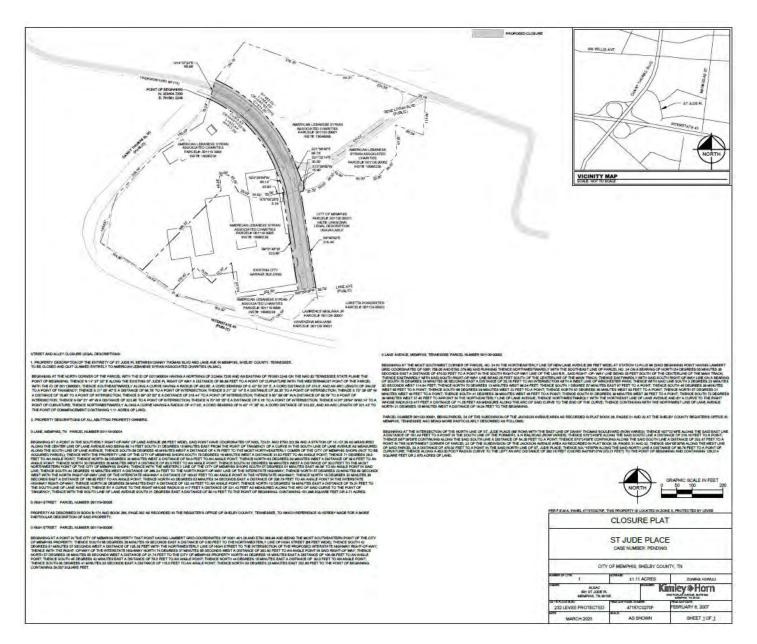




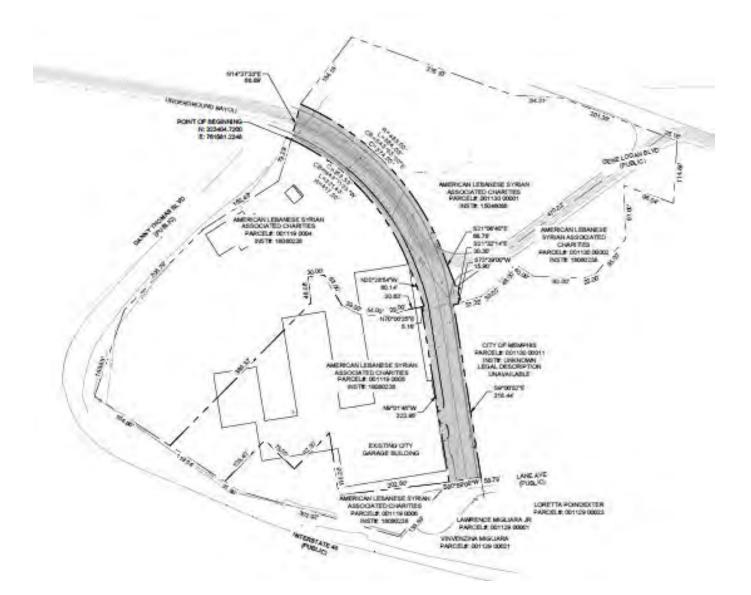




RIGHT-OF-WAY VACATION PLAT



RIGHT-OF-WAY VACATION PLAT MAGNIFIED



LEGAL DESCRIPTION

1. PROPERTY DESCRIPTION OF THE ENTIRETY OF ST JUDE PL BETWEEN DANNY THOMAS BLVD AND LANE AVE IN MEMPHIS, SHELBY COUNTY, TENNESSEE.

TO BE CLOSED AND QUIT CLAIMED ENTIRELY TO AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES (ALSAC).

BEGINNING AT THE NORTH CORNER OF THE PARCEL WITH THE ID OF 0011900004 HAVING A NORTHING OF 323404.7200 AND AN EASTING OF 761581.2248 ON THE NAD 83 TENNESSEE STATE PLANE THE POINT OF BEGINNING; THENCE N 14° 37' 33" E ALONG THE EXISTING ST JUDE PL RIGHT OF WAY A DISTANCE OF 66.89 FEET TO A POINT OF CURVATURE WITH THE WESTERNMOST POINT OF THE PARCEL WITH THE ID OF 00113000001; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF

483.00', A CORD BEARING OF S 43° 53' 20" E, A CORD DISTANCE OF 374.0', AND AN ARC LENGTH OF 384.03' TO A POINT OF TANGENCY; THENCE S 21° 06' 40" E A DISTANCE OF 68.78' TO A POINT OF INTERSECTION; THENCE S 21° 32' 14" E A DISTANCE OF 30.30' TO A POINT OF INTERSECTION; THENCE S 73° 39' 00" W A DISTANCE OF 15.90' TO A POINT OF INTERSECTION; THENCE S 09° 00' 52" E A DISTANCE OF 318.44' TO A POINT OF INTERSECTION; THENCE S 80° 59' 08" W A DISTANCE OF 58.79' TO A POINT OF INTERSECTION; THENCE N 09° 01' 46" W A DISTANCE OF 323.95' TO A POINT OF INTERSECTION; THENCE N 09° 01' 46" W A DISTANCE OF 323.95' TO A POINT OF INTERSECTION; THENCE N 20° 28'54" W 80.14' TO A POINT OF CURVATURE; THENCE NORTHWESTWARDLY ALONG A CURVE HAVING A RADIUS OF 417.00', A CORD BEARING OF N 43° 11' 35" W, A CORD DISTANCE OF 313.53', AND AN ARC LENGTH OF 321.43' TO THE POINT OF COMMENCEMENT CONTAINING 1.11 ACRES OF LAND.

CASE REVIEW

Request

Close and vacate a portion St. Jude Place east of Danny Thomas Boulevard

Site Details

Address: St. Jude Place east of Danny Thomas Boulevard

Area: +/-1.11 acres

Description:

The subject right-of-way is a +/60-foot-wide and +/-825-foot-long east-southerly public street for a total area of +/-1.1 acres within the block bounded by Lane Avenue and North Danny Thomas Boulevard. The subject right-of-way is located between six parcels (001119 00004, 001119 0005, 001119 00006, 001130 00001, 001130 00002, 001130 00011) all of which are owned by the applicant. A copy of the deeds for each parcel is included in the application. The zoning of the adjacent properties is Uptown Hospital (UH), and Residential Single-Family-15 - R-15 (Interstate 40) to the South.

Analysis

This applicant is requesting the closure of a portion of St. Jude Place that runs east of North Danny Thomas Boulevard and bends southeasterly to Lane Avenue. Closing the right-of-way will serve two primary purposes. First, it will allow St. Jude to implement its campus master plan which calls for developing several controlled access/exit points to the St. Jude campus. The existing guard shack located under North Danny Thomas Boulevard will be removed. The applicant intends to install guard-controlled access structures and gates on Gene Logan Boulevard (a St. Jude-owned private drive) at its intersection with North Manassas Street. This access will be for employees and deliveries only. Clients and patients will have to enter campus primarily from the access point on Jackson Avenue.

Secondly, the closure supports St. Jude's plan to provide additional parking options for its increasing number of employees by constructing an eight (8) story parking garage with a capacity for 2,400 vehicles at the southwest corner of St. Jude Place and Lane Avenue. St. Jude Place at Lane Avenue will be closed using curbs and gutters to prevent the general public from accessing this area of campus from Lane Avenue, while still allowing them to access Winchester Park located on Lane Avenue.

Approving the closure of the street for use by the general public is appropriate because it supports the planned growth and development of St. Jude and the UH district. It also helps to improve, secure, and control circulation on the east side of campus. It more evenly distributes traffic through the road network surrounding campus as currently, the majority of vehicles access the campus through the gates on the west and north side of campus along Third Street and A.W. Willis.

According to a traffic analysis, the closure will have minimal impact on vehicular and pedestrian traffic flow. The primary impact of closing the subject right of way, traffic flow changes, construction of the garage, and installation of the gate on Gene Logan Blvd. is increased queuing during the PM peak hour exiting the campus

onto North Manassas Street. Improvements will need to be made to accommodate the additional traffic. A diagram of the existing layout of Gene Logan Blvd and the expected egress of vehicles from the proposed garage is included in the traffic memo located on pages (22-25) of this report. Access to utility easements and for emergency vehicles will be retained.

The divestiture/abandonment of the subject right-of-way will not have any undue or substantial effect on the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb-cut permit from the City Engineer to cover the above-required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.
- 5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 6. The applicant will modify the existing cul de sac to a 96' diameter to comply with the requirements of IFC 503.2.5 Dead Ends(amended).

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. Dedicate a minimum 30' Sewer easement for Existing 30", 15' each side of center line of sewer.

Street Closures:

3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.

4. City sanitary sewers/drainage facilities are located within the proposed closure area.

5. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.

6. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

Site Plan Notes:

7. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

8. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

City Fire Division:

This street closure creates a dead-end FD access on Lane in excess of 150' which will require existing cul de sac to be modified to 96' to comply with IFC 503.2.5 Dead Ends(amended):

"Turnarounds required by this section shall comply with Table D103.4 Requirements for Dead-End Apparatus Access Roads in Appendix D.

TABLE D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

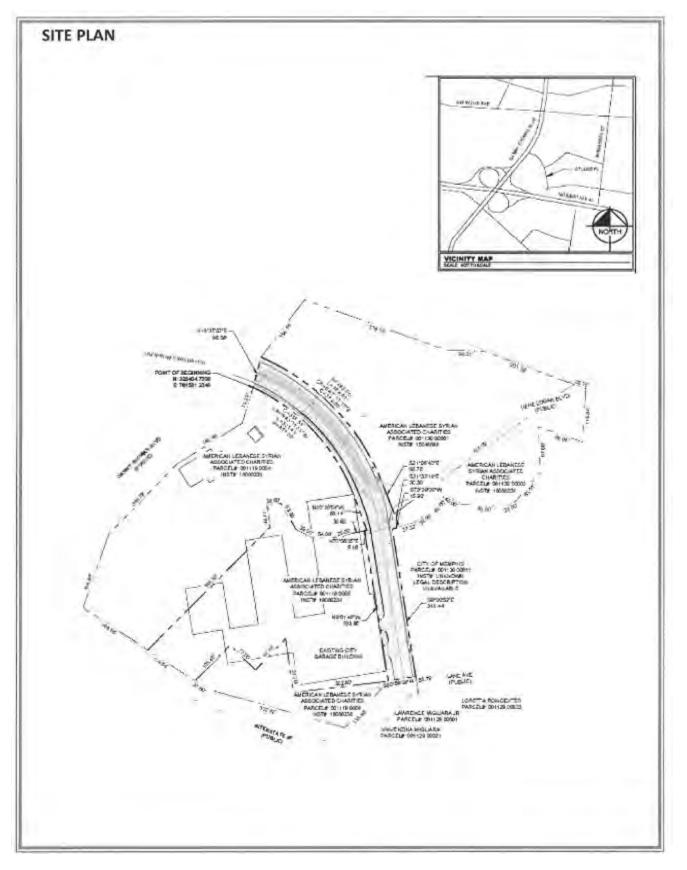
LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-5 <mark>0</mark> 0	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

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:	No comments received.

MAILED PUBLIC NOTICE

ME	MPHIS AND DIVISION OF PLANNING BY COUNTY AND DEVELOPMENT
	City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103
	NOTICE OF PUBLIC HEARING
with the Division of	I this notice because you own or reside on a property that is near the site of a land use application fil of Planning and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will hole in the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unifi e:
CASE NUMBER:	SAC 2024-005
LOCATION:	St. Jude Place
APPLICANT:	(SEE SITE PLAN ON REVERSE SIDE) American Lebanese Syrian Associated Charities
REQUEST:	Close and vacate a portion of St. Jude Place east of Danny Thomas Blvd.
THELA	ND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:
DATE:	Thursday, April 11, 2024
TIME:	9:00 AM ION: Council Chambers on the First Floor of City Hall, 125 N. Main Street
LOCAT	ton: Council chambers on the First Floor of City Rail, 123 W. Wall Succes
hearing at a subse	hearing, the Board may recommend the approval or rejection of this item or hold the item for a pub equent Board meeting. For this case, the Board will make a <i>recommendation</i> to the legislative body; t ill take final action at a later date.
meeting. No indivi	oard may place this item on the <u>Consent Agenda</u> , which is considered at the beginning of the Boa dual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a memb taff 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 LaTonya Hull Latonya.hull@memphistn.gov or (901) 636-7179 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.



APPLICATION



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date:	Case #:
PLEASE TYPE O	DR PRINT
Id abut. the man of the state	
Name of/Street/Alley/ROW: St Jude Pl	
Property Owner of Record: ALSAC	Phone #: 901-578-2007
Mailing Address: 501 St Jude Pl	City/State: Memphis, TN Zip 38105
Property Owner E-Mail Address:sara.hall@alsac.	.stjude.org
Applicant: ALSAC	Phone # 901-578-2007
Mailing Address:	City/State: Memphis, TN Zip 38105
Applicant E-Mail Address: sara.hall@alsac.stju	de.org
Representative: Sara Hall	Phone #: 901-578-2007
	City/State: Memphis, TN Zip 38105
Representative E-Mail Address: sara.hall@alsac.s	tjude.org
Engineer/Surveyor: Kimley-Horn and Associate	Phone # 901-334-5319
Mailing Address: 6750 Poplar Ave Ste 600	
Engineer/Surveyor E-Mail Address: jennifer.peregoy	y@kimley-horn.com
Closure Street Address Location: 671 St Jude Pl	
Inside of Memphis City Limits	X Yes No
Unincorporated Shelby County	Yes X No
City of Reserve Area	Yes XNo
Distance to nearest intersecting street: 0 ft from the	intersection of St Jude Pl and
Lane Ave	
Area of ROW: <u>1.11 acres</u> Square-Feet/Acres Closure starts at: Lane Ave Proceeds to Danny Thomas Blvd	s Length x Width of ROW: <u>817'x66'</u> Feet and
Reason for Closure: St Jude Pl between Lane A	
proposed to be closed because of the f	
campus expansion and to route through- St, a collector road designed to handl	
narrower roads. The only existing and	proposed end destinations are to
ALSAC property and therefore closure of	of the road does not negatively
impact nearby property owners.	

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 10/17/2023 with Brett Ragsdale

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. Conversions (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

- 2. Physical closures (street and alley closures that involve the physical closure of an existing street or alley)
- 3. Abandonment (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

LETTER OF INTENT

April 11, 2024 Page 20

Burch Porter johnson

Josh Whitehead Senior Attorney Direct: 901.524.5127 jwhitehead@bpjlaw.com LAW OFFICES Burch, Porter & Johnson, PLLC 130 North Court Avenue Memphis, TN 38103 Phone: 901.524.5000 Fax: 901.524.5024 bpjlaw.com

March 8, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development Mary W. Sharp and Members Memphis and Shelby County Land Use Control Board

Dear Mr. Ragsdale, Chair Sharp and Members of the Board:

On behalf of the American Lebanese Syrian Associated Charities ("ALSAC"), the fundraising and awareness organization for St. Jude Children's Research Hospital, I am pleased to submit this application for a Street and Alley Closure ("SAC") for St. Jude Place on the east side of our campus.

St. Jude Children's Research Hospital is currently undergoing a multi-billion-dollar expansion, representing the largest single investment in downtown Memphis since the City's founding. As a key part of this expansion, ALSAC purchased the former City Garage from the City of Memphis in 2018. The primary purpose of this acquisition was to facilitate the construction of a new parking garage for our growing staff (see site plan of proposed employee garage below).

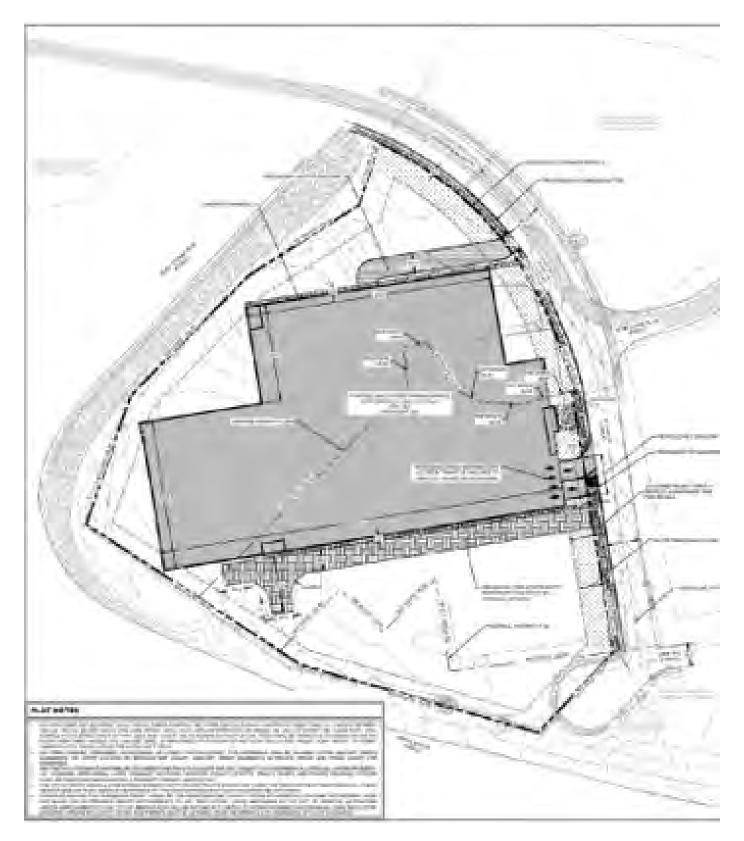
Closing St. Jude Place between Lane Avenue and Danny Thomas Blvd. will accommodate the St. Jude campus expansion and route through-traffic from the new parking garage to Manassas Street, a roadway designated by the Memphis Urban Area Metropolitan Planning Organization as a collector designed to handle such traffic. The only existing and proposed end destinations are to ALSAC property and therefore closure of the St. Jude Place does not negatively impact nearby property owners. We believe the removal of all through-traffic along Lane Avenue will help the continued stabilization of this important neighborhood adjacent to our campus.

Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

April 11, 2024 Page 21



TRAFFIC STUDY MEMO

Kimley»Horn

MEMORANDUM

To:	ALSAC / St. Jude Children's Research Hospital
From:	Douglas Swett (Kimley-Hom and Associates, Inc.)
CC:	Jennifer Peregoy (Kimley-Horn and Associates, Inc.) Robert Tworek (Kimley-Horn and Associates, Inc.)
Date:	October 10, 2023
Subject:	General Services Garage Traffic Memo

General Services Garage

As the SJCRH campus expands and employment increases, there will be an increased need for additional parking options. SJCRH is evaluating constructing a new parking garage on the former City of Memphis General Services lot. The potential plan for this parking garage is to be eight (8) stories and have the capacity for approximately 2,400 vehicles. To access the garage, vehicles would need to enter campus from N. Manassas St. and use the gate along Gene Logan Blvd. The purpose of this memo is to evaluate the potential impacts to adjacent critical intersections which facilitate access into and out of the potential garage location.

Analysis

Gene Logan Boulevard at N Manassas Street is a T-intersection operating under stop control for the eastbound movement and free for the northbound and southbound movements. North Parkway at N. Manassas Street is a signalized intersection with coordination along North Parkway. Both intersections currently operate at acceptable levels of service.

A peak hour exiting volume for the gate along Gene Logan Boulevard was determined from the new proposed garage and existing parking garage 1. In addition to the 2,400-vehicle capacity of the proposed garage, parking garage 1 has a capacity of 1,000 vehicles. Based on the volumes developed in the TransModeler subarea model for a study of the overall St. Jude Children's Hospital campus shows traffic counts where 33% of vehicles from the garages were assumed to exit the garage during the PM peak hour, which resulted in a PM peak hour exiting volume of 1,155. A distribution ratio of 75%-25% for right turns and left turns onto N Manassas Street was developed from the ratio in the TransModeler subarea model. The volume per movement is shown below in Table 1.

Table 1: PM Peak Hour Garage Exiting Volumes at Gene Logan Blvd and N. Manassas St.

Movement	Distribution	PM Peak Hour Exiting Volume
Left	75%	866
Right	25%	289
Total		1,155

901 374 9109

Kimley »Horn

Page 2

The estimated left-turn volume at this intersection was used to develop northbound turning movement volumes at the intersection of North Parkway and N Manassas St. The turning movement distribution in the future year TransModeler subarea model for the northbound approach at this intersection was used to determine the turning movement volumes, which are shown below in Table 2.

Table 2: Northbound Manassas	St.	Turning	Movement	Development	at North Parkway
------------------------------	-----	---------	----------	-------------	------------------

Movement	Future Subarea Model Volume	Distribution	PM Peak Hour Volume
Left	291	40%	420
Through	280	39%	404
Right	150	21%	217
Total	721		1,041

Volumes for N. Manassas Street and North Parkway were taken from the existing conditions subarea model. Full intersection turning movements are shown below in Figure 1.



Figure 1: Projected PM Peak Hour Volumes

901 374 9109

Kimley »Horn

Page 3

Results and Recommendations

Overall, geometric and operational improvements will be required at the intersection of Gene Logan Blvd. at N. Manassas St. to meet the demand of the proposed 2,400 vehicle parking garage. If no improvements are made to the intersection, the eastbound queue is expected to significantly increase due to the egress from the parking garage. An exclusive eastbound right-turn lane and changing the intersection control to all-way stop control would reduce the queuing. A roundabout may be an option given that volumes on N. Manassas St. are relatively low compared to the expected peak hour exiting volume. A single lane roundabout with channelized right turn lanes would reduce the eastbound queue and improve the overall operations at the intersection to acceptable levels. Further analysis is required to determine the appropriate intersection control at this location.

The addition of vehicles to this area of campus will more evenly distribute traffic through the road network surrounding campus. Currently, the majority of vehicles access the campus through the gates on the west and north side of campus along Third Street and A.W. Willis. This location improves accessibility to parking on the east side of campus providing more options for parking distributed to a new area of campus.

The majority of the anticipated impact of the addition of parking to this side of campus is increased queuing during the PM peak hour exiting the campus to North Manassas St., similar to other gate locations surrounding campus. Improvements will be necessary at the intersections of Gene Logan Blvd at N. Manassas St. and North Parkway at N. Manassas St. to accommodate the additional traffic. Figure 2 below shows the existing layout of Gene Logan Blvd and the expected egress of vehicles from the proposed garage.

Kimley *Whorn*

Page 4



Figure 2: Proposed Access for Future General Services Garage

LETTERS RECEIVED

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



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

PRINT Phone #: 901-578-2007 City/State: Memphis, TN Zip 38105 t jude.org Phone # 901-578-2007 City/State: Memphis, TN Zip 38105 e.org Phone #: 901-578-2007 City/State: Memphis, TN Zip 38105 e.org Phone #: 901-578-2007 City/State: Memphis, TN Zip 38105 ude.org Phone # 901-334-5319 City/State: Memphis, TN Zip 38138
City/State: Memphis, TN Zip 38105 t jude.org Phone # 901-578-2007 City/State: Memphis, TN Zip 38105 e.org Phone #: 901-578-2007 City/State: Memphis, TN Zip 38105 ude.org Phone # 901-334-5319
City/State: Memphis, TN Zip 38105 t jude.org Phone # 901-578-2007 City/State: Memphis, TN Zip 38105 e.org Phone #: 901-578-2007 City/State: Memphis, TN Zip 38105 ude.org Phone # 901-334-5319
Phone #901-578-2007 City/State: Memphis, TN38105 e.org Phone #:901-578-2007 City/State:Memphis, TN38105 ude.org Phone #901-334-5319
Phone #901-578-2007 City/State: Memphis, TN38105 e.org Phone #:901-578-2007 City/State:Memphis, TN38105 ude.org Phone #901-334-5319
Phone # 901-578-2007 City/State: Memphis, TN Zip 38105 e.org Phone #: 901-578-2007 City/State: Memphis, TN Zip 38105 ude.org Phone # 901-334-5319
_City/State: Memphis, TN _Zip38105 e.org Phone #:901-578-2007 _City/State:Memphis, TN _Zip38105 ude.org Phone #901-334-5319
Phone #: <u>901-578-2007</u>
Phone #: <u>901-578-2007</u> _City/State: <u>Memphis</u> , TN _{Zip} <u>38105</u> ude.org Phone #_ <u>901-334-5319</u>
ude.orgPhone #901-334-5319
Phone #901-334-5319
_City/State:Memphis, TN _Zip38138
kimley-horn.com
Yes No
Yes XNo
Yes XNo
ntersection of St Jude Pl and
Length x Width of ROW: <u>817'x66'</u> Feet and <u>e and Danny Thomas Blvd is</u> <u>llowing: To accommodate the St. Jud</u> <u>caffic from the garage onto Manass</u> <u>traffic, rather than through</u> <u>coposed end destinations are to</u> the road does not negatively

impact nearby property owners.

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 10/17/2023 with Brett Ragsdale

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Aqua Hall, CLO, Property Owner of Mc promotion	ALSAC 3/0/2	Applicant	Date
Property Owner of Record*	Date TAKEANDHIS	Applicant S	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. Conversions (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

- 2. Physical closures (street and alley closures that involve the physical closure of an existing street or alley)
- 3. Abandonment (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 10/17/2023 with Brett Ragsdale

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. Conversions (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

- 2. **Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)
- 3. Abandonment (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

GUIDE FOR SUBMITTING RIGHT-OF-WAY VACATION/CLOSURE APPLICATION

- A <u>**THE APPLICATION**</u> Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the preliminary closure plat, shall be provided on sheets of 8.5"x11" in size. The application with original signatures of the applicant and adjacent property owners to the street or alley to be closed shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
 - This application, 8.5"x11" Preliminary Closure Plat, Metes & Bounds Descriptions, Vicinity Maps, Property Deeds & Easements of Record, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Preliminary Closure Plat (folded), Original Instrument of Dedication.
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B METES AND BOUNDS DESCRIPTION

Two (2) copies of a metes and bounds description of the right-of-way to be closed, and four (4) copies of metes & bounds descriptions of those portions of the right-of-way which are to be quit claimed to adjacent property owners. Descriptions must read to the centerline unless the properties on either side of the right-of-way are under the same ownership.

CLOSURE PLAT*

C Two (2) prints 20" x 24", two (2) 8.5" x 11" reduced copies of the closure plat drawn to scale (1"=50' or =100') and prepared, certified and sealed by a Civil Engineer or Surveyor registered in the State of Tennessee. The plat must show the names of abutting property owners, all bearings and dimensions of the alley or street, dimensions and legal descriptions of abutting lots, existing buildings on adjacent lots, driveways, utilities, easements to be retained and a vicinity map.

*A closure plat is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

VICINITY MAP

D Two (2) copies showing the subject property (boldly outlined) and all parcels adjacent to the section of the street or alley being closed. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

E LIST OF NAMES AND ADDRESSES

1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x $2^{5/8}$ " self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.

2) Two (2) self-adhesive mailing labels $(1"x 2^{5/8"})$ each for the owner of record, applicant, representative and/or engineer/surveyor.

DEDICATION INSTRUMENT

F A copy of the instrument which dedicated the right-of-way for public use must be submitted with the application.

