

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 03/19/2024
DATE
PUBLIC SESSION: 03/19/2024
DATE

ITEM (CHECK ONE)
ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution approving to close and vacate a segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St., known as case number SAC 23-08

CASE NUMBER: SAC 23-08

LOCATION: A segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St. The total alley closure is +/- 0.267 acres (11,607 sq. ft.).

COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Brett Roler, Downtown Memphis Commission (DMC)

REPRESENTATIVES: Christine Donhardt – The Reaves Firm, Inc.

REQUEST: Close and vacate a segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St.

AREA: +/- 0.267 acres

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**

Add to consent agenda requesting public hearing – March 5, 2024
Public hearing – 03/19/2024

PRIOR ACTION ON ITEM:

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

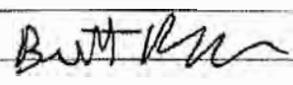
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

_____	<u>DATE</u>	<u>POSITION</u>
	<u>02/09/2024</u>	PLANNER II
_____	_____	DEPUTY ADMINISTRATOR
	<u>2/9/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 23-08

RESOLUTION APPROVING THE CLOSURE AND VACATION OF A SEGMENT OF N. NOVEMBER 6TH STREET FROM JEFFERSON AVE. TO ITS NORTH TERMINUS AND CLOSE AND VACATE THE UNNAMED ALLEY BETWEEN N. MAIN ST. AND SECOND ST., KNOWN AS CASE NUMBER SAC 23-08

- 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, January 11, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SAC 23-08

LOCATION: A segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St. The total alley closure is +/- 0.267 acres (11,607 sq. ft.).

COUNCIL DISTRICT(S): District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Brett Roler, Downtown Memphis Commission (DMC)

REPRESENTATIVE: Christine Donhardt – The Reaves Firm, Inc.

REQUEST: Right-of-way vacation

EXISTING ZONING: Central Business District (CBD) / Downtown Fire District / Central Business Improvement District

AREA: +/- 0.267 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,



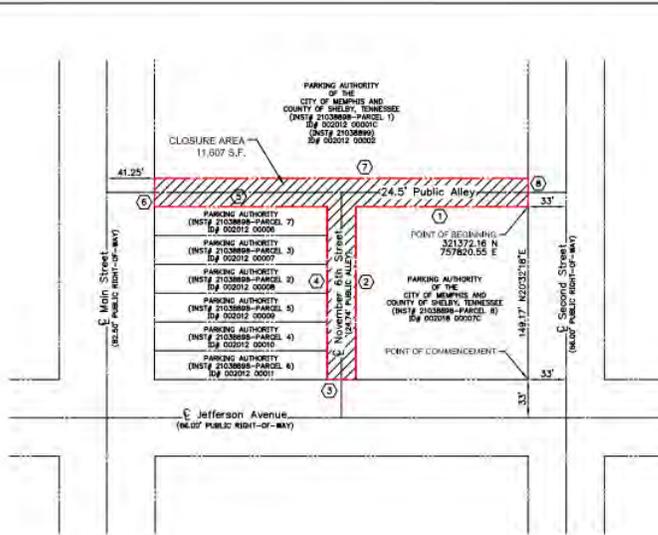
Eric R Howell, NCI
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SAC 23-08
CONDITIONS

1. The applicant is seeking to Close and vacate a segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St.
2. The alley closure is +/- 0.267 acres (11,607 sq. ft.).
3. This alley closure coincides with the redevelopment of 100 N. Main.
4. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CLOSURE PLAT



Vicinity Map

PROPERTY DESCRIPTION:

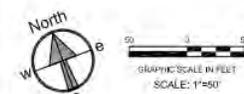
BEING A DESCRIPTION OF THE FIRST ALLEY NORTH OF JEFFERSON AVENUE BETWEEN MAIN STREET AND SECOND STREET, AND NOVEMBER 6th STREET BETWEEN JEFFERSON AVENUE AND SAID ALLEY, BOTH LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SECOND STREET (89 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE (85.0 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N03°23'18" E ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 145.17 FEET TO THE SOUTH LINE OF A 24.50 FOOT WIDE PUBLIC ALLEY SAID POINT BEING THE POINT OF BEGINNING; AND HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 3212.216 + EAST 10520.35; THENCE N69°27'42" W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 148.17 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NOVEMBER 6th ALLEY (24.75 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE S20°32'18" W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 188.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE; THENCE N69°27'42" W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 24.74 FEET TO A POINT; THENCE N20°32'18" E LEAVING SAID NORTH LINE A DISTANCE OF 145.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE 24.50 FOOT WIDE PUBLIC ALLEY; THENCE N69°27'42" W ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 149.38 FEET TO A POINT ON THE EAST LINE OF MAIN STREET (82.50 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE S40°32'18" W ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MAIN STREET A DISTANCE OF 24.50 FEET TO THE NORTH LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY; THENCE S89°27'42" E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 323.0 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET; THENCE S20°32'18" W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 24.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,607 SQUARE FEET.

LINE DATA

No.	LENGTH	BEARING
1	149.00'	N69°27'42" W
2	149.17'	S20°32'18" E
3	24.74'	N69°27'42" W
4	149.17'	N20°32'18" E
5	149.36'	N69°27'42" W
6	24.50'	N20°32'18" E
7	323.00'	S69°27'42" E
8	24.50'	S20°32'18" W

Job: 2020-11-02 10:00 AM North Main St Alley Closure Plat.dwg Date: 07/20/2021 11:30 AM



ALLEY CLOSURE PLAT		
ALLEY BETWEEN MAIN ST. & SECOND ST. AND NOVEMBER 6th ST. BETWEEN JEFFERSON & ALLEY		
CASE NUMBER: SAC23727	MEMPHIS, TENNESSEE	
NUMBER OF LOTS: N/A	11,607 SQ.FT./0.267 AC.	PANEL: 3/A
APPLICANT: DOWNTOWN PARKING AUTHORITY	ENGINEER: THE REEVES FIRM	
100-YEAR FLOOD ELEV: 255.0	FEMA MAP PANEL NO: 2270F	FEMA MAP DATE: SEPT. 26, 2007
DECEMBER 2023	SCALE: 1"=50'	SHEET 1 OF 1



RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF A SEGMENT OF N. NOVEMBER 6TH STREET FROM JEFFERSON AVE. TO ITS NORTH TERMINUS AND CLOSE AND VACATE THE UNNAMED ALLEY BETWEEN N. MAIN ST. AND SECOND ST., KNOWN AS CASE NUMBER SAC 23-008

WHEREAS, the City of Memphis is the owner of real property known as a segment of N.

November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St. in Memphis, Tennessee and being more particularly described as follows:

BEING A DESCRIPTION OF THE FIRST ALLEY NORTH OF JEFFERSON AVENUE BETWEEN MAIN STREET AND SECOND STREET, AND NOVEMBER 6TH STREET BETWEEN JEFFERSON AVENUE AND SAID ALLEY, BOTH LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SECOND STREET (66 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE (66.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N20°32'18"E ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 149.17 FEET TO THE SOUTH LINE OF A 24.50 FOOT WIDE PUBLIC ALLEY, SAID POINT BEING THE POINT OF BEGINNING AND HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 321372.16 - EAST 757820.55; THENCE N69°27'42"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 149.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NOVEMBER 6th ALLEY (24.75 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE S20°32'18"W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE; THENCE N69°27'42"W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 24.74 FEET TO A POINT; THENCE N20°32'18"E LEAVING SAID NORTH LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE 24.50 FOOT WIDE PUBLIC ALLEY; THENCE N69°27'42"W ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 149.36 FEET TO A POINT ON THE EAST LINE OF MAIN STREET (82.50 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N20°32'18"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MAIN STREET A DISTANCE OF 24.50 FEET TO THE NORTH LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY; THENCE S69°27'42"E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 323.10 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET; THENCE S20°32'18"W ALONG THE WEST RIGHT-OF-WAY

LINE OF SAID SECOND STREET A DISTANCE OF 24.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,607 SQUARE FEET.

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 January 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. Dedicate 15' sewer easement for the existing sewer in the Alley.
 - a. The City of Memphis shall have ingress/egress rights to use private drives and yards for the purpose of maintaining all public sewer lines and shall bear no responsibility for the maintenance of said private drives, fence, and yards.

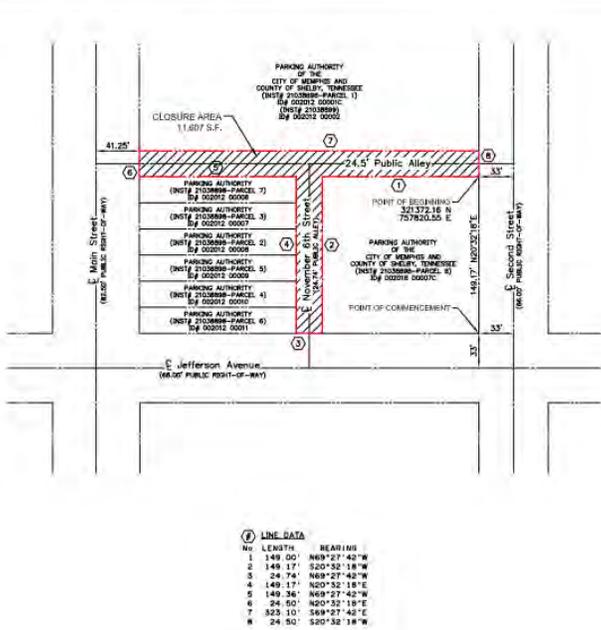
- b. No trees, shrubs, permanent structures, or other utilities (except for crossings) will be allowed within sanitary sewer easement. no other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- c. Any improvements encroaching sanitary sewer easements which are not authorized by the city of Memphis may be removed by the city at any time and the city shall bear no responsibility for the maintenance of said improvements. Sewers are available to serve this development.

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.

Map 2023-02-0011 100 North Main St. Alley Closure/Utility Plat Map. Dec 07, 2023. 1:40pm



LINE DATA

No.	LENGTH	BEARINGS
1	149.00'	N69°27'42" W
2	149.17'	S20°52'18" W
3	24.74'	N69°27'42" W
4	149.17'	N20°52'18" E
5	149.26'	S69°27'42" W
6	24.60'	N20°52'18" E
7	323.10'	S69°27'42" E
8	24.50'	S20°52'18" W

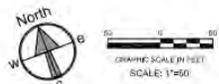


Vicinity Map

PROPERTY DESCRIPTION

BEING A DESCRIPTION OF THE FIRST ALLEY NORTH OF JEFFERSON AVENUE BETWEEN MAIN STREET AND SECOND STREET AND NOVEMBER 6th STREET BETWEEN JEFFERSON AVENUE AND SAID ALLEY, BOTH LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SECOND STREET (66 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE (66.0 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE 829.32 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 149.17 FEET TO THE SOUTH LINE OF A 24.50 FOOT WIDE PUBLIC ALLEY; SAID POINT BEING THE POINT OF BEGINNING AND HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 32172.16 - EAST 75703.09; THENCE 69.2742 W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 149.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NOVEMBER 6th ALLEY (24.50 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE S20°52'18" W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE; THENCE S69°27'42" W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 34.74 FEET TO A POINT; THENCE 829.32 FEET LEAVING SAID NORTH LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE 24.50 FOOT WIDE PUBLIC ALLEY; THENCE WEST 27.42 ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 149.26 FEET TO A POINT ON THE EAST LINE OF MAIN STREET (66.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE 187.18 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MAIN STREET A DISTANCE OF 34.50 FEET TO THE NORTH LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY; THENCE S69°27'42" E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 323.10 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET; THENCE 829.32 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 24.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,607 SQUARE FEET.



**ALLEY CLOSURE PLAT
ALLEY BETWEEN MAIN ST. & SECOND ST. AND
NOVEMBER 6th ST. BETWEEN JEFFERSON & ALLEY**

CASE NUMBER: 24C 72-27	MEMPHIS, TENNESSEE	
NUMBER OF LOTS: 6/A	11,607 SQ. FT. (271 AC)	PARCEL: 0/A
APPLICANT: DOWNTOWN PARKING AUTHORITY	ENGINEER: THE REEVES FIRM	
TITLE: ALLEY CLOSURE PLAT	PLAT MAP PARCEL NO: 02707	PLAT MAP DATE: SEPT. 26, 2001
DECEMBER 2023	SCALE: 1"=50'	SHEET: 1 OF 1

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ATTEST:

**Cc: Division of Planning and Development – Land Use and Development Services
City Engineering – Land Development
City Real Estate**

AGENDA ITEM: 8

CASE NUMBER: SAC 2023-008 **L.U.C.B. MEETING:** January 11, 2024

LOCATION: N. November 6th Street from Jefferson Ave. to its north terminus / unnamed alley between N. Main St. and Second St.

COUNCIL DISTRICT: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Brett Roler, Downtown Memphis Commission (DMC)

REPRESENTATIVE: Christine Donhardt – The Reaves Firm, Inc.

REQUEST: Close and vacate a segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St.

AREA: +/- 0.267 acres (11,607 sq. ft.)

CONCLUSIONS

1. The applicant is seeking to Close and vacate a segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St.
2. The alley closure is +/- 0.267 acres (11,607 sq. ft.).
3. This alley closure coincides with the redevelopment of 100 N. Main.
4. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

NA

RECOMMENDATION

Approval with conditions.

GENERAL INFORMATION

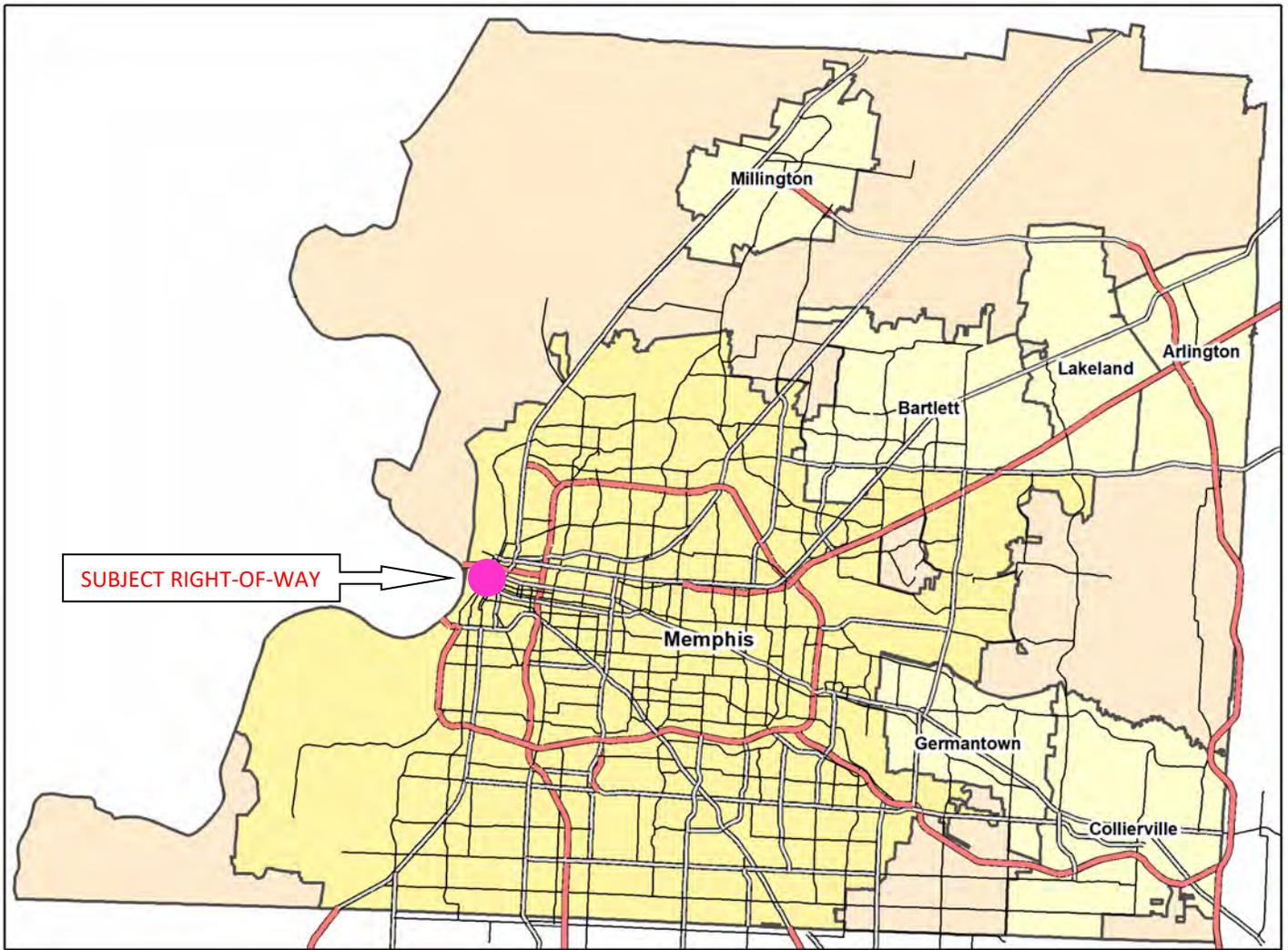
Zoning Atlas Page: 1925 & 2025

Existing Zoning: Central Business District (CBD) / Downtown Fire District / Central Business Improvement District

PUBLIC NOTICE

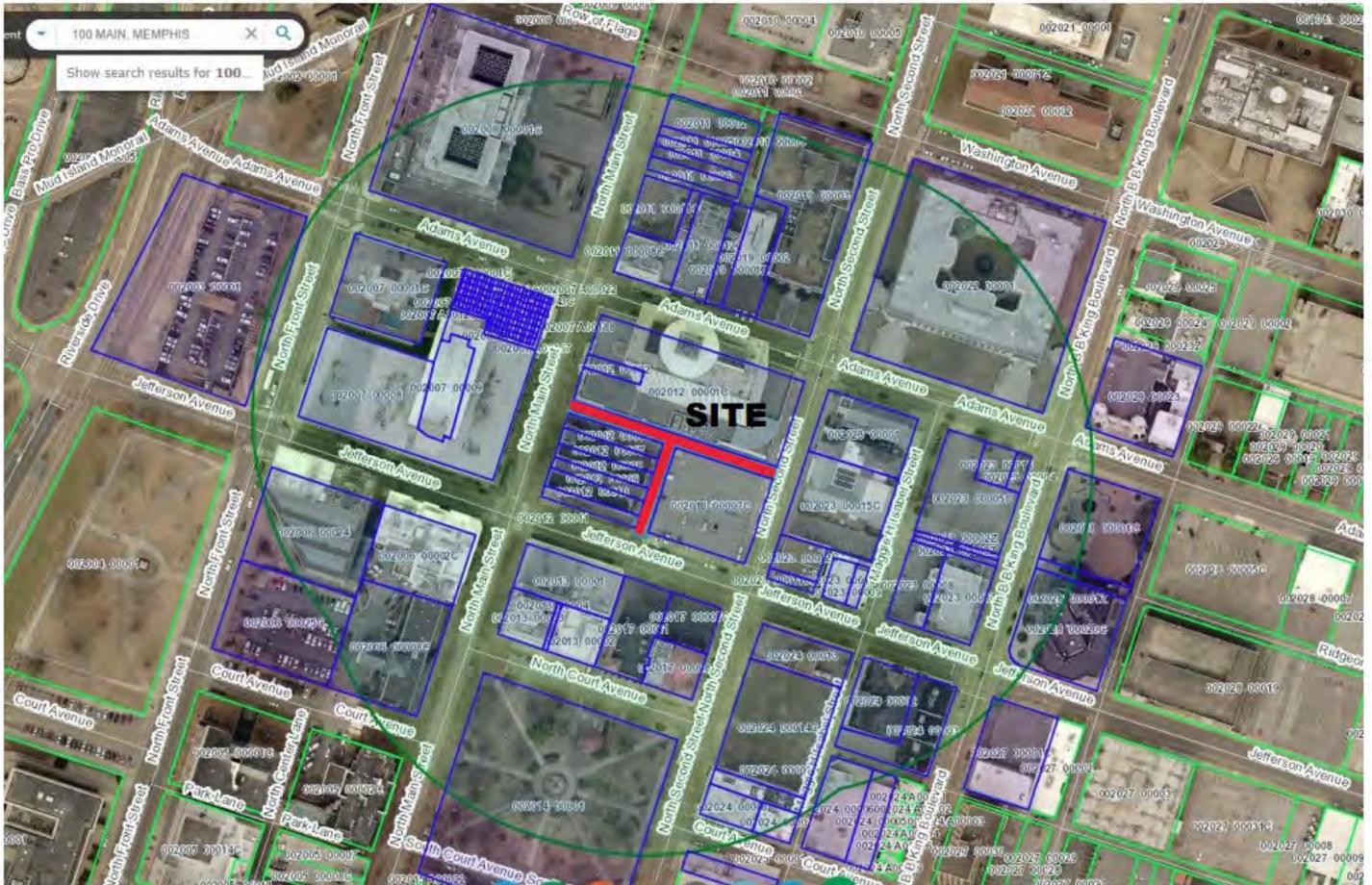
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 254 notices were mailed on December 21, 2023, and a total of 3 signs posted, one on each end of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

LOCATION MAP



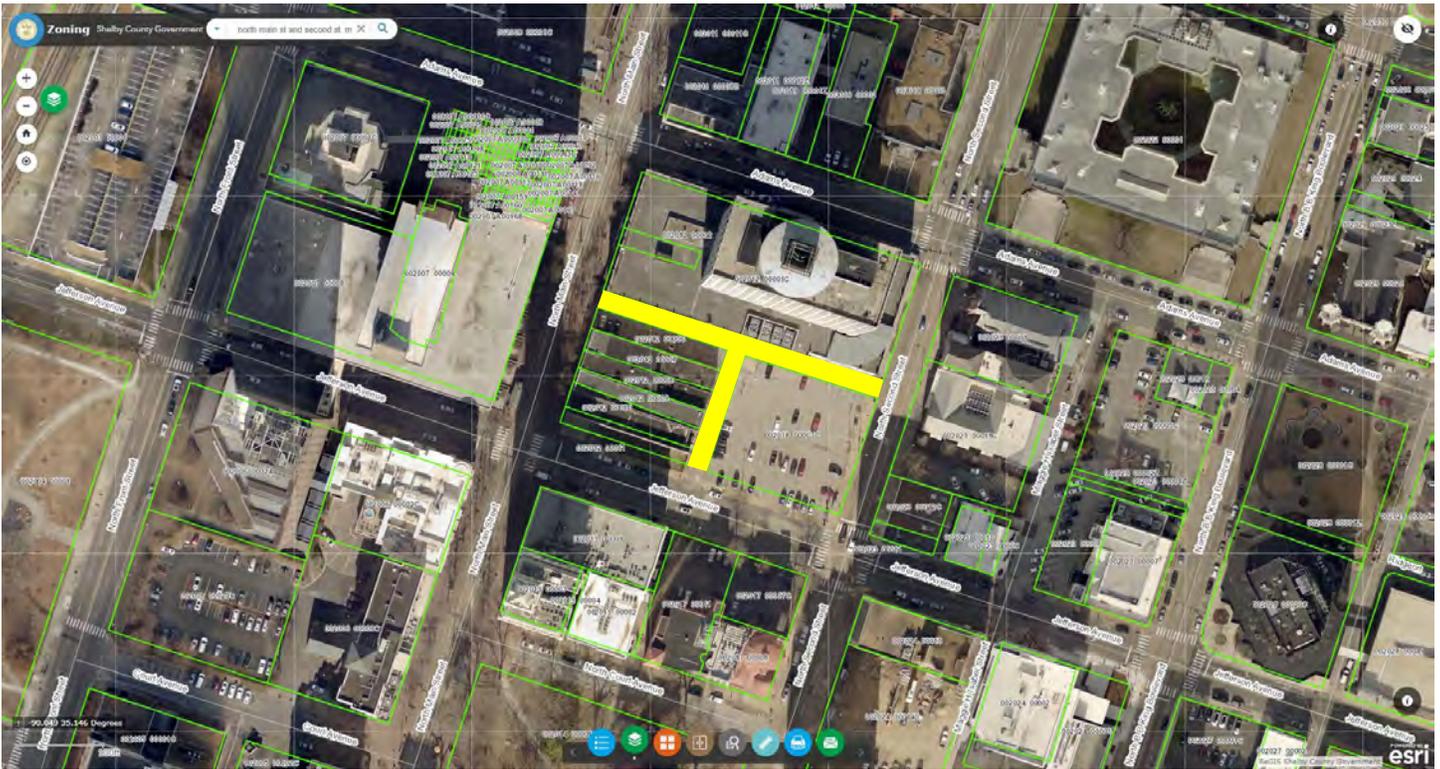
Subject right-of-way located within the pink circle, Memphis Uptown

VICINITY MAP



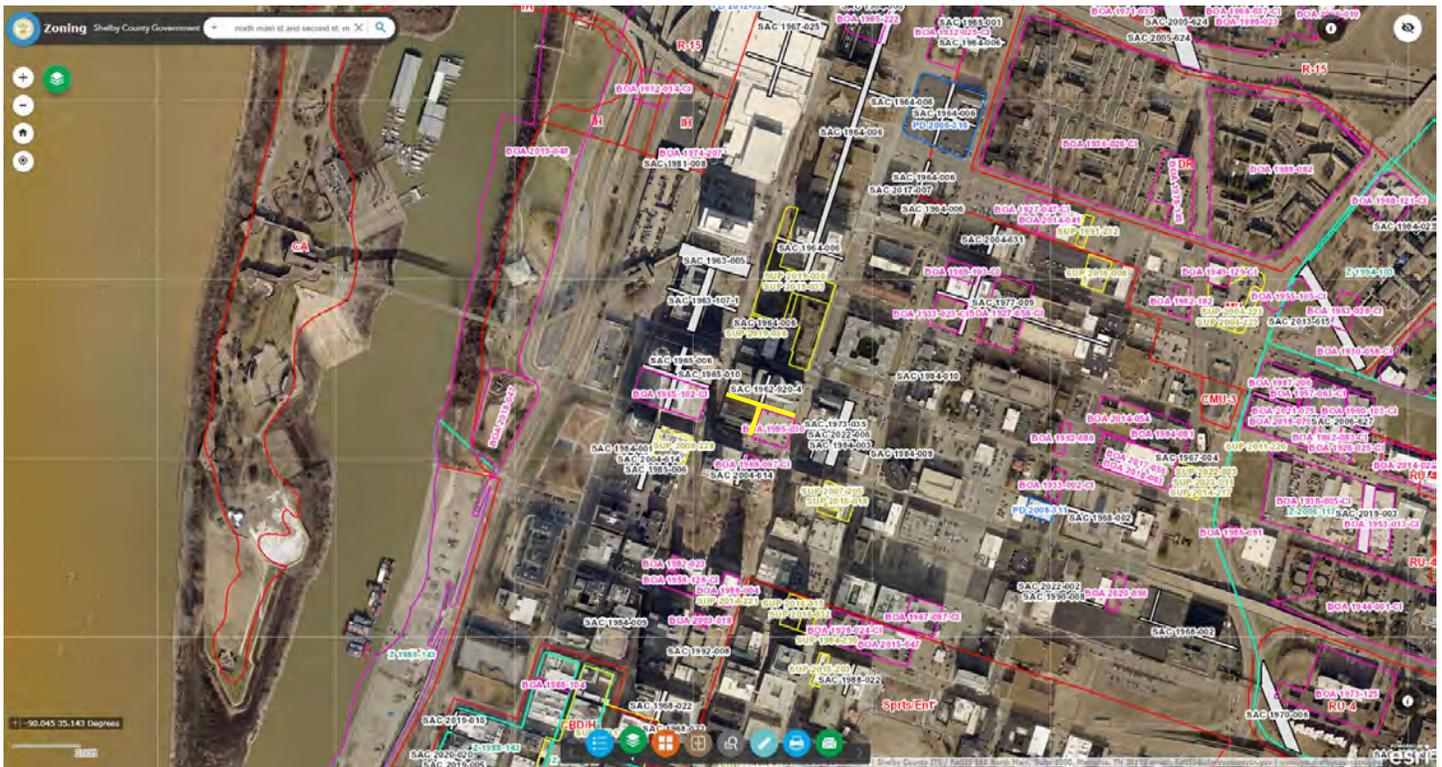
Subject right-of-way highlighted in red

AERIAL



Subject right-of-way outlined in yellow, imagery from December 27, 2023

ZONING MAP



Subject right-of-way highlighted in yellow

Existing Zoning: Central Business District (CBD)

Surrounding Zoning

North: Central Business District (CBD) / IH / HDR / R-15 / Multiple SAC-related cases

East: Central Business District (CBD) / CMU-3 / RU-4 / Multiple SAC-related cases

South: Central Business District (CBD) / Spts/Ent / SE(H) / CBD(H) / (H) / Multiple SAC-related cases

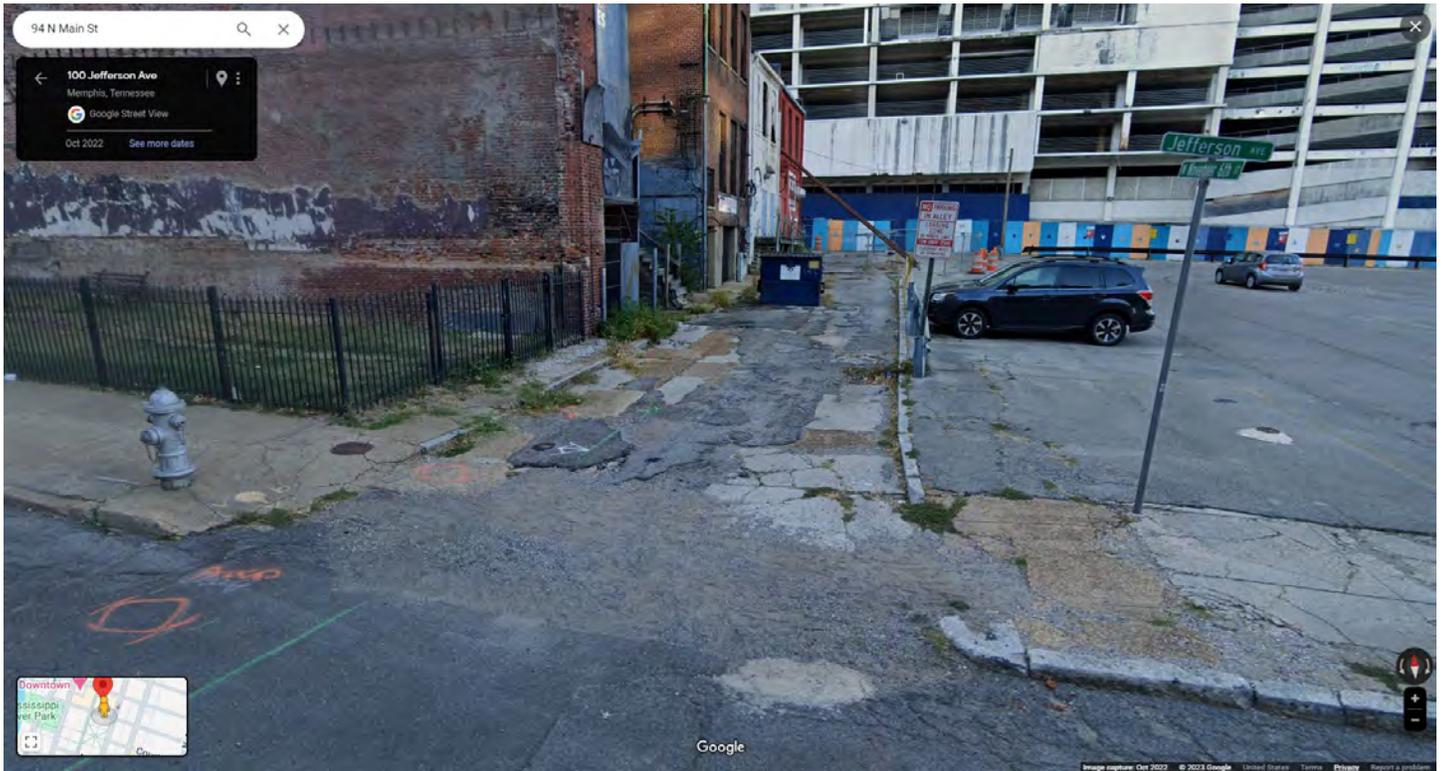
West: Central Business District (CBD) / CA / IH / CMU-3 / Multiple SAC-related cases

LAND USE MAP



Subject right-of-way outlined in yellow

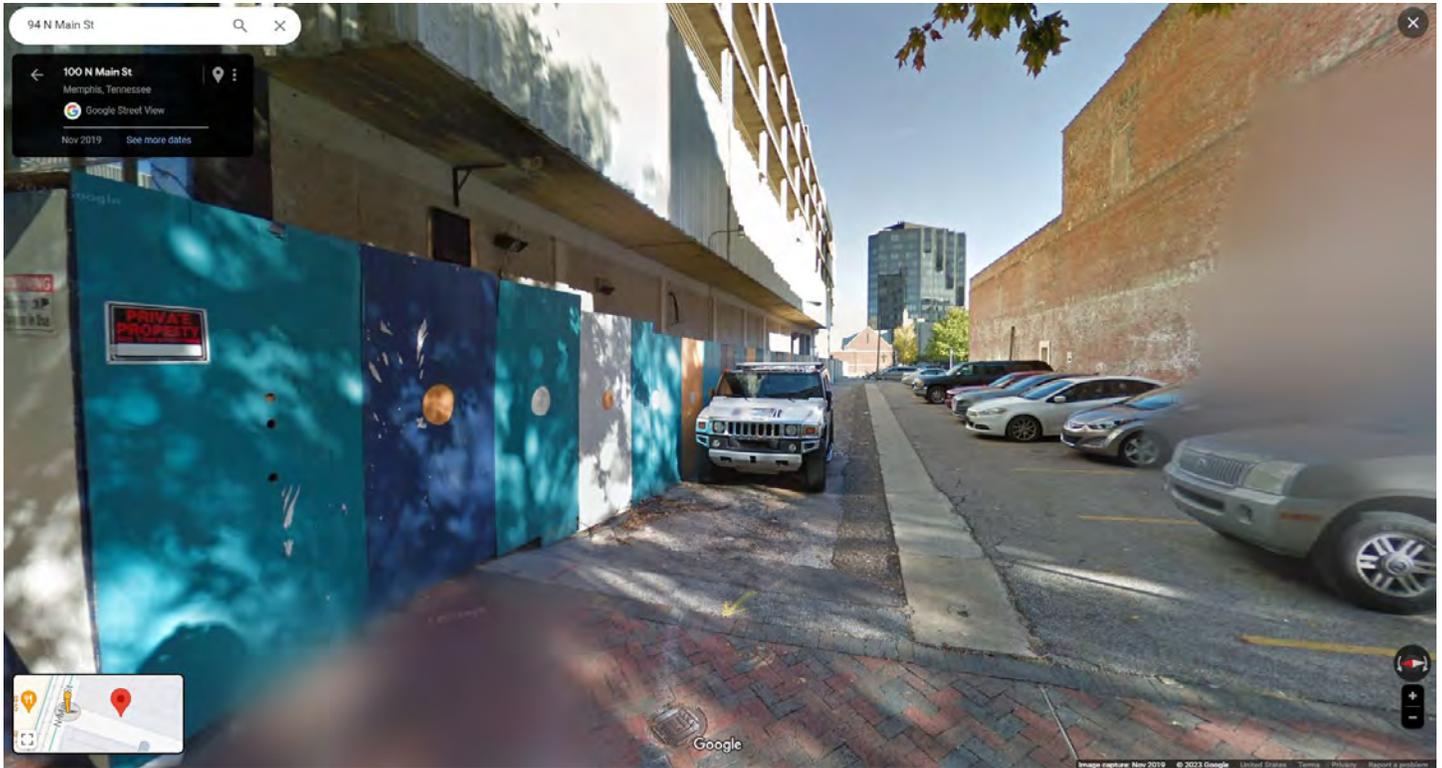
SITE PHOTOS



View of access point to the subject right-of-way from Jefferson Avenue.

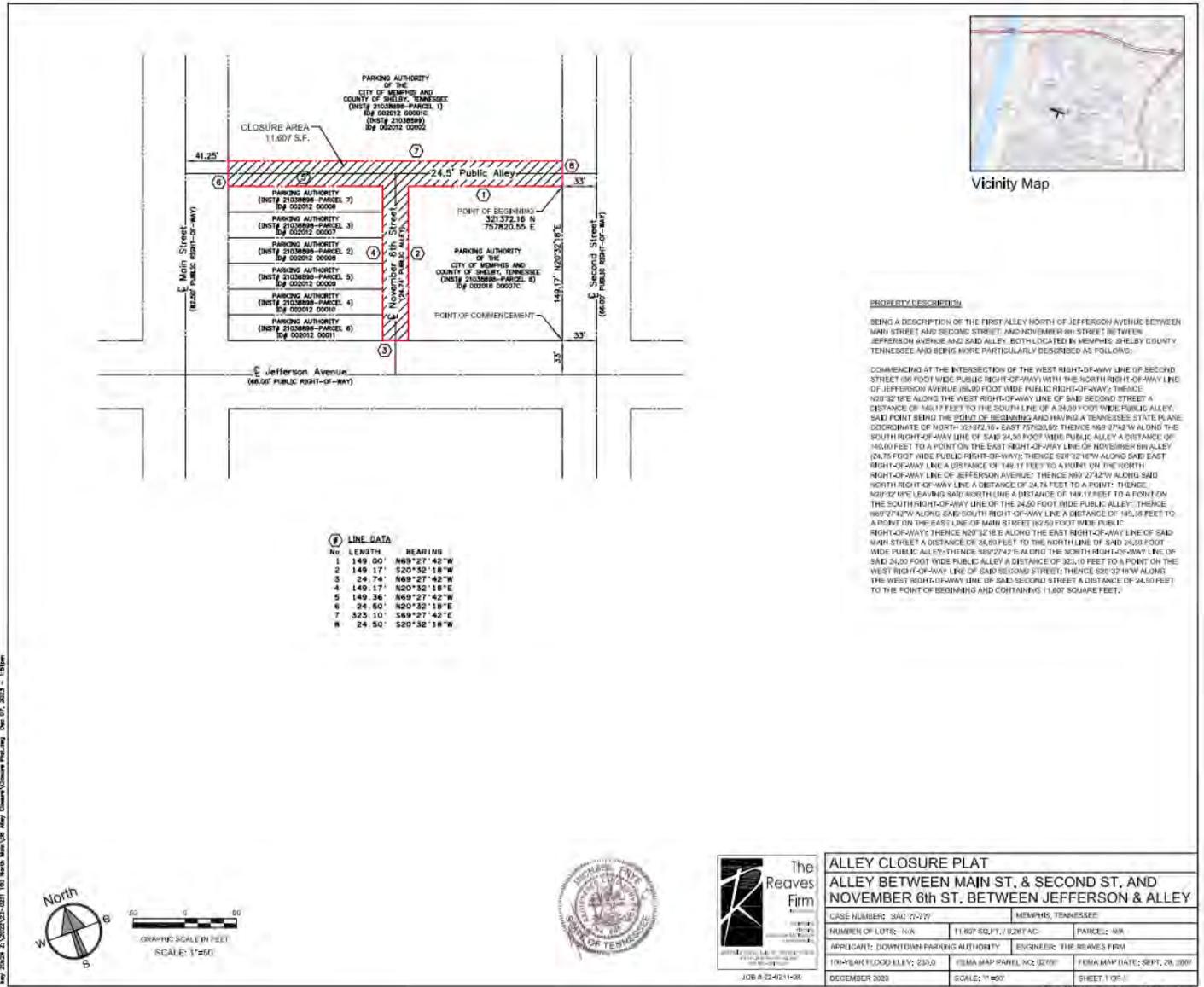


View of access point to the subject right-of-way from N 2nd Street.



View of access point to the east-west unnamed public alley from N. Main Street looking east.

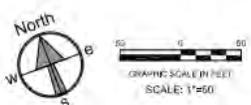
RIGHT-OF-WAY VACATION PLAT



PROPERTY DESCRIPTION:
BEING A DESCRIPTION OF THE FIRST ALLEY NORTH OF JEFFERSON AVENUE BETWEEN MAIN STREET AND SECOND STREET, AND NOVEMBER 6th STREET BETWEEN JEFFERSON AVENUE AND SAID ALLEY, BOTH LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SECOND STREET (60 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N02°32'18"E ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 149.17 FEET TO THE SOUTH LINE OF A 24.50 FOOT WIDE PUBLIC ALLEY; SAID POINT BEING THE POINT OF BEGINNING AND HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 32372.16, EAST 75782.05; THENCE S69°27'42"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 342.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NOVEMBER 6th ALLEY (24.75 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE S20°32'18"W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE; THENCE N69°27'42"W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 24.75 FEET TO A POINT; THENCE N02°32'18"E LEAVING SAID NORTH LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE 24.50 FOOT WIDE PUBLIC ALLEY; THENCE S69°27'42"W ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 145.35 FEET TO A POINT ON THE EAST LINE OF MAIN STREET (62.50 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N02°32'18"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MAIN STREET A DISTANCE OF 24.50 FEET TO THE NORTH LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY; THENCE S69°27'42"E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 322.10 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET; THENCE S02°27'42"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 24.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,807 SQUARE FEET.

LINE DATA

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ALLEY CLOSURE PLAT			
ALLEY BETWEEN MAIN ST. & SECOND ST. AND NOVEMBER 6th ST. BETWEEN JEFFERSON & ALLEY			
CASE NUMBERS: SAC 23-277		MEMPHIS, TENNESSEE	
NUMBER OF LOTS: 0/0	11,807 SQ.FT. (1,027 AC)	PARCELS: 0/0	
APPLICANT: DOWNTOWN PARKING AUTHORITY	ENGINEER: THE REAVES FIRM		
1/8"=1' (FLOOR ELEV: 234.0)	2024 MAP PARCEL NO: 127097	FEMA MAP DATE: SEPT. 28, 2007	
DECEMBER 2023	SCALE: 1"=50'	SHEET 1 OF 1	

Map 2024-2, 02/22/24-02/21/24 100 North Main Street, Memphis, Tennessee, Planning Dept. 07, 2024 - 1:10pm

LEGAL DESCRIPTION

PROPERTY DESCRIPTION

BEING A DESCRIPTION OF THE FIRST ALLEY NORTH OF JEFFERSON AVENUE BETWEEN MAIN STREET AND SECOND STREET, AND NOVEMBER 6th STREET BETWEEN JEFFERSON AVENUE AND SAID ALLEY, BOTH LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SECOND STREET (66 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE (66.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N20°32'18"E ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 149.17 FEET TO THE SOUTH LINE OF A 24.50 FOOT WIDE PUBLIC ALLEY, SAID POINT BEING THE POINT OF BEGINNING AND HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 321372.16 - EAST 757820.55; THENCE N69°27'42"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 149.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NOVEMBER 6th ALLEY (24.75 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE S20°32'18"W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE; THENCE N69°27'42"W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 24.74 FEET TO A POINT; THENCE N20°32'18"E LEAVING SAID NORTH LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE 24.50 FOOT WIDE PUBLIC ALLEY; THENCE N69°27'42"W ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 149.36 FEET TO A POINT ON THE EAST LINE OF MAIN STREET (82.50 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N20°32'18"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MAIN STREET A DISTANCE OF 24.50 FEET TO THE NORTH LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY; THENCE S69°27'42"E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 323.10 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET; THENCE S20°32'18"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 24.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,607 SQUARE FEET.

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 segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St.

Site Description

See Property Description in Legal Description section above.

Conclusions

The applicant is seeking to close and vacate a segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St.

1. The applicant is seeking to Close and vacate a segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St.
2. The alley closure is +/- 0.267 acres (11,607 sq. ft.).
3. This alley closure coincides with the redevelopment of 100 N. Main.
4. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

The closure of the subject right-of-way would not have any undue or substantial effect upon 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. Dedicate 15' sewer easement for the existing sewer in the Alley.
 - a. The City of Memphis shall have ingress/egress rights to use private drives and yards for the purpose of maintaining all public sewer lines and shall bear no responsibility for the maintenance of said private drives, fence, and yards.
 - b. No trees, shrubs, permanent structures, or other utilities (except for crossings) will be allowed within sanitary sewer easement. no other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
 - c. Any improvements encroaching sanitary sewer easements which are not authorized by the city of Memphis may be removed by the city at any time and the city shall bear no responsibility for the maintenance of said improvements. sewers are available to serve this development.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CASE 3: *SAC-23-008

NAME: DOWNTOWN

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

Sewers:

2. Will need to Dedicate a 15' sewer easement for ex. sewer in the Alley.

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 the current ordinance 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.

Site Plan Notes:

9. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
10. Required landscaping shall not be placed on sewer or drainage easements.

City/County Fire Division:

Case Number: SAC 23 08

Date Reviewed: 12/27/23

Reviewed by: J. Stinson

Address or Site Reference: November 6th / Unnamed alley

- Redevelopment shall maintain at a minimum existing Fire Department Access provided by this section of November 6th Street and Unnamed Alley for 80,84,86,88and 100 N. Main.
- Fire apparatus access for new buildings shall comply with IFC section 503.

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 and Alley Closure (Right of Way Vacation)

Record Detail Information

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

Record Status: Processing

Opened Date: December 8, 2023

Record Number: SAC 2023-008

Expiration Date:

Record Name: 100 N. Main - Alley Closure

Description of Work: On behalf of the Downtown Parking Authority, we are submitting the enclosed application to the Division of Planning and Development for a physical street closure for a segment of N. November 6th Street and an adjoining unnamed alley that runs east-west at the terminus of N. November 6th Street. In total this is an 11,607 SF street closure.

This coincides with the redevelopment of 100 N. Main.

Parent Record Number:

Address:

Owner Information

Primary Owner Name

N

Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip

Date of Meeting

12/08/2023

PREAPPLICATION MEETING	
Pre-application Meeting Type	Email
GENERAL INFORMATION	
Name of Street where closure will begin	Main & Jefferson
Name of Street where closure will end	Second
What is the reason for the street closure?	This coincides with the redevelopment of 100 N. Main.
What is the total area of the right-of-way being closed?	11607
What is the overall length of the street closure?	49.24
Name of Street/Alley/ROW	Nov 6, 1934 Alley & Unnamed alley
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-
Is this application a time extension?	No
RELATED CASE INFORMATION	
Previous Case Numbers	SUP 2023-023
GIS INFORMATION	
Case Layer	-
Central Business Improvement District	No
Class	-
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No
<hr/>	
Contact Information	
Name	Contact Type
PARKING AUTHORITY OF MEMPHIS AND SHELBY COUNTY	APPLICANT
Address	
Phone	
-	
<hr/>	
Page 2 of 3	SAC 2023-008

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1523172	Right of Way Vacation/Closure Fee	1	400.00	INVOICED	0.00	12/08/2023
1523172	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	12/08/2023

Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$410.40	Credit Card

LETTER OF INTENT



December 8, 2023

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

**RE: Alley Closure
November 6th Street and unnamed alley between Main and Second Ave.**

Dear Mr. Ragsdale:

On behalf of the Downtown Parking Authority, we are submitting the enclosed application to the Division of Planning and Development for a physical street closure for a segment of N. November 6th Street and an adjoining unnamed alley that runs east-west at the terminus of N. November 6th Street. In total this is an 11,607 SF street closure.

This coincides with the redevelopment of 100 N. Main.

Your consideration of this application is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads 'Christine Donhardt'. The signature is written in a cursive, flowing style.

Christine Donhardt, ASLA

SIGN AFFIDAVIT



Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Paul A. Young (Print Name) Paul A. Young (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 N MAIN ST: 100, 0, 88, 86, 84, 80, & 78, & 0 JEFFERSON AVE

and further identified by Assessor's Parcel Number 002012 00001C, 002012 00006, 00007, 00008, 00009, 00010, 00011, & 002018 00007C for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 17th day of November in the year of 2023

Christine Taylor
Signature of Notary Public



8-18-2024
My Commission Expires

LETTERS RECEIVED

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



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

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

January 22, 2024

Brett Roler
100 N MAIN ST,
MEMPHIS, TN 38103

Sent via electronic mail to: cdonhardt@reavesfirm.com

Parking Authority of the City Of Memphis and Shelby County
Case Number: SAC 2023-008
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, January 11, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your right-of-way vacation application to close and vacate a segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St., 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. Dedicate 15' sewer easement for the existing sewer in the Alley.
 - a. The City of Memphis shall have ingress/egress rights to use private drives and yards for the purpose of maintaining all public sewer lines and shall bear no responsibility for the maintenance of said private drives, fence, and yards.
 - b. No trees, shrubs, permanent structures, or other utilities (except for crossings) will be allowed within sanitary sewer easement. no other utilities or services may

Letter to Applicant
SAC 23-008

occupy sanitary sewer easements in private drives and yards except for crossings.

- c. Any improvements encroaching sanitary sewer easements which are not authorized by the city of Memphis may be removed by the city at any time and the city shall bear no responsibility for the maintenance of said improvements. sewers are available to serve this development.

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) 636-7361 or via email at ericr.howell@memphistn.gov.

Eric R Howell

Respectfully,

Eric R Howell, NCI
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Brett Roler, Downtown Memphis Commission
Christine Donhardt, The Reaves Firm, Inc.
File



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: Processing

Opened Date: December 8, 2023

Record Number: SAC 2023-008

Expiration Date:

Record Name: 100 N. Main - Alley Closure

Description of Work: On behalf of the Downtown Parking Authority, we are submitting the enclosed application to the Division of Planning and Development for a physical street closure for a segment of N. November 6th Street and an adjoining unnamed alley that runs east-west at the terminus of N. November 6th Street. In total this is an 11,607 SF street closure.

This coincides with the redevelopment of 100 N. Main.

Parent Record Number:

Address:

Owner Information

Primary Owner Name

N

Owner Address

Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip

Date of Meeting

12/08/2023

PREAPPLICATION MEETING

Pre-application Meeting Type	Email
GENERAL INFORMATION	
Name of Street where closure will begin	Main & Jefferson
Name of Street where closure will end	Second
What is the reason for the street closure?	This coincides with the redevelopment of 100 N. Main.
What is the total area of the right-of-way being closed?	11607
What is the overall length of the street closure?	49.24
Name of Street/Alley/ROW	Nov 6, 1934 Alley & Unnamed alley
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-
Is this application a time extension?	No

RELATED CASE INFORMATION

Previous Case Numbers	SUP 2023-023
-----------------------	--------------

GIS INFORMATION

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

Contact Information

Name	Contact Type
PARKING AUTHORITY OF MEMPHIS AND SHELBY COUNTY	APPLICANT
Address	
Phone	
-	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1523172	Right of Way Vacation/Closure Fee	1	400.00	INVOICED	0.00	12/08/2023
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Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$410.40	Credit Card



December 8, 2023

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

**RE: Alley Closure
November 6th Street and unnamed alley between Main and Second Ave.**

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This coincides with the redevelopment of 100 N. Main.

Your consideration of this application is greatly appreciated.

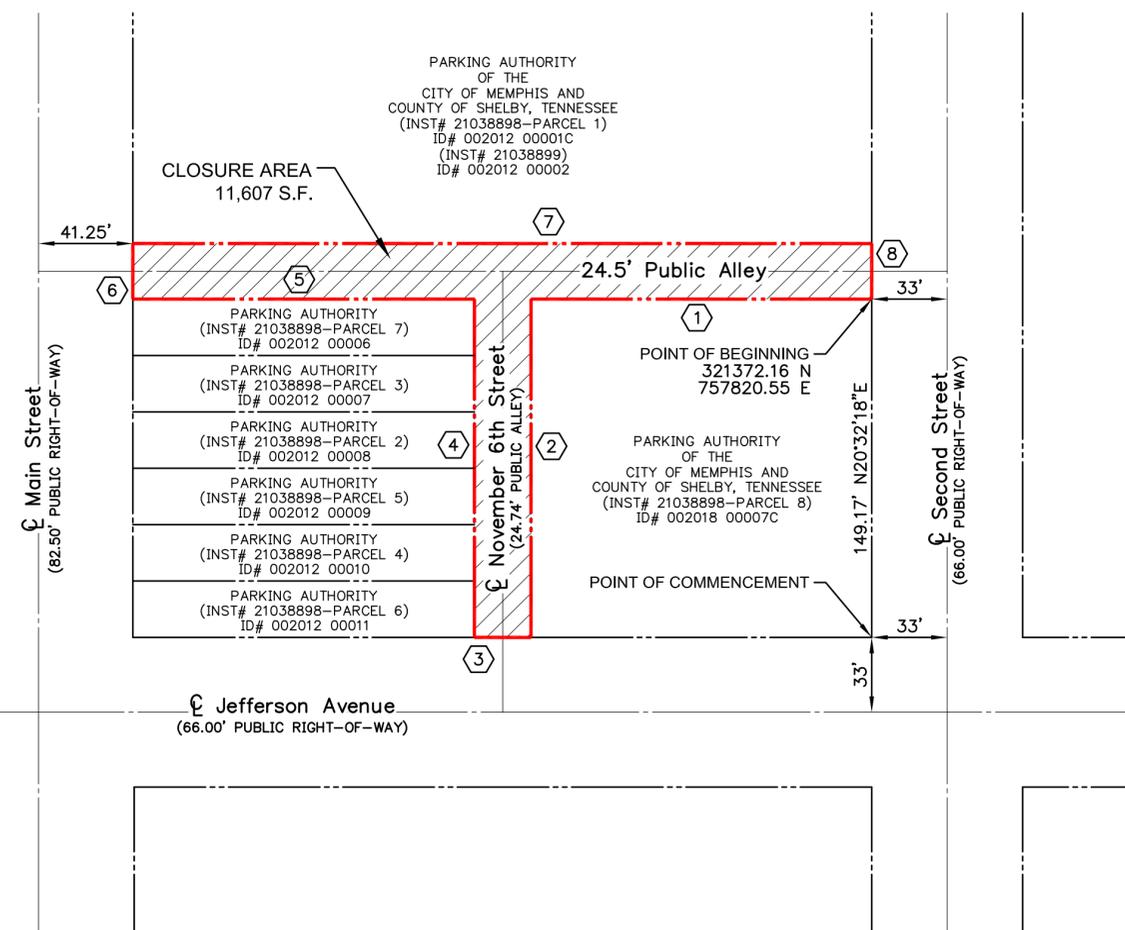
Sincerely,

A handwritten signature in black ink that reads 'Christine Donhardt'.

Christine Donhardt, ASLA



Vicinity Map



PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE (INST# 21038898-PARCEL 1) ID# 002012 00001C (INST# 21038899) ID# 002012 00002

CLOSURE AREA 11,607 S.F.

24.5' Public Alley

PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE (INST# 21038898-PARCEL 7) ID# 002012 00006

PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE (INST# 21038898-PARCEL 3) ID# 002012 00007

PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE (INST# 21038898-PARCEL 2) ID# 002012 00008

PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE (INST# 21038898-PARCEL 5) ID# 002012 00009

PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE (INST# 21038898-PARCEL 4) ID# 002012 00010

PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE (INST# 21038898-PARCEL 6) ID# 002012 00011

POINT OF BEGINNING 321372.16 N 757820.55 E

PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE (INST# 21038898-PARCEL 8) ID# 002018 00007C

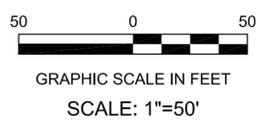
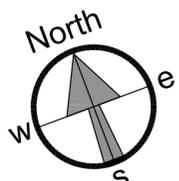
POINT OF COMMENCEMENT

PROPERTY DESCRIPTION

BEING A DESCRIPTION OF THE FIRST ALLEY NORTH OF JEFFERSON AVENUE BETWEEN MAIN STREET AND SECOND STREET, AND NOVEMBER 6th STREET BETWEEN JEFFERSON AVENUE AND SAID ALLEY, BOTH LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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#	LINE DATA
No	LENGTH BEARING
1	149.00' N69°27'42"W
2	149.17' S20°32'18"W
3	24.74' N69°27'42"W
4	149.17' N20°32'18"E
5	149.36' N69°27'42"W
6	24.50' N20°32'18"E
7	323.10' S69°27'42"E
8	24.50' S20°32'18"W

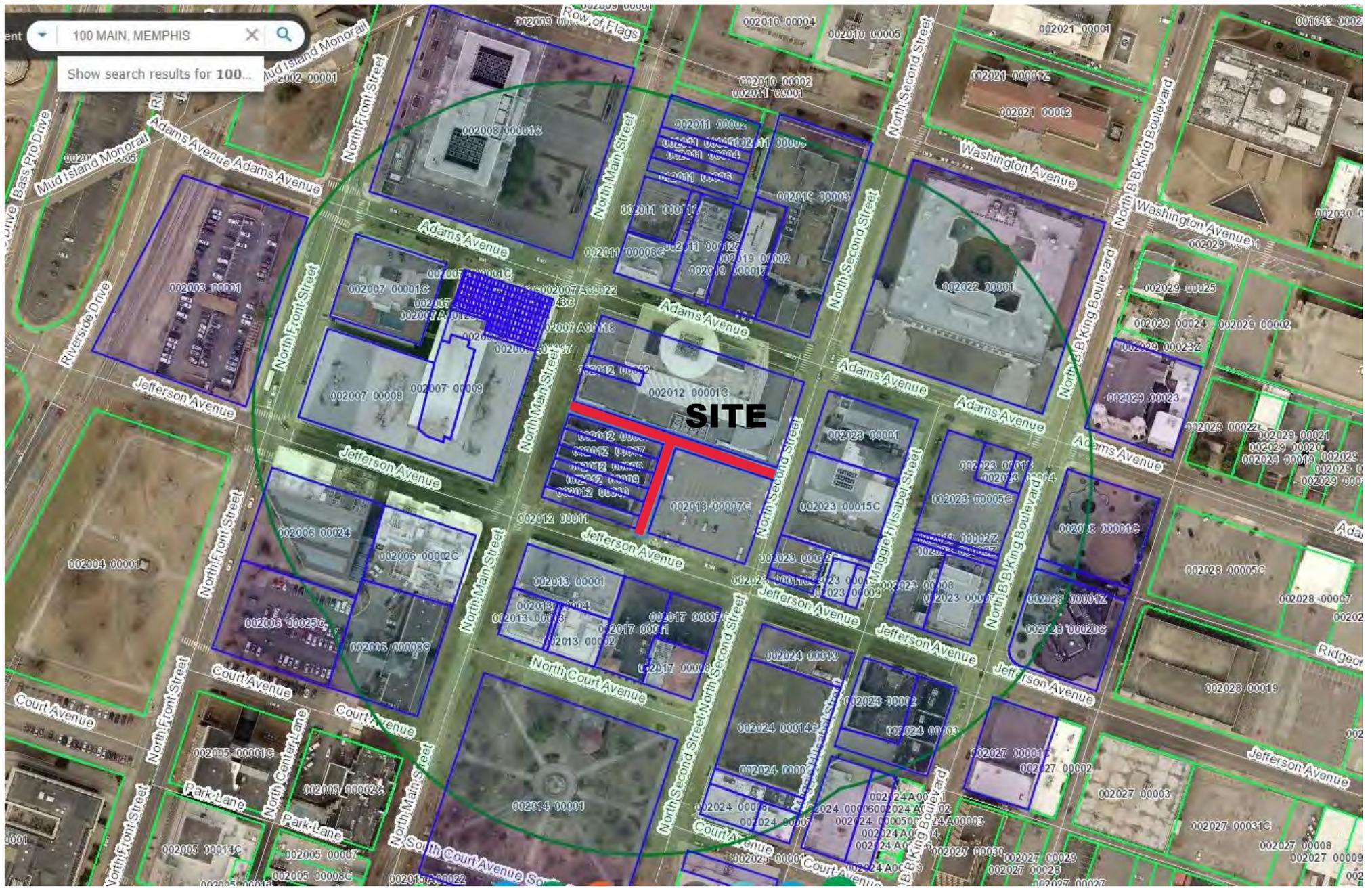


ALLEY CLOSURE PLAT		
ALLEY BETWEEN MAIN ST. & SECOND ST. AND NOVEMBER 6th ST. BETWEEN JEFFERSON & ALLEY		
CASE NUMBER: SAC ??-???	MEMPHIS, TENNESSEE	
NUMBER OF LOTS: N/A	11,607 SQ.FT. / 0.267 AC	PARCEL: N/A
APPLICANT: DOWNTOWN PARKING AUTHORITY	ENGINEER: THE REAVES FIRM	
100-YEAR FLOOD ELEV: 233.0	FEMA MAP PANEL NO: 0270F	FEMA MAP DATE: SEPT. 28, 2007
DECEMBER 2023	SCALE: 1" = 50'	SHEET 1 OF 1

kay 20x24 z:\2022\22-0211 100 North Main\08 Alley Closure\Plat.dwg Dec 07, 2023 - 1:51pm

100 MAIN, MEMPHIS

Show search results for 100...



SITE

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Paul A. Young (Print Name) Paul A. Young (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 N MAIN ST: 100, 0, 88, 86, 84, 80, & 78, & 0 JEFFERSON AVE

and further identified by Assessor's Parcel Number 002012 00001C, 002012 00006, 00007, 00008, 00009, 00010, 00011, & 002018 00007C for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 17th day of November in the year of 2023

Christine Taylor
Signature of Notary Public



8-18-2024
My Commission Expires



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.

21038898

04/07/2021 - 09:28:30 AM

8 PGS

CHRIS 2200364-21038898

VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	40.00
DP FEE	2.00
REGISTER'S FEE	0.00
EFILE FEE	2.00
TOTAL AMOUNT	44.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared by:
William P. Moss III, Esq.
harris | shelton
6060 Primacy Parkway, Suite 100
Memphis, TN 38119

SPECIAL WARRANTY DEED

THIS INDENTURE, is made and entered into as of the 31st day of March 2021, by and between **THM MEMPHIS ACQUISITIONS LLC**, a Tennessee limited partnership, party of the first part, and the **PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE**, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey, and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

See Exhibit "A" attached hereto and incorporated by reference.

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

The said party of the first part does hereby covenant with the said party of the second part that they are lawfully seized in fee of the aforesaid real estate; they have a good right to sell and convey the same; that the same is unencumbered, EXCEPT Subdivision Restrictions, Building Lines and Easements of record in Plat Book 3, Page 113; Easements of record in Book 3094, Page 503, all being of record in the Register's Office of Shelby County, Tennessee; and subject to all rights of way and easements or public roads and utilities, subdivision and zoning regulations in effect in Shelby County, Tennessee and further subject to all applicable building restrictions and restrictive covenants of record; and City of Memphis, CBID, and Shelby County real property taxes for the year 2021; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons claiming by, through or under it but not further or otherwise.

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

[signature page to follow]

**SIGNATURE PAGE TO SPECIAL WARRANTY DEED
THM MEMPHIS ACQUISITIONS, LLC
TO**

PARKING AUTHORITY OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE

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

SELLER:

**THM MEMPHIS ACQUISITIONS LLC,
a Tennessee limited liability company**

By: 
Mitchel Maidman, President

STATE OF New York
COUNTY OF NY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Mitchel Maldman, known to me (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be the President of THM Memphis Acquisitions LLC, the within named bargainor, a limited liability company, and that such member executed the foregoing instrument for the purpose therein contained, by personally signing the name of the company as its sole member.

WITNESS my hand and Notarial Seal at office this 30 day of March 2021.


Notary Public
My Commission expires: May 19, 2022

KAREN TOBEY
Notary Public-State of New York
No. 01TO4854904
Qualified in Bronx County
Cert. Filed in New York County 2022
Commission Expires May 19, 2022

(FOR RECORDING DATA ONLY)

Property Address:

100 N. Main St.
86 N. Main St.
88 N. Main St.
80 N. Main St.
84 N. Main St.
78 N. Main St.
0 N. Main St.
0 Jefferson Ave.
Memphis, TN 38103

Grantee is exempt from transfer tax pursuant to T.C.A. §67-4-409(f)(1) and no affidavit of value is necessary pursuant to T.C.A. § 67-4-409(a)(5).

Property Owner:

Parking Authority of the City of Memphis
and County of Shelby, Tennessee
114 N Main St.
Memphis, TN 38103

Ward, Block & Parcel Number:

2-12-1C
2-12-8
2-12-7
2-12-10
2-12-9
2-12-6
2-18-7C

Record and return to:

Chicago Title Insurance Company
6060 Poplar Ave., Ste. LL-37
Memphis, TN 38119

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1

Lots 219, 220, 261, and 262, and part of an alley now closed, as shown on Plan of Memphis, and more particularly described as follows:

Beginning at a point, said point being the intersection of the south line of Adams Avenue (66') with the east line of Main Street (82.5'); thence south 75 deg 03 min 28 sec E along the south line of Adams Avenue 323.10 feet to a point, said point being the intersection of the south line of Adams Avenue with the west line of N. Second Street (66'); thence S 14 deg 58 min 11 sec W along the west line of N. Second Street, 141.08 feet to a point, said point being the intersection of the north line of a 24.5 foot alley with the west line of N. Second Street; thence N 75 deg 04 min 36 sec W along the north line of said alley, 323.40 feet to a point, said point being the intersection of the north line of said alley with the east line of Main Street; thence N 15 deg 05 min 28 sec E, along the east line of Main Street, 55.19 feet to a point; thence S 75 deg 03 min 28 sec E, 90.41 feet to a point; thence N 15 deg 05 min 28 sec E, 21.0 feet to a point; thence N 75 deg 03 min 28 sec W, 90.41 feet to a point; said point being in the east line of Main Street; thence N 15 deg 05 min 28 sec E, along the east line of Main Street, 65.0 feet to the point of beginning.

Tax Parcel ID: 2-12-1C

Street Address: 100 N. Main Street

Being the same property conveyed to the party of the first part by Substitute Trustee's Quitclaim Deed of record at Instrument No. 18003878 in the Register's Office of Shelby County, Tennessee.

Parcel 2

The South 21.65 feet of Lot 221, Plan of Memphis, being more particularly described as follows:

Beginning at a point in the East line of Main Street 21.65 feet north of the northwest corner of Lot 222 upon the Plan of the City of Memphis; running thence eastwardly parallel with said north line 148.50 feet to an alley; thence southwardly with said alley 21.65 feet to the northeast corner of said lot 222; thence westwardly on the north line of said lot 222, a distance of 148.50 feet to the East line of Main Street; thence northwardly 21.65 feet to the point of beginning.

Tax Parcel ID: 2-12-8

Street Address: 86 N. Main Street

Being part of the same property conveyed to the party of the first part by Special Warranty Deed of record at Instrument No. 18013352 in the Register's Office of Shelby County, Tennessee.

Parcel 3

Part of Lot 221, on Plan of City of Memphis, more particularly described as follows:

Beginning at a point in the East line of North Main Street 26.25 feet southwardly from the south line of the alley between Adams and Jefferson Avenue, said point of beginning being in the center line of an 18 inch party wall; thence southwardly with the east line of North Main Street 62.35 feet to the center line of a 13 inch party wall; thence eastwardly with the center line of said party wall 149.5 feet to a point in the west line of North November 6th Street; thence northwardly with the west line of November 6th Street, 26.45 feet to the centerline of said 18 inch party wall; thence westwardly with said center line and parallel with the south line of the alley between Adams and Jefferson Avenue 149.5 feet to the point of beginning.

Tax Parcel ID: 2-12-7

Street Address: 88 N. Main Street

Being part of the same property conveyed to the party of the first part by Special Warranty Deed of record at Instrument No. 18013352 in the Register's Office of Shelby County, Tennessee.

Parcel 4

That part of Lot 222, on the Plan of Memphis, 25 feet X 148.5 feet, more or less, on the east side of Main Street 24.75 feet north of Jefferson Avenue, being more particularly described as follows:

Beginning at a point in the east line of North Main Street 24.75 feet northwardly from the north line of Jefferson Avenue; thence northwardly with said East line of North Main Street 25.9 feet to the south line of (George E. Witt) now David H. Klein property, as established by Decree entered July 10, 1911 in Minute Book 139, Page 287, Chancery Court of Shelby County, Tennessee; thence eastwardly with the South line of said Klein property 148.5 feet to a point in the West line of North November 6th Street; thence southwardly with said west line of North November 6th Street 26.4 feet to a point; thence westwardly parallel with Jefferson 148.5 feet to the point of beginning.

Tax Parcel ID: 2-12-10

Street Address: 80 N. Main Street

Being the same property conveyed to the party of the first part by Special Warranty Deed of record at Instrument No. 18013351 in the Register's Office of Shelby County, Tennessee.

Parcel 5

The north 25 feet of Lot 22 on Plan of Memphis on east side of North Main Street and known as 84 North Main Street, more particularly described as follows:

Beginning at a point in the east line of North Main Street 49.25 feet north of the north line of Jefferson Avenue; thence north along the east line of Main Street 25 feet to the southwest corner of Lot 221; thence eastwardly along the south line of Lot 221, 148.3 feet to the west line of an alley; thence south

25 feet; thence westwardly 148.5 feet to the beginning.

Tax Parcel ID: 2-12-9

Street Address: 84 N. Main Street

Being the same property conveyed to the party of the first part by Special Warranty Deed of record at Instrument No. 18021229 in the Register's Office of Shelby County, Tennessee.

Parcel 6

The South 24.75 feet of Lot 222 of the Plan of Memphis, being more particularly described as follows: Beginning at a point in the intersection of the east line of Main Street with the north line of Jefferson Avenue; thence northwardly along the East line of Main Street, 24.75 feet to a point; thence eastwardly parallel with Jefferson Avenue, 148.5 feet to an alley; thence southwardly along the west line of said alley, 24.75 feet to the north line of Jefferson Avenue; thence westwardly along the north line of Jefferson Avenue, 148.5 feet to the point of beginning.

Tax Parcel ID: 2-12-11

Street Address: 78 N. Main Street

Being the same property conveyed to the party of the first part by Special Warranty Deed of record at Instrument No. 18039142 in the Register's Office of Shelby County, Tennessee.

Parcel 7

Part of Lot 221, Plan of City of Memphis, more particularly described as follows:

BEGINNING at the intersection of the east line of North Main Street with the south line of the first alley north of Jefferson Avenue; thence southwardly with the east line of North Main Street 26.1 feet to the center line of a brick wall described in Record Book 3094, Page 503; thence eastwardly with the center line of said brick wall 149.28 feet to the west line of North November Sixth Street; said point being 25.9 feet southwardly from the south line of the first alley north of Jefferson Avenue; thence northwardly with the west line of November Sixth Street 25.9 feet to the south line of said alley; thence westwardly with the south line of said alley 149.28 feet to the point of beginning.

Tax Parcel ID: 2-12-6

Street Address: 0 N. Main Street

Being part of the same property conveyed to the party of the first part by Special Warranty Deed of record at Instrument No. 18055373 in the Register's Office of Shelby County, Tennessee.

Parcel 8

Lots 259 and 260, Plan of Memphis, being more particularly described as follows:

Beginning at the intersection of the west line of North Second Street with the north line of Jefferson

Avenue; thence northwardly along the west line of North Second Street a distance of 148.5 feet, more or less, to the south line of a public alley running east and west between Jefferson Avenue and Adams Avenue; thence westwardly along the south line of said alley 149.5 feet, more or less, to the east line of a public alley running north and south between Main Street and North Second Street; thence southwardly along the east line of said alley 148.5 feet, more or less, to a point in the north line of Jefferson Avenue ; thence eastwardly along the north line of Jefferson Avenue 148.5 feet, more or less, to the point of beginning.

Tax Parcel ID: 2-18-7C

Street Address: 0 Jefferson Avenue

Being part of the same property conveyed to the party of the first part by Special Warranty Deed of record at Instrument No. 18055373 in the Register's Office of Shelby County, Tennessee.

Certificate of Authenticity

I, Rena Lu, do hereby make oath that I am the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Rena Lu

State of Tennessee

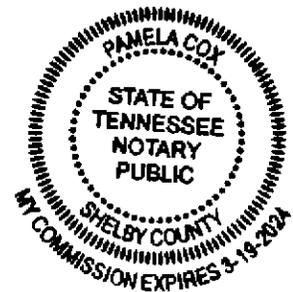
County of Shelby

Personally appeared before me, a notary public for this county and state, Rena Lu who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.