*A dedication instrument is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

G <u>FILING FEES</u> (All Fees Are Subject To Change without Prior Notice)

Submit a non-refundable check or money order in the amount of \$400.00. Make check payable to "M/SC Office of Planning and Development"

H. **<u>SIGNATURES</u>** (from Section 9.8.2 of the Unified Development Code)

The official application form shall include the signatures of all abutting property owners. If any abutting property owners refuse to sign the application, the governing body may delete that portion of the right-way if they so choose. Abutting property owners are those owners who will be recipients of all or a portion of the right-of-way proposed to be vacated and are the owners of record at the time the right-of-way vacation application is filed with the Planning Director. To qualify as a recipient of all or a portion of former right-of-way, an abutting property owner's parcel must be identified on the subdivision plat or Planned Development final plan through which the right-of-way proposed for vacation was originally dedicated to the City or County and that parcel must abut the right-of-way proposed for vacation. See graphics below for explanation. *Note: After an application has been filed with the Planning Director, the withdrawal of consent to the closure by an abutting property owner is prohibited.*

TYPES OF STREET CLOSURES

Example 1: Oak Street Closure.

Oak Street is a paper street that was never constructed. It is now strewn with weeds and undergrowth and the abutting owners now wish to take the area over and make it part of their rear yards. Oak Street was dedicated to the public with the recording of Oak Street Subdivision. This portion of Oak Street is abutted by Lots 1-14 of Oak Street Subdivision. Owners of Lots 1-14 will be required to sign off the application and be deeded their half of the street, unless the governing bodies approve the closure specifically allotting their half of the street to another property owner who has signed the application.

LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7
		OAK STI	REET (PUBL	лс)		
LOT 14	LOT 13	LOT 12	LOT 11	LOT 10	LOT 9	LOT 8

LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7
t	1	T	1	1	1	Ī
¥		r het	1	1	1	1
LOT 14	LOT 13	LOT 12	LOT 11	LOT 10	LOT 9	LOT 8

PLAT FOR OAK STREET SUBDIVISION

Before closure.

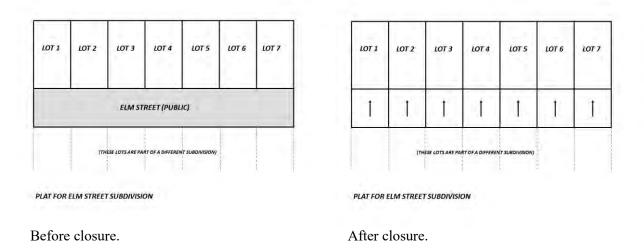
After closure.

PLAT FOR OAK STREET SUBDIVISION

ter closure.

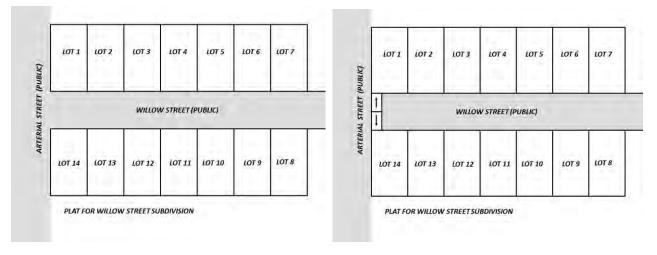
Example 2: Elm Street Closure.

Like Oak Street, Elm Street is a paper street and was never constructed. Unlike Oak Street, Elm Street was dedicated through a plat with lots on only one side of it. Therefore, only the lot owners on that side of the street will be required to sign the application.



Example 3: Willow Street Closure.

Unlike Oak and Elm Streets, Willow Street is a built City street open to the public. Concerned with the traffic that cuts through the neighborhood from Arterial Street, the owners of Willow Street have proposed that the street remain public, but that the street be closed off at Arterial Street. Willow Street connects to the system of city streets from the other direction. With this scenario, only the owners of Lot 1 and 14 will be required to sign the application since only a small portion of Willow Street will be deeded to them.

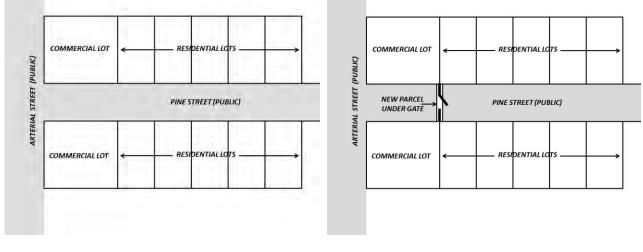


Before closure.

After closure.

Example 4: Pine Street Closure

Like Willow Street, Pine Street is a built City street open to the public. Unlike Willow Street, the owners along Pine Street do not want to vacate any right-of-way; instead, they wish to erect a gate for emergency access only in the public street. Pine Street connects to the system of city streets from another direction. This will require that the right-of-way under the gate be deeded to an established Homeowners Association to which the adjacent owners are members (the City will first deed the property to the adjacent owners, who can then immediately transfer it to the HOA). It will also require covenants to be recorded that will bind either the adjacent property owner(s), all lot owners within the subdivision or a homeowners association to take full responsibility and ownership of the gate and to hold the City or County harmless for any damages to the gate or vehicles that have struck the gate.



Before closure.

After closure.

Example 5: Street Closures with active Homeowners Associations.

If a street is to be closed and converted to a private drive that will be maintained by a duly chartered homeowners or property owners association, only the representative of the association will be required to sign the application.

ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF



Josh Whitehead Senior Attorney Direct: 901.524.5127 jwhitehead@bpjlaw.com LAW OFFICES Burch, Porter & Johnson, PLLC 130 North Court Avenue Memphis, TN 38103 Phone: 901.524.5000 Fax: 901.524.5024 bpjlaw.com

March 8, 2024

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development Mary W. Sharp and Members Memphis and Shelby County Land Use Control Board

Dear Mr. Ragsdale, Chair Sharp and Members of the Board:

On behalf of the American Lebanese Syrian Associated Charities ("ALSAC"), the fundraising and awareness organization for St. Jude Children's Research Hospital, I am pleased to submit this application for a Street and Alley Closure ("SAC") for St. Jude Place on the east side of our campus.

St. Jude Children's Research Hospital is currently undergoing a multi-billion-dollar expansion, representing the largest single investment in downtown Memphis since the City's founding. As a key part of this expansion, ALSAC purchased the former City Garage from the City of Memphis in 2018. The primary purpose of this acquisition was to facilitate the construction of a new parking garage for our growing staff (see site plan of proposed employee garage below).

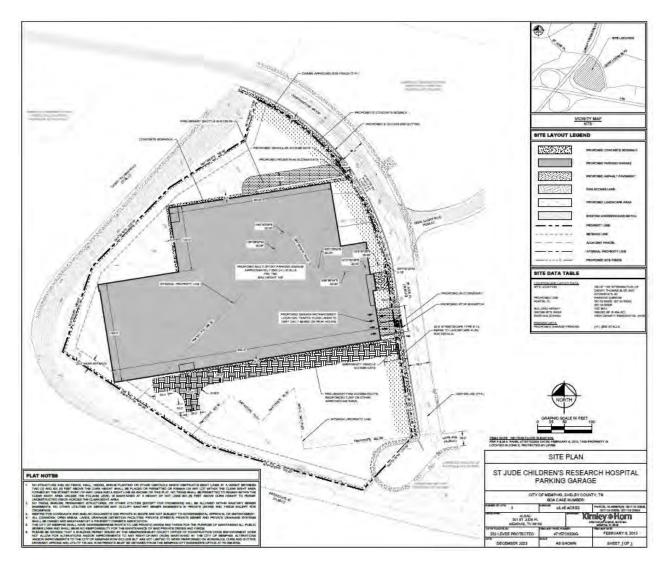
Closing St. Jude Place between Lane Avenue and Danny Thomas Blvd. will accommodate the St. Jude campus expansion and route through-traffic from the new parking garage to Manassas Street, a roadway designated by the Memphis Urban Area Metropolitan Planning Organization as a collector designed to handle such traffic. The only existing and proposed end destinations are to ALSAC property and therefore closure of the St. Jude Place does not negatively impact nearby property owners. We believe the removal of all through-traffic along Lane Avenue will help the continued stabilization of this important neighborhood adjacent to our campus.

Thank you for your consideration of this matter.

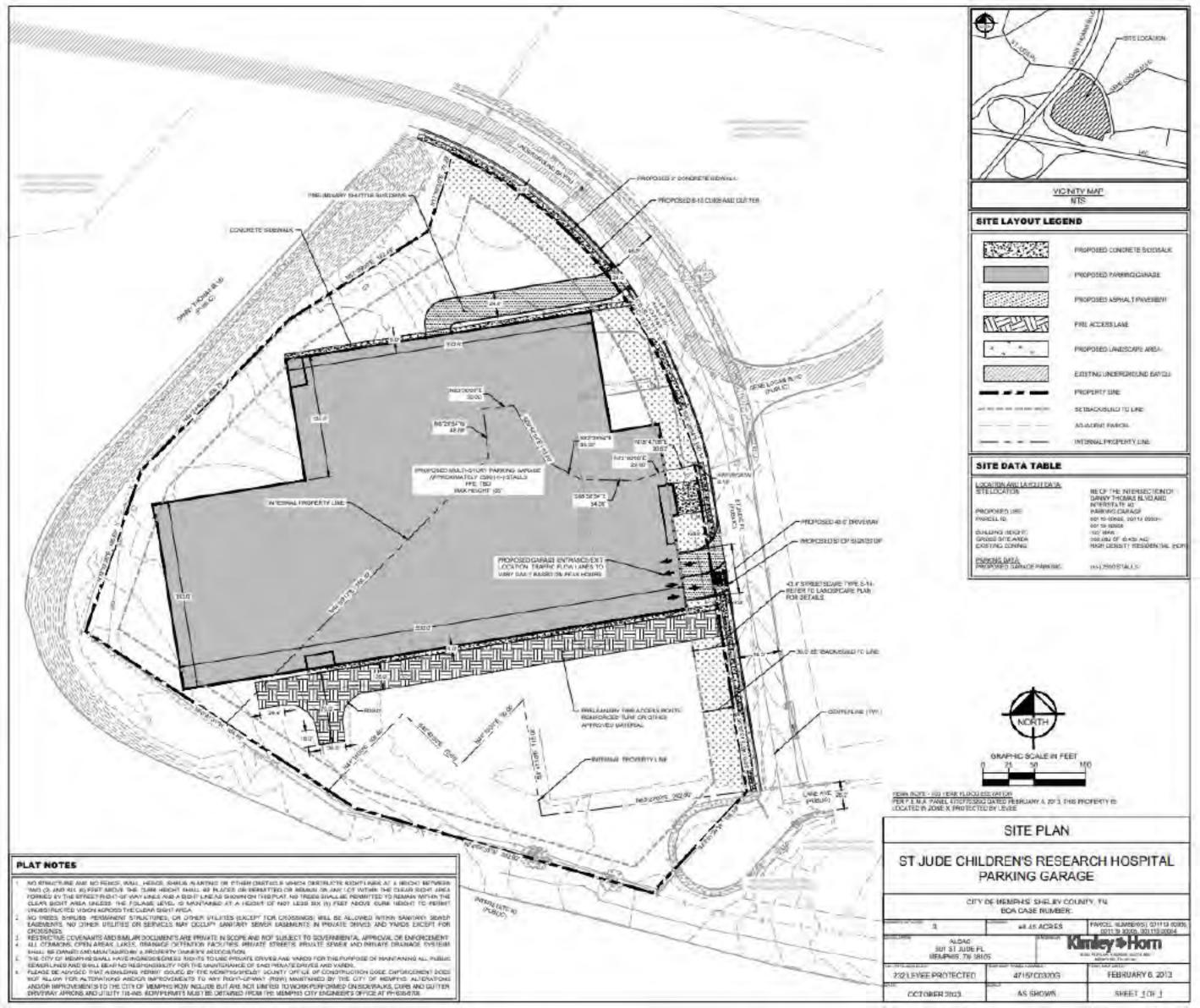
Very truly yours,

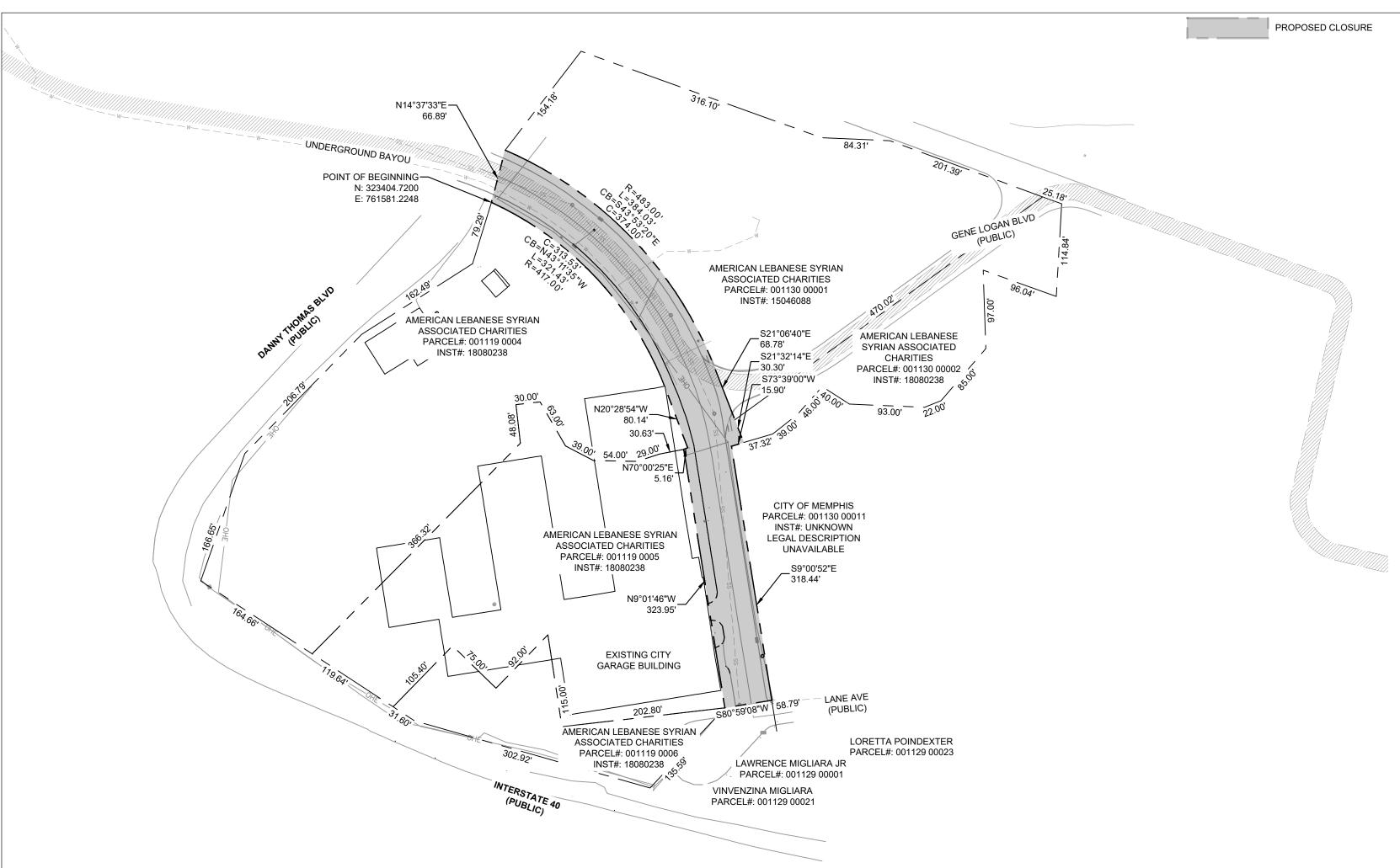
Josh Whitehead

March 8, 2024 Page 2



SITE PLAN OF PROPOSED EMPLOYEE GARAGE





STREET AND ALLEY CLOSURE LEGAL DESCRIPTIONS:

1. PROPERTY DESCRIPTION OF THE ENTIRETY OF ST JUDE PL BETWEEN DANNY THOMAS BLVD AND LANE AVE IN MEMPHIS, SHELBY COUNTY, TENNESSEE TO BE CLOSED AND QUIT CLAIMED ENTIRELY TO AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES (ALSAC).

BEGINNING AT THE NORTH CORNER OF THE PARCEL WITH THE ID OF 0011900004 HAVING A NORTHING OF 323404.7200 AND AN EASTING OF 761581.2248 ON THE NAD 83 TENNESSEE STATE PLANE THE POINT OF BEGINNING; THENCE N 14° 37' 33" E ALONG THE EXISTING ST JUDE PL RIGHT OF WAY A DISTANCE OF 66.89 FEET TO A POINT OF CURVATURE WITH THE WESTERNMOST POINT OF THE PARCEL WITH THE ID OF 00113000001; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF 483.00', A CORD BEARING OF S 43° 53' 20" E, A CORD DISTANCE OF 374.0', AND AN ARC LENGTH OF 384.03' TO A POINT OF TANGENCY; THENCE S 21° 06' 40" E A DISTANCE OF 68.78' TO A POINT OF INTERSECTION; THENCE S 21° 32' 14" E A DISTANCE OF 30.30' TO A POINT OF INTERSECTION; THENCE S 73° 39' 00" W A DISTANCE OF 15.90' TO A POINT OF INTERSECTION; THENCE S 09° 00' 52" E A DISTANCE OF 318.44' TO A POINT OF INTERSECTION; THENCE S 80° 59' 08" W A DISTANCE OF 58.79' TO A POINT OF INTERSECTION; THENCE N 09° 01' 46" W A DISTANCE OF 323.95' TO A POINT OF INTERSECTION; THENCE N 70° 00' 25" E A DISTANCE OF 5.16' TO A POINT OF INTERSECTION; THENCE N 20° 28'54" W 80.14' POINT OF CURVATURE; THENCE NORTHWESTWARDLY ALONG A CURVE HAVING A RADIUS OF 417.00', A CORD BEARING OF N 43° 11' 35" W, A CORD DISTANCE OF 313.53', AND AN ARC LENGTH OF 321.43' TO THE POINT OF COMMENCEMENT CONTAINING 1.11 ACRES OF LAND.

2. PROPERTY DESCRIPTIONS OF ALL ABUTTING PROPERTY OWNERS.

0 LANE, MEMPHIS, TN PARCEL NUMBER 001119-00004

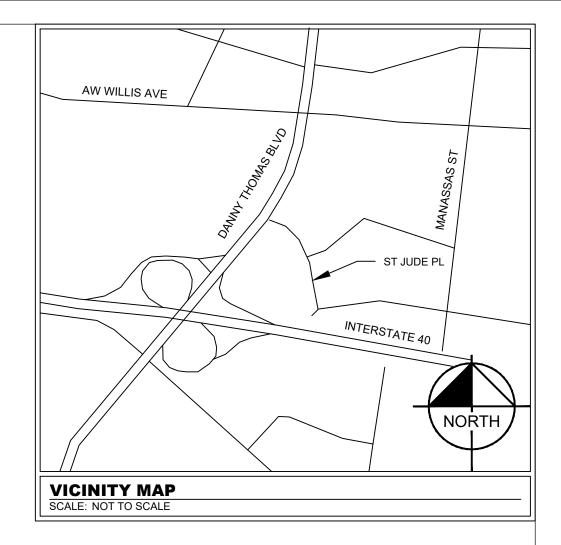
BEGINNING AT A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF LANE AVENUE (66 FEET WIDE), SAID POINT HAVE COORDINATES OF N30L 723.51 AND E793 322.59 AND A STATION OF 14 / 07.36 AS MEASURED ALONG THE CENTER LINE OF LANE AVENUE AND BEING 80.14 FEET SOUTH 21 DEGREES 15 MINUTES EAST FROM THE POINT OF TANGENCY OF A CURVE IN THE SOUTH LINE OF LANE AVENUE AS MEASURED ALONG THE SOUTH LINE OF LANE AVENUE; THENCE SOUTH 68 DEGREES 45 MINUTES WEST A DISTANCE OF 4.76 FEET TO THE MOST NORTH-EASTERLY COMER OF THE CITY OF MEMPHIS SHOPS (NOT TO BE ACQUIRED PARCEL); THENCE WITH THE PROPERTY LINE OF THE CITY OF MEMPHIS SHOPS SOUTH 78 DEGREES 16 MINUTES WEST A DISTANCE 31.03 FEET TO AN ANGLE POINT; THENCE 71 DEGREES 29.0 FEET TO AN ANGLE POINT; THENCE NORTH 89 DEGREES 30 MINUTES WEST A DISTANCE OF 54.0 FEET TO AN ANGLE POINT; THENCE NORTH 63 DEGREES 00 MINUTES WEST A DISTANCE OF 39.0 FEET TO AN ANGLE POINT; THENCE NORTH 30 DEGREES 30 MINUTES WEST A DISTANCE OF 63.0 FEET TO AN ANGLE POINT; THENCE SOUTH 82 DEGREES 59 MINUTES WEST A DISTANCE OF 30.0 FEET TO THE MOST NORTHWESTERN POINT OF THE CITY OF MEMPHIS SHOPS; THENCE WITH THE WESTERLY LINE OF THE CITY OF MEMPHIS SHOPS SOUTH 07 DEGREES 01 MINUTES EAST 48.08' TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 44 DEGREES 15 MINUTES WEST A DISTANCE OF 366.24 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE INTERSTATE HIGHWAY; THENCE NORTH 57 DEGREES 23 MINUTES 50 SECONDS WEST WITH THE NORTH RIGHT-OF-WAY LINE OF THE INTERSTATE HIGHWAY A DISTANCE OF 163.97 FEET TO AN ANGLE POINT IN THE INTERSTATE HIGHWAY; THENCE NORTH 18 DEGREES 32 MINUTES 30 SECONDS EAST A DISTANCE OF 166.65 FEET TO AN ANGLE POINT; THENCE NORTH 43 DEGREES 53 MINUTES 34 SECONDS EAST A DISTANCE OF 206.79 FEET TO AN ANGLE POINT IN THE INTERSTATE HIGHWAY RIGHT-OF-WAY; THENCE NORTH 36 DEGREES 58 MINUTES EAST A DISTANCE OF 132.49 FEET TO AN ANGLE POINT; THENCE NORTH 13 DEGREES 19 MINUTES EAST A DISTANCE OF 79.31 FEET TO THE SOUTH LINE OF LANE AVENUE: THENCE BY A CURVE TO THE RIGHT WHOSE RADIUS IS 417 FEET A DISTANCE OF 321.43 FEET AS MEASURED ALONG THE ARC OF SAID CURVE TO THE POINT OF TANGENCY; THENCE WITH THE SOUTH LINE OF LANE AVENUE SOUTH 21 DEGREES EAST A DISTANCE OF 80.14 FEET TO THE POINT OF BEGINNING. CONTAINING 151,098 SQUARE FEET OR 3.71 ACRES.

0 HIGH STREET PARCEL NUMBER 001119-00005

PROPERTY AS DESCRIBED IN BOOK B-174 AND BOOK 264, PAGE 302 AS RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, TO WHICH REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

0 HIGH STREET PARCEL NUMBER 001119-00006

BEGINNING AT A POINT IN THE CITY OF MEMPHIS PROPERTY THAT POINT HAVING LAMBERT GRID COORDINATES OF N301 401.28 AND E793 368.98 AND BEING THE MOST SOUTHEASTERN POINT OF THE CITY OF MEMPHIS PROPERTY: THENCE SOUTH 85 DEGREES 26 MINUTES 19 SECONDS EAST A DISTANCE OF 0.60 FEET TO THE NORTHWESTERLY LINE OF HIGH STREET (66 FEET WIDE): THENCE SOUTH 42 DEGREES 51 MINUTES 07 SECONDS WEST A DISTANCE OF 135.26 FEET WITH THE NORTHWESTERLY LINE OF HIGH STREET TO THE INTERSECTION OF THE PROPOSED INTERSTATE HIGHWAY RIGHT-OF-WAY; THENCE WITH THE RIGHT -OF-WAY OF THE INTERSTATE HIGHWAY NORTH 74 DEGREES 07 MINUTES 55 SECONDS WEST A DISTANCE OF 302.92 FEET TO AN ANGLE POINT IN SAID RIGHT-OF WAY; THENCE NORTH 57 DEGREES 25 MINUTES 50 SECONDS WEST A DISTANCE OF 31.74 FEET TO THE CITY OF MEMPHIS PROPERTY NORTH 44 DEGREES 15 MINUTES EAST A DISTANCE OF 106.08 FEET TO AN ANGLE POINT: THENCE SOUTH 45 DEGREES 42 MINUTES EAST A DISTANCE OF 75.0 FEET TO AN ANGLE POINT: THENCE NORTH 44 DEGREES 15 MINUTES EAST A DISTANCE OF 92.0 FEET TO AN ANGLE POINT: THENCE SOUTH 08 DEGREES 41 MINUTES 30 SECONDS EAST A DISTANCE OF 115.0 FEET TO AN ANGLE POINT; THENCE NORTH 83 DEGREES 23 MINUTES EAST 202.80 FEET TO THE POINT OF BEGINNING. CONTAINING 29,007 SQUARE FEET.



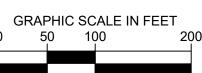
0 LANE AVENUE, MEMPHIS, TENNESSEE PARCEL NUMBER 001130-00002

BEGINNING AT THE MOST SOUTHWEST CORNER OF PARCEL NO. 24 IN THE NORTHEASTERLY LINE OF NEW LANE AVENUE (66 FEET WIDE) AT STATION 13 PLUS 96 (SAID BEGINNING POINT HAVING LAMBERT GRID COORDINATES OF N301 758.00 AND E793 379.98) AND RUNNING THENCE NORTHWESTWARDLY WITH THE SOUTHEAST LINE OF PARCEL NO. 24 ON A BEARING OF NORTH 54 DEGREES 05 MINUTES 38 SECONDS EAST A DISTANCE OF 470.02 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF THE L&N R.R., SAID RIGHT -OF- WAY LINE BEING 25 FEET SOUTH OF THE CENTERLINE OF THE MAIN TRACK; THENCE EASTWARDLY WITH SAID SOUTH RIGHT-OF-WAY LINE BEING 25 FEET SOUTH OF THE CENTERLINE OF THE MAIN TRACK: THENCE EASTWARDLY WITH SAID SOUTH RIGHT-OF-WAY LINE ON A BEARING OF SOUTH 70 DEGREES 24 MINUTES 08 SECONDS EAST A DISTANCE OF 25.18 FEET TO AN INTERSECTION WITH A WEST LINE OF WINCHESTER PARK; THENCE WITH SAID LINE SOUTH 3 DEGREES 23 MINUTES 3D SECONDS WEST 114.84 FEET: THENCE NORTH 70 DEGREES 13 MINUTES WEST 96.04 FEET: THENCE SOUTH 1 DEGREE 57 MINUTES EAST 97 FEET TO A POINT: THENCE SOUTH 40 DEGREES 39 MINUTES WEST 85 FEET TO A POINT: THENCE SOUTH 68 DEGREES 09 MINUTES WEST 22 FEET TO A POINT: THENCE NORTH 87 DEGREES 36 MINUTES WEST 93 FEET TO A POINT: THENCE NORTH 57 DEGREES 21 MINUTES WEST 40 FEET TO A POINT; THENCE SOUTH 41 DEGREES 39 MINUTES WEST 46 FEET TO A POINT; THENCE SOUTH 51 DEGREES 39 MINUTES WEST 39 FEET TO A POINT; THENCE SOUTH 73 DEGREES 39 MINUTES WEST 37.40 FEET TO APPOINT IN THE NORTHEASTERLY LINE OF LANE AVENUE; THENCE NORTHWESTWARDLY WITH THE NORTHEAST LINE OF LANE AVENUE AND BY A CURVE TO THE RIGHT WHOSE RADIUS IS 417 FEET A DISTANCE OF 11.26 FEET AS MEASURE ALONG THE ARC OF SAID CURVE TO THE END OF THE CURVE; THENCE CONTINUING WITH THE NORTHWEST LINE OF LANE AVENUE NORTH 21 DEGREES 15 MINUTES WEST A DISTANCE OF 19.04 FEET TO THE BEGINNING.