Pamela Cox

Signature

MY COMMISSION EXPIRES: 3-19-2024



002003 00001 - CITY OF MEMPHIS
002005 00002C - THG COURT LLC
002006 00002C - MEMPHIS-CENTER CITY REVENUE FINANCE
002006 00008C - TENNESSEE HOTEL GROUP I LP
002006 00024 - MEMPHIS CENTER CITY REVENUE FINANCE CORP
002006 00025C - THG FRONT LLC
002007 00001C - PILOT HOUSE MOTOR INNS INC
002007 00008 - MEMPHIS CENTER CITY REVENUE FINANCE CORP
002007 00009 - RIVERVIEW CRESTMONT LLC AND RIVERVIEW
002007 A00001C - DU KEFU
002007 A00002 - THATS MY HOUSE LLC
002007 A00004 - RUSSELL RICHARD B & KISMAYNE
002007 A00005 - CATHCART CHARLENE
002007 A00006 - BEAUDET JEAN
002007 A00007 - HARRISON JUDITH T REVOCABLE TRUST
002007 A00008 - ELLIOTTE/DICKERSON LIVING TRUST
002007 A00009 - PETTY MICHAEL & VALERIE
002007 A00010 - CHASE WILLIAM J JR TRUST
002007 A00011 - ESPEY BRITTANY & CHACE
002007 A00012 - RAKESTRAW CURTIS & ANNE
002007 A00013 - SHIELD MICHAEL
002007 A00014 - CHOATE SHARON
002007 A00015 - FICK JOSEPH A
002007 A00016 - MAY WILLIAM B
002007 A00017 - BONDY WILLIAM G

002007 A00018 - MOSS STEPHEN D
002007 A00019 - HARRIS BRIAN E
002007 A00020 - RAMSEY ROGER D & MONICA S
002007 A00021 - PATRICK KEVIN M
002007 A00022 - PEAK PROPERTIES LLC
002007 A00023 - WATKINS MICHAEL
002007 A00024 - ALDERS AUSTIN L
002007 A00025 - FINLEY LAURA
002007 A00026 - TRASS LULA M AND FRANKLIN LESUEUR II
002007 A00027 - DAWSON TANYA
002007 A00028 - YENUGULA YESHWANTH
002007 A00029 - FARMER DAVID A
002007 A00030 - TAX PARTNERS PLUS INC
002007 A00031 - LANDRENEAU RAYMOND L JR & LYNNE A
002007 A00032 - SWANSON NATALIE
002007 A00033C - RAKESTRAW CURTIS R & ANNE C DUVALL
002007 A00036 - HORTON MARY L
002007 A00037 - LEE SHANE M
002007 A00038 - YATSULA THOMAS J
002007 A00039 - ALEXEJEW ALANNA C D AND JOSE G P ORTEGA
002007 A00040 - CRONK MICHAEL T
002007 A00041 - SHALTIS WILLIAM M
002007 A00042 - GLENN MICHAEL D
002007 A00043C - SULLIVAN QUINTINA
002007 A00044 - KAZEMPOUR ZOHREH

002007 A00046 - STUBBLEFIELD TRACI
002007 A00047 - MOALLA KAMEL
002007 A00048 - REHBERG BRETT C
002007 A00049 - RIVERO VERONICA
002007 A00050 - GRICE RODERICK & CHASITY
002007 A00051 - MEDLOCK STEVEN & JULIE
002007 A00052 - HAMM KEVIN A
002007 A00053 - FICK JOE
002007 A00054 - BLANCHARD BARRY A & JUDITH
002007 A00055 - MOTLEY JACE E
002007 A00056 - DUNBAR ROBERT
002007 A00057 - ULANDAY CATHERINE
002007 A00058 - LUTHER PAUL F & ANN L
002007 A00059 - STARR KEITHA
002007 A00060 - RMP INVESTMENTS LLC
002007 A00061 - ALPIZAR CAMMIE R
002007 A00062 - HASTINGS ROBERT F
002007 A00063 - CHANG LU-TIEN AND HSIA-FEI KUO CHANG
002007 A00064 - WALLIS JOHN P
002007 A00065 - JONES KEVIN & OLGA
002007 A00066 - ROACH JACQUELINE (1/2%) AND ROY E &
002007 A00067 - SAHU SHWETAPADMA
002007 A00068 - PARMA MACKENZE
002007 A00069 - ROADSHOW REALTY LLC
002007 A00070 - GARRETT RICHARD P

002007 A00071 - ALDERS SUSAN M
002007 A00072 - HUNT DEBORAH W
002007 A00073 - HENLEY DANIEL & D'JUANNA C
002007 A00074 - REGINELLI MARY C
002007 A00075 - MEANS WESTON K
002007 A00076 - KELLEY JAMES L
002007 A00077 - ADAMS JOHN
002007 A00078 - WANG QIAN
002007 A00079 - FLETCHER LINDA C
002007 A00080 - NORDENGREN MICHAEL
002007 A00081 - BOWMAN ERIC & SUSAN
002007 A00082 - VOORHIES BENJAMIN L
002007 A00083 - PFINGSTAG TOM
002007 A00084 - RDJD INVESTMENTS LLC
002007 A00085 - ZAHRLY DANIEL C & ERIN C
002007 A00086 - LUBIANI NANCY P
002007 A00087 - LUBIANI NANCY P
002007 A00088 - PURNELL ROBIN T
002007 A00089 - TATE JONNIE II
002007 A00090 - CHILDRESS RICHARD T & PATRICIA J
002007 A00091 - NESGODA SANDRA
002007 A00092 - SULLIVAN PETER A & CATRINA P
002007 A00093 - HIRSH RANDALL A
002007 A00094 - BREDFIELD CHARLES R
002007 A00095 - RIVVER NORMANDY

002007 A00096 - BARRETT ALLISON R
002007 A00097 - CURRAN CAMILLA
002007 A00098 - OLTROGGE KEVIN L
002007 A00099 - BALLARD RENTAL LLC AND JULIE A & MERVIN
002007 A00100 - HAGY KELLY L
002007 A00101 - REXILIUS REX & NICOLE
002007 A00102 - BRITT ANNA G
002007 A00103 - ALDERS SUSAN M
002007 A00104 - LAMBERT PATRICIA W
002007 A00105 - MCDEARMAN JENNIFER
002007 A00106 - MCRAE MARI
002007 A00107 - RENI JENNY A AND JESSYMOL RENI (RS)
002007 A00108 - CLARK MEGAN
002007 A00109 - HUN FERNANDO
002007 A00110 - BEALL BRIAN AND PAM BEALL
002007 A00111 - SAINI TEJINDER S & DALJEET
002007 A00112 - HERNDON DAVID L
002007 A00113 - OTHMANI FARHAT & SANDIE
002007 A00114 - BRISENTINE JAMES K
002007 A00115 - DAVIS JORDAN W
002007 A00116 - LAWSON STEPHANIE E
002007 A00117 - LAWLOR JAMES J JR & CATHERINE A
002007 A00118 - ROWLAND SETH
002007 A00119 - MOORE CYNTHIA R
002007 A00120 - LIVESAY EILEEN K REVOCABLE LIVING TRUST

002007 A00121 - JONES KYLAN
002007 A00122 - LIST CHARLES D
002007 A00123 - ELMS ERIC L AND CORNELIUS L LEWIS (RS)
002007 A00124 - WADE CHARLES M
002007 A00125 - LAROSA MICHAEL J
002007 A00126 - GOOCH JAMES W
002007 A00127 - MCGHEE TERENCE
002007 A00128 - MOSELEY CAROL B & DAVID F
002007 A00129 - LOFTON GEORGE D & ELIZABETH B
002007 A00130 - HUGHES JOSEPH C
002007 A00131 - WILLIAMS JAMES & PAULA C FERNANDES
002007 A00132 - WULFEKUHLE JAMES
002007 A00133 - MEHDIAN ANAHITA M
002007 A00134 - CHUNG JOE
002007 A00135 - MURRAY BRUCE D AND JAMES H CARSON JR
002007 A00136 - RAMSEY MICHAEL G
002007 A00137 - BOULANGER EVAN B
002007 A00138 - KOCCMAN MARTIN AND KOCCMAN JANIE LIVING
002007 A00139 - SMITH GARY P GST EXEMPT CHILD'S TRUST
002007 A00140 - MARSHALL FRANK
002007 A00141 - PEAY TONY
002007 A00142 - ROUTH FAMILY REVOCABLE TRUST
002007 A00143 - HIRSH RANDALL A
002007 A00144 - BEALL PAM M & BRIAN S
002007 A00145 - PATE LAURA

002007 A00146 - BEESON KEVIN & AMY MCNEER
002007 A00147 - BEESON KEVIN & AMY MCNEER
002007 A00148 - JONES SHARON & BRIAN
002007 A00149 - SMITH GARY
002007 A00150 - JONES SEAMUS R & JAIME D
002007 A00151 - EVANS PEGGY
002007 A00152 - SAN ROMAN JULIA AND RICHARD SAN ROMAN
002007 A00153 - DEVENEY JOHN P & PENNY A ASBELL
002007 A00154 - DIRGHANGI ARJUN J
002007 A00155 - HASTINGS ROBERT F
002007 A00156 - BURNS GLORIA
002007 A00157 - BLEVINS GARY R B & JAMIE
002007 A00158 - TAYLOR CATHERINE A
002007 A00159 - CLARIDGE HOUSE CONDOMINIUMS OWNERS
002007 A00160 - DOSS LLC
002007 A00161 - PREMIER SYSTEM REALTY LLC
002007 A00162 - ELITE-1 INVESTMENT GROUP LLC
002007 A00163 - OTHMANI FARHAT B & SANDIE
002007 A00164 - CLARIDGE PROPERTIES LLC
002007 A00165 - JONES SHARON AND BRIAN JONES (RS)
002007 A00166 - CLARIDGE PROPERTIES LLC
002007 A00167 - CLARIDGE PROPERTIES LLC
002007 A00168 - CLARIDGE HOUSE CONDOMINIUMS OWNERS ASSOC
002008 00001C - CITY OF MEMPHIS
002011 00002 - CITY OF MEMPHIS

002011 00003 - CITY OF MEMPHIS
002011 00004 - CITY OF MEMPHIS
002011 00005 - CITY OF MEMPHIS
002011 00006 - CITY OF MEMPHIS
002011 00008C - MEMPHIS CENTER CITY DEVELOPMENT
002011 00011C - CITY OF MEMPHIS
002011 00012Z - FIRE DEPARTMENT MUSEUM OF MEMPHIS INC
002012 00001C - PARKING AUTHORITY OF MEMPHIS CITY OF AND
002012 00002 - PARKING AUTHORITY OF MEMPHIS CITY OF AND
002012 00006 - PARKING AUTHORITY OF MEMPHIS CITY OF AND
002012 00007 - PARKING AUTHORITY OF MEMPHIS CITY OF AND
002012 00008 - PARKING AUTHORITY OF MEMPHIS CITY OF AND
002012 00009 - PARKING AUTHORITY OF MEMPHIS CITY OF AND
002012 00010 - PARKING AUTHORITY OF MEMPHIS CITY OF AND
002012 00011 - PARKING AUTHORITY OF MEMPHIS CITY OF AND
002013 00001 - MEMPHIS CENTER CITY REVENUE FINANCE CORP
002013 00002 - MEMPHIS CENTER CITY REVENUE FINANCE CORP
002013 00003 - MEMPHIS CENTER CITY REVENUE FINANCE CORP
002013 00004 - COURT SQUARE CENTER LLC
002014 00001 - CITY OF MEMPHIS-PARK COMM
002017 00007C - COURT SQUARE PARTNERSHIP
002017 00008 - COURT SQUARE PARTNERSHIP
002017 00011 - COURT SQUARE PARTNERSHIP II
002018 00007C - PARKING AUTHORITY OF MEMPHIS CITY OF AND
002019 00001Z - FIRE DEPARTMENT MUSEUM OF MEMPHIS INC

002019 00002 - CITY OF MEMPHIS FIRE DEPT
002019 00003 - NCE REALTY LLC
002022 00001 - COUNTY OF SHELBY COURT HOUSE
002023 00001 - CALVARY EPISCOPAL CHURCH
002023 00002Z - CALVARY EPISCOPAL CHURCH
002023 00004 - CALVARY EPISCOPAL CHURCH
002023 00005C - CALVARY EPISCOPAL CHURCH
002023 00007 - CALVARY EPISCOPAL CHURCH
002023 00008 - CALVARY EPISCOPAL CHURCH
002023 00008Z - CALVARY EPISCOPAL CHURCH
002023 00009 - CALVARY EPISCOPAL CHURCH
002023 00010 - CALVARY EPISCOPAL CHURCH
002023 00011 - STONEBRIDGE HOLDINGS LLC
002023 00012C - CALVARY EPISCOPAL CHURCH
002023 00015C - CALVARY EPISCOPAL CHURCH
002023 00016 - CALVARY EPISCOPAL CHURCH
002024 00002 - VIBRANT HOTEL INC
002024 00003 - VIBRANT HOTELS INC
002024 00005 - DAWKINS RAE T TRUST FBO
002024 00006 - LINDSAY MEMORIAL PRESBY CH
002024 00007 - H D REAL ESTATE HOLDINGS LLC
002024 00008 - 44N2 LLC
002024 00009 - 44N2 LLC
002024 00013 - YIELDI LLC
002024 00014C - SAFEBOX STORAGE LLC

002025 00001 - MEMPHIS CENTER CITY REVENUE FINANCE
002027 00001C - ALLWORLD PROJECT MANAGEMENT LLC
002028 00001C - CALIDUS OMP LLC (70%) AND CCN OMP LLC
002028 00001Z - CALIDUS OMP LLC (70%) AND CCN OMP LLC
002028 00020C - CALIDUS OMP LLC (70%) AND CCN OMP LLC
002029 00023 - ST PETERS LITERARY SOCIETY INC

RDJD INVESTMENTS LLC
PO BOX 1028
JONESBORO AR 72403

SAFEBOX STORAGE LLC
PO BOX 3021
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE
CORP
PO BOX 450233
ATLANTA GA 31145

RIVERVIEW CRESTMONT LLC AND
RIVERVIEW
PO BOX 450233
ATLANTA GA 31145

PILOT HOUSE MOTOR INNS INC
100 N FRONT ST
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE
CORP
100 N MAIN ST
MEMPHIS TN 38103

LANDRENEAU RAYMOND L JR & LYNNE A
101 BIRCH AVE
HOUMA LA 70364

MOSELEY CAROL B & DAVID F
102 LEGACY LN
HOT SPRINGS NATIONAL PARK AR 71901

CALVARY EPISCOPAL CHURCH
102 N 2ND ST
MEMPHIS TN 38103

ALDERS AUSTIN L
10245 NEEDLE PINE DR
CORDOVA TN 38016

BLANCHARD BARRY A & JUDITH
104 WETHERSFIELD DR
MADISON MS 39110

DAWSON TANYA
1050 BLUEBIRD RD
MEMPHIS TN 38116

GOOCH JAMES W
107 DAVIS NORTH LAKE ACC RD
CAMDEN TN 38320

LIVESAY EILEEN K REVOCABLE LIVING
TRUST
107 PIEDMONT CIR
MARYVILLE TN 37803

CLARK MEGAN
109 N MAIN
MEMPHIS TN 38103

STARR KEITHA
109 N MAIN
MEMPHIS TN 38103

WADE CHARLES M
109 N MAIN
MEMPHIS TN 38103

ADAMS JOHN
109 N MAIN ST
MEMPHIS TN 38103

ALDERS SUSAN M
109 N MAIN ST
MEMPHIS TN 38103

ALEXEJEW ALANNA C D AND JOSE G P
ORTEGA
109 N MAIN ST
MEMPHIS TN 38103

ALPIZAR CAMMIE R
109 N MAIN ST
MEMPHIS TN 38103

BARRETT ALLISON R
109 N MAIN ST
MEMPHIS TN 38103

BEALL BRIAN AND PAM BEALL
109 N MAIN ST
MEMPHIS TN 38103

BEESON KEVIN & AMY MCNEER
109 N MAIN ST
MEMPHIS TN 38103

BLEVINS GARY R B & JAMIE
109 N MAIN ST
MEMPHIS TN 38103

BONDY WILLIAM G
109 N MAIN ST
MEMPHIS TN 38103

BOULANGER EVAN B
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MEMPHIS TN 38103

BREDFIELD CHARLES R
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MEMPHIS TN 38103

BRISENTINE JAMES K
109 N MAIN ST
MEMPHIS TN 38103

BRITT ANNA G
109 N MAIN ST
MEMPHIS TN 38103

BURNS GLORIA
109 N MAIN ST
MEMPHIS TN 38103

CATHCART CHARLENE
109 N MAIN ST
MEMPHIS TN 38103

CHANG LU-TIEN AND HSIA-FEI KUO CHANG
109 N MAIN ST
MEMPHIS TN 38103

CHOATE SHARON
109 N MAIN ST
MEMPHIS TN 38103

CHUNG JOE
109 N MAIN ST
MEMPHIS TN 38103

CLARIDGE HOUSE CONDOMINIUMS
OWNERS
109 N MAIN ST
MEMPHIS TN 38103

CRONK MICHAEL T
109 N MAIN ST
MEMPHIS TN 38103

CURRAN CAMILLA
109 N MAIN ST
MEMPHIS TN 38103

DAVIS JORDAN W
109 N MAIN ST
MEMPHIS TN 38103

DU KEFU
109 N MAIN ST
MEMPHIS TN 38103

DUNBAR ROBERT
109 N MAIN ST
MEMPHIS TN 38103

ELMS ERIC L AND CORNELIUS L LEWIS (RS)
109 N MAIN ST
MEMPHIS TN 38103

ESPEY BRITTANY & CHACE
109 N MAIN ST
MEMPHIS TN 38103

EVANS PEGGY
109 N MAIN ST
MEMPHIS TN 38103

FARMER DAVID A
109 N MAIN ST
MEMPHIS TN 38103

FLETCHER LINDA C
109 N MAIN ST
MEMPHIS TN 38103

GARRETT RICHARD P
109 N MAIN ST
MEMPHIS TN 38103

GLENN MICHAEL D
109 N MAIN ST
MEMPHIS TN 38103

HAGY KELLY L
109 N MAIN ST
MEMPHIS TN 38103

HAMM KEVIN A
109 N MAIN ST
MEMPHIS TN 38103

HARRIS BRIAN E
109 N MAIN ST
MEMPHIS TN 38103

HARRISON JUDITH T REVOCABLE TRUST
109 N MAIN ST
MEMPHIS TN 38103

HASTINGS ROBERT F
109 N MAIN ST
MEMPHIS TN 38103

HENLEY DANIEL & D'JUANNA C
109 N MAIN ST
MEMPHIS TN 38103

HERNDON DAVID L
109 N MAIN ST
MEMPHIS TN 38103

HORTON MARY L
109 N MAIN ST
MEMPHIS TN 38103

HUGHES JOSEPH C
109 N MAIN ST
MEMPHIS TN 38103

HUNT DEBORAH W
109 N MAIN ST
MEMPHIS TN 38103

JONES KEVIN & OLGA
109 N MAIN ST
MEMPHIS TN 38103

JONES KYLAN
109 N MAIN ST
MEMPHIS TN 38103

JONES SEAMUS R & JAIME D
109 N MAIN ST
MEMPHIS TN 38103

JONES SHARON & BRIAN
109 N MAIN ST
MEMPHIS TN 38103

KELLEY JAMES L
109 N MAIN ST
MEMPHIS TN 38103

LAROSA MICHAEL J
109 N MAIN ST
MEMPHIS TN 38103

LAWLOR JAMES J JR & CATHERINE A
109 N MAIN ST
MEMPHIS TN 38103

LEE SHANE M
109 N MAIN ST
MEMPHIS TN 38103

LIST CHARLES D
109 N MAIN ST
MEMPHIS TN 38103

MAY WILLIAM B
109 N MAIN ST
MEMPHIS TN 38103

MCDEARMAN JENNIFER
109 N MAIN ST
MEMPHIS TN 38103

MCRAE MARI
109 N MAIN ST
MEMPHIS TN 38103

MEANS WESTON K
109 N MAIN ST
MEMPHIS TN 38103

MOALLA KAMEL
109 N MAIN ST
MEMPHIS TN 38103

MOORE CYNTHIA R
109 N MAIN ST
MEMPHIS TN 38103

MOTLEY JACE E
109 N MAIN ST
MEMPHIS TN 38103

MURRAY BRUCE D AND JAMES H CARSON
JR
109 N MAIN ST
MEMPHIS TN 38103

NESGODA SANDRA
109 N MAIN ST
MEMPHIS TN 38103

NORDENGREN MICHAEL
109 N MAIN ST
MEMPHIS TN 38103

OLTROGGE KEVIN L
109 N MAIN ST
MEMPHIS TN 38103

OTHMANI FARHAT & SANDIE
109 N MAIN ST
MEMPHIS TN 38103

PARMA MACKENZE
109 N MAIN ST
MEMPHIS TN 38103

PATE LAURA
109 N MAIN ST
MEMPHIS TN 38103

PATRICK KEVIN M
109 N MAIN ST
MEMPHIS TN 38103

PEAY TONY
109 N MAIN ST
MEMPHIS TN 38103

PETTY MICHAEL & VALERIE
109 N MAIN ST
MEMPHIS TN 38103

PFINGSTAG TOM
109 N MAIN ST
MEMPHIS TN 38103

PURNELL ROBIN T
109 N MAIN ST
MEMPHIS TN 38103

RAKESTRAW CURTIS R & ANNE C DUVALL
109 N MAIN ST
MEMPHIS TN 38103

RAMSEY MICHAEL G
109 N MAIN ST
MEMPHIS TN 38103

REGINELLI MARY C
109 N MAIN ST
MEMPHIS TN 38103

RENI JENNY A AND JESSYMOL RENI (RS)
109 N MAIN ST
MEMPHIS TN 38103

REXILIUS REX & NICOLE
109 N MAIN ST
MEMPHIS TN 38103

RIVERO VERONICA
109 N MAIN ST
MEMPHIS TN 38103

RIVVER NORMANDY
109 N MAIN ST
MEMPHIS TN 38103

ROACH JACQUELINE (1/2%) AND ROY E &
109 N MAIN ST
MEMPHIS TN 38103

ROWLAND SETH
109 N MAIN ST
MEMPHIS TN 38103

SAHU SHWETAPADMA
109 N MAIN ST
MEMPHIS TN 38103

SHALTIS WILLIAM M
109 N MAIN ST
MEMPHIS TN 38103

STUBBLEFIELD TRACI
109 N MAIN ST
MEMPHIS TN 38103

SULLIVAN PETER A & CATRINA P
109 N MAIN ST
MEMPHIS TN 38103

SULLIVAN QUINTINA
109 N MAIN ST
MEMPHIS TN 38103

SWANSON NATALIE
109 N MAIN ST
MEMPHIS TN 38103

TATE JONNIE II
109 N MAIN ST
MEMPHIS TN 38103

TAX PARTNERS PLUS INC
109 N MAIN ST
MEMPHIS TN 38103

TAYLOR CATHERINE A
109 N MAIN ST
MEMPHIS TN 38103

THATS MY HOUSE LLC
109 N MAIN ST
MEMPHIS TN 38103

TRASS LULA M AND FRANKLIN LESUEUR II
109 N MAIN ST
MEMPHIS TN 38103

ULANDAY CATHERINE
109 N MAIN ST
MEMPHIS TN 38103

WALLIS JOHN P
109 N MAIN ST
MEMPHIS TN 38103

WANG QIAN
109 N MAIN ST
MEMPHIS TN 38103

WATKINS MICHAEL
109 N MAIN ST
MEMPHIS TN 38103

WILLIAMS JAMES & PAULA C FERNANDES
109 N MAIN ST
MEMPHIS TN 38103

WULFEKUHLE JAMES
109 N MAIN ST
MEMPHIS TN 38109

YATSULA THOMAS J
109 N MAIN ST
MEMPHIS TN 38103

YENUGULA YESHWANTH
109 N MAIN ST
MEMPHIS TN 38103

VOORHIES BENJAMIN L
109 N MAIN TER
MEMPHIS TN 38103

CHILDRESS RICHARD T & PATRICIA J
109 N MID AMERICA MALL
MEMPHIS TN 38103

NCE REALTY LLC
1106 KANASAS ST
MEMPHIS TN 38106

MEMPHIS CENTER CITY REVENUE FINANCE
1125 W POPLAR AVE
COLLIERVILLE TN 38017

MEMPHIS CENTER CITY DEVELOPMENT
114 N MAIN ST
MEMPHIS TN 38103

MEMPHIS-CENTER CITY REVENUE FINANCE
114 N MAIN ST
MEMPHIS TN 38103

PARKING AUTHORITY OF MEMPHIS CITY
OF AND
114 N MAIN ST
MEMPHIS TN 38103

CITY OF MEMPHIS FIRE DEPT
118 ADAMS AVE
MEMPHIS TN 38103

FIRE DEPARTMENT MUSEUM OF MEMPHIS
INC
118 ADAMS AVE
MEMPHIS TN 38103

RAMSEY ROGER D & MONICA S
124 S TELEMACHUS ST
NEW ORLEANS LA 70119

CITY OF MEMPHIS
125 N MAIN ST
MEMPHIS TN 38103

CITY OF MEMPHIS-PARK COMM
125 N MAIN ST
MEMPHIS TN 38103

SAN ROMAN JULIA AND RICHARD SAN
ROMAN
1262 AUBURN WOODS DR
COLLIERVILLE TN 38017

COURT SQUARE PARTNERSHIP II
130 N COURT ST
MEMPHIS TN 38103

MEHDIAN ANAHITA M
14 WINSLOW CV
JACKSON TN 38305

STONEBRIDGE HOLDINGS LLC
140 JEFFERSON AVE
MEMPHIS TN 38103

H D REAL ESTATE HOLDINGS LLC
150 COURT AVE
MEMPHIS TN 38103

CALIDUS OMP LLC (70%) AND CCN OMP
LLC
1555 PALM BEACH LAKES BLVD
WEST PALM BEACH FL 33401

SHIELD MICHAEL
15959 NW 15TH AVE
MIAMI FL 33169

COUNTY OF SHELBY COURT HOUSE
160 N MAIN ST
MEMPHIS TN 38103

PEAK PROPERTIES LLC
1779 KIRBY PKWY
MEMPHIS TN 38117

44N2 LLC
1786 GLENWOOD PL
MEMPHIS TN 38104

ST PETERS LITERARY SOCIETY INC
190 ADAMS AVE
MEMPHIS TN 38103

KAZEMPOUR ZOHREH
20 AUTUMN LEAF CV
JACKSON TN 38305

VIBRANT HOTEL INC
220 GOODMAN RD
SOUTHAVEN MS 38671

ELLIOTTE/DICKERSON LIVING TRUST
2206 EVELYN AVE
MEMPHIS TN 38104

RMP INVESTMENTS LLC
22130 VICTORY BLVD
WOODLAND HILLS CA 91367

REHBERG BRETT C
2215 KIRBY PKWY
MEMPHIS TN 38119

LAMBERT PATRICIA W
224 SHENANDOAH TRL
WARNER ROBINS GA 31088

BEAUDET JEAN
2372 WILSON AVE
MONTREAL QC

ZAHRLY DANIEL C & ERIN C
2399 WINDY OAKS DR
GERMANTOWN TN 38139

ROUTH FAMILY REVOCABLE TRUST
25 GREENBRIER LAKES BLVD
COLLIERVILLE TN 38017

SAINI TEJINDER S & DALJEET
2546 WOODHURST CV
GERMANTOWN TN 38139

BOWMAN ERIC & SUSAN
2614 MANSFIELD MNR
COLLIERVILLE TN 38017

LAWSON STEPHANIE E
2635 MARKSTON CV
SOUTHAVEN MS 38672

DEVENEY JOHN P & PENNY A ASBELL
303 E 83RD ST
NEW YORK NY 10028

LOFTON GEORGE D & ELIZABETH B
319 BURROWS RD
COLLIERVILLE TN 38017

KOCMAN MARTIN AND KOCMAN JANIE
LIVING
3342 BAY MAGNOLIA CIR
MEMPHIS TN 38115

ROADSHOW REALTY LLC
405 N GERMANTOWN PKWY
CORDOVA TN 38018

RUSSELL RICHARD B & KISMAYNE
415 VANDERBILT AVE
WEST MEMPHIS AR 72301

CHASE WILLIAM J JR TRUST
4192 N LONG LEAF DR
MEMPHIS TN 38117

COURT SQUARE CENTER LLC
44 N 2ND ST
MEMPHIS TN 38103

DAWKINS RAE T TRUST FBO
44 N 2ND ST
MEMPHIS TN 38103

LINDSAY MEMORIAL PRESBY CH
44 N 2ND ST
MEMPHIS TN 38103

CLARIDGE PROPERTIES LLC
4401 NORTHSIDE PKWY
ATLANTA GA 30327

TENNESSEE HOTEL GROUP I LP
4401 NORTHSIDE PKWY
ATLANTA GA 30327

THG COURT LLC
4401 NORTHSIDE PKWY
ATLANTA GA 30327

FINLEY LAURA
4435 SEQUOIA AVE
MEMPHIS TN 38117

MARSHALL FRANK
4469 DEERLAND ST
MEMPHIS TN 38109

MEMPHIS CENTER CITY REVENUE FINANCE
CORP
48 BAKERTOWN RD
MONROE NY 10950

ELITE-1 INVESTMENT GROUP LLC
4980 LA CHATEAU CV
MEMPHIS TN 38125

LUBIANI NANCY P
5349 PARK AVE
MEMPHIS TN 38119

MOSS STEPHEN D
5500 SHADY GROVE RD
MEMPHIS TN 38120

MCGHEE TERENCE
5543 N EDMONDSON PIKE
NASHVILLE TN 37211

MEDLOCK STEVEN & JULIE
5915 BRIERGLLEN AVE
MEMPHIS TN 38120

ALLWORLD PROJECT MANAGEMENT LLC
60 N B.B. KING BLVD
MEMPHIS TN 38103

YIELDI LLC
6000 LAKE FOREST DR
ATLANTA GA 30328

FICK JOSEPH A
602 BARBARA DR
MADISON TN 37115

HIRSH RANDALL A
617 S FRONT ST
MEMPHIS TN 38103

DIRGHANGI ARJUN J
6375 SWAN NEST CV
MEMPHIS TN 38120

BALLARD RENTAL LLC AND JULIE A &
MERVIN
655 S RIVERSIDE DR
MEMPHIS TN 38103

LUTHER PAUL F & ANN L
7575 KING RD
FAIRVIEW TN 37062

PREMIER SYSTEM REALTY LLC
77 ADAMS AVE
MEMPHIS TN 38103

THG FRONT LLC
8003 BENAROYA LN
HUNTSVILLE AL 35802

HUN FERNANDO
877 FRANCISCO ST
LOS ANGELES CA 90017

GRICE RODERICK & CHASITY
9075 N HUNTINGTON OAK DR
CORDOVA TN 38016

**OTHMANI FARHAT B & SANDIE
9144 VALLEY GROVE LN
SOUTHAVEN MS 38671**

**DOSS LLC
920 HEWLETT DR
ROSSVILLE TN 38066**

**SMITH GARY
9529 INGLEWOOD CV
GERMANTOWN TN 38139**

**CHRISTINE DONHARDT
THE REAVES FIRM, INC.
6800 POPLAR AVENUE, SUITE 101
MEMPHIS, TN 38138**

**DOWNTOWN MEMPHIS COMMISSION
114 N. MAIN STREET
MEMPHIS, TN 38103**

PROPERTY DESCRIPTION

BEING A DESCRIPTION OF THE FIRST ALLEY NORTH OF JEFFERSON AVENUE BETWEEN MAIN STREET AND SECOND STREET, AND NOVEMBER 6th STREET BETWEEN JEFFERSON AVENUE AND SAID ALLEY, BOTH LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SECOND STREET (66 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE (66.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N20°32'18"E ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 149.17 FEET TO THE SOUTH LINE OF A 24.50 FOOT WIDE PUBLIC ALLEY, SAID POINT BEING THE POINT OF BEGINNING AND HAVING A TENNESSEE STATE PLANE COORDINATE OF NORTH 321372.16 - EAST 757820.55; THENCE N69°27'42"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 149.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NOVEMBER 6th ALLEY (24.75 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE S20°32'18"W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF JEFFERSON AVENUE; THENCE N69°27'42"W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 24.74 FEET TO A POINT; THENCE N20°32'18"E LEAVING SAID NORTH LINE A DISTANCE OF 149.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE 24.50 FOOT WIDE PUBLIC ALLEY; THENCE N69°27'42"W ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 149.36 FEET TO A POINT ON THE EAST LINE OF MAIN STREET (82.50 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N20°32'18"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MAIN STREET A DISTANCE OF 24.50 FEET TO THE NORTH LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY; THENCE S69°27'42"E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 24.50 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 323.10 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET; THENCE S20°32'18"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SECOND STREET A DISTANCE OF 24.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,607 SQUARE FEET.

No dedication instrument found.

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(RIGHT-OF-WAY VACATION)**

You will take notice that a public hearing will be held by the City Council of the City of Memphis, Tennessee, meeting in session in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee, 38103, on Tuesday, _____ at 3:30 P.M., in the matter of granting an application for a right-of-way vacation pursuant to Article 9.8 of the Memphis and Shelby County Unified Development Code, as follows:

- CASE NUMBER:** SAC 2023-008
- LOCATION:** A segment of N. November 6th Street from Jefferson Ave. to its North Terminus and close and vacate the Unnamed Alley between N. Main St. and Second St.
- COUNCIL DISTRICTS:** District 7 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Brett Roler, Downtown Memphis Commission (DMC)
- REPRESENTATIVE:** Christine Donhardt – The Reaves Firm, Inc.
- PROPERTY SIZE:** +/- 0.267 acres (11,607 sq. ft.)
- EXISTING ZONING:** Central Business District (CBD) / Downtown Fire District / Central Business Improvement District
- REQUEST:** Close and vacate a segment of N. November 6th Street from Jefferson Ave. to its north terminus and close and vacate the unnamed alley between N. Main St. and Second St.

RECOMMENDATIONS:

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

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

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

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

THIS THE _____, _____

JB SMILEY, JR.
CHAIRMAN OF COUNCIL

ATTEST:

JOEL PHILHOURS
CITY COMPTROLLER

TO BE PUBLISHED:

Street and Alley Closure

Zoning Cases - Label

-  Zoning Cases
-  Shelby County Zoning
-  Arlington Zoning
-  Bartlett Zoning
-  Collierville Zoning
-  Germantown Zoning
-  Lakeland Zoning
-  Millington Zoning

Overlay Districts

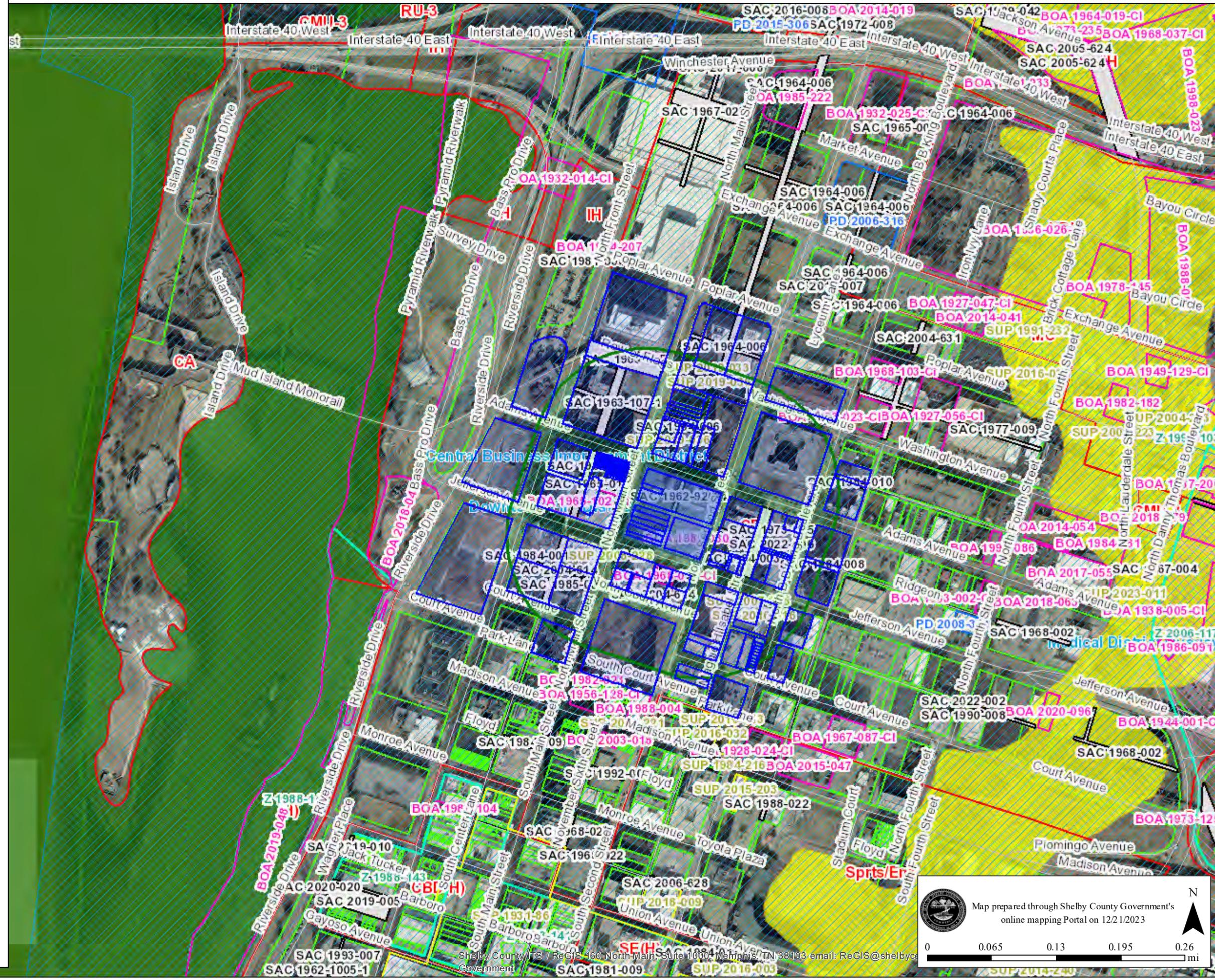
-  Central Business Improvement District
-  Fletcher Creek Overlay
-  Medical District Overlay
-  Midtown Overlay
-  Transit Overlay District Overlay
-  University District Overlay
-  Residential Corridors
-  Moratorium Zones
-  Brown Field Properties

Street Frontage Overlay District

-  Shopfront
-  Pedestrian
-  Urban
-  Transitional
-  Commercial
-  Contextual Infill

Flood Zones

-  Area of Minimal Flood Hazard
-  Area with Reduced Flood Risk Due to Levee
-  0.2 % Annual Chance Flood Hazard
-  Floodplain
-  Floodway
-  Parcels



Map prepared through Shelby County Government's online mapping Portal on 12/21/2023

0 0.065 0.13 0.195 0.26 mi

COURT SQUARE PARTNERSHIP
130 N COURT AVE #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N SECOND ST #
MEMPHIS TN 38103

COURT SQUARE PARTNERSHIP
130 N COURT AVE #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

COURT SQUARE PARTNERSHIP II
130 N COURT ST #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

VIBRANT HOTEL INC
220 GOODMAN RD #
SOUTHAVEN MS 38671

PARKING AUTHORITY OF MEMPHIS CITY OF AND
114 N MAIN ST #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

VIBRANT HOTELS INC
220 GOODMAN RD #
SOUTHAVEN MS 38671

FIRE DEPARTMENT MUSEUM OF MEMPHIS INC
118 ADAMS AVE #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

DAWKINS RAE T TRUST FBO
44 N 2ND ST #
MEMPHIS TN 38103

CITY OF MEMPHIS FIRE DEPT
118 ADAMS AVE #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

LINDSAY MEMORIAL PRESBY CH
44 N 2ND ST #
MEMPHIS TN 38103

NCE REALTY LLC
1106 KANASAS ST #
MEMPHIS TN 38106

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

H D REAL ESTATE HOLDINGS LLC
150 COURT AVE #
MEMPHIS TN 38103

COUNTY OF SHELBY CRIMINAL CT
160 N MAIN ST #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

44N2 LLC
1786 GLENWOOD PL #
MEMPHIS TN 38104

COUNTY OF SHELBY COURT HOUSE
160 N MAIN ST #
MEMPHIS TN 38103

STONEBRIDGE HOLDINGS LLC
140 JEFFERSON AVE #
MEMPHIS TN 38103

44N2 LLC
1786 GLENWOOD PL #
MEMPHIS TN 38104

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

CALVARY EPISCOPAL CHURCH
102 N 2ND ST #
MEMPHIS TN 38103

YIELDI LLC
6000 LAKE FOREST DR #
ATLANTA GA 30328

SAFEBOX STORAGE LLC
PO BOX 3021 #
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE
1125 W POPLAR AVE #
COLLIERVILLE TN 38017

ST PETERS LITERARY SOC INC
190 ADAMS AVE #
MEMPHIS TN 38103

EAST COURT DEVELOPMENTS
45 N B B KING BLVD #
MEMPHIS TN 38103

THIRD STREET PARTNERS LLC
4942 WILLIAM ARNOLD RD #
MEMPHIS TN 38117

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

IN8PWR LLC
7870 WINCHESTER RD #
MEMPHIS TN 38125

LAWLESS-GLASSMAN SUSAN AND CARL WYATT
26 N SECOND ST #
MEMPHIS TN 38103

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

IN8PWR LLC
7870 WINCHESTER RD #
MEMPHIS TN 38125

ALLWORLD PROJECT MANAGEMENT LLC
60 N B.B. KING BLVD #
MEMPHIS TN 38103

CITY OF MEMPHIS PARK COMM
40 S MAIN ST #
MEMPHIS TN 38103

IN8PWR LLC
7870 WINCHESTER RD #
MEMPHIS TN 38125

DERMON BUILDING OZ LLC
11227 MATTHEWS COVE LN #
KNOXVILLE TN 37934

THG COURT LLC
4401 NORTHSIDE PKWY #
ATLANTA GA 30327

IN8PWR INC
7870 WINCHESTER RD #
MEMPHIS TN 38125

CALIDUS OMP LLC (70%) AND CCN OMP LLC
1555 PALM BEACH LAKES BLVD #
WEST PALM BEACH FL 33401

MEMPHIS-CENTER CITY REVENUE FINANCE
114 N MAIN ST #
MEMPHIS TN 38103

IN8PWR LLC
7870 WINCHESTER RD #
MEMPHIS TN 38125

CALIDUS OMP LLC (70%) AND CCN OMP LLC
1555 PALM BEACH LAKES BLVD #
WEST PALM BEACH FL 33401

TENNESSEE HOTEL GROUP I LP
4401 NORTHSIDE PKWY #
ATLANTA GA 30327

IN8PWR LLC
7870 WINCHESTER RD #
MEMPHIS TN 38125

CALIDUS OMP LLC (70%) AND CCN OMP LLC
1555 PALM BEACH LAKES BLVD #
WEST PALM BEACH FL 33401

MEMPHIS CENTER CITY REVENUE FINANCE CORP
48 BAKERTOWN RD #
MONROE NY 10950

IN8PWR LLC
7870 WINCHESTER RD #
MEMPHIS TN 38125

ST PETERS LITERARY SOCIETY INC
190 ADAMS AVE #
MEMPHIS TN 38103

THG FRONT LLC
8003 BENAROYA LN #
HUNTSVILLE AL 35802

ARSTIKAITIS ALAN AND DAVID KELLENBERGER
7870 WINCHESTER #
MEMPHIS TN 38125

ST PETER LITERARY SOCIETY
190 ADAMS AVE #
MEMPHIS TN 38103

PILOT HOUSE MOTOR INNS INC
100 N FRONT ST #
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE CORP
PO BOX 450233 #
ATLANTA GA 31145

CHASE WILLIAM J JR TRUST
4192 N LONG LEAF DR #
MEMPHIS TN 38117

RAMSEY ROGER D & MONICA S
124 S TELEMACHUS ST #
NEW ORLEANS LA 70119

RIVERVIEW CRESTMONT LLC AND RIVERVIEW
PO BOX 450233 #
ATLANTA GA 31145

ESPEY BRITTANY & CHACE
109 N MAIN ST #
MEMPHIS TN 38103

PATRICK KEVIN M
109 N MAIN ST #
MEMPHIS TN 38103

DU KEFU
109 N MAIN ST #
MEMPHIS TN 38103

RAKESTRAW CURTIS & ANNE
109 N MAIN ST #
MEMPHIS TN 38103

PEAK PROPERTIES LLC
1779 KIRBY PKWY #
MEMPHIS TN 38117

THATS MY HOUSE LLC
109 N MAIN ST #
MEMPHIS TN 38103

SHIELD MICHAEL
15959 NW 15TH AVE #
MIAMI FL 33169

WATKINS MICHAEL
109 N MAIN ST #
MEMPHIS TN 38103

RUSSELL RICHARD B & KISMAYNE
415 VANDERBILT AVE #
WEST MEMPHIS AR 72301

CHOATE SHARON
109 N MAIN ST #
MEMPHIS TN 38103

ALDERS AUSTIN L
10245 NEEDLE PINE DR #
CORDOVA TN 38016

CATHCART CHARLENE
109 N MAIN ST #
MEMPHIS TN 38103

FICK JOSEPH A
602 BARBARA DR #
MADISON TN 37115

FINLEY LAURA
4435 SEQUOIA AVE #
MEMPHIS TN 38117

BEAUDET JEAN
2372 WILSON AVE #
MONTREAL QC

MAY WILLIAM B
109 N MAIN ST #
MEMPHIS TN 38103

TRASS LULA M AND FRANKLIN LESUEUR II
109 N MAIN ST #
MEMPHIS TN 38103

HARRISON JUDITH T REVOCABLE TRUST
109 N MAIN ST #
MEMPHIS TN 38103

BONDY WILLIAM G
109 N MAIN ST #
MEMPHIS TN 38103

DAWSON TANYA
1050 BLUEBIRD RD #
MEMPHIS TN 38116

ELLIOTTE/DICKERSON LIVING TRUST
2206 EVELYN AVE #
MEMPHIS TN 38104

MOSS STEPHEN D
5500 SHADY GROVE RD #
MEMPHIS TN 38120

YENUGULA YESHWANTH
109 N MAIN ST #
MEMPHIS TN 38103

PETTY MICHAEL & VALERIE
109 N MAIN ST #
MEMPHIS TN 38103

HARRIS BRIAN E
109 N MAIN ST #
MEMPHIS TN 38103

FARMER DAVID A
109 N MAIN ST #
MEMPHIS TN 38103

TAX PARTNERS PLUS INC
109 N MAIN ST #
MEMPHIS TN 38103

GLENN MICHAEL D
109 N MAIN ST #
MEMPHIS TN 38103

FICK JOE
602 BARBARA DR #
MADISON TN 37115

LANDRENEAU RAYMOND L JR & LYNNE A
101 BIRCH AVE #
HOUMA LA 70364

SULLIVAN QUINTINA
109 N MAIN ST #
MEMPHIS TN 38103

BLANCHARD BARRY A & JUDITH
104 WETHERSFIELD DR #
MADISON MS 39110

SWANSON NATALIE
109 N MAIN ST #
MEMPHIS TN 38103

KAZEMPOUR ZOHREH
20 AUTUMN LEAF CV #
JACKSON TN 38305

MOTLEY JACE E
109 N MAIN ST #
MEMPHIS TN 38103

RAKESTRAW CURTIS R & ANNE C DUVALL
109 N MAIN ST #
MEMPHIS TN 38103

STUBBLEFIELD TRACI
109 N MAIN ST #
MEMPHIS TN 38103

DUNBAR ROBERT
109 N MAIN ST #
MEMPHIS TN 38103

HORTON MARY L
109 N MAIN ST #
MEMPHIS TN 38103

MOALLA KAMEL
109 N MAIN ST #
MEMPHIS TN 38103

ULANDAY CATHERINE
109 N MAIN ST #
MEMPHIS TN 38103

LEE SHANE M
109 N MAIN ST #
MEMPHIS TN 38103

REHBERG BRETT C
2215 KIRBY PKWY #
MEMPHIS TN 38119

LUTHER PAUL F & ANN L
7575 KING RD #
FAIRVIEW TN 37062

YATSULA THOMAS J
109 N MAIN ST #
MEMPHIS TN 38103

RIVERO VERONICA
109 N MAIN ST #
MEMPHIS TN 38103

STARR KEITHA
109 N MAIN #
MEMPHIS TN 38103

ALEXEJEW ALANNA C D AND JOSE G P ORTEGA
109 N MAIN ST #
MEMPHIS TN 38103

GRICE RODERICK & CHASITY
9075 N HUNTINGTON OAK DR #
CORDOVA TN 38016

RMP INVESTMENTS LLC
22130 VICTORY BLVD #
WOODLAND HILLS CA 91367

CRONK MICHAEL T
109 N MAIN ST #
MEMPHIS TN 38103

MEDLOCK STEVEN & JULIE
5915 BRIERGLLEN AVE #
MEMPHIS TN 38120

ALPIZAR CAMMIE R
109 N MAIN ST #
MEMPHIS TN 38103

SHALTIS WILLIAM M
109 N MAIN ST #
MEMPHIS TN 38103

HAMM KEVIN A
109 N MAIN ST #
MEMPHIS TN 38103

HASTINGS ROBERT F
109 N MAIN ST #
MEMPHIS TN 38103

CHANG LU-TIEN AND HSIA-FEI KUO CHANG
109 N MAIN ST #
MEMPHIS TN 38103

HENLEY DANIEL & D'JUANNA C
109 N MAIN ST #
MEMPHIS TN 38103

PFINGSTAG TOM
109 N MAIN ST #
MEMPHIS TN 38103

WALLIS JOHN P
109 N MAIN ST #
MEMPHIS TN 38103

REGINELLI MARY C
109 N MAIN ST #
MEMPHIS TN 38103

RDJD INVESTMENTS LLC
PO BOX 1028 #
JONESBORO AR 72403

JONES KEVIN & OLGA
109 N MAIN ST #
MEMPHIS TN 38103

MEANS WESTON K
109 N MAIN ST #
MEMPHIS TN 38103

ZAHRLY DANIEL C & ERIN C
2399 WINDY OAKS DR #
GERMANTOWN TN 38139

ROACH JACQUELINE (1/2%) AND ROY E &
109 N MAIN ST #
MEMPHIS TN 38103

KELLEY JAMES L
109 N MAIN ST #
MEMPHIS TN 38103

LUBIANI NANCY P
5349 PARK AVE #
MEMPHIS TN 38119

SAHU SHWETAPADMA
109 N MAIN ST #
MEMPHIS TN 38103

ADAMS JOHN
109 N MAIN ST #
MEMPHIS TN 38103

LUBIANI NANCY P
5349 PARK AVE #
MEMPHIS TN 38119

PARMA MACKENZE
109 N MAIN ST #
MEMPHIS TN 38103

WANG QIAN
109 N MAIN ST #
MEMPHIS TN 38103

PURNELL ROBIN T
109 N MAIN ST #
MEMPHIS TN 38103

ROADSHOW REALTY LLC
405 N GERMANTOWN PKWY #
CORDOVA TN 38018

FLETCHER LINDA C
109 N MAIN ST #
MEMPHIS TN 38103

TATE JONNIE II
109 N MAIN ST #
MEMPHIS TN 38103

GARRETT RICHARD P
109 N MAIN ST #
MEMPHIS TN 38103

NORDENGREN MICHAEL
109 N MAIN ST #
MEMPHIS TN 38103

CHILDRESS RICHARD T & PATRICIA J
109 N MID AMERICA MALL #
MEMPHIS TN 38103

ALDERS SUSAN M
109 N MAIN ST #
MEMPHIS TN 38103

BOWMAN ERIC & SUSAN
2614 MANSFIELD MNR #
COLLIERVILLE TN 38017

NESGODA SANDRA
109 N MAIN ST #
MEMPHIS TN 38103

HUNT DEBORAH W
109 N MAIN ST #
MEMPHIS TN 38103

VOORHIES BENJAMIN L
109 N MAIN TER #
MEMPHIS TN 38103

SULLIVAN PETER A & CATRINA P
109 N MAIN ST #
MEMPHIS TN 38103

HIRSH RANDALL A
617 S FRONT ST #
MEMPHIS TN 38103

ALDERS SUSAN M
109 N MAIN ST #
MEMPHIS TN 38103

OTHMANI FARHAT & SANDIE
109 N MAIN ST #
MEMPHIS TN 38103

BREDFIELD CHARLES R
109 N MAIN ST #
MEMPHIS TN 38103

LAMBERT PATRICIA W
224 SHENANDOAH TRL #
WARNER ROBINS GA 31088

BRISENTINE JAMES K
109 N MAIN ST #
MEMPHIS TN 38103

RIVVER NORMANDY
109 N MAIN ST #
MEMPHIS TN 38103

MCDEARMAN JENNIFER
109 N MAIN ST #
MEMPHIS TN 38103

DAVIS JORDAN W
109 N MAIN ST #
MEMPHIS TN 38103

BARRETT ALLISON R
109 N MAIN ST #
MEMPHIS TN 38103

MCRAE MARI
109 N MAIN ST #
MEMPHIS TN 38103

LAWSON STEPHANIE E
2635 MARKSTON CV #
SOUTHAVEN MS 38672

CURRAN CAMILLA
109 N MAIN ST #
MEMPHIS TN 38103

RENI JENNY A AND JESSYMOL RENI (RS)
109 N MAIN ST #
MEMPHIS TN 38103

LAWLOR JAMES J JR & CATHERINE A
109 N MAIN ST #
MEMPHIS TN 38103

OLTROGGE KEVIN L
109 N MAIN ST #
MEMPHIS TN 38103

CLARK MEGAN
109 N MAIN #
MEMPHIS TN 38103

ROWLAND SETH
109 N MAIN ST #
MEMPHIS TN 38103

BALLARD RENTAL LLC AND JULIE A & MERVIN
655 S RIVERSIDE DR #
MEMPHIS TN 38103

HUN FERNANDO
877 FRANCISCO ST #
LOS ANGELES CA 90017

MOORE CYNTHIA R
109 N MAIN ST #
MEMPHIS TN 38103

HAGY KELLY L
109 N MAIN ST #
MEMPHIS TN 38103

BEALL BRIAN AND PAM BEALL
109 N MAIN ST #
MEMPHIS TN 38103

LIVESAY EILEEN K REVOCABLE LIVING TRUST
107 PIEDMONT CIR #
MARYVILLE TN 37803

REXILIUS REX & NICOLE
109 N MAIN ST #
MEMPHIS TN 38103

SAINI TEJINDER S & DALJEET
2546 WOODHURST CV #
GERMANTOWN TN 38139

JONES KYLAN
109 N MAIN ST #
MEMPHIS TN 38103

BRITT ANNA G
109 N MAIN ST #
MEMPHIS TN 38103

HERNDON DAVID L
109 N MAIN ST #
MEMPHIS TN 38103

LIST CHARLES D
109 N MAIN ST #
MEMPHIS TN 38103

ELMS ERIC L AND CORNELIUS L LEWIS (RS)
109 N MAIN ST #
MEMPHIS TN 38103

MEHDIAN ANAHITA M
14 WINSLOW CV #
JACKSON TN 38305

HIRSH RANDALL A
109 N MAIN ST #
MEMPHIS TN 38103

WADE CHARLES M
109 N MAIN #
MEMPHIS TN 38103

CHUNG JOE
109 N MAIN ST #
MEMPHIS TN 38103

BEALL PAM M & BRIAN S
109 N MAIN ST #
MEMPHIS TN 38103

LAROSA MICHAEL J
109 N MAIN ST #
MEMPHIS TN 38103

MURRAY BRUCE D AND JAMES H CARSON JR
109 N MAIN ST #
MEMPHIS TN 38103

PATE LAURA
109 N MAIN ST #
MEMPHIS TN 38103

GOOCH JAMES W
107 DAVIS NORTH LAKE ACC RD #
CAMDEN TN 38320

RAMSEY MICHAEL G
109 N MAIN ST #
MEMPHIS TN 38103

BEESON KEVIN & AMY MCNEER
109 N MAIN ST #
MEMPHIS TN 38103

MCGHEE TERENCE
5543 N EDMONDSON PIKE #
NASHVILLE TN 37211

BOULANGER EVAN B
109 N MAIN ST #
MEMPHIS TN 38103

BEESON KEVIN & AMY MCNEER
109 N MAIN ST #
MEMPHIS TN 38103

MOSELEY CAROL B & DAVID F
102 LEGACY LN #
HOT SPRINGS NATIONAL PARK AR 71901

KOCMAN MARTIN AND KOCMAN JANIE LIVING
3342 BAY MAGNOLIA CIR #
MEMPHIS TN 38115

JONES SHARON & BRIAN
109 N MAIN ST #
MEMPHIS TN 38103

LOFTON GEORGE D & ELIZABETH B
319 BURROWS RD #
COLLIERVILLE TN 38017

SMITH GARY P GST EXEMPT CHILD'S TRUST
9529 INGLEWOOD CV #
GERMANTOWN TN 38139

SMITH GARY
9529 INGLEWOOD CV #
GERMANTOWN TN 38139

HUGHES JOSEPH C
109 N MAIN ST #
MEMPHIS TN 38103

MARSHALL FRANK
4469 DEERLAND ST #
MEMPHIS TN 38109

JONES SEAMUS R & JAIME D
109 N MAIN ST #
MEMPHIS TN 38103

WILLIAMS JAMES & PAULA C FERNANDES
109 N MAIN ST #
MEMPHIS TN 38103

PEAY TONY
109 N MAIN ST #
MEMPHIS TN 38103

EVANS PEGGY
109 N MAIN ST #
MEMPHIS TN 38103

WULFEKUHLE JAMES
109 N MAIN ST #
MEMPHIS TN 38109

ROUTH FAMILY REVOCABLE TRUST
25 GREENBRIER LAKES BLVD #
COLLIERVILLE TN 38017

SAN ROMAN JULIA AND RICHARD SAN ROMAN
1262 AUBURN WOODS DR #
COLLIERVILLE TN 38017

DEVENEY JOHN P & PENNY A ASBELL
303 E 83RD ST #
NEW YORK NY 10028

OTHMANI FARHAT B & SANDIE
9144 VALLEY GROVE LN #
SOUTHAVEN MS 38671

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

DIRGHANGI ARJUN J
6375 SWAN NEST CV #
MEMPHIS TN 38120

CLARIDGE PROPERTIES LLC
4401 NORTHSIDE PKWY #
ATLANTA GA 30327

COUNTY OF SHELBY
160 N MAIN ST #
MEMPHIS TN 38103

HASTINGS ROBERT F
109 N MAIN ST #
MEMPHIS TN 38103

JONES SHARON AND BRIAN JONES (RS)
109 N MAIN ST #
MEMPHIS TN 38103

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

BURNS GLORIA
109 N MAIN ST #
MEMPHIS TN 38103

CLARIDGE PROPERTIES LLC
4401 NORTHSIDE PKWY #
ATLANTA GA 30327

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

BLEVINS GARY R B & JAMIE
109 N MAIN ST #
MEMPHIS TN 38103

CLARIDGE PROPERTIES LLC
4401 NORTHSIDE PKWY #
ATLANTA GA 30327

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

TAYLOR CATHERINE A
109 N MAIN ST #
MEMPHIS TN 38103

CLARIDGE HOUSE CONDOMINIUMS OWNERS ASSOC
109 N MAIN ST #
MEMPHIS TN 38103

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

CLARIDGE HOUSE CONDOMINIUMS OWNERS
109 N MAIN ST #
MEMPHIS TN 38103

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

DOSS LLC
920 HEWLETT DR #
ROSSVILLE TN 38066

UNITED STATES OF AMERICA
167 N MAIN ST #
MEMPHIS TN 38103

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

PREMIER SYSTEM REALTY LLC
77 ADAMS AVE #
MEMPHIS TN 38103

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

MEMPHIS CENTER CITY DEVELOPMENT
114 N MAIN ST #
MEMPHIS TN 38103

ELITE-1 INVESTMENT GROUP LLC
4980 LA CHATEAU CV #
MEMPHIS TN 38125

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

FIRE DEPARTMENT MUSEUM OF MEMPHIS INC
118 ADAMS AVE #
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE CORP
100 N MAIN ST #
MEMPHIS TN 38103

PARKING AUTHORITY OF MEMPHIS CITY OF AND
114 N MAIN ST #
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE CORP
100 N MAIN ST #
MEMPHIS TN 38103

PARKING AUTHORITY OF MEMPHIS CITY OF AND
114 N MAIN ST #
MEMPHIS TN 38103

COURT SQUARE CENTER LLC
44 N 2ND ST #
MEMPHIS TN 38103

PARKING AUTHORITY OF MEMPHIS CITY OF AND
114 N MAIN ST #
MEMPHIS TN 38103

CITY OF MEMPHIS-PARK COMM
125 N MAIN ST #
MEMPHIS TN 38103

PARKING AUTHORITY OF MEMPHIS CITY OF AND
114 N MAIN ST #
MEMPHIS TN 38103

PARKING AUTHORITY OF MEMPHIS CITY OF AND
114 N MAIN ST #
MEMPHIS TN 38103

PARKING AUTHORITY OF MEMPHIS CITY OF AND
114 N MAIN ST #
MEMPHIS TN 38103

PARKING AUTHORITY OF MEMPHIS CITY OF AND
114 N MAIN ST #
MEMPHIS TN 38103

PARKING AUTHORITY OF MEMPHIS CITY OF AND
114 N MAIN ST #
MEMPHIS TN 38103

MEMPHIS CENTER CITY REVENUE FINANCE CORP
100 N MAIN BUILDING #
MEMPHIS TN 38103

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

Planning & Development

ONE ORIGINAL |
ONLY STAPLED |

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

ITEM (CHECK ONE)

 ORDINANCE X RESOLUTION X REQUEST FOR PUBLIC HEARING

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

CASE NUMBER: SUP 23-026

LOCATION: 3545 South Third Street

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

OWNER/APPLICANT: Al Moore

REPRESENTATIVE: Al Moore, Moore Towing and Recovery

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

AREA: +/-0.922 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
12/14/2023 DATE
(1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

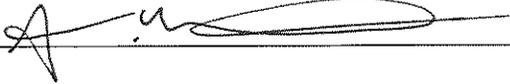
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

SUP 23-026

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 3545 SOUTH THIRD STREET, KNOWN AS CASE NUMBER SUP 23-026

- This item is a resolution with conditions for a special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER:	SUP 2023-026
LOCATION:	3545 South Third Street
COUNCIL DISTRICT(S):	District 6 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Al Moore
REPRESENTATIVE:	Al Moore, Moore Towing and Recovery
REQUEST:	Special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District
EXISTING ZONING:	Commercial Mixed Use – 1 (CMU-1)
AREA:	+/-0.922 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,



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

Cc: Committee Members
File

SUP 23-026
CONDITIONS

1. The proposed fence must not exceed 8' in height.
2. All parking pads and curb cuts must be installed and improved to the standard of the UDC.
3. Parking pads must meet parking setback requirements.
4. Fence must be constructed of permissible material allowed within the CMU-1 zoning district.
5. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

SITE PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3545 SOUTH THIRD STREET, KNOWN AS CASE NUMBER SUP 2023-026

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

WHEREAS, Al Moore filed an application with the Memphis and Shelby County Division of Planning and Development to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 14, 2023, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

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

ATTEST:

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

CONDITIONS

1. The proposed fence must not exceed 8' in height.
2. All parking pads and curb cuts must be installed and improved to the standard of the UDC.
3. Parking pads must meet parking setback requirements.
4. Fence must be constructed of permissible material allowed within the CMU-1 zoning district.
5. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

SITE PLAN



AGENDA ITEM: 12

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

LOCATION: 3545 South Third Street

OWNER/APPLICANT: Al Moore, Moore Towing and Recovery

REPRESENTATIVE: Christine Donhardt, The Reaves Firm

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

AREA: +/-0.922 acres

EXISTING ZONING: Commercial Mixed Use - 1

CONCLUSIONS

1. The applicant is seeking a special use permit to allow a towing service without an impound lot within CMU-1.
2. The current property is the primary location for Moore Towing and Recovery's employees and houses the company tow trucks.
3. The applicant did receive a citation for utilizing the property for a tow yard within CMU-1 zoning. They have since removed the vehicles.
4. The applicant would be utilizing the proposed gravel lot to park the company trucks within a proposed 8' fence.
5. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

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

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

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

Zoning Atlas Page:

Parcel ID: 075074 00089

Existing Zoning: Commercial Mixed Use - 1

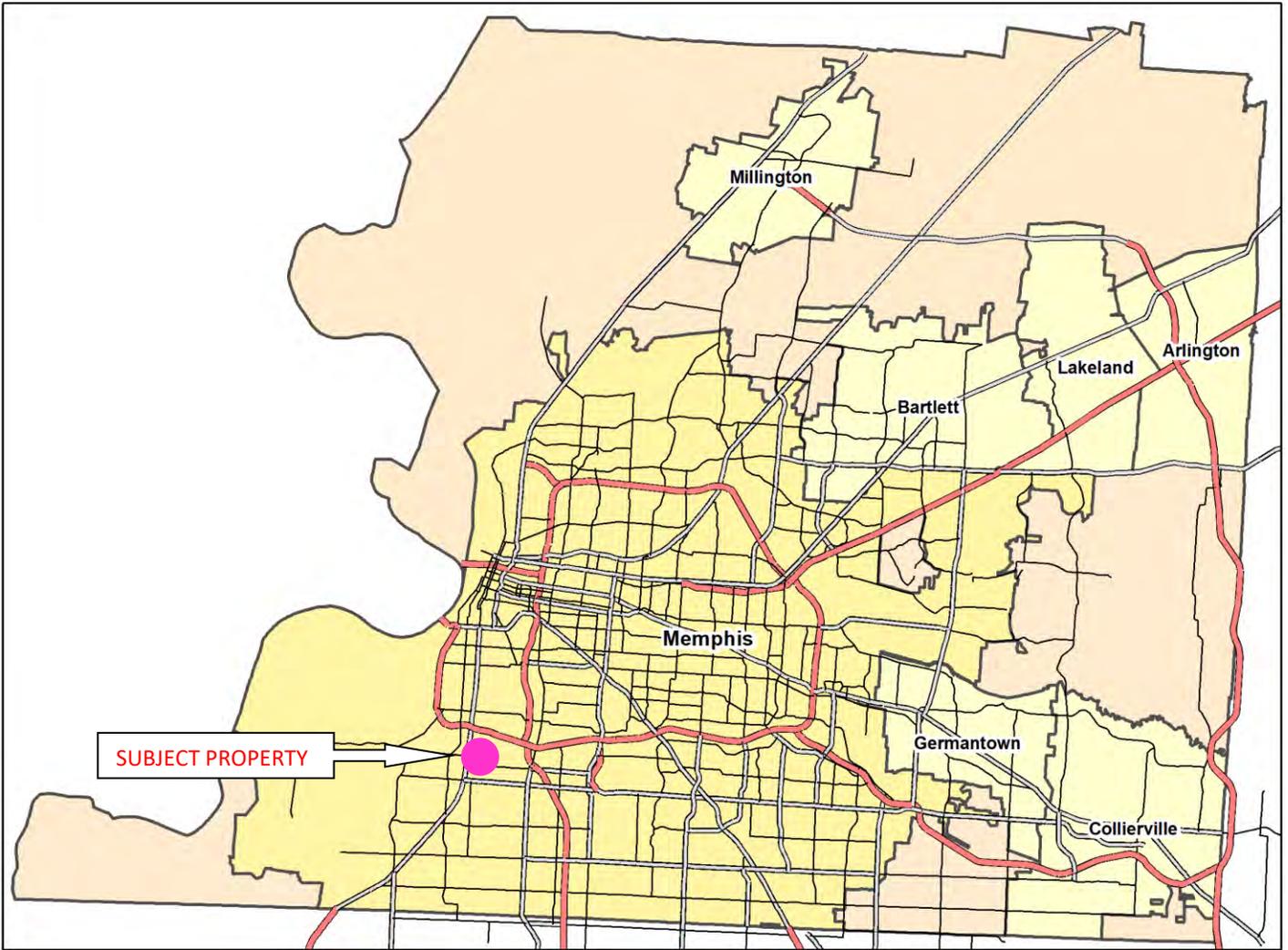
NEIGHBORHOOD MEETING

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

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 32 notices were mailed on November 29, 2023, and a total of 1 sign was posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



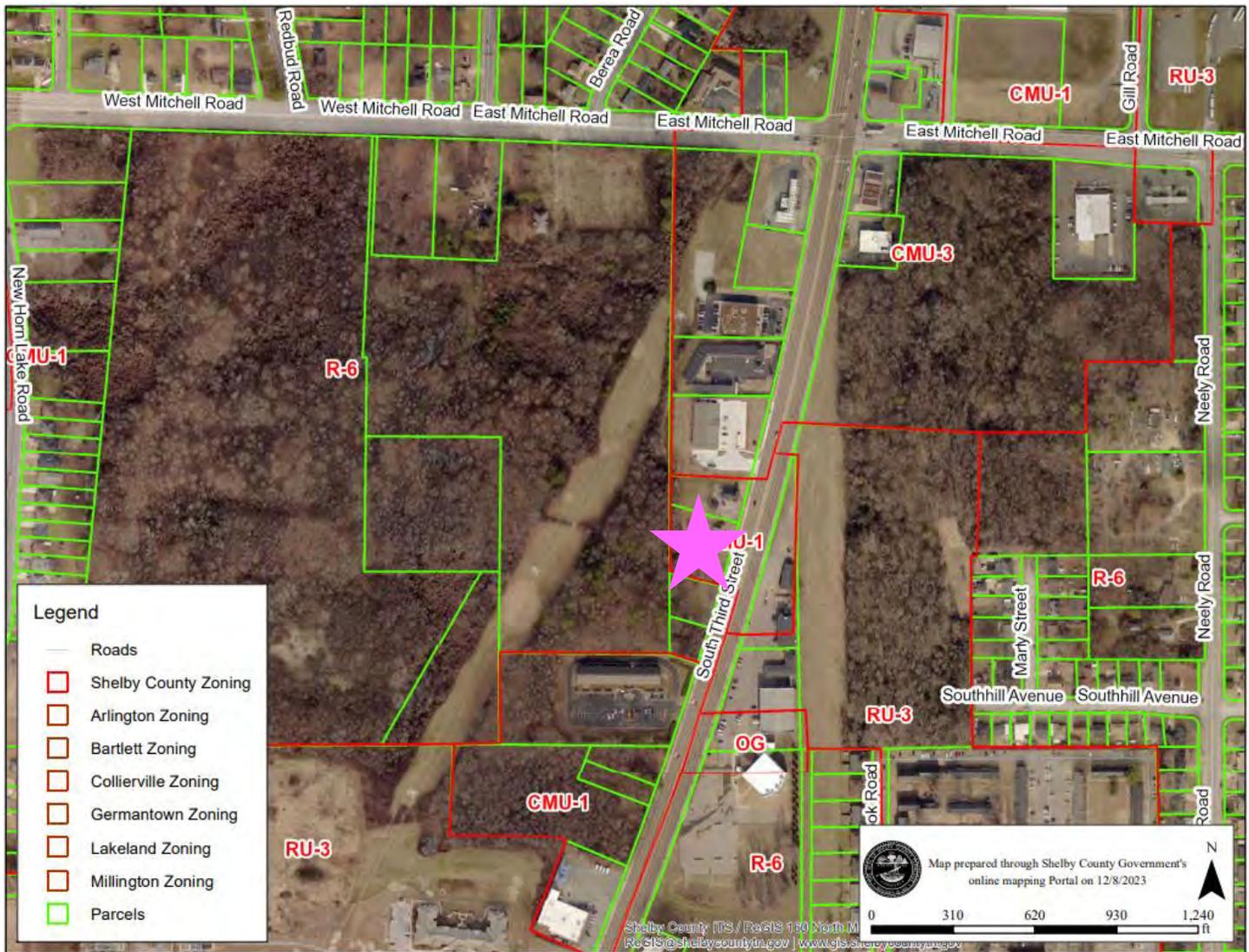
Subject property located within the pink circle, Valley Forge neighborhood

AERIAL



Subject property outlined in orange, imagery from 2023

ZONING MAP



Subject property indicated by a pink star.

Existing Zoning: Commercial Mixed Use - 1

Surrounding Zoning

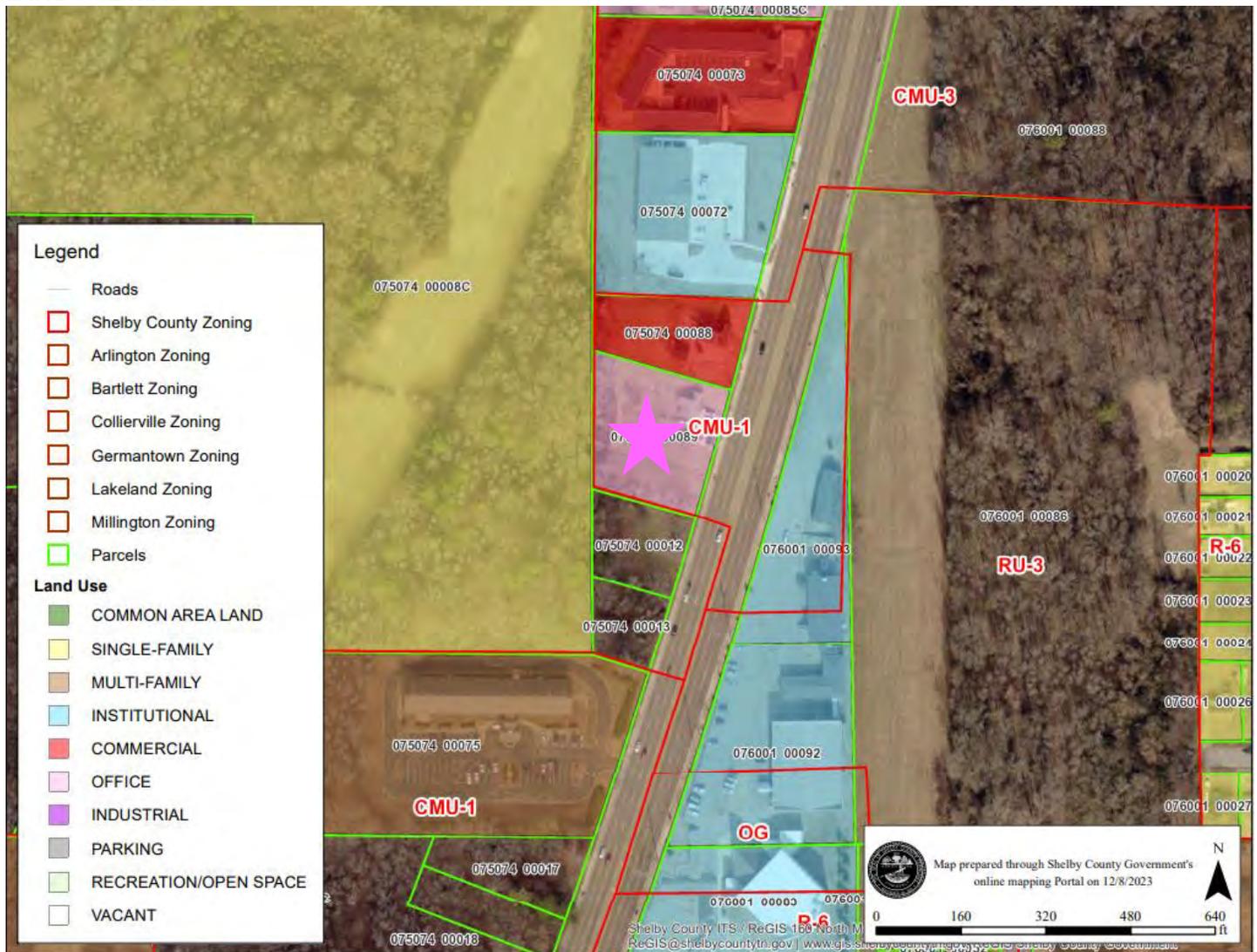
North: CMU-3

East: RU-3, R-6

South: CMU-1, OG, R-6

West: R-6

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property looking north South Third Street



View of subject property from South Third Street



View of subject property looking South Third Street

SITE PLAN



STAFF ANALYSIS

Request

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

The request is for a special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Conclusions

1. The applicant is seeking a special use permit to allow a towing service without an impound lot within CMU-1.
2. The current property is the primary location for Moore Towing and Recovery's employees and houses the company tow trucks.
3. The applicant did receive a citation for utilizing the property for a tow yard within CMU-1 zoning. They have since removed the vehicles.
4. The applicant would be utilizing the proposed gravel lot to park the company trucks within a proposed 8' fence.
5. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. The proposed fence must not exceed 8' in height.
2. All parking pads and curb cuts must be installed and improved to the standard of the UDC.
3. Parking pads must meet parking setback requirements.
4. Fence must be constructed of permissible material allowed within the CMU-1 zoning district.
5. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

2. City sanitary sewer capacity is available to serve this development.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

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

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

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

Curb Cuts/Access:

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

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

10. Will require engineering ASPR.

Drainage:

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

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

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

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

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

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

General Notes:

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

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

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

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

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

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

City/County Fire Division:

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

· Fire apparatus access shall comply with section 503.

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

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

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

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

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: October 25, 2023

Record Number: SUP 2023-026

Expiration Date:

Record Name: Moore Towing and Recovery

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

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

Parent Record Number: BOA 2023-0117

Address:

3545 S THIRD ST, MEMPHIS 38109

Owner Information

Primary Owner Name

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

Owner Address

135 MOSBY RD, OAKLAND, TN 38060

Owner Phone

9012471044

Parcel Information

075074 00089

Data Fields

PREAPPLICATION MEETING

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

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare SEE APPLICATION
 B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations SEE APPLICATION
 UDC Sub-Section 9.6.9C SEE APPLICATION
 UDC Sub-Section 9.6.9D SEE APPLICATION
 UDC Sub-Section 9.6.9E SEE APPLICATION
 UDC Sub-Section 9.6.9F SEE APPLICATION

GIS INFORMATION

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

Contact Information

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

Fee Information

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

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

LETTER OF INTENT



August 29, 2023

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

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

Dear Mr. Ragsdale:

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

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

Your consideration of this application is greatly appreciated.

Sincerely,

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

Mike Davis, RLA

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

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

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

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

Aldoncy Moore
Owner, Applicant or Representative

12-4-2023
Date

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

Michelle Cortese
Notary Public

My commission expires: 8/3/24



LETTERS RECEIVED

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



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Record Detail Information

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

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Application Type	New Special Use Permit (SUP)
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If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information	-

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---	-----------------

UDC Sub-Section 9.6.9C	SEE APPLICATION
------------------------	-----------------

UDC Sub-Section 9.6.9D	SEE APPLICATION
------------------------	-----------------

UDC Sub-Section 9.6.9E	SEE APPLICATION
------------------------	-----------------

UDC Sub-Section 9.6.9F	SEE APPLICATION
------------------------	-----------------

GIS INFORMATION

Case Layer	Z00-125
------------	---------

Central Business Improvement District	No
---------------------------------------	----

Class	C
-------	---

Downtown Fire District	No
------------------------	----

Historic District	-
-------------------	---

Land Use	-
----------	---

Municipality	MEMPHIS
--------------	---------

Overlay/Special Purpose District	-
----------------------------------	---

Zoning	CMU-1
--------	-------

State Route	-
-------------	---

Lot	-
-----	---

Subdivision	-
-------------	---

Planned Development District	-
------------------------------	---

Wellhead Protection Overlay District	No
--------------------------------------	----

Contact Information

Name
MOORE TOWING AND RECOVERY
Address

Contact Type
APPLICANT

Phone
(901)247-1044

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Division of Planning and Development
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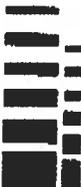
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Your consideration of this application is greatly appreciated.