PARCEL NUMBER 001130 00001. BEING PARCEL 24 OF THE SUBDIVISION OF THE JACKSON AVENUE AREA AS RECORDED IN PLAT BOOK 26, PAGES 31 AND 32 AT THE SHELBY COUNTY REGISTER'S OFFICE IN MEMPHIS, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF ST. JUDE PLACE (66' ROW) WITH THE EAST LINE OF DANNY THOMAS BOULEVARD (ROW VARIES); THENCE N37°22'49"E ALONG THE SAID EAST LINE A DISTANCE OF 151.44 FEET TO A POINT IN THE SOUTH LINE OF THE FORMER L & N RAILROAD (ROW VARIES): THENCE \$70°24'08"E ALONG THE SAID SOUTH LINE A DISTANCE OF 316.10 FEET TO A POINT: THENCE S87°39'08"E CONTINUING ALONG THE SAID SOUTH LINE A DISTANCE OF 84.35 FEET TO A POINT; THENCE S70°24'08"E CONTINUING ALONG THE SAID SOUTH LINE A DISTANCE OF 202.47 FEET TO A POINT IN THE NORTHWEST CORNER OF PARCEL 23 OF THE SUBDIVISION OF THE JACKSON AVENUE AREA AS RECORDED IN PLAT BOOK 26, PAGES 31 AND 32; THENCE S54°05'38"W ALONG THE WEST LINE OF SAID PARCEL 23 A DISTANCE OF 470.02 FEET TO A POINT IN THE SAID NORTH LINE OF ST. JUDE PLACE; THENCE N2L°15'00"W ALONG THE SAID NORTH LINE A DISTANCE OF 68.78 FEET TO A POINT OF CURVATURE; THENCE ALONG A 483.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 383.18 FEET (CHORD N43°58'13"W 373.21 FEET) TO THE POINT OF BEGINNING AND CONTAINING 129,314 SQUARE FEET OR 2.970 ACRES OF LAND.





PER F.E.M.A. PANEL 47157C0270F. THIS PROPERTY IS LOCATED IN ZONE X. PROTECTED BY LEVEE

CLOSURE PLAT

ST JUDE PLACE

CASE NUMBER: PENDING

CITY OF MEMPHIS, SHELBY COUNTY, TN

NUMBER OF LOTS: 1	ACREAGE: ±1.11	ACRES	ZONING: HDR/ULI
OWNER: 501 ST JUDE PL MEMPHIS, TN 38105		ENGINEER: Kinley Horn 6750 POPLAR AVENUE, SUITE 600 MEMPHIS, TN 38138	
100 YR FLOOD ELEV:	FEMA MAP PANEL NUMBER:		FEMA MAP DATE:
232 LEVEE PROTECTED	47157C0270F		FEBRUARY 6, 2007
DATE:	SCALE:		
MARCH 2023	AS SF	IOWN	SHEET <u>1</u> OF <u>1</u>



AMERICAN LEBANESE SYRAIN ASSOCIATED AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED STATE OF TENNESSEE 501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED STATE OF TENNESSEE 501 ST JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOC CHARITIES 501 ST JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATEDSTATE OF TENNESSEE501SAINT JUDE PL #170 N MAIN ST # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOC OF 501 SAINT JUDE PL # MEMPHIS TN 38103

AMERICAN LEBANESE SYRIAN ASSOCIATED CITY OF MEMPHIS 501 SAINT JUDE PALACE # MEMPHIS TN 38103

AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

501 SAINT JUDE PL # MEMPHIS TN 38105

170 N MAIN ST # MEMPHIS TN 38103

170 N MAIN ST # MEMPHIS TN 38103

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

MEMPHIS TN 38103

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

125 N MAIN ST # MEMPHIS TN 38103

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

TENNESSEE STATE OF 558 ALABAMA AVE # MEMPHIS TN 38105

MIGLIARA LAWRENCE JR 673 CYPRESS DR # MEMPHIS TN 38112

TLC PROPERTIES INC 1600 CENTURY CENTER PKWY # MEMPHIS TN 38134

CENTER MEMPHIS PROPERTIES LLC 1910 MADISON AVE # MEMPHIS TN 38104

BUTLER PROPERTIES LLC 1027 S YATES RD # MEMPHIS TN 38119

HAYWOOD RUBY 381 JONES ST # MEMPHIS TN 38105

STATE OF TENNESSEE 170 N MAIN ST # MEMPHIS TN 38103

AMERICAN LEBANESE SYRIAN ASSOCIATED CHRISTIAN VICKI DOROTHEA
 501
 SAINT JUDE PL #
 675
 LANE AVE #

 MEMPHIS TN 38105
 MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED POINDEXTER LORETTA 501 SAINT JUDE PL # MEMPHIS TN 38105

671 LANE AVE # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED AMERICAN LEBANESE SYRIAN CHARITIES INC 501 SAINT JUDE PL # 501 SAINT JUDE PL # MEMPHIS TN 38105

MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBABESE SYRIAN ASSOCIATED AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # 501 SAINT JUDE PL # MEMPHIS TN 38105

MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED CTY OF MEMPHIS WINCHESTER CMTY 501 SAINT JIDE PL # MEMPHIS TN 38105

125 N MAIN ST # MEMPHIS TN 38103

AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

AMERICAN LEBANESE SYRIAN ASSOCIATED 501 SAINT JUDE PL # MEMPHIS TN 38105

CENTER MEMPHIS PROPERTIES LLC 1755 KIRBY PKWY # MEMPHIS TN 38120

MIGLIARA VINCENZINA ETAL 673 CYPRESS DR # MEMPHIS TN 38112

001118 00002C - AMERICAN LEBANESE SYRIAN ASSOCIATED 001119 00004 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001119 00005 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001119 00006 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001119 00008 - STATE OF TENNESSEE 001126 00035 - STATE OF TENNESSEE 001128 00002 - TENNESSEE STATE OF 001128 00003 - TENNESSEE STATE OF 001128 00004 - STATE OF TENNESSEE 001128 00005 - STATE OF TENNESSEE 001128 00006 - CITY OF MEMPHIS 001128 00007 - TENNESSEE STATE OF 001128 00008 - TENNESSEE STATE OF 001128 00009 - TENNESSEE STATE OF 001128 00010 - TENNESSEE STATE OF 001128 00011 - TENNESSEE STATE OF 001128 00034 - TENNESSEE STATE OF 001129 00001 - MIGLIARA LAWRENCE JR 001129 00003 - TLC PROPERTIES INC 001129 00004 - CENTER MEMPHIS PROPERTIES LLC 001129 00005C - BUTLER PROPERTIES LLC 001129 00007C - HAYWOOD RUBY 001129 00009 - STATE OF TENNESSEE 001129 00010 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00011 - AMERICAN LEBANESE SYRIAN ASSOCIATED

001129 00012 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00013 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00014 - AMERICAN LEBABESE SYRIAN ASSOCIATED 001129 00015 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00016 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00018 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001129 00019 - CENTER MEMPHIS PROPERTIES LLC 001129 00021 - MIGLIARA VINCENZINA ETAL 001129 00022 - CHRISTIAN VICKI DOROTHEA 001129 00023 - POINDEXTER LORETTA 001130 00001 - AMERICAN LEBANESE SYRIAN CHARITIES INC 001130 00002 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001130 00003 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001130 00011 - CTY OF MEMPHIS WINCHESTER CMTY 001095 00002C - AMERICAN LEBANESE SYRIAN ASSOCIATED 001095 00002Z - AMERICAN LEBANESE SYRIAN ASSOCIATED 001095 00003 - AMERICAN LEBANESE SYRIAN ASSOC CHARITIES 001095 00005C - AMERICAN LEBANESE SYRIAN ASSOCIATED 001108 00004 - AMERICAN LEBANESE SYRIAN ASSOCIATED 001108 00005C - AMERICAN LEBANESE SYRIAN ASSOC OF 001041 00001C - AMERICAN LEBANESE SYRAIN ASSOCIATED



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.

180802 08/08/2018	238 02:06 F			
8 PGS				
TAMMY 1769367-18080238				
VALUE	332500			
MORTGAGE TAX				
TRANSFER TAX	1230			
RECORDING FEE	40			
DP FEE				
REGISTER'S FEE				
WALK THRU FEE				
	1234			

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080238

This instrument prepared by: Monice Hagler, Esquire HAGLER LAW GROUP, PLLC 2650 Thousand Oaks Boulevard Suite 2140 Memphis, Tennessee 38118 (901) 290-6620

Memphis Real Estate Departm V. Main Street, Pm Stop Return to: { Memphis, Tennessee 38103

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into on this, the <u>3/</u> day of July, 2018, by the **CITY OF MEMPHIS**, a Tennessee Municipality, ("Grantor") whose address is 125 N. Main Street, Room 568, Memphis, TN 38103 and **AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES, INC., aka ALSAC**, a Tennessee not for profit corporation ("Grantee") whose address is 501 St. Jude Place, Memphis, Tennessee 38105.

WITNESSESTH:

A. Grantor holds legal title to those certain real properties commonly known as 0 Lane (parcel number 001119-00004; 0 High Street (parcel number 001119-00005); 0 High Street (parcel number 001119-00006); 0 Lane (parcel number 00113-00002); 0 Railroad (parcel number 001130-00003); 435 N Manassas (parcel number 001130-00004); and 425 N Manassas (parcel number 001130-00005) (property addresses may vary) and are more particularly described in Exhibit A attached hereto and situated in the County of Shelby, Tennessee (the "Property"):

Being the same properties conveyed to Grantor by Deeds of record at Book 4914, Page 251 dated September 13, 1962; Book 4914, Page 265 dated September 13, 1962; Instrument Number B-174; Book 264, Page 302 dated August 8, 1898; Book 4914, Page 257 dated September 13, 1962 and filed in the Register's Office of Shelby County, Tennessee.

B. Property is being sold by Grantor to Grantee "AS-IS, WHERE IS" with all faults, with no representation or warranty whatsoever, express or implied as to the condition of the property or any other matter relating to the property. Grantor desires to convey to Grantee in fee simple all of its right, title and interest in and to the Property with exceptions to title being described herein as attached **Exhibit B**, "Exceptions to Title."

NOW, THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto Grantee, its heirs, successors and assigns, in fee simple the Property;

TO HAVE AND TO HOLD the Property, together with all the rights of way, easements, rights, privileges, appurtenances, hereditaments, improvements, estate, title interests and claims thereunto belonging or in any wise appertaining thereto, at law or in equity, forever.

Notwithstanding the foregoing, this conveyance is subject to all those matters shown on Exhibit B, attached hereto.

Grantor hereby covenants with Grantee that the title to the afore-described real estate and the quiet enjoyment thereof it will warrant and forever defend against the lawful claims of all persons whomsoever claiming by, through or under Grantor, and such persons only; and that Grantor will execute such further assurances of the Property as may be required.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by his or her own hand or its duly authorized representative on the day and year first above written.

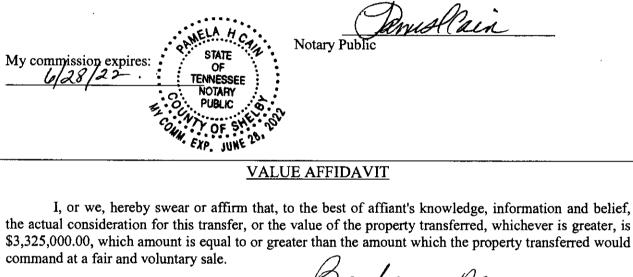
Grantor: f Membhi Jim Strickland 'Mavor APPROVED: **Sttornev** MEST: Comn VA N City Engineer ctor of General Service

Real Estate Manager

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and County duly commissioned and qualified personally appeared JIM STRICKLAND, Mayor of the City of Memphis, with whom I am personally acquainted, and who, upon his oath, acknowledges himself to be the Mayor of the City of Memphis, the within named bargainor, a Municipal Corporation of the State of Tennessee, and that he as such Mayor of said City, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such Mayor of said City.

WITNESS my hand and Notarial Seal at office on this, the *3*/ day of July, 2018.



Affiant Subscribed and sworn to before me on this, the 2018. MANHAMMAN My commiss O A THIN SHELBY COUL COMMISSION EXPIRES

· · ·

.

Property Address (and Tax Parcel No.):	Name and Address of Grantor, and Mail Tax Bills To:
0 Lane (parcel number 001119-00004;	American Lebanese Syrian Associated Charities, Inc. 501 St. Jude Place
0 High Street (parcel number 001119- 00005);	MEMPHIS, TN 38105
0 High Street (parcel number 001119- 00006);	
0 Lane (parcel number 00113-00002);	
0 Railroad (parcel number 001130-00003);	
435 N Manassas (parcel number 001130- 00004);	
425 N Manassas (parcel number 001130- 00005)	
(STREET NAMES MAY VARY)	

EXHIBIT A – LEGAL DESCRIPTION

0 Lane, Memphis, TN Parcel Number 001119-00004

BEGINNING at a point in the southerly right-of-way of Lane Avenue (66 feet wide), said point have coordinates of N301 723.51 and E793 322.59 and a station of 14 / 07.36 as measured along the center line of Lane Avenue and being 80.14 feet south 21 degrees 15 minutes East from the point of tangency of a curve in the south line of Lane Avenue As measured along the south line of Lane Avenue; thence South 68 degrees 45 minutes West a distance of 4.76 feet to the most north-easterly corner of the City of Memphis Shops (Not to be acquired parcel); thence with the property line of the City of Memphis Shops South 78 degrees 16 minutes West a distance 31.03 feet to an angle point; thence 71 degrees 29.0 feet to an angle point; thence North 89 degrees 30 minutes West a distance of 54.0 feet to an angle point; thence North 63 degrees 00 minutes West a distance of 39.0 feet to an angle point; thence North 30 degrees 30 minutes West a distance of 63.0 feet to an angle point; thence South 82 degrees 59 minutes West a distance of 30.0 feet to the most northwestern point of the City of Memphis Shops; thence with the westerly line of the City of Memphis Shops South 07 degrees 01 minutes East 48.08' to an angle point in said line: thence South 44 degrees 15 minutes West a distance of 366.24 feet to the north right-of-way line of the Interstate Highway; thence North 57 degrees 23 minutes 50 seconds West with the north right-of-way line of the Interstate Highway a distance of 163.97 feet to an angle point in the Interstate Highway; thence North 18 degrees 32 minutes 30 seconds East a distance of 166.65 feet to an angle point; thence North 43 degrees 53 minutes 34 seconds East a distance of 206.79 feet to an angle point in the Interstate Highway right-of-way; thence North 36 degrees 58 minutes East a distance of 132.49 feet to an angle point; thence North 13 degrees 19 minutes East a distance of 79.31 feet to the South line of Lane Avenue; thence by a curve to the right whose radius is 417 feet a distance of 321.43 feet as measured along the arc of said curve to the point of tangency; thence with the south line of Lane Avenue South 21 degrees East a distance of 80.14 feet to the point of beginning. Containing 151,098 square feet or 3.71 acres.

0 High Street Parcel Number 001119-00005

Property as described in Book B-174 and Book 264, Page 302 as recorded in the Register's Office of Shelby County, Tennessee, to which reference is hereby made for a more particular description of said property.

0 High Street Parcel Number 001119-00006

BEGINNING at a point in the City of Memphis property that point having Lambert Grid coordinates of N301 401.28 and E 793 368.98 and being the most southeastern point of the City of Memphis property; thence South 85 degrees 26 minutes 19 seconds East a distance of 0.60 feet to the northwesterly line of High Street (66 feet wide); thence South 42 degrees 51 minutes 07 seconds West a distance of 135.26 feet with the northwesterly line of High Street to the

intersection of the proposed Interstate Highway right-of-way; thence with the right -of-way of the Interstate Highway North 74 degrees 07 minutes 55 seconds West a distance of 302.92 feet to an angle point in said right-of way; thence North 57 degrees 25 minutes 50 seconds West a distance of 31.74 feet to the City of Memphis property North 44 degrees 15 minutes East a distance of 106.08 feet to an angle point; thence South 45 degrees 42 minutes East a distance of 75.0 feet to an angle point; thence North 44 degrees 15 minutes East a distance of 92.0 feet to an angle point; thence South 08 degrees 41 minutes 30 seconds east a distance of 115.0 feet to an angle point; thence North 83 degrees 23 minutes East 202.80 feet to the point of beginning. Containing 29,007 square feet.

0 Lane Avenue, Memphis, Tennessee

Parcel Number 001130-00002

BEGINNING at the most southwest corner of Parcel No. 24 in the northeasterly line of New Lane Avenue (66 feet wide) at Station 13 plus 96 (said beginning point having Lambert Grid coordinates of N301 758.00 and E793 379.98) and running thence northwestwardly with the southeast line of Parcel No. 24 on a bearing of north 54 degrees 05 minutes 38 seconds east a distance of 470.02 feet to a point in the south right-of-way line of the L&N R.R., said right -ofway line being 25 feet south of the centerline of the main track; thence eastwardly with said south right-of-way line being 25 feet south of the centerline of the main track; thence eastwardly with said south right-of-way line on a bearing of south 70 degrees 24 minutes 08 seconds east a distance of 25.18 feet to an intersection with a west line of Winchester Park; thence with said line south 3 degrees 23 minutes 36 seconds west 114.84 feet; thence north 70 degrees 13 minutes west 96.04 feet; thence south 1 degree 57 minutes east 97 feet to a point; thence south 40 degrees 39 minutes west 85 feet to a point; thence south 68 degrees 09 minutes west 22 feet to a point; thence north 87 degrees 36 minutes west 93 feet to a point; thence north 57 degrees 21 minutes west 40 feet to a point; thence south 41 degrees 39 minutes west 46 feet to a point; thence south 51 degrees 39 minutes west 39 feet to a point; thence south 73 degrees 39 minutes west 37.40 feet to appoint in the northeasterly line of Lane Avenue; thence northwestwardly with the northeast line of Lane Avenue and by a curve to the right whose radius is 417 feet a distance of 11.26 feet as measure along the arc of said curve to the end of the curve; thence continuing with the northwest line of Lane Avenue north 21 degrees 15 minutes west a distance of 19.04 feet to the beginning.

A 30 ft. wide Drainage Easement for Quimby Bayou Culvert is reserved along and adjacent to the N.W. Line for a major portion of its length, curving eastwardly near the Northerly end of the parcel and curving westwardly into Parcel No. 24 and Lane Avenue near the southerly end of the parcel.

Containing 37,015 square feet.

0 Railroad, Memphis, Tennessee

Parcel Number 001130-00003

Part of the Josiah Jackson 7 acres more or less in Country Lot 517, more particularly described as follows:

BEGINNING at a point in the north line of Louisville and Nashville Railroad Right-of-Way and the dividing line between Country Lots 516 and 517; thence in the southerly direction along the aforesaid dividing line 149.3 feet, more or less, to appoint in the north line of "Winchester Cemetery" property; thence in the westerly direction along the aforesaid north line 222 feet; more of less, to a point in the east line for the Saint Subdivision; thence in a northerly direction along the aforesaid east line to a point in the north line of the aforesaid Railroad Right-of-Way; thence in a southeasterly direction along the north line of the Railroad Right-Of-Way 235.5 feet more or less, to the point of beginning. Including herein but excluding therefrom any portion of the above description of land owned by aforesaid Railroad Company and being all of the property remaining in the name of the Tennessee Lumber & Building Material Company, Inc. and being the same property conveyed to the grantor herein by Warranty Deed of Record in Book 4514, Page 374, of the Register's Office of Shelby County, Tennessee. This conveyance is made subject to that part of the property in the Right-of-Way of the L & N Railroad.

435 N Manassas Street AND 425 N Manassas Street Parcel Number 001130-00004 Parcel Number 001130-00005

Two properties as described in Warranty Deed Book 4623, Page 96, as recorded in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080238

EXHIBIT B – EXCEPTIONS

۰ ۲۰

All matters of record and all taxes and similar items not yet due and payable including those Easements found of record at Plat Book 26, Page 31 and 32; Plat Book 25, Pages 35 and 36; 16080125; 17023960; 17023961; Plat Book 25, Pages 35 and 36, filed in the Register's Office of Shelby County, Tennessee.

Declaration of Conditions, Covenants and Restrictions at 4808-57-67, filed in the Register's Office of Shelby County, Tennessee.

.

.

.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 15046088



 \mathfrak{Z}'

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.

	046088
05/18/20 4 PGS	15 - 08:27 AM
	15046088
VALUE	660000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2442.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMDUNT	2465.00
TOM I	EATHERWOOD os shelby county tennessee

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: http://register.shelby.tn.us Email: Tom.Leatherwood@shelbycountytn.gov Join us on Facebook

Instrument prepared by and Return To: **City of Memphis Real Estate Office** 125 N. Main Street Suite 568 Memphis, TN 38103

5

÷

664 ST. JUDE PLACE QUIT CLAIM DEED

THIS INDENTURE made and entered into this \underline{B} day of \underline{M} day of \underline{M} , 20<u>5</u> by and between the **City of Memphis**, a Municipal Corporation in the State of Tennessee, hereinafter referred to as Grantor; and **American Lebanese Syrian Charities**, Inc. ("ALSAC"), hereinafter referred to as Grantee;

WITNESSETH:

Pursuant to Resolution adopted by the Council of the City of Memphis on February 3, 2015, for and in consideration of the sum of "Six Hundred Sixty Thousand dollars (\$660,000.00)", from the Grantee, receipt of which is hereby acknowledged, the Grantor hereby conveys and quitclaims unto the Grantee all of its right, title and interest, less and except as provided below, in and to all of the real property located in the County of Shelby, City of Memphis, State of Tennessee, known as <u>664 St. Jude Place</u>, Parcel ID#001130 00001, identified by the Shelby County Tax Assessor as Ward 001, Block 130, Parcel 0001, recorded in book # 4914 page # 261, containing 3.99 acres, more or less, together with all rights, privileges, and appurtenances belonging or appertaining to such land. Such real property being more particularly described to wit:

Being Parcel 24 of the Subdivision of the Jackson Avenue Area as recorded in Plat Book 26, Pages 31 and 32 at the Shelby County Register's Office in Memphis, Tennessee and being more particularly described as follows:

Beginning at the intersection of the north line of St. Jude Place (66' ROW) with the east line of Danny Thomas Boulevard (ROW Varies); thence N37°22'49"E along the said east line a distance of 151.44 feet to a point in the south line of the former L & N Railroad (ROW Varies); thence S70°24'08"E along the said south line a distance of 316.10 feet to a point; thence S87°39'08"E continuing along the said south line a distance of 84.35 feet to a point; thence S70°24'08"E continuing along the said south line a distance of 202.47 feet to a point in the northwest corner of Parcel 23 of the Subdivision of the Jackson Avenue Area as recorded in Plat Book 26, Pages 31 and 32; thence S54°05'38"W along the west line of said Parcel 23 a distance of 470.02 feet to a point in the said north line of St. Jude Place; thence N21°15'00"W along the said north line a distance of 68.78 feet to a point of curvature; thence along a 483.00 foot radius curve to the left an arc distance of 383.18 feet (chord N43°58'13"W 373.21 feet) to the point of beginning and containing 129,314 square feet or 2.970 acres of land.

The former L&N RR now abandoned and used as a private driveway known as Gene Logan Drive and further described in metes and bounds as being part of the former L & N Railroad property east of Danny Thomas Boulevard in Memphis, Tennessee and being more particularly described as follows:

Beginning at the intersection of the south line of former L & N Railroad (ROW Varies) with the east line of Danny Thomas Boulevard (ROW Varies); thence N37°22'49"E along the said east line a distance of 52.51 feet to a point; thence N28°10'00"E continuing along the said east line a distance of 50.56 feet to a point in the north line of the said former L & N Railroad, said point also being in the southwest corner of Lot 22A of the Re-subdivision of Lots 20, 21, & 22 of Jackson Avenue Area Subdivision as recorded in Plat Book 180, Page 17; thence along the said north line of former L & N Railroad the following courses: S70°24'08"E a distance of 280.31 feet; S10°24'08"E a distance of 28.87 feet; S70°24'08"E a distance of 241.98 feet; S70°45'23"E a distance of 38.52 feet to a point; thence S19°14'37"W leaving said north line a distance of 50.22 feet

to a point in the said south line of former L & N Railroad, said point also being in the northeast corner of Parcel 24 of the Jackson Avenue Area Subdivision as recorded in Plat Book 26, Page 32; thence along the said south line of former L & N Railroad the following courses: N70°24'08"W a distance of 202.47 feet; N87°39'08"W a distance of 84.35 feet; N70°24'08"W a distance of 316.10 feet to the point of beginning and containing 45,245 square feet or 1.039 acres of land.

The Grantor hereby retains easements for existing utilities, sanitary sewer and drainage facilities recorded and unrecorded located in the above described parcels of real property. Grantor makes no claim or warranty relative to the environmental condition of the above described properties.

It is hereby agreed and understood between the parties, Grantee and Grantor, hereto that if the Grantee seeks a change of zoning or use on the property described herein, notice will be given to the Land Use Control Board and the Memphis City Council.

Signatures on the next page

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by the affixing thereto of the signature of the City of Memphis Mayor, the Mayor being authorized to do so.

City of Memphis A C Wharton Jr., May NOS APPROVED: hirly fard Director of Public Works ity Engineer ot enera Real Estate Manager

STATE OF TENNESSEE COUNTY OF SHELBY

14

Before me, the undersigned, a Notary Public within and for said State and County duly commissioned and qualified personally appeared A C WHARTON, JR., Mayor of the City of Memphis, with whom I am personally acquainted, and who, upon his oath, acknowledges himself to be the Mayor of the City of Memphis, the within named bargainor, a Municipal Corporation of the State of Tennessee, and that he as such Mayor of said City, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such Mayor of said City.

Witness my hand and seal at office in Memphis, Shelby County, Tennessee, this the 13th day of March ,2015.

My Commission Expires: 16,2018

M 53

Property Address: 664 St. Jude Memphis, Tennessee, 38105 Property Owner's: ALSAC 501 St. Jude Memphis, TN 38105 Mail Tax Bills to: ALSAC 501 St. Jude Memphis, TN 38105

Ward: 001 Block: 130 Parcel: 001

STATE OF TENNESSEE COUNTY OF SHELBY

* ~•

I, or we, hereby swear or affirm that to the best of Affiant's knowledge, information and belief the actual consideration for this transfer of value of the property transferred, whichever is greater is 660,000.00 which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

SUBSCRIBED AND SWORN TO before me this Ashar

My Commission Expires: MY COMMISSION EXPIRES

an Affiant Lan ħf , 2015 lain Am Notary Public



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.

180802 08/08/2018	238 02:06 F
8 PGS	
TAMMY 1769367-18080238	
VALUE	332500
MORTGAGE TAX	
TRANSFER TAX	1230
RECORDING FEE	40
DP FEE	
REGISTER'S FEE	
WALK THRU FEE	
	1234

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080238

This instrument prepared by: Monice Hagler, Esquire HAGLER LAW GROUP, PLLC 2650 Thousand Oaks Boulevard Suite 2140 Memphis, Tennessee 38118 (901) 290-6620

Memphis Real Estate Departm V. Main Street, Pm Stop Return to: { Memphis, Tennessee 38103

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into on this, the <u>3/</u> day of July, 2018, by the **CITY OF MEMPHIS**, a Tennessee Municipality, ("Grantor") whose address is 125 N. Main Street, Room 568, Memphis, TN 38103 and **AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES, INC., aka ALSAC**, a Tennessee not for profit corporation ("Grantee") whose address is 501 St. Jude Place, Memphis, Tennessee 38105.