Sincerely,

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

Mike Davis, RLA

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, J.W. HARRIS, JR Trustee John W. Harris, Jr. Tr., state that I have read the definition of
(Print Name) (Sign Name)

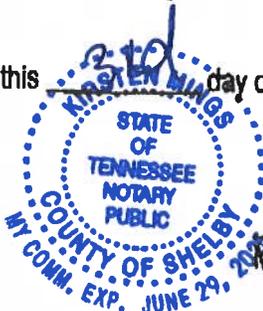
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

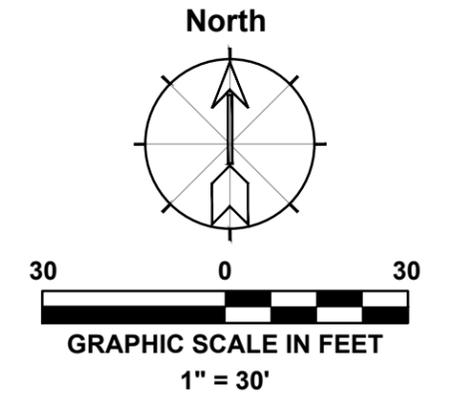
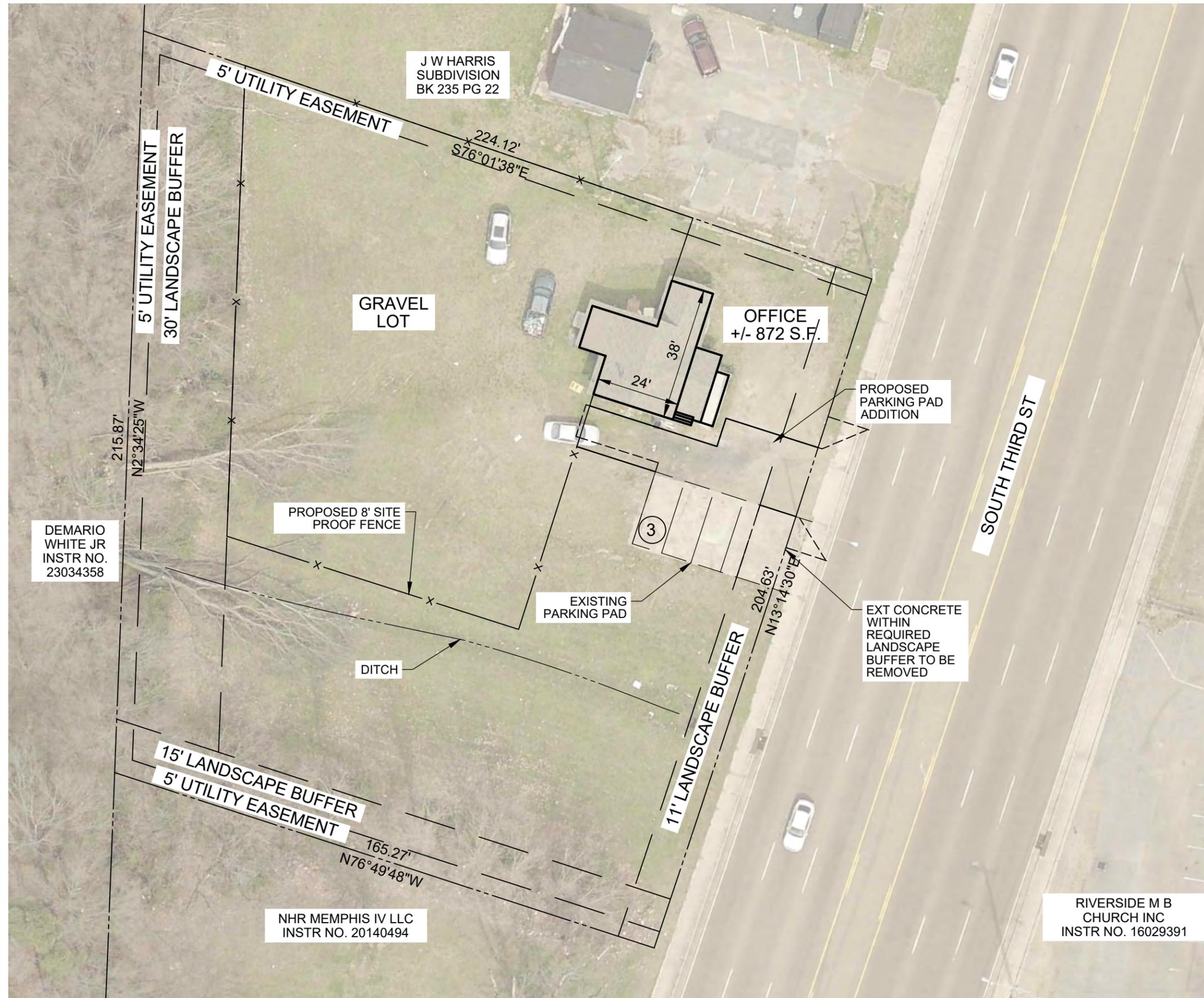
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate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

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

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

Kristen King
Signature of Notary Public

 My Commission Expires



MOORE TOWING & RECOVERY

3545 S. THIRD ST

RIVERSIDE M B
CHURCH INC
INSTR NO. 16029391



The Reaves Firm
INCORPORATED

Engineering
Planning
Landscape Architecture
Land Surveying

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

" JOSEPH L. FACELLOW, ET AL "

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

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

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

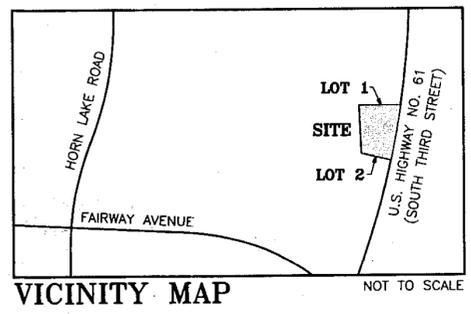
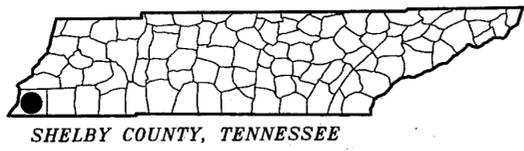
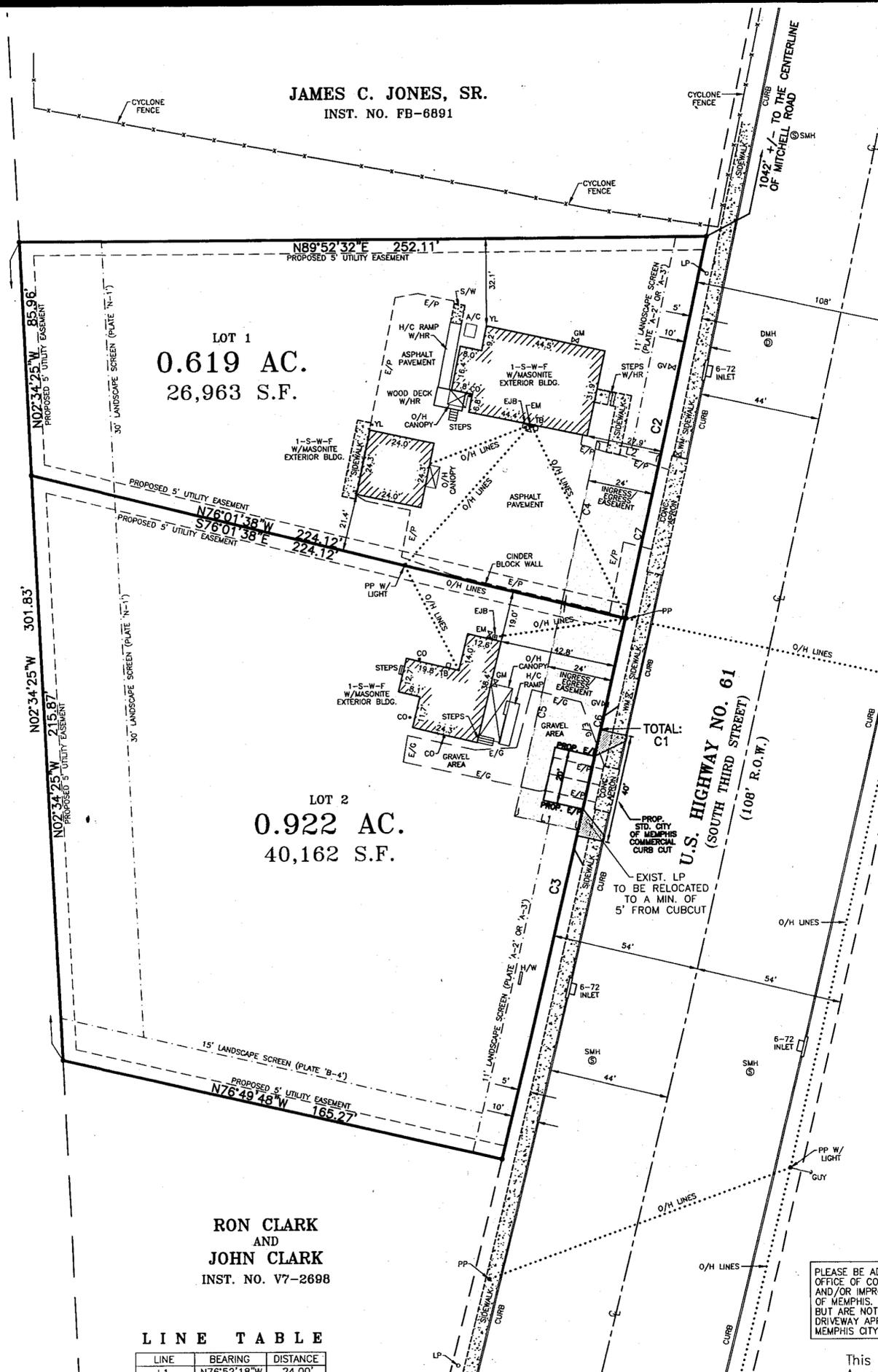
RON CLARK
AND
JOHN CLARK
INST. NO. V7-2698

LINE TABLE

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

CURVE TABLE

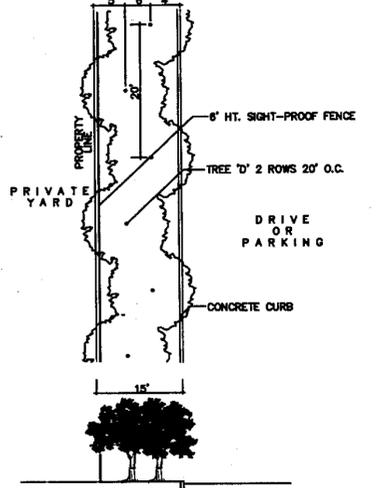
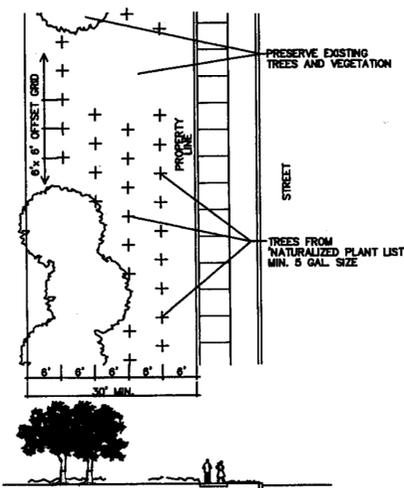
CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG	CHORD
C1	348.50'	11165.48'	1°47'18"	S12°52'21"W	348.48'
C2	143.87'	11165.48'	0°44'18"	S12°20'51"W	143.86'
C3	204.63'	11165.48'	1°03'00"	S13°14'30"W	204.63'
C4	61.42'	11141.48'	0°18'52"	N12°33'21"E	61.42'
C5	80.58'	11141.48'	0°24'52"	N12°55'16"E	80.58'
C6	80.23'	11165.48'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



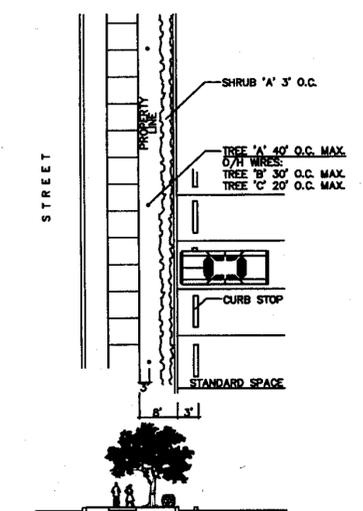
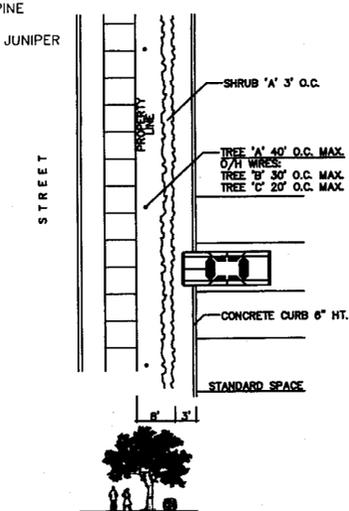
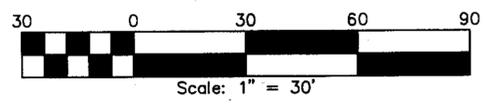
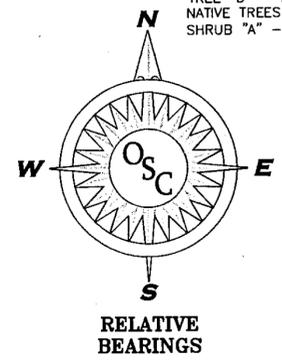
07149439
09/26/2007 03:54 PM
2 PGS : 8 - PLAT
DOKOBY 523092-7149439
PLAT BOOK : 235
PAGE : 22

RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00

TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



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



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

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

REQUIRED SIDEWALKS

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

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

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

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

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

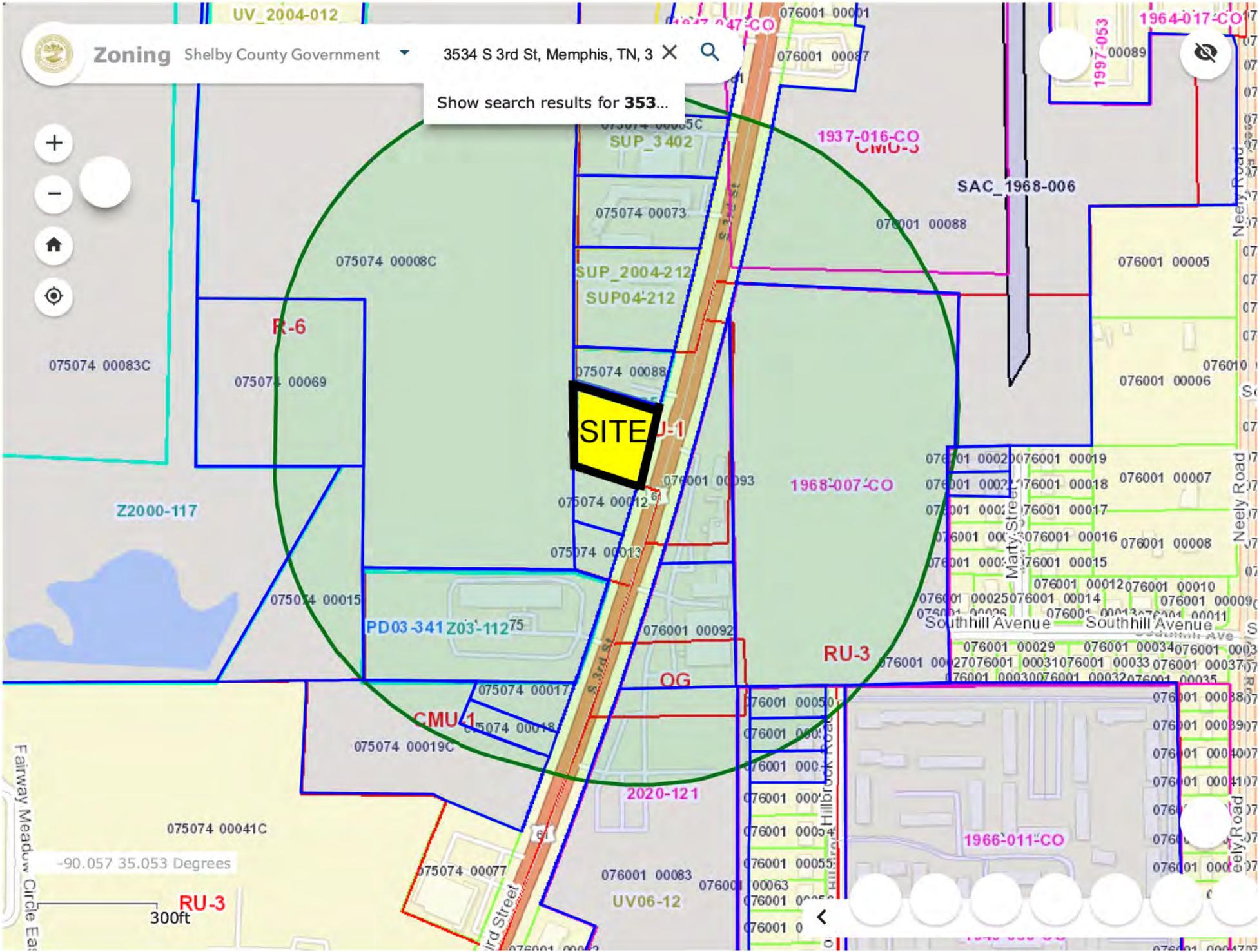


Zoning Shelby County Government

3534 S 3rd St, Memphis, TN, 3



Show search results for 353...



-90.057 35.053 Degrees

300ft



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

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

PROCTOR LASHONDA
3563 MARTY ST
MEMPHIS TN 38109

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

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

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

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

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

MEMPHIS POWER & LIGHT COMPANY
179 MADISON AVE
MEMPHIS TN 38103

RICHARDSON PRYCE
1728 FOX HUNT LN
MEMPHIS TN 38134

DAVIDSON RHONDA C
3673 S THIRD
MEMPHIS TN 38109

RIVERSIDE BAPTIST CHURCH
3560 S THIRD ST
MEMPHIS TN 38109

HOWLADER MOHAMMAD R
4100 BLACKHEATH DR
BARTLETT TN 38135

CRP INC
756 E BROOKHAVEN CIR
MEMPHIS TN 38117

DWJ HOLDINGS
1000 PARK AVE 2205
ATLANTA GA 30325

HENDERSON RAYMOND
3555 MARTY ST
MEMPHIS TN 38109

NHR MEMPHIS IV LLC
PO BOX 241865
MEMPHIS TN 38124

MAYES BOBBYE
5024 TEAL AVE
MEMPHIS TN 38118

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

VALLEY FORGE LLC
200 WITMER RD
HORSHAM PA 19044

DESAI MAYANKI
12857 NE 200TH PL
WOODINVILLE WA 98072

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

DWJ HOLDINGS
1000 PARK AVE 2205
ATLANTA GA 30325

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

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

HIGHWAY 61 SOUTH LLC
1010 JUNE RD
MEMPHIS TN 38119

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

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

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

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

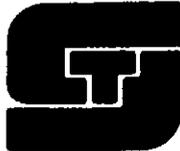
076001 00086 - HIGHWAY 61 SOUTH LLC

076001 00093 - RIVERSIDE M B CHURCH INC

075074 00085C - RAINIER GSAP I - MEMPHIS LLC

78 8520

Compliments of



Security Title Company, Inc.

5085 RIDGEWAY PARKWAY • SUITE 104 • PHONE 781-2820
MEMPHIS, TENNESSEE 38119

J

WARRANTY DEED

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

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

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

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

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

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

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

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

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

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

John W. Harris, Jr. Trustee
John W. Harris, Jr., Trustee

STATE OF TENNESSEE, COUNTY OF SHELBY

78 8520

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

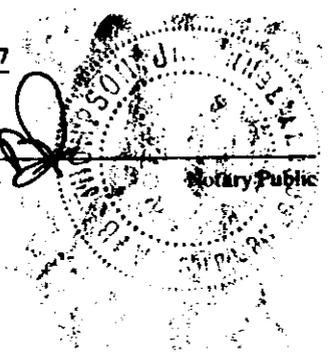
John W. Harris, Jr., Trustee

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

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

My commission expires 1-17-89

Arne B. Thompson



(FOR RECORDING DATA ONLY)

Property address 3533 Hwy. 61 So. Memphis, TN

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

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

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

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

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

Arne B. Thompson, Agent
Affiant

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

788520

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



STATE OF TENNESSEE
SHELBY COUNTY
Tom Leatherwood
REGISTER

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

Description:

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

Owner:

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



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

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

January 08, 2024

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

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

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

Case Number: SUP 2023-026

LUCB Decision: Approval with Conditions

Dear applicant,

On Thursday, December 14, 2023, the Memphis and Shelby County Land Use Control Board **approved** your special use permit to allow a towing service without an impound lot in the Commercial Mixed Use – 1 (CMU-1) District at 3545 South Third Street, subject to the following conditions and waivers:

1. The proposed fence must not exceed 8' in height.
2. All parking pads and curb cuts must be installed and improved to the standard of the UDC.
3. Parking pads must meet parking setback requirements.
4. Fence must be constructed of permissible material allowed within the CMU-1 zoning district.
5. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

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

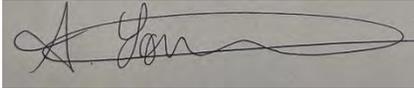
It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

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

Letter to Applicant
SUP 2023-026

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

Respectfully,

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

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

Letter to Applicant
SUP 2023-026
SITE PLAN



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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 04/09/2024
DATE
PUBLIC SESSION: 04/09/2024
DATE

ITEM (CHECK ONE)
 ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 46 N BB King Blvd, known as case number SUP 2024-007.

CASE NUMBER: SUP 2024-007

LOCATION: 46 N BB King Blvd

COUNCIL DISTRICTS: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Sam Patel/ Dermon Building OZ LLC

REPRESENTATIVE: Donald Reeves/ CNCT. Design and Development

REQUEST: Special Use Permit to allow a hotel in the Central Business District (CBD)

AREA: +/-0.253 acres

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

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

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
03/14/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Mahson Ostachni</u>	<u>03/26/2024</u>	STAFF PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Burt Rye</u>	<u>3/26/24</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2024-007

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 46 N BB KING BLVD, KNOWN AS CASE NUMBER SUP 2024-007.

- This item is a resolution with conditions for a special use permit to allow a a hotel in the Central Business District; and
- The item may require future public improvement contracts.

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:	SUP 2024-007
LOCATION:	46 N BB King Blvd
COUNCIL DISTRICT(S):	District 7 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Sam Patel/ Dermon Building OZ LLC
REPRESENTATIVE:	Donald Reeves/ CNCT. Design and Development
REQUEST:	Special Use Permit to allow a hotel in the Central Business District (CBD)
EXISTING ZONING:	Central Business District (CBD), Downtown Fire District Overlay
AREA:	+/-0.253 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,



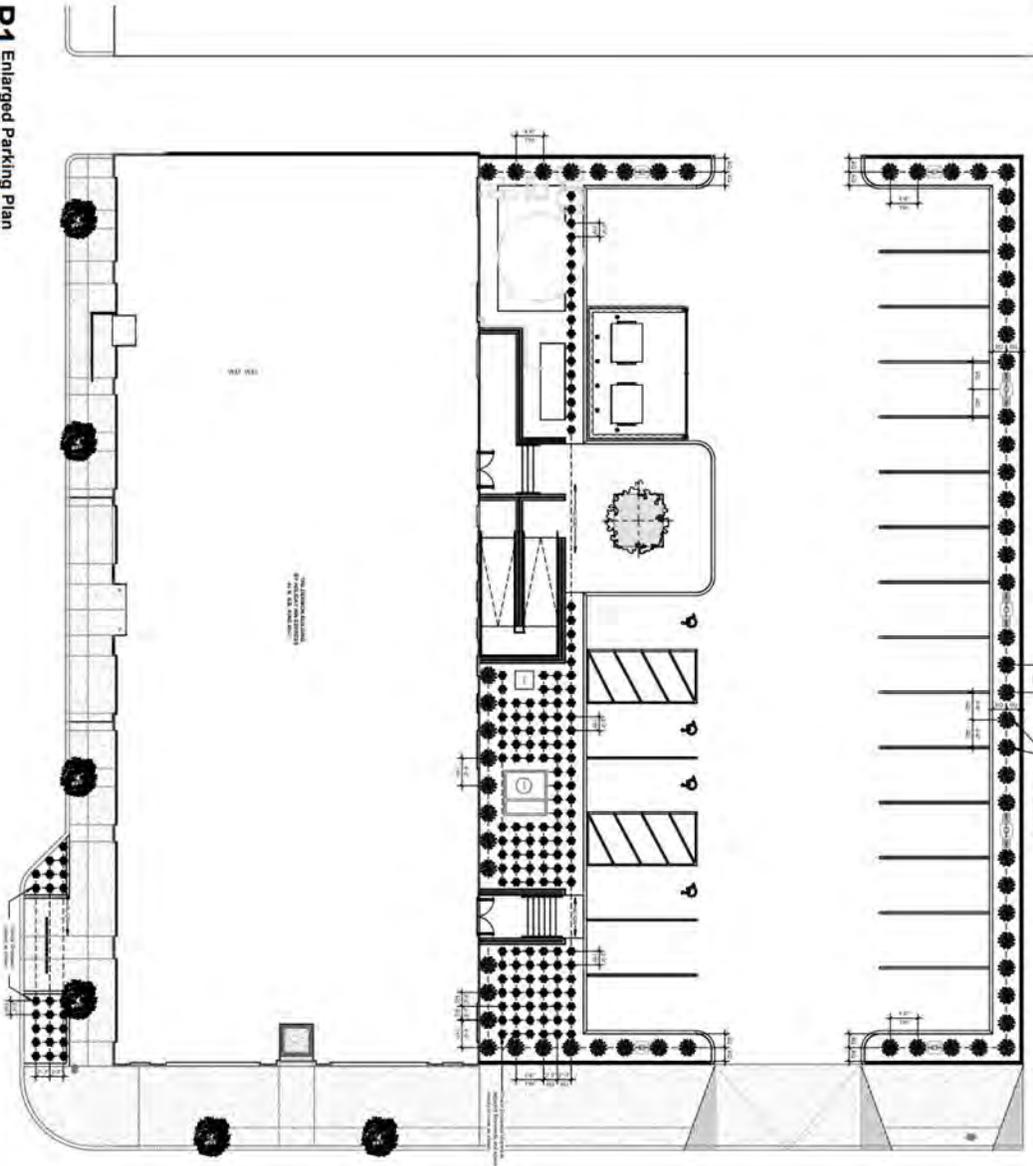
Planner II
Land Use & Development Services
Cc: Committee Members
File

SUP 2024-007
CONDITIONS

1. The drop-off lane along BB King Boulevard is subject to City Engineering approval.
2. Refuse containers and facilities shall be hidden by an opaque wall or masonry wall of sufficient height to screen the bin and any appurtenances, but not less than six feet in height. Building materials shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse.
3. 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 the City Standards.
4. Any existing non-conforming curb cuts shall be modified to meet current City standards or closed with curb, gutter and sidewalk.
5. All signs are subject to the review and approval of the Downtown Memphis Commission. The applicant shall share any approvals for signage with the office of Construction Code Enforcement.
6. A final site plan shall be provided to the Division of Planning and Development if the Special Use Permit is approved by the City Council. The final site plan shall include a landscaping plan, the building elevations, and any approved conditions of the City Council.

LANDSCAPE SITE PLAN

P1 Enlarged Parking Plan
1/8" = 1'-0"



Planting Legend	
	Tree
	Shrub
	Flowering Shrub
	Small Tree
	Small Shrub
	Small Flowering Shrub

Site Material Legend

	Concrete
	Asphalt
	Gravel
	Sand
	Brick
	Stone
	Pavers
	Grass
	Lawn
	Mulch
	Retaining Wall

NOTES

1. All planting shall be installed in accordance with the City of Denver's Planting Specifications and the Denver Department of Public Works' Standard Specifications for Public Works Construction.
2. All trees shall be installed in accordance with the City of Denver's Tree Specifications and the Denver Department of Public Works' Standard Specifications for Public Works Construction.
3. All shrubs shall be installed in accordance with the City of Denver's Shrub Specifications and the Denver Department of Public Works' Standard Specifications for Public Works Construction.
4. All flowering shrubs shall be installed in accordance with the City of Denver's Flowering Shrub Specifications and the Denver Department of Public Works' Standard Specifications for Public Works Construction.
5. All small trees shall be installed in accordance with the City of Denver's Small Tree Specifications and the Denver Department of Public Works' Standard Specifications for Public Works Construction.
6. All small shrubs shall be installed in accordance with the City of Denver's Small Shrub Specifications and the Denver Department of Public Works' Standard Specifications for Public Works Construction.
7. All small flowering shrubs shall be installed in accordance with the City of Denver's Small Flowering Shrub Specifications and the Denver Department of Public Works' Standard Specifications for Public Works Construction.
8. All materials shall be installed in accordance with the City of Denver's Material Specifications and the Denver Department of Public Works' Standard Specifications for Public Works Construction.

22116
Permit Set
02/02/2024



L1.0

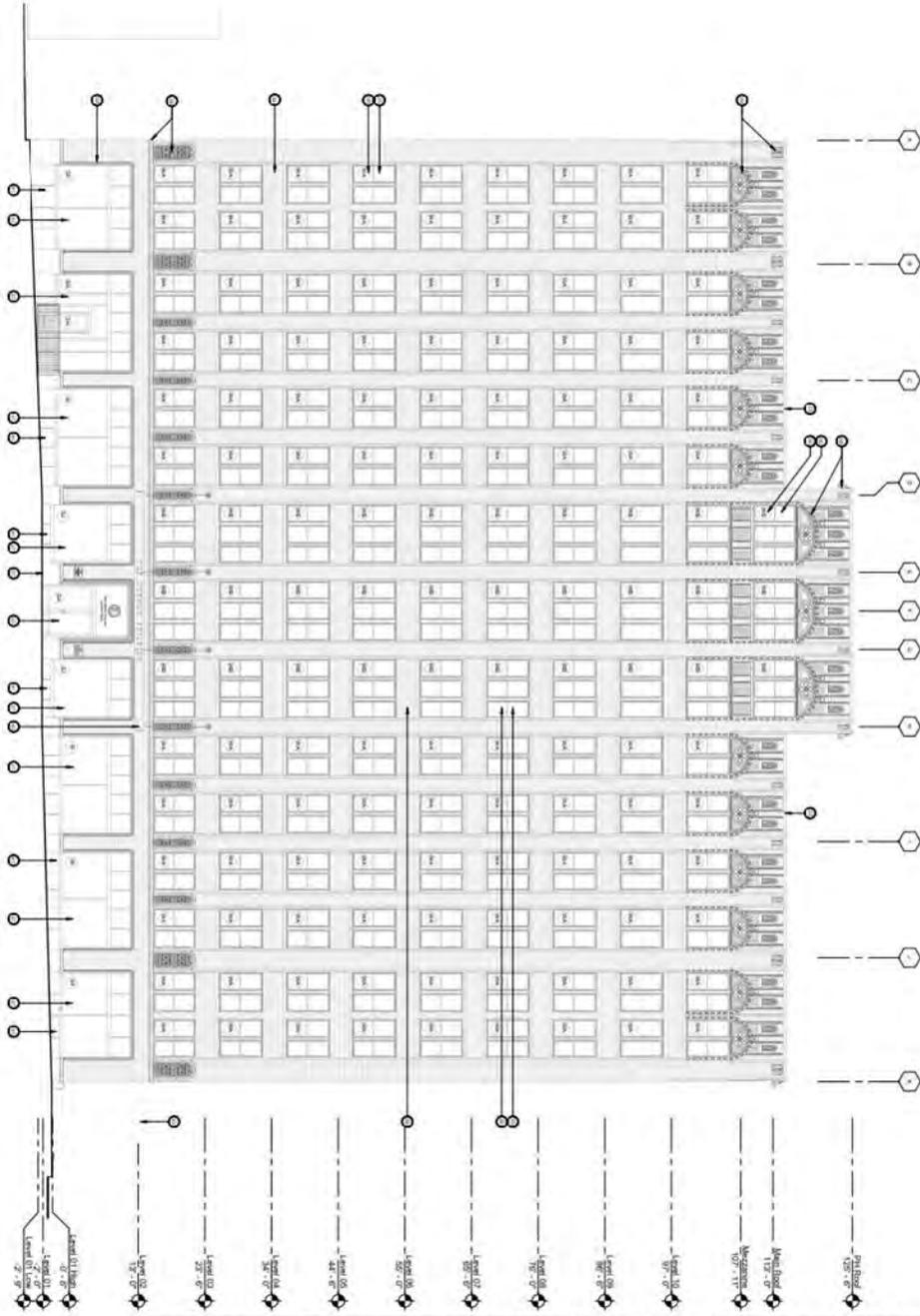
CNC+
CNC+ CONSULTANTS
1000 14th Street, Suite 1000
Denver, CO 80202
Tel: 303.733.1111
www.cncplus.com

PERMIT REVIEW SET

Project: The Dornon Building
Date: 02/02/2024
Scale: 1/8" = 1'-0"

EXTERIOR ELEVATIONS

E1 West Elevation



New Construction Key Notes

1. All work shall conform to the latest editions of the International Building Code (IBC) and the International Residential Code (IRC) unless otherwise noted.
2. All materials shall be of the highest quality and shall be approved by the architect and the building department.
3. All work shall be completed in accordance with the approved construction documents.
4. The contractor shall be responsible for obtaining all necessary permits and licenses.
5. The contractor shall maintain access to all adjacent properties at all times.
6. The contractor shall be responsible for protecting all existing structures and utilities on the site.
7. The contractor shall be responsible for the removal and disposal of all debris and materials.
8. The contractor shall be responsible for the installation and maintenance of all safety equipment.
9. The contractor shall be responsible for the installation and maintenance of all fire protection equipment.
10. The contractor shall be responsible for the installation and maintenance of all electrical equipment.
11. The contractor shall be responsible for the installation and maintenance of all plumbing equipment.
12. The contractor shall be responsible for the installation and maintenance of all mechanical equipment.
13. The contractor shall be responsible for the installation and maintenance of all structural steel equipment.
14. The contractor shall be responsible for the installation and maintenance of all concrete equipment.
15. The contractor shall be responsible for the installation and maintenance of all masonry equipment.
16. The contractor shall be responsible for the installation and maintenance of all carpentry equipment.
17. The contractor shall be responsible for the installation and maintenance of all painting equipment.
18. The contractor shall be responsible for the installation and maintenance of all finishing equipment.
19. The contractor shall be responsible for the installation and maintenance of all landscaping equipment.
20. The contractor shall be responsible for the installation and maintenance of all site work equipment.

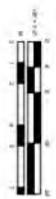
CNC+
 10000 10th Street, Suite 100
 Dallas, TX 75243
 Phone: 214.782.1000
 Fax: 214.782.1001
 www.cncplus.com

PERMIT REVIEW SET
 Project Name: The Derron Building
 Project Number: 22116
 Date: 02/02/2024

The Derron Building
 10000 10th Street, Suite 100
 Dallas, TX 75243

Exterior Elevations

22116
 Permit Set
 02/02/2024



A6.0

CNC+
CONSTRUCTION CONSULTANTS
10000 14th Street, Suite 200
Denver, CO 80202
303.733.8800

**PERMIT
REVIEW SET**

Project Contact
CNC+ Construction Consultants
10000 14th Street, Suite 200
Denver, CO 80202
303.733.8800

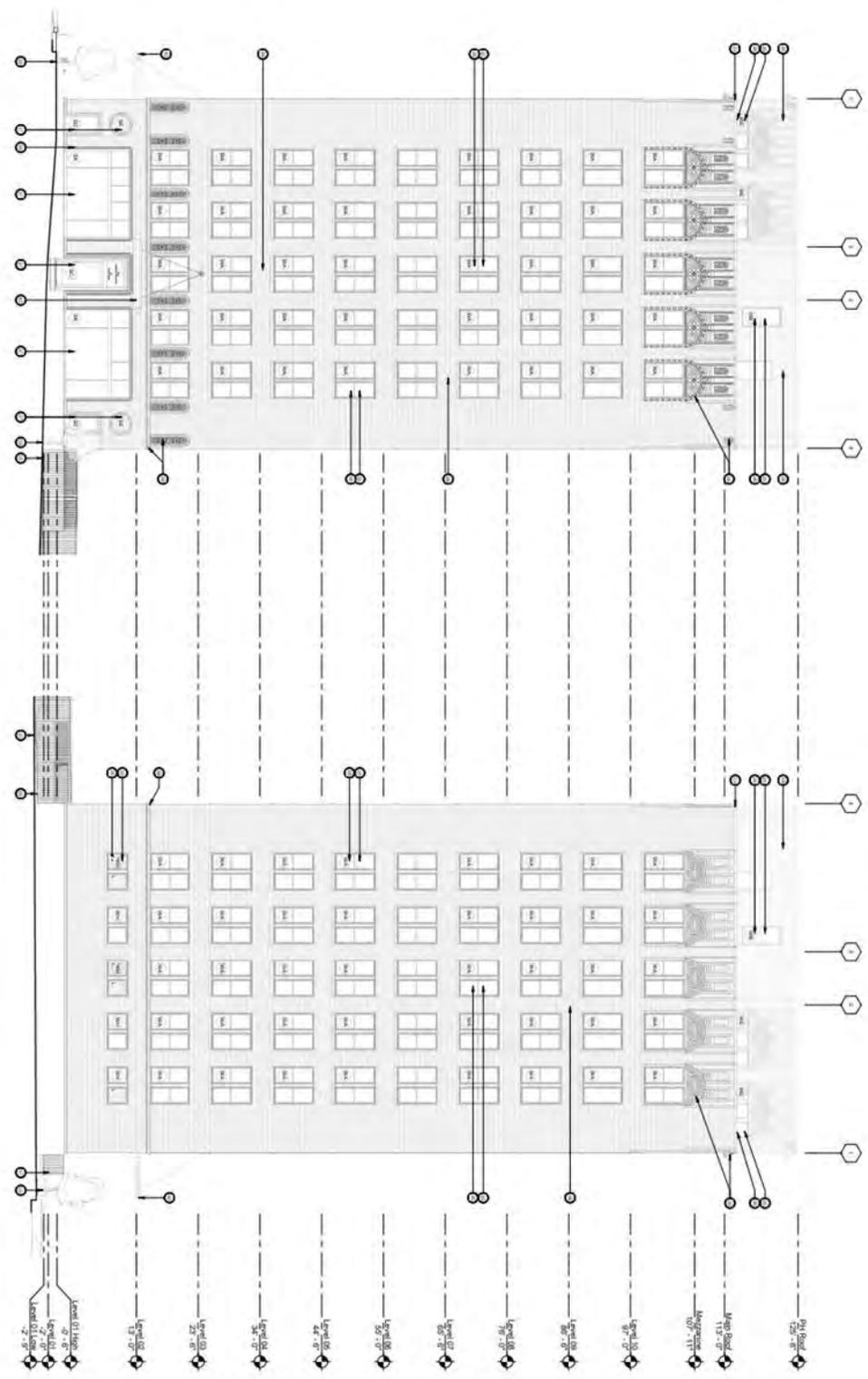
**The Derron
Building**
4433 14th Street
Denver, CO 80202

Architect
A6.1

**Exterior
Elevations**

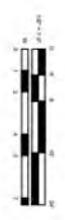
**22116
Permit Set
02/02/2024**

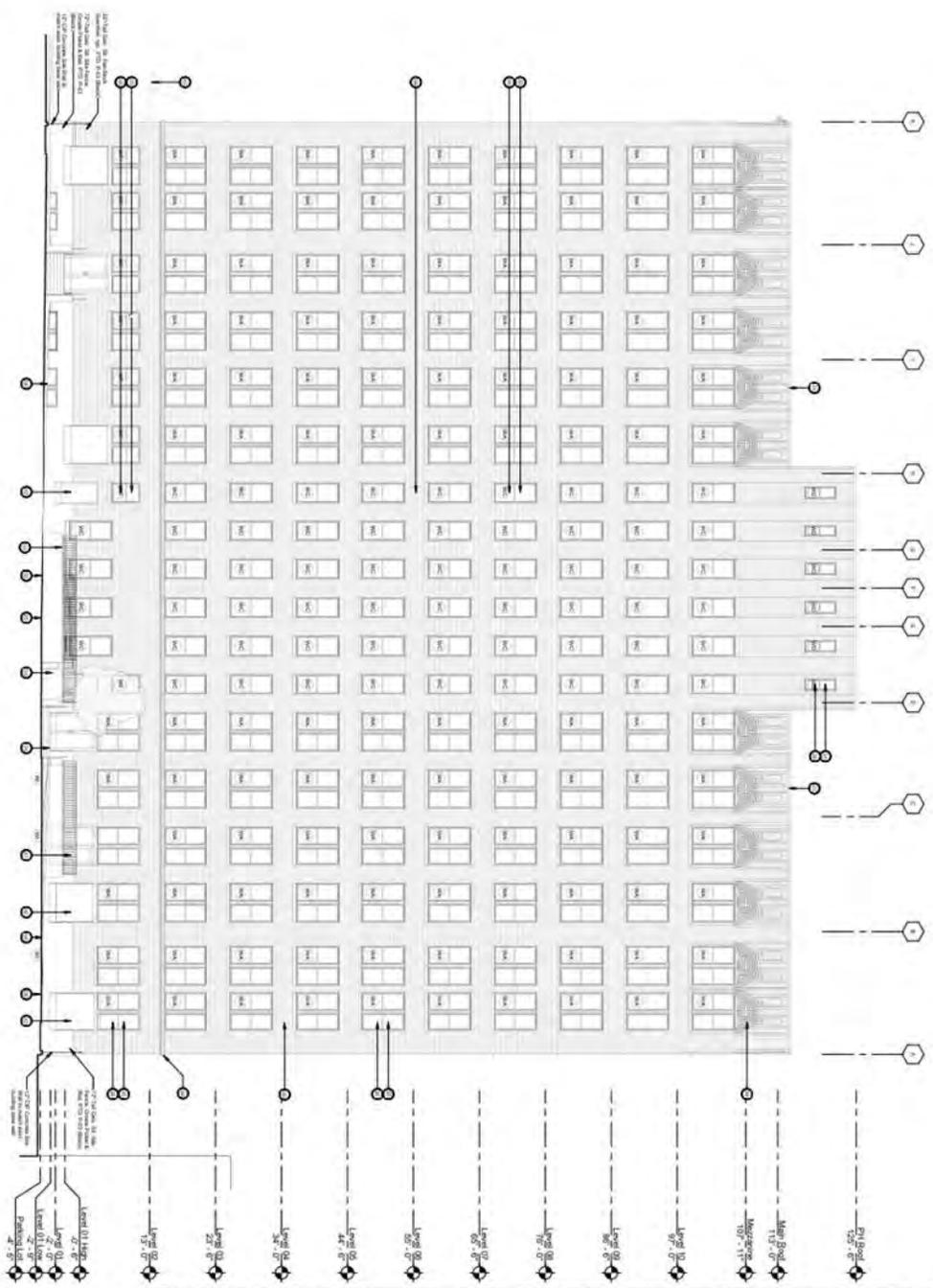
A6.1



E2 South Elevation
18'-11 1/2"

E3 North Elevation
18'-11 1/2"





E4 East Elevation

New Construction Key Notes

- 1. All work shall be in accordance with the approved plans and specifications.
- 2. The contractor shall be responsible for obtaining all necessary permits and approvals.
- 3. All materials and workmanship shall be subject to inspection and approval by the City of Denver.
- 4. The contractor shall maintain access to all adjacent properties at all times.
- 5. All safety measures shall be strictly followed during the construction process.
- 6. The contractor shall provide a detailed schedule of work to the City of Denver.
- 7. All changes to the approved plans must be submitted for review and approval.
- 8. The contractor shall be responsible for the removal and disposal of all construction debris.
- 9. All construction activities shall be completed within the specified time frame.
- 10. The contractor shall provide a final as-built drawing upon completion of the project.

CNC+

PERMIT REVIEW SET

Project General
The Demon Building
1000 14th Street, Denver, CO 80202
Architect: CNC+ Architects, Inc.
1000 14th Street, Suite 1000, Denver, CO 80202
Phone: (303) 733-1111
www.cncplus.com

Exterior Elevations

22116
Permit Set
02/02/2024



A6.2

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 46 N BB KING BLVD, KNOWN AS CASE NUMBER SUP 2024-007.

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, the Dermon Building OZ LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a hotel in the Central Business District (CBD); 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 March 14, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

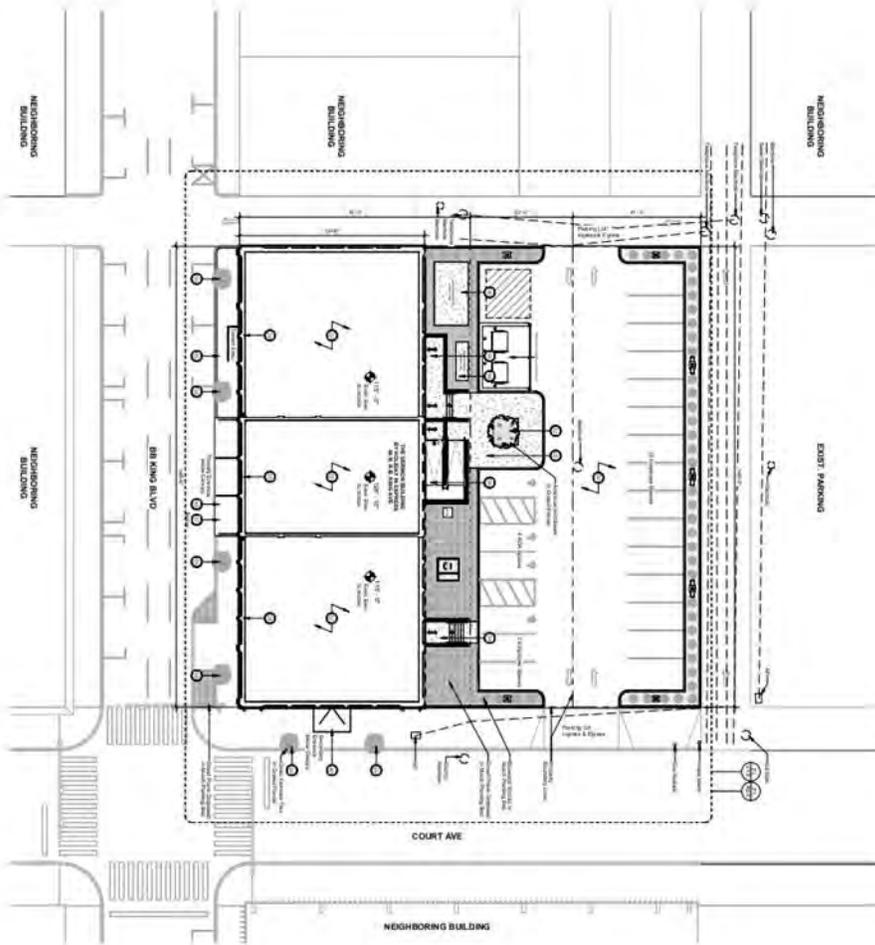
BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council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

CONDITIONS

1. The drop-off lane along BB King Boulevard is subject to City Engineering approval.
2. Refuse containers and facilities shall be hidden by an opaque wall or masonry wall of sufficient height to screen the bin and any appurtenances, but not less than six feet in height. Building materials shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse.
3. 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 the City Standards.
4. Any existing non-conforming curb cuts shall be modified to meet current City standards or closed with curb, gutter and sidewalk.
5. All signs are subject to the review and approval of the Downtown Memphis Commission. The applicant shall share any approvals for signage with the office of Construction Code Enforcement.
6. A final site plan shall be provided to the Division of Planning and Development if the Special Use Permit is approved by the City Council. The final site plan shall include a landscaping plan, the building elevations, and any approved conditions of the City Council.

SITE PLAN

P1 Architectural Site Plan



New Construction Key Notes

1. All construction shall conform to the City of Dallas Building Code, International Building Code, and all applicable local, state, and federal codes and regulations.
2. The contractor shall be responsible for obtaining all necessary permits from the City of Dallas, including but not limited to building, electrical, plumbing, and mechanical permits.
3. All materials and workmanship shall be subject to inspection and approval by the City of Dallas Building Department.
4. The contractor shall maintain access to all adjacent properties at all times during construction.
5. The contractor shall be responsible for protecting all existing utilities and structures on the site.
6. All construction shall be completed within the specified time frame.
7. The contractor shall be responsible for obtaining all necessary easements and rights-of-way from the City of Dallas.
8. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Planning Department.
9. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Public Works Department.
10. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Fire Department.
11. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Police Department.
12. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Health Department.
13. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Environmental Department.
14. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Parks and Recreation Department.
15. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Cultural Arts Department.
16. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Economic Development Department.
17. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Housing and Community Development Department.
18. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Transportation Department.
19. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Public Safety Department.
20. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Public Works Department.

Site Material Legend

[Symbol]	Concrete Slab (4" Thick)
[Symbol]	Concrete Slab (6" Thick)
[Symbol]	Concrete Slab (8" Thick)
[Symbol]	Concrete Slab (10" Thick)
[Symbol]	Concrete Slab (12" Thick)
[Symbol]	Concrete Slab (14" Thick)
[Symbol]	Concrete Slab (16" Thick)
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[Symbol]	Concrete Slab (90" Thick)
[Symbol]	Concrete Slab (92" Thick)
[Symbol]	Concrete Slab (94" Thick)
[Symbol]	Concrete Slab (96" Thick)
[Symbol]	Concrete Slab (98" Thick)
[Symbol]	Concrete Slab (100" Thick)

The Derrimon Building

CNC+

PERMIT REVIEW SET

Project Contact: [Name], [Phone], [Email]

NOTES:

1. All construction shall conform to the City of Dallas Building Code, International Building Code, and all applicable local, state, and federal codes and regulations.
2. The contractor shall be responsible for obtaining all necessary permits from the City of Dallas, including but not limited to building, electrical, plumbing, and mechanical permits.
3. All materials and workmanship shall be subject to inspection and approval by the City of Dallas Building Department.
4. The contractor shall maintain access to all adjacent properties at all times during construction.
5. The contractor shall be responsible for protecting all existing utilities and structures on the site.
6. All construction shall be completed within the specified time frame.
7. The contractor shall be responsible for obtaining all necessary easements and rights-of-way from the City of Dallas.
8. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Planning Department.
9. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Public Works Department.
10. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Fire Department.
11. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Police Department.
12. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Health Department.
13. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Environmental Department.
14. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Parks and Recreation Department.
15. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Cultural Arts Department.
16. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Economic Development Department.
17. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Housing and Community Development Department.
18. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Transportation Department.
19. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Public Safety Department.
20. The contractor shall be responsible for obtaining all necessary approvals from the City of Dallas Public Works Department.

Architectural Site Plan & Notes

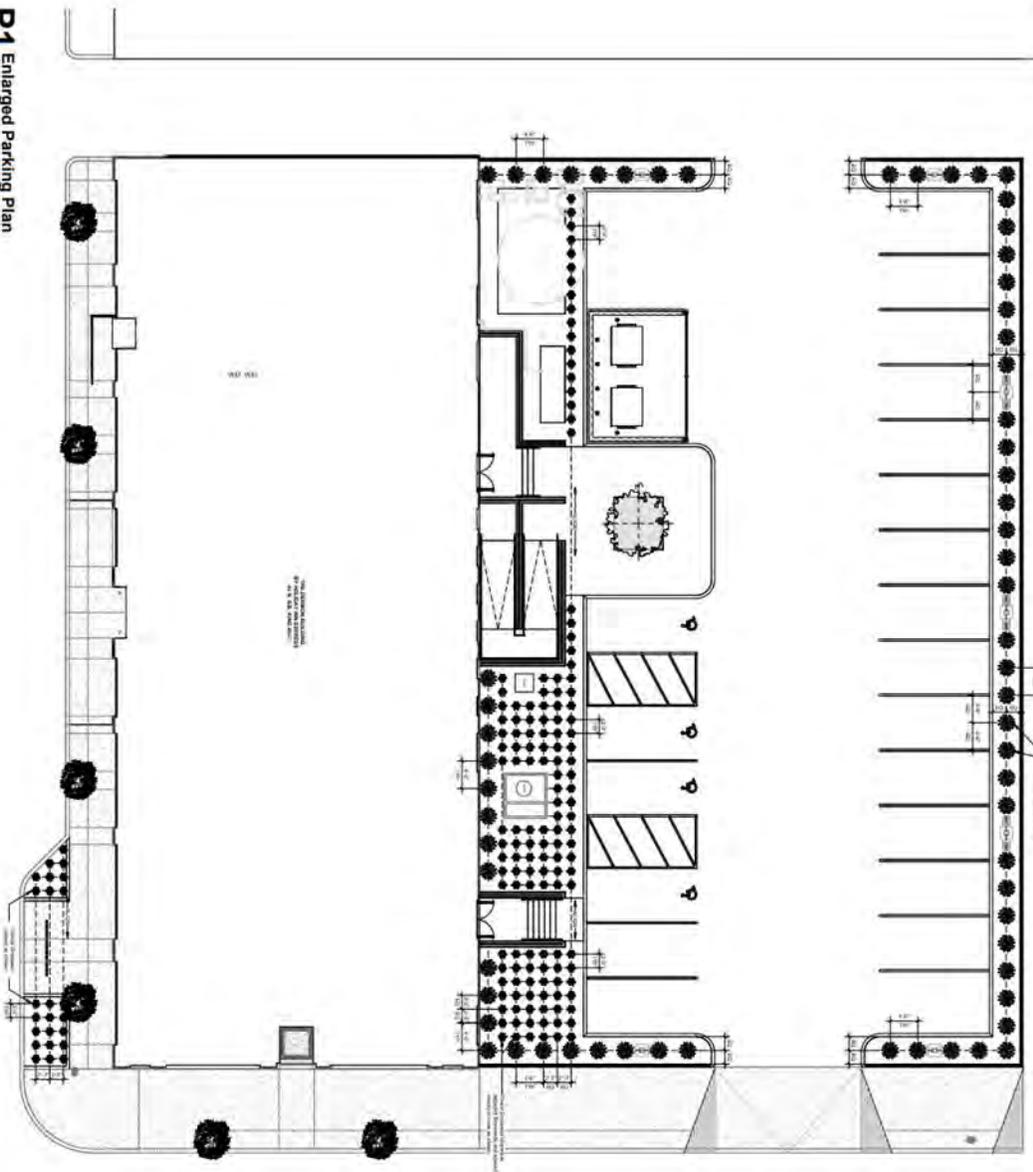
22116
Permit Set
02/02/2024



A0.1

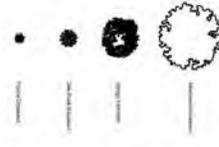
LANDSCAPE PLAN

P1 Enlarged Parking Plan

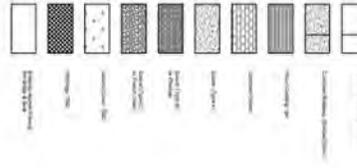


NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	02/07/2024
2
3
4
5
6
7
8
9
10

Planting Legend



Site Material Legend



NOTES:

1. Landscaping shall be installed in accordance with the City of Portland's Tree and Shrub Planting Specifications.
2. All trees and shrubs shall be planted in accordance with the City of Portland's Tree and Shrub Planting Specifications.
3. All trees and shrubs shall be planted in accordance with the City of Portland's Tree and Shrub Planting Specifications.
4. All trees and shrubs shall be planted in accordance with the City of Portland's Tree and Shrub Planting Specifications.
5. All trees and shrubs shall be planted in accordance with the City of Portland's Tree and Shrub Planting Specifications.
6. All trees and shrubs shall be planted in accordance with the City of Portland's Tree and Shrub Planting Specifications.
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9. All trees and shrubs shall be planted in accordance with the City of Portland's Tree and Shrub Planting Specifications.
10. All trees and shrubs shall be planted in accordance with the City of Portland's Tree and Shrub Planting Specifications.



22116
Permit Set
02/07/2024

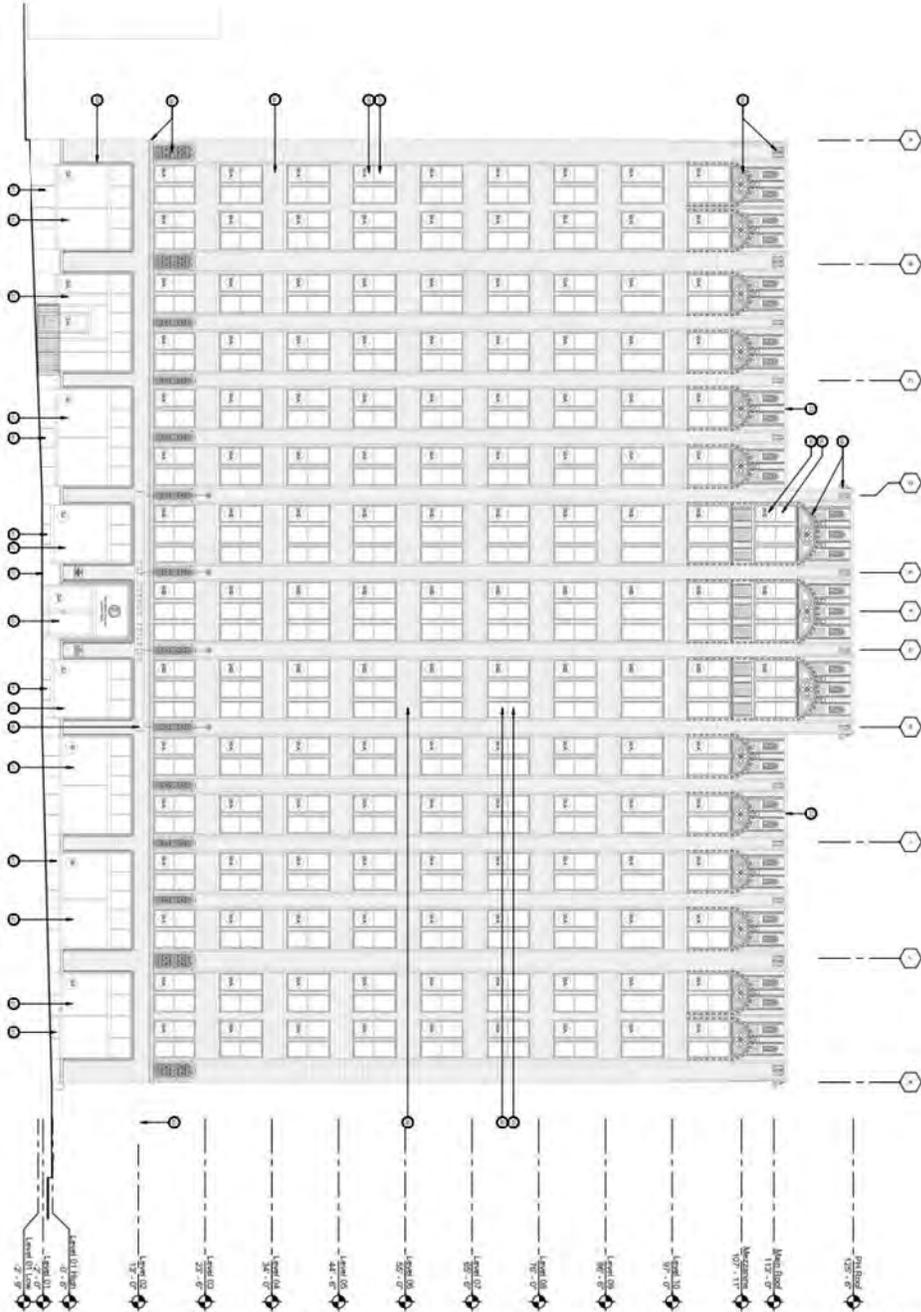
L1.0

CNC+
PERMIT REVIEW SET

The Darmon Building
1000 SW 10th Ave, Portland, OR 97205

EXTERIOR ELEVATIONS

E1 West Elevation



New Construction Key Notes	
1	1. All work shall conform to the latest editions of the International Building Code (IBC) and International Residential Code (IRC) unless otherwise specified.
2	2. All materials and workmanship shall be in accordance with the manufacturer's instructions and the applicable code requirements.
3	3. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authorities.
4	4. The contractor shall maintain access to all adjacent properties and utilities at all times during construction.
5	5. The contractor shall be responsible for the protection and preservation of all existing structures and utilities on the site.
6	6. The contractor shall be responsible for the removal and disposal of all construction debris and materials in accordance with local regulations.
7	7. The contractor shall be responsible for the safety of all workers and the public during construction.
8	8. The contractor shall be responsible for the maintenance and cleanliness of the construction site at all times.
9	9. The contractor shall be responsible for the protection and preservation of all trees and landscaping on the site.
10	10. The contractor shall be responsible for the installation and maintenance of all fire safety systems in accordance with the applicable code requirements.
11	11. The contractor shall be responsible for the installation and maintenance of all life safety systems in accordance with the applicable code requirements.
12	12. The contractor shall be responsible for the installation and maintenance of all energy efficiency systems in accordance with the applicable code requirements.
13	13. The contractor shall be responsible for the installation and maintenance of all accessibility systems in accordance with the applicable code requirements.
14	14. The contractor shall be responsible for the installation and maintenance of all security systems in accordance with the applicable code requirements.
15	15. The contractor shall be responsible for the installation and maintenance of all environmental control systems in accordance with the applicable code requirements.
16	16. The contractor shall be responsible for the installation and maintenance of all communication systems in accordance with the applicable code requirements.
17	17. The contractor shall be responsible for the installation and maintenance of all data systems in accordance with the applicable code requirements.
18	18. The contractor shall be responsible for the installation and maintenance of all audio systems in accordance with the applicable code requirements.
19	19. The contractor shall be responsible for the installation and maintenance of all video systems in accordance with the applicable code requirements.
20	20. The contractor shall be responsible for the installation and maintenance of all lighting systems in accordance with the applicable code requirements.
21	21. The contractor shall be responsible for the installation and maintenance of all heating, ventilation, and air conditioning (HVAC) systems in accordance with the applicable code requirements.
22	22. The contractor shall be responsible for the installation and maintenance of all plumbing systems in accordance with the applicable code requirements.
23	23. The contractor shall be responsible for the installation and maintenance of all electrical systems in accordance with the applicable code requirements.
24	24. The contractor shall be responsible for the installation and maintenance of all fire alarm systems in accordance with the applicable code requirements.
25	25. The contractor shall be responsible for the installation and maintenance of all security alarm systems in accordance with the applicable code requirements.
26	26. The contractor shall be responsible for the installation and maintenance of all access control systems in accordance with the applicable code requirements.
27	27. The contractor shall be responsible for the installation and maintenance of all surveillance systems in accordance with the applicable code requirements.
28	28. The contractor shall be responsible for the installation and maintenance of all intercom systems in accordance with the applicable code requirements.
29	29. The contractor shall be responsible for the installation and maintenance of all public address systems in accordance with the applicable code requirements.
30	30. The contractor shall be responsible for the installation and maintenance of all data communication systems in accordance with the applicable code requirements.
31	31. The contractor shall be responsible for the installation and maintenance of all network systems in accordance with the applicable code requirements.
32	32. The contractor shall be responsible for the installation and maintenance of all server systems in accordance with the applicable code requirements.
33	33. The contractor shall be responsible for the installation and maintenance of all storage systems in accordance with the applicable code requirements.
34	34. The contractor shall be responsible for the installation and maintenance of all backup systems in accordance with the applicable code requirements.
35	35. The contractor shall be responsible for the installation and maintenance of all disaster recovery systems in accordance with the applicable code requirements.
36	36. The contractor shall be responsible for the installation and maintenance of all business continuity systems in accordance with the applicable code requirements.
37	37. The contractor shall be responsible for the installation and maintenance of all risk management systems in accordance with the applicable code requirements.
38	38. The contractor shall be responsible for the installation and maintenance of all compliance systems in accordance with the applicable code requirements.
39	39. The contractor shall be responsible for the installation and maintenance of all reporting systems in accordance with the applicable code requirements.
40	40. The contractor shall be responsible for the installation and maintenance of all monitoring systems in accordance with the applicable code requirements.
41	41. The contractor shall be responsible for the installation and maintenance of all control systems in accordance with the applicable code requirements.
42	42. The contractor shall be responsible for the installation and maintenance of all automation systems in accordance with the applicable code requirements.
43	43. The contractor shall be responsible for the installation and maintenance of all artificial intelligence systems in accordance with the applicable code requirements.
44	44. The contractor shall be responsible for the installation and maintenance of all machine learning systems in accordance with the applicable code requirements.
45	45. The contractor shall be responsible for the installation and maintenance of all data science systems in accordance with the applicable code requirements.
46	46. The contractor shall be responsible for the installation and maintenance of all analytics systems in accordance with the applicable code requirements.
47	47. The contractor shall be responsible for the installation and maintenance of all visualization systems in accordance with the applicable code requirements.
48	48. The contractor shall be responsible for the installation and maintenance of all reporting systems in accordance with the applicable code requirements.
49	49. The contractor shall be responsible for the installation and maintenance of all dashboard systems in accordance with the applicable code requirements.
50	50. The contractor shall be responsible for the installation and maintenance of all mobile systems in accordance with the applicable code requirements.
51	51. The contractor shall be responsible for the installation and maintenance of all cloud systems in accordance with the applicable code requirements.
52	52. The contractor shall be responsible for the installation and maintenance of all hybrid systems in accordance with the applicable code requirements.
53	53. The contractor shall be responsible for the installation and maintenance of all multi-cloud systems in accordance with the applicable code requirements.
54	54. The contractor shall be responsible for the installation and maintenance of all edge systems in accordance with the applicable code requirements.
55	55. The contractor shall be responsible for the installation and maintenance of all IoT systems in accordance with the applicable code requirements.
56	56. The contractor shall be responsible for the installation and maintenance of all smart systems in accordance with the applicable code requirements.
57	57. The contractor shall be responsible for the installation and maintenance of all connected systems in accordance with the applicable code requirements.
58	58. The contractor shall be responsible for the installation and maintenance of all intelligent systems in accordance with the applicable code requirements.
59	59. The contractor shall be responsible for the installation and maintenance of all autonomous systems in accordance with the applicable code requirements.
60	60. The contractor shall be responsible for the installation and maintenance of all self-driving systems in accordance with the applicable code requirements.

CNC+
 10000 10th Street, Suite 100
 Denver, CO 80202
 Phone: 303.733.1100
 Fax: 303.733.1101
 www.cncplus.com

PERMIT REVIEW SET

Project Contact:
 Dan Hester
 303.733.1100
 dan@percnc.com

The Demmon Building
 10000 10th Street, Suite 100
 Denver, CO 80202

Architect:
 Perc
 10000 10th Street, Suite 100
 Denver, CO 80202
 Phone: 303.733.1100
 Fax: 303.733.1101
 www.perc.com

Exterior Elevations

22116
 Permit Set
 02/02/2024

A6.0



CNC+
CONSTRUCTION CONSULTANTS
10000 14th Street, Suite 200
Denver, CO 80202
Tel: 303.733.8888
www.cncplus.com

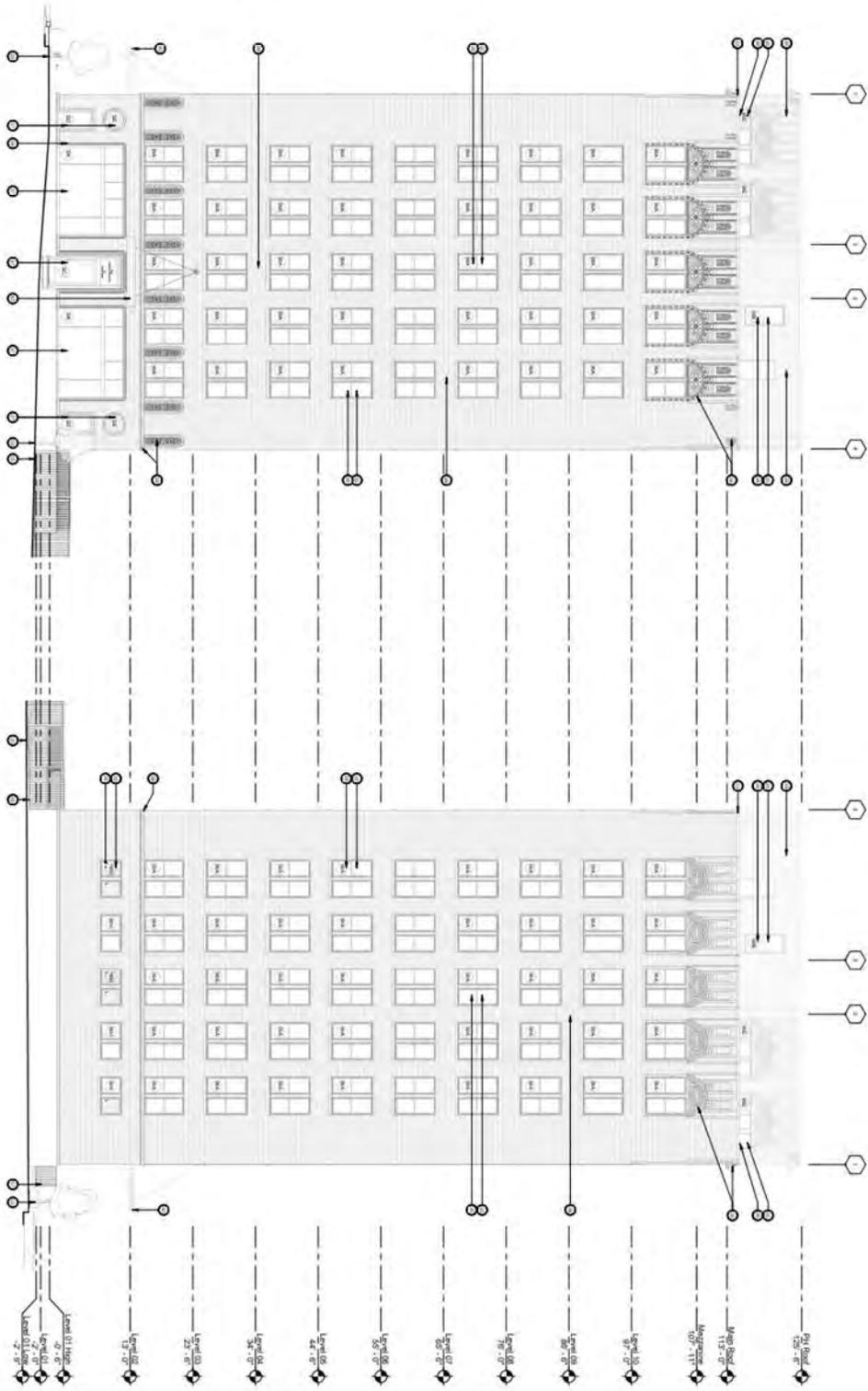
**PERMIT
REVIEW SET**

guyad

Project Contact:
Name: Guy Adelman
Phone: 303.733.8888
Email: guyad@cncplus.com

The Demon
Building
1400 14th Street
Denver, CO 80202

Architect:



Exterior
Elevations

22116
Permit Set
02/02/2024

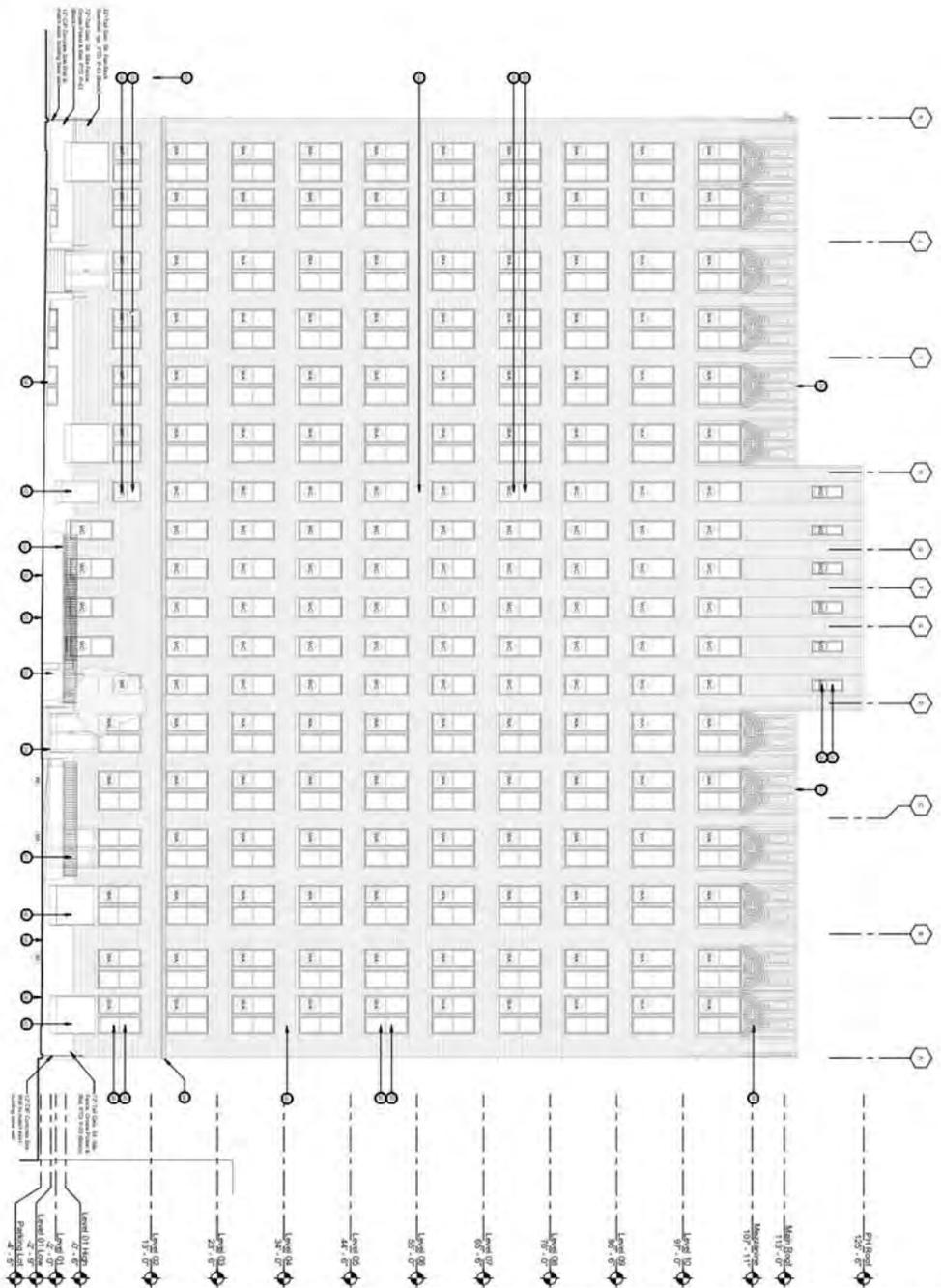
E2 South Elevation

E3 North Elevation



A6.1

E4 East Elevation



New Construction Key Notes

1	General Notes: See General Notes on drawing E1.
2	Foundation: See Foundation Notes on drawing E1.
3	Structural: See Structural Notes on drawing E1.
4	Exterior: See Exterior Notes on drawing E1.
5	Interior: See Interior Notes on drawing E1.
6	MEP: See MEP Notes on drawing E1.
7	Finishes: See Finishes Notes on drawing E1.
8	Glazing: See Glazing Notes on drawing E1.
9	Roofing: See Roofing Notes on drawing E1.
10	Site Work: See Site Work Notes on drawing E1.
11	Accessibility: See Accessibility Notes on drawing E1.
12	Energy Efficiency: See Energy Efficiency Notes on drawing E1.
13	Fire Safety: See Fire Safety Notes on drawing E1.
14	Security: See Security Notes on drawing E1.
15	Historic Preservation: See Historic Preservation Notes on drawing E1.
16	Other: See Other Notes on drawing E1.

CNC+

PERMIT REVIEW SET

Project: The Dermon Building
 1000 Main Street, Suite 1000
 Boston, MA 02108
 Date: 02/02/2024

Exterior Elevations

22116
 Permit Set
 02/02/2024

A6.2



ATTEST:

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

AGENDA ITEM: 25

CASE NUMBER: SUP 2024-007 **L.U.C.B. MEETING:** March 14, 2024

LOCATION: 46 N BB King Blvd

COUNCIL DISTRICT: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Sam Patel/ Dermon Building OZ LLC

REPRESENTATIVE: Donald Reeves/ CNCT. Design and Development

REQUEST: Special Use Permit to allow a hotel in the Central Business District (CBD)

AREA: +/-0.253 acres

EXISTING ZONING: Central Business District (CBD), Downtown Fire District Overlay

CONCLUSIONS

1. The proposal seeks a Special Use Permit for a hotel in the Central Business District (CBD) at 46 N BB King Boulevard, focusing on the adaptive reuse of the historically significant Dermon Building.
2. The project aligns with the CBD's goal of fostering high-intensity, mixed-use developments in downtown Memphis.
3. The Dermon Building's historical significance is acknowledged, with preservation and restoration conditions to protect its character.
4. The proposal demonstrates compatibility with surrounding zoning and land use, contributing to downtown vibrancy and revitalization efforts.
5. The project's alignment with the Memphis 3.0 Comprehensive Plan underscores its commitment to reducing blight, enhancing walkability, and promoting mixed-use development in the urban core.

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 23-25 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: N BB King Blvd +/-148.6 linear feet

Zoning Atlas Page: 2025

Parcel ID: 002027 00030

Existing Zoning: Central Business District (CBD), Downtown Fire District Overlay

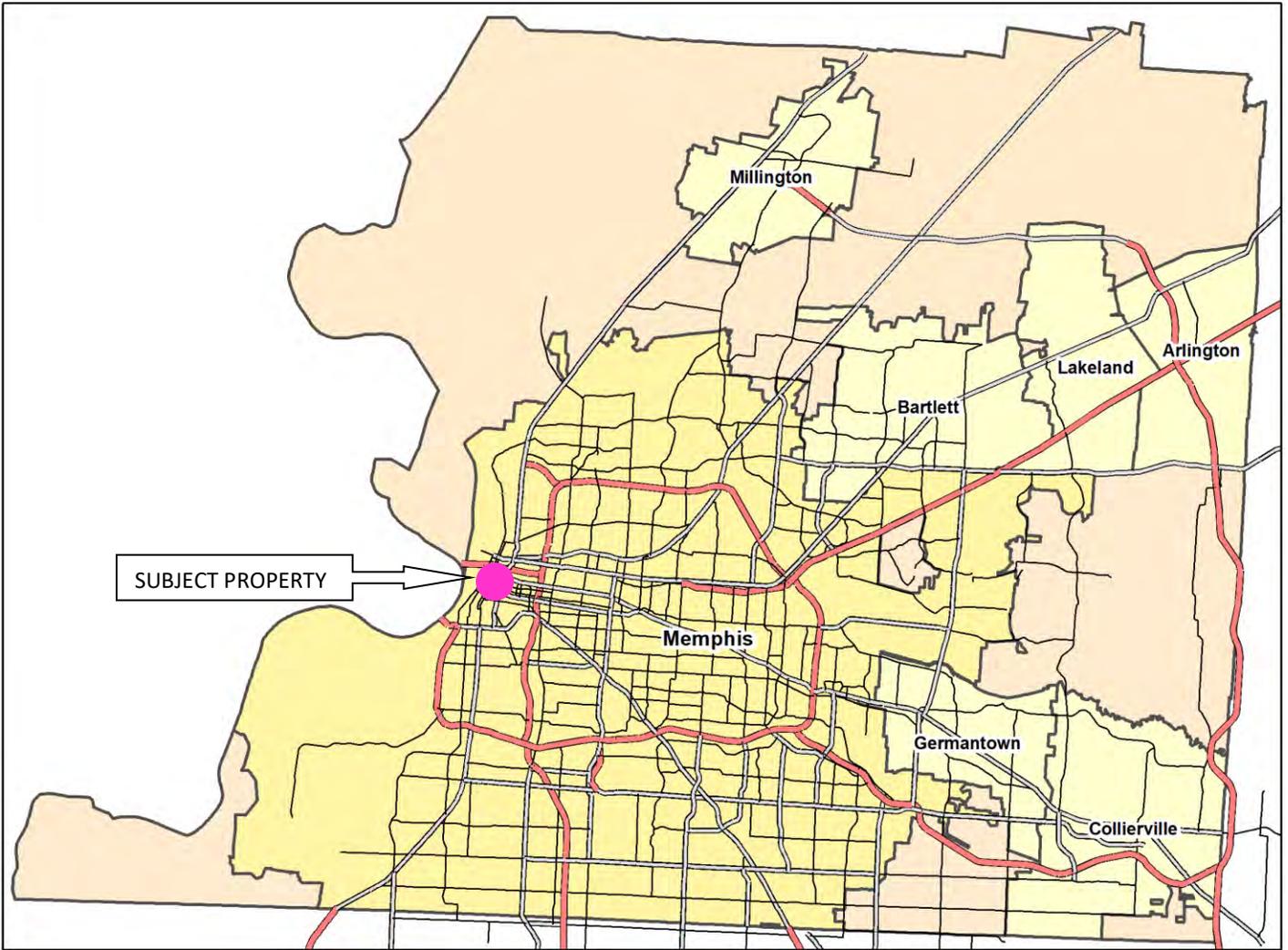
NEIGHBORHOOD MEETING

The meeting was held at 4:00 PM on Monday, March 04, 2024, at the Event Center, 635 Madison Avenue.

PUBLIC NOTICE

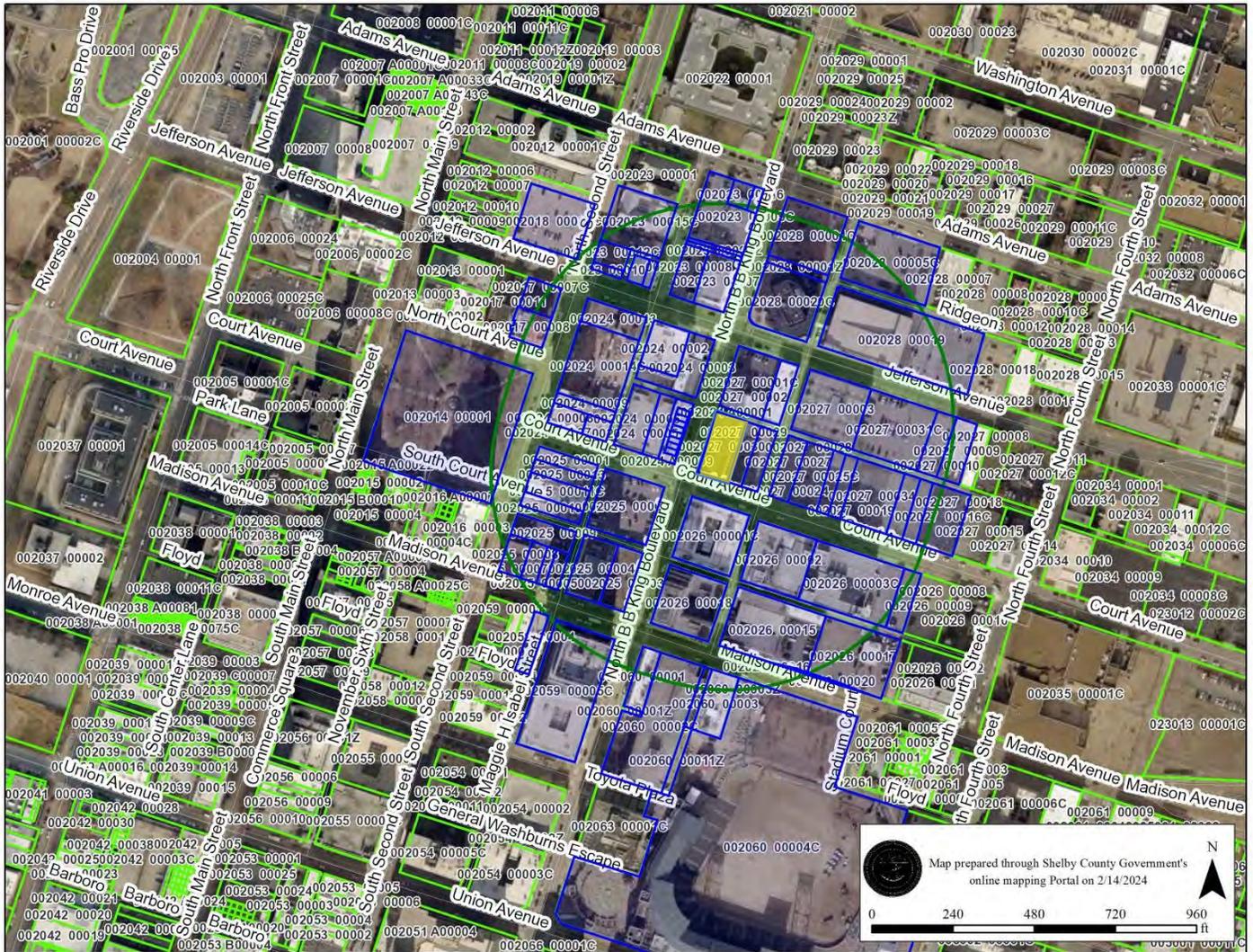
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 84 notices were mailed on February 16, 2024, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



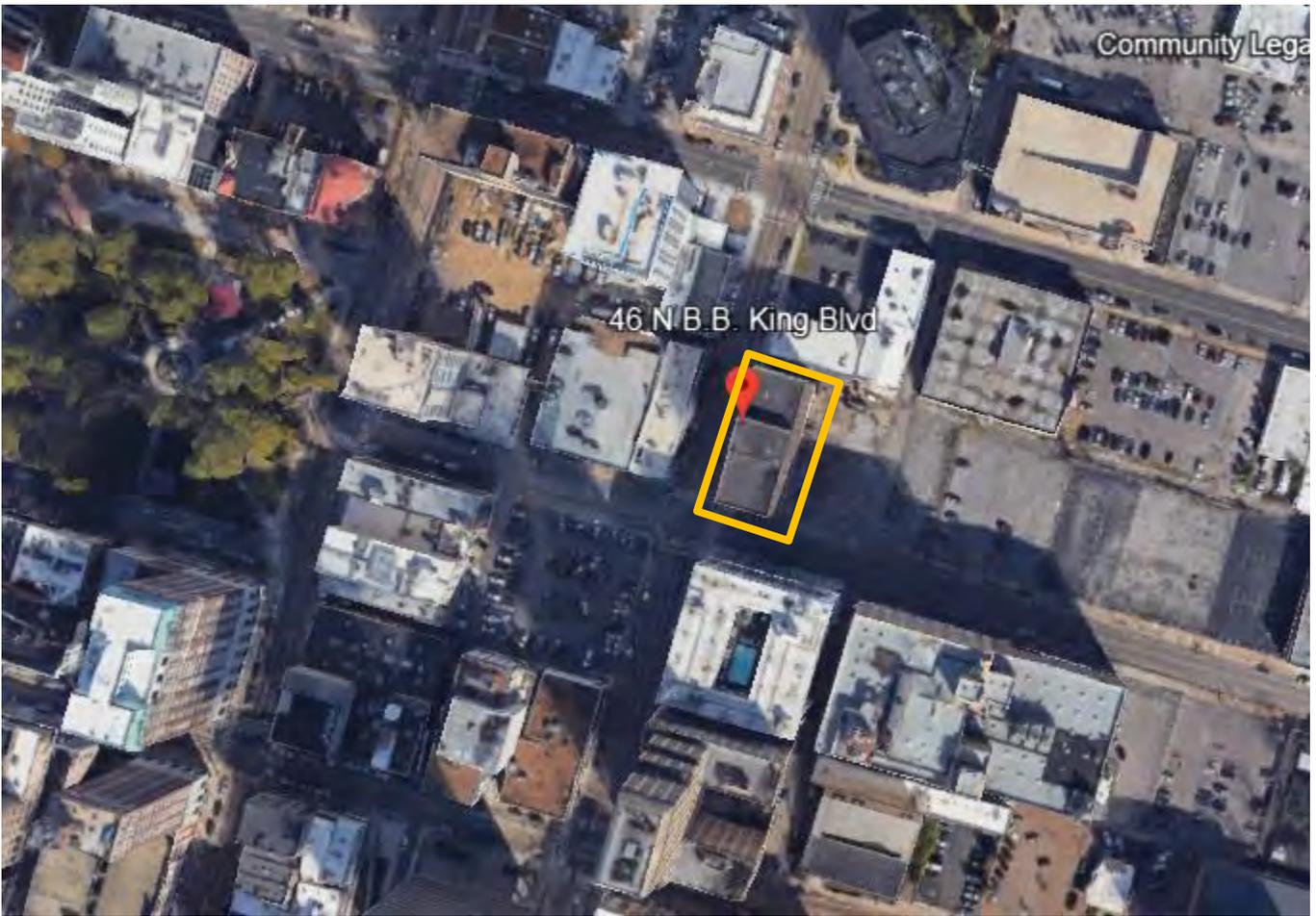
Subject property located within the pink circle.