WITNESSESTH:

A. Grantor holds legal title to those certain real properties commonly known as 0 Lane (parcel number 001119-00004; 0 High Street (parcel number 001119-00005); 0 High Street (parcel number 001119-00006); 0 Lane (parcel number 00113-00002); 0 Railroad (parcel number 001130-00003); 435 N Manassas (parcel number 001130-00004); and 425 N Manassas (parcel number 001130-00005) (property addresses may vary) and are more particularly described in Exhibit A attached hereto and situated in the County of Shelby, Tennessee (the "Property"):

Being the same properties conveyed to Grantor by Deeds of record at Book 4914, Page 251 dated September 13, 1962; Book 4914, Page 265 dated September 13, 1962; Instrument Number B-174; Book 264, Page 302 dated August 8, 1898; Book 4914, Page 257 dated September 13, 1962 and filed in the Register's Office of Shelby County, Tennessee.

B. Property is being sold by Grantor to Grantee "AS-IS, WHERE IS" with all faults, with no representation or warranty whatsoever, express or implied as to the condition of the property or any other matter relating to the property. Grantor desires to convey to Grantee in fee simple all of its right, title and interest in and to the Property with exceptions to title being described herein as attached **Exhibit B**, "Exceptions to Title."

NOW, THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto Grantee, its heirs, successors and assigns, in fee simple the Property;

TO HAVE AND TO HOLD the Property, together with all the rights of way, easements, rights, privileges, appurtenances, hereditaments, improvements, estate, title interests and claims thereunto belonging or in any wise appertaining thereto, at law or in equity, forever.

Notwithstanding the foregoing, this conveyance is subject to all those matters shown on Exhibit B, attached hereto.

Grantor hereby covenants with Grantee that the title to the afore-described real estate and the quiet enjoyment thereof it will warrant and forever defend against the lawful claims of all persons whomsoever claiming by, through or under Grantor, and such persons only; and that Grantor will execute such further assurances of the Property as may be required.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by his or her own hand or its duly authorized representative on the day and year first above written.

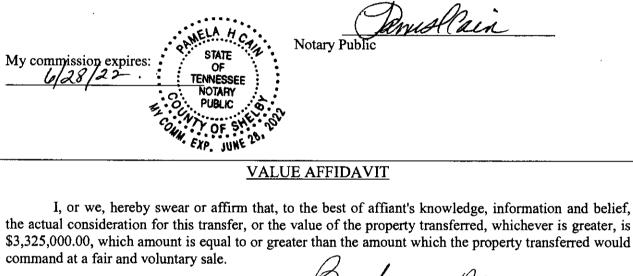
Grantor: f Membhi Jim Strickland 'Mavor APPROVED: **Sttornev** MEST: Comn VA N City Engineer ctor of General Service

Real Estate Manager

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and County duly commissioned and qualified personally appeared JIM STRICKLAND, Mayor of the City of Memphis, with whom I am personally acquainted, and who, upon his oath, acknowledges himself to be the Mayor of the City of Memphis, the within named bargainor, a Municipal Corporation of the State of Tennessee, and that he as such Mayor of said City, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such Mayor of said City.

WITNESS my hand and Notarial Seal at office on this, the 31 day of July, 2018.



Affiant Subscribed and sworn to before me on this, the 2018. MANHAMMAN My commiss O A THIN SHELBY COUL COMMISSION EXPIRES

· · · ·

, ·

.

Property Address (and Tax Parcel No.):	Name and Address of Grantor, and Mail Tax Bills To:
0 Lane (parcel number 001119-00004;	American Lebanese Syrian Associated Charities, Inc. 501 St. Jude Place
0 High Street (parcel number 001119- 00005);	MEMPHIS, TN 38105
0 High Street (parcel number 001119- 00006);	
0 Lane (parcel number 00113-00002);	
0 Railroad (parcel number 001130-00003);	
435 N Manassas (parcel number 001130- 00004);	
425 N Manassas (parcel number 001130- 00005) (STREET NAMES MAY VARY)	

EXHIBIT A – LEGAL DESCRIPTION

0 Lane, Memphis, TN Parcel Number 001119-00004

BEGINNING at a point in the southerly right-of-way of Lane Avenue (66 feet wide), said point have coordinates of N301 723.51 and E793 322.59 and a station of 14 / 07.36 as measured along the center line of Lane Avenue and being 80.14 feet south 21 degrees 15 minutes East from the point of tangency of a curve in the south line of Lane Avenue As measured along the south line of Lane Avenue; thence South 68 degrees 45 minutes West a distance of 4.76 feet to the most north-easterly corner of the City of Memphis Shops (Not to be acquired parcel); thence with the property line of the City of Memphis Shops South 78 degrees 16 minutes West a distance 31.03 feet to an angle point; thence 71 degrees 29.0 feet to an angle point; thence North 89 degrees 30 minutes West a distance of 54.0 feet to an angle point; thence North 63 degrees 00 minutes West a distance of 39.0 feet to an angle point; thence North 30 degrees 30 minutes West a distance of 63.0 feet to an angle point; thence South 82 degrees 59 minutes West a distance of 30.0 feet to the most northwestern point of the City of Memphis Shops; thence with the westerly line of the City of Memphis Shops South 07 degrees 01 minutes East 48.08' to an angle point in said line: thence South 44 degrees 15 minutes West a distance of 366.24 feet to the north right-of-way line of the Interstate Highway; thence North 57 degrees 23 minutes 50 seconds West with the north right-of-way line of the Interstate Highway a distance of 163.97 feet to an angle point in the Interstate Highway; thence North 18 degrees 32 minutes 30 seconds East a distance of 166.65 feet to an angle point; thence North 43 degrees 53 minutes 34 seconds East a distance of 206.79 feet to an angle point in the Interstate Highway right-of-way; thence North 36 degrees 58 minutes East a distance of 132.49 feet to an angle point; thence North 13 degrees 19 minutes East a distance of 79.31 feet to the South line of Lane Avenue; thence by a curve to the right whose radius is 417 feet a distance of 321.43 feet as measured along the arc of said curve to the point of tangency; thence with the south line of Lane Avenue South 21 degrees East a distance of 80.14 feet to the point of beginning. Containing 151,098 square feet or 3.71 acres.

0 High Street Parcel Number 001119-00005

Property as described in Book B-174 and Book 264, Page 302 as recorded in the Register's Office of Shelby County, Tennessee, to which reference is hereby made for a more particular description of said property.

0 High Street Parcel Number 001119-00006

BEGINNING at a point in the City of Memphis property that point having Lambert Grid coordinates of N301 401.28 and E 793 368.98 and being the most southeastern point of the City of Memphis property; thence South 85 degrees 26 minutes 19 seconds East a distance of 0.60 feet to the northwesterly line of High Street (66 feet wide); thence South 42 degrees 51 minutes 07 seconds West a distance of 135.26 feet with the northwesterly line of High Street to the

intersection of the proposed Interstate Highway right-of-way; thence with the right -of-way of the Interstate Highway North 74 degrees 07 minutes 55 seconds West a distance of 302.92 feet to an angle point in said right-of way; thence North 57 degrees 25 minutes 50 seconds West a distance of 31.74 feet to the City of Memphis property North 44 degrees 15 minutes East a distance of 106.08 feet to an angle point; thence South 45 degrees 42 minutes East a distance of 75.0 feet to an angle point; thence North 44 degrees 15 minutes East a distance of 92.0 feet to an angle point; thence South 08 degrees 41 minutes 30 seconds east a distance of 115.0 feet to an angle point; thence North 83 degrees 23 minutes East 202.80 feet to the point of beginning. Containing 29,007 square feet.

0 Lane Avenue, Memphis, Tennessee

Parcel Number 001130-00002

BEGINNING at the most southwest corner of Parcel No. 24 in the northeasterly line of New Lane Avenue (66 feet wide) at Station 13 plus 96 (said beginning point having Lambert Grid coordinates of N301 758.00 and E793 379.98) and running thence northwestwardly with the southeast line of Parcel No. 24 on a bearing of north 54 degrees 05 minutes 38 seconds east a distance of 470.02 feet to a point in the south right-of-way line of the L&N R.R., said right -ofway line being 25 feet south of the centerline of the main track; thence eastwardly with said south right-of-way line being 25 feet south of the centerline of the main track; thence eastwardly with said south right-of-way line on a bearing of south 70 degrees 24 minutes 08 seconds east a distance of 25.18 feet to an intersection with a west line of Winchester Park; thence with said line south 3 degrees 23 minutes 36 seconds west 114.84 feet; thence north 70 degrees 13 minutes west 96.04 feet; thence south 1 degree 57 minutes east 97 feet to a point; thence south 40 degrees 39 minutes west 85 feet to a point; thence south 68 degrees 09 minutes west 22 feet to a point; thence north 87 degrees 36 minutes west 93 feet to a point; thence north 57 degrees 21 minutes west 40 feet to a point; thence south 41 degrees 39 minutes west 46 feet to a point; thence south 51 degrees 39 minutes west 39 feet to a point; thence south 73 degrees 39 minutes west 37.40 feet to appoint in the northeasterly line of Lane Avenue; thence northwestwardly with the northeast line of Lane Avenue and by a curve to the right whose radius is 417 feet a distance of 11.26 feet as measure along the arc of said curve to the end of the curve; thence continuing with the northwest line of Lane Avenue north 21 degrees 15 minutes west a distance of 19.04 feet to the beginning.

A 30 ft. wide Drainage Easement for Quimby Bayou Culvert is reserved along and adjacent to the N.W. Line for a major portion of its length, curving eastwardly near the Northerly end of the parcel and curving westwardly into Parcel No. 24 and Lane Avenue near the southerly end of the parcel.

Containing 37,015 square feet.

0 Railroad, Memphis, Tennessee

Parcel Number 001130-00003

Part of the Josiah Jackson 7 acres more or less in Country Lot 517, more particularly described as follows:

BEGINNING at a point in the north line of Louisville and Nashville Railroad Right-of-Way and the dividing line between Country Lots 516 and 517; thence in the southerly direction along the aforesaid dividing line 149.3 feet, more or less, to appoint in the north line of "Winchester Cemetery" property; thence in the westerly direction along the aforesaid north line 222 feet; more of less, to a point in the east line for the Saint Subdivision; thence in a northerly direction along the aforesaid east line to a point in the north line of the aforesaid Railroad Right-of-Way; thence in a southeasterly direction along the north line of the Railroad Right-Of-Way 235.5 feet more or less, to the point of beginning. Including herein but excluding therefrom any portion of the above description of land owned by aforesaid Railroad Company and being all of the property remaining in the name of the Tennessee Lumber & Building Material Company, Inc. and being the same property conveyed to the grantor herein by Warranty Deed of Record in Book 4514, Page 374, of the Register's Office of Shelby County, Tennessee. This conveyance is made subject to that part of the property in the Right-of-Way of the L & N Railroad.

435 N Manassas Street AND 425 N Manassas Street Parcel Number 001130-00004 Parcel Number 001130-00005

Two properties as described in Warranty Deed Book 4623, Page 96, as recorded in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18080238

EXHIBIT B – EXCEPTIONS

۰ ۲۰

All matters of record and all taxes and similar items not yet due and payable including those Easements found of record at Plat Book 26, Page 31 and 32; Plat Book 25, Pages 35 and 36; 16080125; 17023960; 17023961; Plat Book 25, Pages 35 and 36, filed in the Register's Office of Shelby County, Tennessee.

Declaration of Conditions, Covenants and Restrictions at 4808-57-67, filed in the Register's Office of Shelby County, Tennessee.

.

.

.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 15046088



 \mathfrak{Z}'

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.

	046088
05/18/20 4 PGS	15 - 08:27 AM
	15046088
VALUE	660000.00
MORTGAGE TAX	0.00
TRANSFER TAX	2442.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMDUNT	2465.00
TOM I	EATHERWOOD os shelby county tennessee

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: http://register.shelby.tn.us Email: Tom.Leatherwood@shelbycountytn.gov Join us on Facebook

Instrument prepared by and Return To: **City of Memphis Real Estate Office** 125 N. Main Street Suite 568 Memphis, TN 38103

5

÷

664 ST. JUDE PLACE QUIT CLAIM DEED

THIS INDENTURE made and entered into this \underline{B} day of \underline{M} day of \underline{M} , 20<u>5</u> by and between the **City of Memphis**, a Municipal Corporation in the State of Tennessee, hereinafter referred to as Grantor; and **American Lebanese Syrian Charities**, Inc. ("ALSAC"), hereinafter referred to as Grantee;

WITNESSETH:

Pursuant to Resolution adopted by the Council of the City of Memphis on February 3, 2015, for and in consideration of the sum of "Six Hundred Sixty Thousand dollars (\$660,000.00)", from the Grantee, receipt of which is hereby acknowledged, the Grantor hereby conveys and quitclaims unto the Grantee all of its right, title and interest, less and except as provided below, in and to all of the real property located in the County of Shelby, City of Memphis, State of Tennessee, known as <u>664 St. Jude Place</u>, Parcel ID#001130 00001, identified by the Shelby County Tax Assessor as Ward 001, Block 130, Parcel 0001, recorded in book # 4914 page # 261, containing 3.99 acres, more or less, together with all rights, privileges, and appurtenances belonging or appertaining to such land. Such real property being more particularly described to wit:

Being Parcel 24 of the Subdivision of the Jackson Avenue Area as recorded in Plat Book 26, Pages 31 and 32 at the Shelby County Register's Office in Memphis, Tennessee and being more particularly described as follows:

Beginning at the intersection of the north line of St. Jude Place (66' ROW) with the east line of Danny Thomas Boulevard (ROW Varies); thence N37°22'49"E along the said east line a distance of 151.44 feet to a point in the south line of the former L & N Railroad (ROW Varies); thence S70°24'08"E along the said south line a distance of 316.10 feet to a point; thence S87°39'08"E continuing along the said south line a distance of 84.35 feet to a point; thence S70°24'08"E continuing along the said south line a distance of 202.47 feet to a point in the northwest corner of Parcel 23 of the Subdivision of the Jackson Avenue Area as recorded in Plat Book 26, Pages 31 and 32; thence S54°05'38"W along the west line of said Parcel 23 a distance of 470.02 feet to a point in the said north line of St. Jude Place; thence N21°15'00"W along the said north line a distance of 68.78 feet to a point of curvature; thence along a 483.00 foot radius curve to the left an arc distance of 383.18 feet (chord N43°58'13"W 373.21 feet) to the point of beginning and containing 129,314 square feet or 2.970 acres of land.

The former L&N RR now abandoned and used as a private driveway known as Gene Logan Drive and further described in metes and bounds as being part of the former L & N Railroad property east of Danny Thomas Boulevard in Memphis, Tennessee and being more particularly described as follows:

Beginning at the intersection of the south line of former L & N Railroad (ROW Varies) with the east line of Danny Thomas Boulevard (ROW Varies); thence N37°22'49"E along the said east line a distance of 52.51 feet to a point; thence N28°10'00"E continuing along the said east line a distance of 50.56 feet to a point in the north line of the said former L & N Railroad, said point also being in the southwest corner of Lot 22A of the Re-subdivision of Lots 20, 21, & 22 of Jackson Avenue Area Subdivision as recorded in Plat Book 180, Page 17; thence along the said north line of former L & N Railroad the following courses: S70°24'08"E a distance of 280.31 feet; S10°24'08"E a distance of 28.87 feet; S70°24'08"E a distance of 241.98 feet; S70°45'23"E a distance of 38.52 feet to a point; thence S19°14'37"W leaving said north line a distance of 50.22 feet

to a point in the said south line of former L & N Railroad, said point also being in the northeast corner of Parcel 24 of the Jackson Avenue Area Subdivision as recorded in Plat Book 26, Page 32; thence along the said south line of former L & N Railroad the following courses: N70°24'08"W a distance of 202.47 feet; N87°39'08"W a distance of 84.35 feet; N70°24'08"W a distance of 316.10 feet to the point of beginning and containing 45,245 square feet or 1.039 acres of land.

The Grantor hereby retains easements for existing utilities, sanitary sewer and drainage facilities recorded and unrecorded located in the above described parcels of real property. Grantor makes no claim or warranty relative to the environmental condition of the above described properties.

It is hereby agreed and understood between the parties, Grantee and Grantor, hereto that if the Grantee seeks a change of zoning or use on the property described herein, notice will be given to the Land Use Control Board and the Memphis City Council.

Signatures on the next page

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by the affixing thereto of the signature of the City of Memphis Mayor, the Mayor being authorized to do so.

City of Memphis A C Wharton Jr., May NOS APPROVED: hirly fard Director of Public Works ity Engineer ot enera Real Estate Manager

STATE OF TENNESSEE COUNTY OF SHELBY

14

Before me, the undersigned, a Notary Public within and for said State and County duly commissioned and qualified personally appeared A C WHARTON, JR., Mayor of the City of Memphis, with whom I am personally acquainted, and who, upon his oath, acknowledges himself to be the Mayor of the City of Memphis, the within named bargainor, a Municipal Corporation of the State of Tennessee, and that he as such Mayor of said City, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such Mayor of said City.

Witness my hand and seal at office in Memphis, Shelby County, Tennessee, this the 13th day of March ,2015.

My Commission Expires: 16,2018

M 53

Property Address: 664 St. Jude Memphis, Tennessee, 38105 Property Owner's: ALSAC 501 St. Jude Memphis, TN 38105 Mail Tax Bills to: ALSAC 501 St. Jude Memphis, TN 38105

Ward: 001 Block: 130 Parcel: 001

STATE OF TENNESSEE COUNTY OF SHELBY

* ~•

I, or we, hereby swear or affirm that to the best of Affiant's knowledge, information and belief the actual consideration for this transfer of value of the property transferred, whichever is greater is 660,000.00 which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

SUBSCRIBED AND SWORN TO before me this Ashar

My Commission Expires: MY COMMISSION EXPIRES

an Affiant Lan ħf , 2015 lain Am Notary Public

1. PROPERTY DESCRIPTION OF THE ENTIRETY OF ST JUDE PL BETWEEN DANNY THOMAS BLVD AND LANE AVE IN MEMPHIS, SHELBY COUNTY, TENNESSEE.

TO BE CLOSED AND QUIT CLAIMED ENTIRELY TO AMERICAN LEBANESE SYRIAN ASSOCIATED CHARITIES (ALSAC).

BEGINNING AT THE NORTH CORNER OF THE PARCEL WITH THE ID OF 0011900004 HAVING A NORTHING OF 323404.7200 AND AN EASTING OF 761581.2248 ON THE NAD 83 TENNESSEE STATE PLANE THE POINT OF BEGINNING; THENCE N 14° 37' 33'' E ALONG THE EXISTING ST JUDE PL RIGHT OF WAY A DISTANCE OF 66.89 FEET TO A POINT OF CURVATURE WITH THE WESTERNMOST POINT OF THE PARCEL WITH THE ID OF 00113000001; THENCE SOUTHEASTWARDLY ALONG A CURVE HAVING A RADIUS OF

483.00', A CORD BEARING OF S 43° 53' 20" E, A CORD DISTANCE OF 374.0', AND AN ARC LENGTH OF 384.03' TO A POINT OF TANGENCY; THENCE S 21° 06' 40" E A DISTANCE OF 68.78' TO A POINT OF INTERSECTION; THENCE S 21° 32' 14" E A DISTANCE OF 30.30' TO A POINT OF INTERSECTION; THENCE S 73° 39' 00" W A DISTANCE OF 15.90' TO A POINT OF INTERSECTION; THENCE S 09° 00' 52" E A DISTANCE OF 318.44' TO A POINT OF INTERSECTION; THENCE S 80° 59' 08" W A DISTANCE OF 58.79' TO A POINT OF INTERSECTION; THENCE N 09° 01' 46" W A DISTANCE OF 323.95' TO A POINT OF INTERSECTION; THENCE N 09° 01' 46" W A DISTANCE OF 323.95' TO A POINT OF INTERSECTION; THENCE N 20° 28'54" W 80.14' TO A POINT OF CURVATURE; THENCE NORTHWESTWARDLY ALONG A CURVE HAVING A RADIUS OF 417.00', A CORD BEARING OF N 43° 11' 35" W, A CORD DISTANCE OF 313.53', AND AN ARC LENGTH OF 321.43' TO THE POINT OF COMMENCEMENT CONTAINING 1.11 ACRES OF LAND.



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

April 11, 2024

American Lebanese Syrian Associated Charities (St. Jude) C/O Josh Whitehead Burch, Porter & Johnson 130 North Court Avenue Memphis, TN 3813

Sent via electronic mail to: jwhitehead@bpjlaw.com

Case Number: SAC 2024-005 LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, April 11, 2024, the Memphis and Shelby County Land Use Control Board recommended approval with conditions of your right-of-way vacation application to close and vacate a portion of St. Jude Place east of Danny Thomas Blvd., subject to the following conditions:

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb-cut permit from the City Engineer to cover the above-required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.
- 5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 6. The applicant will modify the existing cul de sac to a 96' diameter to comply with the

Letter to Applicant SAC 2024-005

requirements of IFC 503.2.5 Dead Ends(amended).

The 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) 636-7179 or via email at Latonya.hull@memphistn.gov.

Respectfully,

story HUU

LaTonya Hull, Municipal Planner Land Use and Development Services Division of Planning and Development

Cc: File

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development DIVISION

<u>Planning & Zoning</u> COMMITTEE:

ONE ORIGINAL

ONLY STAPLED

TO DOCUMENTS

DATE 08/06/2024

<u>07/23/2024</u>

		PUBLIC SESSION:	<u>08/06/2024</u> DATE	
ITEM (CHECK ONE) ORDINANCE	X RESOLUTION	I REQUEST FOR P	UBLIC HEARING	
ITEM DESCRIPTION:	X RESOLUTION REQUEST FOR PUBLIC HEARING 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 3487 Poplar Avenue, known as case number SUP 2024- 008			
CASE NUMBER:	SUP 2024-008			
LOCATION:	3487 Poplar Avenue			
COUNCIL DISTRICTS:	District 5 and Super District 9 – Positions 1, 2, and 3			
OWNER/APPLICANT:	Poplar Avenue 3487 Center, LLC/Majors Management, LLC			
REPRESENTATIVE:	Cindy Reaves, SR Consulting, LLC			
REQUEST:	To allow a convenience store with gas pumps			
AREA:	+/-0.9 acres			
RECOMMENDATION:	The Division of Planning and Development recommended <i>Approval with conditions</i> The Land Use Control Board recommended <i>Approval with conditions</i>			
RECOMMENDED COUN	CIL ACTION: Pul	olic Hearing Not Required		
PRIOR ACTION ON ITEM (1)		APPROVAL - (1) APPR	OVED (2) DENIED	
06/13/2024		DATE		
(1) Land Use Control Board		ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE		
<i>FUNDING:</i> (2) \$			ENDITURE - (1) YES (2) NO DITURE	
SOURCE AND AMOUNT (OF FUNDS	OPERATING BUDGET		
<u>\$</u>		CIP PROJECT # FEDERAL/STATE/OTH	IED .	
ADMINISTRATIVE APPR	OVAL:	<u>DATE</u> 07/15/2024	<u>POSITION</u> PRINCIPAL PLANNER	
LaTonya Hull		01/13/2024	DEPUTY ADMINISTRATOR	
QUITE 1/1		-7/15/24	ADMINISTRATOR	
			DIRECTOR (JOINT APPROVAL)	
			COMPTROLLER	
			FINANCE DIRECTOR	
			CITY ATTORNEY	
			CHIEF ADMINISTRATIVE OFFICER	
			COMMITTEE CHAIRMAN	



Memphis City Council Summary Sheet

SUP 2024-008

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 3487 POPLAR AVENUE, KNOWN AS CASE NUMBER SUP 2024-008

- 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, June 13, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2024-008
LOCATION:	3847 Poplar Avenue
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Poplar Avenue 3487 Center, LLC/Majors Management, LLC
REPRESENTATIVE:	Cindy Reaves, SR Consulting, LLC
REQUEST:	To allow a convenience store with gas pumps
EXISTING ZONING:	Commercial Mixed-Use-1 (CMU-1) and University District Overlay
AREA:	+/-0.9 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 9-0-1 on the consent agenda.

Respectfully,

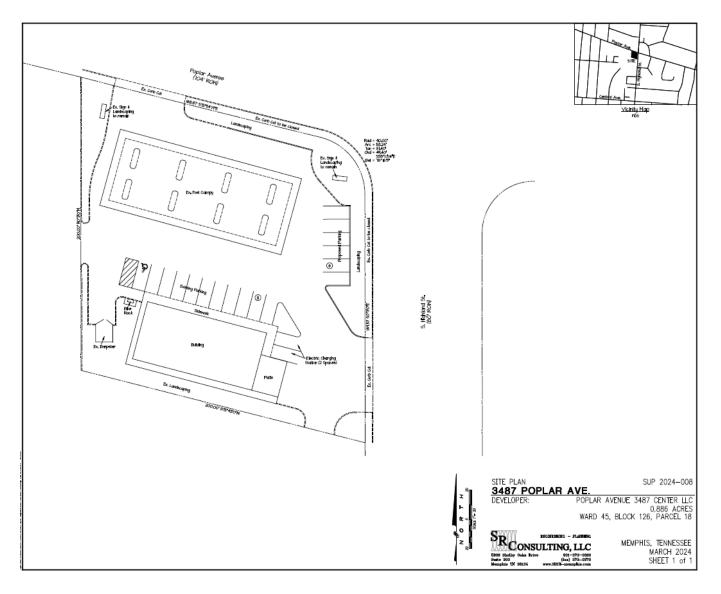
ongo Hell

LaTonya Hull Planner I Land Use and Development Services Division of Planning and Development

Cc: Committee Members File

SUP 2024-008 CONDITIONS

- 1. All conditions approved via BOA 2024-0023 must be met.
- 2. The applicant must provide a final site plan, landscape plan, and elevations for administrative review and approval.
- 3. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.



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 3487 POPLAR AVENUE, KNOWN AS CASE NUMBER SUP 2024-008

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, Majors Management, LLC 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 June 13, 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.