VICINITY MAP



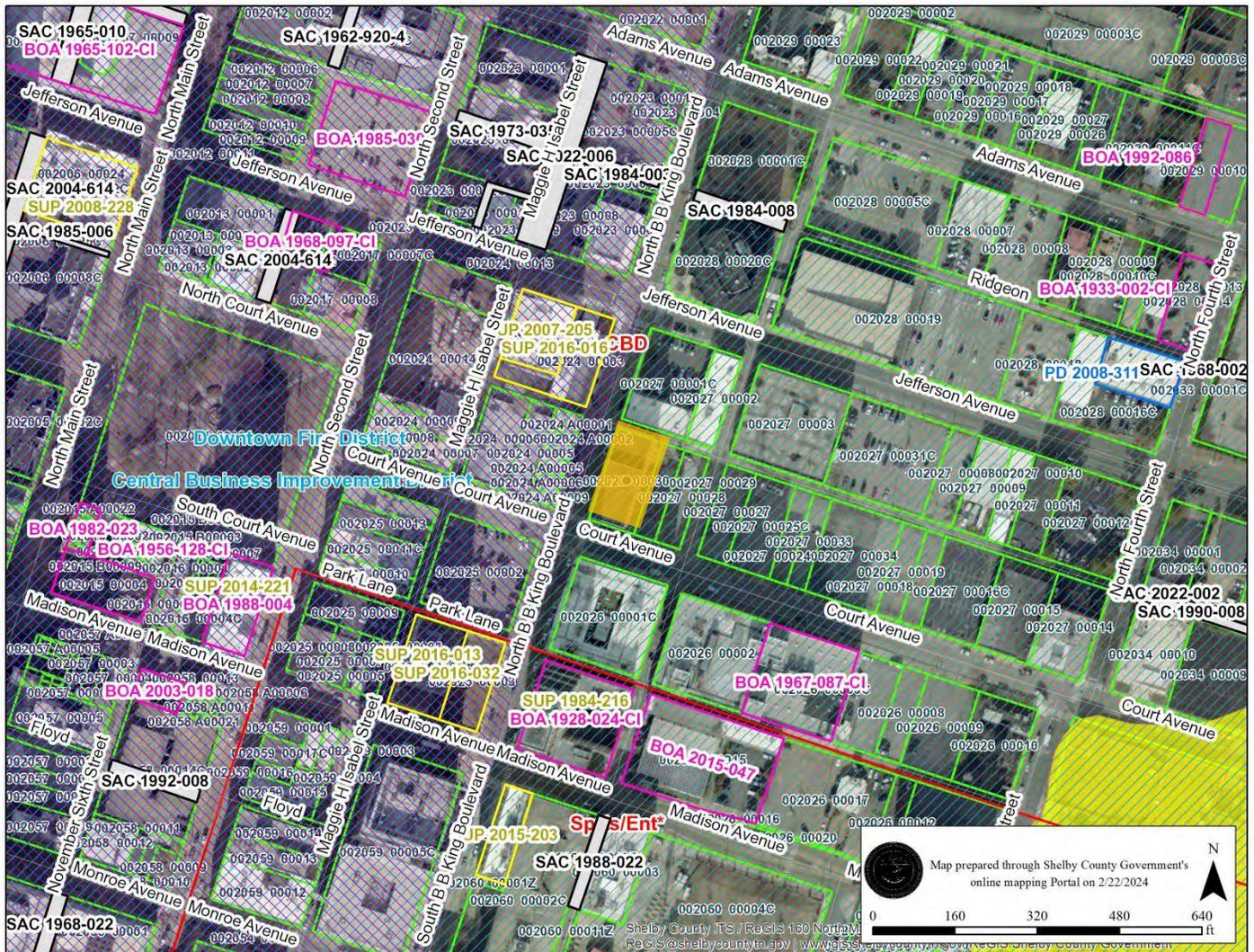
Site highlighted in yellow.

AERIAL



Subject property outlined in orange.

ZONING MAP



Subject property highlighted in orange.

Existing Zoning: Central Business District (CBD), Downtown Fire District Overlay

Surrounding Zoning

North: Central Business District (CBD)

East: Central Business District (CBD), BOA 2020-096

South: Spts/Ent, BOA 2015-047, SUP 2016-032, SUP 2016-013, BOA 1928-024-CI, SUP 1984-216

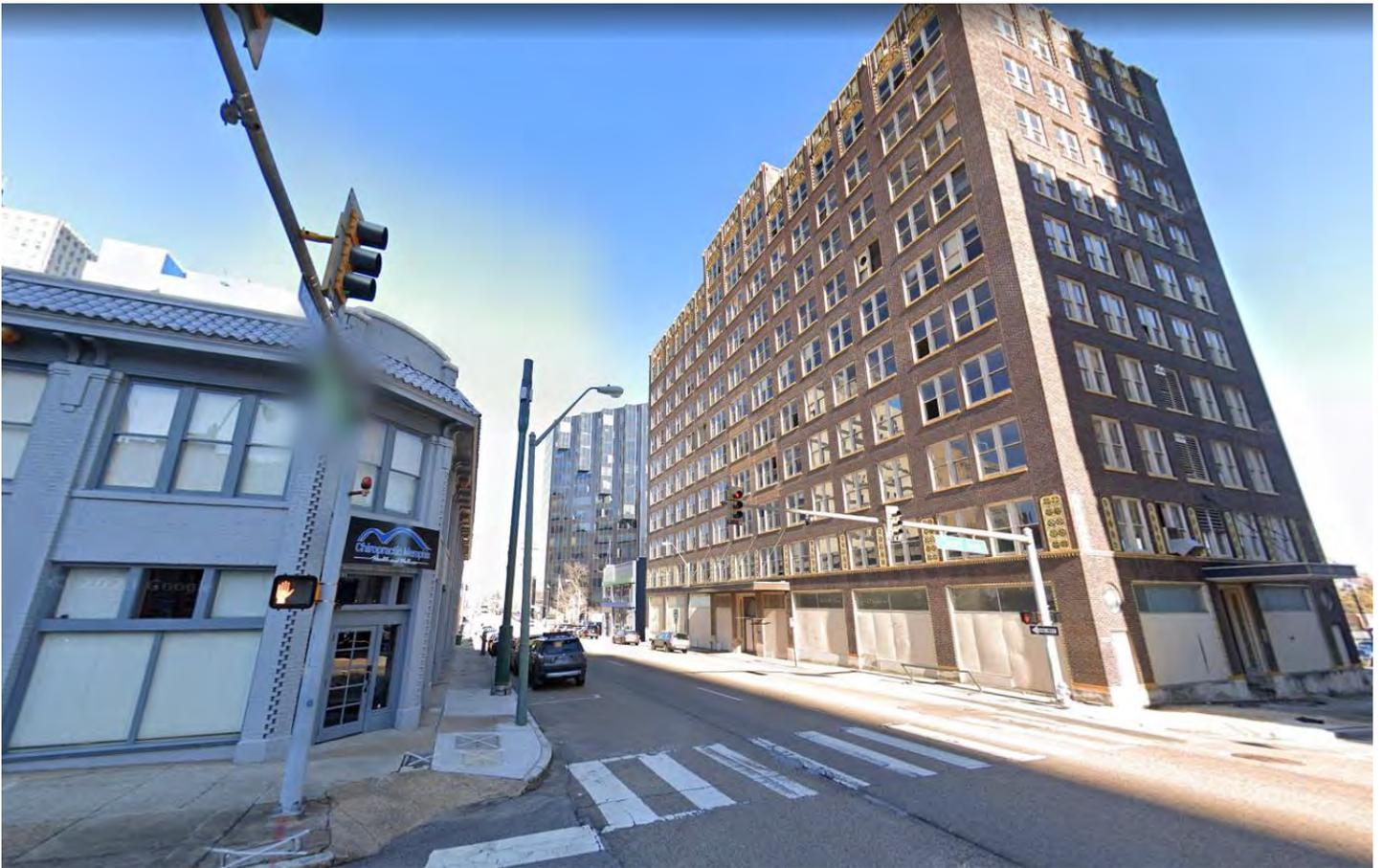
West: Central Business District (CBD), SUP 2007-205, SUP 2016-016, SAC 2004-614, BOA 1968-097-CI

LAND USE MAP



Subject property indicated by a yellow star.

SITE PHOTOS



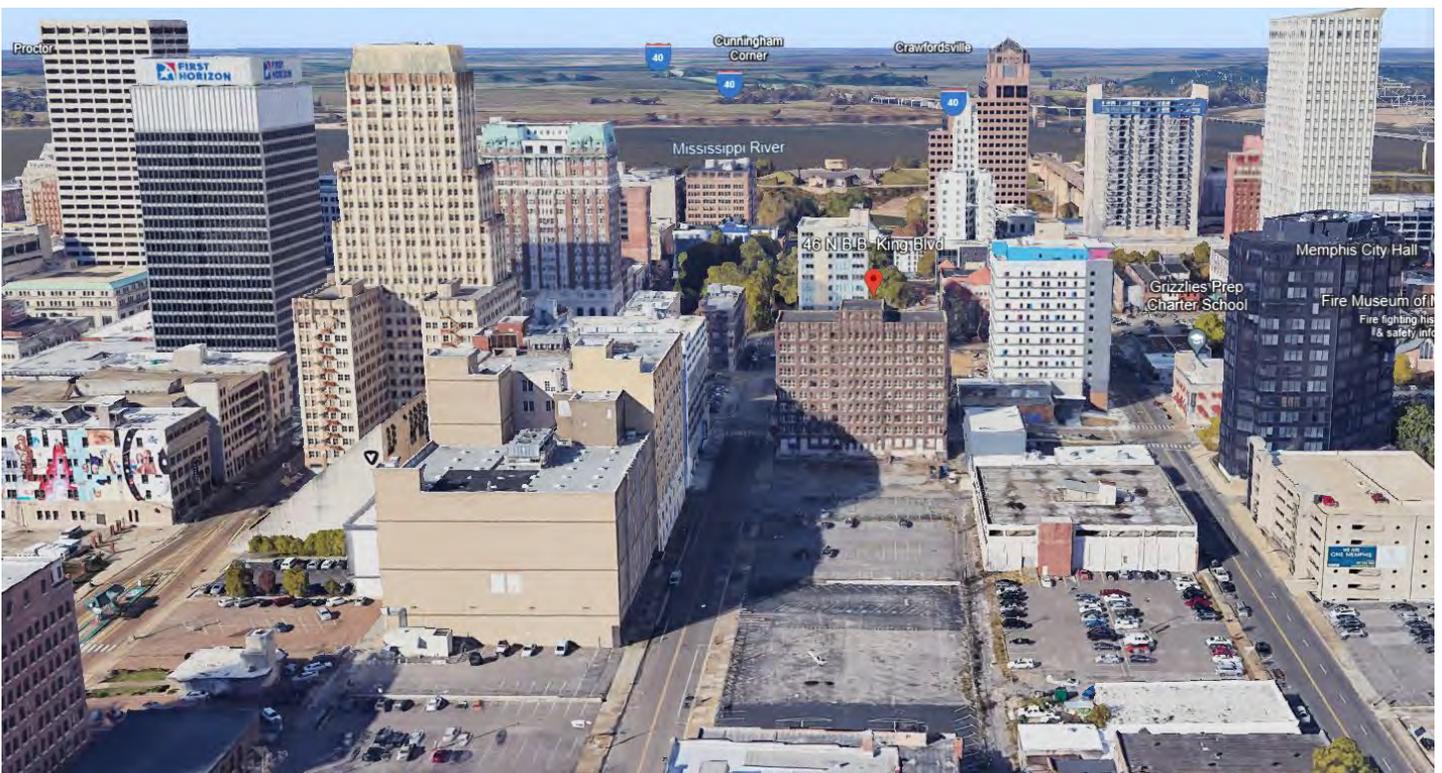
View of the subject property from the intersection of Court Avenue and BB King Blvd.



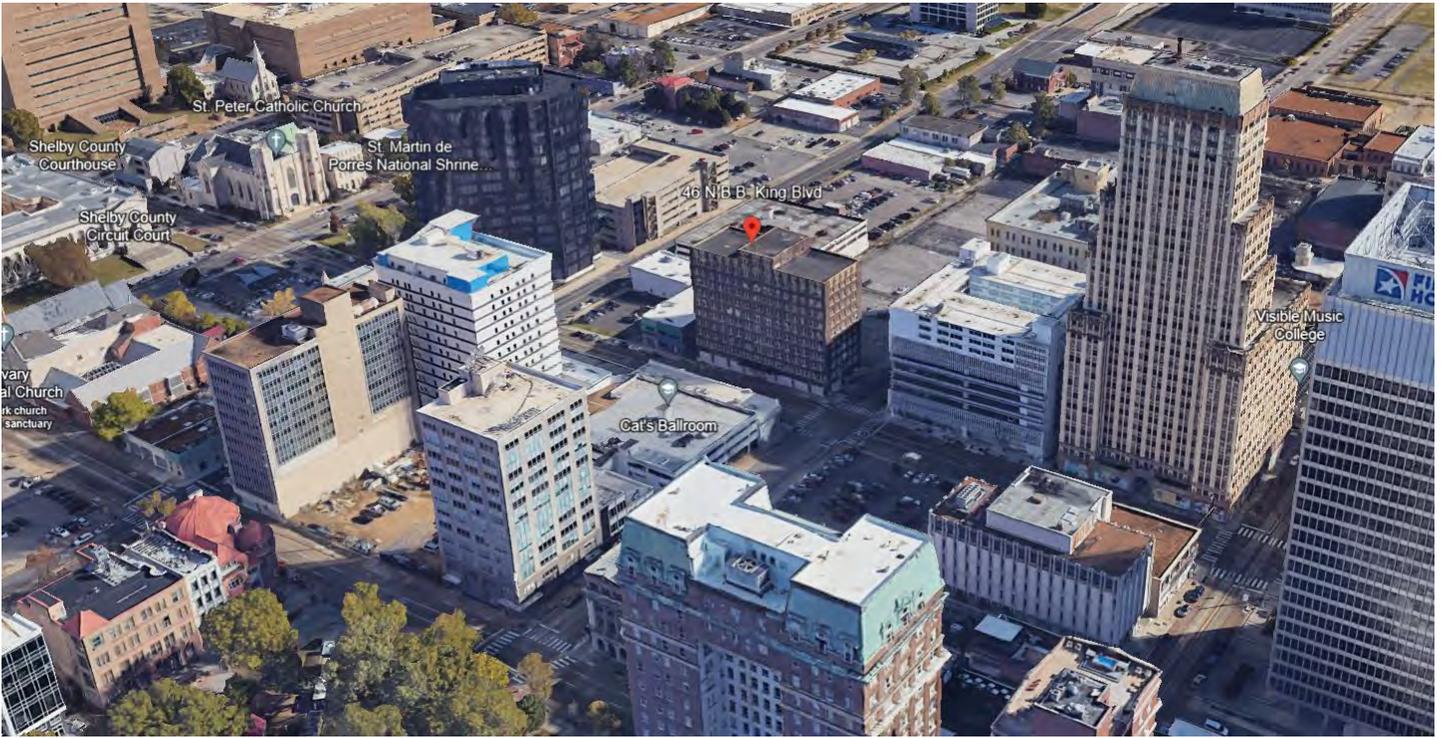
View of the subject property from BB King Blvd.



View of the subject property from Court Avenue (East).



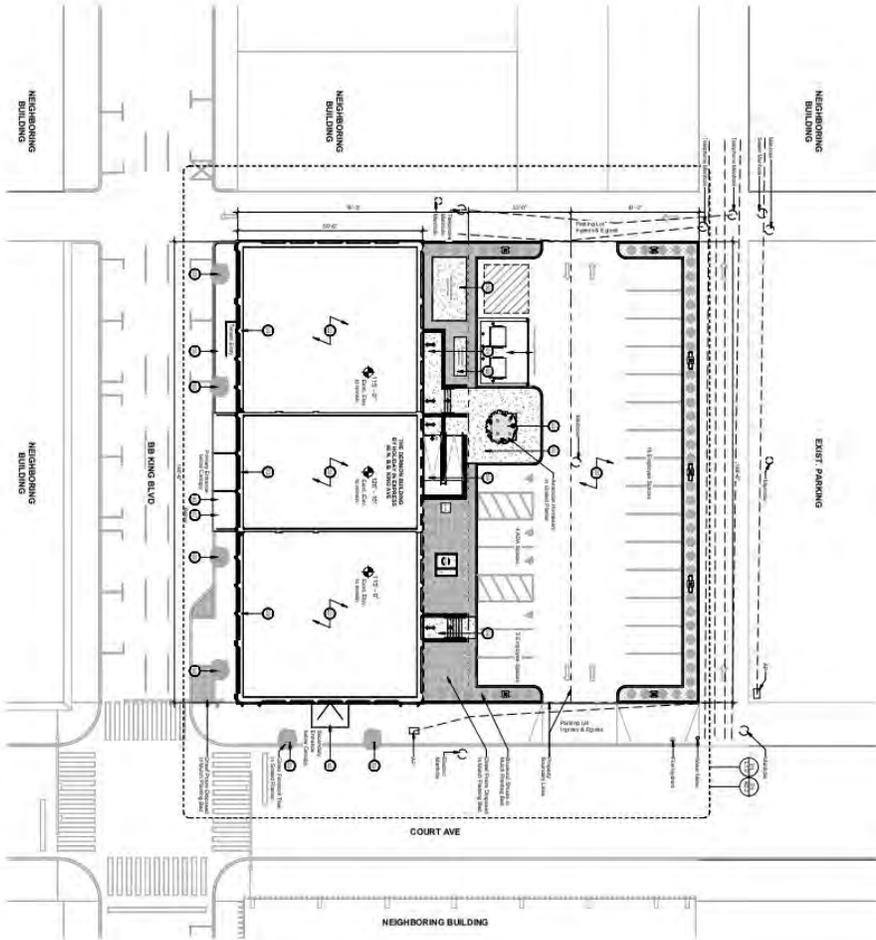
View of the subject property from above.



View of the subject property from above.

ARCHITECTURAL SITE PLAN AND NOTES

P1 Architectural Site Plan



New Construction Key Notes

- 1. All new construction shall be in accordance with the City of Los Angeles Building Code, 2022 Edition, unless otherwise specified.
- 2. All new construction shall be in accordance with the City of Los Angeles Fire Code, 2022 Edition, unless otherwise specified.
- 3. All new construction shall be in accordance with the City of Los Angeles Electrical Code, 2022 Edition, unless otherwise specified.
- 4. All new construction shall be in accordance with the City of Los Angeles Mechanical Code, 2022 Edition, unless otherwise specified.
- 5. All new construction shall be in accordance with the City of Los Angeles Plumbing Code, 2022 Edition, unless otherwise specified.
- 6. All new construction shall be in accordance with the City of Los Angeles Gas Code, 2022 Edition, unless otherwise specified.
- 7. All new construction shall be in accordance with the City of Los Angeles Energy Code, 2022 Edition, unless otherwise specified.
- 8. All new construction shall be in accordance with the City of Los Angeles Accessibility Code, 2022 Edition, unless otherwise specified.
- 9. All new construction shall be in accordance with the City of Los Angeles Sign Code, 2022 Edition, unless otherwise specified.
- 10. All new construction shall be in accordance with the City of Los Angeles Ordinance, 2022 Edition, unless otherwise specified.

Site Material Legend

- 1. Concrete (Standard)
- 2. Concrete (Decorative)
- 3. Asphalt
- 4. Grass
- 5. Sand
- 6. Gravel
- 7. Brick
- 8. Stone
- 9. Glass
- 10. Metal
- 11. Wood
- 12. Paint
- 13. Stucco
- 14. Siding
- 15. Roofing
- 16. Fencing
- 17. Signage
- 18. Landscaping
- 19. Retaining Wall
- 20. Foundation
- 21. Foundation (Basement)
- 22. Foundation (Crawl Space)
- 23. Foundation (Slab)
- 24. Foundation (Pier and Beam)
- 25. Foundation (Post and Beam)
- 26. Foundation (Tie Beam)
- 27. Foundation (Grade Beam)
- 28. Foundation (Foundation Wall)
- 29. Foundation (Foundation Footing)
- 30. Foundation (Foundation Column)
- 31. Foundation (Foundation Beam)
- 32. Foundation (Foundation Slab)
- 33. Foundation (Foundation Pier)
- 34. Foundation (Foundation Post)
- 35. Foundation (Foundation Beam)
- 36. Foundation (Foundation Slab)
- 37. Foundation (Foundation Pier)
- 38. Foundation (Foundation Post)
- 39. Foundation (Foundation Beam)
- 40. Foundation (Foundation Slab)
- 41. Foundation (Foundation Pier)
- 42. Foundation (Foundation Post)
- 43. Foundation (Foundation Beam)
- 44. Foundation (Foundation Slab)
- 45. Foundation (Foundation Pier)
- 46. Foundation (Foundation Post)
- 47. Foundation (Foundation Beam)
- 48. Foundation (Foundation Slab)
- 49. Foundation (Foundation Pier)
- 50. Foundation (Foundation Post)



A0.1

22116
 Permit Set
 02/02/2024

Architectural Site
 Plan & Notes

CNC+
 Construction Management
 1000 W. 10th Street, Suite 100
 Los Angeles, CA 90015
 (213) 480-1000
 www.cncplus.com

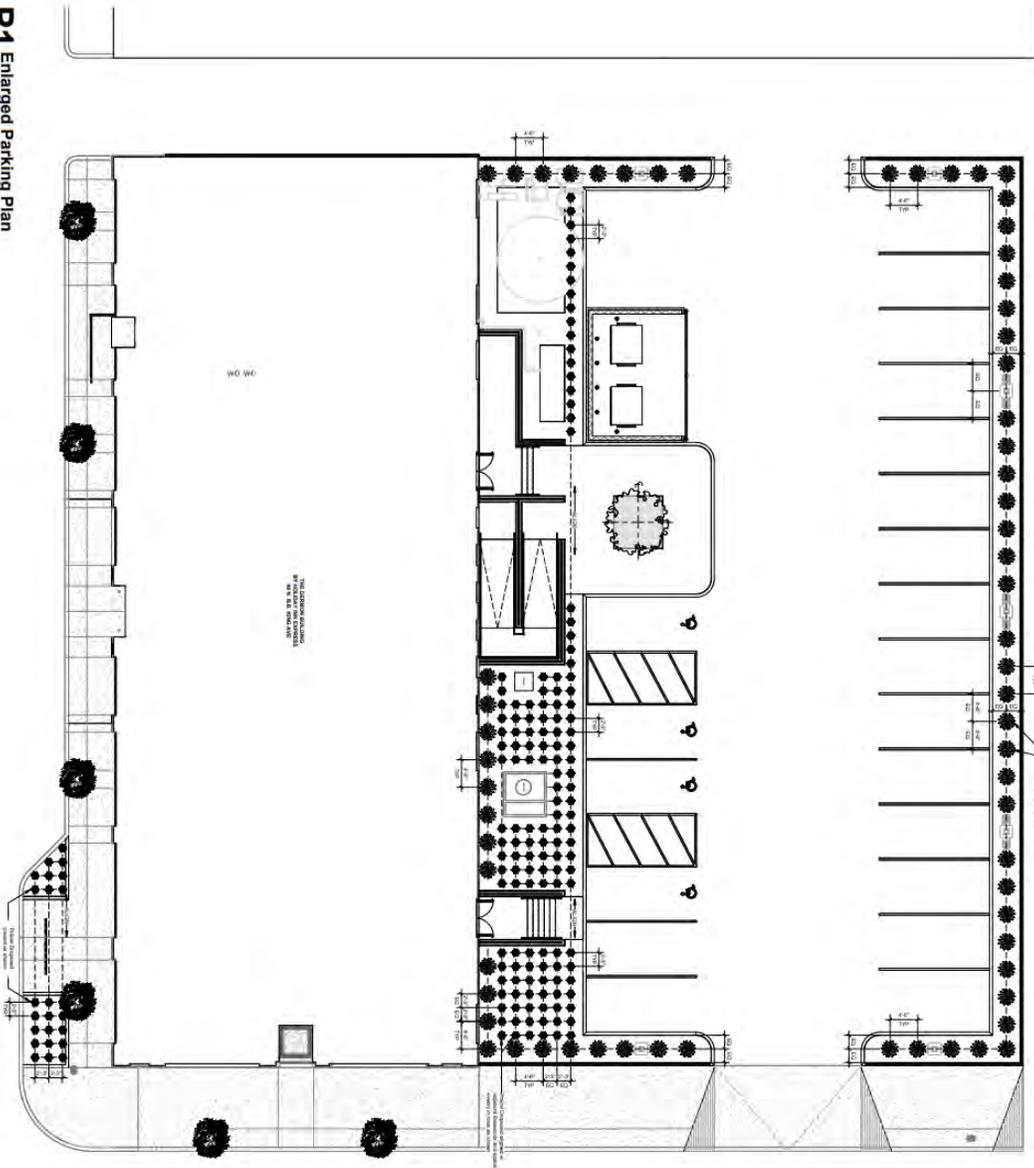
PERMIT REVIEW SET

Project Contact:
 Don Barger
 213-480-1000
 dbarger@cncplus.com

The Demon Building
 1414 S. 10th Street
 Los Angeles, CA 90015

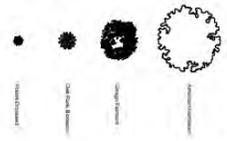
LANDSCAPE SITE PLAN

P1 Enlarged Parking Plan
 1/8" = 1'-0"

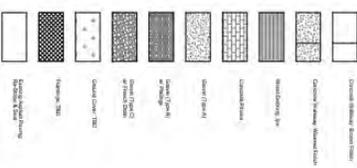


NO.	DATE	DESCRIPTION	BY	CHKD.
1	02/02/2024	PERMIT SET	MM	MM
2	02/02/2024	REVISION	MM	MM
3	02/02/2024	REVISION	MM	MM
4	02/02/2024	REVISION	MM	MM
5	02/02/2024	REVISION	MM	MM
6	02/02/2024	REVISION	MM	MM
7	02/02/2024	REVISION	MM	MM
8	02/02/2024	REVISION	MM	MM
9	02/02/2024	REVISION	MM	MM
10	02/02/2024	REVISION	MM	MM

Planting Legend



Site Material Legend



1. All existing structures and landscaping to be removed shall be shown with a dashed line and the word "REMOVE" written in all caps.
2. All new structures and landscaping to be installed shall be shown with a solid line and the word "INSTALL" written in all caps.
3. All existing structures and landscaping to be modified shall be shown with a solid line and the word "MODIFY" written in all caps.
4. All existing structures and landscaping to be demolished shall be shown with a solid line and the word "DEMOLISH" written in all caps.
5. All existing structures and landscaping to be relocated shall be shown with a solid line and the word "RELOCATE" written in all caps.
6. All existing structures and landscaping to be replaced shall be shown with a solid line and the word "REPLACE" written in all caps.
7. All existing structures and landscaping to be repaired shall be shown with a solid line and the word "REPAIR" written in all caps.
8. All existing structures and landscaping to be maintained shall be shown with a solid line and the word "MAINTAIN" written in all caps.
9. All existing structures and landscaping to be protected shall be shown with a solid line and the word "PROTECT" written in all caps.
10. All existing structures and landscaping to be preserved shall be shown with a solid line and the word "PRESERVE" written in all caps.



22116
 Permit Set
 02/02/2024
 L1.0

Landscape Site
 Plan

CNC+
 CONSULTANTS
 10000 15th Avenue, Suite 100
 Denver, CO 80202
 (303) 751-1000
 www.cncplus.com

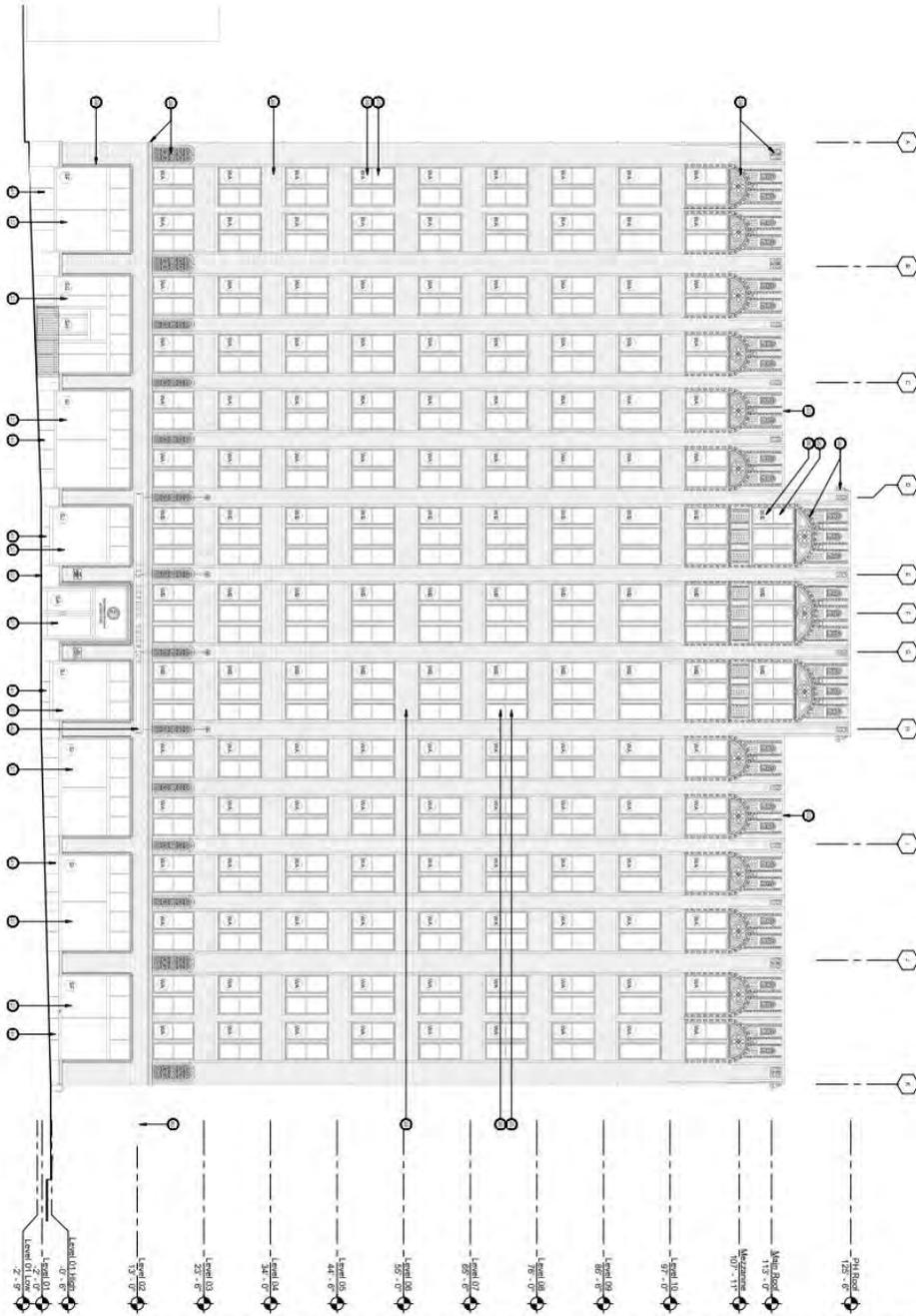
PERMIT REVIEW SET

Project Control:
 Dan Manning (303) 751-1000
 Project Manager:
 Matt B. (303) 751-1000
 Designer:
 (303) 751-1000

The Derrimon
 Building
 1000 E. North Ave.
 Denver, CO 80202

EXTERIOR ELEVATIONS

E1 West Elevation
1/8" = 1'-0"



New Construction Key Notes

1. All work shall be in accordance with the City of Berkeley Building Code, California Building Code, and applicable state and federal codes.
2. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Berkeley.
3. The contractor shall maintain access to all adjacent properties at all times.
4. The contractor shall be responsible for protecting all existing structures and utilities on the site.
5. The contractor shall be responsible for maintaining the site in a safe and clean condition at all times.
6. The contractor shall be responsible for obtaining all necessary insurance and bonding.
7. The contractor shall be responsible for providing all necessary safety equipment and training for all workers.
8. The contractor shall be responsible for providing all necessary materials and labor for the project.
9. The contractor shall be responsible for providing all necessary documentation for the project.
10. The contractor shall be responsible for providing all necessary communication to the City of Berkeley.
11. The contractor shall be responsible for providing all necessary coordination with other project participants.
12. The contractor shall be responsible for providing all necessary support for the project.
13. The contractor shall be responsible for providing all necessary assistance to the City of Berkeley.
14. The contractor shall be responsible for providing all necessary information to the City of Berkeley.
15. The contractor shall be responsible for providing all necessary data to the City of Berkeley.
16. The contractor shall be responsible for providing all necessary information to the City of Berkeley.
17. The contractor shall be responsible for providing all necessary information to the City of Berkeley.
18. The contractor shall be responsible for providing all necessary information to the City of Berkeley.
19. The contractor shall be responsible for providing all necessary information to the City of Berkeley.
20. The contractor shall be responsible for providing all necessary information to the City of Berkeley.



22116
Permit Set
02/02/2024
A6.0

Exterior Elevations

CNC+

PERMIT REVIEW SET

Project Contact: [Name]

Project Address: [Address]

Project Phone: [Phone]

Project Email: [Email]

Project Website: [Website]

Project Description: [Description]

Project Location: [Location]

Project Status: [Status]

Project Date: [Date]

Project Version: [Version]

Project Author: [Author]

Project Reviewer: [Reviewer]

Project Approver: [Approver]

Project Signer: [Signer]

Project Title: [Title]

Project Number: [Number]

Project Code: [Code]

Project ID: [ID]

Project Key: [Key]

Project Label: [Label]

Project Symbol: [Symbol]

Project Color: [Color]

Project Font: [Font]

Project Style: [Style]

Project Theme: [Theme]

Project Layout: [Layout]

Project Print: [Print]

Project Output: [Output]

Project Format: [Format]

Project Size: [Size]

Project Weight: [Weight]

Project Pages: [Pages]

Project Time: [Time]

Project Cost: [Cost]

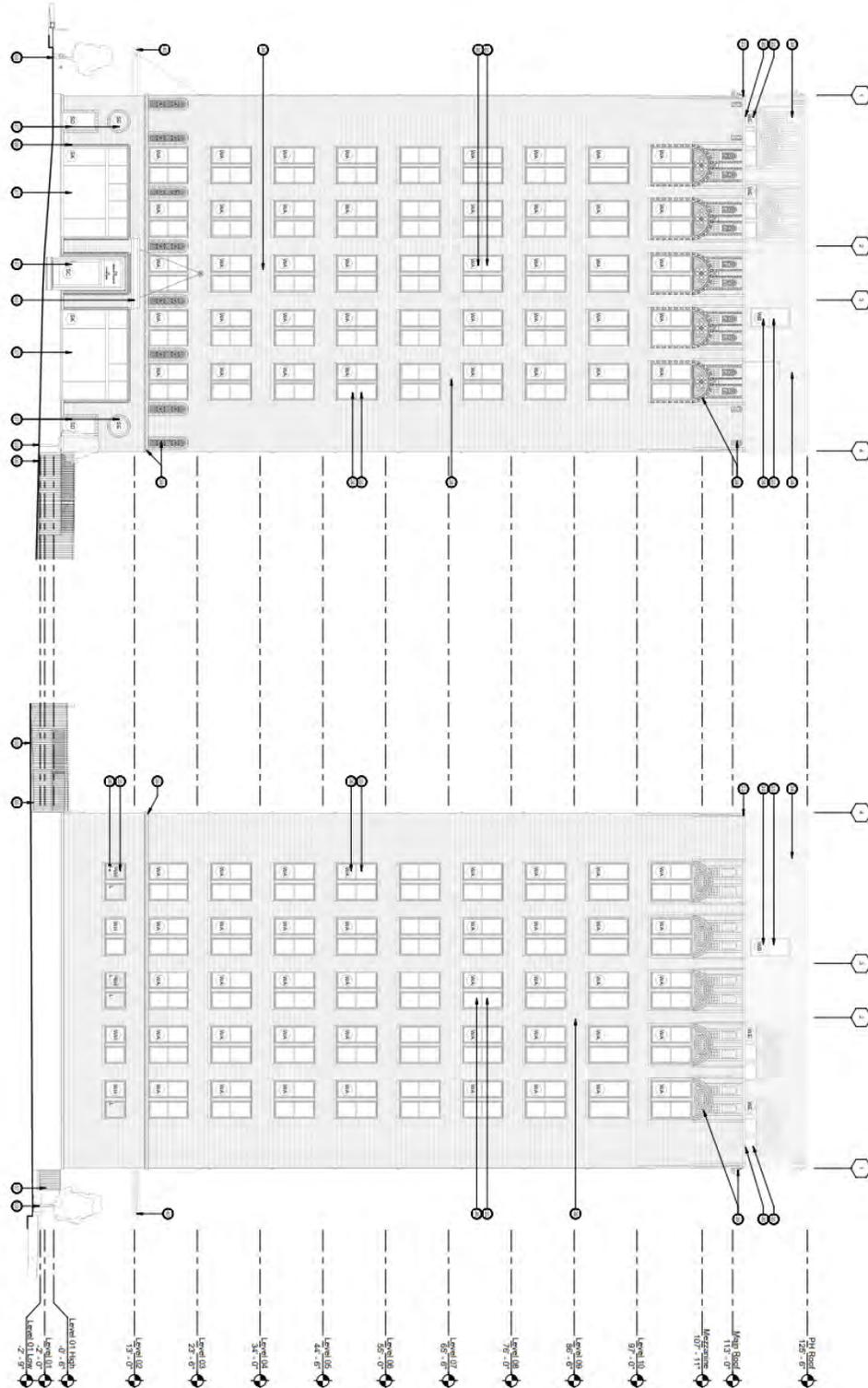
Project Budget: [Budget]

Project Revenue: [Revenue]

Project Profit: [Profit]

E2 South Elevation

E3 North Elevation



A6.1

22116
 Permit Set
 02/02/2024

Exterior Elevations

The Darmon Building
 4414 S. Yonge St.
 Toronto, ON M3J 1R8

PERMIT REVIEW SET
 Project Contact
 Dan Korman (416) 223-0734
 dan.korman@cnct.ca

CNCT+
 CONSULTANTS
 1000 Bay St. Suite 200
 Toronto, ON M5G 1R7
 416-593-8888

STAFF ANALYSIS

Request

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

The request is for a Special Use Permit to allow a hotel in the Central Business District (CBD).

Approval Criteria

Staff **agrees** the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is +/-0.253 acres with a parcel number of 00202700030, located at 46 N BB King Blvd, and zoned Central Business District (CBD).

Constructed in 1925, the Dermon Building was crafted by renowned Memphis architects Charles O. Pfeil and George Awsumb for the Dave Dermon Company and Dave Dermon Insurance. This ten-story structure, adorned with dark brown brick and Renaissance elements in yellow, green, and white terra cotta, showcases one of Memphis's most vibrant applications of glazed architectural terra cotta. The building features a cast-in-place, steel-reinforced concrete frame, encompassing fifteen bays along both the front (N. Third Street) and rear

elevations, and five bays along the side elevations. All windows consist of one-over-one double-hung sashes, complemented by yellow terra cotta sills.

Although the building's ownership changed in the 1930s, the building has continued to bear the esteemed Dermon Building name. The Dermon Building, identified by the city as a significant blight concern, has remained vacant for more than ten years and it is listed on the National Register of Historic Places.

Site Zoning History

The current zoning is Central Business District (CBD). The CBD District is designed to facilitate high-intensity office, employment, and residential activities in the downtown area. The regulations of this district acknowledge and endorse downtown's pivotal role as a regional center, serving as a primary hub for business, communications, office spaces, living, government, retail, cultural events, education, visitor accommodations, and entertainment. Emphasizing vertical mixed-use projects, the district encourages developments that integrate both residential and non-residential elements, particularly with vibrant ground-floor activities. The subject property is also located within the Downtown Fire District Overlay.

Site Plan Review

The existing building and overall site will receive cosmetic improvements including sidewalk repair, street tree planting, and ornamental fencing around the parking lot. A total of 21 on-site parking spaces will be provided that will be accessed from Court Avenue and an adjoining alley. These parking spaces will be primary for handicapped patron use along with employees and management. The majority of hotel guest parking will be provided by a nearby parking garage. CBD zoning actually does not require parking, but most hotel uses in the CBD do provide it, whether on-site or off-site. Any parking provided must meet the minimum geometric design requirements found in the Unified Development Code.

The building will contain a total building height of 125 feet, 6 inches with 10 stories containing a total of 159 rooms. CBD zoning does not require a minimum lot area, minimum lot width, maximum building height, or any minimum building setbacks. A drop-off lane is provided along BB King Boulevard as illustrated on the site plan. The drop-off lane will be contained entirely within the BB King Boulevard right of way. Curbing, sidewalk, and landscaping improvements will be added to define this space. This feature is subject to the design approval of City Engineering. This type of feature is often found with hotels operating in compact urban setting such as downtown.

Analysis

The proposed re-use of this existing downtown landmark is consistent with the character of the downtown core. There will be no detrimental impact to any properties in the vicinity. Furthermore, the project is in compliance with the zoning requirements of the Central Business District (CBD) zoning district.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. The drop-off lane along BB King Boulevard is subject to City Engineering approval.

2. Refuse containers and facilities shall be hidden by an opaque wall or masonry wall of sufficient height to screen the bin and any appurtenances, but not less than six feet in height. Building materials shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse.
3. 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 the City Standards.
4. Any existing non-conforming curb cuts shall be modified to meet current City standards or closed with curb, gutter and sidewalk.
5. All signs are subject to the review and approval of the Downtown Memphis Commission. The applicant shall share any approvals for signage with the office of Construction Code Enforcement.
6. A final site plan shall be provided to the Division of Planning and Development if the Special Use Permit is approved by the City Council. The final site plan shall include a landscaping plan, the building elevations, and any approved conditions of the City Council.

DEPARTMENTAL COMMENTS

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

City 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.

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

gutter, and sidewalk.

10. Will require engineering ASPR.

City 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.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2024 -007: Core City

Site Address/Location: 46 N BB King Boulevard

Overlay District/Historic District/Flood Zone: Located in the Central Business Improvement District, but not in a Flood Zone or in a Historic District

Future Land Use Designation: Urban Core/Downtown (A-DT)

Street Type: Avenue

The applicant is requesting a special use permit to allow a hotel in the Central Business District (CBD).

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

Urban Core/Downtown (A-DT) is the walkable anchor for the City of Memphis, characterized by multi-story buildings with a vertical mix of uses and civic and buildings that attract people from the entire region. Graphic portrayal of A-DT right.



It is institutional is to the

“A-DT” Form & Location Characteristics

ACCELERATE

Buildings primarily attached, Block-scale buildings, mix of uses, High-rise, Multiple blocks of extent.

“A-DT” Zoning Notes

Generally compatible with the following zone districts CBD and SE in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Office, Parking, CBD

Adjacent Land Use and Zoning: Commercial, Parking, Common Area Land, and Office, CBD

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed hotel meets the criteria in form, scale, or use in the CBD Zoning District. Additionally, the adaptive rehabilitation of the former vacant office building will revitalize and activate that stretch of the BB King Boulevard and improve walkability and pedestrian accessibility.*

3. Degree of Change Map



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

4. Degree of Change Description

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

The proposed application will allow greater mix of uses and increase density.

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

The requested use is consistent with Objective 1.3 – Develop strategies that reduce blight and vacancy, Action 1.3.7 - Focus redevelopment efforts for blighted parcels within one-quarter mile of anchors (anchor neighborhoods). The proposed hotel will promote walkability or multimodal access of the Citywide anchor.

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

NA

Consistency Analysis Summary

The applicant is requesting a special use permit to allow a hotel in the Central Business District (CBD).

This requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed hotel meets the criteria in form, scale, or use in the CBD Zoning District. Additionally, the adaptive rehabilitation of the former vacant office building will revitalize and activate that stretch of the BB King Boulevard and improve walkability and pedestrian accessibility.

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

The proposed application will allow greater mix of uses and increase density.

The requested use is consistent with Objective 1.3 – Develop strategies that reduce blight and vacancy, Action 1.3.7 - Focus redevelopment efforts for blighted parcels within one-quarter mile of anchors (anchor neighborhoods). The proposed hotel will promote walkability or multimodal access of the Citywide anchor.

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

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: February 9, 2024

Record Number: SUP 2024-007

Expiration Date:

Record Name: The Dermon Building by Holiday Inn Express

Description of Work: The project is the Adaptive Reuse and Historical Rehabilitation of The Dermon Building, a property that has been highlighted by city as a primary blight concern, standing vacant for over a decade. We will be converting the building from Offices to a limited-service hotel of the Holiday Inn Express brand. The project will see the maintenance and repair of all remaining historical character of the building, pursuant to National Parks Service guidelines and in accordance to the building's status as a property that is Individually Listed on the National Register of Historic Places. The sidewalks will be repaired around the building, with attention to minor landscape interventions facing the public with small tree plantings, and the rear parking lot will be maintained for Staff & ADA Guest parking, and overhauled with landscape planting and new wrought-iron fencing. The building's interior will be restored, with grand seating areas and meeting rooms, staff offices, and Lobby on the ground level, with activity visible from the street. In the northwest, there will be a retail tenant. The upper floors with be hotel guest rooms.

Parent Record Number:

Address:

46 N B B KING BLVD, MEMPHIS 38103

Owner Information

Primary **Owner Name**

Y DERMON BUILDING OZ LLC

Owner Address

11227 MATTHEWS COVE LN, KNOXVILLE, TN 37934

Owner Phone

Parcel Information

002027 00030

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Alexis Longstreet
Date of Meeting	02/08/2024
Pre-application Meeting Type	Phone

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare	The project will not have any adverse effects. Parking will be off-street behind building or in a dedicated parking garage, and the building will instead rehabilitate a blighted building and improve 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	This project is consistent with numerous hotels already in service in the immediate vicinity, and will do nothing to interfere.
UDC Sub-Section 9.6.9C	The project is adequately served by public streets & sidewalks for parking, with private parking at a nearby garage owned by the Hotel Management & the rear lot assisting with parking. MLGW will provide new power & water service upgrades.
UDC Sub-Section 9.6.9D	This project is to follow some of the strictest requirements in this country for such preservations, meeting the Historic Tax Credit (HTC) requirements administered by TN SPHO and the NPS. All character of significance on the building will be retained & rehabilitated.
UDC Sub-Section 9.6.9E	It does comply with TN SPHO & NPS Historic Rehabilitation guidelines, and SCCCE Building Code Review, and the CCRFC PILOT Requirements and the DRB review.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9F

The request have no impact on the surrounding buildings; it is self contained, with the exception of standard pedestrian use of the Public ROW to cross to a nearby parking garage, owned by the hotel management team, to be dedicated for guest parking.

GIS INFORMATION

Case Layer	-
Central Business Improvement District	Yes
Class	C
Downtown Fire District	No
Historic District	-
Land Use	OFFICE
Municipality	MEMPHIS
Overlay/Special Purpose District	Central Business Improvement District
Zoning	CBD
State Route	1
Lot	0413
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Data Tables

AREA INFORMATION

Name: Parcel #002027 00030
 Size (Acres): 0.253
 Existing Use of Property: None (Vacant), was Offices
 Requested Use of Property: Hotel

Name: Parcel #002027 00029
 Size (Acres): 0.112
 Existing Use of Property: Parking Lot
 Requested Use of Property: Parking Lot

Name: Parcel #002027 00028
 Size (Acres): 0.14
 Existing Use of Property: Parking Lot
 Requested Use of Property: Parking Lot

Contact Information

Name
 DONALD REEVES

Contact Type
 APPLICANT

Address

2375 AIRWAYS BLVD, MEMPHIS, TN, 38114

Phone

(860)416-7791

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1536862	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	02/09/2024
1536862	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	02/09/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

LETTER OF INTENT



Letter of Intent for The Dermon Building by Holiday Inn Express
February 9th, 2024

Dear Members of the Land Use Control Board,

The intent of this project is the reactivation of the historic office tower building at 46 N B.B. King Blvd. The project is the Adaptive Reuse and Historical Rehabilitation of The Dermon Building, which is Individually Listed on the National Register of Historic Places. The property has been highlighted by the City as a primary blight concern, standing vacant for over a decade. We will be converting the building from Offices to a limited-service hotel of the Holiday Inn Express brand. The project will see the maintenance and repair of all remaining historical character of the building, pursuant to National Parks Service guidelines. The sidewalks will be repaired around the building, with attention to minor landscape interventions facing the public with small tree plantings, and the rear parking lot will be maintained for Staff & ADA Guest parking and overhauled with landscape planting and new wrought-iron fencing. The building's interior will be restored, with grand seating areas and meeting rooms, staff offices, and Lobby on the ground level, with activity visible from the street. In the northwest, there will be a retail tenant. The upper floors will be 159 new Hotel Guest Rooms, and through these improvements, the development is strategically positioned to bolster Downtown Memphis's growth and vitality.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Sandip Patel, being duly sworn, depose and say that at 12:30 am/pm on the 29th day of February, 2024, I posted 2 Public Notice Sign(s) pertaining to Case No. SUP 2024-007 at 46 N. BB King Blvd, Memphis, TN 38103 providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

2/29/24
Date

Subscribed and sworn to before me this 7th day of March, 2024

[Signature]
Notary Public

My commission expires: June 21, 2024





LETTERS RECEIVED

One letter of support was received at the time of completion of this report and have subsequently been attached.



"The oldest and largest neighborhood organization in downtown!"

PO BOX 3115
Memphis, TN 38103
www.DNAmemphis.org | info@dnamemphis.org

RE: LUB Case SUP 2024-007

To whom it may concern:

It is the purpose of our association to promote enjoyment and enhancement of downtown living. The association's continued objective is to protect and enhance the quality of life in the downtown area. The association maintains and fosters a spirit of community for downtown residents, businesses, and visitors.

Regarding this project, I couldn't be more excited! This project will bring to life a once abandoned building and will allow it to bring a blighted historic landmark back to life. This will enhance the quality of life for those who live and work around this property. When we see blighted properties come back to life, they also improve the spirit of our downtown moral and enhance community spirit.

I fully support this project and am looking forward to it coming back to life.

Sincerely,



Jerred Price
President of the Board
Downtown Neighborhood Association



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Assignment

Opened Date: February 9, 2024

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Y DERMON BUILDING OZ LLC

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Data Fields

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Date of Meeting	02/08/2024
Pre-application Meeting Type	Phone

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Application Type	New Special Use Permit (SUP)
------------------	------------------------------

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

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	-
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APPROVAL CRITERIA

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---	---

UDC Sub-Section 9.6.9C	The project is adequately served by public streets & sidewalks for parking, with private parking at a nearby garage owned by the Hotel Management & the rear lot assisting with parking. MLGW will provide new power & water service upgrades.
------------------------	--

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------------------------	--

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------------------------	--

APPROVAL CRITERIA

UDC Sub-Section 9.6.9F

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Land Use	OFFICE
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 Size (Acres): 0.14
 Existing Use of Property: Parking Lot
 Requested Use of Property: Parking Lot

Contact Information

Name
DONALD REEVES

Contact Type
APPLICANT

Address

2375 AIRWAYS BLVD, MEMPHIS, TN, 38114

Phone(860)416-7791

Fee Information

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1536862	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	02/09/2024

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

I, Sandip Patel (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 46 N B.B. King Boulevard
and further identified by Assessor's Parcel Number 020027 00030, 020027 00029, 020027 00028
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 14th day of February in the year of 2024.


Signature of Notary Public



Nov 5, 2027
My Commission Expires

New Construction Key Notes

No.	Description
01	Refer to General Notes on Sheet G0.1.
02	New paving & striping of parking lot. Regrade soil to new slope directions & extents. Coord. with site utilities, including new utilities for site drainage & features.
03	New tree planter beds with flush-mounted grates and recessed uplighting.
04	New raised concrete patio deck and egress walkways, ramps, and stairs. Top elevations of concrete areas adjacent to building are to align with finished floor elevations of adjacent portions of Level 01 interior finished floor elevations.
05	New concrete sidewalks to match existing, and new planting areas.
06	New reinforced concrete equipment pads. Refer to Structural Dwg.
07	Install new concrete sidewalk construction where brick pavers were removed, to match the adjacent sidewalk, consistent with the earliest photography of the Historic Era of Rehabilitation.
08	Exist. exposed underside of slab to be cleaned in non-abrasive manner, typ.
09	Exist. stairs, handrails, & finishes to remain. Clean & protect metal railing and floor finishes. Where noted, provide new paint at walls & undersides of floors & stair overhead.
10	New elevator in exist. shaft. See callout reference for further information on elevator coordination, dimensions, equipment, etc. scopes, typ.
11	Refer to Electrical Dwg. for Power & Lighting information. Refer to Fire Protection Dwg. for Sprinkler information. Refer to Mechanical Dwg. for HVAC information. Refer to Plumbing Dwg. for Plumbing & Fixture information.
12	Rebuild Vestibule walls to size & extents evident from remaining elements.
13	Reconstitute wall extents, formed around existing ornate plaster-cast ceiling design extents.
14	Run GWB in front of columns to match historic conditions. Fur out GWB thinly. Refer to Sheet S2.0 for Wall Types.
15	Door & opening frames to be wood, stained to match chair rail molding and wall base board. Refer to door & finish schedules.
16	At walls with exist. exposed concrete or masonry with no evidence of prior plaster finish encapsulation, clean dirt, debris, or other film off of exist. brick & concrete that would impair new paint bond using non-abrasive means. Paint exist. exposed masonry & concrete walls, typ. Refer to Finish Schedule. Where previous condition is uncertain, coord. with Architect.
17	Where exist. plaster remains and is in good condition, clean dirt, debris, peeling paint, etc., that would impair new paint bond, off plaster using non-abrasive means. Apply new paint per Finish Tags & Schedule.
18	Dropped bulkhead in front of windows to receive ct-03 trim and conceal window curtains. Do not obscure window extents.
19	Exist. terrazzo to be protected & repaired throughout construction. At damage, cleanly cut a typical "knock-out" size to be determined in field, and fabricate "plugs" to be installed to match exist. and infill "knock-outs".
20	Extend terrazzo floor fill with design pattern based on grand ceiling motif. Coord. with Structural Dwg. to infill new depressed solid CIP Concrete Slab, and prepare for new Terrazzo pour on top. Core drill & epoxy anchor new slab rebar into exist. slab & beams.
21	Clean & repair exist. terrazzo floor as required. Infill removed segments of terrazzo to be flush to the exist. finish. Infill with either custom-mixed new terrazzo to match, or with polished concrete.
22	Install new roof membrane throughout. Roofing assembly will be, in order from bottom to top, 1) repaired/replaced roof deck, 2) new waterproofing barrier, 3) 3" of new rigid insulation, 4) 1/2" thick cover board, and 5) new single-ply TPO, min. 45 mil., roof membrane. Run roofing up onto back face of parapet walls, and seal into new termination bars below cap stones, continuous, typical all parapets unless noted otherwise. Coord. Roof install w/ Parapet bracing, refer to Struct. Dwg.
23	Repair and / or replace parapet caps to match. Clean ornamentation & repair any damage.
24	At CT-01 "Type 1" Ceiling Trim, very carefully clean the crown molding ceiling trim with non-abrasive methods. Where patching is required, match plaster and/or wood structure. Where extents are missing, use the existing as a prototype to recreate new extents. Paint to be custom-color matched to original. Refer to Finish Schedule.
25	At CT-02 "Type 2" Ceiling Trim, very carefully clean the crown molding ceiling trim with non-abrasive methods. Where patching is required, match plaster and/or wood structure. For added extents at soffit walls, use the existing as a prototype to recreate new extents. Paint to be custom-color matched to original. Refer to Finish Schedule.
26	At CT-03 "Type 3" Ceiling Trim, use existing ceiling trim "Type 3" as a prototype, to mill new lengths to match historic profile, install at ceiling of Guestroom bedrooms, typ. Finish to match wall paint. Refer to Finish Schedule.
27	At CPT-01 Floors, for bare concrete floors, with no evidence of previous tile finish, install new carpet. Final product and color to be selected with the Architect. Refer to Finish Schedule.
28	At MT-01 Floor, repair exist. subfloor below previously removed tile. Install new marble tile to match historic ceiling extents. Final color & vein to be selected with Architect. Protect tile throughout new construction scope. The dimensions and extents of previously-removed tile & new MT-01 floor to be verified in field. Refer to Finish Schedule.
29	At SC-01 Floors, for bare concrete floors with no evidence of previous tile finish, and where new carpet tile is not to be installed, clean & seal exist. concrete. Refer to Finish Schedule.
30	At WT-01 Wall Trim, use existing chair rail molding trim as a prototype, to mill new lengths to match historic profile. Install throughout main Level 01 Lobby & Corridor. Finish to be stained wood. Refer to Finish Schedule.
31	At WB-01 Wall Base, use Existing Wall Base board as a Prototype to mill new lengths to match Historic Profile, maintain original 17" height AFF; install throughout the Level 01 raised Public Corridor and Public Amenity Spaces, as well as in the Public Corridors & Lobbies on Levels 02-10; finish to be stained wood; refer to Finish Schedule.
32	At WB-02 Wall Base Board, use Existing Wall Base Board as a Prototype to mill new lengths to match Historic Profile, extend height to 24" AFF; install throughout the Guest Rooms on Levels 02-10, unless noted otherwise; finish to be stained wood; refer to Finish Schedule.
33	At WB-03 Wall Base, use Existing Wall Base Board as a Prototype to mill new lengths to match Historic Profile; extend height to 30" AFF; install throughout the main Level 01 Lobby; finish to be stained wood; refer to Finish Schedule.
34	At PC-01 existing ornate Plaster-cast Ceiling motif, very carefully clean the plaster-cast ceiling motif, with non-abrasive methods. Where patching is required, match plaster and / or wood structure. Where extents are missing, use the existing as a prototype to recreate new extents. Paint to be custom-color matched to original. Refer to Finish Schedule.
35	Install new Windows, matching historic character, design, details, and profiles, into exist. masonry openings. Consult salvaged & retained exist. Window prototypes of each unique window type, and use prototype to match new windows. All opening dimensions are to be verified in field. Refer to A12 Series of Dwg.
36	Alternate #01: repair & modify all windows for new thermal glazing. Exist. Finish will be removed using non-abrasive method of low-pressure power washing or shell blasting. Finish with a new seal & black paint coat. Hardware & operability of windows will be repaired & restored as required. Operability, whether hung sash or awning, will be retained with high-rise limiters in place. Furnish new replacement windows where required by replicating historic character & detail from exist. prototypes when repair & adaptation is not possible. Refer to A12 Series of Dwg.
37	Install new uniform storefront & storefront door systems, including thermal glazing, into exist. openings of removed storefront & doors. Make new system consistent in appearance, detail, & design with the earliest photography of the Historic Era of Rehabilitation. Finish to be black powder coat finish to be consistent with the windows above. Refer to A12 Series of Dwg.
38	Survey the brick facade. Report all failed or failing joints. Carefully clean overall brick & terracotta elements with appropriate, gentle & non-abrasive methods. GC to coordinate on-site review(s) for scope & extents estimate(s).
39	Patch any damaged terracotta tile with compound such as "Canproco Terracotta Finish" or similar patching product, and custom color & finish to match adjacent original. If damage is beyond repair, then replace with matching new tile made using original damaged piece as a prototype. Report all failed or failing terracotta joints.
40	The existing canopies will be repaired and retained. Reclad with MTL finish on all surfaces, finished to match adjacent storefronts. Add signage at front / west face.
41	Where brick kneewall was removed, replace with concrete panels to match the adjacent original conditions. Where removed doors were cut into kneewall, infill with panels to match exist.
42	Install new fixed insulated metal panel & frame in masonry opening, in place of removed door. Verify opening size. Panel & frame finish are to match adjacent windows & doors to remain.
43	Where new stair is to land at depressed slab of Basement Level, coord. footprint with Structural Dwg. Make slab level with concrete infill, core drilling & epoxying rebar connection to base slab. Coord. details with Structural Dwg.
44	At depressed slab in Basement Level, install geotext with reinforced CIP concrete topping slab. Fill to bring T.O. new slab level with Level 00 Low elevation marker & existing T.O. slab.
45	New Steel Pan Stair with CIP Concrete landings & treads, with Steel Frame and foundations walls in Basement Level. Anchor steel frame to exist. slab at floor levels. Coord. with Structural Dwg.
46	New Reinforced CMU Elevator Shaft & MRE Service Elevator system. Anchor elevator equipment directly to CMU block walls. Coord. with Structural Dwg.
47	Coord. with Structural Dwg. to infill new continuous topping slab & conc. ribs as required. Core drill & epoxy anchor new slab rebar into exist. slab & beams.
48	Contractor to build in-situ "Mock-up" of indicated areas for Architect's approval on site, prior to continued work on similar / repeated elements and / or scopes of work.
49	At Basement Slab-on-Grade excavations, determine existing Waterproofing / Vapor Barrier method & materials, and submit Barrier product capable of joining existing system to form seamless, continuous protection on blind side, prior to snow slab pour(s).

Site Material Legend

	Concrete Walkway, Broom Finish
	Concrete Walkway, Washed Finish
	Wood Decking: Ipe
	Concrete Pavers
	Gravel (Type A)
	Gravel (Type B) w/ Platings
	Gravel (Type C) w/ French Drain
	Ground Cover: TBD
	Plantings: TBD
	Existing Asphalt Paving: Re-Stripe & Seal
	Property Boundary Line
	Utility Line

DEPARTMENT OF PLANNING & DEVELOPMENT NOTES:

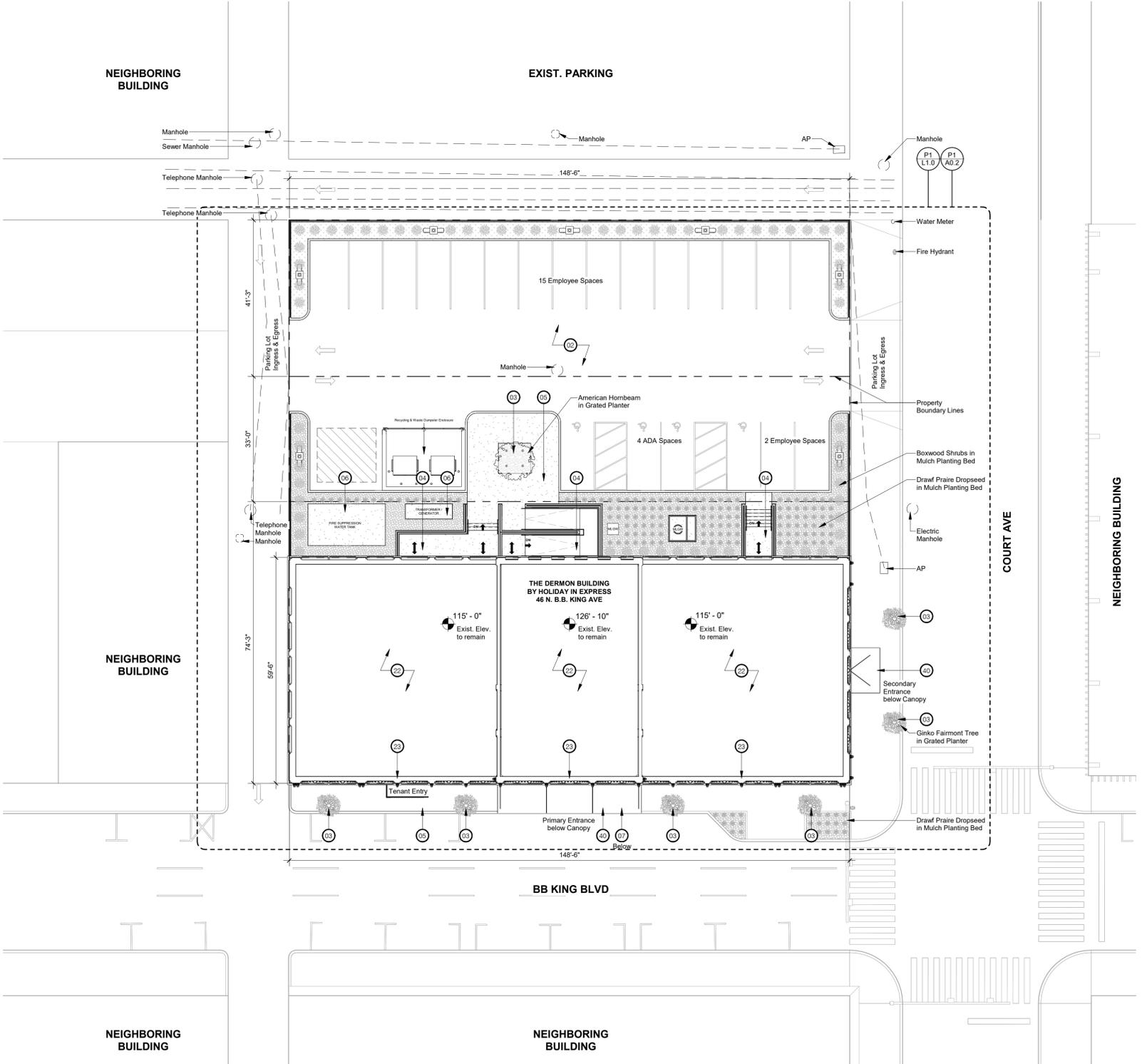
- While there is regarding at Parking Lot & Sidewalks, there is no **substantial** re-grading of the site beyond existing slopes up to city and ADA standards, no are there significant topographical features.
- No easements documented on Site.
- Planting shown in general detail, refer to Landscape Site Plan for detailed plant size, species, etc.

NOTES:

- A Planting Schedule is provided as a convenience to the Landscape Contractor and is not guaranteed to be correct, it is the Landscape Contractor's responsibility to verify all quantities illustrated on the plans and verify those figures against the planting schedule.
- Undersized Height (HT) or Spread (SPR.) plant materials will not be accepted & the Landscape Contractor shall replace at no additional cost to the Owner.
- Confirm that there are five (5) regional sources with large numbers available of the individual plant species & cultivars specified above.
- Contact the Department of Planning & Development (Bark Renner: (901) 222.8381), & the Architect (cnc. design) for plant species substitution approval.

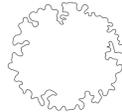
NOTES:

- Required Sidewalks shall be installed across the Frontage of the Property prior to Use & Occupancy
- Existing Sidewalks shall be repaired / replaced as necessary prior to Use & Occupancy.
- Spot Elevations shown are approximate; verify all existing field conditions, and coordinate with Civil Drawings.
- Please be advised that a Building Permit issued by the Shelby County Office of Construction Code Enforcement does not allow for alterations and / or improvements to any Right-of-Way (ROW) maintained by the City of Memphis. Alterations and / or improvements to City of Memphis ROW include but are not limited to work performed on Sidewalks, Curbs, & Gutters, Driveway Aprons, & Utility Tie-Ins. ROW Permits must be obtained from the City of Memphis Engineer's Office. (901) 636-6700



Planting Schedule					
QTY	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	COMMENTS
PERENNIALS / GRASSES					
165	Dwarf Prairie Dropseed	Sporobolus Heterolepis	1 Gal.	2'-3" O.C.	
SHRUBS					
65	Boxwood	Buxus Sempervirens "Dee Runk"	3 Gal.	4'-6" O.C.	
TREES					
6	Ginkgo Fairmont	Ginkgo Biloba	8 Gal.	See plans	
1	American Hornbeam	Carpinus Caroliniana	3" Cal.	See plans	

Planting Legend

-  American Hornbeam
-  Ginkgo Fairmont
-  Dee Runk Boxwood
-  Prairie Dropseed

Site Material Legend

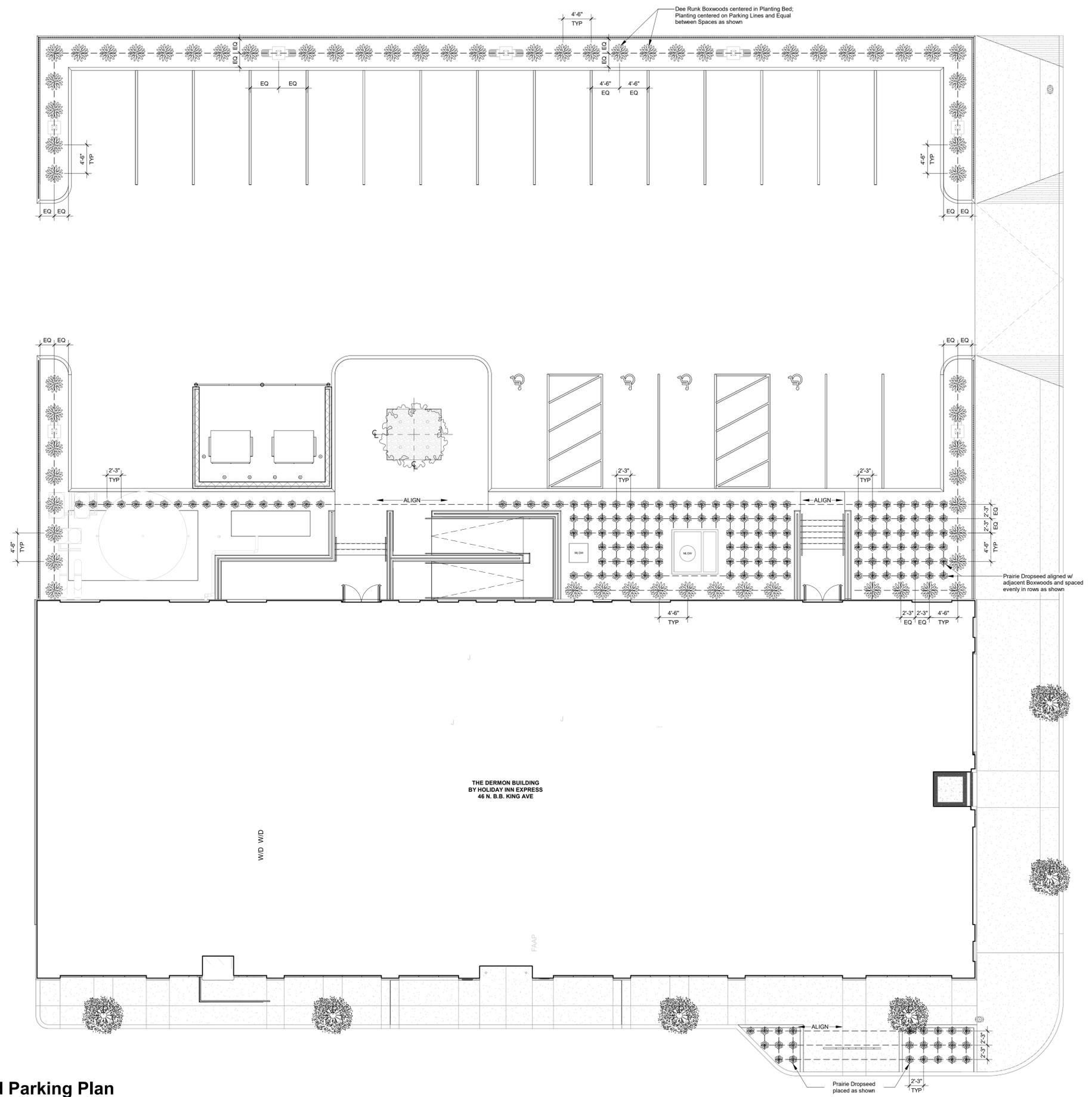
-  Concrete Walkway: Broom Finish
-  Concrete Walkway: Washed Finish
-  Wood Decking: Ipe
-  Concrete Pavers
-  Gravel (Type A)
-  Gravel (Type B) w/ Platings
-  Gravel (Type C) w/ French Drain
-  Ground Cover: TBD
-  Plantings: TBD
-  Existing Asphalt Paving: Re-Stripe & Seal

- NOTES:**
- A Planting Schedule is provided as a convenience to the Landscape Contractor and is not guaranteed to be correct; it is the Landscape Contractor's responsibility to verify all quantities illustrated on the plans and verify those figures against the planting schedule.
 - Undersized Height (HT.) or Spread (SPR.) plant materials will not be accepted & the Landscape Contractor shall replace at no additional cost to the Owner.
 - Confirm that there are five (5) regional sources with large numbers available of the individual plant species & cultivars specified above.
 - Contact the Department of Planning & Development (Burk Renner: (901) 222.8381), & the Architect (cnc design) for plant species substitution approval.

- NOTES:**
- Required Sidewalks shall be installed across the Frontage of the Property prior to Use & Occupancy
 - Existing Sidewalks shall be repaired / replaced as necessary prior to Use & Occupancy.
 - Spot Elevations shown are approximate; verify all existing field conditions, and coordinate with Civil Drawings.
 - Please be advised that a Building Permit issued by the Shelby County Office of Construction Code Enforcement does not allow for alterations and / or improvements to any Right-of-Way (ROW) maintained by the City of Memphis. Alterations and / or improvements to City of Memphis ROW include but are not limited to work performed on Sidewalks, Curbs, & Gutters, Driveway Aprons, & Utility Tie-ins. ROW Permits must be obtained from the City of Memphis Engineer's Office: (901) 636-6700

Landscape Site Plan

**22116
Permit Set
02/02/2024**

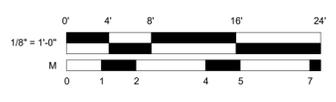


New Construction Key Notes

No.	Description
01	Refer to General Notes on Sheet G0.1.
02	New paving & striping of parking lot. Regrade soil to new slope directions & extents. Coord. with site utilities, including new utilities for site drainage & fixtures.
03	New tree planter beds with flush-mounted grates and recessed uplighting.
04	New raised concrete patio deck and egress walkways, ramps, and stairs. Top elevations of concrete areas adjacent to building are to align with finished floor elevations of adjacent portions of Level 01 interior finished floor elevations.
05	New concrete sidewalks to match existing, and new planting areas.
06	New reinforced concrete equipment pads. Refer to Structural Dwg.
07	Install new concrete sidewalk construction where brick pavers were removed, to match the adjacent sidewalk, consistent with the earliest photography of the Historic Era of Rehabilitation.
08	Exist. exposed underside of slab to be cleaned in non-abrasive manner, typ.
09	Exist. stairs, handrails, & finishes to remain. Clean & protect metal railing and floor finishes. Where noted, provide new paint at walls & undersides of floors & stair overhead.
10	New elevator in exist. shaft. See callout reference for further information on elevator coordination, dimensions, equipment, etc., scopes, typ.
11	Refer to Electrical Dwg. for Power & Lighting information. Refer to Fire Protection Dwg. for Sprinkler information. Refer to Mechanical Dwg. for HVAC information. Refer to Plumbing Dwg. for Plumbing & Fixture information.
12	Rebuild Vestibule walls to size & extents evident from remaining elements.
13	Reconstitute wall extents, formed around existing ornate plaster-cast ceiling design extents.
14	Run GWB in front of columns to match historic conditions. Fur out GWB thinly. Refer to Sheet G2.0 for Wall Types.
15	Door & opening frames to be wood, stained to match chair rail molding and wall base board. Refer to door & finish schedules.
16	All walls with exist. exposed concrete or masonry with no evidence of prior plaster finish encapsulation, clean dirt, debris, or other firm off of exist. brick & concrete that would impair new paint bond using non-abrasive means. Paint exist. exposed masonry & concrete walls, typ. Refer to Finish Schedule. Where previous condition is uncertain, coord. with Architect.
17	Where exist. plaster remains and is in good condition, clean dirt, debris, peeling paint, etc., that would impair new paint bond, off plaster using non-abrasive means. Apply new paint per Finish Tags & Schedule.
18	Dropped bulkhead in front of windows to receive ct-03 trim and conceal window curtains. Do not obscure view extents.
19	Exist. terrazzo to be protected & repaired throughout construction. At damage, cleanly cut a typical "knock-out" size to be determined in field, and fabricate "plugs" to be installed to match exist. and in-fill "knock-outs".
20	Extend terrazzo floor fill with design pattern based on grand ceiling motif. Coord. with Structural Dwg. to in-fill new depressed solid CIP Concrete Slab, and prepare for new Terrazzo pour on top. Core drill & epoxy anchor new slab rebar into exist. slab & beams.
21	Clean & repair exist. terrazzo floor as required. Infill removed segments of terrazzo to be flush to the exist. finish. Infill with either custom-mixed new terrazzo to match, or with polished concrete.
22	Install new roof membrane throughout. Roofing assembly will be, in order from bottom to top, 1) repaired/replaced roof deck, 2) new waterproofing barrier, 3) 3" of new rigid insulation, 4) 1/2" thick cover board, and 5) new single-ply TPO, min. 45 mil., roof membrane. Run roofing up onto back face of parapet walls, and seal into new termination bars below cap stones, continuous, typical all parapets unless noted otherwise. Coord. Roof install w/ Parapet bracing, refer to Struct. Dwg.
23	Repair and / or replace parapet caps to match. Clean ornamentation & repair any damage.
24	At CT-01 Type 1 Ceiling Trim, very carefully clean the crown molding ceiling trim with non-abrasive methods. Where patching is required, match plaster and/or wood structure. Where extents are missing, use the existing as a prototype to recreate new extents. Paint to be custom-color matched to original. Refer to Finish Schedule.
25	At CT-02 Type 2 Ceiling Trim, very carefully clean the crown molding ceiling trim with non-abrasive methods. Where patching is required, match plaster and/or wood structure. For added extents at soffit walls, use the existing as a prototype to recreate new extents. Paint to be custom-color matched to original. Refer to Finish Schedule.
26	At CT-03 Type 3 Ceiling Trim, use existing ceiling trim Type 3 as a prototype, to mill new lengths to match historic profile, install at ceilings of Guestroom bedrooms, typ. Finish to match wall paint. Refer to Finish Schedule.
27	At CPT-01 Floors, for bare concrete floors, with no evidence of previous tile finish, install new carpet. Final product and color to be selected with the Architect. Refer to Finish Schedule.
28	At MT-01 Floor, repair exist. subfloor below previously removed tile. Install new marble tile to match historic ceiling extents. Final color & vein to be selected with Architect. Protect tile throughout new construction scope. The dimensions and extents of previously-removed tile & new MT-01 floor to be verified in field. Refer to Finish Schedule.
29	At SC-01 Floors, for bare concrete floors with no evidence of previous tile finish, and where new carpet or tile is not to be installed, clean & seal exist. concrete. Refer to Finish Schedule.
30	At WT-01 Wall Trim, use existing chair rail molding trim as a prototype, to mill new lengths to match historic profile. Install throughout main Level 01 Lobby & Corridor. Finish to be stained wood. Refer to Finish Schedule.
31	At WB-01 Wall Base, use Existing Wall Base board as a Prototype to mill new lengths to match Historic Profile, maintain original 12" height AFF, install throughout the Level 01 raised Public Corridor and Public Amenity Spaces, as well as in the Public Corridors & Lobbies on Levels 02-10; finish to be stained wood; refer to Finish Schedule.
32	At WB-02 Wall Base, use Existing Wall Base Board as a Prototype to mill new lengths to match Historic Profile; extend height to 24" AFF; install throughout the Guest Rooms on Levels 02-10, unless noted otherwise; finish to be stained wood; refer to Finish Schedule.
33	At WB-03 Wall Base, use existing Wall Base Board as a Prototype to mill new lengths to match Historic Profile; extend height to 30" AFF; install throughout the main Level 01 Lobby; finish to be stained wood; refer to Finish Schedule.
34	At PC-01 existing ornate Plaster-cast Ceiling motif, very carefully clean the plaster-cast ceiling motif, with non-abrasive methods. Where patching is required, match plaster and / or wood structure. Where extents are missing, use the existing as a prototype to recreate new extents. Paint to be custom-color matched to original. Refer to Finish Schedule.
35	Install new Windows, matching historic character, design, details, and profiles, into exist. masonry openings. Consult salvaged & retained exist. Window prototypes of each unique window type, and use prototype to match new windows. All opening dimensions are to be verified in field. Refer to A12 Series of Dwg.
36	Alternate #01: repair & modify all windows for new thermal glazing. Exist. Finish will be removed using non-abrasive method of low-pressure power washing or shell blasting. Finish with a new seal & black paint coat. Hardware & operability of windows will be repaired & restored as required. Operability, whether hung sash or awning, will be retained with high-rise limiters in place. Furnish new replacement windows where required by replicating historic character & detail from exist. prototypes when repair & adaptation is not possible. Refer to A12 Series of Dwg.
37	Install new uniform storefront & storefront door systems, including thermal glazing, into exist. openings of removed storefront & doors. Make new system consistent in appearance, detail, & design with the earliest photography of the Historic Era of Rehabilitation. Finish to be black powder coat finish to be consistent with the windows above. Refer to A12 Series of Dwg.
38	Survey the brick facade. Repoint all failed or failing joints. Carefully clean overall brick & terracotta elements with appropriate, gentle & non-abrasive methods. GC to coordinate on-site review(s) for scope & extents estimate(s).
39	Patch any damaged terracotta tile with compound such as "Congroco Terracotta Finish" or similar patching product, and custom color & finish to match adjacent original. If damage is beyond repair, then replace with matching new tile made using original damaged piece as a prototype. Repoint all failed or failing terracotta joints.
40	The existing canopies will be repaired and retained. Reclad with MTL finish on all surfaces, finished to match adjacent storefronts. Add signage at front / west face.
41	Where brick kneewall was removed, replace with concrete panels to match the adjacent original conditions. Where removed doors were cut into kneewall, in-fill with panels to match exist.
42	Install new fixed insulated metal panel & frame in masonry opening, in place of removed door. Verify opening size. Panel & frame finish are to match adjacent windows & doors to remain.
43	Where new stair is to land at depressed slab of Basement Level, coord. footprint with Structural Dwg. Make slab level with concrete in-fill, core drilling & epoxying rebar connection to base slab. Coord. details with Structural Dwg.
44	At depressed slab in Basement Level, install geofill with reinforced CIP concrete topping slab. Fill to bring T.O. new slab level with "Level 01 Low" elevation marker & existing T.O. slab.
45	New Steel Pan Stair with CIP Concrete landings & treads, with Steel Frame and foundations walls in Basement Level. Anchor steel frame to exist. slab at floor levels. Coord. with Structural Dwg.
46	New Reinforced CMU Elevator Shaft & MRE Service Elevator system. Anchor elevator equipment directly to CMU block walls. Coord. with Structural Dwg.
47	Coord. with Structural Dwg. to in-fill new continuous topping slab & conc. ribs as required. Core drill & epoxy anchor new slab rebar into exist. slab & beams.
48	Contractor to build in-situ "Mock-up" of indicated areas for Architect's approval on site, prior to continued work on similar / repeated elements and / or scopes of work.
49	At Basement Slab-on-Grade excavations, determine existing Waterproofing / Vapor Barrier method & materials, and submit Barrier product capable of joining existing system to form seamless, continuous protection on blind side, prior to snow slab pour(s).