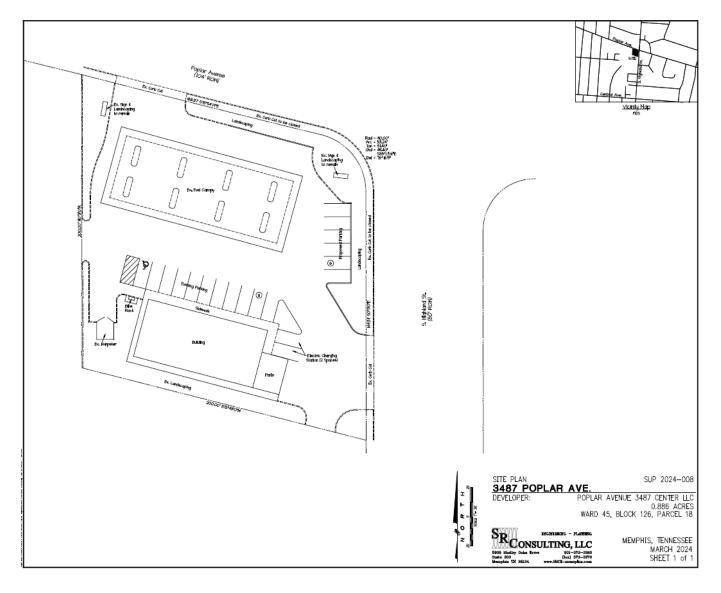
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by 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. All conditions approved via BOA 2024-0023 must be met.
- 2. The applicant must provide a final site plan, landscape plan, and elevations for administrative review and approval.
- 3. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

SITE PLAN



ATTEST:

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

AGENDA ITEM:15L.U.C.B. MEETING: June 13, 2024AGENDA ITEM:SUP 2024-008LOCATION:3487 Poplar Ave.COUNCIL DISTRICT:District 5 and Super District 9 – Positions 1, 2, and 3OWNER/APPLICANT:Majors Management LLCREPRESENTATIVE:SR Consulting LLC

REQUEST:Special use permit to allow a convenience store with gas pumps**EXISTING ZONING:**Commercial Mixed Use-1 (CMU-1) and University District Overlay

CONCLUSIONS

- 1. The applicant is requesting a special use permit to allow a convenience store with gas pumps in the Commercial Mixed Use-1 (CMU-1) District and University District Overlay.
- 2. The applicant has operated a nonconforming convenience store and gas station in the University District Overlay on the subject property for many years. The principal building burned down in 2023. The canopy and gas pumps were not destroyed by the fire and will also remain in their original locations. The applicant desires to rebuild the store in the same location. Per the UDC, to rebuild the site, the development must now comply with UDC regulations which prohibits a convenience store with gas pumps in the Commercial Mixed Use-1 (CMU-1) districts, thus necessitating this request.
- 3. On March 27, 2024, the Board of Adjustment approved with conditions BOA 2024-023 for the subject property which allowed variances from Sub-Section 8.3.6D to allow reduced setbacks, reduced building frontage, and parking between the street and the building, Section 8.3.9 relief from streetscape standards, and Sub-Items 8.3.13G(2)(a)(i), (ii), and (iii) to allow pole signs on the property with changeable copy in the University District Overlay.
- 4. The Board of Adjustment's approval reflects staff recommendations except as it relates to the required streetscape. For the safety of pedestrians and bus riders, staff recommended that the applicant be required to install one of the streetscapes required by the UDC which provides a 13-foot buffer and trees between the public right of way and pedestrians and bus riders waiting on the bus at the corner of Poplar and S. Highland. However, the BOA approved a streetscape with no buffering trees and only an additional 3 feet of sidewalk. Staff disagrees with this design of the streetscape.
- 5. The subject property is located on a corner which is highly commercial in use lending it appropriate for the continued use of the site as a convenience store with gas pumps. Also, given the extenuating circumstances, including the Board of Adjustment approval, staff recommends approval of this request to allow the establishment to be rebuilt in its current location.
- 6. 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.

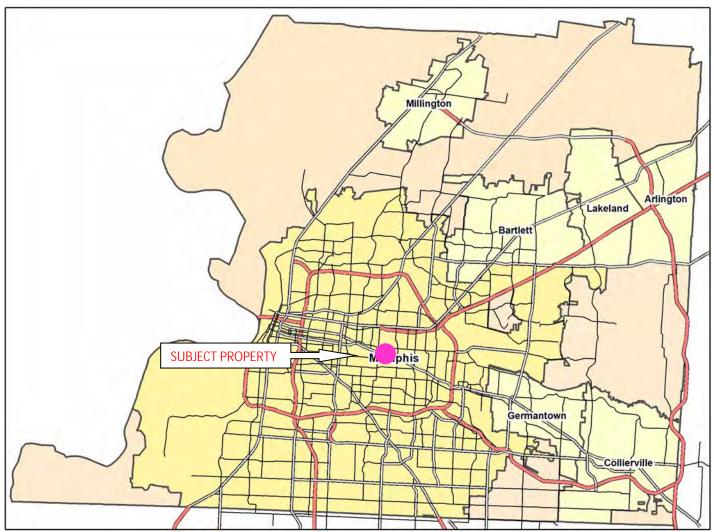
CONSISTENCY WITH MEMPHIS 3.0

This proposal is not consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 20-22 of this report.

RECOMMENDATION:

Approval with conditions

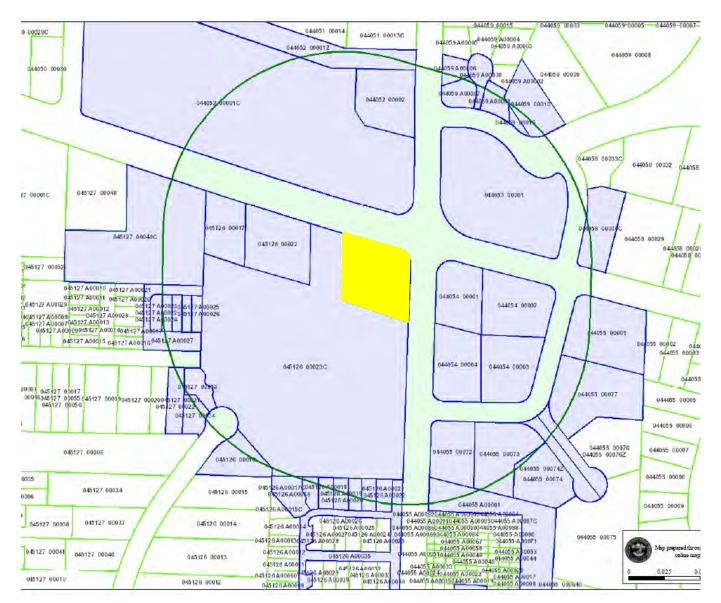
Staff Report SUP 2024-008



Subject property located within the pink circle, University District

Staff Report SUP 2024-008

VICINITY MAP



Site highlighted in yellow

PUBLIC NOTICE DETAILS

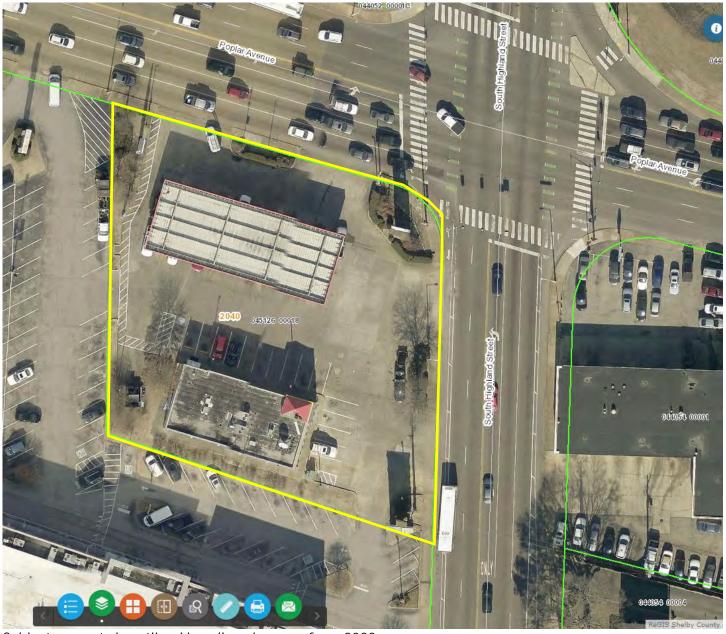
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 46 notices were mailed on May 17, 2024, see pages 23-24 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see page 25 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Wednesday, February 28, 2024, at the Junior League of Memphis, 3475 Central Ave., Memphis, TN.

Staff Report SUP 2024-008

AERIAL



Subject property is outlined in yellow, imagery from 2023.

ZONING MAP



LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Poplar Avenue looking south



View of subject property from S. Highland and Poplar Ave. looking southwest

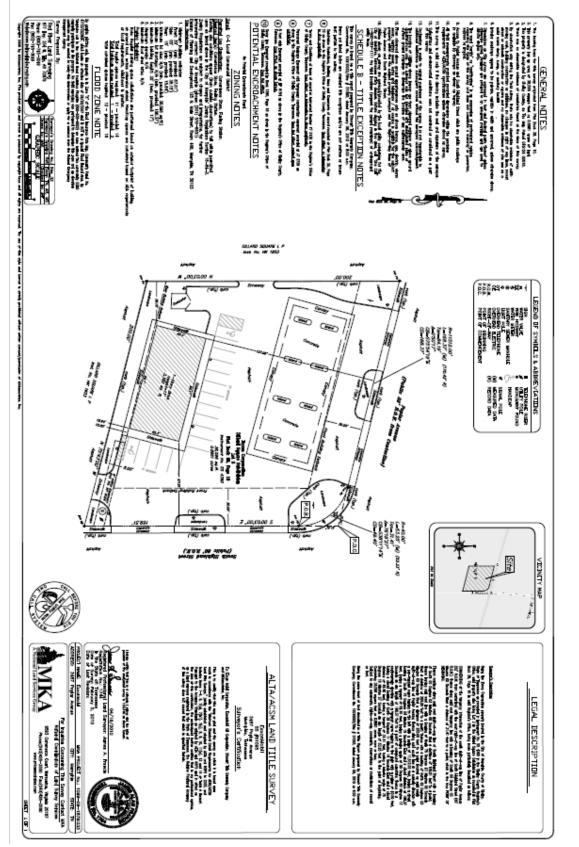


View of subject property from Poplar Avenue looking east

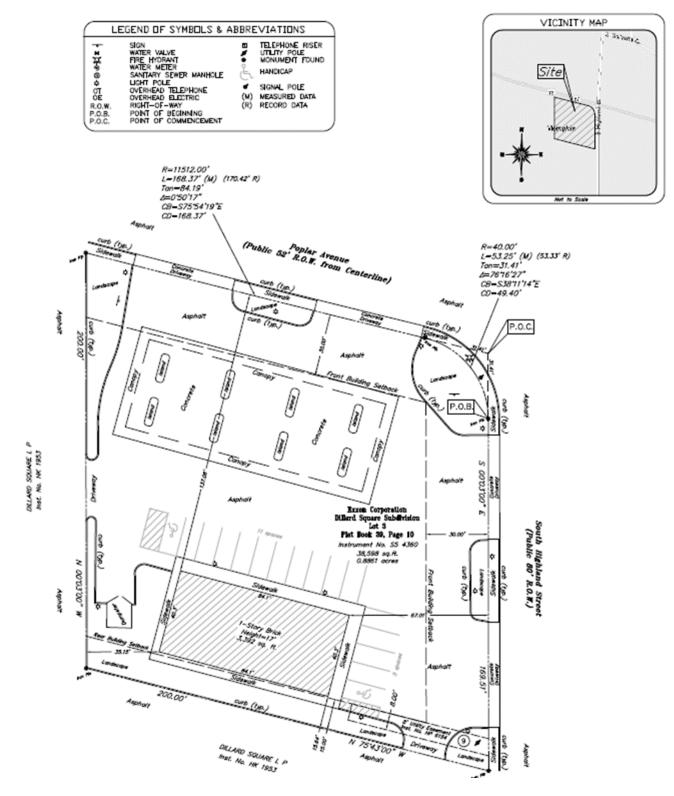


View of subject property from s. Highland looking west

ORIGINAL SURVEY



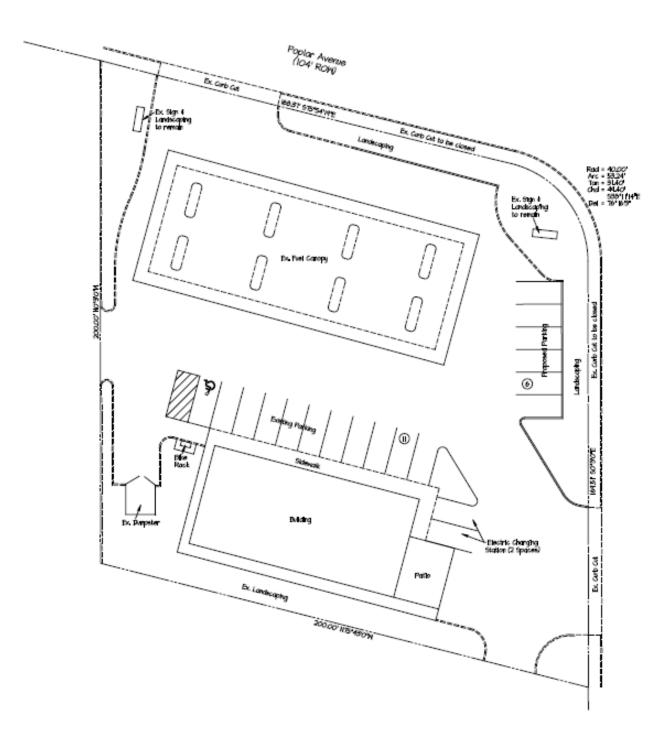
ORIGINAL SURVEY MAGNIFIED



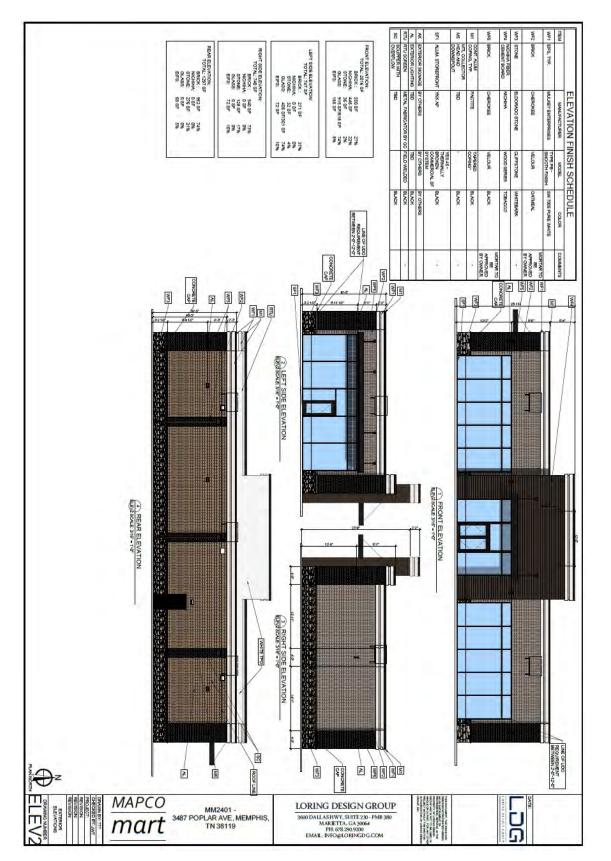
June 13, 2024 Page 11

> s Highland St (80' ROW)

REVISED SITE PLAN



ELEVATIONS



CASE REVIEW

Request

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

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to 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: 3487 Poplar Avenue

Parcel ID: 045126 00018

Area: +/-.9 acres

Description:

June 13, 2024 Page 14

The subject property is known as Lot 03 of the Dillard Square subdivision, with the underlying zoning of Commercial Mixed Use – 1 and is located within the University District Overlay. Per the Assessor's website, the principal structure was built in 1998 and was a single-story convenience food mart with a ground floor area of 3,256 square feet, and a 5,400 square foot canopy area, and gasoline pumps until a fire recently destroyed the convenience store. The surrounding land uses are a mixture of CMU-1, R-6, and RU-3. Additionally, the site has been in use as a filling station as far back as 1939

Site Zoning History

On March 27, 2024, the Board of Adjustments approved with conditions BOA 2024-023 for the subject property which allowed variances from Sub-Section 8.3.6D to allow reduced setbacks, reduced building frontage, and parking between the street and the building, Section 8.3.9 relief from streetscape standards, and Sub-Items 8.3.13G(2)(a)(i), (ii), and (iii) to allow pole signs on the property with changeable copy in the University District Overlay. The conditions are as follows:

- 1. The applicant must install bicycle racks on the site as required by Sub-Section 4.5.3C of the UDC.
- 2. The applicant must expand the sidewalks on S. Highland Street and Poplar Avenue by 3 feet.
- 3. The applicant must remove both pole signs with changeable copy from the site. The applicant may install one monument sign on the site with changeable copy to display gas pricing only. The maximum height of the sign shall be 10', including a 2-foot base, and the maximum width shall be 8'. The applicant may also install one attached sign on the building with a maximum size of 30 square feet, as shown in the site plan. The total allowable signage on the site shall not exceed 96 square feet. No signage shall be allowed on the fuel canopy.
- 4. The applicant must close the two driveways/curb cuts on the property that are closest to the intersection, one on S. Highland and one on Poplar.
- 5. In accordance with Sub-Section 2.6.3.2 of the UDC, the applicant must upgrade the fuel canopy to ensure it is architecturally compatible with the design of the principal building. The support columns shall be sheathed in the same masonry used on the principal building.
- 6. In accordance with Sub-Section 8.3.10.B. of the UDC, Landscaping and screening requirements for trash collection, trash compaction, recycling collection and other similar service areas shall be constructed in the same architectural character and material of the principal building.
- 7. The applicant must provide a final site plan, landscape plan, and elevations for administrative review and approval.
- 8. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.
- 9. If no special use permit permitting a convenience store with fuel pumps at the subject property is approved by October 1, 2024, these variances shall be rendered null and void.

Additionally, the approval rejected the 6 additional parking spaces proposed along S. Highland because the parking spots required per UDC have been met along the building.

Relevant Unified Development Code Clauses

10.2.7 Nonconformities, Damage or Destruction

- A. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 75% of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless the structure and the use will conform to all regulations of the district in which the structure and use are located. The prohibition against restoration within this Sub-section shall not apply to the restoration or repair of any damaged or destroyed public utility facility built prior to the effective date of this development code.
- B. When such damage or destruction is 75% or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within 12 months of the date of such damage or destruction.
- C. For the purpose of this Section, the calculation of 75% shall be determined as a percentage of the total fair market value of all buildings on the lot or tract.

8.3.11 Uses Permitted in the University District Overlay

Convenience store with gas pumps, gas stations are permitted by a special use permit in CMU-1 districts.

Use Standards for Convenience Stores Section 2.6.3J reads as follows:

- 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.

Site Plan Review

The new structure will be built in the location of the previous principal structure.

The existing fuel canopy, columns, and gas pumps will remain in their existing location and will be upgraded to ensure architectural compatibility with the principal building.

The two pole signs will be removed, and 1 sign will be replaced with an approved monument sign.

Eleven parking spaces are provided, two electric vehicle charging stations, and one bike rack is provided. One curb cut is allowed on each frontage street.

The public sidewalk will be increased by 3 feet.

The dumpster and other similar service areas shall be constructed in the same architectural character and material of the principal building.

A fenced patio will be constructed on the east side of the principal building.

Analysis

The applicant has operated a convenience store with gas pumps for many years on the subject property as a nonconforming use, because the current UDC includes the property in the University District Overlay "UDO", which prohibits convenience stores with pumps. In 2023, the principal building on the site was destroyed by fire. The canopy, gas pumps, and signs remain. The applicant desires to rebuild the store as a MAPCO Express at the same location as the previous structure. Per Section 10.2.7 of the UDC, the restoration of the site as a nonconforming use is prohibited because it lost more than 75% of its fair market value due to the fire. The applicant has filed a special use permit application, SUP 2024-008 to allow the convenience store with gas pumps to continue operating on the site.

On March 27, 2024, the Board of Adjustment approved with conditions BOA 2024-023 for the subject property which allowed variances from University District Overlay requirements as outlined above. The Board of Adjustment's approval reflects staff recommendations except as it relates to the required streetscape.

For the safety of pedestrians and bus riders, staff recommended the installation of one of the required streetscapes S-1, S-2, S-3 & S-4 along both frontages as it was not deemed by staff to be a hardship for the applicant to install one of the required streetscapes on the property. The current and proposed streetscape provides a safety hazard for the public. The subject property is in an area with heavy commercial uses. Poplar is a heavily traveled, 7-lane Urban Arterial Road. S. Highland is a heavily traveled 5-land Urban Other Principal Arterial Road. There is a multitude of traffic in, around, and through the subject property, and both roads have frequent pedestrian utilization. The applicant proposed and BOA-approved streetscapes place the sidewalk directly on the curb and provide no degree of separation between traffic and pedestrians. A bus stop is on the corner of Poplar requiring waiting passengers to have to stand dangerously close to the ROW. The implementation of one of the required streetscapes includes a landscaped tree buffer that provides a minimum 13-foot-wide buffer from the right of way. A tree is located every 30 feet along the frontage. This design provides a safer environment for pedestrians and bus passengers as it provides an extra layer of protection from the right of way and passing traffic.

The BOA approval required the applicant to increase the size of the sidewalk by 3 feet. However, the decision allows the site to keep the directly abutting the street providing no safety buffer between heavy traffic and

pedestrians/bus riders on the sidewalk.

Staff maintains that the streetscape/landscaping design approved by the Board of Adjustment retains a safety hazard and does not provide enough protection for the public using the sidewalk. However, it is agreeable that the special use permit to operate a convenience store with gas pumps at the subject property should be approved.

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. All conditions approved via BOA 2024-0023 must be met.
- 2. The applicant must provide a final site plan, landscape plan, and elevations for administrative review and approval.
- 3. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

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 is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

3. If sewer services are approved for this redevelopment, sewer development fee is required.

4. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.

Roads:

5. 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.

6. 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:

7. 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.

8. 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.

9. 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:

10. The City Engineer shall approve the design, number, and location of curb cuts.

11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

12. Will require engineering ASPR.

City 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: <u>SUP 2024-008</u>: University

Site Address/Location: 3487 Poplar Ave

Overlay District/Historic District/Flood Zone: Located in the University District Overlay, Historic District or Flood Zone Future Land Use Designation: Anchor Neighborhood Main Street (A-NMS) Street Type: Parkway

The applicant is seeking a Special Use Permit to allow a convenience store with gas pumps in the CMU-1 zoning district. The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

June 13, 2024 Page 21



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

SUSTAIN - 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, R-10

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

Overall Compatibility: This requested use is not compatible with the future land use description/intent, form & location characteristics, and zoning notes, and adjacent land use and zoning. Additionally, the gas station canopy is not compatible with the desirable street façade envisioned for the Anchor Neighborhood Main Street.

Moreover, the access and egress points (curb cuts) to the site will negatively impact the planned BRT line both on Poplar Ave and Highland St as well as the Poplar Ave and Highland St station operation.

3. Degree of Change Map



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

4. Degree of Change Description

The proposed use is a private investment which will impede the enhancement of connectivity to the transit network and negatively impact the process of improving public access points (covered bus stops, benches).

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

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

Consistency Analysis Summary

The applicant is seeking a Special Use Permit to allow a convenience store with gas pumps in the CMU-1 zoning district. This requested use is not compatible with the future land use description/intent, form & location characteristics, and zoning notes, and adjacent land use and zoning. The gas station canopy is not compatible with the desirable street *façade* envisioned for the Anchor Neighborhood Main Street.

Moreover, the access and egress points (curb cuts) to the site will negatively impact the planned BRT line both on Poplar Ave and Highland St as well as the Poplar Ave and Highland St station operation.

The proposed use is a private investment which will impede the enhancement of connectivity to the transit network and negatively impact the process of improving public access points (covered bus stops, benches).

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

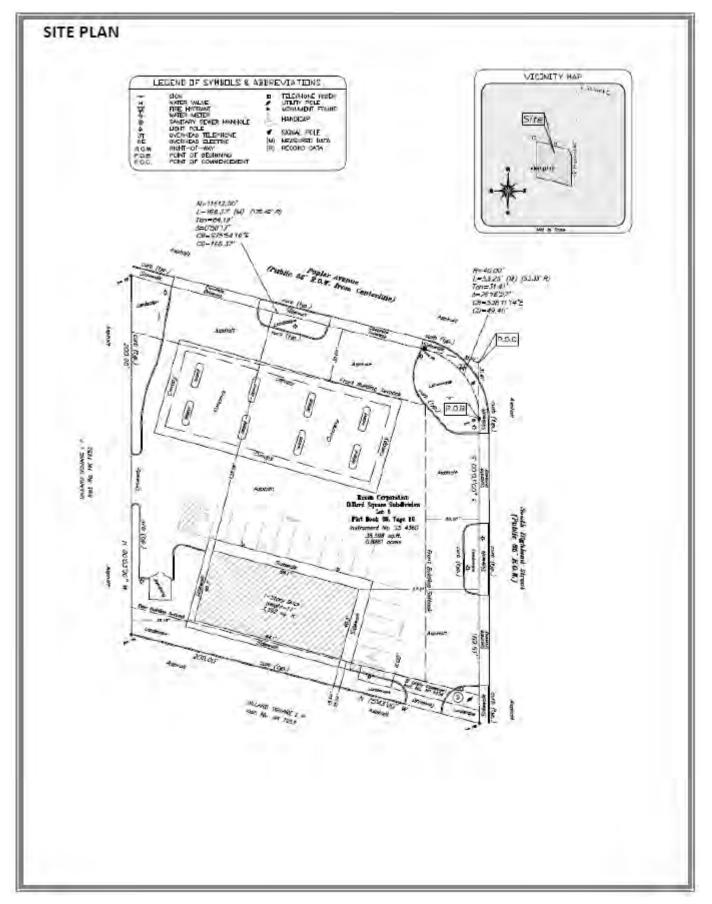
MAILED PUBLIC NOTICE

	\$6 Notices Mailed on 05/17/2024
ME	MPHIS AND DIVISION OF PLANNING
SHEL	BY COUNTY AND DEVELOPMENT
	City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103
	NOTICE OF PUBLIC HEARING
with the Division	ed this notice because you own or reside on a property that is near the site of a land use application filed of Planning and Development. The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will hold a on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified ode:
CASE NUMBER:	SUP 2024-008
LOCATION:	3487 Popular Avenue
	(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT:	Major Management LLC
REQUEST:	Special use permit to allow a convenience store with gas pumps in the Commercial Mixed Use-1 (CMU- 1) district
THE	LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:
Inc	
DAT	
	TION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

Please note the Board may place this item on the <u>Consent Agenda</u>, 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.

legislative body will take final action at a later date.

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 LaTonya Hull at Latonya.hull@memphistn.gov or (901) 636-7179 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. Note, comments sent to anyone other than the staff planner will not be recognized or included in the staff report.



SIGN AFFIDAVIT

June 13, 2024 Page 25

AFFIDAVIT

Shelby County State of Tennessee

I, <u>Kristin Reaves</u>, being duly sworn, depose and say that at <u>1:37</u> pm on the 26th day of March, 2024 I posted two Public Notice Signs pertaining to Case No. SUP 2024-008 one on Poplar Ave and one on Highland St providing notice of a Public Hearing before the <u>April 11, 2024</u> Land Use Control Board for consideration of a proposed Land Use Action (Special Use Permit), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

ATH eave	3/26/24
Owner, Applicant or Representative	Date
Subscribed and sworn to before me this day of March	. 2024
Cynthia On Requests	
Notary Public - ADUID	
My commission expires:	

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing Opened Date: February 9, 2024

Expiration Date:

Record Number: SUP 2024-008

Record Name: 3487 Poplar Ave.

Description of Work: To allow a convenience store with gas pumps in the CMU-1 zoning district.

Parent Record Number:

Address:

3487 POPLAR AVE, MEMPHIS 38111

Owner Information

Primary Owner Name

Y POPLAR AVENUE 2487 CENTER LLC

Owner Address

0 PO BOX 1565, LAWRENCEVILLE, GA 30046

Parcel Information

045126 00018

Data Fields PREAPPLICATION MEETING Name of DPD Planner Chip Saliba Date of Meeting Pre-application Meeting Type GENERAL PROJECT INFORMATION New Special Use Permit (SUP)

Page 1 of 3

SUP 2024-008

Owner Phone

SEVERAL DROJECT INFORMATION	
GENERAL PROJECT INFORMATION	
List any relevant former Docket / Case Number(s) related to previous applications on this site	
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA	
A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare	Same effect to adjacent properties as existing.
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 affect to use of adjacent properties.
UDC Sub-Section 9.6.9C	There are adequate existing facilities.
UDC Sub-Section 9.6.9D	No significant features on the site.
UDC Sub-Section 9.6.9E	The site will meet requirements for the requested
	use.
UDC Sub-Section 9.6.9F GIS INFORMATION	No affect to plans to be considered.
Case Layer	BOA1939-029-CI, BOA1937-040-CI
Central Business Improvement District	No
Class	C
Downtown Fire District	No
Historic District	
Land Use	8
Municipality	
Overlay/Special Purpose District	A 1
Zoning	-V
State Route	1
Lot	-
Subdivision	21
Planned Development District	
Wellhead Protection Overlay District	No

Contact Information

Name

MAJORS MANAGEMENT LLC Address Contact Type APPLICANT

Page 2 of 3

SUP 2024-008

Phone

Fee Inform	nation					
Invoice #	Feeltem	Quantity	Fees	Status	Balance	Date Assessed
1536902	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	02/09/2024
1536902	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	02/09/2024
	T	otal Fee Invo	iced: \$513.00	Total Ba	lance: \$0.	00

Payment Information		
Payment Amount	Method of Payment	
\$513.00	Credit Card	

SUP 2024-008

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.

MARVIN K. HEWATT (Print 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 3487 Poplar Ave.

and further identified by Assessor's Parcel Number 045126 00018

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 6TH

Signature of Notary Rubl

day of FEBRUARY in the year of 2024 NOTARY PUBLIC GEORGIA HEATHER L MOSIER My Comm. Expires October 20, 2021

My Commission Expires

LETTER OF INTENT

June 13, 2024 Page 30

SRCONSULTING, LLC

5909 Shelby Oaks Drive Suite 200 Memphis TN 38134 Tel: 901-373-0380 Fax: 901-373-0370 www.SRCE-memphis.com

Date: February 1, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: 3487 Poplar Ave.

LETTER OF INTENT

We are submitting a Special Use Permit for property at 3487 Poplar Avenue, located at the southwest corner of Poplar Avenue and South Highland Street. The property is within the CMU-1 zoning district in the University District overlay. We are requesting a Special Use Permit to allow a convenience store with gas pumps. The existing convenience store has recently been damaged by a fire and will need to be re-built. The store will be built in the same location as the existing store. We will also file a Board of Adjustment application for variances from some of the University District requirements.

The store will be re-built as a MAPCO Express convenience store. Ranked as a 2022 and 2023 Top Workplace USA, MAPCO is a leading convenience store operator that works with a team of thousands of dedicated team members with a strong commitment to guest experience to deliver Convenience You Can TRUST® at 200 convenience and fuel retailing stores. Operating in Tennessee, Alabama, Georgia, Kentucky, Arkansas and Mississippi MAPCO stores offer a wide array of high-quality products and services.

MAPCO is passionate about delivering a best-in-class, experience to its customers and strives to bring a Better Break to guests that choose to MAPCO over other brands.

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.

June 13, 2024 Page 31

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

Record Summary for Special Use Permit

Record	Detail	Information

Record Type: Special Use Permit

Record Status: Processing Opened Date: February 9, 2024

Record Number: SUP 2024-008

Record Name: 3487 Poplar Ave.

Description of Work: To allow a convenience store with gas pumps in the CMU-1 zoning district.

Parent Record Number:

Address:

3487 POPLAR AVE, MEMPHIS 38111

Owner Information

Owner Name Primary Y POPLAR AVENUE 2487 CENTER LLC **Owner Address**

0 PO BOX 1565, LAWRENCEVILLE, GA 30046

Parcel Information

045126 00018

Data Fields

PREAPPLICATION MEETING	
Name of DPD Planner	Chip Saliba
Date of Meeting	-
Pre-application Meeting Type	-
GENERAL PROJECT INFORMATION	
Application Type	New Special Use Permit (SUP)

Owner Phone

Expiration Date:

GENERAL PROJECT INFORMATION	
List any relevant former Docket / Case Number(s) related to previous applications on this site	-
Is this application in response to a citation, stop work order, or zoning letter	No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA	-
A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare	Same effect to adjacent properties as existing.
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 affect to use of adjacent properties.
UDC Sub-Section 9.6.9C	There are adequate existing facilities.
UDC Sub-Section 9.6.9D	No significant features on the site.
UDC Sub-Section 9.6.9E	The site will meet requirements for the requested use.
UDC Sub-Section 9.6.9F	No affect to plans to be considered.
GIS INFORMATION	
Case Layer	BOA1939-029-CI, BOA1937-040-CI
Central Business Improvement District	No
Class	C
Downtown Fire District	No
Historic District Land Use	-
Municipality	-
Overlay/Special Purpose District	
Zoning	_
State Route	1
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name MAJORS MANAGEMENT LLC Address Contact Type APPLICANT

Phone

\$513.00

-

Fee Inforn	mation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1536902	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	02/09/2024
1536902	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	02/09/2024
	T	otal Fee Invo	iced: \$513.00	Total Ba	lance: \$0.	00
Payment I	Information					
Payment Ame	ount Method of Pa	yment				

Credit Card

ENGINEERING • PLANNING Spoop Shelby Oaks Drive Suite 200 Memphis TN 38134 ENGINEERING • PLANNING Tel: 901-373-0380 Fax: 901-373-0370 WWW.SRCE-memphis.com

Date: February 1, 2024

To: Division of Planning & Development

From: Cindy Reaves

Re: 3487 Poplar Ave.

LETTER OF INTENT

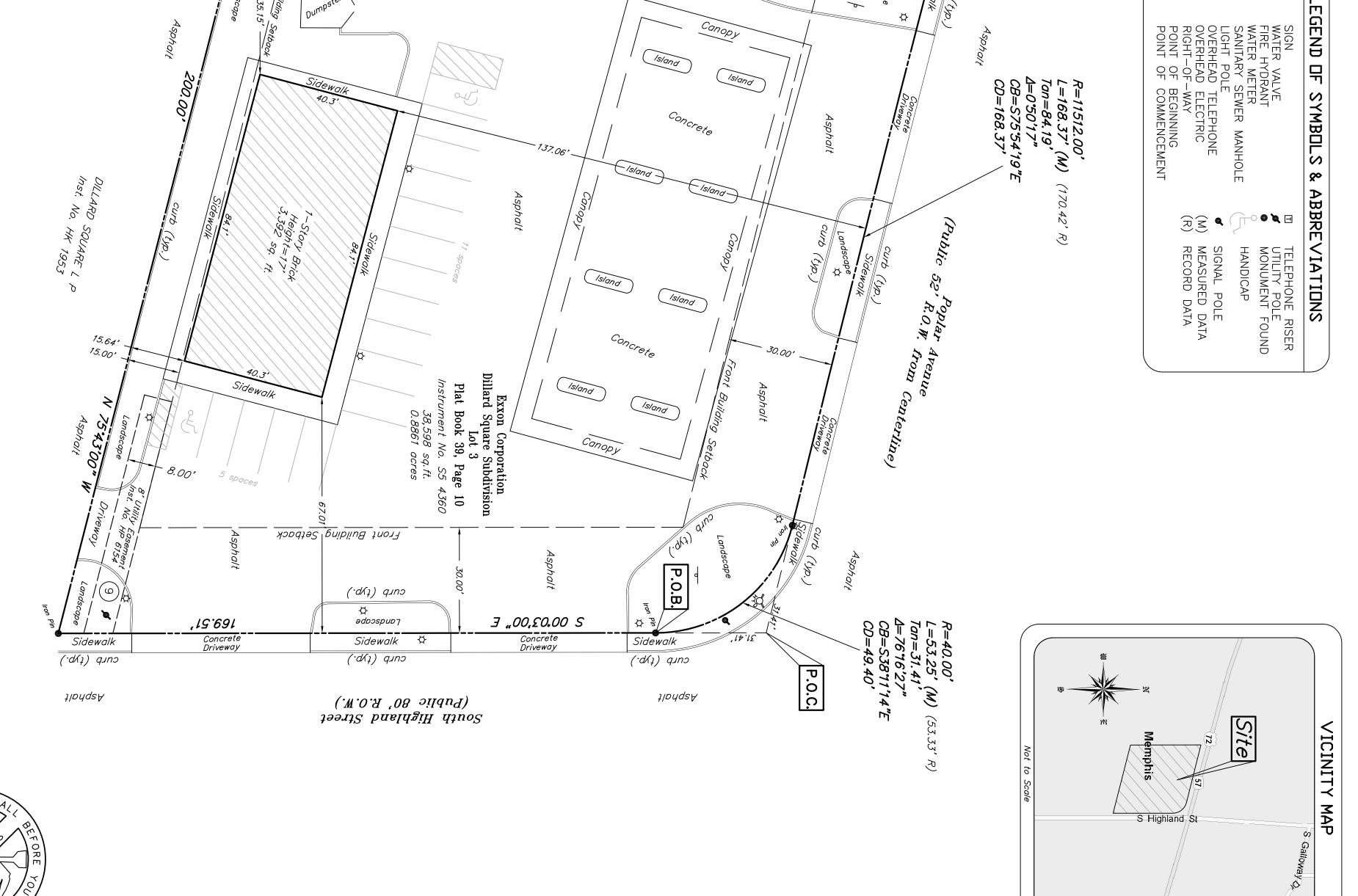
We are submitting a Special Use Permit for property at 3487 Poplar Avenue, located at the southwest corner of Poplar Avenue and South Highland Street. The property is within the CMU-1 zoning district in the University District overlay. We are requesting a Special Use Permit to allow a convenience store with gas pumps. The existing convenience store has recently been damaged by a fire and will need to be re-built. The store will be built in the same location as the existing store. We will also file a Board of Adjustment application for variances from some of the University District requirements.

The store will be re-built as a MAPCO Express convenience store. Ranked as a 2022 and 2023 Top Workplace USA, MAPCO is a leading convenience store operator that works with a team of thousands of dedicated team members with a strong commitment to guest experience to deliver Convenience You Can TRUST® at 200 convenience and fuel retailing stores. Operating in Tennessee, Alabama, Georgia, Kentucky, Arkansas and Mississippi MAPCO stores offer a wide array of high-quality products and services.

MAPCO is passionate about delivering a best-in-class, experience to its customers and strives to bring a Better Break to guests that choose to MAPCO over other brands.

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

		River Land vy. 254 W, T (800)-745- 300)-745-30 www.redriver
		By graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 47157C0290F, which bears an effective date of 09/28/2007 and IS NOT in a Special Flood Hazard Area. By telephone call to the National Flood Insurance Program (800–638–6620) we have learned this community DOES currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency. Survey Prepared By:
		FLOOD ZONE NOTE
Iron pin Lanascap		(min. provided: 38,598 sq.ft.) I/A (min. provided: 168.37') :: 35' (max. provided: 17') io: N/A
		y setbacks: provided: 67.01') provided: 35.15') 1. provided: 15.64')
ирцdsү "00,£0.00 N Ф (-dx) qли er		<u>Permitted Use Classification:</u> Convenience Store, Fueling Station. <u>Observed Use(s)</u> : Convenience Store, Fueling Station. Existing site conditions appear (from outside observations) to fall within permitted uses as listed above in the City of Memphis' Zoning Regulations Section 16–84–2. Zoning Regulations are subject to change and interpretation, for further information contact: City of Memphis (phone: (901) 576–6601) Division of Planning and Development: 125 N. Main Street, Room 468, Memphis, TN 38103 <u>Site Restrictions:</u>
) no		mmercial District
Driveway	DILLARD SC Inst. No. F	DTENTIAL ENCE
/		nent recorded <u>iffect, as show</u> int recorded In
	2	nage Easement with tempo legister's Office of Shelby
		(7) Terms and Conditions of lease of record in Instrument Number F7 0130 in the Register's Office of Shelby County, Tennessee. <u>Does Affect, no information to show graphically</u> .
		bdivision Restrictions, I as shown In the Regi <u>show graphically.</u>
סןג <u>500:00,</u> זעף (גאםי)		This survey is based on a title report prepared by Stewart Title Guaranty Company, Commitment No. 10010052/Site $\#$ 51095, dated January 06, 2010 at 8:00 a.m. Items not listed below are standard title exceptions and/or are not matters or issues that pertain to this survey.
		HEDULE B - TITLE EXCEPTION NOTES
Landscape		16. Utilities shown on survey are serviced/provided by the local utility companies for the City of Memphis, Tennessee utility division. Before digging in this area, call "One Call" 1-800-351-1111 for field locations (request for ground markings) of underground utility lines.
Iron pin Sidewalk		ound appurtenances only as shown hereon, gas, electric, storm ater and telephone / or service is available for the subject subject property surveyed and the Right-of-Way lines of Highland Street
curb (ty		 13. Decision of the survey of additional institutions or subsequent owners without the surveyors acknowledgment. 14. The location of Utilities shown hereon are from observed evidence of above ground appurtenances only. The surveyor was not provided with underground plans or surface ground markings to determine the location of any subterranean uses.
		Subsurface and environmental conditions were not examined or considered as of this survey.
		natched recorded dimensions within th SM specifications unless otherwise shu
		ess or implied. ss to Poplar Avenue and South Highland Street which are public road railable by driveways as shown on survey.
P.O.C.		or "certification" is an expression of professional opinion s of the survey and does not constitute a warranty or guard
P.O.B.		dways on tr ioted.
) C ☆ © €		. By observation only during the moving work, building construct street or sidewalk construction solid waste dump, sump, or sc
-3 2(x d		is property has an area of 38,598 square feet or 0.8861 acres of land. is property is designated by Shelby County, as Tax Map Parcel 045126 00018. ere was no observable evidence of cemeteries found at the time of this survey.
LE		The bearing base for this survey originated from Plat I



SM.

SHEET

1 DF

	•
	H
	Ē
	SC
	Ĥ
	ŭ
	Z

Surveyor's Description:

Being the Exxon Corporation property located in the City of Memphis, County of Shelby, State of Tennessee as recorded in Instrument No. S5 4360 in the Shelby County Register's Office, said property also being Lot 3 in the Dillard Square Subdivision as recorded in Plat Book 39, Page 10 in said Register's Office, being more particularly described as follows:

COMMENCING at the tangency intersection of the south right-of-way line of Poplar Avenue (52' R.O.W. from centerline) with the west right-of-way line of South Highland Street (80' R.O.W.); thence along said west tangency line with a bearing of South 00 Degrees 03 Minutes 00 Seconds East a distance of 31.41 feet to a point; which is the true POINT OF BEGINNING.

Thence continue along said west right-of-way line of South Highland Street with a bearing of South 00 Degrees 03 Minutes 00 Seconds East a distance of 169.51 feet to a point; thence leaving said west line with a bearing of North 75 Degrees 43 Minutes 00 Seconds West a distance of 200.00 feet to a point; thence with a bearing of North 00 Degrees 03 Minutes 00 Seconds West a distance of 200.00 feet to a point located on said south right-of-way line of Poplar Avenue; thence along said south line in a easterly direction with a non-tangent curve turning to the left with a radius of 11,512.00 feet, having a chord bearing of South 75 Degrees 54 Minutes 19 Seconds East and a chord distance of 168.37 feet, having a tangent of 84.19 feet, having a interior angle of 00 Degrees 50 Minutes 17 Seconds an arc length of 168.37 feet to a point of compound curvature; thence in a southeasterly direction with a tangent curve turning to the right with a radius of 40.00 feet, having a chord bearing of South 38 Degrees 11 Minutes 14 Seconds East and a chord distance of 49.40 feet, having a tangent of 31.41 feet, having a interior angle of 76 Degrees 16 Minutes 27 Seconds an arc length of 53.25 feet to the point of beginning. Containing 38,598 square feet or 0.8861 acres, more or less.

A National Land Services Group	obil Avenue	I hereby certify that this is a category I survey and the ratio of precision of the unadjusted survey is 1:53,410 as shown hereon. Registered Professional Land Surveyor: Ja Registration No.: 1744 In the State of: Tennessee Date of Survey: February 5, 2010 Date of Last Revision:	This is to certify that this map or plat an made in accordance with the "Minimum St Land Title Surveys," jointly established and includes items 1-4, 6, 7(a), 7(b1), 7(c), Pursuant to the Accuracy Standards as ad the date of this certification, the undersign as a land surveyor registered in the State of this survey does not exceed that which	To: Exxon Mobil Corporation, Exxo and MKAssociates, Inc.		ALTA/ACSM	Being the same tract of land described in Company, Commitment No. 10010052/Site	or fact.
Coordinators of Lan Imerce Court, Warren (540)428–3550 Fax www.mkassociate	MKA PROJECT No.: 1099-09-1879:03 CITY: Memphis STATE: TN For Inquiries Concerning This Survey Contact MKA	A. Francis	s to certify that this map or plat and the survey on which it is based were in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and es items 1–4, 6, 7(a), 7(b1), 7(c), 8, 9, 10, 11(a), 13 and 14 of Table A thereof. ant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on ate of this certification, the undersigned further certifies that in my professional opinion, land surveyor registered in the State of Tennessee, the Relative Positional Accuracy s survey does not exceed that which is specified therein.	Exxon Mobil Corporation, ExxonMobil Oil Corporation, Stewart Title Guaranty Company MKAssociates, Inc.	ExxonMobil SS #51095 3487 Poplar Avenue Memphis, Tennessee Surveyor's Certification	M LAND TITLE SURVEY	nd described in a Title Report prepared by Stewart Title Guaranty 10010052/Site # 51095, dated January 06, 2010 at 8:00 a.m.	
Services a 20187 -3560	-09-1879:033 TATE: TN Contact MKA		Ę					

[
		ELEVATION FI	NISH SCH	EDULE	
ITEM		MANUFACTURER	MODEL	COLOR	COMMENTS
WF1	EIFS, TYP.	MULKEY ENTERPRISES	TYPE PB - SMOOTH FINISH	SW 7005 PURE WHITE	
WF2	BRICK	CHEROKEE	BROOKHAVEN	IVORY MORTAR	
WF3	STONE	CULTURED STONE	COUNTRY LEDGESTONE	WHEATON	-
M1	CONT. ALUM COPING, TYP.	PACTITE	TAPERED COPING*	DARK BRONZE	-
M5	MTL COLLECTOR HEAD AND DOWNSPOUT	TBD	-	DARK BRONZE	-
SF1	ALUM. STOREFRONT	ҮКК АР	YES 45 - THERMALLY BROKEN COMMERCIAL SF SYSTEM	DARK BRONZE ANODIZED	-
AK	EXTERIOR SIGNAGE	BY OTHERS	BY OTHERS	BY OTHERS	
AL	EXTERIOR LIGHTING	TBD	TBD	BLACK	
RTU	RTU SCREEN	METAL FABRICATOR BY GC	FIELD WELDED	BLACK	-
SC	SCUPPER WITH OVERFLOW	TBD		DARK BRONZE	

DESIGN CRITERIA & MATERIAL BREAK OUT

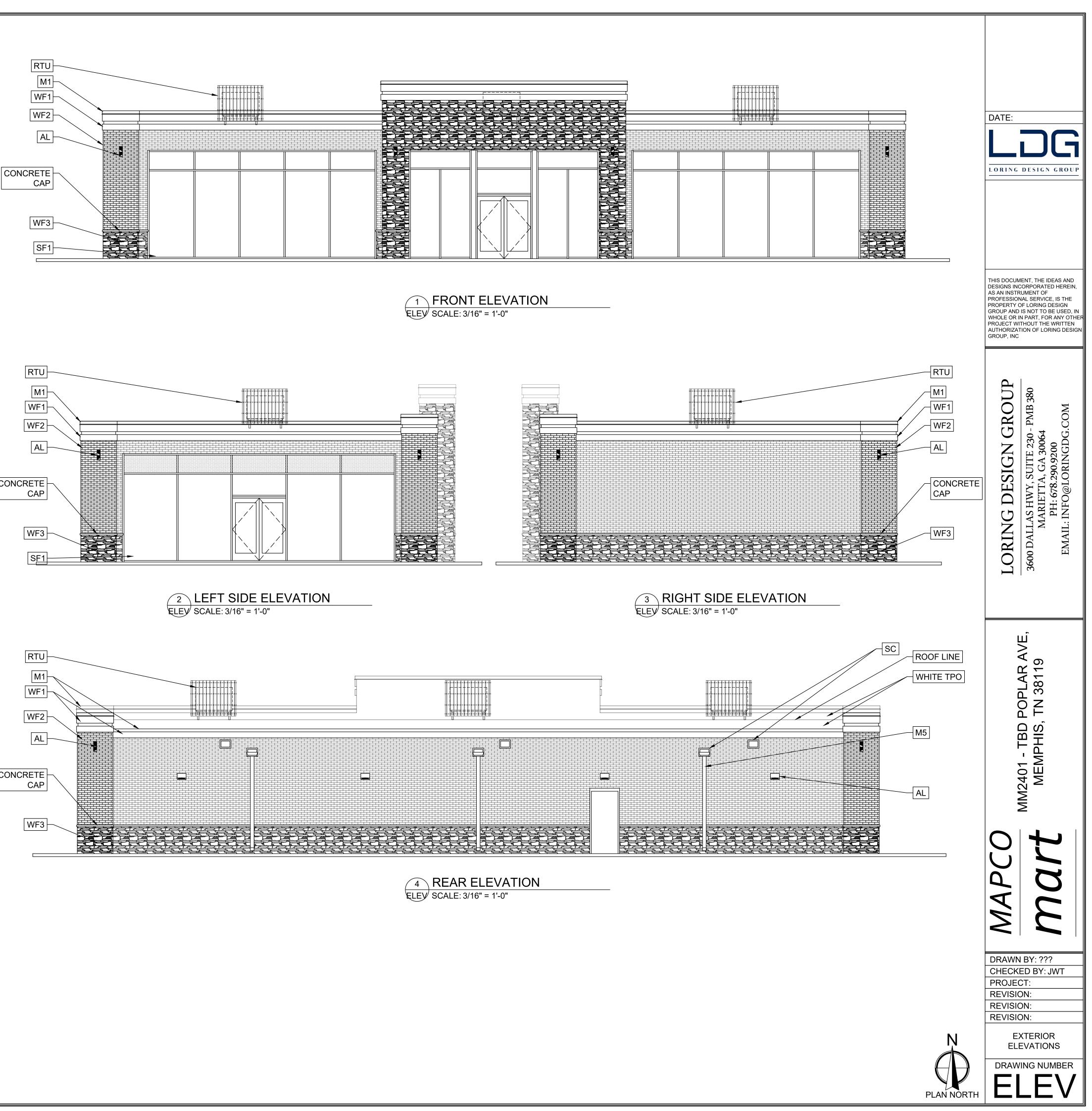
FRONT ELEVATION

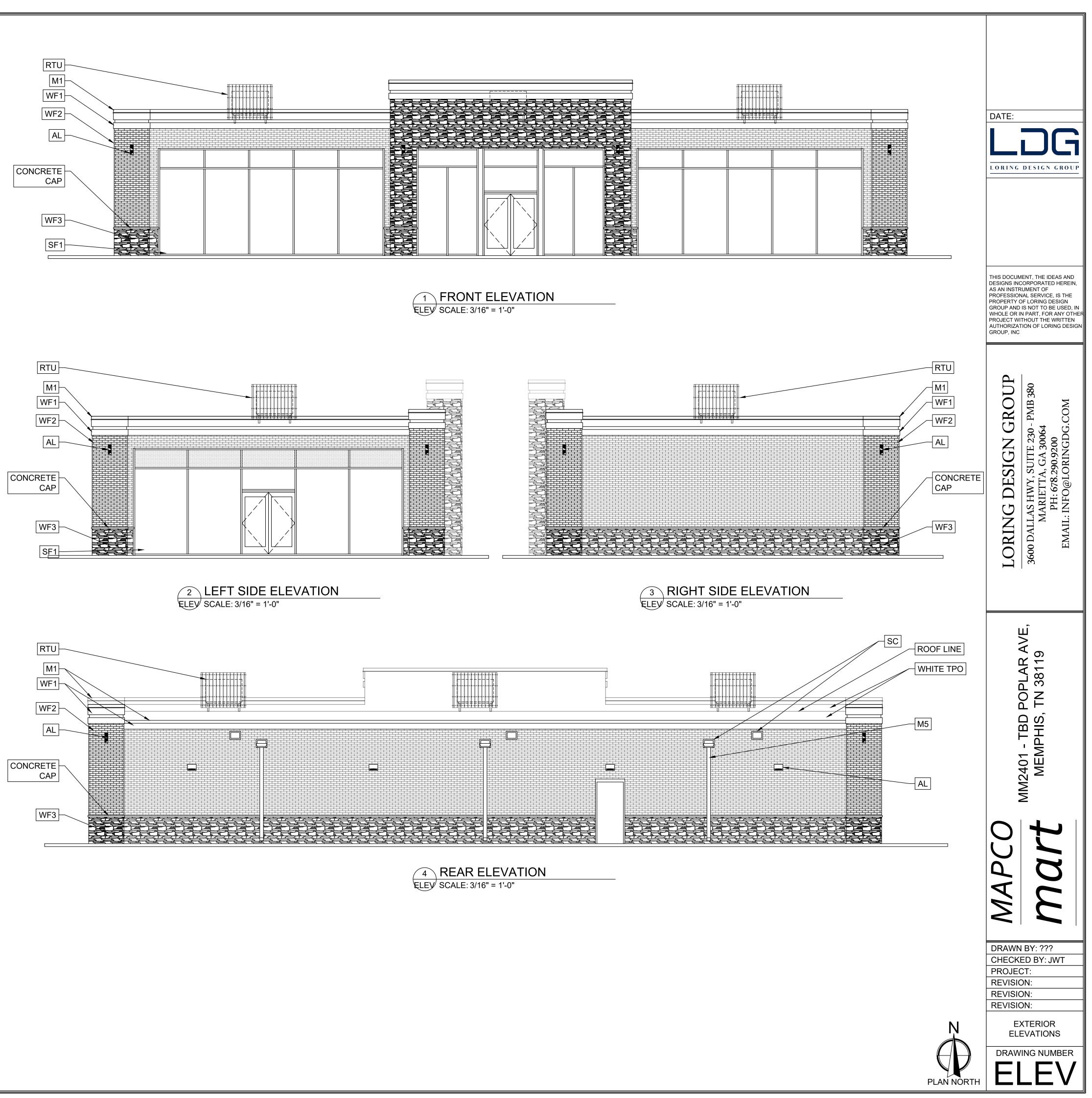
TOTAL AREA: 1549 SF

• BRICK: 243 SF = 16%

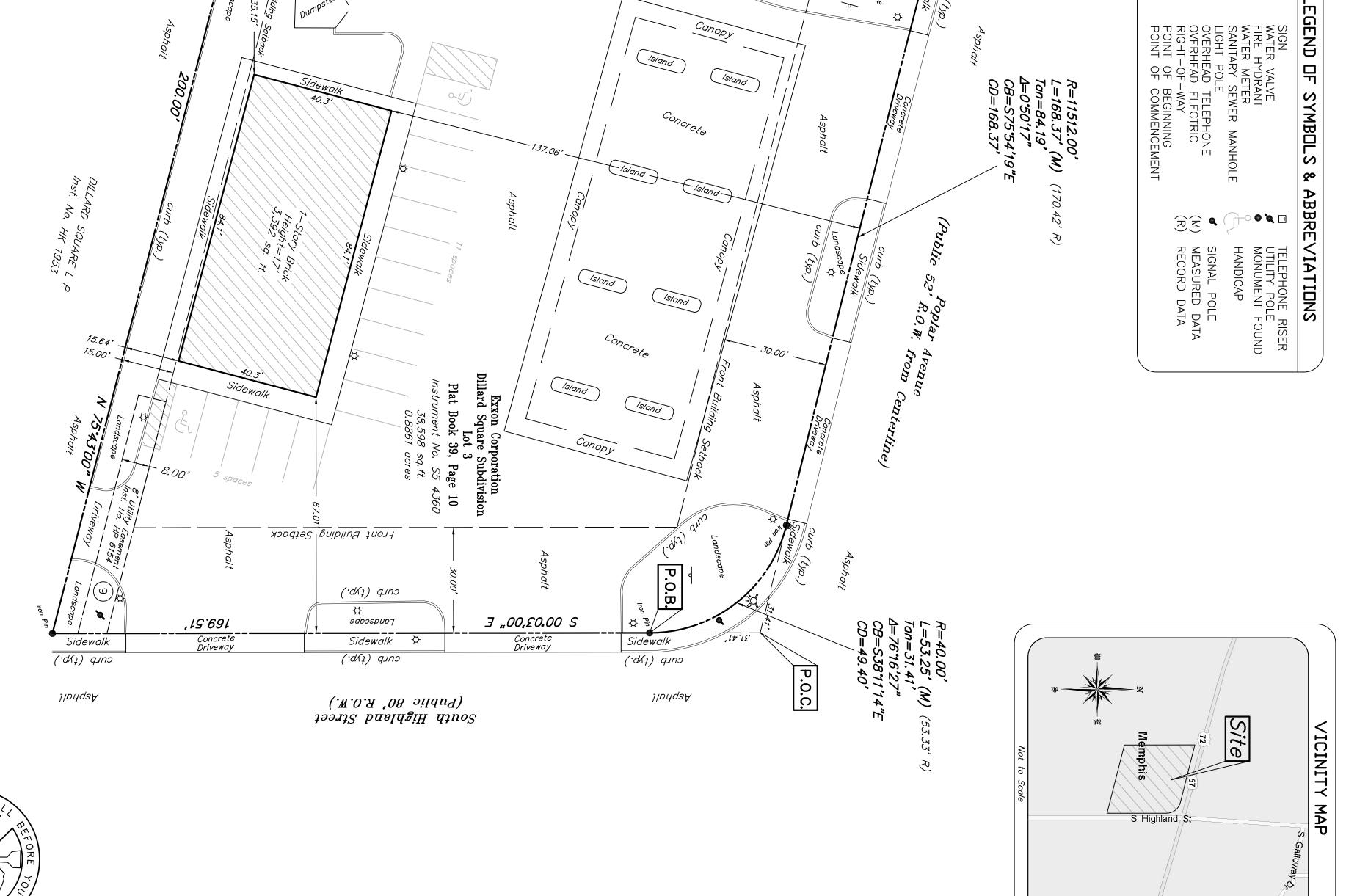
• STONE: 263 SF = 17% • EIFS: 161 SF = 10%