E1 West Elevation
1/8" = 1'-0"



01/01/24

Project Contact
Don Reeves
AIA, NCARB, LEED AP BD+C
980.416.7791
dreeves@cncmemphis.com

**The Dermon
Building**
46 N.B. King Blvd.
Memphis, TN 38103

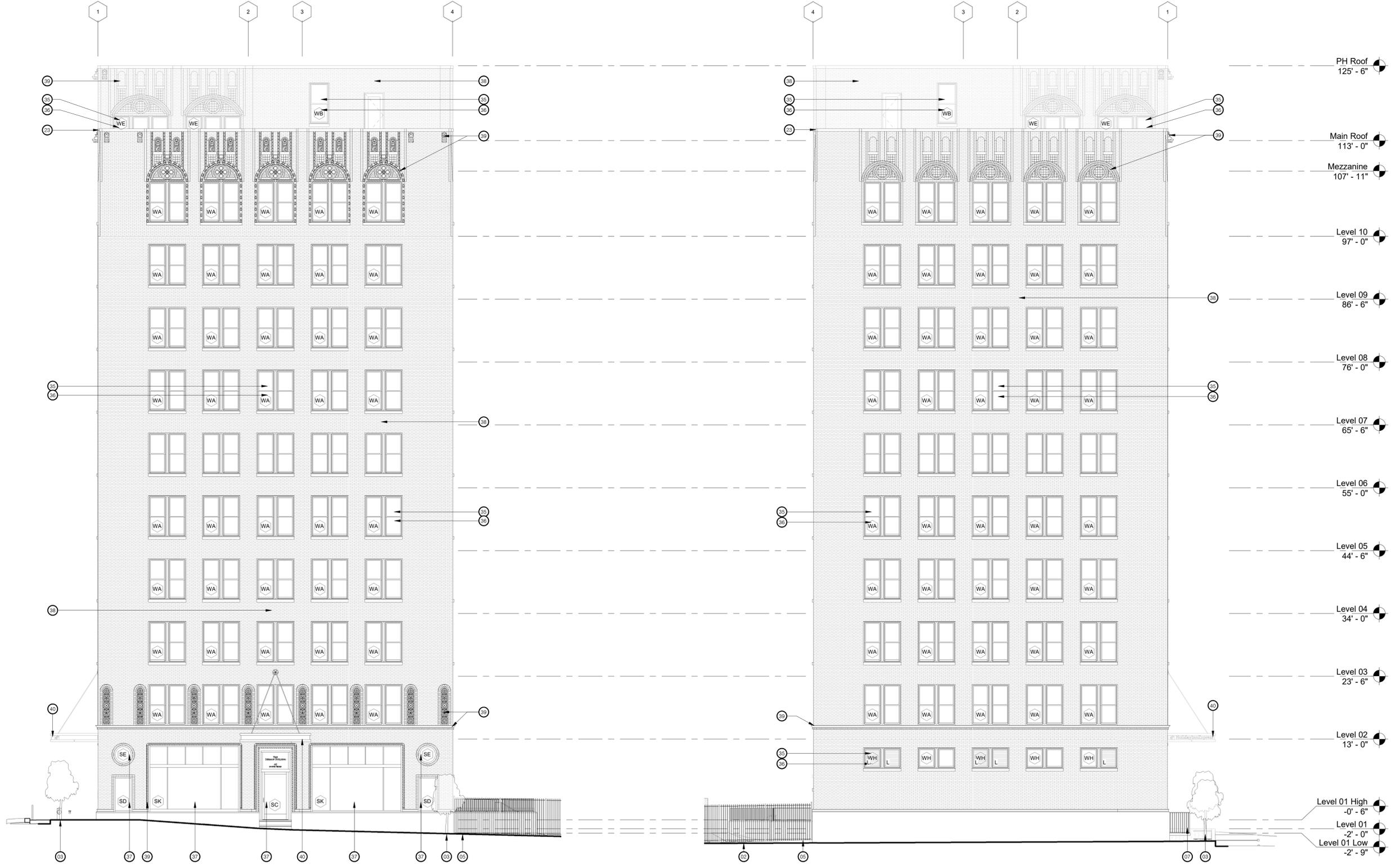
Revisions

**Exterior
Elevations**

**22116
Permit Set
02/02/2024**

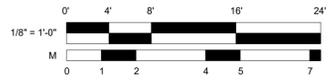
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A6.1



E2 South Elevation
1/8" = 1'-0"

E3 North Elevation
1/8" = 1'-0"



New Construction Key Notes

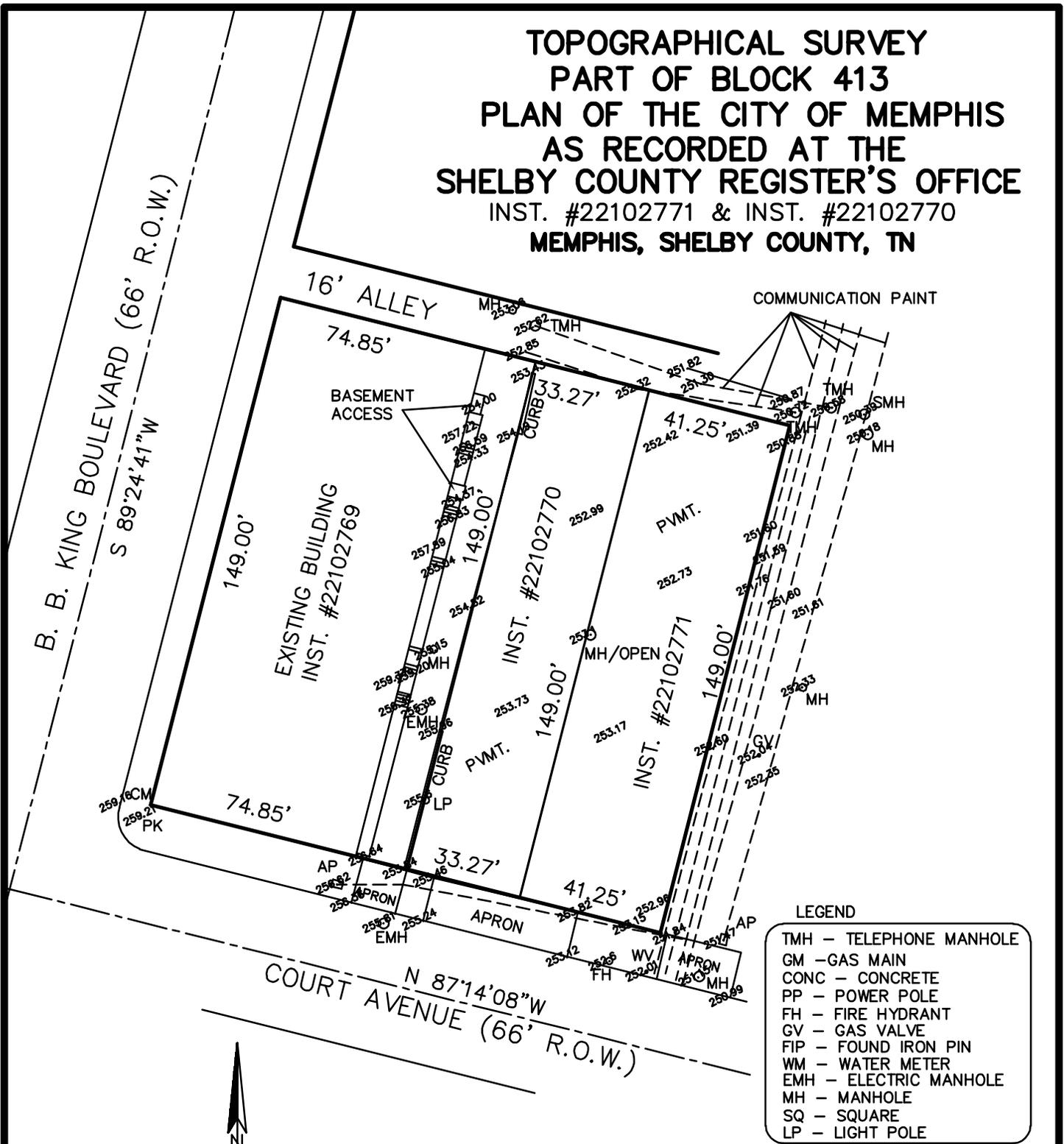
No.	Description
01	Refer to General Notes on Sheet G0.1.
02	New paving & striping of parking lot. Regrade soil to new slope directions & extents. Coord. with site utilities, including new utilities for site drainage & fixtures.
03	New tree planter beds with flush-mounted grates and recessed uplighting.
04	New raised concrete patio deck and egress walkways, ramps, and stairs. Top elevations of concrete areas adjacent to building are to align with finished floor elevations of adjacent portions of Level 01 interior finished floor elevations.
05	New concrete sidewalks to match existing, and new planting areas.
06	New reinforced concrete equipment pads. Refer to Structural Dwg.
07	Install new concrete sidewalk construction where brick pavers were removed, to match the adjacent sidewalk, consistent with the earliest photography of the Historic Era of Rehabilitation.
08	Exist. exposed underside of slab to be cleaned in non-abrasive manner, typ.
09	Exist. stairs, handrails, & finishes to remain. Clean & protect metal railing and floor finishes. Where noted, provide new paint at walls & undersides of floors & stair overhead.
10	New elevator in exist. shaft. See callout reference for further information on elevator coordination, dimensions, equipment, etc., scopes, typ.
11	Refer to Electrical Dwg. for Power & Lighting information. Refer to Fire Protection Dwg. for Sprinkler information. Refer to Mechanical Dwg. for HVAC information. Refer to Plumbing Dwg. for Plumbing & Fixture information.
12	Rebuild Vestibule walls to size & extents evident from remaining elements.
13	Reconstitute wall extents, formed around existing ornate plaster-cast ceiling design extents.
14	Run GWB in front of columns to match historic conditions. Fur out GWB thinly. Refer to Sheet G2.0 for Wall Types.
15	Door & opening frames to be wood, stained to match chair rail molding and wall base board. Refer to door & finish schedules.
16	All walls with exist. exposed concrete or masonry with no evidence of prior plaster finish encapsulation, clean debris, or other firm off of exist. brick & concrete that would impair new paint bond using non-abrasive means. Paint exist. exposed masonry & concrete walls, typ. Refer to Finish Schedule. Where previous condition is uncertain, coord. with Architect.
17	Where exist. plaster remains and is in good condition, clean dirt, debris, peeling paint, etc., that would impair new paint bond, off plaster using non-abrasive means. Apply new paint per Finish Tags & Schedule.
18	Dropped bulkhead in front of windows to receive ci-03 trim and conceal window curtains. Do not obscure window extents.
19	Exist. terrazzo to be protected & repaired throughout construction. At damage, cleanly cut a typical "knock-out" size to be determined in field, and fabricate "plugs" to be installed to match exist. and in-fill "knock-outs".
20	Extend terrazzo floor fill with design pattern based on grand ceiling motif. Coord. with Structural Dwg. to in-fill new depressed solid CIP Concrete Slab, and prepare for new Terrazzo pour on top. Core drill & epoxy anchor new slab rebar into exist. slab & beams.
21	Clean & repair exist. terrazzo floor as required. Infill removed segments of terrazzo to be flush to the exist. finish. Infill with either custom-mixed new terrazzo to match, or with polished concrete.
22	Install new roof membrane throughout. Roofing assembly will be, in order from bottom to top, 1) repaired/replaced roof deck, 2) new waterproofing barrier, 3) 3" of new rigid insulation, 4) 1/2" thick cover board, and 5) new single-ply TPO, min. 45 mil., roof membrane. Run roofing up onto back face of parapet walls, and seal into new termination bars below cap stones, continuous, typical all parapets unless noted otherwise; Coord. Roof install w/ Parapet bracing; refer to Struct. Dwg.
23	Repair and / or replace parapet caps to match. Clean ornamentation & repair any damage.
24	At CT-01 "Type 1" Ceiling Trim, very carefully clean the crown molding ceiling trim with non-abrasive methods. Where patching is required, match plaster and/or wood structure. Where extents are missing, use the existing as a prototype to recreate new extents. Paint to be custom-color matched to original. Refer to Finish Schedule.
25	At CT-02 "Type 2" Ceiling Trim, very carefully clean the crown molding ceiling trim with non-abrasive methods. Where patching is required, match plaster and/or wood structure. For added extents at soffit walls, use the existing as a prototype to recreate new extents. Paint to be custom-color matched to original. Refer to Finish Schedule.
26	At CT-03 "Type 3" Ceiling Trim, use existing ceiling trim "Type 3" as a prototype, to mill new lengths to match historic profile, install at ceilings of Guestroom bedrooms, typ. Finish to match wall paint. Refer to Finish Schedule.
27	At CPT-01 Floors, for bare concrete floors, with no evidence of previous tile finish, install new carpet. Final product and color to be selected with the Architect. Refer to Finish Schedule.
28	At MT-01 Floor, repair exist. subfloor below previously removed tile. Install new marble tile to match historic ceiling extents. Final color & vein to be selected with Architect. Protect tile throughout new construction scope. The dimensions and extents of previously-removed tile & new MT-01 floor to be verified in field. Refer to Finish Schedule.
29	At SC-01 Floors, for bare concrete floors with no evidence of previous tile finish, and where new carpet or tile is not to be installed, clean & seal exist. concrete. Refer to Finish Schedule.
30	At WT-01 Wall Trim, use existing chair rail molding trim as a prototype, to mill new lengths to match historic profile. Install throughout main Level 01 Lobby & Corridor. Finish to be stained wood. Refer to Finish Schedule.
31	At WB-01 Wall Base, use Existing Wall Base Board as a Prototype to mill new lengths to match Historic Profile, maintain original 12" height AFF; install throughout the Level 01 raised Public Corridor and Public Amenity Spaces, as well as in the Public Corridors & Lobbies on Levels 02-10; finish to be stained wood; refer to Finish Schedule.
32	At WB-02 Wall Base, use Existing Wall Base Board as a Prototype to mill new lengths to match Historic Profile; extend height to 24" AFF; install throughout the Guest Rooms on Levels 02-10, unless noted otherwise; finish to be stained wood; refer to Finish Schedule.
33	At WB-03 Wall Base, use Existing Wall Base Board as a Prototype to mill new lengths to match Historic Profile; extend height to 36" AFF; install throughout the main Level 01 Lobby; finish to be stained wood; refer to Finish Schedule.
34	At PC-01 existing ornate Plaster-cast Ceiling motif, very carefully clean the plaster-cast ceiling motif, with non-abrasive methods. Where patching is required, match plaster and / or wood structure. Where extents are missing, use the existing as a prototype to recreate new extents. Paint to be custom-color matched to original. Refer to Finish Schedule.
35	Install new Windows, matching historic character, design, details, and profiles, into exist. masonry openings. Consult salvaged & retained exist. Window prototypes of each unique window type, and use prototype to match new windows. All opening dimensions are to be verified in field. Refer to A12 Series of Dwg.
36	Alternate #01: repair & modify all windows for new thermal glazing. Exist. Finish will be removed using non-abrasive method of low-pressure power washing or shell blasting. Finish with a new seal & black paint coat. Hardware & operability of windows will be repaired & restored as required. Operability, whether hung sash or awning, will be retained with high-rise limiters in place. Furnish new replacement windows where required by replicating historic character & detail from exist. prototypes when repair & adaptation is not possible. Refer to A12 Series of Dwg.
37	Install new uniform storefront & storefront door systems, including thermal glazing, into exist. openings of removed storefront & doors. Make new system consistent in appearance, detail, & design with the earliest photography of the Historic Era of Rehabilitation. Finish to be black powder coat finish to be consistent with the windows above. Refer to A12 Series of Dwg.
38	Survey the brick facade. Repoint all failed or failing joints. Carefully clean overall brick & terracotta elements with appropriate, gentle & non-abrasive methods. GC to coordinate on-site review(s) for scope & extents estimate(s).
39	Patch any damaged terracotta tile with compound such as "Congrocco Terracotta Finish" or similar patching product, and custom color & finish to match adjacent original. If damage is beyond repair, then replace with matching new tile made using original damaged piece as a prototype. Repoint all failed or failing terracotta joints.
40	The existing canopies will be repaired and retained. Reclad with MTL finish on all surfaces, finished to match adjacent storefronts. Add signage at front / west face.
41	Where brick kneewall was removed, replace with concrete panels to match the adjacent original conditions. Where retained doors were cut into kneewall, in-fill with panels to match exist.
42	Install new fixed insulated metal panel & frame in masonry opening, in place of removed door. Verify opening size. Panel & frame finish are to match adjacent windows & doors to remain.
43	Where new stair is to land at depressed slab of Basement Level, coord. footprint with Structural Dwg. Make slab level with concrete in-fill, core drilling & epoxying rebar connection to base slab. Coord. details with Structural Dwg.
44	At depressed slab in Basement Level, install geofill with reinforced CIP concrete topping slab. Fill to bring T.O. new slab level with "Level 01 Low" elevation marker & existing "T.O." slab.
45	New Steel Pan Stair with CIP Concrete landings & treads, with Steel Frame and foundations walls in Basement Level. Anchor steel frame to exist. slab at floor levels. Coord. with Structural Dwg.
46	New Reinforced CMU Elevator Shaft & MRE Service Elevator system. Anchor elevator equipment directly to CMU block walls. Coord. with Structural Dwg.
47	Coord. with Structural Dwg. to in-fill new continuous topping slab & conc. ribs as required. Core drill & epoxy anchor new slab rebar into exist. slab & beams.
48	Contractor to build in-situ "Mock-up" of indicated areas for Architect's approval on site, prior to continued work on similar / repeated elements and / or scopes of work.
49	At Basement Slab-on-Grade excavations, determine existing Waterproofing / Vapor Barrier method & materials, and submit Barrier product capable of joining existing system to form seamless, continuous protection on blind side, prior to snow slab pour(s).



E4 East Elevation
1/8" = 1'-0"



**TOPOGRAPHICAL SURVEY
PART OF BLOCK 413
PLAN OF THE CITY OF MEMPHIS
AS RECORDED AT THE
SHELBY COUNTY REGISTER'S OFFICE
INST. #22102771 & INST. #22102770
MEMPHIS, SHELBY COUNTY, TN**

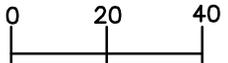


LEGEND

- TMH - TELEPHONE MANHOLE
- GM - GAS MAIN
- CONC - CONCRETE
- PP - POWER POLE
- FH - FIRE HYDRANT
- GV - GAS VALVE
- FIP - FOUND IRON PIN
- WM - WATER METER
- EMH - ELECTRIC MANHOLE
- MH - MANHOLE
- SQ - SQUARE
- LP - LIGHT POLE

PREPARED FOR:
DON REEVES

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



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

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.
THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED TO THAT PROPERTY AND SHOWS ANY OTHER PERTINENT INFORMATION SUCH AS EASEMENTS, JOINT DRIVEWAYS, ETC. OF WHICH I HAVE BEEN ADVISED BY THE TITLE ATTORNEY.

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0270 F DATED SEPTEMBER 28, 2007.

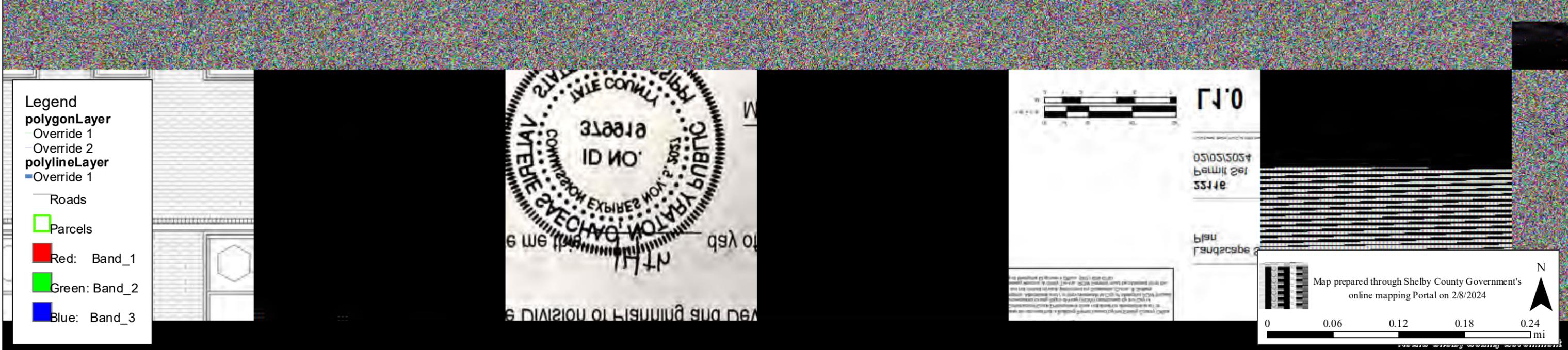
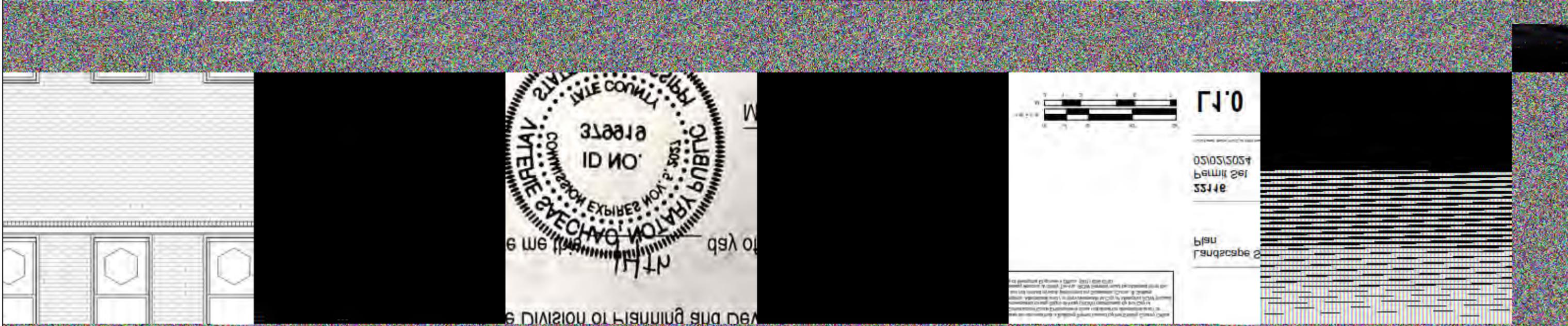
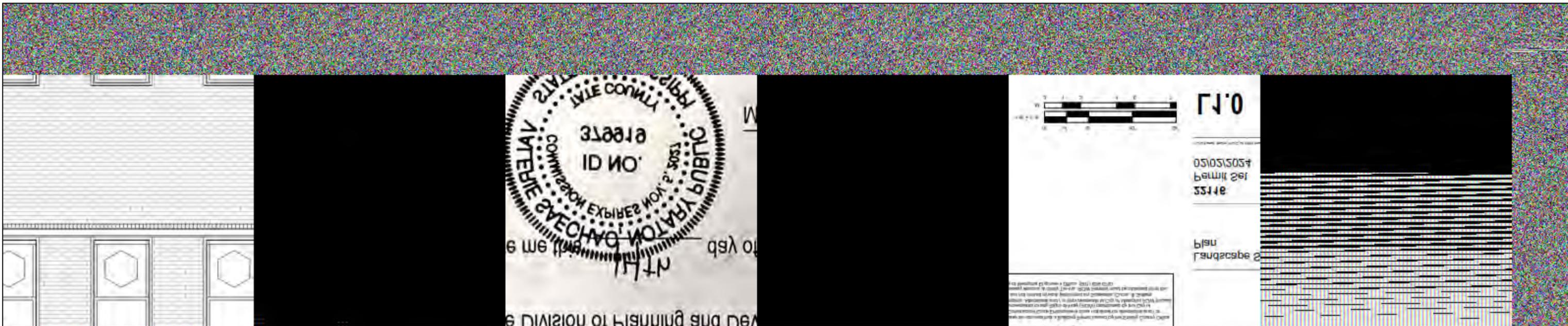


Letter of Intent for The Dermon Building by Holiday Inn Express

February 9th, 2024

Dear Members of the Land Use Control Board,

The intent of this project is the reactivation of the historic office tower building at 46 N B.B. King Blvd. The project is the Adaptive Reuse and Historical Rehabilitation of The Dermon Building, which is Individually Listed on the National Register of Historic Places. The property has been highlighted by the City as a primary blight concern, standing vacant for over a decade. We will be converting the building from Offices to a limited-service hotel of the Holiday Inn Express brand. The project will see the maintenance and repair of all remaining historical character of the building, pursuant to National Parks Service guidelines. The sidewalks will be repaired around the building, with attention to minor landscape interventions facing the public with small tree plantings, and the rear parking lot will be maintained for Staff & ADA Guest parking and overhauled with landscape planting and new wrought-iron fencing. The building's interior will be restored, with grand seating areas and meeting rooms, staff offices, and Lobby on the ground level, with activity visible from the street. In the northwest, there will be a retail tenant. The upper floors will be 159 new Hotel Guest Rooms, and through these improvements, the development is strategically positioned to bolster Downtown Memphis's growth and vitality.



Legend

polygonLayer

- Override 1
- Override 2

polylineLayer

- Override 1

Roads

Parcels

Red: Band_1

Green: Band_2

Blue: Band_3

Map prepared through Shelby County Government's online mapping Portal on 2/8/2024

0 0.06 0.12 0.18 0.24 mi

002017 00007C - COURT SQUARE PARTNERSHIP
002017 00008 - COURT SQUARE PARTNERSHIP
002023 00002Z - CALVARY EPISCOPAL CHURCH
002023 00004 - CALVARY EPISCOPAL CHURCH
002023 00005C - CALVARY EPISCOPAL CHURCH
002023 00007 - CALVARY EPISCOPAL CHURCH
002023 00008 - CALVARY EPISCOPAL CHURCH
002023 00008Z - CALVARY EPISCOPAL CHURCH
002023 00009 - CALVARY EPISCOPAL CHURCH
002023 00010 - CALVARY EPISCOPAL CHURCH
002023 00011 - STONEBRIDGE HOLDINGS LLC
002023 00012C - CALVARY EPISCOPAL CHURCH
002023 00015C - CALVARY EPISCOPAL CHURCH
002023 00016 - CALVARY EPISCOPAL CHURCH
002024 00002 - VIBRANT HOTEL INC
002024 00003 - VIBRANT HOTELS INC
002024 00005 - DAWKINS RAE T TRUST FBO
002024 00006 - LINDSAY MEMORIAL PRESBY CH
002024 00007 - H D REAL ESTATE HOLDINGS LLC
002024 00008 - 44N2 LLC
002024 00009 - 44N2 LLC
002024 00013 - YIELDI LLC
002024 00014C - SAFEBOX STORAGE LLC
002024 A00001 - EAST COURT DEVELOPMENTS
002024 A00002 - IN8PWR LLC

002024 A00003 - IN8PWR LLC
002024 A00004 - IN8PWR LLC
002024 A00005 - IN8PWR INC
002024 A00006 - IN8PWR LLC
002024 A00007 - IN8PWR LLC
002024 A00008 - IN8PWR LLC
002024 A00009 - ARSTIKAITIS ALAN AND DAVID KELLENBERGER
002025 00001 - MEMPHIS CENTER CITY REVENUE FINANCE
002025 00002 - THIRD STREET PARTNERS LLC
002025 00003 - WESSMAN JOHN TRUST
002025 00004 - WESSMAN JOHN TRUST
002025 00005 - BRASS DOOR LLC
002025 00006 - CROW KEVIN V AND DANA L BUNKE
002025 00007 - OMEGA PROPERTIES INC
002025 00008 - HARI TEJ HOSPITALITY GROUP LLC
002025 00009 - OMEGA PROPERTIES INC
002025 00010 - PEYTON REGINALD M
002025 00011C - GLASSMAN RICHARD AND CARL WYATT AND
002025 00013 - LAWLESS-GLASSMAN SUSAN AND CARL WYATT
002026 00001C - 22 NORTH THIRD LLC
002026 00002 - SOUTH CENTRAL BELL TELEPHONE CO AND
002026 00003C - SOUTH CENTRAL BELL TELEPHONE CO
002026 00008 - SOUTH CENTRAL BELL TEL CO
002026 00009 - YOUNG MEN'S CHRISTIAN ASSOCIATION OF
002026 00012 - NAVIN PARTNERS LLC

002026 00015 - VISIBLE SCHOOL-MUSIC AND WORSHIP ARTS CO
002026 00016 - MEMPHIS CITY OF
002026 00017 - RED FEATHER PARTNERS LLC
002026 00018 - STERLING HEDRICK LLC
002026 00020 - MEMPHIS AREA TRANSIT AUTHORITY
002027 00001C - ALLWORLD PROJECT MANAGEMENT LLC
002027 00002 - SCHUTT L PETER AND LESLIE SCHUTT LIVING
002027 00003 - PRIMROSE HILL QOZB LLC
002027 00008 - COURT SQUARE PARTNERSHIP (PSO)
002027 00009 - CHARNG LLC
002027 00010 - CHARNG LLC
002027 00011 - MAGNUS E ALAN AND MELANIE A MAGNUS
002027 00015 - RIVER DOGS LLC
002027 00016C - NORTHERN JAMES M AND CLAUDIA JANE N
002027 00018 - KNM DEVELOPMENT GROUP LLC
002027 00019 - KNM DEVELOPMENT GROUP LLC
002027 00024 - KNM DEVELOPMENT GROUP LLC
002027 00025C - KNM DEVELOPMENT GROUP LLC
002027 00027 - KNM DEVELOPMENT GROUP LLC
002027 00028 - DERMON BUILDING OZ LLC
002027 00029 - DERMON BUILDING OZ LLC
002027 00030 - DERMON BUILDING OZ LLC
002027 00031C - GOLDSTEIN BETTY A
002027 00033 - ALLRIGHT AUTO PARKS INC
002027 00034 - KNM DEVELOPMENT GROUP LLC

002028 00001C - CALIDUS OMP LLC (70%) AND CCN OMP LLC
002028 00001Z - CALIDUS OMP LLC (70%) AND CCN OMP LLC
002028 00005C - NPG MEM1 ADAMS LLC
002028 00007 - BIENVENU MARVIN A AND MICHAEL MONTESI
002028 00018 - SCHOLL MICHAEL E AND C ANNE TIPTON
002028 00019 - CALIDUS OMP LLC (70%) AND CCN OMP LLC
002028 00020C - CALIDUS OMP LLC (70%) AND CCN OMP LLC
002014 00001 - CITY OF MEMPHIS-PARK COMM
002059 00004 - MEMPHIS CENTER CITY DEVELOPMENT
002059 00005C - FT BUILDING LLC
002060 00001 - MEMPHIS CENTER CITY REVENUE FINANCE CORP
002060 00002C - MEMPHIS CENTER CITY REVENUE CORP
002060 00003 - MEMPHIS CENTER CITY REVENUE
002060 00003Z - CITY OF MEMPHIS
002060 00004C - CITY OF MEMPHIS

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

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

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

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

of the property located at 46 N B.B. King Boulevard
and further identified by Assessor's Parcel Number 020027 00030, 020027 00029, 020027 00028
for which an application is being made to the Division of Planning and Development.

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

Signature of Notary Public

My Commission Expires

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 03/19/2024
DATE
PUBLIC SESSION: 03/19/2024
DATE

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

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 2491 Joy Ln, known as case number SUP 2023-028.

CASE NUMBER: SUP 2023-028

LOCATION: 2491 Joy Ln

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

OWNER/APPLICANT: Esmeralda Apartments

REPRESENTATIVE: S Berry Jones

REQUEST: Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments.

AREA: +/-34,029 SF

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

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

PRIOR ACTION ON ITEM:

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

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Mahesh Gostain</u>	<u>03/05/2024</u>	STAFF PLANNER
_____		DEPUTY ADMINISTRATOR
<u>Britt Hill</u>	<u>3/5/24</u>	ADMINISTRATOR
_____		DIRECTOR (JOINT APPROVAL)
_____		COMPTROLLER
_____		FINANCE DIRECTOR
_____		CITY ATTORNEY
_____		CHIEF ADMINISTRATIVE OFFICER
_____		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2023-028

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 2491 JOY LN, KNOWN AS CASE NUMBER SUP 2023-028.

- This item is a resolution with conditions for a special use permit to allow Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, February 08, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2023-028
LOCATION:	2491 Joy Ln
COUNCIL DISTRICT(S):	District 4 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Esmeralda Apartments
REPRESENTATIVE:	S Berry Jones
REQUEST:	Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments.
EXISTING ZONING:	Commercial Mixed Use-3 (CMU-3), SUP 2011-209
AREA:	+/-34,029 SF

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 7-0- on the consent agenda.**

Respectfully,

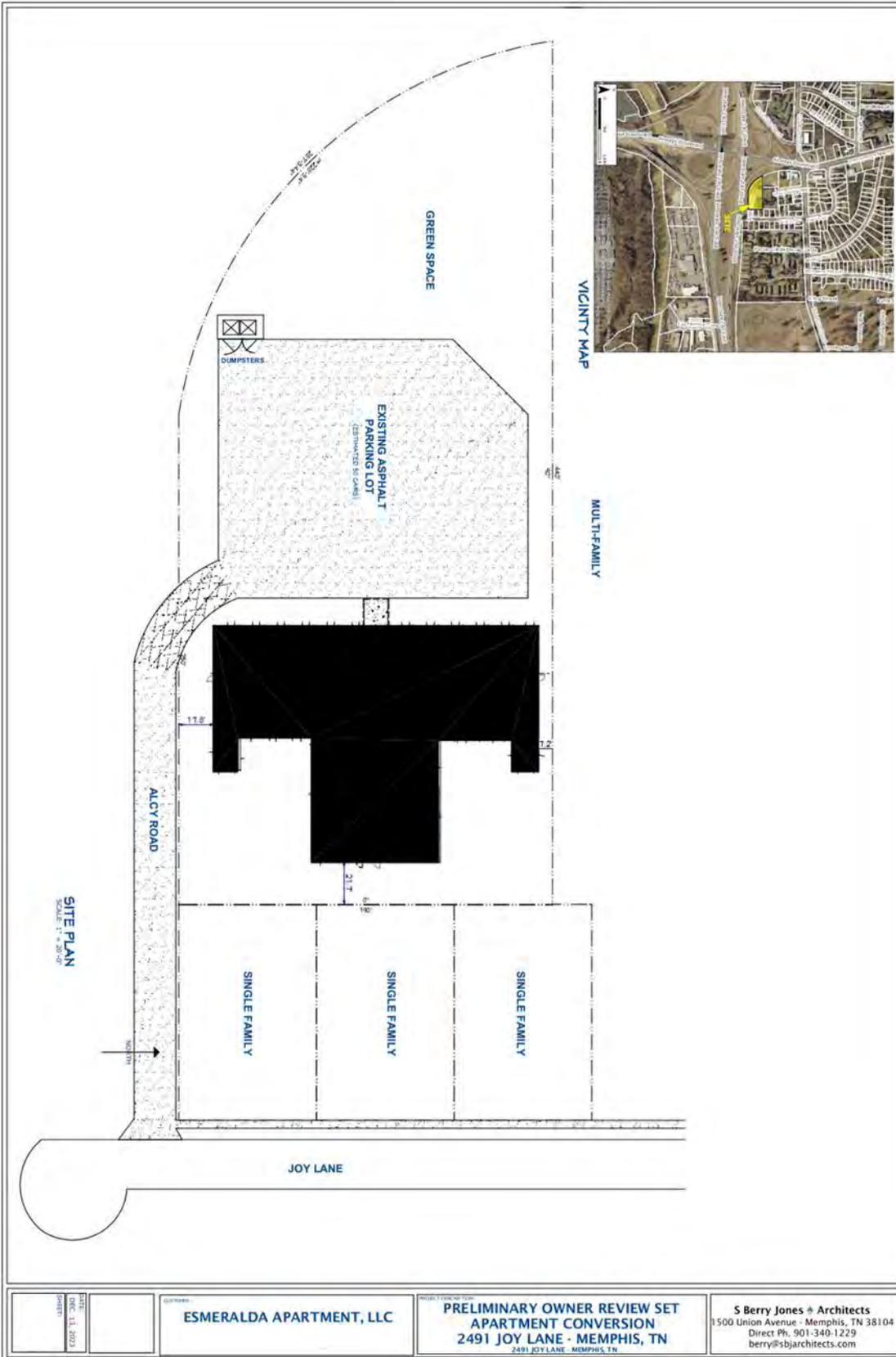


Planner II
Land Use & Development Services

SUP 2023-028
CONDITIONS

1. A total of 80 studio apartments are permitted in the existing building.
2. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to article 4 of the unified development code.

SITE PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2491 JOY LN, KNOWN AS CASE NUMBER SUP 2023-028.

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, the Esmeralda Apartments filed an application with the Memphis and Shelby County Division of Planning and Development to allow Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 08, 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. A total of 80 studio apartments are permitted in the existing building.
2. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to article 4 of the unified development code.

ATTEST:

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

AGENDA ITEM: 3

CASE NUMBER: SUP 2023-028 **L.U.C.B. MEETING:** February 08, 2024

LOCATION: 2491 Joy Ln

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

OWNER/APPLICANT: Esmeralda Apartments

REPRESENTATIVE: S Berry Jones

REQUEST: Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments.

AREA: +/-34,029 SF

EXISTING ZONING: Commercial Mixed Use-3 (CMU-3), SUP 2011-209

CONCLUSIONS

1. The applicant is seeking a conversion of an existing abandoned assisted living facility into 80 studio apartments.
2. The subject property is +/-34,029 SF and the current zoning is Commercial Mixed Use (CMU-3).
3. There will be a total of 80 units and the building is a 3-floor apartment complex. The apartment complex includes studio units, studio + units, king units, 2BR units, and queen units.
4. The proposal will serve as a buffer between the low intensity single-family residences and the high intensity interstate highway system.
5. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 21-23 of this report.

RECOMMENDATION

Approval with conditions.

GENERAL INFORMATION

Street Frontage: Interstate 240 West +/-287 curvilinear feet

Zoning Atlas Page: 2235

Parcel ID: 060137 00163

Existing Zoning: Commercial Mixed Use (CMU-3), SUP 2011-209

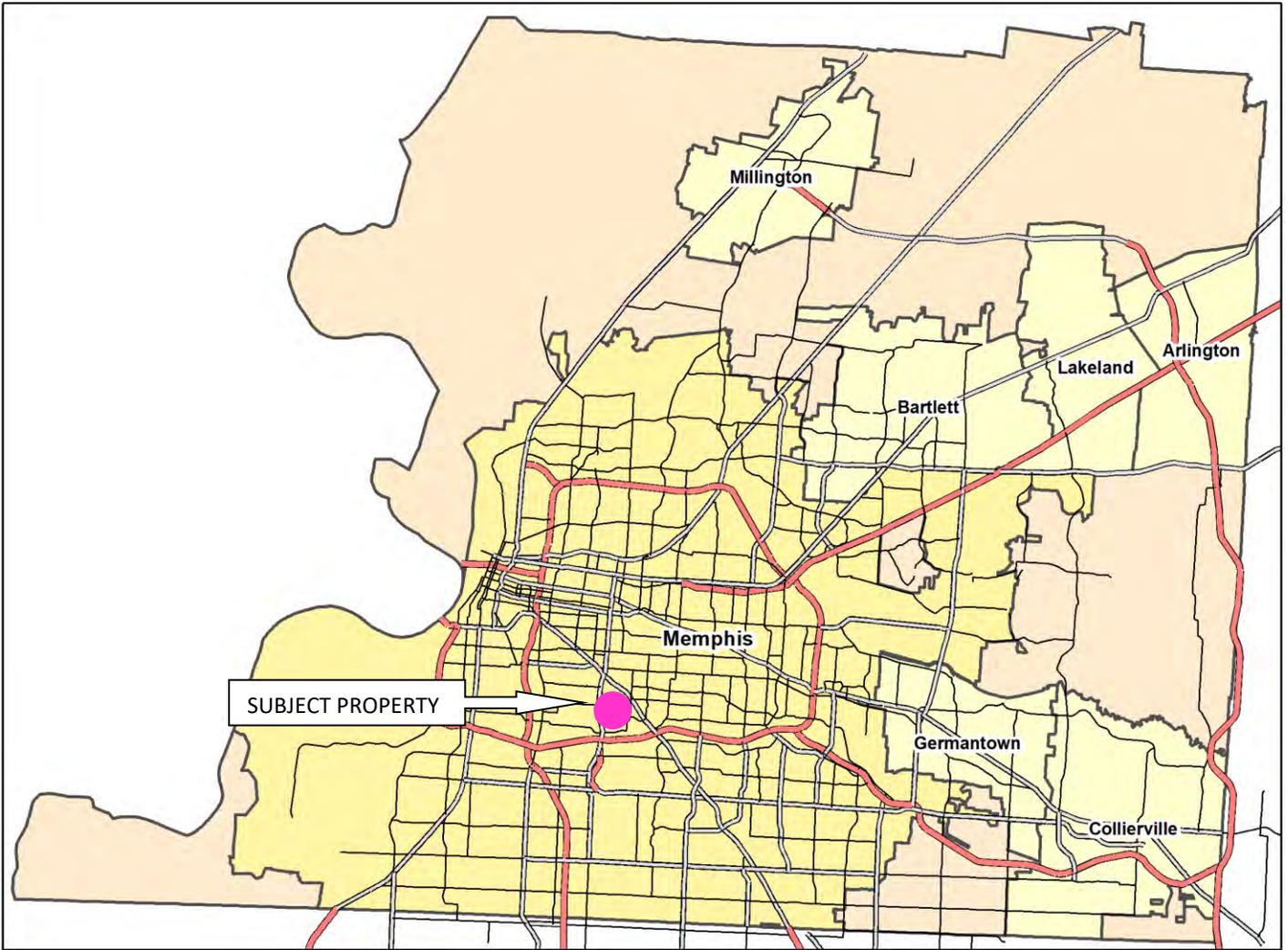
NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Wednesday, December 27, 2023, at the New Jerusalem Temple Church at 2711 Ketchum Road.

PUBLIC NOTICE

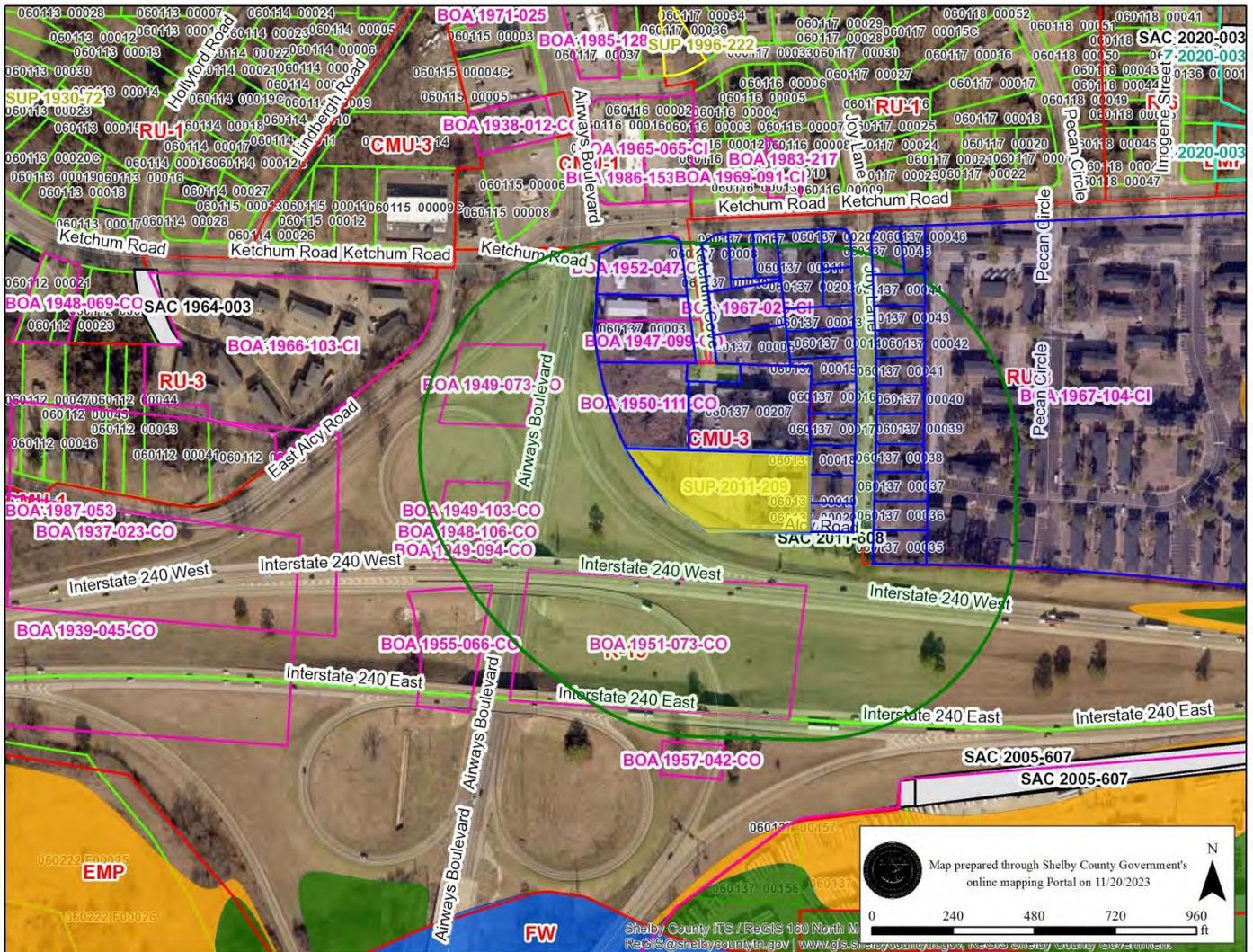
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 35 notices were mailed on November 20, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle.

VICINITY MAP



Site highlighted in yellow.

AERIAL



Subject property outlined in yellow.

LAND USE MAP



Subject property indicated by a pink star.

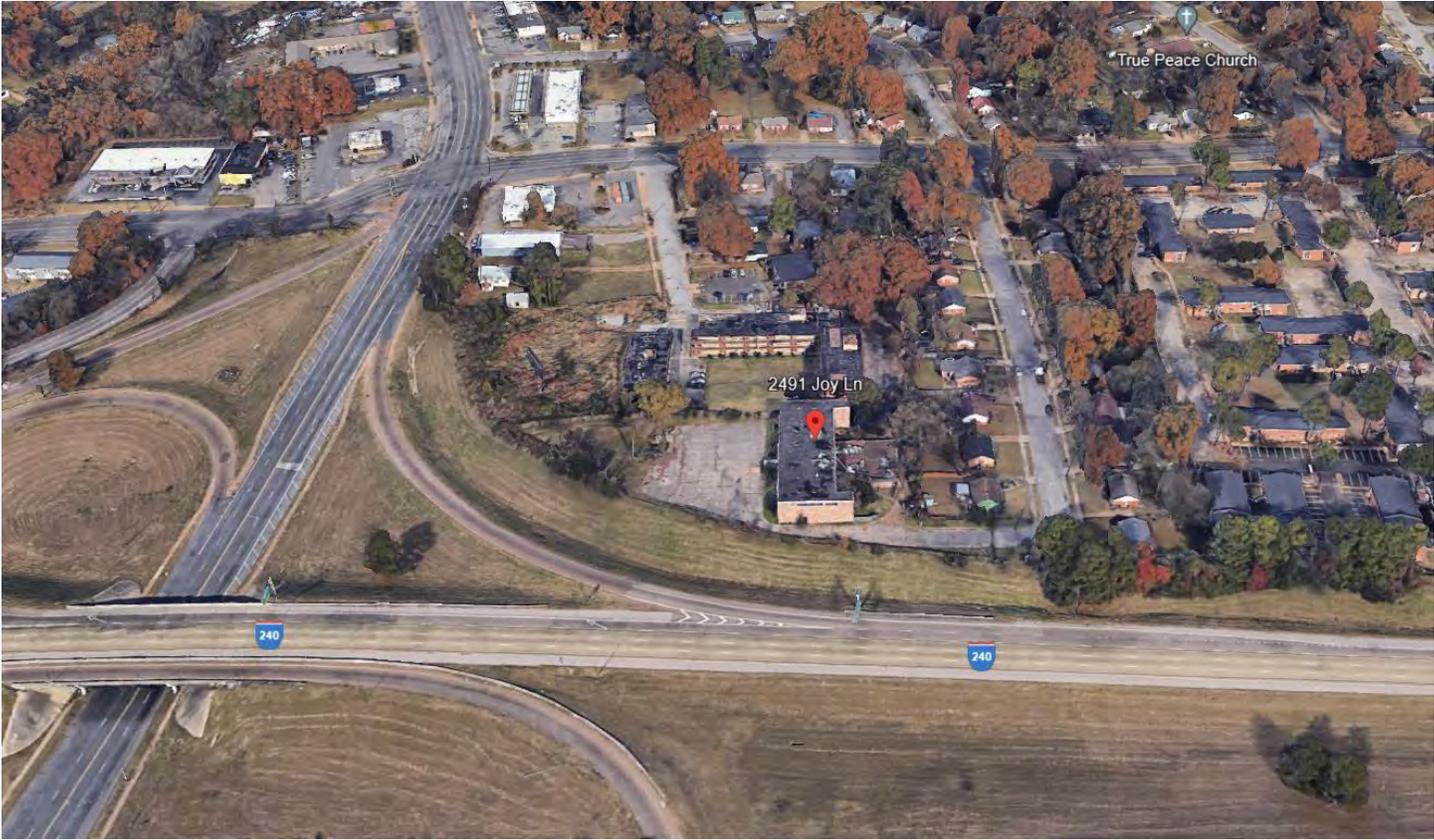
SITE PHOTOS



View of the subject property from I-240 (Avron B. Fogelman Expy) from Front.

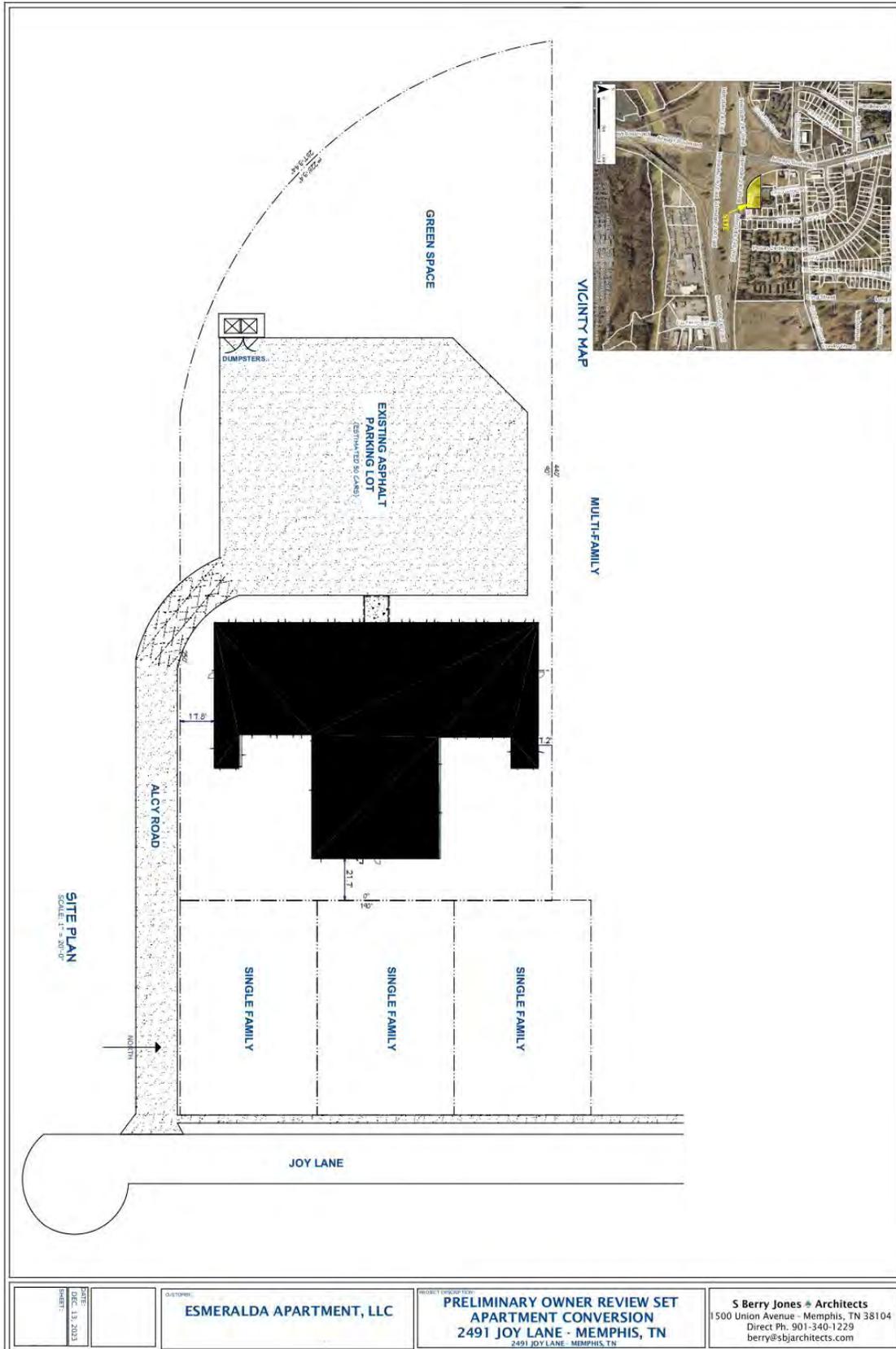


View of the subject property from I-240 (Avron B. Fogelman Expy) from West.



View of the subject property from above.

SITE PLAN



DATE: DEC. 13, 2023	PROJECT: ESMERALDA APARTMENT, LLC
------------------------	--------------------------------------

ESMERALDA APARTMENT, LLC

PROJECT DESCRIPTION:
PRELIMINARY OWNER REVIEW SET
APARTMENT CONVERSION
2491 JOY LANE - MEMPHIS, TN
 2491 JOY LANE, MEMPHIS, TN

S Berry Jones & Architects
 1500 Union Avenue - Memphis, TN 38104
 Direct Ph: 901-340-1229
 berry@sbjarchitects.com

ELEVATIONS

**APARTMENT CONVERSION
 ESMERALDA APARTMENTS
 2491 JOY LANE - MEMPHIS, TN**

2491 JOY LANE - MEMPHIS, TN



UNIT COUNT BY FLOOR

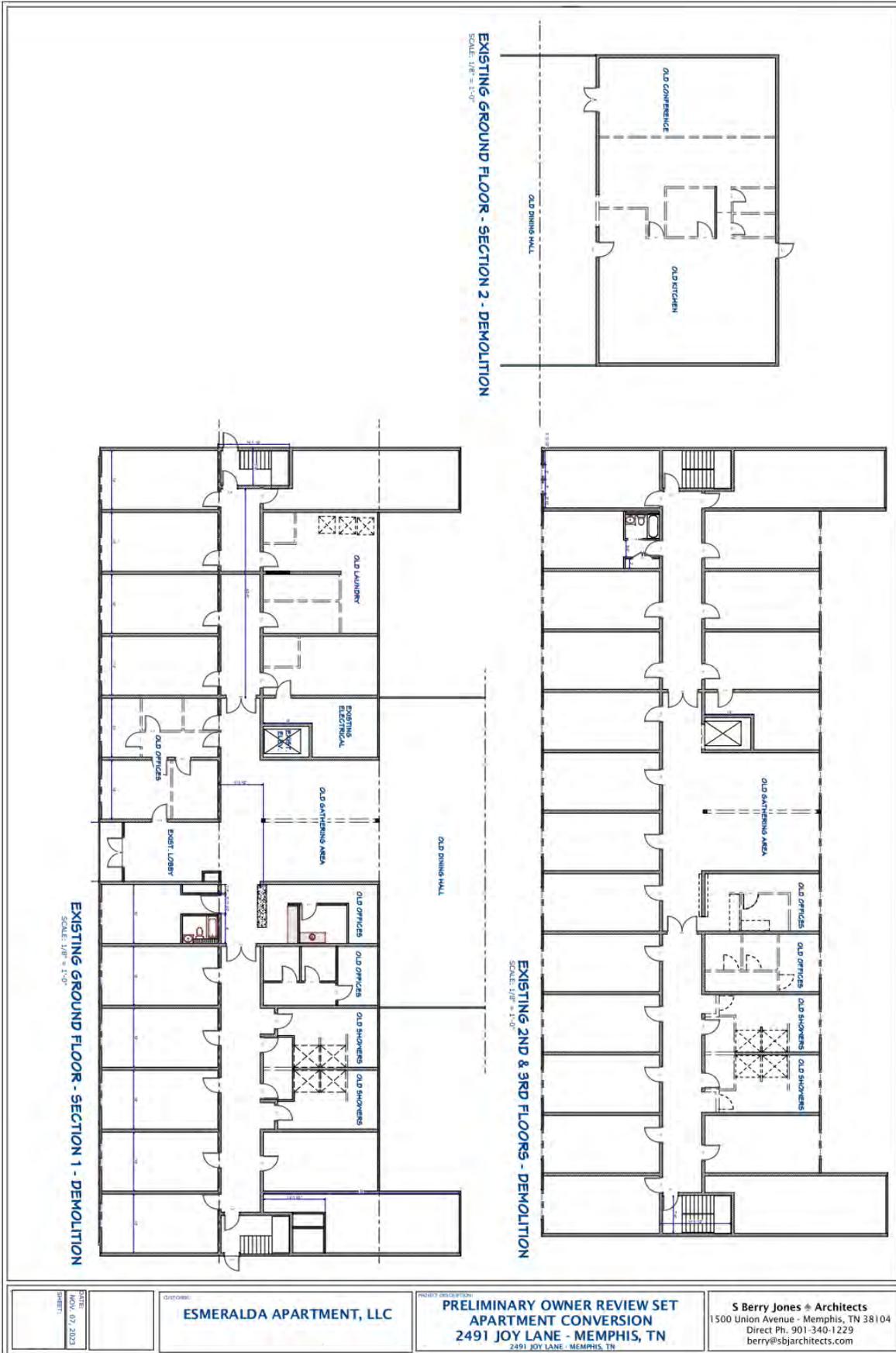
ESMERALDA APARTMENTS									
	NO. OF UNITS	STUDIO UNITS	STUDIO + LOUNGE UNITS	1-BED UNITS	2-BED UNITS	3-BED UNITS	4-BED UNITS	5-BED UNITS	GROSS SF
GROUND FLOOR	30	14	16	2	2	2	2	2	13,860
1ST FLOOR	52	22	22	2	2	2	2	2	18,600
2ND FLOOR	25	22	22	2	2	2	2	2	13,860
3RD FLOOR	30	14	16	2	2	2	2	2	13,860
TOTAL	137	72	76	8	8	8	8	8	60,180

DATE: NOV. 07, 2023
 SHEET: 1

CLIENT: ESMERALDA APARTMENT, LLC

PROJECT DESCRIPTION:
 PRELIMINARY OWNER REVIEW SET
 APARTMENT CONVERSION
 2491 JOY LANE - MEMPHIS, TN
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 Direct Ph. 901-340-1229
 berry@sbjarchitects.com



DATE: NOV. 07, 2023	PROJECT: ESMERALDA APARTMENT, LLC
------------------------	--------------------------------------

CLIENT:
ESMERALDA APARTMENT, LLC

PROJECT DESCRIPTION:
**PRELIMINARY OWNER REVIEW SET
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 2491 JOY LANE - MEMPHIS, TN**
2491 JOY LANE - MEMPHIS, TN

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 Direct Ph. 901-340-1229
 berry@sbjarchitects.com



<p>DATE: NOV. 07, 2023 SHEET: _____</p>	<p>ESMERALDA APARTMENT, LLC</p>	<p>PRELIMINARY OWNER REVIEW SET APARTMENT CONVERSION 2491 JOY LANE - MEMPHIS, TN <small>2491 JOY LANE - MEMPHIS, TN</small></p>	<p>S Berry Jones + Architects 1500 Union Avenue - Memphis, TN 38104 Direct Ph. 901-340-1229 berry@sbjarchitects.com</p>
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DATE:
 NOV. 07, 2023

SHEET:

PROJECT:
ESMERALDA APARTMENT, LLC

PROJECT DESCRIPTION:
**PRELIMINARY OWNER REVIEW SET
 APARTMENT CONVERSION
 2491 JOY LANE - MEMPHIS, TN
 2491 JOY LANE MEMPHIS, TN**

S Berry Jones Architects
 1500 Union Avenue - Memphis, TN 38104
 Direct Ph. 901-340-1229
 berry@sbjarchitects.com

UNIT VIEW



DATE: NOV. 07, 2023 SHEET:	CUSTOMER: ESMERALDA APARTMENT, LLC	PROJECT DESIGN TITLE: PRELIMINARY OWNER REVIEW SET APARTMENT CONVERSION 2491 JOY LANE - MEMPHIS, TN 2491 JOY LANE - MEMPHIS, TN	S Berry Jones Architects 1500 Union Avenue - Memphis, TN 38104 Direct Ph: 901-340-1229 berry@sbjarchitects.com
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STAFF ANALYSIS

Request

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

The request is for a conversion of an existing abandoned assisted living facility into 80 studio apartments.

Approval Criteria

Staff **agrees** the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is +/-34,029 SF located at 2491 Joy Lane, Memphis, TN 38114.

This strategic location was chosen based on various factors, including its proximity to schools, parks, public transportation, hospitals, and the evolving housing needs of the community. Additionally, it is conveniently located just 15 minutes away from Downtown Memphis. The site is easily accessible from major thoroughfares and is consistent with the long-term land use and zoning goal of the region.

Previous Special USE Permit Approval

The Council of the City of Memphis previously approved a special use permit (SUP 201-209) on September 06, 2011, for this site to be used as a juvenile transitional housing facility, see pages 30-34 of this report for resolution and site plan.

Site Zoning History

The current zoning is Commercial Mixed Use (CMU-3). The site has previously been used for a hotel, nursing home facility, and the aforementioned juvenile transitional housing facility.

Site Plan Review

The subject property is +/-34,029 SF.

The current zoning is Commercial Mixed Use (CMU-3).

There will be a total of 80 units.

The building is a 3-floor apartment complex.

The apartment complex includes studio units, studio + units, king units, 2BR units, and queen units.

Access will be provided from Alcy Road.

The building appears to meet all required minimum building setbacks and maximum building height requirements.

Parking will have to be provided on site at a ratio provided in the unified development code.

Landscaping and screening requirement found in the UDC must also be met.

Conclusions

The reuse of this existing building for apartments is consistent with prior uses for this site. This use actually reintroduces a residential component versus a number of uses that could be provided on this site that would potentially not be as compatible with the abutting single family homes due to the CMU-3 zoning designation currently existing.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions:

1. A total of 80 studio apartments are permitted in the existing building.
2. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to article 4 of the unified development code.

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.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

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

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

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

Curb Cuts/Access:

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

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

Drainage:

10. 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.

11. 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.

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

13. 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.

14. 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:

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

16. Development is greater than 1 acre. Detention is required.

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

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

19. 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.

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

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.

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:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [SUP 23 -028 Airport Adjacent](#)

Site Address/Location: 2491 Joy Lane

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

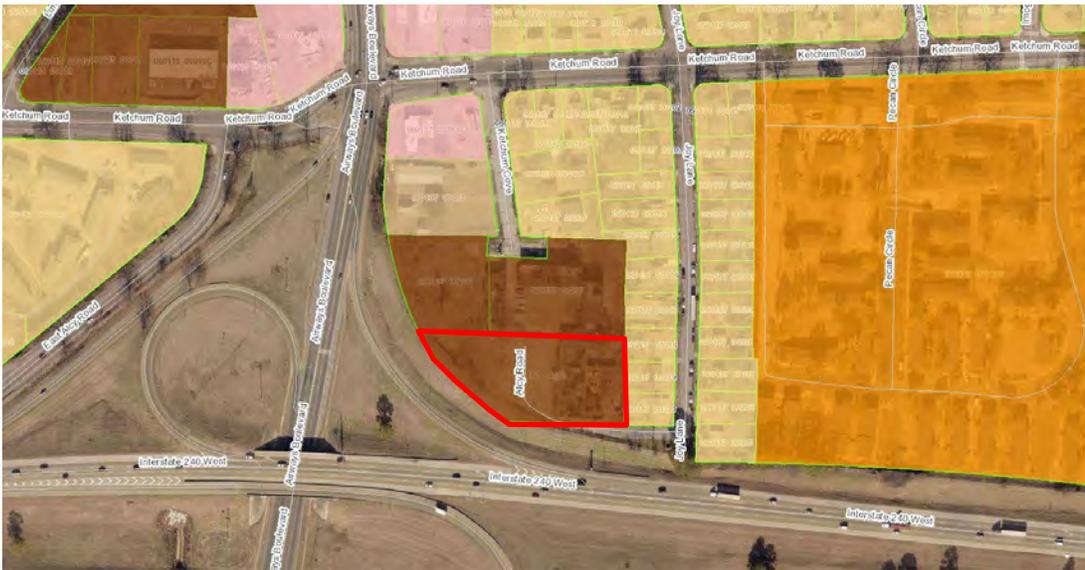
Future Land Use Designation: High Intensity Commercial & Services (CSH)

Street Type: N/A

The applicant is seeking a special use permit to allow apartments in the Commercial Mixed Use-3 (CMU-3) Districts.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSH” Form & Location Characteristics

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

“CSH” Zoning Notes

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

Existing, Adjacent Land Use and Zoning

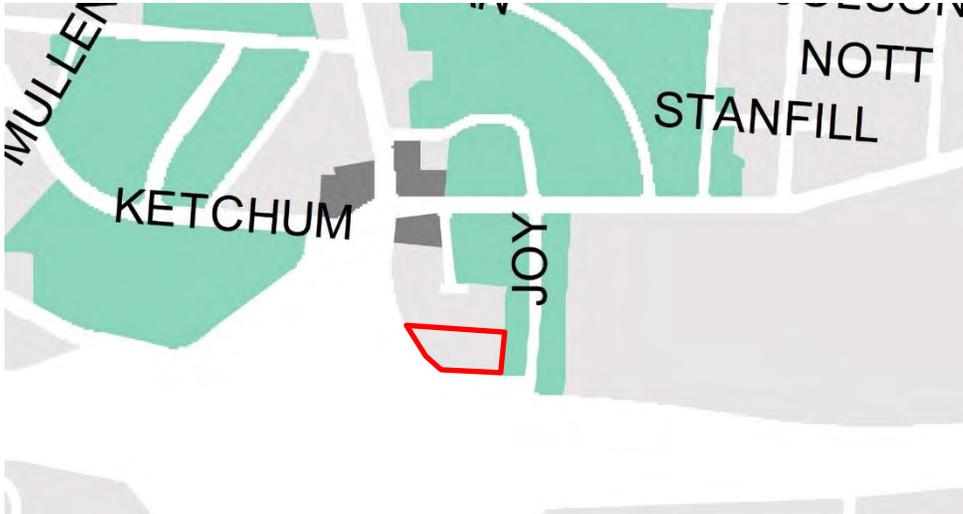
Existing Land Use and Zoning: Multi-Family, CMU-3

Adjacent Land Use and Zoning: Commercial, Single-Family, Vacant, Multi-Family; CMU-3, R-15 RU-3, CMU-1

Overall Compatibility: *The requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, as the proposed use is a multi-family apartment. However, the proposed use is compatible with the existing and adjacent land uses and the proposed development will act as an adaptive reuse of the former*

nursing home. Additionally, the proposal will serve as a buffer between the low intensity single-family residences and the high intensity interstate highway system.

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

NA

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

NA

Consistency Analysis Summary

The applicant is seeking a special use permit to allow apartments in the Commercial Mixed Use-3 (CMU-3) Districts.

The requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, as the proposed use is a multi-family apartment. However, the proposed use is compatible with the existing and adjacent land uses and the proposed development will act as an adaptive reuse of the former nursing home. Additionally, the proposal will serve as a buffer between the low intensity single-family residences and the high intensity interstate highway system.

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

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: November 7, 2023

Record Number: SUP 2023-028

Expiration Date:

Record Name: Esmeralda Apartments

Description of Work: Conversion of an existing abandoned assisted living facility into 80 studio apartments.

Parent Record Number:

Address:

2491 JOY LN, MEMPHIS 38114

Owner Information

Primary Owner Name

Y ESMERALDA APARTMENT LLC

Owner Address

0 PO BOX 20242, CLEVELAND, OH 44120

Owner Phone

8122398734

Parcel Information

060137 00163

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

brianna

Date of Meeting

11/03/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

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 No building already exist and has been used as a housing facility since its construction in 1970's.

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 Yes.

UDC Sub-Section 9.6.9C Yes this project will be served adequately.
 UDC Sub-Section 9.6.9D Yes that is correct - this project will not result in destruction of any kind

UDC Sub-Section 9.6.9E Yes this requirement will be met or exceeded.
 UDC Sub-Section 9.6.9F Yes this statement is correct. There will be no adverse effects from this project.

GIS INFORMATION

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

Contact Information

Name	Contact Type
ESMERALDA APARTMENT LLC	APPLICANT
Address	

Phone
(812)239-8734

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1516301	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	11/07/2023
1516301	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	11/07/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

LETTER OF INTENT

Esmeralda Apartment LLC
2491 Joy Lane, Memphis, TN 38114
901-402-4444
11/01/2023

Memphis and Shelby County, Division of Planning and Development
City Hall, 125 N. Main Street, Suite 468, Memphis, TN 38103
901-636-6619

Subject: Letter of Intent for Special Use Permit Application – Residential Building

To whom it may concern,

We express our intent to apply for a Special Use Permit for the development of a former nursing home located at 2491 Joy Lane, Memphis, TN 38114. This Letter of Intent outlines the nature, location, and extent of the proposed development and the market it is intended to serve.

Nature of Development:

Our proposed development is a multi-unit residential apartment building, designed to provide high-quality, sustainable housing options to the residents of Memphis. The building will consist of three stories and include a Laundry Room. The primary objective of this development is to meet the growing demand for high quality residential housing within the Memphis City.

Location:

The Development site is situated at 2491 Joy Lane, Memphis, TN 38114, within the jurisdiction of Memphis and Shelby County. This strategic location was chosen based on various factors, including its proximity to schools, parks, public transportation, hospitals, and the evolving housing needs of the community. Additionally, it is conveniently located just 15 minutes away from Downtown

Memphis. The site is easily accessible from major thoroughfares and is consistent with the long-term land use and zoning goal of the region.

Extent of Development:

The proposed development encompasses an approximate area of 34,029 Sq Ft. and is expected to be completed in multiple phases over a period of three years. We aim to create a sustainable and aesthetically pleasing environment that harmonizes with the local community while meeting the needs of our target market.

Market It is Intended to Serve:

Our primary objective is to address to the housing needs of young professionals, families, or seniors, offering affordable housing that will appeal to the target market. We believe that this development aligns with the growing demand for quality housing options in Memphis. Our project's design and amenities have been carefully considered to meet the needs and preferences of our target market.

In accordance with the requirements of the City of Memphis and Shelby County, we intend to submit a formal application for a Special Use Permit to facilitate this development. We understand the importance of adhering to local regulations and will work closely with the relevant departments to ensure that our project in compliance with all applicable zoning and land use regulations.

Please consider this Letter of Intent as the initial step in our application process for the Special Use Permit. We look forward to initiating the Special Use Permit application process and working closely with your department to address any questions or concerns. Please feel free to contact us if you require any additional information or clarification.

Sincerely,

Esmeralda Apartment LLC.

SIGN AFFIDAVIT



AFFIDAVIT

Shelby County
State of Tennessee

I, S. BERRY LANE, being duly sworn, depose and say that at 12:00 am/pm on the 26 day of JANUARY, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. 23-028 at 2491 JOY LANE, providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

JAN 26, 2024
Date

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

[Signature]
Notary Public

My commission expires: 06/07/2027



**PREVIOUS RESOLUTION THAT PERMITTED THE OPERATION OF A JUVENILE TRANSITIONAL HOUSING FACILITY
(SUP 2011-209)**

ZONING RESOLUTION

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 subject to standards of general applicability and any additional standards applicable to specific special uses in the various zoning districts within the Memphis City Limits, and

WHEREAS, Application has been made by Tennessee Learning Academy for a special use permit to allow a Juvenile Transitional Housing Facility with respect to the property located at the northwest intersection of Joy Lane and Interstate-240; and

WHEREAS, The Office 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 Section 9.6.9 and reported said findings and recommendations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 14, 2011, and said Board has studied and reported its recommendation to the City Council regarding the following potential effects of granting the Special Use Permit:

- 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 insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

WHEREAS, The Memphis and Shelby County Land Use Control Board and the Memphis and Shelby County Office of Planning and Development has recommended certain conditions be attached to the special use permit to reduce any potential adverse impacts of the proposed building or use on the neighborhood, adjacent properties, public facilities and significant natural, scenic or historic features; and

WHEREAS, The Memphis and Shelby County Land Use Control Board has also determined that the proposed building or use complies with all additional standards imposed on it by the particular provision of Chapter 9.6 authorizing such particular special use.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that a special use permit is hereby granted in accordance with the site plan incorporated in the application, and subject to attached conditions.

BE IT FURTHER RESOLVED That this permit authorizes the appropriate 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 City Council have been met.

ATTEST:

cc: Office of Code Enforcement
City Engineer
OPD – LUC ✓
OPD – LUC (East)
County Assessor

SUP 11-209

Juvenile Transitional Housing Facility Special Use Permit

I hereby certify that the foregoing is a true copy
and document was adopted, approved by the
Council of the City of Memphis in regular
session on

Date SEP 06 2011
Valerie C. Sripes
Deputy Comptroller-Council Records

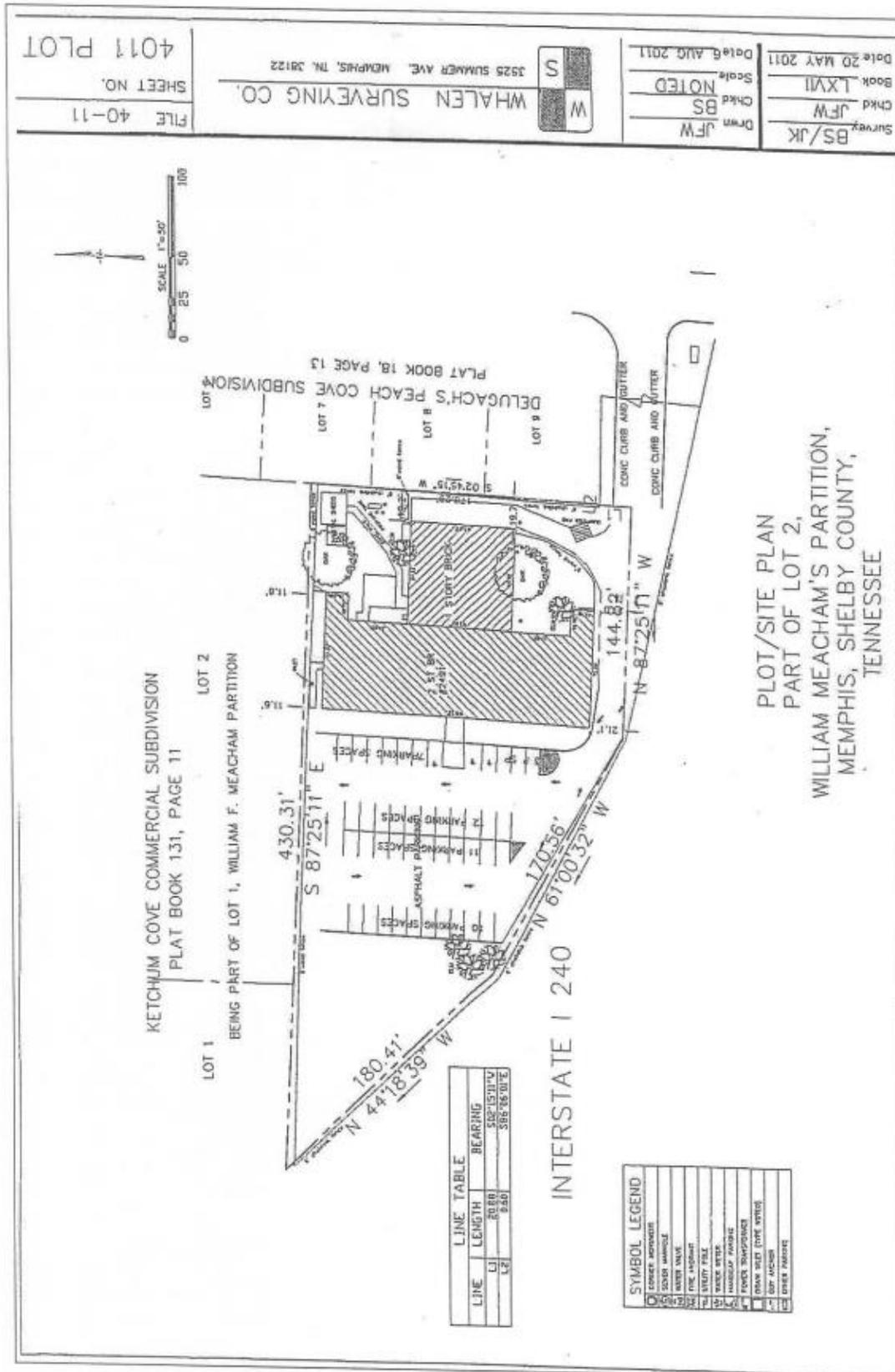
SUP 11-209
Page 3

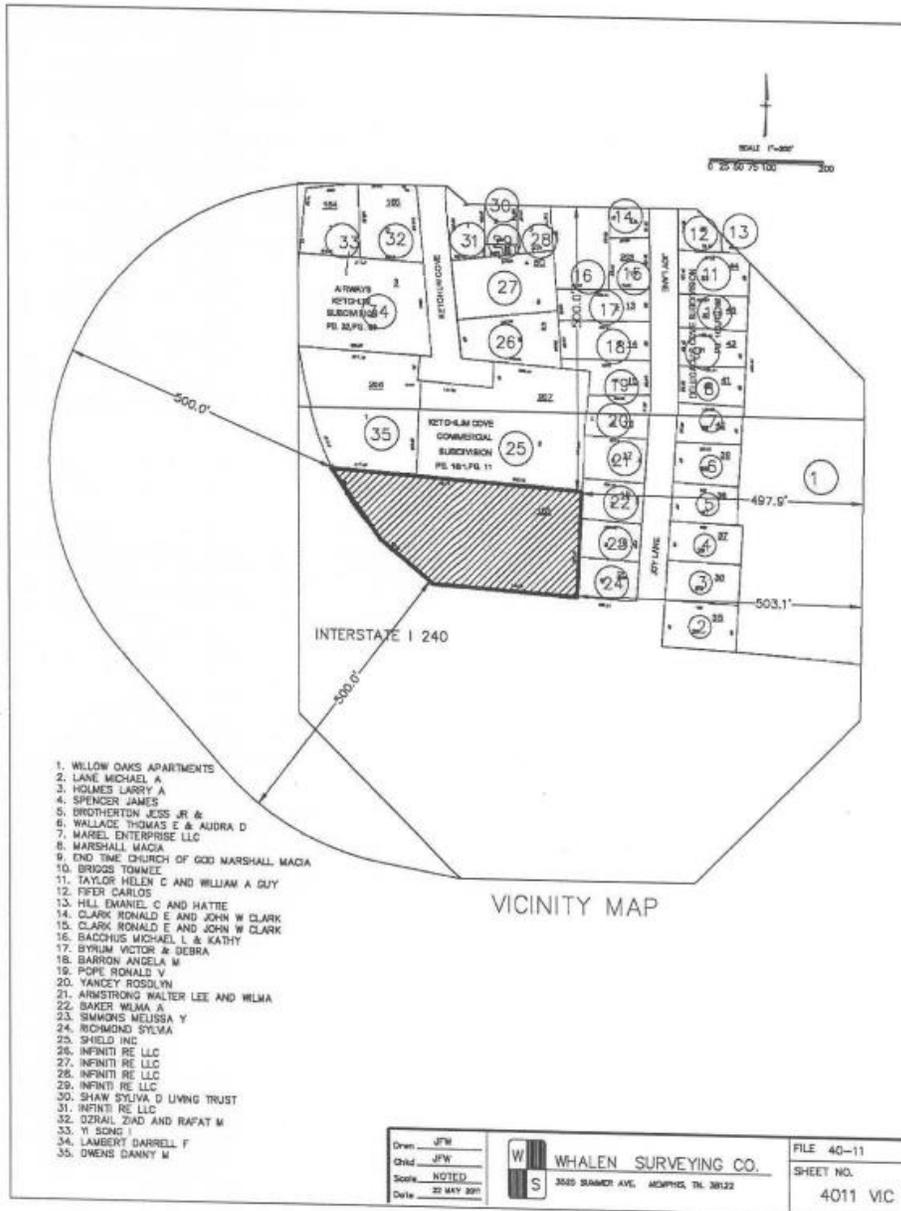
SITE PLAN CONDITIONS:

A **Special Use Permit** is hereby authorized to allow a **Juvenile Transitional Housing Facility** on the property located at the **2491 Joy Lane, northwest intersection of Joy Lane and Interstate-240**, in accordance with the approved site plan and the following supplemental conditions:

1. Final SUP site plan approval shall be contingent upon the driveway area shown as the east/west segment of Joy Lane on the Official City Map being acquired and added within the boundaries of the site plan.
2. The proposed site plan with the existing building, parking, and landscape buffering, signage is approved as is. Any changes to the site, parking addition or building expansion shall require the approval of a new site plan in conformance development standards of the Unified Development Code.
3. Signage shall be regulated by the CMU-3 District and no signage facing the residential neighborhood shall be illuminated.
4. Lighting on the site adjacent to the northern and eastern property lines shall be limited to what is customary for a residential site (ie., a motion detector or security light mounted on a MLGW pole).
5. Any refuse dumpster shall be screened from the view of traffic on the adjoining streets and from adjoining properties.
6. A new site plan that reflects the location and type of fencing along the perimeter of the site, the location of existing mature trees and scrubs, existing detached sign (size & height), trash dumpster, entrance gate and driveway width, and number parking space with dimensions shall be submitted for review and approval by OPD prior this application being forwarded to the Memphis City Council for final disposition.
7. The applicant shall submit to OPD verification of meeting all local and state licensing requirements for operation of a Juvenile Transitional Housing Facility prior to the issuance of a final Certificate of Occupancy for this site at 2491 Joy Lane.

PREVIOUSLY APPROVED SITE PLAN FOR SUP 2011-209





1. WILLOW OAKS APARTMENTS
2. LANE MICHAEL A
3. HOLMES LARRY A
4. SPENCER JAMES
5. BROTHERTON JESS JR &
6. WALLACE THOMAS E & AUDRA D
7. MARREL ENTERPRISE LLC
8. MARSHALL MACIA
9. DND TIME CHURCH OF GOD MARSHALL MACIA
10. BRIGGS TOMMIE
11. TAYLOR HELEN C AND WILLIAM A GUY
12. PFER CARLOS
13. HILL DANIEL C AND HATRE
14. CLARK RONALD E AND JOHN W CLARK
15. CLARK RONALD E AND JOHN W CLARK
16. SACCHUS MICHAEL L & KATHY
17. SYRUM VICTOR & DEBRA
18. BARRON ANGELA M
19. POPE RONALD V
20. YANCEY ROSLYN
21. ARMSTRONG WALTER LEE AND WILMA
22. BAKER WILMA A
23. SIMMONS MELISSA Y
24. RICHMOND SYLVIA
25. SHIELD INC
26. INFINITI RE LLC
27. INFINITI RE LLC
28. INFINITI RE LLC
29. INFINITI RE LLC
30. SHAW SYLVIA D LIVING TRUST
31. INFINITI RE LLC
32. OZRAH ZAD AND RAFAT M
33. YI SONG I
34. LAMBERT DARRRELL F
35. OWENS DANNY M

Drawn: JFW	WHALEN SURVEYING CO. 2020 BARBER AVE. MOBILE, AL 36682	FILE 40-11
Checked: JFW		SHEET NO.
Scale: NOTED		4011 VIC
Date: 22 MAY 2021		

POSITIVE
 2/8/24

LETTERS RECEIVED

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



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: November 7, 2023

Record Number: SUP 2023-028

Expiration Date:

Record Name: Esmeralda Apartments

Description of Work: Conversion of an existing abandoned assisted living facility into 80 studio apartments.

Parent Record Number:

Address:

2491 JOY LN, MEMPHIS 38114

Owner Information

Primary Owner Name

Y ESMERALDA APARTMENT LLC

Owner Address

0 PO BOX 20242, CLEVELAND, OH 44120

Owner Phone

8122398734

Parcel Information

060137 00163

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

brianna

Date of Meeting

11/03/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

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 No building already exist and has been used as a housing facility since its construction in 1970's.

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 Yes.

UDC Sub-Section 9.6.9C Yes this project will be served adequately.
UDC Sub-Section 9.6.9D Yes that is correct - this project will not result in destruction of any kind

UDC Sub-Section 9.6.9E Yes this requirement will be met or exceeded.
UDC Sub-Section 9.6.9F Yes this statement is correct. There will be no adverse effects from this project.

GIS INFORMATION

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

Contact Information

Name
ESMERALDA APARTMENT LLC
Address

Contact Type
APPLICANT

Phone

(812)239-8734

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1516301	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	11/07/2023
1516301	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	11/07/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

Esmeralda Apartment LLC
2491 Joy Lane, Memphis, TN 38114
901-402-4444
11/01/2023

Memphis and Shelby County, Division of Planning and Development
City Hall, 125 N. Main Street, Suite 468, Memphis, TN 38103
901-636-6619

Subject: Letter of Intent for Special Use Permit Application – Residential Building

To whom it may concern,

We express our intent to apply for a Special Use Permit for the development of a former nursing home located at 2491 Joy Lane, Memphis, TN 38114. This Letter of Intent outlines the nature, location, and extent of the proposed development and the market it is intended to serve.

Nature of Development:

Our proposed development is a multi-unit residential apartment building, designed to provide high-quality, sustainable housing options to the residents of Memphis. The building will consist of three stories and include a Laundry Room. The primary objective of this development is to meet the growing demand for high quality residential housing within the Memphis City.

Location:

The Development site is situated at 2491 Joy Lane, Memphis, TN 38114, within the jurisdiction of Memphis and Shelby County. This strategic location was chosen based on various factors, including its proximity to schools, parks, public transportation, hospitals, and the evolving housing needs of the community. Additionally, it is conveniently located just 15 minutes away from Downtown

Memphis. The site is easily accessible from major thoroughfares and is consistent with the long-term land use and zoning goal of the region.

Extent of Development:

The proposed development encompasses an approximate area of 34,029 Sq Ft. and is expected to be completed in multiple phases over a period of three years. We aim to create a sustainable and aesthetically pleasing environment that harmonizes with the local community while meeting the needs of our target market.

Market It is Intended to Serve:

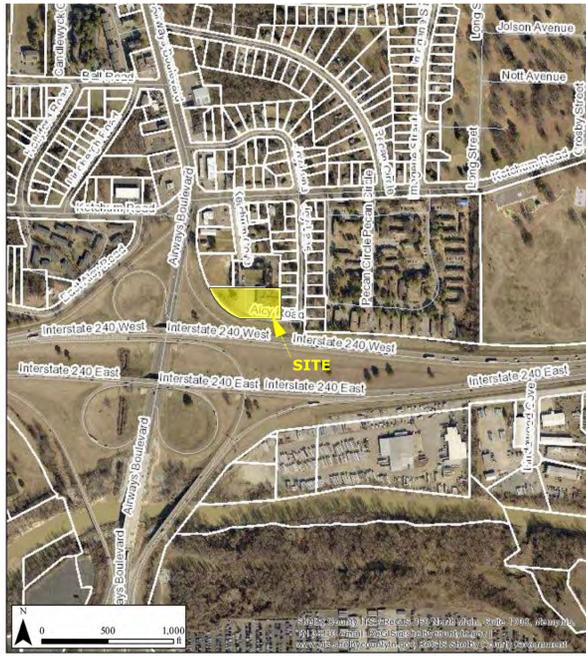
Our primary objective is to address to the housing needs of young professionals, families, or seniors, offering affordable housing that will appeal to the target market. We believe that this development aligns with the growing demand for quality housing options in Memphis. Our project's design and amenities have been carefully considered to meet the needs and preferences of our target market.

In accordance with the requirements of the City of Memphis and Shelby County, we intend to submit a formal application for a Special Use Permit to facilitate this development. We understand the importance of adhering to local regulations and will work closely with the relevant departments to ensure that our project in compliance with all applicable zoning and land use regulations.

Please consider this Letter of Intent as the initial step in our application process for the Special Use Permit. We look forward to initiating the Special Use Permit application process and working closely with your department to address any questions or concerns. Please feel free to contact us if you require any additional information or clarification.

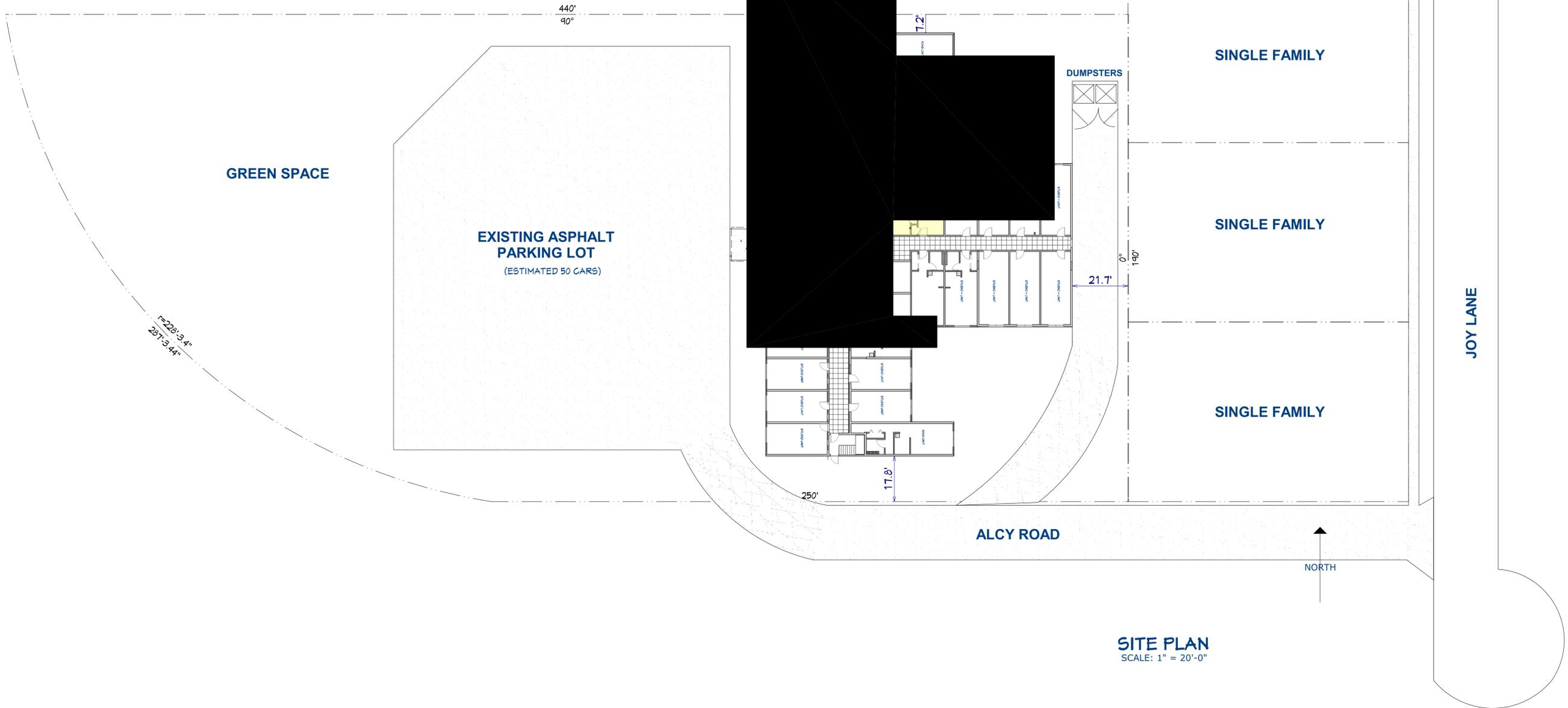
Sincerely,

Esmeralda Apartment LLC.



VICINITY MAP

MULTI-FAMILY



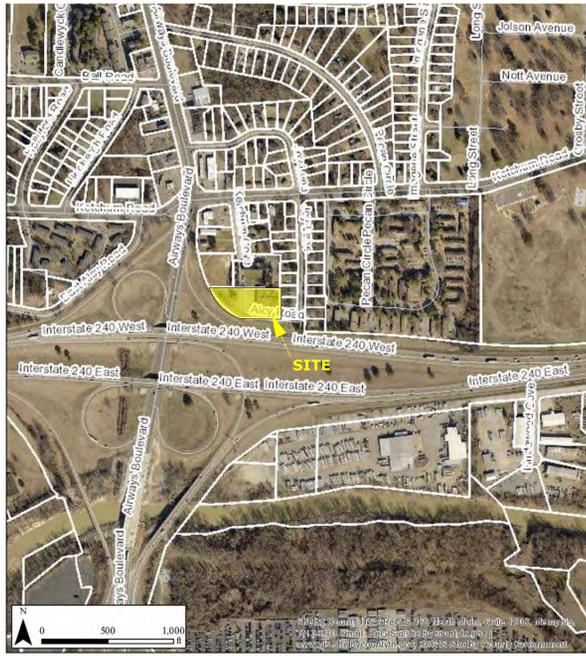
SITE PLAN
SCALE: 1" = 20'-0"

S Berry Jones Architects
1500 Union Avenue - Memphis, TN 38104
Direct Ph. 901-340-1229
berry@sbjarchitects.com

PROJECT DESCRIPTION:
PRELIMINARY OWNER REVIEW SET
APARTMENT CONVERSION
2491 JOY LANE - MEMPHIS, TN
2491 JOY LANE - MEMPHIS, TN

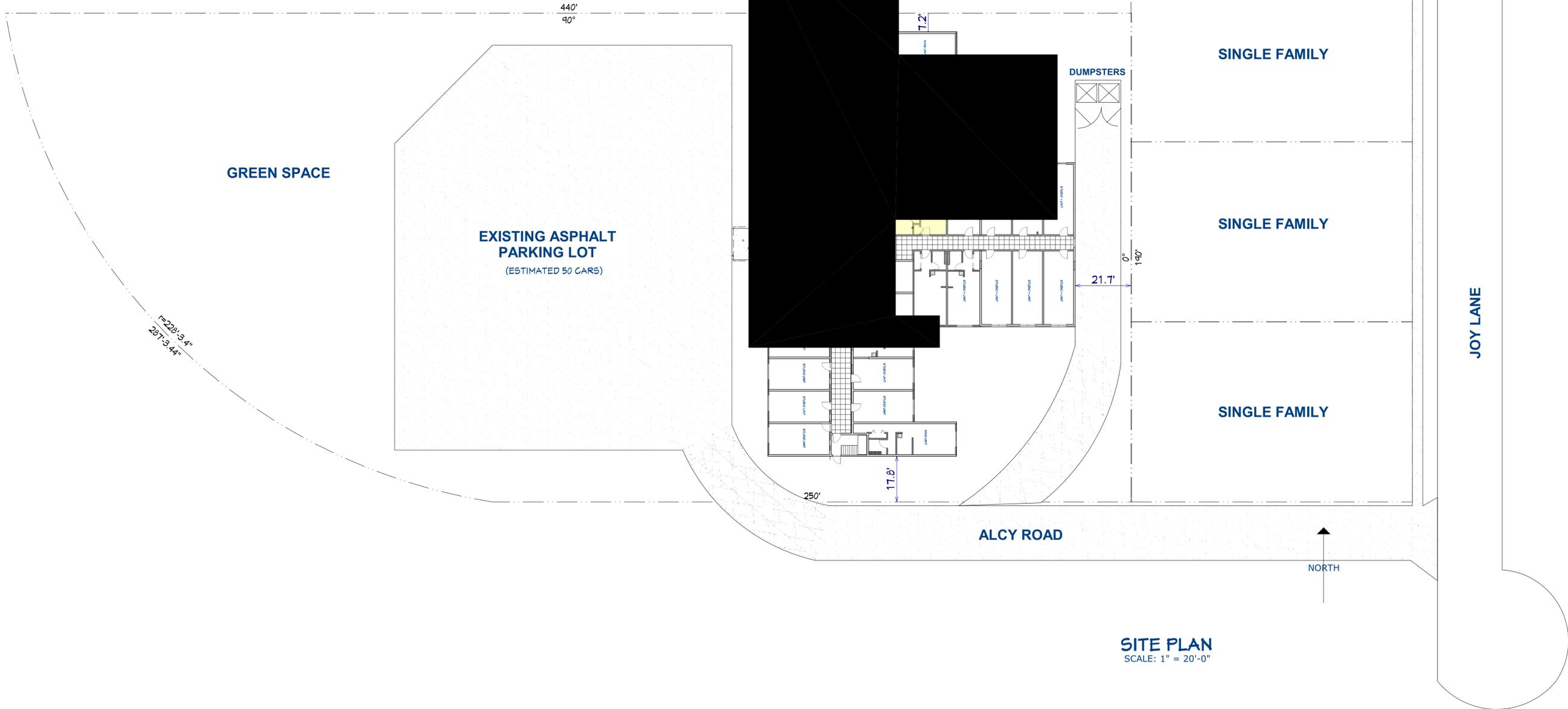
CUSTOMER:
ESMERALDA APARTMENT, LLC

DATE:
NOV. 07, 2023
SHEET:



VICINITY MAP

MULTI-FAMILY



SITE PLAN
SCALE: 1" = 20'-0"

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Direct Ph. 901-340-1229
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PROJECT DESCRIPTION:
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2491 JOY LANE - MEMPHIS, TN
2491 JOY LANE - MEMPHIS, TN

CUSTOMER:
ESMERALDA APARTMENT, LLC

DATE:
NOV. 07, 2023
SHEET:

APARTMENT CONVERSION ESMERALDA APARTMENTS 2491 JOY LANE - MEMPHIS, TN

2491 JOY LANE - MEMPHIS, TN



UNIT COUNT BY FLOOR

ESMERALDA APARTMENTS							
	NO. OF UNITS	STUDIO UNITS	STUDIO + UNITS	KING UNITS	2BR UNITS	QUEEN UNITS	GROSS SF
GROUND FLOOR	30	16	10	2	2		13,965
SECOND FLOOR	25	22		2		1	9,960
THIRD FLOOR	25	22		2		1	9,960
TOTALS	80	60	10	6	2	2	33,885 SF

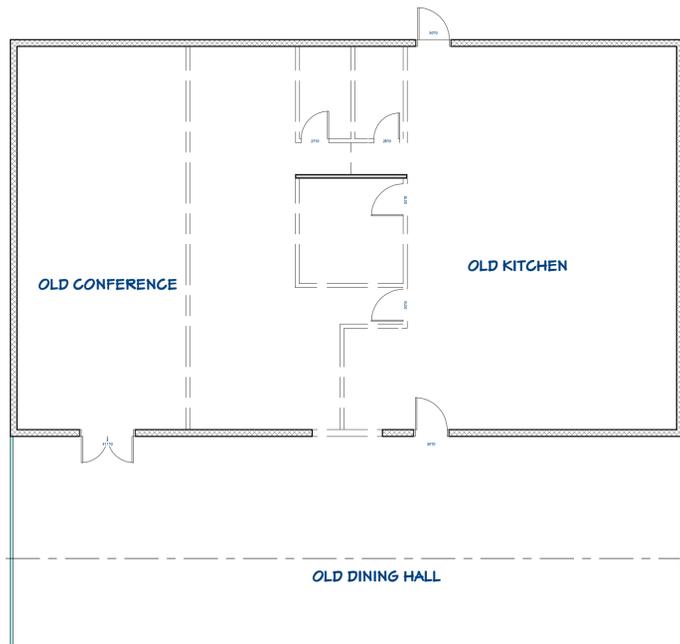
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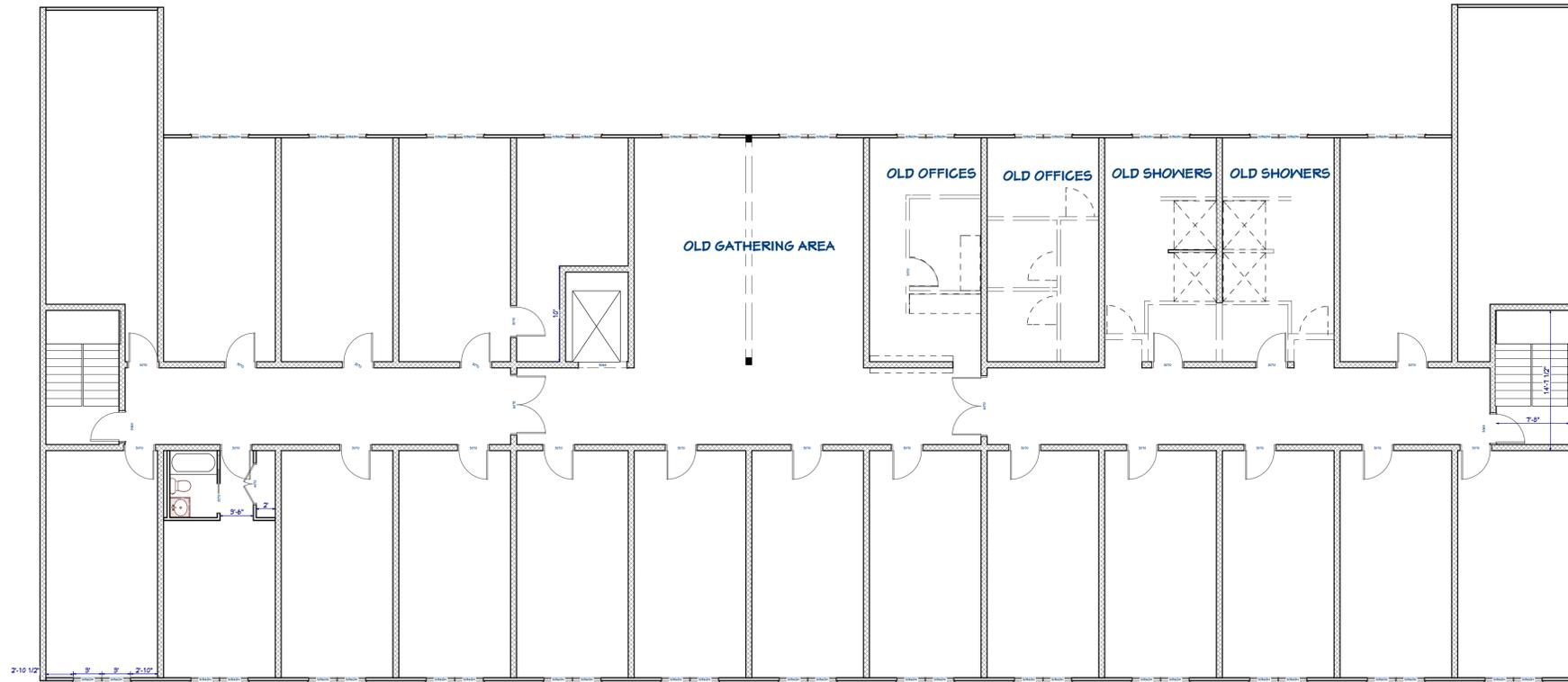
CUSTOMER:
ESMERALDA APARTMENT, LLC

DATE:
NOV. 07, 2023

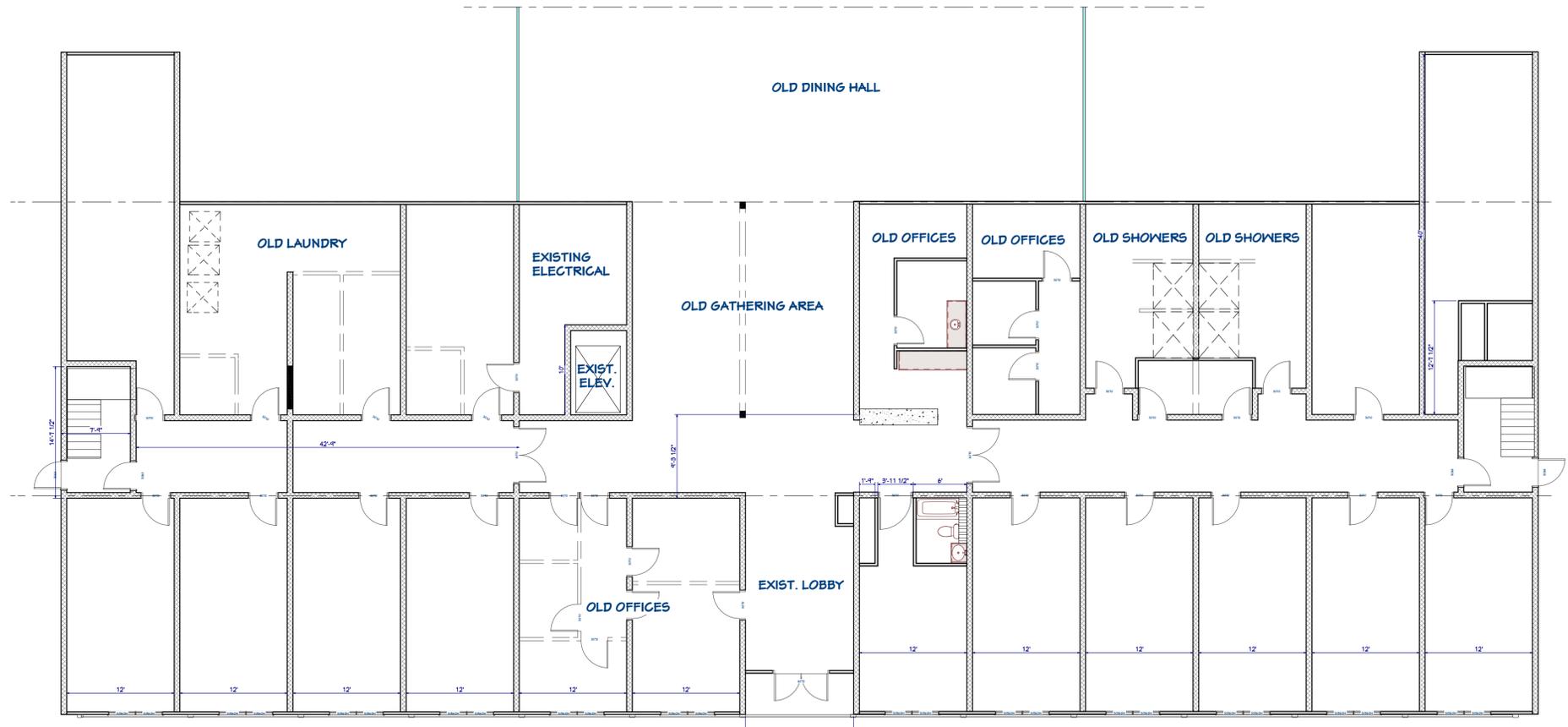
SHEET:



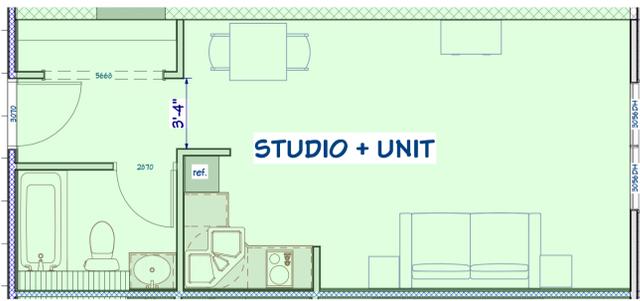
EXISTING GROUND FLOOR - SECTION 2 - DEMOLITION
SCALE: 1/8" = 1'-0"



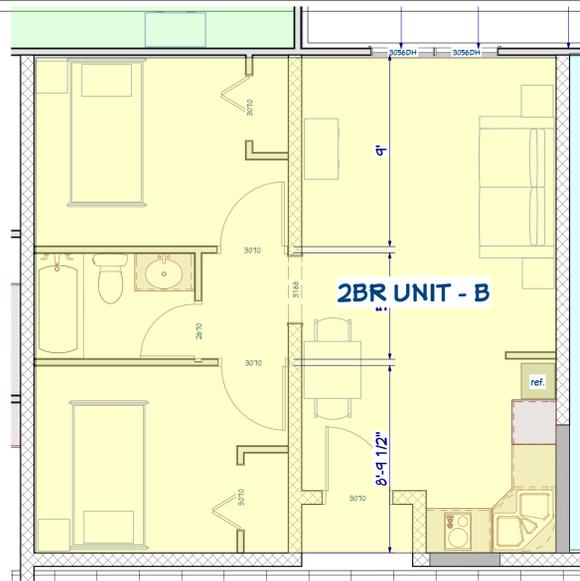
EXISTING 2ND & 3RD FLOORS - DEMOLITION
SCALE: 1/8" = 1'-0"



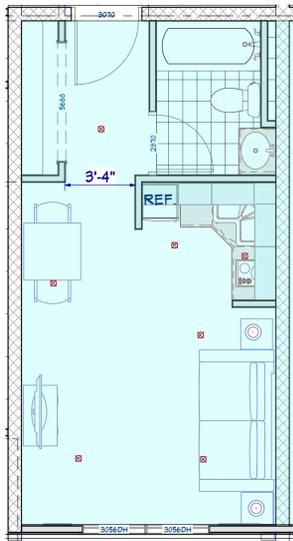
EXISTING GROUND FLOOR - SECTION 1 - DEMOLITION
SCALE: 1/8" = 1'-0"



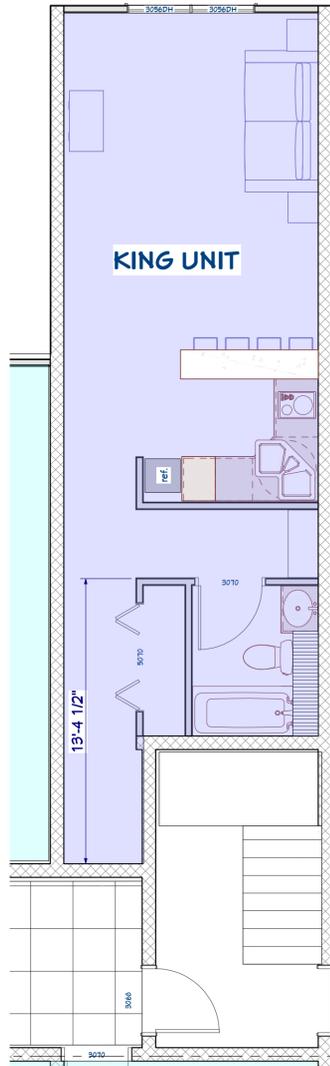
STUDIO + UNIT - 3805F
SCALE: 1/4" = 1'-0"



2BR UNIT B - 6005F
SCALE: 1/4" = 1'-0"



STUDIO UNIT - 3055F
SCALE: 1/4" = 1'-0"



KING UNIT - 4305F
SCALE: 1/4" = 1'-0"



NEW GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

UNIT COUNT BY FLOOR

ESMERALDA APARTMENTS							
	NO. OF UNITS	STUDIO UNITS	STUDIO + UNITS	KING UNITS	2BR UNITS	QUEEN UNITS	GROSS SF
GROUND FLOOR	30	16	10	2	2		13,965
SECOND FLOOR	25	22		2		1	9,960
THIRD FLOOR	25	22		2		1	9,960
TOTALS	80	60	10	6	2	2	33,885 SF

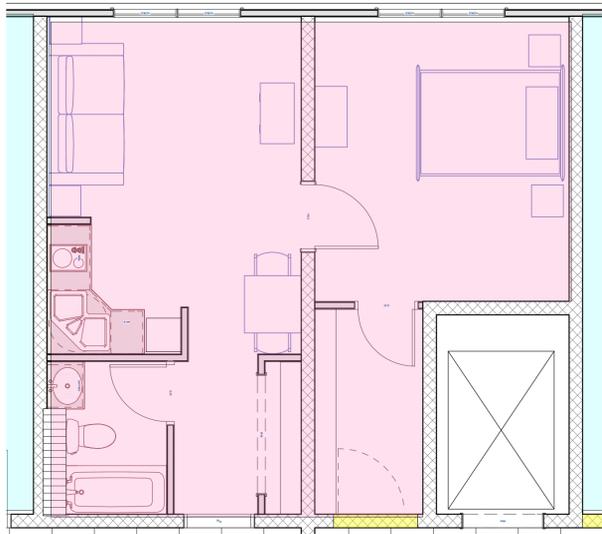
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1500 Union Avenue - Memphis, TN 38104
Direct Ph. 901-340-1229
berry@sbjarchitects.com

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2491 JOY LANE - MEMPHIS, TN

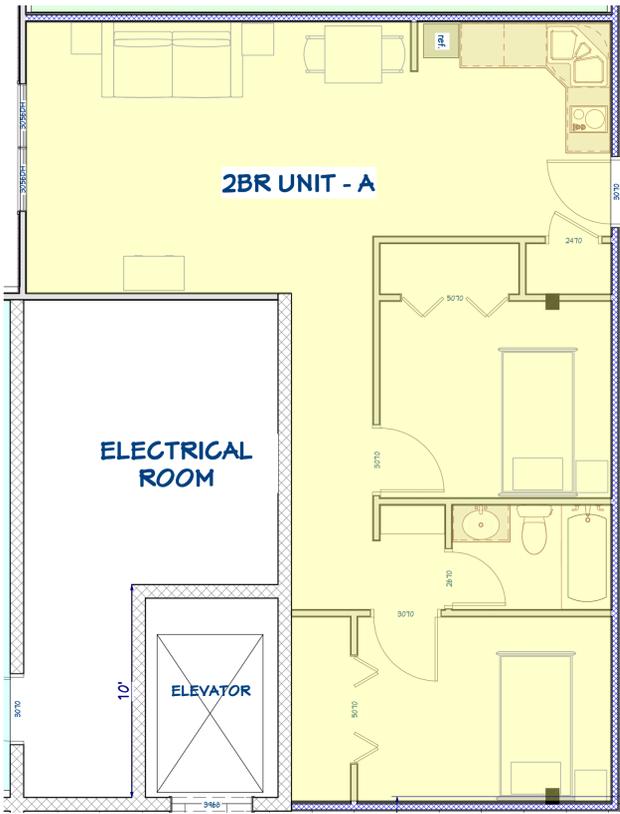
CUSTOMER:
ESMERALDA APARTMENT, LLC

DATE:
NOV. 07, 2023

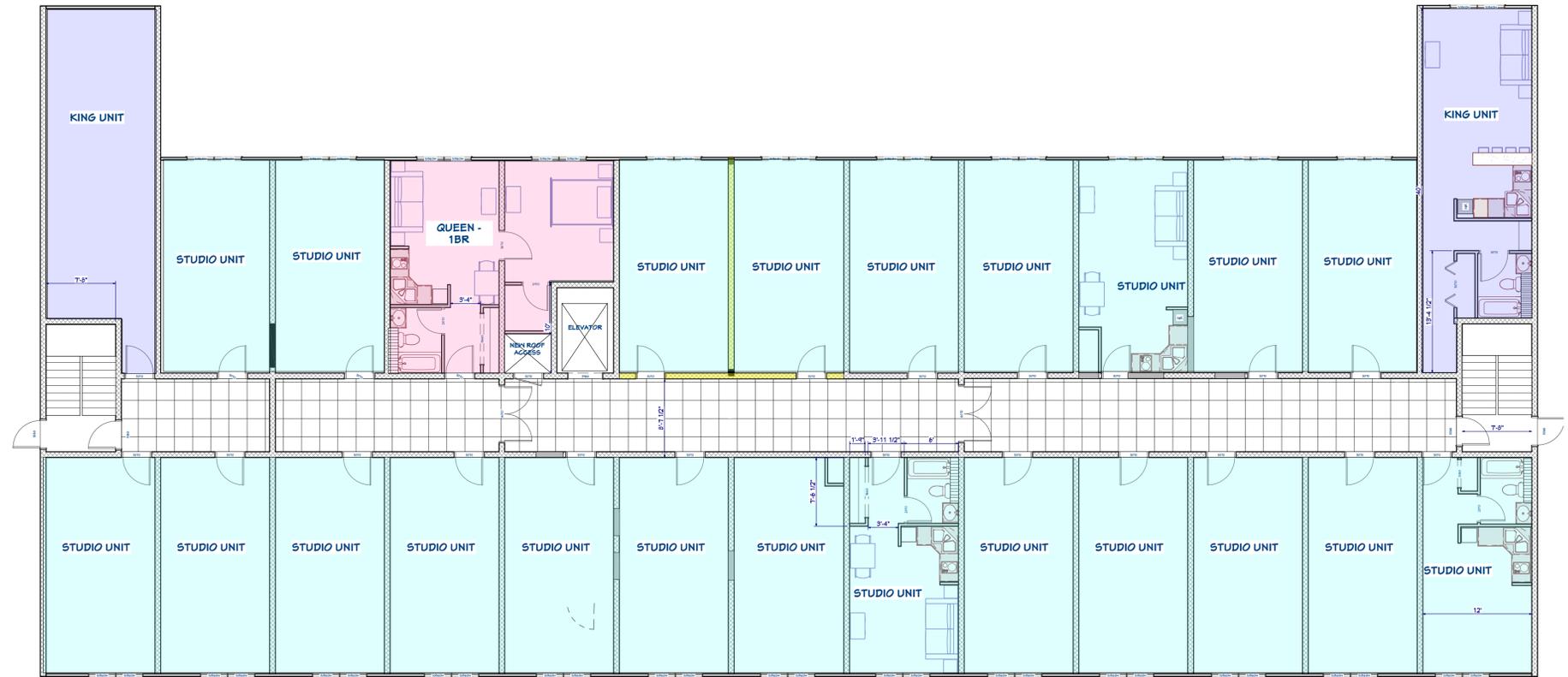
SHEET:



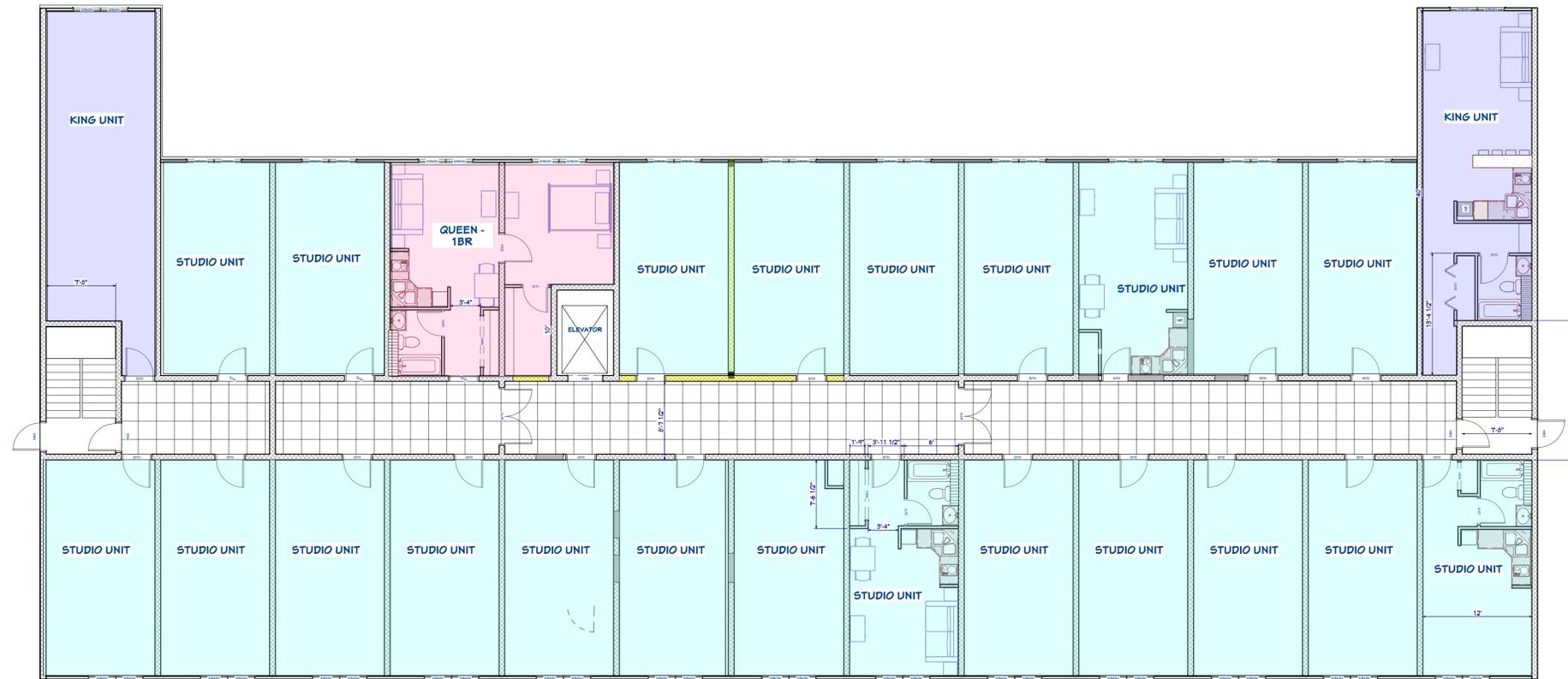
QUEEN UNIT - 4805F
SCALE: 1/4" = 1'-0"



2BR UNIT A - 7105F
SCALE: 1/4" = 1'-0"



NEW 3RD FLOOR PLAN
SCALE: 1/8" = 1'-0"



NEW 2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"

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Direct Ph. 901-340-1229
berry@sbjarchitects.com

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2491 JOY LANE - MEMPHIS, TN

CUSTOMER:
ESMERALDA APARTMENT, LLC

DATE:
NOV. 07, 2023
SHEET:



VIEW TYPICAL UNIT



OVERHEAD VIEW TYPICAL UNIT



VIEW TYPICAL UNIT

S Berry Jones Architects
 1500 Union Avenue - Memphis, TN 38104
 Direct Ph. 901-340-1229
 berry@sbjarchitects.com

PRELIMINARY OWNER REVIEW SET
 APARTMENT CONVERSION
 2491 JOY LANE - MEMPHIS, TN
 2491 JOY LANE - MEMPHIS, TN

ESMERALDA APARTMENT, LLC

DATE:
 NOV. 07, 2023
 SHEET:



Willie F. Brooks, Jr.
Shelby County Register of Deeds

Owner: ESMERALDA APARTMENT LLC

Parcel Address: 2491 JOY LN

Parcel ID: 060137 00163

2023 Appraisal: \$1,353,600

Tax District: MEMPHIS

Year Built:

Lot Number: 0 2

Subdivision: MEACHAM PARTITION

Plat BK & PG: UNKNOWN

Dimensions:

Total Acres: 1.807

Owner Address: PO BOX 20242
CLEVELAND OH
44120 0242

Map prepared on 11/7/2023



This instrument Prepared by and return to:
Griffin Clift Everton & Maschmeyer, PLLC
6489 Quail Hollow #100
Memphis, TN 38120

DEED OF TRUST

This Indenture made and entered into this **10th day of January, 2022**, by and between

Esmeralda Apartment LLC, a Tennessee Limited Liability Company

Party of the first part, and

Glenn D. Everton, Trustee, Party of the second part,

WITNESSETH: That for and in consideration of Five Dollars Cash in hand paid by the party of the second part to the party of the first part, and the debt and trusts hereinafter mentioned, said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate situated and being in **Shelby**, County, Tennessee, to wit:

THE WILLIAM BOND, INC. PART OF LOT 2, WILLIAM F. MEACHAM SUBDIVISION, OF PART OF LOT 3, OF PEARCE & SUGGS SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN OLD IRON PIN IN THE WEST LINE OF DELUGACH'S PEACH COVE SUBDIVISION, AS RECORDED IN PLAT BOOK 18, PAGE 13, SAID POINT BEING 209.25 FEET SOUTHWARDLY FROM THE NORTHEAST CORNER OF SAID WILLIAM F. MEACHAM SUBDIVISION, AND SAID POINT BEING THE NORTHEAST CORNER OF LOT 2 AND THE SOUTHEAST CORNER OF LOT 1; THENCE SOUTHWARDLY WITH THE WEST LINE OF SAID DELUGACH'S PEACH COVE SUBDIVISION, 177.17 FEET TO THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY ROUTE 1-240; THENCE WESTWARDLY WITH SAID RIGHT OF WAY LINE 0.6 FEET TO CONCRETE MONUMENT; THENCE SOUTHWARDLY WITH SAID RIGHT OF WAY LINE 21.97 FEET TO THE SOUTH LINE OF LOT 2, WILLIAM F. MEACHAM SUBDIVISION; THENCE WESTWARDLY WITH THE SOUTH LINE OF SAID LOT 2 AND WITH THE NORTH RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY 1-240, 144.82 FEET; THENCE NORTHWESTWARDLY WITH SAID RIGHT OF WAY LINE 170.56 FEET TO AN ANGLE IN SAID RIGHT OF WAY LINE; THENCE CONTINUING NORTHWESTWARDLY WITH SAID NORTH RIGHT OF WAY LINE 180.41 FEET TO THE SOUTH LINE OF LOT 1 AND THE NORTH LINE OF LOT 2; THENCE EASTWARDLY 429.21 FEET TO THE POINT OF BEGINNING.

Property Address: 2491 Joy Lane, Memphis, Tennessee

TO HAVE AND TO HOLD, the aforesaid real estate, together with all the hereditaments and appurtenances thereunto belonging or in any wise appertaining unto the said party of the second part, his successors and assigns, in fee simple forever, and the said party of the first part does hereby covenant with the said party of the second part, his successors and assigns, that he is lawfully seized in fee of the aforesaid real estate; that he has a good right to sell and convey the same; that the same is unencumbered, and that the title and quiet possession thereto he will and his heirs and personal representatives shall warrant and forever defend against the lawful claims of all persons.

But this is a Deed of Trust, and is made for the following uses and purposes, and none other; that is to say; the said party of the first part is justly indebted to **Tennessee Learning Academy, a Tennessee Non-Profit Corporation, or the holder of the notes hereinafter mentioned, in the sum of Four Hundred Fifty Thousand and No/100 Dollars (\$450,000.00) evidenced by**

One Promissory Note of even date herewith payable to **Tennessee Learning Academy, a Tennessee Non-Profit Corporation** in the principal sum of **\$450,000.00** with interest thereon on the date hereof. Said principal and interest are due and payable in accordance with the terms of said Note with a maturity date of **June 10, 2021**.

Maximum principal indebtedness for Tennessee recording tax purposes is **\$450,000.00**

The principal balance from time to time outstanding hereunder shall become immediately due and payable at the option of the holder of the note if the mortgagor or any subsequent owner of the mortgaged premises should sell, convey, or further encumber such premises, without prior written consent of the holder. Said option may be exercised at any time after such conveyance without holder's prior approval and the acceptance of one or more monthly installments made by the new owner shall not constitute a waiver of the holder's option. Holder's approval of a transferee or failure to exercise said option shall not be construed as a waiver of the provisions hereof as regards any subsequent owner.

The holder hereof agrees to look solely to this Deed of Trust and any other security now or hereafter given to secure the Note secured by this Deed of Trust, and to the income, rents, profits and issues as may be derived therefrom, for repayment of the indebtedness secured hereby and further agrees that no deficiency judgment shall be sought or obtained against the maker of the Note hereby secured, nor against any of the members or shareholders of the maker if applicable.

The party of the first part desires to secure and make certain the payment of said indebtedness, and of any and all renewals and extensions thereof. Now, therefore, the party of the first part agrees and binds himself that so long as any part of the indebtedness aforesaid shall remain unpaid, he will pay all taxes and assessments against said property promptly when due, and deposit all tax receipts with the holder of the greater portion of the outstanding indebtedness secured hereby; will insure the buildings on said property for not less than the lesser of (1) the insurable value thereof or (2) the total indebtedness secured by mortgages, deeds of trust or other security instruments encumbering the aforescribed real estate against loss or damage by fire and the perils against which insurance is afforded by extended coverage endorsement in some insurance company or companies approved by the holder of the greater portion of the outstanding indebtedness secured hereby, cause said policies to contain a standard mortgage clause in favor of the holder of said indebtedness and deposit said policies with the holder of the greater portion of the outstanding indebtedness secured hereby as further security for the said debt; will protect the improvements on said property by proper repairs and maintain them in good repair and condition; will not do anything or suffer or permit anything to be done whereby the lien of this Deed of Trust might or could be impaired; will pay such expenses and fees as may be necessary in the protection of the property and the maintenance and execution of this trust, including, but not being limited to, expenses incurred by the Trustee in any legal proceeding to which he is made or becomes a party. The net proceeds resulting from the taking of all or any part of the property by eminent domain, or from any sale in lieu thereof, shall be applied upon the indebtedness in inverse order of its maturity; and in the event of the destruction of the improvements by fire or other casualty, the net proceeds of the insurance shall be applied upon the indebtedness secured hereby in inverse order of its maturity, or at the option of the party of the first part, his heirs and assigns, such proceeds may be used to restore the improvements to their former condition.

The owner of any part of the indebtedness aforesaid may, at his discretion, advance and pay such sums as may be proper to satisfy taxes, maintain insurance and repairs, and protect and preserve the property; and such amount so paid shall be held and treated as part of the expense of administering this trust, shall be repaid on demand with

interest at the highest rate legally chargeable on the date of the advance, and shall be secured by lien of this Deed of Trust.

If the said party of the first part shall pay said indebtedness when due, and shall pay such sums as shall be necessary to discharge taxes and maintain insurance and repairs and the costs, fees and expenses of making, enforcing and executing this trust, when that shall severally be due and payable, then this conveyance shall become null and void, and the owner of the indebtedness shall execute proper deed of release or enter marginal satisfaction on the record of this deed of trust, or in the alternative, the Trustee shall reconvey by quit claim deed the property herein described, all at expense of said party of the first part.

But if said party of the first part shall fail to pay any part of said indebtedness, whether principal or interest, promptly when the same becomes due, or shall fail to pay any sum necessary to satisfy and discharge taxes and assessments before they become delinquent, or to maintain insurance or repairs, or the necessary expense of protecting the property and executing this trust, then, or in either event, all of the indebtedness herein secured shall, at the option of the owner of any of said indebtedness and without notice, become immediately due and payable, principal and interest, and the said Trustee is hereby authorized and empowered to enter and take possession of said property, and before or after such entry to advertise the sale of said property for twenty one days by three weekly notices in some newspaper published in Memphis, Tennessee, if the land described in this Deed is situated in Shelby County, Tennessee, or in some newspaper published in the County of Counties in which the land described in this Deed of Trust is situated, of other than Shelby County, Tennessee, and sell the said property for cash to the highest bidder, free from equity or redemption, statutory right of redemption, homestead, dower, and all other rights and exemptions of every kind, all of which are hereby expressly waived, and said Trustee shall execute a conveyance to the purchaser in fee simple, and deliver possession to the purchaser, which the party of the first part binds himself shall be given without obstruction, hindrance or delay.

The owners of any part of the indebtedness hereby secured may become the purchaser at any sale under this conveyance.

If the notes secured hereby are placed in the hands of an attorney for collection, by suit or otherwise, or to enforce their collection by foreclosure or to protect the security for their payment, the party of the first part will pay all costs of collection and litigation, together with an attorney's fee as provided in said notes, or, if none is so provided, a reasonable attorney's fee, and the same shall be a lien on the premises herein conveyed and enforced by a sale of the property and herein provided.

The proceeds of any sale shall be applied as follows: first to the payment of the expenses of making, maintaining and executing this trust, the protection of the property, including the expense of any litigation and attorney's fees, and the usual commissions to the Trustee; second, to the payment of the indebtedness herein secured or intended so to be, without preference or priority of any part over any other part, and any balance of said indebtedness remaining unpaid shall be the subject of immediate suit; and third, should there be any surplus, the Trustee will pay it to the party of the first part, or his assigns. In the event of the death, refusal, or of inability for any cause, on the part of the Trustee named herein, or of any successor trustee, to act hereunder, or for any other reason satisfactory to the owner of the said indebtedness, the owner or owners of the majority of the outstanding indebtedness aforesaid are authorized either in their own name or through an attorney or attorneys in fact appointed for that purpose by written instrument duly register, to name and appoint a successor or successors to execute this trust, such appointment to be evidenced by writing, duly acknowledged and when such writing shall have been registered, the substituted trustee named therein shall thereupon be vested with all the right and title, and clothed with all the power of the Trustee named herein and such like power of substitution shall continue so long as any part of the indebtedness secured hereby remains unpaid. The party of the first part, for himself, his heirs, representatives, successors and assigns, covenants and agrees that at any time after default in payment of any of the indebtedness hereby secured, or upon failure to perform any of the covenants to be kept and performed by him, said Trustee may enter upon and take possession of said property and collect the rents and profits therefrom with payment of such to the Trustee after default being full acquittance to the tenant, by the Trustee shall be required to account only for the net rents received by him; and from and after the conveyance of said

property under this Deed of Trust, the party of the first part, and all persons under him, shall, at the option of the purchaser, be and become the tenants at will of the purchaser, at a reasonable monthly rental, commencing with the date of delivery of the Trustee's Deed.

In the event that more than one Trustee be named herein, any one of such Trustees shall be clothed with full power to act when action hereunder shall be required, and to execute any conveyance of said property. In the event that more than one Trustee be named herein and the substitution of a trustee shall become necessary for any reason, the substitution of one trustee in the place of those or any of those named herein shall be sufficient. The term "Trustee" shall be construed to mean "Trustee" whenever the sense requires. The necessity of the Trustee herein named, or any successor in trust, making oath or giving bond, is expressly waived.

No waiver by the party of the second part or by the holder of the indebtedness secured hereby shall be construed as a waiver of a subsequent similar default or any other default by the party of the first part.

The singular number may be construed as plural, and the plural as singular, and pronouns occurring herein shall be construed according to their proper gender and number, as the context of this instrument may require.

IN WITNESS WHEREOF, the party of the first part has executed, or has caused to be executed, this instrument on the day and year first above written.

Esmeralda Apartment LLC, a Tennessee Limited Liability Company

By: Real Estate Holding 4 LLC, a Wyoming Limited Liability Company, its Sole Member

By: Richel Francis
Richel Francis, Chief Executive Manager

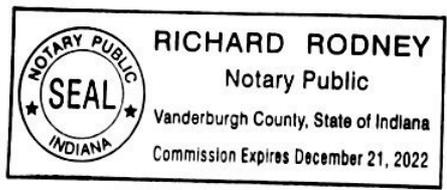
STATE OF Indiana
COUNTY OF Vanderburgh

Before me, a Notary Public in and for said State and County duly commissioned and qualified, personally appeared Richel Francis, with whom I am personally acquainted, the Chief Executive Manager of Real Estate Holding 4 LLC, a Wyoming Limited Liability Company, the Sole Member of Esmeralda Apartment LLC, a Tennessee Limited Liability Company, the within named bargainer, and that he as such Chief Executive Manager authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the company by himself as Chief Executive Manager.

WITNESS my hand and Notarial Seal at office this 10th day of January, 2022.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: December 21, 2022



MY UNDERSTANDI WAS MAILING LABELS ARE PROVIDED BY OPD NOW.

OWNER'S AFFIDAVIT WILL BE UPLOADED SHORTLY.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 02/20/2024
DATE
PUBLIC SESSION: 02/20/2024
DATE

ITEM (CHECK ONE)
 ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 391 Western Park Drive, known as case number SUP 23-036

CASE NUMBER: SUP 23-036

LOCATION: 391 Western Park Drive

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

OWNER/APPLICANT: Musleh Hefdallah

REPRESENTATIVE: David Bray, The Bray Firm

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

AREA: +/-0.346 acres

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

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

PRIOR ACTION ON ITEM:

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

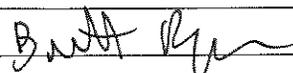
FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

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



Memphis City Council Summary Sheet

SUP 23-036

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED 391 WESTERN PARK DRIVE, KNOWN AS CASE NUMBER SUP 23-036

- This item is a resolution with conditions for a special use permit to allow a convenience store with gas sales in the Commercial Mixed Use – 3 (CMU-3) District.
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

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

CASE NUMBER: SUP 2023-036

LOCATION: 391 Western Park Drive

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

OWNER/APPLICANT: Musleh Hefdallah

REPRESENTATIVE: David Bray, The Bray Firm

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

EXISTING ZONING: Commercial Mixed Use - 3

AREA: +/-0.346 acres

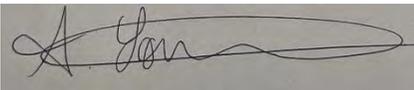
The following spoke in support of the application: None

The following spoke in opposition the application: None

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

The motion passed by a vote of 8-0 on the consent agenda.

Respectfully,



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

Cc: Committee Members
File

SUP 23-036
CONDITIONS

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of the Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing board(s).
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 391 WESTERN PARK DRIVE, KNOWN AS CASE NUMBER SUP 2023-036

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

WHEREAS, Musleh Hefdallah filed an application with the Memphis and Shelby County Division of Planning and Development to allow a convenience store with gas sales in the Commercial Mixed Use – 3 (CMU-3) District; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on January 11, 2024, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

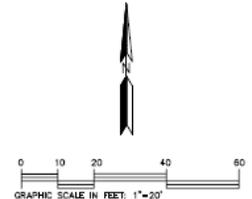
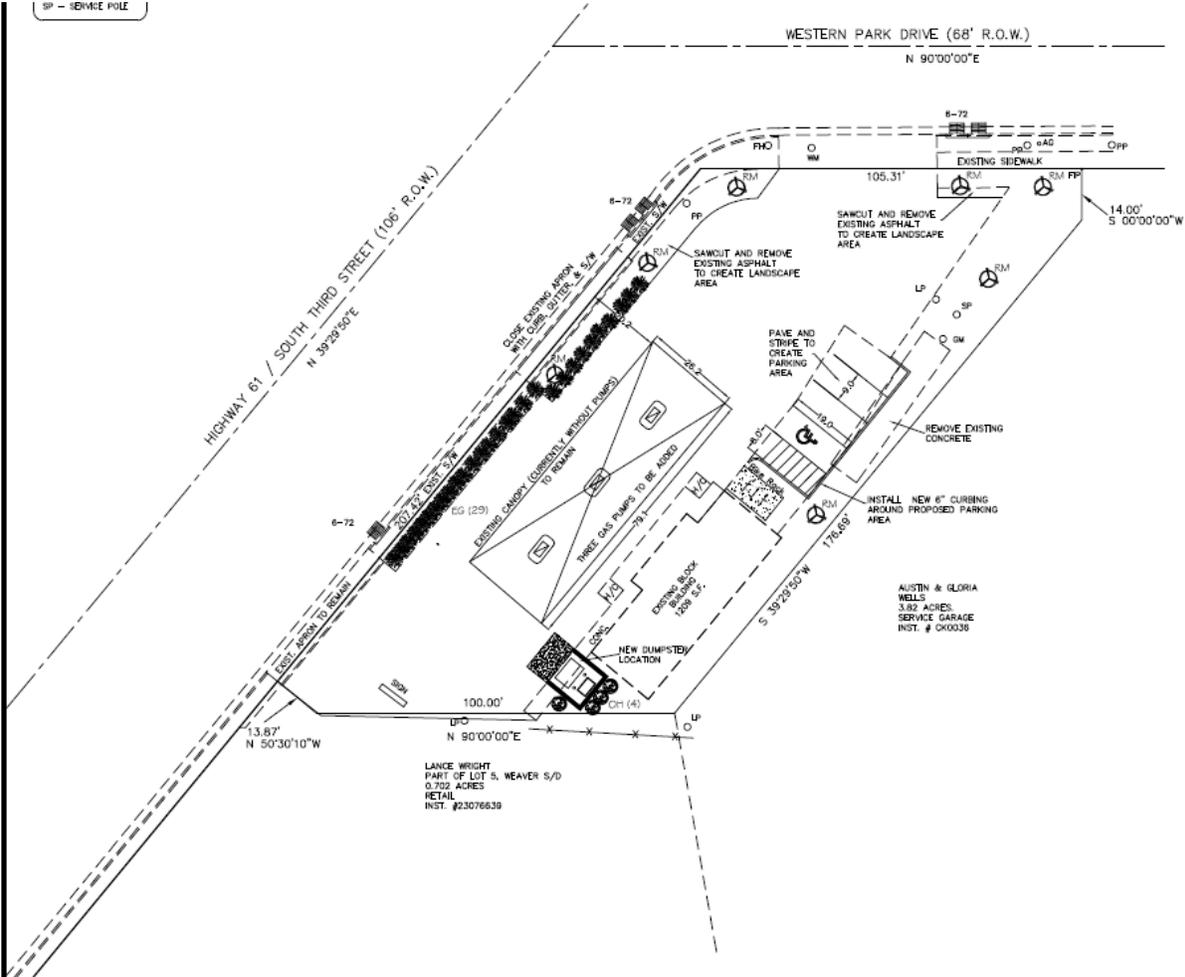
BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council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

CONDITIONS

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of the Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing board(s).
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

SITE PLAN

SP - SERVICE POLE



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

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

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

PROPOSED PLANTS

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

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

ATTEST:

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

AGENDA ITEM: 13

CASE NUMBER: SUP 2023-036

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

LOCATION: 391 Western Park

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Musleh Hefdallah

REPRESENTATIVE: David Bray, The Bray Firm

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

AREA: +/-0.346 acres

EXISTING ZONING: Commercial Mixed Use - 3

CONCLUSIONS

1. The applicant is seeking a special use permit to allow a convenience store with gas sales in CMU-3.
2. The subject property isn't located at an intersection that is defined as two collectors or greater.
3. The property is an existing non-operating fuel station with a convenience store. It has not been operational for more than 365 days.
4. The applicant is looking to re-install three (3) fuel pumps.
5. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 14-16 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

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

Zoning Atlas Page:

Parcel ID: 075150 00093

Existing Zoning: Commercial Mixed Use - 3

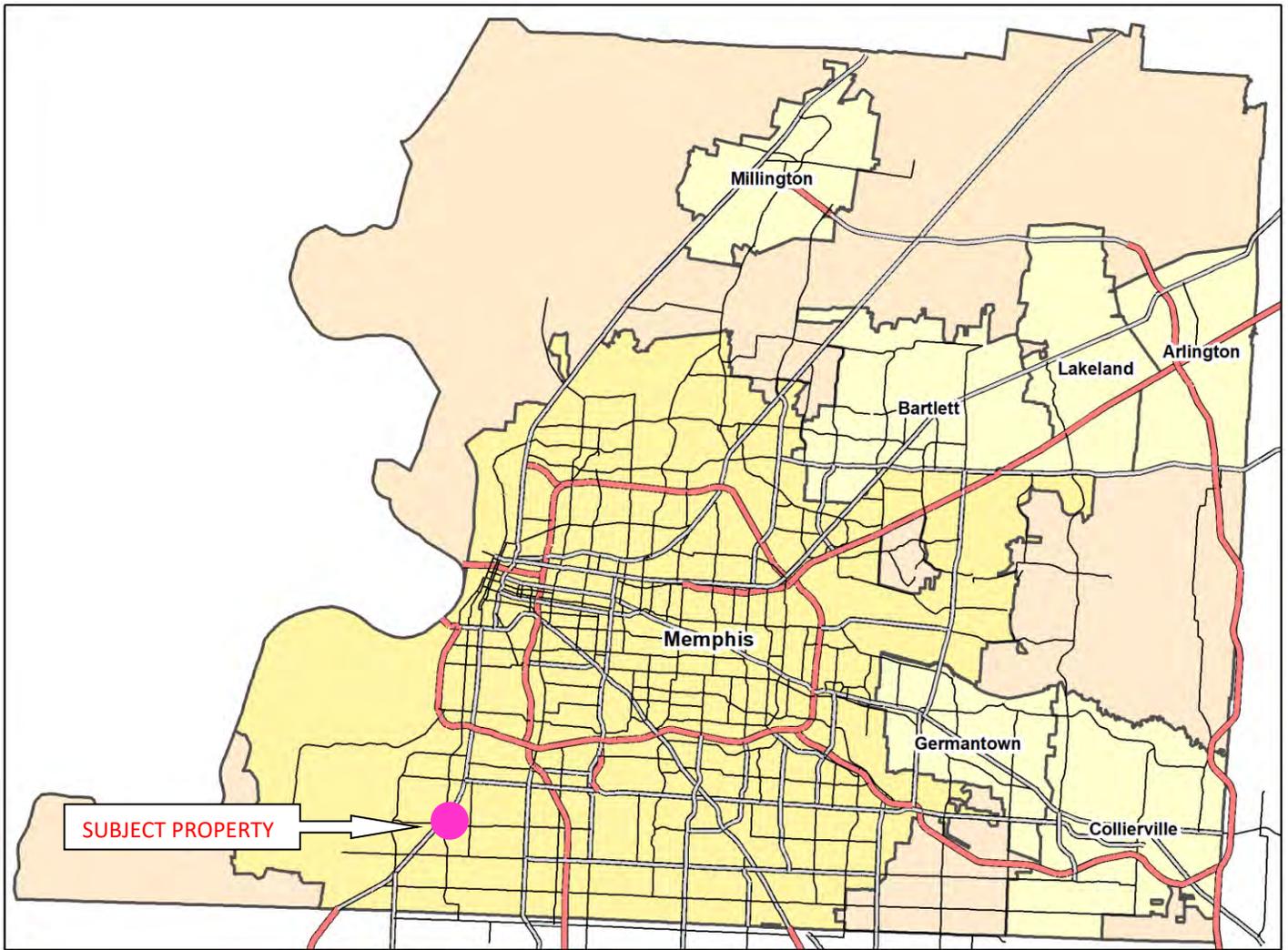
NEIGHBORHOOD MEETING

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

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 29 notices were mailed on December 21, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Westwood neighborhood

VICINITY MAP



Site highlighted in yellow

AERIAL



Subject property outlined in yellow, imagery from 2023

ZONING MAP



Subject property indicated by a pink star.

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

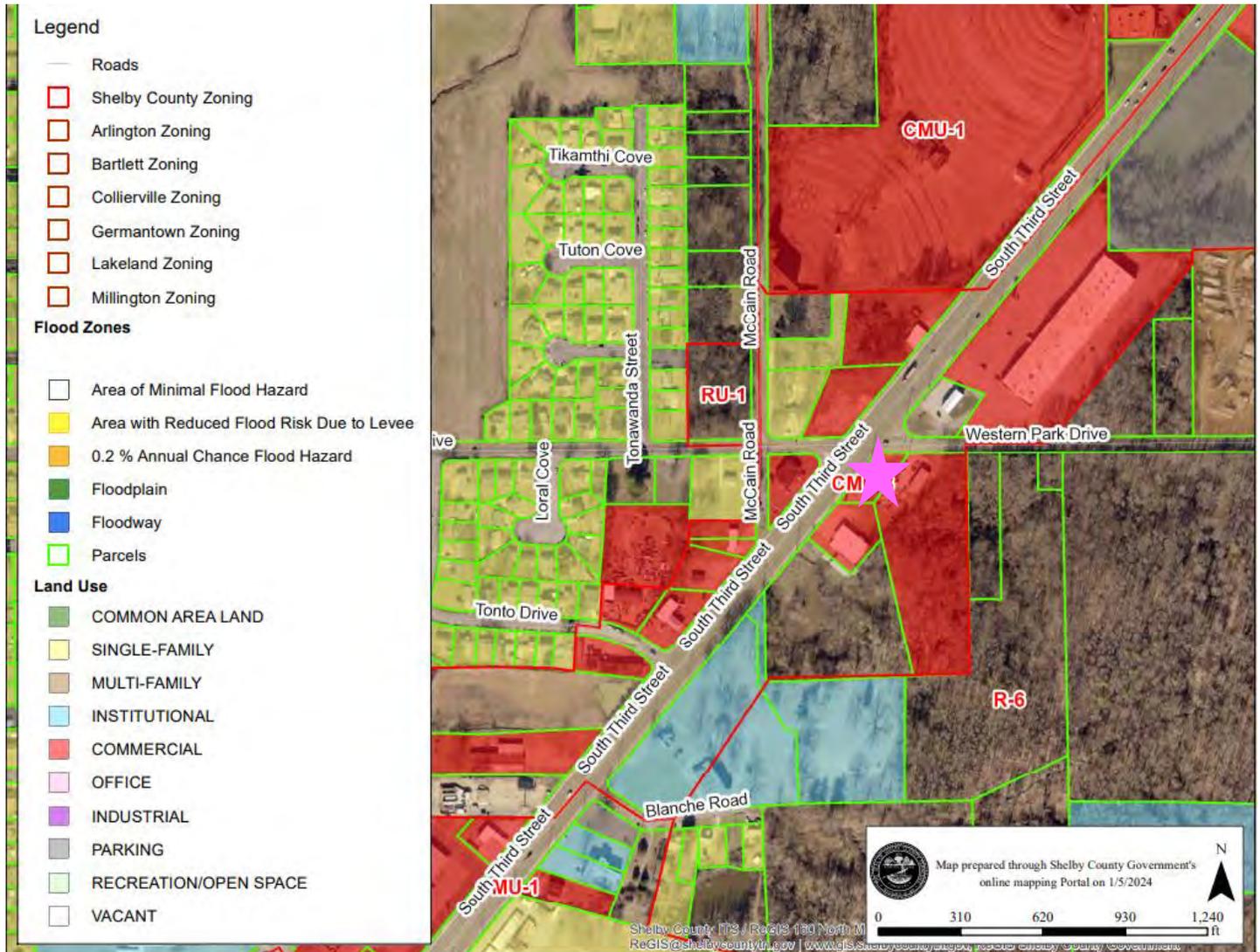
North: CMU-3

East: Residential Urban – 1 (RU-1)

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

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

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



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



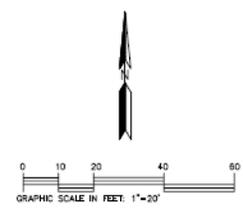
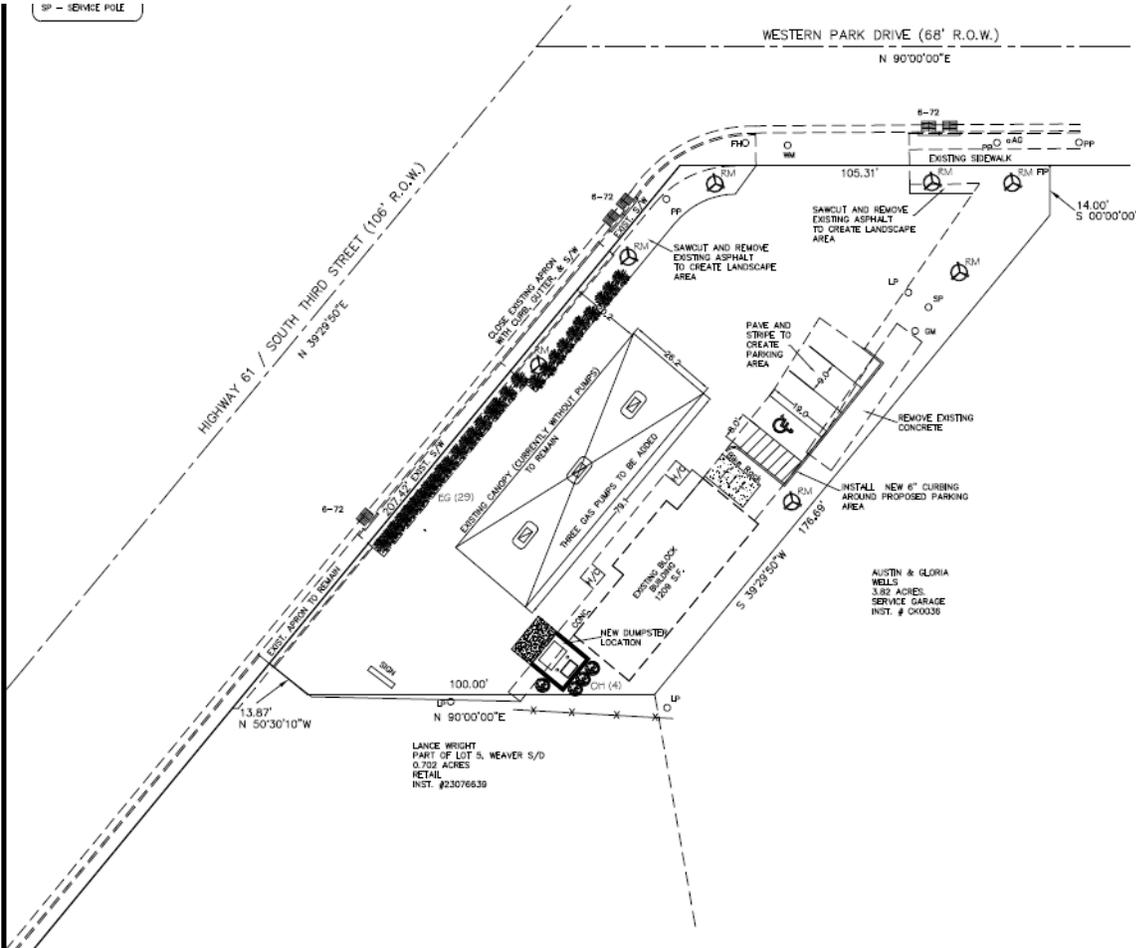
View of subject property from Western Park Drive, August 2023



View of subject property from South Third Street.