• GLASS: 884 SF = 57%





	· ·		
		Red River Land Surveying Surveyor's Drawing No.: Site_33 877 Hwy. 254 W, Tilly, AR 72679 Surveyor's Drawing Ref: Exxon TN, AR, MS Phone: (800)-745-3049 Drawn by: MAK Checked by: JAF Fax: (800)-745-3049 0 0 1 Website:www.redriverlandsurveying.com 20 GRAPHIC SCALE 40 1 1 1 1 1	
		FLOOD ZONE NOTE	,
λ			
Landscape		(min. provided: 38,598 sq.ft.) //A (min. provided: 168.37') :: 35' (max. provided: 17') io: N/A	
		y setbacks: provided: 67.01') provided: 35.15') n. provided: 15.64')	
104ds4 "00,£0.00 N ⁽²⁾		<u>ted Use Classification:</u> C <u>ed Use(</u> s): Convenience S g site conditions appear is listed above in the Cit Regulations are subject ation contact: City of Men n of Planning and Develop <u>estrictions:</u>	
		No Potential Encroachments Found. ZONING NOTES Zoned: C-L Local Commercial District	20
Driveway	'LLARD SQU ast. No. HK	Tennessee. Does Not Affect, TAL ENCROACH	
		8 foot wide Easement recorded at HP 6154 as shown in the Register's Office of S Tennessee. <u>Does Affect, as shown hereon</u> .	\sim
		nent Drainage Easement with temporary construction easement rec in the Register's Office of Shelby County, Tennessee. <u>Does Not A</u> <u>tion.</u>	
		Terms and Conditions of lease of record in Instrument Number F7 0130 in the Register's Office of Shelby County, Tennessee. <u>Does Affect, no information to show graphically</u> .	
~		Subdivision Restrictions, Building Lines and Easements of record recorded at Plat Book 39, Page 6 10 as shown In the Register's Office of Shelby County, Tennessee. <u>Does Affect, no information</u> to show graphically.	
שעסונ 500:00 ו ו ו		survey is based on a title report prepared by Stewart Title Guaranty Company, mitment No. 10010052/Site # 51095, dated January 06, 2010 at 8:00 a.m. s not listed below are standard title exceptions and/or are not matters or issues	
		HEDULE B - TITLE EXCEPTION NOTES	
Landscape		and South Highland Street. on survey are serviced/provided by the local utility comp is, Tennessee utility division. Before digging in this area, 111 for field locations (request for ground markings) of	
ron pin Sidewalk		appurtenances only. The surveyor was not provided with underground plans or surface ground markings to determine the location of any subterranean uses. . From observed above ground appurtenances only as shown hereon, gas, electric, storm sever, sanitary sever, water and telephone / or service is available for the subject	_ `
		s made to original purchaser of the survey. It is not to stitutions or subsequent owners without the surveyors ac	
		cludes the seal and signatu were not examined or consi	_ \
		All field measurements matched recorded dimensions requirements of ALTA/ACSM specifications unless oth	
		e word "certify" or "certification" is an expression of professional c garding the facts of the survey and does not constitute a warranty press or implied.	
R.O.W. P.O.B. P.O.C.		Dimensions on this survey are expressed in feet and decimal parts thereof unless otherwise noted. Bearings are referred to an assumed meridian and are used to denote angles only.	
ଳପ ବ୍ଳ ଭ ଏ		 b. By observation only during the field survey, there was no observable evidence of earth moving work, building construction or additions, no changes in right of way lines, recent street or sidewalk construction or repairs and no observable evidence of site use as a solid waste dump, sump, or sanitary landfill c. Interior roadways appear to be private, variable in width and unnamed, unless otherwise shown. 	
₽ <i>≩</i> Ç x d		This property has an area of 38,598 square feet or 0.8861 acres of land. This property is designated by Shelby County, as Tax Map Parcel 045126 00018. There was no observable evidence of cemeteries found at the time of this survey.	
LEG		GENERAL NOTES bearing base for this survey originated from Plat Book 39, Pa	



SHEET

⊢ 무

LEGAL
DESCR
IPTION

Surveyor's Description:

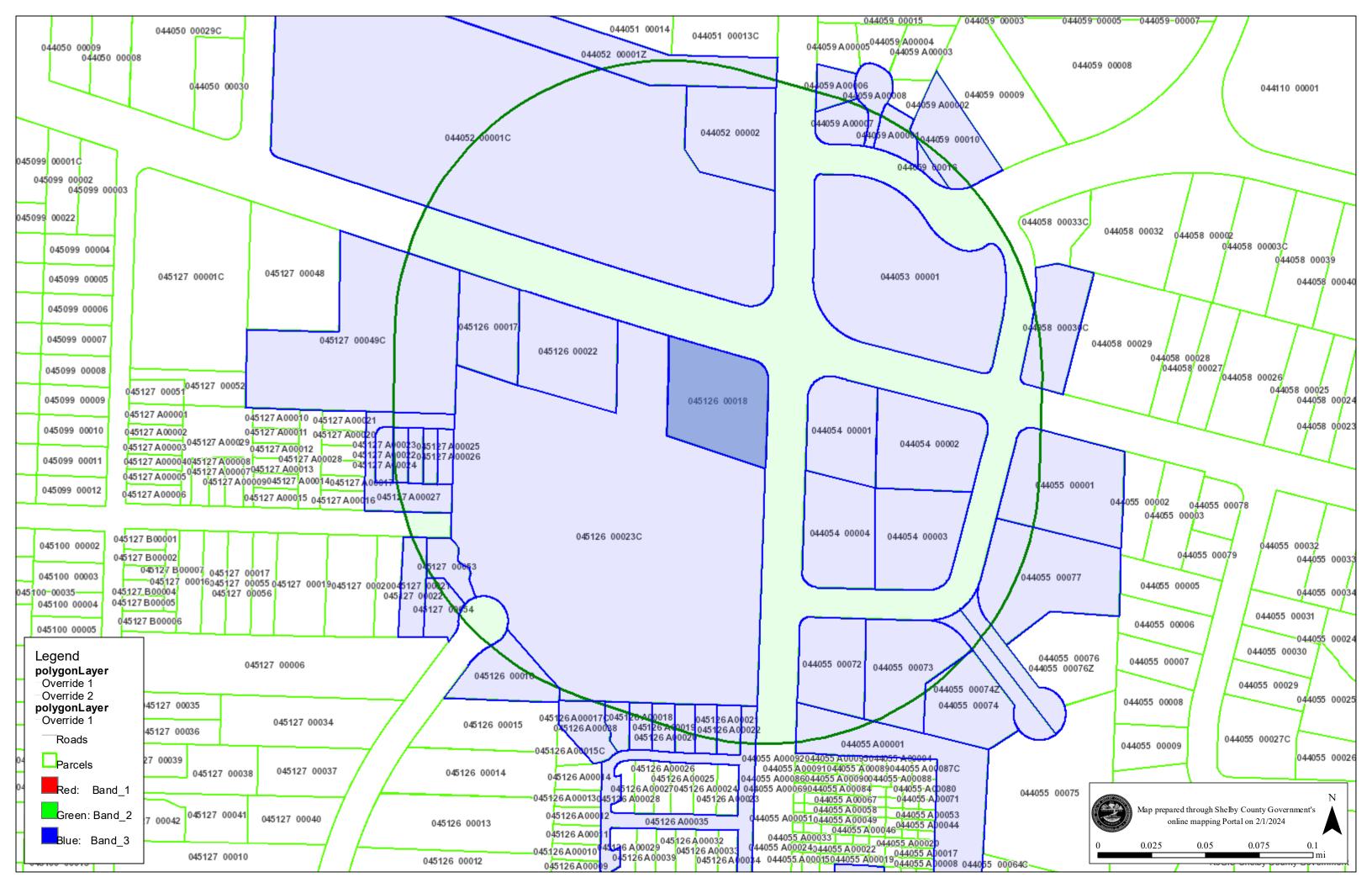
Being the Exxon Corporation property located in the City of Memphis, County of Shelby, State of Tennessee as recorded in Instrument No. S5 4360 in the Shelby County Register's Office, said property also being Lot 3 in the Dillard Square Subdivision as recorded in Plat Book 39, Page 10 in said Register's Office, being more particularly described as follows:

COMMENCING at the tangency intersection of the south right-of-way line of Poplar Avenue (52' R.O.W. from centerline) with the west right-of-way line of South Highland Street (80' R.O.W.); thence along said west tangency line with a bearing of South 00 Degrees 03 Minutes 00 Seconds East a distance of 31.41 feet to a point; which is the true POINT OF BEGINNING.

Thence continue along said west right-of-way line of South Highland Street with a bearing of South 00 Degrees 03 Minutes 00 Seconds East a distance of 169.51 feet to a point; thence leaving said west line with a bearing of North 75 Degrees 43 Minutes 00 Seconds West a distance of 200.00 feet to a point; thence with a bearing of North 00 Degrees 03 Minutes 00 Seconds West a distance of 200.00 feet to a point located on said south right-of-way line of Poplar Avenue; thence along said south line in a easterly direction with a non-tangent curve turning to the left with a radius of 11,512.00 feet, having a chord bearing of South 75 Degrees 54 Minutes 19 Seconds East and a chord distance of 168.37 feet, having a tangent of 84.19 feet, having a interior angle of 00 Degrees 50 Minutes 17 Seconds an arc length of 168.37 feet to a point of compound curvature; thence in a southeasterly direction with a tangent curve turning to the right with a radius of 40.00 feet, having a chord bearing of South 38 Degrees 11 Minutes 14 Seconds East and a chord distance of 49.40 feet, having a tangent of 31.41 feet, having a interior angle of 76 Degrees 16 Minutes 27 Seconds an arc length of 53.25 feet to the point of beginning. Containing 38,598 square feet or 0.8861 acres, more or less. Subject to any easements, rights-of-way, covenants, reservations or restrictions of record or fact.

Being the same tract of land described in a Title Report prepared by Stewart Title Guaranty Company, Commitment No. 10010052/Site # 51095, dated January 06, 2010 at 8:00 a.m.

For A National Land Services Group	PROJECT NAME: ExxonMobil ADDRESS: 3487 Poplar Avenue	I hereby certify that this is a category I survey and the ratio of precision of the unadjusted survey is 1:53,410 as shown hereon. Registered Professional Land Surveyor: Ja Registration No.: 1744 In the State of: Tennessee Date of Survey: February 5, 2010 Date of Last Revision:	To: Exxon Mobil Corporation, ExxonMc and MKAssociates, Inc. This is to certify that this map or p made in accordance with the "Minimu Land Title Surveys," jointly established includes items 1-4, 6, 7(a), 7(b1), Pursuant to the Accuracy Standards the date of this certification, the und as a land surveyor registered in the of this survey does not exceed that	ALTA/ACSM LAI	
r Inquiries Concerning This Survey Contact MKA National Coordinators of Land Survey Services 6593 Commerce Court, Warrenton, Virginia 20187 Phone:(540)428-3550 Fax:(540)428-3560 www.mkassociates.com	MKA PROJECT No.: 1099-09-1879:033 CITY: Memphis STATE: TN	2010 2010 2010 2010	Exxon Mobil Corporation, ExxonMobil Oil Corporation, Stewart Title Guaranty Company MKAssociates, Inc. MKAssociates, Inc. is to certify that this map or plat and the survey on which it is based were le in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM d Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and ides items 1-4, 6, 7(a), 7(b1), 7(c), 8, 9, 10, 11(a), 13 and 14 of Table A thereof. suant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on date of this certification, the undersigned further certifies that in my professional opinion, a land surveyor registered in the State of Tennessee, the Relative Positional Accuracy this survey does not exceed that which is specified therein.	A LAND TITLE SURVEY ExxonMobil SS #51095 3487 Poplar Avenue Memphis, Tennessee veyor's Certification	





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 Unified Development Code, full Development Code Section 12.3.1.

I, MARVIN K. HEWATT (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

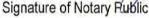
I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

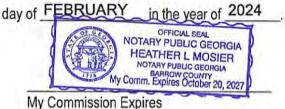
of the property located at 3487 Poplar Ave.

and further identified by Assessor's Parcel Number 045126 00018

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 6TH







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.

	3081 - 12:21 PM
16 PG5	
ATHY 792508-10118081	
JALUC	1836000.00
ORTGAGE TAX	0.00
TRANSFER TAX	6793.20
ECORDING FEE	B0.00
OF FEE	2.00
EGISTER'S FEE	1.00
ALK THRU FEE	0.00
OTAL AHOUNT	6876.20

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 10118081

SPECIAL WARRANTY DEED

This document prepared by: Frank J. Giampa, Esq. (under the supervision of counsel licensed in Tennessee) and after recording should be returned to:

٦,

Jackie Furash Stewart Title Guaranty Company National Title Services 1980 Post Oak Blvd., #610 Houston, TX 77056 713-625-8417 (Direct) 800-729-1906 (Toll Free) 55#57095

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made this <u>day</u> day of November, 2010, between EXXON MOBIL CORPORATION, a New Jersey corporation, as successor to Exxon Corporation, having an office at 3225 Gallows Road, Fairfax, Virginia 22037-0001, with full power to bargain, sell, encumber and convey, hereinafter referred to as Grantor, and POPLAR AVENUE 3487 CENTER, LLC, a Georgia limited liability company, hereinafter referred to as Grantee,

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by the said Grantee, the receipt of which is hereby acknowledged, has bargained, sold, remised and released, and does hereby bargain, sell, remise and release unto the said Grantee, the premises described on Schedule J attached hereto and incorporated herein for all purposes, together with the buildings, structures, fixtures, equipment, tanks and improvements located thereon, at 3487 Poplar Avenue, MEMPHIS, TENNESSEE in SHELBY COUNTY, TENNESSEE (the "Property"),

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the Grantee, its heirs and assigns forever; and Grantor covenants with the said Grantee that it is lawfully seized and possessed of said land in fee simple, has a good right to convey it and the same is unencumbered, unless otherwise set out; and except for the current year property taxes which are being prorated between the parties and Grantee agreeing to pay said tax when due; and Grantor further covenants and binds itself, its heirs and assigns, to warrant and forever defend the title to the said land to the said Grantee, its heirs and assigns, against the lawful claims of all persons claiming by or through Grantor, but no further or otherwise, subject to the following terms and conditions:

1. This conveyance is made by Grantor and accepted by Grantee subject to Grantor's right to re-enter as described herein and all existing Engineering and Institutional Controls, leases, easements, encumbrances, rights-of-way, covenants, restrictions, reservations and exceptions of record or not, including all building and zoning ordinances, laws, regulations and restrictions by municipal or other governmental authority applicable to the Property and all matters apparent from an inspection of the Property, or which a current, accurate survey of the Property would disclose (including but not limited to encroachments, overlaps or boundary line disputes), collectively the "Permitted Encumbrances".

2. GRANTEE SPECIFICALLY ACKNOWLEDGES THAT IT UNDERSTANDS THAT THE PROPERTY HAS BEEN USED FOR COMMERCIAL PURPOSES INCLUDING THE STORAGE, DISTRIBUTION AND MARKETING OF MOTOR FUELS, PETROLEUM, PETROLEUM-BASED PRODUCTS AND OTHER CHEMICALS, AND THAT THE ENVIRONMENT, INCLUDING BUT NOT LIMITED TO, SOIL AND SUB-SOIL OF THE PROPERTY AND THE SOIL, AIR, LAND, GROUNDWATER AND WATER, ON, UNDER, NEAR OR ADJACENT THERETO AND DRAINS, SEWERS, PIPES, WATER COURSES AND WATER TABLES AT, ON, UNDER OR IN THE VICINITY OF THE PROPERTY MAY HAVE BEEN CONTAMINATED OR IMPACTED BY OIL OR OTHER CONTAMINATION.

3.

. ī

ĩ

Deed Restriction and Covenant Against Residential Use

a. The Parties agree that, at Closing pursuant to the requirements of Sale and Purchase Agreement made and entered into between Grantor and Memphis Commercial Properties, LLC, a Georgia limited liability company, on August 24, 2010 (as amended, modified or supplemented from time to time, the "SPA"), the Property shall be subject to Engineering and Institutional Controls and deed restrictions as described herein. The deed restrictions must be filed in this format or as tailored to specific State standards and shall include, at a minimum, the following: Grantee covenants and agrees that the Property, or any portion thereof, shall not be used at any time for: residence of any type, places of worship, bed and breakfast facilities, rooming houses, hospitals, nursing home or similar geriatric facilities. child care, playground or recreational areas, schools (or any similar use which is intended to house, educate or provide care for children, the elderly or the infirm), agricultural uses, nor shall any portion thereof be used for the construction or installation of: (i) any water wells for drinking or food processing; (ii) underground storage space; (iii) underground utility space; (iv) additional underground utility conduits (vapor tight utility conduits are permitted); or (v) basements or any underground living space. This covenant shall survive delivery of the Deed and this covenant and agreement shall run with the Land herein conveyed and a similar restrictive covenant shall be inserted in any other deed or lease or other instrument conveying or demising the Property herein conveyed or any part thereof (collectively, the "Deed Restrictions").

b. (omitted)

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 10118081

c. Grantee covenants and agrees with Grantor that if at the date of this Deed the applicable "as of right" zoning use of the Property does not include any residential use, that the Grantee, Grantee-Related Parties, subsequent owners, users, and occupiers of the Property, including all successors, lessees, assignees, and licensees will not at any time hereafter seek to or cause any application to be made to the relevant local governing authorities to amend the zoning of the Property to a use which includes any residential use whether on an "as of right" basis or on any other basis whatsoever, nor seek to take advantage of any non-conforming user rights or exceptions to use including special use permits (collectively, the "Covenant Against Residential Use").

d. If Grantee, a Grantee-Related Party, or any subsequent licensee, lessee, assignee, successor, owner, user or occupier of the Property breaches the provisions of the Deed Restrictions, or the Covenant Against Residential Use, in addition to Grantor's right specifically to enforce such provisions, then Grantor, at its option, may, but is not obligated to, repurchase the Property in the manner hereinafter provided. Grantor's repurchase option ("Repurchase Option") may be exercised at any time after Grantee fails to cure the violation within a 30-day cure period commencing upon the date of Grantor's notice to Grantee of the violation. Grantor may exercise its Repurchase Option by giving either Grantee or the owner of the Property at that time, written notice that Grantor desires to repurchase the Property ("Grantor's Repurchase Notice"), subject to the determination of the purchase price and receipt of Grantor's Election Notice as provided below. The purchase price shall be equal to the greater of (i) the Purchase Price Grantee paid for the Property being reconveyed; or (ii) ninety percent (90%) of the fair market value of the Property as determined below existing at the time of the issuance of Grantor's Repurchase Notice. This repurchase right shall be in effect for a period of 30 years from the date hereof, but in no event later than 21 years after the death of the last to survive the class of persons consisting of the lawful descendants of former U.S. President George H.W. Bush living as of the date of this deed.

(i) As of the closing on the repurchase, Grantor shall assume and Grantee shall assign all rights with respect to enforcement of those portions of the Fixed Price Contract between Grantee and Selected Remediation Contractor and Grantor shall be responsible for completing the Remediation Activities with respect to the Covered Contamination as set forth in Exhibit N at, on, under or originating from the repurchased Property but Grantee shall remain liable at its sole expense for remediation of any other Contamination that existed at, on, under or originating from the Property at or prior to closing on the repurchase of any such Property from Grantee and/or for any Costs or Claims resulting from such breach not otherwise paid by the Selected Remediation Contractor or under the insurance coverage required by Purchaser in the SPA. Grantor shall provide such notices to the appropriate Governmental Authority as are required to notify such Governmental Authority of the assumption of ownership of the Property by Grantor and Grantor shall become the principal contact with the Governmental Authority with respect to the Covered Contamination at, on, under or originating from the repurchased Property. Grantor shall continue to be bound by any of Grantee's obligations under any agreements or consent orders entered into with the Governmental Authority or other Governmental Authorities with respect to the Covered Contamination at, on, under or originating from the repurchased Property.

. .

(ii) It is the intention of the parties that Grantor shall have the benefit of any funds placed in, or available pursuant to, the Remediation Agreement for the purpose of remediating the Covered Contamination from the repurchased Property and any funds available from the Purchaser's environmental insurance, if any, covering the repurchased Property for which Grantor is an additional insured, to continue remediation of the Covered Contamination after repurchase. The terms under which Grantor shall have access to such funds shall be by apportionment with funds allocated between Property for which Grantee remains the owner and Property subject to Grantor's notice of Repurchase. Allocation of funds between Properties shall be governed by the Grantor's allocation set forth in the SPA.

(iii) Grantor's exercise of its Repurchase Option shall be in addition to and not a substitution for any other rights and remedies Grantor may have under the circumstances, including, but not limited to the right to be paid or reimbursed elsewhere provided for in the SPA, including, but not limited to, repayment for remaining Remediation Costs.

4.

• •

Engineering and Institutional Controls

a. Grantee agrees and acknowledges that the conveyance of the Property is subject to the following covenants of Grantee and that these covenants were a material inducement to Grantor's sale of the Property. As part of the consideration of Grantor's sale of the Property to Grantee, Grantee agrees that in developing the Property, Grantee shall, at its sole cost and expense, adopt and use all engineering and related technical assistance available and standard to the industry and any required by the Governmental Authority or Grantor to protect the health and safety of persons and that, depending upon the nature of Grantee's development of the Property, Grantee may need to consider the use of engineering controls to prevent the migration of vapors and/or liquids containing Contamination into any buildings, underground utilities or storm water retention/detention ponds, including without limitation, vapor installation systems, vapor barriers, sealed sumps and storm pond liners. At a minimum, Grantee agrees that it will construct any buildings and develop the Property in accordance with the following requirements, which are collectively referred to as the "Engineering and Institutional Controls."

(i) <u>Slab on Grade</u>. Grantee agrees that all buildings constructed on the Property shall be constructed slab on grade and shall have no living, working, storage or parking areas below grade, notwithstanding the foregoing, below grade utilities and foundations are permitted, provided that Grantee protects them from vapor or liquid intrusion by installing an appropriate vapor/liquid barrier and vapor ventilation system, if required.

(ii) <u>No Water Wells</u>. Grantee agrees that it will never use the Property for the purpose of obtaining from beneath the surface of the Property any water for any reason whatsoever from any ground water table or similar water basin accessed from the Property, except for Grantee's testing permitted pursuant to the SPA under Article VII Remediation Activities.

(iii) <u>Cessation of Use of Existing Wells</u>. Grantee agrees that any existing bore-water or groundwater wells located on the Property used for the purposes

of obtaining water from beneath the surface of the Property, will be capped, disabled, and sealed, (except for Grantee's testing permitted pursuant to the SPA under Article VII Remediation Activities) in accordance with all applicable Environmental Laws and industry standards and will not be re-opened and used at any time and must remain capped, disabled and sealed. Notwithstanding anything to the contrary in this Deed, if no municipal water connection is available for the Property, Grantee may continue to use any existing well currently in use subject to reasonable restrictions imposed by Grantor, such as the requirement for a filtration system.

(iv) <u>Vapor Ventilation System</u>. Grantee agrees that if, at any time, a Property is used for below grade activities other than simple storage with no residential use, Grantee will install, at its cost, into any below ground areas of the development an appropriate vapor ventilation system. Such vapor ventilation system shall be installed by a licensed contractor experienced in the installation of such systems. In addition, Grantee shall operate and maintain the vapor ventilation system to ensure that the system extracts appropriate levels of vapors so all applicable indoor air quality standards are met. Finally, Grantee shall annually test the air quality and the system to ensure the system is adequately extracting the appropriate levels of vapors to meet applicable indoor air quality standards. Such installation shall be performed in accordance with all applicable laws and in accordance with the highest industry standards to protect human health and safety.

Impervious Liner. Grantee agrees that if, at any (v) time after the date of Closing, a new building foundation is installed on the Property ("New Foundation") that prior to commencing any construction related to the New Foundation, Grantee, at its sole cost, shall install an impervious liner under the New Foundation to act as an effective vapor barrier. Unless required by a Governmental Authority in connection with Remediation Activities, Grantee shall not be required to retrofit or install an impervious liner under the existing building foundation supporting the existing building on the Property as of the date of Closing ("Existing Foundation"). However, if after the date of Closing, the Existing Foundation is demolished and a new foundation is installed to replace it, then Grantee will be responsible for installing an effective vapor barrier. Such liner shall be installed by a licensed contractor experienced in the installation of such liners. In addition, Grantee shall maintain the liner so that it remains as an effective barrier. The liner shall be of the appropriate strength and quality and be resistant to hydrocarbons and shall be installed at an appropriate level beneath ground level. Such installation and maintenance of the liner shall be performed in accordance with all applicable laws and in accordance with the highest industry standards to protect human health and safety.