SITE PLAN

SP - SERVICE POLE



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

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

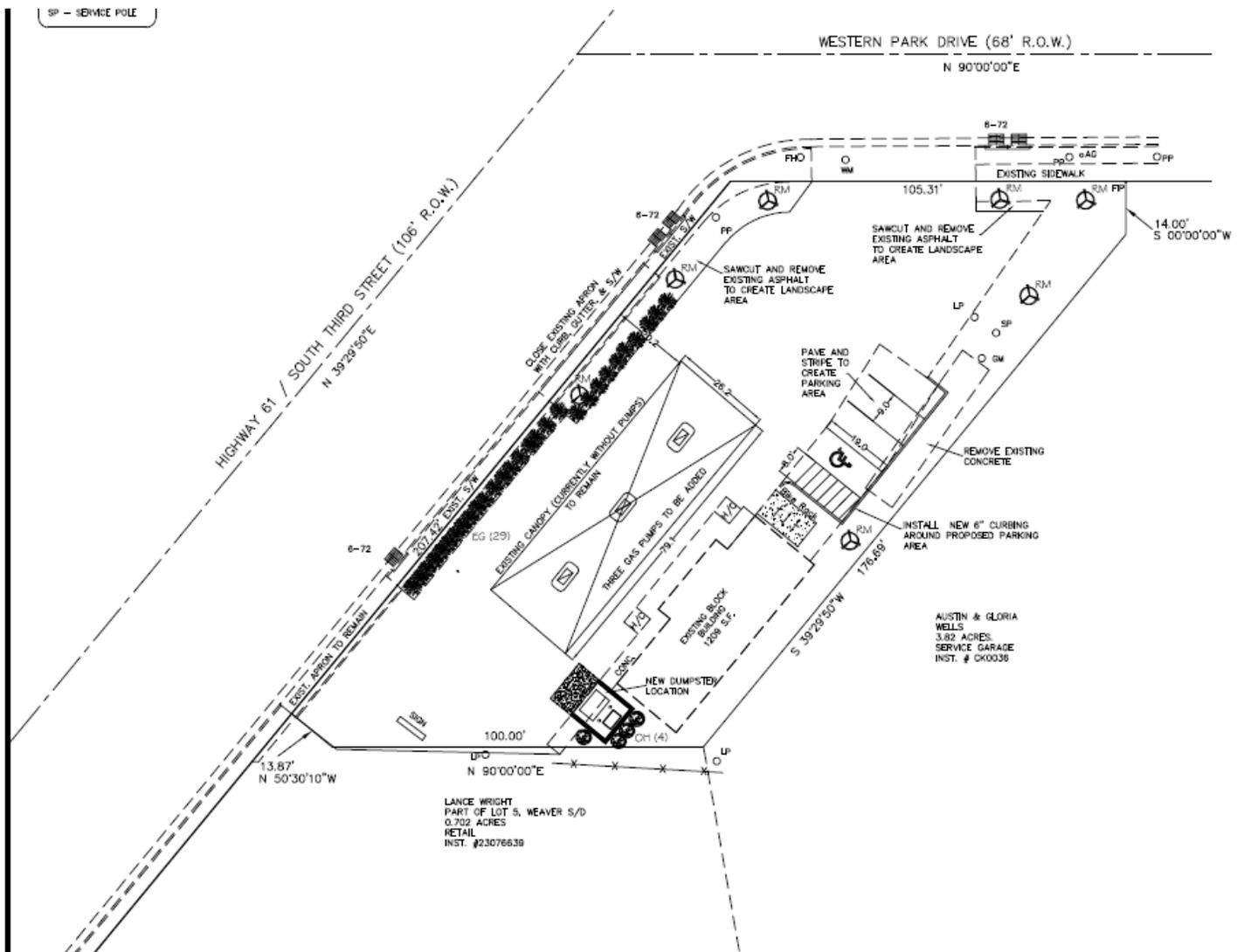
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PROPOSED PLANTS

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SITE PLAN		
391 WESTERN PARK		
PART OF LOT 5, WEAVER S/D (NOT RECORDED)		
EXISTING ZONING DISTRICT: CMU-3	MEMPHIS, TENNESSEE	
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DATE: DECEMBER 2023	SCALE: 1"=20'	SHEET 1 OF 1

LANDSCAPE NOTES



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

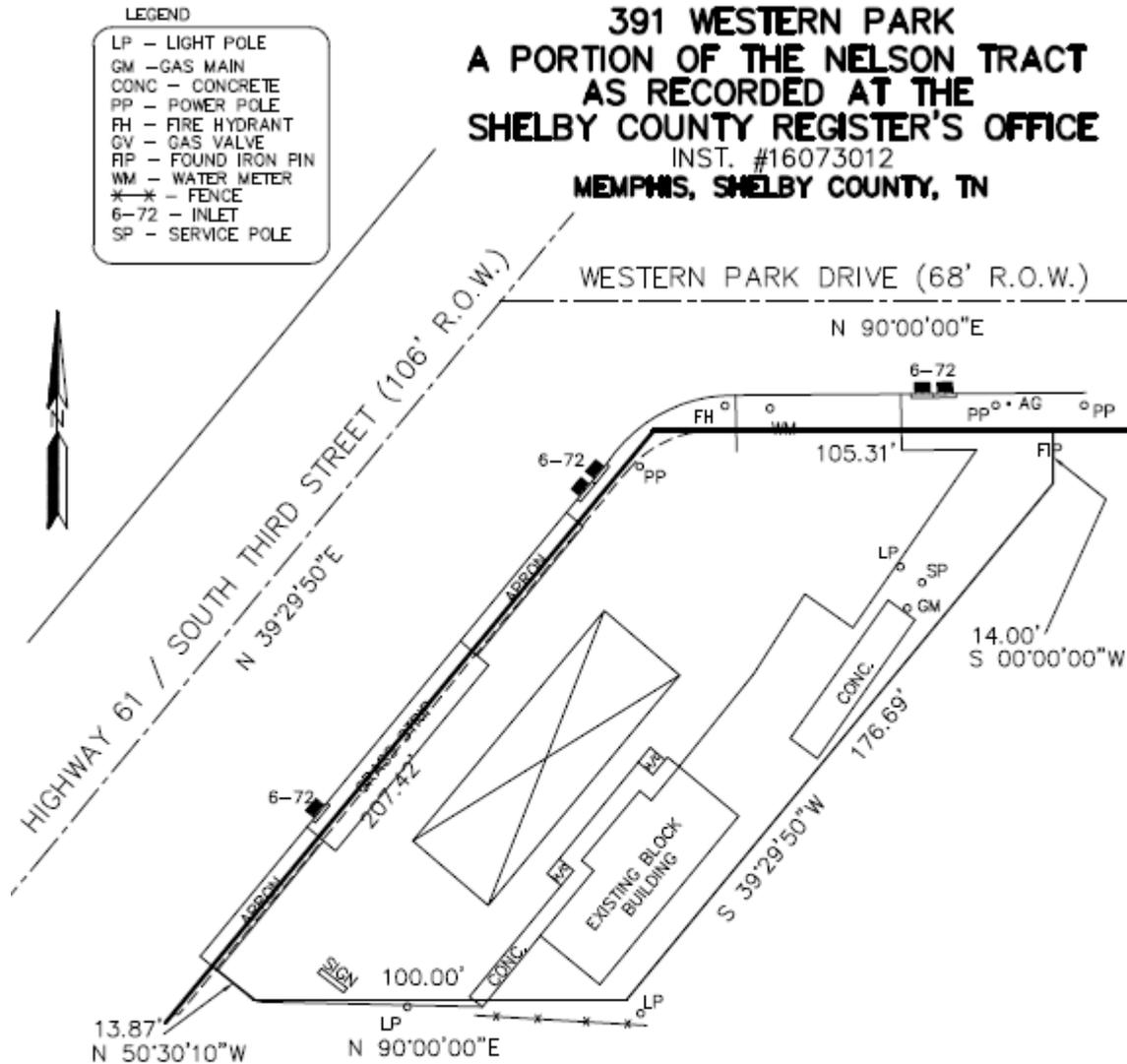
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PROPOSED PLANTS

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	OH	Oak Leaf Holly	Ilex x 'Conif'	3-4 ft	4
	RM	October Glory Red Maple	Acer rubrum 'October Glory'	4-5 ft	7

SURVEY

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

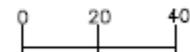


NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

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

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

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



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

PREPARED FOR:
COURTNEY CROSBY

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

STAFF ANALYSIS

Request

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

The request is for a special use permit to allow a convenience store with gas sales in the Commercial Mixed Use –3 (CMU-3).

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: SUP 2023-036: Westwood

Site Address/Location: 391 Western Park Dr

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

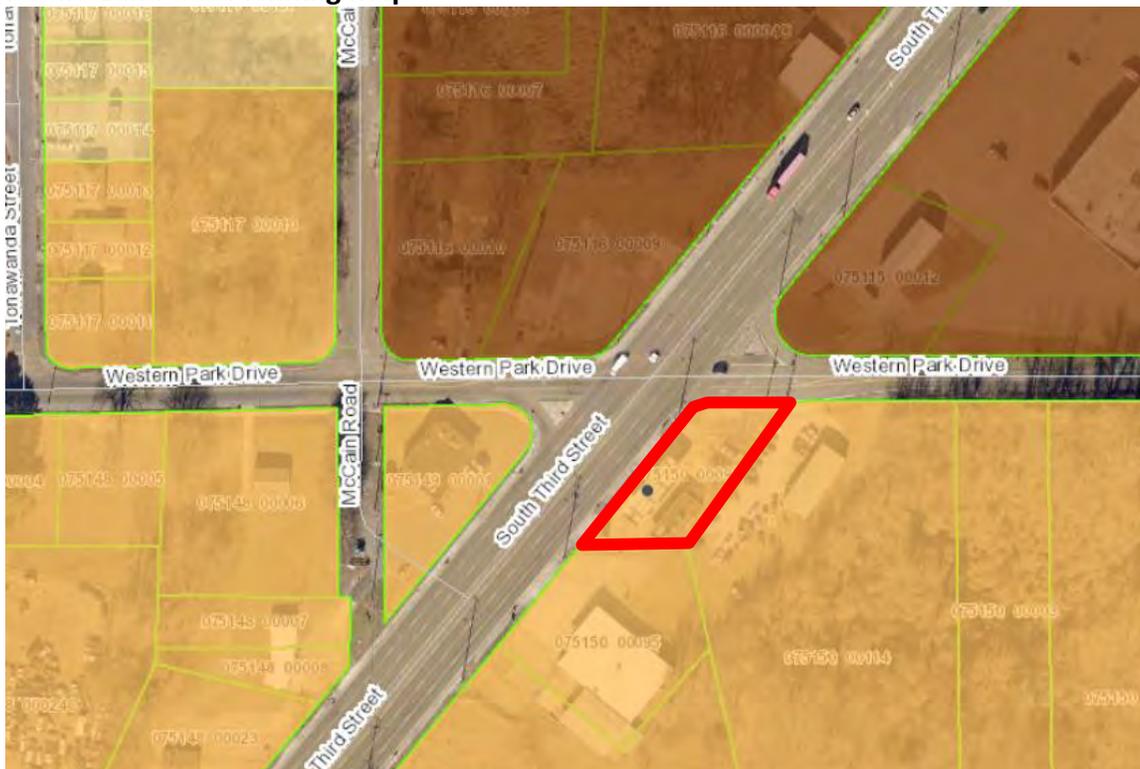
Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)

Street Type: Avenue & Parkway

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

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



These housing.

“AN-M” Form & Location Characteristics

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

“AN-M” Zoning Notes

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

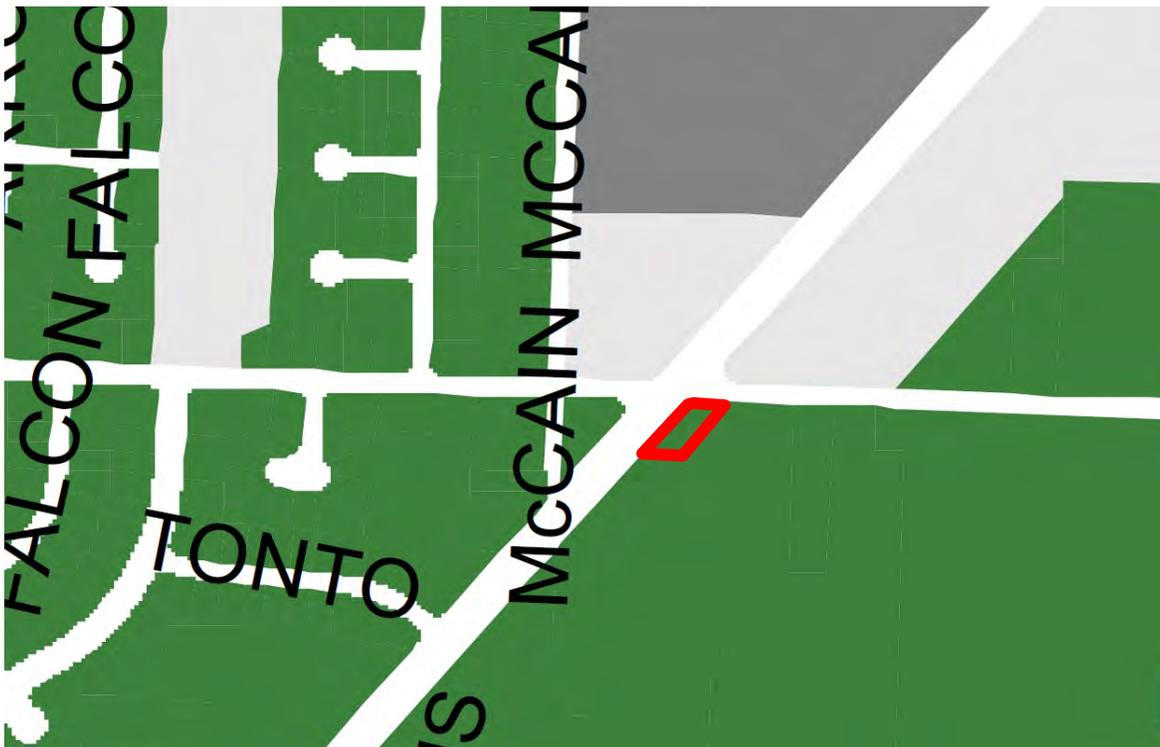
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CMU-3

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

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

3. Degree of Change Map



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

4. Degree of Change Description

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

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

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

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

Consistency Analysis Summary

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

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

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

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

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

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

Conclusions

1. The applicant is seeking a special use permit to allow a convenience store with gas sales in CMU-3.
2. The property is an existing non-operating fuel station with convenience store. It has not been operational for more than 365 days.
3. The subject property isn't located at an intersection that is defined as two collectors or greater.
4. The applicant is looking to re-install three (3) fuel pumps.
5. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of the Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing board(s).
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

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

Sewers:

2. Per City policy, sewer is not available to serve this proposed development. The City doesn't have a sewer at or in the vicinity of the proposed development.

Roads:

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

Traffic Control Provisions:

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

Curb Cuts/Access:

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

City/County Fire Division:

No comments received.

City Real Estate:

No comments received.

City/County Health Department:

No comments received.

Shelby County Schools:

No comments received.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

No comments received.

Office of Sustainability and Resilience:

No comments received.

Office of Comprehensive Planning:

See comments on page 14-16.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: December 8, 2023

Record Number: SUP 2023-036

Expiration Date:

Record Name: 391 Western Park

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

Parent Record Number:

Address:

391 WESTERN PARK DR, MEMPHIS 38109

Owner Information

Primary Owner Name

Y MUSLEH HEFDALLAH M

Owner Address

391 WESTERN PARK DR, MEMPHIS, TN 38109

Owner Phone

Parcel Information

075150 00093

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Chip Saliba

Date of Meeting

10/17/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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

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

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

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

GIS INFORMATION

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

Contact Information

Name
MUSLEH HEFDALLAH M
Contact Type
APPLICANT

Address

Phone
-

Fee Information

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

Payment Information

Payment Amount
\$513.00
Method of Payment
Credit Card

LETTER OF INTENT

The Bray Firm

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

December 7, 2023

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

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

Mr. Ragsdale:

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

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

Sincerely,

David Gean Bray, P.E.

SIGN AFFIDAVIT

LETTERS RECEIVED

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



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: December 8, 2023

Record Number: SUP 2023-036

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Parent Record Number:

Address:

391 WESTERN PARK DR, MEMPHIS 38109

Owner Information

Primary Owner Name

Y MUSLEH HEFDALLAH M

Owner Address

391 WESTERN PARK DR, MEMPHIS, TN 38109

Owner Phone

Parcel Information

075150 00093

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

Chip Saliba

Date of Meeting

10/17/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

GENERAL PROJECT INFORMATION

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

APPROVAL CRITERIA

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UDC Sub-Section 9.6.9C

All utilities are located at the site. Drive aprons are existing. One drive apron will be closed as a result of this application.

UDC Sub-Section 9.6.9D

Agreed

UDC Sub-Section 9.6.9E

Agreed

UDC Sub-Section 9.6.9F

Agreed

GIS INFORMATION

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

Contact Information

Name
MUSLEH HEFDALLAH M

Contact Type
APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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1523231	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	12/08/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

The Bray Firm

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

December 7, 2023

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

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

Mr. Ragsdale:

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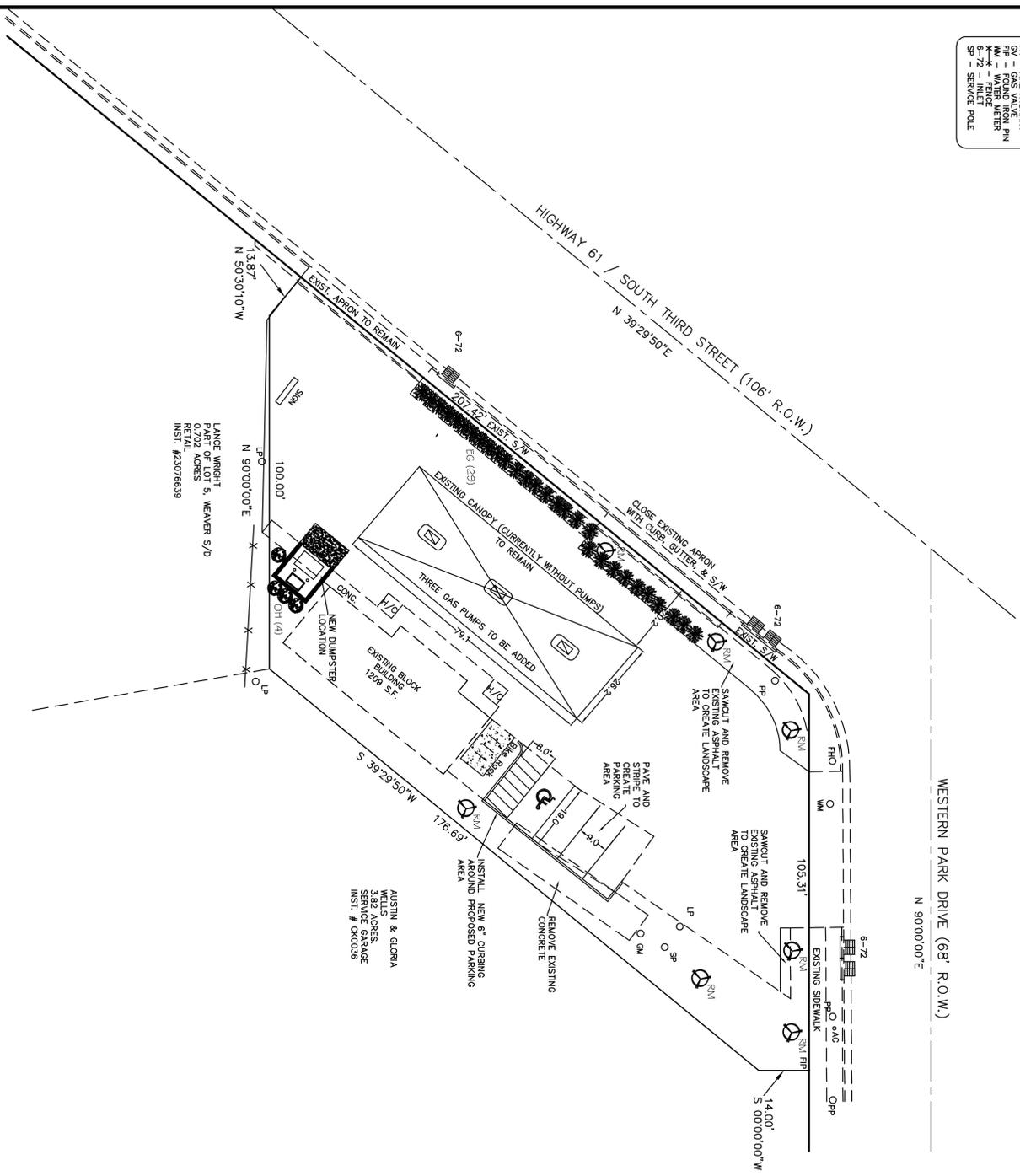
Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,

David Gean Bray, P.E.

LEGEND

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



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

PROPOSED PLANTS

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

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

EXISTING ZONING DISTRICT: CMU-3

LOTS: 1

AREA: 0.399 ACRES

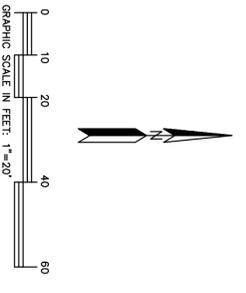
PREPARED FOR: HEFDALAH MUSLEH
 391 WESTERN PARK DR.
 MEMPHIS, TN 38109

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

DATE: DECEMBER 2023

SCALE: 1"=20'

SHEET 1 OF 1



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

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

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

LEGEND

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

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

N 90°00'00"E

6-72

105.31'

LP

SP

GM

14.00'
S 00°00'00"W

176.69'
CONC.

S 39°29'50"W

6-72

APRON

APRON

APRON

APRON

6-72

207.42'

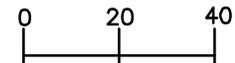
CONC.

100.00'

N 90°00'00"E

13.87'
N 50°30'10"W

HIGHWAY 61 / SOUTH THIRD STREET (106' R.O.W.)
 N 39°29'50"E



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

PREPARED FOR:
 COURTNEY CROSBY

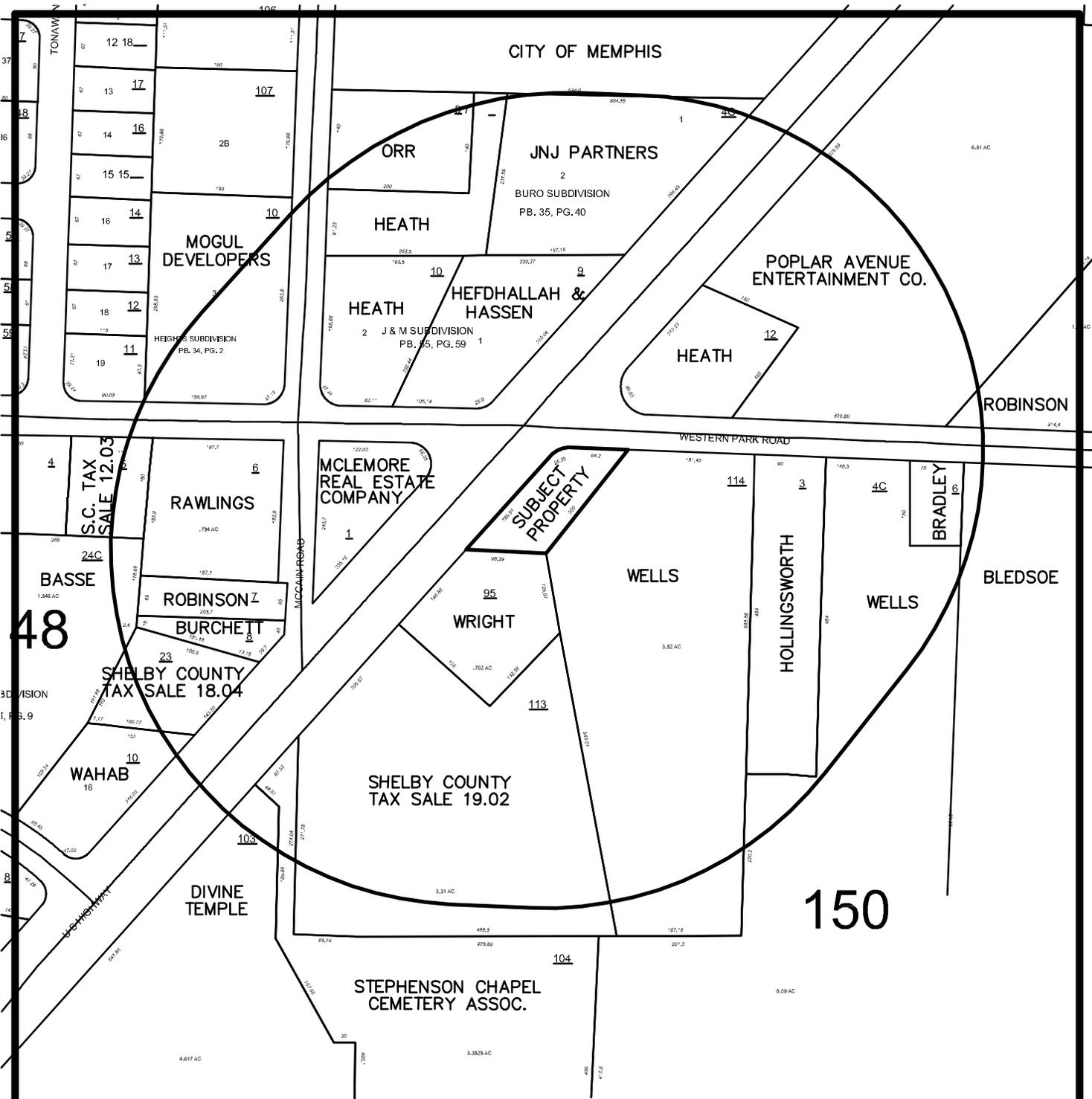
PREPARED BY:
 THE BRAY FIRM
 2950 STAGE PLAZA N.
 BARTLETT, TN 38134
 (901) 383-8668

NOTE: THIS FIRM DOES NOT PERFORM TITLE SEARCHES.

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

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

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



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

PREPARED BY THE BRAY FIRM

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

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

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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

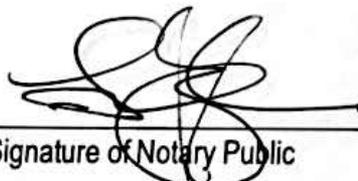
I, HEEDHALLAH MUSLEH (Print Name)  (Sign Name), state that I have read the definition of

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

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

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

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


Signature of Notary Public



03/03/2024
My Commission Expires



Tom Leatherwood
Shelby County Register / Archives

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

16073012

07/19/2016 - 10:10 AM

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

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

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

CORPORATE WARRANTY DEED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Road Enterprises, Inc

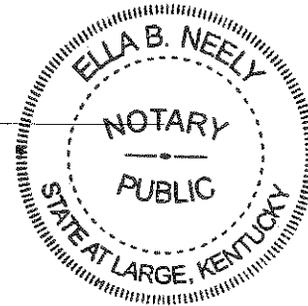
Jeffrey D. Uhling
By: Jeffrey D. Uhling
its: President

STATE OF Kentucky
COUNTY OF Jefferson

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

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

ELLA B. NEELY
Notary Public



My Commission Expires: 1-5-2019

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

Tax Parcel No:

Property Address: 391 Western Park Drive
 Memphis, TN 38109

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

Firm File #: JR1606006/CMc

STATE OF TENNESSEE
COUNTY OF SHELBY

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

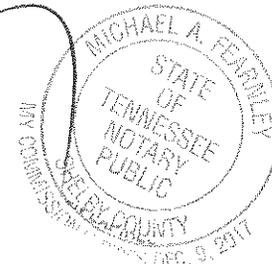
Affiant

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

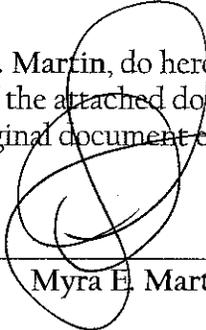
Michael A. Fearmley

Notary Public

My Commission Expires: 12/9/17



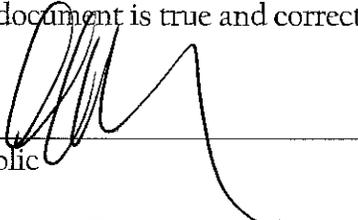
I, Myra E. Martin, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.



Signature Myra E. Martin

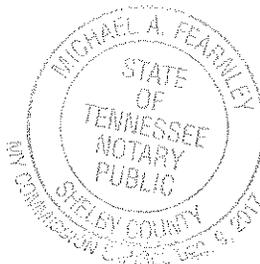
State of Tennessee
County of Shelby

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



Notary Public

My Commission Expires: 12/9/17



391 Western Park Drive
Page 1 of 2

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

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

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

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

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

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

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

Rodney Hollingsworth
1990 Gwynn Rd.
Nesbit, MS 38651

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

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

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

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

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

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

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

Resident
420 Western Park Dr.
Memphis, TN 38109

Resident
4268 McCain Rd.
Memphis, TN 38109

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

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

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

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

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

Resident
445 Western Park Dr.
Memphis, TN 38109

391 Western Park Drive
Page 2 of 2

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

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

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

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

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

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

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



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

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

January 15, 2024

Musleh Hefdallah
David Bray, The Bray Firm

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

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

Case Number: SUP 2023-036

LUCB Decision: Approval with Conditions

Dear applicant,

On Thursday, January 11, 2024 the Memphis and Shelby County Land Use Control Board **approved** your special use permit application requesting a convenience store with gas sales in the Commercial Mixed Use – 3 (CMU-3) District located at 391 Western Park, subject to the following conditions:

1. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
2. Canopy support columns shall be sheathed in the same masonry used on the principal building.
3. No gasoline pumps shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. The fuel canopy must be either: rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of the Code; or structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way.
5. The landscape plan as included in the application and staff report should be executed based on approval by the governing board(s).
6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

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

It is the applicant's responsibility to contact the City Council Records Office to determine when the

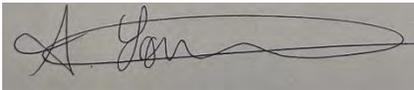
Letter to Applicant
SUP 2023-036

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

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

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

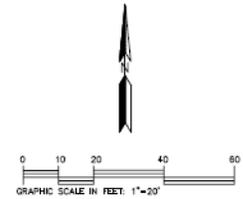
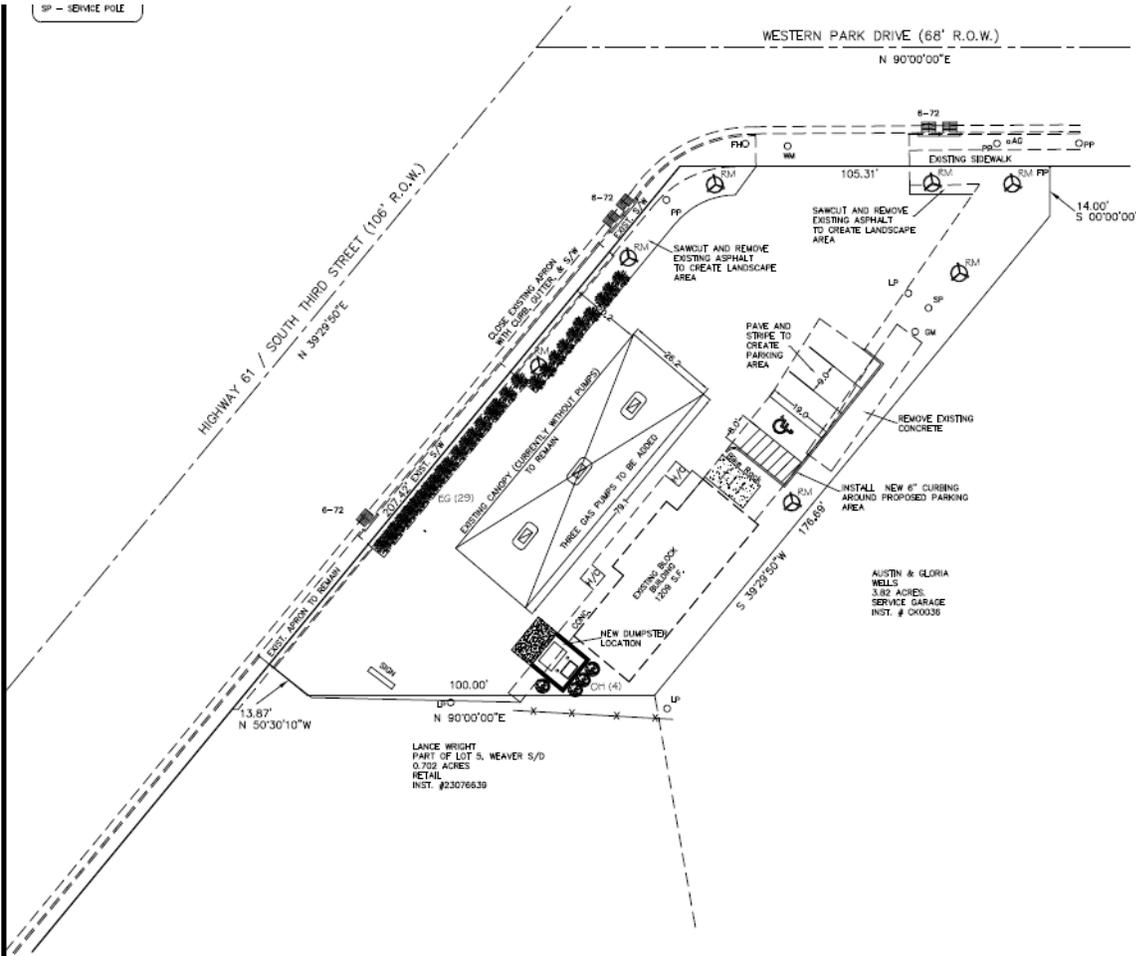
Respectfully,

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

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

Letter to Applicant
 SUP 2023-036
 SITE PLAN

SP - SERVICE POLE



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

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

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

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

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

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 03/19/2024
DATE
PUBLIC SESSION: 03/19/2024
DATE

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

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located 2491 Joy Ln, known as case number SUP 2023-028.

CASE NUMBER: SUP 2023-028

LOCATION: 2491 Joy Ln

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

OWNER/APPLICANT: Esmeralda Apartments

REPRESENTATIVE: S Berry Jones

REQUEST: Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments.

AREA: +/-34,029 SF

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

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

PRIOR ACTION ON ITEM:

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

FUNDING:

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

SOURCE AND AMOUNT OF FUNDS

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

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Mahesh Gostain</u>	<u>03/05/2024</u>	STAFF PLANNER
_____		DEPUTY ADMINISTRATOR
<u>Britt Hill</u>	<u>3/5/24</u>	ADMINISTRATOR
_____		DIRECTOR (JOINT APPROVAL)
_____		COMPTROLLER
_____		FINANCE DIRECTOR
_____		CITY ATTORNEY
_____		CHIEF ADMINISTRATIVE OFFICER
_____		COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 2023-028

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 2491 JOY LN, KNOWN AS CASE NUMBER SUP 2023-028.

- This item is a resolution with conditions for a special use permit to allow Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, February 08, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 2023-028
LOCATION:	2491 Joy Ln
COUNCIL DISTRICT(S):	District 4 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	Esmeralda Apartments
REPRESENTATIVE:	S Berry Jones
REQUEST:	Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments.
EXISTING ZONING:	Commercial Mixed Use-3 (CMU-3), SUP 2011-209
AREA:	+/-34,029 SF

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 7-0- on the consent agenda.**

Respectfully,

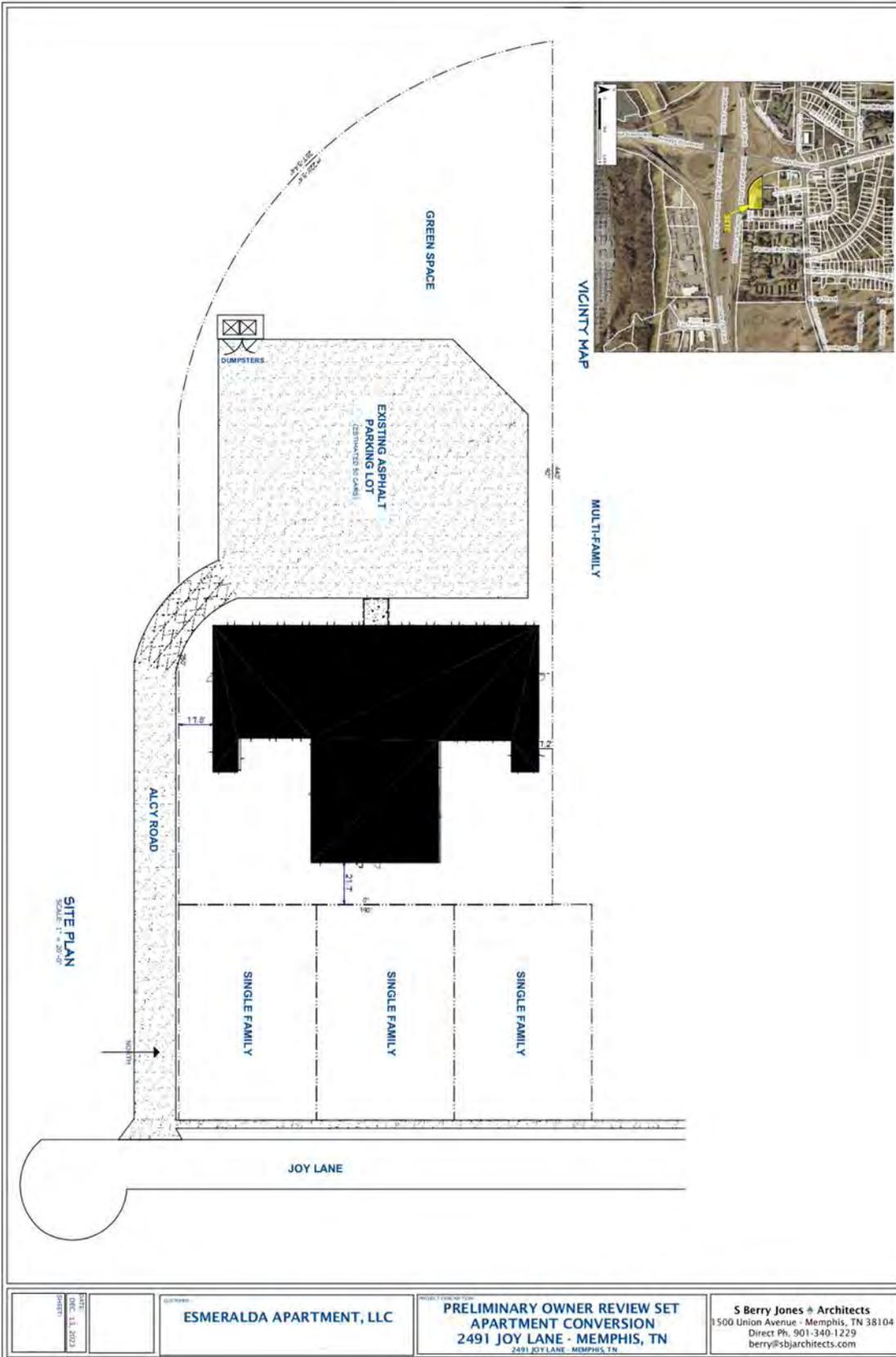


Planner II
Land Use & Development Services

SUP 2023-028
CONDITIONS

1. A total of 80 studio apartments are permitted in the existing building.
2. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to article 4 of the unified development code.

SITE PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2491 JOY LN, KNOWN AS CASE NUMBER SUP 2023-028.

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, the Esmeralda Apartments filed an application with the Memphis and Shelby County Division of Planning and Development to allow Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments; and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 08, 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.

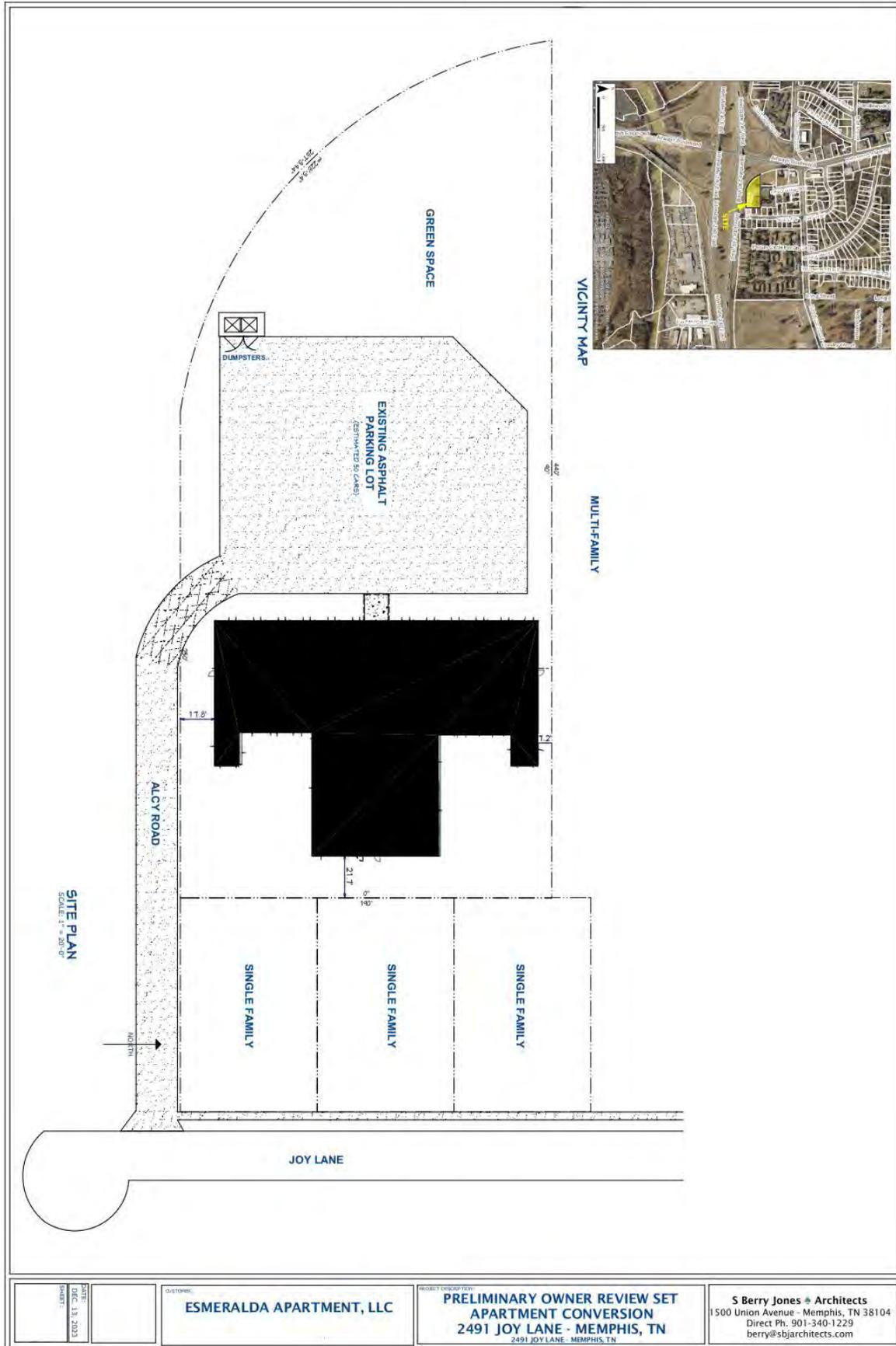
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by 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. A total of 80 studio apartments are permitted in the existing building.
2. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to article 4 of the unified development code.

SITE PLAN



ATTEST:

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

AGENDA ITEM: 3

CASE NUMBER: SUP 2023-028 **L.U.C.B. MEETING:** February 08, 2024

LOCATION: 2491 Joy Ln

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

OWNER/APPLICANT: Esmeralda Apartments

REPRESENTATIVE: S Berry Jones

REQUEST: Conversion of an existing abandoned social services facility (transitional home) into 80 studio apartments.

AREA: +/-34,029 SF

EXISTING ZONING: Commercial Mixed Use-3 (CMU-3), SUP 2011-209

CONCLUSIONS

1. The applicant is seeking a conversion of an existing abandoned assisted living facility into 80 studio apartments.
2. The subject property is +/-34,029 SF and the current zoning is Commercial Mixed Use (CMU-3).
3. There will be a total of 80 units and the building is a 3-floor apartment complex. The apartment complex includes studio units, studio + units, king units, 2BR units, and queen units.
4. The proposal will serve as a buffer between the low intensity single-family residences and the high intensity interstate highway system.
5. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 21-23 of this report.

RECOMMENDATION

Approval with conditions.

GENERAL INFORMATION

Street Frontage: Interstate 240 West +/-287 curvilinear feet

Zoning Atlas Page: 2235

Parcel ID: 060137 00163

Existing Zoning: Commercial Mixed Use (CMU-3), SUP 2011-209

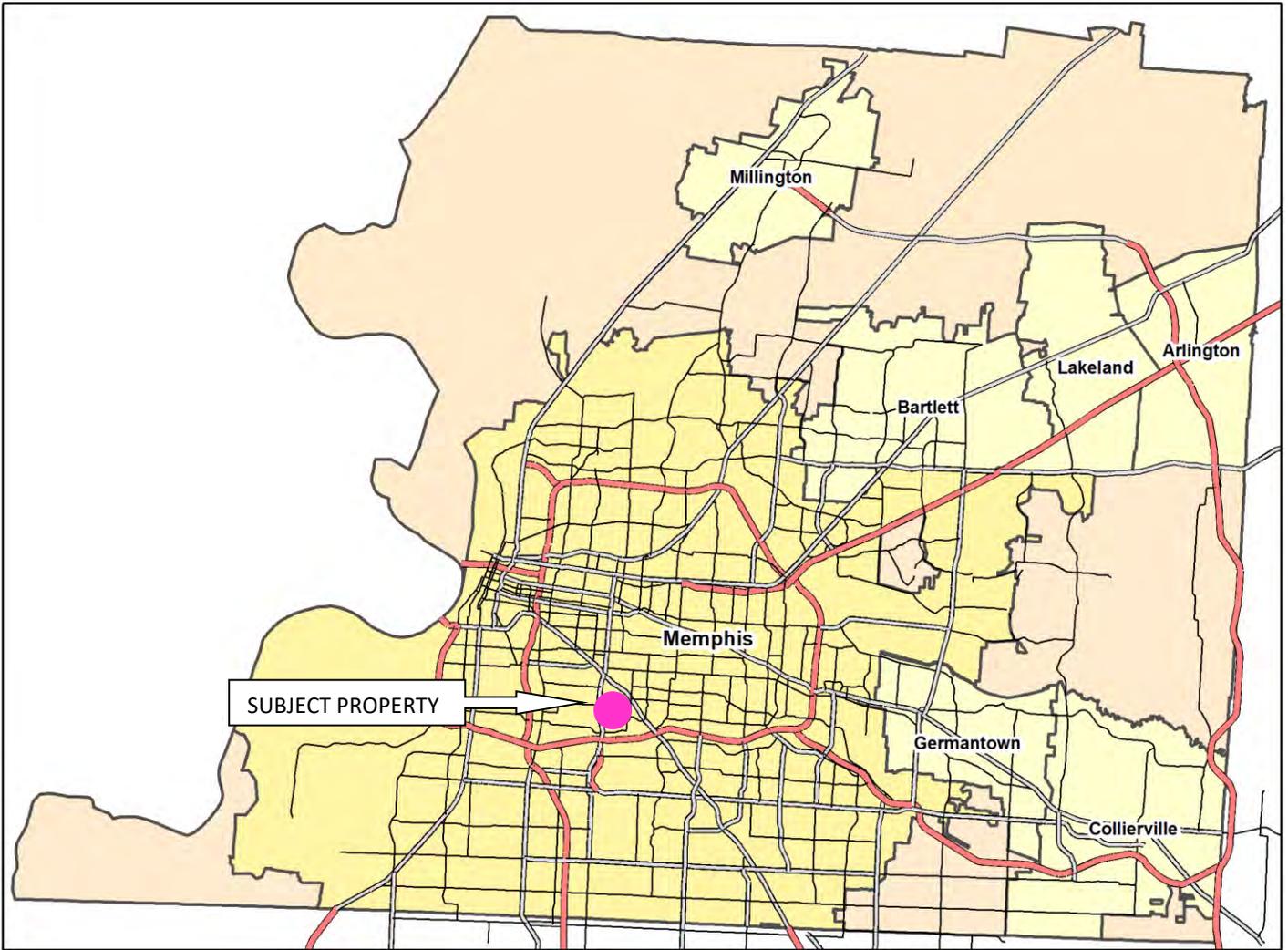
NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Wednesday, December 27, 2023, at the New Jerusalem Temple Church at 2711 Ketchum Road.

PUBLIC NOTICE

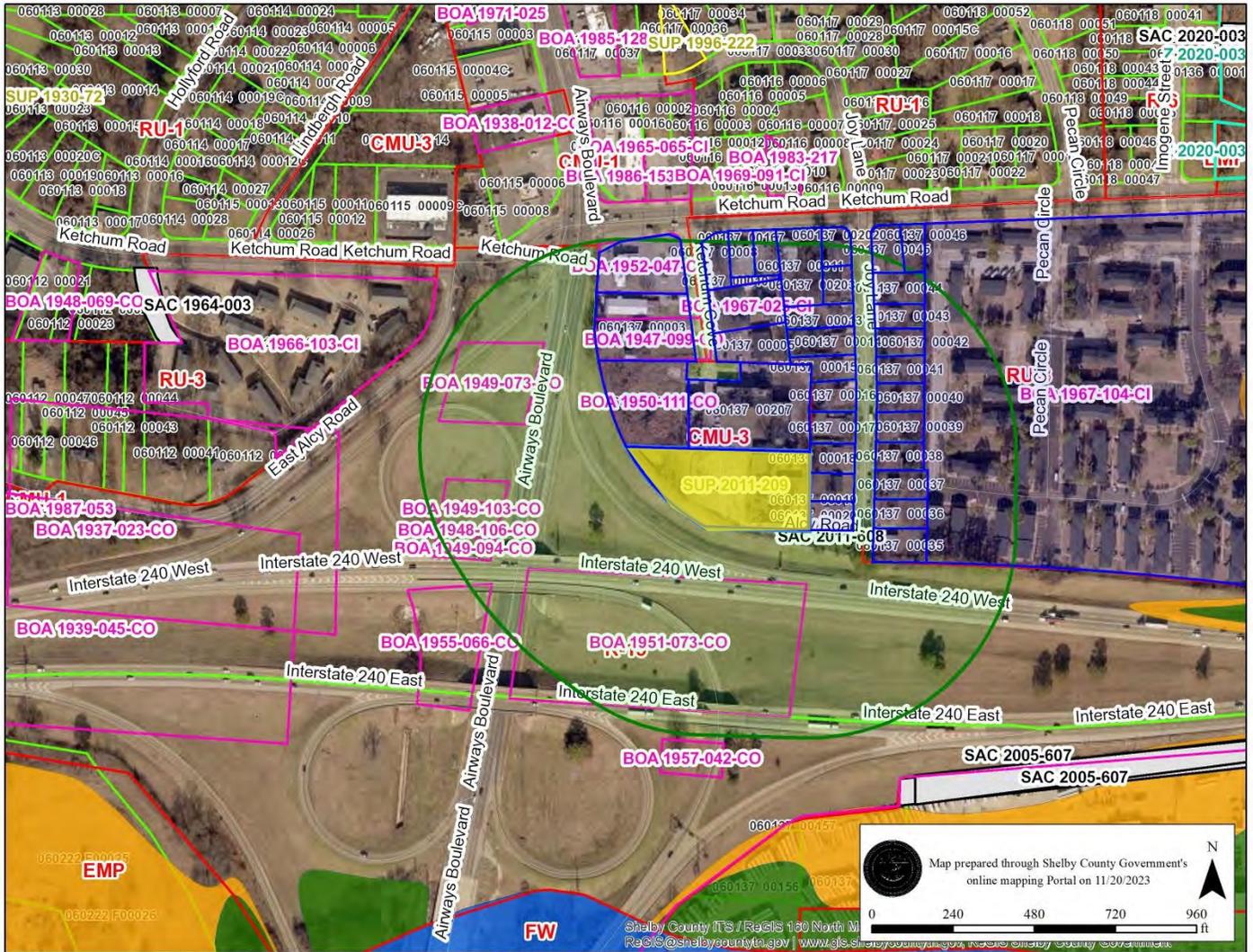
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 35 notices were mailed on November 20, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle.

VICINITY MAP



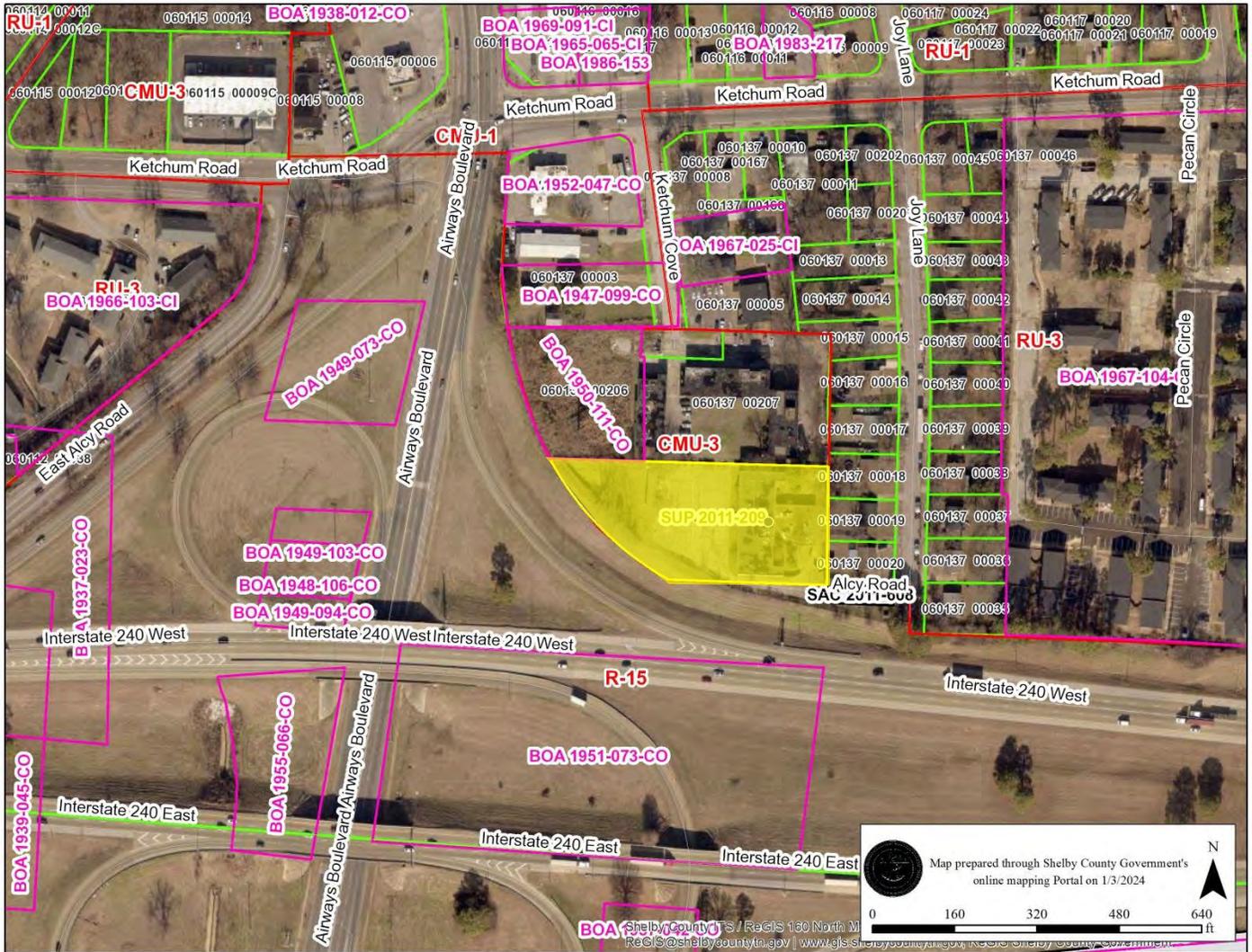
Site highlighted in yellow.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property is highlighted in yellow.

Existing Zoning: Commercial Mixed Use (CMU-3), SUP 2011-209

Surrounding Zoning

North: CMU-3, CMU-1, RU-3, R-15, BOA 1950-111-CO, BOA 1947-099-CO, BOA 1967-025-CI

East: CMU-3, RU-3, BOA 1967-104-CI

South: R-15, SAC 2011-608, BOA 1951-073-CO

West: R-15, BOA 1949-103-CO, BOA 1948-106-CO, BOA 1949-094-CO

LAND USE MAP



Subject property indicated by a pink star.

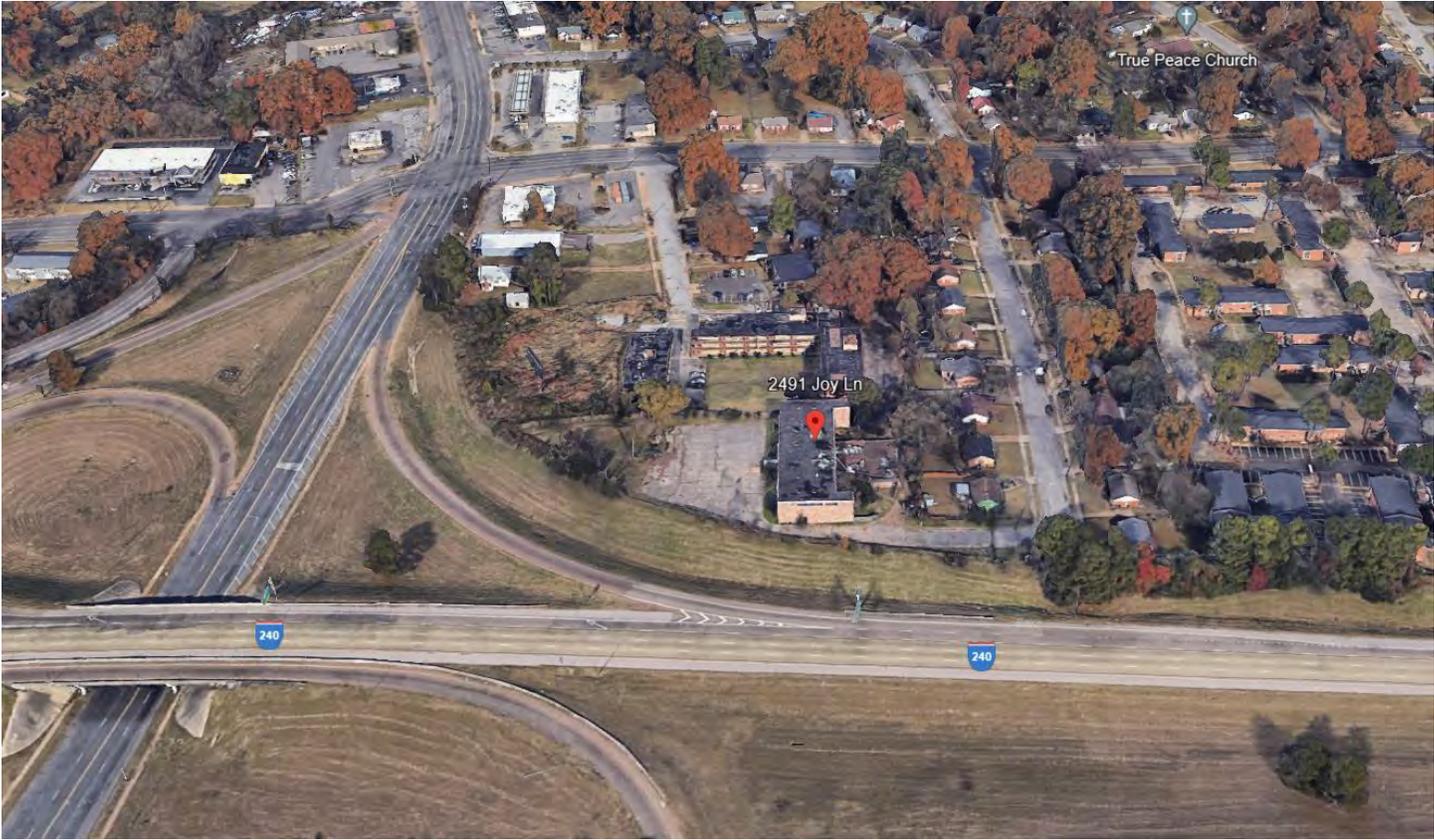
SITE PHOTOS



View of the subject property from I-240 (Avron B. Fogelman Expy) from Front.

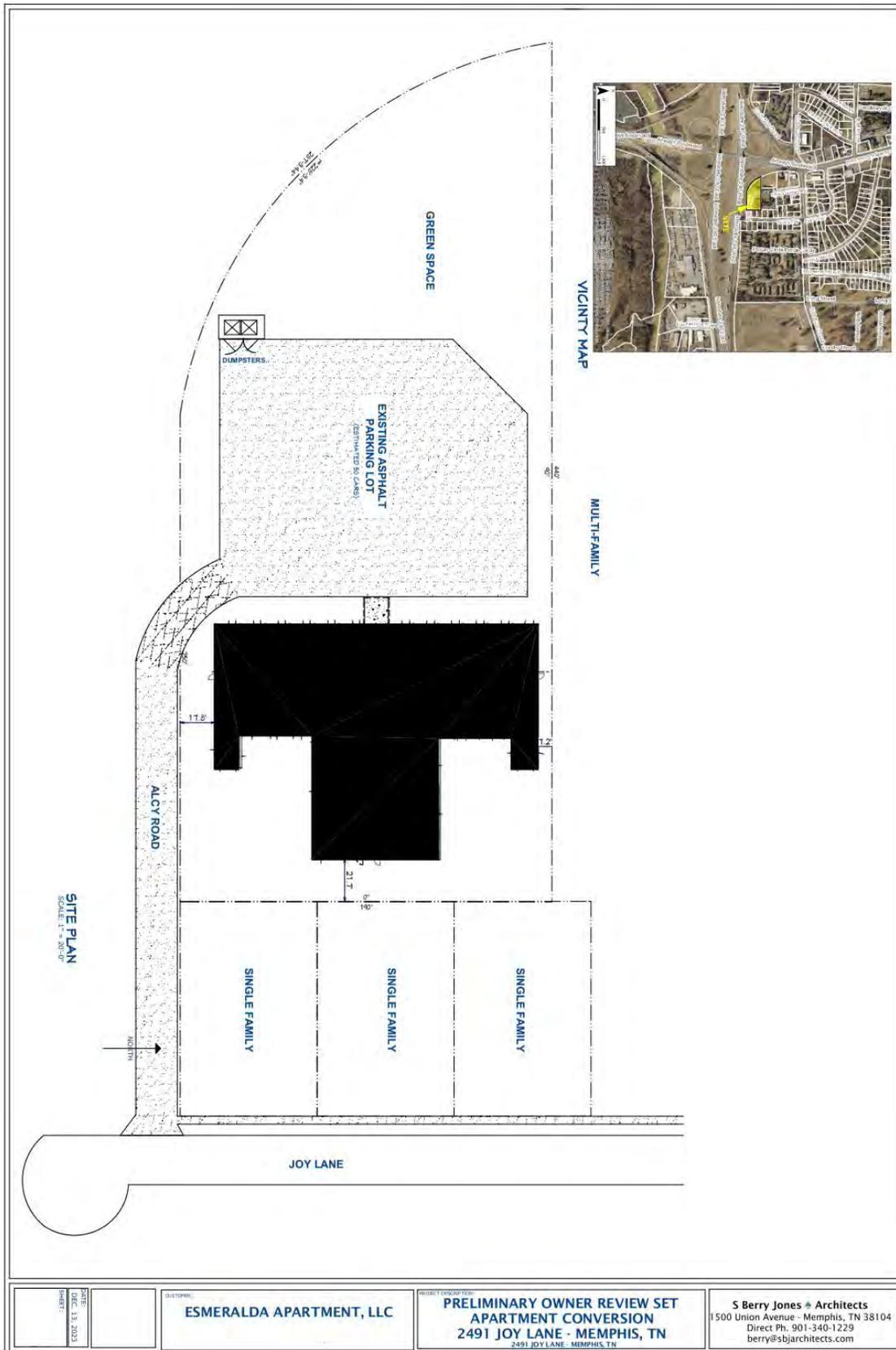


View of the subject property from I-240 (Avron B. Fogelman Expy) from West.



View of the subject property from above.

SITE PLAN



ELEVATIONS

**APARTMENT CONVERSION
 ESMERALDA APARTMENTS
 2491 JOY LANE - MEMPHIS, TN**

2491 JOY LANE - MEMPHIS, TN



UNIT COUNT BY FLOOR

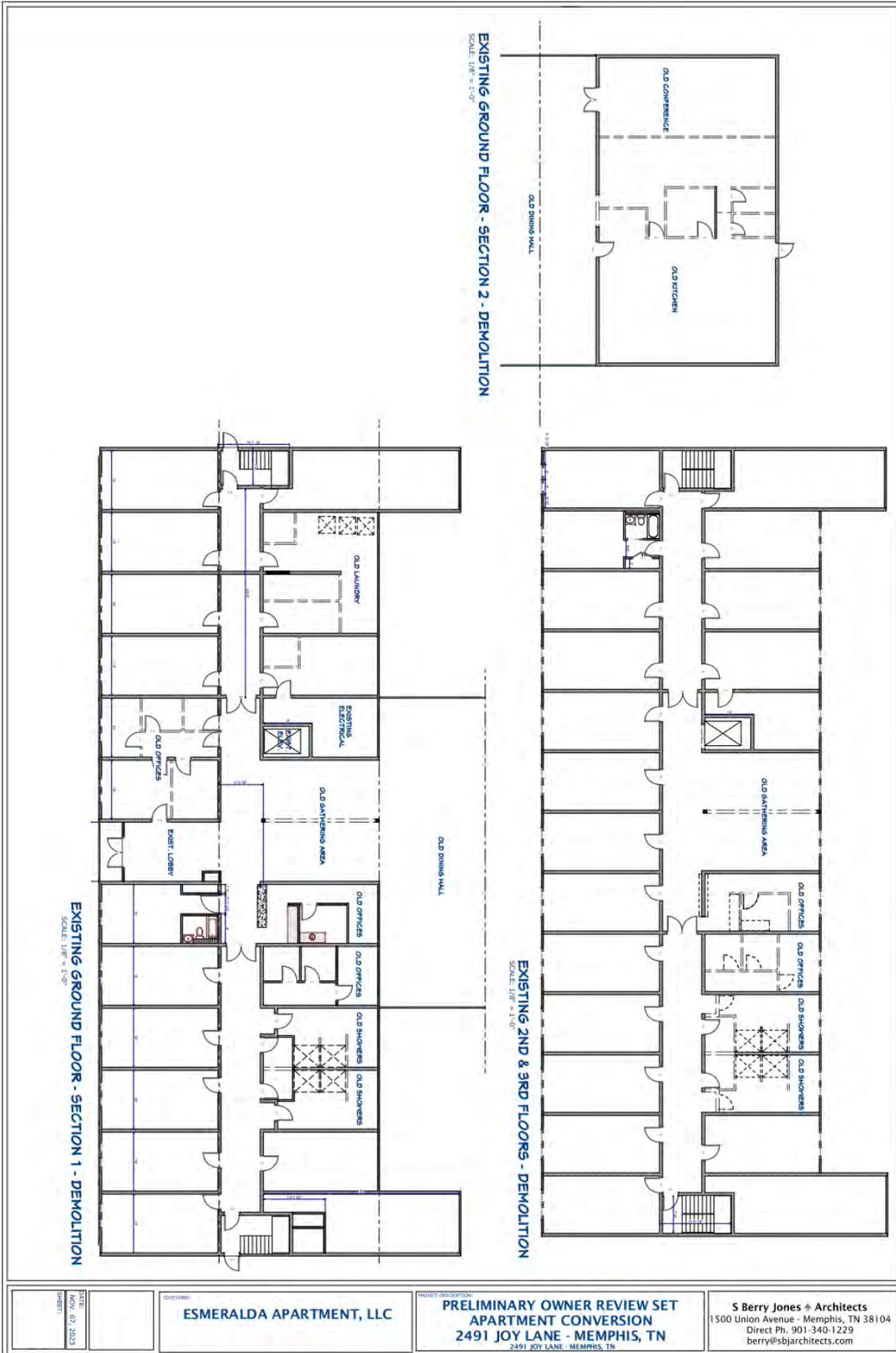
ESMERALDA APARTMENTS									
	NO. OF UNITS	STUDIO UNITS	STUDIO + LOUNGE UNITS	1-BED UNITS	2-BED UNITS	3-BED UNITS	4-BED UNITS	5-BED UNITS	GROSS SF
GROUND FLOOR	30	14	10	2	2	2	2	2	13,860
1ST FLOOR	52	22	2	2	2	2	2	2	18,600
2ND FLOOR	25	22	10	2	2	2	2	2	13,860
TOTAL	107	58	22	6	6	6	6	6	46,320

DATE: NOV. 07, 2023
 SHEET: 1

CLIENT: ESMERALDA APARTMENT, LLC

PROJECT DESCRIPTION:
 PRELIMINARY OWNER REVIEW SET
 APARTMENT CONVERSION
 2491 JOY LANE - MEMPHIS, TN
 2491 JOY LANE - MEMPHIS, TN

S Berry Jones & Architects
 1500 Union Avenue - Memphis, TN 38104
 Direct Ph. 901-340-1229
 berry@sbjarchitects.com





ESMERALDA APARTMENT, LLC

PRELIMINARY OWNER REVIEW SET
APARTMENT CONVERSION
2491 JOY LANE - MEMPHIS, TN
 2491 JOY LANE - MEMPHIS, TN

S Berry Jones & Architects
 1500 Union Avenue - Memphis, TN 38104
 Direct Ph. 901-340-1229
 berry@sbjarchitects.com

DATE: NOV. 07, 2023
 SHEET: 13



DATE:
 NOV. 07, 2023

SHEET:

PROJECT:
ESMERALDA APARTMENT, LLC

PROJECT DESCRIPTION:
**PRELIMINARY OWNER REVIEW SET
 APARTMENT CONVERSION
 2491 JOY LANE - MEMPHIS, TN
 2491 JOY LANE MEMPHIS, TN**

S Berry Jones Architects
 1500 Union Avenue - Memphis, TN 38104
 Direct Ph. 901-340-1229
 berry@sbjarchitects.com

UNIT VIEW



OVERHEAD VIEW TYPICAL UNIT

VIEW TYPICAL UNIT

VIEW TYPICAL UNIT

DATE: NOV. 07, 2023 SHEET:	CUSTOMER: ESMERALDA APARTMENT, LLC	PROJECT DESIGN TYPE: PRELIMINARY OWNER REVIEW SET APARTMENT CONVERSION 2491 JOY LANE - MEMPHIS, TN 2491 JOY LANE - MEMPHIS, TN	S Berry Jones Architects 1500 Union Avenue - Memphis, TN 38104 Direct Ph: 901-340-1225 berry@sbjarchitects.com
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STAFF ANALYSIS

Request

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

The request is for a conversion of an existing abandoned assisted living facility into 80 studio apartments.

Approval Criteria

Staff **agrees** the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

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

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is +/-34,029 SF located at 2491 Joy Lane, Memphis, TN 38114.

This strategic location was chosen based on various factors, including its proximity to schools, parks, public transportation, hospitals, and the evolving housing needs of the community. Additionally, it is conveniently located just 15 minutes away from Downtown Memphis. The site is easily accessible from major thoroughfares and is consistent with the long-term land use and zoning goal of the region.

Previous Special USE Permit Approval

The Council of the City of Memphis previously approved a special use permit (SUP 201-209) on September 06, 2011, for this site to be used as a juvenile transitional housing facility, see pages 30-34 of this report for resolution and site plan.

Site Zoning History

The current zoning is Commercial Mixed Use (CMU-3). The site has previously been used for a hotel, nursing home facility, and the aforementioned juvenile transitional housing facility.

Site Plan Review

The subject property is +/-34,029 SF.

The current zoning is Commercial Mixed Use (CMU-3).

There will be a total of 80 units.

The building is a 3-floor apartment complex.

The apartment complex includes studio units, studio + units, king units, 2BR units, and queen units.

Access will be provided from Alcy Road.

The building appears to meet all required minimum building setbacks and maximum building height requirements.

Parking will have to be provided on site at a ratio provided in the unified development code.

Landscaping and screening requirement found in the UDC must also be met.

Conclusions

The reuse of this existing building for apartments is consistent with prior uses for this site. This use actually reintroduces a residential component versus a number of uses that could be provided on this site that would potentially not be as compatible with the abutting single family homes due to the CMU-3 zoning designation currently existing.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions:

1. A total of 80 studio apartments are permitted in the existing building.
2. A final site plan shall be provided that demonstrates site plan compliance including, but not limited to: landscaping, screening, parking, compliance with building setback and height requirements, lighting, and any other development standards that are applicable according to article 4 of the unified development code.

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.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

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

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

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

Curb Cuts/Access:

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

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

Drainage:

10. 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.

11. 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.

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

13. 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.

14. 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:

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

16. Development is greater than 1 acre. Detention is required.

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

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

19. 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.

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

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.

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:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [SUP 23 -028 Airport Adjacent](#)

Site Address/Location: 2491 Joy Lane

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

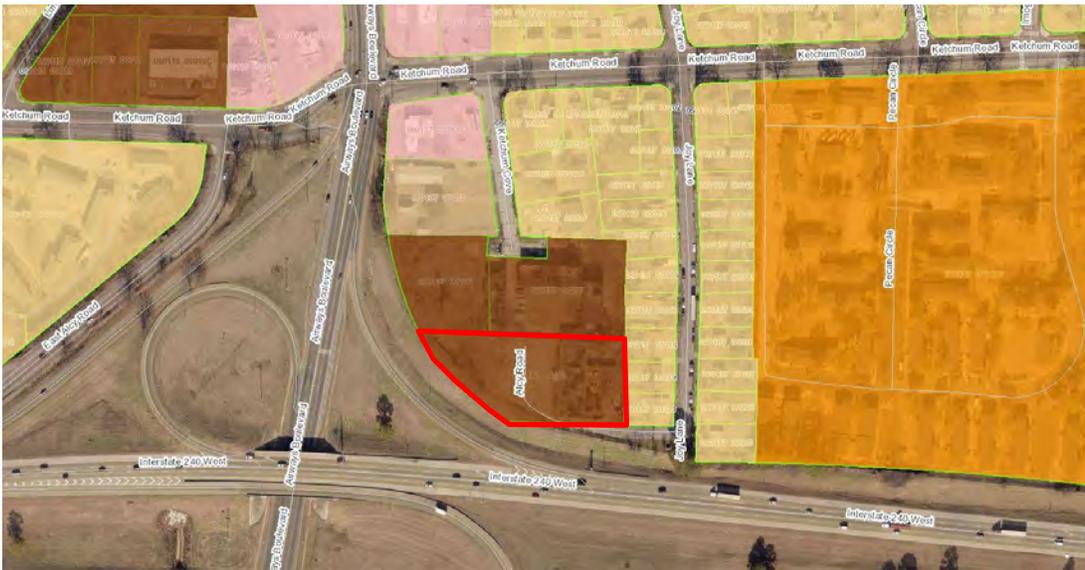
Future Land Use Designation: High Intensity Commercial & Services (CSH)

Street Type: N/A

The applicant is seeking a special use permit to allow apartments in the Commercial Mixed Use-3 (CMU-3) Districts.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“CSH” Form & Location Characteristics

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

“CSH” Zoning Notes

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

Existing, Adjacent Land Use and Zoning

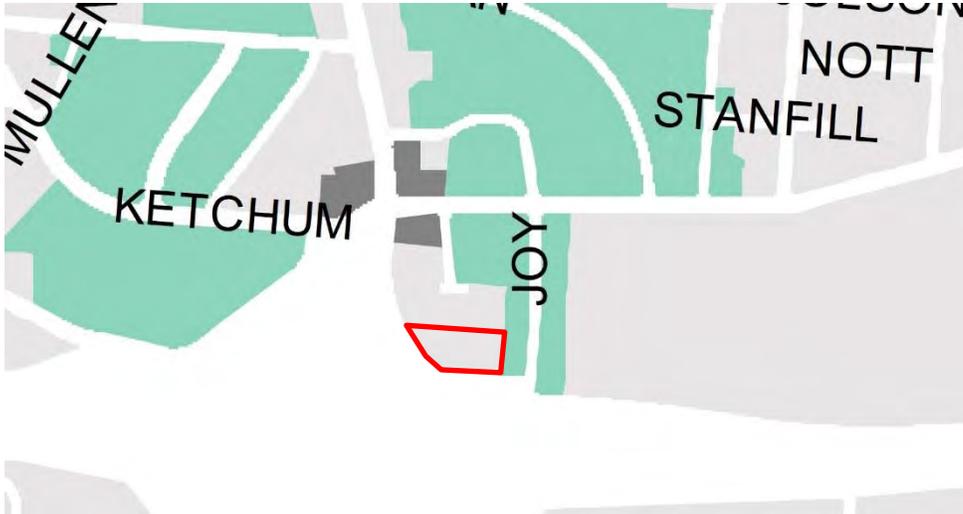
Existing Land Use and Zoning: Multi-Family, CMU-3

Adjacent Land Use and Zoning: Commercial, Single-Family, Vacant, Multi-Family; CMU-3, R-15 RU-3, CMU-1

Overall Compatibility: *The requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, as the proposed use is a multi-family apartment. However, the proposed use is compatible with the existing and adjacent land uses and the proposed development will act as an adaptive reuse of the former*

nursing home. Additionally, the proposal will serve as a buffer between the low intensity single-family residences and the high intensity interstate highway system.

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

NA

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

NA

Consistency Analysis Summary

The applicant is seeking a special use permit to allow apartments in the Commercial Mixed Use-3 (CMU-3) Districts.

The requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, as the proposed use is a multi-family apartment. However, the proposed use is compatible with the existing and adjacent land uses and the proposed development will act as an adaptive reuse of the former nursing home. Additionally, the proposal will serve as a buffer between the low intensity single-family residences and the high intensity interstate highway system.

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

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: November 7, 2023

Record Number: SUP 2023-028

Expiration Date:

Record Name: Esmeralda Apartments

Description of Work: Conversion of an existing abandoned assisted living facility into 80 studio apartments.

Parent Record Number:

Address:

2491 JOY LN, MEMPHIS 38114

Owner Information

Primary Owner Name

Y ESMERALDA APARTMENT LLC

Owner Address

0 PO BOX 20242, CLEVELAND, OH 44120

Owner Phone

8122398734

Parcel Information

060137 00163

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

brianna

Date of Meeting

11/03/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

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 No building already exist and has been used as a housing facility since its construction in 1970's.

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 Yes.

UDC Sub-Section 9.6.9C Yes this project will be served adequately.
 UDC Sub-Section 9.6.9D Yes that is correct - this project will not result in destruction of any kind

UDC Sub-Section 9.6.9E Yes this requirement will be met or exceeded.
 UDC Sub-Section 9.6.9F Yes this statement is correct. There will be no adverse effects from this project.

GIS INFORMATION

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

Contact Information

Name	Contact Type
ESMERALDA APARTMENT LLC	APPLICANT
Address	

Phone
(812)239-8734

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1516301	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	11/07/2023
1516301	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	11/07/2023

Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

LETTER OF INTENT

Esmeralda Apartment LLC
2491 Joy Lane, Memphis, TN 38114
901-402-4444
11/01/2023

Memphis and Shelby County, Division of Planning and Development
City Hall, 125 N. Main Street, Suite 468, Memphis, TN 38103
901-636-6619

Subject: Letter of Intent for Special Use Permit Application – Residential Building

To whom it may concern,

We express our intent to apply for a Special Use Permit for the development of a former nursing home located at 2491 Joy Lane, Memphis, TN 38114. This Letter of Intent outlines the nature, location, and extent of the proposed development and the market it is intended to serve.

Nature of Development:

Our proposed development is a multi-unit residential apartment building, designed to provide high-quality, sustainable housing options to the residents of Memphis. The building will consist of three stories and include a Laundry Room. The primary objective of this development is to meet the growing demand for high quality residential housing within the Memphis City.

Location:

The Development site is situated at 2491 Joy Lane, Memphis, TN 38114, within the jurisdiction of Memphis and Shelby County. This strategic location was chosen based on various factors, including its proximity to schools, parks, public transportation, hospitals, and the evolving housing needs of the community. Additionally, it is conveniently located just 15 minutes away from Downtown

Memphis. The site is easily accessible from major thoroughfares and is consistent with the long-term land use and zoning goal of the region.

Extent of Development:

The proposed development encompasses an approximate area of 34,029 Sq Ft. and is expected to be completed in multiple phases over a period of three years. We aim to create a sustainable and aesthetically pleasing environment that harmonizes with the local community while meeting the needs of our target market.

Market It is Intended to Serve:

Our primary objective is to address to the housing needs of young professionals, families, or seniors, offering affordable housing that will appeal to the target market. We believe that this development aligns with the growing demand for quality housing options in Memphis. Our project's design and amenities have been carefully considered to meet the needs and preferences of our target market.

In accordance with the requirements of the City of Memphis and Shelby County, we intend to submit a formal application for a Special Use Permit to facilitate this development. We understand the importance of adhering to local regulations and will work closely with the relevant departments to ensure that our project in compliance with all applicable zoning and land use regulations.

Please consider this Letter of Intent as the initial step in our application process for the Special Use Permit. We look forward to initiating the Special Use Permit application process and working closely with your department to address any questions or concerns. Please feel free to contact us if you require any additional information or clarification.

Sincerely,

Esmeralda Apartment LLC.

SIGN AFFIDAVIT



AFFIDAVIT

Shelby County
State of Tennessee

I, S. BERRY LANE, being duly sworn, depose and say that at 12:00 am/pm on the 26 day of JANUARY, 2024, I posted 1 Public Notice Sign(s) pertaining to Case No. 23-028 at 2491 JOY LANE, providing notice of a Public Hearing before the (check one):

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

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

[Signature]
Owner, Applicant or Representative

JAN 26, 2024
Date

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

[Signature]
Notary Public

My commission expires: 06/07/2027



**PREVIOUS RESOLUTION THAT PERMITTED THE OPERATION OF A JUVENILE TRANSITIONAL HOUSING FACILITY
(SUP 2011-209)**

ZONING RESOLUTION

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 subject to standards of general applicability and any additional standards applicable to specific special uses in the various zoning districts within the Memphis City Limits, and

WHEREAS, Application has been made by Tennessee Learning Academy for a special use permit to allow a Juvenile Transitional Housing Facility with respect to the property located at the northwest intersection of Joy Lane and Interstate-240; and

WHEREAS, The Office 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 Section 9.6.9 and reported said findings and recommendations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 14, 2011, and said Board has studied and reported its recommendation to the City Council regarding the following potential effects of granting the Special Use Permit:

- 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 insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

WHEREAS, The Memphis and Shelby County Land Use Control Board and the Memphis and Shelby County Office of Planning and Development has recommended certain conditions be attached to the special use permit to reduce any potential adverse impacts of the proposed building or use on the neighborhood, adjacent properties, public facilities and significant natural, scenic or historic features; and

WHEREAS, The Memphis and Shelby County Land Use Control Board has also determined that the proposed building or use complies with all additional standards imposed on it by the particular provision of Chapter 9.6 authorizing such particular special use.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that a special use permit is hereby granted in accordance with the site plan incorporated in the application, and subject to attached conditions.

BE IT FURTHER RESOLVED That this permit authorizes the appropriate 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 City Council have been met.

ATTEST:

cc: Office of Code Enforcement
City Engineer
OPD – LUC ✓
OPD – LUC (East)
County Assessor

SUP 11-209

Juvenile Transitional Housing Facility Special Use Permit

I hereby certify that the foregoing is a true copy
and document was adopted, approved by the
Council of the City of Memphis in regular
session on

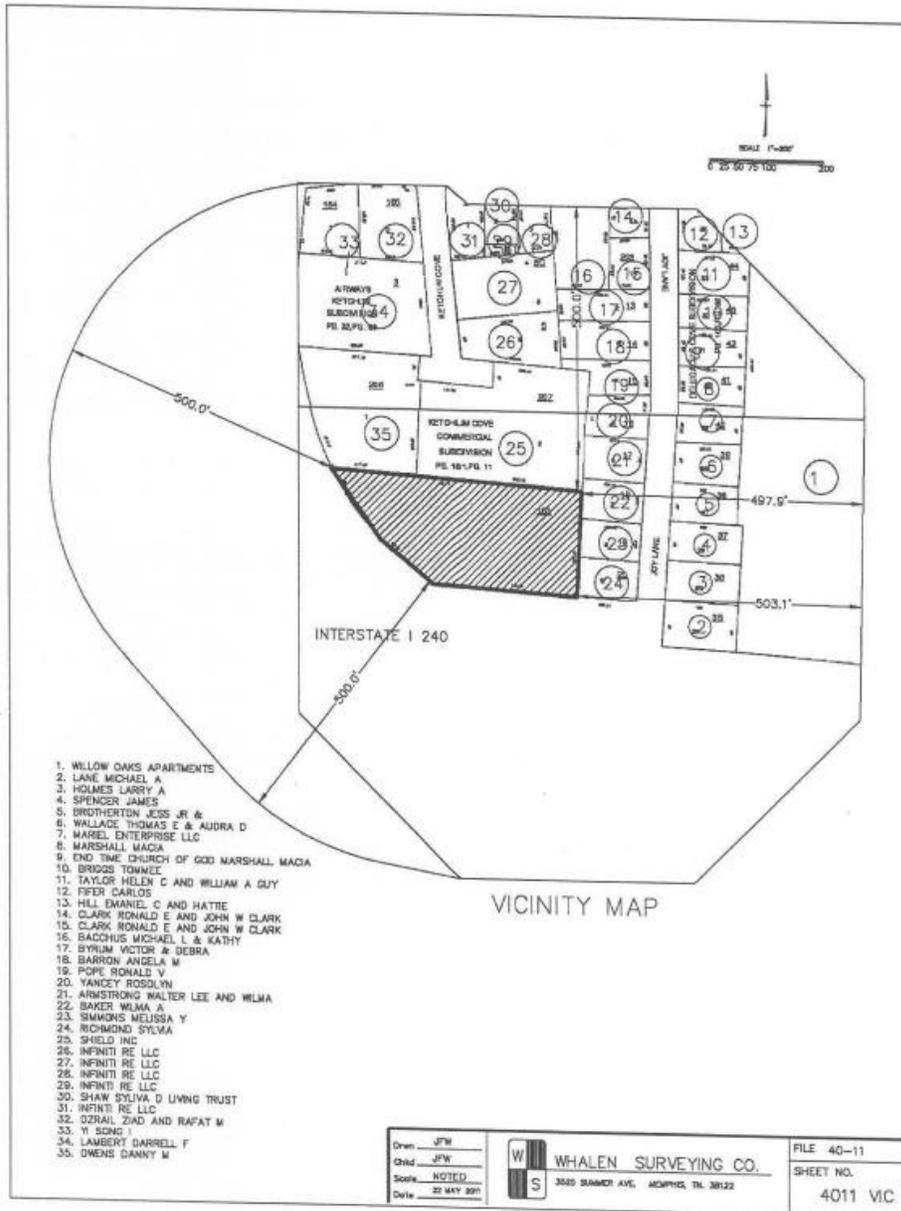
Date SEP 06 2011
Valerie C. Sripes
Deputy Comptroller-Council Records

SUP 11-209
Page 3

SITE PLAN CONDITIONS:

A **Special Use Permit** is hereby authorized to allow a **Juvenile Transitional Housing Facility** on the property located at the **2491 Joy Lane, northwest intersection of Joy Lane and Interstate-240**, in accordance with the approved site plan and the following supplemental conditions:

1. Final SUP site plan approval shall be contingent upon the driveway area shown as the east/west segment of Joy Lane on the Official City Map being acquired and added within the boundaries of the site plan.
2. The proposed site plan with the existing building, parking, and landscape buffering, signage is approved as is. Any changes to the site, parking addition or building expansion shall require the approval of a new site plan in conformance development standards of the Unified Development Code.
3. Signage shall be regulated by the CMU-3 District and no signage facing the residential neighborhood shall be illuminated.
4. Lighting on the site adjacent to the northern and eastern property lines shall be limited to what is customary for a residential site (ie., a motion detector or security light mounted on a MLGW pole).
5. Any refuse dumpster shall be screened from the view of traffic on the adjoining streets and from adjoining properties.
6. A new site plan that reflects the location and type of fencing along the perimeter of the site, the location of existing mature trees and scrubs, existing detached sign (size & height), trash dumpster, entrance gate and driveway width, and number parking space with dimensions shall be submitted for review and approval by OPD prior this application being forwarded to the Memphis City Council for final disposition.
7. The applicant shall submit to OPD verification of meeting all local and state licensing requirements for operation of a Juvenile Transitional Housing Facility prior to the issuance of a final Certificate of Occupancy for this site at 2491 Joy Lane.



POSY 1902
 2/8/24

LETTERS RECEIVED

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



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit

Record Status: Processing

Opened Date: November 7, 2023

Record Number: SUP 2023-028

Expiration Date:

Record Name: Esmeralda Apartments

Description of Work: Conversion of an existing abandoned assisted living facility into 80 studio apartments.

Parent Record Number:

Address:

2491 JOY LN, MEMPHIS 38114

Owner Information

Primary Owner Name

Y ESMERALDA APARTMENT LLC

Owner Address

0 PO BOX 20242, CLEVELAND, OH 44120

Owner Phone

8122398734

Parcel Information

060137 00163

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner

brianna

Date of Meeting

11/03/2023

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Application Type

New Special Use Permit (SUP)

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 No building already exist and has been used as a housing facility since its construction in 1970's.

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 Yes.

UDC Sub-Section 9.6.9C Yes this project will be served adequately.
UDC Sub-Section 9.6.9D Yes that is correct - this project will not result in destruction of any kind

UDC Sub-Section 9.6.9E Yes this requirement will be met or exceeded.
UDC Sub-Section 9.6.9F Yes this statement is correct. There will be no adverse effects from this project.

GIS INFORMATION

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

Contact Information

Name
ESMERALDA APARTMENT LLC
Address

Contact Type
APPLICANT

Phone

(812)239-8734

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Fee Invoiced: \$513.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$513.00	Credit Card

Esmeralda Apartment LLC
2491 Joy Lane, Memphis, TN 38114
901-402-4444
11/01/2023

Memphis and Shelby County, Division of Planning and Development
City Hall, 125 N. Main Street, Suite 468, Memphis, TN 38103
901-636-6619

Subject: Letter of Intent for Special Use Permit Application – Residential Building

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Nature of Development:

Our proposed development is a multi-unit residential apartment building, designed to provide high-quality, sustainable housing options to the residents of Memphis. The building will consist of three stories and include a Laundry Room. The primary objective of this development is to meet the growing demand for high quality residential housing within the Memphis City.

Location:

The Development site is situated at 2491 Joy Lane, Memphis, TN 38114, within the jurisdiction of Memphis and Shelby County. This strategic location was chosen based on various factors, including its proximity to schools, parks, public transportation, hospitals, and the evolving housing needs of the community. Additionally, it is conveniently located just 15 minutes away from Downtown

Memphis. The site is easily accessible from major thoroughfares and is consistent with the long-term land use and zoning goal of the region.

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The proposed development encompasses an approximate area of 34,029 Sq Ft. and is expected to be completed in multiple phases over a period of three years. We aim to create a sustainable and aesthetically pleasing environment that harmonizes with the local community while meeting the needs of our target market.

Market It is Intended to Serve:

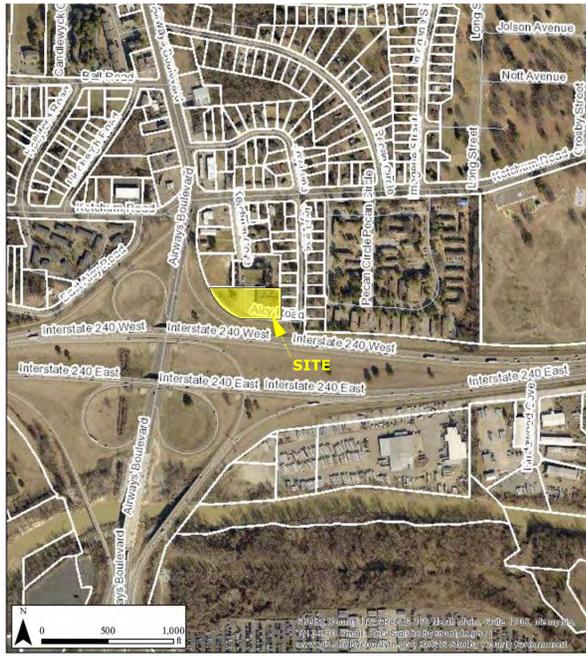
Our primary objective is to address to the housing needs of young professionals, families, or seniors, offering affordable housing that will appeal to the target market. We believe that this development aligns with the growing demand for quality housing options in Memphis. Our project's design and amenities have been carefully considered to meet the needs and preferences of our target market.

In accordance with the requirements of the City of Memphis and Shelby County, we intend to submit a formal application for a Special Use Permit to facilitate this development. We understand the importance of adhering to local regulations and will work closely with the relevant departments to ensure that our project in compliance with all applicable zoning and land use regulations.

Please consider this Letter of Intent as the initial step in our application process for the Special Use Permit. We look forward to initiating the Special Use Permit application process and working closely with your department to address any questions or concerns. Please feel free to contact us if you require any additional information or clarification.

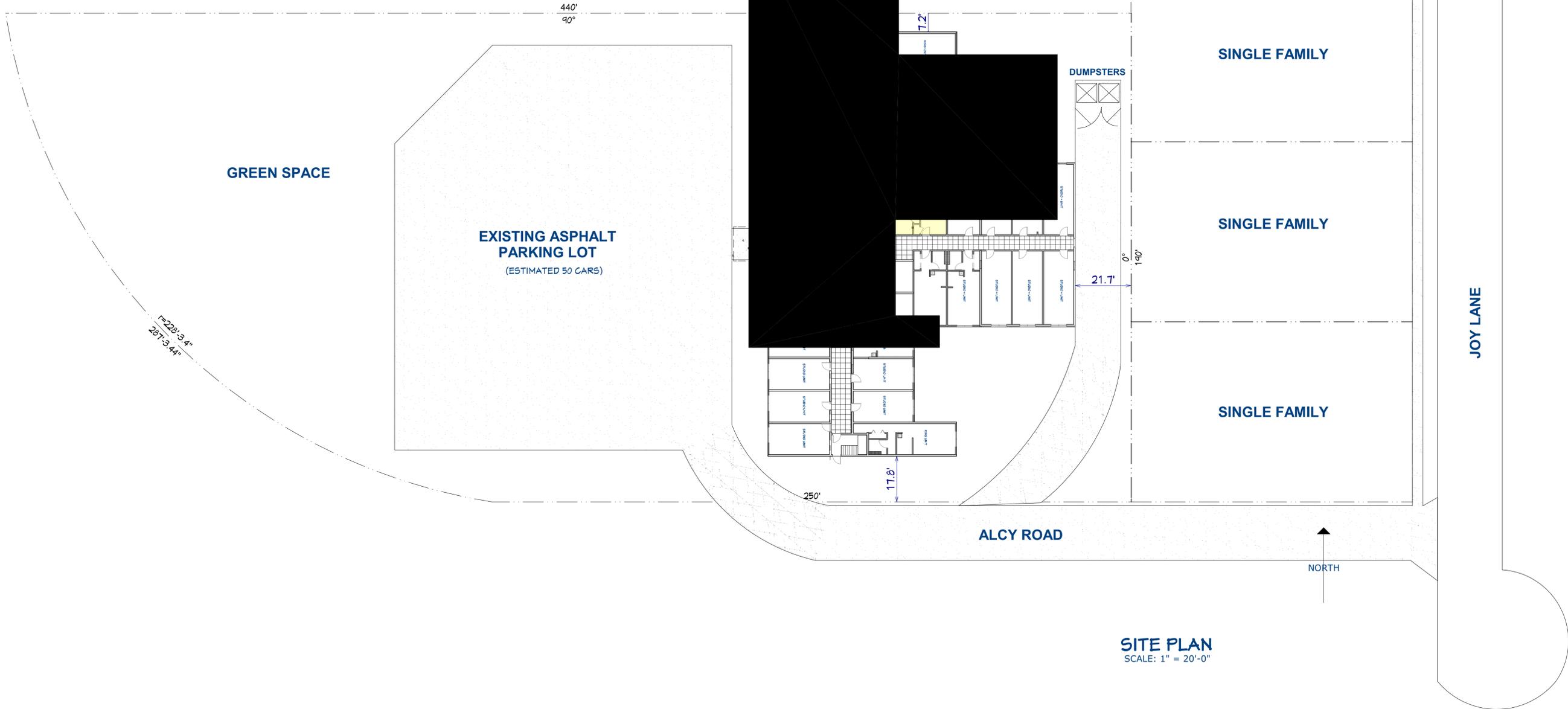
Sincerely,

Esmeralda Apartment LLC.

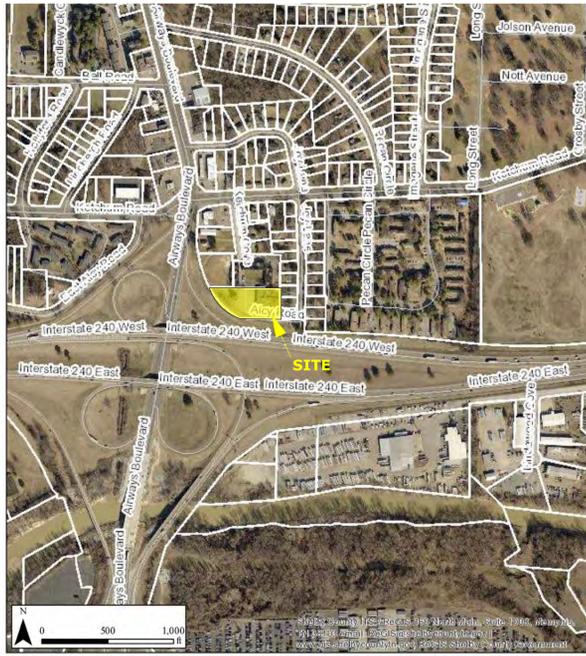


VICINITY MAP

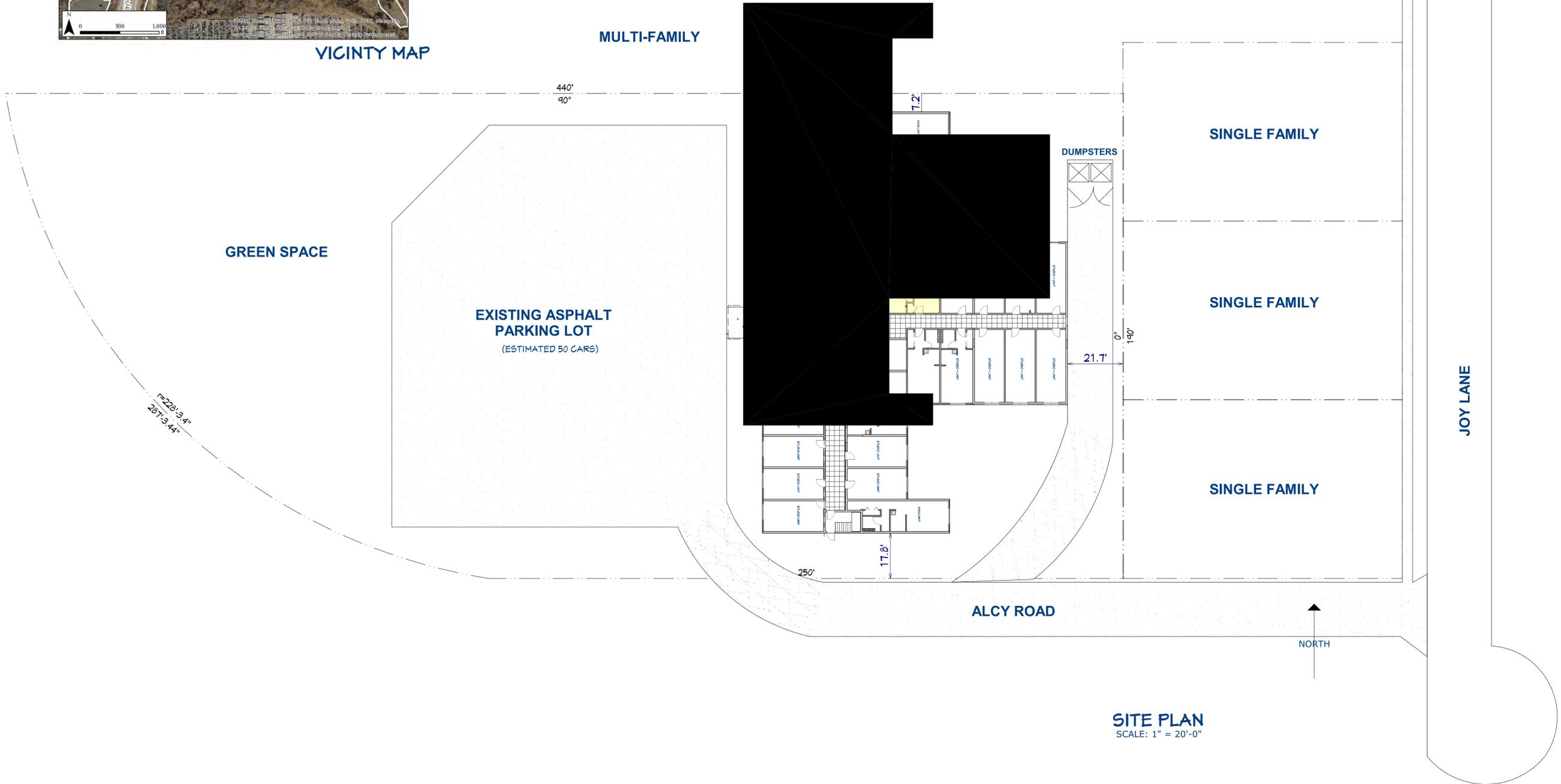
MULTI-FAMILY



SITE PLAN
SCALE: 1" = 20'-0"



VICINITY MAP



MULTI-FAMILY

GREEN SPACE

EXISTING ASPHALT
PARKING LOT
(ESTIMATED 50 CARS)

SINGLE FAMILY

SINGLE FAMILY

SINGLE FAMILY

DUMPSTERS

JOY LANE

ALCY ROAD

NORTH

SITE PLAN
SCALE: 1" = 20'-0"

S Berry Jones Architects
1500 Union Avenue - Memphis, TN 38104
Direct Ph. 901-340-1229
berry@sbjarchitects.com

PRELIMINARY OWNER REVIEW SET
APARTMENT CONVERSION
2491 JOY LANE - MEMPHIS, TN
2491 JOY LANE - MEMPHIS, TN

ESMERALDA APARTMENT, LLC

DATE:
NOV. 07, 2023

SHEET:

APARTMENT CONVERSION ESMERALDA APARTMENTS 2491 JOY LANE - MEMPHIS, TN

2491 JOY LANE - MEMPHIS, TN



UNIT COUNT BY FLOOR

ESMERALDA APARTMENTS							
	NO. OF UNITS	STUDIO UNITS	STUDIO + UNITS	KING UNITS	2BR UNITS	QUEEN UNITS	GROSS SF
GROUND FLOOR	30	16	10	2	2		13,965
SECOND FLOOR	25	22		2		1	9,960
THIRD FLOOR	25	22		2		1	9,960
TOTALS	80	60	10	6	2	2	33,885 SF

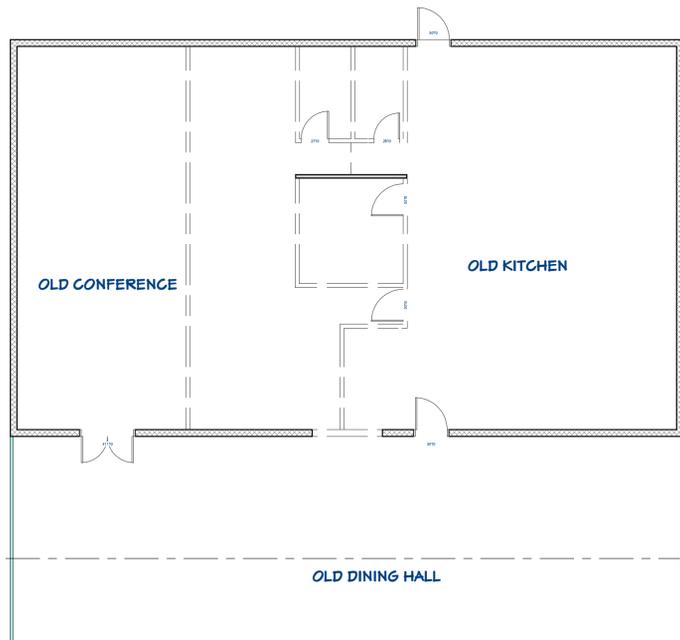
S Berry Jones Architects
1500 Union Avenue - Memphis, TN 38104
Direct Ph. 901-340-1229
berry@sbjarchitects.com

PROJECT DESCRIPTION:
PRELIMINARY OWNER REVIEW SET
APARTMENT CONVERSION
2491 JOY LANE - MEMPHIS, TN
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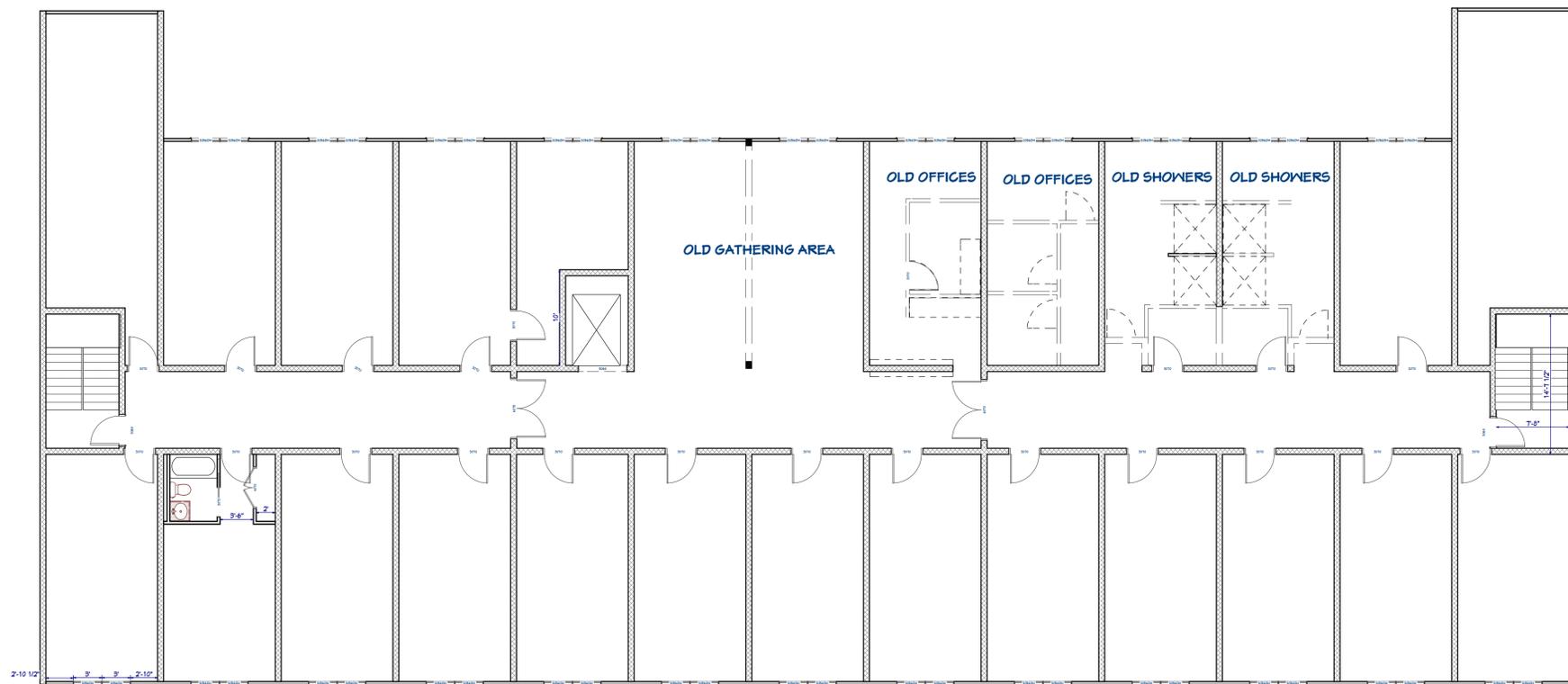
CUSTOMER:
ESMERALDA APARTMENT, LLC

DATE:
NOV. 07, 2023

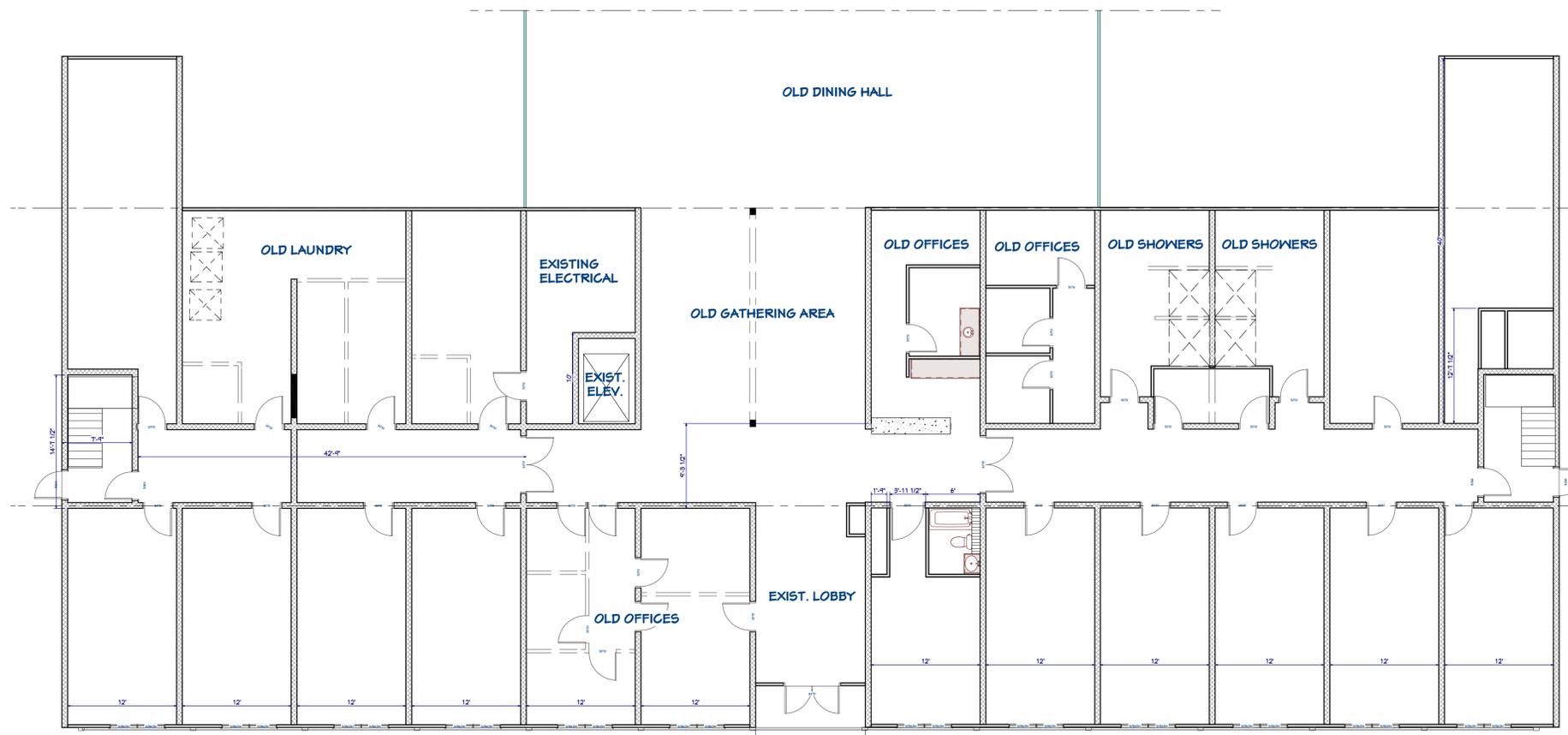
SHEET:



EXISTING GROUND FLOOR - SECTION 2 - DEMOLITION
SCALE: 1/8" = 1'-0"



EXISTING 2ND & 3RD FLOORS - DEMOLITION
SCALE: 1/8" = 1'-0"



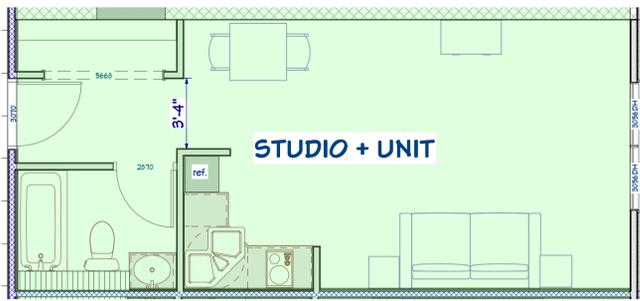
EXISTING GROUND FLOOR - SECTION 1 - DEMOLITION
SCALE: 1/8" = 1'-0"

S Berry Jones Architects
1500 Union Avenue - Memphis, TN 38104
Direct Ph. 901-340-1229
berry@sbjarchitects.com

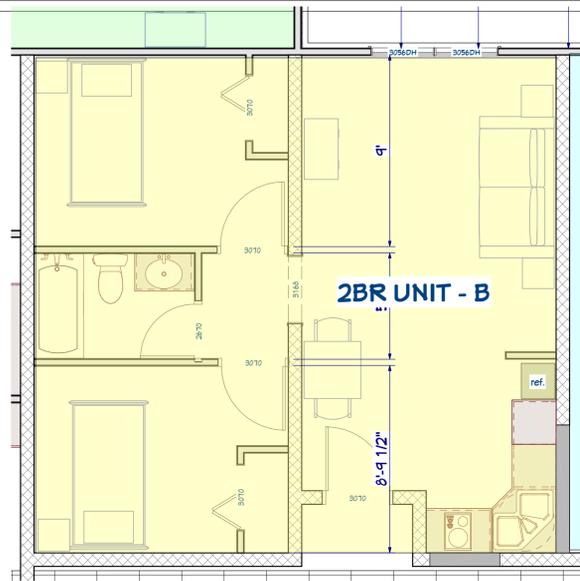
PRELIMINARY OWNER REVIEW SET
APARTMENT CONVERSION
2491 JOY LANE - MEMPHIS, TN
2491 JOY LANE - MEMPHIS, TN

ESMERALDA APARTMENT, LLC

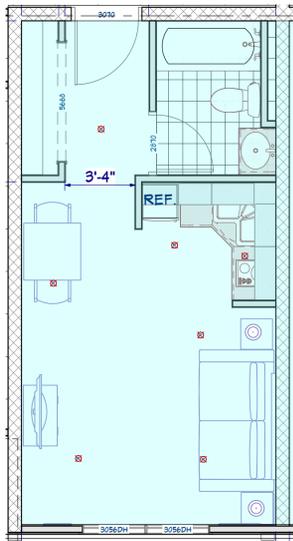
DATE:
NOV. 07, 2023
SHEET:



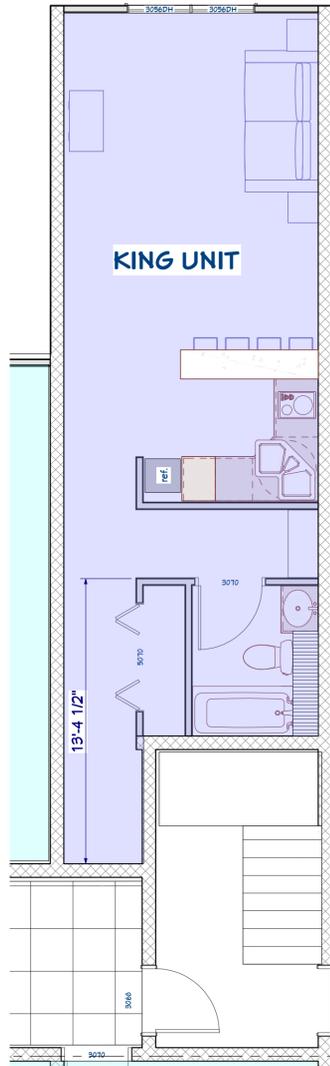
STUDIO + UNIT - 3805F
SCALE: 1/4" = 1'-0"



2BR UNIT B - 6005F
SCALE: 1/4" = 1'-0"



STUDIO UNIT - 3055F
SCALE: 1/4" = 1'-0"



KING UNIT - 4305F
SCALE: 1/4" = 1'-0"



NEW GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

UNIT COUNT BY FLOOR

ESMERALDA APARTMENTS							
	NO. OF UNITS	STUDIO UNITS	STUDIO + UNITS	KING UNITS	2BR UNITS	QUEEN UNITS	GROSS SF
GROUND FLOOR	30	16	10	2	2		13,965
SECOND FLOOR	25	22		2		1	9,960
THIRD FLOOR	25	22		2		1	9,960
TOTALS	80	60	10	6	2	2	33,885 SF

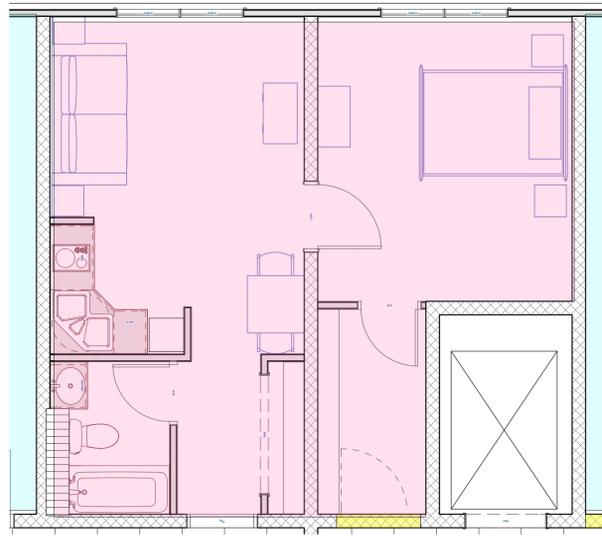
S Berry Jones Architects
1500 Union Avenue - Memphis, TN 38104
Direct Ph. 901-340-1229
berry@sbjarchitects.com

PROJECT DESCRIPTION:
PRELIMINARY OWNER REVIEW SET
APARTMENT CONVERSION
2491 JOY LANE - MEMPHIS, TN
2491 JOY LANE - MEMPHIS, TN

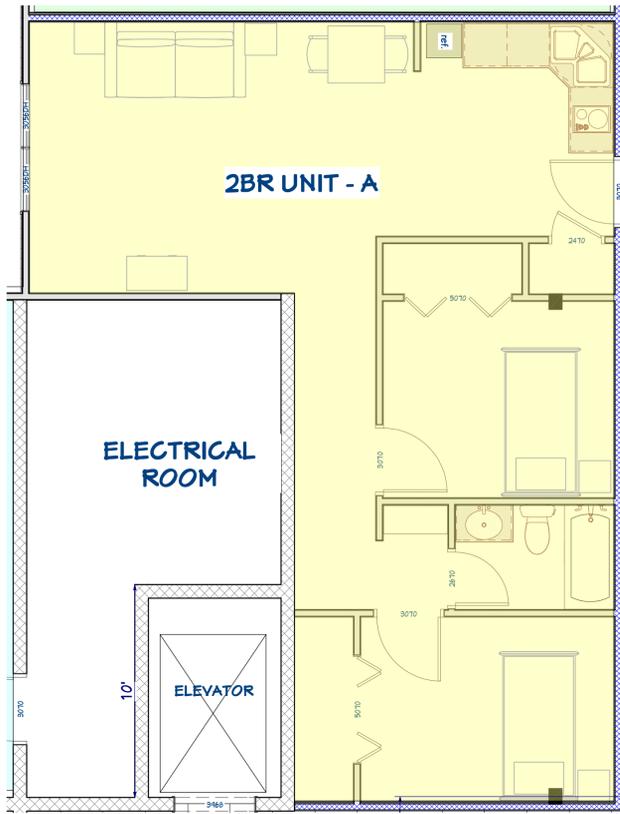
CUSTOMER:
ESMERALDA APARTMENT, LLC

DATE:
NOV. 07, 2023

SHEET:



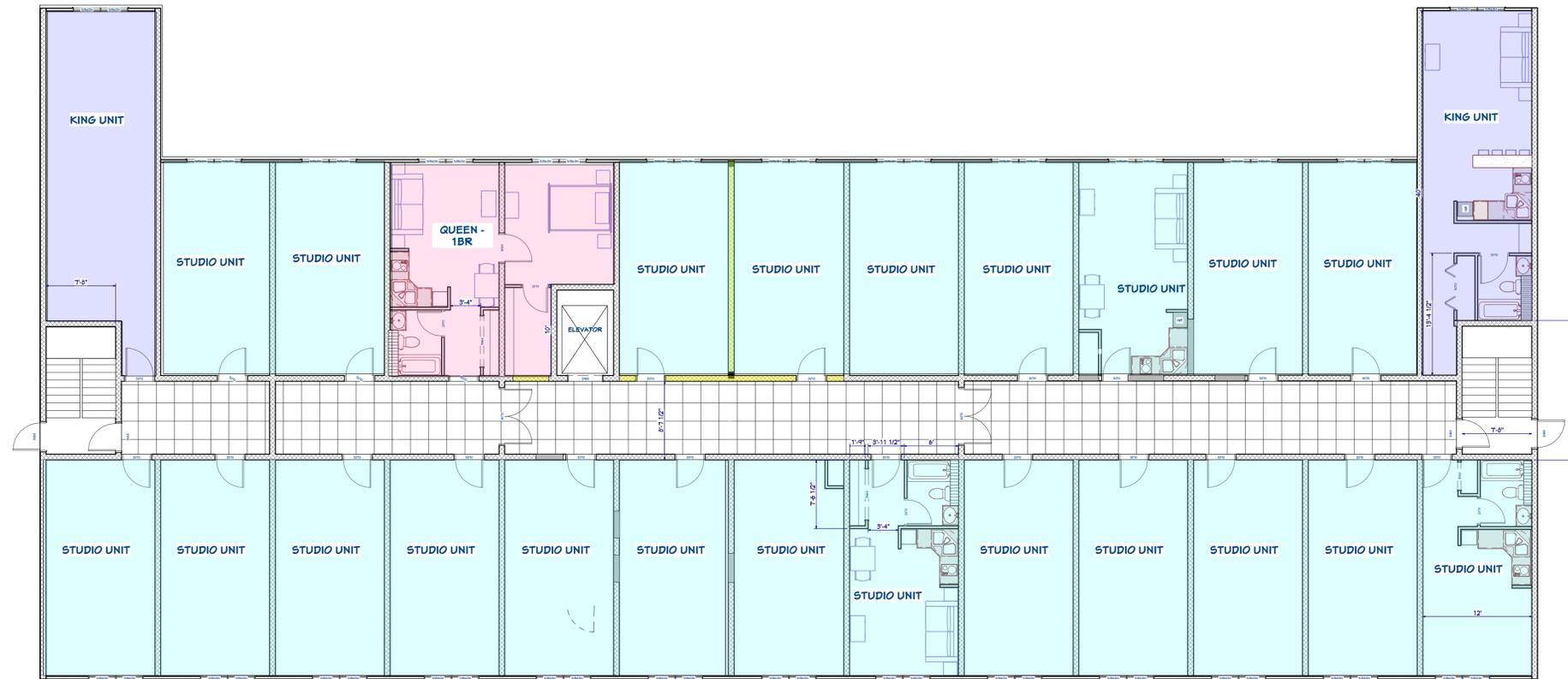
QUEEN UNIT - 4805F
SCALE: 1/4" = 1'-0"



2BR UNIT A - 7105F
SCALE: 1/4" = 1'-0"



NEW 3RD FLOOR PLAN
SCALE: 1/8" = 1'-0"



NEW 2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"



VIEW TYPICAL UNIT



OVERHEAD VIEW TYPICAL UNIT



VIEW TYPICAL UNIT

S Berry Jones Architects
 1500 Union Avenue - Memphis, TN 38104
 Direct Ph. 901-340-1229
 berry@sbjarchitects.com

PRELIMINARY OWNER REVIEW SET
 APARTMENT CONVERSION
 2491 JOY LANE - MEMPHIS, TN
 2491 JOY LANE - MEMPHIS, TN

ESMERALDA APARTMENT, LLC

DATE:
 NOV. 07, 2023
 SHEET:



Willie F. Brooks, Jr.
Shelby County Register of Deeds

Owner: ESMERALDA APARTMENT LLC

Parcel Address: 2491 JOY LN

Parcel ID: 060137 00163

2023 Appraisal: \$1,353,600

Tax District: MEMPHIS

Year Built:

Lot Number: 0 2

Subdivision: MEACHAM PARTITION

Plat BK & PG: UNKNOWN

Dimensions:

Total Acres: 1.807

Owner Address: PO BOX 20242
CLEVELAND OH
44120 0242

Map prepared on 11/7/2023



This instrument Prepared by and return to:
Griffin Clift Everton & Maschmeyer, PLLC
6489 Quail Hollow #100
Memphis, TN 38120

DEED OF TRUST

This Indenture made and entered into this **10th day of January, 2022**, by and between

Esmeralda Apartment LLC, a Tennessee Limited Liability Company

Party of the first part, and

Glenn D. Everton, Trustee, Party of the second part,

WITNESSETH: That for and in consideration of Five Dollars Cash in hand paid by the party of the second part to the party of the first part, and the debt and trusts hereinafter mentioned, said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate situated and being in **Shelby**, County, Tennessee, to wit:

THE WILLIAM BOND, INC. PART OF LOT 2, WILLIAM F. MEACHAM SUBDIVISION, OF PART OF LOT 3, OF PEARCE & SUGGS SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN OLD IRON PIN IN THE WEST LINE OF DELUGACH'S PEACH COVE SUBDIVISION, AS RECORDED IN PLAT BOOK 18, PAGE 13, SAID POINT BEING 209.25 FEET SOUTHWARDLY FROM THE NORTHEAST CORNER OF SAID WILLIAM F. MEACHAM SUBDIVISION, AND SAID POINT BEING THE NORTHEAST CORNER OF LOT 2 AND THE SOUTHEAST CORNER OF LOT 1; THENCE SOUTHWARDLY WITH THE WEST LINE OF SAID DELUGACH'S PEACH COVE SUBDIVISION, 177.17 FEET TO THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY ROUTE 1-240; THENCE WESTWARDLY WITH SAID RIGHT OF WAY LINE 0.6 FEET TO CONCRETE MONUMENT; THENCE SOUTHWARDLY WITH SAID RIGHT OF WAY LINE 21.97 FEET TO THE SOUTH LINE OF LOT 2, WILLIAM F. MEACHAM SUBDIVISION; THENCE WESTWARDLY WITH THE SOUTH LINE OF SAID LOT 2 AND WITH THE NORTH RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY 1-240, 144.82 FEET; THENCE NORTHWESTWARDLY WITH SAID RIGHT OF WAY LINE 170.56 FEET TO AN ANGLE IN SAID RIGHT OF WAY LINE; THENCE CONTINUING NORTHWESTWARDLY WITH SAID NORTH RIGHT OF WAY LINE 180.41 FEET TO THE SOUTH LINE OF LOT 1 AND THE NORTH LINE OF LOT 2; THENCE EASTWARDLY 429.21 FEET TO THE POINT OF BEGINNING.

Property Address: 2491 Joy Lane, Memphis, Tennessee

TO HAVE AND TO HOLD, the aforesaid real estate, together with all the hereditaments and appurtenances thereunto belonging or in any wise appertaining unto the said party of the second part, his successors and assigns, in fee simple forever, and the said party of the first part does hereby covenant with the said party of the second part, his successors and assigns, that he is lawfully seized in fee of the aforesaid real estate; that he has a good right to sell and convey the same; that the same is unencumbered, and that the title and quiet possession thereto he will and his heirs and personal representatives shall warrant and forever defend against the lawful claims of all persons.

But this is a Deed of Trust, and is made for the following uses and purposes, and none other; that is to say; the said party of the first part is justly indebted to **Tennessee Learning Academy, a Tennessee Non-Profit Corporation, or the holder of the notes hereinafter mentioned, in the sum of Four Hundred Fifty Thousand and No/100 Dollars (\$450,000.00) evidenced by**

One Promissory Note of even date herewith payable to **Tennessee Learning Academy, a Tennessee Non-Profit Corporation** in the principal sum of **\$450,000.00** with interest thereon on the date hereof. Said principal and interest are due and payable in accordance with the terms of said Note with a maturity date of **June 10, 2021**.

Maximum principal indebtedness for Tennessee recording tax purposes is **\$450,000.00**

The principal balance from time to time outstanding hereunder shall become immediately due and payable at the option of the holder of the note if the mortgagor or any subsequent owner of the mortgaged premises should sell, convey, or further encumber such premises, without prior written consent of the holder. Said option may be exercised at any time after such conveyance without holder's prior approval and the acceptance of one or more monthly installments made by the new owner shall not constitute a waiver of the holder's option. Holder's approval of a transferee or failure to exercise said option shall not be construed as a waiver of the provisions hereof as regards any subsequent owner.

The holder hereof agrees to look solely to this Deed of Trust and any other security now or hereafter given to secure the Note secured by this Deed of Trust, and to the income, rents, profits and issues as may be derived therefrom, for repayment of the indebtedness secured hereby and further agrees that no deficiency judgment shall be sought or obtained against the maker of the Note hereby secured, nor against any of the members or shareholders of the maker if applicable.

The party of the first part desires to secure and make certain the payment of said indebtedness, and of any and all renewals and extensions thereof. Now, therefore, the party of the first part agrees and binds himself that so long as any part of the indebtedness aforesaid shall remain unpaid, he will pay all taxes and assessments against said property promptly when due, and deposit all tax receipts with the holder of the greater portion of the outstanding indebtedness secured hereby; will insure the buildings on said property for not less than the lesser of (1) the insurable value thereof or (2) the total indebtedness secured by mortgages, deeds of trust or other security instruments encumbering the aforescribed real estate against loss or damage by fire and the perils against which insurance is afforded by extended coverage endorsement in some insurance company or companies approved by the holder of the greater portion of the outstanding indebtedness secured hereby, cause said policies to contain a standard mortgage clause in favor of the holder of said indebtedness and deposit said policies with the holder of the greater portion of the outstanding indebtedness secured hereby as further security for the said debt; will protect the improvements on said property by proper repairs and maintain them in good repair and condition; will not do anything or suffer or permit anything to be done whereby the lien of this Deed of Trust might or could be impaired; will pay such expenses and fees as may be necessary in the protection of the property and the maintenance and execution of this trust, including, but not being limited to, expenses incurred by the Trustee in any legal proceeding to which he is made or becomes a party. The net proceeds resulting from the taking of all or any part of the property by eminent domain, or from any sale in lieu thereof, shall be applied upon the indebtedness in inverse order of its maturity; and in the event of the destruction of the improvements by fire or other casualty, the net proceeds of the insurance shall be applied upon the indebtedness secured hereby in inverse order of its maturity, or at the option of the party of the first part, his heirs and assigns, such proceeds may be used to restore the improvements to their former condition.

The owner of any part of the indebtedness aforesaid may, at his discretion, advance and pay such sums as may be proper to satisfy taxes, maintain insurance and repairs, and protect and preserve the property; and such amount so paid shall be held and treated as part of the expense of administering this trust, shall be repaid on demand with

interest at the highest rate legally chargeable on the date of the advance, and shall be secured by lien of this Deed of Trust.

If the said party of the first part shall pay said indebtedness when due, and shall pay such sums as shall be necessary to discharge taxes and maintain insurance and repairs and the costs, fees and expenses of making, enforcing and executing this trust, when that shall severally be due and payable, then this conveyance shall become null and void, and the owner of the indebtedness shall execute proper deed of release or enter marginal satisfaction on the record of this deed of trust, or in the alternative, the Trustee shall reconvey by quit claim deed the property herein described, all at expense of said party of the first part.

But if said party of the first part shall fail to pay any part of said indebtedness, whether principal or interest, promptly when the same becomes due, or shall fail to pay any sum necessary to satisfy and discharge taxes and assessments before they become delinquent, or to maintain insurance or repairs, or the necessary expense of protecting the property and executing this trust, then, or in either event, all of the indebtedness herein secured shall, at the option of the owner of any of said indebtedness and without notice, become immediately due and payable, principal and interest, and the said Trustee is hereby authorized and empowered to enter and take possession of said property, and before or after such entry to advertise the sale of said property for twenty one days by three weekly notices in some newspaper published in Memphis, Tennessee, if the land described in this Deed is situated in Shelby County, Tennessee, or in some newspaper published in the County of Counties in which the land described in this Deed of Trust is situated, of other than Shelby County, Tennessee, and sell the said property for cash to the highest bidder, free from equity or redemption, statutory right of redemption, homestead, dower, and all other rights and exemptions of every kind, all of which are hereby expressly waived, and said Trustee shall execute a conveyance to the purchaser in fee simple, and deliver possession to the purchaser, which the party of the first part binds himself shall be given without obstruction, hindrance or delay.

The owners of any part of the indebtedness hereby secured may become the purchaser at any sale under this conveyance.

If the notes secured hereby are placed in the hands of an attorney for collection, by suit or otherwise, or to enforce their collection by foreclosure or to protect the security for their payment, the party of the first part will pay all costs of collection and litigation, together with an attorney's fee as provided in said notes, or, if none is so provided, a reasonable attorney's fee, and the same shall be a lien on the premises herein conveyed and enforced by a sale of the property and herein provided.

The proceeds of any sale shall be applied as follows: first to the payment of the expenses of making, maintaining and executing this trust, the protection of the property, including the expense of any litigation and attorney's fees, and the usual commissions to the Trustee; second, to the payment of the indebtedness herein secured or intended so to be, without preference or priority of any part over any other part, and any balance of said indebtedness remaining unpaid shall be the subject of immediate suit; and third, should there be any surplus, the Trustee will pay it to the party of the first part, or his assigns. In the event of the death, refusal, or of inability for any cause, on the part of the Trustee named herein, or of any successor trustee, to act hereunder, or for any other reason satisfactory to the owner of the said indebtedness, the owner or owners of the majority of the outstanding indebtedness aforesaid are authorized either in their own name or through an attorney or attorneys in fact appointed for that purpose by written instrument duly register, to name and appoint a successor or successors to execute this trust, such appointment to be evidenced by writing, duly acknowledged and when such writing shall have been registered, the substituted trustee named therein shall thereupon be vested with all the right and title, and clothed with all the power of the Trustee named herein and such like power of substitution shall continue so long as any part of the indebtedness secured hereby remains unpaid. The party of the first part, for himself, his heirs, representatives, successors and assigns, covenants and agrees that at any time after default in payment of any of the indebtedness hereby secured, or upon failure to perform any of the covenants to be kept and performed by him, said Trustee may enter upon and take possession of said property and collect the rents and profits therefrom with payment of such to the Trustee after default being full acquittance to the tenant, by the Trustee shall be required to account only for the net rents received by him; and from and after the conveyance of said

property under this Deed of Trust, the party of the first part, and all persons under him, shall, at the option of the purchaser, be and become the tenants at will of the purchaser, at a reasonable monthly rental, commencing with the date of delivery of the Trustee's Deed.

In the event that more than one Trustee be named herein, any one of such Trustees shall be clothed with full power to act when action hereunder shall be required, and to execute any conveyance of said property. In the event that more than one Trustee be named herein and the substitution of a trustee shall become necessary for any reason, the substitution of one trustee in the place of those or any of those named herein shall be sufficient. The term "Trustee" shall be construed to mean "Trustee" whenever the sense requires. The necessity of the Trustee herein named, or any successor in trust, making oath or giving bond, is expressly waived.

No waiver by the party of the second part or by the holder of the indebtedness secured hereby shall be construed as a waiver of a subsequent similar default or any other default by the party of the first part.

The singular number may be construed as plural, and the plural as singular, and pronouns occurring herein shall be construed according to their proper gender and number, as the context of this instrument may require.

IN WITNESS WHEREOF, the party of the first part has executed, or has caused to be executed, this instrument on the day and year first above written.

Esmeralda Apartment LLC, a Tennessee Limited Liability Company

By: Real Estate Holding 4 LLC, a Wyoming Limited Liability Company, its Sole Member

By: Richel Francis
Richel Francis, Chief Executive Manager

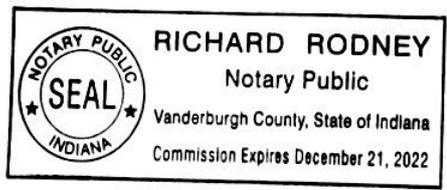
STATE OF Indiana
COUNTY OF Vanderburgh

Before me, a Notary Public in and for said State and County duly commissioned and qualified, personally appeared Richel Francis, with whom I am personally acquainted, the Chief Executive Manager of Real Estate Holding 4 LLC, a Wyoming Limited Liability Company, the Sole Member of Esmeralda Apartment LLC, a Tennessee Limited Liability Company, the within named bargainer, and that he as such Chief Executive Manager authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the company by himself as Chief Executive Manager.

WITNESS my hand and Notarial Seal at office this 10th day of January, 2022.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: December 21, 2022



MY UNDERSTANDI WAS MAILING LABELS ARE PROVIDED BY OPD NOW.

OWNER'S AFFIDAVIT WILL BE UPLOADED SHORTLY.

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 11/21/2023

DATE

PUBLIC SESSION: 12/19/2023

DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification of land municipally addressed as 3549, 3555, and 3561 Fuller Rd. from the Residential Single-Family – 6 (R-6) Use District and including it in the Employment (EMP) Use District, known as case number Z 2023-013

CASE NUMBER: Z 2023-013

LOCATION: 3549, 3555, and 3561 Fuller Rd.

COUNCIL DISTRICTS: District 3 and Super District 8

OWNER/APPLICANT: Fleet Equipment, LLC

REPRESENTATIVES: Cindy Reaves of SR Consulting, LLC

REQUEST: Rezoning of +/-0.538 acres from Residential Single-Family – 6 (R-6) to Employment (EMP)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
First reading / Set date for public hearing – November 21, 2023
Second reading – December 5, 2023
Third reading / Public hearing – December 19, 2023

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
Nov. 9, 2023	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED
SOURCE AND AMOUNT OF FUNDS	
\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2023-013

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION OF LAND MUNICIPALLY ADDRESSED AS 3549, 3555, AND 3561 FULLER RD. FROM THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-013

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, November 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2023-013
LOCATION: 3549, 3555, and 3561 Fuller Rd.
COUNCIL DISTRICTS: District 3 and Super District 8
OWNER/APPLICANT: Fleet Equipment, LLC
REPRESENTATIVES: Cindy Reaves of SR Consulting, LLC
REQUEST: Rezoning of +/-0.538 acres from Residential Single-Family – 6 (R-6) to Employment (EMP)

The following spoke in support of the application: Cindy Reaves

The following spoke in opposition of the application: None

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

The motion **passed.**

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION OF LAND MUNICIPALLY ADDRESSED AS 3549, 3555, AND 3561 FULLER RD. FROM THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-013

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: 2023-013**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee, being more particularly described as follows:

BOUNDARY

Beginning at a point in the south line of Fuller Road (40' ROW), approximately 319 feet east of the east line of Lamar Avenue; thence S88°22'41"E a distance of 182.07 feet to a point; thence S00°05'01"W a distance of 126.31 feet to a point; thence N89°54'59"W a distance of 182.00 feet to a point; thence N00°05'01"E a distance of 131.20 feet to the point of beginning and containing 0.538 acres of land more or less.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

GENERAL INFORMATION

Street Frontage: Fuller Rd. 182'
Zoning Atlas Page: 2235
Parcel ID: 073017 00117, 073017 00118, and 073017 00119
Existing Zoning: Residential Single-Family – 6
Requested Zoning: Employment

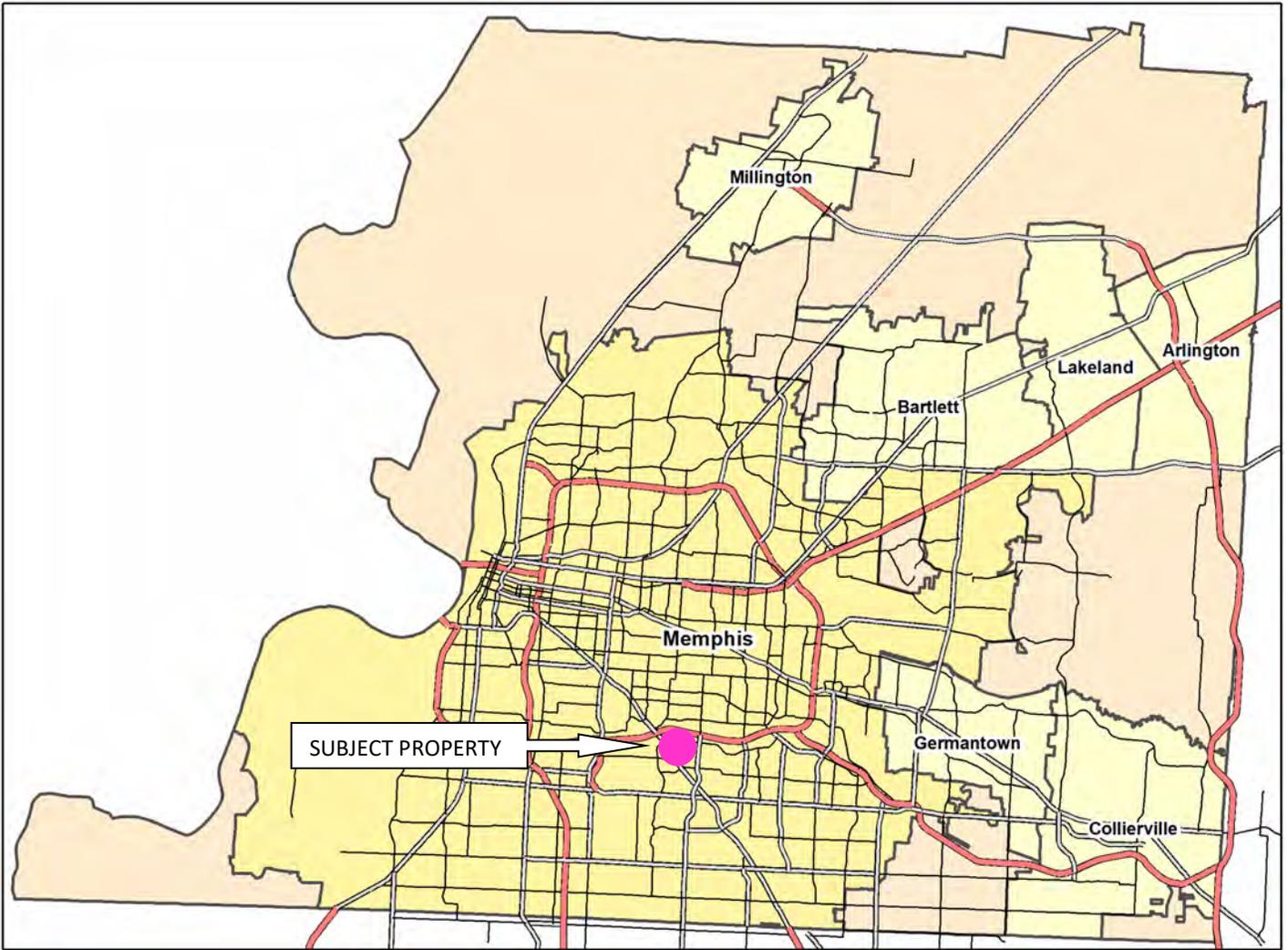
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 5:30 p.m. at 3549 Fuller Rd. on October 25, 2023.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 38 notices were mailed on October 26, 2023, and one sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



FULLER SUBDIVISION (1945)

We, C. H. Fuller and wife Emily Scott Fuller the undersigned owners of the property shown hereon, hereby adopt this as our plan of Subdivision and dedicate the streets as shown hereon to the public use forever and hereby certify that we are the owners in fee simple of the property, and that said tract is not encumbered by any mortgage or delinquent taxes.

C. H. Fuller : Emily Scott Fuller
owners.

State of Tennessee, County of Shelby.
Personally appeared before me the undersigned A. Notary Public, in and for said State and County, duly commissioned and qualified, C. H. Fuller and wife Emily Scott Fuller with whom I am personally acquainted and who under oath acknowledged that they executed the foregoing instrument for the purpose therein contained.

Witness my hand and Notarial Seal.
This 25 day of July 1945.

A. C. Humphrey
Notary Public.
My Commission expires April 28-1949.

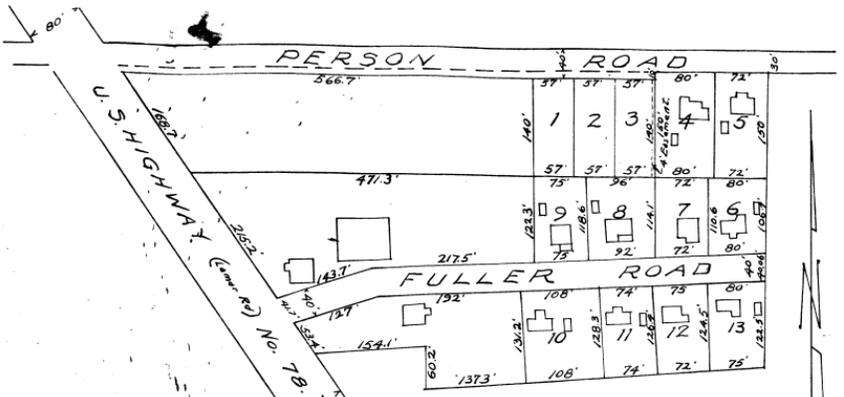


RESTRICTIONS

No person of any race other than the Caucasian race shall use or occupy any building on the lots except that this covenant shall not prevent occupancy by domestic servants of a different race or color.

Easement as may be necessary as to be reserved for public utilities and maintenance.

#1538
SEPT-11-45
107 38
SEPT-17-45
11 12
Buy E. Jopner
S. H. Nelson



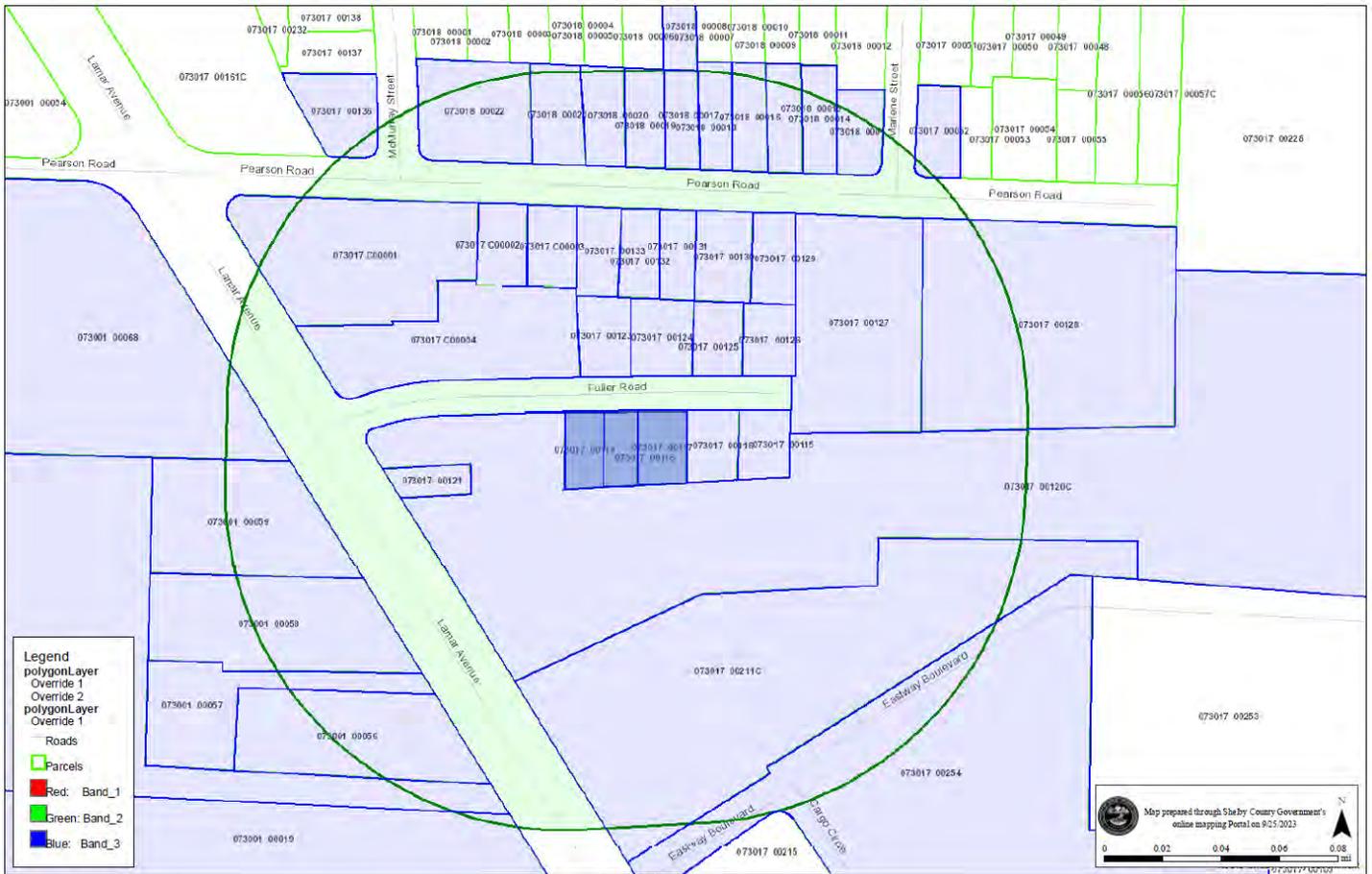
FULLER SUBDIVISION
OF PART OF LOTS 2 AND 4, OF CONNELL TRACT EAST OF HIGHWAY NO. 78 IN THE SECOND CIVIL DISTRICT OF SHELBY COUNTY, TENNESSEE.
AUG 1945 SCALE 1"=100'
SAM W. MCLESKEY
COUNTY SURVEYOR.

Approved by the City of Memphis Planning Commission
7-25-45 L. P. Cockrill
DATE Engineer & Secretary.
Approved by the Shelby County Commission
Sept. 10, 1945 B. J. Bell
DATE Commissioner of Roads.

This is to certify that I have surveyed the above plan of Subdivision and that same is true and correct.
Sam W. McLeskey
Civil Engineer
State of Tennessee Certificate No. 27.

ZONED A. RESIDENTIAL.

VICINITY MAP



ZONING MAP



Existing Zoning: Residential Single-Family – 6

Surrounding Zoning

North: Residential Single-Family – 6

East: Residential Single-Family – 6

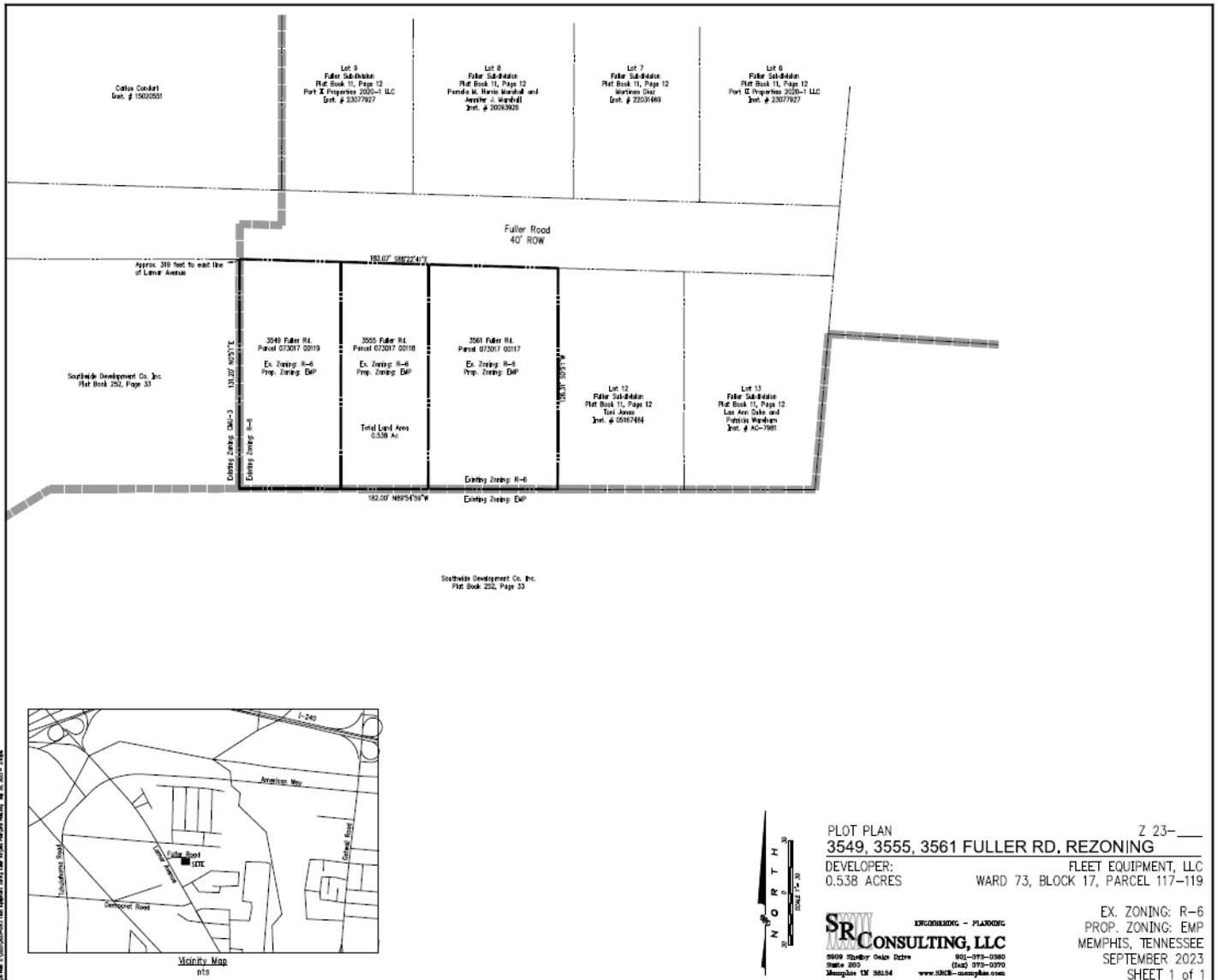
South: Employment

West: Commercial Mixed Use – 3

LAND USE MAP



PLOT PLAN



SITE PHOTOS



3549 Fuller



3555 Fuller



3561 Fuller



View west down Fuller



Adjacent houses

STAFF ANALYSIS

Request

The request is to rezone 0.538 acres from Residential Single-Family – 6 to Employment.

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

Review Criteria

Staff **disagrees** the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Conclusions

The applicant has requested the rezoning of three properties on Fuller Rd. from Residential Single-Family – 6 to Employment.

This request is inconsistent with the Memphis 3.0 Comprehensive Plan.

Additionally, it would have a significantly injurious impact on adjacent residential properties, while providing little benefit to the applicant other than legitimizing illegal work and occupancy.

For these reasons, staff recommends rejection.

RECOMMENDATION

Staff recommends **rejection**.

DEPARTMENTAL COMMENTS

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

Office of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB Z 23-13: Oakville

Site Address/Location: 3549, 3555, 3561 Fuller Road

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

Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: N/A

The applicant is seeking approval to rezone three parcels located in R-6 zoning district to EMP.

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

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



“NS” Form & Location Characteristics

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

“NS” Zoning Notes

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

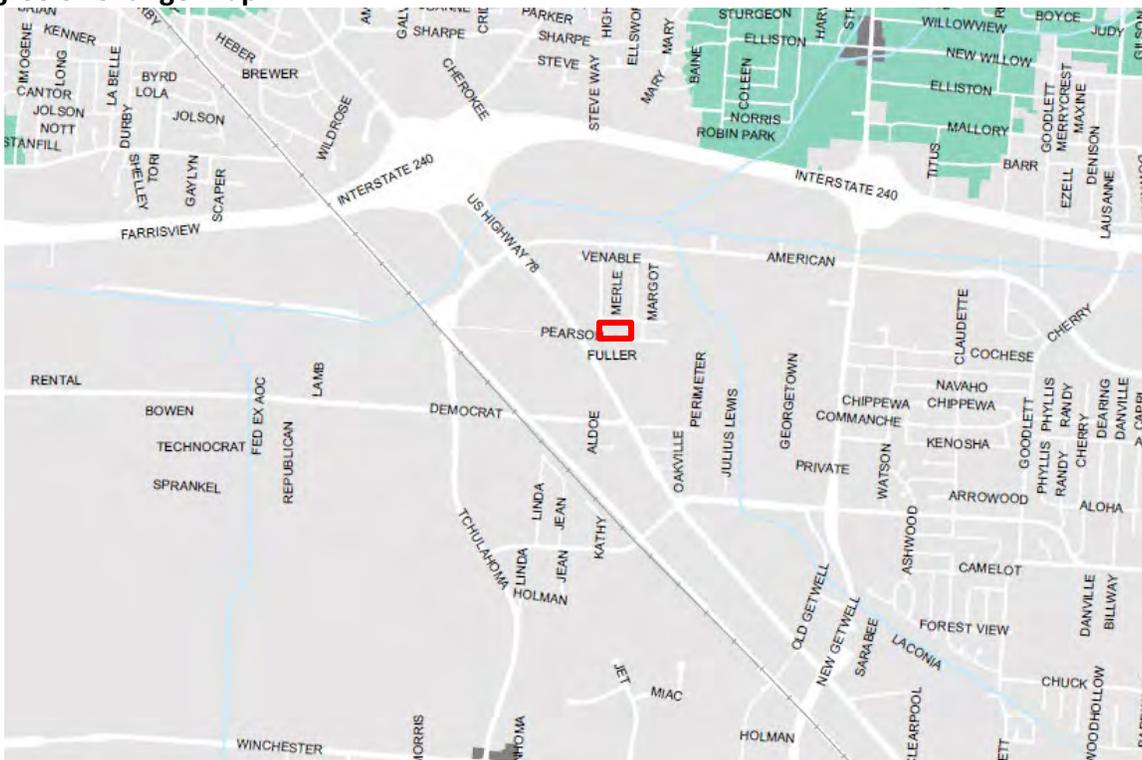
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, R-6

Adjacent Land Use and Zoning: Single-Family, Truck Storage; EMP

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not a single-family home.*

Degree of Change Map



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

3. Degree of Change Description N/A

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

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

Consistency Analysis Summary

The applicant is seeking approval to rezone three parcels located in R-6 zoning district to EMP.

This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is not a single-family home.

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

City Engineer:

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

Sewers:

2. The availability of City sanitary sewer capacity is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
3. No further comments from City Engineering.

APPLICATION FORM



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: October 2, 2023

Record Number: Z 2023-013

Expiration Date:

Record Name: 3549, 3555, 3561 Fuller Rd. Rezoning

Description of Work: Rezoning from R-6 to EMP

Parent Record Number:

Address:

3549 FULLER RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y INTERSTATE DROP YARD LLC

Owner Address

2505 FARRISVIEW BLVD, MEMPHIS, TN 38118

Owner Phone

Parcel Information

073017 00119

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Chip Saliba

Date of Meeting 09/22/2023

Pre-application Meeting Type -

GENERAL INFORMATION

Is this application in response to a citation from No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter? No
Have you held a neighborhood meeting? -
If yes, please provide additional information -
GIS INFORMATION
Central Business Improvement District No
Case Layer -
Class -
Downtown Fire District No
Historic District -
Land Use -
Municipality -
Overlay/Special Purpose District -
Zoning -
State Route -
Lot -
Subdivision -
Planned Development District -
Wellhead Protection Overlay District No

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 3549 Fuller Rd.
Property Parcel Number: 073017 00119

Property Address: 3555 Fuller Rd.
Property Parcel Number: 073017 00118

Property Address: 3561 Fuller Rd.
Property Parcel Number: 073017 00117

Contact Information

Name	Contact Type
FLEET EQUIPMENT LLC	APPLICANT
Address	
Phone	
-	

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1507377	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	26.00	10/04/2023
1507377	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	1,000.00	10/04/2023
1506407	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	10/02/2023

Total Fee Invoiced: \$1,026.00

Total Balance: \$1,026.00

LETTER OF INTENT



Date: September 25, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 3549, 3555, 3561 Fuller Rd. Rezoning

LETTER OF INTENT

We are submitting a rezoning application for property at 3549, 3555, and 3561 Fuller Rd. The property is within the R-6 zoning district. We are requesting a rezoning to EMP to incorporate the property into the adjacent property of Interstate Drop Yard.

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

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Cindy Reaves, being duly sworn, depose and say that at 5:46 pm on the 25th day of October, 2023 I posted one Public Notice Signs pertaining to Case No. Z 2023-013 along the property located 3555 Fuller Road providing notice of a Public Hearing before the November 9, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Subdivision), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy Reaves
Owner, Applicant or Representative

10/26/23
Date

Subscribed and sworn to before me this 26th day of October, 2023

Robert M. Sweeney
Notary Public
My commission expires: 9/26/2027



LETTERS RECEIVED

No letters received by the comment deadline.