(vi) Other Engineering and Institutional Controls to the Property which may be required by the Governmental Authorities, Environmental Laws, or other applicable laws, rules and regulations and/or recommended by the Selected Remediation Contractor or any subsequent Remediation Contractor.

b. Grantee's agreement to install the Engineering and Institutional Controls is a material inducement to Grantor in the sale of the Property to Grantee.

c. Grantee's agreement to install any of the Engineering and Institutional Controls shall be specifically enforceable against the applicable Grantee-Related

• '

Parties. If Grantee, or any applicable Grantee-Related Party breaches these provisions regarding Engineering and Institutional Controls, Grantor shall have the right to enforce every remedy, either public or private, available at law and in equity against the Grantee and the applicable Grantee-Related Parties, including but not limited to injunctive relief and specific performance. All remedies provided herein, including without limitation, those at law or in equity, shall be cumulative and not exclusive. Any purchaser or successor owner of the Property shall take title to the Property subject to the terms of this Deed and these Engineering and Institutional Controls.

d. All of the covenants and agreements of Grantee set forth herein regarding the Engineering and Institutional Controls, including without limitation Grantor's right of enforcement, shall be covenants running with the land and binding upon the Property, Grantee and the Grantee-Related Parties, as applicable and that Grantee agrees that Grantee shall not complete any sale, transfer or assignment of its interest in the Property or any part thereof or enter into any lease, license or right to occupy or use the Property or any part thereof, without first obtaining from the purchaser, transferee, assignee, lessee, licensee, occupier or any other person or entity having the right to use the Property, the obligation to procure these Engineering and Institutional Controls from any subsequent purchaser, transferee, assignee, lessee, licensee, occupier or any other person or entity having the right to use the Property and these Engineering and Institutional Controls shall be inserted in any other deed or lease or other instrument conveying or demising the Property herein conveyed or any part thereof.

5. <u>Grantor's Reservation of Access</u>

a. This conveyance is made by Grantor and accepted by Grantee subject to the following reservation by Grantor of a perpetual easement in gross for access to the Property after Closing. Grantor reserves the right of access to the Property after Closing, and Grantee on behalf of itself and the Grantee-Related Parties grants to Grantor access to the Property after Closing, at no cost to Grantor, as Grantor and Grantor-Related Parties may require to the Property to undertake any environmental assessment, investigation, testing and Remediation Activities that Grantor deems necessary. Such access shall include, but is not limited to, the right to conduct tests, take groundwater or soil samples, excavate, remove, dispose of Tanks, and soil, and treat the soil and groundwater, conduct and/or continue environmental investigation, testing and Remediation Activities, and undertake such other actions as Grantor deems necessary in its sole discretion. Grantor shall use commercially reasonable efforts to minimize disruption of the Grantee's business activities during any demolition, Tank removal, Remediation Activities, soil removal and other activities. Grantee shall provide Grantor with exclusive access rights to the Property to observe and/or confirm Grantee's timely discharge of Grantee's upgrade obligations with respect to Tanks and/or Remediation Activities undertaken by or on behalf of Grantee. Grantor or Grantor-Related Parties shall provide Grantee as much advance notice as reasonably practical of all potentially disruptive or intrusive activities to be undertaken on the Property; such notice may be in the form of a periodic written schedule of activities delivered from time to time. No advance notice shall be required for non-disruptive activities such as periodic monitoring of wells on the Property, if any. Grantee hereby agrees to indemnify, defend and hold Grantor and Grantor-Related Parties harmless from all Claims made, incurred or assessed against Grantor and Grantor-Related Parties by any persons or entities including, without limitation, the Governmental Authorities, as a result, directly or indirectly, of Grantee's failure to provide access to Grantor and Grantor-Related Parties. Grantee releases

. •

Grantor and Grantor-Related Parties from and against all Claims, including but not limited to those for loss of business and/or consequential damages associated with or arising out of Grantor's access to the Property post-Closing under this Deed.

b. Grantee agrees that Grantor's reservation of access set forth in this Deed shall be a covenant that runs with the land herein conveyed and that Grantee agrees that Grantee shall not complete any sale, transfer or assignment of its interest in the Property or any part thereof or enter into any lease, license or right to occupy or use the Property or any part thereof without first obtaining from the purchaser, transferee, assignee, lessee, licensee, occupier or any other person or entity having the right to use the Property, the obligation to procure Grantor's reservation of access from any subsequent purchaser, transferee, assignee, lessee, occupier or any other person or entity having the right to use the Property and Grantor's reservation of access shall be inserted in any other deed or lease or other instrument conveying or demising the Property herein conveyed or any part thereof. Any transferee, assignee, or successor owner, lessee, licensee, occupier or user of the Property shall take title to the Property subject to Grantor's reservation of access. The Grantor's rights and benefits of this reservation of access are an easement in gross, inuring to the benefit of Grantor, its Affiliates, Grantor-Related Parties, and their successors and assigns.

6. <u>Maintenance of Records</u>

a. After Closing, Grantee shall maintain daily inventory and Tank maintenance records for the Property as required to comply with all applicable laws, rules and regulations. Grantee shall deliver legible copies of such records to Grantor within two (2) days of Grantor's request for such records. Grantor shall have the right to review these records as Grantor deems necessary. Following the Closing, Grantee agrees to continue to use, maintain, repair and keep in good order the existing remote monitoring system (e.g. a Veeder-Root system) or a comparable monitoring system for the Tanks and lines located on the Property.

Within thirty (30) days after Grantor's request, Grantee shall deliver to Grantor legible copies of "as built" surveys or construction plans which show the location of any Tanks, any underground piping or other improvements installed or constructed by Grantee.

b. All of the covenants and agreements of Grantee set forth herein regarding the Maintenance of Records shall be covenants running with the land and binding upon the Property, Grantee and the Grantee-Related Parties, as applicable and that Grantee agrees that Grantee shall not complete any sale, transfer or assignment of its interest in the Property or any part thereof or enter into any lease, license or right to occupy or use the Property or any part thereof without first obtaining from the purchaser, transferee, assignee, lessee, licensee, occupier or any other person or entity having the right to use the Property, the obligation to maintain these records from any subsequent purchaser, transferee, assignee, lessee, occupier or any other person or entity having the right to use the Property and this obligation to maintain records shall be inserted in any other deed or lease or other instrument conveying or demising the Property herein conveyed or any part thereof.

7. <u>Covenants running with the Land</u>

The conditions, covenants and other provisions set out in this Deed shall be covenants running with the land and shall be binding upon and (except as expressly provided otherwise) shall inure to the benefit of the Parties, their subsidiaries, Affiliates, legal representatives, heirs, successors and assigns, as applicable.

8. <u>Pro-ration of Taxes</u>

Ad valorem taxes and special assessments, if any, against the Property for the year in which the Effective Date occurs will be pro-rated between Grantor and Grantee as of the Effective Date of this Deed, and Grantee hereby assumes and agrees to pay same.

9. <u>Definitions</u>

The following definitions are used in this Deed:

a. "Affiliate(s)".

The term Affiliate means, with respect to Grantor:

(i) any parent of Grantor;

(ii) any company or partnership in which Grantor or any parent of Grantor now or hereafter owns or controls, directly or indirectly, more than fifty percent (50%) of the ownership interest having the right to vote or appoint its directors or functional equivalents ("<u>Affiliated Company</u>");

(iii) any joint venture in which Grantor, any parent of Grantor, or an Affiliated Company has an ownership interest and/or is the operator; or

(iv) any successor in interest to (i) through (iii)

above.

. •

The term Affiliate means, with respect to Grantee, any Person directly or indirectly controlling, controlled by, or under common control with, Grantee, including any other Person directly or indirectly controlling, controlled by, or under common control with such Person. For purposes of this definition, the term "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any Person, whether through the ownership of voting securities or by contract or otherwise.

b. "Claims" (or individually a "Claim") means any pending or threatened suit, claim, loss, cost, obligation, damage, liability, payment, fine, penalty, cause of action, litigation, judgment (including, but not limited to, expert fees and attorneys' fees awarded as part of a judgment), lien or expense (including, but not limited to, reasonable attorneys' fees and other litigation expenses), whether known or unknown, that may be alleged or brought by any person, Governmental Authority or governmental entity, or any administrative, arbitration, or governmental proceeding, investigation or inquiry affecting or arising out of any asset or right that is a subject of this Deed. c. "Contamination" means the presence, whether known or unknown, at, on, under, originating or migrating from the Property of any chemical, compound, material, substance or other matter that: (a) is a flammable, corrosive, explosive, hazardous, toxic or regulated material, substance or waste, or other injurious or potentially injurious material, whether injurious or potentially injurious by itself or in combination with other materials; or (b) is controlled, designated in, regulated or governed by any Environmental Law. "Contamination" also shall include any increase in Contamination.

d. "Covered Contamination" means Contamination of a specific type and amount that satisfies all of the following conditions: (a) was disclosed in the Baseline Report; (b) existed prior to the Closing Date; (c) was caused by, resulted from or arose from Grantor's operations prior to the Closing Date; and (d) is required to be remediated to industrial/commercial standards by a Governmental Authority pursuant to Environmental Laws existing and enforceable on the Closing Date.

e. "Environmental Law" or "Environmental Laws" means any and all federal, state, or local laws, statutes, ordinances, rules, decrees, orders, or regulations relating to the environment, hazardous substances, materials, or waste, toxic substances, pollutants, or words of similar import, or environmental conditions at, on, under, or originating or migrating from the Property, or soil, water and groundwater conditions, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901, et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. §§ 2601, et seq., the Clean Air Act, as amended, 42 U.S.C. §§ 1857, et seq., the Federal Water Pollution Control Act, as amended, 42 U.S.C. §§ 1801, et seq., any amendments to the foregoing, and any similar federal, state or local laws, statutes, ordinances, rules, decrees, orders or regulations.

f. "Fixed Price Contract" means the agreement between the Grantee and the environmental engineering firm chosen to be responsible for conducting Remediation Activities at the Property.

g. "Grantee-Related Parties" means Grantee, its parent, subsidiaries, and Affiliates, and their respective owners, officers, directors, employees, agents, divisions, contractors, invitees, servants, representatives, successors and assigns, (and, if Grantee is a natural person, its heirs and legal representatives) and any lessee, licensee, occupier, user or subsequent owner of the Property.

h. "Grantor-Related Parties" means Grantor, its subsidiaries, and Affiliates and their respective owners, officers, directors, employees, agents, divisions, contractors, invitees, servants, representatives, successors and assigns.

i. "Governmental Authority" or "Governmental Authorities" means any governmental (federal, state, local or other), regulatory, judicial, or other competent authority, including without limitation, an authority responsible for the administration or collection of any tax; a body or self-regulating entity responsible for the administration of Environmental Laws, including, with respect to remediation, Remediation

. •

Activities, and determining NFA Status, those qualified environmental contractors and consultants given specific authority to administer or implement Environmental Laws; a body or self-regulating entity responsible for any or all parts of the energy sector; and a body or self-regulating entity responsible for planning and related legislative activities. "Governmental Authority" includes any person appointed by any of the foregoing to carry out an investigation or an inquiry.

j. "No Further Action Status" or "NFA Status" means either (i) a written determination received from the Governmental Authority having jurisdiction over the Property or Remediation Activities that no further remedial activities are required to meet applicable industrial/commercial clean-up standards (excluding periodic monitoring) under applicable Environmental Laws; (ii) when all necessary remedial activities have been completed to meet applicable industrial/commercial clean-up standards pursuant to a work plan approved by the appropriate Governmental Authority if the applicable Environmental Laws do not provide for such a written determination; or (iii) when all necessary remedial activities have been completed under applicable Environmental Laws to meet applicable industrial/commercial clean-up standards pursuant to a remedial investigation, remediation, or other environmental response work plan approved by the appropriate Governmental Authority if the Governmental Authority has unreasonably delayed or refused to provide such a written determination.

k. "Person" means an individual, partnership (whether general or limited), limited liability company, corporation, trust, estate, unincorporated association, nominee, joint venture or other entity that is given, or is recognized as having, legal personality by the law of any jurisdiction, country, state or territory. "Person" includes any emanation of a sovereign state or government, whether national, provincial, local or otherwise, any international organization or body (whether or not having legal personality), and any other juridical entity, in each case wherever resident, domiciled, incorporated or formed.

k. "Remediation Activities" or "Remediation Activity" means any site investigation, study, assessment, testing, monitoring, containment, removal, disposal, closure, corrective action, remediation (whether active or passive), natural attenuation, bioremediation, response, treatment, cleanup or abatement work, and operations and maintenance, whether on-site or off-site, of Contamination required to achieve NFA Status.

l. "Tank" or "Tanks" means and refers to the storage tanks and associated lines and piping used for the storage of petroleum products or other products or materials and located at, on or under the Property, including all orphaned tanks, whether maintained or unmaintained, and tanks previously used, currently used or intended to be used in the operation of a service station.

m. Capitalized terms used but not otherwise defined herein shall have the meaning given in the SPA.

10.

Duration; Enforcement

In the event that a court of competent jurisdiction determines that any particular provision in this deed is unenforceable or invalid, such invalidity or unenforceability shall not render unenforceable or invalid this deed as a whole or serve to render the other provisions herein invalid or unenforceable.

Grantee, by executing this deed, hereby accepts the covenants and provisions of this deed and agrees to be bound by such covenants and provisions.

The restrictions imposed herein are stated to be for the benefit of Grantor and Grantor Related Parties and shall be in force for a period of 90 years from the date of this deed, but in no event later than 21 years after the death of the last to survive the class of persons consisting of the lawful descendants of former U.S. President George H.W. Bush living as of the date of this deed.

IN WITNESS WHEREOF, Grantor has signed this deed this \mathcal{F} day of November, 2010, but EFFECTIVE as of this $\sqrt{9}$ day of November, 2010, ("Effective Date").

GRANTOR:

EXXO	ON MOBIL CORPORATION
By:	de la laure
Name	G.R.GARNER III

Title: Agent and Attorney-in-Fact

Commonwealth of Virginia

County of Fairfax

, a Notary Public in and for . Tuske Before me KAME Fairfax County, Virginia, on this day personally appeared 6 R. Gameli 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 Agent and Attorney-in-Fact for EXXON MOBIL CORPORATION, the within named bargainor, a New Jersey corporation, and that he as such Agent and Attorney-in-Fact, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself and as Agent and Attorney-in-Fact.

Given under my hand and official seal 3 day of November, 2010

My Commission Expires: 3/3// 2012

) ss:

Site 51095 3487 Poplar Avenue, MEMPHIS, TENNESSEE



11

GRANTEE:

POPLAR AVENUE 3487 CENTER, LLC

By:

Name: Scott A. Moon

Title: <u>Manager</u>

STATE OF CILOFGIA COUNTY OF Fulton

Before me, a Notary Public of the state and county mentioned, personally appeared <u>Scott A-Muon</u>, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be <u>Manager</u> of POPLAR AVENUE 3487 CENTER, LLC, the within named bargainor, a Georgia limited liability company, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by personally signing the name of the limited liability company by himself as such officer.

WITNESS my hand and seal, at office in <u>Follon</u> County, <u>Georgia</u>, this day of November, 2010.

Notary Public

My Commission Expires: 12-18

CONSENTED TO:

MEMPHIS COMMERCIAL PROPERTIES, LLC

By: a

Name: Scott A. Moon Title: <u>Manager</u>

STATE OF <u>Georgia</u> COUNTY OF <u>Fulton</u>

Before me, a Notary Public of the state and county mentioned, personally appeared <u>Scott A. Moon</u>, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be <u>Manager</u> of MEMPHIS COMMERCIAL PROPERTIES, LLC, the within named bargainor, a Georgia limited liability company, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by personally signing the name of the limited liability company by himself as such officer.

WITNESS my hand and seal, at office in <u>Fulfon</u> County, <u>Georgia</u>, this and day of November, 2010.

My Commission Expires: 12-18-16

Property Owner: POPLAR AVENUE 3487 CENTER, LLC 760 Briscoe Boulevard Lawrenceville, GA 30046 Phone No.: (770) 685-7305 Fax No.: (678) 990-0836 Person or Entity Responsible Payment of Taxes: Same as Property Owner

PARCEL: 045 126 00018 MAP:

Comm-vwrAlk STATE OF COUNTY OF

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 \$1,836,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this the 3 day of November, 2010.

mt pall Notary Public

My commission expires: 3/3//20/2



SCHEDULE J TO DEED LEGAL DESCRIPTION

· · · ·

٠

SS# 51095

. . •

3487 Poplar Avenue, Memphis, Tennessee

Being the Exxon Corporation property located in the City of Memphis, County of Shelby, State of Tennessee as recorded in Instrument No. S5 4360 in the Shelby County Register's Office, said property also being Lot 3 in the Dillard Square Subdivision as recorded in Plat Book 39, Page 10 in said Register's Office, being more particularly described as follows:

COMMENCING at the tangency intersection of the south right-of-way line of Poplar Avenue (52' R.O.W. from centerline) with the west right-of-way line of South Highland Street (80' R.O.W.); thence along said west tangency line with a bearing of South 00 Degrees 03 Minutes 00 Seconds East a distance of 31.41 feet to a point; which is the true POINT OF BEGINNING.

Thence continue along said west right-of-way line of South Highland Street with a bearing of South 00 Degrees 03 Minutes 00 Seconds East a distance of 169.51 feet to a point; thence leaving said west line with a bearing of North 75 Degrees 43 Minutes 00 Seconds West a distance of 200.00 feet to a point; thence with a bearing of North 00 Degrees 03 Minutes 00 Seconds West a distance of 200.00 feet to a point; thence with a bearing of North 00 Degrees 03 Minutes 00 Seconds West a distance of 200.00 feet to a point located on said south right-of-way line of Poplar Avenue; thence along said south line in a easterly direction with a non-tangent curve turning to the left with a radius of 11,512.00 feet, having a chord bearing of South 75 Degrees 54 Minutes 19 Seconds East and a chord distance of 168.37 feet, having a tangent of 84.19 feet, having a interior angle of 00 Degrees 50 Minutes 17 Seconds an arc length of 168.37 feet to a point of compound curvature; thence in a southeasterly direction with a tangent curve turning to the right with a radius of 40.00 feet, having a chord bearing of South 38 Degrees 11 Minutes 14 Seconds East and a chord distance of 49.40 feet, having a tangent of 31.41 feet, having a interior angle of 76 Degrees 16 Minutes 27 Seconds an arc length of 53.25 feet to the point of beginning. Containing 38,598 square feet or 0.8861 acres, more or less.

Being the same property conveyed to the Grantor in Warranty Deed of record in Instrument Number S5 4360, in the Register's Office of Shelby County, Tennessee.

FINARD POPLAR REALTY LTD PARTNERSHIP 3460 PLAZA AVE # MEMPHIS TN 38111

FINARD POPLAR REALTY LTD PARTNERSHIP 3460 PLAZA AVE # MEMPHIS TN 38111

FINARD POPLAR REALTY LTD PARTNERSHIP 3460 PLAZA AVE # MEMPHIS TN 38111

CITY OF MEMPHIS GENERAL DELIVERY # MEMPHIS TN 38101

BRIDGESTONE RETAIL OPERATIONS LLC PO BOX 140990 # NASHVILLE TN 37214

POPLAR EQUITY FUND LLC PO BOX 1651 # RANCHO SANTA FE CA 92067 COUNCIL OF CO OWNERS OF THE EDINBOROUGH PO BOX 11597 # MEMPHIS TN 38111

CRENSHAW JOY M & DONZEL K

130 W GALLOWAY DR #

POPLAR EQUITY FUND LLC PO BOX 1651 # RANCHO SANTA FE CA 92067

POPLAR EQUITY FUND LLC PO BOX 1651 # RANCHO SANTA FE CA 92067

MAGNOLIA GARDENS INC 204 WINDOVER RD # MEMPHIS TN 38111

CAMELLIA GARDENS INC 204 WINDOVER RD # MEMPHIS TN 38111 CAMELLIA GARDENS INC 204 WINDOVER RD # MEMPHIS TN 38111

CAMELLIA GARDENS INC 204 WINDOVER RD # MEMPHIS TN 38111

HIP CAMELLIA GARDENS INC & CAM/MAG 204 WINDOVER RD # MEMPHIS TN 38111

MAGNOLIA GARDENS INC & CAM/MAG

204 WINDOVER RD #

MAGNOLIA GARDENS INC

204 WINDOVER RD #

MEMPHIS TN 38111

MEMPHIS TN 38111

MEMPHIS TN 38111

MEMPHIS TN 38111

105 RED ACRES PL # MEMPHIS TN 38111

MCCLESKEY SHAWN

SULLIVAN DAVID M & CHERI L 111 RED ACRES PL # MEMPHIS TN 38111

GALLOWAY PLACE HOMEOWNERS ASSO INC 112 RED ACRES PL # MEMPHIS TN 38111

MILLER EDITH R 242 WINDOVER RD # MEMPHIS TN 38111

KARLS CO INC OF MEMPHIS 919 E MAIN STREET, 14TH FL # RICHMOND VA 23219

POPLAR AVENUE 2487 CENTER LLC PO BOX 1565 # LAWRENCEVILLE GA 30046

DILLARD SQUARE L P P O BOX 171247 # MEMPHIS TN 38187

DILLARD SQUARE L P P O BOX 171247 # MEMPHIS TN 38187

HENDERSON SAMUEL D AND WILLIAM M LAWING 235 WINDOVER GROVE DR # MEMPHIS TN 38111

MCMANIC STEPHANIE Y 233 WINDOVER GROVE DR # MEMPHIS TN 38111

HERRINGTON BETTY C 3542 S GALLOWAY DR # MEMPHIS TN 38111

HERRINGTON BETTY C

3542 S GALLOWAY DR #

SCHAFFLER MICHAEL P 112 RED ACRES PL # MEMPHIS TN 38111

CHANDLER JERRY D 231 WINDOVER GROVE DR # MEMPHIS TN 38111

CASH MARIANN S 3420 JOFFRE AVE # MEMPHIS TN 38111

THOMAS VICTORIA A 229 WINDOVER GROVE # MEMPHIS TN 38111

MARSHALL WILLIAM R & DIANNE B 3424 JOFFRE AVE # MEMPHIS TN 38111

AXELROD LILLIAN S & WILLIAM G II AND MAKKI BABAK 227 WINDOVER GROVE DR # 1635 E SHELBY DR # MEMPHIS TN 38111 MEMPHIS TN 38116

MARTINDALE RICK ADAMS GARY A 225 WINDOVER GROVE DR # 3432 JOFFRE AVE # MEMPHIS TN 38111 MEMPHIS TN 38111

WINDOVER GROVE HOMEOWNERS INC DWYER DEMERE 2195 S GERMANTOWN RD # 3436 JOFFRE AVE # MEMPHIS TN 38111 GERMANTOWN TN 38138

PALEN MATTHEW T & RANDY E HUNTER 237 WINDOVER GROVE DR # 555 PERKINS EXT # MEMPHIS TN 38111

JOFFRE PLACE JOINT VENTURE MEMPHIS TN 38117

PARTAIN HEATHER 3427 JOFFRE AVE # MEMPHIS TN 38111

SRK PARTNERSHIP (90%) AND CO POPLAR LLC 545 MAINSTREAM DR # NASHVILLE TN 37228

REEDER JAMES A & SUSAN M 233 WINDOVER RD # MEMPHIS TN 38111

HOGAN TAYLOR B & CATHERINE M 237 WINDOVER RD # MEMPHIS TN 38111

044052 00001C - FINARD POPLAR REALTY LTD PARTNERSHIP

- 044052 00001Z FINARD POPLAR REALTY LTD PARTNERSHIP
- 044052 00002 FINARD POPLAR REALTY LTD PARTNERSHIP
- 044053 00001 CITY OF MEMPHIS
- 044054 00001 BRIDGESTONE RETAIL OPERATIONS LLC
- 044054 00002 POPLAR EQUITY FUND LLC
- 044054 00003 POPLAR EQUITY FUND LLC
- 044054 00004 POPLAR EQUITY FUND LLC
- 044055 00001 MAGNOLIA GARDENS INC
- 044055 00072 CAMELLIA GARDENS INC
- 044055 00073 CAMELLIA GARDENS INC
- 044055 00074 CAMELLIA GARDENS INC
- 044055 00074Z CAMELLIA GARDENS INC & CAM/MAG
- 044055 00076Z MAGNOLIA GARDENS INC & CAM/MAG
- 044055 00077 MAGNOLIA GARDENS INC
- 044055 A00001 COUNCIL OF CO OWNERS OF THE EDINBOROUGH
- 044058 00030C CRENSHAW JOY M & DONZEL K
- 044059 00010 HERRINGTON BETTY C
- 044059 00016 HERRINGTON BETTY C
- 044059 A00001 SCHAFFLER MICHAEL P
- 044059 A00006 MCCLESKEY SHAWN
- 044059 A00007 SULLIVAN DAVID M & CHERI L
- 044059 A00008 GALLOWAY PLACE HOMEOWNERS ASSO INC
- 045126 00016 MILLER EDITH R
- 045126 00017 KARLS CO INC OF MEMPHIS

045126 00018 - POPLAR AVENUE 2487 CENTER LLC

- 045126 00022 DILLARD SQUARE L P
- 045126 00023C DILLARD SQUARE L P
- 045126 A00017C HENDERSON SAMUEL D AND WILLIAM M LAWING
- 045126 A00018 MCMANIC STEPHANIE Y
- 045126 A00019 CHANDLER JERRY D
- 045126 A00020 THOMAS VICTORIA A
- 045126 A00021 AXELROD LILLIAN S & WILLIAM G II AND
- 045126 A00022 MARTINDALE RICK
- 045126 A00035 WINDOVER GROVE HOMEOWNERS INC
- 045126 A00038 PALEN MATTHEW T & RANDY E HUNTER
- 045127 00022 PARTAIN HEATHER
- 045127 00049C SRK PARTNERSHIP (90%) AND CO POPLAR LLC
- 045127 00053 REEDER JAMES A & SUSAN M
- 045127 00054 HOGAN TAYLOR B & CATHERINE M
- 045127 A00022 CASH MARIANN S
- 045127 A00023 MARSHALL WILLIAM R & DIANNE B
- 045127 A00024 MAKKI BABAK
- 045127 A00025 ADAMS GARY A
- 045127 A00026 DWYER DEMERE
- 045127 A00027 JOFFRE PLACE JOINT VENTURE

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

Poplar Avenue 3487 Center LLC P.O. Box 1565 Lawrenceville, GA 30046-1565 Poplar Avenue 3487 Center LLC P.O. Box 1565 Lawrenceville, GA 30046-1565 Poplar Avenue 3487 Center LLC P.O. Box 1565 Lawrenceville, GA 30046-1565



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

June 13, 2024

Majors Management, LLC

Sent via electronic mail to: <u>cindy.reaves@srce-memphis.com</u>

Case Number: SUP 2024-008 LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, June 13, 2024, the Memphis and Shelby County Land Use Control Board recommended *approval* of your special use permit application to allow a convenience store with gas pumps at 3487 Poplar Ave. subject to the following conditions:

- 1. All conditions approved via BOA 2024-0023 must be met.
- 2. The applicant must provide a final site plan, landscape plan, and elevations for administrative review and approval.
- 3. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and 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) 636-7179 or via email at LaTonya.hull@memphistn.gov.

Letter to Applicant SUP 2024-008

Respectfully,

tongo Hell

LaTonya Hull Planner I Land Use and Development Services Division of Planning and Development

Cc: File